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OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2010 Regular Session
Convened January 11, 2010
Adjourned Sine Die March 11, 2010
2010 First Special Session
Convened March 15, 2010
Adjourned Sine Die April 12, 2010

VOLUME 1



Frank Chopp, Speaker
Jeff Morris, Speaker Pro Tempore
Barbara Baker, Chief Clerk

Compiled and edited by Mary F. Mackey and Al Audette

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FIRST DAY

House Chamber, Olympia, Monday, January 11, 2010

The House was called to order at 12:00 p.m. by the Speaker. The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Washington State Department of Corrections Honor Guard. The Speaker led the Chamber in the Pledge of Allegiance. The National Anthem was performed by Corrections Officer Joel White. The prayer was offered by Chaplain Rick Bulman, Pierce County Sheriff's Office.

Chaplain Rick Bulman: "Most precious and holy Father. We come before you today to thank you for the many blessings you have bestowed upon us. We thank you for the privilege of living in this wonderful state. We thank you for those you have put in authority over us and we ask that you would guide and direct them. We ask that you would give our legislators supernatural wisdom as they face these difficult and challenging times. We ask that you give them extra portions of humility, integrity, conviction and faith and that you would inspire them to make right choices. Father we ask that you would turn the hearts of the people back to you. We ask that you would forgive us for the sins of immorality, wickedness and irresponsibility that we have practiced. We ask that you would shine the light of your holy spirit upon us and cleanse us from unrighteousness. We ask that you would remove evil and wickedness from our society, restore good and prompt us to exercise justice. We ask that you would eliminate famine, disease and poverty. We ask that you would motivate our citizens to get involved in effecting positive change and that you would help us to understand that the politicians can't do it on their own. They need our help, participation and support. Remind us to pray for those in leadership because you have told us that when we agree in prayer that you respond. And Father, we ask that you would put your hedge of safety around those who serve in uniform, our law enforcement officers, fire fighters and military. May they sense your presence and peace. And as they are committed to us to maintain peace and safety for us, may we be committed to support, encourage, honor and bless them as they daily put their lives on the line for us. And Father, as Abe Lincoln said, "May we be committed to helping the widows and orphans of those who have born the battle." You told us this is true and undefiled religion. Father, please bless our nation, our state and our communities. We ask all of this in your precious and holy name. Amen."

MESSAGE FROM THE SECRETARY OF STATE

Mr. Speaker:

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that according to the provisions of RCW 29A.60.260, I have canvassed the returns of the 1,823,364 votes cast by the 3,583,278 registered voters of the state for and against the initiative and referendum which were submitted to the vote of the people at the state general election held on the 3rd day of November, 2009, as received from the County Auditors.

Initiative Measure No. 1033

"Initiative Measure No. 1033 concerns state, county and city revenue.

This measure would limit growth of certain state, county and city revenue to annual inflation and population growth, not including voter-approved revenue increases. Revenue collected above the limit would reduce property tax levies."

Yes 729,918
No 1,003,943

Referendum Measure No. 71

"The legislature passed Engrossed Second Substitute Senate Bill 5688 concerning rights and responsibilities of state-registered domestic partners and voters have filed a sufficient referendum petition on this bill.

This bill would expand the rights, responsibilities, and obligations accorded state-registered same-sex and senior domestic partners to be equivalent to those of married spouses, except that a domestic partnership is not a marriage."

Approved 951,822
Rejected 838,842

I further certify that, according to the provisions of RCW 43.07.030, I have canvassed the returns of the votes cast at the state general election held on the 3rd day of November, 2009, for all joint legislative offices, and that the votes cast for candidates for these offices are as follows:

Legislative District 9 - State Representative Pos. 1 (1-year unexpired term)

(Adams, Asotin, Franklin*, Garfield, Spokane*, Whitman)

Susan Fagan (Prefers Republican Party) 15,844
Pat Hailey (Prefers Republican Party) 13,004

Legislative District 15 - State Representative Pos. 2 (1-year unexpired term)

(Clark*, Klickitat, Skamania, Yakima*)

David Taylor (Prefers Republican Party) 13,851
John (Jobs) Gotts (Prefers Democratic Party) 6,144

Legislative District 16 - State Representative Pos. 2 (1-year unexpired term)

(Benton*, Columbia, Franklin*, Walla Walla)

Laura Grant (Prefers Democratic Party) 13,283
Terry R. Nealey (Prefers Republican Party) 19,138

(*Only part of the county is included in the legislative district.)

IN WITNESS WHEREOF, I have set my hand and affixed the official Seal of the State of Washington, this 1st day of December, 2009.

SAM REED, Secretary of State

RESOLUTION

HOUSE RESOLUTION NO. 4654, by Representatives Kessler and Kretz

WHEREAS, The House of Representatives adopted permanent rules for the Sixty-first Legislature (2009-2010) under House Resolution No. 2009-4608;

NOW, THEREFORE, BE IT RESOLVED, That Rule 23 as set forth in House Resolution No. 2009-4608 as amended by House Resolution No. 2009-4621 is amended to read as follows:

"Standing Committees

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

Agriculture & Natural Resources	13
Audit Review & Oversight	16
Capital Budget	15
Commerce & Labor	8
Community & Economic Development & Trade	9
Early Learning & Children's Services	7
Ecology & Parks	15
Education	13
Education Appropriations	14
Environmental Health	10
Finance	9
Financial Institutions & Insurance	11
General Government Appropriations	15
Health & Human Services Appropriations	15
Health Care & Wellness	13
Higher Education	((11)) 10
Human Services	8
Judiciary	11
Local Government and Housing	11
Public Safety & Emergency Preparedness	8
Rules	24
State Government & Tribal Affairs	8
Technology, Energy & Communications	((16)) 17
Transportation	29
Ways & Means	22

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

Representative Kessler moved adoption of House Resolution No. 4654.

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

HOUSE RESOLUTION NO. 4654 was adopted.

INTRODUCTION AND FIRST READING

HB 2388 by Representatives Moeller, Chase, Pedersen, Appleton, Kagi, Cody, Seaquist, Ormsby and Roberts

AN ACT Relating to public health financing; amending RCW 43.70.514, 43.70.516, 82.08.0293, and 82.12.0293; adding new sections to chapter 43.70 RCW; adding a new section to chapter 82.32 RCW; creating a new section; and repealing RCW 43.70.512 and 43.70.522.

Referred to Committee on Health Care & Wellness.

HB 2389 by Representatives Moeller and Kirby

AN ACT Relating to forensic investigations; amending RCW 43.103.040; and adding a new section to chapter 43.103 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2390 by Representatives Moeller, Chase, Appleton, Upthegrove, Hasegawa and Ormsby

AN ACT Relating to eliminating the business and occupation tax deduction for initiation fees and dues received by for-profit businesses; and amending RCW 82.04.4282.

Referred to Committee on Finance.

HB 2391 by Representatives Moeller, Appleton and McCoy

AN ACT Relating to requiring certain health professionals to complete pain management education; adding new sections to chapter 18.130 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2392 by Representatives Simpson, Green, Chase, Conway, McCoy, Hudgins, Hasegawa and Moeller

AN ACT Relating to the use of public resources to support or oppose teachers' strikes; and amending RCW 28A.400.332.

Referred to Committee on Education.

HB 2393 by Representatives McCoy, Sells, O'Brien, Wallace, Kenney, Quall, Chase, Hudgins, Hasegawa and Haigh

AN ACT Relating to creating the go global foreign study program for high school students; adding new sections to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Education.

HB 2394 by Representatives McCoy, Hunt, Kenney, Sells, O'Brien, Ormsby, Chase, Morrell, Appleton, Conway, Simpson, Hasegawa, Moeller, Haigh and Santos

AN ACT Relating to establishing a government-to-government relationship between state government and Indian tribes; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2395 by Representatives McCoy, Sells, O'Brien, Hunt, Kenney, Chase and Hasegawa

AN ACT Relating to repealing all sections in chapter 77.110 RCW; and repealing RCW 77.110.010, 77.110.020, 77.110.030, 77.110.040, 77.110.900, and 77.110.901.

Referred to Committee on Agriculture & Natural Resources.

HB 2396 by Representatives Morrell, Hinkle, Driscoll, Campbell, Cody, Van De Wege, Carlyle, Johnson, Simpson, Hurst, O'Brien, Clibborn, Nelson, Maxwell, Conway, McCoy and Moeller

AN ACT Relating to emergency cardiac and stroke care; amending RCW 70.168.090; reenacting and amending RCW 42.56.360; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care & Wellness.

HB 2397 by Representatives Moeller, Kretz, Dickerson, Schmick, Blake, Kristiansen, Driscoll, Armstrong, Liias, Dunshee, Hudgins, Eddy, Morris, Chase, Simpson, Kenney, Warnick, Ormsby and Hope

AN ACT Relating to gathering signatures for an initiative or referendum at stand alone stores and retail stores that are located in commercial retail complexes; and adding a new section to chapter 29A.72 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2398 by Representatives Hunt and Armstrong

AN ACT Relating to election notices; amending RCW 29A.08.140 and 29A.32.260; adding a new section to chapter 29A.52 RCW; and repealing RCW 29A.52.311 and 29A.52.351.

Referred to Committee on State Government & Tribal Affairs.

HB 2399 by Representatives Uptegrove, Rodne, Finn, Armstrong, Rolfes, Haler, Driscoll, Chase, Morrell, Maxwell, Simpson and Hudgins

AN ACT Relating to penalties for engaging in, or advertising to engage in, solid waste collection without a solid waste collection certificate; amending RCW 81.77.040 and 81.77.090; adding a new section to chapter 81.77 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Ecology & Parks.

HB 2400 by Representatives Green, Ericksen, Morrell, Hinkle and Appleton

AN ACT Relating to creating the Washington state board of naturopathy; amending RCW 18.36A.020, 18.36A.060, 18.36A.080, 18.36A.090, 18.36A.100, 18.36A.110, and 18.36A.120; reenacting and amending RCW 18.130.040; adding new sections to chapter 18.36A RCW; repealing RCW 18.36A.070; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2401 by Representatives Dickerson, Goodman, Uptegrove, Appleton, White, Roberts, Chase, Nelson, Pedersen and Moeller

AN ACT Relating to marijuana; amending RCW 9.94A.518, 9.94A.650, 9A.16.120, 9.92.070, 13.04.155, 28B.10.575, 35A.66.020, 36.27.020, 38.38.762, 43.19.19054, 66.08.026, 66.08.030, 66.08.050, 66.08.060, 66.08.080, 66.08.090, 66.08.095, 66.08.120, 66.08.130, 66.08.070, 66.08.075, 66.12.020, 66.12.060, 66.16.010, 66.16.041, 66.16.060, 66.16.070, 66.16.090, 66.16.120, 66.20.100, 66.20.150, 66.20.160, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.20.210, 66.32.010, 66.32.030, 66.32.040, 66.32.070, 66.32.090, 66.36.010, 66.40.010, 66.40.020, 66.40.040, 66.40.110, 66.40.120, 66.40.140, 66.40.150, 66.44.010, 66.44.040, 66.44.060, 66.44.100, 66.44.130, 66.44.140, 66.44.150, 66.44.160, 66.44.170, 66.44.200, 66.44.210, 66.44.240, 66.44.250, 66.44.265, 66.44.270, 66.44.290, 66.44.292, 66.44.300, 66.44.310, 66.44.325, 66.98.010, 69.04.480, 69.50.204, 69.51A.005, 69.51A.010, and 69.51A.060; reenacting and amending RCW 13.40.0357, 66.04.010, 66.16.040, and 69.50.505; adding a new section to chapter 9.94A RCW; adding new sections to chapter 66.08 RCW; adding a new section to chapter 66.12 RCW; adding new sections to chapter 66.24 RCW; adding a new section to chapter 66.32 RCW; adding a new section to chapter 70.96A RCW; repealing RCW 69.50.4014, 69.51A.020, 69.51A.030, 69.51A.040, and 69.51A.050; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2402 by Representatives White, Rolfes, Armstrong, Haler, Nelson, Roberts, Maxwell, Dickerson, Crouse, Jacks, Walsh, Wallace, Sells, Ormsby, Kenney, Williams, Blake, Chase, Morris, Campbell, Appleton, Carlyle, Conway, Bailey, Hope and Haigh

AN ACT Relating to a property tax exemption for property owned by a nonprofit organization and used for the purpose of a farmers market; amending RCW 84.36.037; and creating a new section.

Referred to Committee on Finance.

HB 2403 by Representatives Morrell, Kelley, Armstrong, Bailey, Hope, O'Brien, Klippert, Morris, Hurst, Hunt, Green, Roberts, Sells, McCune, Campbell, Nelson, Rolfes, Chase, Smith, Appleton, Maxwell, Sullivan, Dammeier, Uptegrove, Carlyle, Conway, Simpson, Orwall, Kenney, McCoy, Ormsby, Kretz and Haigh

AN ACT Relating to military leave for public employees; and amending RCW 38.40.060.

Referred to Committee on State Government & Tribal Affairs.

HB 2404 by Representatives Santos, Bailey and Kirby

AN ACT Relating to group life insurance; and adding a new section to chapter 48.24 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2405 by Representatives Kelley, Green and Hasegawa

AN ACT Relating to local measures' ballot title appeals; and amending RCW 29A.36.090.

Referred to Committee on State Government & Tribal Affairs.

HB 2406 by Representatives Kelley, Alexander, Miloscia and Haigh

AN ACT Relating to updating and removing obsolete references from the statutes governing the joint legislative audit and review committee; amending RCW 44.28.010, 44.28.020, 44.28.083, 44.28.088, 44.28.097, and 44.28.110; and repealing RCW 44.28.030 and 44.28.161.

Referred to Committee on State Government & Tribal Affairs.

HB 2407 by Representatives Kelley, Morrell, Green, Conway, Seaquist, Orwall, Kenney, Hudgins and Haigh

AN ACT Relating to veterans' layoff and reemployment rights; reenacting and amending RCW 41.06.133; and reenacting RCW 41.06.150.

Referred to Committee on State Government & Tribal Affairs.

HB 2408 by Representatives Angel, Haler, Schmick, Short, Fagan, McCune, Campbell, Rolfes, Chase and Warnick

AN ACT Relating to notifying property owners of proposals to modify zoning requirements; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2409 by Representatives Simpson, Angel, Upthegrove and Moeller

AN ACT Relating to the sale of water-sewer district real property; and amending RCW 57.08.016.

Referred to Committee on Local Government & Housing.

HB 2410 by Representatives Bailey and Takko

AN ACT Relating to requiring full payment of all moneys due under the certificate of delinquency prior to any change of ownership of real property after a certificate of delinquency is issued; and adding a new section to chapter 84.64 RCW.

Referred to Committee on Finance.

HB 2411 by Representatives Simpson, Williams, Chase and White

AN ACT Relating to amending comprehensive land use plans for the purpose of adopting subarea plan proposals; and amending RCW 36.70A.130.

Referred to Committee on Local Government & Housing.

HB 2412 by Representatives Nelson, Springer, White, Simpson, Roberts, Chase, Appleton and Kenney

AN ACT Relating to fully contained communities authorized under the growth management act; amending RCW 36.70A.350; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2413 by Representatives Johnson, O'Brien, Ross, Finn, Haler, Klippert, Taylor, Crouse, Angel, Kristiansen, Roach, Hinkle, Rodne, Smith, Walsh, Warnick, Nealey, Seaquist, Hope, Short, Chandler, Ericks, Campbell, Morrell, Kelley, Conway, Bailey and Hurst

AN ACT Relating to property used to facilitate a criminal street gang-related offense; and adding a new chapter to Title 7 RCW.

Referred to Committee on Judiciary.

HB 2414 by Representatives Johnson, O'Brien, Ross, Finn, Haler, Klippert, Taylor, Crouse, Angel, Ericksen, Roach, Kristiansen, Hinkle, Chandler, Seaquist, Walsh, Warnick, Rodne, Smith, Nealey, Short, Hope, Ericks, Liias, Campbell, Morrell, Kelley, Maxwell, Sullivan, Conway, Bailey, Schmick and Hurst

AN ACT Relating to abatement of nuisances involving criminal street gang activity; and adding a new chapter to Title 7 RCW.

Referred to Committee on Judiciary.

HB 2415 by Representatives Ross, Chandler, Pearson, Klippert, Johnson, Taylor, McCune, Bailey, Schmick and Hurst

AN ACT Relating to criminal street gangs; amending RCW 9A.46.120, 9A.48.105, and 9.94A.533; reenacting and amending RCW 9.94A.515, 9.94A.411, and 13.40.0357; adding a new section to chapter 9A.46 RCW; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2416 by Representatives Morris, Chase, Eddy, Van De Wege, Morrell, Upthegrove, Simpson, Kenney, Hudgins and Ormsby

AN ACT Relating to efficiency standards for consumer products; amending RCW 19.260.030, 19.260.040, and 19.260.050; and reenacting and amending RCW 19.260.020.

Referred to Committee on Technology, Energy & Communications.

HB 2417 by Representatives Morris, Chase and Hasegawa

AN ACT Relating to creating a public utility tax for the sale of certain renewable energy credits; amending RCW 82.16.010, 82.16.020, and 82.16.020; reenacting and amending RCW 82.16.010; providing effective dates; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 2418 by Representatives Carlyle, Anderson, Hunt, Hurst, White, Pedersen, Upthegrove, McCoy, Jacks, Dickerson, Hudgins, Moeller, Hasegawa, Kagi, Sells, Nelson, Chase, Appleton, Conway, Kenney, Morris, Darneille and Santos

AN ACT Relating to signature petitions; and amending RCW 29A.72.230 and 29A.72.140.

Referred to Committee on State Government & Tribal Affairs.

HB 2419 by Representatives Bailey, Nelson and Kirby

AN ACT Relating to the exemption to the three-year active transacting requirement for foreign or alien insurer applicants; and amending RCW 48.05.105.

Referred to Committee on Financial Institutions & Insurance.

HB 2420 by Representatives Kenney, Orcutt, Van De Wege, Conway, Kessler, Blake, Hope, Herrera, Liias, Sullivan, Campbell, Schmick, Quall, Dammeier, Chase, Takko, Morrell and Smith

AN ACT Relating to the promotion of the industries that rely on the state's working land base; amending RCW 43.330.310, 43.330.370, and 28C.18.170, and 43.01.036; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Community & Economic Development & Trade.

HB 2421 by Representatives Pedersen, Kagi, Chase, Roberts, Rolfes, Upthegrove, Carlyle, Green, Goodman, Kenney, Ormsby and Moeller

AN ACT Relating to third-party visitation; amending RCW 26.10.160; adding a new chapter to Title 26 RCW; and repealing RCW 26.09.240.

Referred to Committee on Judiciary.

HB 2422 by Representatives Parker, Hurst, Driscoll, Kelley, Dammeier, Schmick and Ormsby

AN ACT Relating to escape or disappearance notification requirements; and amending RCW 10.77.165.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2423 by Representatives Springer, Rodne, Herrera, Shea, Kessler, Eddy, McCune, Blake, Rolfes, Morrell, Campbell, Kelley, Smith, O'Brien, Sullivan and Van De Wege

AN ACT Relating to the community renewal law; amending RCW 35.81.005, 35.81.015, 35.81.040, 35.81.050, 35.81.060, 35.81.070, 35.81.080, and 35.81.090; and repealing RCW 35.81.030.

Referred to Committee on Local Government & Housing.

HB 2424 by Representatives O'Brien, Pearson, Hurst, Takko, Herrera, Chandler, Ross, Rodne, Dammeier, Condotta, Shea, Klippert, Smith, Walsh, Parker, McCune, Campbell, Johnson, Eddy, Morrell, Kelley, Short, Sullivan, Conway, Kagi, Roach, Kristiansen, Bailey, Haler, Schmick, Ericks, Warnick, Ormsby, Moeller and Hope

AN ACT Relating to protecting children from sexual exploitation and abuse; amending RCW 9.68A.110, 9.68A.011, 9.68A.050, 9.68A.060, and 9.68A.070; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2425 by Representatives Rodne, Springer, Herrera, Ross, Shea, Kessler, Eddy, McCune, Blake, Campbell, Johnson, Rolfes, Morrell, Chase, Smith, Short, O'Brien, Sullivan, Upthegrove, Chandler, Kagi, Roach, Bailey, McCoy, Sells, Schmick, Hurst and Kretz

AN ACT Relating to prohibiting the use of eminent domain for economic development; and adding a new chapter to Title 8 RCW.

Referred to Committee on Judiciary.

HB 2426 by Representatives Moeller, Bailey, Van De Wege, Warnick, Jacks, Herrera, Rodne, Johnson, Eddy, Driscoll, Rolfes, Morrell, O'Brien, Sullivan, Conway, Sells, Hurst and Ormsby

AN ACT Relating to vulnerable adults; amending RCW 9.94A.533, 30.22.210, and 74.34.035; adding a new section to chapter 74.34 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2427 by Representatives Pearson, Hurst, Bailey, Goodman, Kirby, Chandler, Herrera, O'Brien, Warnick, Ross, Condotta, Dammeier, Shea, Klippert, Smith, Walsh, Parker, Jacks, Blake, Rodne, Williams, McCune, Campbell, Johnson, Eddy, Morrell, Kelley, Short, Maxwell, Sullivan, Conway, Roach, Kristiansen, Haler, Sells, Schmick, Ericks, Ormsby, Kretz, Moeller and Hope

AN ACT Relating to punishment for domestic violence offenders; amending RCW 9.94A.030 and 9.94A.525; reenacting and amending RCW 9.94A.535; creating a new section; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2428 by Representatives Takko, Warnick, Springer, Parker, Eddy, Morrell, Kelley, O'Brien, Bailey and Ormsby

AN ACT Relating to fees for locating surplus funds from county governments, real estate property taxes, assessments, and other government lien foreclosures or charges; amending RCW 63.29.350; and reenacting and amending RCW 63.29.020.

Referred to Committee on Local Government & Housing.

HB 2429 by Representatives Wood, Condotta, Williams, Takko, Eddy, Morrell, O'Brien, Conway and Ormsby

AN ACT Relating to the resale of motor vehicles previously determined as having nonconformities; and amending RCW 19.118.061.

Referred to Committee on Commerce & Labor.

HB 2430 by Representatives Morrell, Driscoll, Hinkle, Blake, Walsh, Green, Roberts, Goodman, Clibborn, Carlyle, Moeller, Kelley and Hurst

AN ACT Relating to cardiovascular invasive specialists; amending RCW 18.84.020 and 18.84.080; adding a new section to chapter 18.84 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2431 by Representatives Haler, Chase, Goodman and Santos

AN ACT Relating to a program of early learning under basic education; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Early Learning & Children's Services.

HB 2432 by Representatives Haler, Herrera, Armstrong, Crouse, Klippert, Angel, Taylor, Johnson, Ericksen, Hope, Alexander, Schmick, McCune, Short, Kristiansen, Ericks, Kirby, Warnick and Kretz

AN ACT Relating to recognizing hydroelectric generation as a renewable energy resource; amending RCW 19.285.030; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 2433 by Representatives Haler and Clibborn

AN ACT Relating to compliance with federal selective service requirements before the issuance of drivers' licenses and identicards; adding a new section to chapter 46.20 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2434 by Representative Haler

AN ACT Relating to prohibiting a defendant from asserting an affirmative defense for medical marijuana if marijuana is listed as a Schedule I controlled substance or the marijuana was not produced in compliance with all applicable state and federal product safety laws; and amending RCW 69.51A.040.

Referred to Committee on Health Care & Wellness.

HB 2435 by Representatives Green, Kelley, Roberts, Nelson, Goodman, Hudgins and Hunt

AN ACT Relating to providing licensed midwives online access to the University of Washington health sciences library; and amending RCW 43.70.110.

Referred to Committee on Health Care & Wellness.

HB 2436 by Representatives Moeller, Green, Clibborn, Pedersen, Carlyle, Morrell and Jacks

AN ACT Relating to vehicle license fraud; amending RCW 46.16.010; making an appropriation; and providing an effective date.

Referred to Committee on Transportation.

HB 2437 by Representatives Moeller, Hudgins and Ormsby

AN ACT Relating to the authority of counties, cities, and towns to request criminal background checks from the Washington state patrol; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Local Government & Housing.

HB 2438 by Representatives Moeller and Cody

AN ACT Relating to the definition of service animal; and amending RCW 49.60.040, 49.60.222, 49.60.223, 49.60.224, and 49.60.225.

Referred to Committee on Judiciary.

HB 2439 by Representatives Short, Ericks, Crouse, Orcutt, Johnson, Taylor, Ormsby, Angel, Chandler, Shea, Kretz, Chase, Williams, McCune, Smith and Bailey

AN ACT Relating to exempting church property used by a nonprofit organization conducting activities related to a farmers market from property taxation; amending RCW 84.36.020; and creating a new section.

Referred to Committee on Finance.

HB 2440 by Representatives McCune, Campbell, Moeller, Lias, Williams, Finn, Sells and Hunt

AN ACT Relating to providing limited access to motor vehicle records by homeowners' associations in connection with matters of driver and pedestrian safety; and reenacting and amending RCW 46.12.380.

Referred to Committee on Transportation.

HB 2441 by Representatives Clibborn, Roach, Morris, Johnson, Maxwell, Simpson and Kenney

AN ACT Relating to vehicles at railroad grade crossings; and amending RCW 46.61.350.

Referred to Committee on Transportation.

HB 2442 by Representatives Simpson, Hinkle, White, Kenney, Lias, Springer, Warnick, Roberts, Upthegrove, Williams, Hunt, Hudgins, Eddy, Darneille, Nelson, Chase, Sullivan, Kagi, Sells, Goodman and Jacks

AN ACT Relating to restructuring three growth management hearings boards into one board; amending RCW 36.70A.130, 36.70A.172, 36.70A.250, 36.70A.260, 36.70A.270, 36.70A.280, 36.70A.290, 36.70A.295, 36.70A.302, 36.70A.310, 36.70A.3201, 36.70A.345, 90.58.190, 34.05.518, and 34.12.020; reenacting and amending RCW 36.70A.110; creating a new section; and providing an effective date.

Referred to Committee on Local Government & Housing.

HB 2443 by Representatives Ericksen, Cody and Morrell

AN ACT Relating to conforming the uniform controlled substances act to existing state and federal law; and amending RCW 69.50.101, 69.50.204, 69.50.206, 69.50.208, 69.50.210, 69.50.212, and 69.50.402.

Referred to Committee on Health Care & Wellness.

HB 2444 by Representatives Williams, Campbell, Liias, Chase, Sells, Rolfes, Nelson, Simpson, Goodman, Ormsby, Miloscia, Kagi, Roberts, White, Conway, Kenney, Hasegawa and Haigh

AN ACT Relating to providing leave from employment for participating in a child's educational activities; amending RCW 49.78.010; adding a new section to chapter 49.78 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2445 by Representatives Angel, Campbell, Chandler and Warnick

AN ACT Relating to creating an estate tax exemption for certain property held by qualified family-owned businesses; and adding a new section to chapter 83.100 RCW.

Referred to Committee on Finance.

HB 2446 by Representatives Kretz, Williams, McCune, Taylor, Chandler, Haler, Schmick and Short

AN ACT Relating to long-term noxious weed management on land newly acquired by the fish and wildlife commission; and amending RCW 77.12.037.

Referred to Committee on Agriculture & Natural Resources.

HB 2447 by Representatives Appleton, Armstrong, Liias, Hunt, Hasegawa, Miloscia, Chase, Green and Ormsby

AN ACT Relating to prohibiting the public disclosure of public employee photographs; and amending RCW 42.56.250.

Referred to Committee on State Government & Tribal Affairs.

HB 2448 by Representatives Appleton, Miloscia and Hunt

AN ACT Relating to membership on the Washington citizens' commission on salaries for elected officials; and amending RCW 43.03.305.

Referred to Committee on State Government & Tribal Affairs.

HB 2449 by Representative Appleton

AN ACT Relating to truancy payments to school districts; amending 2009 c 564 s 114 (uncodified); making an appropriation; and providing an effective date.

Referred to Committee on Education Appropriations.

HB 2450 by Representative McCoy

AN ACT Relating to the clarifying and expanding participation in the Washington state local government investment pool; and amending RCW 43.250.010, 43.250.020, and 43.250.040.

Referred to Committee on State Government & Tribal Affairs.

HB 2451 by Representatives Dunshee, Chase, White, Warnick and Ormsby

AN ACT Relating to modifying the local option capital asset lending program to authorize state use of certain voter approved excess tax levies to pay financing contracts and to clarify program participants; amending RCW 39.94.020, 39.94.030, and 84.52.056; and creating a new section.

Referred to Committee on Capital Budget.

HB 2452 by Representatives Dunshee, White, Chase and Warnick

AN ACT Relating to determination of the terms and conditions of bonds, notes, and other evidences of indebtedness of the state of Washington; and amending RCW 39.42.030 and 43.33.130.

Referred to Committee on Capital Budget.

HB 2453 by Representatives Campbell, Green, Nelson, Chase and Appleton

AN ACT Relating to requiring nursing homes to report methicillin-resistant staphylococcus aureus infections; and adding a new section to chapter 18.51 RCW.

Referred to Committee on Health Care & Wellness.

HB 2454 by Representatives Campbell, Morrell, McCune and Chase

AN ACT Relating to ephedrine, pseudoephedrine, and phenylpropranolamine; amending RCW 18.64.044, 18.64.046, 18.64.047, 69.43.043, 69.43.090, and 69.50.4013; adding a new section to chapter 69.50 RCW; and repealing RCW 69.43.105, 69.43.110, 69.43.120, 69.43.130, and 69.43.170.

Referred to Committee on Health Care & Wellness.

HB 2455 by Representatives Campbell, McCune, Green, Morrell, Kelley, Roach and Orwall

AN ACT Relating to veterans' scoring criteria; and amending RCW 41.04.010.

Referred to Committee on State Government & Tribal Affairs.

HB 2456 by Representatives Schmick, Springer, Short and Fagan

AN ACT Relating to population thresholds that determine the number of local councilmembers and receipt of local funds; amending RCW 35A.12.010 and 47.26.345; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2457 by Representatives Williams, Campbell, Chase, Simpson, Ormsby and Moeller

AN ACT Relating to pro se defendants in criminal cases questioning victims of sex offenses; adding new sections to chapter 9A.44 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2458 by Representatives Roach, Chase, McCune, Campbell, Morrell, Simpson, Rolfes, Haler and Schmick

AN ACT Relating to business and occupation tax exemptions for new businesses; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2459 by Representatives Campbell, Chase, Kretz, Dunshee, Rolfes, Finn, Upthegrove and Moeller

AN ACT Relating to updating hazardous waste fee provisions; and amending RCW 70.95E.010, 70.95E.020, and 70.95E.040.

Referred to Committee on Environmental Health.

HB 2460 by Representatives Smith, Nelson, Liias, Van De Wege, Blake, Bailey, Upthegrove, Kenney and Moeller

AN ACT Relating to organic products; amending RCW 15.86.010, 15.86.020, 15.86.030, 15.86.060, 15.86.065, 15.86.070, and 15.86.090; and adding new sections to chapter 15.86 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2461 by Representatives Blake, Chandler, Van De Wege and Moeller

AN ACT Relating to the dairy inspection program; amending RCW 15.36.551; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2462 by Representatives Green, Campbell, Ericksen, Bailey, Cody, Simpson and Goodman

AN ACT Relating to permitting regularly enrolled students in a prescribed course of opticianry to practice under supervision without registering as an apprentice with the department of health; and amending RCW 18.34.010.

Referred to Committee on Health Care & Wellness.

HB 2463 by Representatives Kelley, Bailey, Chandler, Morrell and Kirby

AN ACT Relating to funding sources for time certificate of deposit investments; and amending RCW 43.86A.030.

Referred to Committee on Financial Institutions & Insurance.

HB 2464 by Representatives Liias, Johnson, O'Brien, Morrell, Maxwell, Sullivan, Simpson, Van De Wege, Kenney, Ericks and Sells

AN ACT Relating to approaching certain emergency, roadside assistance, or police vehicles in emergency zones; amending RCW 46.61.212, 46.63.020, 46.20.342, and 46.63.110; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2465 by Representatives Hurst, Rodne, Kelley, Roberts and Ericks

AN ACT Relating to breath test instruments approved by the state toxicologist; and amending RCW 46.61.506.

Referred to Committee on Judiciary.

HB 2466 by Representatives Goodman, Rodne, Kelley, Roberts, Johnson, Ericks, Hudgins and Hurst

AN ACT Relating to the regulation of ignition interlock devices; amending RCW 46.04.215; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Judiciary.

HB 2467 by Representatives Hunt, Armstrong, Appleton, Alexander, Chase and Moeller

AN ACT Relating to eliminating provisions for filings at locations other than the public disclosure commission; amending RCW 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.100, 42.17.380, and 42.17.450; and repealing RCW 42.17.375 and 42.17.550.

Referred to Committee on State Government & Tribal Affairs.

HB 2468 by Representatives Van De Wege, Chase and Warnick

AN ACT Relating to metering permit exempt wells; and adding a new section to chapter 90.44 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2469 by Representatives Williams, Chase, Appleton, Moeller, McCoy and White

AN ACT Relating to access to tenants by political candidates or their agents or those advocating for or against ballot measures; adding a new section to chapter 59.18 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2470 by Representative Haigh

AN ACT Relating to veterinary technician licenses; amending RCW 18.92.128 and 18.92.128; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 2471 by Representatives McCoy, Chase and Morris

AN ACT Relating to net metering of electricity; and amending RCW 80.60.010, 80.60.020, and 80.60.030.

Referred to Committee on Technology, Energy & Communications.

HB 2472 by Representatives Quall, Blake and Morris

AN ACT Relating to fishery license limitation programs; and amending RCW 77.70.150, 77.70.190, 82.27.020, and 82.27.070.

Referred to Committee on Agriculture & Natural Resources.

HB 2473 by Representatives Conway, Campbell, Green, Kirby and Chase

AN ACT Relating to local retail sales and use tax for parks and recreation, trails, and open space allocation; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Finance.

HB 2474 by Representatives White, Dickerson, Nelson, Maxwell, Roberts, Orwall, Carlyle, Jacks, Cody, Chase and Kenney

AN ACT Relating to a property tax exemption for property made available by nonprofit organizations for neighborhood activities and programs; amending RCW 84.36.037; and creating a new section.

Referred to Committee on Finance.

HB 2475 by Representative White

AN ACT Relating to exempting members of certain nonprofit conservation corps programs from the prevailing wage provisions; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Commerce & Labor.

HB 2476 by Representatives Seaquist, Angel, Kagi, Goodman and Haler

AN ACT Relating to sexually altered, pinioned mute swans; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2477 by Representatives Williams and Chase

AN ACT Relating to liability for the criminal use of firearms sold at gun shows or events; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Judiciary.

HB 2478 by Representatives Kelley and Green

AN ACT Relating to immunity from liability for certain health care providers; and amending RCW 4.24.300.

Referred to Committee on Judiciary.

HB 2479 by Representatives Kelley, Blake, Dammeier, Upthegrove, Conway, Simpson, Green, Orwall, Kenney, Morrell and Hurst

AN ACT Relating to exempting payment of fees at institutions of higher learning for children of certain law enforcement officers or firefighters; amending RCW 28B.15.380 and 28B.15.520; and repealing RCW 28B.15.385.

Referred to Committee on Higher Education.

HB 2480 by Representatives Blake, Warnick, Takko, Upthegrove, Dunshee, Hinkle, Sells, Kretz and Ormsby

AN ACT Relating to implementing certain recommendations of the sustainable recreation work group; amending RCW 79.10.140 and 4.24.210; adding a new section to chapter 79.10 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ecology & Parks.

HB 2481 by Representatives Van De Wege, Kretz, Blake, Hinkle, Ormsby, Dunshee, McCoy, Eddy, Upthegrove, Carlyle, Haler, Morrell, Warnick and Kessler

AN ACT Relating to the department of natural resources authority to enter into forest biomass supply agreements; amending RCW 79.02.010, 43.30.020, 76.04.465, 76.06.180, 79.15.100, 79.15.220, 79.15.510, and 79.15.510; adding a new chapter to Title 79 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 2482 by Representatives Pedersen, Chase, White, Appleton, Upthegrove, Carlyle, Simpson, Kagi, Nelson, Kenney, Ericks, Hudgins, Hunter, Hasegawa, Ormsby, Springer and Santos

AN ACT Relating to recognizing legal unions from other states as state registered domestic partnerships; and amending RCW 26.60.090.

Referred to Committee on Judiciary.

HB 2483 by Representatives Hurst, O'Brien, Armstrong, Hunt, Rodne, Morrell, Appleton, Alexander, Eddy, Kelley, Sullivan, Carlyle, Rolfes, Roach, Green and Kirby

AN ACT Relating to overseas and service voters; amending RCW 29A.40.150; and adding a new section to chapter 29A.40 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2484 by Representatives Roberts, Nelson, Darneille, Pedersen, Green, Miloscia, Hunt, Ormsby and Flannigan

AN ACT Relating to the termination of month to month or other periodic tenancies governed by the residential landlord-tenant act; and amending RCW 59.18.200.

Referred to Committee on Judiciary.

HB 2485 by Representatives Kretz and Taylor

AN ACT Relating to purchase of land by the department of fish and wildlife; amending RCW 77.12.037; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2486 by Representatives Goodman, Klippert, Rodne, Green, Kessler and Kelley

AN ACT Relating to costs for the collection of DNA samples; and amending RCW 43.43.7541.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2487 by Representatives Goodman, Rodne, Klippert, Green, Santos, Kessler, Liias and Kelley

AN ACT Relating to increasing costs for administering a deferred prosecution; and amending RCW 10.01.160.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2488 by Representatives Moeller, Morrell and Hasegawa

AN ACT Relating to vehicle and vessel quick title; adding a new section to chapter 46.12 RCW; adding a new section to chapter 46.68 RCW; adding new sections to chapter 88.02 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2489 by Representatives Moeller, Chase, Appleton and Ormsby

AN ACT Relating to eliminating the mandatory retirement age for judges; amending RCW 2.10.100; repealing RCW 3.74.030; and providing a contingent effective date.

Referred to Committee on Judiciary.

HB 2490 by Representative Angel

AN ACT Relating to persons with intellectual disabilities; amending RCW 44.04.280, 10.95.030, 10.95.070, 10.95.130, 26.26.220, 28B.20.410, 28B.20.414, 39.32.010, 41.05.095, 43.20B.080, 43.190.020, 48.01.035, 70.10.010, 70.10.030, 70.41.020, 70.83.020, 70.83.040, 71.34.020, 71A.10.020, 74.09.035, 74.09.120, 74.09.510, 74.09.700, 74.29.010, 74.42.010, 74.42.490, 74.46.020, 82.65A.020, 82.65A.030, and 72.29.010; amending 1965 c 11 s 1 (uncodified); reenacting and amending RCW 13.34.030; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 2491 by Representatives Taylor, Kretz, Rolfes, Short, Upthegrove and Warnick

AN ACT Relating to coordinated state land management by agencies responsible for managing natural resources; adding a new section to chapter 77.12 RCW; adding a new section to chapter 79.02 RCW; adding a new section to chapter 79A.05 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2492 by Representatives Simpson, Green, White, Conway, Ericks and Morrell

AN ACT Relating to shared leave for members of the law enforcement officers' and firefighters' retirement system, plan 2; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

HB 2493 by Representatives Cody, Williams, Pedersen, Kagi, Nelson, Orwall, McCoy, Dickerson, White, Hunt, Darneille, Moeller and Roberts

AN ACT Relating to the taxation of cigarettes and other tobacco products; amending RCW 82.24.020, 82.24.026, 82.26.010, and 82.26.020; adding a new section to chapter 82.26 RCW; creating a new section; and repealing RCW 82.24.027 and 82.24.028.

Referred to Committee on Finance.

HB 2494 by Representatives White, Springer, Goodman, Chase, Dickerson, Carlyle, Williams, Miloscia, Nelson, Dunshee and Darneille

AN ACT Relating to the purchase or construction of public facilities in one hundred year floodplains; reenacting and amending RCW 36.70A.110; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

HB 2495 by Representatives White, Roberts, Dickerson, Carlyle, Springer, Miloscia, Nelson, Simpson, Dunshee, Pedersen and Kenney

AN ACT Relating to ballot tabulation; and amending RCW 29A.40.110.

Referred to Committee on State Government & Tribal Affairs.

HB 2496 by Representatives White, Orwall, Chase, Dickerson, Carlyle, Upthegrove, Springer, Nelson, Simpson, Miloscia, Dunshee and Hunt

AN ACT Relating to ballot design; and amending RCW 29A.36.161.

Referred to Committee on State Government & Tribal Affairs.

HB 2497 by Representatives White, Orwall, Goodman, Kenney, Kessler and Darneille

AN ACT Relating to victimization of homeless persons; amending RCW 9.94A.533, 9A.36.080, and 36.28A.030; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2498 by Representatives Orwall, Dickerson, Dammeier, Morrell and Hurst

AN ACT Relating to funding the care of residents of residential habilitation centers; and amending RCW 71A.20.100, 43.20B.415, 43.20B.430, and 43.20B.435.

Referred to Committee on Human Services.

HB 2499 by Representatives Bailey, Chandler, Roach, Schmick and Kretz

AN ACT Relating to the regulation of black powder; and amending RCW 70.74.010 and 70.74.340.

Referred to Committee on Commerce & Labor.

HB 2500 by Representatives Taylor, Kretz, Rodne, Short, Schmick and Herrera

AN ACT Relating to creating a cause of action for persons who are adversely affected by the judicial review of a decision made under the state environmental policy act; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Ecology & Parks.

HB 2501 by Representatives Taylor, Kretz, Chandler, Schmick and Warnick

AN ACT Relating to payments in lieu of taxes for lands managed by the department of fish and wildlife; and amending RCW 77.12.201 and 77.12.203; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2502 by Representative Taylor

AN ACT Relating to adoption of rules; amending RCW 34.05.360; and reenacting and amending RCW 34.05.328.

Referred to Committee on State Government & Tribal Affairs.

HB 2503 by Representative Blake

AN ACT Relating to modernizing the criteria for membership on the board of natural resources without altering the number of members; and amending RCW 43.30.205.

Referred to Committee on Agriculture & Natural Resources.

HB 2504 by Representatives Eddy, Morris, Van De Wege, McCoy, Haler, Chase, Armstrong, Schmick, Walsh, Hunt, Kessler, Ormsby and Short

AN ACT Relating to minimum renewable fuel content requirements; amending RCW 19.112.020, 19.112.060, 19.112.110, 19.112.160, and 19.112.900; adding a new section to chapter 19.112 RCW; adding a new section to chapter 42.56 RCW; repealing RCW 19.112.120, 19.112.130, 19.112.140, 19.112.150, 19.112.170, 19.112.180, and 43.19.643; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

HB 2505 by Representatives Blake, Williams and Kretz

AN ACT Relating to the regulation of nonindustrial forests; amending RCW 76.13.130; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2506 by Representative Goodman

AN ACT Relating to technical corrections to the Revised Code of Washington; amending RCW 6.17.160, 24.55.075, 28B.30.530, 36.16.050, 36.70A.070, 47.01.402, 46.68.080, 67.28.180, and 82.45.180; and reenacting RCW 28B.67.030.

Referred to Committee on Judiciary.

HB 2507 by Representatives Kessler, Rodne, Kirby, Priest, Shea, Hunt, Warnick and Moeller

Creating provisions relating to asbestos-related liabilities.

Referred to Committee on Judiciary.

HB 2508 by Representatives Blake and Chandler

AN ACT Relating to water right processing improvements; amending RCW 90.03.265, 90.03.255, 90.14.065, and 90.44.055; adding a new section to chapter 90.44 RCW; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2509 by Representatives Short, Chase, Upthegrove, Chandler, Haler, Ericks, Warnick and Kretz

AN ACT Relating to providing discretion to the department of natural resources to use firefighting funding to ensure that firefighting equipment does not serve as an agent for spreading noxious weeds; amending RCW 76.04.630; and adding a new section to chapter 76.04 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2510 by Representatives Kelley, Rodne, Hurst, Bailey, Kirby, Simpson and Morrell

AN ACT Relating to authorizing public hospital districts to execute commonly accepted security instruments, as required to participate in federal programs that reduce the costs of financing the construction, rehabilitation, replacing, and equipping of hospitals or other health care facilities; and amending RCW 70.44.060.

Referred to Committee on Financial Institutions & Insurance.

HB 2511 by Representatives Kirby, Blake, Upthegrove, Conway, Van De Wege, Ormsby, Moeller, Campbell and Haigh

AN ACT Relating to motorcycle profiling; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2512 by Representatives Bailey, Kirby and Morrell

AN ACT Relating to nonresident surplus line brokers and insurance producers; amending RCW 48.15.070, 48.15.073, 48.17.173, and 48.17.250; adding a new section to chapter 48.02 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2513 by Representatives Nelson, Kirby, Chase, Kenney, Morrell, Hasegawa, Ormsby, Darneille and Moeller

AN ACT Relating to using credit history, education, and income for insurance purposes; amending RCW 48.18.545 and 48.19.035; adding a new section to chapter 48.18 RCW; adding a

new section to chapter 48.19 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2514 by Representatives Bailey, Kirby and Chandler

AN ACT Relating to crop adjusters; amending RCW 48.17.010, 48.17.060, 48.17.110, 48.17.150, 48.17.390, and 48.17.420; reenacting and amending RCW 48.14.010; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2515 by Representatives Morris, Chase, Kenney and Hudgins

AN ACT Relating to biodiesel fuel labeling requirements; and amending RCW 19.112.020.

Referred to Committee on Technology, Energy & Communications.

HB 2516 by Representatives Morris, Chase, Hudgins and Morrell

AN ACT Relating to small facility siting; amending RCW 80.50.020, 80.50.060, 80.50.071, and 80.50.100; reenacting and amending RCW 80.50.090; adding new sections to chapter 80.50 RCW; and providing an effective date.

Referred to Committee on Technology, Energy & Communications.

HB 2517 by Representatives Dammeier and Haigh

AN ACT Relating to the exemption of housing authorities from laws governing the construction, alteration, repair, or improvement of property by other public bodies; and amending RCW 35.82.070.

Referred to Committee on Local Government & Housing.

HB 2518 by Representatives Goodman, Rodne and Kelley

AN ACT Relating to oath requirements for interpreters; and amending RCW 2.43.050.

Referred to Committee on Judiciary.

HB 2519 by Representatives Green, Hope, Ericks, Maxwell, Sullivan, Upthegrove, Carlyle, Conway, Simpson, Van De Wege, Kenney, Morrell, Hurst, Campbell and Kelley

AN ACT Relating to duty-related death benefits for public safety employees; amending RCW 41.26.048, 51.32.050, 28B.15.380, 28B.15.520, and 43.43.285; reenacting and amending RCW 41.26.510 and 43.43.295; and creating new sections.

Referred to Committee on Ways & Means.

HB 2520 by Representatives Ross, Chandler, Johnson and Williams

AN ACT Relating to increasing the number of superior court judges in Yakima county; amending RCW 2.08.063; and creating a new section.

Referred to Committee on Judiciary.

HB 2521 by Representatives Driscoll, Williams, Cody, Morrell, Ormsby and Moeller

AN ACT Relating to conversion rights upon termination of eligibility for health plan coverage; amending RCW 48.21.260, 48.44.370, and 48.46.450; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2522 by Representatives Driscoll, Williams, Cody, Morrell, Ormsby and Moeller

AN ACT Relating to emergency health care services; and reenacting and amending RCW 48.43.005.

Referred to Committee on Health Care & Wellness.

HB 2523 by Representatives O'Brien and Angel

AN ACT Relating to garnishment; amending RCW 6.27.020, 6.27.090, 6.27.100, 6.27.110, 6.27.140, 6.27.160, 6.27.190, 6.27.200, 6.27.210, 6.27.250, 6.27.330, 6.27.350, 6.27.360, and 6.27.370; adding new sections to chapter 6.27 RCW; and repealing RCW 6.27.340.

Referred to Committee on Judiciary.

HB 2524 by Representatives O'Brien and Angel

AN ACT Relating to prohibited practices of collection agencies; and reenacting and amending RCW 19.16.250.

Referred to Committee on Commerce & Labor.

HB 2525 by Representatives Nealey, Klippert, Chandler and Haler

AN ACT Relating to public facilities districts created by at least two city or county legislative authorities; and amending RCW 35.57.010 and 35.57.020.

Referred to Committee on Community & Economic Development & Trade.

HB 2526 by Representatives O'Brien, Warnick and Springer

AN ACT Relating to the tax payment and reporting requirements of small wineries; and amending RCW 66.24.230 and 66.24.210.

Referred to Committee on Finance.

HB 2527 by Representatives Morris, Chase, Hudgins and Jacks

AN ACT Relating to the energy facility site evaluation council; and amending RCW 80.50.020, 80.50.030, 80.50.071, and 80.50.080.

Referred to Committee on Technology, Energy & Communications.

HB 2528 by Representatives Appleton and Eddy

AN ACT Relating to retroactively applying certain intermediate license law amendments made during the 2009 legislative session; and creating a new section.

Referred to Committee on Transportation.

HB 2529 by Representatives Appleton, Chase and Hasegawa

AN ACT Relating to contractor notification of potential property contamination; amending RCW 18.27.030; and adding a new section to chapter 64.44 RCW.

Referred to Committee on Environmental Health.

HB 2530 by Representatives White and Hunt

AN ACT Relating to a time limit for accepting or soliciting campaign contributions; and reenacting and amending RCW 42.17.710.

Referred to Committee on State Government & Tribal Affairs.

HB 2531 by Representatives White, Hunt, Upthegrove, Cody, Nelson and Hudgins

AN ACT Relating to filling vacancies in county offices; amending RCW 36.16.110; adding a new section to chapter 36.16 RCW; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 2532 by Representative Van De Wege

AN ACT Relating to a pilot program in Clallam county for cluster developments; amending RCW 90.44.050; and adding a new section to chapter 90.44 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2533 by Representatives Pearson, Hurst, Kelley and Morrell

AN ACT Relating to adopting the interstate compact on mental health; and adding a new chapter to Title 71 RCW.

Referred to Committee on Human Services.

HB 2534 by Representatives Hurst, Pearson, O'Brien, Chase, Kelley, Conway, Van De Wege, Sells, Ericks, Morrell, Kirby, Campbell, Haigh and Smith

AN ACT Relating to establishing a program to verify the address of registered sex offenders and kidnapping offenders; amending RCW 9A.44.130 and 9A.44.135; and adding a new section to chapter 36.28A RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2535 by Representatives Hurst and O'Brien

AN ACT Relating to juvenile firearms and weapons crimes; amending RCW 13.40.127 and 13.40.193; and reenacting and amending RCW 13.40.0357.

Referred to Committee on Human Services.

HB 2536 by Representatives McCoy, Chase and Morris

AN ACT Relating to creating a standard offer contract for certain renewable energy systems; adding a new chapter to Title 80 RCW; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

HB 2537 by Representatives McCoy, Chase, Haler, Morrell and Morris

AN ACT Relating to incentives for solar energy; and amending RCW 82.04.294, 82.16.110, and 82.16.120.

Referred to Committee on Technology, Energy & Communications.

HB 2538 by Representatives Upthegrove, Taylor, Eddy, Pedersen, Clibborn, Chase and Springer

AN ACT Relating to high-density urban development; amending RCW 82.02.020; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Ecology & Parks.

HB 2539 by Representative Upthegrove

AN ACT Relating to optimizing the collection of source separated materials within the current regulatory structure; amending RCW 70.95.080, 70.95.090, 70.95.110, 81.77.185, and 35.21.157; adding a new section to chapter 81.77 RCW; and creating new sections.

Referred to Committee on Ecology & Parks.

HB 2540 by Representatives Cody, Pedersen, Nelson, Kenney and Morrell

AN ACT Relating to repealing the expiration date for provisions relating to the licensure of dentists from other states; and repealing 2008 c 147 s 3 (uncodified).

Referred to Committee on Health Care & Wellness.

HB 2541 by Representatives Takko, Orcutt, Kessler, Kretz and Blake

AN ACT Relating to maximizing the ecosystem services provided by forestry through the promotion of the economic success of the forest products industry; amending RCW 76.09.010 and 76.09.040; adding a new section to chapter 76.09 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2542 by Representatives Hinkle, Blake and Warnick

AN ACT Relating to a comparative review of water availability in local governments' land use plans; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2543 by Representative Chase

AN ACT Relating to the disciplinary process of the medical quality assurance commission; and amending RCW 18.71.019.

Referred to Committee on Health Care & Wellness.

HB 2544 by Representatives Chase and Campbell

AN ACT Relating to requiring informed consent prior to the administration of any drug when the patient has a known allergy to that drug or that family of drugs; and amending RCW 7.70.050 and 18.130.180.

Referred to Committee on Health Care & Wellness.

HB 2545 by Representatives Upthegrove, Chase, Finn, Kenney and Hunt

AN ACT Relating to reporting of emissions of greenhouse gases; amending RCW 70.235.010 and 70.94.151; and declaring an emergency.

Referred to Committee on Ecology & Parks.

HB 2546 by Representatives Van De Wege, Conway, Morrell, Angel, Dunshee and Santos

AN ACT Relating to classroom training for electrical trainees; amending RCW 19.28.161; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2547 by Representatives Conway, Condotta, Maxwell, Sullivan, Roach, Kessler, Sells, Kenney, Appleton, Hunter, Pedersen, Upthegrove, Hinkle, Ormsby, Herrera, Kretz, Hasegawa, Campbell, Takko, Springer and Dammeier

AN ACT Relating to franchise agreements between new motor vehicle dealers and manufacturers; amending RCW 46.96.030, 46.96.070, 46.96.090, 46.96.105, 46.96.110, 46.96.185, and 46.96.200; and adding new sections to chapter 46.96 RCW.

Referred to Committee on Commerce & Labor.

HB 2548 by Representatives Chandler and Warnick

AN ACT Relating to withdrawing waters of the state from additional appropriations; and reenacting and amending RCW 90.54.050.

Referred to Committee on Agriculture & Natural Resources.

HB 2549 by Representatives Chandler and Simpson

AN ACT Relating to firefighting services on areas outside a fire protection jurisdiction; and adding a new chapter to Title 52 RCW.

Referred to Committee on Local Government & Housing.

HB 2550 by Representatives Ross, Schmick and Warnick

AN ACT Relating to abatement of nuisances involving criminal street gang activity; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2551 by Representatives Cody, Green, Sullivan, Pedersen, Darneille and Moeller

AN ACT Relating to the establishment of the Washington vaccine association; adding a new section to chapter 43.24 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2552 by Representatives Cody, Kenney, Morrell and Moeller

AN ACT Relating to individual health coverage; and amending RCW 48.44.022, 48.46.063, and 48.20.028.

Referred to Committee on Health Care & Wellness.

HB 2553 by Representatives Conway, Green, White, Appleton, Simpson, Ormsby, Moeller and Roberts

AN ACT Relating to improving unemployment benefits; amending RCW 50.20.100 and 50.20.119; reenacting and amending RCW 50.20.050 and 50.29.021; adding a new section to chapter 50.20 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 2554 by Representatives Conway, Chase, Green, White, Simpson, Ormsby and Moeller

AN ACT Relating to establishing a farm worker-grower advisory committee; and adding a new section to chapter 43.23 RCW.

Referred to Committee on Commerce & Labor.

HB 2555 by Representatives Conway, Simpson, Ormsby and Moeller

AN ACT Relating to authorizing the department of labor and industries to issue subpoenas, but only with respect to enforcement of chapter 19.28 RCW; and adding a new section to chapter 19.28 RCW.

Referred to Committee on Commerce & Labor.

HB 2556 by Representatives Fagan and Chandler

AN ACT Relating to financial security requirements under chapter 22.09 RCW; and amending RCW 22.09.060 and 22.09.090.

Referred to Committee on Agriculture & Natural Resources.

HB 2557 by Representatives Kenney, Chase and Goodman

AN ACT Relating to correcting references regarding the department of commerce; amending RCW 7.68.360, 9.94A.8673, 19.02.050, 19.27.070, 19.27.097, 19.27.150, 19.27.190, 19.27A.020, 19.27A.140, 19.29A.010, 24.46.010, 24.50.010, 28A.160.090, 28A.300.150, 28A.300.160, 28A.515.320, 28B.06.030, 28B.20.283, 28B.20.289, 28B.20.293, 28B.20.296, 28B.30.530, 28B.30.537, 28B.30.900, 28B.38.020, 28B.38.050, 28B.50.281, 28B.50.902, 28B.65.040, 28B.65.050, 28B.65.060, 28B.109.020, 28C.18.060, 28C.18.130, 28C.18.140, 31.24.030, 34.05.330, 35.02.260, 35.13.171, 35.21.300, 35.21.687, 35.21.755, 35.21.779, 36.01.120, 36.22.178, 36.34.137, 36.70A.085, 36.70A.131, 36.70A.500, 36.70A.5801, 36.70B.040, 36.70B.220, 36.93.080, 36.110.030, 38.52.930, 39.04.156, 39.19.240, 39.34.230, 39.35D.080, 39.44.210, 39.44.230, 39.84.090, 40.10.020, 41.06.072, 42.56.270, 43.06.115, 43.07.350, 43.19.19201, 43.19.648, 43.20.275, 43.20A.037, 43.20A.790, 43.21A.510, 43.21A.515, 43.21A.612, 43.21C.110, 43.21G.010, 43.21M.010, 43.21M.020, 43.21M.030, 43.22.495, 43.22A.020, 43.23.035, 43.30.835, 43.31.205, 43.31.422, 43.31.504, 43.31.805, 43.31.830, 43.31.840, 43.31.960, 43.31.970, 43.41.270, 43.63A.068, 43.63A.115, 43.63A.135, 43.63A.155, 43.63A.230, 43.63A.275, 43.63A.307, 43.63A.400, 43.63A.410, 43.63A.420, 43.63A.720, 43.63A.735, 43.63A.760, 43.63A.764, 43.70.540, 43.79.201, 43.83.184, 43.105.370, 43.105.376, 43.110.010, 43.132.020, 43.132.030, 43.132.800, 43.132.810, 43.133.030, 43.133.050, 43.150.040, 43.157.010, 43.157.030, 43.160.030, 43.162.010, 43.162.025, 43.162.030, 43.163.020, 43.163.060, 43.163.120, 43.168.010, 43.176.030, 43.176.040, 43.176.901, 43.180.040, 43.180.200, 43.180.220, 43.185A.100, 43.185C.160, 43.185C.200, 43.190.030, 43.210.030, 43.210.050, 43.210.060, 43.215.550, 43.220.070, 43.270.020, 43.270.070, 43.270.080, 43.280.011, 43.280.020, 43.280.060, 43.280.070, 43.280.080, 43.280.090, 43.310.020, 43.325.100, 43.325.110, 43.330.065, 43.330.904, 43.332.010, 43.336.050, 46.16.340, 46.44.170, 47.06.110, 47.12.064, 47.26.345, 47.39.040, 47.39.069, 47.39.090, 47.50.090, 47.76.230, 47.80.090, 49.04.200, 50.16.010, 50.38.030, 50.72.030, 53.36.030, 54.16.285, 54.52.010, 54.52.020, 57.46.010, 57.46.020, 59.18.440, 59.24.020, 59.24.050, 59.24.060, 59.28.030, 59.28.040, 59.28.050, 59.28.060, 59.30.060, 64.34.442, 66.08.195, 66.08.198, 67.28.1816, 67.38.070, 70.05.125, 70.62.290, 70.94.537, 70.94.551, 70.95.260, 70.95.265, 70.95.810, 70.95H.007, 70.95H.050, 70.95N.290, 70.95N.330, 70.103.010, 70.105.020, 70.114A.070, 70.119A.170, 70.119A.190, 70.136.030, 70.235.020, 70.235.030, 70.235.050, 70.260.020, 72.09.055, 72.78.030, 74.08A.010, 74.14B.060, 74.31.020, 76.09.030, 76.15.090, 76.56.020, 79.105.600, 79A.30.050, 79A.50.100, 79A.60.480, 80.28.010, 80.36.430, 80.36.440, 80.50.030, 80.80.040, 80.80.050, 80.80.080, 82.14.330, 82.14.400, 82.16.0497, 82.73.050, 84.14.100, 84.36.560, 88.02.053, 89.10.020, 90.03.247, 90.56.280, and 90.82.048; reenacting and amending RCW 41.06.070 and 43.21J.030; adding a new section to chapter 43.31 RCW; adding a new section to chapter 43.63A RCW; decodifying RCW 35.22.660, 35.22.680, 35.63.140, 35.63.180, 35A.63.149, 35A.63.210, 36.32.520, 36.32.560, 36.70.675, 36.70.755, 43.330.005, 59.22.090, 59.28.120, 67.28.8001, and 77.12.710; and repealing 2009 c 565 s 34.

Referred to Committee on Community & Economic Development & Trade.

HB 2558 by Representatives Kelley, Rodne, Seaquist, Green, Sullivan, Rolfes and Morrell

AN ACT Relating to service members' civil relief; and amending RCW 38.42.010.

Referred to Committee on Judiciary.

HB 2559 by Representatives Eddy, Upthegrove and Roach

AN ACT Relating to a water quality trading and banking program; adding a new section to chapter 90.48 RCW; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

HB 2560 by Representatives Orwall, Upthegrove, Quall, Simpson, Nelson and Morrell

AN ACT Relating to forming joint underwriting associations; adding a new section to chapter 48.27 RCW; adding a new chapter to Title 48 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 2561 by Representatives Dunshee, Williams, White, Seaquist, Darneille, Eddy, Dickerson, Sells, Rolfes, Chase, Green, Appleton, Sullivan, Simpson, Nelson, Hudgins, Jacks, Hunt, Hasegawa, Ormsby, Moeller and Roberts

AN ACT Relating to creating jobs by funding construction of energy cost saving improvements to public facilities; adding a new chapter to Title 43 RCW; creating new sections; making an appropriation; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Capital Budget.

HB 2562 by Representatives Nelson, Chase, Simpson and Cody

AN ACT Relating to establishing more equitable lease rates for industrial users of state-owned aquatic lands that more accurately represent the value provided to the lessee; and amending RCW 79.105.060 and 79.105.240.

Referred to Committee on Ecology & Parks.

HB 2563 by Representatives Nelson, Chase, White, Cody, Hasegawa, Moeller and Santos

AN ACT Relating to the authority of port districts to participate in community-based activities for the purpose of providing shelter or housing to homeless or low-income persons; and amending RCW 53.08.245.

Referred to Committee on Local Government & Housing.

HB 2564 by Representatives Nelson, Chase and Kirby

AN ACT Relating to escrow agents; amending RCW 18.44.011, 18.44.021, 18.44.031, 18.44.091, 18.44.121, 18.44.201, 18.44.301, 18.44.195, and 18.44.430; and adding new sections to chapter 18.44 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2565 by Representatives Ericksen, Simpson, Smith, Van De Wege, Sells, Orwall, Goodman, Morrell and Moeller

AN ACT Relating to mandating a twelve-hour impound hold on motor vehicles used by persons arrested for driving under the influence of alcohol or drugs or being in physical control of a vehicle while under the influence of alcohol or drugs; reenacting and amending RCW 46.55.113; adding new sections to chapter 46.55 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2566 by Representatives Simpson, Chase and Ormsby

AN ACT Relating to exempting low-income housing from impact fees; and amending RCW 82.02.060 and 43.21C.065.

Referred to Committee on Local Government & Housing.

HB 2567 by Representatives Carlyle, Dickerson, Simpson, Anderson, White, Nelson, Sullivan, Kenney, Maxwell, Liias, Pettigrew and Santos

AN ACT Relating to the excise taxation of publicly owned facilities accredited by the association of zoos and aquariums; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2568 by Representatives Dunshee, Kretz and Chase

AN ACT Relating to authorization for projects recommended by the public works board; amending 2008 c 5 s 1 (uncodified); and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2569 by Representatives Dunshee, Blake, Hunt, Chase and Ormsby

AN ACT Relating to accessing land for outdoor recreation; amending RCW 77.32.380 and 77.12.880; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2570 by Representatives Simpson and Chase

AN ACT Relating to protecting the integrity of the initiative and referendum process; amending RCW 42.17.020 and 42.17.240; adding a new section to chapter 29A.72 RCW; adding new sections to chapter 42.17 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 2571 by Representative Appleton

AN ACT Relating to the definition of predatory; and amending RCW 9.94A.030.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2572 by Representatives Appleton, Kirby, O'Brien and Goodman

AN ACT Relating to the definition of threat; and amending RCW 9A.04.110.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2573 by Representatives Simpson, Morris, Williams, Nelson, Eddy, Liias, Chase, Maxwell and Moeller

AN ACT Relating to the clarification of regional transit authority facilities as essential public facilities; and amending RCW 36.70A.200.

Referred to Committee on Local Government & Housing.

HB 2574 by Representatives White, Nelson, Williams, Liias and Eddy

AN ACT Relating to annexations by cities and code cities located within the boundaries of a regional transit authority; adding a new section to chapter 35.13 RCW; and adding a new section to chapter 35A.14 RCW.

Referred to Committee on Local Government & Housing.

HB 2575 by Representative Uptegrove

AN ACT Relating to the expansion of the membership of the capital projects advisory review board; and amending RCW 39.10.220 and 43.131.408.

Referred to Committee on State Government & Tribal Affairs.

HB 2576 by Representatives Kenney, Liias, Moeller, Pedersen and Armstrong

AN ACT Relating to restructuring and affirming certain fees established by the office of the secretary of state; amending RCW 23B.01.220, 23B.01.520, 23B.01.530, 24.03.405, 24.06.450, 25.05.500, 43.07.120, 43.07.130, 25.15.105, 19.77.030, and 23.86.070; reenacting RCW 19.09.520; and creating a new section.

Referred to Committee on Judiciary.

HB 2577 by Representatives Sullivan, Chase and Kenney

AN ACT Relating to creating community facilities districts; amending RCW 84.52.052; adding a new section to chapter 82.02 RCW; and adding a new chapter to Title 36 RCW.

Referred to Committee on Community & Economic Development & Trade.

HB 2578 by Representatives Seaquist, Rolfes and Hudgins

AN ACT Relating to disclosure of existing property tax levies on ballot propositions subject to voter approval for levy lid lifts; and amending RCW 84.55.050.

Referred to Committee on State Government & Tribal Affairs.

HB 2579 by Representatives Liias, Uptegrove, Hunt and Moeller

AN ACT Relating to revocation of signatures on ballot measures; and adding a new section to chapter 29A.72 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2580 by Representatives Liias, Simpson and Sullivan

AN ACT Relating to secondary career and technical courses; amending RCW 28B.50.531 and 28A.230.097; and creating a new section.

Referred to Committee on Education.

HB 2581 by Representatives Liias and Appleton

AN ACT Relating to providing a business and occupation tax credit for qualified employment positions; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 2582 by Representatives Hurst, Armstrong, Haigh, Moeller, Chase, Kelley, Carlyle and Hudgins

AN ACT Relating to responses to public records requests; amending RCW 42.56.520; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 2583 by Representatives Haigh, Armstrong, Moeller and Chase

AN ACT Relating to conferences regarding public records requests violations; and reenacting and amending RCW 42.56.550.

Referred to Committee on State Government & Tribal Affairs.

HB 2584 by Representatives White, Nelson, Dunshee, Conway, Orwall, Hunt, Chase, Appleton, Sullivan, Upthegrove, Simpson, Green, Sells, Hudgins, Hasegawa, Ormsby, Rolfes, Moeller and Santos

AN ACT Relating to community and technical college collective bargaining for nontenured faculty; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Commerce & Labor.

HB 2585 by Representatives Kelley, Kirby and Moeller

AN ACT Relating to insurance; amending RCW 48.02.060, 48.38.010, 48.66.045, 48.155.010, 4.28.080, 48.05.200, 48.05.215, 48.10.170, 48.15.150, 48.17.380, 48.36A.350, 48.94.010, 48.102.011, 48.102.021, 48.110.030, 48.110.055, and 48.155.020; adding a new section to chapter 48.02 RCW; and repealing RCW 48.05.210.

Referred to Committee on Financial Institutions & Insurance.

HB 2586 by Representatives Sullivan, Priest, Chase, Kelley, Maxwell, Carlyle, Simpson, Seaquist, Goodman, Kenney, Morrell, Haigh and Santos

AN ACT Relating to encouraging kindergarten outreach; amending RCW 28A.150.205; adding a new section to chapter 28A.305 RCW; and creating a new section.

Referred to Committee on Education.

HB 2587 by Representative Hunt

AN ACT Relating to requirements for peddlers and vendors of books, periodicals, or newspapers; adding a new section to chapter 36.71 RCW; and providing penalties.

Referred to Committee on Commerce & Labor.

HB 2588 by Representatives Green, Chase and Ormsby

AN ACT Relating to the regulation of local electric carts; amending RCW 35.75.020, 46.04.320, 46.04.400, 46.04.670, 46.61.110, 46.61.125, 46.61.235, 46.61.261, 46.61.755, 46.61.758, 46.61.770, and 46.61.780; adding a new section to chapter 46.04 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2589 by Representative Green

AN ACT Relating to on-site wastewater treatment systems designer licensing; amending RCW 18.210.010, 18.210.020, 18.210.030, 18.210.040, 18.210.050, 18.210.080, 18.210.100, 18.210.120, 18.210.140, 18.210.160, 18.210.170, 18.210.180, and 18.210.190; and repealing RCW 18.210.090 and 18.210.210.

Referred to Committee on Commerce & Labor.

HB 2590 by Representatives Morris and Chase

AN ACT Relating to a system benefits charge; and adding a new chapter to Title 80 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 2591 by Representatives Morris and Chase

AN ACT Relating to the cost of processing applications for water right permits; amending RCW 90.03.470 and 90.44.050; adding new sections to chapter 90.03 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2592 by Representatives Hunt and Hasegawa

AN ACT Relating to prohibiting incentive towing programs for private property impounds; and amending RCW 46.55.035.

Referred to Committee on Transportation.

HB 2593 by Representatives Rolfes, Morris, Upthegrove, Williams, Liias, White and Nelson

AN ACT Relating to creating tools to enhance the department of fish and wildlife's ability to manage shellfish resources; amending RCW 77.70.500, 77.15.520, 77.15.380, and 63.21.080; adding a new section to chapter 77.15 RCW; adding a new section to chapter 77.32 RCW; adding a new section to chapter 77.12 RCW; prescribing penalties; and providing expiration dates.

Referred to Committee on Agriculture & Natural Resources.

HB 2594 by Representatives Rolfes, Kagi, Ericks and Moeller

AN ACT Relating to law enforcement officers who are terminated for dishonesty; amending RCW 41.12.080, 41.14.110, and 43.43.070; adding a new section to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2595 by Representatives Rolfes, Kelley, Ericks, Kirby and Hurst

AN ACT Relating to imposing a sentence outside the standard sentence range for defendants who intercept police communication as a means to facilitate the crime; and reenacting and amending RCW 9.94A.535.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2596 by Representatives Williams, Chase, Upthegrove and Simpson

AN ACT Relating to defining child advocacy centers for the multidisciplinary investigation of child abuse and implementation of county protocols; and amending RCW 26.44.020, 26.44.180, and 26.44.185.

Referred to Committee on Early Learning & Children's Services.

HB 2597 by Representatives Pearson, Warnick and Kretz

AN ACT Relating to streamlining state environmental permitting through the elimination of the hydraulics project approval process; amending RCW 43.21K.010, 70.105D.090, 76.09.030, 89.08.470, 90.48.310, and 90.58.147; reenacting and amending RCW 34.05.328; creating a new section; decodifying RCW 88.28.070; and repealing RCW 77.55.011, 77.55.021, 77.55.031, 77.55.041, 77.55.051, 77.55.061, 77.55.081, 77.55.091, 77.55.101, 77.55.111, 77.55.121, 77.55.131, 77.55.141, 77.55.151, 77.55.161, 77.55.171, 77.55.181, 77.55.191, 77.55.201, 77.55.211, 77.55.221, 77.55.231, 77.55.241, 77.55.251, 77.55.261, 77.55.271, 77.55.281, 77.55.291, 77.55.301, 77.55.311, and 77.15.300.

Referred to Committee on Agriculture & Natural Resources.

HB 2598 by Representatives Takko, Blake and Herrera

AN ACT Relating to disposal of dredged riverbed materials from the Mount St. Helen's eruption; amending RCW 79.140.210; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2599 by Representatives McCoy and Chase

AN ACT Relating to limiting withdrawals of groundwater for stock watering purposes; amending RCW 90.44.050; and adding a new section to chapter 16.36 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2600 by Representatives McCoy, Chase, Kenney and Hasegawa

AN ACT Relating to telecommunications services; amending RCW 54.16.330 and 53.08.370; adding new sections to chapter 54.08 RCW; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 2601 by Representatives McCoy, Chase, Kenney and Morris

AN ACT Relating to reviewing the telecommunications regulatory structure; and creating new sections.

Referred to Committee on Technology, Energy & Communications.

HB 2602 by Representatives Moeller and Green

AN ACT Relating to establishing continuing education requirements for engineers; amending RCW 18.43.080; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2603 by Representatives Smith, Kenney, Bailey, Quall, Morris, Blake, Anderson, Chase, Kelley, Short, Appleton, Sullivan, Dammeier, Upthegrove, Klippert, Chandler, Kristiansen, Rolfes, Pearson, Roach, Parker, Morrell, Haler, Walsh, Orcutt, Johnson, Liias, Hunt, Probst, Ericksen, Moeller, Kretz, Sells, Hope and Herrera

AN ACT Relating to violations of state law or agency rule by small businesses; adding a new section to chapter 34.05 RCW; and adding a new section to chapter 82.32 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2604 by Representatives Smith, Morris, Bailey, Quall, Blake, Chandler and Pearson

AN ACT Relating to exempting certain diversions of surface waters for agricultural purposes from the permit process; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2605 by Representatives Driscoll, Kelley, Chase, Ormsby and Moeller

AN ACT Relating to billing for anatomic pathology services; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 2606 by Representatives Liias, Warnick, McCune, Green, Sullivan, Simpson, Morrell and Moeller

AN ACT Relating to developing certification for manufactured housing community managers; adding a new chapter to Title 59 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Local Government & Housing.

HB 2607 by Representatives Sullivan, Chase, Simpson, Hurst and Santos

AN ACT Relating to providing an exception to postretirement employment restrictions for retirees teaching in high-demand subjects; amending RCW 41.32.570; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways & Means.

HB 2608 by Representatives Nelson, Kirby, Chase, Simpson, Morrell, Maxwell and Moeller

AN ACT Relating to licensing residential mortgage loan servicers through the national mortgage licensing service and clarifying the existing authority of the department of financial institutions to regulate residential mortgage loan modification services under the consumer loan act and mortgage broker practices act; amending RCW 31.04.035, 31.04.045, 31.04.055, 31.04.085, 31.04.093, 31.04.165, 31.04.277, 19.144.080, 19.146.010, 19.146.210, and 19.146.310; reenacting and amending RCW 31.04.015; adding new sections to chapter 31.04 RCW; adding new sections to chapter 19.146 RCW; repealing RCW 31.04.2211; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2609 by Representatives Hunt, Priest, Quall, Kenney, Hope, Sullivan, Lias, Haigh, Chase, Maxwell, Simpson and Ormsby

AN ACT Relating to accountability and support for vulnerable students and dropouts, including prevention, intervention, and reengagement; amending RCW 28A.175.075, 28A.290.010, and 28A.655.210; adding new sections to chapter 28A.175 RCW; and creating new sections.

Referred to Committee on Education.

HB 2610 by Representatives Goodman, Hunt, Miloscia, Maxwell, Sells, McCoy and Ormsby

AN ACT Relating to personal information used to identify a person filing a complaint with an agency; and amending RCW 42.56.230.

Referred to Committee on State Government & Tribal Affairs.

HB 2611 by Representatives Williams and Hunt

AN ACT Relating to the disposition of existing voter-approved indebtedness at the time of annexation of a city, partial city, or town to a fire protection district; amending RCW 52.04.061 and 52.04.081; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 2612 by Representatives Armstrong, Kristiansen and Kretz

AN ACT Relating to exempting signature petitions from disclosure; amending RCW 29A.72.230; adding a new section to chapter 42.56 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 2613 by Representatives Hunt, Lias, Carlyle and White

AN ACT Relating to signature gathering for initiatives, referenda, and recall petitions; amending RCW 42.17.020, 29A.72.010, 29A.72.110, 29A.72.120, 29A.72.130, and 29A.72.170; adding new sections to chapter 29A.72 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 2614 by Representatives Hunt, Lias, Carlyle, Flannigan and White

AN ACT Relating to signature gathering; and amending RCW 29A.72.110, 29A.72.120, and 29A.72.130.

Referred to Committee on State Government & Tribal Affairs.

HB 2615 by Representatives Hunt, Chase, Carlyle, Lias, Flannigan and Williams

AN ACT Relating to filing fees for initiatives and referenda; and amending RCW 29A.72.010.

Referred to Committee on State Government & Tribal Affairs.

HB 2616 by Representatives Hunt, White, Quall, Lias, Carlyle, Sells, Morris, Darneille and Santos

AN ACT Relating to statewide school district reorganization; adding new sections to chapter 28A.315 RCW; and providing an expiration date.

Referred to Committee on Education.

HB 2617 by Representatives Driscoll, Chase, Hunt, Wallace, Williams, Maxwell, White, Kelley, Carlyle, Simpson, Sequist and Moeller

AN ACT Relating to eliminating boards and commissions; amending RCW 28C.18.050, 28C.18.090, 43.03.027, 43.03.028, 34.12.100, 42.17.370, 43.03.040, 70.94.6528, 43.63A.760, 18.250.010, 18.250.020, 18.250.060, 70.47.040, 39.10.210, 39.10.230, 39.10.250, 39.10.270, 39.10.280, 39.10.290, 39.10.320, 39.10.350, 39.10.430, 39.10.460, 43.131.408, 39.04.350, 18.205.020, 18.205.060, 43.121.100, 43.121.175, 43.121.180, 28A.300.520, 43.215.065, 72.09.495, 74.04.800, 74.13.031, 74.13.031, 74.13.031, 74.13.031, 74.15.050, 74.15.060, 41.04.033, 41.04.0331, 41.04.0332, 72.78.030, 43.101.380, 43.105.052, 82.58.020, 46.20.100, 46.82.280, 46.82.330, 46.82.420, 72.23.025, 70.168.030, 70.168.050, 70.168.060, 70.168.130, 18.76.050, 18.73.030, 18.73.101, 41.50.088, 41.50.770, 41.50.780, 41.34.020, 41.34.040, 41.34.070, 41.34.130, 41.34.140, 43.33A.135, 36.70C.030, 18.44.011, 18.44.195, 18.44.221, 18.44.251, 15.76.110, 15.76.150, 13.40.462, 43.70.555, 74.14A.060, 74.14C.050, 70.112.010, 70.112.020, 43.43.934, 43.43.962, 38.52.530, 49.26.120, 48.62.061, 48.62.161, 28B.76.280, 18.280.010, 18.280.030, 18.280.050, 18.280.060, 18.280.070, 18.280.080, 18.280.110, 18.280.120, 18.280.130, 43.330.090, 2.56.031, 13.40.510, 43.105.041, 43.105.805, 43.105.820, 18.225.010, 18.225.040, 16.57.353, 18.50.045, 18.50.060, 18.50.105, 77.12.670, 77.12.690, 77.08.045, 19.146.225, 46.20.520, 18.36A.020, 18.36A.080, 18.36A.110, 46.09.020, 90.56.005, 90.56.060, 43.30.820, 18.210.010, 18.210.050, 18.210.060, 70.118.110, 18.200.010, 18.200.050, 18.200.070, 70.104.090, 15.92.070, 17.21.020, 80.24.060, 81.24.090, 43.20A.890, 18.140.010, 18.140.030, 18.140.160, 18.140.170,

77.95.100, 77.95.180, 77.95.190, 17.10.010, 17.10.040, 17.10.070, 17.10.074, 17.10.080, 17.10.090, 17.10.100, 17.10.130, 17.10.160, 17.10.201, 17.10.210, 17.10.235, 17.10.250, 17.10.260, 17.10.350, 17.15.020, 17.26.006, 17.26.015, 77.60.130, 79A.25.320, 79A.25.340, 70.95.030, 43.21A.520, 70.105.010, 70.105.160, 46.16.316, 46.16.715, 46.16.725, 46.16.745, 46.16.755, 46.16.775, 46.16.30901, 46.16.30903, 46.16.30905, 46.16.30907, 46.16.30909, 46.16.30911, 46.16.30913, 46.16.30914, 46.16.30916, 46.16.30918, 46.16.30920, 46.16.30922, 46.16.30924, 46.16.30926, 46.16.30928, 43.370.020, 43.370.030, 46.01.325, 46.01.140, 43.60A.170, 43.131.406, 43.60A.010, 70.119A.180, 90.86.030, 18.104.040, 18.104.043, 18.104.049, 18.104.100, 18.104.200, 28C.04.390, 28C.04.420, and 43.15.020; amending 2005 c 158 s 3 (uncodified); reenacting and amending RCW 74.15.030, 18.71.205, 43.21B.005, 43.105.020, and 46.16.233; adding new sections to chapter 43.215 RCW; creating a new section; recodifying RCW 43.121.170, 43.121.175, and 43.121.180; repealing RCW 28B.50.254, 18.250.030, 39.10.220, 39.10.240, 39.10.260, 43.34.080, 18.205.080, 43.121.010, 43.121.015, 43.121.020, 43.121.030, 43.121.040, 43.121.050, 43.121.060, 43.121.070, 43.121.080, 43.121.110, 43.121.120, 43.121.130, 43.121.140, 43.121.150, 43.121.160, 43.121.910, 43.63A.068, 70.96A.070, 43.101.310, 43.101.315, 43.101.320, 43.101.325, 43.101.330, 43.101.335, 43.101.340, 43.101.345, 43.105.055, 46.82.300, 70.168.020, 18.73.040, 18.73.050, 41.50.086, 43.21L.005, 43.21L.010, 43.21L.020, 43.21L.030, 43.21L.040, 43.21L.050, 43.21L.060, 43.21L.070, 43.21L.080, 43.21L.090, 43.21L.100, 43.21L.110, 43.21L.120, 43.21L.130, 43.21L.140, 43.21L.900, 43.21L.901, 18.44.500, 18.44.510, 15.76.170, 70.190.005, 70.190.010, 70.190.020, 70.190.030, 70.190.040, 70.190.050, 70.190.060, 70.190.065, 70.190.070, 70.190.075, 70.190.080, 70.190.085, 70.190.090, 70.190.100, 70.190.110, 70.190.120, 70.190.130, 70.190.150, 70.190.160, 70.190.170, 70.190.180, 70.190.190, 70.190.910, 70.190.920, 70.112.030, 70.112.040, 70.112.050, 43.43.932, 43.43.936, 79A.25.220, 70.105E.070, 70.105E.090, 48.62.051, 48.62.041, 28B.76.100, 18.280.040, 10.98.200, 10.98.210, 10.98.220, 10.98.230, 10.98.240, 43.105.800, 43.105.810, 18.225.060, 18.225.070, 16.57.015, 43.360.040, 18.50.140, 18.50.150, 77.12.680, 19.146.280, 18.36A.070, 46.09.280, 90.56.120, 90.56.130, 18.210.040, 18.210.070, 70.118.100, 18.200.060, 43.09.430, 43.09.435, 43.09.440, 43.09.445, 43.09.450, 43.09.455, 43.09.460, 17.15.040, 17.21.230, 17.21.240, 17.21.250, 17.21.260, 17.21.270, 70.104.070, 70.104.080, 81.88.140, 42.56.140, 18.140.230, 18.140.240, 18.140.250, 77.95.110, 77.95.120, 17.10.030, 70.95.040, 70.95.050, 70.95.070, 70.105.060, 46.16.705, 46.01.320, 43.60A.180, 46.38.010, 46.38.020, 46.38.030, 46.38.040, 46.38.050, 46.38.060, 46.38.070, 46.38.080, 46.38.090, 70.119A.160, 18.104.190, 46.39.010, 46.39.020, 27.34.360, 27.34.365, 27.34.370, 27.34.375, and 27.34.380; providing effective dates; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

HB 2618 by Representatives Liias, Clibborn, Upthegrove, Simpson, Flannigan, Moeller, Williams, Hasegawa, Chase, Sells, Takko and Ormsby

AN ACT Relating to the regulation and preservation of urban streets through a local option street maintenance utility and allowing the imposition of a charge; amending RCW 82.80.070; adding a new chapter to Title 35 RCW; repealing RCW 82.80.040, 82.80.050, and 82.80.060; and providing an effective date.

Referred to Committee on Transportation.

HB 2619 by Representatives Liias, Roberts, Moeller, Simpson, McCoy, Jacks, Williams, Goodman and Appleton

AN ACT Relating to electronic signaling devices; and adding a new chapter to Title 70 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2620 by Representatives Hunter and Moeller

AN ACT Relating to excise taxation of certain products and services provided or furnished electronically; amending RCW 82.04.190, 82.04.192, 82.04.257, 82.04.2907, 82.04.297, 82.32.080, 35.102.130, 82.08.02082, 82.08.02087, 82.12.02082, 82.12.02087, 82.32.532, and 82.32.533; reenacting and amending RCW 82.04.050 and 82.08.195; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 2621 by Representatives Orwall, Maxwell, Darneille, Morrell and Haigh

AN ACT Relating to designating resource programs for science, technology, engineering, and mathematics instruction in K-12 schools; adding a new section to chapter 28A.630 RCW; and creating a new section.

Referred to Committee on Education.

HB 2622 by Representatives Orwall, Rolfes, Darneille, Pettigrew, Morrell, Hasegawa, Ormsby and Moeller

AN ACT Relating to protecting consumers from unfair practices by establishing criteria for the dissemination of credit and court record information contained in a consumer's tenant screening report; amending RCW 19.182.110; adding new sections to chapter 19.182 RCW; creating new sections; repealing RCW 59.18.257; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 2623 by Representatives Orwall, Miloscia, Darneille, Kirby, Sullivan, Pettigrew, Simpson, Rolfes and Hasegawa

AN ACT Relating to the foreclosure of residential real property; amending RCW 61.24.030, 61.24.031, and 61.24.040; and repealing 2009 c 292 s 13 (uncodified).

Referred to Committee on Judiciary.

HB 2624 by Representatives Kelley, Ericks, Driscoll, Liias, Blake, Finn, O'Brien, Simpson, Orwall, Hurst and Darneille

AN ACT Relating to the interstate compact for adult offender supervision; adding a new section to chapter 9.94A RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services.

HB 2625 by Representatives Kelley, Ericks, Conway, Driscoll, O'Brien, Liias, Blake, Finn, Simpson, Orwall, Morrell and Campbell

AN ACT Relating to bail for felony offenses; adding a new section to chapter 10.19 RCW; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2626 by Representatives Kelley, Conway, Simpson, Morrell and Hurst

AN ACT Relating to a violation of any condition or requirement by an offender; and amending RCW 9.94A.633.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2627 by Representatives Kelley, Green, Miloscia and Kenney

AN ACT Relating to child support order summary report forms; amending RCW 26.18.210 and 26.19.025; and repealing RCW 26.09.173, 26.10.195, and 26.18.210.

Referred to Committee on Judiciary.

HB 2628 by Representatives Kelley, Seaquist, Green, Miloscia, Kenney, Probst, Conway, Kagi, Orwall, Morrell and Hurst

AN ACT Relating to the disposition of remains of persons who died while serving on active duty in any branch of the United States armed forces, United States reserve forces, or national guard; and amending RCW 68.50.160.

Referred to Committee on Judiciary.

HB 2629 by Representatives Kelley, Seaquist, Green, Kenney and Morrell

AN ACT Relating to making corrections to update the law regarding adoption petitions; and amending RCW 26.33.040.

Referred to Committee on Early Learning & Children's Services.

HB 2630 by Representatives Probst, Kenney, Conway, Maxwell, Jacks, White, Simpson, Seaquist, Sells, Goodman, Ormsby and Santos

AN ACT Relating to creating the opportunity express program; amending RCW 28C.04.390; adding new sections to chapter 28B.50 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Higher Education.

HB 2631 by Representatives Probst, Quall, Pettigrew, Orwall, Kenney, Carlyle, Hunt, Jacks, Conway, Simpson, Kagi, Seaquist, White, Miloscia and Ormsby

AN ACT Relating to creating a dropout prevention recognition program; adding new sections to chapter 28A.175 RCW; and creating new sections.

Referred to Committee on Education.

HB 2632 by Representatives Probst, Pettigrew, Green, Simpson, Kenney, Miloscia and Ormsby

AN ACT Relating to expanding the percentage of households living in the middle-income bracket; amending RCW 28C.18.060; reenacting and amending RCW 28C.18.080; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Community & Economic Development & Trade.

HB 2633 by Representatives Seaquist, Short, Pearson, Schmick, Morrell and Kretz

AN ACT Relating to the department of social and health services' audit program for pharmacy payments; amending RCW 74.09.200; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2634 by Representatives Carlyle, Kagi and Morrell

AN ACT Relating to promoting efficiencies including institutional coordination and partnerships in the community and technical college system; amending RCW 28B.50.020, 28B.50.040, and 28B.50.090; adding a new section to chapter 28B.50 RCW; and creating new sections.

Referred to Committee on Higher Education.

HB 2635 by Representatives Carlyle, Orwall, Clibborn, Maxwell, Pettigrew, Ericks, Hunt, Eddy, Appleton, Pedersen, Kenney and Morrell

AN ACT Relating to the use of wireless communications devices while driving; and amending RCW 46.20.055, 46.20.075, 46.61.667, and 46.61.668.

Referred to Committee on Transportation.

HB 2636 by Representatives Santos, Kirby, Nelson and Kenney

AN ACT Relating to money transmitters; and amending RCW 19.230.010, 19.230.020, 19.230.050, 19.230.060, 19.230.070, 19.230.110, 19.230.170, 19.230.180, 19.230.200, 19.230.210, 19.230.320, and 19.230.330.

Referred to Committee on Financial Institutions & Insurance.

HB 2637 by Representatives Hunter and Moeller

AN ACT Relating to local government taxation; amending RCW 82.14.450, 82.14.450, 82.14.460, 82.14.460, 84.55.050, 82.46.035, 82.12.010, and 82.14.230; reenacting and amending RCW 82.46.035; adding a new section to chapter 35.21 RCW; adding a new chapter to Title 36 RCW; providing effective dates; and providing expiration dates.

Referred to Committee on Finance.

HB 2638 by Representatives McCoy, Quall, Eddy, Lias, Moeller, Dickerson, Wallace and Sells

AN ACT Relating to instructional materials provided in a specialized format version; amending RCW 28B.10.916; and creating a new section.

Referred to Committee on Higher Education.

HB 2639 by Representatives Dickerson, Conway, Blake, Carlyle, Armstrong, Pearson, Sells and Springer

AN ACT Relating to exempting pipe tobacco from restrictions on shipping tobacco to consumers in Washington; and amending RCW 70.155.010.

Referred to Committee on Health Care & Wellness.

HB 2640 by Representatives Dickerson, Kagi, Simpson, Kenney, Appleton, Goodman and Ormsby

AN ACT Relating to benefits for mental health services under the crime victims' compensation program; amending RCW 7.68.130; adding a new section to chapter 74.09 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2641 by Representatives Kenney, Maxwell, Hasegawa, Sullivan, Lias, Clibborn, Ericks, Pettigrew, Chase, Conway, Probst, Kelley, Simpson, Sells, Goodman, Hudgins, Morrell and Santos

AN ACT Relating to expanding small business development centers; and amending RCW 19.02.075, 19.02.080, and 28B.30.530.

Referred to Committee on Community & Economic Development & Trade.

HB 2642 by Representatives Kenney, Probst, Maxwell, Ericks, Conway, Hasegawa, Sullivan, Springer, Pettigrew, Chase, Dickerson, White, Carlyle, Chandler, Rolfes, Hunt and Moeller

AN ACT Relating to wine tasting at farmers markets; amending RCW 66.24.170 and 66.28.040; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2643 by Representative Chase

AN ACT Relating to providing better water quality during charitable car washes; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Ecology & Parks.

HB 2644 by Representatives Chase, Morrell and Moeller

AN ACT Relating to providing incentives for the collection and recycling of beverage containers; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Ecology & Parks.

HB 2645 by Representatives Chase, Hasegawa, Flannigan, Williams, Hunt, Conway, Simpson and Ormsby

AN ACT Relating to tax preferences and the public interest; and amending RCW 43.136.011 and 43.136.055.

Referred to Committee on Finance.

HB 2646 by Representatives McCoy, Conway, Green, Hasegawa, Ormsby, Chase, Simpson, Kenney and Roberts

AN ACT Relating to improving administration of wage complaints by defining the limitations period for administrative wage claims through the department of labor and industries, tolling the civil statute of limitations, increasing minimum penalties for violators, creating and affecting waiver of penalties for repeat violators and those with a business practice of disregard for wage law, and providing for wage law violation liability for successor businesses; amending RCW 49.48.082, 49.48.083, 49.48.084, and 49.48.086; adding a new section to chapter 49.48 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2647 by Representatives Conway, Moeller, Williams, Green, White, Appleton, Simpson, Kenney, Hudgins, Morrell, Hunt, Ormsby, Haigh and Roberts

AN ACT Relating to allowing certain individuals to seek part-time employment while maintaining eligibility for unemployment insurance in order to qualify for the unemployment insurance modernization incentive provisions of the American recovery and reinvestment act of 2009; amending RCW 50.04.310, 50.20.119, and 50.20.100; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2648 by Representatives Kenney, Conway, Green, Moeller, Williams, Simpson and White

AN ACT Relating to unemployment insurance penalties and contribution rates for employers who are not "qualified employers"; reenacting and amending RCW 50.29.025; adding a new section to chapter 50.12 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2649 by Representatives Green, Conway, Moeller and Williams

AN ACT Relating to correcting references in RCW 50.29.021(2)(c)(i), (c)(ii), and (3)(e), RCW 50.29.062(2)(b)(i)(B) and (2)(b)(iii), and RCW 50.29.063(1)(b) and (2)(a)(ii) to unemployment insurance statutes concerning employer experience rating accounts and contribution rates; amending RCW 50.29.062 and 50.29.063; reenacting and amending RCW 50.29.021; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2650 by Representatives Springer, Conway, Flannigan, Pettigrew, Dunshee, Ormsby, Appleton, Simpson, Kenney, Ericks and Morrell

AN ACT Relating to providing local flexibility with existing revenues during severe economic downturns; amending RCW 82.46.010, 82.46.035, 82.14.340, 82.14.400, 82.14.450, 82.14.450, 82.14.460, 82.14.460, 9.46.113, and 67.28.1815; reenacting and amending RCW 82.46.035; providing effective dates; and providing expiration dates.

Referred to Committee on Finance.

HB 2651 by Representatives Upthegrove, Orwall, Simpson, Nelson, Hudgins and Hasegawa

AN ACT Relating to the authority of port districts to participate in activities related to job training and placement; and amending RCW 53.08.245.

Referred to Committee on Community & Economic Development & Trade.

HB 2652 by Representatives Darneille, Dunshee, Driscoll, Green, Dickerson and Orwall

AN ACT Relating to the regulation of tanning facilities; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2653 by Representatives Short, Kristiansen and Kretz

AN ACT Relating to eliminating duplication in federal and state greenhouse gas reporting requirements; amending RCW 70.94.151; and creating a new section.

Referred to Committee on Ecology & Parks.

HJM 4020 by Representatives Dickerson, Quall, Darneille, Maxwell, Conway, Simpson, Kagi, Kenney, Carlyle, Rolfes and Moeller

Petitioning Congress to fully fund forty percent of the costs of the federal Individuals with Disabilities Education Act (IDEA).

Referred to Committee on Education Appropriations.

HJM 4021 by Representatives Dickerson, Kirby, Takko, Upthegrove, Conway, Simpson, Kenney, Nelson, Hasegawa and Moeller

Requesting the restriction of executive compensation at financial institutions that received federal bailout funds.

Referred to Committee on Financial Institutions & Insurance.

HJR 4213 by Representatives Hope, Hurst, Ericks, Roach, Angel, Ross, Taylor, McCune, Parker, Klippert, Dammeier, Herrera, Johnson, Smith, Shea, Pearson, Haler, Alexander, Schmick, Crouse, Ericksen, Orcutt, Fagan, Bailey, Chandler, Priest, Short, Hinkle, Campbell, Sells, O'Brien, Kelley, Conway, Simpson, Sullivan, Kristiansen, Kirby, Warnick and Kretz

Adopting the Lakewood Law Enforcement Memorial Act to amend the state Constitution to exempt certain persons charged with a most serious crime from being bailable if proof is evident that the individual is potentially dangerous to other people in the community.

Referred to Committee on Public Safety & Emergency Preparedness.

HJR 4214 by Representatives Kelley, Hope, Hurst, Ericks, Roach, Angel, Klippert, Taylor, McCune, Parker, Herrera, Dammeier, Ross, Johnson, Smith, Shea, Haler, Alexander, Schmick, Crouse, Ericksen, Walsh, Kristiansen, Rodne, Nealey, Short, Priest, Pearson, Williams, Sells, Campbell, Morrell, Maxwell, Conway, Simpson, Sullivan, Rolfes, Green, Kenney, Kirby, Warnick and Miloscia

Adopting the Lakewood Law Enforcement Memorial Act to amend the state Constitution to exempt certain persons charged with a most serious crime from being bailable if proof is evident that the individual is potentially dangerous to other people in the community.

Referred to Committee on Public Safety & Emergency Preparedness.

HJR 4215 by Representatives Haler, Armstrong, Crouse, Klippert, Johnson, Angel, Hope, Alexander, Schmick, McCune, Chandler, Kristiansen, Ericks and Kretz

Amending the state Constitution to require that hydroelectric generation be recognized as a renewable resource.

Referred to Committee on Technology, Energy & Communications.

HJR 4216 by Representatives Moeller, Appleton, Hunt and Ormsby

Eliminating the mandatory retirement age for judges.

Referred to Committee on Judiciary.

HCR 4406 by Representatives Kessler, Kretz and Kirby

Providing for reintroduction of bills from last session.

HCR 4407 by Representatives Kessler, Kretz and Kirby

Calling for a joint session.

SCR 8410 by Senators Brown and Hewitt

Notifying the Governor that the Legislature is ready to conduct business.

SCR 8411 by Senators Brown and Hewitt

Establishing cutoff dates for the 2010 regular session.

There being no objection, the bills, memorials and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE CONCURRENT RESOLUTION NO. 4406, which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4406, by Representatives Kessler and Kretz

Providing for reintroduction of bills from last session.

The concurrent resolution was read the second time.

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

Representatives Kessler and Kretz spoke in favor of the passage of the resolution.

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4406.

HOUSE CONCURRENT RESOLUTION NO. 4406 was adopted.

INTRODUCTION AND FIRST READING

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4407 was read the first time, and under suspension of the rules was placed on the second reading calendar.

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4407, by Representatives Kessler and Kretz

Calling for a joint session.

The concurrent resolution was read the second time.

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

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

The Speaker stated the question before the House to be the adoption of House Concurrent Resolution No. 4407.

HOUSE CONCURRENT RESOLUTION NO. 4407 was adopted.

MESSAGE FROM THE SENATE

January 11, 2010

MR. SPEAKER:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8410,
SENATE CONCURRENT RESOLUTION NO. 8411,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8410 was read the first time, and under suspension of the rules was placed on the second reading calendar.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8410, by Senators Brown and Hewitt

Notifying the Governor that the Legislature is ready to conduct business.

The concurrent resolution was read the second time.

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

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

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8410.

SENATE CONCURRENT RESOLUTION NO. 8410 was adopted.

DELEGATION APPOINTED

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

The Speaker introduced former Secretary of State Ralph Munro. The Speaker introduced his wife, Nancy Long.

SPEAKER'S REMARKS

As we begin this session, I would like to offer a perspective on the work at hand. For weeks now, many people have been saying to me: "What a tough session this will be. What a tough job you must have." I understand this will be a challenging session. I appreciate the hard work each of you will do to represent the people in the people's House.

As legislators, we have many decisions to make, and there are many demands on our time, but let's put our work in perspective. We all understand that our job is not as tough as an emergency room nurse, acting quickly when a life hangs in the balance; a construction worker, tying rebar in the driving rain; a child protective services worker, balancing the needs of too many children; a veteran, returning home with wounds to heal; or a police officer. This became painfully clear when we heard the shocking news on Halloween night, and then again, and again. Soon, this legislature will formally honor our officers, but for now, let us have a moment of silence to remember their sacrifice and the sacrifice of their families.

As we go forward, we need to remember the daily struggles of people across our state. Those who have lost their jobs, spent down their savings, and are relying on unemployment checks and food stamps to make ends meet. The young parents losing sleep, worrying about a sick child, and the bills that will follow. The homeless veteran, coping with a mental illness. To help meet the

challenges facing our people, we must make choices that fuel a smart recovery. To do that, we must build on what we have already achieved.

In national, independent surveys, Washington ranks at or near the top as the best state for starting a business and for doing business. We have the best prospects for future growth and we have the most productive workforce in the nation! What can we do in this economy to build upon that record? We can best position our people for the recovery by providing opportunities in education. We will focus on student success, by beginning to restore resources to our classrooms. Despite our difficult budget, we need to bring reality, not just rhetoric, to our constitutional duty! We will re-define basic education to include early learning, the best investment we can make by providing a smart start for our kids. Early learning is the basis for educational success and we should consider it a fundamental part of basic education. Through Opportunity Pathways, we will provide students at our colleges and universities, with the tools to join in the economic recovery. Now is not the time to make cuts in the state need grants or Opportunity Grants or apprenticeships for our students. This economic challenge can be turned into an Opportunity Express by giving unemployed workers the training for good paying jobs in clean energy, nursing, advanced manufacturing, and other jobs in high demand. The doors to a better future must be kept open! We can create tens of thousands of family wage jobs, while making our schools more energy efficient and productive. We can do this by approving the JOBS Act of 2010. Jobs, opportunities, better schools!

All of this will complement the investments we have made in transportation, which are already employing thousands of workers, and boosting our economic recovery, all across the state. As we work to balance the budget, we cannot slash funding for education, health care, and public safety, and then expect a better future for our people. The people of this state have voted, through five initiatives, to mandate more spending for student achievement, the basic health plan, and care for the elderly and persons with disabilities.

We should also take note, that for many years now, when actions taken by this legislature were referred to the voters, the people sustained us. Whether it was a revenue increase for the Education Legacy Trust Fund, or the largest investment in transportation in state history, or a civil rights law for domestic partners, the people agreed. This session will challenge us to identify priorities and efficiencies. We need a priorities of government process that applies not just to spending, but to our revenue as well. A basic question should always be asked: Is this particular tax incentive, exemption, or loophole more important than funding for schools, health care, and public safety for our people? Our challenge is to balance the budget in a balanced way. Responding to the immediate needs of our people but also investing in the long-term success of the economy and our future. Through Apple Health for Kids, the best children's health program in the nation, we are keeping our promise to make sure that all our children have health care by the end of this year. In order to do well in school, students need to be healthy and ready to learn, every day.

Through a partnership with the federal government, we hope to have the opportunity for new health care remedies, to expand coverage to those without insurance, and prevent economic ruin for thousands of people facing bankruptcy from a health care catastrophe. We will transform a strong thread of our safety net into the Disability Lifeline, to provide just that: a lifeline for tens of thousands of people with disabilities. A majority are battling mental illness, many are homeless, and a large share are veterans who have served our country. These reforms will save lives, save

money, and make "general assistance" more understandable to the general public.

Many of the actions we will take in the next two months, will not receive much attention as the story of the budget is told. But the budget is much more than a table of numbers, it is a moral statement of our concern for those who are struggling and our commitment to giving a fair shake to all people. Despite the challenges before us, I am optimistic about the future, and I am honored to serve with you. When I began my remarks, I mentioned those who have jobs much more difficult than ours, and we remembered those who have given their full measure for the people of our state. The best way to honor them and the people we represent, is to give full measure to our duties. Our job is to serve the people and to lead the way, and we will do so. Let's get to work!

POINT OF PERSONAL PRIVILEGE

Representative DeBolt: "Thank you Mr. Speaker, ladies and gentlemen of the House. Welcome back. A special thanks goes out to the color guard today, they did a phenomenal job, to the prayer, to all the officers of the state that keep us safe. It reminds me that one thing so important is that we live in the greatest country, and we live in the greatest state in the greatest country in the world. We take on challenges everyday in the United States and make it work. We do it without bloodshed and we do it with hard work and with words and compassion that make our country great. As we head into this next couple months, Washington State has some challenges ahead of us. You know last year we heard about Dave, a friend of mine who had to go to work and take a part time job to keep his business afloat. He is still struggling, it's not getting any cheaper for him to do business in Washington State. Our job is to make sure that we can help in the creation of jobs that we can be there as a tool and an advocate for the businesses in Washington State to be better employers. We need to understand that our budget is predicated on people working. I want to repeat that because that seems to be the key for us. Our budget is predicated on people working. What seems to be to me is that we need a plan to put the 170,000 people back to work that have changed our caseload forecast. We need to put the 170,000 people back to work to create what we need in the State of Washington to help our budget. That's what we need. If we keep going down the road of taxes, it's going to make it harder and harder for those businesses to compete. We are not in a global competition anymore. I heard the Governor say in her speech at the AP forum, that Washington State will lag behind the rest of the United States in its recovery and in its taxes. We can't do that, we've got to step up to the plate to make sure that we stay in front. Our competition is Idaho, our competition is Oregon, our competition is South Carolina. We have got to do what we can to make sure the citizens of Washington State have an opportunity to work their way through the crisis that they are in. You know, we have to have three things to be successful, and Mr. Speaker we've heard you say these, but we agree that we have to have a strong education system. We have to have a healthy environment and thirdly we have to have a strong business climate to pay for those first two things. We have lost sight of that I think in Olympia and so as we move forward this year I ask everybody to talk to yourself about when you're running a bill, what does this do to bring those 170,000 jobs back? What does it do to help put Dave back to work? What's it do to help our neighbors to get through the crisis that they are facing. We've got to help them be successful and only then can they help us to be successful in Olympia. You know, I mean, I know you hear it, I hear it and it's a little disheartening when people talk about the politicians coming back to Olympia, it's not with kindness that they say this. You know, we always hear

people fear the fact that we're in town right now and that they don't trust us to make the right decisions, so we've got to be transparent and we've got to be open and we've got to show them what we're doing to solve their problems at their kitchen table. You know, as we do this, I want to remember that we all have families at home, we're all stressed, this is going to be a hard session. I think this is going to be one of the toughest ones we've faced. It's a sizable deficit, we know that the decisions that we make this year will have an impact on what we face coming into the next session. That budget deficit is getting bigger, talk about 9 billion dollars in the next biennium. That is daunting, so remember as we go through this that you have to look to your family and you have to look to your compatriots to give you the support you need to get through the heavy task that we have before us. I guess for me as I watch, Washington State has a proud history, in natural resource management and manufacturing and that is gone. You see all of the communities that are suffering that had natural resource based economies. We see our timber leaving as raw material, we're not manufacturing anymore. Made in Washington used to mean something, and I think with this legislature and all of us working together we can make Made in Washington mean something again. I believe if you take a proactive approach we can give you a plan in 18 months that will put those people back to work. We need to start today and we have an opportunity, we have put together a plan we would love to share with you Mr. Speaker, we've shared with the Governor that we think we have some bills that will help change it, and that we can do the right things and we can help guide your budget process and make good decisions for the people of the State of Washington. We're looking forward to this session, we look forward to the challenges, and we thank you for your time.

The Sergeant at Arms announced that the delegates to the Governor's Office had returned. The delegates were escorted to the rostrum and Representatives Finn and Nealey reported to the body.

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

INTRODUCTION AND FIRST READING

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8411 was read the first time, and under suspension of the rules was placed on the second reading calendar.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8411, by Senators Brown and Hewitt

Establishing cutoff dates for the 2010 regular session.

The concurrent resolution was read the second time.

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

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

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8411.

SENATE CONCURRENT RESOLUTION NO. 8411 was adopted.

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

There being no objection, the Committee on Rules was relieved of the following bills which were referred to the committees so designated:

SUBSTITUTE HOUSE BILL NO. 1001	Committee on Judiciary
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009	Committee on Technology, Energy & Communications
HOUSE BILL NO. 1015	Committee on Commerce & Labor
HOUSE BILL NO. 1016	Committee on State Government & Tribal Affairs
HOUSE BILL NO. 1019	Committee on State Government & Tribal Affairs
HOUSE BILL NO. 1024	Committee on State Government & Tribal Affairs
HOUSE BILL NO. 1029	Committee on State Government & Tribal Affairs
HOUSE BILL NO. 1035	Committee on State Government & Tribal Affairs
HOUSE BILL NO. 1037	Committee on Transportation
HOUSE BILL NO. 1040	Committee on Commerce & Labor
HOUSE BILL NO. 1051	Committee on State Government & Tribal Affairs
SUBSTITUTE HOUSE BILL NO. 1060	Committee on Local Government & Housing
HOUSE BILL NO. 1075	Committee on Education
SUBSTITUTE HOUSE BILL NO. 1079	Committee on Local Government & Housing
SUBSTITUTE HOUSE BILL NO. 1085	Committee on Health Care & Wellness
HOUSE BILL NO. 1089	Committee on Finance
SECOND SUBSTITUTE HOUSE BILL NO. 1095	Committee on Education
SUBSTITUTE HOUSE BILL NO. 1098	Committee on Ways & Means
HOUSE BILL NO. 1101	Committee on Early Learning & Children's Services
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131	Committee on Education
HOUSE BILL NO. 1132	Committee on Judiciary
SUBSTITUTE HOUSE BILL NO. 1135	Committee on Ecology & Parks
HOUSE BILL NO. 1147	Committee on Finance
HOUSE BILL NO. 1149	Committee on Financial Institutions & Insurance
HOUSE BILL NO. 1150	Committee on Judiciary
SUBSTITUTE HOUSE BILL NO. 1152	Committee on Transportation
HOUSE BILL NO. 1159	Committee on Judiciary
HOUSE BILL NO. 1171	Committee on Agriculture & Natural Resources
HOUSE BILL NO. 1204	Committee on Judiciary
HOUSE BILL NO. 1212	Committee on Commerce & Labor
HOUSE BILL NO. 1219	Committee on State Government & Tribal Affairs
HOUSE BILL NO. 1226	Committee on Human Services
HOUSE BILL NO. 1235	Committee on Higher Education
SUBSTITUTE HOUSE BILL NO. 1250	Committee on Capital Budget
ENGROSSED HOUSE BILL NO. 1251	Committee on Judiciary
HOUSE BILL NO. 1263	Committee on Human Services
HOUSE BILL NO. 1276	Committee on Commerce & Labor
SUBSTITUTE HOUSE BILL NO. 1304	Committee on Finance
HOUSE BILL NO. 1310	Committee on Financial Institutions & Insurance
HOUSE BILL NO. 1312	Committee on Higher Education
HOUSE BILL NO. 1314	Committee on Transportation
HOUSE BILL NO. 1315	Committee on Commerce & Labor
SUBSTITUTE HOUSE BILL NO. 1321	Committee on Technology, Energy & Communications
HOUSE BILL NO. 1331	Committee on Judiciary
SUBSTITUTE HOUSE BILL NO. 1357	Committee on Health Care & Wellness
HOUSE BILL NO. 1359	Committee on Commerce & Labor
HOUSE BILL NO. 1363	Committee on State Government & Tribal Affairs
HOUSE BILL NO. 1364	Committee on State Government & Tribal Affairs
SUBSTITUTE HOUSE BILL NO. 1369	Committee on Local Government & Housing
SUBSTITUTE HOUSE BILL NO. 1371	Committee on Transportation
HOUSE BILL NO. 1374	Committee on Capital Budget
HOUSE BILL NO. 1384	Committee on Capital Budget
HOUSE BILL NO. 1389	Committee on Commerce & Labor
HOUSE BILL NO. 1403	Committee on Transportation
HOUSE BILL NO. 1404	Committee on State Government & Tribal Affairs
SUBSTITUTE HOUSE BILL NO. 1408	Committee on Judiciary
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1409	Committee on Ecology & Parks
HOUSE BILL NO. 1417	Committee on Judiciary
SUBSTITUTE HOUSE BILL NO. 1418	Committee on Education
HOUSE BILL NO. 1422	Committee on Finance
SECOND SUBSTITUTE HOUSE BILL NO. 1429	Committee on Human Services
SECOND SUBSTITUTE HOUSE BILL NO. 1450	Committee on Education
HOUSE BILL NO. 1454	Committee on Capital Budget
HOUSE BILL NO. 1456	Committee on Local Government & Housing

ENGROSSED HOUSE BILL NO. 1460	Committee on Health Care & Wellness
HOUSE BILL NO. 1462	Committee on Commerce & Labor
HOUSE BILL NO. 1463	Committee on Finance
HOUSE BILL NO. 1469	Committee on Environmental Health
HOUSE BILL NO. 1482	Committee on Agriculture & Natural Resources
HOUSE BILL NO. 1483	Committee on Agriculture & Natural Resources
HOUSE BILL NO. 1489	Committee on Agriculture & Natural Resources
HOUSE BILL NO. 1491	Committee on Transportation
HOUSE BILL NO. 1493	Committee on Health Care & Wellness
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496	Committee on Public Safety & Emergency Preparedness
HOUSE BILL NO. 1500	Committee on Transportation
HOUSE BILL NO. 1504	Committee on Transportation
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514	Committee on Health Care & Wellness
HOUSE BILL NO. 1541	Committee on Ways & Means
HOUSE BILL NO. 1542	Committee on Ways & Means
HOUSE BILL NO. 1543	Committee on Ways & Means
HOUSE BILL NO. 1544	Committee on Ways & Means
HOUSE BILL NO. 1546	Committee on Ways & Means
ENGROSSED HOUSE BILL NO. 1547	Committee on Ways & Means
HOUSE BILL NO. 1550	Committee on Ways & Means
SUBSTITUTE HOUSE BILL NO. 1554	Committee on Commerce & Labor
HOUSE BILL NO. 1561	Committee on Local Government & Housing
HOUSE BILL NO. 1563	Committee on Financial Institutions & Insurance
SUBSTITUTE HOUSE BILL NO. 1564	Committee on Financial Institutions & Insurance
SUBSTITUTE HOUSE BILL NO. 1572	Committee on State Government & Tribal Affairs
SUBSTITUTE HOUSE BILL NO. 1575	Committee on Transportation
HOUSE BILL NO. 1584	Committee on Ecology & Parks
HOUSE BILL NO. 1591	Committee on Transportation
SUBSTITUTE HOUSE BILL NO. 1595	Committee on Agriculture & Natural Resources
SUBSTITUTE HOUSE BILL NO. 1597	Committee on Finance
HOUSE BILL NO. 1598	Committee on State Government & Tribal Affairs
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1614	Committee on Capital Budget
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1618	Committee on Capital Budget
HOUSE BILL NO. 1634	Committee on Commerce & Labor
HOUSE BILL NO. 1639	Committee on Local Government & Housing
HOUSE BILL NO. 1644	Committee on Judiciary
HOUSE BILL NO. 1646	Committee on Education
SUBSTITUTE HOUSE BILL NO. 1647	Committee on Health Care & Wellness
HOUSE BILL NO. 1667	Committee on Finance
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1669	Committee on Financial Institutions & Insurance
HOUSE BILL NO. 1677	Committee on Transportation
ENGROSSED HOUSE BILL NO. 1679	Committee on Ways & Means
SUBSTITUTE HOUSE BILL NO. 1683	Committee on Judiciary
HOUSE BILL NO. 1691	Committee on Environmental Health
HOUSE BILL NO. 1695	Committee on Public Safety & Emergency Preparedness
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1698	Committee on Technology, Energy & Communications
HOUSE BILL NO. 1700	Committee on Technology, Energy & Communications
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1703	Committee on Health Care & Wellness
HOUSE BILL NO. 1704	Committee on Commerce & Labor
HOUSE BILL NO. 1707	Committee on Judiciary
HOUSE BILL NO. 1708	Committee on Agriculture & Natural Resources
HOUSE BILL NO. 1710	Committee on Finance
HOUSE BILL NO. 1713	Committee on Health Care & Wellness
HOUSE BILL NO. 1722	Committee on Ways & Means
HOUSE BILL NO. 1727	Committee on Judiciary
ENGROSSED HOUSE BILL NO. 1728	Committee on Local Government & Housing
HOUSE BILL NO. 1744	Committee on Local Government & Housing
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1747	Committee on Technology, Energy & Communications
HOUSE BILL NO. 1753	Committee on State Government & Tribal Affairs
HOUSE BILL NO. 1757	Committee on Education Appropriations
HOUSE BILL NO. 1760	Committee on Local Government & Housing
SUBSTITUTE HOUSE BILL NO. 1761	Committee on State Government & Tribal Affairs
SECOND SUBSTITUTE HOUSE BILL NO. 1762	Committee on Education
HOUSE BILL NO. 1767	Committee on Finance
HOUSE BILL NO. 1771	Committee on Judiciary
SUBSTITUTE HOUSE BILL NO. 1774	Committee on Ways & Means

HOUSE BILL NO. 1775	Committee on Transportation
SUBSTITUTE HOUSE BILL NO. 1776	Committee on Ways & Means
HOUSE BILL NO. 1786	Committee on Commerce & Labor
HOUSE BILL NO. 1796	Committee on Public Safety & Emergency Preparedness
HOUSE BILL NO. 1799	Committee on Environmental Health
HOUSE BILL NO. 1801	Committee on Commerce & Labor
SUBSTITUTE HOUSE BILL NO. 1802	Committee on Transportation
HOUSE BILL NO. 1818	Committee on Finance
HOUSE BILL NO. 1819	Committee on Ecology & Parks
HOUSE BILL NO. 1854	Committee on Technology, Energy & Communications
SUBSTITUTE HOUSE BILL NO. 1864	Committee on State Government & Tribal Affairs
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1889	Committee on Education
SUBSTITUTE HOUSE BILL NO. 1914	Committee on Ways & Means
HOUSE BILL NO. 1916	Committee on State Government & Tribal Affairs
HOUSE BILL NO. 1920	Committee on State Government & Tribal Affairs
HOUSE BILL NO. 1931	Committee on Finance
HOUSE BILL NO. 1940	Committee on Ways & Means
HOUSE BILL NO. 1950	Committee on Finance
HOUSE BILL NO. 1969	Committee on Education Appropriations
HOUSE BILL NO. 1971	Committee on Education
HOUSE BILL NO. 1975	Committee on Local Government & Housing
SUBSTITUTE HOUSE BILL NO. 1981	Committee on Finance
SECOND SUBSTITUTE HOUSE BILL NO. 1985	Committee on Health Care & Wellness
HOUSE BILL NO. 1994	Committee on Technology, Energy & Communications
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996	Committee on Technology, Energy & Communications
HOUSE BILL NO. 2004	Committee on Health Care & Wellness
SUBSTITUTE HOUSE BILL NO. 2010	Committee on Capital Budget
HOUSE BILL NO. 2016	Committee on State Government & Tribal Affairs
HOUSE BILL NO. 2020	Committee on Local Government & Housing
ENGROSSED HOUSE BILL NO. 2044	Committee on Transportation
HOUSE BILL NO. 2051	Committee on Finance
SUBSTITUTE HOUSE BILL NO. 2068	Committee on Health Care & Wellness
HOUSE BILL NO. 2083	Committee on Ecology & Parks
HOUSE BILL NO. 2089	Committee on Ecology & Parks
HOUSE BILL NO. 2107	Committee on Early Learning & Children's Services
HOUSE BILL NO. 2109	Committee on Ecology & Parks
SECOND SUBSTITUTE HOUSE BILL NO. 2113	Committee on Education
SECOND SUBSTITUTE HOUSE BILL NO. 2114	Committee on Health Care & Wellness
HOUSE BILL NO. 2115	Committee on Public Safety & Emergency Preparedness
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116	Committee on Capital Budget
HOUSE BILL NO. 2117	Committee on Health Care & Wellness
HOUSE BILL NO. 2118	Committee on Higher Education
ENGROSSED HOUSE BILL NO. 2138	Committee on Local Government & Housing
HOUSE BILL NO. 2142	Committee on Capital Budget
SUBSTITUTE HOUSE BILL NO. 2147	Committee on Education
HOUSE BILL NO. 2162	Committee on Commerce & Labor
HOUSE BILL NO. 2164	Committee on Early Learning & Children's Services
SECOND SUBSTITUTE HOUSE BILL NO. 2167	Committee on Education
HOUSE BILL NO. 2185	Committee on Technology, Energy & Communications
HOUSE BILL NO. 2188	Committee on Human Services
SUBSTITUTE HOUSE BILL NO. 2198	Committee on Transportation
HOUSE BILL NO. 2249	Committee on Finance
HOUSE BILL NO. 2250	Committee on Finance
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2252	Committee on Finance
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2267	Committee on Ways & Means
HOUSE BILL NO. 2271	Committee on Transportation
SUBSTITUTE HOUSE BILL NO. 2275	Committee on Finance
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2278	Committee on Finance
HOUSE BILL NO. 2281	Committee on Finance
HOUSE BILL NO. 2283	Committee on Finance
HOUSE BILL NO. 2291	Committee on Ways & Means
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2295	Committee on Health & Human Services Appropriations
HOUSE BILL NO. 2297	Committee on Capital Budget
HOUSE BILL NO. 2300	Committee on Ways & Means
HOUSE BILL NO. 2308	Committee on Education
HOUSE BILL NO. 2315	Committee on Agriculture & Natural Resources

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2318	Committee on Higher Education
HOUSE BILL NO. 2323	Committee on Finance
HOUSE BILL NO. 2326	Committee on Transportation
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338	Committee on Ways & Means
HOUSE BILL NO. 2348	Committee on Ways & Means
HOUSE BILL NO. 2376	Committee on Ways & Means
HOUSE JOINT MEMORIAL NO. 4001	Committee on State Government & Tribal Affairs
HOUSE JOINT MEMORIAL NO. 4002	Committee on Education
HOUSE JOINT MEMORIAL NO. 4003	Committee on State Government & Tribal Affairs
HOUSE CONCURRENT RESOLUTION NO. 4403	Committee on Higher Education
HOUSE CONCURRENT RESOLUTION NO. 4404	Committee on Higher Education

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

COMMITTEE APPOINTMENTS

The Speaker announced the following committee appointments:

Representative Richard DeBolt - appointed to Local Government & Housing and removed from Audit Review and Oversight.

Representative Jeannie Darneille - appointed to Human Services.

Representative Doug Ericksen - removed from Health and Human Services Appropriations.

Representative Susan Fagan - appointed to Audit Review and Oversight, Education, Local Government & Housing and Health and Human Services Appropriations.

Representative Fred Finn - appointed Vice Chair of Technology, Energy and Communications.

Representative Jaime Herrera - appointed to Human Services and removed from Technology, Energy and Communications.

Representative Bill Hinkle - appointed to Technology, Energy and Communications and removed from Local Government & Housing and General Government Appropriations.

Representative Brad Klippert - appointed to General Government Appropriations and removed from Human Services.

Representative Marcie Maxwell - appointed Vice Chair of Education.

Representative Dawn Morrell - appointed to Capital Budget and removed from Human Services.

Representative Terry Nealey - appointed to Education Appropriations, Technology, Energy and Communications, and Transportation.

Representative Timm Ormsby - appointed Vice Chair of Agriculture & Natural Resources.

Representative Tim Probst - appointed Vice Chair of Education Appropriations and is removed as Vice Chair of Education.

Representative Christine Rolfes - appointed to Agriculture & Natural Resources.

Representative Pat Sullivan - appointed Vice Chair of Ways and Means and removed as Vice Chair of Education Appropriations.

On motion of Representative Kessler, the House adjourned until 9:55 a.m., January 12, 2010, the 2nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - REGULAR SESSION

SECOND DAY

House Chamber, Olympia, Tuesday, January 12, 2010

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

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

MESSAGES FROM THE SENATE

January 11, 2010

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4406
HOUSE CONCURRENT RESOLUTION NO. 4407

and the same are herewith transmitted.

Thomas Hoemann, Secretary

January 11, 2010

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8410
SENATE CONCURRENT RESOLUTION NO. 8411

and the same are herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

HOUSE CONCURRENT RESOLUTION NO. 4406
HOUSE CONCURRENT RESOLUTION NO. 4407
SENATE CONCURRENT RESOLUTION NO. 8410
SENATE CONCURRENT RESOLUTION NO. 8411

The Speaker called upon Representative Morris to preside.

INTRODUCTION AND FIRST READING

HB 2654 by Representatives Wallace, Seaquist, Probst, Quall, Ormsby, Simpson, Kelley and Anderson

AN ACT Relating to providing for elementary math specialists; amending RCW 28A.150.260; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.410 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 2655 by Representatives Wallace, Seaquist, Anderson, Maxwell and Kessler

AN ACT Relating to expanding the higher education system upon proven demand; amending RCW 28B.50.020, 28B.50.810, 28B.76.020, 28B.76.230, 28B.120.005, 28B.120.010, and 28B.120.020; and creating a new section.

Referred to Committee on Higher Education.

HB 2656 by Representative Hinkle

AN ACT Relating to biennial regular sessions of the legislature; amending RCW 44.04.010, 44.04.200, 34.05.610, 40.04.090, 44.55.020, and 47.01.071; and providing a contingent effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 2657 by Representative Pedersen

AN ACT Relating to the dissolution of limited liability companies; amending RCW 25.15.070, 25.15.085, 25.15.293, 25.15.295, and 25.15.303; and adding a new section to chapter 25.15 RCW.

Referred to Committee on Judiciary.

HB 2658 by Representatives Kenney, Maxwell, McCoy and Morrell

AN ACT Relating to refocusing the mission of the department of commerce, including transferring programs; amending RCW 70.05.125, 43.270.020, 43.270.070, 43.270.080, 43.330.210, 43.330.240, 82.14.400, 43.63A.305, 43.63A.307, 43.63A.311, 43.63A.313, 9.94A.8673, 43.63A.720, 43.63A.735, 43.280.011, 43.280.020, 43.280.060, 43.280.070, 43.280.080, 43.280.090, 74.14B.060, 80.50.030, 43.190.030, 43.190.120, 19.27.070, 19.27.150, 19.27A.020, 19.27A.140, 19.27A.150, 19.27A.180, 43.21F.010, 43.21F.090, 36.27.100, 43.110.030, 43.110.060, 43.110.080, 43.15.020, 35.21.185, 35.102.040, and 36.70B.220; reenacting and amending RCW 70.125.030; adding new sections to chapter 43.70 RCW; adding new sections to chapter 43.20A RCW; adding a new section to chapter 43.21F RCW; creating new sections; recodifying RCW 43.330.195, 43.330.200, 43.330.205, 43.330.210, 43.330.220, 43.330.225, 43.330.230, 43.330.240, 43.63A.305, 43.63A.307, 43.63A.309, 43.63A.311, 43.63A.313, 43.63A.315, 43.63A.720, 43.63A.725, 43.63A.730, 43.63A.735, and 43.63A.740; decodifying RCW 43.280.081 and 43.63A.150; repealing RCW 43.21F.015, 43.21F.055, 43.110.010, 43.110.040, and 43.110.070; and providing an effective date.

Referred to Committee on Community & Economic Development & Trade.

HB 2659 by Representatives Ormsby, Orcutt, Blake, Smith, Sullivan and Van De Wege

AN ACT Relating to modifying reporting requirements for timber purchases; amending RCW 84.33.088; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2660 by Representatives Hope, O'Brien, Klippert, Condotta, Pearson, Roach, Simpson, Campbell, Kelley, McCune, Morrell and Warnick

AN ACT Relating to establishing the crime of rendering aggravated criminal assistance in the first degree involving murder in the first degree of a peace officer; amending RCW 9A.76.050; adding a new section to chapter 9A.76 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2661 by Representatives Hudgins, Hunt, Kenney and Morrell

AN ACT Relating to the plant operations support program; adding a new section to chapter 28B.30 RCW; and repealing RCW 43.82.160.

Referred to Committee on Technology, Energy & Communications.

HB 2662 by Representatives Kelley, McCune, Warnick, Green, Rolfes, Campbell and Morrell

AN ACT Relating to conforming certain manufactured/mobile home dispute resolution program definitions with certain manufactured/mobile home landlord-tenant act definitions; and amending RCW 59.30.020.

Referred to Committee on Judiciary.

HB 2663 by Representatives Kelley, Warnick and Green

AN ACT Relating to aquatic lands lease rates for marinas; amending RCW 79.105.060 and 79.105.240; adding new sections to chapter 79.105 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Ecology & Parks.

HB 2664 by Representatives Roberts, Liias, McCune, O'Brien and Warnick

AN ACT Relating to supported living vendor rates; adding a new section to chapter 71A.10 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services.

HB 2665 by Representative Seaquist

AN ACT Relating to work performed by state forces on ferry vessels or terminals; and amending RCW 47.28.030.

Referred to Committee on Transportation.

HB 2666 by Representatives Chandler and Warnick

AN ACT Relating to enhancing economic vitality in rural areas by clarifying when certain waters of the state may be removed from additional appropriations; and reenacting and amending RCW 90.54.050.

Referred to Committee on Agriculture & Natural Resources.

HB 2667 by Representatives Chandler, Simpson, Kelley and Warnick

AN ACT Relating to communications during a forest fire response; and amending RCW 76.04.015 and 43.43.963.

Referred to Committee on Agriculture & Natural Resources.

HB 2668 by Representative Chandler

AN ACT Relating to reflecting the impact on property values of governmental restrictions that prevent the property owner from exercising certain groundwater rights; adding a new section to chapter 84.40 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2669 by Representatives Hinkle, Shea, Warnick, Johnson, Pearson, Dammeier, McCune and Bailey

AN ACT Relating to adopting the Washington state health care freedom act of 2010; and adding new sections to chapter 48.44 RCW.

HELD ON FIRST READING.

HB 2670 by Representatives Haigh, Ericks, Quall, Sullivan, Kenney, Maxwell, Simpson, Priest, Dammeier and Kagi

AN ACT Relating to restoring the school district levy base; amending RCW 84.52.0531; amending 2006 c 119 s 3 (uncodified); amending 2009 c 4 s 909 (uncodified); creating a new section; and providing an expiration date.

Referred to Committee on Education Appropriations.

HB 2671 by Representatives Hurst, McCune, Carlyle and Orcutt

AN ACT Relating to the licensing of locksmiths; reenacting and amending RCW 18.235.020 and 43.24.150; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2672 by Representatives Linville, Ericksen, Quall, Morris, Armstrong, Williams, Condotta, Simpson, Van De Wege and Conway

AN ACT Relating to tax relief for aluminum smelters; amending RCW 82.04.2909, 82.04.4481, 82.08.805, 82.12.805, 82.12.022, and 82.32.570; and providing an expiration date.

Referred to Committee on Finance.

HB 2673 by Representatives Williams, Liias, Chase, Cody, Green, Hasegawa, Jacks, Dunshee, Ericks, Kenney, Simpson, Moeller, Campbell and Morrell

AN ACT Relating to insurance coverage of the sales tax for prescribed durable medical equipment and mobility enhancing equipment; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 2674 by Representatives Priest, Dammeier, Haler, Roach, Rolfes and McCune

AN ACT Relating to requiring certain annexation ordinances be subject to referendum; and amending RCW 35.13.238 and 35A.14.480.

Referred to Committee on Local Government & Housing.

HB 2675 by Representatives Haigh and Dammeier

AN ACT Relating to an alternative process for selecting an electrical contractor or a mechanical contractor, or both, for general contractor/construction manager projects; and adding a new section to chapter 39.10 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2676 by Representatives Chase and Simpson

AN ACT Relating to energy conservation loans; and amending RCW 54.16.280 and 87.03.017.

Referred to Committee on Technology, Energy & Communications.

HB 2677 by Representatives Chase and Simpson

AN ACT Relating to water conservation loans; and amending RCW 35.92.017, 36.94.460, and 57.08.160.

Referred to Committee on Technology, Energy & Communications.

HB 2678 by Representatives Quall, Priest, Simpson, Sullivan and Conway

AN ACT Relating to modifying distributions of funds by the horse racing commission to nonprofit race meets; and amending RCW 67.16.105.

Referred to Committee on Commerce & Labor.

HB 2679 by Representatives Bailey, Seaquist and Anderson

AN ACT Relating to delaying benefit increases until the creation of a state retirement system risk analysis system; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Ways & Means.

HB 2680 by Representatives Roberts, Kagi, Angel, Seaquist, Walsh, Maxwell and Kenney

AN ACT Relating to implementing a guardianship program; amending RCW 13.34.232 and 13.34.234; reenacting and

amending RCW 13.34.030 and 13.34.210; adding a new section to chapter 13.34 RCW; adding a new section to chapter 74.13 RCW; adding a new chapter to Title 13 RCW; creating a new section; and repealing RCW 13.34.230, 13.34.231, 13.34.236, and 13.34.238.

Referred to Committee on Early Learning & Children's Services.

HB 2681 by Representatives Goodman, Rodne and Kelley

AN ACT Relating to allowing compensation for part-time judges' judicial services; and amending RCW 3.34.140.

Referred to Committee on Judiciary.

HB 2682 by Representative Kenney

AN ACT Relating to approving propositions sent to the voters by certain public facilities districts; and amending RCW 35.57.010.

Referred to Committee on Community & Economic Development & Trade.

HB 2683 by Representatives Kenney, Smith, Probst, Maxwell, Ericks, Sullivan, Pettigrew, Kelley, White, Johnson, Hasegawa, Liias, Sells, Nelson and Anderson

AN ACT Relating to the economic development commission; amending RCW 43.162.005, 43.162.010, 43.162.015, 43.162.020, 43.162.025, and 43.162.030; and adding a new section to chapter 43.162 RCW.

Referred to Committee on Community & Economic Development & Trade.

HB 2684 by Representatives Kenney, Sullivan, Liias, Hasegawa, Simpson, Nelson, Goodman and Chase

AN ACT Relating to establishing opportunity centers at community colleges; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

HB 2685 by Representatives Rolfes, Upthegrove, Simpson, Nelson, Williams and Chase

AN ACT Relating to the Puget Sound partnership leadership council; and amending RCW 90.71.230.

Referred to Committee on Ecology & Parks.

HB 2686 by Representatives Driscoll, Hinkle, Condotta, Moeller and Goodman

AN ACT Relating to fees for dental services that are not covered services under dental insurance or dental health care service contracts; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; and adding a new section to chapter 48.44 RCW.

Referred to Committee on Health Care & Wellness.

HB 2687 by Representatives Kagi, Haler, Roberts, Walsh, Goodman, Dickerson, Maxwell, Clibborn, Seaquist, Green, Haigh, Johnson, Kenney, Moeller and Nelson

AN ACT Relating to creating the home visiting services account; adding a new section to chapter 43.215 RCW; and making appropriations.

Referred to Committee on Early Learning & Children's Services.

HB 2688 by Representatives Hunter, Condotta, Chandler, Green, Moeller, Williams, Carlyle, Springer and Conway

AN ACT Relating to creating a beer and wine tasting endorsement to the grocery store liquor license; reenacting and amending RCW 66.20.310 and 66.20.300; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

HB 2689 by Representatives Goodman, Maxwell, Kenney and Kelley

AN ACT Relating to modifying agency relationship provisions to clarify broker and licensee terms; and amending RCW 18.86.010, 18.86.020, 18.86.040, 18.86.050, 18.86.060, 18.86.080, 18.86.090, 18.86.100, and 18.86.120.

Referred to Committee on Commerce & Labor.

HB 2690 by Representatives Kristiansen, Blake, Klippert, Ericks, Hope, O'Brien, Pearson, Bailey, Rodne, Shea, Kretz, Roach, Sullivan, Campbell, Kelley, McCune, Morrell, Kessler, Warnick and Hurst

AN ACT Relating to prohibiting the use of voluntary intoxication as a defense against a criminal charge; amending RCW 9A.16.090 and 9A.08.010; adding a new section to chapter 9A.16 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2691 by Representatives DeBolt, Kretz, Haler, Taylor, Walsh, Kristiansen, Ross, Hope, Condotta, Pearson and McCune

AN ACT Relating to suspending the growth management act in counties with significant and persistent unemployment; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

HB 2692 by Representatives Taylor, Angel, Short, Shea, Haler, DeBolt, Kretz, Johnson, Bailey, Ross, Hope and McCune

AN ACT Relating to the growth management hearings boards; amending RCW 36.70A.130, 36.70A.172, 36.70A.250, 36.70A.260, 36.70A.270, 36.70A.280, 36.70A.290, 36.70A.295, 36.70A.302, 36.70A.310, 36.70A.3201, 36.70A.345, 90.58.190, 34.05.518, and 34.12.020; adding a new section to chapter 36.70A RCW; reenacting and amending RCW 36.70A.110; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2693 by Representatives Sells and Simpson

AN ACT Relating to compensating auto theft victims for towing and impound fees; amending RCW 46.55.120; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2694 by Representatives Sells, White, McCoy, Kenney, Ericks, O'Brien, Roberts and Chase

AN ACT Relating to a bachelor of science in nursing program at the University Center; adding a new section to chapter 28B.50 RCW; creating a new section; and providing an effective date.

Referred to Committee on Higher Education.

HB 2695 by Representatives Takko, Kessler, Walsh, Rodne, Bailey, Roach, Anderson and Morrell

AN ACT Relating to an online insurance verification system; adding new sections to chapter 46.30 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 2696 by Representatives Blake, Takko, Chandler, Lias, Kretz, Dunshee, Kristiansen, Williams and McCune

AN ACT Relating to developing a process for the department of fish and wildlife for proposing a new permit-only salmonid fishery for the Columbia river that promotes the harvest of hatchery-origin fish by utilizing fishing gear designed to maximize the harvest of hatchery- origin fish while minimizing the mortality to wild fish listed under the federal endangered species act; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2697 by Representatives Conway and Condotta

AN ACT Relating to real estate broker licensure fees; amending RCW 18.85.451, 18.85.461, and 18.85.471; providing an effective date; and providing expiration dates.

Referred to Committee on Commerce & Labor.

HB 2698 by Representatives Roach and Hurst

AN ACT Relating to notice requirements for landlords of manufactured/mobile homes with stick-built garages and raised ridgelines; amending RCW 59.20.030 and 59.20.080; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Judiciary.

HB 2699 by Representatives Miloscia and Green

AN ACT Relating to improving government; amending RCW 82.08.020, 82.08.020, and 82.12.0201; adding a new section to chapter 43.09 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

HB 2700 by Representatives Miloscia, Finn, Green, Hasegawa, Rolfes, Simpson, Kelley and Williams

AN ACT Relating to disclosure of political contributions by persons awarded sole source state contracts; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2701 by Representative Taylor

AN ACT Relating to the time of commencement of regular legislative sessions; and amending RCW 44.04.010.

Referred to Committee on State Government & Tribal Affairs.

HB 2702 by Representatives Takko, Blake and Orcutt

AN ACT Relating to ballot title information; and amending RCW 29A.36.071, 29A.36.210, 84.52.054, and 84.55.050.

Referred to Committee on State Government & Tribal Affairs.

HB 2703 by Representatives Takko, Haler, Blake, Herrera, Liias, Hurst, Klippert, Schmick, Smith, Pearson, Sullivan, Van De Wege, Williams, Dammeier, McCune, Conway, Morrell and Campbell

AN ACT Relating to protecting sport shooting ranges; adding a new section to chapter 9.41 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2704 by Representatives Takko, Hinkle, Appleton, Haler, Rolfes, Van De Wege, Quall, Warnick and Morris

AN ACT Relating to transferring the Washington main street program to the department of archaeology and historic preservation; amending RCW 35.100.020, 43.360.010, and 82.73.050; reenacting and amending RCW 82.73.010; creating a new section; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 2705 by Representatives Cody, Kagi, White, Kenney and Moeller

AN ACT Relating to the right to control the disposition of human remains; and amending RCW 68.50.160.

Referred to Committee on Judiciary.

HB 2706 by Representatives Cody, Bailey, Driscoll, Johnson, Morrell, Hinkle, Green and Kenney

AN ACT Relating to exemption from immunization; and amending RCW 28A.210.090.

Referred to Committee on Health Care & Wellness.

HB 2707 by Representatives Simpson, Angel, Finn and Kretz

AN ACT Relating to the method of calculating public utility district commissioner compensation; and amending RCW 54.12.080.

Referred to Committee on Local Government & Housing.

HB 2708 by Representatives Shea, Condotta, Kristiansen, Haler, Klippert, Herrera, Taylor, Short, Kretz, McCune, Crouse, Rodne, Hinkle, Parker, Dammeier, Ross, Angel, Bailey, Roach, Orcutt, Schmick, Fagan, Smith, Pearson and Warnick

AN ACT Relating to adopting the Washington state energy freedom act of 2010 and requiring express legislative authorization for any greenhouse gas or motor vehicle fuel economy program; adding new sections to chapter 70.235 RCW; and creating new sections.

HELD ON FIRST READING.

HB 2709 by Representatives Shea, Ross, Kristiansen, Haler, Klippert, Taylor, McCune, Short, Hinkle, Crouse, Dammeier, Parker, Johnson, Angel, Bailey, Orcutt, Roach, Schmick, Fagan, Condotta, Pearson and Warnick

AN ACT Relating to adopting the Washington state firearms freedom act of 2010 and exempting a firearm, a firearm accessory, or ammunition manufactured and retained in Washington from federal regulation under the commerce clause of the Constitution of the United States; and adding a new chapter to Title 19 RCW.

HELD ON FIRST READING.

HB 2710 by Representatives Shea, Kristiansen, Anderson, Klippert, Haler, Ross, Taylor, Short, Kretz, Crouse, Hinkle, Rodne, McCune, Johnson, Bailey, Smith, Condotta, Pearson, Roach and Warnick

AN ACT Relating to adopting the right to constitutional government act of 2010; and adding a new chapter to Title 1 RCW.

HELD ON FIRST READING.

HB 2711 by Representatives Shea, Kristiansen, Condotta, McCune, Haler, Taylor, Ross, Short, Kretz, Hinkle, Roach, Campbell and Warnick

AN ACT Relating to adopting the Washington state right to protection act of 2010 and the constitutional rights of self-defense; adding a new section to chapter 9.41 RCW; and creating new sections.

HELD ON FIRST READING.

HB 2712 by Representatives Shea, Condotta, Kristiansen, Klippert, Haler, Anderson, Taylor, Short, Kretz, Crouse, McCune, Hinkle, Ross, Roach, Schmick, Campbell and Warnick

AN ACT Relating to creating the Washington state sovereignty and federal tax escrow account act of 2010; reenacting and amending RCW 43.84.092; adding a new chapter to Title 83 RCW; and creating a new section.

HELD ON FIRST READING.

HB 2713 by Representatives Shea, Condotta, Kristiansen, Klippert, Haler, Taylor, McCune, Ross, Short, Kretz, Crouse, Hinkle, Johnson, Roach, Campbell and Warnick

AN ACT Relating to adopting the Washington state sheriff first act of 2010 and regulating arrests, searches, and seizures by federal employees; adding new sections to chapter 36.28 RCW; adding new sections to chapter 10.79 RCW; and creating a new section.

HELD ON FIRST READING.

HB 2714 by Representatives Shea, Condotta, McCune, Short, Crouse, Hinkle, Klippert, Pearson, Roach, Kristiansen and Warnick

AN ACT Relating to adopting the right to anonymous political speech act of 2010 by clarifying that state law does not require or authorize the release of the name, signature, and/or address of any individual who signs an initiative or referendum petition; amending RCW 29A.72.230; adding new sections to chapter 42.56 RCW; creating new sections; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 2715 by Representatives Shea, Armstrong, McCune, Anderson, Kristiansen, Crouse, Short, Pearson, Angel, Dammeier and Condotta

AN ACT Relating to presidential electors; amending RCW 29A.56.310, 29A.56.320, and 29A.56.340; repealing RCW 29A.56.300; and repealing 2009 c 264 s 1 (uncodified).

Referred to Committee on State Government & Tribal Affairs.

HB 2716 by Representatives Shea, Condotta, Orcutt, Klippert, Johnson, McCune, Angel, Rodne, Kristiansen, Roach, Schmick, Fagan, Hasegawa, Pearson, Campbell and Warnick

AN ACT Relating to providing a right of first repurchase for surplus transportation property; amending RCW 47.12.063; and providing an effective date.

Referred to Committee on Transportation.

HB 2717 by Representatives Shea, Parker, Ross, Haler, Klippert, Taylor, McCune, Short, Kristiansen, Kretz, Crouse, Hinkle, Johnson, Rodne, Bailey, Orcutt, Angel, Fagan, Smith, Condotta, Pearson and Warnick

AN ACT Relating to restricting outings from state facilities; amending RCW 10.77.010; and adding a new section to chapter 10.77 RCW.

Referred to Committee on Human Services.

HB 2718 by Representatives Shea, Ross, Pearson, Johnson, Haler, Klippert, Angel, Taylor, Condotta, Roach, Orcutt, Schmick, Fagan, McCune and Warnick

AN ACT Relating to criminal defendants who are guilty and mentally ill; amending RCW 10.77.040 and 9.94A.501; and adding a new section to chapter 10.77 RCW.

Referred to Committee on Judiciary.

HB 2719 by Representatives Appleton, Simpson and Chase

AN ACT Relating to allowing cities with certain population densities to impose sales and use taxes to offset municipal service costs to newly annexed areas; and amending RCW 82.14.415.

Referred to Committee on Local Government & Housing.

HB 2720 by Representatives Armstrong, Morrell, McCune, Miloscia, Finn, Appleton, Hunt, Alexander, O'Brien, Kelley, Conway and Campbell

AN ACT Relating to the Washington soldiers' home; and amending RCW 72.36.010.

Referred to Committee on State Government & Tribal Affairs.

HB 2721 by Representatives Upthegrove, Orwall, Kenney, Liias, Nelson and Chase

AN ACT Relating to commute trip reduction programs; and amending RCW 70.94.531.

Referred to Committee on Transportation.

HB 2722 by Representatives Goodman, Pedersen, Moeller and Kenney

AN ACT Relating to persons appointed by the court to provide information in family law and adoption cases; amending RCW 26.33.070, 26.09.220, 26.12.175, and 26.12.177; and adding a new section to chapter 26.12 RCW.

Referred to Committee on Judiciary.

HB 2723 by Representatives Hope, Dunshee, Hurst, Pearson, Haler, Taylor, O'Brien, Ross, Roach, Simpson, Kelley, Campbell, Kristiansen, Kessler and Warnick

AN ACT Relating to first degree assault of a child; and amending RCW 9A.36.120.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2724 by Representatives Hope, Dunshee, Ericks, Pearson, Haler, Taylor, Hurst, O'Brien, Ross, Roach, Simpson, Kelley, Campbell, Kristiansen, Kessler and Warnick

AN ACT Relating to first degree assault of a child; amending RCW 9A.36.120; and prescribing penalties.

Referred to Committee on Human Services.

HB 2725 by Representatives Dunshee, Hope, Ericks, Pearson, Haler, Taylor, Hurst, O'Brien, Ross, Roach, Simpson, Kelley, Campbell, Morrell, Kessler, Warnick and Chase

AN ACT Relating to first degree assault of a child; and reenacting and amending RCW 9.94A.703.

Referred to Committee on Human Services.

HB 2726 by Representatives Dunshee, Hope, Ericks, Pearson, Haler, Taylor, Hurst, O'Brien, Ross, Roach, Simpson, Sullivan, Kelley, Campbell, Morrell, Warnick and Chase

AN ACT Relating to first degree assault of a child; and amending RCW 9A.36.120.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2727 by Representatives Dunshee, Ericks, O'Brien, Hope, Pearson, Parker, Taylor, Haler, Ross, Hurst, Roach, Simpson, Sullivan, Kelley, Campbell, Morrell, Kessler, Warnick and Chase

AN ACT Relating to first degree assault of a child; and reenacting and amending RCW 9.94A.515.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2728 by Representatives Hope, Ericks, O'Brien, Parker, Pearson, Haler, Simpson, Kelley, Kessler and Campbell

AN ACT Relating to the definition of criminal act for crime victims compensation purposes; amending RCW 7.68.020; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2729 by Representatives Hope, O'Brien, Haler, Pearson and Ross

AN ACT Relating to increasing the period of confinement available for contempt of court; amending RCW 13.32A.250 and 13.34.165; creating a new section; and prescribing penalties.

Referred to Committee on Early Learning & Children's Services.

HB 2730 by Representatives Hope, Ericks, Haler, Pearson, O'Brien, Ross, Simpson, Kelley and Morrell

AN ACT Relating to hit and run provisions; amending RCW 46.52.020; and reenacting and amending RCW 9.94A.515.

Referred to Committee on Judiciary.

HB 2731 by Representatives Goodman, Haler, Maxwell, Priest, Kagi, Sullivan, Seaquist, Quall, O'Brien, Jacks, Haigh, Pedersen, Darneille, Kenney, Rolfes, Hunter, Williams, Orwall, Liias, Carlyle, Roberts, Simpson, Walsh, Nelson, Kelley, Dickerson, Appleton, Eddy and Sells

AN ACT Relating to implementing a program of early learning for educationally at-risk children; amending RCW 28A.150.200 and 43.215.020; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 43.215 RCW; adding a new chapter to Title 28A RCW; creating new sections; and providing an effective date.

Referred to Committee on Early Learning & Children's Services.

HJM 4022 by Representatives Campbell, McCoy and Hasegawa

Petitioning congress to repeal the antitrust provisions of the McCarran-Ferguson Act.

Referred to Committee on Health Care & Wellness.

HJR 4217 by Representative Hinkle

Authorizing a regular session of the legislature each odd-numbered year.

Referred to Committee on State Government & Tribal Affairs.

HJR 4218 by Representatives Kelley, Simpson, Campbell, Conway, Morrell and Hurst

Amending the state Constitution so that offenses that may result in a mandatory life sentence upon conviction are not bailable by sufficient sureties.

Referred to Committee on Public Safety & Emergency Preparedness.

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

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

There being no objection, the Committee on Finance was relieved of HOUSE BILL NO. 1666, and the bill was referred to the Committee on Community & Economic Development & Trade.

There being no objection, the Committee on Judiciary was relieved of HOUSE BILL NO. 2550, and the bill was referred to the Committee on Public Safety & Emergency Preparedness.

The Senate appeared at the chamber doors and requested admission. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen, President Pro Tempore Rosa Franklin and Minority Floor Leader Mark Schoesler to seats on the rostrum. The Senators were invited to sit within the chamber.

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

JOINT SESSION

The President called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

President Owen: "This Joint Session has been convened to receive the state of the state message from Her Excellency, Governor Christine Gregoire."

The President appointed a special committee to escort the Supreme Court Justices to the House Chamber: Representatives Linville and Rodne, and Senators Delvin and Kauffman.

The President appointed a special committee to escort the statewide elected officials to the House Chamber: Representatives O'Brien and Taylor, and Senators Becker and Hobbs.

The President appointed a special committee to advise her Excellency, Governor Christine Gregoire, that the joint session had assembled and to escort her to the House Chamber: Representatives Fagan and Haigh, and Senators Carrell and Gordon.

The Supreme Court Justices arrived, were escorted to the floor of the House Chamber and were introduced: Chief Justice Barbara Madsen, and Justices Charles Johnson, Gerry Alexander, Richard Sanders, Tom Chambers, Susan Owens, Mary Fairhurst, James Johnson and Debra Stephens.

The statewide elected officials arrived, were escorted to the floor of the House Chamber and were introduced: Secretary of State Sam Reed, State Treasurer Jim McIntire, State Auditor Brian Sonntag, Superintendent of Public Instruction Randy Dorn, Insurance Commissioner Mike Kreidler and Commissioner of Public Lands Peter Goldmark.

The President introduced the special guests present in the House Chamber: King County Executive Dow Constantine, Seattle Police Chief John Diaz, Pierce County Executive Pat McCarthy, Pierce County Sheriff Paul Pastor, Lakewood Police Chief Brett Farrar, Clallum County Commissioner Steve Tharinger, Carol Hatch, Chairwoman of Quileute Tribe, Charlotte Williams, Chairwoman of Muckleshoot Tribe, Mel Sheldon, Chairman of Tulalip Tribe, former Secretary of State Ralph Munro and the President's son Adam Owen.

The President introduced the members of the Consular Corps: Helen Szablya, President, Consular Association of Washington and Consul of Hungary, Ronald Masnik, consul of Belgium, Frank Brozovich, Consul of Croatia, Enid Dwyer, Consul of Jamaica, Shinji Urabayashi, Senior Consul of Japan, Haryong Lee, Consul General of the Republic of Korea, Stephen Zirschky, Consul of Latvia, Victor Lapatinskis, Consul of Lithuania, Marisela Quijano, Deputy Consul of Mexico, Kim Nesselquist, Consul of Norway, Miguel Angel Velasquez, Consul of Peru, Yuri Gerasin, Consul General of the Russian Federation, Luis Fernando Esteban, Consul of Spain, Gary Furlong, Consul General of Uzbekistan, Daniel Liao, Director General, Taipei Economic and Cultural Office and Consul Wendy Baldwin of Canada.

Governor Christine Gregoire, her husband Mike Gregoire and their daughter Michelle Gregoire arrived, were escorted to the Rostrum, and were introduced.

The President introduced guests from Pacific Northwest Economic Region (PNWER), and representatives of the Vancouver Organizing Committee for the Olympic and Paralympic Games: Michael Chisholm, Member of Legislative Assembly, Saskatchewan and Vice President of PNWER, Kyle Fawcett, Member of Legislative Assembly, Alberta, Senator Lesil McGuire, Alaska State Senate, PNWER President, Taleeb Noormohamed, Vice President of National and International Partnerships for the Vancouver Organizing Committee for the Olympic and Paralympic Games.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard commanded by Sergeant John Sager. The National Anthem was sung by cadets from the Washington Youth Academy: Ashley Romero, Marlynn Marok and Mercy Samuel. The President led the chamber in the Pledge of Allegiance. The prayer was given by the Honorable M. Brian Cladoosby, Chair of the Swinomish Tribe.

M. Brian Cladoosby: "Good and gracious creator of all that is, today we give you thanks for this beautiful part of mother earth that we call home. We are grateful for the soaring peaks of the Cascades and Olympics, the crashing waves of the coast, the broad expanse of the Palouse and the tide flats of the Salish Sea. In all these places we see the work of your hand. We thank you for the salmon, the elk, the berries, the shellfish, and all the other things that you provide to nourish and strengthen our bodies. We thank you for the medicines that your forests and prairies produce, for the yew tree, the camas root and the nettle. We thank you for the cedar and fir trees with which we shelter and transport our families. Help us to walk humbly and gently on this land. These are hard times for our state, Lord. Many families are struggling. Some are barely hanging on, others have lost hope. Care for those who need you most, especially our children and our elders. Open our hearts to those in need. Help them to know that their leaders here come to serve, to be a light in dark times. Help those who are having a hard time to know that they are not forgotten, that they are valued and cherished. Today we ask that you bless this place and the work that will occur here. Thank you, creator, for choosing these elected officials for your work. Bless our Governor, who carries so much on her shoulders. Bless these legislators, on whose wisdom so many depend. Bless the staff, who hold up the leaders we have called to service. Bless the families of all those who have been called here and who miss them while they are away. Bless our judges and all the other elected leaders here today, fill them with your wisdom and your mercy. Protect each and every one of them and care for them while they work through this legislative session. Help those who work in these halls to remember that they come here to represent all the people of our state, not one party or another, not one special interest group or another, but all people, your people. In a special way, we lift up our law enforcement community who have suffered so many losses in recent weeks. Put a special hedge of protection around those who give their lives to protect us. Let our military, law enforcement, fire fighters and other public safety officers know that you are with them and that we are with their families as they serve. As this Legislature begins its work, we ask your blessing upon the difficult decisions before these leaders. May the words spoken here be true. May the work done here be your work. May the product of this work be good and may the measure of its value be the impact it has on the generations to come. We ask you all these things in Jesus' name. Amen."

The President introduced Governor Christine Gregoire.

STATE OF THE STATE

Governor Gregoire: "Thank you, Brian Cladoosby. Your words are appreciated. Thank you, Ashley Romero, Marlynn Marok and Mercy Samuel for that wonderful performance of the national anthem. I first heard these three young women a few weeks ago at graduation ceremonies for the Washington Youth Academy and I knew that their voices and spirit needed to be here today.

Mr. President, Mr. Speaker, Madam Chief Justice, distinguished justices of the court, honored officials, members of the Washington State Legislature, former governors, tribal leaders, local government officials, law enforcement officers, members of the Consular Association of Washington, my fellow citizens:

It gives me a great deal of pleasure to introduce my husband and best friend, Mike Gregoire or as he has become known, First Mike. Mike continues his work in our schools teaching kids to love reading as much as he does. And on a lot of mornings he leaves the house with one thought in mind: What he will do to assist fellow military veterans in any number of ways, from

helping when they return from war to finding a job. Thank you, Mike! Mike and I are blessed with two wonderful daughters and a great son-in-law. Courtney and Scott couldn't join us today, but I'm pleased to have Michelle here. Michelle is about to decide if she will pursue a law degree which makes Mike a little nervous. Along with Courtney and Scott, that would make four lawyers at the dinner table and then there'd be Mike. Mike, we can promise that we won't make you file a motion when you want us to pass the salt and pepper. This afternoon, I welcome the 61st Washington Legislature back to Olympia. I very much appreciate the simple fact that 147 men and women are willing to interrupt their lives to spend their days, and often their nights, struggling with how best to serve the people who sent you here. It's not easy, but it is important. We have been called on to steer our state through one of the most difficult chapters in its history. It's an understatement to say this year will be incredibly challenging. It will test us and the values we hold like no other year. But this year will also be long remembered. We have been called on to steer our state through one of the most difficult chapters in its history. Tragically, Washington has lost 21 of our heroes to terrible violence at home and abroad.

In 2009, we witnessed unspeakable tragedy. Seven law enforcement officers were killed in the line of duty from Lewis County and Pierce County, Seattle and Lakewood; and overseas, 13 of our military service members from Washington were killed in Iraq and Afghanistan. And just last week, a Grant County deputy died while on patrol when his car rolled over. It is often said that law enforcement officers and servicemen and -women make the ultimate sacrifice to protect us and our nation. Sadly, in the past year, the real human tragedy behind these words was driven home to us with numbing regularity. They are sons and daughters, brothers and sisters, husbands and wives, moms and dads, colleagues and friends, and while they are lost to us forever, they will never be forgotten. These are my heroes. They gave their lives to protect us and they come no better than that. Let us always remember the families who were left behind and their sacrifices. They too are my heroes, and my heart still breaks for them.

You have a list of these law enforcement officers and servicemen and -women. Please join me for a moment of silence for them and their families. These Washingtonians gave their lives so we could have safer communities and a secure nation. For them and their families, we have a duty this session to help build a better future for Washington.

The worst national economic collapse in 80 years has been hard on too many families across the state. In all corners of our state, families are struggling to survive the great recession. These people are good people. People who have always worked and now for the first time are filing for unemployment, parents who have sacrificed to make better lives for their kids and are now struggling just to put food on the table. For all these struggling families, we have a duty this session to rebuild the economic future of Washington. People who believe in the American dream of homeownership and now feel the fear of foreclosure. People who are used to giving a helping hand to others, and are now forced to ask for help themselves. People like the man I met at a food bank in Seattle where I was handing out food to families. He looked me in the eye and said, "I've been coming here for years, but until today, I was always on your side of the table. I never thought I would be in the receiving line." Sadly, he is not alone. In 2009, about 475,000 people in our state signed up for unemployment benefits. These aren't regulars. Most are first-time recipients.

The loss of jobs has created a ripple effect through social service agencies and the economy. Today, one in 13 of our people receives basic food assistance. More than 40 percent of them are children. During the fall of 2009, more than 26,000 homeowners watched their dream of homeownership fade as they experienced

the heartbreaking process of foreclosure. More than 86,000 people are on the Basic Health Plan waiting list, and remain just one serious illness away from financial ruin. For all these struggling families, we have a duty this session to rebuild the economic future of Washington.

For all of us who are called to public service, I would suggest that now is the time for leadership, it is the most important time to serve. For as difficult and challenging as the decisions that lie ahead of us will be, now is the time to be decisive, and now is the time for compassion. It's the time to make a real difference for people. It's the time to truly shape the future of Washington. In the best of times, people forget legislative sessions. In the worst of times, history shows decisiveness is what is remembered. We must have the courage to make hard choices and to plan for tomorrow while making decisions for today. They expect us to manage the economic crisis and focus on rebuilding our economic future. There is no question the challenges facing Washington families and businesses are great. But I also know the resiliency, the creativity and the work ethic of the people of Washington.

We will get through this historic recession, and I know as sure as I know my beloved state that Washingtonians are moving toward a better, brighter future. I know Washingtonians don't expect us to solve all their problems. I have said it before and I will say it again: The best solutions to our problems come from within our families, our communities, our service organizations and our faith-based communities. So how do we help build a bright economic future for our state? One of the things that I love about my job is that I get to talk to Washingtonians across the state. I visit schools and diners, factories and coffee shops. Here, ladies and gentlemen, is what I hear people say. They tell me they are scared but they know things will get better. That we are on the cusp of a new economy and that jobs will come from the growth industries of tomorrow in fields like clean energy, health care and technology. They definitely don't want business-as-usual from government. They want real government reform, real innovation, real service improvement and more value for their tax dollar. They expect us to manage the economic crisis and focus on rebuilding our economic future. They worry about their kids' future and they want a first-class education system that will prepare children to pursue the career of their dreams. They want the security of having health care for themselves and their families and they want to have safe communities for all of us. In short, they want us to make tough choices, both to help get families back to work today and to make wise investments that will ensure our competitiveness so they will still be working tomorrow. Jobs are the way out of this recession.

Some of our actions have been paying dividends. Our tough decisions on gas taxes, affirmed by the voters, produced the largest transportation construction program in history and supports more than 21,000 jobs annually. The goal is to attract \$2 billion in capital investments to fuel job growth. Our creation of the Life Sciences Discovery Fund in 2005 helped spark our global health initiatives and the biotechnology and medical devices industries. To our benefit we have embraced a clean energy future. We now have 400 clean technology companies in Washington State and we're still growing. These and other actions resulted in Forbes Magazine ranking Washington higher and higher until we are now the second-best state for business. We can and must do more to generate jobs.

We need to get Washington back to work. We owe it to our families to provide job opportunities. I have a plan to create as many as 40,000 new jobs this year. Here's how we can make it happen. Washington has always been a state that attracts capital, both financial and intellectual. We need to keep that tradition going, and one way to do that is to stimulate capital investment in biotechnology, software development, health care, clean

technology, renewable energy, aerospace and other industries that will drive our future. The goal is to attract \$2 billion in capital investments to fuel job growth.

We all know small businesses, the backbone of our economy, are suffering the damage of this recession as much as everyone else. Many owners want to hire employees, but they need help. That's why I am proposing a new employee tax credit for each small business that hires for a new full-time position. I will direct agencies to enact a green building program that will retrofit state buildings so we put people to work immediately, reduce our carbon footprint and save \$60 million in energy costs. I will create the Clean Energy Business Development Program to position Washington to be a leader in the clean energy economy and keep us competitive globally. With the world moving toward a smart electrical grid, we will actively work to attract those businesses to invest in and create jobs in our state. We must make Washington attractive to business by removing barriers to investments. That's why I will propose further streamlining and simplifying permitting. Government must be smarter and more efficient as well.

Many hard-earned, time-limited development permits have sat unused while developers wait for financing in this credit-tight economy. I will direct my agencies to extend these permits for two years so hundreds of millions of dollars worth of projects can break ground as soon as possible. Our new "One Front Door" program will improve customer service and permitting. I will expand our multi-agency permitting teams to help businesses break through the red tape and to quickly move from planning to job-producing construction. Job opportunities must exist all across our state. In some areas, the unemployment rate has soared to more than 14 percent. I will encourage development in these hard-hit areas by amending the Rural County Tax Credit Program so it is easier for employers to qualify and hire more workers.

Washington families and businesses are cutting back and trying to do things smarter as they make do with less. Government must be smarter and more efficient as well. Washingtonians are our customers and they want one-stop shopping. They don't want to drive across town to brick-and-mortar government offices. They want computer kiosks that offer more convenient service at lower cost. They don't want to wonder where their tax dollars go. They want agencies to be accountable and to show value given for every dollar received. I had a guy tell me recently that he was dreading his upcoming trip to a driver's license office to renew his license. Then a letter came in the mail telling him he could renew online. What could have been a two-hour-long trip turned into a two-minute exercise. That's the kind of service government should and can provide.

We are streamlining state government. Government Management Accountability and Performance, my program to hold state agencies accountable for providing high-quality service and value for every tax dollar, has been cited for its innovation by the Kennedy School of Government at Harvard and by the Council for State Governments. By executive order I have eliminated 73 boards and commissions. Like businesses today, we are cutting costs, reducing staffing and increasing efficiency by consolidating back-office support services like the motor pool, property management and technology. Now is the time to create a lean and effective government. We are using technology to better serve the public at less cost. The Department of Licensing, in its most recent improvement, is closing or modifying 26 offices and deploying self-service terminals around the state that will make service easier and more accessible to the public and result in more than \$3.5 million in savings per biennium. Since we met a year ago, three scientists from different agencies can no longer be found standing in the same river doing research. Now state agencies can rely on one scientist to gather data and share results. These and other steps

resulted in the Pew Center rating Washington one of the three best-managed states in the nation. But we must do better.

I want government reform this year. It is time to peel away the outdated and costly layers of government that we once needed but no longer do. This session, I am asking you to approve legislation that would eliminate 78 more boards and commissions. But don't stop there. I am proposing mergers or realignments that will reduce or eliminate one-third of the 64 small state agencies. Now is the time to create a lean and effective government. Today we have three growth management hearings boards and five environmental appeals boards, each doing business its own way. Let's reduce to one growth management board and two environmental hearings boards, with just one appeal timeline and set of procedures for environmental and land use appeals.

Now is the time to be more practical in the way we do business. Over the years, the Department of Commerce has become a hodgepodge of programs. This session I am asking you to move 25 programs out of the Department of Commerce so it can focus on its critical core mission, and programs can be better aligned to meet the needs of their customers. Now is the time to have the courage to close institutions that may be an important fixture in a community, but are no longer cost effective, or whose services are no longer needed or can more effectively be provided elsewhere. I am asking you to close all or part of 10 state institutions. But we have more work to do, and this session will test our mettle.

First, I propose to close, or partially close, five correctional facilities. By more efficiently using the beds we have, we can save \$65 million over four years, and not release a single offender prior to his or her earned release date. Further, I am requesting that we close two of our residential centers and provide the residents better care in our communities. In the 1970s, we had six state institutions serving 4,000 people. Today, with only one fewer, we serve 900. Finally, I'm asking us to reduce the size of three juvenile institutions. The last time the state closed an institution was in the 1970s. Now is the time, this session, for us to demonstrate, as difficult as it is, that Washington state government makes good business decisions, not political ones.

The road to recovery and a bright economic future also starts with us effectively managing our budget crisis. We already have good management tools in place. Our creation of a Rainy Day Fund worked exactly as it was intended and helped prepare us for this current, dreadfully rainy day. That step and others helped improve our bond rating. As a result, we are getting the best bond rates in 30 years, and that translates into getting more for every dollar we spend, and more construction projects and jobs. But we have more work to do, and this session will test our mettle.

The state, this biennium, has a budget shortfall of \$12 billion and a \$30 billion budget. In December, I presented a balanced state budget as required by state law. It is said that budgets are state policy. But they are much more than that. The budget reflects who we are as a state and the values we hold. The December budget was balanced, but it would force us to abandon the values that define this state: fairness and compassion. It would be unjust, unwise and unfair to abandon our friends and neighbors when they need us the most. The balanced budget eliminates hospice care, which allows more than 2,500 dying patients to remain in their homes, and it cuts maternity care for 50,000 at-risk moms. That's not compassionate. These are our families, friends and neighbors. We must not deny our most vulnerable citizens the dignity of living out their final days at home and we must give our newborns a healthy start at life.

Education is the single best investment for our future and the key to the success of our kids. The balanced budget takes away health care for 70,000 individuals and 16,000 children. That's not fair. We must not deny health care to families and kids and then

pass the costs on to the insured. The balanced budget eliminates early learning for 1,500 kids and would eliminate state funds for all-day kindergarten. That's not wise. Education is the single best investment for our future and the key to the success of our kids. The balanced budget closes the door to college on 12,300 low-income students. That's neither just nor smart. A child born into poverty must not be told college is out of reach.

Let me tell you a story about a young woman named Janel Brown. Janel grew up in poverty and is a survivor of domestic violence. She has seen how poverty hurts kids: teen pregnancy, drug addiction, gang killings and joblessness. Thanks to a program called Husky Promise, which provides tuition and fees to low-income students, Janel today is a 21-year-old junior at the University of Washington and the first person in her family to go to college. Janel has already made plans to give back by working with public schools to prepare kids who come from adverse backgrounds for college admittance. Without tuition assistance, Janel is emphatic: She never would have gone to college. But she hasn't left the inner city behind. She regularly returns to the community and talks to kids. She says the kids need to see someone they can relate to, like her, so they know it's possible to break through tough circumstances. Janel tells the kids this: If they do their part, somebody will meet them halfway. Ladies and gentlemen, we need to be that somebody who meets them halfway, to be there for them. I'm pleased that Janel is here today. Janel, will you please stand?

Speaking of being there for those who need it: Those three young women who sang earlier are here due to our investment in the Washington Youth Academy. We cannot just cut or just tax our way out of this immediate budget shortfall. The academy is proving second chances work, and it is turning around the lives of at-risk kids who have nowhere else to turn. There is no question we need to make dramatic cuts to the state budget. I've identified about \$1.7 billion in real cuts. But cuts at that level will end up costing us far more than we save. As we learn from people like Janel, investing in human potential today will produce a brighter future for Washington tomorrow.

We can make cuts that will write off a generation of kids, produce rising crime rates, increase public assistance costs and leave us with a legacy of squandered human potential, or we can invest in tuition aid today and produce a new crop of first-in-family college grads. We can make the cuts and wait for higher dropout rates and all the soaring social costs that will follow, or we can invest today in early learning, which is a proven tool for increasing the success of kids. We can cut costs and transfer higher medical costs to our doctors, hospitals and insured families, or we can invest in health care today and help contain costs and prevent families from facing financial ruin.

Later today I will present a budget I can support. It counts on new revenue of about \$750 million and cuts of almost \$1 billion. The revenue will come from new federal dollars, new taxes or both. Like you, I do not want taxes to harm the economic recovery of our families or our businesses, but I also cannot abandon my values, eliminate the safety net for our most needy and cripple our economic future. Let me be clear. We cannot just cut or just tax our way out of this immediate budget shortfall. We must have a responsible, balanced approach of painful cuts and new revenue. It is clear our recovery will not be complete by the end of this biennium. Our 2011-13 budget is of looming concern for us all, so let's work together and do what is right for Washington State. As we all know, building a bright economic future also starts with providing our children a first-class education. So we are making progress. But we can and must do more.

We have made progress in recent years. Our historic efforts to improve early learning are guaranteeing more kids success in school. Our K-12 student test scores continue to rank high

nationally. Our innovative schools in cities around the state have been highly successful in raising vital math and science skills. Our community and technical college system is rated as one of the best in the nation. In classrooms, our hard-working, committed teachers are focused on improving student and teacher performance. In 2009, almost 1,250 teachers received the prestigious National Board Certification, and we rank fifth in the nation in board-certified educators, in part because of the investments we put in place. So we are making progress. But we can and must do more.

We must preserve and enhance the early learning initiative we started four years ago when we created the Department of Early Learning. Despite our tough times, now is the time to build the economic future for our children and our state. I ask you to adopt legislation creating "All Start," a voluntary Washington preschool program to provide early learning opportunities to all 3- and 4-year-olds. To ensure a good start for all our children, I ask you to continue our implementation of all-day kindergarten for all kids and to assure all our children get the education they deserve wherever they live in our state, I'm asking you to lift the levy lid and fund levy equalization.

Highly effective teachers in the classroom and principals who are leaders and are key to student success. I urge you this session to approve an overhaul of the way we evaluate teachers. The new evaluation system must focus on what really counts: high-quality instruction, student achievement and growth. And for the first time, I ask you to provide a system to evaluate the performance of principals based on student achievement as well. If we have schools where dropout rates are high, student performance and achievement are low, and where no progress is being made, we need to be able to step in and turn them around. Our higher education system is a major economic engine for our recovery. We need to keep the doors to higher education open to students of all income levels by restoring funding for the State Need Grant Program. We owe it to all those, like Janel, who couldn't attend college without our help. I'm asking you to provide funding to our community and technical colleges to retrain 2,500 of our workers for the jobs of tomorrow, and I'm requesting you provide our four-year institutions with competitive tuition flexibility so we can continue to be ranked among the best in the nation in producing the most innovative workers and employers. As our nation prepares to adopt historic health care reform, let's ready ourselves to implement it the Washington Way.

Our congressional delegation is working hard to achieve fundamental fairness for our state through changes to children's health coverage and reimbursement rates for doctors and hospitals. Already, our Basic Health Plan is being touted as a model for the country. We can show the rest of the nation how to provide higher-quality, lower-cost health care to thousands more Washingtonians.

Finally, rebuilding our future means we need to make sure our families are safe. We have been making progress. Our communities are safer today because we gave members of law enforcement the help they asked for in dealing with sex offenders. They have done an admirable job. Last year, more than 28,000 address verification visits were made, resulting in more than 800 arrests for failure to register and 1,700 arrests made on other warrants. Our highways are safer. Since 2002, the number of highway deaths dropped from 659 to 481. Last year, Mothers Against Drunk Driving selected the Washington State Patrol as the outstanding law enforcement agency in the nation for its DUI enforcement. But we must do a better job protecting our law enforcement members and our families. This session, we need to strengthen our mental health laws to prevent the release of violent offenders to our streets. Our families aren't safe when a murderer is released from a mental health hospital after just two years of

treatment; when a man convicted of the brutal murder of an elderly woman disappears while on a field trip to a county fair; or when a violent criminal history isn't considered when decisions are made to involuntarily commit individuals. Let's get to work for our fallen officers, their families and our entire law enforcement community. The rights of dangerous mentally ill offenders cannot trump the safety of our families. It is time to ensure both. I will send you a package of bills this session to hold offenders accountable, increase the sentencing tools of prosecutors, and give more weight to law enforcement and criminal histories when making commitment decisions.

Recently, we have all been shocked by the tragic loss of our law enforcement officers. Leaders of the criminal justice system have come together, and with them, I propose improvements to communications throughout the justice system, how bail is administered in our state and how the Interstate Compact system can better provide public safety to Washingtonians. We must ensure that the legacies of these fallen heroes survive by giving their families the support that they deserve. Surviving spouses must be entitled to retirement benefits regardless of the fallen officer's length of service. For their children, it is our duty to make available a college education. These proposals have been carefully crafted with the help and the expertise of the law enforcement community. They are measured, thoughtful and ensure that from tragedies we learn, we take action and we do the right thing. Let's get to work for our fallen officers, their families and our entire law enforcement community.

Someone once asked Martin Luther King Jr. when he thought the best time was to take serious action. Dr. King had an answer for him. "The time is always right to do what is right." To each of you sitting here in front of me this day, I ask you: Let us work together to do what is right for our people, all of our people. We're all good people. We all have values. Our work is complicated and sometimes values collide. What we do about that is called governing. Let's leave the partisan politics to elections. Washingtonians hate how divided things have become. They just want us to solve the problems. Let's provide the decisive, compassionate leadership Washingtonians want and deserve.

So I'll tell you right now: If you have better ideas to create jobs, reform government, balance the budget, improve our schools, provide high-quality, affordable health care or ensure public safety, I am ready and willing to listen. These are serious days ahead. Too many families today are getting layoff notices, watching unpaid bills pile up, losing health care, telling their kids they can't

attend college, standing in line at the food bank, or dipping into a dwindling savings account just to get by. Let's not waste their time or the crisis. This session is our time, our time to encourage them to keep the faith in the great promise that Washington offers, our time to help provide them a bright economic future. It is not going to be easy. The decisions we have to make will not always be popular, but we have a duty to our struggling families and businesses to help build a bright future for Washington. The time is now. It is our time. Let's provide the decisive, compassionate leadership Washingtonians want and deserve. Thank you, God bless you and God bless the great State of Washington."

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

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

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

On motion of Representative Kessler, the Joint Session was dissolved. The Speaker (Representative Morris presiding) assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen, President Pro Tempore Rosa Franklin and Minority Floor Leader Mark Schoesler from the House Chamber.

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

There being no objection, the House adjourned until 10:00 a.m., January 13, 2010, the 3rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

THIRD DAY

House Chamber, Olympia, Wednesday, January 13, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Anastasia Fleck and Gus Crowley. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia.

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

MESSAGE FROM THE SENATE

January 12, 2010

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4406
HOUSE CONCURRENT RESOLUTION NO. 4407

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2669 by Representatives Hinkle, Shea, Warnick, Johnson, Pearson, Dammeier, McCune, Bailey, Kristiansen and Kretz

AN ACT Relating to adopting the Washington state health care freedom act of 2010; and adding new sections to chapter 48.44 RCW.

Referred to Committee on Health Care & Wellness.

HB 2708 by Representatives Shea, Condotta, Kristiansen, Haler, Klippert, Herrera, Taylor, Short, Kretz, McCune, Crouse, Rodne, Hinkle, Parker, Dammeier, Ross, Angel, Bailey, Roach, Orcutt, Schmick, Fagan, Smith, Pearson and Warnick

AN ACT Relating to adopting the Washington state energy freedom act of 2010 and requiring express legislative authorization for any greenhouse gas or motor vehicle fuel economy program; adding new sections to chapter 70.235 RCW; and creating new sections.

Referred to Committee on Ecology & Parks.

HB 2709 by Representatives Shea, Ross, Kristiansen, Haler, Klippert, Taylor, McCune, Short, Hinkle, Crouse, Dammeier, Parker, Johnson, Angel, Bailey, Orcutt, Roach, Schmick, Fagan, Condotta, Pearson, Warnick and Kretz

AN ACT Relating to adopting the Washington state firearms freedom act of 2010 and exempting a firearm, a firearm accessory, or ammunition manufactured and retained in Washington from federal regulation under the commerce clause of the Constitution of the United States; and adding a new chapter to Title 19 RCW.

Referred to Committee on Judiciary.

HB 2710 by Representatives Shea, Kristiansen, Anderson, Klippert, Haler, Ross, Taylor, Short, Kretz, Crouse, Hinkle, Rodne, McCune, Johnson, Bailey, Smith, Condotta, Pearson, Roach, Warnick and Angel

AN ACT Relating to adopting the right to constitutional government act of 2010; and adding a new chapter to Title 1 RCW.

Referred to Committee on Judiciary.

HB 2711 by Representatives Shea, Kristiansen, Condotta, McCune, Haler, Taylor, Ross, Short, Kretz, Hinkle, Roach, Campbell and Warnick

AN ACT Relating to adopting the Washington state right to protection act of 2010 and the constitutional rights of self-defense; adding a new section to chapter 9.41 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 2712 by Representatives Shea, Condotta, Kristiansen, Klippert, Haler, Anderson, Taylor, Short, Kretz, Crouse, McCune, Hinkle, Ross, Roach, Schmick, Campbell, Warnick and Angel

AN ACT Relating to creating the Washington state sovereignty and federal tax escrow account act of 2010; reenacting and amending RCW 43.84.092; adding a new chapter to Title 83 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2713 by Representatives Shea, Condotta, Kristiansen, Klippert, Haler, Taylor, McCune, Ross, Short, Kretz, Crouse, Hinkle, Johnson, Roach, Campbell, Warnick and Angel

AN ACT Relating to adopting the Washington state sheriff first act of 2010 and regulating arrests, searches, and seizures by federal employees; adding new sections to chapter 36.28 RCW; adding new sections to chapter 10.79 RCW; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2732 by Representatives Ericks and Condotta

AN ACT Relating to registration of lottery tickets and shares; amending RCW 67.70.040; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2733 by Representatives White and Maxwell

AN ACT Relating to a school-based vaccination guide; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2734 by Representatives Kagi, Lias, Chase, Miloscia, Clibborn, Wallace, Maxwell, Nelson, Simpson and Santos

AN ACT Relating to allowing federally qualified community health centers to buy surplus real property from the department of transportation; and amending RCW 47.12.063.

Referred to Committee on Transportation.

HB 2735 by Representatives Goodman, Appleton, Rolfes, Seaquist, Finn, Rodne, Williams, Haigh, Pettigrew, Nelson, Darneille, Hasegawa and Ormsby

AN ACT Relating to the representation of children in dependency matters; amending RCW 13.34.100, 13.34.105, and 13.34.215; and creating new sections.

Referred to Committee on Judiciary.

HB 2736 by Representatives Kessler, Kretz, Hurst, Wallace, Sullivan, Kelley, Angel and Roach

AN ACT Relating to creating the office of open records; amending RCW 34.05.030; reenacting and amending RCW 42.56.550; adding new sections to chapter 42.56 RCW; repealing RCW 42.56.530; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 2737 by Representatives Conway, Simpson, Morrell, Hasegawa and Chase

AN ACT Relating to meal and rest periods; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Commerce & Labor.

HB 2738 by Representatives Eddy, Crouse, Armstrong, Jaks, Haler, Hudgins, Finn, Wallace and Chase

AN ACT Relating to the definition of biomass energy; and amending RCW 19.285.030.

Referred to Committee on Technology, Energy & Communications.

HB 2739 by Representatives Simpson, Pearson, Lias, Rodne, Hope, Sullivan, Priest, Wallace, Dammeier, Kristiansen and Chase

AN ACT Relating to the enforcement of certain school or playground crosswalk violations; amending RCW 46.61.440; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2740 by Representative Seaquist

AN ACT Relating to the definition of land use decision in the land use petition act; and amending RCW 36.70C.020.

Referred to Committee on Local Government & Housing.

HB 2741 by Representatives Dickerson, Walsh, Kagi, Sullivan, McCoy, Darneille, Pettigrew, O'Brien, Hunt, Santos, Priest, Haler, Roberts, Quall, Simpson, Morrell, Haigh and Ormsby

AN ACT Relating to the transfer of the administration of the infant and toddler early intervention program from the department of social and health services to the department of early learning; amending RCW 43.215.020 and 70.198.020; creating a new section; and providing an effective date.

Referred to Committee on Early Learning & Children's Services.

HB 2742 by Representatives Goodman, Lias, Sells, Hasegawa, Maxwell, Roberts, Jaks, Carlyle, Rolfes, Simpson, O'Brien and Morrell

AN ACT Relating to accountability for persons driving under the influence of intoxicating liquor or drugs; amending RCW 46.20.385, 46.20.391, 46.20.720, 46.61.5055, 46.20.410, 46.20.342, 46.20.740, 10.05.020, 10.05.090, and 10.05.160; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2743 by Representatives Conway, Appleton, Green, Hasegawa, Sullivan, Rolfes, Nelson, Simpson, Chase and Hudgins

AN ACT Relating to collective bargaining for certain employees of institutions of higher education and related boards; and amending RCW 41.56.021.

Referred to Committee on Commerce & Labor.

HB 2744 by Representatives Ormsby, Wallace, Rolfes, Nelson, Simpson, Morrell, Hasegawa, Morris and Chase

AN ACT Relating to protecting lake water quality by reducing phosphorus from lawn fertilizers; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2745 by Representatives Hudgins, Campbell and Upthegrove

AN ACT Relating to including renovation activities as defined in the environmental protection agency's renovation, repair, and painting rule in the lead-based paint program; and amending RCW 70.103.010, 70.103.020, 70.103.030, 70.103.040, 70.103.050, 70.103.080, and 70.103.090.

Referred to Committee on Environmental Health.

HB 2746 by Representatives Hope, Priest and Sullivan

AN ACT Relating to a comprehensive K-12 education policy; amending 2009 c 548 s 302 (uncodified); and creating a new section.

Referred to Committee on Education Appropriations.

HB 2747 by Representatives Darneille, Cody, Williams, Kagi, Pedersen, Nelson, Dickerson, Hasegawa and Chase

AN ACT Relating to the use of restraints on pregnant women or youth; amending RCW 72.09.015, 72.05.020, and 13.40.020; reenacting and amending RCW 70.48.020; adding new sections to chapter 72.09 RCW; adding new sections to chapter 70.48 RCW; adding new sections to chapter 72.05 RCW; and adding new sections to chapter 13.40 RCW.

Referred to Committee on Human Services.

HB 2748 by Representatives Simpson, Jacks and Chase

AN ACT Relating to dues for an association established under RCW 53.06.030; and amending RCW 53.06.040.

Referred to Committee on Local Government & Housing.

HB 2749 by Representatives Nelson, White and Chase

AN ACT Relating to local government taxation; amending RCW 82.14.450, 82.14.450, 82.14.460, 82.14.460, 84.55.050, 82.46.035, 82.12.010, and 82.14.230; reenacting and amending RCW 82.46.035; adding a new section to chapter 35.21 RCW; adding a new chapter to Title 36 RCW; providing effective dates; and providing expiration dates.

Referred to Committee on Finance.

HB 2750 by Representatives Sells, Crouse, Dunshee and Simpson

AN ACT Relating to public utility districts and deferred compensation and supplemental savings plans; amending RCW 54.04.050; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2751 by Representatives Sells, Kenney, Nelson, Green, Ormsby, Conway, Campbell, Hasegawa, Seaquist, Simpson, Williams, Cody, Hudgins, Sullivan, Carlyle, Miloscia, Morrell, Hunt, Morris and Chase

AN ACT Relating to including a member from labor on community college boards of trustees; and amending RCW 28B.50.100.

Referred to Committee on Higher Education.

HB 2752 by Representatives Dickerson, Orwall, Walsh, Goodman, Kagi, Roberts, Pedersen, Green, Santos and Nelson

AN ACT Relating to the safety of runaway youth; amending RCW 13.32A.082; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 2753 by Representatives Orwall, Springer, Maxwell, Jacks, Nelson, Simpson, Conway, Ormsby, Chase and Santos

AN ACT Relating to the creation of a workforce housing program; amending RCW 43.180.160, 39.86.100, 39.86.120, 39.86.130, 39.86.140, 39.86.150, 39.86.170, and 39.86.190; reenacting and amending RCW 39.86.110; adding a new section to chapter 39.86 RCW; and repealing RCW 39.86.200.

Referred to Committee on Capital Budget.

HB 2754 by Representatives Orwall, Appleton, Pettigrew, Darneille, Dickerson, Simpson, Morrell, White, Dunshee, Chase, Kagi, Upthegrove, Nelson, Hunt and Ormsby

AN ACT Relating to creating the Washington voluntary retirement accounts program; amending RCW 43.33A.070; reenacting and amending RCW 43.84.092; and adding new sections to chapter 41.50 RCW.

Referred to Committee on Ways & Means.

HB 2755 by Representatives Roach, Orcutt, Kristiansen, Ericksen, Short, McCune, Shea, Condotta, Angel and Kretz

AN ACT Relating to eliminating restrictions on vehicle miles traveled; amending RCW 36.70A.580 and 47.01.078; repealing RCW 47.01.440 and 70.235.070; and providing an expiration date.

Referred to Committee on Transportation.

HB 2756 by Representatives Driscoll, Parker, Haler, Ormsby, Lias, Pettigrew, Kelley, Sullivan, Green, Moeller, Simpson, Darneille, Morrell, Pearson, Hurst, Chase and Santos

AN ACT Relating to allowing medicare supplement insurance premiums to be deducted from the calculation of disposable income for the purpose of qualifying for senior property tax programs; and reenacting and amending RCW 84.36.383.

Referred to Committee on Finance.

HB 2757 by Representatives Morrell, Hinkle, Moeller, Wallace, Clibborn, Herrera, Cody, Green, Campbell, Rolfes, Simpson, Hunt, Morris and Chase

AN ACT Relating to authorizing Washington pharmacies to fill prescriptions written by advanced registered nurse practitioners in other states or in certain provinces of Canada; and reenacting and amending RCW 69.41.030.

Referred to Committee on Health Care & Wellness.

HB 2758 by Representatives Hunter, Condotta, Kessler and Orcutt

AN ACT Relating to documenting wholesale sales for excise tax purposes; amending RCW 82.32.780, 82.32.783, 82.32.785, 82.32.787, and 82.32.290; amending 2009 c 563 Â§ 101 (uncodified); reenacting and amending RCW 82.04.470, 82.08.050, 82.08.130, 82.32.087, 82.32.291, 82.32.330, 82.04.050, and 34.05.328; adding a new section to chapter 82.32 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2759 by Representatives Maxwell, Anderson, Roberts, White, Goodman, Clibborn, Kenney, Hunter, Morrell and Haigh

AN ACT Relating to adjusting local school finance related to nonresident students enrolled in online learning; amending RCW 84.52.0531 and 84.52.0531; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Education Appropriations.

HB 2760 by Representatives Wallace, Springer, Kelley and Morris

AN ACT Relating to increasing the time limit for filing property tax refund claims; and amending RCW 84.69.030.

Referred to Committee on Finance.

HB 2761 by Representatives Green, Campbell and Morrell

AN ACT Relating to dental hygienists working with physicians and nurse practitioners; and amending RCW 18.29.056.

Referred to Committee on Health Care & Wellness.

HB 2762 by Representative Simpson

AN ACT Relating to the authorization of special license plates; and amending RCW 46.16.725.

Referred to Committee on Transportation.

HB 2763 by Representatives Simpson, Sells, Maxwell, Van De Wege, Miloscia, Kristiansen, Haigh, Kagi and Chase

AN ACT Relating to creating a "Music Matters" special license plate; amending RCW 46.16.725, 46.16.601, 46.16.745, and 46.16.316; reenacting and amending RCW 46.16.313; adding new sections to chapter 46.16 RCW; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

HB 2764 by Representatives Conway, Green, Nelson and Simpson

AN ACT Relating to protecting employees from adverse employment actions because of influenza; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Commerce & Labor.

HB 2765 by Representatives Springer, Eddy, Morris, Haler and Taylor

AN ACT Relating to developing strategies to improve the energy efficiency of existing homes; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 2766 by Representatives Cody, Hinkle, Green, Driscoll, Pettigrew, Maxwell, Carlyle, Priest and Nelson

AN ACT Relating to credentialing as a nursing assistant; amending RCW 18.88A.010, 18.88A.060, 18.88A.085, and

18.88A.140; adding a new section to chapter 18.88A RCW; creating a new section; and repealing RCW 18.88A.115.

Referred to Committee on Health Care & Wellness.

HB 2767 by Representatives Appleton, Goodman and O'Brien

AN ACT Relating to membership of the Washington state forensic investigations council; amending RCW 43.103.040; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2768 by Representatives Ross, O'Brien, Hurst, Ericks, Wallace, Kelley, Upthegrove and Simpson

AN ACT Relating to background investigations for peace officers and reserve officers; and amending RCW 43.101.080, 43.101.095, and 43.101.105.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2769 by Representatives O'Brien, Hurst, Ross, Ericks and Kelley

AN ACT Relating to membership and rules of procedure for the criminal justice training commission and related boards; and amending RCW 43.101.060 and 43.101.315.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2770 by Representative O'Brien

AN ACT Relating to reducing crime victims' compensation benefits and eligibility; amending RCW 7.68.060 and 7.68.070; repealing RCW 7.68.085; providing an effective date; and declaring an emergency.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2771 by Representative O'Brien

AN ACT Relating to transferring responsibility for administering the crime victims' compensation program from the department of labor and industries to the department of social and health services; amending RCW 7.68.015, 7.68.020, 7.68.030, 7.68.035, 7.68.085, 7.68.145, 9.95.210, 72.09.095, and 74.08A.010; adding a new section to chapter 7.68 RCW; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2772 by Representatives Hinkle, Short, Kretz, McCune, Crouse, Rodne, Kristiansen, Johnson, Taylor, Haler, Ross, Klippert, Shea, Condotta and Angel

AN ACT Relating to accountability of climate change expenditures; amending RCW 70.235.010; adding a new section to chapter 70.235 RCW; and creating new sections.

Referred to Committee on Ecology & Parks.

HB 2773 by Representatives Nelson and White

AN ACT Relating to local excise tax authorities for counties and cities; and amending RCW 82.14.450, 82.14.450, 82.14.460, 82.14.460, and 82.14.340.

Referred to Committee on Finance.

HB 2774 by Representatives Sells, McCoy and Santos

AN ACT Relating to traffic infractions where the conduct is a proximate cause of death, great bodily harm, or substantial bodily harm to another; amending RCW 46.63.020; and providing an effective date.

Referred to Committee on Judiciary.

HB 2775 by Representatives Dammeier, Hasegawa, Hunt, Armstrong, Short, Kristiansen, Springer, Kelley, Morrell, Pearson, Chase and Kretz

AN ACT Relating to membership on the state building code council; and amending RCW 19.27.070.

Referred to Committee on Local Government & Housing.

HB 2776 by Representatives Sullivan, Priest, Maxwell, Dammeier, Carlyle, Finn, Anderson, Eddy, Nelson, Goodman, Orwall, Hunter, Simpson, Jacks, Kagi, Ormsby, Morrell, Probst and Santos

AN ACT Relating to funding distribution formulas for K-12 education; amending RCW 28A.150.260, 28A.150.390, 28A.150.315, 43.41.398, 28A.160.192, and 28A.150.410; amending 2009 c 548 s 112 (uncodified); amending 2009 c 548 s 302 (uncodified); amending 2009 c 548 s 805 (uncodified); adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.290 RCW; adding a new section to chapter 28A.400 RCW; creating a new section; recodifying RCW 43.41.398; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Education Appropriations.

HJM 4023 by Representatives Anderson, Shea, Kretz, Short, Johnson, Rodne, Taylor, Klippert, Campbell, Bailey, Condotta and McCune

Requesting that certain actions be taken to reduce the federal budget deficit.

Referred to Committee on Ways & Means.

MOTION

Representative Ericksen made a motion to suspend the rules and advance HOUSE BILL NO. 2669 to second reading.

Representative Ericksen spoke in favor of the adoption of the motion.

Representative Kessler spoke against the adoption of the motion.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the motion to suspend the rules and advance House Bill No. 2669 to second reading.

An electronic roll call was requested.

MOTIONS

On motion of Representative Santos, Representatives Flannigan, Wallace and Wood were excused. On motion of Representative Walsh, Representative DeBolt was excused.

ROLL CALL

The Clerk called the roll on the adoption of the motion to suspend the rules and advance House Bill No. 2669 to second reading. The motion was not adopted by the following vote: Yeas, 36; Nays, 58; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams and Mr. Speaker.

Excused: Representatives DeBolt, Flannigan, Wallace and Wood.

The motion was not adopted.

MOTION

Representative Kristiansen made a motion to suspend the rules and advance HOUSE BILL NO. 2708 to second reading.

Representative Kristiansen spoke in favor of the adoption of the motion.

Representative Kessler spoke against the adoption of the motion.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the motion to suspend the rules and advance House Bill No. 2708 to second reading.

An electronic roll call was requested.

ROLL CALL

The Clerk called the roll on the adoption of the motion to suspend the rules and advance House Bill No. 2708 to second reading. The motion was not adopted by the following vote: Yeas, 36; Nays, 58; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope,

Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams and Mr. Speaker.

Excused: Representatives DeBolt, Flannigan, Wallace and Wood.

The motion was not adopted.

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

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

There being no objection, the Committee on Health Care & Wellness was relieved of HOUSE BILL NO. 2633, and the bill was referred to the Committee on Health & Human Services Appropriations.

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

COMMITTEE APPOINTMENTS

Representative Armstrong was appointed Assistant Ranking Minority Member of the Committee on General Government Appropriations. Representative DeBolt was appointed Assistant Ranking Minority Member of the Committee on Local Government & Housing.

There being no objection, the House adjourned until 9:55 a.m., January 14, 2010, the 4th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - REGULAR SESSION

FOURTH DAY

House Chamber, Olympia, Thursday, January 14, 2010

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

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

INTRODUCTION AND FIRST READING

HB 2777 by Representatives Goodman, O'Brien, Driscoll, Kessler, Maxwell, Finn, Hurst, Williams, Appleton, Hudgins, Kelley, Ericks, Morrell, McCoy, Seaquist, Green, Carlyle, Conway, Pearson and Simpson

AN ACT Relating to modifying domestic violence provisions; amending RCW 9.94A.030, 9.94A.525, and 3.66.068; and reenacting and amending RCW 9.94A.535.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2778 by Representatives Goodman, Kessler, Santos, Darneille, Maxwell, Kenney, Kagi, Williams, Rolfes, Appleton, Hudgins, Ericks, Morrell, McCoy, Seaquist, Green, O'Brien, Carlyle, Roberts, Pearson, Nelson and Simpson

AN ACT Relating to domestic violence; amending RCW 10.31.100, 10.99.045, 26.50.020, 26.50.060, 26.50.070, 10.99.040, 9.41.040, 9.41.800, 3.66.068, 26.50.150, 7.68.020, 7.68.060, 7.68.070, and 68.50.160; reenacting and amending RCW 9.94A.535; adding a new section to chapter 36.28A RCW; adding a new section to chapter 26.50 RCW; adding a new section to chapter 7.90 RCW; adding a new section to chapter 10.14 RCW; adding new sections to chapter 2.56 RCW; adding a new section to chapter 10.99 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 2779 by Representative Cody

AN ACT Relating to payment for emergency services rendered by nonparticipating providers in hospitals; amending RCW 48.43.093; reenacting and amending RCW 48.43.005; adding a new section to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2780 by Representatives Hurst, Williams and Simpson

AN ACT Relating to automated traffic safety cameras; amending RCW 46.63.075 and 46.63.170; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2781 by Representatives Hurst, Morrell, Kelley, Wallace, Pearson, Ericks, Klippert, Conway, Haigh, Roach and Simpson

AN ACT Relating to imposing a sanction for offenders who violate sentence conditions by committing an assault against a law enforcement officer, employee of a law enforcement agency, or department of corrections employee; amending RCW 9.94A.633; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2782 by Representatives Dickerson, Appleton, McCoy, Carlyle, Morrell, Kagi, Kessler, Green, Ericks, Moeller, Roberts, Nelson and Orwall

AN ACT Relating to establishing the security lifeline act; amending RCW 74.04.005, 74.09.035, 10.101.010, 26.19.071, 31.04.540, 70.123.110, 73.08.005, 74.04.0052, 74.04.120, 74.04.230, 74.04.266, 74.04.620, 74.04.770, 74.08.043, 74.08.278, 74.08.335, 74.08A.210, 74.09.010, 74.09.035, 74.09.555, and 74.50.060; reenacting and amending RCW 13.34.030; adding new sections to chapter 74.04 RCW; adding a new section to chapter 70.47 RCW; adding a new section to chapter 70.96A RCW; adding a new section to chapter 74.12 RCW; creating new sections; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Human Services.

HB 2783 by Representatives Takko, Armstrong, Ericks, Simpson and Wallace

AN ACT Relating to the Washington state patrol retirement system; and reenacting and amending RCW 43.43.120.

Referred to Committee on Ways & Means.

HB 2784 by Representatives Finn, Rolfes, Haigh, Upthegrove, McCoy, Chase and Wallace

AN ACT Relating to a baseload renewable power facility; and amending RCW 19.285.030 and 19.285.040.

Referred to Committee on Technology, Energy & Communications.

HB 2785 by Representatives Hudgins, Morris, Hasegawa, Wallace and Kenney

AN ACT Relating to theft of electronic devices; and adding a new chapter to Title 19 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 2786 by Representatives Hurst, Roach, Simpson, Orwall, Miloscia, Sullivan, Hasegawa, Hudgins, Upthegrove, White, Wallace, Haigh and Nelson

AN ACT Relating to Green river emergency flooding preparedness and response; amending RCW 86.12.037 and 86.15.080; adding a new section to chapter 38.52 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2787 by Representatives Hurst, Roach, Simpson, Miloscia, Orwall, Sullivan, Hasegawa, Hudgins, Upthegrove, White, Chase and Nelson

AN ACT Relating to Green river emergency flooding preparedness and response; adding a new section to chapter 38.52 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2788 by Representatives Hinkle, Kelley, Wallace and Simpson

AN ACT Relating to estimates for health care fees and charges; and amending RCW 70.01.030.

Referred to Committee on Health Care & Wellness.

HB 2789 by Representatives Conway, Chase, Hudgins, Moeller and Simpson

AN ACT Relating to authorizing issuance of subpoenas for purposes of agency investigations of underground economic activity; amending RCW 51.04.040 and 50.12.130; adding a new section to chapter 82.32 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2790 by Representative Conway

AN ACT Relating to making technical and clarifying changes to the liquor laws; amending RCW 66.28.290, 66.24.360, 66.24.360, 66.24.371, 66.24.570, 66.24.580, 66.24.580, 66.28.040, 66.28.042, 66.28.043, 66.28.155, 66.28.190, and 66.24.240; reenacting and amending RCW 66.24.371; repealing RCW 66.28.010; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2791 by Representatives Goodman and Clibborn

AN ACT Relating to driving-related penalties; amending RCW 46.61.150 and 46.16.160; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 2792 by Representatives Ormsby, Parker, Driscoll, Crouse and Shea

AN ACT Relating to local revitalization financing; and amending RCW 39.104.050.

Referred to Committee on Community & Economic Development & Trade.

HB 2793 by Representatives Kessler, Walsh, Pedersen, Chase, Williams, Kagi, Moeller, Haigh, Nelson and Simpson

AN ACT Relating to clarifying and expanding the rights and obligations of state registered domestic partners and other couples related to parentage; amending RCW 26.26.011, 26.26.021, 26.26.041, 26.26.051, 26.26.101, 26.26.106, 26.26.111, 26.26.116, 26.26.130, 26.26.150, 26.26.300, 26.26.305, 26.26.310, 26.26.315, 26.26.320, 26.26.325, 26.26.330, 26.26.335, 26.26.340, 26.26.345, 26.26.350, 26.26.355, 26.26.360, 26.26.370, 26.26.375, 26.26.400, 26.26.405, 26.26.410, 26.26.420, 26.26.425, 26.26.430, 26.26.435, 26.26.445, 26.26.505, 26.26.510, 26.26.525, 26.26.530, 26.26.535, 26.26.540, 26.26.545, 26.26.550, 26.26.555, 26.26.570, 26.26.575, 26.26.585, 26.26.590, 26.26.600, 26.26.615, 26.26.620, 26.26.625, 26.26.630, 26.26.700, 26.26.705, 26.26.710, 26.26.715, 26.26.720, 26.26.725, 26.26.730, 26.26.740, 26.26.903, 26.26.911, and 9A.64.030; adding new sections to chapter 26.26 RCW; creating a new section; and repealing RCW 26.26.210, 26.26.220, 26.26.230, 26.26.240, 26.26.250, 26.26.260, and 26.26.735.

Referred to Committee on Judiciary.

HB 2794 by Representatives Upthegrove, Rodne, Orwall, Roach, Hasegawa, Nelson, Sullivan, Kelley, Chase, Wallace and Simpson

AN ACT Relating to the liability and powers of cities and flood control zone districts; and amending RCW 86.12.037 and 86.15.080.

Referred to Committee on Judiciary.

HB 2795 by Representatives Pettigrew, Santos and Simpson

AN ACT Relating to water-sewer district assumptions; amending RCW 35.13A.020, 35.13A.030, 35.13A.040, 35.13A.050, and 36.93.105; adding new sections to chapter 35.13A RCW; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government & Housing.

HB 2796 by Representatives Cody and Green

AN ACT Relating to information on direct practices that the office of the insurance commissioner must gather and report to the legislature; amending RCW 48.150.100; and repealing RCW 48.150.120.

Referred to Committee on Health Care & Wellness.

HB 2797 by Representatives Williams and Nelson

AN ACT Relating to creating a mineral severance tax; reenacting and amending RCW 43.84.092; adding a new chapter to Title 82 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2798 by Representatives Appleton, Chase, O'Brien, Roberts and Hasegawa

AN ACT Relating to enhanced intelligence in Washington state; adding a new chapter to Title 42 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2799 by Representative Appleton

AN ACT Relating to legal financial obligations; amending RCW 9.94A.760 and 9.94A.753; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2800 by Representatives Appleton and Williams

AN ACT Relating to prohibiting persons from holding two elected offices for which he or she receives compensation; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 35.27 RCW; and adding a new section to chapter 36.16 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2801 by Representatives Lias, Johnson, Pedersen, Hunt, Orwall, Maxwell, Quall, Moeller, Chase, Williams, Nelson and Simpson

AN ACT Relating to antiharassment strategies in public schools; amending RCW 28A.300.285; adding a new section to chapter 43.06B RCW; and creating a new section.

Referred to Committee on Education.

HB 2802 by Representatives Anderson, Angel, Clibborn, Eddy and Wallace

AN ACT Relating to the review of the local government fiscal note program; adding a new section to chapter 43.330 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2803 by Representatives Clibborn, Cody and Wallace

AN ACT Relating to certification for speech-language pathology assistants; amending RCW 18.35.161; amending 2009 c 301 s 11 (uncodified); reenacting and amending RCW 18.130.040, 18.130.040, and 18.130.040; providing effective dates; and providing expiration dates.

Referred to Committee on Health Care & Wellness.

HB 2804 by Representatives Green, Hudgins, Goodman, Conway, Chandler, Crouse, Condotta, Moeller, Miloscia, Darneille, Hunt, Kagi and McCune

AN ACT Relating to beer and caffeinated or stimulant-enhanced malt beverages; reenacting and amending RCW 66.04.010; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce & Labor.

HB 2805 by Representatives Ormsby, Campbell, Williams, Van De Wege, Simpson, White, Chase, Hasegawa and Rolfes

AN ACT Relating to public works involving off-site prefabrication; adding a new section to chapter 39.12 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2806 by Representatives Blake and Chandler

AN ACT Relating to livestock inspection; amending RCW 16.57.160 and 16.36.060; adding a new section to chapter 16.57 RCW; and adding a new section to chapter 16.36 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2807 by Representatives Ericksen and Bailey

AN ACT Relating to basic health care coverage; amending RCW 48.41.060, 70.47.010, 70.47.015, 70.47.020, 70.47.030, 70.47.040, 70.47.060, 70.47.080, 70.47.090, and 70.47.150; and repealing RCW 70.47.070, 70.47.100, 70.47.110, 70.47.115, 70.47.120, 70.47.130, 70.47.160, 70.47.200, 70.47.201, 70.47.210, and 70.47.900.

Referred to Committee on Health Care & Wellness.

HB 2808 by Representatives Ericksen, Haler and Short

AN ACT Relating to commercial activities by state government agencies; adding a new chapter to Title 43 RCW; and repealing RCW 28B.63.010, 28B.63.020, 28B.63.030, 28B.63.040, and 28B.63.050.

Referred to Committee on State Government & Tribal Affairs.

HB 2809 by Representatives Ericksen, Bailey and Hinkle

AN ACT Relating to the health technology assessment program; amending RCW 70.14.090 and 70.14.110; and adding a new section to chapter 70.14 RCW.

Referred to Committee on Health Care & Wellness.

HB 2810 by Representatives Ericksen, Ross, Haler, Taylor, Short, Angel, Pearson, Smith and Johnson

AN ACT Relating to creating a legislative rule-making accountability committee to review proposed agency rules; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2811 by Representatives Ericksen, Haler, Kristiansen and Short

AN ACT Relating to civil liability reform; amending RCW 4.22.070, 4.22.015, 4.56.250, 4.16.350, 7.70.150, and 7.70.070; adding a new section to chapter 4.56 RCW; adding new sections to chapter 7.70 RCW; adding a new section to chapter 7.04A RCW; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2812 by Representatives Ericksen and Orcutt

AN ACT Relating to limiting penalties for failing to file an annual survey or annual report for tax incentives; amending RCW 82.04.4452, 82.32.535, 82.32.5351, 82.32.545, 82.32.560, 82.32.570, 82.32.590, 82.32.610, 82.32.620, 82.32.630, and 82.32.650; amending 2009 c 461 s 9 (uncodified); and providing a contingent effective date.

Referred to Committee on Finance.

HB 2813 by Representatives Ericksen and Orcutt

AN ACT Relating to encouraging the construction of low-carbon energy generation facilities through tax and regulatory incentives; amending RCW 80.70.020 and 80.80.040; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 80.50 RCW; and providing expiration dates.

Referred to Committee on Finance.

HB 2814 by Representatives Ericksen, Haler, Kristiansen, Short and Bailey

AN ACT Relating to health care liability reform; amending RCW 4.22.070, 4.22.015, 4.56.250, 4.16.350, 7.70.150, and 7.70.070; adding a new section to chapter 4.56 RCW; adding a new section to chapter 7.04A RCW; adding new sections to chapter 7.70 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2815 by Representatives Cody, Hinkle, Morrell, DeBolt, Green, Walsh, Pettigrew, Roach, Campbell, Priest, Williams, Conway, Simpson and Angel

AN ACT Relating to repealing the expiration of the fair payment for chiropractic services requirement; and repealing 2008 c 304 s 4 (uncodified).

Referred to Committee on Health Care & Wellness.

HB 2816 by Representatives Morris, Moeller, Chase, Kessler, Jacks and Nelson

AN ACT Relating to fuel taxes on exported fuel; amending RCW 82.36.020, 82.36.060, 82.36.230, 82.36.280, 82.36.300, 82.38.030, 82.38.080, 82.38.180, and 82.04.090; reenacting and amending RCW 43.84.092; adding new sections to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; adding a new section to chapter 46.68 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

HB 2817 by Representatives O'Brien, Pearson and Kelley

AN ACT Relating to a person's identifying information submitted in the course of using the electronic statewide unified sex offender notification and registration program for the purpose of receiving notification regarding registered sex offenders; and amending RCW 36.28A.040.

Referred to Committee on State Government & Tribal Affairs.

HB 2818 by Representatives Chase and Simpson

AN ACT Relating to reducing the environmental health impact of cleaning in state facilities; and adding a new chapter to Title 70 RCW.

Referred to Committee on Environmental Health.

HB 2819 by Representative O'Brien

AN ACT Relating to a property tax exemption for property used for church purposes; amending RCW 84.36.032; and creating a new section.

Referred to Committee on Finance.

HB 2820 by Representatives O'Brien and Kelley

AN ACT Relating to reserve accounts for condominium associations; and amending RCW 64.34.380.

Referred to Committee on Judiciary.

HB 2821 by Representative O'Brien

AN ACT Relating to requiring copayments for cough medicine for recipients of medical assistance and medical care services; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health & Human Services Appropriations.

HB 2822 by Representatives Wallace, Sells and Anderson

AN ACT Relating to modifying the budget recommendations developed by the higher education coordinating board to include recommendations on tuition and fees; and amending RCW 28B.76.210.

Referred to Committee on Higher Education.

HB 2823 by Representatives Kristiansen, Armstrong, Blake and Kelley

AN ACT Relating to permitting retired participants to resume volunteer firefighter, emergency worker, or reserve officer service; amending RCW 41.24.010; and adding a new section to chapter 41.24 RCW.

Referred to Committee on Ways & Means.

HB 2824 by Representatives Linville and Ericks

Making 2010 operating supplemental appropriations.

Referred to Committee on Ways & Means.

HB 2825 by Representatives Linville and Ericks

AN ACT Relating to transferring the administration of the voluntary firefighters' and reserve officers' relief and pension system to the department of retirement systems; amending RCW 41.24.010, 41.24.030, 41.24.035, 41.24.070, 41.24.080, 41.24.110,

41.24.120, 41.24.150, 41.24.155, 41.24.160, 41.24.185, 41.24.190, 41.24.210, 41.24.215, 41.24.245, 41.24.290, 41.24.300, 41.24.310, 41.24.340, 41.24.410, and 41.24.460; reenacting and amending RCW 41.24.172; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2826 by Representatives Conway, Chase, Hudgins and Simpson

AN ACT Relating to recommendations of the joint legislative task force on the underground economy; amending RCW 18.27.340 and 18.27.070; reenacting and amending RCW 60.28.040; adding new sections to chapter 18.27 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2827 by Representatives Campbell, Green, Chase, Kelley, Wallace, Moeller, Haigh and Simpson

AN ACT Relating to the release of a person arrested and detained for a crime involving domestic violence; and amending RCW 10.99.040.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2828 by Representatives Campbell and Morrell

AN ACT Relating to requiring hospitals to report certain health care-associated infections to the Washington state hospital association's quality benchmarking system until the national health care safety network is able to accept aggregate denominator data; and amending RCW 43.70.056.

Referred to Committee on Health Care & Wellness.

HB 2829 by Representatives Hinkle, Cody, Morrell, Green, Driscoll and Clibborn

AN ACT Relating to authorizing a privately funded prescription monitoring program; amending RCW 70.225.010, 70.225.020, 70.225.040, and 70.225.060; adding new sections to chapter 70.225 RCW; and repealing RCW 70.225.030 and 70.225.050.

Referred to Committee on Health Care & Wellness.

HB 2830 by Representatives Simpson, Bailey, Kirby, Kelley, Rodne and Nelson

AN ACT Relating to credit union regulatory enforcement powers; amending RCW 31.12.005, 31.12.085, 31.12.267, 31.12.516, 31.12.545, 31.12.565, 31.12.569, 31.12.575, 31.12.585, 31.12.595, 31.12.625, 31.12.651, 31.12.671, 31.12.674, and 31.12.850; adding new sections to chapter 31.12 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 2831 by Representatives Simpson, Bailey, Kirby, Kelley, Chase, Wallace, Rodne and Nelson

AN ACT Relating to state-chartered commercial banks, trust companies, savings banks, and their holding companies; amending RCW 30.04.010, 30.04.020, 30.04.030, 30.04.050, 30.04.060, 30.04.070, 30.04.075, 30.04.111, 30.04.127, 30.04.215, 30.04.217, 30.04.450, 30.04.455, 30.04.460, 30.04.470, 30.04.475, 30.12.040, 30.12.042, 30.12.044, 30.12.047, 30.12.070, 30.12.090, 30.12.100, 30.12.190, 30.12.240, 30.44.010, 30.44.020, 30.44.030, 30.44.100, 30.44.110, 30.44.160, 30.44.270, 30.46.010, 32.04.020, 32.04.070, 32.04.100, 32.04.110, 32.04.110, 32.04.211, 32.04.220, 32.04.250, 32.04.260, 32.04.270, 32.04.290, 32.08.153, 32.16.090, 32.16.093, 32.16.095, 32.16.097, 32.16.140, 32.20.285, 32.24.040, 32.24.050, 32.24.060, 32.24.070, 32.24.080, and 32.24.090; adding a new section to chapter 23B.01 RCW; adding a new section to chapter 23B.14 RCW; adding a new section to chapter 30.12 RCW; adding a new section to chapter 32.04 RCW; adding a new section to chapter 32.08 RCW; adding a new section to chapter 32.16 RCW; adding a new section to chapter 32.24 RCW; adding a new chapter to Title 32 RCW; repealing RCW 30.04.310; prescribing penalties; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 2832 by Representatives McCune, Shea, Klippert and Roach

AN ACT Relating to displays of state and federal documents in public buildings on the state capitol campus; and adding a new section to chapter 43.19 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2833 by Representatives Williams, White, Moeller, Green, Nelson, Hasegawa, Takko, Dunshee, Sells, Ormsby, Conway, Appleton, Dickerson, Chase, Van De Wege, Hunt and Simpson

AN ACT Relating to requiring aerospace tax incentive claimants to periodically reaffirm their commitment to the economic well-being of Washington; amending RCW 82.32.545 and 82.32.600; and creating a new section.

Referred to Committee on Finance.

HB 2834 by Representatives Probst, Hurst, Sullivan, Hope, Quall, Chase, Kelley, Wallace, Hunt, Conway, Haigh, Kenney and Simpson

AN ACT Relating to gang and hate group activity on school grounds and at school activities; amending RCW 28A.225.225 and 28A.600.455; and adding a new section to chapter 28A.635 RCW.

Referred to Committee on Education.

HB 2835 by Representatives Probst, Hurst, Sullivan, Hope, Quall, Chase, Kelley, Wallace, Hunt, Conway, Haigh and Simpson

AN ACT Relating to school safety zones; amending RCW 28A.635.030 and 9A.84.030; adding a new section to chapter 28A.635 RCW; and prescribing penalties.

Referred to Committee on Education.

HB 2836 by Representatives Dunshee and White

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending

2009 c 497 ss 1005, 1013, 1023, 1029, 1031, 1034, 1035, 1039, 1040, 1048, 1054, 1055, 1060, 1061, 1063, 1064, 1068, 1073, 1086, 1087, 2001, 2002, 2034, 2037, 2038, 3007, 3020, 3085, 3168, 4008, 5008, 5002, 5014, 5024, 5025, 5027, 5028, 5030, 5035, 5039, 5040, 5041, 5042, 5055, 5056, 5057, 5061, 5065, 5070, 5078, 5079, 5081, 5083, 5092, 5097, 5104, 5109, 5110, 5111, 5146, 5147, 5148, 5149, 5170, 5171, 5172, 5173, 5177, 5178, 5191, 5192, 5196, 5210, 5211, 5212, 5213, 5223, 5224, and 6009 (uncodified); adding new sections to 2009 c 497 (uncodified); creating a new section; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2837 by Representatives Clibborn, Cody, Eddy, Kenney, Dickerson, Kessler, Nelson, Darneille, Goodman, Chase, Pedersen, Dunshee, Appleton, White, Jacks, Kagi, Springer, Pettigrew, Maxwell, Ericks, Moeller, Van De Wege, Hunt, Rolfes, Flannigan and Simpson

AN ACT Relating to limited service pregnancy centers; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care & Wellness.

HB 2838 by Representative Clibborn

AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.290, 36.79.020, 47.12.340, 46.68.320, and 43.19.642; amending 2009 c 470 Â§ 101, 102, 103, 104, 106, 107, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 222, 223, 224, 225, 302, 303, 304, 306, 307, 308, 309, 310, 311, 401, 402, 403, 404, 405, 406, 407, 503, and 603 (uncodified); repealing 2009 c 470 Â§ 501 and 502 (uncodified); making appropriations and authorizing capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 2839 by Representatives Fagan, Schmick, Short and Chandler

AN ACT Relating to extending the implementation of the national pollutant discharge elimination system municipal separate storm sewer systems permit; adding a new section to chapter 90.48 RCW; and providing an expiration date.

Referred to Committee on Ecology & Parks.

HB 2840 by Representatives Kretz and Short

AN ACT Relating to examining levy-funded employee-related costs of school districts; amending RCW 28A.290.010; amending 2009 c 548 s 302 (uncodified); and creating a new section.

Referred to Committee on Education Appropriations.

HJR 4219 by Representatives Appleton and Williams

Amending the state Constitution to prohibit the holding of more than one elected office for certain individuals.

Referred to Committee on State Government & Tribal Affairs.

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

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

There being no objection, the House adjourned until 10:00 a.m., January 15, 2010, the 5th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - REGULAR SESSION

FIFTH DAY

House Chamber, Olympia, Friday, January 15, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lillian Hoffman and Caleb Johnson. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Sandra Kreis, Retired Lutheran Pastor, Olympia.

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

RESOLUTION

HOUSE RESOLUTION NO. 4659, by Representatives Hudgins and Conway

WHEREAS, The inaugural season of the Seattle Sounders FC will be remembered as an historic triumph, not only on the pitch, but for bringing Major League Soccer to the Pacific Northwest and along with it, the loudest and most devoted and loyal fans in the country; and

WHEREAS, The Sounders FC became the first expansion team since 1998 to qualify for the playoffs, achieving the best record and most goals of any expansion team; and

WHEREAS, Our Seattle Sounders FC are the U.S. Open Cup champions of 2009; and

WHEREAS, Sounders FC fans have become a force in the MLS, with 22,000 season ticket holders and an annual game attendance averaging 30,943, setting the MLS record and ranking them amongst the top 50 clubs in the world; and

WHEREAS, The crowds grew even larger in the 2009 postseason, setting another MLS record for playoff attendance; and

WHEREAS, The Seattle Sounders FC's success on the pitch is rivaled only by their success in the community, with players, coaches, and staff volunteering nearly 1,000 hours of service and 80 community appearances during the season; and

WHEREAS, Their efforts set another Major League Soccer record by raising more than 23,000 dollars for the "Nothing But Nets" program, which provides antimosquito, malaria prevention nets to developing countries around the world; and

WHEREAS, No other professional sports team provides their supporters with a better and more democratic administration, allowing their fans a greater voice in the direction of their team;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives urges all citizens of the State of Washington to join us in congratulating and recognizing the players, the owners, the staff, and the fans of the Seattle Sounders Football Club.

Representative Hudgins moved adoption of House Resolution No. 4659.

Representatives Hudgins and Anderson spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4659 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced Seattle Sounders Goalkeeper Kasey Keller and General Manager Adrian Hanauer as well as other Sounders staff in the gallery and asked the members to acknowledge them.

INTRODUCTION AND FIRST READING

HB 2841 by Representatives Hinkle, Cody and Kristiansen

Concerning the standard health questionnaire.

Referred to Committee on Health Care & Wellness.

HB 2842 by Representatives Parker and Kirby

AN ACT Relating to insurer receiverships; amending RCW 42.56.400; adding a new section to chapter 48.31 RCW; and adding a new section to chapter 48.99 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2843 by Representatives Ormsby and Driscoll

AN ACT Relating to cities and towns annexed to fire protection districts; and amending RCW 52.02.020 and 52.04.061.

Referred to Committee on Local Government & Housing.

HB 2844 by Representatives Kenney, Haler, McCoy, Ericks and Nealey

AN ACT Relating to excise tax relief for nuclear fuel assemblies; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2845 by Representative Alexander

AN ACT Relating to privatizing the sale of liquor; amending RCW 66.08.030, 66.08.070, 66.08.130, 66.08.140, 66.08.150, 66.24.010, 66.24.012, 66.24.015, 66.24.025, 66.24.120, 66.44.200, 66.44.318, 66.44.340, 66.04.010, 66.08.020, 66.08.026, 66.08.030, 66.08.050, 66.08.060, 66.08.167, 66.16.110, 66.12.110, 66.12.120, 66.12.140, 66.20.010, 66.20.160, 66.20.170, 66.20.180, 66.20.190,

66.20.200, 66.20.210, 66.24.145, 66.24.360, 66.24.371, 66.24.380, 66.24.395, 66.24.395, 66.24.540, 66.24.590, 66.28.060, 66.32.010, 66.44.150, and 66.44.160; reenacting and amending RCW 66.04.010; adding new sections to chapter 66.08 RCW; creating a new section; recodifying RCW 66.16.110; repealing RCW 66.08.070, 66.08.160, 66.08.165, 66.08.166, 66.08.220, 66.08.235, 66.16.010, 66.16.040, 66.16.041, 66.16.050, 66.16.060, 66.16.070, 66.16.090, 66.16.100, 66.16.120, and 66.28.180; and providing effective dates.

Referred to Committee on Commerce & Labor.

HB 2846 by Representative Alexander

AN ACT Relating to contract liquor stores; amending RCW 66.08.026, 66.08.150, 66.08.220, 66.24.440, 66.20.160, and 66.08.030; adding new sections to chapter 66.08 RCW; adding a new chapter to Title 66 RCW; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2847 by Representative Alexander

AN ACT Relating to the confiscation of funds for individuals convicted of a crime; and adding new sections to chapter 9.94A RCW.

Referred to Committee on Judiciary.

HB 2848 by Representative Alexander

AN ACT Relating to repealing RCW 36.32.210; and repealing RCW 36.32.210.

Referred to Committee on Local Government & Housing.

HB 2849 by Representative Haigh

AN ACT Relating to transferring the state school for the blind, the Washington state center for childhood deafness and hearing loss, and the associated boards of trustees to the office of the superintendent of public instruction; amending RCW 72.40.010, 72.40.015, 72.40.019, 72.40.020, 72.40.022, 72.40.024, 72.40.028, 72.40.031, 72.40.040, 72.40.050, 72.40.070, 72.40.210, 72.40.220, 72.40.250, 72.40.280, 72.41.010, 72.41.020, 72.41.040, 72.42.010, 72.42.021, and 72.42.041; adding new sections to chapter 28A.155 RCW; creating new sections; recodifying RCW 72.40.010, 72.40.015, 72.40.019, 72.40.0191, 72.40.020, 72.40.022, 72.40.024, 72.40.028, 72.40.031, 72.40.040, 72.40.050, 72.40.060, 72.40.070, 72.40.080, 72.40.090, 72.40.100, 72.40.110, 72.40.200, 72.40.210, 72.40.220, 72.40.230, 72.40.240, 72.40.250, 72.40.260, 72.40.270, 72.40.280, 72.41.010, 72.41.020, 72.41.025, 72.41.030, 72.41.040, 72.41.060, 72.41.070, 72.42.010, 72.42.021, 72.42.031, 72.42.041, 72.42.060, and 72.42.070; repealing RCW 72.40.120, 72.41.015, 72.42.015, and 72.42.016; and providing an effective date.

Referred to Committee on Education Appropriations.

HB 2850 by Representatives White, Hunter, Sullivan, Simpson, Dunshee, Nelson, Upthegrove, Carlyle, Springer, Eddy, Kenney, Cody, Kagi, Miloscia, Lias, Orwall and Roberts

AN ACT Relating to local conservation area financing; amending RCW 84.55.010 and 36.70A.080; adding a new section to chapter 82.32 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Local Government & Housing.

HB 2851 by Representatives White and Nelson

AN ACT Relating to restricting mailings by local officials; and adding a new section to chapter 42.23 RCW.

Referred to Committee on Local Government & Housing.

HB 2852 by Representatives Parker, Wallace and Schmick

AN ACT Relating to college-level online learning by high school students; and amending RCW 28A.250.010 and 28A.250.060.

Referred to Committee on Education.

HB 2853 by Representatives Rolfes, McCoy, Lias, Seauquist, Dunshee, Nelson and Upthegrove

AN ACT Relating to implementing energy conservation programs; amending RCW 35.92.360, 54.16.280, 36.94.460, 35.92.430, 36.01.250, and 80.28.260; adding a new section to chapter 35.92 RCW; and creating new sections.

Referred to Committee on Technology, Energy & Communications.

HB 2854 by Representatives Kenney, Maxwell, Sells, Probst, Hasegawa, Pettigrew, Conway, Ericks, Sullivan, Hunt, Nelson, Quall, Chase, Ormsby, Lias, Upthegrove, Goodman, Pedersen, Santos, Morrell, Hudgins, Orwall, Cody, Eddy and Dickerson

AN ACT Relating to making changes to the state higher education loan program; amending RCW 28B.97.010, 28B.97.020, and 43.79A.040; adding a new section to chapter 28B.97 RCW; creating a new section; and repealing RCW 28B.07.300, 28B.07.310, 28B.07.320, 28B.07.330, 28B.07.340, 28B.07.350, 28B.07.360, 28B.07.370, and 28B.07.380.

Referred to Committee on Higher Education.

HB 2855 by Representatives Lias, Clibborn, White, Simpson, Williams, Nelson, Sells, Carlyle, Eddy, Dickerson, Upthegrove, Pedersen, Hunt, Chase, Morris, Darneille, Kenney, Cody and Moeller

AN ACT Relating to providing financing options for the operations and capital needs of transit agencies; amending RCW 36.57.040, 35.92.060, 36.57A.090, 82.80.005, and 82.80.140; adding a new section to chapter 35.58 RCW; adding a new section to chapter 82.80 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Transportation.

HB 2856 by Representative Miloscia

AN ACT Relating to the annual revision of performance measures pertaining to homeless housing programs; and amending RCW 43.185C.040.

Referred to Committee on Local Government & Housing.

HB 2857 by Representative Blake

AN ACT Relating to meeting renewable energy targets; and amending RCW 19.285.040.

Referred to Committee on Technology, Energy & Communications.

HB 2858 by Representatives Appleton, Anderson, Sells, White and Wallace

AN ACT Relating to purchasing authority of institutions of higher education with group purchasing organizations; and amending RCW 28B.10.029.

Referred to Committee on Higher Education.

HB 2859 by Representatives Haler and Anderson

AN ACT Relating to administration at institutions of higher education; amending RCW 28B.76.290, 43.41.400, 28B.20.130, 28B.30.150, 28B.35.120, and 28B.40.120; and adding a new section to chapter 28B.76 RCW.

Referred to Committee on Higher Education.

HB 2860 by Representatives Haler, Pearson, Klippert and Hurst

AN ACT Relating to intimidating a peace officer; reenacting and amending RCW 9.94A.515; adding a new section to chapter 9A.76 RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2861 by Representatives Rodne and Pedersen

AN ACT Relating to state certified court reporters; and amending RCW 5.28.010.

Referred to Committee on Judiciary.

HB 2862 by Representatives Van De Wege, Conway, Ericks and Simpson

AN ACT Relating to membership in the public employees' retirement system; reenacting and amending RCW 41.40.023; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2863 by Representatives Blake, Chandler, Liias, Van De Wege and Jacks

AN ACT Relating to transferring emergency food assistance programs to the department of agriculture; amending RCW 43.330.130; adding a new section to chapter 43.23 RCW; and creating new sections.

Referred to Committee on General Government Appropriations.

HB 2864 by Representative Appleton

AN ACT Relating to providing compensation for persons who have been wrongfully convicted and imprisoned; adding a new section to chapter 41.05 RCW; adding a new section to chapter 72.09 RCW; and adding a new chapter to Title 4 RCW.

Referred to Committee on Judiciary.

HB 2865 by Representatives Roberts, Dickerson, Walsh, O'Brien, White, Seaquist and Green

AN ACT Relating to offenders with developmental disabilities or traumatic brain injuries; amending RCW 2.28.180 and 74.09.555; and adding a new section to chapter 70.48 RCW.

Referred to Committee on Human Services.

HB 2866 by Representative Blake

AN ACT Relating to enforcement authority over natural resource infractions; and adding a new section to chapter 7.84 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2867 by Representative Kagi

AN ACT Relating to early learning; amending RCW 43.215.005, 43.215.020, 43.215.090, 28A.215.010, and 43.215.410; adding new sections to chapter 43.215 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 2868 by Representatives Campbell and Dunshee

AN ACT Relating to school district bidding procedures for purchases and public works projects; and amending RCW 28A.335.190.

Referred to Committee on State Government & Tribal Affairs.

HB 2869 by Representative McCoy

AN ACT Relating to incentives for hydrokinetic energy; and amending RCW 82.16.110 and 82.16.120.

Referred to Committee on Technology, Energy & Communications.

HB 2870 by Representative Bailey

AN ACT Relating to maintenance inspections of on-site sewage systems; and adding a new section to chapter 70.05 RCW.

Referred to Committee on Environmental Health.

HB 2871 by Representatives Bailey, Anderson, Crouse and Alexander

AN ACT Relating to the method of funding benefit increases for state retirement plans that are less than fully funded; and amending RCW 41.45.070.

Referred to Committee on Ways & Means.

HB 2872 by Representatives Alexander, Seaquist, Bailey, Ericks, Dammeier and Schmick

AN ACT Relating to establishing a period of public and legislative review of appropriations legislation; adding new sections to chapter 44.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 2873 by Representative Conway

AN ACT Relating to permitting local governments to limit house-banked social card games within their jurisdictions; amending RCW 9.46.295; adding new sections to chapter 9.46 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2874 by Representative Simpson

AN ACT Relating to the formation, operation, and governance of regional fire protection service authorities; and amending RCW 52.26.020, 52.26.040, and 52.26.080.

Referred to Committee on Local Government & Housing.

HB 2875 by Representatives Ericksen, Cody, Condotta, Hinkle, Herrera, Driscoll, Parker, Bailey, Green, Morrell and Kelley

AN ACT Relating to health savings accounts; amending RCW 41.05.065; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2876 by Representative Moeller

AN ACT Relating to pain management; adding new sections to chapter 18.130 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2877 by Representative Moeller

AN ACT Relating to authorizing payment of regulated company stock in lieu of a portion of salary for educational employees; and amending RCW 28A.400.250.

Referred to Committee on Ways & Means.

HB 2878 by Representative Moeller

AN ACT Relating to collecting fees to accommodate electronic filing and disclosure of campaign and lobbying reports, and personal financial affairs statements; amending RCW 42.17.369 and 42.17.3691; and adding new sections to chapter 42.17 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2879 by Representatives Ericksen, Ross, Rodne, Johnson, Klippert, Haler, Bailey, Roach, Nealey, Warnick, Angel, Short and Schmick

AN ACT Relating to creating real reform in industrial insurance through privatization and competition; creating new sections; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2880 by Representative Kristiansen

AN ACT Relating to funding for the state building code council; and amending RCW 19.27.085.

Referred to Committee on General Government Appropriations.

HB 2881 by Representative Finn

AN ACT Relating to maximizing the value from the sale of surplus salmon from state hatcheries; amending RCW 77.12.451, 77.95.090, and 77.04.160; adding a new section to chapter 77.95 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2882 by Representatives Klippert, Green, Dammeier and Dickerson

AN ACT Relating to detaining persons with mental disorders; and amending RCW 70.96B.045, 71.05.050, and 71.05.153.

Referred to Committee on Human Services.

HB 2883 by Representatives Klippert, O'Brien, Pearson, Haler and Hurst

AN ACT Relating to establishing a registration fee for sex offenders; and amending RCW 9A.44.130.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2884 by Representatives Quall and Morris

AN ACT Relating to limited expansions of urban growth areas into one hundred year floodplains in areas adjacent to a freeway interchange or interstate in counties wholly or partially bordering salt waters with more than one hundred thousand but fewer than one hundred fifty thousand residents; and reenacting and amending RCW 36.70A.110.

Referred to Committee on Local Government & Housing.

HB 2885 by Representatives Crouse, Shea, Haler, Condotta, Bailey, McCune, Haigh, Kretz, Short, Kristiansen, Hinkle, Ericksen, Ross, Roach, Taylor and Priest

AN ACT Relating to providing flexibility for school districts; amending RCW 28A.185.030, 28A.210.360, 28A.210.370, 28A.210.380, 28A.215.010, 28A.230.095, 28A.320.125, 28A.320.128, 36.89.080, 28A.220.010, 28A.220.020, 28A.220.030, 28A.220.040, 46.20.055, 46.20.070, 46.20.100, and 46.82.300; and repealing RCW 28A.210.255, 28A.210.365, 28A.220.050, 28A.220.060, 28A.220.070, 28A.220.080, 28A.220.085, 28A.230.040, and 28A.230.150.

Referred to Committee on Education.

HB 2886 by Representatives Angel and Simpson

AN ACT Relating to the adoption of rules by the building code council regarding carbon monoxide alarm installation; and amending RCW 19.27.530.

Referred to Committee on Local Government & Housing.

HB 2887 by Representative Hurst

AN ACT Relating to criminal defendants who are guilty and mentally ill; amending RCW 10.77.040 and 9.94A.501; and adding a new section to chapter 10.77 RCW.

Referred to Committee on Judiciary.

HB 2888 by Representatives Herrera, Cody and Orcutt

AN ACT Relating to requiring continuing education for pharmacy technicians; and amending RCW 18.64A.020.

Referred to Committee on Health Care & Wellness.

HJM 4024 by Representative Angel

Concerning a memorial petitioning for the elimination of the term "mentally retarded" in federal law.

Referred to Committee on Human Services.

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

REPORTS OF STANDING COMMITTEES

January 12, 2010

HB 2483 Prime Sponsor, Representative Hurst: Concerning overseas and service voters. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Hurst; Miloscia and Taylor.

There being no objection, HOUSE BILL NO. 2483 was placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., January 18, 2010, the 8th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

EIGHTH DAY

House Chamber, Olympia, Monday, January 18, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Victoria Felton and Stephanie Koppel. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Patrinnell Wright, Oneness Christian Center, Seattle. The total experience Gospel Choir sang several songs.

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

RESOLUTIONS**HOUSE RESOLUTION NO. 4656, by Representative Probst and Conway**

WHEREAS, Children are indeed our most precious, most irreplaceable national and natural resource, possessing as they do the hopes and dreams for the future of our communities, our state, and our nation; and

WHEREAS, Each and every child in Washington brings joy and purpose to our lives, for it is in the lives of each and every one of the children in the Evergreen state that we will forever find our dearest treasure; and

WHEREAS, On Children's Day in the House of Representatives, we pay special esteem and tribute to the young people in our communities, recognizing their standing and stature in our homes, schools, and neighborhoods; and

WHEREAS, We must forever stand whole heartedly committed to nurturing our children as they grow, preparing them for adulthood, and cultivating their own unique and meaningful dreams for the future; and

WHEREAS, By our own examples we can and must instill in our young people a strong and unyielding sense of worth and self-esteem, so that they have every opportunity to become meaningful and productive members of our society; and

WHEREAS, Parents, families, and fellow citizens play crucial roles in forming a youngster's character, and we hold both the duty and the privilege to ensure that all children grow up in a safe and healthy environment with sufficient food, appropriate shelter, quality health care, and a world class education; and

WHEREAS, It is our goal and mission to empower children so that they will embrace the future with courage, intelligence, and wisdom, and to equip children with skills necessary one day soon to lead our society; and

WHEREAS, This body since 1995 has observed Children's Day as a very special and very appropriate honor and celebration of Washington's children; and

WHEREAS, Oliver Wendell Holmes once noted that "Pretty much all the honest truth-telling there is in the world is done by children"; and

WHEREAS, Fyodor Dostoyevski once observed that "The soul is healed by being with children"; and

WHEREAS, Ralph Waldo Emerson once pointed out that "There never was a child so lovely but that his parents weren't glad to get them to sleep"; and

WHEREAS, Bart Simpson once asserted that "I don't know why I did it, I don't know why I enjoyed it, and I don't know why I'll do it again";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrates the children of the State of Washington and encourages all of its citizens to celebrate children on Children's Day and throughout the year by spending more time with them, by emphasizing their special place in our lives, and by working together to strengthen the foundation today upon which they will build and sustain their tomorrow.

Representative Probst moved adoption of House Resolution No. 4656.

Representatives Probst, Jacks, Parker and Ericksen spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4656 was adopted.

HOUSE RESOLUTION NO. 4657, by Representative Carlyle, Sells and Conway

WHEREAS, Today, January 18, 2010, communities and neighborhoods all across our state and nation remember, celebrate, and honor the life and work of the Reverend Dr. Martin Luther King, Jr.; and

WHEREAS, Dr. King's commitment to nonviolence, based in great part upon the life teachings of Mohandas Gandhi, was a model of selflessness and sacrifices made so that later generations might live freer and fuller, and might more nearly live in accord with their possibilities; and

WHEREAS, Dr. King was born on January 15, 1929, in Atlanta, Georgia; and on June 18, 1953, he and Coretta Scott were married in Marion, Alabama; and

WHEREAS, Since Dr. King was so violently taken from us on April 4, 1968, Coretta Scott King has carried on in the very same vein of caring and compassion; and

WHEREAS, The Reverend Dr. Martin Luther King, Jr. advanced his goals and principles with determination, faith, dignity, and courage in the face of life threatening opposition; and

WHEREAS, Dr. King was jailed several times throughout his struggle to bring to all people the opportunity to live free of racial, ethnic, and religious discrimination and violence; and

WHEREAS, Dr. King raised the consciousness of the nation and of our state to the fundamental injustices and inequalities in American society, and moved us forward on the long and unfinished road to racial harmony and reconciliation; and

WHEREAS, The Reverend Dr. Martin Luther King, Jr. fervently advocated nonviolent resistance as the strategy to end segregation and racial discrimination in America, and he was awarded the 1964 Nobel Peace Prize; and

WHEREAS, Dr. King's death, a terrible loss for our nation and our world, was a particular loss for our own state of Washington in

which our largest county is named to honor this great American hero; and

WHEREAS, Dr. King was forever celebrated when the Congress of the United States established a permanent federal holiday to commemorate the date of his birth; and

WHEREAS, Dr. King's work and legacy were further recognized by the state of Washington, which honors his remembrance as a state holiday; and

WHEREAS, Dr. King's birthday is now marked by annual celebrations in more than 100 countries around the world; and

WHEREAS, Even as we continue to make progress, there is still much work to be done in achieving full reconciliation among America's racial, social, and ethnic communities;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of our state, recognize the importance of the life and work of the Reverend Dr. Martin Luther King, Jr. to the civil society and freedoms of the United States of America and of the state of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives call on the people of the state of Washington to study, reflect on, and celebrate Dr. King's life and ideals in order to fulfill his dream of civil and human rights for all people.

Representative Carlyle moved adoption of House Resolution No. 4657.

Representatives Carlyle, Dammeier, Seaquist, Haler, Pettigrew and Johnson spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4657 was adopted.

INTRODUCTIONS AND FIRST READING

HB 2889 by Representatives O'Brien, Pearson, Green, Conway, Ericks, Hasegawa, Ormsby, Hurst and McCune

AN ACT Relating to permitting the placement of human trafficking informational posters in rest areas; and adding a new section to chapter 47.38 RCW.

Referred to Committee on Transportation.

HB 2890 by Representatives O'Brien, Hope and Johnson

AN ACT Relating to privatizing the sale of liquor; amending RCW 66.08.030, 66.08.070, 66.08.130, 66.08.140, 66.08.150, 66.24.010, 66.24.012, 66.24.015, 66.24.025, 66.24.120, 66.44.200, 66.44.318, 66.44.340, 66.04.010, 66.08.020, 66.08.026, 66.08.030, 66.08.050, 66.08.060, 66.08.167, 66.16.110, 66.12.110, 66.12.120, 66.12.140, 66.20.010, 66.20.160, 66.20.170, 66.20.180, 66.20.190, 66.20.200, 66.20.210, 66.24.145, 66.24.360, 66.24.371, 66.24.380, 66.24.395, 66.24.395, 66.24.540, 66.24.590, 66.28.060, 66.32.010, 66.44.150, and 66.44.160; reenacting and amending RCW 66.04.010; adding new sections to chapter 66.08 RCW; creating a new section; recodifying RCW 66.16.110; repealing RCW 66.08.070, 66.08.160, 66.08.165, 66.08.166, 66.08.220, 66.08.235, 66.16.010, 66.16.040, 66.16.041, 66.16.050, 66.16.060, 66.16.070, 66.16.090, 66.16.100, 66.16.120, and 66.28.180; and providing effective dates.

Referred to Committee on Commerce & Labor.

HB 2891 by Representatives Simpson, Blake, Chandler, Nelson, Kretz, White, Dunshee, Miloscia, Short, Upthegrove, Springer, Sullivan, Kenney and Ormsby

AN ACT Relating to providing a one-year extension for completion of recommendations under RCW 36.70A.5601 conducted by the William D. Ruckelshaus Center; amending RCW 36.70A.560 and 36.70A.5601; amending 2007 c 353 s 6 (uncodified); creating a new section; and providing an expiration date.

Referred to Committee on Local Government & Housing.

HB 2892 by Representatives Driscoll, Crouse, Ormsby, Parker, Shea, Morris, Wood and Condotta

AN ACT Relating to solid waste; and amending RCW 19.285.030.

Referred to Committee on Technology, Energy & Communications.

HB 2893 by Representatives Sullivan, Carlyle, Hunter, Maxwell, Nelson, Hunt, Appleton, Simpson, Dickerson, White, Pedersen, Green, Sells, Eddy, Springer, Williams, Orwall, Goodman, Conway, Kenney, Rolfes, Ericks, Ormsby, Kagi and Roberts

AN ACT Relating to school levies; amending RCW 84.52.0531, 84.52.0531, 84.52.053, and 28A.500.020; amending 2009 c 4 s 909 (uncodified); amending 2006 c 119 s 3 (uncodified); reenacting and amending RCW 28A.500.030; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Education Appropriations.

HB 2894 by Representative Campbell

AN ACT Relating to creating the medical professions account; amending RCW 18.71.401; and adding a new section to chapter 18.71 RCW.

Referred to Committee on Health & Human Services Appropriations.

HB 2895 by Representatives Cody, Hinkle, Driscoll, Campbell, Roach, Hunt, Morrell, Kenney, Hasegawa, Ormsby and Kirby

AN ACT Relating to applying the prohibition against unfair practices by insurers and their remedies and penalties to the state health care authority; amending RCW 41.05.017, 41.05.017, and 48.43.530; providing an effective date; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2896 by Representatives O'Brien, Maxwell, Pearson, Ericks and Hasegawa

AN ACT Relating to law enforcement burglar alarm program information; and amending RCW 42.56.240.

Referred to Committee on State Government & Tribal Affairs.

HB 2897 by Representatives Rolfes, Eddy, Finn, Seaquist, Clibborn, Appleton and Maxwell

AN ACT Relating to the administration, collection, use, and enforcement of tolls; amending RCW 47.56.010, 47.46.020, 47.46.105, 46.63.030, 46.63.160, 46.63.075, 10.93.020, and 47.56.167; adding new sections to chapter 47.56 RCW; adding a new section to chapter 47.46 RCW; repealing RCW 46.61.690; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2898 by Representatives Morrell, Pettigrew, Cody, Bailey, Kenney and Johnson

AN ACT Relating to maintaining the current medicaid nursing facility payment methodology through simplification of the nursing facility medicaid payment system statute; amending RCW 74.46.010, 74.46.020, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.439, 74.46.475, 74.46.496, 74.46.501, 74.46.506, 74.46.508, 74.46.511, 74.46.515, 74.46.521, 74.46.835, and 74.46.800; creating a new section; and repealing RCW 74.46.030, 74.46.040, 74.46.050, 74.46.060, 74.46.080, 74.46.090, 74.46.100, 74.46.155, 74.46.165, 74.46.190, 74.46.200, 74.46.220, 74.46.230, 74.46.240, 74.46.250, 74.46.270, 74.46.280, 74.46.290, 74.46.300, 74.46.310, 74.46.320, 74.46.330, 74.46.340, 74.46.350, 74.46.360, 74.46.370, 74.46.380, 74.46.390, 74.46.410, 74.46.445, 74.46.533, 74.46.600, 74.46.610, 74.46.620, 74.46.625, 74.46.630, 74.46.640, 74.46.650, 74.46.660, 74.46.680, 74.46.690, 74.46.700, 74.46.711, 74.46.770, 74.46.780, 74.46.790, 74.46.820, 74.46.900, 74.46.901, 74.46.902, 74.46.905, and 74.46.906.

Referred to Committee on Health & Human Services Appropriations.

HB 2899 by Representatives Upthegrove, Orwall and Hudgins

AN ACT Relating to state tax incentives to encourage the redevelopment of port district property; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.29A RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 2900 by Representative Goodman

AN ACT Relating to supportive housing; and amending RCW 43.185C.070.

Referred to Committee on Local Government & Housing.

HB 2901 by Representative Goodman

AN ACT Relating to changing the perimeters and entities that are included in drug-free zones under the uniform controlled substances act; and amending RCW 69.50.435.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2902 by Representatives Hunt, Roach, Taylor, Appleton, Armstrong, Alexander, Johnson and Hurst

AN ACT Relating to the combined fund drive; amending RCW 41.04.033, 41.04.0331, 41.04.0332, and 41.04.039; and creating a new section.

Referred to Committee on General Government Appropriations.

HB 2903 by Representatives Simpson and Sullivan

AN ACT Relating to benefit charges for regional fire protection service authorities; and amending RCW 52.26.230 and 84.55.092.

Referred to Committee on Local Government & Housing.

HB 2904 by Representatives Kagi, Santos and Kenney

AN ACT Relating to powers and duties of the office of the education ombudsman; and amending RCW 43.06B.020.

Referred to Committee on Education.

HB 2905 by Representatives Miloscia, Upthegrove, White, Springer, Williams, Appleton, Kenney and Ormsby

AN ACT Relating to planning for the discontinuation of discharge of vulnerable populations from state institutions into homelessness; amending RCW 72.09.270, 72.09.270, 43.63A.305, 13.40.210, 71.05.350, and 71.24.045; adding a new section to chapter 72.09 RCW; adding a new section to chapter 43.20A RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 2906 by Representatives Miloscia, Nelson, White, Williams and Ormsby

AN ACT Relating to bonds for the housing trust fund program; amending RCW 43.185B.040; adding a new section to chapter 36.22 RCW; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Local Government & Housing.

HB 2907 by Representatives Green, Hinkle, Campbell, Chandler, Clibborn, Ericksen, Moeller, Warnick and Morrell

AN ACT Relating to the licensing surcharge for certain health care professions; and amending RCW 43.70.110 and 43.70.112.

Referred to Committee on Health Care & Wellness.

HB 2908 by Representatives Liias, Williams, Simpson, Nelson, Rodne, Dunshee, Green and Moeller

AN ACT Relating to transportation cost-benefit modeling; amending RCW 47.05.035; and creating a new section.

Referred to Committee on Transportation.

HB 2909 by Representative Appleton

AN ACT Relating to allowing certain cities to impose sales and use taxes to offset municipal service costs to newly annexed areas; and amending RCW 82.14.415.

Referred to Committee on Local Government & Housing.

HB 2910 by Representatives Flannigan and Hunt

AN ACT Relating to remedies for actions under the public records act; reenacting and amending RCW 42.56.550; and prescribing penalties.

Referred to Committee on State Government & Tribal Affairs.

HB 2911 by Representatives Moeller, Takko, Ormsby, Morris, Nelson, Upthegrove, Liias, Williams, Simpson, Cody, Orwall, White, Morrell and Kenney

AN ACT Relating to creating a complete streets grant program; adding new sections to chapter 47.04 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2912 by Representatives Quall, Carlyle, O'Brien, Ericks, Dunshee, Sullivan, Blake, Jacks, Hunter and Maxwell

AN ACT Relating to modifying local excise taxes in counties that have pledged lodging tax revenues for the payment of bonds prior to June 26, 1975; amending RCW 67.28.180, 82.14.0485, 82.14.049, 82.14.0494, 82.14.360, 36.38.010, and 36.100.220; adding a new section to chapter 67.28 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2913 by Representatives Haigh, Priest, Quall, Haler, Kessler, Kagi, Nealey, Finn, Maxwell, Sullivan and Kenney

AN ACT Relating to authorizing innovative interdistrict cooperative high school programs; amending RCW 28A.225.200, 28A.225.200, 28A.545.040, and 28A.545.120; adding new sections to chapter 28A.340 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Education.

HB 2914 by Representatives Hunt, Campbell, Chase, Wood and Rolfes

AN ACT Relating to mercury reduction; amending RCW 70.95M.010 and 70.95M.050; adding a new chapter to Title 70 RCW; repealing RCW 70.95M.090; and prescribing penalties.

Referred to Committee on Environmental Health.

HB 2915 by Representatives Quall, Santos, Van De Wege, Kenney and Wallace

AN ACT Relating to high school mathematics and science graduation requirements; amending RCW 28A.655.0611, 28A.305.130, and 28A.655.061; adding a new section to chapter 28A.655 RCW; and creating new sections.

Referred to Committee on Education.

HB 2916 by Representative Springer

AN ACT Relating to timelines for the review of comprehensive plans and shoreline master programs; and amending RCW 36.70A.130 and 90.58.080.

Referred to Committee on Local Government & Housing.

HB 2917 by Representatives Sells, Kenney, Van De Wege, Darneille, Blake, Takko and Wallace

AN ACT Relating to transferring the board of accountancy to the department of licensing; amending RCW 18.04.015, 18.04.025, 18.04.035, 18.04.045, 18.04.055, 18.04.065, 18.04.105, 18.04.180, 18.04.183, 18.04.185, 18.04.195, 18.04.205, 18.04.215, 18.04.295, 18.04.335, 18.04.345, 18.04.350, 18.04.405, 18.04.430, and 43.03.028; reenacting and amending RCW 18.235.020; adding a new section to chapter 18.04 RCW; adding a new section to chapter 18.235 RCW; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2918 by Representatives Eddy, Clibborn, Hunter and Maxwell

AN ACT Relating to removing state route number 908 from the state highway system; and repealing RCW 47.17.855.

Referred to Committee on Transportation.

HB 2919 by Representatives Conway, Seaquist and Kenney

AN ACT Relating to a study of disability benefit options for plan 2 and plan 3 members of the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system; and creating new sections.

Referred to Committee on Ways & Means.

HB 2920 by Representatives Condotta, Chandler, Crouse, Johnson and Kretz

AN ACT Relating to limiting employer contribution rates for unemployment insurance purposes; reenacting and amending RCW 50.29.025; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2921 by Representatives Linville, Darneille, Ericks, Pettigrew, Probst, Haigh, Sullivan, Kelley and Wallace

AN ACT Relating to fiscal matters; and creating a new section.

Referred to Committee on Ways & Means.

HB 2922 by Representatives McCune, Campbell, Rolfes and Roach

AN ACT Relating to providing housing assistance for certain veterans through the housing trust fund; amending RCW 43.185.050; and providing an effective date.

Referred to Committee on Local Government & Housing.

HB 2923 by Representative Hope

AN ACT Relating to license renewals; amending RCW 18.32.180; adding a new section to chapter 18.32 RCW; adding a new section to chapter 48.43 RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2924 by Representative Angel

AN ACT Relating to regulating shorelines of the state solely through the shoreline management act; amending RCW 36.70A.030, 36.70A.280, 36.70A.290, 36.70A.300, 36.70A.320, 90.58.030, 90.58.080, 90.58.090, 90.58.100, 90.58.110, 90.58.120, 90.58.140, 90.58.180, and 90.58.190; adding a new section to chapter 36.70A RCW; creating a new section; and repealing RCW 36.70A.480 and 36.70A.481.

Referred to Committee on Local Government & Housing.

HB 2925 by Representatives Kretz, Short and Condotta

AN ACT Relating to impact payments of a municipally owned hydroelectric facility; amending RCW 35.21.420 and 35.21.425; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 2926 by Representatives Green, Driscoll and Hinkle

AN ACT Relating to duties of the health insurance partnership board; and amending RCW 70.47A.110 and 70.47A.020.

Referred to Committee on Health Care & Wellness.

HB 2927 by Representatives Hasegawa, Kretz, Kristiansen and Hudgins

AN ACT Relating to implementing the recommendations of the joint administrative rules review committee; amending RCW 19.27.074 and 19.27A.020; adding a new section to chapter 19.27A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 2928 by Representatives Hasegawa, Kretz, Kelley, Kristiansen and Hudgins

AN ACT Relating to implementing the recommendations of the joint administrative rules review committee; amending RCW 34.05.640; creating new sections; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 2929 by Representatives Eddy, Hunter, Springer, White, Rolfes, Lias, Flannigan, Upthegrove, Williams, Clibborn, Maxwell and Kenney

AN ACT Relating to the use of revenue generated from tolling the state route number 520 corridor; and amending RCW 47.56.870 and 47.56.875.

Referred to Committee on Transportation.

HB 2930 by Representatives Wallace, Sells, Carlyle, Anderson and Haler

AN ACT Relating to expanding the pool of qualified teachers; amending RCW 28B.102.040 and 28B.102.050; reenacting and amending RCW 28A.660.050; and creating a new section.

Referred to Committee on Higher Education.

HB 2931 by Representatives Hope, Kelley, Simpson, Campbell, Johnson, Roach, Ericks and Kretz

AN ACT Relating to establishing the crime of rendering aggravated criminal assistance in the first degree involving murder in the first degree of any person; amending RCW 9A.76.050; adding a new section to chapter 9A.76 RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2932 by Representatives Kelley, Hope, Green, Conway, Hurst, Campbell, Wallace, Simpson, Ericks, Ericksen, Van De Wege, Johnson, Roach, Kirby, McCune and Morrell

AN ACT Relating to improving procedures for assessing and treating persons with mental illnesses served under chapter 10.77 RCW; amending RCW 10.77.150 and 10.77.200; adding new sections to chapter 10.77 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services.

HB 2933 by Representatives Ericks, Morrell and Dammeier

AN ACT Relating to modifying sales and use tax provisions for the local infrastructure financing tool program; amending RCW 82.14.475; and providing an expiration date.

Referred to Committee on Finance.

HB 2934 by Representatives Orcutt, Kristiansen, Kretz, Pearson, Campbell, Johnson and Condotta

AN ACT Relating to prohibiting the department of fish and wildlife from paying more than the appraised value for any real estate purchase; and amending RCW 77.12.037.

Referred to Committee on Agriculture & Natural Resources.

HJR 4220 by Representatives Hope, Kelley, Green, Conway, Parker, Hurst, Campbell, Wallace, Orcutt, Simpson, Ericks, Ericksen, Van De Wege, Morrell, Takko, Appleton, Maxwell, Orwall, Pearson, Kirby, Sells, Kenney, Johnson, Dammeier, Roberts and McCune

Amending the state Constitution so that the provision relating to bailable crimes by sufficient sureties is modified.

Referred to Committee on Public Safety & Emergency Preparedness.

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

REPORTS OF STANDING COMMITTEES

January 14, 2010

HB 1755 Prime Sponsor, Representative Williams: Including correctional employees who have completed government-sponsored law enforcement firearms training to the lists of law enforcement personnel that are exempt from certain firearm restrictions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 14, 2010

HB 2226 Prime Sponsor, Representative Orcutt: Issuing firearms certificates to retired law enforcement officers. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 14, 2010

HB 2271 Prime Sponsor, Representative Liias: Authorizing state forces to perform work on ferry vessels or terminals when estimated costs are less than one hundred twenty thousand dollars. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Driscoll; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Armstrong; Ericksen; Herrera; Johnson; Klippert; Kristiansen; Nealey and Shea.

Passed to Committee on Rules for second reading.

January 14, 2010

HB 2411 Prime Sponsor, Representative Simpson: Addressing subarea plan proposals as part of comprehensive land use planning. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 13, 2010

HB 2427 Prime Sponsor, Representative Pearson: Ensuring punishment for domestic violence offenders. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Referred to Committee on General Government Appropriations.

January 14, 2010

HB 2437 Prime Sponsor, Representative Moeller: Authorizing counties, cities, and towns to request background checks for certain license applicants and licensees. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Short.

Passed to Committee on Rules for second reading.

January 14, 2010

HB 2460 Prime Sponsor, Representative Smith: Regarding organic products. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes; Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

January 15, 2010

HB 2480 Prime Sponsor, Representative Blake: Adopting policy recommendations developed by the sustainable recreation work group. Reported by Committee on Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Kristiansen; Orcutt; Shea and Taylor.

Referred to Committee on General Government Appropriations.

January 14, 2010

HB 2482 Prime Sponsor, Representative Pedersen: Recognizing legal unions from other states as state registered domestic partnerships. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 13, 2010

HB 2486 Prime Sponsor, Representative Goodman:
Concerning costs for the collection of DNA samples. Reported by
Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Referred to Committee on General Government Appropriations.

January 14, 2010

HB 2506 Prime Sponsor, Representative Goodman:
Making technical corrections to the Revised Code of Washington. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 13, 2010

HB 2534 Prime Sponsor, Representative Hurst:
Establishing a program to verify the address of registered sex offenders and kidnapping offenders. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Referred to Committee on General Government Appropriations.

January 14, 2010

HB 2561 Prime Sponsor, Representative Dunshee: Funding construction of energy cost saving improvements to public facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Chase; Jacks; Maxwell; Morrell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Hope; McCune and Smith.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2561 which was placed on the second reading calendar.

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

There being no objection, the House adjourned until 9:55 a.m., January 19, 2010, the 9th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - REGULAR SESSION

NINTH DAY

House Chamber, Olympia, Tuesday, January 19, 2010

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

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

INTRODUCTION AND FIRST READING

HB 2935 by Representatives Van De Wege, Sells, Blake, Takko, Darneille, Walsh, Hinkle and Kessler

AN ACT Relating to environmental and land use hearings boards; amending RCW 43.21B.001, 43.21B.010, 43.21B.010, 43.21B.180, 43.21B.230, 43.21B.320, 36.70A.270, 36.70A.290, 70.95.094, 76.06.180, 76.09.050, 76.09.080, 76.09.090, 76.09.170, 76.09.310, 77.55.011, 77.55.021, 77.55.141, 77.55.181, 77.55.241, 77.55.291, 78.44.270, 78.44.380, 79.100.120, 84.33.0775, 90.58.140, 90.58.180, 90.58.190, 90.58.210, and 90.58.560; reenacting and amending RCW 43.21B.005, 43.21B.005, 43.21B.110, 43.21B.110, 43.21B.300, 43.21B.310, and 76.09.020; adding a new section to chapter 43.21B RCW; adding new sections to chapter 36.70A RCW; adding a new section to chapter 76.09 RCW; creating new sections; repealing RCW 43.21B.190, 76.09.210, 76.09.220, 76.09.230, 77.55.301, and 77.55.311; providing effective dates; and providing expiration dates.

Referred to Committee on General Government Appropriations.

HB 2936 by Representative Anderson

AN ACT Relating to the state student financial aid program; amending RCW 28B.92.060, 28B.92.080, and 28B.92.120; and creating a new section.

Referred to Committee on Higher Education.

HB 2937 by Representatives Clibborn, Roach, Takko, Rodne, Finn, Klippert, Seaquist, Ericksen, Kessler, Simpson and Smith

AN ACT Relating to modifying the transportation system policy goals to include economic vitality; and amending RCW 47.04.280.

Referred to Committee on Transportation.

HB 2938 by Representative Hinkle

AN ACT Relating to regional support networks; and amending RCW 71.24.025.

Referred to Committee on Health Care & Wellness.

HB 2939 by Representatives Dammeier, Orwall, Parker, Probst, Morrell, Kessler, Smith and Kenney

AN ACT Relating to notations on driver abstracts that a person was not at fault in a motor vehicle accident; and amending RCW 46.52.130.

Referred to Committee on Transportation.

HB 2940 by Representatives Schmick, Kretz and Warnick

AN ACT Relating to deleterious feral animals; amending RCW 77.08.010 and 77.12.240; adding a new section to chapter 36.01 RCW; adding a new section to chapter 77.12 RCW; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 2941 by Representatives Clibborn, O'Brien, Maxwell, Liias, Eddy, Springer, Hunter and Goodman

AN ACT Relating to the use of express toll lanes in the Interstate 405 corridor; amending RCW 47.56.810; adding new sections to chapter 47.56 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 2942 by Representatives O'Brien, Pearson, Dickerson, Goodman, Ericks, Roberts, Kelley, Finn, Appleton, McCoy, Springer, Darneille, Hurst, Priest, Hinkle, Clibborn, Liias, Hope, Klippert, Herrera, Ormsby, Morrell, Conway, Santos, Johnson, Kenney, Hasegawa and McCune

AN ACT Relating to human trafficking training for criminal justice and correctional personnel, and other public safety employees; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2943 by Representatives O'Brien, Dammeier, Herrera, Pearson, Morrell and Johnson

AN ACT Relating to the residence requirement for general assistance benefits; and amending RCW 74.04.005.

Referred to Committee on Human Services.

HB 2944 by Representatives O'Brien and Ericks

AN ACT Relating to juvenile firearms crimes; amending RCW 13.40.193, 13.40.160, and 13.40.165; and reenacting and amending RCW 13.40.0357.

Referred to Committee on Human Services.

HB 2945 by Representative Dickerson

AN ACT Relating to petitions for relief from the duty to register for sex offenders and kidnapping offenders; and amending RCW 9A.44.140.

Referred to Committee on Human Services.

HB 2946 by Representatives Haigh, Carlyle, Sullivan, Ericks, Hunter, Quall, Sells, Kessler and Maxwell

AN ACT Relating to tuition-setting authority at institutions of higher education; amending RCW 28B.15.067, 28B.15.068, 28B.15.031, and 28B.15.820; and repealing RCW 28B.10.920, 28B.10.921, and 28B.10.922.

Referred to Committee on Higher Education.

HB 2947 by Representatives Wood, Conway, Condotta and Ormsby

AN ACT Relating to special occasion licenses; and amending RCW 66.28.310.

Referred to Committee on Commerce & Labor.

HB 2948 by Representatives Eddy, McCoy, Springer, Goodman, Simpson, Seaquist and Roach

AN ACT Relating to creating a study to evaluate public regional and interlocal water and sewer systems in Washington state; creating new sections; and providing an expiration date.

Referred to Committee on Local Government & Housing.

HB 2949 by Representatives Parker and Kretz

AN ACT Relating to streamlining the process for the vacation of roads by counties; and amending RCW 36.87.060.

Referred to Committee on Local Government & Housing.

HB 2950 by Representatives Morris, Condotta, Ericks, Eddy, Chandler, Smith, Springer, Clibborn, Johnson and Rodne

AN ACT Relating to workers' compensation reform; amending RCW 51.36.010, 51.36.080, 51.36.085, 51.08.140, and 51.32.180; adding new sections to chapter 51.04 RCW; adding a new chapter to Title 51 RCW; creating new sections; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2951 by Representatives Takko, Orcutt, Blake, Herrera and Short

AN ACT Relating to clarifying the applicability of business and occupation tax to conservation programs with the Bonneville power administration; and amending RCW 82.04.310.

Referred to Committee on Finance.

HB 2952 by Representatives Ericksen, Carlyle, Pedersen and Morris

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

Referred to Committee on State Government & Tribal Affairs.

HB 2953 by Representative Pettigrew

AN ACT Relating to transferring the functions of the home care quality authority and the department of services for the blind to the department of social and health services; amending RCW 41.56.030, 43.105.340, 74.39A.095, 74.39A.220, 74.39A.240, 74.39A.260, 74.18.020, 74.18.030, 74.18.045, 74.18.070, 74.18.080, 74.18.090, 74.18.100, 74.18.190, 28A.155.160, 41.05.225, 42.17.2401, 43.01.090, 47.38.070, and 74.09.720; reenacting and amending RCW 74.39A.270; creating new sections; decodifying RCW 74.39A.290; repealing RCW 70.127.041, 74.39A.230, 74.39A.250, and 74.39A.280; and providing an effective date.

Referred to Committee on Health & Human Services Appropriations.

HB 2954 by Representative Cody

AN ACT Relating to license fees for nursing homes, boarding homes, and adult family homes; and amending RCW 18.51.050, 18.20.050, and 70.128.060.

Referred to Committee on Health & Human Services Appropriations.

HB 2955 by Representative Cody

AN ACT Relating to the individual and family services program; and amending RCW 71A.12.161.

Referred to Committee on Human Services.

HB 2956 by Representatives Pettigrew, Williams and Maxwell

AN ACT Relating to a hospital safety net assessment for increased hospital payments to improve health care access for the citizens of Washington; amending 2009 c 564 s 209 (uncodified); adding a new chapter to Title 74 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Human Services Appropriations.

HB 2957 by Representatives Williams and Darneille

AN ACT Relating to transferring the indeterminate sentence review board and its functions to the department of corrections; amending RCW 9.95.003, 9.95.005, 9.95.007, 9.95.140, 9.95.280, 9.95.300, 9.96.050, 71.05.385, 72.09.585, and 42.17.2401; creating a new section; decodifying RCW 4.24.5502; and providing an effective date.

Referred to Committee on General Government Appropriations.

HB 2958 by Representatives McCoy, Appleton, Santos, Hurst and Hasegawa

AN ACT Relating to transfer or disposal of certain park lands; and adding a new section to chapter 79A.05 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2959 by Representatives Kagi and Kenney

AN ACT Relating to child fatality review in child welfare cases; amending RCW 74.13.640; and reenacting and amending RCW 68.50.105.

Referred to Committee on Early Learning & Children's Services.

HB 2960 by Representatives Probst, Sullivan, Ormsby, Seaquist, Hunter and Santos

AN ACT Relating to public transparency for the prototypical school funding model; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education Appropriations.

HB 2961 by Representatives Campbell, Hurst, Morrell, Kelley and Ormsby

AN ACT Relating to establishing a statewide electronic tracking system for the nonprescription sales of ephedrine, pseudoephedrine, and phenylpropanolamine; amending RCW 18.64.044, 18.64.047, 69.43.105, and 69.43.110; adding a new section to chapter 43.10 RCW; and repealing RCW 69.43.170.

Referred to Committee on Health Care & Wellness.

HB 2962 by Representatives Probst and Hunter

AN ACT Relating to allowing county treasurers to use electronic bill presentment and payment that includes an automatic electronic payment option for property taxes; amending RCW 84.56.020; adding a new section to chapter 84.04 RCW; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Local Government & Housing.

HB 2963 by Representative Nelson

AN ACT Relating to medical malpractice closed claim reporting; amending RCW 7.70.140, 48.140.020, 48.140.030, and 48.140.040; and repealing RCW 48.140.070.

Referred to Committee on Judiciary.

HB 2964 by Representatives Van De Wege, Williams, Nelson, Simpson and Hasegawa

AN ACT Relating to oil spill contingency plan requirements; amending RCW 90.56.010, 90.56.280, 90.56.210, and 88.46.060; creating a new section; repealing RCW 88.46.100; and providing an effective date.

Referred to Committee on Ecology & Parks.

HB 2965 by Representatives Van De Wege, Upthegrove, Williams, Nelson and Simpson

AN ACT Relating to adjusting the oil spill response tax and oil spill administration tax; amending RCW 82.23B.010, 82.23B.020, 82.23B.030, 82.23B.040, 82.23B.045, 82.23B.050, 90.56.500, 90.56.510, and 82.23B.901; adding a new section to chapter

82.23B RCW; creating a new section; decodifying RCW 82.23B.060, 82.23B.900, and 82.23B.902; and providing an effective date.

Referred to Committee on Finance.

HB 2966 by Representatives Taylor, Shea, Chandler, Hinkle, Johnson, Kretz and Conway

AN ACT Relating to establishing a state meat inspection program; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 2967 by Representatives White and Kenney

AN ACT Relating to mitigating the impacts of the state route number 520 corridor project on the Washington park arboretum; amending RCW 47.56.820, 47.56.870, and 47.56.875; adding a new section to chapter 47.56 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2968 by Representative Hudgins

AN ACT Relating to loss of electronic devices; and adding a new chapter to Title 19 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 2969 by Representative Hudgins

AN ACT Relating to promoting efficiencies in the services provided by the office of the public printer; amending RCW 43.78.110 and 43.78.080; adding new sections to chapter 43.78 RCW; adding a new section to chapter 43.01 RCW; and creating new sections.

Referred to Committee on General Government Appropriations.

HB 2970 by Representatives Hunter and Conway

AN ACT Relating to addressing tax avoidance; amending RCW 82.32.090, 82.32.050, 82.12.020, 82.45.033, 82.45.070, 82.45.080, 82.45.100, 82.45.220, and 43.07.390; reenacting and amending RCW 82.45.010; adding new sections to chapter 82.32 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 2971 by Representatives Hunter and Conway

AN ACT Relating to limiting tax preferences that have been the subject of administrative or judicial appeals; amending RCW 82.04.423, 82.04.4292, 82.04.4266, 82.04.250, 82.04.250, 82.04.298, 82.04.334, 82.04.4463, 82.08.806, 82.32.545, 82.32.550, 82.32.630, 82.32.632, 82.45.195, 35.102.150, and 48.14.080; reenacting and amending RCW 82.04.260, 82.04.261, and 82.04.440; adding a new section to chapter 82.04 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 2972 by Representatives Hunter, Williams and Conway

AN ACT Relating to increasing revenues by eliminating and narrowing preferential tax treatment; amending RCW 82.08.890 and 82.12.890; reenacting and amending RCW 82.04.360; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 82.04.062; providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 2973 by Representatives Orcutt, Wallace, Herrera, Probst, McCune, Klippert, Kelley, Hunter, Kretz, Campbell and Johnson

AN ACT Relating to resident student classification for certain members of the military and their spouses and dependents; and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

HB 2974 by Representatives Orcutt, Herrera, Taylor, McCune, Klippert, Pearson, Kretz, Warnick and Johnson

AN ACT Relating to requiring documentation for enforcement actions under chapter 77.55 RCW; amending RCW 77.15.300 and 77.55.291; and adding a new section to chapter 77.55 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2975 by Representatives Orcutt, Wallace, Probst, Taylor, McCune and Johnson

AN ACT Relating to prohibiting local governments and state agencies from mandating the installation of fire sprinkler systems in agricultural structures; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Local Government & Housing.

HB 2976 by Representatives Orcutt, Wallace, Herrera, Probst, McCune, Klippert, Warnick and Johnson

AN ACT Relating to including public-owned easements in the acreage requirements of the open space taxation act; reenacting and amending RCW 84.34.020; and creating a new section.

Referred to Committee on Finance.

HB 2977 by Representatives Hunter and Orcutt

AN ACT Relating to providing expiration dates for certain environmental tax incentives; amending RCW 82.08.890 and 82.12.890; and providing expiration dates.

Referred to Committee on Finance.

HB 2978 by Representatives Appleton and Hasegawa

AN ACT Relating to contractor registration qualifications; adding a new section to chapter 18.27 RCW; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2979 by Representative Wallace

AN ACT Relating to higher education performance agreements; amending RCW 28B.10.920, 28B.10.921, and 28B.10.922; creating a new section; and repealing RCW 44.28.156.

Referred to Committee on Higher Education.

HB 2980 by Representatives Blake, Walsh, Takko, Kessler and Schmick

AN ACT Relating to changing fees for certain types of agricultural burning; and amending RCW 70.94.6528.

Referred to Committee on General Government Appropriations.

HB 2981 by Representatives Hasegawa, Chase and Sells

AN ACT Relating to information included in the voters' pamphlet; and adding a new section to chapter 29A.32 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2982 by Representatives Liias, McCoy, Sells and Kenney

AN ACT Relating to providing tax incentives for manufacturers of electronic testing and measurement devices; amending RCW 82.32.620, 82.32.590, and 82.32.600; reenacting and amending RCW 82.04.440; adding new sections to chapter 82.04 RCW; providing an effective date; providing an expiration date.

Referred to Committee on Finance.

HB 2983 by Representatives Kenney and Maxwell

AN ACT Relating to creating the Washington global health technologies and product development competitiveness program and allowing certain tax credits for program contributions; reenacting and amending RCW 43.84.092; adding a new section to chapter 82.04 RCW; adding a new section to chapter 48.14 RCW; adding a new chapter to Title 43 RCW; and providing expiration dates.

Referred to Committee on Community & Economic Development & Trade.

HB 2984 by Representatives Maxwell, Clibborn, Eddy, Goodman and Hunter

AN ACT Relating to a sales and use tax deferral for performing arts centers; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Finance.

HB 2985 by Representatives Maxwell, Kenney, Sullivan, Clibborn, Kelley, Dammeier, Anderson, Morrell, Simpson and Ormsby

AN ACT Relating to infrastructure financing for local governments; amending RCW 39.104.020, 39.104.040, 39.104.060, 39.104.100, 39.104.110, 82.14.505, 82.14.510, and

82.32.765; reenacting and amending RCW 39.102.020; and providing an expiration date.

Referred to Committee on Community & Economic Development & Trade.

HB 2986 by Representatives Simpson, Upthegrove, Campbell, Carlyle, Liias, Driscoll, Williams, Ormsby, Sullivan, Nelson, Sells, Appleton, Chase, Seaquist, Ericks, Goodman, Morrell, Green, Dickerson, Hudgins, Van De Wege, White, Maxwell, Miloscia, Conway, Moeller, Jacks, Hurst, Kenney and Hasegawa

AN ACT Relating to requiring the appointment of nonvoting labor members to public transportation governing bodies; and amending RCW 35.58.270, 36.57.030, and 36.57A.050.

Referred to Committee on Local Government & Housing.

HB 2987 by Representatives Simpson and Williams

AN ACT Relating to the firefighters' pension fund; and amending RCW 41.16.050.

Referred to Committee on Ways & Means.

HB 2988 by Representatives Simpson and Williams

AN ACT Relating to local improvement districts in flood control zone districts; adding new sections to chapter 86.15 RCW; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 2989 by Representatives Moeller and Cody

AN ACT Relating to respiratory care practitioners; and amending RCW 18.89.020 and 18.89.040.

Referred to Committee on Health Care & Wellness.

HB 2990 by Representatives Pettigrew, Santos, Simpson and Kenney

AN ACT Relating to alternative city assumption and tax authority provisions pertaining to water-sewer districts; amending RCW 35.13A.020, 35.13A.030, and 35.13A.040; adding a new section to chapter 35.21 RCW; and adding a new chapter to Title 35 RCW.

Referred to Committee on Local Government & Housing.

HB 2991 by Representatives Armstrong and Blake

AN ACT Relating to merging the department of printing into the department of general administration; amending RCW 43.19.011, 43.19.180, 43.19.190, 43.78.030, 43.78.040, 43.78.050, 43.78.070, 43.78.080, 43.78.090, 43.78.100, 43.78.105, 43.78.110, and 43.78.170; adding a new section to chapter 43.78 RCW; and repealing RCW 43.78.010, 43.78.020, 43.78.030, 43.78.040, 43.78.050, 43.78.070, 43.78.080, 43.78.090, 43.78.100, 43.78.105, and 43.78.110.

Referred to Committee on General Government Appropriations.

HB 2992 by Representatives Simpson, Kenney and Springer

AN ACT Relating to extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for three years; and amending RCW 36.70A.130.

Referred to Committee on Local Government & Housing.

HJM 4025 by Representatives O'Brien, Campbell, Seaquist, Appleton, McCune, Kelley, Warnick, Armstrong, Sells, Morrell, Maxwell, Van De Wege, Simpson, Conway, Smith, Shea, Pearson, Johnson, Hurst and Kenney

Honoring Vietnam veterans.

Referred to Committee on State Government & Tribal Affairs.

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

REPORTS OF STANDING COMMITTEES

January 14, 2010

ESHB 1669 Prime Sponsor, Committee on Financial Institutions & Insurance: Addressing the deposit of public funds. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Hurst; McCoy; Nelson; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Roach and Rodne.

Passed to Committee on Rules for second reading.

January 15, 2010

HB 2435 Prime Sponsor, Representative Green: Concerning midwives. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

January 14, 2010

HB 2436 Prime Sponsor, Representative Moeller: Concerning vehicle license fraud. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Armstrong; Driscoll; Eddy; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen.

Referred to Committee on General Government Appropriations.

January 15, 2010

HB 2443 Prime Sponsor, Representative Ericksen: Conforming the uniform controlled substances act to existing state and federal law. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller and Pedersen.

Passed to Committee on Rules for second reading.

January 15, 2010

HB 2462 Prime Sponsor, Representative Green: Concerning the practice of opticianry. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller and Pedersen.

Passed to Committee on Rules for second reading.

January 14, 2010

HB 2463 Prime Sponsor, Representative Kelley: Funding sources for time certificate of deposit investments. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

January 14, 2010

HB 2464 Prime Sponsor, Representative Liias: Implementing rules and penalties for drivers when approaching certain emergency, roadside assistance, or police vehicles in emergency zones. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Armstrong; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace and Williams.

Passed to Committee on Rules for second reading.

January 15, 2010

HB 2540 Prime Sponsor, Representative Cody: Concerning the practice of dentistry. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller and Pedersen.

Passed to Committee on Rules for second reading.

January 15, 2010

HB 2545 Prime Sponsor, Representative Upthegrove: Directing the department of ecology to adopt rules requiring entities to report the emissions of greenhouse gases. Reported by Committee on Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase; Dickerson; Eddy; Finn; Hudgins; Kristiansen and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt; Shea and Taylor.

Referred to Committee on General Government Appropriations.

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

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

There being no objection, the Committee on Rules was relieved of SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004, and the memorial was placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., January 20, 2010, the 10th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - REGULAR SESSION

TENTH DAY

House Chamber, Olympia, Wednesday, January 20, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nick Martinoli and Brooke Chapman. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Christian Science Practitioner Dottie Lehuta, First Church of Christ Scientist, Olympia.

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

INTRODUCTIONS AND FIRST READING

HB 2993 by Representatives Hunt, Hasegawa, Williams, Green and Hudgins

AN ACT Relating to the granting of leave for legislative duties; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Commerce & Labor.

HB 2994 by Representatives Appleton, Miloscia, Hunt and Darneille

AN ACT Relating to prohibiting public service announcements by elected officials during reelection campaigns; adding a new section to chapter 42.52 RCW; adding a new section to chapter 42.23 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 2995 by Representatives O'Brien and Warnick

AN ACT Relating to the use of carbon monoxide alarms in certain residential occupancies; adding a new section to chapter 19.27 RCW; and repealing RCW 19.27.530.

Referred to Committee on Local Government & Housing.

HB 2996 by Representatives Quall and Priest

AN ACT Relating to record check information; and amending RCW 28A.400.305.

Referred to Committee on Education.

HB 2997 by Representatives Cody, Ericksen, Morrell and Wallace

AN ACT Relating to determining the appropriate date of a small employer group's composition for purposes of setting health benefit plan premium rates; amending RCW 48.44.010, 48.44.023,

48.46.020, 48.46.066, 48.21.045, and 48.21.047; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2998 by Representatives Seaquist, Armstrong, Hunt, Kessler, Wallace, Conway and Darneille

AN ACT Relating to suspension of certain monetary awards and salary increases; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2999 by Representatives Flannigan, McCoy, Armstrong, Ross, Pettigrew, Moeller, Ormsby, Wallace and Simpson

AN ACT Relating to traumatic brain injury; and amending RCW 74.31.020, 74.31.030, 74.31.040, 74.31.050, and 74.31.060.

Referred to Committee on Human Services.

HB 3000 by Representatives Short, Seaquist, Driscoll, Williams, Wallace, Crouse, Haler and Kretz

AN ACT Relating to pharmacy reimbursement rates; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health & Human Services Appropriations.

HB 3001 by Representatives Klippert, Liias, Wallace, Campbell and Simpson

AN ACT Relating to bicycle and pedestrian safety education in traffic schools; adding a new section to chapter 46.82 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 3002 by Representatives Sells, Priest, Haler, Rolfes, Sullivan, Hope, Quall, Haigh, Hunter, Springer, Carlyle, Miloscia, Dunshee, Dammeier, White, Appleton, Williams, Moeller, Maxwell, Morrell, Van De Wege, Wallace, Kenney, Simpson and Santos

AN ACT Relating to tuition and fees waivers for K-12 classified staff; and amending RCW 28B.15.558.

Referred to Committee on Higher Education.

HB 3003 by Representatives Hunter, Conway, Wood, Carlyle, Williams, Morrell, Moeller, Ormsby, Van De Wege, Kenney, Simpson and Santos

AN ACT Relating to placing symphony musicians under the jurisdiction of the public employment relations commission for purposes of collective bargaining; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce & Labor.

HB 3004 by Representative Haler

AN ACT Relating to transparency in the sale of public property to public employees or former public employees; amending RCW 47.12.063, 54.16.180, and 79.11.040; reenacting and amending RCW 79.11.130; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 35.27 RCW; adding a new section to chapter 36.34 RCW; adding a new section to chapter 36.100 RCW; adding a new section to chapter 43.17 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 57.08 RCW; adding a new section to chapter 79A.05 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 3005 by Representatives Nelson and Springer

AN ACT Relating to the relationship between the shoreline management act and the growth management act; amending RCW 36.70A.480 and 90.58.030; adding a new section to chapter 90.58 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 3006 by Representative Green

AN ACT Relating to clarifying the circumstances under which certain counseling-related associates may practice; amending RCW 18.225.145; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 3007 by Representatives Upthegrove, Orwall, Williams and Wallace

AN ACT Relating to authorizing airport operators to make airport property available at less than fair market rental value for public recreational or other community uses; and amending RCW 14.08.120.

Referred to Committee on Local Government & Housing.

HB 3008 by Representatives Nealey, O'Brien, Ericks, Klippert, Walsh, Kretz, Haler, Kristiansen, Hurst, Warnick, Pearson, Dammeier, Hinkle, Schmick, McCune and Wallace

AN ACT Relating to civil judgments for assault; amending RCW 72.09.015, 72.09.111, and 72.09.480; and prescribing penalties.

Referred to Committee on Human Services.

HB 3009 by Representative Blake

AN ACT Relating to forest practices applications leading to conversion of land for development purposes; amending RCW

76.09.050 and 43.21C.037; and reenacting and amending RCW 76.09.240.

Referred to Committee on Agriculture & Natural Resources.

HB 3010 by Representatives Anderson, Chandler, Bailey and Miloscia

AN ACT Relating to conducting performance audits of state investment board investment services contracts; and adding a new section to chapter 43.09 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 3011 by Representatives Anderson, Chandler, Bailey and Priest

AN ACT Relating to limiting the exemption from public disclosure to three years for financial information submitted to the state investment board; and amending RCW 42.56.270.

Referred to Committee on State Government & Tribal Affairs.

HB 3012 by Representatives Kelley, Warnick, McCune, Goodman, Morrell and Ormsby

AN ACT Relating to the manufactured/mobile home landlord-tenant act; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Judiciary.

HB 3013 by Representatives Ericks, Clibborn, Rodne, Armstrong, Wallace and Simpson

AN ACT Relating to transferring service credit and contributions into the Washington state patrol retirement system by members who served as commercial vehicle enforcement officers and who became commissioned officers in the Washington state patrol prior to July 1, 2000; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways & Means.

HB 3014 by Representatives Kessler, Morrell and Van De Wege

AN ACT Relating to modifying the sales and use tax deferral program for investment projects in rural counties; amending RCW 82.60.010, 82.60.020, 82.60.030, 82.60.040, 82.60.049, 82.60.060, 82.60.070, 82.32.600, 82.60.100, and 82.62.010; adding new sections to chapter 82.60 RCW; decodifying RCW 82.60.900 and 82.60.901; repealing RCW 82.60.050 and 82.60.110; providing an effective date; providing expiration dates; and providing a contingent effective date.

Referred to Committee on Finance.

HB 3015 by Representatives Cody, Ericksen, Eddy, Morrell, Campbell and Wallace

AN ACT Relating to establishing an interstate compact for the sale and issue of health benefit plans; adding a new chapter to Title 48 RCW; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 3016 by Representative Pedersen

AN ACT Relating to updating provisions concerning the modification, review, and adjustment of child support orders to improve access to justice and to ensure compliance with federal requirements; and amending RCW 26.09.170 and 26.09.175.

Referred to Committee on Judiciary.

HB 3017 by Representatives O'Brien, Goodman, Pettigrew, Hunt, Seaquist, Walsh, Condotta, Appleton and Santos

AN ACT Relating to modifying state payments for in-home care; amending RCW 74.39A.326; creating new sections; and declaring an emergency.

Referred to Committee on Health & Human Services Appropriations.

HB 3018 by Representatives Chase, Uptegrove, Dunshee, Campbell, Ormsby, Appleton, Kagi, Wallace, Kenney and Simpson

AN ACT Relating to limiting the use of certain substances in brake friction material; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environmental Health.

HB 3019 by Representatives Dammeier, Crouse, Haler, Short, Condotta, Taylor, McCune and Hinkle

AN ACT Relating to energy efficiency requirements for residential structures; amending RCW 19.27A.020; adding a new section to chapter 19.27A RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 3020 by Representatives Linville and Wallace

AN ACT Relating to eliminating the public printer and transferring print functions to the department of information services; amending RCW 43.78.030, 43.78.070, 43.78.090, 43.78.100, 43.78.105, 43.78.110, 43.78.170, 43.105.041, 1.08.039, 15.24.085, 15.62.190, 16.67.170, 28A.300.040, 28B.10.029, 40.04.030, 40.06.030, 40.07.050, and 43.08.061; reenacting and amending RCW 43.105.020 and 41.06.070; adding new sections to chapter 43.105 RCW; creating a new section; recodifying RCW 43.78.030, 43.78.070, 43.78.090, 43.78.100, 43.78.105, 43.78.110, 43.78.130, 43.78.140, 43.78.150, 43.78.160, and 43.78.170; repealing RCW 43.78.010, 43.78.020, 43.78.040, 43.78.050, and 43.78.080; and providing effective dates.

Referred to Committee on General Government Appropriations.

HB 3021 by Representatives Green, Ericksen, Kessler, Kretz, Seaquist, Chandler, Van De Wege, Armstrong, Sullivan, Miloscia, Simpson, Williams, Rolfes, Bailey, Johnson, Hinkle, Ross, Finn, Moeller, Lias, Appleton, Wallace, Conway and Kenney

AN ACT Relating to establishing the medicaid nursing facility quality assurance trust fund; reenacting and amending RCW 43.84.092; adding new sections to chapter 74.46 RCW; creating a

new section; prescribing penalties; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 3022 by Representatives Taylor and Rodne

AN ACT Relating to clarifying substantial justification for a lis pendens action; and amending RCW 4.28.328.

Referred to Committee on Judiciary.

HB 3023 by Representatives Jacks, Chandler, Kretz, Hunt, Blake and Wallace

AN ACT Relating to consolidating the state's pollution liability insurance agency within the department of ecology; amending RCW 70.148.005, 70.148.010, 70.148.020, 70.148.025, 70.148.030, 70.148.035, 70.148.040, 70.148.050, 70.148.060, 70.148.070, 70.148.080, 70.148.090, 70.148.130, 70.148.140, 70.148.150, 70.148.160, 70.148.170, 70.149.010, 70.149.030, 70.149.040, 70.149.050, 70.149.060, 70.149.090, and 70.149.120; reenacting and amending RCW 43.21B.110; adding a new section to chapter 70.149 RCW; adding a new section to chapter 70.148 RCW; creating a new section; providing an effective date; and providing expiration dates.

Referred to Committee on General Government Appropriations.

HB 3024 by Representatives Conway, Morrell, Van De Wege, Williams, Sullivan, Seaquist, Green, Campbell, Simpson, Wood and Nelson

AN ACT Relating to meal and rest breaks for employees of hospitals; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Commerce & Labor.

HB 3025 by Representatives Quall, Haigh, Probst, Ormsby, Wallace, Kenney and Santos

AN ACT Relating to establishing an alternative route to a high school diploma; amending RCW 28A.150.220, 28A.230.120, 28A.655.061, 28A.655.0611, and 28A.155.045; reenacting and amending RCW 28A.230.090; adding a new section to chapter 28A.230 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 3026 by Representatives Santos, Quall, Chase, Uptegrove, Kenney, Hunt, Nelson, Lias, McCoy, Hudgins, Simpson and Darneille

AN ACT Relating to school districts' compliance with state and federal civil rights laws; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

HB 3027 by Representatives Ormsby, White and Kenney

AN ACT Relating to the governance and financing of the Washington state convention and trade center.

Referred to Committee on Finance.

HB 3028 by Representatives Orwall, Hunt and Simpson

AN ACT Relating to access to original birth certificate information for adult adoptees; amending RCW 26.33.330, 26.33.340, 26.33.345, and 26.33.345; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 3029 by Representatives Haigh, Pettigrew, Quall, Ormsby, Appleton, Kagi, Wallace, Kenney and Darneille

AN ACT Relating to providing education programs for juveniles in adult jails; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

HB 3030 by Representatives Fagan and Hinkle

AN ACT Relating to the administration of irrigation districts; amending RCW 87.03.001, 87.03.140, 87.03.436, and 87.03.443; and adding new sections to chapter 87.03 RCW.

Referred to Committee on Local Government & Housing.

HB 3031 by Representatives Fagan and Alexander

AN ACT Relating to the cost of public records requests; amending RCW 42.56.120; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

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

REPORTS OF STANDING COMMITTEES

January 15, 2010

HB 2403 Prime Sponsor, Representative Morrell: Concerning military leave for public employees. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Hurst and Taylor.

January 15, 2010

HB 2490 Prime Sponsor, Representative Angel: Concerning persons with intellectual disabilities. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Hurst and Taylor.

Passed to Committee on Rules for second reading.

January 15, 2010

HB 2495 Prime Sponsor, Representative White: Modifying provisions relating to the tabulation of ballots. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Hurst and Taylor.

Passed to Committee on Rules for second reading.

January 15, 2010

HB 2496 Prime Sponsor, Representative White: Modifying ballot design provisions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Hurst and Taylor.

Passed to Committee on Rules for second reading.

January 18, 2010

HB 2537 Prime Sponsor, Representative McCoy: Concerning incentives for solar energy systems. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Finn, Vice Chair; Haler, Assistant Ranking Minority Member; Carlyle; Eddy; Hinkle; Hudgins; Jacks; Morris; Nealey; Takko; Taylor and Van De Wege.

MINORITY recommendation: Without recommendation. Signed by Representative Hasegawa.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2403 which was placed on the second reading calendar.

SECOND READING

HOUSE BILL NO. 2561, by Representatives Dunshee, Williams, White, Seaquist, Darneille, Eddy, Dickerson, Sells, Rolfe, Chase, Green, Appleton, Sullivan, Simpson, Nelson, Hudgins, Jacks, Hunt, Hasegawa, Ormsby, Moeller and Roberts

Funding construction of energy cost saving improvements to public facilities.

The bill was read the second time.

Representative Dunshee moved the adoption of amendment (1005):

On page 2, line 30, after "nondebt-limit" strike "reimbursable" and insert "general fund"

On page 3, after line 2, insert the following:

"(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 201 of this act, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the nondebt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date."

On page 5, line 37, after "years" insert "or until the energy and operational costs savings pay for the project, whichever is shorter"

Representatives Dunshee and Warnick spoke in favor of the adoption of the amendment.

Amendment (1005) was adopted.

The bill was ordered engrossed.

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

Representatives Dunshee, Haigh, Van De Wege, Sells, Jacks and Maxwell spoke in favor of the passage of the bill.

Representatives Warnick, Priest, Orcutt, Anderson and Ericksen spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2561.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2561, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Linville, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Wood.

ENGROSSED HOUSE BILL NO. 2561, having received the constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., January 21, 2010, the 11th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

ELEVENTH DAY

House Chamber, Olympia, Thursday, January 21, 2010

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

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

RESOLUTION

HOUSE RESOLUTION NO. 4663, by Representatives Chopp, DeBolt, Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, and Wood

WHEREAS, We are here today to celebrate a political life and a true Washington original; and

WHEREAS, We can see his legacy everywhere. In our state's transit system, our justice system, and in our colleges and universities; and

WHEREAS, Albert Rosellini served the people of this state with distinction, not only as a twoterm governor, but as a member of the State Senate and as a lawyer who championed civil rights; and

WHEREAS, Albert Rosellini is the nation's oldest living governor and today we celebrate his 100th birthday; and

WHEREAS, Albert Dean Rosellini was born in Tacoma on January 21, 1910, the only son of poor Italian immigrants; and

WHEREAS, He worked his way through the University of Washington law school, and at age 29 was elected to the State Senate as its youngest member. He served the 33rd District in south Seattle from 1939 to 1957, rising to the rank of Majority Leader; and

WHEREAS, After winning the 1956 gubernatorial election, Governor Rosellini began a progressive agenda that saw the creation of a separate justice and prison system for juveniles, modernized mental health care, increased aid to colleges and universities, and accelerated road construction; and

WHEREAS, His establishment of the Department of Commerce and Economic Development played an integral role in bringing the World's Fair to Seattle in 1962; and

WHEREAS, His term as governor may have ended in 1965, but his dedication to the state was far from over; and

WHEREAS, Governor Rosellini continued to practice law and serve as an elder statesman to the state's Democratic Party; and

WHEREAS, He continues to donate time and money to many charities, particularly the Washington State Olympics Committee, which he chaired for many years; and

WHEREAS, He and his wife Ethel raised five children: John, Janey, Sue Ann, Lynn, and Albert Jr.;

NOW, THEREFORE, BE IT RESOLVED, That the state of Washington and the House of Representatives honor and celebrate the service of Governor Albert Rosellini on this the 100th anniversary of his birth; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted to Governor Rosellini in time for his 100th birthday celebration in Seattle on Sunday, January 24.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of House Resolution No. 4663.

HOUSE RESOLUTION NO. 4663 was adopted.

INTRODUCTION AND FIRST READING

HB 3032 by Representatives Simpson and Bailey

AN ACT Relating to defining normal wear and tear for a motor vehicle for the purpose of a service contract; and reenacting and amending RCW 48.110.020.

Referred to Committee on Financial Institutions & Insurance.

HB 3033 by Representatives Sells and McCoy

AN ACT Relating to a sales and use tax exemption for wax and ceramic materials used to create molds for ferrous and nonferrous investment castings; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 3034 by Representative McCoy

AN ACT Relating to modifying the energy independence act; amending RCW 19.285.030, 19.285.040, and 19.285.070; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 3035 by Representatives Quall, Priest, Hunter, Carlyle, Probst, Kagi, Haigh, Liias, Dammeier, Kelley, Anderson, Kenney, Conway, Santos, Maxwell, Sullivan and Rolfes

AN ACT Relating to educator performance and innovation; amending RCW 28A.150.230, 28A.405.100, 28A.405.220, and 28A.400.200; and adding new sections to chapter 28A.405 RCW.

Referred to Committee on Education.

HB 3036 by Representatives Quall, Kenney and Santos

AN ACT Relating to nonvoter-approved school district debt; and amending RCW 28A.530.080.

Referred to Committee on Education.

HB 3037 by Representatives Darneille, Upthegrove, Dunshee, Hudgins and Kenney

AN ACT Relating to providing the department of fish and wildlife authority to improve permitting of hydraulic projects; amending RCW 77.55.011, 77.55.021, 77.15.300, 77.55.291, 77.55.081, and 77.55.091; adding new sections to chapter 77.55 RCW; creating a new section; prescribing penalties; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 3038 by Representatives Maxwell, Priest, Sullivan, Carlyle, White, Hunt, Kagi, Anderson, Kenney, Conway, Rolfes and Clibborn

AN ACT Relating to standards and accountability in education; amending RCW 28A.305.225 and 28A.655.110; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.320 RCW; adding new sections to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Education.

HB 3039 by Representatives Pedersen, Ross, Darneille, Rodne and Johnson

AN ACT Relating to streamlining the truancy process to reduce the costs to courts and school districts; amending RCW 28A.225.015, 28A.225.020, 28A.225.025, 28A.225.030, and 28A.225.151; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

HB 3040 by Representatives Conway, Wood, Appleton, Rolfes, Sells, Sullivan and Finn

AN ACT Relating to the licensing of appraisal management companies; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 3041 by Representatives Haigh and Appleton

AN ACT Relating to adjusting the property tax levy lid limits for certain local services; amending RCW 84.55.0101, 71.20.110, 73.08.080, 84.52.069, 84.52.043, and 84.52.010; and creating a new section.

Referred to Committee on Finance.

HB 3042 by Representative Seaquist

AN ACT Relating to the renewal and regulation of licenses issued by the department of early learning; amending RCW 43.215.260; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 3043 by Representatives Pedersen and Rodne

AN ACT Relating to redirecting funding from the judicial information system account to the access to justice account; amending RCW 2.68.040; reenacting and amending RCW 2.68.020 and 43.84.092; and adding a new section to chapter 2.68 RCW.

Referred to Committee on General Government Appropriations.

HB 3044 by Representatives Williams and Darneille

AN ACT Relating to tolling of term of confinement or supervision; amending RCW 9.94A.171; and providing an effective date.

Referred to Committee on Human Services.

HB 3045 by Representatives Roberts, Dickerson, Seaquist, Goodman, Carlyle, Green, Kagi, Upthegrove, Appleton and Darneille

AN ACT Relating to creating alternatives to total confinement for nonviolent offenders with minor children; amending RCW 9.94A.030, 9.94A.501, 9.94A.505, 9.94A.701, 9.94A.734, 9.94A.190, 9.94A.6332, and 9.94A.633; reenacting and amending RCW 9.94A.728; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Human Services.

HB 3046 by Representatives Driscoll, Rodne, Kretz, Ormsby, Wood, Johnson and Parker

AN ACT Relating to dissolving the assets and affairs of a nonprofit corporation; amending RCW 24.03.265, 24.03.270, and 24.03.290; and declaring an emergency.

Referred to Committee on Judiciary.

HB 3047 by Representatives White, Dunshee and Morrell

AN ACT Relating to the University of Washington's public works contracting procedures; adding a new section to chapter 28B.20 RCW; adding new sections to chapter 43.131 RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 3048 by Representatives Cody, Armstrong and Pettigrew

AN ACT Relating to administration of the medicaid program; amending RCW 74.09.010, 74.09.015, 74.09.035, 74.09.037, 74.09.050, 74.09.055, 74.09.075, 74.09.080, 74.09.085, 74.09.110, 74.09.120, 74.09.160, 74.09.180, 74.09.185, 74.09.190, 74.09.200, 74.09.210, 74.09.240, 74.09.260, 74.09.280, 74.09.290, 74.09.300, 74.09.470, 74.09.480, 74.09.490, 74.09.500, 74.09.510, 74.09.515,

74.09.520, 74.09.521, 74.09.5221, 74.09.5222, 74.09.5227, 74.09.523, 74.09.530, 74.09.540, 74.09.555, 74.09.565, 74.09.575, 74.09.585, 74.09.595, 74.09.650, 74.09.655, 74.09.658, 74.09.659, 74.09.660, 74.09.700, 74.09.710, 74.09.715, 74.09.725, 74.09.730, 74.09.755, 74.09.790, 74.09.800, 74.09.810, and 74.09.820; and reenacting and amending RCW 74.09.053 and 74.09.522.

Referred to Committee on Ways & Means.

HB 3049 by Representative Dickerson

AN ACT Relating to administrative review of public assistance decisions; amending RCW 74.04.005 and 74.08.080; creating a new section; and declaring an emergency.

Referred to Committee on Human Services.

HB 3050 by Representatives Driscoll, Bailey, Kelley and Hinkle

AN ACT Relating to authorizing health carriers to offer plans equivalent to the basic health plan; adding a new section to chapter 48.43 RCW; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 3051 by Representative Kirby

AN ACT Relating to authorizing various local transportation revenue options in order to cover certain transportation project cost overruns; amending RCW 82.14.430, 82.80.100, 82.80.010, and 81.100.030; reenacting and amending RCW 81.100.060; adding a new section to chapter 82.80 RCW; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

HB 3052 by Representatives Blake and Kessler

AN ACT Relating to the standardization of salmon fishing time for gill net gear and purse seine gear in Puget Sound; adding a new section to chapter 77.50 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 3053 by Representatives Kenney and Liias

AN ACT Relating to extending expiring tax incentives for certain clean alternative fuel vehicles, producers of certain biofuels, and federal aviation regulation part 145 certificated repair stations; amending RCW 82.04.250, 82.08.809, 82.12.809, 84.36.635, 84.36.640, and 82.29A.135; repealing 2008 c 81 s 19 (uncodified); repealing 2007 c 54 s 30 (uncodified); repealing 2006 c 177 s 14 (uncodified); repealing 2005 c 296 s 6 (uncodified); repealing 2007 c 54 s 5; and providing an expiration date.

Referred to Committee on Finance.

HB 3054 by Representative Springer

AN ACT Relating to creating the local government revenue act of 2010.

Referred to Committee on Finance.

HB 3055 by Representatives Hinkle and Kretz

AN ACT Relating to conditions of requirements of contractors' bonds for public contracts; amending RCW 39.04.155; and reenacting and amending RCW 39.08.010.

Referred to Committee on State Government & Tribal Affairs.

HB 3056 by Representatives Pearson, Hurst, Kessler, Klippert, Kirby, Kenney and Kelley

AN ACT Relating to pretrial release or detention; adding a new chapter to Title 10 RCW; and providing a contingent effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 3057 by Representatives White, Sells, Haler, Driscoll and Roberts

AN ACT Relating to establishing the student financial assistance board by eliminating the higher education coordinating board and transferring its functions to various entities; amending RCW 28B.76.010, 28B.76.020, 28B.76.030, 28B.76.090, 28B.76.110, 28B.76.505, 28B.76.525, 28B.76.560, 28B.76.565, 28B.76.570, 28B.76.575, 28B.76.605, 28B.76.610, 28B.76.615, 28B.76.620, 28B.76.645, 28B.76.660, 28B.76.670, 28B.76.690, 28A.600.120, 28A.600.130, 28A.600.140, 28A.600.150, 28A.230.125, 28A.600.285, 28A.630.400, 28A.650.015, 28B.04.080, 28B.07.020, 28B.07.030, 28B.10.786, 28B.10.790, 28B.10.792, 28B.10.840, 28B.12.030, 28B.12.040, 28B.12.050, 28B.12.055, 28B.12.060, 28B.12.070, 28B.15.012, 28B.15.013, 28B.15.015, 28B.15.100, 28B.15.543, 28B.15.732, 28B.15.736, 28B.15.752, 28B.15.760, 28B.15.762, 28B.50.272, 28B.92.020, 28B.95.020, 28B.95.025, 28B.95.040, 28B.95.060, 28B.95.160, 28B.97.020, 28B.101.010, 28B.101.030, 28B.101.040, 28B.101.050, 28B.102.020, 28B.102.030, 28B.105.020, 28B.106.010, 28B.108.010, 28B.108.020, 28B.108.030, 28B.108.060, 28B.109.010, 28B.115.020, 28B.115.030, 28B.115.130, 28B.115.140, 28B.116.010, 28B.116.020, 28B.116.030, 28B.116.050, 28B.116.060, 28B.116.070, 28B.117.020, 28B.117.030, 28B.117.040, 28B.117.050, 28B.117.060, 28B.117.070, 28B.118.010, 28B.118.020, 28B.118.040, 28B.118.050, 28B.118.060, 28B.119.010, 28B.119.020, 28B.119.030, 28B.119.050, 28B.120.010, 28B.120.020, 28B.120.025, 28B.120.030, 28B.120.040, 28B.133.030, 28B.133.040, 28B.133.050, 28B.135.010, 28B.135.030, 28B.135.040, 28C.18.166, 39.86.130, 42.17.2401, 43.41.400, 43.105.800, 43.105.810, 43.105.825, 74.13.570, 28B.76.200, 28B.76.230, 28B.76.240, 28B.76.250, 28B.76.260, 28B.76.270, 28B.76.280, 28B.76.290, 28B.76.300, 28B.76.310, 28B.07.040, 28B.10.020, 28B.10.056, 28B.10.5691, 28B.10.682, 28B.10.784, 28B.10.922, 28B.15.069, 28B.15.460, 28B.15.465, 28B.20.130, 28B.20.280, 28B.30.150, 28B.30.500, 28B.35.120, 28B.35.205, 28B.35.215, 28B.38.010, 28B.40.120, 28B.40.206, 28B.45.014, 28B.45.020, 28B.45.030, 28B.45.040, 28B.45.060, 28B.50.140, 28B.50.810, 28B.65.050, 28B.110.030, 28B.110.040, 28C.18.060, 43.330.310, 70.180.110, 28B.85.010, 28B.85.100, 28B.90.010, 35.104.020, 35.104.040, 43.06.115, 9A.60.070, 18.260.110, 28A.230.125, 28A.600.280, 28A.600.290, 28A.600.310, 28A.600.390, 28A.630.400, 28A.650.015, 28A.700.020, 28A.700.060, 28B.10.125, 28B.10.5691, 28B.15.068, 28B.15.730, 28B.15.734, 28B.15.750, 28B.15.754, 28B.15.756, 28B.15.758, 28B.15.796, 28B.20.308, 28B.20.478, 28B.30.530, 28B.45.080, 28B.65.040, 28B.67.010, 28B.103.030, 28C.10.030, 28C.10.040, 28C.18.030, 28C.18.132, 28C.18.134,

43.09.440, 43.43.934, 43.43.938, 43.60A.151, 43.88.090, 43.88D.010, 43.105.400, 43.215.090, 43.330.375, and 47.80.090; reenacting and amending RCW 28A.660.050, 28B.50.030, 28B.92.030, 28A.230.100, and 43.330.280; adding new sections to chapter 43.41 RCW; creating new sections; recodifying RCW 28B.76.200, 28B.76.230, 28B.76.240, 28B.76.2401, 28B.76.250, 28B.76.260, 28B.76.270, 28B.76.280, 28B.76.290, 28B.76.300, and 28B.76.310; repealing RCW 28B.76.040, 28B.76.050, 28B.76.060, 28B.76.100, 28B.76.210, and 28B.76.335; providing an effective date; and providing expiration dates.

Referred to Committee on Higher Education.

HB 3058 by Representative Appleton

AN ACT Relating to truancy and juvenile court petitions; amending RCW 28A.225.020 and 28A.225.030; amending 2009 c 564 s 114 (uncodified); making an appropriation; and providing an effective date.

Referred to Committee on Judiciary.

HB 3059 by Representatives Orwall, White, Dickerson, Kagi, Dammeier, Priest, Kenney, Conway, Maxwell, Sullivan and Rolfes

AN ACT Relating to expanding options for educator preparation and recruitment; amending RCW 28A.660.020 and 28B.76.230; reenacting and amending RCW 28A.660.040 and 28A.660.050; adding new sections to chapter 28A.410 RCW; adding a new section to chapter 28B.76 RCW; and repealing RCW 28A.660.010, 28A.415.100, 28A.415.105, 28A.415.130, 28A.415.135, and 28A.415.140.

Referred to Committee on Education.

HB 3060 by Representatives Simpson and Kirby

AN ACT Relating to surplus line coverage; and amending RCW 48.15.040.

Referred to Committee on Financial Institutions & Insurance.

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

REPORTS OF STANDING COMMITTEES

January 19, 2010

HB 1149 Prime Sponsor, Representative Williams: Protecting consumers from breaches of security. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member Parker, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 19, 2010

HB 2399 Prime Sponsor, Representative Upthegrove: Prohibiting and prescribing penalties for engaging in, or advertising to engage in, solid waste collection without a solid waste collection certificate. Reported by Committee on Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Kretz; Kristiansen; Orcutt; Shea and Taylor.

Passed to Committee on Rules for second reading.

January 19, 2010

HB 2404 Prime Sponsor, Representative Santos: Concerning group life insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

January 18, 2010

HB 2409 Prime Sponsor, Representative Simpson: Concerning the sale of water-sewer district real property. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 18, 2010

HB 2442 Prime Sponsor, Representative Simpson: Restructuring three growth management hearings boards into one board. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member and Short.

Referred to Committee on General Government Appropriations.

January 19, 2010

HB 2446 Prime Sponsor, Representative Kretz: Regarding long-term noxious weed management on land newly acquired by

the fish and wildlife commission. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; McCoy; Pearson; Rolfes; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives Liias and Nelson.

Referred to Committee on Capital Budget.

January 18, 2010

HB 2456 Prime Sponsor, Representative Schmick: Concerning population thresholds that determine the number of local councilmembers and receipt of local funds. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 19, 2010

HB 2472 Prime Sponsor, Representative Quall: Regarding the sea urchin and sea cucumber license limitation programs. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Liias; McCoy; Nelson; Pearson; Rolfes; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Representative Kretz.

Referred to Committee on Finance.

January 19, 2010

HB 2510 Prime Sponsor, Representative Kelley: Authorizing public hospital districts to execute security instruments. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne and Simpson.

MINORITY recommendation: Do not pass. Signed by Representative Santos.

Passed to Committee on Rules for second reading.

January 19, 2010

HB 2519 Prime Sponsor, Representative Green: Addressing duty-related death benefits for public safety employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

January 18, 2010

HB 2531 Prime Sponsor, Representative White: Concerning vacancies in county offices. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Assistant Ranking Minority Member and Short.

Passed to Committee on Rules for second reading.

January 19, 2010

HB 2538 Prime Sponsor, Representative Upthegrove: Regarding high-density urban development. Reported by Committee on Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chair; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Rolfes, Vice Chair; Short, Ranking Minority Member; Kretz; Kristiansen; Orcutt; Shea and Taylor.

Passed to Committee on Rules for second reading.

January 19, 2010

HB 2564 Prime Sponsor, Representative Nelson: Regarding escrow agents. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Hurst; McCoy; Nelson; Rodne; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Parker, Assistant Ranking Minority Member and Roach.

Passed to Committee on Rules for second reading.

January 19, 2010

HB 2585 Prime Sponsor, Representative Kelley: Concerning insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

January 19, 2010

HB 2589 Prime Sponsor, Representative Green: Concerning on-site wastewater treatment systems designer licensing. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on General Government Appropriations.

January 19, 2010

HB 2608 Prime Sponsor, Representative Nelson: Concerning regulation and licensing of residential mortgage loan servicers and services. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Hurst; McCoy; Nelson; Rodne; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Roach.

Referred to Committee on General Government Appropriations.

January 19, 2010

HB 2648 Prime Sponsor, Representative Kenney: Addressing unemployment insurance penalties and contribution rates for employers who are not "qualified employers." Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

January 19, 2010

HB 2649 Prime Sponsor, Representative Green: Correcting references in RCW 50.29.021(2)(c)(i), (c)(ii), and (3)(e), RCW 50.29.062(2)(b)(i)(B) and (2)(b)(iii), and RCW 50.29.063(1)(b) and (2)(a)(ii) to unemployment insurance statutes concerning employer experience rating accounts and contribution rates. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta,

Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

January 20, 2010

HB 2921 Prime Sponsor, Representative Linville: Capturing additional savings. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Hinkle.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2921 which was placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., January 22, 2010, the 12th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

TWELFTH DAY

House Chamber, Olympia, Friday, January 22, 2010

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

The flags were escorted to the rostrum by The Washington Air National Guard Color Guard. The National Anthem was performed by the 560th Air National Guard Band's Brass Quartet. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Lieutenant Colonel Christopher Lensch of University Place.

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

INTRODUCTIONS AND FIRST READING

HB 3061 by Representative Condotta

AN ACT Relating to claims of insolvent self-insurers under industrial insurance; and amending RCW 51.16.120 and 51.14.060.

Referred to Committee on Commerce & Labor.

HB 3062 by Representatives Conway, Pettigrew, Upthegrove, Cody, Hunt, Williams, Green, Lias, Appleton, Sells, Ormsby, Kenney, Simpson, White, Goodman, Jacks, Darneille and Hudgins

AN ACT Relating to making the governor the public employer of language access providers; amending RCW 41.56.030, 41.56.113, 41.04.810, 43.01.047, and 74.04.025; adding new sections to chapter 74.04 RCW; adding a new section to chapter 41.56 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 3063 by Representatives Hunt, Williams and Simpson

AN ACT Relating to the leave sharing program; and amending RCW 41.04.665.

Referred to Committee on State Government & Tribal Affairs.

HB 3064 by Representatives Orcutt, Parker, Sells, Condotta, Eddy and Haler

AN ACT Relating to compliance with sales, use, and business and occupation tax requirements; and amending RCW 35.22.280, 35.23.440, 35.27.370, 35.102.050, and 35A.21.335.

Referred to Committee on Finance.

HB 3065 by Representatives Parker, Orcutt, Sells, Eddy and Condotta

AN ACT Relating to providing that local sales and use tax changes are made twice annually; and amending RCW 82.14.055.

Referred to Committee on Finance.

HB 3066 by Representatives Parker, Springer, Eddy, Condotta and Wallace

AN ACT Relating to creating uniformity among annual tax reporting survey provisions; amending RCW 82.04.240, 82.04.2404, 82.04.250, 82.04.2909, 82.04.294, 82.04.426, 82.04.4266, 82.04.4268, 82.04.4269, 82.04.4452, 82.04.4461, 82.04.4463, 82.04.448, 82.04.4481, 82.04.4483, 82.04.4484, 82.04.449, 82.08.805, 82.08.965, 82.08.9651, 82.08.970, 82.08.980, 82.12.022, 82.12.805, 82.12.965, 82.12.9651, 82.12.970, 82.12.980, 82.16.0421, 82.29A.137, 82.32.590, 82.32.600, 82.60.020, 82.60.070, 82.63.020, 82.63.045, 82.74.040, 82.74.050, 82.75.010, 82.75.020, 82.75.040, 82.82.020, 82.82.040, 84.36.645, and 84.36.655; amending 2009 c 461 s 9 (uncodified); reenacting and amending RCW 82.04.260; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.75 RCW; creating new sections; repealing RCW 82.32.535, 82.32.5351, 82.32.545, 82.32.560, 82.32.570, 82.32.610, 82.32.620, 82.32.630, 82.32.645, 82.32.650, and 82.16.140; repealing 2005 c 301 s 5 (uncodified); providing a contingent effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 3067 by Representatives Williams, Rodne, Springer, Clibborn, Lias, Upthegrove, Priest and Wallace

AN ACT Relating to establishing a process for the payment of impact fees through provisions stipulated in recorded covenants; and amending RCW 82.02.050.

Referred to Committee on Local Government & Housing.

HB 3068 by Representatives Santos, Priest, Sullivan, Upthegrove, Maxwell, Morrell, Wallace, Ormsby, Kenney and Simpson

AN ACT Relating to providing access to alternative routes to certification for the recruiting Washington teachers program; amending RCW 28A.660.042; and reenacting and amending RCW 28A.660.050 and 28A.660.040.

Referred to Committee on Education.

HB 3069 by Representatives Roach, Hurst, Dammeier, McCune, Morrell and Wallace

AN ACT Relating to emergency flooding preparedness and response in Pierce county; adding a new section to chapter 38.52 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 3070 by Representatives Chase and Hasegawa

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

Referred to Committee on Finance.

HB 3071 by Representative Rodne

AN ACT Relating to service of notice requirements under the residential landlord-tenant act; and amending RCW 59.12.040.

Referred to Committee on Judiciary.

HB 3072 by Representatives Morrell, Driscoll, Crouse, Wallace and Parker

AN ACT Relating to wound care management in occupational therapy; amending RCW 18.59.020 and 18.59.160; and adding a new section to chapter 18.59 RCW.

Referred to Committee on Health Care & Wellness.

HB 3073 by Representatives Armstrong, Takko, Roach, Wood and Wallace

AN ACT Relating to the definition of construction for purposes of crane safety; and amending RCW 49.17.400.

Referred to Committee on Commerce & Labor.

HB 3074 by Representatives McCoy, Appleton, Kessler and Santos

AN ACT Relating to premature infants; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 3075 by Representatives Williams, Wood, Hunt, Morris, Nelson, Wallace and Kenney

AN ACT Relating to soil and wetland scientists; reenacting and amending RCW 18.235.020, 18.235.020, 43.24.150, and 43.24.150; adding a new chapter to Title 18 RCW; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 3076 by Representatives Dickerson and Kenney

AN ACT Relating to evaluations of persons under the involuntary treatment act; reenacting and amending RCW

71.05.020; creating a new section; and providing an expiration date.

Referred to Committee on Human Services.

HB 3077 by Representatives Upthegrove, Williams, Lias, Chase, Hasegawa, Morris, Simpson, Dickerson, Dunshee, White, Nelson, Appleton, Cody, Rolfes, Kenney and Hudgins

AN ACT Relating to repealing the sales tax exemption for coal used at a coal-fired thermal generation facility; repealing RCW 82.08.811 and 82.12.811; and providing an effective date.

Referred to Committee on Finance.

HB 3078 by Representative Rolfes

AN ACT Relating to marine waters planning and management, including marine spatial planning; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.21F RCW; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 3079 by Representatives Morris, Morrell, Wallace and Hudgins

AN ACT Relating to expanding the use of certain electric vehicles; and amending RCW 46.04.295, 46.61.723, and 46.61.725.

Referred to Committee on Transportation.

HB 3080 by Representatives Morris, Kessler, Carlyle, Maxwell and Wallace

AN ACT Relating to information technology in state government; amending RCW 43.105.005, 43.105.017, 43.105.052, 43.105.172, 41.06.142, 43.105.060, 43.105.200, 43.105.170, 43.105.830, and 43.105.835; reenacting and amending RCW 43.105.020; adding new sections to chapter 43.105 RCW; adding a new section to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 3081 by Representatives Seaquist, Angel and Wallace

AN ACT Relating to allowing employees of a school district or educational service district to share leave with employees in another agency; and amending RCW 41.04.665.

Referred to Committee on State Government & Tribal Affairs.

HB 3082 by Representatives Williams and Upthegrove

AN ACT Relating to possession of pistols by persons eighteen years and older; amending RCW 9.41.073; reenacting and amending RCW 9.41.070; and repealing RCW 9.41.240.

Referred to Committee on Judiciary.

HB 3083 by Representatives Kretz, Kristiansen, Crouse, Schmick and Bailey

AN ACT Relating to full consideration of the economic impacts of agency rules on employers and citizens; amending RCW 19.85.011, 19.85.020, 19.85.030, 19.85.040, 34.05.353, and 50.13.060; and reenacting and amending RCW 34.05.328.

Referred to Committee on State Government & Tribal Affairs.

HB 3084 by Representative Hope

AN ACT Relating to how monetary awards in class actions that are not paid over to members of the class are to be used; and adding a new section to chapter 4.56 RCW.

Referred to Committee on Judiciary.

HB 3085 by Representatives Hope, Angel, Haler, Smith, Klippert, Ross and Johnson

AN ACT Relating to the relationship between motor vehicle liability coverage and registration; adding new sections to chapter 46.16 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 3086 by Representative Hudgins

AN ACT Relating to concurrent jurisdiction of state and federal courts over certain actions under chapters 39.08 and 60.28 RCW, including actions involving delinquent contributions to benefit plans; amending RCW 39.08.030, 39.08.030, and 60.28.030; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 3087 by Representatives Schmick, Pettigrew, Johnson and Walsh

AN ACT Relating to public assistance application forms; and amending RCW 74.08.055.

Referred to Committee on Early Learning & Children's Services.

HB 3088 by Representatives Orcutt, McCune and Haler

AN ACT Relating to establishing a moratorium on the imposition of impact fees; amending RCW 82.02.050 and 39.92.030; adding a new section to chapter 82.02 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Local Government & Housing.

HB 3089 by Representatives Orcutt, McCune, Pearson, Haler and Kristiansen

AN ACT Relating to improving transparency and providing greater information to property taxpayers; amending RCW 84.40.0301, 84.48.010, 29A.36.071, 29A.36.210, 84.52.054, 84.55.050, 84.40.045, and 84.56.330; and creating new sections.

Referred to Committee on Finance.

HB 3090 by Representatives Orcutt, Blake, McCune, Kretz and Haler

AN ACT Relating to streamlining natural resources management; amending RCW 76.09.360, 76.09.040, 76.09.050, 76.09.100, 76.09.150, 76.09.260, 76.09.470, 90.64.010, 90.64.020, 90.64.170, 90.48.260, 77.55.021, 77.12.755, 77.12.870, 77.12.878, 77.15.390, 77.44.040, 77.55.121, 77.55.211, 77.55.131, 77.65.510, 77.70.210, 77.105.070, 79.13.620, 79.19.080, 79.70.030, 79.71.120, 79.105.500, 79.125.710, 79.125.730, 79.135.130, 79.135.140, 79.135.150, 79.135.320, 79.135.410, 79A.05.351, 79A.05.360, 79A.60.520, 79A.60.550, 79A.60.620, 79A.05.285, 79A.30.050, 79A.50.090, 79A.50.100, 79A.15.110, 78.44.280, 78.52.125, 78.56.040, 78.56.050, 78.56.060, 78.56.080, 78.56.090, 78.56.100, 78.56.110, 78.56.120, 78.56.160, 78.60.070, 78.60.080, 78.60.100, 90.03.247, 90.03.280, 90.03.290, 90.03.360, 90.03.590, 90.16.050, 90.16.090, 90.22.010, 90.22.020, 90.22.060, 90.24.010, 90.24.030, 90.24.060, 90.38.040, 90.48.170, 90.48.366, 90.48.445, 90.48.448, 90.74.020, 90.74.030, 90.82.048, 90.90.020, and 90.90.030; reenacting and amending RCW 76.09.060 and 79A.05.255; adding a new section to chapter 77.55 RCW; adding new sections to chapter 90.48 RCW; adding a new section to chapter 76.09 RCW; creating a new section; recodifying RCW 77.55.121; and repealing RCW 79.13.610, 79.105.220, 79.135.230, 79.135.310, 79.135.430, 79.145.030, 79A.05.670, 79A.05.735, 79A.50.070, 76.09.160, and 77.12.360.

Referred to Committee on Agriculture & Natural Resources.

HB 3091 by Representatives Fagan and Angel

AN ACT Relating to dual credit programs; amending RCW 28A.600.290; reenacting and amending RCW 28B.92.030; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Education.

HB 3092 by Representatives Orcutt and Hunter

AN ACT Relating to allowing the department of revenue to issue a notice of lien to secure payment of delinquent excise taxes in lieu of a warrant; amending RCW 82.32.210; adding a new section to chapter 82.32 RCW; and providing an effective date.

Referred to Committee on Finance.

HJM 4026 by Representatives Kelley and Seaquist

Urging reformation of the defense base act of 1941.

Referred to Committee on Commerce & Labor.

HJR 4221 by Representatives Chase and Hasegawa

Amending the Constitution to allow an income tax.

Referred to Committee on Finance.

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

REPORTS OF STANDING COMMITTEES

January 20, 2010

HB 1541 Prime Sponsor, Representative Seaquist: Granting half-time service credit for half-time educational employment prior to January 1, 1987, in plans 2 and 3 of the school employees'

retirement system and the public employees' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

January 19, 2010

HB 2394 Prime Sponsor, Representative McCoy: Establishing a government-to-government relationship between state government and Indian tribes. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Alexander and Taylor.

Referred to Committee on General Government Appropriations.

January 19, 2010

HB 2406 Prime Sponsor, Representative Kelley: Concerning the joint legislative audit and review committee. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

January 20, 2010

HB 2420 Prime Sponsor, Representative Kenney: Promoting industries that rely on the state's working land base. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Orcutt; Parker; Probst and Sullivan.

Referred to Committee on General Government Appropriations.

January 19, 2010

HB 2467 Prime Sponsor, Representative Hunt: Eliminating provisions for filings at locations other than the public disclosure commission. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair;

Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

January 20, 2010

HB 2566 Prime Sponsor, Representative Simpson: Creating an exemption from impact fees for low-income housing. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 20, 2010

HB 2611 Prime Sponsor, Representative Williams: Concerning annexation of a city, partial city, or town to a fire protection district. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 20, 2010

HB 2641 Prime Sponsor, Representative Kenney: Expanding small business development centers. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Referred to Committee on General Government Appropriations.

January 20, 2010

HB 2707 Prime Sponsor, Representative Simpson: Concerning the method of calculating public utility district commissioner compensation. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 20, 2010

HB 2740 Prime Sponsor, Representative Seaquist: Regarding the definition of land use decision in the land use

petition act. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 20, 2010

HB 2748 Prime Sponsor, Representative Simpson: Concerning dues paid to the Washington public ports association by port districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 20, 2010

HB 2750 Prime Sponsor, Representative Sells: Addressing public utility districts and deferred compensation and supplemental savings plans. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

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

SECOND READING

HOUSE BILL NO. 2921, by Representatives Linville, Darneille, Ericks, Pettigrew, Probst, Haigh, Sullivan, Kelley and Wallace

Capturing additional savings.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2921 was substituted for House Bill No. 2921 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2921 was read the second time.

With the consent of the House, amendment (1008) was withdrawn.

Representative Darneille moved adoption of amendment (1007):

On page 3, line 32, increase the general fund--state appropriation for fiscal year 2010 by \$90,000

On page 3, line 34, increase the general fund--state appropriation for fiscal year 2011 by \$84,000

On page 4, line 7, correct the total.

On page 5, line 21, increase the general fund--state appropriation for fiscal year 2010 by \$38,000

On page 5, line 23, increase the general fund--state appropriation for fiscal year 2011 by \$39,000

On page 6, line 15, correct the total.

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

Representative Alexander spoke against the adoption of the amendment.

Amendment (1007) was adopted.

Representative Ericks moved adoption of amendment (1009):

On page 95, line 7, after "shall" strike "report any" and insert "not establish"

On page 95, line 7, after "or" insert "fill"

On page 95, line 8, after "positions" strike "filled by the agency" and insert "except as specifically authorized by this section"

On page 95, line 8, after "agency" strike all material through "site" on line 12

On page 96, line 10, after "tuition" insert ", positions that are filled by enrolled students at their own institution as student workers, positions in campus police and security, positions related to emergency management and response, and positions related to student health care and counseling"

On page 96, after line 16, insert the following:

"(3) The exemptions specified in subsection (2) of this section do not require the establishment of new staff positions or the filling of vacant staff positions in the activities specified.

(4) Exceptions to this section may be granted under section 605 of this act."

On page 96, line 21, after "shall" strike "report" and insert "not enter into"

On page 96, after line 24, strike lines 25 through 28

On page 96, line 36, after "tuition" insert ". This section also does not apply where costs are related to hearing officers, where costs are related to real estate appraisals or habitat assessments, where costs are related to carrying out a court order, or where costs are related to information technology contracts related to an information services board approved information technology project, or where costs are related to judicial information system technology projects"

On page 96, after line 36, insert the following:

"(3) Exceptions to this section may be granted under section 605 of this act."

On page 97, line 5, after "shall" strike "report" and insert "not enter into"

On page 97, line 9, after "safety" strike all material through "site" on line 12

On page 97, line 18, after "tuition" insert ". This section also does not apply to costs that are funded exclusively from private or federal grants, or for equipment necessary to complete a project funded in the omnibus capital or transportation appropriation acts, or the operational divisions of the department of information services, or cost related to the continuation, renewal, or establishment of maintenance for existing computer software

licensing and existing computer hardware, or for costs related to the judicial information system"

On page 97, after line 18, insert the following:

"(3) Exceptions to this section may be granted under section 605 of this act."

On page 97, line 22, after "shall" strike "report" and insert "not make expenditures for"

On page 97, line 28, after "2011" strike all material through "site" on line 31

On page 98, line 3, after "tuition" insert ". This section also does not apply to costs related to carrying out a court order or to costs to travel by air into Washington state from any airport located in a contiguous state of which the largest city is part of a metropolitan statistical area with a city located in Washington state, or to motor vehicle and parking costs for single day travel to a contiguous state or British Columbia, Canada"

On page 98, after line 3, insert the following:

"(3) Exceptions to this section may be granted under section 605 of this act."

On page 98, after line 3, insert the following:

"**NEW SECTION. Sec. 605. EXCEPTIONS.** A new section is added to 2009 c 564 (uncodified) to read as follows:

(1) Exceptions to sections 601 through 604 of this act may be granted for the critically necessary work of an agency as provided in this section.

(2) For agencies of the executive branch, the exceptions shall be subject to approval by the director of financial management. For agencies of the judicial branch, the exceptions shall be subject to approval of the chief justice of the supreme court. For the house of representatives and the senate, the exceptions shall be subject to approval of the chief clerk of the house of representatives and the secretary of the senate, respectively, under the direction of the senate committee on facilities and operations and the executive rules committee of the house of representatives. For other legislative agencies, the exceptions shall be subject to approval of both the chief clerk of the house of representatives and the secretary of the senate under the direction of the senate committee on facilities and operations and the executive rules committee of the house of representatives.

(3) Exceptions approved under subsection (2) of this section shall take effect no sooner than five business days following notification of the chair and ranking minority member of the ways and means committees in the house of representatives and the senate. The person approving exceptions under subsection (2) of this section shall send the exceptions to the legislature for consideration every thirty days from the effective date of this section, or earlier should volume or circumstances so necessitate.

NEW SECTION. Sec. 606. If any provision of this act or its(4) Exceptions approved and taking effect under this section shall be published electronically at least quarterly by the office of financial management on the state fiscal web site.

application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 98, line 7, after "immediately" insert ", except for sections 601 through 605 of this act which take effect thirty days after the effective date of this act"

Re-number remaining sections consecutively, correct internal references accordingly, and correct captions for sections 601 through 604 by striking "REPORTING"

Representatives Ericks and Alexander spoke in favor of the adoption of the amendment.

Amendment (1009) was adopted.

The bill was ordered engrossed.

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

Representatives Linville, Darneille, Dammeier, Pettigrew, Ericksen and Haigh spoke in favor of the passage of the bill.

Representatives Alexander and Hinkle spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2921.

MOTION

On motion of Representative Hinkle, Representatives Anderson and Roach were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2921, and the bill passed the House by the following vote: Yeas, 77; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Chandler, Chase, Condotta, Crouse, DeBolt, Haler, Hasegawa, Hinkle, Kretz, Kristiansen, Ormsby, Shea, Simpson, Taylor, Warnick and Williams.

Excused: Representatives Anderson and Roach.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2921, having received the necessary constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 4661, by Representatives Chopp, DeBolt, Roach, Green, Probst, Smith, Maxwell, Hunt, Rolfes, Blake, McCoy, Goodman, Darneille, Taylor, Morris, Priest, Herrera, Springer, Short, Kelley, Ericks, O'Brien, Linville, Kenney, Sullivan, Ormsby, Morrell, Hurst, Fagan, Takko, Anderson, Seaquist, Ross, Driscoll, Nealey, Van De Wege, Parker, Dammeier, Bailey, Armstrong, Walsh, Hudgins, Moeller, Jacks, Dunshee, Pettigrew, Alexander, Angel, Appleton, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dickerson, Eddy, Ericksen, Finn, Flannigan, Haigh, Haler, Hasegawa, Hinkle, Hope, Hunter, Johnson, Kagi, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, McCune, Miloscia, Nelson, Orcutt, Orwall, Pearson, Pedersen, Quall, Roberts, Rodne, Santos, Schmick, Sells, Shea, Simpson, Upthegrove, Wallace, Warnick, White, Williams, and Wood

WHEREAS, Nearly eighty-six hundred men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness, who reside in every legislative district throughout Washington, volunteer their time and put personal lives aside to serve the needs of the people of Washington state; and

WHEREAS, The Guard always answers the state's call in response to all emergency efforts and to protect lives and property; and

WHEREAS, The Washington Army and Air National Guard continue to provide critical mission support in both personnel and equipment to Operation Iraqi Freedom and Operation Enduring Freedom in Iraq and Afghanistan, respectively, and Operation Noble Eagle here at home; and

WHEREAS, The Guard continues to train and prepare for both natural disasters and threats to our national security; and

WHEREAS, The Guard continues to promote positive lifestyles and activities for Washington's youth through involvement in and support of highly effective drug prevention programs with school-aged children and community-based organizations and the continued success and ongoing work of the invaluable Washington Youth Academy; and

WHEREAS, The Guard continues to actively participate in the state's counterdrug efforts by providing soldiers, airmen, and specialized equipment to local, state, and federal law enforcement agencies; and

WHEREAS, The Guard adds value to communities by opening its readiness centers for public use, food banks, and other community and youth activities. The Guard continues to build upon these readiness centers and armories throughout the state to enhance education, add to quality of life, and increase economic vitality;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to The Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Representative Finn moved adoption of House Resolution No. 4661.

Representatives Finn, Bailey, Morrell and Rodne spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4661 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced Adjutant General Timothy Lowenberg and Brigadier General Daugherty to the Chamber and asked the members to acknowledge them.

SECOND READING

HOUSE BILL NO. 2483, by Representatives Hurst, O'Brien, Armstrong, Hunt, Rodne, Morrell, Appleton, Alexander, Eddy, Kelley, Sullivan, Carlyle, Rolfes, Roach, Green and Kirby

Concerning overseas and service voters.

The bill was read the second time.

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

Representatives Hurst and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2483.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2483, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Anderson and Roach.

HOUSE BILL NO. 2483, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2403, by Representatives Morrell, Kelley, Armstrong, Bailey, Hope, O'Brien, Klippert, Morris, Hurst, Hunt, Green, Roberts, Sells, McCune, Campbell, Nelson, Rolfes, Chase, Smith, Appleton, Maxwell, Sullivan, Dammeier, Upthegrove, Carlyle, Conway, Simpson, Orwall, Kenney, McCoy, Ormsby, Kretz and Haigh

Concerning military leave for public employees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2403 was substituted for House Bill No. 2403 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2403 was read the second time.

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

Representatives Morrell and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2403.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2403, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Anderson and Roach.

SUBSTITUTE HOUSE BILL NO. 2403, having received the necessary constitutional majority, was declared passed.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 2196, by House Committee on Ways & Means (originally sponsored by Representatives Ericks and Ormsby).

Including service credit transferred from the law enforcement officers' and firefighters' retirement system plan 1 in the determination of eligibility for military service credit.

The bill was read the third time.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2196.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2196, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen,

Fagan, Finn, Flannigan, Goodman, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Anderson and Roach.

SUBSTITUTE HOUSE BILL NO. 2196, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004, by House Committee on Transportation (originally sponsored by Representatives Van De Wege, Kessler, Rodne, Liias, Takko, Hurst, Jacks, Hasegawa, Kelley, Eddy, Seaquist, McCoy, Appleton, Hudgins, Morrell, Hope, Sullivan and Nelson).

Naming a certain portion of state route number 110 the "Operations Desert Shield and Desert Storm Memorial Highway."

The bill was read the third time.

Representatives Van De Wege and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4004.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4004, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Anderson and Roach.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004, having received the necessary constitutional majority, was declared passed.

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

COMMITTEE ASSIGNMENTS

The Speaker (Representative Morris presiding) announced the following changes to committee assignments:

Representative Maxwell was assigned to the Committee on Education Appropriations, replacing Representative Sullivan.

Representative Moeller was assigned to the Committee on Community & Economic Development & Trade, replacing Representative Sullivan.

Representative Wallace was removed from the Committee on Transportation.

There being no objection, the House adjourned until 10:00 a.m., January 25, 2010, the 15th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - REGULAR SESSION

FIFTEENTH DAY

House Chamber, Olympia, Monday, January 25, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kelci Holten and Luke Munizza. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chaplain Allen Keith Brooks, US Navy, Bremerton.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 4666, by Representatives Uptegrove and Sells

WHEREAS, The House of Representatives recognize January 25, 2010, as Civic Education Day; and

WHEREAS, Civic education is essential for creating an informed and engaged citizenry and ensuring the future health of our representative democracy; and

WHEREAS, Civic learning encourages young people to become knowledgeable and productive members of their communities, who are committed to preserving democratic institutions and values; and

WHEREAS, It is important to provide students with a clear understanding of the legislative process and the role of legislators, so they might acquire the skills and knowledge to be competent citizens and future leaders of the state; and

WHEREAS, Civic Education Day recognizes the work of civic educators and supporters across the state; and

WHEREAS, The National Conference of State Legislatures partners with the Center for Civic Education to promote the Project Citizen Program; and

WHEREAS, Many organizations such as ACLU of Washington, Civic Education Washington State, General Administration's Visitor Services, League of Women Voters of Washington Education Fund, Legislative Youth Advisory Council, the Office of the Superintendent of Public Instruction, Ralph Munro Institute, The Seattle Times Newspapers in Education, the Secretary of State's Office, Thomas C. Wales Foundation, TVW, Washington State 4-H, Washington State Bar Association, Washington State Council for the Social Studies, Washington State Heritage Center, Washington State Historical Society, Washington State Legislature's Page School, Washington State Legislature's Civic Education Programs, Washington State Legislative Information Center, and YMCA Youth and Government are committed to providing a quality civic education to the young citizens of Washington State; and

WHEREAS, The creation of the Washington State Legislative Youth Advisory Council has provided students from across the

state with an opportunity to participate directly in the democratic process; and

WHEREAS, The Washington State Legislative Internship Program is the longest running state intern organization in the United States, illustrating the commitment of the House of Representatives to civic education; and

WHEREAS, The 2010 House Intern Program includes nineteen students from Washington's private and public higher learning institutions, such as Eastern Washington University, The Evergreen State College, University of Washington, Walla Walla University, Washington State University, Western Washington University, and Whitworth University; and

WHEREAS, Interns leave this program equipped with the knowledge and experience to become better students, citizens, and leaders in their communities; and

WHEREAS, The House of Representatives recognize the value of committed teachers, principals, community leaders, parents, state employees, interns, and volunteers who work diligently to continue the legacy of quality civic education in Washington State;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate, thank, and honor the civic educators and supporters of the state; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the civic education organizations participating in Civic Education Day and colleges and universities participating in the Washington State Legislative Internship Program.

Representative Hunt moved adoption of House Resolution No. 4666.

Representatives Hunt and Angel spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4666 was adopted.

HOUSE RESOLUTION NO. 4665, by Representatives Kessler and Kretz

WHEREAS, The House of Representatives adopted permanent rules for the Sixty-first Legislature (2009-2010) under House Resolution No. 2009-4608;

NOW, THEREFORE, BE IT RESOLVED, That Rule 23 as set forth in House Resolution No. 2009-4608 as amended by House Resolution No. 2009-4621 and by House Resolution No. 2010-4654 is amended to read as follows:

"Standing Committees

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

Agriculture & Natural Resources

13

Audit Review & Oversight	16
Capital Budget	15
Commerce & Labor	8
Community & Economic Development & Trade	9
Early Learning & Children’s Services	7
Ecology & Parks	15
Education	13
Education Appropriations	14
Environmental Health	10
Finance	9
Financial Institutions & Insurance	11
General Government Appropriations	15
Health & Human Services Appropriations	15
Health Care & Wellness	13
Higher Education	10
Human Services	8
Judiciary	11
Local Government and Housing	11
Public Safety & Emergency Preparedness	8
Rules	24
State Government & Tribal Affairs	8
Technology, Energy & Communications	17
Transportation	((29)) 28
Ways & Means	22

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

BE IT FURTHER RESOLVED, That the code reviser is directed to engross this amendment and all other adopted amendments into the Permanent Rules of the House prior to final publication.

Representative Kessler moved adoption of House Resolution No. 4665.

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

HOUSE RESOLUTION NO. 4665 was adopted.

MESSAGE FROM THE SENATE

January 22, 2010

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6382
SUBSTITUTE SENATE BILL NO. 6503

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 1180, by House Committee on General Government Appropriations (originally sponsored by Representatives Dickerson, Hudgins, Campbell, Dunshee, Pedersen, Hunt, Rolfes, Appleton, Moeller, Kagi, Van De Wege, Hunter, Cody, Chase, Green, Morrell, Pettigrew, White, Williams, Simpson and Kenney).

Regarding the use of bisphenol A.

The bill was read the third time.

Representatives Dickerson, Shea and Campbell spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1180.

MOTIONS

On motion of Representative Santos, Representative Morris was excused. On motion of Representative Hinkle, Representative Anderson was excused.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1180, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Chandler.

Excused: Representatives Anderson and Morris.

SECOND SUBSTITUTE HOUSE BILL NO. 1180, having received the necessary constitutional majority, was declared passed.

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

INTRODUCTION AND FIRST READING

HB 3093 by Representatives Williams, Sullivan, Simpson, Santos and Ormsby

AN ACT Relating to parental involvement in the development of educational programs for children with disabilities; and adding a new section to chapter 28A.155 RCW.

Referred to Committee on Education.

HB 3094 by Representatives Klippert, Quall, Priest and Short

AN ACT Relating to providing assistance to reduce truancy; adding a new section to chapter 28A.225 RCW; and providing an expiration date.

Referred to Committee on Education.

HB 3095 by Representatives Blake, Chandler and Wallace

AN ACT Relating to the Washington tree fruit research commission; and amending RCW 15.26.110.

Referred to Committee on Agriculture & Natural Resources.

HB 3096 by Representatives McCoy, Hinkle, Hunt, Morris and Wallace

AN ACT Relating to archaeological investigations on private land; and reenacting and amending RCW 27.53.070.

Referred to Committee on State Government & Tribal Affairs.

HB 3097 by Representatives Quall, Anderson, Probst, Ormsby, Maxwell, Wallace and Sullivan

AN ACT Relating to providing salary bonuses for nationally certified educators; and amending RCW 28A.405.415.

Referred to Committee on Education.

HB 3098 by Representatives Sullivan, Quall, Anderson, Maxwell, Wallace, Kenney, Santos and Ormsby

AN ACT Relating to the creation of the coordinated school health public-private partnership; and adding new sections to chapter 28A.210 RCW.

Referred to Committee on Education.

HB 3099 by Representative Chase

AN ACT Relating to increasing the number of recycling receptacles in public places; adding a new section to chapter 70.93 RCW; and creating a new section.

Referred to Committee on Ecology & Parks.

HB 3100 by Representatives Chase, Orcutt, Driscoll, Kessler and Ormsby

AN ACT Relating to firearms safety education programs; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 3101 by Representatives Chase, Wallace and Ormsby

AN ACT Relating to increasing the small business credit for the business and occupation tax; amending RCW 82.04.4451 and 82.32.045; and providing an effective date.

Referred to Committee on Finance.

HB 3102 by Representatives Chase and Hasegawa

AN ACT Relating to studying Washington's fiscal resources, structure, and needs; creating new sections; and providing an expiration date.

Referred to Committee on Finance.

HB 3103 by Representative Anderson

AN ACT Relating to providing hiring incentives to employers by reducing unemployment taxes; amending RCW 50.16.010; reenacting and amending RCW 50.29.025; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 3104 by Representative Rolfes

AN ACT Relating to modifying community solar project provisions for investment cost recovery incentives; and amending RCW 82.16.110 and 82.16.120.

Referred to Committee on Technology, Energy & Communications.

HB 3105 by Representatives Rolfes, Wallace, Kenney and Ormsby

AN ACT Relating to including alternative fuel vehicles in a strategy to reduce fuel consumption and emissions from state agency fleets; and amending RCW 43.41.130.

Referred to Committee on Ecology & Parks.

HB 3106 by Representatives O'Brien, Warnick, McCune and Wallace

AN ACT Relating to the disposition of a deceased tenant's personal property; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Judiciary.

HB 3107 by Representatives Morris, Simpson, Van De Wege, Chase, Hasegawa and Ormsby

AN ACT Relating to eliminating the availability of aerospace tax incentives for airplane manufacturers transferring substantial manufacturing operations to other states; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Finance.

HB 3108 by Representatives O'Brien, Warnick, Pettigrew, Wallace and Santos

AN ACT Relating to modifying state payments for in-home care; amending RCW 74.39A.326; creating a new section; repealing RCW 74.39A.325; and repealing 2009 c 571 s 3 (uncodified).

Referred to Committee on Health & Human Services Appropriations.

HB 3109 by Representatives Schmick, Warnick, Wallace and McCune

AN ACT Relating to allowing local governments to create golf cart zones; amending RCW 46.04.320, 46.04.670, 46.16.010, 46.61.687, and 46.61.688; reenacting and amending RCW 46.37.010; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.08 RCW.

Referred to Committee on Transportation.

HB 3110 by Representative Klippert

AN ACT Relating to including persons acquitted by reason of insanity within the slayer statute; and amending RCW 11.84.010, 11.84.130, 11.84.140, and 41.04.273.

Referred to Committee on Judiciary.

HB 3111 by Representatives Klippert, O'Brien and McCune

AN ACT Relating to hospitals reporting violent injuries; and amending RCW 70.41.440.

Referred to Committee on Health Care & Wellness.

HB 3112 by Representatives Klippert, O'Brien, McCune, Wallace and Roach

AN ACT Relating to assault of a law enforcement officer or other employee of a law enforcement agency; amending RCW 9A.36.011, 9A.36.021, and 9.94A.533; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 3113 by Representatives Klippert, O'Brien, McCune, Wallace and Roach

AN ACT Relating to body armor; amending RCW 9.94A.030 and 9.94A.533; reenacting and amending RCW 9.94A.728; adding a new section to chapter 9.94A RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 3114 by Representatives Klippert, O'Brien, McCune, Dammeier, Wallace, Simpson and Roach

AN ACT Relating to controlling computer access by residents of the special commitment center; and amending RCW 71.09.080.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 3115 by Representatives Klippert, O'Brien, McCune, Wallace and Roach

AN ACT Relating to coordination between local law enforcement and the department of corrections; amending RCW 9.94A.716 and 36.28A.040; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Human Services.

HB 3116 by Representatives Campbell, Liias, Kirby, Wallace, Santos and McCune

AN ACT Relating to the small business loan guarantee program; and amending RCW 43.163.070.

Referred to Committee on Community & Economic Development & Trade.

HB 3117 by Representatives Klippert, O'Brien, McCune, Wallace and Roach

AN ACT Relating to limiting alternatives to confinement for certain offenders who violate terms of community custody; and amending RCW 9.94A.633.

Referred to Committee on Human Services.

HB 3118 by Representatives Campbell, McCune, Klippert, Orcutt, Shea, Crouse, Kretz, Johnson, Ross, Angel and Warnick

AN ACT Relating to driver's license and instruction permit applicants providing verification of their lawful presence in the United States; amending RCW 46.20.091; and providing an effective date.

Referred to Committee on Transportation.

HB 3119 by Representatives Quall, Priest, Sullivan, Kenney, Santos and Ormsby

AN ACT Relating to education programs for the prevention of child abuse in public schools; adding a new section to chapter 28A.300 RCW; creating a new section; and repealing RCW 28A.230.080, 28A.300.150, and 28A.300.160.

Referred to Committee on Education.

HB 3120 by Representatives Santos, Williams and Ormsby

AN ACT Relating to imposing a state tax on bottled water to fund public health services; and adding a new chapter to Title 82 RCW.

Referred to Committee on Finance.

HB 3121 by Representative Kagi

AN ACT Relating to the implementation of delivery of child welfare services through performance-based contracts; amending RCW 74.13.368, 74.13.360, 74.13.364, and 74.13.366; and reenacting and amending RCW 74.13.020.

Referred to Committee on Early Learning & Children's Services.

HB 3122 by Representatives Darneille, Hunt, McCoy, Upthegrove and Dunshee

AN ACT Relating to cost recovery for the natural heritage program; amending RCW 79.71.090; and adding a new section to chapter 79.70 RCW.

Referred to Committee on General Government Appropriations.

HJM 4027 by Representatives Hasegawa, Hudgins, Maxwell, Wallace, Simpson and Kenney

Requesting that a retired space shuttle orbiter be transferred to Washington's museum of flight.

Referred to Committee on Community & Economic Development & Trade.

HJR 4222 by Representatives Ormsby, Warnick, Blake, Anderson, Maxwell, Jacks, Wallace and Kenney

Resolving to define "interest" in the state Constitution.

Referred to Committee on Capital Budget.

SSB 6382 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice and Tom)

AN ACT Relating to reducing the cost of state government operations by restricting compensation; amending RCW 41.06.500, 43.03.030, 43.03.040, and 41.60.150; reenacting and amending RCW 41.06.070 and 41.06.133; and declaring an emergency.

Referred to Committee on Ways & Means.

SSB 6503 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to the operations of state agencies; amending RCW 42.04.060; adding a new section to chapter 41.80 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

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

REPORTS OF STANDING COMMITTEES

HB 1591 January 19, 2010
Prime Sponsor, Representative Uptegrove:
Concerning the use of certain transportation benefit district funds. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Dickerson; Eddy; Finn; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Uptegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Ericksen; Herrera; Johnson; Klippert; Kristiansen; Nealey; Shea and Wallace.

Passed to Committee on Rules for second reading.

January 21, 2010

HB 1757 Prime Sponsor, Representative Haigh:
Establishing a small school district contingency fund. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Carlyle; Haler; Hunter; Kagi; Nealey; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

January 21, 2010
HB 2398 Prime Sponsor, Representative Hunt: Modifying election notice provisions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

January 21, 2010
HB 2419 Prime Sponsor, Representative Bailey: Modifying the exemption to the three-year active transacting requirement for foreign or alien insurer applicants. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

January 19, 2010
HB 2441 Prime Sponsor, Representative Clibborn:
Concerning vehicles at railroad grade crossings. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

January 21, 2010
HB 2450 Prime Sponsor, Representative McCoy:
Concerning clarification and expansion of eligibility to use the state's local government investment pool. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Alexander and Taylor.

Passed to Committee on Rules for second reading.

HB 2461 January 21, 2010
Prime Sponsor, Representative Blake: Extending to 2015 the assessment levied under RCW 15.36.551 to support the dairy inspection program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes and Van De Wege.

Passed to Committee on Rules for second reading.

HB 2465 January 21, 2010
Prime Sponsor, Representative Hurst: Concerning breath test instruments approved by the state toxicologist. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Ross.

Passed to Committee on Rules for second reading.

HB 2466 January 21, 2010
Prime Sponsor, Representative Goodman: Concerning the regulation of ignition interlock devices by the Washington state patrol. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Ross.

Passed to Committee on Rules for second reading.

HB 2470 January 21, 2010
Prime Sponsor, Representative Haigh: Concerning veterinary technician licenses. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes and Van De Wege.

Passed to Committee on Rules for second reading.

January 20, 2010

HB 2481 Prime Sponsor, Representative Van De Wege: Authorizing the department of natural resources to enter into forest biomass supply agreements. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Finn, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Eddy; Hasegawa; Hinkle; Hudgins; Jacks; Morris; Nealey; Takko; Taylor and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representative McCune.

Referred to Committee on General Government Appropriations.

HB 2484 January 21, 2010
Prime Sponsor, Representative Roberts: Addressing the termination of month to month or other periodic tenancies governed by the residential landlord-tenant act. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member and Ross.

Passed to Committee on Rules for second reading.

HB 2498 January 21, 2010
Prime Sponsor, Representative Orwall: Funding the care of residents of residential habilitation centers. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; O'Brien and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Herrera.

Referred to Committee on Health & Human Services Appropriations.

HB 2503 January 21, 2010
Prime Sponsor, Representative Blake: Regarding membership on the board of natural resources. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority

Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes and Van De Wege.

Passed to Committee on Rules for second reading.

January 21, 2010

HB 2507 Prime Sponsor, Representative Kessler: Creating provisions relating to asbestos-related liabilities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Pedersen, Chair; Flannigan; Ormsby and Roberts.

Passed to Committee on Rules for second reading.

January 21, 2010

HB 2515 Prime Sponsor, Representative Morris: Regarding biodiesel fuel labeling requirements. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Finn, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Eddy; Hasegawa; Hinkle; Hudgins; Jacks; McCune; Morris; Nealey; Takko; Taylor and Van De Wege.

Passed to Committee on Rules for second reading.

January 21, 2010

HB 2518 Prime Sponsor, Representative Goodman: Modifying oath requirements for interpreters. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Ross.

Passed to Committee on Rules for second reading.

January 19, 2010

HB 2528 Prime Sponsor, Representative Appleton: Retroactively applying certain intermediate license law amendments made during the 2009 legislative session. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen and Upthegrove.

Passed to Committee on Rules for second reading.

January 21, 2010

HB 2576 Prime Sponsor, Representative Kenney: Restructuring fees for the division of corporations and affirming authority to establish fees for the charities program of the office of the secretary of state. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley and Ross.

Referred to Committee on Ways & Means.

January 19, 2010

HB 2592 Prime Sponsor, Representative Hunt: Prohibiting incentive towing programs for private property impounds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Finn; Johnson; Klippert; Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen and Herrera.

Passed to Committee on Rules for second reading.

January 21, 2010

HB 2627 Prime Sponsor, Representative Kelley: Concerning child support order summary report forms. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Ross.

Passed to Committee on Rules for second reading.

January 20, 2010

HB 2630 Prime Sponsor, Representative Probst: Creating the opportunity express program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking

Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Referred to Committee on Education Appropriations.

January 21, 2010

HB 2636 Prime Sponsor, Representative Santos: Concerning money transmitters. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 2638 Prime Sponsor, Representative McCoy: Regarding instructional materials provided in a specialized format. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Passed to Committee on Rules for second reading.

January 21, 2010

HB 2659 Prime Sponsor, Representative Ormsby: Modifying reporting requirements for timber purchases. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Lias; McCoy; Nelson; Pearson; Rolfes and Van De Wege.

Passed to Committee on Rules for second reading.

January 21, 2010

HB 2667 Prime Sponsor, Representative Chandler: Concerning communications during a forest fire response. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Lias; McCoy; Nelson; Pearson; Rolfes and Van De Wege.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 2694 Prime Sponsor, Representative Sells: Regarding a bachelor of science in nursing program at the University Center. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Referred to Committee on Education Appropriations.

January 19, 2010

HB 2721 Prime Sponsor, Representative Uptegrove: Concerning commute trip reduction programs. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

January 21, 2010

HB 2722 Prime Sponsor, Representative Goodman: Concerning persons appointed by the court to provide information in family law and adoption cases. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Ross.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 2731 Prime Sponsor, Representative Goodman: Creating an early learning program for educationally at-risk children. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Assistant Ranking Minority Member; Goodman and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Haler, Ranking Minority Member and Angel.

Referred to Committee on Ways & Means.

January 21, 2010

HB 2753 Prime Sponsor, Representative Orwall: Creating a workforce housing program. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Chase; Jacks; Maxwell; Morrell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Hope; McCune and Smith.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

January 21, 2010

HB 2778 Prime Sponsor, Representative Goodman: Concerning domestic violence. Reported by Committee on Judiciary

HJM 4020 Prime Sponsor, Representative Dickerson: Petitioning Congress to fully fund forty percent of the costs of the federal Individuals with Disabilities Education Act (IDEA). Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Ross.

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Carlyle; Haler; Kagi; Nealey; Quall; Rolfes and Wallace.

Referred to Committee on Ways & Means.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson and Hunter.

Passed to Committee on Rules for second reading.

HB 2793 Prime Sponsor, Representative Kessler: Clarifying and expanding the rights and obligations of state registered domestic partners and other couples related to parentage. Reported by Committee on Judiciary

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

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan; Kelley; Kirby; Ormsby and Roberts.

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

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member and Ross.

There being no objection, the Committee on General Government Appropriations was relieved of HOUSE BILL NO. 2420 and the bill was referred to the Committee on Health and Human Services Appropriations.

Referred to Committee on Ways & Means.

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

There being no objection, the House adjourned until 9:55 a.m., January 26, 2010, the 16th Day of the Regular Session.

HB 2858 Prime Sponsor, Representative Appleton: Regarding the purchasing authority of institutions of higher education. Reported by Committee on Higher Education

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Passed to Committee on Rules for second reading.

HJM 4017 Prime Sponsor, Representative Chandler: Requesting that the United States Congress enact the AgJOBS legislation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Chandler; Green; Moeller and Williams.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta, Ranking Minority Member and Crouse.

SIXTEENTH DAY

House Chamber, Olympia, Tuesday, January 26, 2010

The House was called to order at 9:55 a.m. by the Speaker.

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

RESOLUTION

HOUSE RESOLUTION NO. 4670, by Representative Kagi

WHEREAS, There are 8,000 children in foster care on any given day in Washington State; and

WHEREAS, The basic, medical, and therapeutic needs of foster children are provided by the budget of the children's administration of the department of social and health services; and

WHEREAS, Their normal childhood needs and desires for extracurricular activities, like team sports, music, and art lessons, field trips and summer camp, and tangible needs like ASB cards, school yearbooks, and prom tickets have no public funding source; and

WHEREAS, Social science research and common sense dictate that these experiences are important to successful growth and development and can reduce the negative effects of abuse and neglect;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the importance of supporting foster children and their participation in extracurricular activities not paid for by the state, and proudly sponsor the June Leonard Memorial Golf Tournament.

The Speaker stated the question before the House to be adoption of House Resolution No. 4670.

HOUSE RESOLUTION NO. 4670 was adopted.

INTRODUCTION AND FIRST READING

HB 3123 by Representative Hope

AN ACT Relating to providing a business and occupation tax credit for employers who pay livable wage rates; adding new sections to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 3124 by Representatives Roberts, Kagi, Simpson and Kenney

AN ACT Relating to requiring a report to child protective services when a child is present in the vehicle of a person arrested for driving or being in control of a vehicle while under the influence of alcohol or drugs; adding a new section to chapter 46.61 RCW; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Judiciary.

HB 3125 by Representatives Linville and Ericks

AN ACT Relating to allocation rates for certain state agencies depositing funds in the treasury or in the custody of the treasurer; amending RCW 43.08.190 and 43.79A.040; and reenacting and amending RCW 43.84.092.

Referred to Committee on Ways & Means.

HB 3126 by Representatives Carlyle and Springer

AN ACT Relating to conferring honorary degrees at community and technical colleges; and amending RCW 28B.50.140.

Referred to Committee on Higher Education.

HB 3127 by Representative Kessler

AN ACT Relating to the business and occupation taxation of newspaper-labeled supplements; and amending RCW 82.04.214.

Referred to Committee on Finance.

HB 3128 by Representative Chase

AN ACT Relating to protecting water quality; adding new sections to chapter 90.48 RCW; adding a new section to chapter 28A.230 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Ecology & Parks.

HB 3129 by Representatives Conway and Simpson

AN ACT Relating to the unemployment insurance system, but only with respect to improving unemployment benefits and adjusting unemployment contributions; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 3130 by Representatives O'Brien, Seaquist and Morrell

AN ACT Relating to electronic timekeeping for home care agencies; adding a new section to chapter 74.39A RCW; and creating a new section.

Referred to Committee on Human Services.

HB 3131 by Representatives Cody, Nelson and Kenney

AN ACT Relating to salmon and steelhead spawning beds; adding a new section to chapter 77.95 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 3132 by Representative Van De Wege

AN ACT Relating to eliminating the Columbia River Gorge Compact; creating a new section; and repealing RCW 43.97.015, 43.97.025, 43.97.035, 35.22.700, 35.63.150, 35.63.200, 36.32.550, 36.70.980, and 90.58.600.

Referred to Committee on General Government Appropriations.

HJM 4028 by Representatives Chase, Upthegrove, Rolfes, Kenney, Liias, Sells, Simpson, Ormsby, Nelson, Dunshee, Hasegawa, Finn, Kirby, Roberts, Kagi, Conway, Williams, Blake, Pedersen, Hunt, Orwall, Maxwell, Jacks, Moeller, Morrell, White, Pettigrew, Miloscia, McCoy and Appleton

Requesting comprehensive clean energy jobs and climate legislation.

Referred to Committee on Ecology & Parks.

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

REPORTS OF STANDING COMMITTEES

January 22, 2010
HB 1203 Prime Sponsor, Representative O'Brien: Modifying the definition of relative for purposes of the crime of rendering criminal assistance. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

January 21, 2010
E2SHB 1618 Prime Sponsor, Committee on General Government Appropriations: Concerning community and surplus schools. Reported by Committee on Capital Budget

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Chase; Jacks; Maxwell; Morrell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Hope; McCune and Smith.

Passed to Committee on Rules for second reading.

January 21, 2010

SHB 1761 Prime Sponsor, Committee on State Government & Tribal Affairs: Addressing the ethical use of legislative web sites. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

January 21, 2010
HB 1969 Prime Sponsor, Representative Haigh: Promoting predictable funding for school districts that provide residential education. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Nealey; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

January 22, 2010
HB 2115 Prime Sponsor, Representative O'Brien: Allowing booking photographs and electronic images at jails to be open to the public. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Goodman; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representative Appleton.

Passed to Committee on Rules for second reading.

January 22, 2010
HB 2396 Prime Sponsor, Representative Morrell: Concerning emergency cardiac and stroke care. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Hinkle; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Ranking Minority Member; Bailey and Herrera.

Referred to Committee on Health & Human Services Appropriations.

January 22, 2010

HB 2422 Prime Sponsor, Representative Parker: Changing escape or disappearance notification requirements. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 2424 Prime Sponsor, Representative O'Brien: Protecting children from sexual exploitation and abuse. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 2487 Prime Sponsor, Representative Goodman: Increasing costs for administering a deferred prosecution. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

January 19, 2010

HB 2488 Prime Sponsor, Representative Moeller: Concerning vehicle and vessel quick title. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Dickerson; Eddy; Finn; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Ericksen; Herrera; Johnson; Klippert; Kristiansen; Nealey and Shea.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 2497 Prime Sponsor, Representative White: Concerning the victimization of homeless persons. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

January 21, 2010

HB 2512 Prime Sponsor, Representative Bailey: Concerning nonresident surplus line brokers and insurance producers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 2571 Prime Sponsor, Representative Appleton: Changing the definition of predatory. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

January 21, 2010

HB 2575 Prime Sponsor, Representative Uptegrove: Expanding the membership of the capital projects advisory review board. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Alexander and Taylor.

Passed to Committee on Rules for second reading.

January 21, 2010

HB 2583 Prime Sponsor, Representative Haigh: Concerning conferences prior to filing actions alleging a public records request violation. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Referred to Committee on General Government Appropriations.

January 22, 2010

HB 2595 Prime Sponsor, Representative Rolfes: Imposing a sentence outside the standard sentence range for defendants who intercept police communication as a means to facilitate the crime. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 2625 Prime Sponsor, Representative Kelley: Addressing bail for felony offenses. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

January 22, 2010

HB 2626 Prime Sponsor, Representative Kelley: Modifying violation provisions for offenders. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Referred to Committee on Ways & Means.

January 21, 2010

HB 2670 Prime Sponsor, Representative Haigh: Restoring the school district levy base. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Nealey; Quall; Rolfes and Wallace.

Referred to Committee on Ways & Means.

January 22, 2010

HB 2678 Prime Sponsor, Representative Quall: Modifying distributions of funds by the horse racing commission to nonprofit race meets. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 2720 Prime Sponsor, Representative Armstrong: Concerning the Washington soldiers' home. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 2781 Prime Sponsor, Representative Hurst: Imposing a sanction for offenders who violate sentence conditions by committing an assault against a law enforcement officer, employee of a law enforcement agency, or department of corrections employee. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Appleton and Goodman.

Referred to Committee on Ways & Means.

January 21, 2010

HB 2842 Prime Sponsor, Representative Parker: Addressing confidentiality as it relates to insurer receivership. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne and Simpson.

MINORITY recommendation: Without recommendation. Signed by Representative Santos.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 2876 Prime Sponsor, Representative Moeller: Concerning pain management. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

January 22, 2010

HJR 4220 Prime Sponsor, Representative Hope: Amending the state Constitution so that the provision relating to bailable crimes by sufficient sureties is modified. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Appleton and Goodman.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exceptions of HOUSE BILL NO. 2625 and HOUSE JOINT RESOLUTION NO. 4220 which were placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., January 27, 2010, the 17th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - REGULAR SESSION

SEVENTEENTH DAY

House Chamber, Olympia, Wednesday, January 27, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kaustubh Deo and Shelby Gady-Nelson. The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Dave Edler, Yakima Foursquare Church, Yakima.

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

RESOLUTION

HOUSE RESOLUTION NO. 4660, by Representatives Johnson, Pettigrew, Kenney, Ross, and Chandler

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Henry Beauchamp has exhibited true excellence throughout his personal, professional, and public life; and

WHEREAS, Henry Beauchamp has exhibited the highest levels of excellence during his lengthy years of public service; and

WHEREAS, Henry Beauchamp was born in Clinton, Louisiana to a farming family, but moved with his parents to Yakima at the age of 13 where he attended school; and

WHEREAS, Henry Beauchamp married his longtime friend, Wilma Jean Mitchell in 1955, and together, they were blessed with three children; and

WHEREAS, Henry Beauchamp began his work as a journeyman brick layer, but soon emerged as a community leader, being named in 1966 as president of the Yakima Valley Council for Community Action; and

WHEREAS, Henry Beauchamp led the drive to build a multiservice community center and helped to raise more than one-half million dollars for the effort, and as a result, opened the Southeast Yakima Community Center in 1971; and

WHEREAS, Henry Beauchamp co-founded Yakima's Opportunities Industrialization Center (OIC), a nonprofit that works to improve people's lives by providing them with opportunities for education, work, housing, and other needs; and

WHEREAS, Under Henry Beauchamp's thirty-year leadership as executive director, the OIC has trained thousands of people, provided places for youth to spend free time, helped farm workers and their children with training and job placement, dispersed food for families in need, and provided low-income families with home energy assistance; and

WHEREAS, Henry Beauchamp was elected to the Yakima City Council in 1977 and served for twenty-four years, including two years as Yakima mayor between 1986 and 1988, and was the first African-American mayor of the city; and

WHEREAS, Henry Beauchamp was always committed to supporting and maintaining a strong relationship of trust, openness, fairness, and mutual respect with all members of the Yakima City Council, staff, and the public; and

WHEREAS, Henry Beauchamp was an early leader in encouraging the city to pursue more state and federal grants for city projects, which provided more resources for the community's needs and helped keep taxes lower; and

WHEREAS, Henry Beauchamp's involvement helped to guide and invest millions of dollars in important improvements to the city of Yakima, including water, sewer, streets, parks, the city pool, new police and fire department facilities, and more; and

WHEREAS, During Henry Beauchamp's term on the Yakima City Council, city minority employment increased one hundred seventy percent and women employment increased two hundred forty percent, and the city's workforce today is much more representative of the community's cultural and ethnic diversity; and

WHEREAS, Henry Beauchamp was a strong advocate for youth programs and services, including the creation of alternative job service training programs, expanded recreational activities for at-risk youth, fighting against substance abuse, and promoting partnerships between the city's parks department, police department, the school district, and the community to invest in Yakima's youth and their future; and

WHEREAS, Henry Beauchamp served as a long-time member of the city's transit committee, and worked hard to preserve, maintain, and improve the bus system to all riders, and especially to expand Dial-A-Ride service to Yakima's elderly citizens and citizens with disabilities; and

WHEREAS, Henry Beauchamp has served on numerous state commissions and blue ribbon panels, including as chairman of the state's African-American Affairs Commission from 1996 to 1998; and

WHEREAS, Henry Beauchamp partnered with Dr. Leon Sullivan to go to South Africa where they established a self-help program there; and

WHEREAS, Henry Beauchamp worked successfully in 2003 to save Seattle's Branch Villa Health Care Center, the largest African-American owned health care business in Washington, which was later renamed in honor of Dr. Leon Sullivan; and

WHEREAS, Henry Beauchamp is deeply admired for his sacrificial service to the city of Yakima and the state of Washington; and

WHEREAS, Henry Beauchamp has known hardship, the cruelty of discrimination, and the plight of the disadvantaged; and

WHEREAS, Henry Beauchamp has been led by an abiding faith in God and in the equal treatment and dignity of all people; and

WHEREAS, Henry Beauchamp has been both tough-minded and tender hearted, standing up for what is fair and right, and speaking passionately against inequality and injustice to others, and in doing so, he has inspired people to replace the shackles of prejudice, ignorance, and greed with kindness, humility, and grace;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington honor Henry Beauchamp for his years of dedicated service, his personal and professional integrity, and his faithfulness to the principles and ideals that he worked so diligently for; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Henry Beauchamp.

Representative Johnson moved adoption of House Resolution No. 4660.

Representative Johnson, Pettigrew and Kenney spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4660 was adopted.

SPEAKER'S PRIVILEGE

The Speaker introduced Henry and Wilma Beauchamp and their grandson, Tyler Beauchamp, to the Chamber and asked the members to acknowledge them.

The Speaker called upon Representative Morris to preside.

INTRODUCTIONS AND FIRST READING

HB 3133 by Representatives Liias, Sells, Van De Wege and Morrell

AN ACT Relating to advertising on school buses; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

HB 3134 by Representatives Liias, Williams, Van De Wege and Simpson

AN ACT Relating to regulating sports pool boards, bracket pools, and fantasy sports leagues; and amending RCW 9.46.0335.

Referred to Committee on Commerce & Labor.

HB 3135 by Representatives Chase, Simpson, Ormsby, Santos and Kenney

AN ACT Relating to encouraging instruction in the history of civil rights; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

HB 3136 by Representatives Dunshee, Simpson and Ormsby

AN ACT Relating to funding criteria for publically owned nonindustrial water pollution control facilities; and amending RCW 90.50A.030 and 90.48.110.

Referred to Committee on Capital Budget.

HB 3137 by Representative Seaquist

AN ACT Relating to review of certificate of need applications; and amending RCW 70.38.115.

Referred to Committee on Health Care & Wellness.

HB 3138 by Representatives McCune, Campbell and Morrell

AN ACT Relating to Nisqually river emergency relief, preparedness, and response; adding a new section to chapter 38.52 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 3139 by Representatives Condotta, Chandler, Crouse and Short

AN ACT Relating to preventing the curtailment of employment opportunities by allowing employers to pay a training wage for a specified period of time; and amending RCW 49.46.060.

Referred to Committee on Commerce & Labor.

HB 3140 by Representatives Ericks and Morrell

AN ACT Relating to creating the cities and counties law enforcement and fire protection services financial assistance act of 2010.

Referred to Committee on Ways & Means.

HB 3141 by Representatives Kagi, Pettigrew, Seaquist, Kenney and Ormsby

AN ACT Relating to redesigning the delivery of temporary assistance for needy families; amending RCW 74.08A.010, 74.08A.340, and 74.08A.285; adding a new section to chapter 43.215 RCW; adding new sections to chapter 74.08A RCW; creating a new section; and repealing RCW 74.08A.200.

Referred to Committee on Early Learning & Children's Services.

HB 3142 by Representatives Hunt, Alexander, Williams and Kenney

AN ACT Relating to exempting parking charges imposed by the state on employees from excise taxes; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.29A RCW.

Referred to Committee on Finance.

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

REPORTS OF STANDING COMMITTEES

January 22, 2010

SHB 1357 Prime Sponsor, Committee on Health Care & Wellness: Regarding the designation of "social worker." Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen, Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 1534 Prime Sponsor, Representative Uptegrove: Concerning local utility district response to well notification. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Jacks; Liias; McCoy; Nelson; Rolfes and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Pearson and Warnick.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 2430 Prime Sponsor, Representative Morrell: Concerning cardiovascular invasive specialists. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

January 25, 2010

HB 2494 Prime Sponsor, Representative White: Concerning the purchase or construction of public facilities in one hundred year floodplains. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; Uptegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 2521 Prime Sponsor, Representative Driscoll: Addressing conversion rights upon termination of eligibility for health plan coverage. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

January 22, 2010

HB 2551 Prime Sponsor, Representative Cody: Establishing the Washington vaccine association. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Ways & Means.

January 22, 2010

HB 2591 Prime Sponsor, Representative Morris: Recovering the actual cost of processing applications for water right permits. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Jacks; Liias; McCoy; Nelson; Rolfes and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Pearson and Warnick.

Referred to Committee on Ways & Means.

January 22, 2010

HB 2680 Prime Sponsor, Representative Roberts: Implementing a guardianship program. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Ways & Means.

January 25, 2010

HB 2848 Prime Sponsor, Representative Alexander: Repealing RCW 36.32.210. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; Uptegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 25, 2010

HB 2884 Prime Sponsor, Representative Quall: Authorizing limited expansions of urban growth areas into one hundred year floodplains in areas adjacent to a freeway interchange or interstate in counties wholly or partially bordering salt waters with

more than one hundred thousand but fewer than one hundred fifty thousand residents. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 26, 2010

HB 2998 Prime Sponsor, Representative Seaquist: Suspending certain monetary awards and salary increases. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2998 which was placed on the second reading calendar.

SECOND READING

HOUSE BILL NO. 2998, by Representatives Seaquist, Armstrong, Hunt, Kessler, Wallace, Conway and Darneille

Suspending certain monetary awards and salary increases.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2998 was substituted for House Bill No. 2998 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2998 was read the second time.

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

Representatives Seaquist, Armstrong and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2998.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2998, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 2998, having received the necessary constitutional majority, was declared passed.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1329, by House Committee on Ways & Means (originally sponsored by Representatives Pettigrew, Conway, Kagi, Hunt, Seaquist, Sells, Priest, Kenney, Ormsby, Wood, Haigh, White, Chase, Herrera, Morrell, Liias, Green, Cody, Appleton, Hasegawa, Carlyle, Simpson, McCoy, Sullivan, Orwall, Goodman, Campbell, Hudgins, Moeller, Nelson and Santos).

Providing collective bargaining for child care center directors and workers.

The bill was read the third time.

Representatives Pettigrew, Goodman and Sullivan spoke in favor of the passage of the bill.

Representatives Chandler, Condotta and Anderson spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1329.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1329, and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Angel, Appleton, Blake, Carlyle, Chase, Cody, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Clibborn, Condotta, DeBolt, Eddy, Ericksen, Fagan, Haler, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, O'Brien, Orcutt, Pearson, Roach,

Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Taylor, Walsh and Warnick.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1329, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Judiciary was relieved of HOUSE BILL NO. 3124, and the bill was referred to the Committee on Early Learning & Children's Services.

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

There being no objection, the House adjourned until 9:55 a.m., January 28, 2010, the 18th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

EIGHTEENTH DAY

House Chamber, Olympia, Thursday, January 28, 2010

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

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

INTRODUCTIONS AND FIRST READING

HB 3143 by Representatives Haler and Goodman

AN ACT Relating to revising provisions for the implementation of the child welfare transformation demonstration sites; and amending RCW 74.13.360, 74.13.368, 74.13.370, and 74.13.372.

Referred to Committee on Early Learning & Children's Services.

HB 3144 by Representatives Kretz, Blake and Chandler

AN ACT Relating to the appointment of regional directors at the department of fish and wildlife; and amending RCW 77.04.080.

Referred to Committee on Agriculture & Natural Resources.

HB 3145 by Representatives McCoy, Roberts, Simpson, Goodman, Kenney, Conway and Ormsby

AN ACT Relating to improving administration of wage complaints by defining the limitations period for administrative wage claims through the department of labor and industries, clarifying the requirements for the department to extend the time period for wage complaint investigations, revising the department's bond authority, tolling the civil statute of limitations, increasing minimum penalties for violators, creating and affecting waiver of penalties for repeat willful violators, and providing for wage law violation liability for successor businesses; amending RCW 49.48.082, 49.48.083, 49.48.084, 49.48.086, and 49.48.060; adding a new section to chapter 49.48 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 3146 by Representatives Dunshee, Kessler, Kenney and Ormsby

AN ACT Relating to the use of building fees and net proceeds of the university tract for university building purposes; amending RCW 28B.20.382, 28B.20.720, 28B.20.721, 28B.20.725, 28B.20.800, 28B.20.810, and 43.79.080; and reenacting and amending RCW 28B.15.210.

Referred to Committee on Capital Budget.

HB 3147 by Representatives Ormsby, Kessler, Pettigrew, Armstrong, Hinkle, Warnick, Condotta and Kenney

AN ACT Relating to sales and use tax exemptions for certain equipment and infrastructure contained in data centers; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 3148 by Representative Hope

AN ACT Relating to the authority of peace officers to issue municipal code violation notices for traffic infractions occurring within a municipality; amending RCW 10.93.070; and adding a new section to chapter 46.64 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 3149 by Representatives Chandler, Crouse, Ericksen, Bailey, Herrera, Haler, Kretz, Smith, Kristiansen, Nealey, Taylor, Hinkle, McCune, Schmick, Johnson and Ross

AN ACT Relating to industrial insurance; amending RCW 51.08.060, 51.08.040, 48.32.020, 51.04.020, 51.04.040, 51.04.070, 51.04.090, 51.04.100, 51.04.105, 51.04.130, 51.08.015, 51.12.035, 51.12.050, 51.12.070, 51.12.110, 51.12.120, 51.12.140, 51.12.170, 51.14.010, 51.14.050, 51.14.100, 51.14.300, 51.14.340, 51.14.350, 51.14.360, 51.14.380, 51.14.390, 51.14.400, 51.16.070, 51.16.120, 51.16.140, 51.16.150, 51.16.220, 51.24.030, 51.24.050, 51.24.060, 51.24.070, 51.24.080, 51.24.090, 51.28.010, 51.28.020, 51.28.025, 51.28.055, 51.28.080, 51.28.090, 51.32.055, 51.32.060, 51.32.067, 51.32.072, 51.32.073, 51.32.080, 51.32.098, 51.32.110, 51.32.112, 51.32.114, 51.32.135, 51.32.160, 51.32.185, 51.32.190, 51.32.195, 51.32.210, 51.32.215, 51.32.240, 51.32.242, 51.32.380, 51.36.010, 51.36.015, 51.36.020, 51.36.022, 51.36.040, 51.36.060, 51.36.070, 51.36.120, 51.36.140, 51.36.150, 51.44.040, 51.44.040, 51.44.070, 51.44.090, 51.44.100, 51.44.115, 51.48.010, 51.48.020, 51.48.030, 51.48.040, 51.48.050, 51.48.055, 51.48.060, 51.48.080, 51.48.090, 51.48.103, 51.48.250, 51.48.260, 51.52.030, 51.52.050, 51.52.070, 51.52.080, 51.52.100, 51.52.110, 51.52.115, 51.52.120, 51.52.130, 51.52.132, and 51.52.135; reenacting and amending RCW 51.52.060; adding new sections to chapter 51.08 RCW; adding a new section to chapter 48.19 RCW; adding new sections to chapter 51.44 RCW; adding a new section to chapter 51.16 RCW; adding new sections to chapter 51.28 RCW; adding a new section to chapter 51.32 RCW; adding a new chapter to Title 51 RCW; repealing RCW 51.04.030, 51.04.082, 51.04.085, 51.04.110, 51.04.120, 51.04.150, 51.08.175, 51.14.070, 51.16.035, 51.16.042,

51.16.060, 51.16.100, 51.16.105, 51.16.130, 51.16.155,
51.16.160, 51.16.170, 51.16.180, 51.16.190, 51.16.200,
51.18.005, 51.18.010, 51.18.020, 51.18.030, 51.18.040,
51.18.050, 51.18.060, 51.18.900, 51.36.080, 51.36.085,
51.36.090, 51.36.100, 51.36.110, 51.36.130, 51.44.010,
51.44.020, 51.44.030, 51.44.050, 51.44.060, 51.28.015,
51.32.300, 51.32.350, 51.32.360, 51.32.370, 51.48.075,
51.48.120, 51.48.131, 51.48.140, 51.48.150, 51.48.160,
51.48.170, 51.48.180, 51.48.190, 51.48.200, 51.48.210,
51.48.220, 51.48.230, 51.48.240, 51.48.290, 51.52.075,
51.52.150, and 51.52.800; and providing an effective date.

HJM 4029 by Representatives Bailey, Kirby, Rolfes and Kelley

Requesting certain federal entities to actively support certain community bank policies and legislation.

Referred to Committee on Financial Institutions & Insurance.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 3149 which was held on first reading.

REPORTS OF STANDING COMMITTEES

January 26, 2010

SHB 1418 Prime Sponsor, Committee on Education: Establishing a statewide dropout reengagement system. Reported by Committee on Education

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

Referred to Committee on Education Appropriations.

January 26, 2010

HB 2448 Prime Sponsor, Representative Appleton: Changing the definition of "immediate family" for purpose of membership on the Washington citizens' commission on salaries for elected officials. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

January 26, 2010

HB 2514 Prime Sponsor, Representative Bailey: Regulating crop adjusters. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking

Minority Member; Hurst; McCoy; Nelson; Santos and Simpson.

Passed to Committee on Rules for second reading.

January 26, 2010

HB 2582 Prime Sponsor, Representative Hurst: Allowing agencies to direct requesters to their web site for public records. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

January 26, 2010

HB 2596 Prime Sponsor, Representative Williams: Defining child advocacy centers for the multidisciplinary investigation of child abuse and implementation of county protocols. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

January 26, 2010

HB 2621 Prime Sponsor, Representative Orwall: Designating resource programs for science, technology, engineering, and mathematics instruction in K-12 schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

Referred to Committee on Education Appropriations.

January 26, 2010

HB 2629 Prime Sponsor, Representative Kelley: Updating provisions related to adoption petitions. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

January 26, 2010

HB 2642 Prime Sponsor, Representative Kenney: Establishing a pilot project to allow wine tasting

at farmers markets. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Green and Williams.

MINORITY recommendation: Without recommendation. Signed by Representative Crouse.

Passed to Committee on Rules for second reading.

January 26, 2010
HB 2675 Prime Sponsor, Representative Haigh: Concerning an alternative process for selecting an electrical contractor or a mechanical contractor, or both, for general contractor/construction manager projects. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Referred to Committee on Capital Budget.

January 27, 2010
HB 2676 Prime Sponsor, Representative Chase: Extending the pay back period for certain energy conservation loans. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Finn, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Eddy; Hasegawa; Hinkle; Hudgins; Jacks; McCune; Morris; Nealey; Takko; Taylor and Van De Wege.

Passed to Committee on Rules for second reading.

January 27, 2010
HB 2677 Prime Sponsor, Representative Chase: Extending the pay back period for certain water conservation loans. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Finn, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Eddy; Hasegawa; Hinkle; Hudgins; Jacks; McCune; Morris; Nealey; Takko; Taylor and Van De Wege.

Passed to Committee on Rules for second reading.

January 26, 2010
HB 2688 Prime Sponsor, Representative Hunter: Creating a beer and wine tasting endorsement to the grocery store liquor license. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Green and Williams.

MINORITY recommendation: Without recommendation. Signed by Representative Crouse.

Referred to Committee on General Government Appropriations.

January 26, 2010
HB 2704 Prime Sponsor, Representative Takko: Transferring the Washington main street program to the department of archaeology and historic preservation. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Referred to Committee on General Government Appropriations.

January 26, 2010
HB 2787 Prime Sponsor, Representative Hurst: Addressing Green river emergency flooding preparedness and response. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Referred to Committee on Capital Budget.

January 26, 2010
HB 2801 Prime Sponsor, Representative Liias: Regarding antiharassment strategies in public schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

Passed to Committee on Rules for second reading.

January 26, 2010
HB 2830 Prime Sponsor, Representative Simpson: Addressing credit union regulatory enforcement powers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Santos and Simpson.

Passed to Committee on Rules for second reading.

January 26, 2010
HB 2831 Prime Sponsor, Representative Simpson:
 Regulating state-chartered commercial banks,
 trust companies, savings banks, and their holding
 companies. Reported by Committee on Financial
 Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by
 Representatives Kirby, Chair; Kelley, Vice Chair; Bailey,
 Ranking Minority Member; Parker, Assistant Ranking
 Minority Member; Hurst; McCoy; Nelson; Santos and
 Simpson.

Passed to Committee on Rules for second reading.

January 26, 2010
HB 3032 Prime Sponsor, Representative Simpson: Defining
 normal wear and tear for a motor vehicle for the
 purpose of a service contract. Reported by
 Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be
 substituted therefor and the substitute bill do pass. Signed by
 Representatives Kirby, Chair; Kelley, Vice Chair; Bailey,
 Ranking Minority Member; Hurst; McCoy; Nelson; Santos and
 Simpson.

MINORITY recommendation: Do not pass. Signed by
 Representative Parker, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 26, 2010
HB 3056 Prime Sponsor, Representative Pearson:
 Concerning pretrial release or detention.
 Reported by Committee on Public Safety &
 Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by
 Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson,
 Ranking Minority Member; Klippert, Assistant Ranking
 Minority Member; Appleton; Goodman; Kirby and Ross.

There being no objection, the bills listed on the day's
 committee reports under the fifth order of business were referred to
 the committees so designated with the exception of HOUSE BILL
 NO. 3056 which was placed on the second reading calendar.

SUPPLEMENTAL REPORT OF STANDING COMMITTEES

January 27, 2010
SSB 6382 Prime Sponsor, Committee on Ways & Means:
 Reducing the cost of state government operations
 by restricting compensation. Reported by
 Committee on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed
 by Representatives Linville, Chair; Ericks, Vice Chair;
 Sullivan, Vice Chair; Alexander, Ranking Minority Member;
 Bailey, Assistant Ranking Minority Member; Dammeier,
 Assistant Ranking Minority Member; Chandler; Cody;
 Conway; Darneille; Hinkle; Hunt; Hunter; Kagi; Kenney;
 Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

There being no objection, the bill listed on the day's
 supplemental committee report under the fifth order of business
 was placed on the second reading calendar.

SECOND READING SUSPENSION

**SUBSTITUTE HOUSE BILL NO. 1761, by House
 Committee on State Government & Tribal Affairs (originally
 sponsored by Representatives Hasegawa, Appleton and Hurst)**

Addressing the ethical use of legislative web sites.

The bill was read the second time.

There being no objection, the committee recommendation was
 adopted and SECOND SUBSTITUTE HOUSE BILL NO. 1761
 was read the second time.

The bill was placed on final passage.

Representatives Hasegawa and Armstrong spoke in favor of
 the passage of the bill.

The Speaker (Representative Morris presiding) stated the
 question before the House to be the final passage of Second
 Substitute House Bill No. 1761.

MOTION

On motion of Representative Santos, Representative Wallace
 was excused.

ROLL CALL

The Clerk called the roll on the final passage of Second
 Substitute House Bill No. 1761, and the bill passed the House by
 the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel,
 Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler,
 Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier,
 Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks,
 Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler,
 Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst,
 Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert,
 Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune,
 Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien,
 Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew,
 Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos,
 Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,
 Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh,
 Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

SECOND SUBSTITUTE HOUSE BILL NO. 1761, having
 received the necessary constitutional majority, was declared
 passed.

**HOUSE BILL NO. 2226, by Representatives Orcutt, Blake,
 Maxwell, Williams and Hope**

**Issuing firearms certificates to retired law enforcement
 officers.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2226 was read the second time.

The bill was placed on final passage.

Representatives Orcutt and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2226.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2226, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

SUBSTITUTE HOUSE BILL NO. 2226, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2406, by Representatives Kelley, Alexander, Miloscia and Haigh

Concerning the joint legislative audit and review committee.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kelley and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2406.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2406, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks,

Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

HOUSE BILL NO. 2406, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2419, by Representatives Bailey, Nelson and Kirby

Modifying the exemption to the three-year active transacting requirement for foreign or alien insurer applicants.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2419.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2419, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

HOUSE BILL NO. 2419, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2430, by Representatives Morrell, Driscoll, Hinkle, Blake, Walsh, Green, Roberts, Goodman, Clibborn, Carlyle, Moeller, Kelley and Hurst

Concerning cardiovascular invasive specialists.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2430 was read the second time.

The bill was placed on final passage.

Representatives Morrell and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2430.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2430, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

SUBSTITUTE HOUSE BILL NO. 2430, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2435, by Representatives Green, Kelley, Roberts, Nelson, Goodman, Hudgins and Hunt

Concerning midwives.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2435.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2435, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst,

Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

HOUSE BILL NO. 2435, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2443, by Representatives Ericksen, Cody and Morrell

Conforming the uniform controlled substances act to existing state and federal law.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2443 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2443.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2443, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

SUBSTITUTE HOUSE BILL NO. 2443, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2462, by Representatives Green, Campbell, Ericksen, Bailey, Cody, Simpson and Goodman

Concerning the practice of opticianry.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Green spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2462.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2462, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

HOUSE BILL NO. 2462, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2465, by Representatives Hurst, Rodne, Kelley, Roberts and Ericks

Concerning breath test instruments approved by the state toxicologist.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hurst and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2465.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2465, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst,

Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

HOUSE BILL NO. 2465, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2466, by Representatives Goodman, Rodne, Kelley, Roberts, Johnson, Ericks, Hudgins and Hurst

Concerning the regulation of ignition interlock devices by the Washington state patrol.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2466 was read the second time.

The bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2466.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2466, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

SUBSTITUTE HOUSE BILL NO. 2466, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2512, by Representatives Bailey, Kirby and Morrell

Concerning nonresident surplus line brokers and insurance producers.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2512 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2512.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2512, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

SUBSTITUTE HOUSE BILL NO. 2512, having received the necessary constitutional majority, was declared passed.

There being no objection, HOUSE BILL NO. 2518 was moved from the second reading suspension calendar to the second reading calendar.

HOUSE BILL NO. 2521, by Representatives Driscoll, Williams, Cody, Morrell, Ormsby and Moeller

Addressing conversion rights upon termination of eligibility for health plan coverage.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Driscoll and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2521.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2521, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

HOUSE BILL NO. 2521, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2540, by Representatives Cody, Pedersen, Nelson, Kenney and Morrell

Concerning the practice of dentistry.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Cody spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2540.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2540, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

HOUSE BILL NO. 2540, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2611, by Representatives Williams and Hunt

Concerning annexation of a city, partial city, or town to a fire protection district.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Williams and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2611.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2611, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

HOUSE BILL NO. 2611, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2627, by Representatives Kelley, Green, Miloscia and Kenney

Concerning child support order summary report forms.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2627 was read the second time.

The bill was placed on final passage.

Representatives Kelley and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2627.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2627, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler,

Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

SUBSTITUTE HOUSE BILL NO. 2627, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2649, by Representatives Green, Conway, Moeller and Williams

Correcting references in RCW 50.29.021(2)(c)(i), (c)(ii), and (3)(e), RCW 50.29.062(2)(b)(i)(B) and (2)(b)(iii), and RCW 50.29.063(1)(b) and (2)(a)(ii) to unemployment insurance statutes concerning employer experience rating accounts and contribution rates.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2649 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2649.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2649, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

SUBSTITUTE HOUSE BILL NO. 2649, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2722, by Representatives Goodman, Pedersen, Moeller and Kenney

Concerning persons appointed by the court to provide information in family law and adoption cases.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2722 was read the second time.

The bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2722.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2722, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

SUBSTITUTE HOUSE BILL NO. 2722, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2740, by Representatives Seaquist and Angel

Regarding the definition of land use decision in the land use petition act.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Seaquist and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2740.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2740, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1. TBNO, HB xxxx was moved from the second reading suspension calendar to the second reading calendar

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

HOUSE BILL NO. 2740, having received the necessary constitutional majority, was declared passed.

There being no objection, HOUSE BILL NO. 2667 and HOUSE BILL NO. 2858 were moved from the second reading suspension calendar to the second reading calendar.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6382, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice and Tom)

Reducing the cost of state government operations by restricting compensation.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways and Means was before the House for purpose of amendment. (For committee amendment, see Journal, Day 17, January 27, 2010.)

Representative Hinkle moved the adoption of amendment (1013) to the committee amendment:

On page 5, after line 5, strike lines 6 through 24 and insert:

"~~((For the twelve months following February 18, 2009))~~ Except as provided in section 10 of this act, a salary or wage increase shall not be granted to any position ~~((exempt from classification))~~ covered under this chapter."

On page 6, after line 29, strike lines 30 through line 12 on page 7 and insert the following:

"(k) Except as provided in section 10 of this act, increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. ~~((For the twelve months following February 18, 2009, a salary or wage increase shall not be granted to any exempt position under this chapter.))~~"

On page 10, strike lines 1 through 15 and insert the following:

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

Representative Hunt spoke against the adoption of the amendment.

Amendment (1013) to the committee amendment was not adopted.

Representative Alexander moved the adoption of amendment (1012) to the committee amendment:

On page 12, line 14, after "increase" strike "to critical academic or other exempt personnel as needed for retention purposes or"

Representatives Alexander and Linville spoke in favor of the adoption of the amendment.

Amendment (1012) to the committee amendment was adopted.

The committee amendment by the Committee on Ways & Means as amended was adopted.

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

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

Representative Armstrong spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6382, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6382, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Armstrong and Chandler.

Excused: Representative Wallace.

SUBSTITUTE SENATE BILL NO. 6382, as amended by the House, having received the constitutional majority, was declared passed.

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

MOTION

Representative Ross moved that the rules be suspended and that HOUSE BILL NO. 3149 be advanced to second reading and read in full.

Representative Ross spoke in favor of the adoption of the motion.

Representative Kessler spoke against the adoption of the motion.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of the motion to suspend the rules and advance House Bill No. 3149 to second reading.

ROLL CALL

The Clerk call the roll on the adoption of the motion to House Bill No. 3149 and the motion was not adopted by the following vote: Yeas, 38; Nays, 59; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCoy, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representative Wallace.

The motion was not adopted.

There being no objection, HOUSE BILL NO. 3149 was referred to the Committee on Commerce and Labor.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on the motion to suspend the rules and advance HOUSE BILL NO. 3149 to second reading.

John McCoy, 38th District.

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

There being no objection, the House adjourned until 10:00 a.m., January 29, 2010, the 19th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - REGULAR SESSION

NINETEENTH DAY

House Chamber, Olympia, Friday, January 29, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Langbehn-Pond and Kailyn Gady. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Police Chaplain Mike Neil, Department of Fish and Wildlife, Gig Harbor.

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

RESOLUTION

HOUSE RESOLUTION NO. 4658, by Representatives Driscoll, Seaquist, Ormsby, Pettigrew, Sullivan, Haler, Finn, Kenney, Lias, Angel, Campbell, Morrell, Maxwell and Warnick

WHEREAS, It is the tradition of the Washington State House of Representatives to honor the vital services provided by trade associations who together with individual association members have uniquely shaped and developed the full agricultural productivity in the Northwest; and

WHEREAS, Far West Agribusiness Association is celebrating its golden 50 year anniversary this year; and

WHEREAS, Far West's regional footprint spans the states of Washington, Idaho, Oregon, Utah, and Nevada, maintaining its primary office in Spokane, Washington; and

WHEREAS, Far West is made up of over 150 agriculture businesses that provide products and services to farmers in all crop areas and commodities employing approximately 2,400 people in the region; and

WHEREAS, Far West provides industry knowledge and training to its members and to the public that protects and ensures a vital, abundant, safe, and affordable food supply, while making a meaningful and steadfast contribution to the economy of Washington State and others; and

WHEREAS, Far West provides in-house specialized training to its members in the safe handling of fertilizer and pesticide products, protecting its members' employees and members of the public; and

WHEREAS, Far West educates legislators at both the state and federal levels when requested on matters of general and specific interest; and

WHEREAS, Far West acts as a liaison among various organizations, helping to develop a consensus enabling agriculture to speak with one voice when possible;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives hereby acknowledge and honor Far West Agribusiness Association of Spokane, Washington, in celebration of its 50th year in operation; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of

Representatives to the Far West members through its executive director, Jim Fitzgerald.

Representative Driscoll moved adoption of House Resolution No. 4658.

Representatives Driscoll and Haler spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4658 was adopted.

INTRODUCTION AND FIRST READING

HB 3150 by Representatives Hinkle, Parker, Ross, Angel, Dammeier, Short, Crouse, Shea, Kelley, Goodman, Ericks, Warnick, Finn and Morrell

AN ACT Relating to salaries of legislators; amending RCW 43.03.310; and providing a contingent effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 3151 by Representative Anderson

AN ACT Relating to studying public fund investment policies and practices; creating new sections; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

HB 3152 by Representatives Anderson, Santos and Warnick

AN ACT Relating to a financial literacy assessment tool; and amending RCW 43.320.150.

Referred to Committee on Financial Institutions & Insurance.

HB 3153 by Representative Conway

AN ACT Relating to designation of a spouse for certain survivor benefits under the firefighters' relief and pensions act of 1955; and amending RCW 41.18.042.

Referred to Committee on Ways & Means.

HB 3154 by Representatives Kessler, Van De Wege and Kenney

AN ACT Relating to the sales and use taxation of florists; reenacting and amending RCW 82.32.730; and providing an effective date.

Referred to Committee on Finance.

HB 3155 by Representatives Conway and Kenney

AN ACT Relating to allowing the department of social and health services to adopt rules establishing standards for the review and certification of treatment facilities under the problem and pathological gambling treatment program; and amending RCW 43.20A.890.

Referred to Committee on Health Care & Wellness.

HJR 4223 by Representatives Hinkle, Parker, Ross, Angel, Dammeier, Short, Shea, Crouse, Kelley, Lias and Morrell

Restricting salary increases for legislators under specific circumstances.

Referred to Committee on State Government & Tribal Affairs.

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

REPORTS OF STANDING COMMITTEES

HB 1072 Prime Sponsor, Representative Simpson: Prohibiting certain sex offenders on community custody from accessing the internet. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Referred to Committee on General Government Appropriations.

HB 2617 Prime Sponsor, Representative Driscoll: Eliminating certain boards and commissions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Referred to Committee on Ways & Means.

HB 2634 Prime Sponsor, Representative Carlyle: Promoting efficiencies including institutional coordination and partnerships in the community and technical college system. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler and White.

MINORITY recommendation: Without recommendation. Signed by Representative Hasegawa.

Referred to Committee on Education Appropriations.

HB 2689 Prime Sponsor, Representative Goodman: Modifying agency relationship provisions to clarify broker and licensee terms. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Moeller and Williams.

Passed to Committee on Rules for second reading.

HB 2697 Prime Sponsor, Representative Conway: Concerning real estate broker licensure fees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Green; Moeller and Williams.

MINORITY recommendation: Without recommendation. Signed by Representative Crouse.

Referred to Committee on General Government Appropriations.

HB 2745 Prime Sponsor, Representative Hudgins: Concerning compliance with the environmental protection agency's renovation, repair, and painting rule in the lead-based paint program. Reported by Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dickerson; Dunshee; Finn; Hudgins and Rolfes.

Referred to Committee on General Government Appropriations.

HB 2775 Prime Sponsor, Representative Dammeier: Regarding membership on the state building code council. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 27, 2010
HB 2777 Prime Sponsor, Representative Goodman:
 Modifying domestic violence provisions.
 Reported by Committee on Public Safety &
 Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

January 26, 2010
HB 2790 Prime Sponsor, Representative Conway: Making technical and clarifying changes to the liquor laws. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green and Williams.

Passed to Committee on Rules for second reading.

January 27, 2010
HB 2805 Prime Sponsor, Representative Ormsby:
 Regarding public works involving off-site prefabrication. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Capital Budget.

January 26, 2010
HB 2918 Prime Sponsor, Representative Eddy: Removing state route number 908 from the state highway system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

January 27, 2010
HB 3003 Prime Sponsor, Representative Hunter: Placing symphony musicians under the jurisdiction of the public employment relations commission for

purposes of collective bargaining. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

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

SECOND READING

HOUSE BILL NO. 1576, by Representatives Clibborn, Liias, Roach and Rodne

Determining the amount of motor vehicle fuel tax moneys derived from tax on marine fuel.

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1576.

MOTIONS

On motion of Representative Santos, Representative Morris was excused. On motion of Representative Hinkle, Representative Johnson was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1576, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Johnson and Morris.

HOUSE BILL NO. 1576, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1885, by Representatives Van De Wege, Blake, Warnick, Takko, Ormsby and Liias

Regarding the feeding of wildlife.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1885 was substituted for House Bill No. 1885 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1885 was read the second time.

Representative Kretz moved the adoption of amendment (1006):

On page 2, beginning on line 13, after "operation" strike all material through "practices" on line 15

Representatives Kretz and Blake spoke in favor of the adoption of the amendment.

Amendment (1006) was adopted.

Representative Orcutt moved the adoption of amendment (1010):

Beginning on page 2, line 34, strike all of section 3 and insert the following:

"Sec. 3. RCW 77.08.010 and 2009 c 333 s 12 are each amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(2) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (3), (28), (40), (44), (58), and (59) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(3) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(4) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(8) "Commercial" means related to or connected with buying, selling, or bartering.

(9) "Commission" means the state fish and wildlife commission.

(10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(11) "Contraband" means any property that is unlawful to produce or possess.

(12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(13) "Department" means the department of fish and wildlife.

(14) "Director" means the director of fish and wildlife.

(15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(16) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(19) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

(20) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(21) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(24) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(25) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(26) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(27) "Illegal items" means those items unlawful to be possessed.

(28) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(29) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(30) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(31) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(32) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(33) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(34) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(35) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

(36) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(37) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

(38) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(39) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(40) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(41) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(42) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(43) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

(44) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(45) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

(46) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

(47) "Saltwater" means those marine waters seaward of river mouths.

(48) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(49) "Senior" means a person seventy years old or older.

(50) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(51) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(52) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(53) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(54) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(55) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(56) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(57) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(58) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(59) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(60) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

(61) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(62) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(63) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(64) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(65) "Potentially habituated wildlife" includes cougar, bear, wolf, coyote, and raccoon. The term "potentially habituated wildlife" also includes deer and elk if the deer and elk are located in a county that is bordered by Puget Sound, the Pacific ocean, and the Strait of Juan de Fuca."

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

Representative Blake spoke against the adoption of the amendment.

Amendment (1010) was not adopted.

Representative Van De Wege moved the adoption of amendment (1004):

Beginning on page 3, line 34, strike all of section 3 and insert the following:

"Sec. 3. RCW 77.08.010 and 2009 c 333 s 12 are each amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(2) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (3), (28), (40), (44), (58), and (59) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(3) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(4) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(8) "Commercial" means related to or connected with buying, selling, or bartering.

(9) "Commission" means the state fish and wildlife commission.

(10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(11) "Contraband" means any property that is unlawful to produce or possess.

(12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(13) "Department" means the department of fish and wildlife.

(14) "Director" means the director of fish and wildlife.

(15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(16) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(19) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

(20) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(21) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(24) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(25) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(26) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(27) "Illegal items" means those items unlawful to be possessed.

(28) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(29) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(30) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(31) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(32) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(33) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(34) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(35) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

(36) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(37) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

(38) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(39) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(40) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(41) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(42) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(43) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

(44) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(45) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

(46) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

(47) "Saltwater" means those marine waters seaward of river mouths.

(48) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(49) "Senior" means a person seventy years old or older.

(50) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term

"shellfish" includes all stages of development and the bodily parts of shellfish species.

(51) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(52) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(53) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(54) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(55) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(56) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(57) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

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(59) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(60) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

(61) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(62) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(63) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(64) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(65) "Potentially habituated wildlife" includes bear, cougar, wolf, coyote, deer, elk, and raccoon."

Representative Van De Wege spoke in favor of the adoption of the amendment.

Amendment (1004) was adopted. The bill was ordered engrossed.

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

Representatives Van De Wege and Liias spoke in favor of the passage of the bill.

Representatives Orcutt, Pearson and Kretz spoke against passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1885.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1885, and the bill passed the House by the following vote: Yeas, 55; Nays, 41; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericks, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Kelley, Klippert, Kretz, Kristiansen, McCune, Moeller, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representatives Johnson and Morris.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1885, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2179, by Representative Eddy

Authorizing cities to provide and contract for supplemental transportation improvements. Revised for 1st Substitute: Authorizing cities located in counties having a population of more than one million five hundred thousand to provide and contract for supplemental transportation improvements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2179 was substituted for Bill No. 2179 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2179 was read the second time.

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

Representatives Eddy and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2179.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2179, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Ericksen, Flannigan, Hasegawa and Simpson.

Excused: Representatives Johnson and Morris.

SUBSTITUTE HOUSE BILL NO. 2179, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on General Government Appropriations was relieved of HOUSE BILL NO. 2420, and the bill was referred to the Committee on Rules.

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

There being no objection, the House adjourned until 10:00 a.m., February 1, 2010, the 22nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

TWENTY SECOND DAY

House Chamber, Olympia, Monday, February 1, 2010

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

The flags were escorted to the rostrum by the Columbia River Young Marines Color Guard, Tri Cities. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Dan Moushey, Community Bible Church, Granite Falls.

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

RESOLUTION

HOUSE RESOLUTION NO. 4667, by Representatives DeBolt and Alexander

WHEREAS, The House of Representatives of the State of Washington recognizes excellence in all forms of endeavors; and

WHEREAS, On Saturday, December 5, 2009, the Adna Pirates, lead by coach K.C. Johnson, showed excellence by capturing the Class 2B Football State Championship; and

WHEREAS, Adna quarterback Kyle Grosshans, passed for 111 yards and two touchdowns, made two interceptions on defense, and also scored on a crucial 32-yard run with 43 seconds left in the game with Adna facing fourth down and 2; and

WHEREAS, Adna head coach K.C. Johnson said, "They love their football . . . It's a great place to be. I've been at 4A schools and 3A schools. I stay at this school because of their love for the game. These farm boys know how to bring it."; and

WHEREAS, This was Adna's first state championship game appearance since the Pirates beat Columbia-Hunters for the 1989 title; and

WHEREAS, Adna fans filled much of the north seating in the Dome, many wearing blue t-shirts that read: "Pirate Nation. No Place Like Dome."; and

WHEREAS, Afterward, Adna players took turns touching the big gold football that rests atop the state championship trophy savoring the moment;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor Adna Pirates Football Team Members and Coaches for the exceptional accomplishment in winning the Class 2B Championship in December 2009; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Adna Pirates team coach K.C. Johnson and the Adna High School Principal Jim Forrest.

Representative Alexander moved adoption of House Resolution No. 4667.

Representatives Alexander and Blake spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4667 was adopted.

INTRODUCTIONS AND FIRST READING

HB 3156 by Representative Van De Wege

AN ACT Relating to authorizing the department of archaeology and historic preservation to impose a fee for access to certain online report systems; reenacting and amending RCW 43.84.092; and adding new sections to chapter 43.334 RCW.

Referred to Committee on General Government Appropriations.

HB 3157 by Representatives Hunter, Ericks and Conway

AN ACT Relating to the state business and occupation tax; amending RCW 82.04.220, 82.04.2907, and 82.04.460; adding new sections to chapter 82.04 RCW; creating new sections; and providing an effective date.

Referred to Committee on Finance.

HB 3158 by Representative O'Brien

AN ACT Relating to prohibiting the sale and use of lead sinkers and jigs; adding a new chapter to Title 77 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 3159 by Representative Takko

AN ACT Relating to authorizing the department of archaeology and historic preservation to impose a fee for access to certain online report systems; reenacting and amending RCW 43.84.092; and adding new sections to chapter 43.334 RCW.

Referred to Committee on General Government Appropriations.

HB 3160 by Representatives Darneille and Takko

AN ACT Relating to payments in lieu of taxes for lands owned by the department of fish and wildlife; amending RCW 77.12.203; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 3161 by Representatives Hasegawa, Chase, Appleton, Roberts and Simpson

AN ACT Relating to community reinvestment of oil windfall profits; amending RCW 43.325.020, 70.94.017, 82.04.230, 82.04.240, 82.04.240, 82.04.250, 82.04.250, 82.04.255,

82.04.270, 82.04.280, 82.04.280, 82.04.290, 39.35C.020, 39.35C.100, 82.03.130, and 82.03.140; amending 2009 c 461 s 9 (uncodified); reenacting and amending RCW 43.325.040; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 39.35C RCW; adding a new section to chapter 43.21F RCW; prescribing penalties; providing effective dates; providing a contingent effective date; providing expiration dates; and providing contingent expiration dates.

Referred to Committee on Finance.

HB 3162 by Representatives Hasegawa, Hudgins, Chase, Simpson, Dickerson and Goodman

AN ACT Relating to authorizing the creation of a state bank; amending RCW 42.56.270, 42.56.400, and 43.08.150; adding a new chapter to Title 43 RCW; and providing a contingent effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 5582 by Senators Parlette and Becker

AN ACT Relating to the Washington state patrol chief for a day program; adding a new section to chapter 43.43 RCW; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

SB 6218 by Senators Fraser and Brandland

AN ACT Relating to modifying the local option capital asset lending program to authorize state use of certain voter approved excess tax levies to pay financing contracts and to clarify program participants; amending RCW 39.94.020, 39.94.030, and 84.52.056; and creating a new section.

Referred to Committee on Capital Budget.

SB 6219 by Senator Berkey

AN ACT Relating to funding sources for time certificate of deposit investments; and amending RCW 43.86A.030.

Referred to Committee on Financial Institutions & Insurance.

SB 6220 by Senators Fraser and Brandland

AN ACT Relating to determination of the terms and conditions of bonds, notes, and other evidences of indebtedness of the state of Washington; and amending RCW 39.42.030 and 43.33.130.

Referred to Committee on Capital Budget.

SSB 6248 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Fairley, Rockefeller, Kohl-Welles, Kline and Ranker)

AN ACT Relating to the use of bisphenol A; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environmental Health.

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

REPORTS OF STANDING COMMITTEES

January 26, 2010

EHB 1547 Prime Sponsor, Representative Bailey: Increasing the duty-related death benefit for public employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

January 26, 2010

EHB 1679 Prime Sponsor, Representative Simpson: Providing access to catastrophic disability medical insurance under plan 2 of the law enforcement officers' and firefighters' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

January 28, 2010

HB 2408 Prime Sponsor, Representative Angel: Requiring notice to property owners when a county, city, or town modifies its zoning requirements. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Short; Springer; Uptegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 27, 2010

HB 2412 Prime Sponsor, Representative Nelson: Addressing fully contained communities authorized under the growth management act. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; DeBolt,

Assistant Ranking Minority Member; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Fagan and Short.

Passed to Committee on Rules for second reading.

Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Nelson; Pearson; Rolfes and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives Ormsby, Vice Chair; Liias; McCoy and Van De Wege.

Referred to Committee on Capital Budget.

January 27, 2010

HB 2416 Prime Sponsor, Representative Morris: Establishing energy efficiency standards for consumer products. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Finn, Vice Chair; Eddy; Hasegawa; Hudgins; Jacks; Morris; Takko and Van De Wege.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Hinkle; McCune; Nealey and Taylor.

Passed to Committee on Rules for second reading.

January 28, 2010

HB 2504 Prime Sponsor, Representative Eddy: Concerning minimum renewable fuel content requirements. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Finn, Vice Chair; Haler, Assistant Ranking Minority Member; Carlyle; Eddy; Hudgins; Jacks; Morris; Nealey; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Condotta; Hasegawa; Hinkle; McCune and Taylor.

Referred to Committee on Transportation.

January 27, 2010

HB 2428 Prime Sponsor, Representative Takko: Concerning fees for locating surplus funds from county governments, real estate property taxes, assessments, and other government lien foreclosures or charges. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 28, 2010

HB 2509 Prime Sponsor, Representative Short: Authorizing the department of natural resources to use certain funds to ensure that firefighting equipment does not spread noxious weeds. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Nelson; Pearson; Rolfes and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives Liias; McCoy and Van De Wege.

Referred to Committee on General Government Appropriations.

January 28, 2010

HB 2447 Prime Sponsor, Representative Appleton: Prohibiting the public disclosure of public employee photographs. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Referred to Committee on Ways & Means.

January 28, 2010

HB 2525 Prime Sponsor, Representative Nealey: Concerning public facilities districts created by at least two city or county legislative authorities. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Moeller; Orcutt; Parker and Probst.

MINORITY recommendation: Without recommendation. Signed by Representative Liias.

Passed to Committee on Rules for second reading.

January 28, 2010

HB 2485 Prime Sponsor, Representative Kretz: Regarding the purchase of land by the department of fish and wildlife. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chandler, Ranking Minority

January 28, 2010

HB 2556 Prime Sponsor, Representative Fagan: Regarding financial security requirements under chapter 22.09 RCW. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

January 28, 2010
HB 2573 Prime Sponsor, Representative Simpson: Clarifying regional transit authority facilities as essential public facilities. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Short and Upthegrove.

Passed to Committee on Rules for second reading.

January 28, 2010
HB 2574 Prime Sponsor, Representative White: Concerning annexations by cities and code cities located within the boundaries of a regional transit authority. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representative DeBolt, Assistant Ranking Minority Member.

Referred to Committee on Transportation.

January 28, 2010
HB 2598 Prime Sponsor, Representative Takko: Concerning the disposal of dredged riverbed materials from the Mount St. Helen's eruption. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

January 28, 2010
HB 2661 Prime Sponsor, Representative Hudgins: Regarding the Washington State University

extension energy program's plant operations support program. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Finn, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Eddy; Hasegawa; Hinkle; Hudgins; Jacks; McCune; Morris; Nealey; Takko; Taylor and Van De Wege.

Passed to Committee on Rules for second reading.

January 27, 2010
HB 2684 Prime Sponsor, Representative Kenney: Establishing opportunity centers at community colleges. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Anderson, Ranking Minority Member; Carlyle; Driscoll; Hasegawa and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Assistant Ranking Minority Member; Angel and Haler.

Referred to Committee on Ways & Means.

January 28, 2010
HB 2735 Prime Sponsor, Representative Goodman: Encouraging the need for representation of children in dependency matters. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 28, 2010
HB 2742 Prime Sponsor, Representative Goodman: Addressing accountability for persons driving under the influence of intoxicating liquor or drugs. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Referred to Committee on Transportation.

January 26, 2010
HB 2877 Prime Sponsor, Representative Moeller: Authorizing payment of regulated company stock in lieu of a portion of salary for educational employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

January 26, 2010

HB 2937 Prime Sponsor, Representative Clibborn: Modifying the transportation system policy goals to include economic vitality. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

January 27, 2010

HB 2986 Prime Sponsor, Representative Simpson: Requiring the appointment of nonvoting labor members to public transportation governing bodies. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Fagan and Short.

Passed to Committee on Rules for second reading.

January 28, 2010

HB 2988 Prime Sponsor, Representative Simpson: Regarding local improvement districts in flood control zone districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Short.

Passed to Committee on Rules for second reading.

January 28, 2010

HB 3060 Prime Sponsor, Representative Simpson: Modifying surplus line coverage provisions.

Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

January 27, 2010

HJM 4027 Prime Sponsor, Representative Hasegawa: Requesting that a retired space shuttle orbiter be transferred to Washington's museum of flight. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Moeller; Orcutt; Parker and Probst.

Passed to Committee on Rules for second reading.

January 28, 2010

HJM 4029 Prime Sponsor, Representative Bailey: Requesting certain federal entities to actively support certain community bank policies and legislation. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of ENGROSSED HOUSE BILL NO. 1679 which was placed on the second reading calendar.

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

There being no objection, the Committee on General Government Appropriations was relieved of HOUSE BILL NO. 2688, and the bill was passed to the Committee on Rules.

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

There being no objection, the House adjourned until 9:55 a.m., February 2, 2010, the 23rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, February 2, 2010

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

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

MESSAGE FROM THE SENATE

January 29, 2010

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5582
SENATE BILL NO. 6218
SENATE BILL NO. 6219
SENATE BILL NO. 6220

SUBSTITUTE SENATE BILL NO. 6248
and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTIONS AND FIRST READING

HB 3163 by Representatives Clibborn, Roach and Liias

AN ACT Relating to health care benefits for marine employees of the department of transportation; and amending RCW 47.64.120, 47.64.270, 47.64.320, and 41.80.020.

Referred to Committee on Commerce & Labor.

HB 3164 by Representatives Probst, Herrera, Rolfes, Darneille, McCune and Kessler

AN ACT Relating to rainwater harvesting; adding a new section to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 3165 by Representative O'Brien

AN ACT Relating to subagent service fees; and amending RCW 46.01.140.

Referred to Committee on Transportation.

HB 3166 by Representatives Parker, Ormsby and Schmick

AN ACT Relating to protecting Washington businesses that contract with higher education institutions for goods and services; amending RCW 43.19.534; and declaring an emergency.

Referred to Committee on Education Appropriations.

HB 3167 by Representatives Morrell, Williams and Kenney

AN ACT Relating to elder placement referrals; adding a new chapter to Title 18 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 3168 by Representatives Orcutt and McCune

AN ACT Relating to providing taxpayers additional appeal protections for value changes; amending RCW 84.40.038; and creating a new section.

Referred to Committee on Finance.

HB 3169 by Representatives Orcutt and McCune

AN ACT Relating to including public utility easements and rights-of-way towards the acreage requirements for the property tax current use valuation programs; reenacting and amending RCW 84.34.020; and creating a new section.

Referred to Committee on Finance.

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

REPORTS OF STANDING COMMITTEES

January 29, 2010

HB 1949 Prime Sponsor, Representative Liias: Appointing student members on the board of trustees for community colleges. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Carlyle; Driscoll; Haler; Hasegawa and White.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Assistant Ranking Minority Member and Angel.

Passed to Committee on Rules for second reading.

January 28, 2010

EHB 2138 Prime Sponsor, Representative Simpson: Concerning the use of surplus property for the development of affordable housing. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel,

Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Short.

Passed to Committee on Rules for second reading.

January 26, 2010

HB 2433 Prime Sponsor, Representative Haler: Addressing compliance with federal selective service requirements before the issuance of drivers' licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Liias, Vice Chair; Dickerson; Upthegrove and Williams.

Passed to Committee on Rules for second reading.

January 28, 2010

HB 2471 Prime Sponsor, Representative McCoy: Concerning net metering of electricity. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Finn, Vice Chair; Carlyle; Eddy; Hasegawa; Hudgins; Jacks; Morris; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Condotta; Hinkle; McCune; Nealey and Taylor.

Passed to Committee on Rules for second reading.

January 28, 2010

HB 2516 Prime Sponsor, Representative Morris: Regarding the siting of small alternative energy facilities. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Finn, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Eddy; Hasegawa; Hinkle; Hudgins; Jacks; McCune; Morris; Nealey; Takko; Taylor and Van De Wege.

Passed to Committee on Rules for second reading.

January 28, 2010

HB 2527

Prime Sponsor, Representative Morris: Regarding the energy facility site evaluation council. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Finn, Vice Chair; Carlyle; Eddy; Hasegawa; Hinkle; Hudgins; Jacks; Morris; Takko and Van De Wege.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Condotta; McCune; Nealey and Taylor.

Referred to Committee on Ways & Means.

January 29, 2010

HB 2539

Prime Sponsor, Representative Upthegrove: Optimizing the collection of source separated materials. Reported by Committee on Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase; Dickerson; Dunshee; Eddy; Finn and Hudgins.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt; Shea and Taylor.

Referred to Committee on Ways & Means.

January 29, 2010

HB 2546

Prime Sponsor, Representative Van De Wege: Concerning classroom training for electrical trainees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

January 29, 2010

HB 2550

Prime Sponsor, Representative Ross: Concerning abatement of nuisances involving criminal street gang activity. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

January 28, 2010
HB 2560 Prime Sponsor, Representative Orwall:
 Regulating joint underwriting associations.
 Reported by Committee on Financial Institutions
 & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Hurst; McCoy; Nelson; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Roach and Rodne.

Referred to Committee on General Government Appropriations.

January 28, 2010
HB 2565 Prime Sponsor, Representative Ericksen:
 Mandating a twelve-hour impound hold on motor vehicles used by persons arrested for driving under the influence. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Referred to Committee on Transportation.

January 28, 2010
HB 2569 Prime Sponsor, Representative Dunshee:
 Regarding access to information for outdoor recreation and wildlife viewing opportunities. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Jacks; Liias; McCoy; Nelson; Rolfes and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Pearson and Warnick.

Referred to Committee on General Government Appropriations.

January 28, 2010
HB 2577 Prime Sponsor, Representative Sullivan: Creating community facilities districts. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Moeller; Parker and Probst.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member and Orcutt.

Passed to Committee on Rules for second reading.

January 28, 2010
HB 2632 Prime Sponsor, Representative Probst: Expanding the number of households living in the middle-income bracket. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Moeller and Probst.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Referred to Committee on Ways & Means.

January 29, 2010
HB 2643 Prime Sponsor, Representative Chase: Providing better water quality during charitable car washes. Reported by Committee on Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Dunshee; Eddy; Finn and Hudgins.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Orcutt; Shea and Taylor.

Referred to Committee on General Government Appropriations.

January 27, 2010
HB 2651 Prime Sponsor, Representative Upthegrove: Authorizing port districts to participate in activities related to job training and placement. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Moeller and Probst.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Passed to Committee on Rules for second reading.

January 29, 2010
HB 2652 Prime Sponsor, Representative Darneille: Regulating tanning facilities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Campbell; Herrera and Hinkle.

Referred to Committee on Health & Human Services Appropriations.

HB 2655 January 29, 2010
Prime Sponsor, Representative Wallace: Expanding the higher education system upon proven demand. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Passed to Committee on Rules for second reading.

HB 2683 January 27, 2010
Prime Sponsor, Representative Kenney: Changing provisions relating to the economic development commission. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Moeller; Orcutt; Parker and Probst.

Referred to Committee on General Government Appropriations.

HB 2751 January 29, 2010
Prime Sponsor, Representative Sells: Requiring that at least one member on each community college board of trustees be from labor. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Hasegawa and White.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel and Haler.

Passed to Committee on Rules for second reading.

HB 2768 January 29, 2010
Prime Sponsor, Representative Ross: Requiring background investigations for peace officers and reserve officers as a condition of employment. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson,

Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

HB 2769 January 29, 2010
Prime Sponsor, Representative O'Brien: Revising membership and rules of procedure for the criminal justice training commission and related boards. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

HB 2776 January 28, 2010
Prime Sponsor, Representative Sullivan: Regarding funding distribution formulas for K-12 education. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Hunter; Kagi; Maxwell; Quall; Rolfes and Wallace.

Referred to Committee on Ways & Means.

HB 2789 January 29, 2010
Prime Sponsor, Representative Conway: Authorizing issuance of subpoenas for purposes of agency investigations of underground economy activity. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green and Williams.

Referred to Committee on Ways & Means.

HB 2854 January 29, 2010
Prime Sponsor, Representative Kenney: Making changes to the state higher education loan program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Hasegawa and White.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel and Haler.

Passed to Committee on Rules for second reading.

- January 29, 2010
- HB 2930 Prime Sponsor, Representative Wallace: Expanding the pool of qualified teachers. Reported by Committee on Higher Education
- MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.
- Referred to Committee on Education Appropriations.
- January 29, 2010
- HB 2942 Prime Sponsor, Representative O'Brien: Offering human trafficking training for criminal justice and correctional personnel, and other public safety employees. Reported by Committee on Public Safety & Emergency Preparedness
- MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.
- Passed to Committee on Rules for second reading.
- January 29, 2010
- HB 2961 Prime Sponsor, Representative Campbell: Establishing a statewide electronic tracking system for the nonprescription sales of ephedrine, pseudoephedrine, and phenylpropanolamine. Reported by Committee on Health Care & Wellness
- MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Herrera; Kelley; Moeller; Morrell and Pedersen.
- MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Ranking Minority Member; Bailey and Hinkle.
- Referred to Committee on Health & Human Services Appropriations.
- January 29, 2010
- HB 2973 Prime Sponsor, Representative Orcutt: Creating resident student classifications for certain members of the military and their spouses and dependents. Reported by Committee on Higher Education
- MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.
- Passed to Committee on Rules for second reading.
- January 29, 2010
- HB 2979 Prime Sponsor, Representative Wallace: Regarding higher education performance agreements. Reported by Committee on Higher Education
- MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Hasegawa and White.
- MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel and Haler.
- Passed to Committee on Rules for second reading.
- January 29, 2010
- HB 2989 Prime Sponsor, Representative Moeller: Concerning respiratory care practitioners. Reported by Committee on Health Care & Wellness
- MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.
- Passed to Committee on Rules for second reading.
- January 29, 2010
- HB 3024 Prime Sponsor, Representative Conway: Providing uninterrupted meal and rest breaks for hospital employees. Reported by Committee on Commerce & Labor
- MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Crouse; Green; Moeller and Williams.
- MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member and Chandler.
- Referred to Committee on Ways & Means.
- January 29, 2010
- HB 3095 Prime Sponsor, Representative Blake: Modifying the powers of the Washington tree fruit research commission. Reported by Committee on Agriculture & Natural Resources
- MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes; Van De Wege and Warnick.
- Passed to Committee on Rules for second reading.
- January 29, 2010
- HB 3105 Prime Sponsor, Representative Rolfes: Allowing the director of financial management to include alternative fuel vehicles in a strategy to reduce

fuel consumption and emissions from state agency fleets. Reported by Committee on Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins; Orcutt; Shea and Taylor.

Passed to Committee on Rules for second reading.

January 27, 2010

HJM 4024 Prime Sponsor, Representative Angel: Concerning a memorial petitioning for the elimination of the term "mentally retarded" in federal law. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Herrera; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

January 29, 2010

HJM 4025 Prime Sponsor, Representative O'Brien: Honoring Vietnam veterans. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

February 1, 2010

SSB 6503 Prime Sponsor, Committee on Ways & Means: Closing state agencies on specified dates. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 4. The legislature declares that unprecedented revenue shortfalls necessitate immediate action to reduce expenditures during the 2009-2011 fiscal biennium. From the effective date of this section, it is the intent of the legislature that state agencies of the legislative branch, judicial branch, and executive branch including institutions of higher education, shall achieve a reduction in government operating expenses approximately equivalent to fifty million dollars from the general fund--state and education legacy account--state, and additional proportional amounts from other funds and accounts through the methods described in this act. It is the legislature's intent that, to the extent that the reductions in expenditures reduce compensation costs, agencies and institutions shall strive to preserve family wage jobs by reducing the impact of temporary layoffs on lower-wage jobs.

NEW SECTION. Sec. 5. (1)(a) The office of financial management shall certify to each executive branch state agency and institution of higher education the compensation reduction

amount to be achieved by that agency or institution, based on the savings achieved by subsections (2) through (9) of this section.

(b) By May 15, 2010, each executive branch state agency other than institutions of higher education may submit to the office of financial management a compensation reduction plan to achieve the cost reductions that would be achieved by implementing subsections (2) through (9) of this section. The compensation reduction plan of each executive branch agency may include, but is not limited to, employee leave without pay, including additional mandatory and voluntary temporary layoffs, reductions in the agency workforce, compensation reductions, and reduced work hours, as well as voluntary retirement, separation, and other incentive programs authorized by section 912, chapter 564, Laws of 2009. The amount of compensation cost reductions to be achieved by each agency shall be adjusted to reflect voluntary and mandatory temporary layoffs at the agency during the 2009-2011 fiscal biennium and implemented prior to January 1, 2010, but not adjusted by other compensation reduction plans adopted as a result of the enactment of chapter 564, Laws of 2009, or the enactment of other compensation cost reduction measures applicable to the 2009-2011 fiscal biennium.

(c) By May 15, 2010, each institution of higher education may submit to the office of financial management a compensation reduction plan to achieve at least the cost reductions that would be achieved by implementing subsections (2) through (9) of this section. For purposes of the compensation reduction plan, the state board of community and technical colleges shall submit a single plan on behalf of all community and technical colleges. The compensation reduction plan of each institution may include, but is not limited to, employee leave without pay, including mandatory and voluntary temporary layoffs, reductions in the institution workforce, compensation reductions, and reduced work hours, as well as voluntary retirement, separation, and other incentive programs authorized by section 912, chapter 564, Laws of 2009. The amount of compensation cost reductions to be achieved by each institution shall be adjusted to reflect voluntary and mandatory temporary layoffs at the institution during the 2009-2011 fiscal biennium and implemented prior to January 1, 2010, but not adjusted by other compensation reduction plans adopted as a result of the enactment of chapter 564, Laws of 2009, or the enactment of other compensation cost reduction measures applicable to the 2009-2011 fiscal biennium. The impact on individual compensation caused by the plans submitted by institutions of higher education shall, at the request of employees, be prorated to the extent that annual proration of compensation is otherwise made available to the employees.

(d) By June 1, 2010, the director of financial management shall review, approve, and submit to the legislative fiscal committees those executive branch state agencies and higher education institution compensation reduction plans that achieve the cost reductions required by subsections (2) through (9) of this section. For those executive branch state agencies and institutions of higher education that do not have an approved compensation reduction plan by June 1, 2010, the institution shall be closed on the dates specified in subsection (2) of this section.

(e) For each agency of the legislative branch, the chief clerk of the house of representatives and the secretary of the senate shall review and approve a plan of employee mandatory and voluntary leave for the 2009-2011 fiscal biennium equivalent to the eleven closure days specified in subsection (2) of this section. Total leave under the program shall be adjusted to reflect voluntary and mandatory temporary layoffs at the agencies during the 2009-2011 fiscal biennium and implemented prior to January 1, 2010.

(f) For each agency of the judicial branch, the supreme court shall review and approve a plan of employee mandatory and voluntary leave for the 2009-2011 fiscal biennium equivalent to

the eleven closure days specified in subsection (2) of this section. Total leave under the program shall be adjusted to reflect voluntary and mandatory temporary layoffs at the agencies during the 2009-2011 fiscal biennium and implemented prior to January 1, 2010.

(2) Each state agency of the executive, legislative, and judicial branch, and any institution that does not have an approved plan in accordance with subsection (1) of this section shall be closed on the following dates in addition to the legal holidays specified in RCW 1.16.050:

- (a) Monday, June 14, 2010;
- (b) Monday, July 12, 2010;
- (c) Friday, August 6, 2010;
- (d) Tuesday, September 7, 2010;
- (e) Monday, October 11, 2010;
- (f) Monday, December 27, 2010;
- (g) Friday, January 28, 2011;
- (h) Tuesday, February 22, 2011;
- (i) Friday, March 11, 2011;
- (j) Friday, April 22, 2011;
- (k) Friday, June 10, 2011.

(3) If an institution of higher education is closed on the dates required by subsection (2) of this section, then the institution of higher education shall, at the request of employees, prorate the impact of any reductions to employee compensation to the extent that annual proration of compensation is otherwise made available to the employees.

(4) If the closure of state agencies or institutions under subsection (2) of this section prevents the performance of any action, the action shall be considered timely if performed on the next business day.

(5) The following activities of state agencies and institutions of higher education are exempt from subsections (1) and (2) of this section:

(a) Direct custody, supervision, and patient care in: (i) Corrections; (ii) juvenile rehabilitation; (iii) institutional care of veterans, or individuals with mental illness, and individuals with developmental disabilities; (iv) state hospitals, the University of Washington medical center, and Harborview medical center; (v) the special commitment center; (vi) the school for the blind; (vii) the state center for childhood deafness and hearing loss; and (viii) the Washington youth academy;

(b) Direct protective services to children and other vulnerable populations, child support enforcement, disability determination services in the department of social and health services;

(c) Washington state patrol, except for management and administrative functions not directly related to public safety response;

(d) Hazardous materials response or emergency response and cleanup;

(e) Emergency public health and patient safety response and the public health laboratory;

(f) Military operations and emergency management within the military department;

(g) Firefighting;

(h) Enforcement officers in the department of fish and wildlife, the liquor control board, the gambling commission, the department of financial institutions, and the department of natural resources;

(i) State parks operated by the parks and recreation commission;

(j) In institutions of higher education, classroom instruction, operations not funded from state funds or tuition, campus police and security, emergency management and response, and student health care;

(k) Operations of liquor control board business enterprises and games conducted by the state lottery;

(l) Agricultural commodity commissions and boards, and agricultural inspection programs operated by the department of agriculture;

(m) The unemployment insurance program and reemployment services of the employment security department;

(n) The workers' compensation program and workplace safety and health compliance activities of the department of labor and industries;

(o) The operation, maintenance, and construction of state ferries and state highways;

(p) The department of revenue, except for management and administrative functions not directly related to revenue generation;

(q) The office of the attorney general, except for management and administrative functions not directly related to civil, criminal, or administrative actions;

(r) The board of industrial insurance appeals;

(s) Licensing service offices in the department of licensing that are open no more than two days per week, and no licensing service office closures may occur on Saturdays as a result of this section;

(t) The labor relations office of the office of financial management through November 1, 2010;

(u) The governor, lieutenant governor, legislative agencies, and the office of financial management, during sessions of the legislature under Article II, section 12 of the state Constitution and the twenty-day veto period under Article IV, section 12 of the state Constitution; and

(v) The minimal use of state employees on the specified closure dates as necessary to protect public assets and information technology systems, and to maintain public safety.

(6) The closure of an office of a state agency or institution of higher education under this section shall result in the temporary layoff of the employees of the agency or institution. The compensation of the employees shall be reduced proportionately to the duration of the temporary layoff. Temporary layoffs under this section shall not affect the employees' vacation leave accrual, seniority, health insurance, or sick leave credits. For the purposes of chapter 430, Laws of 2009, the compensation reductions under this section are deemed to be an integral part of an employer's expenditure reduction efforts and shall not result in the loss of retirement benefits in any state defined benefit retirement plan for an employee whose period of average final compensation includes a portion of the period from the effective date of this section through June 30, 2011.

(7) Except as provided in subsection (5) of this section, for employees not scheduled to work on a day specified in subsection (2) of this section, the employing agency must designate an alternative day during that month on which the employee is scheduled to work that the employee will take temporary leave without pay.

(8) To the extent that the implementation of this section is subject to collective bargaining under chapter 41.80 RCW, the bargaining shall be conducted pursuant to section 4 of this act. To the extent that the implementation of this section is subject to collective bargaining under chapters 28B.52, 41.56, 41.76, or 47.64 RCW, the bargaining shall be conducted pursuant to these chapters.

(9) For all or a portion of the employees of an agency of the executive branch, the office of financial management may approve the substitution of temporary layoffs on an alternative date for any date specified in subsection (2) of this section as necessary for the critical work of any agency.

NEW SECTION. Sec. 6. A new section is added to chapter 41.80 RCW to read as follows:

(1) To the extent that the implementation of section 2 of this act is subject to collective bargaining:

(a) For state agencies, negotiations regarding impacts of the temporary layoffs mandated by section 2(2) of this act shall be conducted between the employer and each local unit of exclusive bargaining representatives subject to chapter 41.80 RCW.

(b) For institutions of higher education that have elected to have negotiations conducted by the governor or governor's designee in accordance with RCW 41.80.010(4), and that have submitted a compensation reduction plan under section 2(1) of this act, negotiations regarding impacts of the compensation reduction plan shall be conducted between the governor or governor's designee and a coalition at each college, college district, or university of all of the exclusive bargaining representatives subject to chapter 41.80 RCW;

(c) For institutions of higher education that have elected to have negotiations conducted by the governor or governor's designee in accordance with RCW 41.80.010(4), and that have not submitted a compensation reduction plan under section 2(1) of this act, negotiations regarding impacts of the temporary layoffs under section 2(2) of this act shall be conducted between the governor or governor's designee and one coalition of all of the exclusive bargaining representatives subject to chapter 41.80 RCW; and

(d) For institutions of higher education that have not elected to have negotiations conducted by the governor or governor's designee under RCW 41.80.010(4), negotiations regarding impacts of section 2 of this act shall be conducted between each institution of higher education and the exclusive bargaining representatives.

(2) This section expires on June 30, 2011.

Sec. 7. RCW 42.04.060 and 2009 c 428 s 1 are each amended to read as follows:

Except as provided in section 2 of this act, all state elective and appointive officers shall keep their offices open for the transaction of business for a minimum of forty hours per week, except weeks that include state legal holidays. Customary business hours must be posted on the agency or office's web site and made known by other means designed to provide the public with notice.

~~((This section shall not apply to the courts of record of this state or to their officers nor to the office of the attorney general and the lieutenant governor.))~~

Sec. 8. RCW 41.26.030 and 2009 c 523 s 3 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the employee's contributions made by a member, including any amount paid under RCW 41.50.165(2), plus accrued interest credited thereon.

(2) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(3) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(4)(a) "Basic salary" for plan 1 members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for plan 2 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries

deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. In any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) The basic salary the member would have received had such member not served in the legislature; or

(ii) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under (b)(i) of this subsection is greater than basic salary under (b)(ii) of this subsection shall be paid by the member for both member and employer contributions.

(5)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for plan 2 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically disabled as determined by the department, except a person who is disabled and in the full time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(7) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(8) "Director" means the director of the department.

(9) "Disability board" for plan 1 members means either the county disability board or the city disability board established in RCW 41.26.110.

(10) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan 1 members.

(11) "Disability retirement" for plan 1 members, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(12) "Domestic partners" means two adults who have registered as domestic partners under RCW 26.60.020.

(13) "Employee" means any law enforcement officer or firefighter as defined in subsections (16) and (18) of this section.

(14)(a) "Employer" for plan 1 members, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or firefighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which

represents the firefighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or firefighters as defined in this chapter.

(b) "Employer" for plan 2 members, means the following entities to the extent that the entity employs any law enforcement officer and/or firefighter:

- (i) The legislative authority of any city, town, county, or district;
- (ii) The elected officials of any municipal corporation;
- (iii) The governing body of any other general authority law enforcement agency; or
- (iv) A four-year institution of higher education having a fully operational fire department as of January 1, 1996.

(15)(a) "Final average salary" for plan 1 members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for plan 2 members, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary.

(c) In calculating final average salary under (a) or (b) of this subsection, the department of retirement systems shall include any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer.

(16) "Firefighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for firefighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time firefighter where the fire department does not have a civil service examination;

(c) Supervisory firefighter personnel;

(d) Any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031. The provisions of this subsection (16)(d) shall not apply to plan 2 members;

(e) The executive secretary of a labor guild, association or organization (which is an employer under ((~~RCW 41.26.030(14)~~ as now or hereafter amended)) subsection (14) of this section), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW. The provisions of this subsection (16)(e) shall not apply to plan 2 members;

(f) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for firefighter;

(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) Any person who is employed on a full-time, fully compensated basis by an employer as an emergency medical technician.

(17) "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, but not including the Washington state patrol. Such an agency, department, or division is distinguished from a limited authority law enforcement agency having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control board, and the state department of corrections.

(18) "Law enforcement officer" beginning January 1, 1994, means any person who is commissioned and employed by an employer on a full time, fully compensated basis to enforce the criminal laws of the state of Washington generally, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under ((~~RCW 41.26.030(14)~~)) subsection (14) of this section) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW. The provisions of this subsection (18)(d) shall not apply to plan 2 members; and

(e) The term "law enforcement officer" also includes a person employed on or after January 1, 1993, as a public safety officer or director of public safety, so long as the job duties substantially involve only either police or fire duties, or both, and no other duties in a city or town with a population of less than ten thousand. The provisions of this subsection (18)(e) shall not apply to any public safety officer or director of public safety who is receiving a retirement allowance under this chapter as of May 12, 1993.

(19) "Medical services" for plan 1 members, shall include the following as minimum services to be provided. Reasonable

charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopathic physician and surgeon licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic X-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(20) "Member" means any firefighter, law enforcement officer, or other person as would apply under subsections (16) or (18) of this section whose membership is transferred to the Washington law enforcement officers' and firefighters' retirement system on or after March 1, 1970, and every law enforcement officer and firefighter who is employed in that capacity on or after such date.

(21) "Plan 1" means the law enforcement officers' and firefighters' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(22) "Plan 2" means the law enforcement officers' and firefighters' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(23) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(24) "Regular interest" means such rate as the director may determine.

(25) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by

this chapter resulting from service rendered to an employer by such member.

(26) "Retirement fund" means the "Washington law enforcement officers' and firefighters' retirement system fund" as provided for herein.

(27) "Retirement system" means the "Washington law enforcement officers' and firefighters' retirement system" provided herein.

(28)(a) "Service" for plan 1 members, means all periods of employment for an employer as a firefighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a firefighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.

(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(b) "Service" for plan 2 members, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(29) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(30) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(31) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(32) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(33) "Surviving spouse" means the surviving widow or widower of a member. "Surviving spouse" shall not include the divorced spouse of a member except as provided in RCW 41.26.162.

Sec. 9. RCW 41.32.010 and 2008 c 204 s 1 and 2008 c 175 s 1 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1)(a) "Accumulated contributions" for plan 1 members, means the sum of all regular annuity contributions and, except for the purpose of withdrawal at the time of retirement, any amount paid under RCW 41.50.165(2) with regular interest thereon.

(b) "Accumulated contributions" for plan 2 members, means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Member reserve" means the fund in which all of the accumulated contributions of members are held.

(5)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for plan 2 and plan 3 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(6) "Contract" means any agreement for service and compensation between a member and an employer.

(7) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to plan 1 members.

(8) "Dependent" means receiving one-half or more of support from a member.

(9) "Disability allowance" means monthly payments during disability. This subsection shall apply only to plan 1 members.

(10)(a) "Earnable compensation" for plan 1 members, means:

(i) All salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money.

(ii) For an employee member of the retirement system teaching in an extended school year program, two consecutive extended school years, as defined by the employer school district, may be used as the annual period for determining earnable compensation in lieu of the two fiscal years.

(iii) "Earnable compensation" for plan 1 members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position

which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit.

(B) If a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(iv) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.345. For the purposes of this subsection, the term "instructional position" means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, a psychologist, a social worker, a nurse, a physical therapist, an occupational therapist, a speech language pathologist or audiologist, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

(v) "Earnable compensation" does not include:

(A) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(B) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Earnable compensation" for plan 2 and plan 3 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

"Earnable compensation" for plan 2 and plan 3 members also includes the following actual or imputed payments which, except in the case of (b)(ii)(B) of this subsection, are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit.

(ii) In any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(A) The earnable compensation the member would have received had such member not served in the legislature; or

(B) Such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions.

(c) In calculating earnable compensation under (a) or (b) of this subsection, the department of retirement systems shall include any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer.

(11) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(12) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(13) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(14) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(15) "Member" means any teacher included in the membership of the retirement system who has not been removed from membership under RCW 41.32.878 or 41.32.768. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the member reserve.

(16) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to plan 1 members.

(17) "Pension" means the moneys payable per year during life from the pension reserve.

(18) "Pension reserve" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system and from which all pension obligations are to be paid.

(19) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to plan 1 members.

(20) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to plan 1 members.

(21) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(22) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the member reserve. This subsection shall apply only to plan 1 members.

(23) "Regular interest" means such rate as the director may determine.

(24)(a) "Retirement allowance" for plan 1 members, means monthly payments based on the sum of annuity and pension, or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for plan 2 and plan 3 members, means monthly payments to a retiree or beneficiary as provided in this chapter.

(25) "Retirement system" means the Washington state teachers' retirement system.

(26)(a) "Service" for plan 1 members means the time during which a member has been employed by an employer for compensation.

(i) If a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered.

(ii) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(iii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(b) "Service" for plan 2 and plan 3 members, means periods of employment by a member for one or more employers for which earnable compensation is earned subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive one service credit month for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position except as provided in RCW 41.32.812 and 41.50.132(4).

(ii) Any other member employed in an eligible position or as a substitute who earns earnable compensation during the period from September through August shall receive service credit according to one of the following methods, whichever provides the most service credit to the member:

(A) If a member is employed either in an eligible position or as a substitute teacher for nine months of the twelve month period between September through August of the following year but earns earnable compensation for less than eight hundred ten hours but for at least six hundred thirty hours, he or she will receive one-half of a service credit month for each month of the twelve month period;

(B) If a member is employed in an eligible position or as a substitute teacher for at least five months of a six-month period between September through August of the following year and earns earnable compensation for six hundred thirty or more hours within the six-month period, he or she will receive a maximum of six service credit months for the school year, which shall be recorded as one service credit month for each month of the six-month period;

(C) All other members employed in an eligible position or as a substitute teacher shall receive service credit as follows:

(I) A service credit month is earned in those calendar months where earnable compensation is earned for ninety or more hours;

(II) A half-service credit month is earned in those calendar months where earnable compensation is earned for at least seventy hours but less than ninety hours; and

(III) A quarter-service credit month is earned in those calendar months where earnable compensation is earned for less than seventy hours.

(iii) Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive a service credit month for each of the months in a state elective position by making the required member contributions.

(iv) When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(v) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470. For purposes of plan 2 and plan 3 "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(vi) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(vii) The department shall adopt rules implementing this subsection.

(27) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(28) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(29) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) "Average final compensation" for plan 2 and plan 3 members, means the member's average earnable compensation of the highest consecutive sixty service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.32.810(2).

(31) "Retiree" means any person who has begun accruing a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Substitute teacher" means:

(a) A teacher who is hired by an employer to work as a temporary teacher, except for teachers who are annual contract employees of an employer and are guaranteed a minimum number of hours; or

(b) Teachers who either (i) work in ineligible positions for more than one employer or (ii) work in an ineligible position or positions together with an eligible position.

(37)(a) "Eligible position" for plan 2 members from June 7, 1990, through September 1, 1991, means a position which

normally requires two or more uninterrupted months of creditable service during September through August of the following year.

(b) "Eligible position" for plan 2 and plan 3 on and after September 1, 1991, means a position that, as defined by the employer, normally requires five or more months of at least seventy hours of earnable compensation during September through August of the following year.

(c) For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position.

(d) The elected position of the superintendent of public instruction is an eligible position.

(38) "Plan 1" means the teachers' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(39) "Plan 2" means the teachers' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977, and prior to July 1, 1996.

(40) "Plan 3" means the teachers' retirement system, plan 3 providing the benefits and funding provisions covering persons who first become members of the system on and after July 1, 1996, or who transfer under RCW 41.32.817.

(41) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items compiled by the bureau of labor statistics, United States department of labor.

(42) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(43) "Index B" means the index for the year prior to index A.

(44) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(45) "Adjustment ratio" means the value of index A divided by index B.

(46) "Annual increase" means, initially, fifty-nine cents per month per year of service which amount shall be increased each July 1st by three percent, rounded to the nearest cent.

(47) "Member account" or "member's account" for purposes of plan 3 means the sum of the contributions and earnings on behalf of the member in the defined contribution portion of plan 3.

(48) "Separation from service or employment" occurs when a person has terminated all employment with an employer. Separation from service or employment does not occur, and if claimed by an employer or employee may be a violation of RCW 41.32.055, when an employee and employer have a written or oral agreement to resume employment with the same employer following termination. Mere expressions or inquiries about postretirement employment by an employer or employee that do not constitute a commitment to reemploy the employee after retirement are not an agreement under this section.

(49) "Employed" or "employee" means a person who is providing services for compensation to an employer, unless the person is free from the employer's direction and control over the performance of work. The department shall adopt rules and interpret this subsection consistent with common law.

Sec. 10. RCW 41.37.010 and 2007 c 492 s 11 and 2007 c 294 s 1 are each reenacted and amended to read as follows:

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

(1) "Retirement system" means the Washington public safety employees' retirement system provided for in this chapter.

(2) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Employer" means the Washington state department of corrections, the Washington state parks and recreation commission, the Washington state gambling commission, the Washington state patrol, the Washington state department of natural resources, and the Washington state liquor control board; any county corrections department; or any city corrections department not covered under chapter 41.28 RCW.

(5) "Member" means any employee employed by an employer on a full-time basis:

(a) Who is in a position that requires completion of a certified criminal justice training course and is authorized by their employer to arrest, conduct criminal investigations, enforce the criminal laws of the state of Washington, and carry a firearm as part of the job;

(b) Whose primary responsibility is to ensure the custody and security of incarcerated or probationary individuals as a corrections officer, probation officer, or jailer;

(c) Who is a limited authority Washington peace officer, as defined in RCW 10.93.020, for an employer; or

(d) Whose primary responsibility is to supervise members eligible under this subsection.

(6)(a) "Compensation earnable" for members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States internal revenue code, but shall exclude nonmoney maintenance compensation and lump sum or other payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

(b) "Compensation earnable" for members also includes the following actual or imputed payments, which are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement, which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided in this subsection, and the individual shall receive the equivalent service credit;

(ii) In any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(A) The compensation earnable the member would have received had such member not served in the legislature; or

(B) Such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions;

(iii) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(iv) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.37.060;

(v) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670; and

(vi) Compensation that a member receives for being in standby status. For the purposes of this section, a member is in standby status when not being paid for time actually worked and the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise.

(7) "Service" means periods of employment by a member on or after July 1, 2006, for one or more employers for which compensation earnable is paid. Compensation earnable earned for ninety or more hours in any calendar month shall constitute one service credit month. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service. Time spent in standby status, whether compensated or not, is not service.

Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

(a) Service in any state elective position shall be deemed to be full-time service.

(b) A member shall receive a total of not more than twelve service credit months of service for such calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(8) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(9) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(10) "Membership service" means all service rendered as a member.

(11) "Beneficiary" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12) "Regular interest" means such rate as the director may determine.

(13) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(14)(a) "Average final compensation" means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.37.290.

(b) In calculating average final compensation under (a) of this subsection, the department of retirement systems shall include any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer.

(15) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(16) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(17) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(18) "Retirement allowance" means monthly payments to a retiree or beneficiary as provided in this chapter.

(19) "Employee" or "employed" means a person who is providing services for compensation to an employer, unless the person is free from the employer's direction and control over the performance of work. The department shall adopt rules and interpret this subsection consistent with common law.

(20) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(21) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(22) "Eligible position" means any permanent, full-time position included in subsection (5) of this section.

(23) "Ineligible position" means any position which does not conform with the requirements set forth in subsection (22) of this section.

(24) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(25) "Retiree" means any person who has begun accruing a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member.

(26) "Director" means the director of the department.

(27) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(28) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(29) "Plan" means the Washington public safety employees' retirement system plan 2.

(30) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(31) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(32) "Index B" means the index for the year prior to index A.

(33) "Adjustment ratio" means the value of index A divided by index B.

(34) "Separation from service" occurs when a person has terminated all employment with an employer.

Sec. 11. RCW 43.43.120 and 2009 c 549 s 5124 and 2009 c 522 s 1 are each reenacted and amended to read as follows:

As used in (~~RCW 43.43.120~~) this section and RCW 43.43.130 through 43.43.320, unless a different meaning is plainly required by the context:

(1) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the director.

(2) "Annual increase" means as of July 1, 1999, seventy-seven cents per month per year of service which amount shall be increased each subsequent July 1st by three percent, rounded to the nearest cent.

(3)(a) "Average final salary," for members commissioned prior to January 1, 2003, shall mean the average monthly salary received by a member during the member's last two years of service or any consecutive two-year period of service, whichever is the greater, as an employee of the Washington state patrol; or if the member has less than two years of service, then the average monthly salary received by the member during the member's total years of service.

(b) "Average final salary," for members commissioned on or after January 1, 2003, shall mean the average monthly salary received by a member for the highest consecutive sixty service credit months; or if the member has less than sixty months of service, then the average monthly salary received by the member during the member's total months of service.

(c) In calculating average final salary under (a) or (b) of this subsection, the department of retirement systems shall include any compensation forgone by the member during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, or temporary layoffs if the reduced

compensation is an integral part of the employer's expenditure reduction efforts, as certified by the chief.

(4) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(5)(a) "Cadet," for a person who became a member of the retirement system after June 12, 1980, is a person who has passed the Washington state patrol's entry-level oral, written, physical performance, and background examinations and is, thereby, appointed by the chief as a candidate to be a commissioned officer of the Washington state patrol.

(b) "Cadet," for a person who became a member of the retirement system before June 12, 1980, is a trooper cadet, patrol cadet, or employee of like classification, employed for the express purpose of receiving the on-the-job training required for attendance at the state patrol academy and for becoming a commissioned trooper. "Like classification" includes: Radio operators or dispatchers; persons providing security for the governor or legislature; patrol officers; drivers' license examiners; weighmasters; vehicle safety inspectors; central wireless operators; and warehouse workers.

(6) "Contributions" means the deduction from the compensation of each member in accordance with the contribution rates established under chapter 41.45 RCW.

(7) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(8) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(9) "Director" means the director of the department of retirement systems.

(10) "Domestic partners" means two adults who have registered as domestic partners under RCW (~~26.60.020~~) 26.60.040.

(11) "Employee" means any commissioned employee of the Washington state patrol.

(12) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(13) "Lieutenant governor" means the lieutenant governor of the state of Washington.

(14) "Member" means any person included in the membership of the retirement fund.

(15) "Plan 2" means the Washington state patrol retirement system plan 2, providing the benefits and funding provisions covering commissioned employees who first become members of the system on or after January 1, 2003.

(16) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(17) "Regular interest" means interest compounded annually at such rates as may be determined by the director.

(18) "Retirement board" means the board provided for in this chapter.

(19) "Retirement fund" means the Washington state patrol retirement fund.

(20) "Retirement system" means the Washington state patrol retirement system.

(21)(a) "Salary," for members commissioned prior to July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040, or any voluntary overtime, earned on or after July 1, 2001.

(b) "Salary," for members commissioned on or after July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040 or any voluntary overtime, lump sum payments for deferred annual sick leave, unused accumulated vacation, unused

accumulated annual leave, holiday pay, or any form of severance pay.

(22) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for seventy or more hours in any given calendar month shall constitute one month of service. An employee who is reinstated in accordance with RCW 43.43.110 shall suffer no loss of service for the period reinstated subject to the contribution requirements of this chapter. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(23) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(24) "State treasurer" means the treasurer of the state of Washington.

~~((25))~~ Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender.

NEW SECTION. Sec. 12. The office of financial management shall work with the appropriate state agencies to proportionately reduce Washington management services and exempt management services general fund--state compensation expenditures for fiscal year 2010 by seven hundred fifty thousand dollars and fiscal year 2011 by nine million two hundred fifty thousand dollars. The office of financial management shall also work with the appropriate state agencies to also proportionately reduce Washington management services and exempt management services compensation expenditures from all other funds and accounts. Savings for all other funds and accounts shall be calculated by taking the general fund reduction made in this section, dividing it by general fund--state Washington management services and exempt management services compensation and then applying that percentage to Washington management services and exempt management services compensation from all other funds and accounts.

All savings in this section are in addition to the compensation savings achieved through agency closures or alternate savings plans in section 2 of this act.

By June 1, 2010, the office of financial management shall reduce allotments from the general fund--state and all other funds to reflect the reduced agency expenditures for Washington management services and exempt management services compensation costs to meet the savings requirements of this section by June 30, 2011. The allotment reductions shall be placed in unallotted status and remain unexpended.

NEW SECTION. Sec. 13. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Darneille; Haigh; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Conway; Hinkle; Hunt; Priest; Ross and Schmick.

There being no objection, the bills and memorials listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of SUBSTITUTE SENATE BILL NO. 6503 which was placed on the second reading calendar.

The Speaker (Representative Moeller presiding) called upon Representative Kessler to preside.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

January 29, 2010
HB 1317 Prime Sponsor, Representative Kessler: Regarding the disclosure of public records containing information used to locate or identify employees of criminal justice agencies. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Referred to Committee on Ways & Means.

February 2, 2010
SHB 1418 Prime Sponsor, Committee on Education: Establishing a statewide dropout reengagement system. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

January 29, 2010
SHB 1597 Prime Sponsor, Committee on Finance: Concerning the administration of state and local tax programs. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass.

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 1666 Prime Sponsor, Representative Kenney: Authorizing the creation of cultural access authorities. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Probst.

Referred to Committee on Finance.

January 29, 2010

HB 1796 Prime Sponsor, Representative Goodman: Addressing drug-related overdose prevention and treatment. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Appleton; Goodman; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Ranking Minority Member Klippert, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 29, 2010

HB 1950 Prime Sponsor, Representative Orcutt: Requiring assessors to give notice of the true and fair value of real property regardless of whether there was a change in value. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

January 29, 2010

HB 2016 Prime Sponsor, Representative Flannigan: Concerning campaign contribution and disclosure laws. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Alexander and Taylor.

Passed to Committee on Rules for second reading.

January 29, 2010

HB 2415 Prime Sponsor, Representative Ross: Concerning criminal street gangs. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Appleton and Goodman.

Referred to Committee on Ways & Means.

February 1, 2010

HB 2457 Prime Sponsor, Representative Williams: Placing restrictions on pro se defendants when questioning witnesses. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts and Ross.

Passed to Committee on Rules for second reading.

January 28, 2010

HB 2533 Prime Sponsor, Representative Pearson: Adopting the interstate compact on mental health. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

January 29, 2010

HB 2541 Prime Sponsor, Representative Takko: Maintaining a base of forest lands that may be used for commercial forestry. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; Pearson; Rolfes; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives Jacks; McCoy and Nelson.

Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Referred to Committee on General Government Appropriations.

Referred to Committee on Finance.

HB 2557 February 1, 2010
Prime Sponsor, Representative Kenney: Correcting references regarding the department of commerce. Reported by Committee on Community & Economic Development & Trade

January 29, 2010
HB 2605 Prime Sponsor, Representative Driscoll: Concerning billing for anatomic pathology services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Moeller; Orcutt and Probst.

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Herrera and Hinkle.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

HB 2593 January 29, 2010
Prime Sponsor, Representative Rolfes: Concerning the department of fish and wildlife's ability to manage shellfish resources. Reported by Committee on Agriculture & Natural Resources

January 29, 2010
HB 2620 Prime Sponsor, Representative Hunter: Concerning excise taxation of certain products and services provided or furnished electronically. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes; Van De Wege and Warnick.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Referred to Committee on General Government Appropriations.

Passed to Committee on Rules for second reading.

HB 2601 February 1, 2010
Prime Sponsor, Representative McCoy: Studying telecommunication regulatory reform. Reported by Committee on Technology, Energy & Communications

February 1, 2010
HB 2624 Prime Sponsor, Representative Kelley: Suspending the interstate compact for adult offender supervision. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Finn, Vice Chair; Carlyle; Condotta; Eddy; Hudgins; Jacks; Morris; Takko and Van De Wege.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Hasegawa; Hinkle; McCune; Nealey and Taylor.

January 29, 2010
HB 2640 Prime Sponsor, Representative Dickerson: Addressing benefits for mental health services under the crime victims' compensation program. Reported by Committee on Public Safety & Emergency Preparedness

Referred to Committee on Ways & Means.

HB 2603 January 29, 2010
Prime Sponsor, Representative Smith: Requiring agencies to give small businesses an opportunity to comply with a state law or agency rule before imposing a penalty. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Appleton; Goodman and Kirby.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair;

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member and Ross.

Referred to Committee on Health & Human Services Appropriations.

January 29, 2010

HB 2673 Prime Sponsor, Representative Williams: Concerning insurance coverage of the sales tax for prescribed durable medical equipment and mobility enhancing equipment. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Hinkle; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Without recommendation. Signed by Representatives Ericksen, Ranking Minority Member; Bailey and Herrera.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2681 Prime Sponsor, Representative Goodman: Allowing compensation for part-time judges' judicial services. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts and Ross.

Passed to Committee on Rules for second reading.

January 29, 2010

HB 2686 Prime Sponsor, Representative Driscoll: Concerning fees for dental services that are not covered by insurance or contract. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

January 28, 2010

HB 2687 Prime Sponsor, Representative Kagi: Creating the home visiting services account. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Education Appropriations.

February 2, 2010

HB 2694

Prime Sponsor, Representative Sells: Regarding a bachelor of science in nursing program at the University Center. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Anderson; Carlyle; Haler; Kagi; Maxwell; Nealey; Quall; Rolfes and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Hope, Assistant Ranking Minority Member and Hunter.

Passed to Committee on Rules for second reading.

January 29, 2010

HB 2706

Prime Sponsor, Representative Cody: Concerning exemption from immunization. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Bailey; Clibborn; Green; Hinkle; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Campbell and Herrera.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2717

Prime Sponsor, Representative Shea: Restricting outings from state facilities. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

January 29, 2010

HB 2741

Prime Sponsor, Representative Dickerson: Transferring the administration of the infant and toddler early intervention program from the department of social and health services to the department of early learning. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Ways & Means.

January 28, 2010

HB 2747

Prime Sponsor, Representative Darneille: Limiting the use of restraints on pregnant women

or youth. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

January 29, 2010

HB 2758 Prime Sponsor, Representative Hunter: Documenting wholesale sales for excise tax purposes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

January 28, 2010

HB 2782 Prime Sponsor, Representative Dickerson: Reorganizing delivery of services to recipients of public assistance. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Darneille; Green; O'Brien and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Dammeier, Ranking Minority Member and Herrera.

Referred to Committee on Ways & Means.

February 2, 2010

HB 2826 Prime Sponsor, Representative Conway: Concerning the recommendations of the joint legislative task force on the underground economy. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Ways & Means.

January 29, 2010

HB 2828 Prime Sponsor, Representative Campbell: Requiring hospitals to report certain health care data. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

January 29, 2010

HB 2841 Prime Sponsor, Representative Hinkle: Concerning the standard health questionnaire. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2861 Prime Sponsor, Representative Rodne: Adding state certified court reporters to the list of persons authorized to administer oaths and affirmations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts and Ross.

Passed to Committee on Rules for second reading.

January 28, 2010

HB 2865 Prime Sponsor, Representative Roberts: Concerning offenders with developmental disabilities or traumatic brain injuries. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Referred to Committee on Health & Human Services Appropriations.

January 29, 2010

HB 2866 Prime Sponsor, Representative Blake: Concerning natural resource infractions. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Jacks; Liias; McCoy; Nelson; Rolfes and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Pearson and Warnick.

Passed to Committee on Rules for second reading.

January 28, 2010
HB 2882 Prime Sponsor, Representative Klippert:
 Detaining persons with mental disorders.
 Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Referred to Committee on Ways & Means.

January 29, 2010
HB 2888 Prime Sponsor, Representative Herrera:
 Concerning continuing education for pharmacy technicians. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

January 28, 2010
HB 2932 Prime Sponsor, Representative Kelley:
 Concerning the assessment and treatment of certain persons with mental illnesses. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Referred to Committee on Health & Human Services Appropriations.

January 28, 2010
HB 2945 Prime Sponsor, Representative Dickerson:
 Concerning petitions for relief from the duty to register for sex offenders and kidnapping offenders. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Darneille; Green; O'Brien and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Dammeier, Ranking Minority Member and Herrera.

Passed to Committee on Rules for second reading.

February 1, 2010
HB 2985 Prime Sponsor, Representative Maxwell:
 Concerning infrastructure financing for local

governments. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Liias; Moeller; Orcutt and Probst.

MINORITY recommendation: Do not pass. Signed by Representative Chase.

Referred to Committee on Finance.

January 28, 2010
HB 2999 Prime Sponsor, Representative Flannigan:
 Concerning traumatic brain injury. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Referred to Committee on Ways & Means.

February 1, 2010
HB 3016 Prime Sponsor, Representative Pedersen:
 Updating provisions concerning the modification, review, and adjustment of child support orders to improve access to justice and to ensure compliance with federal requirements. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts and Ross.

Passed to Committee on Rules for second reading.

January 28, 2010
HB 3045 Prime Sponsor, Representative Roberts: Creating alternatives to total confinement for nonviolent offenders with minor children. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; O'Brien and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Herrera.

Referred to Committee on Ways & Means.

January 29, 2010
HB 3047 Prime Sponsor, Representative White:
 Concerning the University of Washington's public works contracting procedures. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Alexander; Flannigan; Hurst and Miloscia.

There being no objection, the House adjourned until 10:00 a.m., February 3, 2010, the 24th Day of the Regular Session.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member and Taylor.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

Referred to Committee on Capital Budget.

January 29, 2010

HB 3063 Prime Sponsor, Representative Hunt: Establishing the number of days of shared leave an employee is eligible to receive. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

January 29, 2010

HB 3066 Prime Sponsor, Representative Parker: Creating uniformity among annual tax reporting survey provisions. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

January 28, 2010

HB 3076 Prime Sponsor, Representative Dickerson: Concerning the involuntary treatment act. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Referred to Committee on Ways & Means.

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

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

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 2854 and the bill was referred to the Committee on Ways and Means.

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

TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, February 3, 2010

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

The flags were escorted to the rostrum by the Seattle Police Department Honor Guard. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chaplain Joel Ingebritson, representing the Seattle Police Department and the King County Sheriff's Office.

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

INTRODUCTIONS AND FIRST READING

HB 3170 by Representatives Takko, Kessler, Upthegrove, Darneille and Van De Wege

AN ACT Relating to forest fire prevention and suppression; amending RCW 76.04.005, 76.04.165, 76.04.167, 76.04.016, and 76.04.610; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 3171 by Representatives Liias and O'Brien

AN ACT Relating to vehicle registration fees collected by subagents under RCW 46.16.0621 and 46.16.070; amending RCW 46.16.070, 46.01.140, 46.17.010, 46.68.035, and 46.68.080; reenacting and amending RCW 46.16.0621; adding a new section to chapter 46.68 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 3172 by Representative Ericks

AN ACT Relating to the taxation of lodging; and amending RCW 67.28.181.

Referred to Committee on Finance.

HB 3173 by Representatives Campbell, Flannigan, Chase and Santos

AN ACT Relating to creating a commission on health care insurance reform; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 3174 by Representatives Linville, Alexander and Sullivan

AN ACT Relating to management of funds and accounts by the state treasurer; amending RCW 43.08.190 and 43.79A.040; reenacting and amending RCW 43.84.092;

adding a new section to chapter 43.79 RCW; and creating new sections.

Referred to Committee on Ways & Means.

HJR 4224 by Representatives Hasegawa, Hudgins, Chase and Goodman

Authorizing a state bank of Washington.

Referred to Committee on Financial Institutions & Insurance.

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

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1838, by House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Orcutt and Blake).

Creating a raffle-only limited recreational rainbow trout fishery in Spirit Lake.

The bill was read the third time.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1838.

MOTIONS

On motion of Representative Santos, Representatives Conway, Eddy, Goodman, Hunter, Kirby, Pettigrew, Simpson, Upthegrove and Wood were excused. On motion of Representative Hinkle, Representative Alexander was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1838, and the bill passed the House by the following vote: Yeas, 87; Nays, 1; Absent, 0; Excused, 10.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Fagan, Finn, Flannigan, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy,

McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Mr. Speaker.

Voting nay: Representative Jacks.

Excused: Representatives Alexander, Conway, Eddy, Goodman, Hunter, Kirby, Pettigrew, Simpson, Upthegrove and Wood.

SUBSTITUTE HOUSE BILL NO. 1838, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1880, by Representatives Armstrong, Hunt, Appleton, Alexander and Nelson.

Concerning ballot envelopes.

The bill was read the third time.

Representatives Armstrong and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1880.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1880, and the bill passed the House by the following vote: Yeas, 90; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Fagan, Finn, Flannigan, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Mr. Speaker.

Excused: Representatives Alexander, Eddy, Goodman, Hunter, Pettigrew, Simpson, Upthegrove and Wood.

HOUSE BILL NO. 1880, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1900, by House Committee on Judiciary (originally sponsored by Representatives Kelley and Hurst).

Modifying the notice requirement when an attorney or private investigator requests vehicle owner information. Revised for 1st Substitute: Requiring a disclosing entity to send notice to a vehicle owner no earlier than thirty days after granting a request for vehicle owner information.

The bill was read the third time.

Representatives Kelley and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1900.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1900, and the bill passed the House by the following vote: Yeas, 91; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Mr. Speaker.

Excused: Representatives Alexander, Eddy, Hunter, Pettigrew, Simpson, Upthegrove and Wood.

SUBSTITUTE HOUSE BILL NO. 1900, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 1900.

Bob Hasegawa, 11th District.

RESOLUTION

HOUSE RESOLUTION NO. 4679, by Representatives Chopp, DeBolt, Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, and Wood.

WHEREAS, The law enforcement officers of this state, including members of the police, sheriff's office, and state patrol, routinely and willingly put the safety and well-being of their communities before their own; and

WHEREAS, The law enforcement officers of this state exhibit the highest levels of commitment, bravery, courage, and valor; and

WHEREAS, The law enforcement officers of this state conduct themselves in the honest, ethical, and courageous manner the people of the state of Washington have come to expect and that they expect of themselves; and

WHEREAS, The law enforcement officers of this state fairly and forthrightly uphold the rule of law; and

WHEREAS, Sergeant Mark Renninger, Officer Ronald Owens, Officer Tina Griswold, Officer Greg Richards, Officer Timothy Brenton, and Deputy Kent Mundell recently sacrificed their lives while serving to ensure law and order in their communities; and

WHEREAS, The thoughts and prayers of the grateful people of Washington state go out to the families of all law enforcement officers killed in the line of duty; and

WHEREAS, We will never forget the incredible sacrifices made by Sergeant Renninger, Officer Owens, Officer Griswold, Officer Richards, Officer Brenton, Deputy Mundell and all the men and women in uniform; and

WHEREAS, The untimely deaths of these dedicated officers has only strengthened the resolve of Washington's finest to protect and serve;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the selfless men and women of law enforcement who have given their lives in service to the people of the state of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the families of the aforementioned officers, the Lakewood Police Department, the Seattle Police Department, the Pierce County Sheriff's Office, the King County Sheriff's Office, the Lakewood Police Independent Guild, the Seattle Police Guild, the Washington State Patrol, the Washington Association of Sheriffs & Police Chiefs, and the Washington Council of Police and Sheriffs.

Representative Ericks moved adoption of House Resolution No. 4679.

Representatives Ericks, Hope, Driscoll, Klippert, Hurst, Angel and O'Brien spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4679 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced the guests sitting at the rostrum: Sergeant Rich O'Neil, President of the Seattle Police Officers' Guild, Lakewood Police Chief Brett Farrar and Pierce County Sheriff's Office Spokesman Detective Ed Troyer; and asked the members to acknowledge them.

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

SECOND READING

HOUSE BILL NO. 2625, by Representatives Kelley, Ericks, Conway, Driscoll, O'Brien, Lias, Blake, Finn, Simpson, Orwall, Morrell and Campbell

Addressing bail for felony offenses.

The bill was read the second time.

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

Representatives Kelley, Shea, Goodman, Nealey, Hurst, Pearson and Ericks spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2625.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2625, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Eddy and Simpson.

HOUSE BILL NO. 2625, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 2422, by Representatives Parker, Hurst, Driscoll, Kelley, Dammeier, Schmick and Ormsby

Changing escape or disappearance notification requirements. Revised for 1st Substitute: Changing escape or disappearance notice requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2422 was substituted for House Bill No. 2422 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2422 was read the second time.

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

Representatives Parker, Hurst, Klippert, Driscoll, Taylor and Kelley spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2422.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2422, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst,

Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Eddy and Simpson.

SUBSTITUTE HOUSE BILL NO. 2422, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1679, by Representatives Simpson, Van De Wege, Ericks, Williams, White, Kelley, Sells, Ross, Hope and Conway

Providing access to catastrophic disability medical insurance under plan 2 of the law enforcement officers' and firefighters' retirement system. Revised for 1st Substitute: Reimbursing medical expenses for certain totally disabled public safety personnel.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1679 was substituted for House Bill No. 1679 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1679 was read the second time.

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

Representatives Ericks and Hope spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1679.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1679, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Eddy and Simpson.

SUBSTITUTE HOUSE BILL NO. 1679, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1203, by Representatives O'Brien and Chase

Modifying the definition of relative for purposes of the crime of rendering criminal assistance.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1203 was substituted for House Bill No. 1203 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1203 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1203.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1203, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Eddy and Simpson.

SUBSTITUTE HOUSE BILL NO. 1203, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2519, by Representatives Green, Hope, Ericks, Maxwell, Sullivan, Upthegrove, Carlyle, Conway, Simpson, Van De Wege, Kenney, Morrell, Hurst, Campbell and Kelley

Addressing duty-related death benefits for public safety employees.

The bill was read the second time.

Representative Ericks moved the adoption of amendment (1027).

On page 10, line 23, after "law enforcement officer ((☞))" insert "as defined in chapter 41.26 RCW"

On page 10, line 23, after "firefighter" insert "as defined in chapters 41.26 or 41.24 RCW"

On page 10, line 30, after "law enforcement officer" insert "as defined in chapter 41.26 RCW"

On page 10, line 30, after "firefighter" insert "as defined in chapters 41.26 or 41.24 RCW"

On page 11, line 12, after "law enforcement officer ((☞))" insert "as defined in chapter 41.26 RCW"

On page 11, line 12, after "firefighter" insert "as defined in chapters 41.26 or 41.24 RCW"

On page 11, line 19, after "law enforcement officer" insert "as defined in chapter 41.26 RCW"

On page 11, line 19, after "firefighter" insert "as defined in chapters 41.26 or 41.24 RCW"

Representatives Ericks and Anderson spoke in favor of the adoption of the amendment.

Amendment (1027) was adopted.

Representative Ericks moved the adoption of amendment (1026).

On page 10, after line 34, insert the following:

"(3) The governing boards of the state universities, the regional universities, and The Evergreen State College shall report to the higher education coordinating board on the annual cost of tuition fees, services and activities fees waived for surviving spouses and children under this section. The higher education coordinating board shall consolidate the reports of the waived fees and annually report to the appropriate fiscal and policy committees of the legislature."

On page 11, after line 23, insert the following:

"(d) The governing boards of the community colleges shall report to the state board for community and technical colleges on the annual cost of tuition fees, services and activities fees waived for surviving spouses and children under parts (b) and (c) of this subsection. The state board for community and technical colleges shall consolidate the reports of the waived fees and annually report to the appropriate fiscal and policy committees of the legislature."

Representatives Ericks and Anderson spoke in favor of the adoption of the amendment.

Amendment (1026) was adopted.

The bill was ordered engrossed.

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

Representatives Green, Hope, Maxwell and Ericksen spoke in favor of the passage of the bill.

Representative Klippert spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2519.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2519, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, Flannigan and Klippert.
Excused: Representatives Eddy and Simpson.

ENGROSSED HOUSE BILL NO. 2519, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 3, 2010

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5295
SENATE BILL NO. 6196

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

REPORTS OF STANDING COMMITTEES

February 2, 2010

HB 1189 Prime Sponsor, Representative Chase: Regarding retail store carryout bags. Reported by Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chair; Chase, Vice Chair; Dickerson; Dunshee; Finn and Hudgins.

MINORITY recommendation: Without recommendation. Signed by Representative Rolfes.

Passed to Committee on Rules for second reading.

February 2, 2010

SHB 1572 Prime Sponsor, Committee on State Government & Tribal Affairs: Adopting all mail voting. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander and Taylor.

Referred to Committee on Finance.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 1634 February 2, 2010
Prime Sponsor, Representative White: Regarding architects. Reported by Committee on Commerce & Labor

HB 1775 Prime Sponsor, Representative White: Concerning the regulation of certain limousine carriers. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Crouse; Green; Moeller and Williams.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Nealey; Rolfes; Sells; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen; Morris and Shea.

Referred to Committee on General Government Appropriations.

Passed to Committee on Rules for second reading.

HB 1697 February 2, 2010
Prime Sponsor, Representative Lias: Regarding career and technical student organizations. Reported by Committee on Education

HB 1913 February 1, 2010
Prime Sponsor, Representative Warnick: Changing provisions relating to process servers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Lias; Orwall; Probst; Santos and Sullivan.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

HB 1738 February 2, 2010
Prime Sponsor, Representative Lias: Providing public funding for supreme court campaigns. Reported by Committee on State Government & Tribal Affairs

HB 1992 February 2, 2010
Prime Sponsor, Representative Conway: Concerning the application of chapter 39.12 RCW to construction projects that involve tax incentives, loans, or public land or property that is sold or leased. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Alexander and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Ways & Means.

Referred to Committee on Capital Budget.

HB 1744 February 1, 2010
Prime Sponsor, Representative Ericks: Concerning real estate excise tax expenditures for parks and capital projects. Reported by Committee on Local Government & Housing

HB 2082 February 1, 2010
Prime Sponsor, Representative Hunt: Creating the state capitol campus special height district. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; White and Williams.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Short and Upthegrove.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Fagan; Short and Upthegrove.

Ranking Minority Member; Fagan; Miloscia; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Short and Springer.

Passed to Committee on Rules for second reading.

February 1, 2010
HB 2383 Prime Sponsor, Representative Simpson: Adopting the international wildland urban interface code. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Fagan and Short.

Passed to Committee on Rules for second reading.

February 2, 2010
HB 2397 Prime Sponsor, Representative Moeller: Imposing a distance requirement for gathering signatures on an initiative measure or referendum. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Taylor.

MINORITY recommendation: Do not pass. Signed by Representative Miloscia.

Passed to Committee on Rules for second reading.

February 1, 2010
HB 2414 Prime Sponsor, Representative Johnson: Authorizing abatement of nuisances involving criminal street gang activity. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 2, 2010
HB 2429 Prime Sponsor, Representative Wood: Addressing the resale of motor vehicles previously determined as having nonconformities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta,

Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 2, 2010
HB 2444 Prime Sponsor, Representative Williams: Providing leave from employment for participating in a child's educational activities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 2, 2010
HB 2499 Prime Sponsor, Representative Bailey: Changing regulations concerning black powder. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 2, 2010
HB 2508 Prime Sponsor, Representative Blake: Regarding water right processing improvements. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Jacks; Liias; McCoy; Nelson; Rolfes and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Pearson and Warnick.

Referred to Committee on General Government Appropriations.

February 2, 2010
HB 2511 Prime Sponsor, Representative Kirby: Addressing motorcycle profiling. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representative Klippert, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2517 Prime Sponsor, Representative Dammeier: Exempting housing authorities from laws governing the construction, alteration, repair, or improvement of property by other public bodies. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2524 Prime Sponsor, Representative O'Brien: Concerning prohibited practices of collection agencies. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2547 Prime Sponsor, Representative Conway: Concerning franchise agreements between new motor vehicle dealers and manufacturers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2549 Prime Sponsor, Representative Chandler: Concerning providing firefighting services to areas outside a fire protection jurisdiction. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2552 Prime Sponsor, Representative Cody: Concerning individual health coverage. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Herrera and Hinkle.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2553 Prime Sponsor, Representative Conway: Addressing unemployment benefits for certain eligible individuals. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2555 Prime Sponsor, Representative Conway: Authorizing the department of labor and industries to issue subpoenas to enforce production of information related to electricians and electrical installations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2580 Prime Sponsor, Representative Liias: Concerning secondary career and technical education courses. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2602 Prime Sponsor, Representative Moeller: Establishing continuing education requirements for engineers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on General Government Appropriations.

February 2, 2010

HB 2614 Prime Sponsor, Representative Hunt: Concerning signature gathering. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Alexander and Taylor.

Referred to Committee on General Government Appropriations.

February 1, 2010

HB 2623 Prime Sponsor, Representative Orwall: Regulating the foreclosure of residential real property. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Ormsby and Roberts.

Referred to Committee on General Government Appropriations.

February 2, 2010

HB 2654 Prime Sponsor, Representative Wallace: Providing for elementary math specialists. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2657 Prime Sponsor, Representative Pedersen: Addressing the dissolution of limited liability companies. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts and Ross.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2658 Prime Sponsor, Representative Kenney: Refocusing the department of commerce, including transferring programs. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Moeller and Probst.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member and Orcutt.

Referred to Committee on Ways & Means.

February 2, 2010

HB 2699 Prime Sponsor, Representative Miloscia: Regarding an annual assessment and performance grading program. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander and Taylor.

Referred to Committee on Ways & Means.

February 2, 2010

HB 2701 Prime Sponsor, Representative Taylor: Clarifying the time of commencement of regular legislative sessions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Hurst; Miloscia and Taylor.

MINORITY recommendation: Without recommendation. Signed by Representative Flannigan.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2734 Prime Sponsor, Representative Kagi: Allowing federally qualified community health centers to buy surplus real property from the department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Moeller; Morris; Nealey; Rolles; Sells; Shea; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Kristiansen.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2743 Prime Sponsor, Representative Conway: Addressing collective bargaining for certain employees of institutions of higher education and related boards. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Ways & Means.

February 2, 2010

HB 2744 Prime Sponsor, Representative Ormsby: Protecting lake water quality by reducing phosphorus from lawn fertilizers. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Smith, Assistant Ranking Minority Member; Jacks; Lias; McCoy; Nelson; Rolfs and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Kretz; Pearson and Warnick.

Passed to Committee on Rules for second reading.

January 29, 2010

HB 2752 Prime Sponsor, Representative Dickerson: Modifying provisions relating to providing shelter to a minor. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2764 Prime Sponsor, Representative Conway: Protecting employees from adverse employment actions because of influenza. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2779 Prime Sponsor, Representative Cody: Concerning emergency services provided by nonparticipating providers in hospitals. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Ways & Means.

February 2, 2010

HB 2804 Prime Sponsor, Representative Green: Concerning beer and caffeinated or stimulant-enhanced malt beverages. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2817 Prime Sponsor, Representative O'Brien: Exempting a person's identifying information from public disclosure when submitted in the course of using the sex offender notification and registration program for the purpose of receiving notification regarding registered sex offenders. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2818 Prime Sponsor, Representative Chase: Reducing the environmental health impact of cleaning in state facilities. Reported by Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chair; Chase, Vice Chair; Dickerson; Dunshee; Hudgins and Rolfs.

MINORITY recommendation: Do not pass. Signed by Representative Finn.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2827 Prime Sponsor, Representative Campbell: Prohibiting a person arrested and detained for a crime involving domestic violence from being released until the person has appeared before the court at the preliminary appearance or arraignment. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2834 Prime Sponsor, Representative Probst: Regarding gang and hate group activity at schools and school activities. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Johnson; Orwall; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt; Liias and Santos.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2843 Prime Sponsor, Representative Ormsby: Regarding cities and towns annexed to fire protection districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Fagan and Short.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2851 Prime Sponsor, Representative White: Restricting mailings by local officials. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Springer and Uptegrove.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2852 Prime Sponsor, Representative Parker: Concerning college-level online learning by high school students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 1, 2010

HB 2856 Prime Sponsor, Representative Miloscia: Requiring the annual revision of performance measures of certain homeless housing programs. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Fagan and Short.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2867 Prime Sponsor, Representative Kagi: Promoting early learning. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Ways & Means.

February 2, 2010

HB 2875 Prime Sponsor, Representative Ericksen: Concerning health savings accounts. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2886 Prime Sponsor, Representative Angel: Concerning the adoption of rules by the building

code council regarding carbon monoxide alarm installation. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2891 Prime Sponsor, Representative Simpson: Extending time to complete recommendations under RCW 36.70A.5601 conducted by the William D. Ruckelshaus Center. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Referred to Committee on Education Appropriations.

February 1, 2010

HB 2900 Prime Sponsor, Representative Goodman: Addressing supportive housing. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Fagan and Short.

Referred to Committee on Ways & Means.

February 1, 2010

HB 2903 Prime Sponsor, Representative Simpson: Concerning benefit charges for regional fire protection service authorities. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Fagan and Short.

Referred to Committee on Finance.

February 2, 2010

HB 2904 Prime Sponsor, Representative Kagi: Concerning the powers and duties of the office of the education ombudsman. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2905 Prime Sponsor, Representative Miloscia: Planning for the discontinuation of discharge of vulnerable populations from state institutions into homelessness. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Fagan and Short.

Referred to Committee on Ways & Means.

February 1, 2010

HB 2909 Prime Sponsor, Representative Appleton: Allowing certain cities to impose sales and use taxes to offset municipal service costs to newly annexed areas. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Fagan and Short.

Referred to Committee on Finance.

February 2, 2010

HB 2913 Prime Sponsor, Representative Haigh: Authorizing innovative interdistrict cooperative high school programs. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 2, 2010

HB 2914 Prime Sponsor, Representative Hunt: Reducing the release of mercury into the environment. Reported by Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Campbell, Chair; Chase, Vice Chair; Dickerson; Dunshee; Finn; Hudgins and Rolfes.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member and Kretz.

Referred to Committee on Ways & Means.

February 2, 2010

HB 2915 Prime Sponsor, Representative Quall: Regarding mathematics and science high school graduation requirements. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Hunt; Lias; Orwall; Probst; Santos and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan and Johnson.

Referred to Committee on Education Appropriations.

February 1, 2010

HB 2922 Prime Sponsor, Representative McCune: Providing housing assistance for certain veterans through the housing trust fund. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Referred to Committee on Capital Budget.

February 1, 2010

HB 2925 Prime Sponsor, Representative Kretz: Concerning impact payments of a municipally owned hydroelectric facility. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Upthegrove and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Nelson, Vice Chair; Springer and White.

Referred to Committee on Ways & Means.

February 2, 2010

HB 2947 Prime Sponsor, Representative Wood: Concerning special occasion licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2948 Prime Sponsor, Representative Eddy: Evaluating regional and interlocal water and sewer systems. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Fagan and Short.

Referred to Committee on General Government Appropriations.

February 1, 2010

HB 2949 Prime Sponsor, Representative Parker: Streamlining the process for the vacation of roads by counties. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 29, 2010

HB 2959 Prime Sponsor, Representative Kagi: Concerning child fatality reviews in child welfare cases. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2962 Prime Sponsor, Representative Probst: Allowing county treasurers to use electronic bill presentment and payment that includes an automatic electronic payment option for property taxes. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 2983 Prime Sponsor, Representative Kenney: Creating the Washington global health technologies and product development competitiveness program

and allowing certain tax credits for program contributions. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Smith, Ranking Minority Member; Liias; Moeller; Orcutt and Probst.

MINORITY recommendation: Do not pass. Signed by Representative Chase.

Referred to Committee on Finance.

February 1, 2010

HB 2990 Prime Sponsor, Representative Pettigrew: Addressing alternative city assumption and tax authority provisions pertaining to water-sewer districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Fagan; Miloscia and Short.

Referred to Committee on Finance.

February 1, 2010

HB 2992 Prime Sponsor, Representative Simpson: Extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for three years. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Referred to Committee on Ways & Means.

February 2, 2010

HB 2994 Prime Sponsor, Representative Appleton: Prohibiting public service announcements by elected officials during reelection campaigns. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2996 Prime Sponsor, Representative Quall: Including approved private schools in the superintendent of public instruction's record check information rules. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 2997 Prime Sponsor, Representative Cody: Concerning the size of a small employer's group for purposes of health benefit plans. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 3001 Prime Sponsor, Representative Klippert: Addressing bicycle and pedestrian safety education in traffic schools. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Erickson; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Springer; Takko; Upthegrove and Williams.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 3006 Prime Sponsor, Representative Green: Clarifying the circumstances under which certain counseling-related associates may practice. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representative Erickson, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 1, 2010

HB 3007 Prime Sponsor, Representative Upthegrove: Authorizing airport operators to make airport property available at less than fair market rental value for public recreational or other community uses. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Short; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member and Fagan.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 3015 Prime Sponsor, Representative Cody: Establishing the interstate health insurance compact act. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member and Bailey.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 3026 Prime Sponsor, Representative Santos: Regarding school district compliance with state and federal civil rights laws. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 2, 2010

HB 3029 Prime Sponsor, Representative Haigh: Providing education programs for juveniles in adult jails. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Dammeier; Hunt; Liias; Orwall; Probst; Santos and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Hope, Assistant Ranking Minority Member; Fagan and Johnson.

Referred to Committee on Ways & Means.

February 1, 2010

HB 3030 Prime Sponsor, Representative Fagan: Regarding the administration of irrigation districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 3035 Prime Sponsor, Representative Quall: Regarding educator performance and innovation. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Johnson; Orwall; Probst and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt; Liias and Sullivan.

Referred to Committee on Ways & Means.

February 2, 2010

HB 3036 Prime Sponsor, Representative Quall: Requiring a public meeting before a school district contracts for nonvoter-approved debt. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 3038 Prime Sponsor, Representative Maxwell: Regarding standards and accountability in education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Orwall; Probst and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Liias and Sullivan.

Referred to Committee on Ways & Means.

February 1, 2010

HB 3039 Prime Sponsor, Representative Pedersen: Streamlining the truancy process to reduce the costs to courts and school districts. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts and Ross.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 3040 Prime Sponsor, Representative Conway: Regarding the licensing of appraisal management companies. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on General Government Appropriations.

February 1, 2010

HB 3046 Prime Sponsor, Representative Driscoll: Addressing the dissolution of the assets and affairs of a nonprofit corporation. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts and Ross.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 3059 Prime Sponsor, Representative Orwall: Expanding options for educator preparation. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Johnson; Orwall; Probst and Santos.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt; Liias and Sullivan.

Referred to Committee on Education Appropriations.

February 2, 2010

HB 3061 Prime Sponsor, Representative Condotta: Addressing claims of insolvent self-insurers under industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta,

Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 3062 Prime Sponsor, Representative Conway: Making the governor the public employer of language access providers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Ways & Means.

February 1, 2010

HB 3067 Prime Sponsor, Representative Williams: Establishing a process for the payment of impact fees through provisions stipulated in recorded covenants. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Fagan and Short.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 3068 Prime Sponsor, Representative Santos: Providing access to alternative routes to certification for the recruiting Washington teachers program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 2, 2010

HB 3072 Prime Sponsor, Representative Morrell: Including wound care management in occupational therapy. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 3121 Prime Sponsor, Representative Kagi: Concerning child welfare services. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Walsh, Assistant Ranking Minority Member; Goodman and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Haler, Ranking Minority Member and Angel.

Passed to Committee on Rules for second reading.

January 29, 2010

HB 3124 Prime Sponsor, Representative Roberts: Requiring a report to child protective services when a child is present in the vehicle of a person arrested for driving or being in control of a vehicle while under the influence of alcohol or drugs. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 3129 Prime Sponsor, Representative Conway: Concerning the unemployment insurance system, but only with respect to improving unemployment benefits and adjusting unemployment contributions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 2, 2010

HB 3141 Prime Sponsor, Representative Kagi: Redesigning the delivery of temporary assistance to needy families. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Ways & Means.

HB 3145 Prime Sponsor, Representative McCoy: Improving administration of wage complaints. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 2, 2010

HJM 4002 Prime Sponsor, Representative Sullivan: Requesting reauthorization of the No Child Left Behind Act to include health and fitness. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representative Dammeier.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 9:55 a.m., February 4, 2010, the 24th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

TWENTY FIFTH DAY

House Chamber, Olympia, Thursday, February 4, 2010

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

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

RESOLUTIONS

HOUSE RESOLUTION NO. 4674, by Representatives Angel, White, Orwall, Rolfes, Kenney, Ormsby, Warnick, Kessler, Sells, Appleton, Finn, Carlyle, Dammeier, Hinkle, Seaquist, Goodman, and Roberts

WHEREAS, Traumatic brain injury is a serious national public health epidemic that, according to the Centers for Disease Control and Prevention, strikes an estimated 1.4 million; and

WHEREAS, Annually, traumatic brain injury claims more than 50,000 lives and leaves more than 80,000 individuals with lifelong disabilities; and

WHEREAS, Traumatic brain injury ranks as the leading cause of death and disability in children and young adults; and

WHEREAS, The Defense and Veterans Brain Injury Center reports that traumatic brain injury is the "signature injury" for troops serving in Iraq and Afghanistan, with more than two-thirds of blast-injured veterans identified as having a brain injury; and

WHEREAS, Prevention is the only known cure; and

WHEREAS, In partnership with the Centers for Disease Control and Prevention, the Health Resources and Services Administration and the Defense Brain and Spinal Cord Association of Washington strive to increase brain injury awareness, thus making prevention and safety measures part of the American culture in an effort to decrease the number of brain injuries;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the efforts of the Defense and Veterans Brain Injury Center, Centers for Disease Control and Prevention, Health Resources and Services Administration, Defense Brain and Spinal Cord Association of Washington, and all organizations and individuals to increase brain injury awareness, decrease the number of brain injuries, and assist in various ways those who suffer brain injuries, and urge all citizens to educate themselves and take the necessary precautions to ensure their own safety and that of their loved ones.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of House Resolution No. 4674.

HOUSE RESOLUTION NO. 4674 was adopted.

HOUSE RESOLUTION NO. 4680, by Representative Kessler

WHEREAS, The 4-H Youth Development Program of Washington State University Extension has assisted the young people in Washington develop essential "life skills" since it was established in 1902; and

WHEREAS, The program centers on teaching young people to become productive members of society by fostering citizenship, science, math, and technology literacy, health and wellness, communication, and decision-making skills; and

WHEREAS, Over 75,000 young people and 10,000 adult volunteers throughout Washington participated in 4-H Youth Development Programs in 2009; and

WHEREAS, These programs helped participants learn about a wide variety of subjects including science, family living, applied arts, and government activism; and

WHEREAS, These programs work with traditional community clubs and reach youth through urban groups, special interest groups, nutrition programs, after-school programs, camping, and interagency learning experiences; and

WHEREAS, More than 300 4-H members from around the state are currently visiting the State Capitol as part of an annual statewide educational program called "4-H Know Your Government"; and

WHEREAS, The 4-H Know Your Government program focused this year on lobbying and how it impacts the legislative process and affects our views of democracy; and

WHEREAS, 4-H will continue its dedication to empower young people to become active global citizens and realize the value, significance, and responsibility of taking part in local, regional, state, national, and international community issues;

NOW, THEREFORE, BE IT RESOLVED, That the members of the House of Representatives recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Pat Boyes, the State 4-H Director for the Washington State University Extension 4-H Youth Development Program.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of House Resolution No. 4680.

HOUSE RESOLUTION NO. 4680 was adopted.

INTRODUCTIONS AND FIRST READING

HB 3175 by Representative Darneille

AN ACT Relating to transferring the office of minority and women's business enterprises into the department of commerce; amending RCW 39.19.020, 39.19.030, 39.19.041, 39.19.060, 39.19.250, 42.17.2401, and 43.63A.690; creating a new section; repealing RCW 41.06.082; and providing an effective date.

Referred to Committee on General Government Appropriations.

HB 3176 by Representatives Hunter, Hasegawa, Ericks, Conway, Springer, Hunt, Darneille, Williams, Upthegrove, White, Roberts, Appleton, Nelson, Carlyle and Ormsby

AN ACT Relating to increasing state revenues to preserve funding for education, public safety, health care, and safety net services for elderly, disabled, and vulnerable people by preventing abusive tax avoidance transactions, narrowing or eliminating certain tax preferences, and providing equitable tax treatment; amending RCW 82.04.220, 82.04.2907, 82.04.460, 82.32.090, 82.12.020, 82.45.033, 82.45.070, 82.45.080, 82.45.100, 82.45.220, 43.07.390, 82.04.4292, 82.04.423, 82.04.4266, 82.04.250, 82.04.250, 82.04.298, 82.04.334, 82.04.4463, 82.08.806, 82.32.545, 82.32.550, 82.32.630, 82.32.632, 82.45.195, 35.102.150, 48.14.080, 82.48.010, 82.48.020, 82.48.030, 82.48.070, 82.48.080, 82.48.110, 82.16.050, 82.12.0254, 82.45.010, 82.45.080, and 82.32.145; reenacting and amending RCW 82.04.260, 82.04.261, 82.04.440, 82.04.360, and 82.45.010; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.48 RCW; adding a new section to chapter 82.16 RCW; creating new sections; repealing RCW 82.08.0273, 82.04.062, 82.08.890, 82.12.890, and 82.04.44525; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Finance.

SSB 5295 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kline, Oemig, Rockefeller, Holmquist, King, Hatfield and Hobbs)

AN ACT Relating to the unanimous recommendations of the public records exemptions accountability committee; amending RCW 70.05.170, 42.56.380, 41.04.362, 28C.18.020, 79A.25.150, 42.56.330, and 42.56.250; reenacting and amending RCW 42.56.360; adding a new section to chapter 42.56 RCW; and repealing RCW 41.04.364.

Referred to Committee on State Government & Tribal Affairs.

SB 6196 by Senators Hobbs, Hewitt, Pridemore, Shin, Roach, Kilmer, Franklin, Swecker, Fairley, King, Benton, Keiser, Rockefeller, Tom, Kohl-Welles, Kline and Kauffman

AN ACT Relating to military leave for public employees; and amending RCW 38.40.060.

Referred to Committee on State Government & Tribal Affairs.

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

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

There being no objection, the Committee on Financial Institutions & Insurance was relieved of HOUSE BILL NO. 1684, and the bill was referred to the Committee on Rules.

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

There being no objection, the House adjourned until 10:00 a.m., February 5, 2010, the 26th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

TWENTY SIXTH DAY

House Chamber, Olympia, Friday, February 5, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jess Nyland and Sarah Swartz. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Richard Debolt, 20th District.

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

INTRODUCTIONS AND FIRST READING

HB 3177 by Representatives Nelson, White, Chase, Orwall and Ormsby

AN ACT Relating to a new surcharge on certain recorded documents for affordable housing purposes; adding a new section to chapter 36.22 RCW; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Capital Budget.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

REPORTS OF STANDING COMMITTEES

HB 2451 February 3, 2010
Prime Sponsor, Representative Dunshee:
Authorizing use of voter approved local excess tax levies to pay financing contracts under the local option capital asset lending program and clarifying which "other agencies" may participate in the program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Hope; Jacks; Maxwell; McCune; Morrell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representative Smith.

Passed to Committee on Rules for second reading.

HB 2675 February 3, 2010
Prime Sponsor, Representative Haigh:
Concerning an alternative process for selecting an electrical contractor or a mechanical contractor, or both, for general contractor/construction manager

projects. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Hope; Jacks; Maxwell; McCune; Morrell; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

February 3, 2010
HB 3047 Prime Sponsor, Representative White:
Concerning the University of Washington's public works contracting procedures. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Hope; Jacks; Maxwell; McCune; Morrell; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

February 3, 2010
HB 3136 Prime Sponsor, Representative Dunshee:
Concerning water pollution control. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Chase; Jacks; Maxwell; Morrell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Hope; McCune and Smith.

Passed to Committee on Rules for second reading.

February 3, 2010
HJR 4222 Prime Sponsor, Representative Ormsby:
Resolving to define "interest" in the state Constitution. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Chase; Hope; Jacks; Maxwell; McCune and White.

MINORITY recommendation: Do not pass. Signed by Representatives Blake; Morrell; Orwall and Smith.

Passed to Committee on Rules for second reading.

**SUPPLEMENTAL REPORTS OF STANDING
COMMITTEES**

HB 2630 February 4, 2010
Prime Sponsor, Representative Probst: Creating the opportunity express program. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Anderson; Carlyle; Hunter; Kagi; Maxwell; Quall; Rolfes and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Haler and Nealey.

Passed to Committee on Rules for second reading.

HB 2687 February 4, 2010
Prime Sponsor, Representative Kagi: Creating the home visiting services account. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill by Committee on Early Learning & Children's Services be substituted therefor and the second substitute bill do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall and Rolfes.

Referred to Committee on Ways & Means.

HB 2759 February 4, 2010
Prime Sponsor, Representative Maxwell: Adjusting local school finance related to nonresident students enrolled in online learning. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Probst, Vice Chair; Anderson; Carlyle; Hunter; Kagi; Maxwell; Quall and Rolfes.

MINORITY recommendation: Do not pass. Signed by Representatives Haigh, Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Haler; Nealey and Wallace.

Referred to Committee on Ways & Means.

HB 2893 February 4, 2010
Prime Sponsor, Representative Sullivan: Changing school levy provisions. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Hope, Assistant Ranking Minority Member; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall; Rolfes and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member and Anderson.

Referred to Committee on Ways & Means.

HB 3026 February 4, 2010
Prime Sponsor, Representative Santos: Regarding school district compliance with state and federal civil rights laws. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Carlyle; Haler; Hunter; Kagi; Maxwell; Quall; Rolfes and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson and Nealey.

Referred to Committee on Ways & Means.

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

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

There being no objection, the rules were suspended, and HOUSE BILL NO. 1139 was returned to second reading for the purpose of amendment.

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

SECOND READING

HOUSE BILL NO. 1139, by Representative Liias

Increasing the authority membership of single county public transportation benefit areas.

Representative Liias moved the adoption of amendment (1003).

On page 2, line 9, after "area" insert "with boundaries that encompass a population greater than five hundred thousand"

On page 2, line 9, after "members" insert ", otherwise in no case shall the governing body of a single county benefit area be greater than nine"

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

Amendment (1003) was adopted.

The bill was ordered engrossed

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

Representatives Liias and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1139.

MOTION

On motion of Representative Santos, Representative Simpson was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1139, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

Excused: Representative Simpson.

ENGROSSED HOUSE BILL NO. 1139, having received the necessary constitutional majority, was declared passed.

THIRD READING

HOUSE BILL NO. 1690, by Representatives Hasegawa, Hunt, Hudgins, Anderson and Kenney.

Authorizing alternative public works contracting procedures.

The bill was read the third time.

Representatives Hasegawa and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1690.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1690, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 1690, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1785, by Representatives Armstrong, O'Brien, Condotta and Kelley.

Concerning the chief for a day program.

The bill was read the third time.

Representatives Armstrong, Hurst and Ericks spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1785.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1785, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 1785, having received the necessary constitutional majority, was declared passed.

There being no objection, the rules were suspended, and HOUSE BILL NO. 2360 was returned to second reading for the purpose of amendment.

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

SECOND READING

HOUSE BILL NO. 2360, by Representative Darneille**Concerning consolidation of administrative services for AIDS grants in the department of health.**

Representative Darneille moved the adoption of amendment (1011).

On page 4, line 29, after "January 1," strike "2010" and insert "2011"

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

Amendment (1011) was adopted.

The bill was ordered engrossed

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2360.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2360, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

ENGROSSED HOUSE BILL NO. 2360, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1541, by Representatives Seaquist, Conway, Crouse and Simpson**Granting half-time service credit for half-time educational employment prior to January 1, 1987, in plans 2 and 3 of the school employees' retirement system and the public employees' retirement system.**

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1541.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1541, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 1541, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2398, by Representatives Hunt and Armstrong**Modifying election notice provisions.**

The bill was read the second time.

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

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2398.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2398, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan,

Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 2398, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2456, by Representatives Schmick, Springer, Short and Fagan

Concerning population thresholds that determine the number of local councilmembers and receipt of local funds.

The bill was read the second time.

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

Representatives Schmick and Nelson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2456.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2456, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 2456, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2464, by Representatives Liias, Johnson, O'Brien, Morrell, Maxwell, Sullivan, Simpson, Van De Wege, Kenney, Ericks and Sells

Implementing rules and penalties for drivers when approaching certain emergency, roadside assistance, or police vehicles in emergency zones.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2464 was substituted for House Bill No. 2464 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2464 was read the second time.

Representative Liias moved the adoption of amendment (1036).

On page 2, line 23, after "emergency" insert "zone"
 On page 2, line 24, after "emergency" insert "zone"
 On page 2, line 29, after "emergency" insert "zone"
 On page 5, line 10, after "emergency" insert "zone"
 On page 7, line 34, after "emergency" insert "zone"

Representatives Liias and Klippert spoke in favor of the adoption of the amendment.

Amendment (1036) was adopted.

The bill was ordered engrossed

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

Representatives Liias, Johnson, Morrell and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2464.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2464, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2464, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2490, by Representative Angel

Concerning persons with intellectual disabilities.

The bill was read the second time.

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

Representatives Angel and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2490.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2490, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 2490, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2510, by Representatives Kelley, Rodne, Hurst, Bailey, Kirby, Simpson and Morrell

Authorizing public hospital districts to execute security instruments.

The bill was read the second time.

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

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

The Speaker Representative Moeller presiding stated the question before the House to be the final passage of House Bill No. 2510.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2510, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 2510, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

HOUSE JOINT RESOLUTION NO. 4220, by Representatives Hope, Kelley, Green, Conway, Parker, Hurst, Campbell, Wallace, Orcutt, Simpson, Ericks, Ericksen, Van De Wege, Morrell, Takko, Appleton, Maxwell, Orwall, Pearson, Kirby, Sells, Kenney, Johnson, Dammeier, Roberts and McCune

Amending the state Constitution so that the provision relating to bailable crimes by sufficient sureties is modified.

The resolution was read the second time.

There being no objection, Substitute House Joint Resolution No. 4220 was substituted for House Joint Resolution No. 4220 and the substitute resolution was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4220 was read the second time.

With the consent of the House, amendments (1028), (1031), (1033), (1034) and (1037) were withdrawn.

Representative Pedersen moved the adoption of amendment (1029).

On page 1, after line 7, strike all material through "great." on line 12 and insert:

"Article I, section 20. All persons charged with crime shall be bailable by sufficient sureties, except for ((capital offenses)) the following offenses when the proof is evident, or the presumption great:

(a) Capital offenses and other serious violent offenses as defined by the legislature; and

(b) Offenses that may result in a mandatory life sentence without the possibility of release."

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

Representatives Pearson and Hurst spoke against the adoption of the amendment.

An electronic roll call was requested.

The Clerk called the roll on the adoption of the amendment, and the amendment was not adopted by the following vote: Yeas, 24; Nays, 73; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Carlyle, Chase, Cody, Darneille, Flannigan, Hasegawa, Hudgins, Hunter, Kagi, Kenney, Linville, Moeller, Nelson, Ormsby, Pedersen, Pettigrew, Roberts, Santos, Seaquist, Upthegrove, White, Williams and Wood.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Clibborn, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hunt, Hurst, Jacks, Johnson, Kelley, Kessler, Kirby, Klippert, Kretz, Kristiansen,

Lias, Maxwell, McCoy, McCune, Miloscia, Morrell, Morris, Nealey, O'Brien, Orcutt, Orwall, Parker, Pearson, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Schmick, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick and Mr. Speaker.

Excused: Representative Simpson.

Amendment (1029) was not adopted.

Representative Appleton moved the adoption of amendment (1035).

On page 1, beginning on line 8, after "section 20." strike all material through "great." on line 12 and insert "All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses and offenses that result in a mandatory life sentence without the possibility of release upon conviction, when the proof is evident, or the presumption great."

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

Representatives Hope and Hurst spoke against the adoption of the amendment.

An electronic roll call was requested.

The Clerk called the roll on the adoption of the amendment, and the amendment was not adopted by the following vote: Yeas, 16; Nays, 81; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Carlyle, Chase, Flannigan, Hasegawa, Hunt, Hunter, Kagi, Ormsby, Pedersen, Pettigrew, Roberts, Upthegrove, White, Williams and Wood.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hurst, Jacks, Johnson, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Orwall, Parker, Pearson, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick and Mr. Speaker.

Excused: Representative Simpson.

Amendment (1035) was not adopted.

Representative Hurst moved the adoption of amendment (1044).

Strike everything after "ASSEMBLED:" on page 1, line 2 and insert the following:

"THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article 1, section 20 of the Constitution of the state of Washington by adding a new section to read as follows:

Article I, section 20. Notwithstanding any other provision of this Constitution, all persons charged with crime shall be bailable by sufficient sureties, except for capital offenses and offenses for which the maximum sentence is the possibility of life in prison, when the proof is evident, or the presumption great.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published

at least four times during the four weeks next preceding the election in every legal newspaper in the state.

BE IT FURTHER RESOLVED, That this act shall be known as the Lakewood law enforcement memorial act."

Representatives Hurst and Hope spoke in favor of the adoption of the amendment.

Amendment (1044) was adopted.

The resolution was ordered engrossed

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

Representatives Hope, Hurst, Klippert, Taylor and Goodman spoke in favor of the passage of the resolution.

Representative Nelson spoke against the passage of the resolution.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Joint Resolution No. 4220.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Joint Resolution No. 4220, and the resolution passed the House by the following vote: Yeas, 80; Nays, 17; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Clibborn, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, O'Brien, Orcutt, Orwall, Parker, Pearson, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick and Mr. Speaker.

Voting nay: Representatives Appleton, Carlyle, Chase, Cody, Flannigan, Hasegawa, Hunt, Kenney, Nelson, Ormsby, Pedersen, Pettigrew, Santos, Upthegrove, White, Williams and Wood.

Excused: Representative Simpson.

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4220, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3056, by Representatives Pearson, Hurst, Kessler, Klippert, Kirby, Kenney and Kelley

Concerning pretrial release or detention.

The bill was read the second time.

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

Representatives Pearson and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of HOUSE BILL NO. 3056.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3056, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Nelson and Santos.

Excused: Representative Simpson.

HOUSE BILL NO. 3056, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Finance was relieved of HOUSE BILL NO. 2603 and the bill was referred to the Committee on Ways and Means.

The Speaker (Representative Morris presiding) called upon Representative Kessler to preside.

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

SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

HB 2197 February 5, 2010
Prime Sponsor, Representative Armstrong:
Abolishing the department of social and health services and creating new departments to take over its functions. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Fagan; Johnson; Miloscia; O'Brien and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Pettigrew, Chair; Cody; Dickerson; Morrell; Roberts and Wood.

Referred to Committee on Ways & Means.

February 3, 2010

HB 2739 Prime Sponsor, Representative Simpson:
Concerning the enforcement of certain school or playground crosswalk violations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 3, 2010
HB 2742 Prime Sponsor, Representative Goodman:
Addressing accountability for persons driving under the influence of intoxicating liquor or drugs. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 3, 2010
HB 2897 Prime Sponsor, Representative Rolfes:
Concerning the administration, collection, use, and enforcement of tolls. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Dickerson; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Ericksen; Herrera; Johnson; Klippert; Kristiansen; Nealey and Shea.

Passed to Committee on Rules for second reading.

February 3, 2010
HB 2941 Prime Sponsor, Representative Clibborn:
Authorizing the use of express toll lanes in the Interstate 405 corridor. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Dickerson; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Ericksen; Herrera; Johnson; Klippert; Kristiansen; Nealey and Shea.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2956 Prime Sponsor, Representative Pettigrew:
Concerning hospital safety net assessment.
Reported by Committee on Health & Human
Services Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton; Cody; Dickerson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Fagan and Johnson.

Referred to Committee on Ways & Means.

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

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

There being no objection, the House adjourned until 9:55 a.m., February 8, 2010, the 29th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

TWENTY NINTH DAY

House Chamber, Olympia, Monday, February 8, 2010

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

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

MESSAGES FROM THE SENATE

February 5, 2010

Mr. Speaker:

The Senate has passed:

SENATE BILL 5621
SUBSTITUTE SENATE BILL 5798
SENATE BILL 6103
SUBSTITUTE SENATE BILL 6211
SUBSTITUTE SENATE BILL 6213
SENATE BILL 6229
SENATE BILL 6243
SUBSTITUTE SENATE BILL 6273
SUBSTITUTE SENATE BILL 6345

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 5, 2010

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL 5424
ENGROSSED SENATE BILL 5516
ENGROSSED SENATE BILL 6221

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTIONS AND FIRST READING

HB 3178 by Representatives Carlyle, Anderson, Hunter, Rolfes, Eddy, Takko, Probst, Wallace, Maxwell, Van De Wege, Kelley, Green, Sullivan, Hudgins, Hope, Morrell, Springer, Ericks, Hunt, Goodman, Jacks and Finn

AN ACT Relating to creating efficiencies in the use of technology in state government; amending RCW 43.105.052 and 43.105.190; adding new sections to chapter 43.105 RCW; creating a new section; and repealing RCW 43.105.017.

Referred to Committee on Ways & Means.

HB 3179 by Representatives Springer and Ericks

AN ACT Relating to local excise tax provisions for counties and cities; amending RCW 82.14.450, 82.14.460, 82.14.340, 82.46.035, 82.12.010, 82.14.230, 9.46.113, and 67.28.1815; reenacting and amending RCW 82.46.035; adding a new section to chapter 35.21 RCW; adding a new chapter to Title

36 RCW; repealing 2009 c 551 s 12 (uncodified); providing an effective date; and providing an expiration date.

Referred to Committee on Finance.

HB 3180 by Representative Anderson

AN ACT Relating to prioritizing basic education expenditures within the state appropriations process; amending RCW 28A.150.380; reenacting and amending RCW 28A.150.380; adding new sections to chapter 44.04 RCW; providing contingent effective dates; and providing an expiration date.

Held on First Reading.

HJR 4225 by Representative Anderson

Amending the Constitution to prioritize basic education expenditures within the state appropriations process.

Held on First Reading.

ESSB 5424 by Senate Committee on Ways & Means (originally sponsored by Senators Parlette and Sheldon)

AN ACT Relating to interest rate and penalty provisions in the current use program; amending RCW 84.34.070; reenacting and amending RCW 84.34.108; and creating a new section.

Referred to Committee on Finance.

ESB 5516 by Senators Franklin, Kline, Kohl-Welles, Regala, Fraser, Kauffman and Shin

AN ACT Relating to drug overdose prevention; amending RCW 18.130.180; reenacting and amending RCW 9.94A.535; adding a new section to chapter 69.50 RCW; adding a new section to chapter 18.130 RCW; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

SB 5621 by Senators Kline and Marr

AN ACT Relating to hearing examiner fees; and amending RCW 58.17.330.

Referred to Committee on Local Government & Housing.

SSB 5798 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl-Welles, McCaslin, Keiser, Pflug and Kline)

AN ACT Relating to medical marijuana; and amending RCW 69.51A.005, 69.51A.010, 69.51A.030, and 69.51A.060.

Referred to Committee on Health Care & Wellness.

SB 6103 by Senator Prentice

AN ACT Relating to the definition of gambling; and amending RCW 9.46.0237.

Referred to Committee on Commerce & Labor.

SSB 6211 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Hatfield and Kohl-Welles)

AN ACT Relating to creating an agricultural scenic corridor within the scenic and recreational highway system; and amending RCW 47.39.010 and 47.39.020.

Referred to Committee on Transportation.

SSB 6213 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker)

AN ACT Relating to vehicles at railroad grade crossings; and amending RCW 46.61.350.

Referred to Committee on Transportation.

ESB 6221 by Senator Fairley

AN ACT Relating to the clarifying and expanding participation in the Washington state local government investment pool; and amending RCW 43.250.010, 43.250.020, and 43.250.040.

Referred to Committee on State Government & Tribal Affairs.

SB 6229 by Senators Schoesler and Ranker

AN ACT Relating to the dairy inspection program; amending RCW 15.36.551; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SB 6243 by Senators Fairley, Oemig, Swecker and McDermott

AN ACT Relating to eliminating provisions for filings at locations other than the public disclosure commission; amending RCW 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.100, 42.17.380, and 42.17.450; and repealing RCW 42.17.375 and 42.17.550.

Referred to Committee on State Government & Tribal Affairs.

SSB 6273 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Swecker, Fairley, Keiser, Hatfield, Pflug, Stevens, Shin and McCaslin)

AN ACT Relating to insurance coverage of the sales tax for prescribed durable medical equipment and mobility enhancing equipment; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

SSB 6345 by Senate Committee on Transportation (originally sponsored by Senators Eide, Regala, Delvin, Haugen, Kohl-Welles, Rockefeller, Keiser, Fairley, Kline, Tom and Fraser)

AN ACT Relating to the use of wireless communications devices while driving; and amending RCW 46.20.055, 46.20.075, 46.61.667, and 46.61.668.

Referred to Committee on Transportation.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 3180 and HOUSE JOINT RESOLUTION NO. 4225 which were held on first reading.

REPORTS OF STANDING COMMITTEES

February 3, 2010

HB 2565 Prime Sponsor, Representative Ericksen: Mandating a twelve-hour impound hold on motor vehicles used by persons arrested for driving under the influence. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2652 Prime Sponsor, Representative Darneille: Regulating tanning facilities. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton; Cody; Dickerson; Miloscia; Morrell; O'Brien; Roberts and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Fagan; Johnson and Walsh.

Passed to Committee on Rules for second reading.

February 3, 2010

HB 2791 Prime Sponsor, Representative Goodman: Concerning driving-related penalties. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll;

Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 3, 2010

HB 2911 Prime Sponsor, Representative Moeller: Creating a complete streets grant program. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Dickerson; Driscoll; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Ericksen; Herrera; Johnson; Klippert; Kristiansen; Nealey and Shea.

Passed to Committee on Rules for second reading.

February 3, 2010

HB 2929 Prime Sponsor, Representative Eddy: Clarifying the use of revenue generated from tolling the state route number 520 corridor. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Dickerson; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Ericksen; Herrera; Johnson; Klippert; Kristiansen; Nealey and Shea.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 9:55 a.m., February 9, 2010, the 30th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

THIRTIETH DAY

House Chamber, Olympia, Tuesday, February 9, 2010

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

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

MESSAGE FROM THE SENATE

February 8, 2010

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5383
SECOND ENGROSSED SENATE BILL NO. 5617
SUBSTITUTE SENATE BILL NO. 5668
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5742
SUBSTITUTE SENATE BILL NO. 6231

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTIONS AND FIRST READING

HB 3180 by Representatives Anderson and Angel

AN ACT Relating to prioritizing basic education expenditures within the state appropriations process; amending RCW 28A.150.380; reenacting and amending RCW 28A.150.380; adding new sections to chapter 44.04 RCW; providing contingent effective dates; and providing an expiration date.

Held on First Reading.

HB 3181 by Representatives Ormsby, Hunter, Clibborn, Dunshee, Upthegrove, Rolfes, Wood, Williams, Springer, Dickerson, Lias, Sells, Roberts, Kagi, Cody, Green, Eddy, Nelson, White, Hunt, Orwall, Hudgins, Pettigrew, Darneille, Appleton, Chase, Pedersen, Kenney, Maxwell, Flannigan, Kirby, Carlyle, Goodman, McCoy and Simpson

AN ACT Relating to the clean water act of 2010 funding cleanup of water pollution and other programs necessary for the health and well-being of Washington citizens through an increase in the tax on hazardous substances; amending RCW 82.21.030; adding new sections to chapter 90.48 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 90.71 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

HJR 4225 by Representatives Anderson and Angel

Amending the Constitution to prioritize basic education expenditures within the state appropriations process.

Held on First Reading.

SSB 5383 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Morton, Jacobsen, Swecker, Stevens, Hargrove, Schoesler, Pflug and King)

AN ACT Relating to wolf-hybrids; amending RCW 16.30.010 and 16.30.030; and adding a new section to chapter 16.30 RCW.

Referred to Committee on Judiciary.

2ESB 5617 by Senators Kauffman and McAuliffe

AN ACT Relating to the early learning advisory council; and amending RCW 43.215.090.

Referred to Committee on Early Learning & Children's Services.

SSB 5668 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Schoesler, McCaslin, Benton and Marr)

AN ACT Relating to the sale of used manufactured/mobile homes; adding new sections to chapter 46.70 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

SSB 6231 by Senate Committee on Transportation (originally sponsored by Senators Marr, King, Eide, Delvin, Zarelli, Shin and Tom)

AN ACT Relating to approaching certain emergency, roadside assistance, or police vehicles in emergency zones; amending RCW 46.61.212, 46.63.020, 46.20.342, and 46.63.110; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Transportation.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 3180 and HOUSE JOINT RESOLUTION NO. 4225 which were held on first reading.

REPORTS OF STANDING COMMITTEES

February 5, 2010

HB 2396 Prime Sponsor, Representative Morrell:
Concerning emergency cardiac and stroke care.
Reported by Committee on Health & Human
Services Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Fagan; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 4, 2010
HB 2621 Prime Sponsor, Representative Orwall:
Designating resource programs for science,
technology, engineering, and mathematics
instruction in K-12 schools. Reported by
Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 4, 2010
HB 2634 Prime Sponsor, Representative Carlyle:
Promoting efficiencies including institutional
coordination and partnerships in the community
and technical college system. Reported by
Committee on Education Appropriations

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey and Quall.

MINORITY recommendation: Without recommendation. Signed by Representative Rolfes.

Passed to Committee on Rules for second reading.

February 4, 2010
HB 2852 Prime Sponsor, Representative Parker:
Concerning college-level online learning by high
school students. Reported by Committee on
Education Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 4, 2010
HB 2865 Prime Sponsor, Representative Roberts:
Concerning offenders with developmental
disabilities or traumatic brain injuries. Reported
by Committee on Health & Human Services
Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Fagan; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 4, 2010
HB 2891 Prime Sponsor, Representative Simpson:
Extending time to complete recommendations
under RCW 36.70A.5601 conducted by the
William D. Ruckelshaus Center. Reported by
Committee on Education Appropriations

MAJORITY recommendation: The substitute bill by Committee on Local Government & Housing be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Priest, Ranking Minority Member and Rolfes.

Passed to Committee on Rules for second reading.

February 4, 2010
HB 2913 Prime Sponsor, Representative Haigh:
Authorizing innovative interdistrict cooperative
high school programs. Reported by Committee
on Education Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall and Rolfes.

Passed to Committee on Rules for second reading.

February 4, 2010
HB 2930 Prime Sponsor, Representative Wallace:
Expanding the pool of qualified teachers.
Reported by Committee on Education
Appropriations

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2961 Prime Sponsor, Representative Campbell: Establishing a statewide electronic tracking system for the nonprescription sales of ephedrine, pseudoephedrine, and phenylpropanolamine. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Fagan; Johnson; Miloscia; Morrell; O'Brien; Roberts and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member and Walsh.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 3059 Prime Sponsor, Representative Orwall: Expanding options for educator preparation. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall and Rolfes.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 3068 Prime Sponsor, Representative Santos: Providing access to alternative routes to certification for the recruiting Washington teachers program. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the Committee on Commerce and Labor was relieved of HOUSE BILL NO. 2732 and HOUSE BILL NO. 2846 and the bills were referred to the Committee on Ways and Means.

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

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 8, 2010

HB 2716 Prime Sponsor, Representative Shea: Providing a right of first repurchase for surplus transportation property. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Uptegrove; Williams and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Liias, Vice Chair.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2805 Prime Sponsor, Representative Ormsby: Regarding public works involving off-site prefabrication. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Chase; Jacks; Maxwell; Morrell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Hope; McCune and Smith.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2932 Prime Sponsor, Representative Kelley: Concerning the assessment and treatment of certain persons with mental illnesses. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Fagan; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2939 Prime Sponsor, Representative Dammeier: Concerning notations on driver abstracts that a person was not at fault in a motor vehicle

accident. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2954 Prime Sponsor, Representative Cody: Concerning license fees for nursing homes, boarding homes, and adult family homes. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton; Cody; Dickerson; Morrell; O'Brien; Roberts and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Fagan; Johnson; Miloscia and Walsh.

Passed to Committee on Rules for second reading.

SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 5, 2010

HB 1096 Prime Sponsor, Representative Hasegawa: Enhancing small business participation in state purchasing. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Klippert and Short.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 1162 Prime Sponsor, Representative Dickerson: Providing for social emotional learning in public schools. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking

Minority Member; Carlyle; Hunter; Kagi; Maxwell; Quall and Rolfes.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson; Haler and Nealey.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 1317 Prime Sponsor, Representative Kessler: Regarding the disclosure of public records containing information used to locate or identify employees of criminal justice agencies. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Affairs. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 1436 Prime Sponsor, Representative Moeller: Regarding electronic filing of lobbying reports. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Dunshee; Hudgins; Kenney; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Blake; Klippert; Pedersen and Short.

Passed to Committee on Rules for second reading.

February 3, 2010

HB 1545 Prime Sponsor, Representative Conway: Authorizing the higher education coordinating board to offer higher education annuities and retirement income plans. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross and Seaquist.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2394 Prime Sponsor, Representative McCoy: Establishing a government-to-government relationship between state government and Indian tribes. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Affairs. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Klippert and Short.

Passed to Committee on Rules for second reading.

February 9, 2010
HB 2402 Prime Sponsor, Representative White: Concerning a property tax exemption for property owned by a nonprofit organization and used for the purpose of a farmers market. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

February 4, 2010
HB 2427 Prime Sponsor, Representative Pearson: Ensuring punishment for domestic violence offenders. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety & Emergency Preparedness be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 5, 2010
HB 2436 Prime Sponsor, Representative Moeller: Concerning vehicle license fraud. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Transportation. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 9, 2010
HB 2439 Prime Sponsor, Representative Short: Exempting church property used by a nonprofit organization conducting activities related to a farmers market from property taxation. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

February 4, 2010
HB 2442 Prime Sponsor, Representative Simpson: Restructuring three growth management hearings boards into one board. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Local Government & Housing be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Assistant Ranking Minority Member and Short.

Passed to Committee on Rules for second reading.

February 4, 2010
HB 2460 Prime Sponsor, Representative Smith: Regarding organic products. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 9, 2010
HB 2472 Prime Sponsor, Representative Quall: Regarding the sea urchin and sea cucumber license limitation programs. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2480 Prime Sponsor, Representative Blake: Adopting policy recommendations developed by the sustainable recreation work group. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Ecology & Parks. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member and Short.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2481 Prime Sponsor, Representative Van De Wege: Authorizing the department of natural resources to enter into forest biomass supply agreements. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representative McCune, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2486 Prime Sponsor, Representative Goodman: Concerning costs for the collection of DNA samples. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety & Emergency Preparedness be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 6, 2010

HB 2492 Prime Sponsor, Representative Simpson: Addressing shared leave for members of the law enforcement officers' and firefighters' retirement system, plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey,

Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2498 Prime Sponsor, Representative Orwall: Funding the care of residents of residential habilitation centers. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Fagan; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2504 Prime Sponsor, Representative Eddy: Concerning minimum renewable fuel content requirements. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Armstrong; Dickerson; Eddy; Finn; Flannigan; Moeller; Morris; Nealey; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Driscoll; Ericksen; Johnson; Klippert; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2508 Prime Sponsor, Representative Blake: Regarding water right processing improvements. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Klippert; Sells and Short.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2527 Prime Sponsor, Representative Morris: Regarding the energy facility site evaluation council. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Technology, Energy & Communications be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2534 Prime Sponsor, Representative Hurst: Establishing a program to verify the address of registered sex offenders and kidnapping offenders. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Public Safety & Emergency Preparedness be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2539 Prime Sponsor, Representative Upthegrove: Optimizing the collection of source separated materials. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Ecology & Parks. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2541 Prime Sponsor, Representative Takko: Maintaining a base of forest lands that may be used for commercial forestry. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake; Kenney; Klippert; Sells; Short; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee; Hudgins and Pedersen.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2545 Prime Sponsor, Representative Upthegrove: Directing the department of ecology to adopt rules requiring entities to report the emissions of greenhouse gases. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Ecology & Parks be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2551 Prime Sponsor, Representative Cody: Establishing the Washington vaccine association. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2560 Prime Sponsor, Representative Orwall: Regulating joint underwriting associations. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Klippert and Short.

Passed to Committee on Rules for second reading.

February 9, 2010

HB 2567 Prime Sponsor, Representative Carlyle: Concerning the excise taxation of publicly owned facilities accredited by the association of zoos and aquariums. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Hasegawa, Vice Chair.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2569 Prime Sponsor, Representative Dunshee: Regarding access to information for outdoor recreation and wildlife viewing opportunities. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Klippert and Short.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2574 Prime Sponsor, Representative White: Concerning annexations by cities and code cities located within the boundaries of a regional transit authority. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Dickerson; Eddy; Finn; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Ericksen; Johnson; Klippert; Kristiansen and Nealey.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2583 Prime Sponsor, Representative Haigh: Concerning conferences prior to filing actions alleging a public records request violation. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Affairs. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Klippert; Short and Williams.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2589 Prime Sponsor, Representative Green: Concerning on-site wastewater treatment systems designer licensing. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2591 Prime Sponsor, Representative Morris: Recovering the actual cost of processing applications for water right permits. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Hunt; Hunter; Kagi; Kenney; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Haigh; Hinkle; Kessler; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2593 Prime Sponsor, Representative Rolfes: Concerning the department of fish and wildlife's ability to manage shellfish resources. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2608 Prime Sponsor, Representative Nelson: Concerning regulation and licensing of residential mortgage loan servicers and services. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Klippert and Short.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2614 Prime Sponsor, Representative Hunt: Concerning signature gathering. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Affairs. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Crouse; Klippert and Short.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2623 Prime Sponsor, Representative Orwall: Regulating the foreclosure of residential real property. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2641 Prime Sponsor, Representative Kenney: Expanding small business development centers. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Klippert and Short.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2658

Prime Sponsor, Representative Kenney: Refocusing the department of commerce, including transferring programs. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development & Trade. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 9, 2010

HB 2672 Prime Sponsor, Representative Linville: Concerning tax relief for aluminum smelters. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Hasegawa, Vice Chair.

Passed to Committee on Rules for second reading.

February 6, 2010

HB 2680 Prime Sponsor, Representative Roberts: Implementing a guardianship program. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Early Learning & Children's Services be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2683 Prime Sponsor, Representative Kenney: Changing provisions relating to the economic development commission. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Community & Economic Development & Trade be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins;

Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2687 Prime Sponsor, Representative Kagi: Creating the home visiting services account. Reported by Committee on Ways & Means

MAJORITY recommendation: The third substitute bill be substituted therefor and the third substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2697 Prime Sponsor, Representative Conway: Concerning real estate broker licensure fees. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2704 Prime Sponsor, Representative Takko: Transferring the Washington main street program to the department of archaeology and historic preservation. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Affairs be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2731 Prime Sponsor, Representative Goodman: Creating an early learning program for educationally at-risk children. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Children's Services. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Dammeier,

Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2741 Prime Sponsor, Representative Dickerson: Transferring the administration of the infant and toddler early intervention program from the department of social and health services to the department of early learning. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Early Learning & Children's Services be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2745 Prime Sponsor, Representative Hudgins: Concerning compliance with the environmental protection agency's renovation, repair, and painting rule in the lead-based paint program. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environmental Health be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 9, 2010

HB 2756 Prime Sponsor, Representative Driscoll: Allowing medicare supplement insurance premiums to be deducted from the calculation of disposable income for the purpose of qualifying for senior property tax programs. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2776 Prime Sponsor, Representative Sullivan: Regarding funding distribution formulas for K-12 education. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Education Appropriations be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2789 Prime Sponsor, Representative Conway: Authorizing issuance of subpoenas for purposes of agency investigations of underground economy activity. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2793 Prime Sponsor, Representative Kessler: Clarifying and expanding the rights and obligations of state registered domestic partners and other couples related to parentage. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2816

Prime Sponsor, Representative Morris: Concerning fuel taxes on exported fuel. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Dickerson; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Ericksen; Johnson; Klippert; Kristiansen; Nealey; Shea and Upthegrove.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2823

Prime Sponsor, Representative Kristiansen: Permitting retired participants to resume volunteer firefighter, emergency worker, or reserve officer service. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2855

Prime Sponsor, Representative Liias: Providing financing options for the operations and capital needs of transit agencies. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Dickerson; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Ericksen; Johnson; Klippert; Kristiansen; Nealey and Shea.

Passed to Committee on Rules for second reading.

February 6, 2010

HB 2862

Prime Sponsor, Representative Van De Wege: Allowing the state director of fire protection to refuse membership in the public employees' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant

Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2863 Prime Sponsor, Representative Blake: Transferring emergency food assistance programs to the department of agriculture. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2867 Prime Sponsor, Representative Kagi: Promoting early learning. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Children's Services. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2882 Prime Sponsor, Representative Klippert: Detaining persons with mental disorders. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2898 Prime Sponsor, Representative Morrell: Simplifying medicaid payment for nursing facilities. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Fagan; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2902 Prime Sponsor, Representative Hunt: Transferring the combined fund drive from the department of personnel to the secretary of state. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Hudgins; Kenney; Klippert; Pedersen; Sells; Short and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee and Williams.

Passed to Committee on Rules for second reading.

February 9, 2010

HB 2903 Prime Sponsor, Representative Simpson: Concerning benefit charges for regional fire protection service authorities. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

February 9, 2010

HB 2912 Prime Sponsor, Representative Quall: Modifying local excise taxes in counties that have pledged lodging tax revenues for the payment of bonds prior to June 26, 1975. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2914 Prime Sponsor, Representative Hunt: Reducing the release of mercury into the environment. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Environmental Health be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 2925 Prime Sponsor, Representative Kretz: Concerning impact payments of a municipally owned hydroelectric facility. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 9, 2010

HB 2933 Prime Sponsor, Representative Ericks: Modifying sales and use tax provisions for the local infrastructure financing tool program. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Conway; Ericks and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta and Santos.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2935 Prime Sponsor, Representative Van De Wege: Regarding environmental and land use hearings boards and making more uniform the timelines for filing appeals with those boards. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2957 Prime Sponsor, Representative Williams: Transferring the indeterminate sentence review board to the department of corrections. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 2969 Prime Sponsor, Representative Hudgins: Promoting efficiencies in the services provided by the office of the public printer. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 4, 2010

HB 2980 Prime Sponsor, Representative Blake: Changing the fees for certain types of agricultural burning. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member and Crouse.

Passed to Committee on Rules for second reading.

February 9, 2010

HB 2984 Prime Sponsor, Representative Maxwell: Concerning a sales and use tax deferral for performing arts centers. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

HB 2987 February 8, 2010
Prime Sponsor, Representative Simpson:
Addressing the impact on the firefighters' pension
fund when a city or town enters a regional fire
protection service authority. Reported by
Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by
Representatives Linville, Chair; Ericks, Vice Chair; Sullivan,
Vice Chair; Alexander, Ranking Minority Member; Bailey,
Assistant Ranking Minority Member; Dammeier, Assistant
Ranking Minority Member; Chandler; Cody; Conway;
Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney;
Kessler; Pettigrew; Priest; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

HB 2990 February 9, 2010
Prime Sponsor, Representative Pettigrew:
Addressing alternative city assumption and tax
authority provisions pertaining to water-sewer
districts. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by
Committee on Local Government & Housing be substituted
therefor and the substitute bill do pass. Signed by
Representatives Hunter, Chair; Hasegawa, Vice Chair;
Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by
Representatives Orcutt, Ranking Minority Member; Parker,
Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

HB 2992 February 8, 2010
Prime Sponsor, Representative Simpson:
Extending the deadlines for the review and
evaluation of comprehensive land use plan and
development regulations for three years.
Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass and do not pass the
substitute bill by Committee on Local Government & Housing.
Signed by Representative

Passed to Committee on Rules for second reading.

HB 3014 February 9, 2010
Prime Sponsor, Representative Kessler:
Modifying the sales and use tax deferral program
for investment projects in rural counties.
Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass. Signed by
Representatives Hunter, Chair; Orcutt, Ranking Minority
Member; Parker, Assistant Ranking Minority Member;
Condotta; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Without recommendation.
Signed by Representative Hasegawa, Vice Chair.

Passed to Committee on Rules for second reading.

HB 3023 February 5, 2010
Prime Sponsor, Representative Jacks:
Consolidating the pollution liability insurance
agency within the department of ecology.
Reported by Committee on General Government
Appropriations

MAJORITY recommendation: Do pass. Signed by
Representatives Darneille, Chair; Takko, Vice Chair; Blake;
Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege
and Williams.

MINORITY recommendation: Do not pass. Signed by
Representatives McCune, Ranking Minority Member; Klippert
and Short.

Passed to Committee on Rules for second reading.

HB 3024 February 8, 2010
Prime Sponsor, Representative Conway:
Providing uninterrupted meal and rest breaks for
hospital employees. Reported by Committee on
Ways & Means

MAJORITY recommendation: The second substitute bill be
substituted therefor and the second substitute bill do pass and
do not pass the substitute bill by Committee on Commerce &
Labor. Signed by Representatives Linville, Chair; Ericks, Vice
Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh;
Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by
Representatives Alexander, Ranking Minority Member;
Bailey, Assistant Ranking Minority Member; Dammeier,
Assistant Ranking Minority Member; Chandler; Hinkle; Priest
and Schmick.

Passed to Committee on Rules for second reading.

HB 3040 February 5, 2010
Prime Sponsor, Representative Conway:
Regarding the licensing of appraisal management
companies. Reported by Committee on General
Government Appropriations

MAJORITY recommendation: The substitute bill by
Committee on Commerce & Labor be substituted therefor and
the substitute bill do pass. Signed by Representatives
Darneille, Chair; Takko, Vice Chair; Blake; Dunshee;
Hudgins; Kenney; Pedersen; Sells; Van De Wege and
Williams.

MINORITY recommendation: Do not pass. Signed by
Representatives McCune, Ranking Minority Member; Klippert
and Short.

Passed to Committee on Rules for second reading.

HB 3048 February 8, 2010
Prime Sponsor, Representative Cody: Concerning
administration of the medicaid program.
Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be
substituted therefor and the substitute bill do pass. Signed by

Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Schmick and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representative Hinkle.

Passed to Committee on Rules for second reading.

February 9, 2010

HB 3053

Prime Sponsor, Representative Kenney: Extending expiring tax incentives for certain clean alternative fuel vehicles, producers of certain biofuels, and federal aviation regulation part 145 certificated repair stations. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Hasegawa, Vice Chair.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 3076

Prime Sponsor, Representative Dickerson: Concerning the involuntary treatment act. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 9, 2010

HB 3092

Prime Sponsor, Representative Orcutt: Allowing the department of revenue to issue a notice of lien to secure payment of delinquent excise taxes in lieu of a warrant. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 3122

Prime Sponsor, Representative Darneille: Authorizing the department of natural resources to recover costs for data delivery services provided under the natural heritage program. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Blake and Short.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 3132

Prime Sponsor, Representative Van De Wege: Eliminating the Columbia River Gorge Compact. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake; Kenney; Klippert; Sells; Short and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee; Hudgins; Pedersen and Williams.

Passed to Committee on Rules for second reading.

February 9, 2010

HB 3147

Prime Sponsor, Representative Ormsby: Concerning sales and use tax exemptions for certain equipment and infrastructure contained in data centers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 3153

Prime Sponsor, Representative Conway: Addressing designation of a spouse for certain survivor benefits under the firefighters' relief and pensions act of 1955. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 3156 Prime Sponsor, Representative Van De Wege: Authorizing the department of archaeology and historic preservation to impose a fee for access to certain online report systems. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Klippert and Short.

Passed to Committee on Rules for second reading.

February 9, 2010

HB 3168 Prime Sponsor, Representative Orcutt: Providing taxpayers additional appeal protections for value changes. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

February 8, 2010

HB 3174 Prime Sponsor, Representative Linville: Addressing the management of funds and accounts by the state treasurer. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Schmick and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member and Chandler.

Passed to Committee on Rules for second reading.

February 5, 2010

HB 3175 Prime Sponsor, Representative Darneille: Transferring the office of minority and women's business enterprises into the department of commerce. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 9, 2010

HB 3179 Prime Sponsor, Representative Springer: Revising local excise tax provisions for counties and cities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

THIRD SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 9, 2010

HB 2197 Prime Sponsor, Representative Armstrong: Abolishing the department of social and health services and creating new departments to take over its functions. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Haigh; Hinkle; Hunt; Kessler; Priest; Ross; Schmick and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Cody; Conway; Darneille; Hunter; Kagi; Kenney and Pettigrew.

Passed to Committee on Rules for second reading.

February 9, 2010

HB 2603 Prime Sponsor, Representative Smith: Requiring agencies to give small businesses an opportunity to comply with a state law or agency rule before imposing a penalty. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Affairs. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Ross and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Priest and Schmick.

Passed to Committee on Rules for second reading.

HB 2670 February 9, 2010
Prime Sponsor, Representative Haigh: Restoring the school district levy base. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education Appropriations. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Passed to Committee on Rules for second reading.

HB 2759 February 9, 2010
Prime Sponsor, Representative Maxwell: Adjusting local school finance related to nonresident students enrolled in online learning. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education Appropriations. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

HB 2782 February 9, 2010
Prime Sponsor, Representative Dickerson: Reorganizing delivery of services to recipients of public assistance. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

HB 2854 February 9, 2010
Prime Sponsor, Representative Kenney: Making changes to the state higher education loan

program. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

HB 2893 February 9, 2010
Prime Sponsor, Representative Sullivan: Changing school levy provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Education Appropriations be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Kessler; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

HB 3026 February 9, 2010
Prime Sponsor, Representative Santos: Regarding school district compliance with state and federal civil rights laws. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

HB 3045 February 9, 2010
Prime Sponsor, Representative Roberts: Creating alternatives to total confinement for nonviolent offenders with minor children. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

There being no objection, the House adjourned until 10:00 a.m., February 10, 2010, the 31st Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

February 9, 2010

HB 3062 Prime Sponsor, Representative Conway: Making the governor the public employer of language access providers. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by Representatives Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Linville, Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 9, 2010

HB 3141 Prime Sponsor, Representative Kagi: Redesigning the delivery of temporary assistance to needy families. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Children's Services. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

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

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

THIRTY FIRST DAY

House Chamber, Olympia, Wednesday, February 10, 2010

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

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dylan Tack and Grace Bell. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Father Ed Rankin, retired from St. Luke's Episcopal Church, Vancouver.

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

MESSAGES FROM THE SENATE

February 9, 2010

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5704
ENGROSSED SENATE BILL NO. 6240
ENGROSSED SUBSTITUTE SENATE BILL NO. 6286
SECOND ENGROSSED SENATE BILL NO. 6843

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 9, 2010

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 6382 and passed the bill as amended by the House, and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

INTRODUCTIONS AND FIRST READING

HB 3180 by Representatives Anderson and Angel

AN ACT Relating to prioritizing basic education expenditures within the state appropriations process; amending RCW 28A.150.380; reenacting and amending RCW 28A.150.380; adding new sections to chapter 44.04 RCW; providing contingent effective dates; and providing an expiration date.

Referred to the Committee on Ways & Means.

HJR 4225 by Representatives Anderson and Angel

Amending the Constitution to prioritize basic education expenditures within the state appropriations process.

2ESSB 5742 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, McCaslin, Hobbs, Schoesler and Hatfield)

AN ACT Relating to crime-free rental housing; and adding a new chapter to Title 35 RCW.

Referred to Committee on Judiciary.

MOTION

Representative Anderson moved that the rules be suspended and HOUSE JOINT RESOLUTION NO. 4225 be advanced to second reading.

Representative Anderson spoke in favor of the adoption of the motion.

Representative Kessler spoke against the adoption of the motion.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the motion to suspend the rules and advance House Joint Resolution No. 4225 to second reading.

MOTIONS

On motion of Representative Santos, Representatives Darneille and Flannigan were excused. On motion of Representative Kristiansen, Representative Orcutt was excused.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and advance House Joint Resolution No. 4225 to second reading, and the motion was not adopted by the following vote: Yeas, 37; Nays, 58; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Mr. Speaker.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Wood.

Excused: Representatives Darneille, Flannigan and Orcutt.

The motion was not adopted.

There being no objection, HOUSE JOINT RESOLUTION NO. 4225 was referred to the Committee on Ways & Means.

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

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

THIRD READING

HOUSE BILL NO. 1830, by Representative Santos.

Establishing business definitions for public contracting.

The bill was read the third time.

Representatives Santos and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1830.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1830, and the bill passed the House by the following vote: Yeas, 82; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Armstrong, Condotta, Crouse, Haler, Klippert, Kretz, Kristiansen, Nealey, Pearson, Shea, Short and Taylor.

Excused: Representatives Darneille, Flannigan and Orcutt.

HOUSE BILL NO. 1830, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1831, by House Committee on Local Government & Housing (originally sponsored by Representatives Short, Williams, Johnson, Campbell, Blake, Warnick, McCune, Kretz and Kristiansen).

Concerning the rights of pet and livestock owners residing in unincorporated areas subject to annexation by a city or town.

The bill was read the third time.

Representatives Simpson and Short spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1831.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1831, and the bill passed the House by the following vote: Yeas, 90; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Carlyle, Dunshee, Liias, Simpson and Van De Wege.

Excused: Representatives Darneille, Flannigan and Orcutt.

SUBSTITUTE HOUSE BILL NO. 1831, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956, by House Committee on Local Government & Housing (originally sponsored by Representatives Williams, Chase, Ormsby, Darneille, Van De Wege, Dickerson and Simpson).

Authorizing the housing of homeless persons on property owned or controlled by a church. Revised for 1st Substitute: Authorizing the housing of homeless persons on property owned or controlled by a church. (REVISED FOR ENGROSSED: Authorizing churches to host temporary encampments for homeless persons on property owned or controlled by a church.)

The bill was read the third time.

Representatives Williams and Simpson spoke in favor of the passage of the bill.

Representative Angel spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1956.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1956, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson,

O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Nealey, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Darneille and Orcutt.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956, having received the necessary constitutional majority, was declared passed.

There being no objection, the rules were suspended, and ENGROSSED HOUSE BILL NO. 1876 was returned to second reading for the purpose of amendment.

ENGROSSED HOUSE BILL NO. 1876, by Representatives McCune, Miloscia, Haler, Klippert, Campbell, Rodne, Schmick, O'Brien, Roach, Warnick, Short, Conway, Cox and Orcutt

Providing funds for disabled veterans through voluntary donations.

The bill was read the second time.

Representative McCune moved the adoption of amendment (1018).

On page 1, beginning on line 5, strike all of section 1 and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.60A RCW to read as follows:

Any retailer in the state may provide an opportunity for patrons to make voluntary donations to the disabled veterans assistance account created in section 2 of this act on Veterans' Day and any additional days the retailer decides would be appropriate."

On page 2, line 16, after "repair," strike "or"

On page 2, line 17, after "shelter" insert ", or service animals"

Correct the title.

Representatives McCune and Clibborn spoke in favor of the adoption of the amendment.

Amendment (1018) was adopted.

The bill was ordered engrossed.

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

Representatives McCune and Morrell spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Engrossed House Bill No. 1876.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed House Bill No. 1876, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Orcutt.

SECOND ENGROSSED HOUSE BILL NO. 1876, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2271, by Representatives Liias, Rodne, Sells, Clibborn, Johnson, Takko, Van De Wege, Springer, Williams, Finn, Nelson, Seaquist and Simpson

Authorizing state forces to perform work on ferry vessels or terminals when estimated costs are less than one hundred twenty thousand dollars.

The bill was read the second time.

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

Representatives Liias, Seaquist and Simpson spoke in favor of the passage of the bill.

Representatives Roach and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2271.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2271, and the bill passed the House by the following vote: Yeas, 62; Nays, 34; Absent, 0; Excused, 2.

Voting yea: Representatives Angel, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove,

Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representatives Darneille and Orcutt.

HOUSE BILL NO. 2271, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2636, by Representatives Santos, Kirby, Nelson and Kenney

Concerning money transmitters.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2636 was substituted for House Bill No. 2636 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2636 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2636.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2636, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 2636, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2753, by Representatives Orwall, Springer, Maxwell, Jacks, Nelson, Simpson, Conway, Ormsby, Chase and Santos

Creating a workforce housing program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2753 was substituted for House Bill No. 2753 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2753 was read the second time.

Representative Orwall moved the adoption of amendment (1041).

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

"NEW SECTION, Sec. 1. This act may be known and cited as the Washington works housing act of 2010."

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

On page 1, line 10, after "exceed" strike "~~((six))~~ seven" and insert "six"

On page 2, line 1, after "(2)" strike all material through "workforce" on line 6 and insert "(a) The Washington works housing program is created to increase opportunities for nonprofit organizations and public agencies to purchase, acquire, build and own real property to be used for affordable housing for low and moderate-income households. The Washington works housing program is intended to provide access to new funding mechanisms and build long-term community equity by increasing the stock of permanently affordable housing owned by nonprofit organizations and public agencies."

(b) The Washington works"

On page 2, line 11, after "with a" strike "state"

On page on page 2, line 17 strike "(a)" and insert "(c)"

On page 2, line 27, strike "(b)" and insert "(d)"

On page 3, line 1, strike "(c)" and insert "(e)"

Correct any internal references accordingly.

On page 3, line 8, after "(3)" strike "If no state" and insert "One billion dollars of the outstanding indebtedness of the commission is for the primary purpose of implementing the Washington works housing program."

(4) If no"

On page 3, line 13, after "exhausted or" strike "state"

Representatives Orwall and Warnick spoke in favor of the adoption of the amendment.

Amendment (1041) was adopted.

Representative Orwall moved the adoption of amendment (1025).

On page 1, line 10, after "exceed" strike "~~((six))~~ seven" and insert "six"

Representatives Orwall and Warnick spoke in favor of the adoption of the amendment.

Amendment (1025) was adopted.

The bill was ordered engrossed.

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

Representatives Orwall, Warnick and Dunshee spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2753.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2753, and the bill passed the House by the following vote: Yeas, 75; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Representatives Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Chandler, Condotta, Crouse, DeBolt, Ericksen, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Pearson, Rodne, Ross, Schmick, Shea, Short and Taylor.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 2753, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2876, by Representatives Moeller, Green and Morrell

Concerning pain management.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2876 was substituted for House Bill No. 2876 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2876 was read the second time.

Representative Moeller moved the adoption of amendment (1023).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 18.22 RCW to read as follows:

(1) By December 1, 2010, the board shall repeal its rules on pain management, WAC 246-922-510 through 246-922-540.

(2) By June 30, 2011, the board shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) Dosing criteria, including a dosage amount that must not be exceeded unless a podiatric physician and surgeon first consults with a practitioner specializing in pain management;

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids.

(3) The board shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional association of podiatric physicians and surgeons in the state.

(4) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure, except to the extent that special requirements are needed for opioid-dependent patients experiencing such acute pain.

NEW SECTION. Sec. 2. A new section is added to chapter 18.32 RCW to read as follows:

(1) By June 30, 2011, the commission shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) Dosing criteria, including a dosage amount that must not be exceeded unless a dentist first consults with a practitioner specializing in pain management;

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids.

(2) The commission shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional association of dentists in the state.

(3) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure, except to the extent that special requirements are needed for opioid-dependent patients experiencing such acute pain.

NEW SECTION. Sec. 3. A new section is added to chapter 18.57 RCW to read as follows:

(1) By December 1, 2010, the board shall repeal its rules on pain management, WAC 246-853-510 through 246-853-540.

(2) By June 30, 2011, the board shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) Dosing criteria, including a dosage amount that must not be exceeded unless an osteopathic physician and surgeon first consults with a practitioner specializing in pain management;

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(3) The board shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest association of osteopathic physicians and surgeons in the state.

(4) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure, except to the extent that special requirements

are needed for opioid-dependent patients experiencing such acute pain.

NEW SECTION. Sec. 4. A new section is added to chapter 18.57A RCW to read as follows:

(1) By December 1, 2010, the board shall repeal its rules on pain management, WAC 246-854-120 through 246-854-150.

(2) By June 30, 2011, the board shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) Dosing criteria, including a dosage amount that must not be exceeded unless an osteopathic physician's assistant first consults with a practitioner specializing in pain management;

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(3) The board shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest association of osteopathic physician's assistants in the state.

(4) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure, except to the extent that special requirements are needed for opioid-dependent patients experiencing such acute pain.

NEW SECTION. Sec. 5. A new section is added to chapter 18.71 RCW to read as follows:

(1) By December 1, 2010, the commission shall repeal its rules on pain management, WAC 246-919-800 through 246-919-830.

(2) By June 30, 2011, the commission shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) Dosing criteria, including a dosage amount that must not be exceeded unless a physician first consults with a practitioner specializing in pain management;

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(3) The commission shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional association of physicians in the state.

(4) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure, except to the extent that special requirements are needed for opioid-dependent patients experiencing such acute pain.

NEW SECTION. Sec. 6. A new section is added to chapter 18.71A RCW to read as follows:

(1) By June 30, 2011, the commission shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) Dosing criteria, including a dosage amount that must not be exceeded unless a physician assistant first consults with a practitioner specializing in pain management;

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(2) The commission shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional association of physician assistants in the state.

(3) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure, except to the extent that special requirements are needed for opioid-dependent patients experiencing such acute pain.

NEW SECTION. Sec. 7. A new section is added to chapter 18.79 RCW to read as follows:

(1) By June 30, 2011, the commission shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) Dosing criteria, including a dosage amount that must not be exceeded unless an advanced registered nurse practitioner or certified registered nurse anesthetist first consults with a practitioner specializing in pain management;

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(2) The commission shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional associations for advanced registered nurse practitioners and certified registered nurse anesthetists in the state.

(3) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure, except to the extent that special requirements are needed for opioid-dependent patients experiencing such acute pain.

NEW SECTION. Sec. 8. The boards and commissions required to adopt rules on pain management under sections 1 through 7 of this act shall work collaboratively to ensure that the rules are as uniform as practicable."

Correct the title.

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

Amendment (1023) was adopted.

The bill was ordered engrossed.

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

Representatives Moeller, Hinkle, Cody and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2876.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2876, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Darneille.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2876, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1560, by Representatives Conway, Wood and Simpson

Regarding collective bargaining at institutions of higher education.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1560 was substituted for House Bill No. 1560 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1560 was read the second time.

Representative Conway moved the adoption of amendment (1022).

On page 3, beginning on line 7, after "community" strike "and technical" and insert "~~((and technical))~~"

On page 3, line 23, after "community" strike "or technical"

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

Amendment (1022) was adopted.

The bill was ordered engrossed.

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

Representative Conway spoke in favor of passage of the bill.

Representative Condotta spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1560.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1560, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Darneille.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1560, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2457, by Representatives Williams, Campbell, Chase, Simpson, Ormsby and Moeller

Placing restrictions on pro se defendants when questioning witnesses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2457 was substituted for House Bill No. 2457 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2457 was read the second time.

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

Representatives Williams and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2457.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2457, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen,

Fagan, Finn, Flannigan, Goodman, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 2457, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2686, by Representatives Driscoll, Hinkle, Condotta, Moeller and Goodman

Concerning fees for dental services that are not covered by insurance or contract.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2686 was substituted for House Bill No. 2686 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2686 was read the second time.

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

Representatives Driscoll and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2686.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2686, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 2686, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2775, by Representatives Dammeier, Hasegawa, Hunt, Armstrong, Short, Kristiansen, Springer, Kelley, Morrell, Pearson, Chase and Kretz

Regarding membership on the state building code council.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2775 was substituted for House Bill No. 2775 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2775 was read the second time.

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

Representatives Dammeier and Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2775.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2775, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 2775, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3003, by Representatives Hunter, Conway, Wood, Carlyle, Williams, Morrell, Moeller, Ormsby, Van De Wege, Kenney, Simpson and Santos

Placing symphony musicians under the jurisdiction of the public employment relations commission for purposes of collective bargaining.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3003 was substituted for House Bill No. 3003 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3003 was read the second time.

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

Representative Hunter spoke in favor of passage of the bill.

Representative Condotta spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3003.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3003, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 3003, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3046, by Representatives Driscoll, Rodne, Kretz, Ormsby, Wood, Johnson and Parker)

Addressing the dissolution of the assets and affairs of a nonprofit corporation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3046 was substituted for House Bill No. 3046 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3046 was read the second time.

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

Representatives Driscoll and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3046.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3046, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 3046, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3066, by Representatives Parker, Springer, Eddy, Condotta and Wallace

Creating uniformity among annual tax reporting survey provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3066 was substituted for House Bill No. 3066 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3066 was read the second time.

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

Representatives Parker and Hunter spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3066.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3066, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 3066, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2651, by Representatives Upthegrove, Orwall, Simpson, Nelson, Hudgins and Hasegawa

Authorizing port districts to participate in activities related to job training and placement.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2651 was substituted for House Bill No. 2651 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2651 was read the second time.

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

Representatives Upthegrove and Kenney spoke in favor of the passage of the bill.

Representatives Smith and Orcutt spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2651.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2651, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 2651, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2684, by Representatives Kenney, Sullivan, Liias, Hasegawa, Simpson, Nelson, Goodman and Chase

Establishing opportunity centers at community colleges.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2684 was substituted for House Bill No. 2684 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2684 was read the second time.

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

Representative Kenney spoke in favor of passage of the bill.

Representative Anderson spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2684.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2684, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 2684, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 9, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2921 with the following amendments:

On page 96, line 34, after "activities," insert "where the costs are for the review and research conducted by the joint transportation committee pursuant to RCW 44.04.300,"

On page 98, line 28, after "director of financial management" and before the period, insert "or the director's designee"

On page 99, after 14, insert the following:

"(5) Sections 601 through 604 of this act do not apply to agricultural commodity commissions and boards, and agricultural inspection programs operated by the department of agriculture."

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SENATE BILL 6487

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

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

February 9, 2010

There being no objection, the House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2921 and advanced the bill as amended by the Senate to final passage.

Mr. Speaker:

The Senate concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 6382 and passed the bill as amended by the House and the same is herewith transmitted.

Thomas Hoemann, Secretary

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED****MESSAGE FROM THE SENATE**

February 9, 2010

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

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2998 with the following amendment:

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2921, as amended by the Senate.

Strike everything after the enacting clause and insert the following:

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2921, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

"NEW SECTION. **Sec. 9.** The legislature finds that the current economic crisis is requiring sacrifices by citizens and businesses all across the state. The legislature acknowledges the sacrifices also being made by the many state employees who have volunteered for unpaid furlough days including those, such as our ferry workers, who volunteered for pay freezes. The recession requires us to continue to find every possible cost savings while striving to continue to deliver key services to our citizens. Therefore, the legislature finds it necessary to immediately suspend recognition awards given to state employees. Until the economic climate permits the resumption of appropriate cash awards, the legislature encourages supervisors throughout state agencies to look for nonmonetary ways to acknowledge outstanding contributions to Washington's citizens by our state's civil servants.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Sec. 10. RCW 41.06.070 and 2009 c 33 s 36 and 2009 c 5 s 1 are each reenacted and amended to read as follows:

Excused: Representative Darneille.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2921, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

(1) The provisions of this chapter do not apply to:

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 2921.

Bob Hasegawa, 11th District.

MESSAGES FROM THE SENATE

February 10, 2010

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL 5529
SUBSTITUTE SENATE BILL 6197
SUBSTITUTE SENATE BILL 6207
SENATE BILL 6227
SENATE BILL 6288
SENATE BILL 6330

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer:

The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) The public printer or to any employees of or positions in the state printing plant;

(n) Officers and employees of the Washington state fruit commission;

(o) Officers and employees of the Washington apple commission;

(p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of the Washington grain commission;

(t) Officers and employees of any commission formed under chapter 15.66 RCW;

(u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(w) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(x) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(y) All employees of the marine employees' commission;

(z) Staff employed by the department of ~~((community, trade, and economic development))~~ commerce to administer energy policy functions and manage energy site evaluation council activities under RCW 43.21F.045(2)(m);

(aa) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal

assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director of personnel may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the director of personnel stating the reasons for requesting such exemptions. The director of personnel shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the director of personnel shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (v) and (y) and (2) of this section, shall be determined by the director of personnel. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

For the twelve months following February 18, 2009, a salary or wage increase shall not be granted to any position exempt from classification under this chapter.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held

permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

From the effective date of this section until June 30, 2011, no monetary performance-based awards or incentives may be granted by the director or employers to employees covered by rules adopted under this section. This subsection does not prohibit the payment of awards provided for in chapter 41.60 RCW.

Sec. 11. RCW 41.06.133 and 2009 c 534 s 2 and 2009 c 5 s 2 are each reenacted and amended to read as follows:

(1) The director shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The reduction, dismissal, suspension, or demotion of an employee;

(b) Training and career development;

(c) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(d) Transfers;

(e) Promotional preferences;

(f) Sick leaves and vacations;

(g) Hours of work;

(h) Layoffs when necessary and subsequent reemployment, except for the financial basis for layoffs;

(i) The number of names to be certified for vacancies;

(j) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units. The rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located. Such adoption and revision is subject to approval by the director of financial management in accordance with chapter 43.88 RCW;

(k) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. For the twelve months following February 18, 2009, a salary or wage increase shall not be granted to any exempt position under this chapter;

(l) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

(m) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and

subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the director, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given. However, the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service. For the purposes of this section, "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

(2) Rules adopted under this section by the director shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the director.

(3) Rules adopted by the director under this section may be superseded by the provisions of a collective bargaining agreement negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130. The supersession of such rules shall only affect employees in the respective collective bargaining units.

(4)(a) The director shall require that each state agency report annually the following data:

(i) The number of classified, Washington management service, and exempt employees in the agency and the change compared to the previous report;

(ii) The number of bonuses and performance-based incentives awarded to agency staff and the base wages of such employees; and

(iii) The cost of each bonus or incentive awarded.

(b) A report that compiles the data in (a) of this subsection for all agencies will be provided annually to the governor and the appropriate committees of the legislature and must be posted for the public on the department of personnel's agency web site.

(5) From the effective date of this section until June 30, 2011, no monetary performance-based awards or incentives may be granted by the director or employers to employees covered by rules adopted under this section. This subsection does not prohibit the payment of awards provided for in chapter 41.60 RCW.

Sec. 12. RCW 41.06.500 and 2009 c 5 s 3 are each amended to read as follows:

(1) Except as provided in RCW 41.06.070, notwithstanding any other provisions of this chapter, the director is authorized to adopt, after consultation with state agencies and employee organizations, rules for managers as defined in RCW 41.06.022. These rules shall not apply to managers employed by institutions of higher education or related boards or whose positions are exempt. The rules shall govern recruitment, appointment, classification and allocation of positions, examination, training and career development, hours of work, probation, certification, compensation, transfer, affirmative action, promotion, layoff, reemployment, performance appraisals, discipline, and any and all other personnel practices for managers. These rules shall be separate from rules adopted for other employees, and to the extent that the rules adopted under this section apply only to managers shall take precedence over rules adopted for other employees, and are not subject to review by the board.

(2) In establishing rules for managers, the director shall adhere to the following goals:

(a) Development of a simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(b) Creation of a compensation system that provides flexibility in setting and changing salaries, and shall require review and approval by the director in the case of any salary changes greater than five percent proposed for any group of employees;

(c) Establishment of a performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(d) Strengthening management training and career development programs that build critical management knowledge, skills, and abilities; focusing on managing and valuing workplace diversity; empowering employees by enabling them to share in workplace decision making and to be innovative, willing to take risks, and able to accept and deal with change; promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhancing mobility and career advancement opportunities;

(e) Permitting flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate skills and training; allowing consideration of all qualified candidates for positions as managers; and achieving affirmative action goals and diversity in the workplace;

(f) Providing that managers may only be reduced, dismissed, suspended, or demoted for cause; and

(g) Facilitating decentralized and regional administration.

(3) For the twelve months following February 18, 2009, a salary or wage increase shall not be granted to any position under this section.

(4) From the effective date of this section until June 30, 2011, no monetary performance-based awards or growth and development progression adjustments may be granted by the director or employers to the Washington management service employees covered by the rules adopted under this section. This subsection does not prohibit the payment of awards provided for in chapter 41.60 RCW.

Sec. 13. RCW 43.180.080 and 1997 c 163 s 1 are each amended to read as follows:

In addition to other powers and duties specified in this chapter, the commission may:

(1) Establish in resolutions relating to any issuance of bonds, or in any financing documents relating to such issuance, such standards and requirements applicable to the purchase of mortgages and mortgage loans or the making of loans to mortgage lenders as the commission deems necessary or desirable, including but not limited to: (a) The time within which mortgage lenders must make commitments and disbursements for mortgages or mortgage loans; (b) the location and other characteristics of single-family housing or multifamily housing to be financed by mortgages and mortgage loans; (c) the terms and conditions of mortgages and mortgage loans to be acquired; (d) the amounts and types of insurance coverage required on mortgages, mortgage loans, and bonds; (e) the representations and warranties of mortgage lenders confirming compliance with such standards and requirements; (f) restrictions as to interest rate and other terms of mortgages or mortgage loans or the return realized therefrom by mortgage lenders; (g) the type and amount of collateral security to be provided to assure repayment of any loans from the commission and to assure repayment of bonds; and (h) any other matters related

to the purchase of mortgages or mortgage loans or the making of loans to lending institutions as shall be deemed relevant by the commission;

(2) Sue and be sued in its own name;

(3) Make and execute contracts and all other instruments necessary or convenient for the exercise of its purposes or powers, including but not limited to contracts or agreements for the origination, servicing, and administration of mortgages or mortgage loans, and the borrowing of money;

(4) Procure such insurance, including but not limited to insurance: (a) Against any loss in connection with its property and other assets, including but not limited to mortgages or mortgage loans, in such amounts and from such insurers as the commission deems desirable, and (b) to indemnify members of the commission for acts done in the course of their duties;

(5) Provide for the investment of any funds, including funds held in reserve, not required for immediate disbursement, and provide for the selection of investments;

(6) Fix, revise, and collect fees and charges in connection with the investigation and financing of housing or in connection with assignments, contracts, purchases of mortgages or mortgage loans, or any other actions permitted under this chapter or by the commission; and receive grants and contributions;

(7) Make such expenditures as are appropriate for paying the administrative costs of the commission and for carrying out the provisions of this chapter. These expenditures may be made only from funds consisting of the commission's receipts from fees and charges, grants and contributions, the proceeds of bonds issued by the commission, and other revenues; these expenditures shall not be made from funds of the state of Washington;

(8) Establish such special funds, and controls on deposits to and disbursements from them, as it finds convenient for the implementation of this chapter;

(9) Conduct such investigations and feasibility studies as it deems appropriate;

(10) Proceed with foreclosure actions or accept deeds in lieu of foreclosure together with the assignments of leases and rentals incidental thereto. Any properties acquired by the commission through such actions shall be sold as soon as practicable through persons licensed under chapter 18.85 RCW or at public auction, or by transfer to a public agency. In preparation for the disposition of the properties, the commission may own, lease, clear, construct, reconstruct, rehabilitate, repair, maintain, manage, operate, assign, or encumber the properties;

(11) Take assignments of leases and rentals;

(12) Subject to any provisions of the commission's contracts with the holders of obligations of the commission, consent to any modification with respect to rate of interest, time, and payment of any installment of principal or interest or any other term of any contract, mortgage, mortgage loan, mortgage loan commitment, contract, or agreement of any kind;

(13) Subject to provisions of the commission's contracts with the holders of bonds, permit the reduction of rental or carrying charges to persons unable to pay the regular rent or schedule of charges if, by reason of other income of the commission or by reason of payment by any department, agency, or instrumentality of the United States or of this state, the reduction can be made without jeopardizing the economic stability of the housing being financed;

(14) Sell, at public or private sale, with or without public bidding, any mortgage, mortgage loan, or other instrument or asset held by the commission;

(15) Employ, contract with, or engage engineers, architects, attorneys, financial advisors, bond underwriters, mortgage lenders, mortgage administrators, housing construction or financing experts, other technical or professional assistants, and such other

personnel as are necessary. The commission may delegate to the appropriate persons the power to execute legal instruments on its behalf;

(16) Receive contributions or grants from any source unless otherwise prohibited;

(17) Impose covenants running with the land in order to satisfy and enforce the requirements of applicable state and federal law and commission policy with respect to housing or other facilities financed by the commission or assisted by federal, state, or local programs administered by the commission, by executing and recording regulatory agreements or other covenants between the commission and the person or entity to be bound. These regulatory agreements and covenants shall run with the land and be enforceable by the commission or its successors or assigns against the person or entity making the regulatory agreement or covenants or its successors or assigns, even though there may be no privity of estate or privity of contract between the commission or its successors or assigns and the person or entity against whom enforcement is sought. The term of any such covenant shall be set forth in the recorded agreement containing the covenant. This subsection shall apply to regulatory agreements and covenants previously entered into by the commission as well as regulatory agreements and covenants entered into by the commission on or after July 27, 1997;

(18) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(19) Exercise any other power reasonably required to implement the purposes of this chapter.

From the effective date of this section through June 30, 2011, neither the commission nor its designees may grant any monetary performance-based awards or incentives to any employee. This subsection does not prohibit the payment of awards provided for in chapter 41.60 RCW.

NEW SECTION. Sec. 14. A new section is added to chapter 41.06 RCW to read as follows:

From the effective date of this section until June 30, 2011, no monetary performance-based awards or incentives may be granted by the director or employers to employees covered by rules adopted under this section. This section does not prohibit the payment of awards provided for in chapter 41.60 RCW.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "increases;" strike the remainder of the title and insert "amending RCW 41.06.500 and 43.180.080; reenacting and amending RCW 41.06.070 and 41.06.133; adding a new section to chapter 41.06 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

Representative Linville moved that the House concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2998 and advance the bill as amended by the Senate to final passage.

Representatives Linville and Alexander spoke in favor of the motion.

The motion was adopted.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2998, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2998, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 2998, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2437, by Representatives Moeller, Hudgins and Ormsby

Authorizing counties, cities, and towns to request background checks for certain license applicants and licensees.

The bill was read the second time.

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

Representatives Moeller and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2437.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2437, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier,

DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Uptegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Darneille.

HOUSE BILL NO. 2437, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2592, by Representatives Hunt and Hasegawa

Prohibiting incentive towing programs for private property impounds.

The bill was read the second time.

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

Representatives Hunt and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2592.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2592, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Uptegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Ericksen and Herrera.

Excused: Representative Darneille.

HOUSE BILL NO. 2592, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2661, by Representatives Hudgins, Hunt, Kenney and Morrell

Regarding the Washington State University extension energy program's plant operations support program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2661 was substituted for House Bill No. 2661 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2661 was read the second time.

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

Representatives Hudgins and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2661.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2661, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Uptegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Dunshee.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 2661, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3039, by Representatives Pedersen, Ross, Darneille, Rodne and Johnson

Streamlining the truancy process to reduce the costs to courts and school districts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3039 was substituted for House Bill No. 3039 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3039 was read the second time.

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

Representatives Pedersen and Ross spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3039.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3039, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Van De Wege.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 3039, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2717, by Representatives Shea, Parker, Ross, Haler, Klippert, Taylor, McCune, Short, Kristiansen, Kretz, Crouse, Hinkle, Johnson, Rodne, Bailey, Orcutt, Angel, Fagan, Smith, Condotta, Pearson and Warnick

Restricting outings from state facilities. Revised for 1st Substitute: Restricting leave from state facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2717 was substituted for House Bill No. 2717 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2717 was read the second time.

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

Representatives Shea and Dickerson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2717.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2717, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier,

DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 2717, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3001, by Representatives Klippert, Liias, Wallace, Campbell and Simpson

Addressing bicycle and pedestrian safety education in traffic schools.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3001 was substituted for House Bill No. 3001 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3001 was read the second time.

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

Representatives Klippert and Liias spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3001.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3001, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Darneille.

SUBSTITUTE HOUSE BILL NO. 3001, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1966, by Representatives McCoy, Ormsby and Simpson

Adding wheelchair users to the types of individuals for whom drivers must take additional precautions.

The bill was read the second time.

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

Representatives McCoy and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1966.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1966, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Darneille.

HOUSE BILL NO. 1966, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1714, by Representatives Cody, Morrell, Green and Moeller

Concerning health insurance. Revised for 1st Substitute: Concerning association health plans.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1714 was substituted for House Bill No. 1714 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1714 was read the second time.

Representative Cody moved the adoption of amendment (1045).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The insurance commissioner shall prepare and submit a report to the legislature related to the performance of the small group health plan market and the

association health plan market. To the extent that the data needed to complete the report are not readily available, the commissioner may require carriers to submit aggregated data for the small group health plans and association health plans underwritten or administered by the carrier, for each calendar year 2005 through 2008. Data submitted shall not identify specific small group plans or association health plans, and the report shall not identify specific small group or association health plans or present data in a manner that allows identification of specific plans. Carriers who underwrite or administer an association health plan that covers fewer than ten thousand lives in any year reported may, at their own expense, contract with a third party to aggregate and report the information required under this section with that of other carriers who qualify for this option. The data must be reported separately for the carrier's small group health plan block of business and association health plan block of business, and must include the following information:

(a) The number of persons residing in Washington state who receive health benefit coverage through each block of business, including the number of persons enrolled in the plans on the first day and last day of each year, the number of persons enrolled in the plans during each year, and the number of persons who terminated enrollment in the plans during each year;

(b) The calendar year-end enrollment of each block of business, by age group using five-year increments beginning with age twenty and ending with age sixty-five, and the average age of persons covered in each block of business;

(c) The calendar year-end enrollment of each block of business by employer size for each year, reporting by groups of two to five, six to ten, eleven to twenty-five, twenty-six to fifty, fifty-one to one hundred, and more than one hundred;

(d) The annual calendar year earned premium and incurred claims for each block of business;

(e) For the association health plan block of business, the number of association health plans that limit eligibility for health plan coverage to employer groups of a minimum size, or that limit eligibility for health plan coverage to a subset of the industries that the association sponsoring the health plan was established to serve, and the percentage of health plan enrollees for whom each of the following elements is used in setting health plan rates:

- (i) Claims experience;
- (ii) Employer group size; or
- (iii) Health status factors.

(2) In fulfilling the requirements of subsection (1) of this section the commissioner may adopt rules necessary to implement the data submission administrative process under this section, including the format, timing of data reporting, data standards, instructions, definitions, and data sources.

(3) For the purposes of this subsection, the terms "association health plan" and "association plan" shall include all member-governed group health plans and multiple employer welfare arrangements and any other arrangement to which two or more public or private employers, of which at least two are small employers, contribute to provide health care for their employees.

(4) Data, information, and documents provided by a carrier pursuant to this section are exempt from public inspection and copying under RCW 48.02.120 and chapters 42.17 and 42.56 RCW.

(5) The report shall be submitted to the legislature no later than July 1, 2011.

(6) This section expires June 30, 2011.

Sec. 2. RCW 42.56.400 and 2009 c 104 s 23 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595; ~~((and))~~

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii); and

(17) Data, information, and documents provided by a carrier pursuant to section 1 of this act."

Correct the title.

Representatives Cody and Ericksen spoke in favor of the adoption of the amendment.

Amendment (1045) was adopted.

The bill was ordered engrossed.

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

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

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1714.

MOTION

On motion of Representative Klippert, Representative Hinkle was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1714, Substitute House Bill No. 1714, and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Morris, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Darneille and Hinkle.

„SUBSTITUTE HOUSE BILL NO. 1714, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

SECOND READING

HOUSE BILL NO. 2515, by Representatives Morris, Chase, Kenney and Hudgins

Regarding biodiesel fuel labeling requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2515 was substituted for House Bill No. 2515 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2515 was read the second time.

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

Representatives Morris and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2515.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2515, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 2515, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2516, by Representatives Morris, Chase, Hudgins and Morrell)

Regarding the siting of small alternative energy facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2516 was substituted for House Bill No. 2516 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2516 was read the second time.

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

Representatives Morris and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2516.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2516, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Lias and Simpson.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 2516, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1357, by Representatives Pettigrew, Dickerson, Orwall, Walsh, Moeller, Kenney and Wood

Regarding the designation of "social worker."

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1357 was substituted for House Bill No. 1357 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1357 was read the second time.

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

Representative Pettigrew spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1357.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1357, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne,

Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting yea: Representatives Anderson, Chandler, Ericksen and Herrera.

Excused: Representatives Darneille and Hinkle.

SECOND SUBSTITUTE HOUSE BILL NO. 1357, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Substitute House Bill No. 1357.

Mary Lou Dickerson, 36th District.

HOUSE BILL NO. 2518, by Representatives Goodman, Rodne and Kelley

Modifying oath requirements for interpreters.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2518 was substituted for House Bill No. 2518 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2518 was read the second time.

With the consent of the House, amendment (1015) was withdrawn.

Representative Shea moved the adoption of amendment (1016)

On page 1, line 13, after "judgment." insert "The administrative office of the courts shall maintain a record of the oath in the same manner that the list of certified and registered interpreters is maintained."

Representatives Shea and Goodman spoke in favor of the adoption of the amendment.

Amendment (1016) was adopted.

The bill was ordered engrossed.

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

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2518.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2518, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2518, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2707, by Representatives Simpson, Angel, Finn and Kretz

Concerning the method of calculating public utility district commissioner compensation.

The bill was read the second time.

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

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2707.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2707, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

HOUSE BILL NO. 2707, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2848, by Representative Alexander

Repealing RCW 36.32.210.

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2848.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2848, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

HOUSE BILL NO. 2848, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2224, by Representative Simpson

Concerning the installation of residential fire sprinkler systems.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2224 was substituted for House Bill No. 2224 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2224 was read the second time.

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

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2224.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2224, Substitute House Bill No. 2224, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 2224, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2404, by Representatives Santos, Bailey and Kirby

Concerning group life insurance.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2404 was substituted for House Bill No. 2404 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2404 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2404.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2404, Substitute House Bill No. 2404, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 2404, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2428, by Representatives Takko, Warnick, Springer, Parker, Eddy, Morrell, Kelley, O'Brien, Bailey and Ormsby

Concerning fees for locating surplus funds from county governments, real estate property taxes, assessments, and other government lien foreclosures or charges.

The bill was read the second time.

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

Representatives Takko and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2428.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2428, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

HOUSE BILL NO. 2428, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2461, by Representatives Blake, Chandler, Van De Wege and Moeller

Extending to 2015 the assessment levied under RCW 15.36.551 to support the dairy inspection program.

The bill was read the second time.

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

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2461.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2461, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Wood.

Excused: Representatives Darneille and Hinkle.

Absent: Mr. Speaker.

HOUSE BILL NO. 2461, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2470, by Representative Haigh

Concerning veterinary technician licenses.

The bill was read the second time.

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

Representative Haigh spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2470.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2470, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

HOUSE BILL NO. 2470, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2497, by Representatives White, Orwall, Goodman, Kenney, Kessler and Darneille

Concerning the victimization of homeless persons.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2497 was substituted for House Bill No. 2497 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2497 was read the second time.

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

Representatives White and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2497.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2497, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 2497, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2514, by Representatives Bailey, Kirby and Chandler

Regulating crop adjusters.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2514 was substituted for House Bill No. 2514 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2514 was read the second time.

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

Representative Bailey spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2514.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2514, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 2514, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2524, by Representatives O'Brien and Angel

Concerning prohibited practices of collection agencies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2524 was substituted for House Bill No. 2524 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2524 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2524.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2524, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

Absent: Representatives Dunshee and Haigh.

SUBSTITUTE HOUSE BILL NO. 2524, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2533, by Representatives Pearson, Hurst, Kelley and Morrell

Adopting the interstate compact on mental health. Revised for 1st Substitute: Concerning the interstate compact on mental health.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2533 was substituted for House Bill No. 2533 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2533 was read the second time.

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

Representatives Pearson and Dickerson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2533.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2533, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 2533, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

On motion of Representative Hudgins, the House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 2524 passed the House.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2524, on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 2524, on reconsideration, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 2524, on reconsideration, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 2575, by Representative Upthegrove

Expanding the membership of the capital projects advisory review board.

The bill was read the second time.

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

Representatives Hunt spoke in favor of the passage of the bill.

Representative Armstrong spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2575.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2575, and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

Excused: Representatives Darneille and Hinkle.

HOUSE BILL NO. 2575, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2667, by Representatives Chandler, Simpson, Kelley and Warnick

Concerning communications during a forest fire response.

The bill was read the second time.

With the consent of the House, amendment (1014) was withdrawn.

Representative Chandler moved the adoption of amendment (1032).

On page 3, line 22, after "by which a" strike "dedicated fire mobilization radio frequency is made available during the" and insert "local fire mobilization radio frequency, consistent with RCW 43.43.963, is identified and made available during the initial"

On page 3, line 25, after "response." insert "Different initial response frequencies may be identified and used as appropriate in different geographic response areas. If the fire radio communication needs escalate beyond the capability of the identified local radio frequency, the use of other available designated interoperability radio frequencies may be used."

On page 5, line 4, after "which a" strike "dedicated fire mobilization radio frequency is made available during the" and insert "local fire mobilization radio frequency, consistent with RCW 76.04.015, is identified and made available during the initial"

On page 5, line 7, after "response." insert "Different initial response frequencies may be identified and used as appropriate in different geographic response areas. If the fire radio communication needs escalate beyond the capability of the identified local radio frequency, the use of other available designated interoperability radio frequencies may be used."

Representatives Chandler and Blake spoke in favor of the adoption of the amendment.

Amendment (1032) was adopted.

The bill was ordered engrossed.

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

Representatives Chandler and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2667.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2667, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

ENGROSSED HOUSE BILL NO. 2667, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

SECOND READING SUSPENSION

HOUSE BILL NO. 1913, by Representatives Warnick, Flannigan and Simpson

Changing provisions relating to process servers.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1913 was read the second time.

The bill was placed on final passage.

Representatives Warnick and Pedersen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1913.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1913, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 1913, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2429, by Representatives Wood, Condotta, Williams, Takko, Eddy, Morrell, O'Brien, Conway and Ormsby

Addressing the resale of motor vehicles previously determined as having nonconformities.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2429 was read the second time.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2429.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2429, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 2429, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2555, by Representatives Conway, Simpson, Ormsby and Moeller

Authorizing the department of labor and industries to issue subpoenas to enforce production of information related to electricians and electrical installations.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2555 was read the second time.

The bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2555.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2555, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 2555, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2556, by Representatives Fagan and Chandler

Regarding financial security requirements under chapter 22.09 RCW.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2556 was read the second time.

The bill was placed on final passage.

Representatives Fagan, Armstrong, Blake, Bailey, Simpson and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2556.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2556, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 2556, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Ericksen congratulated Representative Fagan on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

SECOND READING SUSPENSION

HOUSE BILL NO. 2598, by Representatives Takko, Blake and Herrera

Concerning the disposal of dredged riverbed materials from the Mount St. Helen's eruption.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Takko, Armstrong and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2598.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2598, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia,

Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

HOUSE BILL NO. 2598, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2657, by Representative Pedersen

Addressing the dissolution of limited liability companies.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2657 was read the second time.

The bill was placed on final passage.

Representatives Pedersen and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2657.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2657, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 2657, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2817, by Representatives O'Brien, Pearson and Kelley

Exempting a person's identifying information from public disclosure when submitted in the course of using the sex offender notification and registration program for the purpose of receiving notification regarding registered sex offenders.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2817.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2817, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

HOUSE BILL NO. 2817, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2841, by Representatives Hinkle, Cody, Kristiansen, Morrell and Pearson

Concerning the standard health questionnaire.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2841 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2841.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2841, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz,

Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 2841, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2861, by Representatives Rodne, Pedersen and Wallace

Adding state certified court reporters to the list of persons authorized to administer oaths and affirmations.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Pedersen and Kristiansen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2861.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2861, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

HOUSE BILL NO. 2861, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2888, by Representatives Herrera, Cody, Orcutt, Wallace and Conway

Concerning continuing education for pharmacy technicians.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2888.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2888, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

Absent: Representative Chandler.

HOUSE BILL NO. 2888, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2904, by Representatives Kagi, Santos and Kenney

Concerning the powers and duties of the office of the education ombudsman.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2904.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2904, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks,

Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

HOUSE BILL NO. 2904, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2942, by Representatives O'Brien, Pearson, Dickerson, Goodman, Ericks, Roberts, Kelley, Finn, Appleton, McCoy, Springer, Darneille, Hurst, Priest, Hinkle, Clibborn, Liias, Hope, Klippert, Herrera, Ormsby, Morrell, Conway, Santos, Johnson, Kenney, Hasegawa and McCune

Offering human trafficking training for criminal justice and correctional personnel, and other public safety employees.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2942.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2942, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

HOUSE BILL NO. 2942, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2947, by Representatives Wood, Conway, Condotta and Ormsby

Concerning special occasion licenses.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2947.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2947, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

HOUSE BILL NO. 2947, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2996, by Representatives Quall and Priest

Including approved private schools in the superintendent of public instruction's record check information rules.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2996.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2996, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen,

Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

HOUSE BILL NO. 2996, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2997, by Representatives Cody, Ericksen, Morrell and Wallace

Concerning the size of a small employer's group for purposes of health benefit plans.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2997 was read the second time.

The bill was placed on final passage.

Representative Cody spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2997.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2997, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 2997, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3016, by Representative Pedersen

Updating provisions concerning the modification, review, and adjustment of child support orders to improve access to justice and to ensure compliance with federal requirements.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 3016 was read the second time.

The bill was placed on final passage.

Representatives Pedersen and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3016.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3016, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 3016, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3036, by Representatives Quall, Kenney and Santos

Requiring a public meeting before a school district contracts for nonvoter-approved debt.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 3036 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3036.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3036, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler,

Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 3036, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3061, by Representative Condotta

Addressing claims of insolvent self-insurers under industrial insurance.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Condotta and Conway spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3061.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3061, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

HOUSE BILL NO. 3061, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3095, by Representatives Blake, Chandler and Wallace

Modifying the powers of the Washington tree fruit research commission.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3095.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3095, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

HOUSE BILL NO. 3095, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3105, by Representatives Rolfes, Wallace, Kenney and Ormsby

Allowing the director of financial management to include alternative fuel vehicles in a strategy to reduce fuel consumption and emissions from state agency fleets.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 3105 was read the second time.

The bill was placed on final passage.

Representatives Rolfes and Short spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3105.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3105, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 3105, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3145, by Representatives McCoy, Roberts, Simpson, Goodman, Kenney, Conway and Ormsby

Improving administration of wage complaints.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 3145 was read the second time.

The bill was placed on final passage.

Representatives McCoy and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3145.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3145, and the bill passed the House by the following vote: Yeas: 95 Nays: 0 Absent: 1 Excused: 2

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood, and Mr. Speaker

Excused: Representatives Darneille and Hinkle

SUBSTITUTE HOUSE BILL NO. 3145, having received the necessary constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote by which Substitute House Bill No. 3145 passed the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3145 on reconsideration, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille and Hinkle.

SUBSTITUTE HOUSE BILL NO. 3145 on reconsideration, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 11:00 a.m., February 11, 2010, the 31st Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

THIRTY SECOND DAY

House Chamber, Olympia, Thursday, February 11, 2010

The House was called to order at 11:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Meagen Meyers and Meghan McCallum. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Paul Freese, Celebration Lutheran Church, Puyallup.

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

MESSAGES FROM THE SENATE

February 10, 2010

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5297
ENGROSSED SENATE BILL NO. 5523
ENGROSSED SUBSTITUTE SENATE BILL NO. 5902
SUBSTITUTE SENATE BILL NO. 6214
SUBSTITUTE SENATE BILL NO. 6340
SUBSTITUTE SENATE BILL NO. 6341
SUBSTITUTE SENATE BILL NO. 6374
SENATE BILL NO. 6401
SENATE BILL NO. 6418
SUBSTITUTE SENATE BILL NO. 6591
SUBSTITUTE SENATE BILL NO. 6688

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 10, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6130 and the same is herewith transmitted.

Thomas Hoemann, Secretary

February 10, 2010

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5041
ENGROSSED SENATE BILL NO. 6263
ENGROSSED SUBSTITUTE SENATE BILL NO. 6306
SUBSTITUTE SENATE BILL NO. 6342
SUBSTITUTE SENATE BILL NO. 6344
SUBSTITUTE SENATE BILL NO. 6346
SUBSTITUTE SENATE BILL NO. 6356
ENGROSSED SUBSTITUTE SENATE BILL NO. 6426

SECOND SUBSTITUTE SENATE BILL NO. 6515
ENGROSSED SUBSTITUTE SENATE BILL NO. 6604
SUBSTITUTE SENATE BILL NO. 6629
ENGROSSED SENATE BILL NO. 6643
ENGROSSED SUBSTITUTE SENATE BILL NO. 6774
ENGROSSED SUBSTITUTE SENATE BILL NO. 6805

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

SECOND READING

HOUSE BILL NO. 2546, by Representatives Van De Wege, Conway, Morrell, Angel, Dunshee and Santos

Concerning classroom training for electrical trainees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2546 was substituted for House Bill No. 2546 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2546 was read the second time.

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

Representatives Van De Wege, Conway, Green, Angel, Wood and Moeller spoke in favor of the passage of the bill.

Representatives Condotta, Hinkle, Hinkle (again), Ericksen, Orcutt and Schmick spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2546.

MOTION

On motion of Representative Santos, Representatives Dunshee, Simpson and Upthegrove were excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2546, and the bill passed the House by the following vote: Yeas, 58; Nays, 37; Absent, 0; Excused, 3.

Voting yea: Representatives Angel, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley,

Kenney, Kessler, Kirby, Liias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Linville, McCune, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Dunshee, Simpson and Upthegrove.

SUBSTITUTE HOUSE BILL NO. 2546, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 2546.

Bruce Dammeier 25th District.

HOUSE BILL NO. 2564, by Representatives Nelson, Chase and Kirby

Regarding escrow agents.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2564 was substituted for House Bill No. 2564 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2564 was read the second time.

Representative Nelson moved the adoption of amendment (1052).

On page 9, line 16, after "agent." insert "In the event that the fidelity bond required under this subsection is not reasonably available, the director may adopt rules to implement a surety bond requirement."

On page 9, line 17, after "(3)" strike all material through "(4)" on page 10, line 14

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representatives Nelson and Bailey spoke in favor of the adoption of the amendment.

Amendment (1052) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2564.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2564, and the bill passed the House by the following vote: Yeas, 88; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, Crouse, Ericksen, Hinkle, Kristiansen, Nealey, Shea and Walsh.

Excused: Representatives Simpson and Upthegrove.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2564, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2638, by Representatives McCoy, Quall, Eddy, Liias, Moeller, Dickerson, Wallace and Sells

Regarding instructional materials provided in a specialized format.

The bill was read the second time.

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

Representatives McCoy and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2638.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2638, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Simpson and Upthegrove.

HOUSE BILL NO. 2638, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2720, by Representatives Armstrong, Morrell, McCune, Miloscia, Finn, Appleton, Hunt, Alexander, O'Brien, Kelley, Conway and Campbell

Concerning the Washington soldiers' home.

The bill was read the second time.

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

Representatives Parker, Appleton, Campbell, Bailey and McCune spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2720.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2720, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 2720, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2748, by Representatives Simpson, Jacks and Chase

Concerning dues paid to the Washington public ports association by port districts.

The bill was read the second time.

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

Representatives Nelson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2748.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2748, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 2748, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2768, by Representatives Ross, O'Brien, Hurst, Ericks, Wallace, Kelley, Upthegrove and Simpson

Requiring background investigations for peace officers and reserve officers as a condition of employment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2768 was substituted for House Bill No. 2768 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2768 was read the second time.

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

Representatives Ross and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2768.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2768, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos,

Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2768, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2801, by Representatives Liias, Johnson, Pedersen, Hunt, Orwall, Maxwell, Quall, Moeller, Chase, Williams, Nelson and Simpson)

Regarding antiharassment strategies in public schools.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2801 was substituted for House Bill No. 2801 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2801 was read the second time.

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

Representatives Liias and Johnson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2801.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2801, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2801, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

SUBSTITUTE HOUSE BILL NO. 2998
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2921

SUBSTITUTE SENATE BILL NO. 6382

The Speaker called upon Representative Morris to preside.

SECOND READING

HOUSE BILL NO. 2804, by Representatives Green, Hudgins, Goodman, Conway, Chandler, Crouse, Condotta, Moeller, Miloscia, Darneille, Hunt, Kagi and McCune

Concerning beer and caffeinated or stimulant-enhanced malt beverages.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2804 was substituted for House Bill No. 2804 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2804 was read the second time.

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

Representative Green spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2804.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2804, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Sells, Springer, Sullivan, Takko, Upthegrove, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Finn, Haigh, Haler, Herrera, Hinkle, Hope, Johnson, Kretz, Kristiansen, McCune, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Van De Wege, Walsh and Warnick.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2804, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 11, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6696 and the same is herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 2858, by Representatives Appleton, Anderson, Sells, White and Wallace

Regarding the purchasing authority of institutions of higher education.

The bill was read the second time.

With the consent of the House, amendment (1011) was withdrawn.

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

Representatives Appleton, Schmick and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2858.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2858, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 2858, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2499, by Representatives Bailey, Chandler, Roach, Schmick and Kretz

Changing regulations concerning black powder.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2499 was substituted for House Bill No. 2499 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2499 was read the second time.

Representative Bailey moved the adoption of amendment (1073).

On page 2, beginning on line 15, after "than" strike all material through "fifty" on line 21 and insert "twenty-five pounds of black powder as used in muzzle loading firearms may be stored in commercial establishments of which not more than four pounds in containers of one pound maximum capacity may be displayed.

Quantities in excess of one hundred fifty pounds of smokeless propellant or twenty-five"

Representatives Bailey and Wood spoke in favor of the adoption of the amendment.

Amendment (1073) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2499.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2499, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2499, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2528, by Representatives Appleton and Eddy

Retroactively applying certain intermediate license law amendments made during the 2009 legislative session.

The bill was read the second time.

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

Representatives Appleton and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2528.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2528, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 2528, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2875, by Representatives Ericksen, Cody, Condotta, Hinkle, Herrera, Driscoll, Parker, Bailey, Green, Morrell, Kelley, Wallace, Kessler and Moeller

Concerning health savings accounts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2875 was substituted for House Bill No. 2875 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2875 was read the second time.

Representative Bailey moved the adoption of amendment (1053).

On page 8, beginning on line 29, strike all of section 3
Correct the title.

Representatives Bailey and Cody spoke in favor of the adoption of the amendment.

Amendment (1053) was adopted.

The bill was ordered engrossed.

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

Representatives Condotta and Driscoll spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2875.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2875, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representative Williams.

Excused: Representative Simpson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2875, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2918, by Representatives Eddy, Clibborn, Hunter and Maxwell

Removing state route number 908 from the state highway system.

The bill was read the second time.

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

Representative Eddy spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2918.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2918, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan,

Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 2918, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2973, by Representatives Orcutt, Wallace, Herrera, Probst, McCune, Klippert, Kelley, Hunter, Kretz, Campbell and Johnson

Creating resident student classifications for certain members of the military and their spouses and dependents.

The bill was read the second time.

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

Representatives Orcutt and Sells spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2973.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2973, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 2973, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3072, by Representatives Morrell, Driscoll, Crouse, Wallace and Parker

Including wound care management in occupational therapy.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3072 was substituted for House Bill No. 3072 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3072 was read the second time.

Representative Morrell moved the adoption of amendment (1055).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.59.020 and 1999 c 333 s 1 are each amended to read as follows:

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

(1) "Board" means the board of occupational therapy practice.

(2) "Occupational therapy" is the scientifically based use of purposeful activity with individuals who are limited by physical injury or illness, psychosocial dysfunction, developmental or learning disabilities, or the aging process in order to maximize independence, prevent disability, and maintain health. The practice encompasses evaluation, treatment, and consultation. Specific occupational therapy services include but are not limited to: Using specifically designed activities and exercises to enhance neurodevelopmental, cognitive, perceptual motor, sensory integrative, and psychomotor functioning; administering and interpreting tests such as manual muscle and sensory integration; teaching daily living skills; developing prevocational skills and play and avocational capabilities; designing, fabricating, or applying selected orthotic and prosthetic devices or selected adaptive equipment; wound care management as provided in section 3 of this act; and adapting environments for ~~((the handicapped))~~ persons with disabilities. These services are provided individually, in groups, or through social systems.

(3) "Occupational therapist" means a person licensed to practice occupational therapy under this chapter.

(4) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under the supervision or with the regular consultation of an occupational therapist.

(5) "Occupational therapy aide" means a person who is trained to perform specific occupational therapy techniques under professional supervision as defined by the board but who does not perform activities that require advanced training in the sciences or practices involved in the profession of occupational therapy.

(6) "Occupational therapy practitioner" means a person who is credentialed as an occupational therapist or occupational therapy assistant.

(7) "Person" means any individual, partnership, unincorporated organization, or corporate body, except that only an individual may be licensed under this chapter.

(8) "Department" means the department of health.

(9) "Secretary" means the secretary of health.

(10) "Sharp debridement" means the removal of loose or loosely adherent devitalized tissue with the use of tweezers, scissors, or scalpel, without any type of anesthesia other than topical anesthetics. "Sharp debridement" does not mean surgical debridement.

(11) "Wound care management" means a part of occupational therapy treatment that facilitates healing, prevents edema, infection, and excessive scar formation, and minimizes wound complications. Treatment may include: Assessment of wound healing status; patient education; selection and application of dressings; cleansing of the wound and surrounding areas; application of topical medications, as provided under RCW 18.59.160; use of physical agent modalities; application of pressure garments and nonweight-bearing orthotic devices, excluding high-temperature custom foot orthotics made from a mold; sharp debridement of devitalized tissue; debridement of devitalized tissue with other agents; and adapting activities of daily living to promote independence during wound healing.

Sec. 2. RCW 18.59.160 and 2009 c 68 s 1 are each amended to read as follows:

An occupational therapist licensed under this chapter may purchase, store, and administer topical and transdermal medications such as hydrocortisone, dexamethasone, fluocinonide, topical anesthetics, lidocaine, magnesium sulfate, and other similar medications for the practice of occupational therapy as prescribed by a health care provider with prescribing authority as authorized in RCW 18.59.100. Administration of medication must be documented in the patient's medical record. Some medications may be applied by the use of iontophoresis and phonophoresis. An occupational therapist may not purchase, store, or administer controlled substances. A pharmacist who dispenses such drugs to a licensed occupational therapist is not liable for any adverse reactions caused by any method of use by the occupational therapist. ~~((Application of a prescribed medication to a wound as authorized in this statute does not constitute wound care management.))~~ Application of a topical medication to a wound is subject to section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 18.59 RCW to read as follows:

(1)(a) An occupational therapist licensed under this chapter may provide wound care management only:

(i) In the course of occupational therapy treatment to return patients to functional performance in their everyday occupations under the referral and direction of a physician or other authorized healthcare provider listed in RCW 18.59.100 in accordance with their scope of practice. The referring provider must evaluate the patient prior to referral to an occupational therapist for wound care; and

(ii) After filing an affidavit under subsection (2)(b) of this section.

(b) An occupational therapist may not delegate wound care management, including any form of debridement.

(2)(a) Debridement is not an entry-level skill and requires specialized training, which must include: Indications and contraindications for the use of debridement; appropriate selection and use of clean and sterile techniques; selection of appropriate tools, such as scissors, forceps, or scalpel; identification of viable and devitalized tissues; and conditions which require referral back to the referring provider. Training must be provided through continuing education, mentoring, cotreatment, and observation. Consultation with the referring provider is required if the wound exposes anatomical structures underlying the skin, such as tendon, muscle, or bone, or if there is an obvious worsening of the condition, or signs of infection.

(b)(i) Occupational therapists may perform wound care management upon showing evidence of adequate education and training by submitting an affidavit to the board attesting to their education and training as follows:

(A) For occupational therapists performing any part of wound care management, except sharp debridement with a scalpel, a minimum of fifteen hours of mentored training in a clinical setting is required to be documented in the affidavit. Mentored training includes observation, cotreatment, and supervised treatment by a licensed occupational therapist who is authorized to perform wound care management under this section or a health care provider who is authorized to perform wound care management in his or her scope of practice. Fifteen hours mentored training in a clinical setting must include a case mix similar to the occupational therapist's expected practice;

(B) For occupational therapists performing sharp debridement with a scalpel, a minimum of two thousand hours in clinical practice and an additional minimum of fifteen hours of mentored sharp debridement training in the use of a scalpel in a clinical setting is required to be documented in the affidavit. Mentored

training includes observation, cotreatment, and supervised treatment by a licensed occupational therapist who is authorized to perform sharp debridement with a scalpel under this section or a health care provider who is authorized to perform wound care management, including sharp debridement with a scalpel, in his or her scope of practice. Both the two thousand hours in clinical practice and the fifteen hours of mentored training in a clinical setting must include a case mix similar to the occupational therapist's expected practice.

(ii) Certification as a certified hand therapist by the hand therapy certification commission or as a wound care specialist by the national alliance of wound care or equivalent organization approved by the board is sufficient to meet the requirements of (b)(i) of this subsection.

(c) The board shall develop an affidavit form for the purposes of (b) of this subsection."

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

Amendment (1055) was adopted.

The bill was ordered engrossed.

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

Representative Morrell spoke in favor of passage of the bill.

The Speaker Representative Morris presiding stated the question before the House to be the final passage of Substitute House Bill No. 3072.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3072, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 3072, having received the necessary constitutional majority, was declared passed.

THIRD READING

HOUSE BILL NO. 1080, by Representatives Simpson and Williams.

Allowing impact fees to be used for all fire protection facilities.

The bill was read the third time.

Representatives Van De Wege and Nelson spoke in favor of the passage of the bill.

Representative Angel spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1080.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1080, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Takko, Taylor, Walsh and Warnick.

Excused: Representative Simpson.

HOUSE BILL NO. 1080, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 2517, by Representatives Dammeier and Haigh

Exempting housing authorities from laws governing the construction, alteration, repair, or improvement of property by other public bodies

The bill was read the second time.

There being no objection, Substitute House Bill No. 2517 was substituted for House Bill No. 2517 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2517 was read the second time.

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

Representatives Dammeier and Haigh spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2517.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2517, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2517, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2747, by House Committee on Human Services (originally sponsored by Representatives Darneille, Cody, Williams, Kagi, Pedersen, Nelson, Dickerson, Hasegawa and Chase)

Limiting the use of restraints on pregnant women or youth.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2747 was substituted for House Bill No. 2747 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2747 was read the second time.

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

Representatives Darneille, Dickerson, Van De Wege and Green spoke in favor of the passage of the bill.

Representatives Klippert, Walsh, Dammeier, Hinkle and DeBolt spoke against the passage of the bill.

There being no objection, the House deferred action on SUBSTITUTE HOUSE BILL NO. 2747, and the bill held its place on the third reading calendar.

HOUSE BILL NO. 2706, by Representatives Cody, Bailey, Driscoll, Johnson, Morrell, Hinkle, Green and Kenney

Concerning exemption from immunization.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2706 was substituted for House Bill No. 2706 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2706 was read the second time.

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

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

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2706.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2706, and the bill passed the House by the following vote: Yeas, 82; Nays, 15; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Campbell, Condotta, Crouse, Ericksen, Herrera, Kirby, Kretz, Kristiansen, McCune, Pearson, Roach, Shea, Short and Taylor.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2706, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 2706.
Terry Nealey, 16th District.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 2706.
Maureen Walsh, 16th District.

MESSAGE FROM THE SENATE

February 11, 2010

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL 5376
SENATE BILL 6209
SUBSTITUTE SENATE BILL 6217
SUBSTITUTE SENATE BILL 6224

SUBSTITUTE SENATE BILL 6239
SENATE BILL 6265
SUBSTITUTE SENATE BILL 6357
SUBSTITUTE SENATE BILL 6360
SENATE BILL 6365
SUBSTITUTE SENATE BILL 6380
SUBSTITUTE SENATE BILL 6393
ENGROSSED SUBSTITUTE SENATE BILL 6403
SENATE BILL 6543
SENATE BILL 6627
SUBSTITUTE SENATE BILL 6730
SECOND SUBSTITUTE SENATE BILL 6760
SENATE JOINT MEMORIAL 8025
SUBSTITUTE SENATE CONCURRENT RESOLUTION
8409

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

INTRODUCTION & FIRST READING

HB 3182 by Representatives Alexander, DeBolt, Armstrong, Kristiansen, Pearson, Bailey, Rodne, Johnson, Short, Dammeier, Taylor, Crouse, Nealey, Walsh, Roach, Warnick, Klippert, Parker, Ross, Haler, Fagan, Orcutt, Schmick, Angel, Smith, Shea, Ericksen and Kretz

AN ACT Relating to state mandates on political subdivisions of the state; and adding a new section to chapter 43.135 RCW.

Referred to Committee on Ways & Means.

ESSB 5529 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Jarrett and King)

AN ACT Relating to architects; amending RCW 18.08.310, 18.08.320, 18.08.330, 18.08.340, 18.08.350, 18.08.360, 18.08.370, 18.08.410, 18.08.420, and 18.08.430; and providing effective dates.

Referred to Committee on Commerce & Labor.

ESSB 5704 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Swecker, Becker, Stevens and Roach)

AN ACT Relating to creation of a flood district by three or more counties; amending RCW 85.38.090; and adding a new section to chapter 85.38 RCW.

Referred to Committee on Local Government & Housing.

SSB 6197 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Parlette and Franklin)

AN ACT Relating to group life insurance; amending RCW 48.24.030 and 48.21.010; and adding a new section to chapter 48.24 RCW.

Referred to Committee on Financial Institutions & Insurance.

SSB 6207 by Senate Committee on Transportation (originally sponsored by Senator Haugen)

AN ACT Relating to allowing local governments to create golf cart zones; amending RCW 46.04.320, 46.04.670, 46.16.010, 46.61.687, and 46.61.688; reenacting and amending RCW 46.37.010; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.08 RCW.

Referred to Committee on Transportation.

SB 6227 by Senators Becker, Marr, Parlette and Keiser

AN ACT Relating to permitting regularly enrolled students in a prescribed course of opticianry to practice under supervision without registering as an apprentice with the department of health; and amending RCW 18.34.010.

Referred to Committee on Health Care & Wellness.

ESB 6240 by Senators Keiser, Eide, Kauffman, Gordon and McDermott

AN ACT Relating to forming joint underwriting associations; amending RCW 48.15.040; adding a new chapter to Title 48 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

ESSB 6286 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Haugen, Tom, Keiser, Kauffman and McDermott)

AN ACT Relating to the liability and powers of cities, diking districts, and flood control zone districts; and amending RCW 86.12.037 and 86.15.080.

Referred to Committee on Judiciary.

SB 6288 by Senators Pridemore, Fairley, Kohl-Welles and Kline

AN ACT Relating to the authority of counties, cities, and towns to request criminal background checks from the Washington state patrol; adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Local Government & Housing.

SB 6330 by Senators Kohl-Welles, Delvin, Haugen, Swecker, Kline, Fraser, Shin, Fairley and Roach

AN ACT Relating to permitting the placement of human trafficking informational posters in rest areas; and adding a new section to chapter 47.38 RCW.

Referred to Committee on Transportation.

SB 6487 by Senators Franklin, Pridemore, Keiser, Carrell, Pflug, Schoesler, Delvin and Kline

AN ACT Relating to repealing the expiration of the fair payment for chiropractic services requirement; and repealing 2008 c 304 s 4 (uncodified).

Referred to Committee on Health Care & Wellness.

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

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

SECOND READING SUSPENSION

HOUSE BILL NO. 2409, by Representatives Simpson, Angel, Upthegrove and Moeller

Concerning the sale of water-sewer district real property.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2409 was read the second time.

The bill was placed on final passage.

Representatives Nelson and Angel spoke in favor of the passage of the bill.

The (Speaker Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2409.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2409, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2409, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2460, by Representatives Smith, Nelson, Liias, Van De Wege, Blake, Bailey, Upthegrove, Kenney and Moeller

Regarding organic products.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Smith, Chase and Darneille spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2460.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2460, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 2460, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2486, by Representatives Goodman, Klippert, Rodne, Green, Kessler and Kelley

Concerning costs for the collection of DNA samples.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2486 was read the second time.

The bill was placed on final passage.

Representatives Goodman and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2486.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2486, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune,

Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2486, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2534, by Representatives Hurst, Pearson, O'Brien, Chase, Kelley, Conway, Van De Wege, Sells, Ericks, Morrell, Kirby, Campbell, Haigh and Smith

Establishing a program to verify the address of registered sex offenders and kidnapping offenders.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2534 was read the second time.

The bill was placed on final passage.

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2534.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2534, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2534, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2589, by Representative Green

Concerning on-site wastewater treatment systems designer licensing.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2589 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2589.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2589, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Ericksen and Herrera.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2589, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2593, by Representatives Rolfes, Morris, Upthegrove, Williams, Liias, White and Nelson

Concerning the department of fish and wildlife's ability to manage shellfish resources.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2593 was read the second time.

The bill was placed on final passage.

Representatives Rolfes and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2593.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2593, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2593, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2596, by Representatives Williams, Chase, Upthegrove and Simpson

Defining child advocacy centers for the multidisciplinary investigation of child abuse and implementation of county protocols.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2596 was read the second time.

The bill was placed on final passage.

Representatives Williams and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2596.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2596, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2596, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2620, by Representatives Hunter and Moeller

Concerning excise taxation of certain products and services provided or furnished electronically.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2620 was read the second time.

The bill was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2620.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2620, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2620, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2629, by Representatives Kelley, Seaquist, Green, Kenney and Morrell

Updating provisions related to adoption petitions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kelley and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2629.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2629, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 2629, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2681, by Representatives Goodman, Rodne and Kelley

Allowing compensation for part-time judges' judicial services.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2681.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2681, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 2681, having received the necessary constitutional majority, was declared passed.

There being no objection, the following bills were referred from the third reading calendar to the Committee on Rules:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1393
HOUSE BILL NO. 1912

There being no objection, the following bills were referred from the second reading calendar to the Committee on Rules:

HOUSE BILL NO. 2424
HOUSE BILL NO. 2484
HOUSE BILL NO. 1950
HOUSE BILL NO. 2550
HOUSE BILL NO. 2673

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

There being no objection, the House adjourned until 10:00 a.m., February 12, 2010, the 33rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

THIRTY THIRD DAY

House Chamber, Olympia, Friday, February 12, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Shannon Iverson and Michael Yunker. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Steve Baber, Skyway United Methodist Church, Seattle.

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

MESSAGES FROM THE SENATE

February 11, 2010

MR. SPEAKER:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL 2921
SUBSTITUTE HOUSE BILL 2998

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 11, 2010

Mr. Speaker:

The Senate has passed:

SENATE BILL 5411
ENGROSSED SUBSTITUTE SENATE BILL 5555
SENATE BILL 6279
SUBSTITUTE SENATE BILL 6293
SECOND SUBSTITUTE SENATE BILL 6316
SUBSTITUTE SENATE BILL 6361
SUBSTITUTE SENATE BILL 6548
SUBSTITUTE SENATE BILL 6550
SUBSTITUTE SENATE BILL 6673
SENATE JOINT MEMORIAL 8026
ENGROSSED SUBSTITUTE SENATE JOINT
RESOLUTION 8218

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTIONS AND FIRST READING

HB 3183 by Representatives Flannigan, Ericks, Pettigrew, Ormsby, Eddy, Chase, Appleton, Quall, Hunt, Sells, Nelson, Dickerson, Pedersen, Clibborn, Moeller and Darneille

AN ACT Relating to excise taxes; amending RCW 82.08.020 and 82.08.020; reenacting and amending RCW 43.84.092;

adding a new section to chapter 82.04 RCW; adding a new section to chapter 46.68 RCW; creating a new section; providing effective dates; and providing an expiration date.

Referred to Committee on Finance.

ESB 5041 by Senators Kilmer, Swecker, Hobbs, Shin, Kauffman, Franklin, Marr, Rockefeller, Haugen, Eide, Kastama and McAuliffe

AN ACT Relating to state contracts with veteran-owned businesses; amending RCW 43.60A.010, 43.19.536, 39.80.040, and 47.28.030; adding new sections to chapter 43.60A RCW; adding a new section to chapter 43.19 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 39.29 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Affairs.

ESB 5297 by Senators Kline and Delvin

AN ACT Relating to the procedure for filing a declaration of completion of probate; and amending RCW 11.68.110 and 11.68.114.

Referred to Committee on Judiciary.

ESB 5523 by Senators Hobbs, Pridemore and Tom

AN ACT Relating to public retirement benefits for employees of the supreme court, court of appeals, or superior, district, or municipal courts; amending RCW 41.45.207; adding new sections to chapter 41.40 RCW; adding a new section to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

ESSB 5902 by Senate Committee on Ways & Means (originally sponsored by Senators Pridemore, Fraser, McAuliffe, Kline, Kohl-Welles and McDermott)

AN ACT Relating to promoting accessible communities for persons with disabilities; amending RCW 29A.46.260 and 43.79A.040; reenacting and amending RCW 46.16.381; adding a new section to chapter 50.40 RCW; adding a new section to chapter 36.01 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Human Services.

SSB 6214 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Haugen, Morton, Swecker, Shin, McCaslin, Ranker, Rockefeller,

Fairley, Pridemore, Kline, Parlette, Jacobsen, Schoesler, Sheldon, McDermott and Fraser)

AN ACT Relating to restructuring three growth management hearings boards into one board; amending RCW 36.70A.130, 36.70A.172, 36.70A.250, 36.70A.260, 36.70A.270, 36.70A.280, 36.70A.290, 36.70A.295, 36.70A.302, 36.70A.310, 36.70A.3201, 36.70A.345, 90.58.190, 34.05.518, and 34.12.020; reenacting and amending RCW 36.70A.110; creating a new section; and providing an effective date.

Referred to Committee on Local Government & Housing.

ESB 6263 by Senator Keiser

AN ACT Relating to the establishment of the Washington vaccine association; amending RCW 43.70.720; adding a new section to chapter 43.24 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

ESSB 6306 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senator Schoesler)

AN ACT Relating to crop adjusters; amending RCW 48.17.010, 48.17.060, 48.17.110, 48.17.150, 48.17.390, and 48.17.420; reenacting and amending RCW 48.14.010; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SSB 6340 by Senate Committee on Judiciary (originally sponsored by Senators Regala and Kline)

AN ACT Relating to membership of the Washington state forensic investigations council; and amending RCW 43.103.040.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 6341 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield, Haugen, Schoesler, Prentice, Shin and Fairley)

AN ACT Relating to transferring food assistance programs to the department of agriculture; amending RCW 43.330.130; adding a new section to chapter 43.23 RCW; creating new sections; and providing an effective date.

Referred to Committee on General Government Appropriations.

SSB 6342 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Swecker, Hobbs, Franklin, Carrell, McDermott, Pridemore, Marr, Shin and Fairley)

AN ACT Relating to the Washington soldiers' home; and amending RCW 72.36.010.

Referred to Committee on State Government & Tribal Affairs.

SSB 6344 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Prentice, Hargrove, Kauffman, Marr and McDermott)

AN ACT Relating to campaign contribution limits; amending RCW 42.17.640; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government & Tribal Affairs.

SSB 6346 by Senate Committee on Transportation (originally sponsored by Senators Ranker, Haugen, Regala, Rockefeller, Pridemore, Marr, King, Fraser, Swecker, Kilmer, Shin, Tom, Kohl-Welles and Kline)

AN ACT Relating to expanding the use of certain electric vehicles; and amending RCW 46.04.295, 46.61.723, and 46.61.725.

Referred to Committee on Transportation.

SSB 6356 by Senate Committee on Transportation (originally sponsored by Senators Kilmer, Swecker, Rockefeller and Kastama)

AN ACT Relating to limiting access to law enforcement and emergency equipment and vehicles; amending RCW 46.37.195; and creating a new section.

Referred to Committee on Transportation.

SSB 6374 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Delvin, Swecker, Shin, Kastama, Eide, Marr, Hatfield, Sheldon, Berkey, Haugen and Ranker)

AN ACT Relating to fiscal note instructions; and creating a new section.

Referred to Committee on Ways & Means.

SB 6401 by Senator Brandland

AN ACT Relating to an alternative process for selecting an electrical contractor or a mechanical contractor, or both, for general contractor/construction manager projects; and adding a new section to chapter 39.10 RCW.

Referred to Committee on State Government & Tribal Affairs.

SB 6418 by Senators Marr and Brown

AN ACT Relating to cities and towns annexed to fire protection districts; and amending RCW 52.02.020 and 52.04.061.

Referred to Committee on Local Government & Housing.

ESSB 6426 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice and Tom)

AN ACT Relating to eliminating boards and commissions; amending RCW 18.44.011, 18.44.195, 18.44.221, 18.44.251, 19.146.225, 28C.18.050, 28C.18.090, 43.03.027, 43.03.028, 34.12.100, 42.17.370, 43.03.040, 43.63A.760, 18.250.010, 18.250.020, 18.250.060, 70.47.040, 28A.300.520, 43.215.065, 72.09.495, 74.04.800, 43.101.380, 43.105.052, 72.23.025, 43.43.930, 43.43.938, 43.43.962, 43.43.934, 38.52.530, 49.26.120, 48.62.061, 48.62.161, 41.05.035, 28B.76.280, 18.280.050, 18.280.060, 43.330.090, 43.105.041, 43.105.805, 43.105.820, 18.210.010, 18.210.050, 18.210.060, 70.118.110, 18.200.010, 18.200.050, 18.200.070, 77.95.100, 77.95.180, 77.95.190, 82.58.020, 70.95.030, 43.21A.520, 70.105.010, 70.105.160, 70.119A.180, 90.86.030, 18.104.040, 18.104.043, 18.104.049, 18.104.100, 18.104.200, 19.16.100, 19.16.420, 43.60A.010, 43.60A.080, 46.01.325, and 46.01.140; reenacting and amending RCW 43.105.020, 18.235.020, and 18.235.020; adding a new section to chapter 34.05 RCW; adding a new section to chapter 43.185B RCW; adding new sections to chapter 43.20A RCW; adding a new section to chapter 28B.108 RCW; adding a new section to chapter 46.66 RCW; adding a new section to chapter 70.195 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 26.19 RCW; adding a new section to chapter 35.78 RCW; adding a new section to chapter 43.32 RCW; adding a new section to chapter 19.16 RCW; adding a new section to chapter 72.78 RCW; adding a new section to chapter 70.198 RCW; adding new sections to chapter 28A.175 RCW; adding a new section to chapter 43.06B RCW; adding a new section to chapter 44.39 RCW; adding a new section to chapter 38.52 RCW; adding a new section to chapter 43.22 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 70.47A RCW; adding a new section to chapter 28B.115 RCW; adding a new section to chapter 77.85 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 1.40 RCW; adding a new section to chapter 1.60 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28A.195 RCW; adding a new section to chapter 36.102 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 74.18 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 43.210 RCW; adding a new section to chapter 58.24 RCW; adding a new section to chapter 44.55 RCW; adding a new section to chapter 90.86 RCW; adding a new section to chapter 90.56 RCW; creating new sections; repealing RCW 70.96A.070, 18.44.500, 18.44.510, 79A.25.220, 19.146.280, 43.360.040, 28B.50.254, 18.250.030, 43.63A.068, 43.101.310, 43.101.315, 43.101.320, 43.101.325, 43.101.330, 43.101.335, 43.101.340, 43.101.345, 43.105.055, 70.198.010, 70.198.020, 43.43.932, 43.43.936, 70.105E.090, 48.62.051, 48.62.041, 28B.76.100, 10.98.200, 10.98.210, 10.98.220, 10.98.230, 10.98.240, 43.105.800, 43.105.810, 71.09.320, 18.210.040, 18.210.070, 70.118.100, 18.200.060, 77.95.110, 77.95.120, 70.95.040, 70.95.050, 70.95.070, 70.105.060, 70.119A.160, 18.104.190, 79A.30.030, 46.38.010, 46.38.020, 46.38.030, 46.38.040, 46.38.050, 46.38.060, 46.38.070, 46.38.080, 46.38.090, 46.39.010, 46.39.020, 43.60A.170, 43.131.405, 43.131.406, and 46.01.320; repealing 2007 c 520 s 6016 (uncodified); repealing 2007 c 520 s 6026 (uncodified); providing effective dates; and providing expiration dates.

Referred to Committee on State Government & Tribal Affairs.

SSB 6515 by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Kilmer and Shin)

AN ACT Relating to refocusing the mission of the department of commerce, including transferring programs; amending RCW 43.330.005, 43.330.007, 70.05.125, 43.270.020, 43.270.070, 43.270.080, 43.330.210, 43.330.240, 82.14.400, 43.63A.305, 43.63A.307, 43.63A.311, 43.63A.313, 9.94A.8673, 43.63A.720, 43.63A.735, 43.280.011, 43.280.020, 43.280.060, 43.280.070, 43.280.080, 43.280.090, 74.14B.060, 80.50.030, 43.190.030, 43.190.120, 19.27.070, 19.27.097, 19.27.150, 19.27A.020, 19.27A.140, 19.27A.150, 19.27A.180, 43.21F.010, 43.21F.025, 43.21F.090, 36.27.100, 43.110.030, 43.110.060, 43.110.080, 43.15.020, 35.21.185, 35.102.040, and 36.70B.220; reenacting and amending RCW 70.125.030 and 41.06.070; adding new sections to chapter 43.70 RCW; adding new sections to chapter 43.20A RCW; adding new sections to chapter 43.22 RCW; adding a new section to chapter 43.21F RCW; creating new sections; recodifying RCW 43.330.195, 43.330.200, 43.330.205, 43.330.210, 43.330.220, 43.330.225, 43.330.230, 43.330.240, 43.63A.305, 43.63A.307, 43.63A.309, 43.63A.311, 43.63A.313, 43.63A.315, 43.63A.720, 43.63A.725, 43.63A.730, 43.63A.735, and 43.63A.740; decodifying RCW 43.280.081 and 43.63A.150; repealing RCW 43.21F.015, 43.110.010, 43.110.040, and 43.110.070; and providing an effective date.

Referred to Committee on Community & Economic Development & Trade.

SSB 6591 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Berkey, Gordon, Keiser and Prentice)

AN ACT Relating to complaints filed with the human rights commission; and amending RCW 49.60.240.

Referred to Committee on Judiciary.

ESSB 6604 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hobbs, King, McAuliffe, Oemig, Tom, Brandland, Holmquist, McDermott and Kline)

AN ACT Relating to flexibility in the education system; amending RCW 28A.150.520, 28A.210.080, 28A.220.030, 28A.300.118, 28A.300.150, 28A.300.160, 28A.300.270, 28A.300.405, 28A.300.410, 28A.300.450, 28A.300.520, 28A.320.080, 28A.320.160, 28A.345.020, 28A.345.050, 28A.640.020, 28A.655.061, and 39.35D.040; repealing RCW 28A.210.130, 28A.220.050, 28A.220.080, 28A.220.085, 28A.230.150, 28A.300.280, and 28A.320.185; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

SSB 6629 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Oemig and McAuliffe)

AN ACT Relating to highly capable students; creating a new section; and providing an expiration date.

Referred to Committee on Education.

ESB 6643 by Senators Schoesler, Sheldon, Hewitt, Brown, Honeyford, Parlette, McAuliffe and Shin

AN ACT Relating to second-class school districts and compliance reports; adding new sections to chapter 28A.330 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.150 RCW; adding a new section to chapter 28A.155 RCW; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.165 RCW; adding a new section to chapter 28A.170 RCW; adding a new section to chapter 28A.175 RCW; adding a new section to chapter 28A.180 RCW; adding a new section to chapter 28A.185 RCW; adding a new section to chapter 28A.200 RCW; adding a new section to chapter 28A.210 RCW; adding a new section to chapter 28A.215 RCW; adding a new section to chapter 28A.220 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.235 RCW; adding a new section to chapter 28A.250 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.315 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.323 RCW; adding a new section to chapter 28A.325 RCW; adding a new section to chapter 28A.335 RCW; adding a new section to chapter 28A.340 RCW; adding a new section to chapter 28A.343 RCW; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.500 RCW; adding a new section to chapter 28A.505 RCW; adding a new section to chapter 28A.510 RCW; adding a new section to chapter 28A.515 RCW; adding a new section to chapter 28A.520 RCW; adding a new section to chapter 28A.525 RCW; adding a new section to chapter 28A.527 RCW; adding a new section to chapter 28A.530 RCW; adding a new section to chapter 28A.535 RCW; adding a new section to chapter 28A.540 RCW; adding a new section to chapter 28A.545 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28A.620 RCW; adding a new section to chapter 28A.623 RCW; adding a new section to chapter 28A.625 RCW; adding a new section to chapter 28A.630 RCW; adding a new section to chapter 28A.655 RCW; and creating a new section.

Referred to Committee on Education.

SSB 6688 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley and Shin)

AN ACT Relating to filling vacancies in nonpartisan local elective office; amending RCW 36.16.110; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

E2SSB 6696 by Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, King, Gordon, Oemig, Hobbs, Kauffman, McDermott, Roach, Berkey, Murray, Tom, Prentice, Haugen, Fairley, Kline, Rockefeller, Keiser, Marr, Ranker, Regala, Eide, Kilmer, Hargrove, Franklin, Shin and Kohl-Welles)

AN ACT Relating to education reform; amending RCW 28A.305.225, 28A.150.230, 28A.405.100, 28A.405.220, 28A.400.200, 28A.660.020, 28B.76.335, 28B.76.230, 28A.655.110, 41.56.100, 41.59.120, and 28A.300.136; reenacting and amending RCW 28A.660.040 and 28A.660.050; adding new sections to chapter 28A.405 RCW; adding new sections to chapter 28A.410 RCW; adding a new section to chapter 28B.76 RCW; adding a new section to chapter 28A.605 RCW; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.59 RCW; adding a new chapter to Title 28A RCW; creating new sections; recodifying RCW 28A.305.225; and repealing RCW 28A.660.010, 28A.415.100, 28A.415.105, 28A.415.130, 28A.415.135, and 28A.415.140.

Referred to Committee on Education.

ESSB 6774 by Senate Committee on Transportation (originally sponsored by Senator Marr)

AN ACT Relating to transportation benefit districts; and amending RCW 36.73.020.

Referred to Committee on Transportation.

ESSB 6805 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kastama, Zarelli, Shin and Delvin)

AN ACT Relating to the Washington state economic development commission; amending RCW 43.79A.040; and adding a new section to chapter 43.162 RCW.

Referred to Committee on Community & Economic Development & Trade.

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

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

SECOND READING SUSPENSION

HOUSE BILL NO. 2683, by Representatives Kenney, Smith, Probst, Maxwell, Ericks, Sullivan, Pettigrew, Kelley, White, Johnson, Hasegawa, Liias, Sells, Nelson and Anderson

Changing provisions relating to the economic development commission.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2683 was read the second time.

The bill was placed on final passage.

Representatives Kenney and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2683

MOTION

On motion of Representative Santos, Representatives Flannigan, Simpson and Williams were excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2683, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Flannigan, Simpson and Williams.

SUBSTITUTE HOUSE BILL NO. 2683, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2721, by Representatives Upthegrove, Orwall, Kenney, Liias, Nelson and Chase

Concerning commute trip reduction programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2721 was substituted for House Bill No. 2721 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2721 was read the second time.

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

Representative Upthegrove spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2721.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2721, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier,

Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Flannigan, Simpson and Williams.

SUBSTITUTE HOUSE BILL NO. 2721, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2745, by Representatives Hudgins, Campbell and Upthegrove

Concerning compliance with the environmental protection agency's renovation, repair, and painting rule in the lead-based paint program.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2745 was read the second time.

The bill was placed on final passage.

Representatives Hudgins, Campbell and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2745.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2745, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Flannigan, Simpson and Williams.

SUBSTITUTE HOUSE BILL NO. 2745, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2758, by Representatives Hunter, Condotta, Kessler and Orcutt

**Documenting wholesale sales for excise tax purposes.
Revised for 1st Substitute: Documenting wholesale sales for
excise tax purposes.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2758 was read the second time.

The bill was placed on final passage.

Representatives Hasegawa and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2758.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2758, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Flannigan, Simpson and Williams.

SUBSTITUTE HOUSE BILL NO. 2758, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2828, by Representatives Campbell and Morrell

Requiring hospitals to report certain health care data.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2828 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2828.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2828, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Flannigan, Simpson and Williams.

SUBSTITUTE HOUSE BILL NO. 2828, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2863, by Representatives Blake, Chandler, Liias, Van De Wege, Jacks and Wallace

Transferring emergency food assistance programs to the department of agriculture.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2863 was read the second time.

The bill was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2863.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2863, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Flannigan, Simpson and Williams.

SUBSTITUTE HOUSE BILL NO. 2863, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2865, by Representatives Roberts, Dickerson, Walsh, O'Brien, White, Seaquist, Green, Williams, Moeller, Appleton and Orwall

Concerning offenders with developmental disabilities or traumatic brain injuries.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2865 was read the second time.

The bill was placed on final passage.

Representatives Roberts and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2865.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2865, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Flannigan, Simpson and Williams.

SUBSTITUTE HOUSE BILL NO. 2865, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2937, by Representatives Clibborn, Roach, Takko, Rodne, Finn, Klippert, Seaquist, Ericksen, Kessler, Simpson and Smith

Modifying the transportation system policy goals to include economic vitality.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2937.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2937, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Flannigan, Simpson and Williams.

HOUSE BILL NO. 2937, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2939, by Representatives Dammeier, Orwall, Parker, Probst, Morrell, Kessler, Smith and Kenney

Concerning notations on driver abstracts that a person was not at fault in a motor vehicle accident.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 2939 was read the second time.

The bill was placed on final passage.

Representatives Dammeier and Liias spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2939

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2939, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos,

Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Flannigan, Simpson and Williams.

SUBSTITUTE HOUSE BILL NO. 2939, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3068, by Representatives Santos, Priest, Sullivan, Upthegrove, Maxwell, Morrell, Wallace, Ormsby, Kenney and Simpson

Providing access to alternative routes to certification for the recruiting Washington teachers program.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Santos spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 3068.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3068, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Flannigan, Simpson and Williams.

HOUSE BILL NO. 3068, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4025, by Representatives O'Brien, Campbell, Seaquist, Appleton, McCune, Kelley, Warnick, Armstrong, Sells, Morrell, Maxwell, Van De Wege, Simpson, Conway, Smith, Shea, Pearson, Johnson, Hurst and Kenney

Honoring Vietnam veterans.

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted.

The joint memorial was placed on final passage.

Representatives O'Brien, Campbell, Smith, Seaquist and Rodne spoke in favor of the passage of the memorial.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4025.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4025, and the joint memorial passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Simpson.

HOUSE JOINT MEMORIAL NO. 4025, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4027, by Representatives Hasegawa, Hudgins, Maxwell, Wallace, Simpson and Kenney

Requesting that a retired space shuttle orbiter be transferred to Washington's museum of flight.

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted.

The joint memorial was placed on final passage.

Representatives Hasegawa, Orcutt, Appleton, Klippert and Anderson spoke in favor of the passage of the joint memorial.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4027.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4027, and the joint memorial passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell,

Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Dunshee.

Excused: Representatives Flannigan and Simpson.

HOUSE JOINT MEMORIAL NO. 4027, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 2525, by Representatives Nealey, Klippert, Chandler and Haler

Concerning public facilities districts created by at least two city or county legislative authorities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2525 was substituted for House Bill No. 2525 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2525 was read the second time.

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

Representatives Nealey and Maxwell spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2525.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2525, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2525, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Ericksen congratulated Representative Nealey on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

SECOND READING

HOUSE BILL NO. 2551, by Representatives Cody, Green, Sullivan, Pedersen, Darneille and Moeller

Establishing the Washington vaccine association.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2551 was substituted for House Bill No. 2551 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2551 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2551.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2551, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SECOND SUBSTITUTE HOUSE BILL NO. 2551, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2595, by Representatives Rolfes, Kelley, Ericks, Kirby and Hurst

Imposing a sentence outside the standard sentence range for defendants who intercept police communication as a means to facilitate the crime.

The bill was read the second time.

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

Representatives Rolfes and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2595.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2595, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

HOUSE BILL NO. 2595, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2605, by Representatives Driscoll, Kelley, Chase, Ormsby and Moeller

Concerning billing for anatomic pathology services.

The bill was read the second time.

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

Representative Driscoll spoke in favor of passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2605.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2605, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts,

Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Simpson.

HOUSE BILL NO. 2605, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2608, by Representatives Nelson, Kirby, Chase, Simpson, Morrell, Maxwell and Moeller

Concerning regulation and licensing of residential mortgage loan servicers and services.

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2608.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2608, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Armstrong, Condotta, Crouse, Ericksen, Fagan, Herrera, Hinkle, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Ross, Schmick, Shea, Short, Taylor and Walsh.

Excused: Representative Simpson.

HOUSE BILL NO. 2608, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 2608.

Norm Johnson 14th District.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2608.
Kirk Pearson 39th District.

SECOND READING

HOUSE BILL NO. 2623, by Representatives Orwall, Miloscia, Darneille, Kirby, Sullivan, Pettigrew, Simpson, Rolfes and Hasegawa

Regulating the foreclosure of residential real property. Revised for 2nd Substitute: Reviewing the foreclosure of residential real property.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2623 was substituted for House Bill No. 2623 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2623 was read the second time.

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

Representatives Orwall and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2623.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2623, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SECOND SUBSTITUTE HOUSE BILL NO. 2623, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2742, by Representatives Goodman, Liias, Sells, Hasegawa, Maxwell, Roberts, Jacks, Carlyle, Rolfes, Simpson, O'Brien and Morrell

Addressing accountability for persons driving under the influence of intoxicating liquor or drugs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2742 was substituted for House Bill No. 2742 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2742 was read the second time.

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

Representatives Goodman and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2742.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2742, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SECOND SUBSTITUTE HOUSE BILL NO. 2742, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2852, by Representatives Parker, Wallace and Schmick

Concerning college-level online learning by high school students.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2852 was substituted for House Bill No. 2852 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2852 was read the second time.

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

Representatives Parker and Maxwell spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2852.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2852, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sequist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2852, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2930, by Representatives Wallace, Sells, Carlyle, Anderson and Haler

Expanding the pool of qualified teachers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2930 was substituted for House Bill No. 2930 and the substitute bill was placed on the second reading calendar.

There being no objection, the House deferred action on SUBSTITUTE HOUSE BILL NO. 2930, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 2842, by Representatives Parker, Kirby and Kenney

Addressing confidentiality as it relates to insurer receivership.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2842 was substituted for House Bill No. 2842 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2842 was read the second time.

Representative Kirby moved the adoption of amendment (1075).

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 48.31 RCW to read as follows:

(1) Documents, materials, or other information that the commissioner obtains under this chapter in the commissioner's capacity as a receiver as defined in RCW 48.99.010(12), are records under the jurisdiction and control of the receivership court. These records are confidential by law and privileged, are not subject to chapter 42.56 or 40.14 RCW, and are not subject to subpoena directed to the commissioner or any person who received documents, materials, or other information while acting under the authority of the commissioner. The commissioner is authorized to use such documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The confidentiality and privilege created by this section and RCW 42.56.400(17) is not waived if confidential and privileged information under this section is shared with any person acting under the authority of the commissioner, representatives of insurance guaranty associations that may have statutory obligations as a result of the insolvency of an insurer, the national association of insurance commissioners and its affiliates and subsidiaries, regulatory and law enforcement officials of other states and nations, the federal government, and international authorities.

(2) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner as receiver is required to testify in any private civil action concerning any confidential and privileged documents, materials, or information subject to subsection (1) of this section.

(3) Any person who can demonstrate a legal interest in the receivership estate or a reasonable suspicion of negligence or malfeasance by the commissioner related to an insurer receivership may file a motion in the receivership matter to allow inspection of private company information or documents otherwise not subject to disclosure under subsection (1) of this section. The court shall conduct an in-camera review after notifying the commissioner and every party that produced the information. The court may order the commissioner to allow the petitioner to have access to the information provided the petitioner maintains the confidentiality of the information. The petitioner must not disclose the information to any other person, except upon further order of the court. After conducting a hearing, the court may order that the information can be disclosed publicly if the court finds that there is a public interest in the disclosure of the information and protection of the information from public disclosure is clearly unnecessary to protect any individual's right of privacy, or any company's proprietary information, and the commissioner has not demonstrated that disclosure would impair any vital governmental function, or the receiver's ability to manage the estate.

(4) The confidentiality and privilege of documents, materials, or other information obtained by the receiver set forth in subsections (1) and (2) of this section does not apply to litigation to which the insurer in receivership is a party. In such instances, discovery is governed by the Washington rules of civil procedure.

NEW SECTION. Sec. 2. A new section is added to chapter 48.99 RCW to read as follows:

(1) Documents, materials, or other information that the commissioner obtains under this chapter in the commissioner's capacity as a receiver, are records under the jurisdiction and control of the receivership court. These records are confidential by law and privileged, are not subject to chapter 42.56 or 40.14 RCW, and are not subject to subpoena directed to the commissioner or any person who received documents, materials, or other information while acting under the authority of the commissioner. The commissioner is authorized to use such documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The confidentiality and privilege created by this section and RCW

42.56.400(17) is not waived if confidential and privileged information under this section is shared with any person acting under the authority of the commissioner, representatives of insurance guaranty associations that may have statutory obligations as a result of the insolvency of an insurer, the national association of insurance commissioners and its affiliates and subsidiaries, regulatory and law enforcement officials of other states and nations, the federal government, and international authorities.

(2) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner as receiver is required to testify in any private civil action concerning any confidential and privileged documents, materials, or information subject to subsection (1) of this section.

(3) Any person who can demonstrate a legal interest in the receivership estate or a reasonable suspicion of negligence or malfeasance by the commissioner related to an insurer receivership may file a motion in the receivership matter to allow inspection of private company information or documents not subject to public disclosure under subsection (1) of this section. The court shall conduct an in-camera review after notifying the commissioner and every party that produced the information. The court may order the commissioner to allow the petitioner to have access to the information, provided the petitioner maintains the confidentiality of the information. The petitioner must not disclose the information to any other person, except upon further order of the court. After conducting a hearing, the court may order that the information can be disclosed if the court finds that there is a public interest in the disclosure of the information and the protection of the information from public disclosure is clearly unnecessary to protect any individual's right of privacy, or any company's proprietary information, and the commissioner has not demonstrated that the disclosure would impair any vital governmental function, the receivership estate, or the receiver's ability to manage the estate.

(4) The confidentiality and privilege of documents, materials or other information obtained by the receiver set forth in subsections (1) and (2) of this section does not apply to litigation to which the insurer in receivership is a party. In such instances, discovery is governed by the Washington rules of civil procedure.

Sec. 3. RCW 42.56.400 and 2009 c 104 s 23 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit

unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595; ~~(and)~~

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii); and

(17) Documents, materials, or information obtained by the insurance commissioner in the commissioner's capacity as receiver under sections 1 and 2 of this act, which are records under the jurisdiction and control of the receivership court. The commissioner is not required to search for, log, produce, or otherwise comply with the public records act for any records that the commissioner obtains under chapters 48.31 and 48.99 RCW in the commissioner's capacity as a receiver, except as directed by the receivership court."

Correct the title.

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

Amendment (1075) was adopted.

The bill was ordered engrossed.

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

Representative Kirby spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2842.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2842, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

Excused: Representative Simpson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2842, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2624, by Representatives Kelley, Ericks, Driscoll, Lias, Blake, Finn, O'Brien, Simpson, Orwall, Hurst and Darneille

Suspending the interstate compact for adult offender supervision. Revised for 1st Substitute: Concerning the interstate compact for adult offender supervision.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2624 was substituted for House Bill No. 2624 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2624 was read the second time.

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

Representatives Kelley and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2624.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2624, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier,

Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2624, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2402, by Representatives White, Rolfes, Armstrong, Haler, Nelson, Roberts, Maxwell, Dickerson, Crouse, Jacks, Walsh, Wallace, Sells, Ormsby, Kenney, Williams, Blake, Chase, Morris, Campbell, Appleton, Carlyle, Conway, Bailey, Hope and Haigh

Concerning a property tax exemption for property owned by a nonprofit organization and used for the purpose of a farmers market.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2402 was substituted for House Bill No. 2402 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2402 was read the second time.

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

Representatives White and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2402.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2402, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2402, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2439, by Representatives Short, Ericks, Crouse, Orcutt, Johnson, Taylor, Ormsby, Angel, Chandler, Shea, Kretz, Chase, Williams, McCune, Smith and Bailey

Exempting church property used by a nonprofit organization conducting activities related to a farmers market from property taxation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2439 was substituted for House Bill No. 2439 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2439 was read the second time.

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

Representatives Short and Hunter spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2439.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2439, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 2439, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2427, by Representatives Pearson, Hurst, Bailey, Goodman, Kirby, Chandler, Herrera, O'Brien, Warnick, Ross, Condotta, Dammeier, Shea, Klippert, Smith, Walsh, Parker, Jacks, Blake, Rodne, Williams, McCune, Campbell, Johnson, Eddy, Morrell, Kelley, Short, Maxwell, Sullivan, Conway, Roach, Kristiansen, Haler, Sells, Schmick, Ericks, Ormsby, Kretz, Moeller and Hope

Ensuring punishment for domestic violence offenders.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2427 was substituted for House Bill No. 2427 and the substitute bill was placed on the second reading calendar.

There being no objection, the House deferred action on SUBSTITUTE HOUSE BILL NO. 2427, and the bill held its place on the second reading calendar.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

MESSAGES FROM THE SENATE

February 12, 2010

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL 6205
SUBSTITUTE SENATE BILL 6208
SUBSTITUTE SENATE BILL 6577

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 12, 2010

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL 5548
SUBSTITUTE SENATE BILL 5780
SENATE BILL 6269
SUBSTITUTE SENATE BILL 6271
SUBSTITUTE SENATE BILL 6355
SUBSTITUTE SENATE BILL 6363
SENATE BILL 6379
SENATE BILL 6555
SUBSTITUTE SENATE BILL 6558
SUBSTITUTE SENATE BILL 6570
SUBSTITUTE SENATE BILL 6580
SUBSTITUTE SENATE BILL 6647
SUBSTITUTE SENATE BILL 6649
SENATE BILL 6815
SENATE BILL 6826

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

There being no objection, the House resumed action on SUBSTITUTE HOUSE BILL NO. 2930.

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

Representatives Wallace and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2930.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2930, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2930, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1547, by Representatives Bailey, Conway, Seaquist, Crouse, Kenney, Simpson and Ormsby

Increasing the duty-related death benefit for public employees.

The bill was read the second time.

Representative Van De Wege moved the adoption of amendment (1072).

On page 7, after line 2 of the amendment, insert the following:

"**Sec. 8.** This act applies to the benefits of all members killed in the course of employment since January 1, 2009."

Representatives Van De Wege, Liias and Ericks spoke in favor of the adoption of the amendment.

Representatives Bailey and Klippert spoke against the adoption of the amendment.

Amendment (1072) was adopted.

Representative Bailey moved the adoption of amendment (1063).

On page 1, line 5, strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 41.04.017 and 2007 c 487 s 1 are each amended to read as follows:

(1) A (~~one hundred fifty~~) two hundred and fourteen thousand dollar death benefit shall be paid as a sundry claim to the estate of an employee of any state agency, the common school system of the state, or institution of higher education who dies as a result of (1) injuries sustained in the course of employment; or (2) an occupational disease or infection that arises naturally and proximately out of employment covered under this chapter, and is not otherwise provided a death benefit through coverage under their enrolled retirement system under chapter 402, Laws of 2003. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the director of the department of general administration by order under RCW 51.52.050.

Sec. 2. RCW 41.24.160 and 2001 c 134 s 2 are each amended to read as follows:

(1)(a) Whenever a participant dies as the result of injuries received, or sickness contracted in consequence or as the result of the performance of his or her duties, the board of trustees shall order and direct the payment from the principal fund of (i) the sum of one (~~hundred fifty two~~) two hundred and fourteen thousand dollars to his widow or her widower, or if there is no widow or widower, then to his or her dependent child or children, or if there is no dependent child or children, then to his or her dependent parents or either of them, or if there are no dependent parents or parent, then the death benefit shall be paid to the member's estate, and (ii)(A) the sum of one thousand two hundred seventy-five dollars per month to his widow or her widower during his or her life together with the additional monthly sum of one hundred ten dollars for each child of the member, unemancipated or under eighteen years of age, dependent upon the member for support at the time of his or her death, (B) to a maximum total of two thousand five hundred fifty dollars per month.

(b) Beginning on July 1, 2001, and each July 1st thereafter, the compensation amount specified in (a)(ii)(B) of this subsection shall be readjusted to reflect the percentage change in the consumer price index, calculated as follows: The index for the calendar year preceding the year in which the July calculation is made, to be known as "calendar year A," is divided by the index for the calendar year preceding calendar year A, and the resulting ratio is multiplied by the compensation amount in effect on June 30th immediately preceding the July 1st on which the respective calculation is made. For the purposes of this subsection, "index" means the same as the definition in RCW 2.12.037(1).

(2) If the widow or widower does not have legal custody of one or more dependent children of the deceased participant or if, after the death of the participant, legal custody of such child or children passes from the widow or widower to another person, any payment on account of such child or children not in the legal custody of the widow or widower shall be made to the person or persons having legal custody of such child or children. Such payments on account of such child or children shall be subtracted from the amount to which such widow or widower would have been entitled had such widow or widower had legal custody of all the children and the widow or widower shall receive the remainder after such payments on account of such child or children have been subtracted. If there is no widow or widower, or the widow or widower dies while there are children, unemancipated or under eighteen years of age, then the amount of one thousand two hundred seventy-five dollars per month shall be paid for the youngest or only child together with an additional one hundred ten dollars per month for each additional of such children to a maximum of two thousand five hundred fifty dollars per month until they become emancipated or reach the age of eighteen years; and if there are no widow or widower, child, or children entitled thereto, then to his or her parents or either of them the sum of one thousand two hundred seventy-five dollars per month for life, if it is proved to the satisfaction of the board that the parents, or either of them, were dependent on the deceased for their support at the time of his or her death. In any instance in subsections (1) and (2) of this section, if the widow or widower, child or children, or the parents, or either of them, marries while receiving such pension the person so marrying shall thereafter receive no further pension from the fund.

(3) In the case provided for in this section, the monthly payment provided may be converted in whole or in part into a lump sum payment, not in any case to exceed twelve thousand dollars, equal or proportionate, as the case may be, to the actuarial equivalent of the monthly payment in which event the monthly payments shall cease in whole or in part accordingly or

proportionately. Such conversion may be made either upon written application to the state board and shall rest in the discretion of the state board; or the state board is authorized to make, and authority is given it to make, on its own motion, lump sum payments, equal or proportionate, as the case may be, to the value of the annuity then remaining in full satisfaction of claims due to dependents. Within the rule under this subsection the amount and value of the lump sum payment may be agreed upon between the applicant and the state board.

Sec. 3. RCW 41.32.053 and 2007 c 487 s 3 are each amended to read as follows:

(1) A (~~(one hundred fifty)~~) two hundred and fourteen thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member has nominated by written designation duly executed and filed with the department. If no such designated person or persons are still living at the time of the member's death, the member's death benefit shall be paid to the member's surviving spouse as if in fact the spouse had been nominated by written designation, or if there is no surviving spouse, then to the member's legal representatives.

(2) The benefit under this section shall be paid only where death occurs as a result of (a) injuries sustained in the course of employment; or (b) an occupational disease or infection that arises naturally and proximately out of employment covered under this chapter. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

Sec. 4. RCW 41.35.115 and 2007 c 487 s 4 are each amended to read as follows:

(1) A (~~(one hundred fifty)~~) two hundred and fourteen thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member has nominated by written designation duly executed and filed with the department. If no such designated person or persons are still living at the time of the member's death, the member's death benefit shall be paid to the member's surviving spouse as if in fact the spouse had been nominated by written designation, or if there is no surviving spouse, then to the member's legal representatives.

(2) The benefit under this section shall be paid only where death occurs as a result of (a) injuries sustained in the course of employment; or (b) an occupational disease or infection that arises naturally and proximately out of employment covered under this chapter. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

Sec. 5. RCW 41.37.110 and 2007 c 487 s 5 are each amended to read as follows:

(1) A (~~(one hundred fifty)~~) two hundred and fourteen thousand dollar death benefit shall be paid to the member's estate, or the person or persons, trust, or organization the member has nominated by written designation duly executed and filed with the department. If the designated person or persons are not still living at the time of the member's death, the member's death benefit shall be paid to the member's surviving spouse as if in fact the spouse had been nominated by written designation, or if there is no surviving spouse, then to the member's legal representatives.

(2) The benefit under this section shall be paid only where death occurs as a result of (a) injuries sustained in the course of employment; or (b) an occupational disease or infection that arises naturally and proximately out of employment covered under this chapter. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

Sec. 6. RCW 41.40.0931 and 2007 c 487 s 6 are each amended to read as follows:

(1) A (~~(one hundred fifty)~~) two hundred and fourteen thousand dollar death benefit for members who had the opportunity to transfer to the law enforcement officers' and firefighters' retirement system pursuant to chapter 502, Laws of 1993, but elected to remain in the public employees' retirement system, shall be paid to the member's estate, or such person or persons, trust, or organization as the member has nominated by written designation duly executed and filed with the department. If there is no designated person or persons still living at the time of the member's death, the member's death benefit shall be paid to the member's surviving spouse as if in fact the spouse had been nominated by written designation, or if there is no surviving spouse, then to the member's legal representatives.

(2) Subject to subsection (3) of this section, the benefit under this section shall be paid only where death occurs as a result of (a) injuries sustained in the course of employment as a general authority police officer; or (b) an occupational disease or infection that arises naturally and proximately out of employment covered under this chapter. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

(3) The benefit under this section shall not be paid in the event the member was in the act of committing a felony when the fatal injuries were suffered.

Sec. 7. RCW 41.40.0932 and 2007 c 487 s 7 are each amended to read as follows:

(1) A (~~(one hundred fifty)~~) two hundred and fourteen thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member has nominated by written designation duly executed and filed with the department. If no such designated person or persons are still living at the time of the member's death, the member's death benefit shall be paid to the member's surviving spouse as if in fact the spouse had been nominated by written designation, or if there is no surviving spouse, then to the member's legal representatives.

(2) The benefit under this section shall be paid only where death occurs as a result of (a) injuries sustained in the course of employment; or (b) an occupational disease or infection that arises naturally and proximately out of employment covered under this chapter. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050."

Correct the title.

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

Amendment (1063) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1547.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1547, and the bill passed the House by the following vote: Yeas, 85; Nays, 13; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Condotta, DeBolt, Ericksen, Herrera, Johnson, Klippert, Kristiansen, Nealey, Rodne, Ross and Taylor.

ENGROSSED HOUSE BILL NO. 1547, having received the necessary constitutional majority, was declared passed.

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

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

ESSB 6130 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to amending provisions related to Initiative No. 960; amending RCW 43.135.031, 43.135.035, and 43.135.041; adding a new section to chapter 43.135 RCW; and declaring an emergency.

Referred to Committee on Finance.

2ESB 6843 by Senators Prentice, Murray, Kohl-Welles, Regala, Fairley, Ranker, McDermott, Kline and Keiser

AN ACT Relating to preserving essential public services by temporarily suspending the two-thirds vote requirement for tax increases; amending RCW 43.135.035; and declaring an emergency.

Referred to Committee on Finance.

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

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

SECOND READING

The Clerk read the title of SUBSTITUTE SENATE BILL NO. 6130.

MOTION

Representative Ericksen moved that Substitute Senate Bill No. 6130 be read in full.

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to read Substitute Senate Bill No. 6130 in full.

The Clerk called the roll on the motion to read the bill in full and the motion failed by the following vote: Yeas: 41 Nays: 57 Absent: 0 Excused: 0

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh, and Warnick

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood, and Mr. Speaker

Representative Ericksen raised the question of consideration of Substitute Senate Bill No. 6130.

The Speaker (Representative Morris presiding) stated question before the House to be the question of consideration of Substitute Senate Bill No. 6130.

The Clerk called the roll on the question of consideration of Substitute Senate Bill No. 6130, and consideration was approved by the following vote: Yeas: 55 Nays: 43 Absent: 0 Excused: 0

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood, and Mr. Speaker

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh, and Warnick

MOTIONS

Representative Kessler moved that SUBSTITUTE SENATE BILL NO. 6130 be referred to the Committee on Finance.

Representative Ericksen moved to amend the motion that Substitute Senate Bill No. 6130 be referred to the Committee on Finance and refer the bill to the Committee on Community and Economic Development and Trade.

Representatives Ericksen, Hinkle, DeBolt, Smith, Anderson, Rodne, Orcutt, Short, Parker, Hope and Warnick spoke in favor of the motion to amend the motion.

Representatives Kessler, Hunter, Simpson and Springer spoke against the motion to amend the motion.

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to amend the motion that Substitute Senate bill No. 6130 be referred to The Committee on Finance and refer the bill to the Committee on Community and Economic Development and Trade.

The Clerk called the roll on the motion to amend the motion, and the motion was not adopted by the following vote: Yeas: 42 Nays: 56 Absent: 0 Excused: 0

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh, and Warnick

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood, and Mr. Speaker

The motion to amend the motion was not adopted.

MOTIONS

Representative Kessler moved that SUBSTITUTE SENATE BILL NO. 6130 be referred to the Committee on Finance.

Representative Ericksen moved to amend the motion that Substitute Senate Bill No. 6130 be referred to the Committee on Finance and refer the bill to the Committee on State Government and Tribal Affairs.

Representatives Ericksen, Armstrong, Walsh, Haler, Condotta, Orcutt, Chandler, Dammeier, Alexander, Hinkle, Anderson, Roach, Ericksen (again), Shea and Bailey spoke in favor of the motion to amend the motion.

Representatives Kessler, Hunter, Santos, Hunt, Simpson, Kagi and Morrell spoke against the motion to amend the motion.

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to amend the motion that Substitute Senate bill No. 6130 be referred to The Committee on Finance and refer the bill to the Committee on State Government and Tribal Affairs.

MOTION

On motion of Representative Santos, Representative Carlyle was excused.

The Clerk called the roll on the motion to amend the motion, and the motion was not adopted by the following vote: Yeas: 42 Nays: 55 Absent: 0 Excused: 1

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh, and Warnick

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood, and Mr. Speaker

Excused: Representative Carlyle

The motion to amend the motion was not adopted.

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to refer Substitute Senate bill No. 6130 to the Committee on Finance.

The Clerk called the roll on the motion to refer Substitute Senate bill No. 6130 to the Committee on Finance, and the motion was adopted by the following vote: Yeas: 55 Nays: 42 Absent: 0 Excused: 1

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood, and Mr. Speaker

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh, and Warnick

Excused: Representative Carlyle

SUBSTITUTE SENATE BILL NO. 6130 was referred to the Committee on Finance.

HOUSE BILL NO. 2436, by Representatives Moeller, Green, Clibborn, Pedersen, Carlyle, Morrell and Jacks

Concerning vehicle license fraud.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2436 was substituted for House Bill No. 2436 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2436 was read the second time.

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

Representatives Moeller and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2436.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2436, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Carlyle.

SECOND SUBSTITUTE HOUSE BILL NO. 2436, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2694, by Representatives Sells, White, McCoy, Kenney, Ericks, O'Brien, Roberts and Chase

Regarding a bachelor of science in nursing program at the University Center.

The bill was read the second time.

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

Representatives Sells and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2694.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2694, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz,

Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Carlyle.

HOUSE BILL NO. 2694, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2716, by Representatives Shea, Condotta, Orcutt, Klippert, Johnson, McCune, Angel, Rodne, Kristiansen, Roach, Schmick, Fagan, Hasegawa, Pearson, Campbell and Warnick

Providing a right of first repurchase for surplus transportation property.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2716 was substituted for House Bill No. 2716 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2716 was read the second time.

Representative Liias moved the adoption of amendment (1104).

On page 3, line 11, after "within" strike "one year" and insert "six months"

Representatives Liias and Shea spoke in favor of the adoption of the amendment.

Amendment (1104) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2716.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2716, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz,

Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Liias and Williams.

Excused: Representative Carlyle.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2716, having received the necessary constitutional majority, was declared passed.

SECOND READING

There being no objection, the House resumed consideration of Substitute House Bill No. 2427.

SUBSTITUTE HOUSE BILL NO. 2427

Representative Pearson moved the adoption of amendment (1111).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the substantial and great impact upon society, families, children, and the victims of offenses occurring between cohabitants. The legislature recognizes the continuing nature of domestic violence, and the lasting psychological trauma caused by such violence. The legislature finds that the prevention of domestic violence, and the proper punishment for such offenses, is a compelling state interest that has not been met under current sentencing provisions. Toward this end, this act is necessary to ensure that domestic violence offenders are punished accordingly and that an end to domestic violence can be achieved.

Sec. 2. RCW 9.94A.030 and 2009 c 375 s 4 are each amended to read as follows:

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

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting

prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

~~((21))~~ (22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((22))~~ (23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

~~((23))~~ (24) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((24))~~ (25) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug

(RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((25))~~ (26) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

~~((26))~~ (27) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

~~((27))~~ (28) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

~~((28))~~ (29) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

~~((29))~~ (30) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense

that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

~~((30))~~ (31) "Nonviolent offense" means an offense which is not a violent offense.

~~((31))~~ (32) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer convicted of an offense included in RCW 9.94A.501(1) and ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((32))~~ (33) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

~~((33))~~ (34) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

~~((34))~~ (35) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection ~~((34))~~ (35)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((35))~~ (36) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b)

the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

~~((36))~~ (37) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((37))~~ (38) "Public school" has the same meaning as in RCW 28A.150.010.

~~((38))~~ (39) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26, or 26.50 RCW, that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(40) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((39))~~ (41) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

~~((40))~~ (42) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((41))~~ (43) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((42))~~ (44) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((43))~~ (45) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((44))~~ (46) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((45))~~ (47) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((46))~~ (48) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~((47))~~ (49) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty- four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((48))~~ (50) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((49))~~ (51) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((50))~~ (52) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((51))~~ (53) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((52))~~ (54) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((53))~~ (55) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 3. RCW 9.94A.525 and 2008 c 231 s 3 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), prior convictions of felony driving while under the influence of intoxicating liquor or any drug, felony physical control of a vehicle

while under the influence of intoxicating liquor or any drug, and serious traffic offenses shall be included in the offender score if:

(i) The prior convictions were committed within five years since the last date of release from confinement (including full-time residential treatment) or entry of judgment and sentence; or (ii) the prior convictions would be considered "prior offenses within ten years" as defined in RCW 46.61.5055.

(f) Repetitive domestic violence convictions shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender spent ten years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130(11), count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130(11), which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was plead and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult and juvenile prior conviction where domestic violence as defined in RCW 9.94A.030, was plead and proven after August 1, 2011, for the following offenses: A violation of a no contact order that is a felony offense, a violation of a protection order that is a felony offense, a felony domestic violence harassment offense, a felony domestic violence stalking offense, a domestic violence Burglary 1 offense, a domestic violence Kidnapping 1 offense, a domestic violence Kidnapping 2 offense, a domestic violence unlawful imprisonment offense, a domestic violence Robbery 1 offense, a domestic violence Robbery 2 offense, a domestic violence Assault 1 offense, a domestic violence Assault 2 offense, a domestic violence Assault 3 offense, a domestic violence Arson 1 offense, or a domestic violence Arson 2 offense; and

(b) Count one point for each adult and juvenile prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was plead and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

Sec. 4. RCW 9.94A.535 and 2008 c 276 s 303 and 2008 c 233 s 9 are each reenacted and amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of ~~((the))~~ a victim or multiple victims manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z)(i)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property, private metal property, or nonferrous metal property, as defined in RCW 19.290.010.

(aa) The defendant committed the offense with the intent to directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage to or for a criminal street gang as defined in RCW 9.94A.030, its reputation, influence, or membership.

NEW SECTION. Sec. 5. This act takes effect August 1, 2011."

Correct the title.

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

Amendment (1111) was adopted.

The bill was ordered engrossed.

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

Representatives Pearson, Hurst, Goodman and Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2427.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2427, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Carlyle.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2427, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2777, by Representatives Goodman, O'Brien, Driscoll, Kessler, Maxwell, Finn, Hurst, Williams, Appleton, Hudgins, Kelley, Ericks, Morrell, McCoy, Seaquist, Green, Carlyle, Conway, Pearson and Simpson

Modifying domestic violence provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2777 was substituted for House Bill No. 2777 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2777 was read the second time.

With the consent of the House, amendment (1082) was withdrawn.

Representative Goodman moved the adoption of amendment (1113).

Strike everything after the enacting clause and insert the following:

**"PART ONE
INTENT**

NEW SECTION. Sec. 101. The legislature intends to improve the lives of persons who suffer from the adverse effects of domestic violence and to require reasonable, coordinated measures to prevent domestic violence from occurring. The legislature intends to give law enforcement and the courts better tools to identify violent perpetrators of domestic violence and hold them accountable. The legislature intends to: Increase the safety afforded to individuals who seek protection of public and private agencies involved in domestic violence prevention; improve the ability of agencies to address the needs of victims and their children and the delivery of services; upgrade the quality of treatment programs; and enhance the ability of the justice system to respond quickly and fairly to domestic violence. In order to improve the lives of persons who have, or may suffer, the effects of domestic violence the legislature intends to achieve more uniformity in the decision-making processes at public and private agencies that address domestic violence by reducing inconsistencies and duplications allowing domestic violence victims to achieve safety and stability in their lives.

PART TWO

LAW ENFORCEMENT/ARREST PROVISIONS

Sec. 201. RCW 10.31.100 and 2006 c 138 s 23 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member

as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence ~~((between the))~~ of each person(s) involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to (~~RCW 10.31.100~~) subsection (2) or (8) of this section if the police officer acts in good faith and without malice.

NEW SECTION. Sec. 202. A new section is added to chapter 36.28A RCW to read as follows:

(1)(a) When funded, the Washington association of sheriffs and police chiefs shall convene a work group to develop a model policy regarding the reporting of domestic violence as defined in RCW 10.99.020 to law enforcement in cases where the victim is unable or unwilling to make a report in the jurisdiction where the alleged crime occurred.

(b) The model policy must include policies and procedures related to:

(i) Collecting and securing evidence; and

(ii) Creating interlocal agreements between law enforcement agencies.

(2) In developing the model policy under subsection (1)(a) of this section, the association shall consult with appropriate stakeholders and government agencies.

PART THREE

NO-CONTACT AND PROTECTION ORDERS

Sec. 301. RCW 10.99.045 and 2000 c 119 s 19 are each amended to read as follows:

(1) A defendant arrested for an offense involving domestic violence as defined by RCW 10.99.020 shall be required to appear in person before a magistrate within one judicial day after the arrest.

(2) A defendant who is charged by citation, complaint, or information with an offense involving domestic violence as defined by RCW 10.99.020 and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(3)(a) At the time of the appearances provided in subsection (1) or (2) of this section, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. The court may include in the order any conditions authorized under RCW 9.41.800 and 10.99.040.

(b) For the purposes of (a) of this subsection, the prosecutor shall provide for the court's review:

(i) The defendant's criminal history, if any, that occurred in Washington or any other state;

(ii) If available, the defendant's prior criminal history that occurred in any tribal jurisdiction; and

(iii) The defendant's individual order history.

(c) For the purposes of (b) of this subsection, criminal history includes all previous convictions and orders of deferred prosecution, as reported through the judicial information system or otherwise available to the court or prosecutor, current to within the period specified in (d) of this subsection before the date of the appearance.

(d) The periods applicable to previous convictions and orders of deferred prosecution are:

(i) One working day, in the case of previous actions of courts that fully participate in the state judicial information system; and

(ii) Seven calendar days, in the case of previous actions of courts that do not fully participate in the judicial information system. For the purposes of this subsection, "fully participate" means regularly providing records to and receiving records from the system by electronic means on a daily basis.

(4) Appearances required pursuant to this section are mandatory and cannot be waived.

(5) The no-contact order shall be issued and entered with the appropriate law enforcement agency pursuant to the procedures outlined in RCW 10.99.040 (2) and (~~(4)~~) (6).

Sec. 302. RCW 26.50.020 and 1992 c 111 s 8 are each amended to read as follows:

(1)(a) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself and on behalf of minor family or household members.

(b) Any person thirteen years of age or older may seek relief under this chapter by filing a petition with a court alleging that he or she has been the victim of violence in a dating relationship and the respondent is sixteen years of age or older.

(2)(a) A person under eighteen years of age who is sixteen years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend.

(b) A person under sixteen years of age who is seeking relief under subsection (1)(b) of this section is required to seek relief by a parent, guardian, guardian ad litem, or next friend.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under eighteen years of age if such respondent is sixteen years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter.

(5) The courts defined in RCW 26.50.010(~~(3)~~) (4) have jurisdiction over proceedings under this chapter. The jurisdiction of district and municipal courts under this chapter shall be limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 26.50.070 if: (a) A superior court has exercised or is exercising jurisdiction over a proceeding under this title or chapter 13.34 RCW involving the parties; (b) the petition for relief under this chapter presents issues of residential schedule of and contact with children of the parties; or (c) the petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing provided for in RCW 26.50.050 in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

(6) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence.

(7) A person's right to petition for relief under this chapter is not affected by the person leaving the residence or household to avoid abuse.

Sec. 303. RCW 26.50.060 and 2009 c 439 s 2 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

(f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

(g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees;

(h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(i) Restrain the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

(j) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

~~((k))~~ (k) Consider the provisions of RCW 9.41.800;

~~((l))~~ (l) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found; and

~~((m))~~ (m) Order use of a vehicle.

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of

domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(g) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 304. RCW 26.50.070 and 2000 c 119 s 16 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;

(c) Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; ~~(and)~~

(f) Considering the provisions of RCW 9.41.800; and

(g) Restraining the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order of protection shall be filed with the court.

NEW SECTION. Sec. 305. A new section is added to chapter 26.50 RCW to read as follows:

(1) In a proceeding in which a petition for an order for protection under this chapter is sought, a court of this state may exercise personal jurisdiction over a nonresident individual if:

(a) The individual is personally served with a petition within this state;

(b) The individual submits to the jurisdiction of this state by consent, entering a general appearance, or filing a responsive document having the effect of waiving any objection to consent to personal jurisdiction;

(c) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of an order for protection either:

(i) Occurred within this state; or

(ii) Occurred outside this state and are part of an ongoing pattern of domestic violence or stalking that has an adverse effect on the petitioner or a member of the petitioner's family or household and the petitioner resides in this state;

(d) As a result of acts of domestic violence or stalking, the petitioner or a member of the petitioner's family or household has sought safety or protection in this state and currently resides in this state; or

(e) There is any other basis consistent with RCW 4.28.185 or with the Constitutions of this state and the United States.

(2) For the purposes of this section, an act or acts that "occurred within this state" includes, but is not limited to, an oral or written statement made or published by a person outside of this state to any person in this state by means of the mail, interstate commerce, or foreign commerce. Oral or written statements sent by electronic mail or the internet are deemed to have "occurred within this state."

NEW SECTION. Sec. 306. A new section is added to chapter 7.90 RCW to read as follows:

(1) In a proceeding in which a petition for a sexual assault protection order is sought under this chapter, a court of this state may exercise personal jurisdiction over a nonresident individual if:

(a) The individual is personally served with a petition within this state;

(b) The individual submits to the jurisdiction of this state by consent, entering a general appearance, or filing a responsive document having the effect of waiving any objection to consent to personal jurisdiction;

(c) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of a sexual assault protection order either:

(i) Occurred within this state; or

(ii) Occurred outside this state and are part of an ongoing pattern of sexual assaults or stalking that has an adverse effect on the petitioner or a member of the petitioner's family or household and the petitioner resides in this state;

(d) As a result of acts of stalking or a sexual assault, the petitioner or a member of the petitioner's family or household has sought safety or protection in this state and currently resides in this state; or

(e) There is any other basis consistent with RCW 4.28.185 or with the constitutions of this state and the United States.

(2) For the purposes of this section, an act or acts that "occurred within this state" includes, but is not limited to, an oral or written statement made or published by a person outside of this state to any person in this state by means of the mail, interstate commerce, or foreign commerce. Oral or written statements sent by electronic mail or the internet are deemed to have "occurred within this state."

NEW SECTION. Sec. 307. A new section is added to chapter 10.14 RCW to read as follows:

(1) In a proceeding in which a petition for an order for protection under this chapter is sought, a court of this state may exercise personal jurisdiction over a nonresident individual if:

(a) The individual is personally served with a petition within this state;

(b) The individual submits to the jurisdiction of this state by consent, entering a general appearance, or filing a responsive document having the effect of waiving any objection to consent to personal jurisdiction;

(c) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of an order for protection either:

(i) Occurred within this state; or

(ii) Occurred outside this state and are part of an ongoing pattern of harassment that has an adverse effect on the petitioner or

a member of the petitioner's family or household and the petitioner resides in this state;

(d) As a result of acts of harassment, the petitioner or a member of the petitioner's family or household has sought safety or protection in this state and currently resides in this state; or

(e) There is any other basis consistent with RCW 4.28.185 or with the constitutions of this state and the United States.

(2) For the purposes of this section, an act or acts that "occurred within this state" includes, but is not limited to, an oral or written statement made or published by a person outside of this state to any person in this state by means of the mail, interstate commerce, or foreign commerce. Oral or written statements sent by electronic mail or the internet are deemed to have "occurred within this state."

Sec. 308. RCW 10.99.040 and 2000 c 119 s 18 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is punishable under RCW 26.50.110.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.

NEW SECTION. Sec. 309. A new section is added to chapter 2.56 RCW to read as follows:

(1) The administrative office of the courts shall develop guidelines by December 1, 2011, for all courts to establish a process to reconcile duplicate or conflicting no-contact or protection orders issued by courts in this state.

(2) The guidelines developed under subsection (1) of this section must include:

(a) A process to allow any party named in a no-contact or protection order to petition for the purpose of reconciling duplicate or conflicting orders; and

(b) A procedure to address no-contact and protection order data sharing between court jurisdictions in this state.

(3) By January 1, 2011, the administrative office of the courts shall provide a report back to the legislature concerning the progress made to develop the guidelines required by this section.

PART FOUR SENTENCING REFORMS

Sec. 401. RCW 9.94A.030 and 2009 c 375 s 4 are each amended to read as follows:

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

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection

agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

~~((21))~~ (22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((22))~~ (23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

~~((23))~~ (24) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((24))~~ (25) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((25))~~ (26) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

~~((26))~~ (27) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

~~((27))~~ (28) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

~~((28))~~ (29) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

~~((29))~~ (30) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

~~((30))~~ (31) "Nonviolent offense" means an offense which is not a violent offense.

~~((31))~~ (32) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer convicted of an offense included in RCW 9.94A.501(1) and ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((32))~~ (33) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the

balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

~~((33))~~ (34) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

~~((34))~~ (35) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or

indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection ~~((34))~~ (35)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((35))~~ (36) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

~~((36))~~ (37) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((37))~~ (38) "Public school" has the same meaning as in RCW 28A.150.010.

~~((38))~~ (39) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(40) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((39))~~ (41) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

~~((40))~~ (42) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((41))~~ (43) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((42))~~ (44) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((43))~~ (45) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((44))~~ (46) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((45))~~ (47) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((46))~~ (48) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~((47))~~ (49) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((48))~~ (50) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((49))~~ (51) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((50))~~ (52) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((51))~~ (53) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((52))~~ (54) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((53))~~ (55) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 402. RCW 9.94A.535 and 2008 c 276 s 303 and 2008 c 233 s 9 are each reenacted and amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(i) The current offense involved domestic violence, as defined in RCW 10.99.020, and the defendant suffered a continuing pattern of coercion, control, or abuse by the victim of the offense and the offense is a response to that coercion, control, or abuse.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered by a Jury - Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of ~~((the))~~ a victim or multiple victims manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z)(i)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property, private metal property, or nonferrous metal property, as defined in RCW 19.290.010.

(aa) The defendant committed the offense with the intent to directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage to or for a criminal street gang as defined in RCW 9.94A.030, its reputation, influence, or membership.

Sec. 403. RCW 9.94A.525 and 2008 c 231 s 3 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of

release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), prior convictions of felony driving while under the influence of intoxicating liquor or any drug, felony physical control of a vehicle while under the influence of intoxicating liquor or any drug, and serious traffic offenses shall be included in the offender score if:

(i) The prior convictions were committed within five years since the last date of release from confinement (including full-time residential treatment) or entry of judgment and sentence; or (ii) the prior convictions would be considered "prior offenses within ten years" as defined in RCW 46.61.5055.

(f) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense

conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130(11), count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130(11), which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was plead and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

Count one point for each adult and juvenile prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence, as defined in RCW 9.94A.030, was plead and proven.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

NEW SECTION. Sec. 404. A new section is added to chapter 10.99 RCW to read as follows:

(1) In sentencing for a crime of domestic violence as defined in this chapter, courts of limited jurisdiction shall consider, among other factors, whether:

(a) The defendant suffered a continuing pattern of coercion, control, or abuse by the victim of the offense and the offense is a response to that coercion, control, or abuse;

(b) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of a victim or multiple victims manifested by multiple incidents over a prolonged period of time; and

(c) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years.

(2)(a) In sentencing for a crime of domestic violence as defined in this chapter, the prosecutor shall provide for the court's review:

(i) The defendant's criminal history, if any, that occurred in Washington or any other state;

(ii) If available, the defendant's prior criminal history that occurred in any tribal jurisdiction; and

(iii) The defendant's individual order history.

(b) For the purposes of (a) of this subsection, criminal history includes all previous convictions and orders of deferred prosecution, as reported through the judicial information system or otherwise available to the court or prosecutor, current to within the period specified in (c) of this subsection before the date of sentencing.

(c) The periods applicable to previous convictions and orders of deferred prosecution are:

(i) One working day, in the case of previous actions of courts that fully participate in the state judicial information system; and

(ii) Seven calendar days, in the case of previous actions of courts that do not fully participate in the judicial information system. For the purposes of this subsection, "fully participate" means regularly providing records to and receiving records from the system by electronic means on a daily basis.

Sec. 405. RCW 3.66.068 and 2001 c 94 s 2 are each amended to read as follows:

For a period not to exceed five years after imposition of sentence for a defendant sentenced for a domestic violence offense or under RCW 46.61.5055 and two years after imposition of sentence for all other offenses, the court has continuing jurisdiction and authority to suspend or defer the execution of all or any part of its sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. However, the jurisdiction period in this section does not apply to the enforcement of orders issued under RCW 46.20.720. For the purposes of this section, "domestic violence offense" means a crime listed in RCW 10.99.020 that is not a felony offense.

Sec. 406. RCW 3.50.330 and 2001 c 94 s 5 are each amended to read as follows:

For a period not to exceed five years after imposition of sentence for a defendant sentenced for a domestic violence offense or under RCW 46.61.5055 and two years after imposition of sentence for all other offenses, the court shall have continuing jurisdiction and authority to suspend or defer the execution of all or any part of the sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or

her presence known to the court on the record. However, the jurisdiction period in this section does not apply to the enforcement of orders issued under RCW 46.20.720. Any time before entering an order terminating probation, the court may modify or revoke its order suspending or deferring the imposition or execution of the sentence. For the purposes of this section, "domestic violence offense" means a crime listed in RCW 10.99.020 that is not a felony offense.

Sec. 407. RCW 35.20.255 and 2005 c 400 s 5 are each amended to read as follows:

(1) Judges of the municipal court, in their discretion, shall have the power in all criminal proceedings within their jurisdiction including violations of city ordinances, to defer imposition of any sentence, suspend all or part of any sentence including installment payment of fines, fix the terms of any such deferral or suspension, and provide for such probation as in their opinion is reasonable and necessary under the circumstances of the case, but in no case shall it extend for more than five years from the date of conviction for a defendant to be sentenced for a domestic violence offense or under RCW 46.61.5055 and two years from the date of conviction for all other offenses. A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. However, the jurisdiction period in this section does not apply to the enforcement of orders issued under RCW 46.20.720. Any time before entering an order terminating probation, the court may modify or revoke its order suspending or deferring the imposition or execution of the sentence. For the purposes of this subsection, "domestic violence offense" means a crime listed in RCW 10.99.020 that is not a felony offense.

(2)(a) If a defendant whose sentence has been deferred requests permission to travel or transfer to another state, the director of probation services or a designee thereof shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the director or designee shall:

(i) Notify the department of corrections of the defendant's request;

(ii) Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;

(iii) Notify the defendant of the fee due to the department of corrections for processing an application under the compact;

(iv) Cease supervision of the defendant while another state supervises the defendant pursuant to the compact;

(v) Resume supervision if the defendant returns to this state before the period of deferral expires.

(b) The defendant shall receive credit for time served while being supervised by another state.

(c) If the probationer is returned to the state at the request of the receiving state under rules of the interstate compact for adult offender supervision, the department of corrections is responsible for the cost of returning the probationer.

(d) The state of Washington, the department of corrections and its employees, and any city and its employees are not liable for civil damages resulting from any act or omission authorized or required under this section unless the act or omission constitutes gross negligence.

PART FIVE

TREATMENT/SERVICES FOR PERPETRATORS AND VICTIMS

Sec. 501. RCW 26.50.150 and 1999 c 147 s 1 are each amended to read as follows:

Any program that provides domestic violence treatment to perpetrators of domestic violence must be certified by the department of social and health services and meet minimum standards for domestic violence treatment purposes. The department of social and health services shall adopt rules for standards of approval of domestic violence perpetrator programs ((that accept perpetrators of domestic violence into treatment to satisfy court orders or that represent the programs as ones that treat domestic violence perpetrators)). The treatment must meet the following minimum qualifications:

(1) All treatment must be based upon a full, complete clinical intake including but not limited to: Current and past violence history; a lethality risk assessment; history of treatment from past domestic violence perpetrator treatment programs; a complete diagnostic evaluation; a substance abuse assessment; criminal history; assessment of cultural issues, learning disabilities, literacy, and special language needs; and a treatment plan that adequately and appropriately addresses the treatment needs of the individual.

(2) To facilitate communication necessary for periodic safety checks and case monitoring, the program must require the perpetrator to sign the following releases:

(a) A release for the program to inform the victim and victim's community and legal advocates that the perpetrator is in treatment with the program, and to provide information, for safety purposes, to the victim and victim's community and legal advocates;

(b) A release to prior and current treatment agencies to provide information on the perpetrator to the program; and

(c) A release for the program to provide information on the perpetrator to relevant legal entities including: Lawyers, courts, parole, probation, child protective services, and child welfare services.

(3) Treatment must be for a minimum treatment period defined by the secretary of the department by rule. The weekly treatment sessions must be in a group unless there is a documented, clinical reason for another modality. Any other therapies, such as individual, marital, or family therapy, substance abuse evaluations or therapy, medication reviews, or psychiatric interviews, may be concomitant with the weekly group treatment sessions described in this section but not a substitute for it.

(4) The treatment must focus primarily on ending the violence, holding the perpetrator accountable for his or her violence, and changing his or her behavior. The treatment must be based on nonvictim-blaming strategies and philosophies and shall include education about the individual, family, and cultural dynamics of domestic violence. If the perpetrator or the victim has a minor child, treatment must specifically include education regarding the effects of domestic violence on children, such as the emotional impacts of domestic violence on children and the long-term consequences that exposure to incidents of domestic violence may have on children.

(5) Satisfactory completion of treatment must be contingent upon the perpetrator meeting specific criteria, defined by rule by the secretary of the department, and not just upon the end of a certain period of time or a certain number of sessions.

(6) The program must have policies and procedures for dealing with reoffenses and noncompliance.

(7) All evaluation and treatment services must be provided by, or under the supervision of, qualified personnel.

(8) The secretary of the department may adopt rules and establish fees as necessary to implement this section.

(9) The department may conduct on-site monitoring visits as part of its plan for certifying domestic violence perpetrator programs and monitoring implementation of the rules adopted by the secretary of the department to determine compliance with the minimum qualifications for domestic violence perpetrator programs. The applicant or certified domestic violence perpetrator

program shall cooperate fully with the department in the monitoring visit and provide all program and management records requested by the department to determine the program's compliance with the minimum certification qualifications and rules adopted by the department.

PART SIX MISCELLANEOUS PROVISIONS

Sec. 601. RCW 68.50.160 and 2007 c 156 s 24 are each amended to read as follows:

(1) A person has the right to control the disposition of his or her own remains without the predeath or postdeath consent of another person. A valid written document expressing the decedent's wishes regarding the place or method of disposition of his or her remains, signed by the decedent in the presence of a witness, is sufficient legal authorization for the procedures to be accomplished.

(2) Prearrangements that are prepaid, or filed with a licensed funeral establishment or cemetery authority, under RCW 18.39.280 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation or substantial revision by survivors. Absent actual knowledge of contrary legal authorization under this section, a licensed funeral establishment or cemetery authority shall not be held criminally nor civilly liable for acting upon such prearrangements.

(3) Except as provided in subsection (4) of this subsection, if the decedent has not made a prearrangement as set forth in subsection (2) of this section or the costs of executing the decedent's wishes regarding the disposition of the decedent's remains exceeds a reasonable amount or directions have not been given by the decedent, the right to control the disposition of the remains of a deceased person vests in, and the duty of disposition and the liability for the reasonable cost of preparation, care, and disposition of such remains devolves upon the following in the order named:

(a) The surviving spouse or state registered domestic partner.

(b) The surviving adult children of the decedent.

(c) The surviving parents of the decedent.

(d) The surviving siblings of the decedent.

(e) A person acting as a representative of the decedent under the signed authorization of the decedent.

(4) A person listed in subsection (3) of this section does not have the right to control the disposition of a decedent's remains if the person has been arrested for or charged with first or second degree murder, homicide by abuse, or first or second degree manslaughter by reason of the death of the decedent. The right to control the disposition of the decedent's remains vests in an eligible person in the next applicable class in accordance with subsection (3) of this section.

(5) If a cemetery authority as defined in RCW 68.04.190 or a funeral establishment licensed under chapter 18.39 RCW has made a good faith effort to locate the person cited in subsection (3)(a) through (e) of this section or the legal representative of the decedent's estate, the cemetery authority or funeral establishment shall have the right to rely on an authority to bury or cremate the human remains, executed by the most responsible party available, and the cemetery authority or funeral establishment may not be held criminally or civilly liable for burying or cremating the human remains. In the event any government agency provides the funds for the disposition of any human remains and the government agency elects to provide funds for cremation only, the cemetery authority or funeral establishment may not be held criminally or civilly liable for cremating the human remains.

~~((5))~~ (6) The liability for the reasonable cost of preparation, care, and disposition devolves jointly and severally upon all kin of

the decedent in the same degree of kindred, in the order listed in subsection (3) of this section, and upon the estate of the decedent.

NEW SECTION. Sec. 602. A new section is added to chapter 2.56 RCW to read as follows:

(1)(a) The administrative office of the courts shall, within existing resources, convene a work group to address the issue of transmitting information regarding revocation of concealed pistol licenses, upon the entry of orders issued under chapter 10.99, 26.50, or 26.52 RCW.

(b) The work group must include a superior court judge, a district court judge, a municipal court judge, an attorney whose practice includes a significant amount of time representing defendants in criminal trials, and representatives from the following entities: The Washington state patrol, the Washington association of sheriffs and police chiefs, the prosecuting attorneys association, the department of licensing, and the county clerks. Other members may be added as deemed appropriate by the work group.

(2) The work group shall review the methods currently used to transfer information between the courts, the county clerks, the prosecutors, the department of licensing, the Washington state patrol, and local law enforcement agencies regarding the suspension and revocation of concealed pistol licenses.

(3) The goal of the work group is to identify methods to expedite the transfer of information to enhance the safety of law enforcement and the public.

(4) The work group shall report its recommendations to the affected entities and the legislature not later than December 1, 2010. All agency representatives shall cooperate fully with the work group's efforts."

Correct the title.

Representatives Goodman, Pearson, Klippert and Hurst spoke in favor of the adoption of the amendment.

Amendment (1113) was adopted.

The bill was ordered engrossed.

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

Representatives Goodman, Pearson, Kessler and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2777.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2777, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos,

Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Carlyle.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2777, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2414, by Representatives Johnson, O'Brien, Ross, Finn, Haler, Klippert, Taylor, Crouse, Angel, Ericksen, Roach, Kristiansen, Hinkle, Chandler, Seaquist, Walsh, Warnick, Rodne, Smith, Nealey, Short, Hope, Ericks, Liias, Campbell, Morrell, Kelley, Maxwell, Sullivan, Conway, Bailey, Schmick and Hurst

Authorizing abatement of nuisances involving criminal street gang activity.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2414 was substituted for House Bill No. 2414 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2414 was read the second time.

With the consent of the House, amendment (1060) was withdrawn.

Representative Ross moved the adoption of amendment (1076).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 59.18.075 and 1992 c 38 s 4 are each amended to read as follows:

(1) Any law enforcement agency which seizes a legend drug pursuant to a violation of chapter 69.41 RCW, a controlled substance pursuant to a violation of chapter 69.50 RCW, or an imitation controlled substance pursuant to a violation of chapter 69.52 RCW, shall make a reasonable attempt to discover the identity of the landlord and shall notify the landlord in writing, at the last address listed in the property tax records and at any other address known to the law enforcement agency, of the seizure and the location of the seizure of the illegal drugs or substances.

(2) Any law enforcement agency which arrests a tenant for threatening another tenant with a firearm or other deadly weapon, or for some other unlawful use of a firearm or other deadly weapon on the rental premises, or for physically assaulting another person on the rental premises, shall make a reasonable attempt to discover the identity of the landlord and notify the landlord about the arrest in writing, at the last address listed in the property tax records and at any other address known to the law enforcement agency.

(3)(a) A law enforcement agency that has found that a tenant or other occupant of a rental unit has committed a criminal street gang-related offense as defined in RCW 9.94A.030 or that has been called to a rental premises to investigate a criminal street gang-related offense shall make a reasonable attempt to discover the identity of the landlord and notify the landlord in writing, at the last address listed in the property tax records and at any other address known to the law enforcement agency, of the criminal street gang-related offense on the rental premises.

(b) For the purposes of this subsection, the law enforcement agency shall include the following information with the notice:

(i) The name of the tenant and the individual or individuals who were involved in the criminal street gang-related offense;

(ii) The rental unit where the incident occurred;

(iii) The date of the incident;

(iv) Actions taken by the law enforcement agency in response to the incident;

(v) A statement outlining the authority of a landlord under chapter 59.12 RCW to commence an unlawful detainer action against a tenant who has committed or permitted gang-related activity at the premises; and

(vi) Penalties the landlord may face for failure to abate a nuisance.

NEW SECTION. Sec. 2. Notwithstanding the provisions of any other law or ordinance, the legislative authority of a county or municipality may, by ordinance, to protect the public health, safety, and welfare of the residents of the county or municipality, adopt procedures pursuant to which a public agency may file a nuisance action in superior court to seek any or all of the forms of relief detailed in this chapter. The legislative authority of a county or municipality may further authorize and adopt rules providing for a nuisance action instituted by a person who resides, works in, or owns property in the same multifamily building or apartment complex or within a one-block radius of the property where the nuisance is alleged to exist. A nuisance action instituted by a person may only be brought against a building or a unit within a building as defined in section 3 of this act. A nuisance action authorized under this section is subject to the provisions set forth in sections 3 through 15 of this act.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Building" includes, but is not limited to, any structure or separate part or portion thereof, whether permanent or not, or the ground itself.

(2) "Criminal street gang activity" means a pattern of criminal street gang activity as defined in RCW 9.94A.030.

(3) "Criminal street gang associate or member" and "criminal street gang-related offense" have the meaning prescribed in RCW 9.94A.030.

(4) "Public agency" includes a county, city, town, municipal corporation, and an office, department, division, or agency thereof.

NEW SECTION. Sec. 4. An ordinance may authorize a nuisance action providing for a restraining order, preliminary injunction, or permanent injunction against a specific criminal street gang associate or member to enjoin his or her activity that is associated with any criminal street gang activity or any criminal street gang-related offense and that is occurring within the county or municipality.

NEW SECTION. Sec. 5. An ordinance may authorize a nuisance action providing for a restraining order, preliminary injunction, or order of abatement against any building or unit within a building used for the purpose of aiding, promoting, or conducting criminal street gang activity. In a multiunit building, only the offending unit shall be declared a nuisance, and only the offending unit shall be enjoined, abated, and prevented. Nothing in this chapter applies to property used for the purpose of, or activity involved in, providing health services, food and financial assistance, treatment, counseling, training, religious services, education, civic involvement, or any social service or charitable assistance.

NEW SECTION. Sec. 6. (1) Upon application for a temporary restraining order or preliminary injunction, the court may, upon a showing of good cause, (a) issue an ex parte restraining order or preliminary injunction, preventing the defendant and all other persons, other than the legal owner, from removing or in any manner interfering with the personal property

and contents of the place where the nuisance is alleged to exist, and (b) grant preliminary equitable relief as is necessary to prevent the continuance or recurrence of the nuisance pending final resolution of the matter on the merits. Such ex parte restraining order or preliminary injunction may remain in effect no more than fifteen days from the date of issuance, except as provided in section 8 of this act.

(2) The restraining order or preliminary injunction issued under subsection (1) of this section in an action under section 4 of this act must be served on the defendant personally, or by leaving a copy at the dwelling house or usual place of abode of the defendant with any person of suitable age and discretion residing therein. Where such a person cannot with reasonable diligence be served as described, the restraining order or preliminary injunction may be served by posting a copy in a conspicuous place at the dwelling house or usual place of abode of the defendant and thereafter mailing a copy by registered mail to the defendant at his or her usual mailing address.

(3) The restraining order or preliminary injunction issued under subsection (1) of this section in an action under section 5 of this act must be served on the occupant and the owner of the building or unit personally, or by leaving a copy with any person of suitable age and discretion who is in charge of the property or who is residing at the property. Where such a person cannot with reasonable diligence be served as described, the restraining order or preliminary injunction may be served by posting a copy in a conspicuous place on the property and thereafter mailing a copy by registered mail to the person to be served at his or her usual mailing address. Additionally, a copy of the restraining order or preliminary injunction must be sent by registered mail to the owner of the building.

NEW SECTION. Sec. 7. An action under this chapter shall have precedence over all other actions, except prior matters of the same character, actions under chapter 7.43 RCW, criminal proceedings, election contests, hearings on temporary restraining orders and injunctions, child dependency hearings, foreclosures by a legal owner, actions to forfeit vehicles used in violation of the uniform controlled substances act, and any other case determined to be a priority by statute or by the court.

NEW SECTION. Sec. 8. A copy of the complaint, together with a notice of the time and place of the hearing of the action, shall be served upon the defendant at least six business days before the hearing, and as provided for in section 6 of this act. If the hearing is then continued at the request of any defendant, all temporary orders and injunctions shall be extended as a matter of course.

NEW SECTION. Sec. 9. (1) Except as provided in subsection (2) of this section, (a) if the existence of the nuisance under section 4 of this act is established in the action, a permanent injunction must be entered as part of the final judgment in the case, and (b) if the existence of the nuisance under section 5 of this act is established in the action, an order of abatement must be entered as part of the final judgment in the case. The plaintiff's costs in the action, including those of abatement, are a lien upon the building or unit within a building to the extent of the owner's interest. The lien must be filed as a judgment summary stating the name of the owner and the legal description of the real property. The lien must be recorded and enforced as a judgment summary.

(2) If the court finds and concludes that the owner of the building or unit within a building:

(a) Had no knowledge of the existence of the nuisance, or was not provided adequate notice under RCW 59.18.075 of the occurrence of a criminal street gang-related offense at the rental unit, or has been making reasonable efforts to abate the nuisance;

(b) Has not been guilty of any contempt of court in the proceedings; and

(c) Will immediately abate any such nuisance that may exist at the building or unit within a building and prevent it from being a nuisance for a period of one year thereafter, the court shall, if satisfied with the owner's good faith, order the building or unit within a building to be delivered to the owner, and no order of abatement shall be entered. If an order of abatement has been entered and the owner subsequently meets the requirements of this subsection, the order of abatement shall be canceled.

(3) For the purposes of determining whether the owner of the building or unit within a building made reasonable efforts to abate the nuisance, the court shall consider such factors as whether the owner:

(a) Terminated or attempted to terminate the tenancy or lease of a tenant or leaseholder where the nuisance is occurring, if the tenant or leaseholder is involved in the criminal street gang activity;

(b) Placed restrictions on the rental agreement or lease;

(c) Adopted feasible measures on the property to try to prevent the criminal street gang activity;

(d) Cooperated with law enforcement to attempt to stop the criminal street gang activity; and

(e) Made other efforts the court finds relevant.

(4) In an action filed under section 5 of this act, if the court finds there is insufficient evidence to establish the existence of the nuisance, the court may order the person who filed the complaint to pay the owner reasonable attorneys' fees and costs to defend the action, any loss of rent or revenue experienced as a result of the action, restraining order, or preliminary injunction, and damages up to five hundred dollars each.

NEW SECTION. Sec. 10. Any final order of abatement issued under this chapter must:

(1) If the building or unit is not subject to the interests of innocent legal owners, provide for the immediate closure of the building or unit within a building against its use for any purpose, and for keeping it closed for a period of one year unless released sooner as provided in this chapter;

(2) State that while the order of abatement remains in effect, the building or unit within a building shall remain in the custody of the court; and

(3) Authorize a law enforcement officer to enter the building or unit within a building to create an inventory of the personal property and contents located in the building or unit within a building for submission to the court.

NEW SECTION. Sec. 11. An intentional violation of a restraining order, preliminary injunction, permanent injunction, or order of abatement in an action brought by a public agency under this chapter is a misdemeanor and shall be punishable as such. If the violation also constitutes a criminal offense under another provision of the law, the violation may be prosecuted pursuant to this section or the other provision of law, or both.

NEW SECTION. Sec. 12. Whenever the owner of a building or unit within a building upon which the act or acts constituting the contempt have been committed, or the owner of any interest in the building or unit has been found in contempt of court, and fined in any proceedings under this chapter, the fine is a lien upon the building or unit within a building to the extent of the owner's interest. The lien must be filed as a judgment summary stating the name of the owner and the legal description of the real property. The lien must be recorded and enforced as a judgment summary.

NEW SECTION. Sec. 13. An action may not be brought pursuant to this section against any governmental entity or any charitable or nonprofit organization that is conducting, with ordinary care and skill, activities relating to prevention or education concerning criminal street gangs.

NEW SECTION. Sec. 14. The abatement of a nuisance under this chapter does not prejudice the right of any person to recover damages for its past existence.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Sections 2 through 15 of this act constitute a new chapter in Title 9 RCW."

Correct the title.

Representatives Ross, Pedersen, Johnson, O'Brien and Parker spoke in favor of the adoption of the amendment.

Amendment (1076) was adopted.

The bill was ordered engrossed.

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

Representatives Ross, Johnson, Ericks, Hurst and Darneille spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2414.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2414, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Hasegawa, Hudgins, Kenney, Pettigrew, Santos and Williams.

Excused: Representatives Carlyle and Flannigan.

SUBSTITUTE HOUSE BILL NO. 2414, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Ross congratulated Representative Johnson on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

SECOND READING

HOUSE BILL NO. 2782, by Representatives Dickerson, Appleton, McCoy, Carlyle, Morrell, Kagi, Kessler, Green, Ericks, Moeller, Roberts, Nelson and Orwall

Reorganizing delivery of services to recipients of public assistance. Revised for 2nd Substitute: Concerning the security lifeline act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2782 was substituted for House Bill No. 2782 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2782 was read the second time.

Representative Dammeier moved the adoption of amendment (1132).

On page 2, line 13, after "(4)" insert "The legislature also finds that due to significant state budget constraints, the general assistance program should be reformed to focus on providing eligible persons with medical assistance, mental health treatment, and/or substance abuse treatment to assist them in being able to work.

(5)"

On page 2, after line 22, insert the following:

"(6) The legislature further intends to reform the general assistance program by eliminating the cash grant for eligible persons and focusing the limited resources of this program on medical assistance, mental health treatment, and substance abuse treatment."

On page 5, line 2, after "provide" strike "aid" and insert "services"

On page 14, line 28, after "that" strike ": (i) The" and insert "((; (†)) the"

On page 14, beginning on line 32, after "or recipient" strike all material through "property" on page 15, line 12 and insert "((; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: PROVIDED, That:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property))"

On page 26, line 27, after "arrangement" strike all material through "department" on line 30 and insert "((; Grant assistance shall not be provided under this chapter if the applicant does not reside in the most appropriate living situation, as determined by the department))"

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

Representatives Linville and Darneille spoke against the adoption of the amendment.

Amendment (1132) was not adopted.

Representative Dammeier moved amendment (1133) be adopted.

On page 6, line 23, after "(5)" insert "The total period of time that a person may receive medical assistance or cash grant benefits pursuant to the disability lifeline program may not exceed six months.

(6)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

Representatives Dammeier, Alexander, Hinkle, Parker and Herrera spoke in favor of the adoption of the amendment.

Representatives Dickerson, Pettigrew, Orwall and Dickerson (again) spoke against the adoption of the amendment.

Amendment (1133) was not adopted.

Representative Bailey moved amendment (1090) be adopted.

On page 37, beginning on line 15, strike all of section 32

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

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

Representative Dickerson spoke against the adoption of the amendment.

Amendment (1090) was not adopted.

Representative Dammeier moved the adoption of amendment (1131).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.04.005 and 2003 1st sp.s. c 10 s 1 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"--Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, general assistance and federal-aid assistance.

(2) "Department"--The department of social and health services.

(3) "County or local office"--The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Federal-aid assistance"--The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(6)((a) "General assistance"--Aid to persons in need who:

(i) Are not eligible to receive federal aid assistance, other than food stamps or food stamp benefits transferred electronically and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal aid assistance, without good cause, is not eligible for general assistance;

(ii) Meet one of the following conditions:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal temporary assistance for needy families program; or

(B) Subject to chapter 165, Laws of 1992, incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department.

(C) Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. Subsection (6)(a)(ii)(B) of this section shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of temporary assistance for needy families whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(d) Persons found eligible for general assistance based on incapacity from gainful employment may, if otherwise eligible, receive general assistance pending application for federal supplemental security income benefits. Any general assistance that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(e) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(f) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(g) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall have their benefits discontinued unless the recipient demonstrates no material improvement in their medical or mental condition. The department may discontinue benefits when there was specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal temporary assistance for needy families program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal temporary assistance for needy families program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls.

(h) No person may be considered an eligible individual for general assistance with respect to any month if during that month the person:

(i) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(ii) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

((7)) (7) "Applicant"--Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

((8)) (7) "Recipient"--Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

((9)) (8) "Standards of assistance"--The level of income required by an applicant or recipient to maintain a level of living specified by the department.

((10)) (9) "Resource"--Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent. The department may by rule designate resources that an applicant may retain and not be ineligible for public assistance because of such resources. Exempt resources shall include, but are not limited to:

(a) A home that an applicant, recipient, or their dependents is living in, including the surrounding property;

(b) Household furnishings and personal effects;

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed five thousand dollars;

(d) A motor vehicle necessary to transport a (~~(physically disabled)~~) household member with a physical disability. This exclusion is limited to one vehicle per (~~(physically disabled)~~) person with a physical disability;

(e) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance. The department shall also allow recipients of temporary assistance for needy families to exempt savings accounts with combined balances of up to an additional three thousand dollars;

(f) Applicants for or recipients of (~~(general assistance)~~) temporary assistance for unemployable persons and assistance for the aged, blind, and disabled shall have their eligibility based on resource limitations consistent with the temporary assistance for needy families program rules adopted by the department; and

(g) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: PROVIDED, That:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

~~((+1))~~ (10) "Income"--(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him or her to decrease his or her need for public assistance or to aid in rehabilitating him or her or his or her dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In addition, for cash assistance the department may disregard income pursuant to RCW 74.08A.230 and 74.12.350.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

~~((+2))~~ (11) "Need"--The difference between the applicant's or recipient's standards of assistance for himself or herself and the dependent members of his or her family, as measured by the standards of the department, and value of all nonexempt resources

and nonexempt income received by or available to the applicant or recipient and the dependent members of his or her family.

~~((+3))~~ (12) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

~~((+4))~~ (13) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

NEW SECTION. Sec. 2. A new section is added to chapter 74.08 RCW to read as follows:

(1) To the extent that funds are appropriated for the particular purposes of temporary assistance for unemployable persons, temporary assistance for unemployable persons may be provided to persons in need who:

(a) Are not eligible to receive federal-aid assistance, other than medical assistance or supplemental nutrition assistance program benefits. However, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for temporary assistance for unemployable persons;

(b) Meet the following requirements:

(i) Are pregnant, if the need is based on the current income and resource requirements of the federal temporary assistance for needy families program;

(ii) Are determined by the department to be incapacitated from gainful employment by reason of physical or mental impairment that will likely continue for a minimum of ninety days and do not qualify for state assistance for the aged, blind, and disabled under section 3 of this act; or

(iii) Are determined by the department to be incapacitated from gainful employment solely by reason of drug or alcohol dependency, which incapacity will likely continue for a minimum of ninety days;

(c) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(d) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt; and

(e) Have not refused or failed without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause may be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment. However, good cause does not exist if the person is not able to participate because drug or alcohol dependency treatment is not available.

(2) Assistance under subsection (1)(b)(i) of this section shall be provided only to persons who accept available services that can reasonably be expected to enable the person to work or reduce the need for assistance. Failure to accept such services without good cause shall result in termination. After reapplication and agreeing to cooperate in accepting such services, the person shall be subject to the following periods of ineligibility:

(a) First failure: One week;

(b) Second failure within six months of first failure: One month;

(c) Third and subsequent failure within one year of first failure: Two months.

(3) Persons found eligible for temporary assistance for the unemployable may, if otherwise eligible, receive assistance pending a final determination of eligibility for federal supplemental security income benefits. Any assistance that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies. Persons found eligible for temporary assistance for unemployable persons may, if otherwise eligible, receive assistance under this section pending a final determination regarding the client's eligibility for state assistance under section 3 of this act. Any assistance received under this section shall be credited and deducted from any assistance the client is subsequently determined eligible to receive under section 3 of this act during any same period.

(4) The department shall adopt rules consistent with the statutory requirements of this title that are necessary for the administration of the temporary assistance for unemployable persons program.

(a) For assistance under subsection (1)(b)(i) of this section, such rules shall include medical criteria necessary to ensure that incapacity decisions are based on clear, objective medical information.

(i) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(ii) The department shall adopt by rule criteria for conducting periodic reviews of the eligibility of recipients of temporary assistance for unemployable persons. The department may discontinue benefits if a recipient is unable to demonstrate that his or her medical or mental impairment continues to meet the criteria established under this subsection or when there was a specific error in the prior incapacity decision.

(b) For assistance under subsection (1)(b)(ii) of this section, the department shall provide client assessment, treatment, and support services. The assessment shall include diagnostic evaluation and arranging for admission into treatment and supported living programs. The department shall base its determination of incapacity due to drug or alcohol dependency on documented evidence by a drug or alcohol treatment professional who is determined by the department to be qualified to make this finding.

(5) A person may not be considered an eligible individual for temporary assistance for the unemployable with respect to any month if during that month the person:

(a) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(b) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(6) In order to administer the program within the funds appropriated for temporary assistance for unemployable persons, the department may by rule establish methods to limit the number of recipients of such assistance. These methods may include a limit on the number of months a person may receive such assistance or a freeze on new enrollment in the program. In determining the number of months a person may receive temporary assistance for unemployable persons, the department may include

months the person received general assistance or medical care services based on eligibility for drug or alcohol dependency services prior to the effective date of this act. In order to rationally allocate drug and alcohol dependency treatment services, the department may establish by rule additional eligibility criteria, including the setting of priorities among classes of persons found incapacitated under subsection (1)(b)(ii) of this section for treatment services. Such rules shall give first priority for treatment services to pregnant women and parents of young children.

NEW SECTION. Sec. 3. A new section is added to chapter 74.08 RCW to read as follows:

(1) The assistance for the aged, blind, and disabled program shall provide income assistance for persons in need who:

(a) Are not eligible to receive federal-aid assistance, other than medical assistance or supplemental nutrition assistance program benefits. However, an individual who refuses or fails to cooperate in obtaining federal-aid assistance, without good cause, is not eligible for assistance for the aged, blind, and disabled; and

(b) Meet the following requirements:

(i) Are residents of a long-term care facility or who have been determined by the department to be aged, blind, or disabled based on age, blindness, and disability standards used to establish eligibility for supplemental security income under Title XVI of the federal social security act;

(ii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(iii) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt; and

(iv) Have not refused or failed without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment.

(2) Assistance shall be provided only to persons who will accept available services that can reasonably be expected to reduce the need for assistance. Failure to accept such services without good cause shall result in termination. After reapplication and agreeing to cooperate in accepting such services, the person shall be subject to the following maximum periods of ineligibility:

(a) First failure: One week;

(b) Second failure within six months of first failure: One month;

(c) Third and subsequent failure within one year of first failure: Two months.

(3) The department shall adopt rules consistent with the statutory requirements of this title that are necessary for the administration of the assistance for the aged, blind, and disabled program. Such rules shall include medical criteria for disability and blindness determinations to ensure that eligibility decisions are consistent with federal statutory requirements for the supplemental security income program and are based on clear, objective medical information.

(4) The department shall by rule adopt criteria for conducting periodic reviews of the eligibility of recipients of assistance for the aged, blind, and disabled whose eligibility is based on a determination of blindness or disability. The department may discontinue such benefits if it determines the recipient's medical or mental impairment no longer meets the criteria established under subsection (3) of this section or when there was specific error in the prior determination of disability or blindness. If benefits are discontinued under this subsection, the department shall

redetermine the person's eligibility for temporary assistance for unemployable persons under section 2 of this act.

(5)(a) Notwithstanding the provisions of subsection (1) of this section, persons who appear eligible to receive supplemental security income under Title XVI of the federal social security act may, if otherwise eligible, receive interim assistance for the aged, blind, and disabled pending final determination on an application for federal supplemental security income benefits, as provided for in RCW 74.04.620. Upon a final determination of eligibility by the social security administration, interim assistance for the aged, blind, and disabled will cease. Any assistance that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(b) If a person has been denied interim assistance to the aged, blind, and disabled under this subsection and has not been found by the social security administration to be eligible for supplemental security income, the department shall determine the person's eligibility for temporary assistance for unemployable persons under section 2 of this act.

(6) A person may not be considered an eligible individual for assistance to the aged, blind, and disabled with respect to any month if during that month the person:

(a) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(b) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

Sec. 4. RCW 74.04.230 and 1982 c 204 s 16 are each amended to read as follows:

Persons eligible for ~~((general assistance under RCW 74.04.005))~~ temporary assistance for unemployable persons under section 2 of this act and assistance for the aged, blind, and disabled under section 3 of this act are eligible for mental health services to the extent that they meet the client definitions and priorities established by chapter 71.24 RCW.

Sec. 5. RCW 74.04.266 and 1977 ex.s. c 215 s 1 are each amended to read as follows:

In determining need for ~~((general))~~ temporary assistance for unemployable persons as defined in ~~((RCW 74.04.005(6)(a)))~~ section 2 of this act and assistance for the aged, blind, and disabled as defined in section 3 of this act, the department may by rule and regulation establish a monthly earned income exemption in an amount not to exceed the exemption allowable under disability programs authorized in Title XVI of the federal social security act.

Sec. 6. RCW 74.04.620 and 1983 1st ex.s. c 41 s 37 are each amended to read as follows:

(1) The department is authorized to establish a program of state supplementation to the national program of supplemental security income consistent with Public Law 92-603 and Public Law 93-66 to those persons who are in need thereof in accordance with eligibility requirements established by the department.

(2) The department is authorized to establish reasonable standards of assistance and resource and income exemptions specifically for such program of state supplementation which shall be consistent with the provisions of the Social Security Act.

(3) The department is authorized to make payments to applicants for supplemental security income, pursuant to agreements as provided in Public Law 93-368, ~~((who are otherwise eligible))~~ but for ((general assistance)) their eligibility to receive supplemental security income would receive temporary assistance for unemployable persons and assistance for the aged, blind, and disabled, as provided in section 3 of this act.

(4) Any agreement between the department and a supplemental security income applicant providing for the reimbursement of interim assistance to the department shall provide, if the applicant has been represented by an attorney, that twenty-five percent of the reimbursement received shall be withheld by the department and all or such portion thereof as has been approved as a fee by the United States department of health and human services shall be released directly to the applicant's attorney. The secretary may maintain such records as are deemed appropriate to measure the cost and effectiveness of such agreements and may make recommendations concerning the continued use of such agreements to the legislature.

Sec. 7. RCW 74.09.035 and 1987 c 406 s 12 are each amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to recipients of ~~((general))~~ temporary assistance for unemployable persons chapter 74.08 RCW, assistance for the aged, blind, and disabled under chapter 74.08 RCW, and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW, in accordance with medical eligibility requirements established by the department.

(2) ~~((Determination of))~~ In order to administer the program within the funds appropriated for medical care services for recipients of temporary assistance for unemployable persons, assistance for the aged, blind, and disabled, or alcohol or drug dependency or abuse services, the department may impose limitations on the amount, scope, and duration of medical care services ((shall be limited to coverage as defined by the department, except that)) provided to recipients may limit the number of persons receiving medical care services, and may limit the number of months of coverage. However, adult dental(±) and routine foot care shall not be included unless there is a specific appropriation for these services.

(3) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co- insurance provisions. In addition, the department may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

(4) Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are eligible for medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

(5) Payments made by the department under this program shall be the limit of expenditures for medical care services solely from state funds.

(6) Eligibility for medical care services shall commence with the date of certification for ~~((general assistance))~~ temporary assistance for unemployable persons or assistance for the aged, blind, and disabled under chapter 74.08 RCW or the date of eligibility for alcohol and drug addiction services provided under chapter 74.50 RCW.

Sec. 8. RCW 74.09.010 and 2007 c 3 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Children's health program" means the health care services program provided to children under eighteen years of age and in households with incomes at or below the federal poverty level as annually defined by the federal department of health and human services as adjusted for family size, and who are not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

(2) "Committee" means the children's health services committee ~~((created in section 3 of this act))~~.

(3) "County" means the board of county commissioners, county council, county executive, or tribal jurisdiction, or its

designee. A combination of two or more county authorities or tribal jurisdictions may enter into joint agreements to fulfill the requirements of RCW 74.09.415 through 74.09.435.

(4) "Department" means the department of social and health services.

(5) "Department of health" means the Washington state department of health created pursuant to RCW 43.70.020.

(6) "Internal management" means the administration of medical assistance, medical care services, the children's health program, and the limited casualty program.

(7) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(8) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

(9) "Medical care services" means the limited scope of care financed by state funds and provided to ~~((general assistance recipients))~~ temporary assistance for unemployed recipients under chapter 74.08 RCW, assistance for aged, blind, and disabled recipients under chapter 74.08 RCW, and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW.

(10) "Nursing home" means nursing home as defined in RCW 18.51.010.

(11) "Poverty" means the federal poverty level determined annually by the United States department of health and human services, or successor agency.

(12) "Secretary" means the secretary of social and health services.

(13) "Full benefit dual eligible beneficiary" means an individual who, for any month: Has coverage for the month under a medicare prescription drug plan or medicare advantage plan with part D coverage; and is determined eligible by the state for full medicaid benefits for the month under any eligibility category in the state's medicaid plan or a section 1115 demonstration waiver that provides pharmacy benefits.

Sec. 9. RCW 74.09.555 and 2005 c 503 s 12 are each amended to read as follows:

(1) The department shall adopt rules and policies providing that when persons with a mental disorder, who were enrolled in medical assistance immediately prior to confinement, are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The department, in collaboration with the Washington association of sheriffs and police chiefs, the department of corrections, and the regional support networks, shall establish procedures for coordination between department field offices, institutions for mental disease, and correctional institutions, as defined in RCW 9.94.049, that result in prompt reinstatement of eligibility and speedy eligibility determinations for persons who are likely to be eligible for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services applications on behalf of confined persons in anticipation of their release from confinement;

(b) Expedient review of applications filed by or on behalf of confined persons and, to the extent practicable, completion of the review before the person is released;

(c) Mechanisms for providing medical assistance services identity cards to persons eligible for medical assistance services immediately upon their release from confinement; and

(d) Coordination with the federal social security administration, through interagency agreements or otherwise, to expedite processing of applications for federal supplemental security income or social security disability benefits, including federal acceptance of applications on behalf of confined persons.

(3) Where medical or psychiatric examinations during a person's confinement indicate that the person is disabled, the correctional institution or institution for mental diseases shall provide the department with that information for purposes of making medical assistance eligibility and enrollment determinations prior to the person's release from confinement. The department shall, to the maximum extent permitted by federal law, use the examination in making its determination whether the person is disabled and eligible for medical assistance.

(4) For purposes of this section, "confined" or "confinement" means incarcerated in a correctional institution, as defined in RCW 9.94.049, or admitted to an institute for mental disease, as defined in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

(5) For purposes of this section, "likely to be eligible" means that a person:

(a) Was enrolled in medicaid or supplemental security income or ~~((general assistance))~~ temporary assistance for unemployed recipients under chapter 74.08 RCW, or assistance for aged, blind, and disabled recipients under chapter 74.08 RCW immediately before he or she was confined and his or her enrollment was terminated during his or her confinement; or

(b) Was enrolled in medicaid or supplemental security income or ~~((general assistance))~~ temporary assistance for unemployed recipients under chapter 74.08 RCW, or assistance for aged, blind, and disabled recipients under chapter 74.08 RCW at any time during the five years before his or her confinement, and medical or psychiatric examinations during the person's confinement indicate that the person continues to be disabled and the disability is likely to last at least twelve months following release.

(6) The economic services administration shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined person who is likely to be eligible for medicaid.

Sec. 10. RCW 74.50.060 and 1989 1st ex.s. c 18 s 3 are each amended to read as follows:

(1) The department shall establish a shelter assistance program to provide, within available funds, shelter for persons eligible under this chapter. "Shelter," "shelter support," or "shelter assistance" means a facility under contract to the department providing room and board in a supervised living arrangement, normally in a group or dormitory setting, to eligible recipients under this chapter. This may include supervised domiciliary facilities operated under the auspices of public or private agencies. No facility under contract to the department shall allow the consumption of alcoholic beverages on the premises. The department may contract with counties and cities for such shelter services. To the extent possible, the department shall not displace existing emergency shelter beds for use as shelter under this chapter. In areas of the state in which it is not feasible to develop shelters, due to low numbers of people needing shelter services, or in which sufficient numbers of shelter beds are not available, the department may provide shelter through an intensive protective payee program, unless the department grants an exception on an individual basis for less intense supervision.

(2) Persons continuously eligible for ~~((the general))~~ temporary assistance ~~((--))~~ for unemployable ~~((program))~~ recipients under chapter 74.08 RCW or assistance for aged, blind, and disabled recipients under chapter 74.08 RCW since July 25, 1987, who transfer to the program established by this chapter, have the option to continue their present living situation, but only through a protective payee.

NEW SECTION. Sec. 11. RCW 74.04.0052 (Teen applicants' living situation--Criteria--Presumption--Protective payee--Adoption referral) and 1997 c 58 s 502 & 1994 c 299 s 34 are each repealed.

NEW SECTION. Sec. 12. This act takes effect July 1, 2010."
Correct the title.

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

Representative Pettigrew spoke against the adoption of the amendment.

Amendment (1131) was not adopted.

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

Representatives Dickerson, Pettigrew and Darneille spoke in favor of the passage of the bill.

Representatives Dammeier, Hinkle and Ericksen spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2782.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2782, and the bill passed the House by the following vote: Yeas, 55; Nays, 41; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Carlyle and Flannigan.

SECOND SUBSTITUTE HOUSE BILL NO. 2782, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2560, by Representatives Orwall, Upthegrove, Quall, Simpson, Nelson and Morrell

Regulating joint underwriting associations

The bill was read the second time.

There being no objection, Substitute House Bill No. 2560 was substituted for House Bill No. 2560 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2560 was read the second time.

Representative Kirby moved the adoption of amendment (1080).

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Availability of insurance for loss arising from flooding in the geographical area protected by any dam is vital to the economy of the state of Washington. If adequate property insurance for loss arising from this flood is not available, the security of citizens' property and the viability of business operations and services are threatened. This chapter gives the commissioner authority to ensure continued availability of excess insurance to insure property at risk from, and business that is interrupted by, flood arising from the failure of a dam or from efforts to prevent the failure of a dam. The commissioner may establish a temporary joint underwriting association for excess flood insurance to insure property at risk from, and business that is interrupted by, flood arising from the failure of a dam or from efforts to prevent the failure of a dam if:

(1) Excess flood insurance of a particular class or type is not available from the voluntary market; or

(2) There are so few insurers selling excess flood insurance that a competitive market does not exist.

The commissioner may use appropriated funds as needed to establish and supervise the association.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Association" means a nonprofit underwriting association established under this chapter.

(2) "Board" means the governing board of the association.

(3) "Casualty insurance" has the same meaning as "general casualty insurance" in RCW 48.11.070. "Casualty insurance" does not include any type of:

(a) Workers' compensation insurance;

(b) Employers' liability insurance;

(c) Nuclear liability insurance;

(d) Personal insurance; or

(e) Surety insurance.

(4) "Dam" means any United States army corps of engineers dam located in a county with a population that exceeds one million.

(5) "Excess flood insurance" means insurance against loss, including business interruption, arising from flood that is in excess of the limit of liability insurance offered by the national flood insurance program.

(6) "Person" means a natural person, association, partnership, or corporation.

(7) "Personal insurance" means:

(a) Private passenger automobile coverage;

(b) Homeowner's coverage, including mobile homeowners, manufactured homeowners, condominium owners, and renter's coverage;

(c) Dwelling property coverage;

(d) Earthquake coverage for a residence or personal property;

(e) Personal liability and theft coverage;

(f) Personal inland marine coverage; and

(g) Mechanical breakdown coverage for personal auto or home appliances.

(8) "Property insurance" has the same meaning as in RCW 48.11.040 and does not include personal insurance or surety insurance.

NEW SECTION. Sec. 3. (1) The commissioner may create an association to provide excess flood insurance to insure property at risk from, and business that is interrupted by, flood arising from the failure of a dam or from efforts to prevent the failure of a dam if the requirements of this section are met.

(2) The commissioner must hold a hearing under chapters 48.04 and 34.05 RCW before forming an association.

(3) An association may not begin underwriting operations for excess flood or business interruption insurance until the commissioner finds that:

(a) If a market assistance plan formed under section 15 of this act finds that there are fewer than four admitted or surplus lines insurers offering excess flood insurance, exclusive of personal insurance, then the market assistance plan is inadequate to insure property at risk from, and business that is interrupted by, flood arising from the failure of a dam or from efforts to prevent the failure of a dam;

(b) Persons cannot buy excess flood insurance through the voluntary market; or

(c) There are so few insurers selling excess flood insurance that a competitive market does not exist.

(4) At a hearing to appeal the commissioner's finding that excess flood insurance is unavailable through the voluntary market or that a competitive market does not exist, the finding that four or more admitted or surplus lines insurers are offering excess flood insurance, exclusive of personal insurance, is prima facie evidence that a competitive market does exist. A decision of the commissioner, finding that excess flood insurance is unavailable through the market assistance plan, voluntary market, or that a competitive market does not exist, may be appealed under chapters 48.04 and 34.05 RCW.

NEW SECTION. Sec. 4. (1) The association may offer policies only as follows:

(a) The coverage of any one policy may not exceed five million dollars; and

(b) The total amount of all coverage offered by the association may never exceed two hundred fifty million dollars.

(2) The board, jointly with the commissioner, shall apportion policies within these limitations on an equitable basis.

NEW SECTION. Sec. 5. (1) If an association is formed, a person that is unable to obtain excess flood or business interruption insurance because it is unavailable in the voluntary market or because the market is not competitive is eligible to apply to an association for insurance.

(2) The association may decline to insure particular persons that present an extraordinary risk because of the nature of their operations, property condition, past claims experience, or inadequate risk management. However, the location of a property for which insurance is sought from the association must not, in and of itself, constitute an extraordinary risk.

(3) Any decision to decline coverage must be sent to the applicant and include:

(a) A statement of the actual reason for declination; and

(b) A statement that the applicant may appeal the decision to the commissioner.

(4) If the commissioner finds that the decision to decline coverage is not supported by the criteria in this section, the commissioner may require the association to provide coverage.

(5) A decision of the commissioner to provide or to decline to provide coverage under this may be appealed under chapters 48.04 and 34.05 RCW.

NEW SECTION. Sec. 6. (1) The association is composed of all insurers that have a certificate of authority to write either casualty or property insurance, or both, in this state. Every property or casualty insurer, or both, must be a member of the

association as a condition of its authority to continue to transact business in this state.

(2) The association has the general powers and limitations of a nonprofit corporation under chapter 24.03 RCW and of an insurance company under Title 48 RCW, as needed to transact its business.

(3) To the extent consistent with this chapter, the association and its member insurers are "persons" under chapter 48.30 RCW.

NEW SECTION. Sec. 7. (1) A governing board shall administer the association.

(2) The board and the commissioner shall work cooperatively to achieve the objectives of this chapter.

(3) The board may select and employ one or more persons to manage the operations of an association. Every managing person must be authorized to transact insurance in the state of Washington and have demonstrated expertise in excess flood insurance. The board may employ any advisors that the board deems necessary.

(4) The board must consist of seven persons appointed as set forth in this subsection.

(a) Three board members must be member insurers appointed by each of the following three trade associations: Property casualty insurers association of America, American insurance association, and national association of mutual insurance companies. At least one of the three insurers on the board must be a domestic insurer.

(b) Four board members must be residents of the state. One is appointed by the insurance commissioner. One is appointed by the King county council. One is appointed by the association of Washington cities, to represent one or more of the following municipal governments: Auburn, Kent, Renton, or Tukwila. One is appointed by the board of directors of the center for advanced manufacturing Puget Sound. None of the resident-appointees may be employed by, serve on the board of directors of, or have a substantial ownership interest in any insurer.

(c) Original board members must be appointed to serve an initial term of three years and may be appointed for a second term. Board members may serve consecutive terms. Successor board members must be appointed as soon as possible subject to (a) and (b) of this subsection.

(5) The commissioner shall notify the members of the board if he or she has information that any board member is dishonest, reckless, or incompetent or is failing to perform any duty of his or her office, and the board shall meet immediately to consider the matter. The commissioner must receive notice of the time and place of this meeting. If the board finds by a majority of the board members, with the accused board member not voting on this matter, that the commissioner's objection is well-founded, the accused board member shall be removed immediately. The successor of a board member removed under this section must be appointed as soon as possible subject to subsection (4) of this section.

(6) All members of the board shall conduct the business of the association in a manner that is in the interest of all policyholders of the association. Board members stand in a fiduciary relationship to the association and must discharge their duties in good faith and with that diligence, care, and skill that ordinary, prudent persons would exercise under similar circumstances in a like position.

(7) Each person serving on the board or any subcommittee thereof, each member insurer of the association, and each officer and employee of the association must be indemnified by the association against all costs and expenses actually and necessarily incurred by him, her, or it in connection with the defense of any action, suit, or proceeding in which he, she, or it is made a party by reason of his, her, or its being or having been a member of the board, or a member or officer or employee of the association, except in relation to matters as to which he, she, or it has been

judged in such action, suit, or proceeding to be liable by reason of willful misconduct in the performance of his, her, or its duties as a member of the board, or member, officer, or employee of the association. This indemnification is not exclusive of other rights as to which the member, officer, or employee may be entitled as a matter of law.

(8) Board members shall receive no compensation, but may be reimbursed for all travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 8. (1) The board must adopt a plan of operation within thirty days of its appointment.

(2) The plan of operation may take effect only after it has been reviewed by the commissioner. Any changes recommended by the commissioner must be either approved by a majority of the members of the board or a written statement of the board's reasons for rejection of any provision provided to the commissioner. The commissioner may continue to consult with the board to arrive at a plan of operation that is approved by both the commissioner and the board, or the commissioner may accept the plan of operation of the board. This process must conclude with a plan of operation accepted by the board within thirty days of the first board appointed under this act.

(a) The plan of operation may be amended by agreement of a majority of the members of the board and the commissioner.

(b) The association must use rates that are demonstrably sound as compared to accepted actuarial standards. At the time of filing with the commissioner, the rates must be accompanied by an actuarial analysis. The rates must comply with chapter 48.19 RCW and be approved by the commissioner.

NEW SECTION. Sec. 9. The association must file a statement annually with the commissioner that contains information about the association's transactions, financial condition, and operations during the preceding year. The statement must be in the form and in a manner approved by the commissioner. The association must maintain its records according to the accounting practices and procedures manual adopted by the national association of insurance commissioners. The commissioner may require the association to furnish additional information if the commissioner considers it necessary to evaluate the scope, operation, and experience of the association.

NEW SECTION. Sec. 10. (1) The commissioner may examine the transactions, financial condition, and operations of the association when the commissioner finds it necessary in order to carry out the purposes of this chapter. Except as set forth in subsections (2) and (3) of this section, each examination must be conducted in the manner prescribed for domestic insurance companies in chapter 48.03 or 48.37 RCW.

(2) The commissioner is not required to examine any association on a prescribed cycle or schedule.

(3) An association created under this chapter is responsible for the total costs of its financial and market conduct examinations. RCW 48.03.060 (1) and (2) and 48.37.060(14) (a) and (b) are not applicable to the examination of an association created under this chapter.

NEW SECTION. Sec. 11. (1) The association is not a member of the guaranty fund created under chapter 48.32 RCW. The guaranty fund, this state, and any political subdivisions are not responsible for losses sustained by the association.

(2) The association is exempt from payment of all fees and all taxes levied by the state or any of its subdivisions, except taxes levied on real or personal property.

NEW SECTION. Sec. 12. (1) The association is funded by premiums paid by persons insured by the association.

(a) All premiums for the association must be deposited into a fund or funds under management of the board.

(b) Premiums must be used to pay claims, administrative costs, and other expenses of the association.

(2) The association may assess its members to pay past and future financial obligations of the association, not funded by premiums. Each member insurer must be assessed a proportionate share based on the sum of direct premiums earned in this state for all property insurance and casualty insurance.

(3) If the association makes an assessment, an assessed insurer must pay the association within thirty days after it receives notice of the assessment. If an insurer does not pay an assessment within thirty days after it receives notice of the assessment:

(a) The assessment accrues interest at the maximum legal rate until it is paid in full. The interest is paid to the association;

(b) The association may collect the assessment in a civil action and must be awarded its attorneys' fees if it prevails;

(c) The commissioner may suspend, revoke, or refuse to renew an insurer's certificate of authority; and

(d) The commissioner may fine the insurer up to ten thousand dollars.

(4) This section may be enforced under RCW 48.02.080.

NEW SECTION. Sec. 13. (1) The association may operate for a period of five years. At the end of the five-year period, the association must be dissolved unless the legislature authorizes its continued operation.

(2) If, at any time, the commissioner or the board of directors holds a hearing under chapters 48.04 and 34.05 RCW and determines that excess flood and business interruption insurance is available through a market assistance plan, in the voluntary market, or that a competitive market exists, the commissioner must order the association to end its underwriting operations.

(3) If the commissioner or the board of directors orders the association to end all underwriting operations, the commissioner must supervise the dissolution of the association, including settlement of all financial and legal obligations and distribution of any remaining assets as follows:

(a) If there has been an assessment on the members of the association, and after all creditors of the association are paid in full, then to the member insurers in a proportional manner and as determined by rule by the commissioner; or

(b) If there has not been an assessment on the members of the association, or if there are funds remaining after distribution under (a) of this subsection and after all creditors of the association are paid in full, then to the policyholders in a proportional manner and as determined by rule by the commissioner.

NEW SECTION. Sec. 14. The commissioner may adopt all rules needed to implement and administer this chapter and to ensure the efficient operation of the association, including but not limited to rules:

(1) Creating sample plans of operation for the assistance of the board;

(2) Requiring or limiting certain policy provisions;

(3) Containing the basis and method for assessing members for operation of the association; and

(4) Establishing the order in which the assets of the association that is dissolved by the commissioner must be distributed.

NEW SECTION. Sec. 15. (1) The commissioner must by rule require insurers authorized to write property insurance in this state to form a market assistance plan to assist persons located in the geographical area protected by any dam that are unable to purchase excess flood or business interruption insurance in an adequate amount from either the admitted or nonadmitted market.

(2) For the purpose of this section, a market assistance plan means a voluntary mechanism by insurers writing property insurance in this state in either the admitted or nonadmitted market to provide excess flood or business interruption insurance for a

class of insurance as designated in writing to the plan by the commissioner.

(3) The bylaws and method of operation of any market assistance plan must be approved by the commissioner prior to its operation.

(4) A market assistance plan must have a minimum of twenty-five insurers willing to insure risks within the class designated by the commissioner. If twenty-five insurers do not voluntarily agree to participate, the commissioner may require either property or property and casualty, or both, insurers to participate in a market assistance plan as a condition of continuing to do business in this state. The commissioner must make this requirement to fulfill the quota of at least twenty-five insurers. The commissioner must make his or her designation on the basis of the insurer's premium volume of property insurance in this state.

NEW SECTION. Sec. 16. The board and the commissioner shall report to the respective committees of the house of representatives and senate having jurisdiction over the insurance code by January 31, 2011, and each subsequent January 31st of each year that the association remains in existence.

Sec. 17. RCW 48.15.040 and 1983 1st ex.s. c 32 s 4 are each amended to read as follows:

If certain insurance coverages cannot be procured from authorized insurers, such coverages, hereinafter designated as "surplus lines," may be procured from unauthorized insurers subject to the following conditions:

(1) The insurance must be procured through a licensed surplus line broker.

(2) The insurance must not be procurable, after diligent effort has been made to do so from among a majority of the insurers authorized to transact that kind of insurance in this state.

(3) Coverage shall not be procured from an unauthorized insurer for the purpose of securing a lower premium rate than would be accepted by any authorized insurer nor to secure any other competitive advantage.

(4) The commissioner may by regulation establish the degree of effort required to comply with subsections (2) and (3) of this section.

(5) At the time of the procuring of any such insurance an affidavit setting forth the facts referred to in subsections (2) and (3) of this section must be executed by the surplus line broker. Such affidavit shall be filed with the commissioner within thirty days after the insurance is procured.

(6) For purposes of chapter 48.-- RCW (the new chapter created in section 18 of this act), a joint underwriting association established or authorized by the legislature is not an authorized insurer.

NEW SECTION. Sec. 18. Sections 1 through 16 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 20. This act expires December 31, 2016."

On page 1, line 1 of the title, after "associations;" strike the remainder of the title and insert "amending RCW 48.15.040; adding a new chapter to Title 48 RCW; providing an expiration date; and declaring an emergency."

Representatives Kirby and Bailey spoke in favor of the adoption of the amendment.

Amendment (1080) was adopted.

The bill was ordered engrossed.

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

Representatives Orwall, Bailey and Upthegrove spoke in favor of the passage of the bill.

Representative DeBolt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2560.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2560, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bailey, Blake, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Campbell, Condotta, Crouse, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

Excused: Representatives Carlyle and Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2560, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 12:30 p.m., February 13, 2010, the 34th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

THIRTY FOURTH DAY

House Chamber, Olympia, Saturday, February 13, 2010

The House was called to order at 12:30 p.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Dave Quall, 40th District.

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

MESSAGES FROM THE SENATE

February 12, 2010

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6350
SUBSTITUTE SENATE BILL NO. 6373
SUBSTITUTE SENATE BILL NO. 6557
SUBSTITUTE SENATE BILL NO. 6611
SUBSTITUTE SENATE BILL NO. 6692
SENATE BILL NO. 6720
SUBSTITUTE SENATE BILL NO. 6747

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 12, 2010

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6289
ENGROSSED SUBSTITUTE SENATE BILL NO. 6468
ENGROSSED SUBSTITUTE SENATE BILL NO. 6603
ENGROSSED SENATE BILL NO. 6762

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTIONS AND FIRST READING

HB 3184 by Representatives Chase, Williams, Hunt, Dickerson, Flannigan and Moeller

AN ACT Relating to increasing estate taxes; amending RCW 83.100.040 and 83.100.230; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 3185 by Representative White

AN ACT Relating to establishing the student financial assistance board by eliminating the higher education coordinating board and transferring its functions to various entities; amending RCW 28B.76.010, 28B.76.020, 28B.76.030, 28B.76.090, 28B.76.110, 28B.76.505, 28B.76.525, 28B.76.560, 28B.76.565, 28B.76.570, 28B.76.575, 28B.76.605, 28B.76.610, 28B.76.615, 28B.76.620, 28B.76.645, 28B.76.660, 28B.76.670, 28B.76.690, 28A.600.120, 28A.600.130, 28A.600.140, 28A.600.150, 28A.230.125, 28A.600.285, 28A.630.400, 28A.650.015, 28B.04.080, 28B.07.020, 28B.07.030, 28B.10.786, 28B.10.790, 28B.10.792, 28B.10.840, 28B.12.030, 28B.12.040, 28B.12.050, 28B.12.055, 28B.12.060, 28B.12.070, 28B.15.012, 28B.15.013, 28B.15.015, 28B.15.100, 28B.15.543, 28B.15.732, 28B.15.736, 28B.15.752, 28B.15.760, 28B.15.762, 28B.50.272, 28B.92.020, 28B.95.020, 28B.95.025, 28B.95.040, 28B.95.060, 28B.95.160, 28B.97.020, 28B.101.010, 28B.101.030, 28B.101.040, 28B.101.050, 28B.102.020, 28B.102.030, 28B.105.020, 28B.106.010, 28B.108.010, 28B.108.020, 28B.108.030, 28B.108.060, 28B.109.010, 28B.115.020, 28B.115.030, 28B.115.130, 28B.115.140, 28B.116.010, 28B.116.020, 28B.116.030, 28B.116.050, 28B.116.060, 28B.116.070, 28B.117.020, 28B.117.030, 28B.117.040, 28B.117.050, 28B.117.060, 28B.117.070, 28B.118.010, 28B.118.020, 28B.118.040, 28B.118.050, 28B.118.060, 28B.119.010, 28B.119.020, 28B.119.030, 28B.119.050, 28B.120.010, 28B.120.020, 28B.120.025, 28B.120.030, 28B.120.040, 28B.133.030, 28B.133.040, 28B.133.050, 28B.135.010, 28B.135.030, 28B.135.040, 28C.18.166, 39.86.130, 42.17.2401, 43.41.400, 43.105.800, 43.105.810, 43.105.825, 74.13.570, 28B.76.230, 28B.76.290, 28B.76.310, 28B.10.020, 28B.10.922, 28B.15.460, 28B.15.465, 28B.20.130, 28B.20.280, 28B.30.150, 28B.30.500, 28B.35.120, 28B.35.205, 28B.35.215, 28B.38.010, 28B.40.120, 28B.40.206, 28B.45.014, 28B.45.020, 28B.45.030, 28B.45.040, 28B.45.060, 28B.50.140, 28B.50.810, 28B.65.050, 28B.110.030, 28B.110.040, 28B.85.010, 28B.85.100, 28B.90.010, 35.104.020, 35.104.040, 43.06.115, 9A.60.070, 18.260.110, 28A.230.125, 28A.600.280, 28A.600.290, 28A.600.310, 28A.600.390, 28A.630.400, 28A.650.015, 28A.700.020, 28A.700.060, 28B.07.040, 28B.10.056, 28B.10.125, 28B.10.5691, 28B.10.682, 28B.10.784, 28B.15.068, 28B.15.069, 28B.15.730, 28B.15.734, 28B.15.750, 28B.15.754, 28B.15.756, 28B.15.758, 28B.15.796, 28B.20.308, 28B.20.478, 28B.30.530, 28B.45.080, 28B.65.040, 28B.67.010, 28B.103.030, 28B.76.200, 28C.10.030, 28C.10.040, 28C.18.030, 28C.18.060, 28C.18.132, 28C.18.134, 43.09.440, 43.43.934, 43.43.938, 43.60A.151, 43.88.090, 43.88D.010, 43.105.400, 43.215.090, 43.330.310, 43.330.375, 47.80.090, and 70.180.110; reenacting and amending RCW 28A.660.050, 28B.50.030, 28B.92.030, 28A.230.100, and 43.330.280; adding new sections to chapter 43.41 RCW; adding new sections to chapter 28B.10 RCW; creating new sections;

recodifying RCW 28B.76.290, 28B.76.310, 28B.76.200, and 28B.76.230; repealing RCW 28B.76.040, 28B.76.050, 28B.76.060, 28B.76.100, 28B.76.210, 28B.76.240, 28B.76.2401, 28B.76.250, 28B.76.260, 28B.76.270, 28B.76.280, 28B.76.300, and 28B.76.335; providing an effective date; and providing expiration dates.

Referred to Committee on Higher Education.

HB 3186 by Representatives Pettigrew, Walsh, Williams, Hunt, Green, Dickerson, Kagi, Goodman, Orwall, Liias, Seaquist, White and Appleton

AN ACT Relating to imposing a tax on home and community based services to fund services for seniors and people with disabilities; amending RCW 82.16.020 and 82.16.020; reenacting and amending RCW 82.16.010 and 82.16.010; adding a new section to chapter 82.16 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Finance.

SSB 5376 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kauffman, Delvin, Shin, Haugen, Kohl-Welles, McAuliffe and Kline)

AN ACT Relating to encouraging training for medical students, nurses, and medical technicians and assistants to work with adult patients with developmental disabilities; and adding a new section to chapter 28B.76 RCW.

Referred to Committee on Higher Education.

SB 5411 by Senators Kline, Franklin and Carrell

AN ACT Relating to requests for driving record abstracts; and amending RCW 46.52.130.

Referred to Committee on Judiciary.

SSB 5548 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Jarrett, Fraser and Shin)

AN ACT Relating to expanding certain public facilities eligible to be credited against the imposition of impact fees; and amending RCW 82.02.090.

Referred to Committee on Local Government & Housing.

ESSB 5555 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Shin, King, Marr, Jarrett, McAuliffe, Hobbs, Tom and Kohl-Welles)

AN ACT Relating to lifelong learning accounts; adding new sections to chapter 28C.18 RCW; and creating a new section.

Referred to Committee on Higher Education.

SSB 5780 by Senate Committee on Transportation (originally sponsored by Senators Tom and Brandland)

AN ACT Relating to establishing chapter 46.55 RCW as the exclusive remedy for certain claims resulting from the

impoundment of a motor vehicle; amending RCW 46.55.120; and creating a new section.

Referred to Committee on Judiciary.

SSB 6205 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Shin)

AN ACT Relating to portions of state highways better served by merged fire districts under certain circumstances; amending RCW 47.48.031 and 52.06.090; and creating a new section.

Referred to Committee on Local Government & Housing.

SSB 6208 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Hatfield and Shin)

AN ACT Relating to temporary agricultural directional signs; and amending RCW 47.42.020 and 47.42.120.

Referred to Committee on Transportation.

SB 6209 by Senators Haugen, Berkey, Marr, Shin and Sheldon

AN ACT Relating to allowing moneys paid to county road funds to be used for park and ride lots; and amending RCW 36.82.070.

Referred to Committee on Transportation.

SSB 6217 by Senate Committee on Transportation (originally sponsored by Senator Rockefeller)

AN ACT Relating to retroactively applying certain intermediate license law amendments made during the 2009 legislative session; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SSB 6224 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Becker and Gordon)

AN ACT Relating to conforming the uniform controlled substances act to existing state and federal law; and amending RCW 69.50.101, 69.50.204, 69.50.206, 69.50.208, 69.50.210, 69.50.212, and 69.50.402.

Referred to Committee on Health Care & Wellness.

SSB 6239 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Gordon and Fraser)

AN ACT Relating to making technical corrections to gender-based terms; amending RCW 10.01.050, 10.01.060, 10.01.120, 10.01.140, 10.01.150, 10.01.180, 10.04.110, 10.10.060, 10.16.080, 10.16.110, 10.16.145, 10.16.150, 10.19.040, 10.19.060, 10.22.010, 10.22.020, 10.25.070, 10.27.060, 10.27.070, 10.27.080, 10.27.090, 10.27.100, 10.27.120, 10.27.130, 10.27.140, 10.27.150, 10.29.050, 10.29.110, 10.31.030, 10.31.040, 10.31.050, 10.31.060, 10.34.010, 10.34.020, 10.34.030, 10.37.040, 10.37.050, 10.40.050, 10.40.060, 10.40.140, 10.40.170, 10.43.040,

10.43.050,	10.46.060,	10.46.110,	10.46.200,	10.46.220,	46.16.047,	46.16.210,	46.16.230,	46.16.260,	46.16.371,
10.52.060,	10.52.090,	10.55.020,	10.55.060,	10.55.100,	46.16.505,	46.16.595,	46.20.017,	46.20.024,	46.20.220,
10.58.020,	10.58.030,	10.61.006,	10.64.060,	10.64.070,	46.20.325,	46.20.327,	46.20.332,	46.20.333,	46.20.334,
10.70.010,	10.70.020,	10.73.040,	10.79.020,	10.79.040,	46.20.349,	46.29.040,	46.29.050,	46.29.070,	46.29.080,
10.79.050,	10.82.030,	10.82.040,	10.88.210,	10.88.220,	46.29.120,	46.29.140,	46.29.160,	46.29.170,	46.29.180,
10.88.230,	10.88.240,	10.88.260,	10.88.270,	10.88.290,	46.29.190,	46.29.230,	46.29.290,	46.29.310,	46.29.360,
10.88.300,	10.88.310,	10.88.320,	10.88.330,	10.88.340,	46.29.450,	46.29.470,	46.29.490,	46.29.510,	46.29.540,
10.88.350,	10.88.360,	10.88.370,	10.88.380,	10.88.390,	46.29.550,	46.29.560,	46.29.570,	46.29.600,	46.32.010,
10.88.400,	10.88.410,	10.88.420,	10.88.430,	10.88.450,	46.32.020,	46.37.380,	46.37.423,	46.37.424,	46.37.550,
10.89.020,	10.91.010,	10.91.020,	10.91.030,	10.91.050,	46.37.560,	46.37.590,	46.44.047,	46.52.050,	46.52.070,
10.97.080,	10.97.110,	10.97.120,	11.04.015,	11.04.035,	46.55.030,	46.55.085,	46.55.200,	46.55.240,	46.61.024,
11.04.041,	11.04.085,	11.04.250,	11.08.111,	11.08.180,	46.61.035,	46.61.202,	46.61.255,	46.61.350,	46.61.385,
11.08.200,	11.08.230,	11.08.240,	11.12.030,	11.12.060,	46.61.519,	46.61.600,	46.61.613,	46.61.614,	46.61.615,
11.12.170,	11.12.190,	11.20.010,	11.20.020,	11.28.110,	46.61.765,	46.63.020,	46.65.020,	46.65.080,	46.65.100,
11.28.190,	11.28.230,	11.28.250,	11.28.290,	11.28.300,	46.68.080,	46.70.075,	46.70.102,	46.70.111,	46.70.190,
11.28.330,	11.28.340,	11.32.010,	11.32.020,	11.32.030,	46.70.220,	46.70.230,	46.70.250,	46.72.040,	46.72.060,
11.32.040,	11.32.060,	11.48.020,	11.48.025,	11.48.030,	46.72.110,	46.76.010,	46.76.060,	46.79.030,	46.79.040,
11.48.040,	11.48.050,	11.48.060,	11.48.070,	11.48.080,	46.79.060,	46.80.010,	46.80.030,	46.82.300,	46.85.020,
11.48.120,	11.48.140,	11.48.160,	11.48.180,	11.48.200,	46.87.360,	46.96.150,	47.01.070,	47.10.150,	47.12.023,
11.48.210,	11.56.040,	11.56.045,	11.56.070,	11.56.100,	47.12.160,	47.12.230,	47.12.283,	47.26.150,	47.26.4254,
11.56.110,	11.56.180,	11.56.210,	11.56.230,	11.60.040,	47.28.080,	47.32.060,	47.32.070,	47.32.090,	47.36.110,
11.60.060,	11.64.008,	11.64.030,	11.66.010,	11.68.070,	47.36.200,	47.41.040,	47.42.080,	47.42.103,	47.52.150,
11.68.100,	11.68.120,	11.72.002,	11.76.010,	11.76.030,	47.52.170,	47.60.310,	47.64.130,	47.64.250,	47.68.330,
11.76.040,	11.76.050,	11.76.060,	11.76.070,	11.76.100,	47.68.340,	48.08.090,	48.08.130,	48.18A.060,	48.30.120,
11.76.110,	11.76.150,	11.76.160,	11.76.170,	11.76.190,	48.34.100,	48.56.110,	48.64.130,	49.08.010,	49.08.020,
11.76.210,	11.76.230,	11.76.240,	11.76.243,	11.76.245,	49.08.050,	49.12.050,	49.17.020,	49.17.050,	49.17.060,
11.80.020,	11.80.030,	11.80.040,	11.80.060,	11.80.080,	49.17.080,	49.17.090,	49.17.100,	49.17.110,	49.17.130,
11.80.090,	11.80.100,	11.80.110,	11.84.060,	11.84.900,	49.17.160,	49.17.170,	49.17.180,	49.17.190,	49.17.200,
11.88.100,	11.88.150,	11.92.115,	11.98.070,	11.106.030,	49.17.220,	49.17.240,	49.17.260,	49.24.020,	49.24.040,
11.110.100,	11.110.110,	11.110.120,	12.04.020,	12.04.030,	49.24.180,	49.24.190,	49.24.230,	49.24.370,	49.26.010,
12.04.040,	12.04.060,	12.04.070,	12.04.080,	12.04.090,	49.32.020,	49.32.030,	49.32.080,	49.32.110,	49.36.015,
12.04.110,	12.04.120,	12.04.160,	12.04.170,	12.04.180,	49.40.040,	49.40.050,	49.40.060,	49.44.020,	49.44.030,
12.04.190,	12.04.201,	12.04.203,	12.04.206,	12.04.207,	49.44.060,	49.44.080,	49.46.010,	49.46.040,	49.46.070,
12.08.040,	12.08.060,	12.08.070,	12.08.080,	12.08.090,	49.46.090,	49.46.100,	49.46.130,	49.46.160,	49.48.010,
12.08.100,	12.08.120,	12.12.080,	12.12.090,	12.16.020,	49.48.030,	49.48.050,	49.48.060,	49.48.090,	49.48.150,
12.16.030,	12.16.040,	12.16.050,	12.16.060,	12.16.080,	49.52.010,	49.52.020,	49.52.050,	49.52.070,	49.52.090,
12.16.090,	12.20.010,	12.20.020,	12.20.040,	12.20.070,	49.56.010,	49.56.020,	49.56.030,	49.64.030,	49.66.030,
12.40.025,	13.04.050,	13.04.180,	13.20.020,	13.20.030,	49.66.050,	49.66.060,	49.66.080,	49.66.090,	49.66.100,
13.24.050,	14.08.290,	14.08.112,	14.12.030,	14.12.110,	49.70.170,	50.01.010,	50.04.040,	50.04.230,	50.04.235,
14.12.140,	14.16.010,	14.16.030,	14.16.040,	14.20.030,	50.04.290,	50.04.320,	50.04.330,	50.04.340,	50.04.350,
14.20.050,	14.20.070,	14.20.090,	14.20.100,	15.04.090,	50.06.030,	50.08.010,	50.08.020,	50.12.010,	50.12.060,
15.04.110,	15.04.160,	15.08.010,	15.08.040,	15.08.080,	50.12.080,	50.12.120,	50.12.150,	50.12.160,	50.12.170,
15.08.090,	15.08.100,	15.08.120,	15.08.140,	15.08.150,	50.16.050,	50.20.020,	50.20.130,	50.20.150,	50.20.170,
15.08.160,	15.08.180,	15.08.190,	15.08.250,	15.09.040,	50.20.180,	50.22.040,	50.24.040,	50.24.050,	50.24.080,
15.09.050,	15.09.080,	15.09.100,	15.24.120,	15.24.130,	50.24.090,	50.24.100,	50.24.115,	50.24.140,	50.24.150,
15.24.150,	15.24.210,	15.26.030,	15.26.040,	15.26.050,	50.29.080,	50.32.010,	50.32.080,	50.32.110,	50.32.150,
15.26.060,	15.26.080,	15.26.110,	15.26.170,	15.26.180,	50.36.030,	50.40.020,	50.44.040,	50.44.060,	50.44.070,
15.26.190,	15.26.210,	15.26.230,	15.26.240,	15.28.030,	50.72.060,	51.04.110,	51.12.080,	51.14.040,	51.14.050,
15.28.100,	15.28.150,	15.28.190,	15.28.210,	15.28.220,	51.14.100,	51.16.150,	51.16.170,	51.32.025,	51.32.230,
15.28.230,	15.28.260,	15.28.280,	15.28.310,	15.30.010,	51.44.120,	51.48.017,	51.48.250,	51.52.102,	51.52.106,
15.30.030,	15.30.070,	15.30.080,	15.37.010,	15.37.040,	52.04.111,	52.12.031,	52.14.080,	53.08.091,	53.08.208,
15.37.060,	15.37.070,	15.37.120,	15.44.027,	15.44.050,	53.08.390,	53.12.265,	53.18.030,	53.25.020,	53.25.150,
15.44.060,	15.44.090,	15.44.100,	15.49.101,	15.49.111,	53.25.160,	53.34.020,	53.34.140,	53.36.010,	53.36.050,
15.49.380,	15.49.400,	15.58.100,	15.58.280,	15.64.010,	53.36.060,	53.46.030,	53.46.080,	53.46.090,	53.47.030,
15.65.100,	15.65.110,	15.65.130,	15.65.160,	15.65.190,	53.47.040,	53.49.020,	54.04.060,	54.04.120,	54.04.140,
15.65.210,	15.65.280,	15.65.290,	15.65.320,	15.65.330,	54.08.010,	54.08.070,	54.12.100,	54.16.097,	54.16.150,
15.65.340,	15.65.390,	15.65.400,	15.65.410,	15.65.420,	54.40.050,	58.08.035,	58.09.030,	58.09.040,	58.09.090,
15.65.440,	15.65.480,	15.65.490,	15.65.500,	15.65.520,	58.17.210,	58.28.030,	58.28.070,	58.28.080,	58.28.090,
15.65.530,	15.65.540,	15.65.550,	15.65.590,	15.66.200,	58.28.140,	58.28.220,	58.28.240,	58.28.280,	58.28.290,
15.66.210,	15.66.230,	15.66.240,	15.70.020,	15.70.030,	58.28.300,	58.28.310,	58.28.350,	58.28.390,	58.28.410,
15.70.040,	15.76.170,	15.80.320,	15.80.460,	15.80.470,	58.28.460,	58.28.470,	58.28.480,	58.28.500,	58.28.510,
15.80.480,	15.80.490,	15.80.500,	15.80.510,	15.80.550,	59.04.040,	59.04.050,	59.08.030,	59.08.040,	59.08.070,
15.80.590,	15.80.610,	15.80.620,	15.80.630,	15.80.640,	59.12.035,	59.12.040,	59.12.060,	59.12.080,	59.12.090,
15.88.070,	15.100.080,	43.21A.405,	43.21C.030,	44.39.060,	59.12.100,	59.12.121,	59.12.140,	59.12.170,	59.12.190,
46.01.250,	46.09.080,	46.10.120,	46.10.220,	46.12.130,	59.16.020,	59.16.030,	59.18.070,	59.18.080,	59.18.090,
46.12.240,	46.12.280,	46.12.300,	46.12.320,	46.16.025,	59.18.100,	59.18.140,	59.18.190,	59.18.230,	59.18.240,

59.18.250, 59.18.280, 59.18.290, 59.18.300, 59.18.340, 59.18.350, 59.18.380, 59.18.410, 59.20.090, and 59.20.140; reenacting and amending RCW 15.35.240; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

SB 6265 by Senator Keiser

AN ACT Relating to hospital surveys or audits; and amending RCW 70.41.045.

Referred to Committee on Health Care & Wellness.

SB 6269 by Senators Keiser and Rockefeller

AN ACT Relating to conversion rights upon termination of eligibility for health plan coverage; amending RCW 48.21.260, 48.44.370, and 48.46.450; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 6271 by Senate Committee on Transportation (originally sponsored by Senators Murray and Haugen)

AN ACT Relating to annexations by cities and code cities located within the boundaries of a regional transit authority; amending RCW 81.112.050; adding a new section to chapter 35.13 RCW; and adding a new section to chapter 35A.14 RCW.

Referred to Committee on Local Government & Housing.

SB 6279 by Senators Kline, Murray and Haugen

AN ACT Relating to the clarification of regional transit authority facilities as essential public facilities; and amending RCW 36.70A.200.

Referred to Committee on Local Government & Housing.

SSB 6293 by Senate Committee on Judiciary (originally sponsored by Senators Brandland and Carrell)

AN ACT Relating to rendering criminal assistance in the first degree; amending RCW 9A.76.070; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

2SSB 6316 by Senate Committee on Ways & Means (originally sponsored by Senators Carrell, King, Hewitt, Stevens and Delvin)

AN ACT Relating to coordination between local law enforcement and the department of corrections; amending RCW 10.31.100 and 36.28A.040; creating new sections; and providing an expiration date.

Referred to Committee on Human Services.

SSB 6355 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Becker, Rockefeller and Shin)

AN ACT Relating to expanding the higher education system upon proven demand; amending RCW 28B.50.020, 28B.50.810, 28B.76.020, 28B.76.230, 28B.120.005, 28B.120.010, and 28B.120.020; and creating a new section.

Referred to Committee on Higher Education.

SSB 6357 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Becker, Shin, Rockefeller, McAuliffe and Roach)

AN ACT Relating to policies for the academic recognition of prior learning; and creating new sections.

Referred to Committee on Higher Education.

SSB 6360 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Keiser, Roach and Marr)

AN ACT Relating to establishing a program to verify the address of registered sex offenders and kidnapping offenders; amending RCW 9A.44.130 and 9A.44.135; and adding a new section to chapter 36.28A RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 6361 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Brandland, Hargrove, Carrell, Roach and Marr)

AN ACT Relating to a person's identifying information submitted in the course of using the electronic statewide unified sex offender notification and registration program for the purpose of receiving notification regarding registered sex offenders; and amending RCW 36.28A.040 and 42.56.240.

Referred to Committee on State Government & Tribal Affairs.

SSB 6363 by Senate Committee on Transportation (originally sponsored by Senators Marr, King, Haugen, Brandland, Kauffman, Delvin, Eide, Shin and McAuliffe)

AN ACT Relating to the enforcement of certain school or playground crosswalk violations; amending RCW 46.61.235, 46.61.245, 46.61.261, and 46.61.440; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SB 6365 by Senators Swecker and Roach

AN ACT Relating to motor vehicle emission standards; and amending RCW 70.120A.010.

Referred to Committee on Ecology & Parks.

SB 6379 by Senators Swecker, Hatfield, Marr, Haugen, Berkey, Ranker, Sheldon and Kauffman

AN ACT Relating to streamlining and making technical corrections to vehicle and vessel registration and title provisions; amending RCW 46.04.125, 46.04.3815, 46.04.670, 46.01.011, 46.01.110, 46.01.130, 46.01.140, 46.01.230, 46.01.235, 46.01.260, 46.01.270, 46.01.310, 46.08.066, 46.08.150, 46.09.020, 46.09.030, 46.09.040, 46.09.050, 46.09.070, 46.09.080, 46.09.115, 46.09.240, 46.09.280, 46.10.010, 46.10.020, 46.10.030, 46.10.040, 46.10.043, 46.10.050, 46.10.055, 46.10.060, 46.10.070, 46.10.220, 46.12.010, 46.12.030, 46.12.047, 46.12.050, 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.103, 46.12.124, 46.12.130, 46.12.151, 46.12.160, 46.12.170, 46.12.181, 46.12.190, 46.12.210, 46.12.250, 46.12.280, 46.12.290, 46.12.420, 46.12.440, 46.16.004, 46.16.006, 46.16.010, 46.16.015, 46.16.020, 46.16.022, 46.16.025, 46.16.028, 46.16.029, 46.16.030, 46.16.040, 46.16.045, 46.16.047, 46.16.048, 46.16.068, 46.16.070, 46.16.076, 46.16.086, 46.16.090, 46.16.125, 46.16.160, 46.16.162, 46.16.210, 46.16.212, 46.16.216, 46.16.225, 46.16.260, 46.16.265, 46.16.460, 46.16.500, 46.16.700, 46.16.705, 46.16.715, 46.16.725, 46.16.735, 46.16.745, 46.16.755, 46.16.765, 46.16.775, 46.16.690, 46.16.301, 46.16.324, 46.16.335, 46.16.390, 46.68.010, 46.68.020, 46.68.030, 46.68.035, 46.68.220, 46.16.685, 46.09.110, 46.10.075, 35.95A.090, 35.95A.130, 81.104.160, 82.12.045, 82.12.0254, 82.36.280, 82.44.015, 82.44.035, 82.44.060, 82.44.065, 82.44.090, 82.44.100, 82.44.120, 82.80.130, 82.80.140, 88.02.010, 88.02.035, 88.02.055, 88.02.110, 88.02.118, 88.02.200, 88.02.120, 88.02.070, 88.02.180, 88.02.075, 88.02.020, 88.02.030, 88.02.050, 88.02.050, 88.02.052, 88.02.250, 88.02.260, 88.02.040, 88.02.045, 88.02.053, 88.02.060, 88.02.230, 88.02.078, 88.02.188, 88.02.112, 88.02.115, 88.02.189, 88.02.220, 88.02.210, 88.02.023, 88.02.184, 88.02.125, 88.02.184, 88.02.188, 88.02.189, 88.02.210, 88.02.220, 88.02.230, and 46.16.125; decodifying RCW 46.16.450; repealing RCW 46.09.085, 46.10.080, 46.12.005, 46.12.020, 46.12.040, 46.12.042, 46.12.045, 46.12.055, 46.12.060, 46.12.075, 46.12.095, 46.12.105, 46.12.200, 46.12.215, 46.12.220, 46.12.230, 46.12.240, 46.12.260, 46.12.270, 46.12.450, 46.12.500, 46.12.510, 46.16.0105, 46.16.016, 46.16.017, 46.16.023, 46.16.035, 46.16.0621, 46.16.063, 46.16.071, 46.16.079, 46.16.085, 46.16.088, 46.16.111, 46.16.121, 46.16.135, 46.16.150, 46.16.200, 46.16.220, 46.16.230, 46.16.233, 46.16.235, 46.16.237, 46.16.240, 46.16.270, 46.16.280, 46.16.290, 46.16.295, 46.16.305, 46.16.307, 46.16.30901, 46.16.30902, 46.16.30903, 46.16.30904, 46.16.30905, 46.16.30906, 46.16.30907, 46.16.30908, 46.16.30909, 46.16.30910, 46.16.30911, 46.16.30912, 46.16.30913, 46.16.30914, 46.16.30915, 46.16.30916, 46.16.30917, 46.16.30918, 46.16.30919, 46.16.30920, 46.16.30921, 46.16.30923, 46.16.30924, 46.16.30925, 46.16.30926, 46.16.30927, 46.16.30928, 46.16.30929, 46.16.313, 46.16.316, 46.16.333, 46.16.335, 46.16.340, 46.16.350, 46.16.371, 46.16.374, 46.16.376, 46.16.381, 46.16.385, 46.16.470, 46.16.480, 46.16.490, 46.16.505, 46.16.560, 46.16.565, 46.16.570, 46.16.575, 46.16.580, 46.16.585, 46.16.590, 46.16.595, 46.16.600, 46.16.601, 46.16.605, 46.16.606, 46.16.630, 46.16.640, 46.16.670, 46.16.680, 46.17.010, 46.17.020, 88.02.025, 88.02.028, 88.02.090, 88.02.100, 88.02.130, 88.02.140, 88.02.150, 88.02.160, 88.02.170, 88.02.190, 88.02.235, 88.02.270, 46.04.144, 46.32.090, 46.88.010, 59.21.055, 59.22.080, 59.22.085, 64.44.045, and 73.04.110; prescribing penalties; providing effective dates; and providing an expiration date.

46.09.240, 46.10.010, 46.10.020, 46.10.140, 46.10.180, 46.10.185, 46.10.200, 46.10.210, 46.10.220, 46.10.040, 46.10.050, 46.10.060, 46.10.070, 46.10.055, 46.10.090, 46.10.100, 46.10.110, 46.10.120, 46.10.130, 46.10.190, 46.10.150, 46.10.160, 46.10.170, 46.12.010, 46.12.030, 46.12.047, 46.12.050, 46.12.070, 46.12.080, 46.12.160, 46.12.181, 46.12.190, 46.12.370, 46.12.380, 46.12.390, 46.12.101, 46.12.102, 46.12.103, 46.12.124, 46.12.130, 46.12.151, 46.12.170, 46.12.280, 46.12.290, 46.12.420, 46.12.430, 46.12.440, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, 46.12.210, 46.12.250, 46.16.004, 46.16.006, 46.16.010, 46.16.015, 46.16.020, 46.16.022, 46.16.028, 46.16.029, 46.16.030, 46.16.040, 46.16.073, 46.16.076, 46.16.210, 46.16.212, 46.16.216, 46.16.225, 46.16.260, 46.16.265, 46.16.276, 46.16.280, 46.16.295, 46.16.327, 46.16.332, 46.16.045, 46.16.047, 46.16.048, 46.16.160, 46.16.162, 46.16.460, 46.16.025, 46.16.068, 46.16.070, 46.16.086, 46.16.090, 46.16.615, 46.16.011, 46.16.012, 46.16.140, 46.16.145, 46.16.180, 46.16.500, 46.16.309, 46.16.314, 46.16.335, 46.16.390, 46.16.700, 46.16.705, 46.16.715, 46.16.725, 46.16.690, 46.16.735, 46.16.745, 46.16.755, 46.16.765, 46.16.775, 46.16.301, 46.16.319, 46.16.324, 46.09.110, 46.10.075, 46.16.685, 88.02.010, 88.02.035, 88.02.055, 88.02.110, 88.02.118, 88.02.200, 88.02.070, 88.02.075, 88.02.120, 88.02.180, 88.02.020, 88.02.030, 88.02.050, 88.02.052, 88.02.250, 88.02.260, 88.02.040, 88.02.045, 88.02.053, 88.02.023, 88.02.060, 88.02.078, 88.02.112, 88.02.115, 88.02.125, 88.02.184, 88.02.188, 88.02.189, 88.02.210, 88.02.220, 88.02.230, and 46.16.125; decodifying RCW 46.16.450; repealing RCW 46.09.085, 46.10.080, 46.12.005, 46.12.020, 46.12.040, 46.12.042, 46.12.045, 46.12.055, 46.12.060, 46.12.075, 46.12.095, 46.12.105, 46.12.200, 46.12.215, 46.12.220, 46.12.230, 46.12.240, 46.12.260, 46.12.270, 46.12.450, 46.12.500, 46.12.510, 46.16.0105, 46.16.016, 46.16.017, 46.16.023, 46.16.035, 46.16.0621, 46.16.063, 46.16.071, 46.16.079, 46.16.085, 46.16.088, 46.16.111, 46.16.121, 46.16.135, 46.16.150, 46.16.200, 46.16.220, 46.16.230, 46.16.233, 46.16.235, 46.16.237, 46.16.240, 46.16.270, 46.16.280, 46.16.290, 46.16.295, 46.16.305, 46.16.307, 46.16.30901, 46.16.30902, 46.16.30903, 46.16.30904, 46.16.30905, 46.16.30906, 46.16.30907, 46.16.30908, 46.16.30909, 46.16.30910, 46.16.30911, 46.16.30912, 46.16.30913, 46.16.30914, 46.16.30915, 46.16.30916, 46.16.30917, 46.16.30918, 46.16.30919, 46.16.30920, 46.16.30921, 46.16.30923, 46.16.30924, 46.16.30925, 46.16.30926, 46.16.30927, 46.16.30928, 46.16.30929, 46.16.313, 46.16.316, 46.16.333, 46.16.335, 46.16.340, 46.16.350, 46.16.371, 46.16.374, 46.16.376, 46.16.381, 46.16.385, 46.16.470, 46.16.480, 46.16.490, 46.16.505, 46.16.560, 46.16.565, 46.16.570, 46.16.575, 46.16.580, 46.16.585, 46.16.590, 46.16.595, 46.16.600, 46.16.601, 46.16.605, 46.16.606, 46.16.630, 46.16.640, 46.16.670, 46.16.680, 46.17.010, 46.17.020, 88.02.025, 88.02.028, 88.02.090, 88.02.100, 88.02.130, 88.02.140, 88.02.150, 88.02.160, 88.02.170, 88.02.190, 88.02.235, 88.02.270, 46.04.144, 46.32.090, 46.88.010, 59.21.055, 59.22.080, 59.22.085, 64.44.045, and 73.04.110; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Transportation.

SSB 6380 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Jacobsen, Ranker and Swecker)

AN ACT Relating to the purchase of wetland mitigation bank credits by the department of transportation; and amending RCW 47.01.305.

Referred to Committee on Ecology & Parks.

SSB 6393 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Hewitt, Kohl-Welles and Shin)

AN ACT Relating to modifying distributions of funds by the horse racing commission to nonprofit race meets; and amending RCW 67.16.105.

Referred to Committee on Commerce & Labor.

ESSB 6403 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Kauffman, McAuliffe, Hargrove, Hobbs, Regala, Oemig, McDermott and Shin)

AN ACT Relating to accountability and support for vulnerable students and dropouts, including prevention, intervention, and reengagement; amending RCW 28A.175.075; adding a new section to chapter 28A.175 RCW; and creating new sections.

Referred to Committee on Education.

SB 6543 by Senators Hatfield, Schoesler and Shin

AN ACT Relating to the Washington tree fruit research commission; and amending RCW 15.26.110.

Referred to Committee on Agriculture & Natural Resources.

SSB 6548 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Carrell, Stevens, Kauffman and Roach)

AN ACT Relating to offenders on parole or probation; amending RCW 9.94A.633; and creating a new section.

Referred to Committee on Human Services.

SSB 6550 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Regala, Carrell, Marr, Shin and Roach)

AN ACT Relating to imposing a sanction for offenders who violate sentence conditions by committing an assault against a law enforcement officer, employee of a law enforcement agency, or department of corrections employee; amending RCW 9.94A.633; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

SB 6555 by Senators Tom and Haugen

AN ACT Relating to removing state route number 908 from the state highway system; and repealing RCW 47.17.855.

Referred to Committee on Transportation.

SSB 6558 by Senate Committee on Transportation (originally sponsored by Senator Haugen)

AN ACT Relating to petitions for administrative review of railroad crossing closures; and amending RCW 81.53.060.

Referred to Committee on Transportation.

SSB 6570 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Becker, Sheldon, Delvin and Hatfield)

AN ACT Relating to allowing certain private transportation providers to use certain public transportation facilities; amending RCW 46.61.100, 46.61.165, 47.04.290, and 47.52.025; adding a new section to chapter 47.04 RCW; and creating a new section.

Referred to Committee on Transportation.

SSB 6577 by Senate Committee on Transportation (originally sponsored by Senators Kastama, Berkey, Swecker, Haugen, Kilmer and Shin)

AN ACT Relating to modifying the transportation system policy goals; and amending RCW 47.04.280.

Referred to Committee on Transportation.

SSB 6580 by Senate Committee on Transportation (originally sponsored by Senators Swecker and Haugen)

AN ACT Relating to creating the local bridge restoration and replacement account; reenacting and amending RCW 43.84.092; and adding a new section to chapter 47.04 RCW.

Referred to Committee on Transportation.

SB 6627 by Senators Marr, Pflug, Keiser, Benton, Franklin, Fairley, Schoesler, Pridemore, Roach and Parlette

AN ACT Relating to authorizing Washington pharmacies to fill prescriptions written by advanced registered nurse practitioners in other states or in certain provinces of Canada; and reenacting and amending RCW 69.41.030.

Referred to Committee on Health Care & Wellness.

SSB 6647 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Honeyford, Swecker and Morton)

AN ACT Relating to protecting jobs of members of the civil air patrol while acting in an emergency service operation; and amending RCW 49.12.460.

Referred to Committee on Commerce & Labor.

SSB 6649 by Senate Committee on Transportation (originally sponsored by Senators King, Marr, Swecker, Haugen, Tom and Shin)

AN ACT Relating to driving record abstracts; amending RCW 46.52.130; and prescribing penalties.

Referred to Committee on Transportation.

SSB 6673 by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Carrell, Kohl-Welles, Gordon, Regala, Roach, Hargrove and Tom)

AN ACT Relating to bail practices and procedures; creating new sections; and providing an expiration date.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 6730 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Becker, Hargrove, Stevens and Roach)

AN ACT Relating to implementing recommendations made by the office of the family and children's ombudsman in its 2009 Colville investigation by requiring the department of social and health services to notify parents the relatives that have been considered as a placement resource; by requiring that the department notify the relatives why they were not chosen as a placement resource or why a child is being removed from their home; by creating a judicial process by which relatives can be heard on the decision to remove a child from their home; by clarifying that the duties of a guardian ad litem do not include investigation of child abuse or neglect allegations; amending RCW 13.34.060 and 13.34.105; reenacting and amending RCW 13.34.130; adding new sections to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

2SSB 6760 by Senate Committee on Ways & Means (originally sponsored by Senators Oemig, Gordon, McDermott, McAuliffe, Tom, Kauffman, Fairley, Ranker, Hargrove, Kline, Murray, Eide, Franklin, Hobbs and Shin)

AN ACT Relating to the basic education instructional allocation distribution formula; amending RCW 28A.150.260, 28A.150.390, and 28A.150.410; amending 2009 c 548 s 710 (uncodified); amending 2009 c 548 s 804 (uncodified); creating new sections; and providing an effective date.

Referred to Committee on Education Appropriations.

SB 6815 by Senator Haugen

AN ACT Relating to health care benefits for marine employees of the department of transportation; and amending RCW 47.64.120, 47.64.270, 47.64.320, and 41.80.020.

Referred to Committee on Commerce & Labor.

SB 6826 by Senator Swecker

AN ACT Relating to subagent service fees; and amending RCW 46.01.140.

Referred to Committee on Transportation.

SJM 8025 by Senators Prentice, Haugen, Fraser, Shin and Roach

Requesting that a retired space shuttle orbiter be transferred to Washington's museum of flight.

Referred to Committee on Community & Economic Development & Trade.

SJM 8026 by Senators Regala, Hargrove, Brandland, Kohl-Welles, Stevens, Shin, Carrell, Hatfield, Jacobsen, Ranker, Oemig, Eide, Marr, McDermott, Haugen, Hobbs, Kilmer, Kline, Berkey, Kauffman, Prentice, Tom, Gordon, Fraser, McAuliffe, Franklin and Keiser

Requesting the Interstate Commission for Adult Offender Supervision immediately initiate its emergency rule-making process.

Referred to Committee on Human Services.

ESSJR 8218 by Senate Committee on Judiciary (originally sponsored by Senators Carrell, Franklin, Brandland, Becker, Schoesler, Kastama, Honeyford, Delvin, Hobbs, Parlette, Zarelli, McCaslin, Holmquist, Hargrove, Regala, Rockefeller, Marr, Hatfield, Shin, Sheldon, Kilmer, Hewitt, Stevens and Roach)

Amending the state Constitution so that offenses that may result in a mandatory life sentence upon conviction are not bailable by sufficient sureties.

Referred to Committee on Public Safety & Emergency Preparedness.

SSCR 8409 by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Keiser)

Forming a joint select committee on health reform implementation.

Referred to Committee on Health Care & Wellness.

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

SECOND READING

HOUSE BILL NO. 2776, by Representatives Sullivan, Priest, Maxwell, Dammeier, Carlyle, Finn, Anderson, Eddy, Nelson, Goodman, Orwall, Hunter, Simpson, Jacks, Kagi, Ormsby, Morrell, Probst and Santos

Regarding funding distribution formulas for K-12 education.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2776 was substituted for House Bill No. 2776 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2776 was read the second time.

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

Representatives Sullivan, Priest, Maxwell, Dammeier, Hunter and Armstrong spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2776.

MOTION

On motion of Representative Santos, Representatives Carlyle and Hurst were excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2776, and the bill passed the House by the following vote: Yeas, 73; Nays, 23; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Blake, Chase, Clibborn, Cody, Condotta, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Bailey, Campbell, Chandler, Crouse, DeBolt, Ericksen, Fagan, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Ross, Schmick, Shea, Short and Taylor.

Excused: Representatives Carlyle and Hurst.

SUBSTITUTE HOUSE BILL NO. 2776, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2893, by Representatives Sullivan, Carlyle, Hunter, Maxwell, Nelson, Hunt, Appleton, Simpson, Dickerson, White, Pedersen, Green, Sells, Eddy, Springer, Williams, Orwall, Goodman, Conway, Kenney, Rolfes, Ericks, Ormsby, Kagi, Roberts and Jacks

Changing school levy provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2893 was substituted for House Bill No. 2893 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2893 was read the second time.

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

Representatives Sullivan, Hunter, Haigh, Maxwell, Rolfes, Hunt, Eddy, Nelson, Orwall and Lias spoke in favor of the passage of the bill.

Representatives Priest, DeBolt, Armstrong, Anderson, Pearson, Haler, Kretz, Short, Taylor, Schmick, Johnson and Hinkle spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2893.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2893, and the bill passed the House by the following vote: Yeas, 55; Nays, 41; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Finn, Flannigan, Haler, Herrera, Hinkle, Johnson, Kessler, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Van De Wege, Walsh and Warnick.

Excused: Representatives Carlyle and Hurst.

SUBSTITUTE HOUSE BILL NO. 2893, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2670, by Representatives Haigh, Ericks, Quall, Sullivan, Kenney, Maxwell, Simpson, Priest, Dammeier and Kagi

Restoring the school district levy base.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2670 was substituted for House Bill No. 2670 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2670 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2670.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2670, and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chase, Clibborn,

Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Orcutt and Roach.

Excused: Representatives Carlyle and Hurst.

SECOND SUBSTITUTE HOUSE BILL NO. 2670, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2731, by Representatives Goodman, Haler, Maxwell, Priest, Kagi, Sullivan, Seaquist, Quall, O'Brien, Jacks, Haigh, Pedersen, Darneille, Kenney, Rolfes, Hunter, Williams, Orwall, Liias, Carlyle, Roberts, Simpson, Walsh, Nelson, Kelley, Dickerson, Appleton, Eddy, Sells and Morrell

Creating an early learning program for educationally at-risk children.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2731 was substituted for House Bill No. 2731 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2731 was read the second time.

With the consent of the House, amendment (1081) was withdrawn. Amendment (1112) was ruled out of order.

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

Representatives Goodman, Haler, Kagi, Walsh, Parker, Goodman (again), Kessler and Haigh spoke in favor of the passage of the bill.

Representatives Alexander and Bailey spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2731.

MOTION

On motion of Representative Santos, Representative Pederson was excused.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2731, and the bill passed the House by the following vote: Yeas, 67; Nays, 28; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Ericksen, Fagan, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith and Taylor.

Excused: Representatives Carlyle, Hurst and Pedersen.

SECOND SUBSTITUTE HOUSE BILL NO. 2731, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2913, by Representatives Haigh, Priest, Quall, Haler, Kessler, Kagi, Nealey, Finn, Maxwell, Sullivan and Kenney

Authorizing innovative interdistrict cooperative high school programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2913 was substituted for House Bill No. 2913 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2913 was read the second time.

Representative Haigh moved the adoption of amendment (1106).

On page 5, after line 21, insert the following:

"**Sec. 10.** RCW 84.52.0531 and 2009 c 4 s 908 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) (~~(and)~~), (c), and (d) of this subsection minus (~~(e)~~)(e) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased

by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under section 2 of this act shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through 2011, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a) The difference between the allocation the district would have received in the current school year had *RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to *RCW 84.52.068. The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(a) by any additional per student allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004; and

(b) The difference between the allocations the district would have received the prior school year had RCW 28A.400.205 not been amended by chapter 20, Laws of 2003 1st sp. sess. and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205. The office of the superintendent

of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(b) by any additional salary increase allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004.

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection (6) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

(6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(7) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(8) For the purposes of this section, "current school year" means the year immediately following the prior school year.

(9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(11) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

Sec. 11. RCW 84.52.0531 and 1997 c 259 s 2 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) ~~((and))~~, (c), and (d) of this subsection minus ~~((and))~~(e) of this subsection:

(a) The district's levy base as defined in subsection (3) of this section multiplied by the district's maximum levy percentage as defined in subsection (4) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh

school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) Except for nonhigh districts under (d) of this subsection, for districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (4) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The levy bases of nonhigh districts participating in an innovation academy cooperative established under section 2 of this act shall be adjusted by the office of the superintendent of public instruction to reflect each district's proportional share of student enrollment in the cooperative;

(e) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 1998 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

(5) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (3) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(6) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(7) For the purposes of this section, "current school year" means the year immediately following the prior school year.

(8) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(9) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section."

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

On page 5, after line 25, insert the following:

"NEW SECTION. Sec. 12. Section 10 of this act expires January 1, 2012.

NEW SECTION. Sec. 13. Section 11 of this act takes effect January 1, 2012."

Representatives Haigh and Priest spoke in favor of the adoption of the amendment.

Amendment (1106) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Morris Presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2913.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2913, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks,

Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

SUBSTITUTE HOUSE BILL NO. 2913, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2621, by Representatives Orwall, Maxwell, Darneille, Morrell and Haigh

Designating resource programs for science, technology, engineering, and mathematics instruction in K-12 schools.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2621.

MOTION

On motion of Representative Santos, Representative Roberts was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2621, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst, Pedersen and Roberts.

HOUSE BILL NO. 2621, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1162, by Representatives Dickerson, Quall, Sullivan, Haigh, Orwall, Lias, Takko, Kagi, Green, Simpson, Kenney and Nelson

Providing for social emotional learning in public schools.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1162 was substituted for House Bill No. 1162 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1162 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1162.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1162, and the bill passed the House by the following vote: Yeas, 59; Nays, 35; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Priest, Probst, Quall, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Carlyle, Hurst, Pedersen and Roberts.

SECOND SUBSTITUTE HOUSE BILL NO. 1162, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3026, by Representatives Santos, Quall, Chase, Upthegrove, Kenney, Hunt, Nelson, Lias, McCoy, Hudgins, Simpson and Darneille

Regarding school district compliance with state and federal civil rights laws.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 3026 was substituted for House Bill No. 3026 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3026 was read the second time.

Representative Shea moved the adoption of amendment (1128).

On page 2, line 15, after "creed," insert "religion,"

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

Amendment (1128) was adopted.

Representative Anderson moved the adoption of amendment (1117).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that in 1975 legislation was adopted, and later codified in chapter 28A.640 RCW, recognizing the deleterious effect of discrimination on the basis of sex, specifically prohibiting such discrimination in Washington public schools, and requiring the office of the superintendent of public instruction to monitor and ensure compliance. The legislature further finds that, while numerous state and federal laws prohibit discrimination on other bases in addition to sex, the common school provisions codified in Chapter 28A RCW do not include specific acknowledgment of the right to be free from discrimination because of race, creed, color, national origin, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, nor do any common school provisions specifically direct the office of the superintendent to monitor and enforce compliance with these laws. The legislature further finds that one of the recommendations made to the legislature by the achievement gap and accountability committee created pursuant to chapter 468, laws of 2009 was that the office of the superintendent of public instruction should be specifically authorized to take affirmative steps to ensure that school districts comply with all state and federal civil rights laws, similar to what has already been authorized in chapter 28A.640 RCW with respect to discrimination on the basis of sex. The legislature recognizes and reaffirms that, in accordance with state and federal laws prohibiting discrimination, discrimination in Washington public schools on the basis of race, creed, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability is prohibited.

NEW SECTION. Sec. 2. The office of the attorney general, in cooperation with the human rights commission and the office of the superintendent of public instruction, shall review the statutory framework currently in place for ensuring local school district compliance with state and federal laws prohibiting discrimination, as well as the history of complaints and enforcement activities to date, and shall submit its findings and recommendations with respect to what legislation, if any, is necessary to ensure that local school districts comply with state and federal laws prohibiting discrimination in public schools, including in the areas of public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students. The report of findings and recommendations shall be submitted no later than December 1, 2010 to the speaker of the house, majority leader of the senate, and the appropriate committees of the legislature."

Representatives Anderson and Hinkle spoke in favor of the adoption of the amendment.

Representative Santos spoke against the adoption of the amendment.

Amendment (1117) was not adopted.

The bill was ordered engrossed.

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

Representatives Santos, Priest, Santos (again), Lias, Quall and Seaquist spoke in favor of the passage of the bill.

Representatives Hinkle, Anderson, Klippert, Chandler and Chandler (again) spoke against passage of the bill.

The Speaker (Representative Morris Presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 3026.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 3026, and the bill passed the House by the following vote: Yeas, 59; Nays, 35; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Priest, Probst, Quall, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Carlyle, Hurst, Pedersen and Roberts.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3026, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2854, by Representatives Kenney, Maxwell, Sells, Probst, Hasegawa, Pettigrew, Conway, Ericks, Sullivan, Hunt, Nelson, Quall, Chase, Ormsby, Lias, Upthegrove, Goodman, Pedersen, Santos, Morrell, Hudgins, Orwall, Cody, Eddy, Dickerson, Wallace, Kessler, Anderson and Simpson

Making changes to the state higher education loan program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2854 was substituted for House Bill No. 2854 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2854 was read the second time.

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

Representative Kenney spoke in favor of passage of the bill.

Representative Anderson spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2854.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2854, and the bill passed the House by the following vote: Yeas, 59; Nays, 35; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Probst, Quall, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Carlyle, Hurst, Pedersen and Roberts.

SECOND SUBSTITUTE HOUSE BILL NO. 2854, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 13, 2010

Mr. Speaker:

The Senate has passed:

SENATE BILL 6206
 SUBSTITUTE SENATE BILL 6329
 SUBSTITUTE SENATE BILL 6414
 SENATE BILL 6450
 ENGROSSED SUBSTITUTE SENATE BILL 6476
 SUBSTITUTE SENATE BILL 6485
 ENGROSSED SECOND SUBSTITUTE SENATE BILL 6504
 SUBSTITUTE SENATE BILL 6520
 ENGROSSED SECOND SUBSTITUTE SENATE BILL 6561
 SENATE BILL 6593
 ENGROSSED SENATE BILL 6610
 SECOND SUBSTITUTE SENATE BILL 6667
 SUBSTITUTE SENATE BILL 6674
 SECOND SUBSTITUTE SENATE BILL 6678
 SECOND SUBSTITUTE SENATE BILL 6679
 SECOND SUBSTITUTE SENATE BILL 6702
 SUBSTITUTE SENATE BILL 6706
 SUBSTITUTE SENATE BILL 6721

SENATE BILL 6804
 SUBSTITUTE SENATE BILL 6832

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 2877, by Representative Moeller

Authorizing payment of regulated company stock in lieu of a portion of salary for educational employees.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2877.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2877, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst, Pedersen and Roberts.

HOUSE BILL NO. 2877, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1949, by Representatives Lias, Sells, Hasegawa, Upthegrove, Quall, Conway, Simpson and Ormsby

Appointing student members on the board of trustees for community colleges. Revised for 1st Substitute: Allowing appointment of student members on the boards of trustees of community colleges.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1949 was substituted for House Bill No. 1949 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1949 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1949.

MOTION

On motion of Representative Santos, Representatives Liias, Carlyle, Haigh, Hurst, Hunter, Kirby, Pederson, Simpson, Roberts and Williams were excused

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1949, and the bill passed the House by the following vote: Yeas, 74; Nays, 14; Absent, 0; Excused, 10.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Jacks, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pettigrew, Priest, Probst, Quall, Rodne, Rolfes, Santos, Seaquist, Sells, Short, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Wood and Mr. Speaker.

Voting nay: Representatives Armstrong, Chandler, Ericksen, Hinkle, Johnson, Kristiansen, Nealey, Pearson, Roach, Ross, Schmick, Shea, Taylor and Warnick.

Excused: Representatives Carlyle, Haigh, Hunter, Hurst, Kirby, Liias, Pedersen, Roberts, Simpson and Williams.

SUBSTITUTE HOUSE BILL NO. 1949, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1949.

Marko Liias, 21st District

SECOND READING

HOUSE BILL NO. 2751, by Representatives Sells, Kenney, Nelson, Green, Ormsby, Conway, Campbell, Hasegawa, Seaquist, Simpson, Williams, Cody, Hudgins, Sullivan, Carlyle, Miloscia, Morrell, Hunt, Morris and Chase

Requiring that at least one member on each community college board of trustees be from labor.

The bill was read the second time.

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

Representatives Sells and Kessler spoke in favor of the passage of the bill.

Representatives Anderson, Ericksen and Herrera spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2751.

MOTION

On motion of Representative Santos, Representatives Pettigrew and Quall were excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2751, and the bill passed the House by the following vote: Yeas, 52; Nays, 37; Absent, 0; Excused, 9.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Probst, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Carlyle, Hurst, Liias, Pedersen, Pettigrew, Quall, Roberts, Simpson and Williams.

HOUSE BILL NO. 2751, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2751.

Troy X. Kelley, 28th District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2751.

Marko Liias, 21st District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2751.

Geoff Simpson, 47th District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2751.

Eric Pettigrew, 37th District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2751.

Brendan Williams, 22nd District

SECOND READING

HOUSE BILL NO. 1757, by Representatives Haigh, Haler, Kessler, Takko, Hinkle, Sullivan, McCune, Hunter, Cox, Finn, Priest and Van De Wege

Establishing a small school district contingency fund.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1757.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1757, and the bill passed the House by the following vote: Yeas, 90; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst, Lias, Pedersen, Pettigrew, Roberts, Simpson and Williams.

HOUSE BILL NO. 1757, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2420, by Representatives Kenney, Orcutt, Van De Wege, Conway, Kessler, Blake, Hope, Herrera, Lias, Sullivan, Campbell, Schmick, Quall, Dammeier, Chase, Takko, Morrell and Smith

Promoting industries that rely on the state's working land base.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2420 was substituted for House Bill No. 2420 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2420 was read the second time.

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

Representatives Kenney and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2420.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2420, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst, Lias, Pedersen, Roberts and Williams.

SUBSTITUTE HOUSE BILL NO. 2420, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 2420.

Mary Helen Roberts, 21st District

SECOND READING

HOUSE BILL NO. 2481, by Representatives Van De Wege, Kretz, Blake, Hinkle, Ormsby, Dunshee, McCoy, Eddy, Upthegrove, Carlyle, Haler, Morrell, Warnick and Kessler

Authorizing the department of natural resources to enter into forest biomass supply agreements.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2481 was substituted for House Bill No. 2481 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2481 was read the second time.

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

Representatives Van De Wege and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2481.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2481, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst, Liias, Pedersen, Roberts and Williams.

SECOND SUBSTITUTE HOUSE BILL NO. 2481, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Second Substitute House Bill No. 2481.

Mary Helen Roberts, 21st District

SECOND READING

HOUSE BILL NO. 2676, by Representatives Chase and Simpson

Extending the pay back period for certain energy conservation loans.

The bill was read the second time.

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

Representatives Chase and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2676.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2676, and the bill passed the House by the following vote: Yeas, 91; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn,

Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

Excused: Representatives Carlyle, Hurst, Liias, Pedersen, Roberts and Williams.

HOUSE BILL NO. 2676, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2676.

Mary Helen Roberts, 21st District

SECOND READING

HOUSE BILL NO. 2677, by Representatives Chase and Simpson

Extending the pay back period for certain water conservation loans.

The bill was read the second time.

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

Representatives Chase and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2677.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2677, and the bill passed the House by the following vote: Yeas, 91; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

Excused: Representatives Carlyle, Hurst, Liias, Pedersen, Roberts and Williams.

HOUSE BILL NO. 2677, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2677.

Mary Helen Roberts, 21st District

SECOND READING

HOUSE BILL NO. 2739, by Representatives Simpson, Pearson, Liias, Rodne, Hope, Sullivan, Priest, Wallace, Dammeier, Kristiansen and Chase

Concerning the enforcement of certain school or playground crosswalk violations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2739 was substituted for House Bill No. 2739 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2739 was read the second time.

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

Representatives Simpson, Pearson, Armstrong and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2739.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2739, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst, Liias, Pedersen, Roberts and Williams.

SUBSTITUTE HOUSE BILL NO. 2739, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 2739.

Mary Helen Roberts, 21st District

SECOND READING

HOUSE BILL NO. 3124, by Representatives Roberts, Kagi, Simpson and Kenney

Requiring a report to child protective services when a child is present in the vehicle of a person arrested for driving or being in control of a vehicle while under the influence of alcohol or drugs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3124 was substituted for House Bill No. 3124 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3124 was read the second time.

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

Representatives Kagi and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3124.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3124, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst, Pedersen and Roberts.

SUBSTITUTE HOUSE BILL NO. 3124, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 3124.

Mary Helen Roberts, 21st District

SECOND READING

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

HOUSE BILL NO. 2396, by Representatives Morrell, Hinkle, Driscoll, Campbell, Cody, Van De Wege, Carlyle, Johnson, Simpson, Hurst, O'Brien, Clibborn, Nelson, Maxwell, Conway, McCoy and Moeller

Concerning emergency cardiac and stroke care. Revised for 2nd Substitute: Regarding emergency cardiac and stroke care.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2396 was substituted for House Bill No. 2396 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2396 was read the second time.

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

Representatives Morrell and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2396.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2396, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

SECOND SUBSTITUTE HOUSE BILL NO. 2396, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2487, by Representatives Goodman, Rodne, Klippert, Green, Santos, Kessler, Lias and Kelley

Increasing costs for administering a deferred prosecution.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2487 was substituted for House Bill No. 2487 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2487 was read the second time.

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

Representatives Goodman and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2487.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2487, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

SUBSTITUTE HOUSE BILL NO. 2487, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2503, by Representative Blake

Regarding membership on the board of natural resources.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2503 was substituted for House Bill No. 2503 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2503 was read the second time.

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

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2503.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2503, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

SUBSTITUTE HOUSE BILL NO. 2503, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2565, by Representatives Ericksen, Simpson, Smith, Van De Wege, Sells, Orwall, Goodman, Morrell and Moeller

Mandating a twelve-hour impound hold on motor vehicles used by persons arrested for driving under the influence.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2565 was substituted for House Bill No. 2565 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2565 was read the second time.

Representative Lias moved the adoption of amendment (1085).

On page 3, line 8, after "is" strike "the" and insert "a"

On page 3, line 12, after "log" insert ", unless there are two or more registered owners. If there are two or more registered owners of the impounded vehicle, a registered owner who is not the operator of the vehicle may redeem the impounded vehicle after it arrives at the registered tow truck operator's storage facility as noted in the registered tow truck operator's master log"

On page 3, line 14, after "is" strike "the" and insert "a"

On page 3, line 19, after "log" insert ", unless there are two or more registered owners. If there are two or more registered owners of the impounded vehicle, the police officer directing the impound shall notify the operator that the impounded vehicle may be redeemed by a registered owner who is not the operator of the vehicle after the impounded vehicle arrives at the registered tow truck operator's storage facility as noted in the registered tow truck operator's master log"

On page, 3, line 25, after "not" strike "the" and insert "a"

On page 3, line 26, after "by" strike "the" and insert "a"

On page 3, line 31, after "not" strike "the" and insert "a"

On page 3, line 33, after "by" strike "the" and insert "a"

Representatives Lias and Rodne spoke in favor of the adoption of the amendment.

Amendment (1085) was adopted.

The bill was ordered engrossed.

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

Representatives Rodne, Lias and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Moeller Presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2565.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2565, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2566, by Representatives Simpson, Chase and Ormsby

Creating an exemption from impact fees for low-income housing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2566 was substituted for House Bill No. 2566 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2566 was read the second time.

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

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2566.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2566, and the bill passed the House by the following vote: Yeas, 71; Nays, 24; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Short, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Bailey, Chandler, Crouse, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Carlyle, Hurst and Pedersen.

SUBSTITUTE HOUSE BILL NO. 2566, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2585, by Representatives Kelley, Kirby and Moeller**Concerning insurance. Revised for 1st Substitute:
Addressing insurance statutes, generally.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2585 was substituted for House Bill No. 2585 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2585 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2585.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2585, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt,

Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

SUBSTITUTE HOUSE BILL NO. 2585, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2659, by Representatives Ormsby, Orcutt, Blake, Smith, Sullivan and Van De Wege**Modifying reporting requirements for timber purchases.**

The bill was read the second time.

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

Representatives Ormsby and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2659.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2659, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

HOUSE BILL NO. 2659, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2678, by Representatives Quall, Priest, Simpson, Sullivan and Conway**Modifying distributions of funds by the horse racing commission to nonprofit race meets.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2678 was substituted for House Bill No. 2678 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2678 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2678.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2678, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

SUBSTITUTE HOUSE BILL NO. 2678, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2735, by Representatives Goodman, Appleton, Rolfes, Seaquist, Finn, Rodne, Williams, Haigh, Pettigrew, Nelson, Darneille, Hasegawa and Ormsby

Encouraging the need for representation of children in dependency matters.

The bill was read the second time.

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

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2735.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2735, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler,

Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

HOUSE BILL NO. 2735, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2790, by Representative Conway

Making technical and clarifying changes to the liquor laws.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2790 was substituted for House Bill No. 2790 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2790 was read the second time.

Representative Conway moved the adoption of amendment (1087).

On page 19, line 14, after "by a" insert "vendor that manufacturers liquor mixers or a"

On page 19, line 26, after "by a" strike "vendor or a"

Representative Conway and Condotta spoke in favor of the adoption of the amendment.

Amendment (1087) was adopted.

The bill was ordered engrossed.

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

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller Presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2790.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2790, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker,

Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hasegawa.

Excused: Representatives Carlyle, Hurst and Pedersen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2790, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2898, by Representatives Morrell, Pettigrew, Cody, Bailey, Kenney and Johnson

Simplifying medicaid payment for nursing facilities.

The bill was read the second time.

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

Representative Morrell spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2898.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2898, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

HOUSE BILL NO. 2898, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2961, by Representatives Campbell, Hurst, Morrell, Kelley and Ormsby

Establishing a statewide electronic tracking system for the nonprescription sales of ephedrine, pseudoephedrine, and phenylpropanolamine. Revised for 2nd Substitute: Establishing a statewide electronic sales tracking system for the nonprescription sales of ephedrine, pseudoephedrine, and phenylpropanolamine.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2961 was substituted for House Bill No. 2961 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2961 was read the second time.

Representative Campbell moved the adoption of amendment (1115).

On page 5, line 10, after "(a)" strike "A" and insert "Beginning July 1, 2011, or the date upon which the electronic sales tracking system established under section 3 of this act is available, whichever is later, a"

On page 5, line 14, after "act," strike "beginning six months after" and insert "as long as"

On page 5, line 33, after "shall" strike "the" and insert "a granted"

On page 5, line 34, after "days." insert "The board may grant multiple exemptions for any pharmacy, shopkeeper, or itinerant vendor if the good cause shown indicates significant hardship for compliance with this section."

On page 6, line 2, after "hours." insert "For purposes of this subsection (4)(c), "good cause" includes, but is not limited to, situations where the installation of the necessary equipment to access the system is unavailable or cost prohibitive to the pharmacy, shopkeeper, or itinerant vendor."

On page 6, line 13, after "software" insert ", including inputting and retrieving data"

On page 6, line 16, after "(D)" strike "Sixteen hours of technical" and insert "Technical"

On page 7, beginning on line 16, strike all of subsection (4) Renummer the remaining subsections consecutively and correct any internal references accordingly.

On page 7, after line 20, insert the following:

"(6) The board of pharmacy may not raise licensing or registration fees to fund the rule making or implementation of this section."

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

Amendment (1115) was adopted.

The bill was ordered engrossed.

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

Representatives Campbell, Morrell, Wallace and Jacks spoke in favor of the passage of the bill.

Representatives Schmick and Ericksen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2961.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2961, and the bill passed the House by the following vote: Yeas, 74; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Appleton, Bailey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Armstrong, Chandler, Condotta, Crouse, Ericksen, Fagan, Hinkle, Kretz, Kristiansen, Morris, Nealey, Parker, Pearson, Schmick, Shea, Short, Taylor, Walsh and Warnick.

Excused: Representatives Carlyle, Hurst and Pedersen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2961, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2986, by Representatives Simpson, Upthegrove, Campbell, Carlyle, Lias, Driscoll, Williams, Ormsby, Sullivan, Nelson, Sells, Appleton, Chase, Seaquist, Ericks, Goodman, Morrell, Green, Dickerson, Hudgins, Van De Wege, White, Maxwell, Miloscia, Conway, Moeller, Jacks, Hurst, Kenney and Hasegawa

Requiring the appointment of nonvoting labor members to public transportation governing bodies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2986 was substituted for House Bill No. 2986 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2986 was read the second time.

Representative Short moved the adoption of amendment (1107).

On page 2, beginning on line 26, after "by" strike all material through "of" on line 27, and insert "all the labor organizations representing"

On page 3, beginning on line 19, after "by" strike all material through "of" on line 20, and insert "all the labor organizations representing"

On page 4, beginning on line 29, after "by" strike all material through "of" on line 30, and insert "all the labor organizations representing"

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

Representative Simpson spoke against the adoption of the amendment.

Amendment (1107) was not adopted.

With the consent of the House, amendment (1130) was withdrawn.

Representative Simpson moved the adoption of amendment (1153).

On page 2, beginning on line 29, after "years," strike all material through "session," on line 33 and insert the following:

"The chair or cochair of the commission shall exclude the nonvoting member from attending any executive session held for the purpose of discussing negotiations with labor organizations. The chair or cochair may exclude the nonvoting member from attending any other executive session."

On page 3, beginning on line 22, after "authority," strike all material through "session," on line 26 and insert the following:

"The chair or cochair of the county transportation authority shall exclude the nonvoting member from attending any executive session held for the purpose of discussing negotiations with labor organizations. The chair or cochair may exclude the nonvoting member from attending any other executive session."

On page 4, beginning on line 31, after "system," strike all material through "session," on line 35 and insert the following:

"The chair or cochair of the authority shall exclude the nonvoting member from attending any executive session held for the purpose of discussing negotiations with labor organizations. The chair or cochair may exclude the nonvoting member from attending any other executive session."

Representatives Simpson and Angel spoke in favor of the adoption of the amendment.

Amendment (1153) was adopted.

Representative Walsh moved the adoption of amendment (1108).

On page 4, beginning on line 35, after "session," insert the following:

"The requirement that a nonvoting member be appointed to the governing body of a public transportation benefit area authority does not apply to an authority that has no employees represented by a labor union."

Representatives Walsh and Simpson spoke in favor of the adoption of the amendment.

Amendment (1108) was adopted.

The bill was ordered engrossed.

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

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2986.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2986, and the bill passed the House by the following vote: Yeas, 66; Nays, 29; Absent, 0; Excused, 3.

Voting yea: Representatives Angel, Appleton, Bailey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias,

Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

Excused: Representatives Carlyle, Hurst and Pedersen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2986, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3007, by Representatives Upthegrove, Orwall, Williams and Wallace

Authorizing airport operators to make airport property available at less than fair market rental value for public recreational or other community uses.

The bill was read the second time.

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

Representatives Upthegrove and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 3007.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3007, and the bill passed the House by the following vote: Yeas, 79; Nays, 16; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Chandler, Fagan, Haler, Hinkle, Klippert, Kretz, Kristiansen, Nealey, Parker, Pearson, Schmick, Shea, Short, Taylor and Warnick.

Excused: Representatives Carlyle, Hurst and Pedersen.

HOUSE BILL NO. 3007, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3032, by Representatives Simpson and Bailey

Defining normal wear and tear for a motor vehicle for the purpose of a service contract.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3032 was substituted for House Bill No. 3032 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3032 was read the second time.

Representative Simpson moved the adoption of amendment (1067).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.110.020 and 2006 c 274 s 3 and 2006 c 36 s 17 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Administrator" means the person who is responsible for the administration of the service contracts, the service contracts plan, or the protection product guarantees.

(2) "Commissioner" means the insurance commissioner of this state.

(3) "Consumer" means an individual who buys any tangible personal property that is primarily for personal, family, or household use.

(4) "Incidental costs" means expenses specified in the guarantee incurred by the protection product guarantee holder related to damages to other property caused by the failure of the protection product to perform as provided in the guarantee. "Incidental costs" may include, without limitation, insurance policy deductibles, rental vehicle charges, the difference between the actual value of the stolen vehicle at the time of theft and the cost of a replacement vehicle, sales taxes, registration fees, transaction fees, and mechanical inspection fees. Incidental costs may be paid under the provisions of the protection product guarantee in either a fixed amount specified in the protection product guarantee or sales agreement, or by the use of a formula itemizing specific incidental costs incurred by the protection product guarantee holder to be paid.

(5) "Protection product" means any product offered or sold with a guarantee to repair or replace another product or pay incidental costs upon the failure of the product to perform pursuant to the terms of the protection product guarantee.

(6) "Protection product guarantee" means a written agreement by a protection product guarantee provider to repair or replace another product or pay incidental costs upon the failure of the protection product to perform pursuant to the terms of the protection product guarantee.

(7) "Protection product guarantee provider" means a person who is contractually obligated to the protection product guarantee holder under the terms of the protection product guarantee. Protection product guarantee provider does not include an authorized insurer providing a reimbursement insurance policy.

(8) "Protection product guarantee holder" means a person who is the purchaser or permitted transferee of a protection product guarantee.

(9) "Protection product seller" means the person who sells the protection product to the consumer.

(10) "Maintenance agreement" means a contract of limited duration that provides for scheduled maintenance only.

(11) "Motor vehicle" means any vehicle subject to registration under chapter 46.16 RCW.

(12) "Person" means an individual, partnership, corporation, incorporated or unincorporated association, joint stock company,

reciprocal insurer, syndicate, or any similar entity or combination of entities acting in concert.

(13) "Premium" means the consideration paid to an insurer for a reimbursement insurance policy.

(14) "Provider fee" means the consideration paid by a consumer for a service contract.

(15) "Reimbursement insurance policy" means a policy of insurance that is issued to a service contract provider or a protection product guarantee provider to provide reimbursement to the service contract provider or the protection product guarantee provider or to pay on behalf of the service contract provider or the protection product guarantee provider all contractual obligations incurred by the service contract provider or the protection product guarantee provider under the terms of the insured service contracts or protection product guarantees issued or sold by the service contract provider or the protection product guarantee provider.

(16)(a) "Service contract" means a contract or agreement for consideration over and above the lease or purchase price of the property for a specific duration to perform the repair, replacement, or maintenance of property or the indemnification for repair, replacement, or maintenance for operational or structural failure due to a defect in materials or workmanship, or normal wear and tear. Service contracts may provide for the repair, replacement, or maintenance of property for damage resulting from power surges and accidental damage from handling, with or without additional provision for incidental payment of indemnity under limited circumstances, including towing, rental, emergency road services, or other expenses relating to the failure of the product or of a component part thereof.

(b) "Service contract" also includes a contract or agreement sold for separately stated consideration for a specific duration to perform the repair or replacement of tires and/or wheels damaged as a result of coming into contact with road hazards including but not limited to potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or composite scraps. However, a contract or agreement meeting the definition under this subsection (16)(b) in which the party obligated to perform is either a tire or wheel manufacturer or a motor vehicle manufacturer is exempt from the requirements of this chapter.

(17) "Service contract holder" or "contract holder" means a person who is the purchaser or holder of a service contract.

(18) "Service contract provider" means a person who is contractually obligated to the service contract holder under the terms of the service contract.

(19) "Service contract seller" means the person who sells the service contract to the consumer.

(20) "Warranty" means a warranty made solely by the manufacturer, importer, or seller of property or services without consideration; that is not negotiated or separated from the sale of the product and is incidental to the sale of the product; and that guarantees indemnity for defective parts, mechanical or electrical breakdown, labor, or other remedial measures, such as repair or replacement of the property or repetition of services.

(21) "Home heating fuel service contract" means a contract or agreement for a separately stated consideration for a specific duration to perform the repair, replacement, or maintenance of a home heating fuel supply system including the fuel tank and all visible pipes, caps, lines, and associated parts or the indemnification for repair, replacement, or maintenance for operational or structural failure due to a defect in materials or workmanship, or normal wear and tear."

Correct the title.

Representatives Simpson and Bailey spoke in favor of the adoption of the amendment.

Amendment (1067) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3032.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3032, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3032, having received the necessary constitutional majority, was declared passed.

With the consent of the House, House Rule 13(C) was suspended.

HOUSE BILL NO. 3060, by Representatives Simpson and Kirby

Modifying surplus line coverage provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3060 was substituted for House Bill No. 3060 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3060 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3060.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3060, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

SUBSTITUTE HOUSE BILL NO. 3060, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2547, by Representatives Conway, Condotta, Maxwell, Sullivan, Roach, Kessler, Sells, Kenney, Appleton, Hunter, Pedersen, Upthegrove, Hinkle, Ormsby, Herrera, Kretz, Hasegawa, Campbell, Takko, Springer, Dammeier and Haler

Concerning franchise agreements between new motor vehicle dealers and manufacturers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2547 was substituted for House Bill No. 2547 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2547 was read the second time.

Representative Conway moved the adoption of amendment (1144).

On page 2, line 12, after "offered." strike "is" and insert "such that continuing to retail the line is no longer economically viable for a dealer is, at the option of the dealer."

On page 3, line 9, after "RCW 46.96.070(2)" insert "or a voluntary termination, cancellation, or nonrenewal initiated by the dealer"

On page 4, beginning on line 11, after "means the" strike all material through "calculations" on line 27 and insert "manufacturer's suggested retail price for the part or the dealer's cost for the part plus a forty percent markup, whichever is greater"

On page 12, line 27, after "facility" insert "that is within the relevant market area, as defined in RCW 46.96.140, of the make or line to be relocated"

On page 13, beginning on line 34, after "condition" strike all material through "site control" on line 35 and insert "manufacturer, distributor, factory branch, or factory representative sales, services,

or parts incentives upon the manufacturer obtaining site control, including rights to purchase or lease the dealer's facility."

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

Amendment (1144) was adopted.

The bill was ordered engrossed.

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

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2547.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2547, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2547, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2886, by Representatives Angel, Simpson and Wallace

Concerning the adoption of rules by the building code council regarding carbon monoxide alarm installation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2886 was substituted for House Bill No. 2886 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2886 was read the second time.

Representative Simpson moved the adoption of amendment (1152).

On page 1, line 18, after "occupancies" insert ", except existing owner-occupied single-family residences legally occupied before July 26, 2009,"

On page 2, beginning on line 13, after "(3)" strike all material through "residences" on line 19 and insert "(a)(i) Except as provided otherwise in (a)(ii) of this subsection, existing owner-occupied single-family residences shall be equipped with carbon monoxide alarms where any alterations, repairs, or additions requiring a building permit occur.

(ii) The following activities are exempt from the requirements of (a)(i) of this subsection: Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, the addition or replacement of windows or doors, or the addition of a porch or deck, and exterior work involving the installation, alteration, or repairs of plumbing or mechanical systems.

(b) The state building code council must adopt rules by July 1, 2010, in accordance with the requirements of this subsection (3), requiring that owner-occupied single-family residences are equipped with carbon monoxide alarms when any interior alterations, interior repairs, or interior additions to a single-family residence requiring a building permit occur."

On page 2, after line 29, insert the following:

"Sec. 2. RCW 64.06.020 and 2009 c 505 s 3 and 2009 c 130 s 2 are each reenacted and amended to read as follows:

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT

("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . is/ . . . is not occupying the property.

I. SELLER'S DISCLOSURES:

If you answer "Yes" to a question with an asterisk (), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

1. TITLE

- Yes No Don't know A. Do you have legal authority to sell the property? If no, please explain.
- Yes No Don't know *B. Is title to the property subject to any of the following?
 - (1) First right of refusal
 - (2) Option
 - (3) Lease or rental agreement
 - (4) Life estate?
- Yes No Don't know *C. Are there any encroachments, boundary agreements, or boundary disputes?
- Yes No Don't know *D. Is there a private road or easement agreement for access to the property?
- Yes No Don't know *E. Are there any rights-of-way, easements, or access limitations that may affect the Buyer's use of the property?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*F. Are there any written agreements for joint maintenance of an easement or right-of-way?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	If yes, are they <input type="checkbox"/> Leased <input type="checkbox"/> Owned
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*G. Is there any study, survey project, or notice that would adversely affect the property?				* (6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*H. Are there any pending or existing assessments against the property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?				* (b) If yes, has all or any portion of the water right not been used for five or more successive years?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*J. Is there a boundary survey for the property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* (7) Are there any defects in the operation of the water system (e.g. pipes, tank, pump, etc.)?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*K. Are there any covenants, conditions, or restrictions recorded against the property?				

2. WATER

A. Household Water

(1) The source of water for the property is:
 Private or publicly owned water system
 Private well serving only the subject property
 Other water system

Yes No Don't know *If shared, are there any written agreements?

Yes No Don't know *(2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

Yes No Don't know *(3) Are there any problems or repairs needed?

Yes No Don't know (4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.

Yes No Don't know *(5) Are there any water treatment systems for the property?

B. Irrigation Water

Yes No Don't know (1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?

Yes No Don't know *(a) If yes, has all or any portion of the water right not been used for five or more successive years?

Yes No Don't know *(b) If so, is the certificate available? (If yes, please attach a copy.)

Yes No Don't know *(c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed?

Yes No Don't know *(2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify

the entity that supplies water to the property:

Yes No Don't know

* (3) Are there any defects in the operation of the on-site sewage system?

C. Outdoor Sprinkler System

Don't know

(4) When was it last inspected?

Yes No Don't know

(1) Is there an outdoor sprinkler system for the property?

...

By whom:

Yes No Don't know

*(2) If yes, are there any defects in the system?

Don't know

(5) For how many bedrooms was the on-site sewage system approved? bedrooms

Yes No Don't know

*(3) If yes, is the sprinkler system connected to irrigation water?

3. SEWER/ON-SITE SEWAGE SYSTEM

Yes No Don't know

E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain:

A. The property is served by:
 Public sewer system,
 On-site sewage system (including pipes, tanks, drainfields, and all other component parts)
 Other disposal system, please describe:

Yes No Don't know

*F. Have there been any changes or repairs to the on-site sewage system?

Yes No Don't know

G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.

Yes No Don't know

B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.

Yes No Don't know

*H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year?

Yes No Don't know

*C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

D. If the property is connected to an on-site sewage system:

4. STRUCTURAL

Yes No Don't know

*(1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?

Yes No Don't know

*A. Has the roof leaked within the last five years?

Yes No Don't know

*B. Has the basement flooded or leaked?

Yes No Don't know

*C. Have there been any conversions, additions, or remodeling?

Yes No Don't know

(2) When was it last pumped? ...

Yes No Don't know

*(1) If yes, were all building permits obtained?

[] Yes [] [] Don't * (2) If yes, were all final inspections obtained?

[] Yes [] [] Don't D. Do you know the age of the house? If yes, year of original construction:

[] Yes [] [] Don't *E. Has there been any settling, slippage, or sliding of the property or its improvements?

[] Yes [] [] Don't *F. Are there any defects with the following: (If yes, please check applicable items and explain.)

- Foundations Decks Exterior Walls Chimneys Interior Walls Fire Alarm Doors Windows Patio Ceilings Slab Floors Driveways Pools Hot Tub Sauna Sidewalks Outbuildings Fireplaces Garage Floors Walkways Siding Other Wood Stoves

[] Yes [] [] Don't *G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed?

[] Yes [] [] Don't H. During your ownership, has the property had any wood destroying organism or pest infestation?

[] Yes [] [] Don't I. Is the attic insulated?

[] Yes [] [] Don't J. Is the basement insulated?

[] Yes [] [] Don't K. Does the property have a carbon monoxide alarm?

5. SYSTEMS AND FIXTURES

*A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.

[] Yes [] [] Don't Electrical system, including wiring, switches, outlets, and

service Plumbing system, including pipes, faucets, fixtures, and toilets Hot water tank Garbage disposal Appliances Sump pump Heating and cooling systems Security system [] Owned [] Leased Other

*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

[] Yes [] [] Don't Security system

[] Yes [] [] Don't Tanks (type):

[] Yes [] [] Don't Satellite dish

Other:

*C. Are any of the following kinds of wood burning appliances present at the property?

[] Yes [] [] Don't (1) Woodstove?

[] Yes [] [] Don't (2) Fireplace insert?

[] Yes [] [] Don't (3) Pellet stove?

[] Yes [] [] Don't (4) Fireplace?

[] Yes [] [] Don't If yes, are all of the (1) woodstoves or (2) fireplace inserts certified by the U.S. Environmental Protection Agency as clean burning appliances to improve air quality and public health?

6. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS

A. Is there a Homeowners' Association? Name of Association and contact information for an officer, director, employee, or other authorized

				agent, if any, who may provide the association's financial statements, minutes, bylaws, fining policy, and other information that is not publicly available:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	*F. Has the property been used for commercial or industrial purposes?
					<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	*G. Is there any soil or groundwater contamination?
					<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	*H. Are there transmission poles or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	B. Are there regular periodic assessments: \$. . . per <input type="checkbox"/> Month <input type="checkbox"/> Year <input type="checkbox"/> Other					*I. Has the property been used as a legal or illegal dumping site?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	*C. Are there any pending special assessments?					*J. Has the property been used as an illegal drug manufacturing site?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	*K. Are there any radio towers in the area that cause interference with cellular telephone reception?
7. ENVIRONMENTAL									
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	*A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?					8. MANUFACTURED AND MOBILE HOMES If the property includes a manufactured or mobile home,
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	*B. Does any part of the property contain fill dirt, waste, or other fill material?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	*A. Did you make any alterations to the home? If yes, please describe the alterations:
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	*C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	*B. Did any previous owner make any alterations to the home?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	*C. If alterations were made, were permits or variances for these alterations obtained?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> know	Don't	*E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?					9. FULL DISCLOSURE BY SELLERS A. Other conditions or defects: *Are there any other existing material defects affecting the property that a prospective buyer should know about? B. Verification: The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our

knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER

NOTICE TO THE BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.
D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.
E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S

AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

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(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction."

Correct the title.

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

Amendment (1152) was adopted.

The bill was ordered engrossed.

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

Representatives Angel and Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2886.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2886, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2886, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4024, by Representatives Angel, Wallace, Haler and Moeller

Concerning a memorial petitioning for the elimination of the term "mentally retarded" in federal law.

The bill was read the second time.

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

Representatives Angel and Dickerson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4024.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4024, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liiias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hunter.

Excused: Representatives Carlyle, Hurst and Pedersen.

HOUSE JOINT MEMORIAL NO. 4024, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1317, by Representatives Kessler, Rodne, Simpson, O'Brien, Hunt, Hurst, Ormsby, Moeller, Chase, Sullivan and Kelley

Regarding the disclosure of public records containing information used to locate or identify employees of criminal justice agencies.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1317 was substituted for House Bill No. 1317 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1317 was read the second time.

Representative Alexander moved the adoption of amendment (1097).

On page 2, line 22, after "employees" insert "and workers"

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

Amendment (1097) was adopted.

Representative Ericks moved the adoption of amendment (1139).

On page 2, line 22, after "10.97.030" insert ". The news media, as defined in RCW 5.58.010(5), shall have access to the photographs and year of birth"

Representatives Ericks spoke in favor of the adoption of the amendment.

Amendment (1139) was adopted.

The bill was ordered engrossed.

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

Representatives Kessler and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller Presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1317.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1317, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liiias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1317, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2492, by Representatives Simpson, Green, White, Conway, Ericks and Morrell

Addressing shared leave for members of the law enforcement officers' and firefighters' retirement system, plan 2.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2492.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2492, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

HOUSE BILL NO. 2492, having received the necessary constitutional majority, was declared passed.

THIRD READING

There being no objection, the House resumed consideration of Substitute House Bill No. 2747.

There being no objection, the rules were suspended, and SUBSTITUTE HOUSE BILL NO. 2747 was returned to second reading for the purpose of amendment.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2747, by House Committee on Human Services (originally sponsored by Representatives Darneille, Cody, Williams, Kagi, Pedersen, Nelson, Dickerson, Hasegawa and Chase)

Limiting the use of restraints on pregnant women or youth.

Representative Darneille moved the adoption of amendment (1141).

Strike everything after the enacting clause and insert the following:

"Sec. 3. RCW 72.09.015 and 2009 c 521 s 165 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Adult basic education" means education or instruction designed to achieve general competence of skills in reading, writing, and oral communication, including English as a second language and preparation and testing services for obtaining a high school diploma or a general equivalency diploma.

(2) "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(3) "Community custody" has the same meaning as that provided in RCW 9.94A.030 and also includes community placement and community supervision as defined in RCW 9.94B.020.

(4) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

(5) "Correctional facility" means a facility or institution operated directly or by contract by the secretary for the purposes of incarcerating adults in total or partial confinement as defined in RCW 9.94A.030.

(6) "County" means a county or combination of counties.

~~((6))~~ (7) "Department" means the department of corrections.

~~((7))~~ (8) "Earned early release" means earned release as authorized by RCW 9.94A.728.

~~((8))~~ (9) "Evidence-based" means a program or practice that has had multiple-site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective in reducing recidivism for the population.

~~((9))~~ (10) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

~~((10))~~ (11) "Good conduct" means compliance with department rules and policies.

~~((11))~~ (12) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

~~((12))~~ (13) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to or in a state registered domestic partnership with an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

~~((13))~~ (14) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a ten-dollar balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the thirty days previous to the request.

~~((14))~~ (15) "Individual reentry plan" means the plan to prepare an offender for release into the community. It should be developed collaboratively between the department and the offender and based on an assessment of the offender using a standardized and comprehensive tool to identify the offender's risks and needs. The individual reentry plan describes actions that should occur to prepare individual offenders for release from prison or jail, specifies the supervision and services they will experience in the community, and describes an offender's eventual discharge to aftercare upon successful completion of supervision. An individual reentry plan is updated throughout the period of an

offender's incarceration and supervision to be relevant to the offender's current needs and risks.

~~((45))~~ (16) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released from such facility on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

~~((46))~~ (17) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.

(18) "Physical restraint" means the use of any bodily force or physical intervention to control an offender or limit an offender's freedom of movement in a way that does not involve a mechanical restraint. "Physical restraint" does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent an offender from completing an act that would result in potential bodily harm to self or others or damage to property;

(b) Remove a disruptive offender who is unwilling to leave an area voluntarily; or

(c) Guide an offender from one location to another.

(19) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the woman or youth leaves the hospital, birthing center, or clinic.

(20) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide under the state or federal Constitution or under state or federal law.

~~((47))~~ (21) "Promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

~~((48))~~ (22) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

~~((49))~~ (23) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical restraint including, but not limited to, metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons.

(24) "Secretary" means the secretary of corrections or his or her designee.

~~((20))~~ (25) "Significant expansion" includes any expansion into a new product line or service to the class I business that results from an increase in benefits provided by the department, including a decrease in labor costs, rent, or utility rates (for water, sewer, electricity, and disposal), an increase in work program space, tax advantages, or other overhead costs.

~~((21))~~ (26) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

~~((22))~~ (27) "Transportation" means the conveying, by any means, of an incarcerated pregnant woman or youth from the correctional facility to another location from the moment she leaves the correctional facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated woman or youth from the correctional facility to the transport vehicle and from the vehicle to the other location.

(28) "Unfair competition" means any net competitive advantage that a business may acquire as a result of a correctional industries contract, including labor costs, rent, tax advantages, utility rates (water, sewer, electricity, and disposal), and other overhead costs. To determine net competitive advantage, the correctional industries board shall review and quantify any expenses unique to operating a for-profit business inside a prison.

~~((23))~~ (29) "Vocational training" or "vocational education" means "vocational education" as defined in RCW 72.62.020.

~~((24))~~ (30) "Washington business" means an in-state manufacturer or service provider subject to chapter 82.04 RCW existing on June 10, 2004.

~~((25))~~ (31) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100.

NEW SECTION. Sec. 4. A new section is added to chapter 72.09 RCW to read as follows:

(1)(a) Except in extraordinary circumstances, no restraints of any kind may be used on any pregnant woman or youth incarcerated in a correctional facility during transportation to and from visits to medical providers and court proceedings during the third trimester of her pregnancy, or during postpartum recovery.

(b) While the pregnant woman or youth is in labor or in childbirth, no restraints of any kind may be used unless specifically requested by medical personnel.

(2) Extraordinary circumstances exist:

(a) Where a corrections officer makes an individualized determination, based upon custody level or past behavior of the pregnant woman or youth, that restraints will be necessary to prevent escape or injury to herself, medical or correctional personnel, or others. Under these circumstances, prior authorization must be obtained from medical personnel before the use of restraints is permitted. The authorization must identify the type of restraints that are appropriate to address the risk of escape or injury;

(b) Where a corrections officer determines, based upon the current behavior of the pregnant woman or youth, restraints are necessary to prevent escape or injury to herself, medical or correctional personnel, or others.

(3) If the doctor, nurse, or other health professional treating the pregnant woman or youth requests that restraints not be used, the corrections officer accompanying the pregnant woman or youth shall immediately remove all restraints.

(4) Anytime restraints are used on a pregnant woman or youth, the restraints must be the least restrictive available and the most reasonable under the circumstances, but in no case shall leg irons or waist chains be used on any pregnant woman or youth.

(5) No correctional personnel shall be present during the pregnant woman's or youth's labor or childbirth while she is being attended to by medical personnel, unless specifically requested by medical personnel. If the employee's presence is requested by medical personnel, the employee should be female if practicable.

NEW SECTION. Sec. 5. A new section is added to chapter 72.09 RCW to read as follows:

(1) The secretary shall provide an informational packet about the requirements of this act to all medical staff and nonmedical staff who are involved in the transportation of women and youth who are pregnant, as well as other staff the secretary deems appropriate. The informational packet provided to staff under this section shall be developed as provided in section 10 of this act.

(2) The secretary shall cause the requirements of this act to be provided to all women or youth who are pregnant, at the time the department assumes custody of the person in a correctional facility. In addition, the secretary shall cause a notice containing the requirements of this act to be posted in locations in which medical care is provided within the facilities.

Sec. 6. RCW 70.48.020 and 2009 c 411 s 3 are each reenacted and amended to read as follows:

As used in this chapter the words and phrases in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Administration" means the direct application of a drug whether by ingestion or inhalation, to the body of an inmate by a practitioner or nonpractitioner jail personnel.

(2) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed, and used for the housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

(3) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of medication whether or not there is an agency relationship.

(4) "Detention facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(5) "Drug" and "legend drug" have the same meanings as provided in RCW 69.41.010.

(6) "Governing unit" means the city and/or county or any combinations of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.

(7) "Health care" means preventive, diagnostic, and rehabilitative services provided by licensed health care professionals and/or facilities; such care to include providing prescription drugs where indicated.

(8) "Holding facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed thirty days.

(9) "Jail" means any holding, detention, special detention, or correctional facility as defined in this section.

(10) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.

(11) "Major urban" means a county or combination of counties which has a city having a population greater than twenty-six thousand based on the 1978 projections of the office of financial management.

~~((41))~~ (12) "Medication" means a drug, legend drug, or controlled substance requiring a prescription or an over-the-counter or nonprescription drug.

~~((42))~~ (13) "Medication assistance" means assistance rendered by nonpractitioner jail personnel to an inmate residing in a jail to facilitate the individual's self-administration of a legend drug or controlled substance or nonprescription medication. "Medication assistance" includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand.

~~((43))~~ (14) "Medium urban" means a county or combination of counties which has a city having a population equal to or greater than ten thousand but less than twenty-six thousand based on the 1978 projections of the office of financial management.

~~((44))~~ (15) "Nonpractitioner jail personnel" means appropriately trained staff who are authorized to manage, deliver, or administer prescription and nonprescription medication under RCW 70.48.490.

~~((45))~~ (16) "Office" means the office of financial management.

~~((46))~~ (17) "Physical restraint" means the use of any bodily force or physical intervention to control an offender or limit an offender's freedom of movement in a way that does not involve a mechanical restraint. "Physical restraint" does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent an offender from completing an act that would result in potential bodily harm to self or others or damage to property;

(b) Remove a disruptive offender who is unwilling to leave an area voluntarily; or

(c) Guide an offender from one location to another.

(18) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the woman or youth leaves the hospital, birthing center, or clinic.

(19) "Practitioner" has the same meaning as provided in RCW 69.41.010.

~~((47))~~ (20) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical restraint including, but not limited to, metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons.

(21) "Rural" means a county or combination of counties which has a city having a population less than ten thousand based on the 1978 projections of the office of financial management.

~~((48))~~ (22) "Special detention facility" means a minimum security facility operated by a governing unit primarily designed, staffed, and used for the housing of special populations of sentenced persons who do not require the level of security normally provided in detention and correctional facilities including, but not necessarily limited to, persons convicted of offenses under RCW 46.61.502 or 46.61.504.

(23) "Transportation" means the conveying, by any means, of an incarcerated pregnant woman or youth from the correctional facility to another location from the moment she leaves the correctional facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated woman or youth from the correctional facility to the transport vehicle and from the vehicle to the other location.

NEW SECTION. Sec. 7. A new section is added to chapter 70.48 RCW to read as follows:

(1)(a) Except in extraordinary circumstances, no restraints of any kind may be used on any pregnant woman or youth incarcerated in a correctional facility or any facility covered by this chapter during transportation to and from visits to medical providers and court proceedings during the third trimester of her pregnancy, or during postpartum recovery.

(b) While the pregnant woman or youth is in labor or in childbirth, no restraints of any kind may be used unless specifically requested by medical personnel.

(2) Extraordinary circumstances exist:

(a) Where a corrections officer makes an individualized determination, based upon custody level or past behavior of the pregnant woman or youth, that restraints will be necessary to prevent escape or injury to herself, medical or correctional personnel, or others. Under these circumstances, prior authorization must be obtained from medical personnel before the use of restraints is permitted. The authorization must identify the type of restraints that are appropriate to address the risk of escape or injury;

(b) Where a corrections officer determines, based upon the current behavior of the pregnant woman or youth, restraints are necessary to prevent escape or injury to herself, medical or correctional personnel, or others.

(3) If the doctor, nurse, or other health professional treating the pregnant woman or youth requests that restraints not be used, the corrections officer accompanying the pregnant woman or youth shall immediately remove all restraints.

(4) Anytime restraints are used on a pregnant woman or youth the restraints must be the least restrictive available and the most reasonable under the circumstances, but in no case shall leg irons or waist chains be used on any pregnant woman or youth.

(5) No correctional personnel shall be present during the pregnant woman's or youth's labor or childbirth while she is being attended to by medical personnel, unless specifically requested by medical personnel. If the employee's presence is requested by medical personnel, the employee should be female if practicable.

NEW SECTION. Sec. 8. A new section is added to chapter 70.48 RCW to read as follows:

(1) The jail administrator or his or her designee or chief law enforcement executive or his or her designee shall provide notice of the requirements of this act to the appropriate staff at correctional or detention facilities. Appropriate staff shall include all medical staff and staff who are involved in the transport of women and youth who are or may become pregnant, as well as such other staff as the sheriff or police chief deems appropriate.

(2) The jail administrator or his or her designee or chief law enforcement executive or his or her designee shall cause the requirements of this act to be provided to all women or youth who are or may become pregnant, at the time the county or city assumes custody of the person in a correctional or detention facility. The jail administrator or his or her designee or chief law enforcement executive or his or her designee shall cause a notice containing the requirements of this act to be posted in locations in which medical care is provided within the facilities.

Sec. 9. RCW 13.40.020 and 2009 c 454 s 2 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) "Community-based sanctions" may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(3) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the

juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

(17) "Local sanctions" means one or more of the following: (a) 0- 30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

~~((17))~~ (18) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

~~((18))~~ (19) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

~~((19))~~ (20) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

~~((20))~~ (21) "Physical restraint" means the use of any bodily force or physical intervention to control an offender or limit an offender's freedom of movement in a way that does not involve a mechanical restraint. "Physical restraint" does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent an offender from completing an act that would result in potential bodily harm to self or others or damage to property;

(b) Remove a disruptive offender who is unwilling to leave an area voluntarily; or

c) Guide an offender from one location to another.

(22) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the woman or youth leaves the hospital, birthing center, or clinic;

(23) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or

13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

~~((21))~~ (24) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

~~((22))~~ (25) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

~~((23))~~ (26) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical restraint including, but not limited to, metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

(27) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

~~((24))~~ (28) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

~~((25))~~ (29) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

~~((26))~~ (30) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

~~((27))~~ (31) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

~~((28))~~ (32) "Transportation" means the conveying, by any means, of an incarcerated pregnant woman or youth from the correctional facility to another location from the moment she leaves the correctional facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated woman or youth from the correctional facility to the transport vehicle and from the vehicle to the other location.

(33) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

~~((29))~~ (34) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

~~((30))~~ (35) "Youth court" means a diversion unit under the supervision of the juvenile court.

NEW SECTION. Sec. 10. A new section is added to chapter 13.40 RCW to read as follows:

(1)(a) Except in extraordinary circumstances, no restraints of any kind may be used on any pregnant youth incarcerated in an institution or detention facility during transportation to and from visits to medical providers and court proceedings during the third trimester of her pregnancy, or during postpartum recovery.

(b) While the pregnant youth is in labor or in childbirth, no restraints of any kind may be used unless specifically requested by medical personnel.

(2) Extraordinary circumstances exist:

(a) Where a corrections officer makes an individualized determination, based upon custody level or past behavior of the pregnant youth, that restraints will be necessary to prevent escape or injury to herself, medical or correctional personnel, or others.

Under these circumstances, prior authorization must be obtained from medical personnel before the use of restraints is permitted. The authorization must identify the type of restraints that are appropriate to address the risk of escape or injury;

(b) Where a corrections officer determines, based upon the current behavior of the youth, restraints are necessary to prevent escape or injury to herself, medical or correctional personnel, or others.

(3) If the doctor, nurse, or other health professional treating the pregnant youth requests that restraints not be used, the corrections officer accompanying the pregnant youth shall immediately remove all restraints.

(4) Anytime restraints are used on a youth the restraints must be the least restrictive available and the most reasonable under the circumstances, but in no case shall leg irons or waist chains be used on any pregnant youth.

(5) No correctional personnel shall be present during the pregnant youth's labor or childbirth while she is being attended to by medical personnel, unless specifically requested by medical personnel. If the employee's presence is requested by medical personnel, the employee should be female if practicable.

NEW SECTION. Sec. 11. A new section is added to chapter 13.40 RCW to read as follows:

(1) The secretary shall:

(a) Provide an informational packet about the requirements of this act to all medical staff and nonmedical staff who are involved in the transportation of youth who are pregnant, as well as other staff as appropriate. The informational packet provided to staff under this section shall be developed as provided in section 10 of this act; and

(b) Cause the requirements of this act to be provided to all youth who are or may become pregnant at the time the department assumes custody of the person in the institution. In addition, the secretary shall cause a notice containing the requirements of this act to be posted in locations in which medical care is provided within the institutions.

(2) The legislative authority shall:

(a) Provide notice of the requirements of this act to the appropriate staff at detention facilities. Appropriate staff shall include all medical staff and staff who are involved in the transport of youth who are or may become pregnant, as well as such other staff as appropriate; and

(b) Cause the requirements of this act to be provided to all youth who are or may become pregnant, at the time the detention facility assumes custody of the person. In addition, the legislative authority shall cause a notice containing the requirements of this act to be posted in locations in which medical care is provided within the facilities.

NEW SECTION. Sec. 12. A new section is added to chapter 70.48 RCW to read as follows:

The Washington association of sheriffs and police chiefs, the department of corrections, the department of social and health services, the juvenile rehabilitation administration, and the criminal justice training commission shall jointly develop an informational packet on the requirements of this act. The packet shall be ready for distribution no later than September 1, 2010."

Correct the title.

Representatives Darneille and Dammeier spoke in favor of the adoption of the amendment.

Amendment (1141) was adopted.

The bill was ordered engrossed.

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

Representatives Darneille and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller Presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2747.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2747, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2747, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the house immediately reconsidered the vote by which HOUSE JOINT MEMORIAL NO. 4024 passed the House.

The Speaker (Representative Moeller Presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4024, on reconsideration.

The Clerk called the roll on the final passage of House Joint Memorial No. 4024, and the joint memorial passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Hurst and Pedersen.

HOUSE JOINT MEMORIAL NO. 4024 on reconsideration, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Rules was relieved of the following bills under a leadership pull and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1436
 HOUSE BILL NO. 1775
 HOUSE BILL NO. 2488
 HOUSE BILL NO. 2591
 HOUSE BILL NO. 2697
 HOUSE BILL NO. 2914
 HOUSE BILL NO. 2935
 HOUSE BILL NO. 2954
 HOUSE BILL NO. 2969
 ENGROSSED HOUSE BILL NO. 3023
 HOUSE BILL NO. 3156
 HOUSE BILL NO. 3175

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

SECOND READING

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

HOUSE BILL NO. 2538, by Representatives Upthegrove, Taylor, Eddy, Pedersen, Clibborn, Chase and Springer

Regarding high-density urban development.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2538 was substituted for House Bill No. 2538 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2538 was read the second time.

Representative Taylor moved the adoption of amendment (1038).

On page 2, line 15, after "(2)" insert "Cities located on the east side of the Cascade mountains and located in a county with a population of two hundred thirty thousand or less, in accordance with their existing comprehensive planning and development regulation authority under chapter 36.70A RCW, and in accordance with this section, may adopt optional elements of their comprehensive plans and optional development regulations that apply within the mixed-use or urban centers. The optional elements of their comprehensive plans and optional development regulations must enhance pedestrian, bicycle, transit, or other nonvehicular transportation methods.

(3)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 3, line 28, after "(1)" insert "or (2)"

Representatives Taylor and Upthegrove spoke in favor of the adoption of the amendment.

Amendment (1038) was adopted.

With the consent of the House, amendment (1092) was withdrawn.

Representative Orcutt moved the adoption of amendment (1064).

On page 2, line 25, after "(3)" insert "(a)"

On page 2, at the beginning of line 32, strike "(a)" and insert "(b)"

On page 3, beginning on line 15, strike all of subsection (b) Correct any internal references accordingly.

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

Representative Upthegrove spoke against the adoption of the amendment.

Amendment (1064) was not adopted.

Representative Santos moved the adoption of amendment (1162).

On page 2, line 25, after "(3)" insert "(a)"

On page 2, at the beginning of line 32, strike "(a)" and insert "(b)"

On page 3, line 2, after "subarea." insert the following:

"(c) In cities with over five hundred thousand residents, notice of scoping for such a nonproject environmental impact statement and notice of the community meeting required by this section must be mailed to all small businesses as defined in RCW 19.85.020 of record within the subarea to be studied, to all small businesses as defined in RCW 19.85.020 within one hundred fifty feet of the boundaries of such a subarea, and to community preservation and development authorities established under chapter 43.167 RCW. The process for community involvement must have the goal of fair treatment and meaningful involvement of all people with respect to the development and implementation of the subarea planning process.

(d)"

On page 3, line 10, after "opportunity." insert the following:

"(e)"

On page 3, at the beginning of line 15, strike "(b)" and insert "(f) In cities with over five hundred thousand residents, prior to the community meeting being held, a city shall analyze whether the proposed subarea plan will result in the displacement or fragmentation of businesses, existing residents, including people living with poverty, families with children, and intergenerational households, or cultural groups within the proposed subarea plan. The analysis shall inform and be included in the nonproject environmental impact statement in subsection (a) of this section. The city shall also discuss the results of the analysis at the community meeting.

(g)"

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

Amendment (1162) was adopted.

The bill was ordered engrossed.

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

Representatives Upthegrove, Short and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris Presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2538.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2538, and the bill passed the House by the following vote: Yeas, 90; Nays, 5; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Kristiansen, Roach and Rodne.

Excused: Representatives Carlyle, Hurst and Pedersen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2538, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2688, by Representatives Hunter, Condotta, Chandler, Green, Moeller, Williams, Carlyle, Springer and Conway

Creating a beer and wine tasting endorsement to the grocery store liquor license.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2688 was substituted for House Bill No. 2688 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2688 was read the second time.

With the consent of the House, amendments (1086), (1101) and (1054) were withdrawn.

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

Representatives Hunter and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2688.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2688, and the bill passed the House by the following vote: Yeas, 72; Nays, 22; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Jacks, Johnson, Kelley, Kenney, Kessler, Kirby, Kretz, Lias, Linville, Maxwell, McCoy, Moeller, Morris, Nealey, Nelson, O'Brien, Parker, Pettigrew, Probst, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Crouse, Dammeier, Darneille, Goodman, Hasegawa, Hudgins, Hunt, Kagi, Klippert, Kristiansen, McCune, Miloscia, Morrell, Orcutt, Ormsby, Orwall, Pearson, Priest, Quall, Roach, Roberts and Van De Wege.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

SUBSTITUTE HOUSE BILL NO. 2688, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3030, by Representatives Fagan and Hinkle

Regarding the administration of irrigation districts.

The bill was read the second time.

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

Representatives Fagan, Armstrong and Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3030.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3030, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell,

Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

HOUSE BILL NO. 3030, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1591, by Representatives Upthegrove, Clibborn, Simpson and Liias

Concerning the use of certain transportation benefit district funds.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1591 was substituted for House Bill No. 1591 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1591 was read the second time.

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

Representative Upthegrove spoke in favor of passage of the bill.

Representative Roach spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1591.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1591, and the bill passed the House by the following vote: Yeas, 56; Nays, 38; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

SECOND SUBSTITUTE HOUSE BILL NO. 1591, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Second Substitute House Bill No. 1591.

John Driscoll, 6th District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Second Substitute House Bill No. 1591.

Troy X. Kelley, 28th District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Second Substitute House Bill No. 1591.

Tim Probst, 17th District

HOUSE BILL NO. 2397, by Representatives Moeller, Kretz, Dickerson, Schmick, Blake, Kristiansen, Driscoll, Armstrong, Liias, Dunshee, Hudgins, Eddy, Morris, Chase, Simpson, Kenney, Warnick, Ormsby and Hope

Imposing a distance requirement for gathering signatures on an initiative measure or referendum. Revised for 1st Substitute: Addressing the distance requirements for gathering signatures for an initiative or referendum at stand alone stores and retail stores that are located in commercial retail complexes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2397 was substituted for House Bill No. 2397 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2397 was read the second time.

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

Representatives Moeller and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2397.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2397, and the bill passed the House by the following vote: Yeas, 82; Nays, 12; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, Moeller, Morrell, Morris,

Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Campbell, Condotta, DeBolt, Herrera, Johnson, Lias, McCune, Miloscia, Orcutt, Pearson, Ross and Simpson.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

SUBSTITUTE HOUSE BILL NO. 2397, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2444, by Representatives Williams, Campbell, Lias, Chase, Sells, Rolfes, Nelson, Simpson, Goodman, Ormsby, Miloscia, Kagi, Roberts, White, Conway, Kenney, Hasegawa and Haigh

Providing leave from employment for participating in a child's educational activities.

The bill was read the second time.

Representative Condotta moved the adoption of amendment (1105).

On page 2, beginning on line 3, strike all of subsection (1) and insert the following:

"(1) An employer may grant an employee a total of eight hours of unpaid leave during any twelve-month period to attend or otherwise participate in a child's educational activities."

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

Representative Williams spoke against the adoption of the amendment.

Amendment (1105) was not adopted.

Representative Williams moved the adoption of amendment (1143).

On page 2, line 13, after "leave;" strike "and"

On page 2, line 17, after "leave" insert the following:

"; and

(d) An employee is limited to a total of four hours of unpaid leave during any twelve-month period for the purpose specified in subsection (1) of this section, regardless of whether the employee has one or more children"

Representative Williams and Condotta spoke in favor of the adoption of the amendment.

Amendment (1143) was adopted.

The bill was ordered engrossed.

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

Representative Williams spoke in favor of passage of the bill.

Representative Priest spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2444.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2444, and the bill passed the House by the following vote: Yeas, 54; Nays, 40; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Probst, Orcutt, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Erickson, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

ENGROSSED HOUSE BILL NO. 2444, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed House Bill No. 2444.

Troy X. Kelley, 28th District

SECOND READING

HOUSE BILL NO. 2504, by Representatives Eddy, Morris, Van De Wege, McCoy, Haler, Chase, Armstrong, Schmick, Walsh, Hunt, Kessler, Ormsby and Short

Concerning minimum renewable fuel content requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2504 was substituted for House Bill No. 2504 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2504 was read the second time.

Representative Armstrong moved the adoption of amendment (1125).

On page 1, at the beginning of line 8, insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that in 2006, the state of Washington made a commitment to establish a market for alternative fuels. As part of that commitment, state agencies were required to use an increasing percentage of biodiesel to operate their state fleets. The legislature further finds that as a result of the commitments that were made in 2006, significant

public and private investments have been made to develop in-state feedstock and oilseed crushing capacity. In order to ensure that these investments prove to be successful, it is the intent of the legislature that state agencies make every effort to purchase biodiesel that is derived from locally grown, in-state feedstocks."

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

Representatives Armstrong and Clibborn spoke in favor of the adoption of the amendment.

Amendment (1125) was adopted.

Representative Armstrong moved the adoption of amendment (1079).

On page 4, beginning on line 7, after "19.112.110" strike all material through "43.19.642" and insert "~~((or 19.112.120, or 43.19.642))~~"

Beginning on page 4, line 32, strike all of section 7 and insert the following:

"**Sec. 7.** RCW 43.19.642 and 2009 c 470 s 716 are each amended to read as follows:

~~((1) Effective June 1, 2006, for agencies complying with the ultra low sulfur diesel mandate of the United States environmental protection agency for on highway diesel fuel, agencies shall use biodiesel as an additive to ultra low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra low sulfur diesel fuel shall be not less than two percent.~~

~~(2) Effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel powered vessels, vehicles, and construction equipment.~~

~~(3)) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file biannual reports with the department of general administration documenting the use of the fuel and a description of how any problems encountered were resolved.~~

~~((4) For the 2009 2011 fiscal biennium, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel powered vessels so long as the per gallon price of diesel containing a five percent biodiesel blend level does not exceed the per gallon price of diesel by more than five percent. If the per gallon price of diesel containing a five percent biodiesel blend level exceeds the per gallon price of diesel by more than five percent, the requirements of this section do not apply to vessel fuel purchases by the Washington state ferries.~~

~~(5) By December 1, 2009, the department of general administration shall:~~

~~(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and~~

~~(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.)~~

On page 9, after line 6, insert the following:

"**Sec. 9.** RCW 43.19.646 and 2006 c 338 s 12 are each amended to read as follows:

(1) The department of general administration must assist state agencies seeking to meet the biodiesel fuel requirements in RCW ~~((43.19.642))~~ 19.112.110 by coordinating the purchase and delivery of biodiesel if requested by any state agency. The

department may use long-term contracts of up to ten years, when purchasing from in-state suppliers who use predominantly in-state feedstock, to secure a sufficient and stable supply of biodiesel for use by state agencies.

(2) The department shall compile and analyze the reports submitted under RCW 43.19.642~~((44))~~ and report in an electronic format its findings and recommendations to the governor and committees of the legislature with responsibility for energy issues, within sixty days from the end of each reporting period. The governor shall consider these reports in determining whether to temporarily suspend minimum renewable fuel content requirements as authorized under RCW 19.112.160."

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

Representatives Armstrong and Clibborn spoke in favor of the adoption of the amendment.

Amendment (1079) was adopted.

Representative Armstrong moved the adoption of amendment (1126).

On page 9, at the beginning of line 7, insert the following:
"**NEW SECTION. Sec. 9.** The director shall report to the governor and the legislature by December 1, 2011, regarding the impacts of this act on fuel suppliers, distributors, and retailers in the state, including any problems that may have arisen regarding biodiesel fuel quality or availability."

Renumber the remaining section consecutively and correct any internal references accordingly. Correct the title.

Representatives Armstrong and Clibborn spoke in favor of the adoption of the amendment.

Amendment (1126) was adopted.

Representative Ericksen moved the adoption of amendment (1148).

On page 9, after line 24, insert the following:

"**NEW SECTION. Sec. 10.** Sections 1 through 9 of this act take effect on the date that the director of the department of general administration certifies that state agencies have met the twenty percent biodiesel requirement under RCW 43.19.642."

Correct the title.

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

Representatives Kessler and Eddy spoke against the adoption of the amendment.

Amendment (1148) was not adopted.

The bill was ordered engrossed.

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

Representatives Eddy and Armstrong spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Morris Presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2504.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2504, and the bill passed the House by the following vote: Yeas, 62; Nays, 32; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Armstrong, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Kretz, Liias, Linville, Maxwell, McCoy, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schmick, Seaquist, Sells, Short, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Finn, Herrera, Hope, Johnson, Kelley, Klippert, Kristiansen, McCune, Miloscia, Moeller, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Shea, Smith, Taylor and Wallace.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

SUBSTITUTE HOUSE BILL NO. 2504, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2658, by Representatives Kenney, Maxwell, McCoy and Morrell

Refocusing the department of commerce, including transferring programs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2658 was substituted for House Bill No. 2658 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2658 was read the second time.

Representative Darneille moved the adoption of amendment (1149).

On page 4, line 19, after "grants;" strike "and"

On page 4, line 20, after "parents" insert "; and (xviii) the Washington new americans program"

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

Representative Smith spoke against the adoption of the amendment.

Amendment (1149) was adopted.

Representative McCoy moved the adoption of amendment (1140).

On page 24, beginning on line 29, strike all of section 405

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

Correct the title.

Representatives McCoy and Smith spoke in favor of the adoption of the amendment.

Amendment (1140) was adopted.

The bill was ordered engrossed.

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

Representatives Kenney and McCoy spoke in favor of the passage of the bill.

Representatives Smith and Short spoke against the passage of the bill.

The Speaker (Representative Morris Presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2658.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2658, and the bill passed the House by the following vote: Yeas, 56; Nays, 38; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Probst, Quall, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Roberts, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

SECOND SUBSTITUTE HOUSE BILL NO. 2658, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3141, by Representatives Kagi, Pettigrew, Seaquist, Kenney and Ormsby

Redesigning the delivery of temporary assistance to needy families. Revised for 2nd Substitute: Regarding delivery of temporary assistance to needy families.

The bill was read the second time.

With the consent of the House, amendments (1122) and (1127) were withdrawn.

There being no objection, Second Substitute House Bill No. 3141 was substituted for House Bill No. 3141 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3141 was read the second time.

Representative Kagi moved the adoption of amendment (1094).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 10. A new section is added to chapter 74.08A RCW to read as follows:

(1) The legislature finds that the goal of the Washington WorkFirst program is economic self-sufficiency for families through unsubsidized employment. The legislature also finds that matching available resources with families' needs and developing a comprehensive plan assists families in attaining lasting self-sufficiency through employment.

(2) The legislature also finds that the primary purposes of the temporary assistance for needy families program are: (a) To help job ready participants secure gainful employment; (b) to assist parents to prepare for and obtain sustainable employment that will lift the family out of poverty and lead to economic self-sufficiency; and (c) to provide basic income assistance and support to parents who are disabled or otherwise exempt from work activity requirements under federal law.

(3) The legislature further finds that parents who have adequate job skills and experiences should be referred to job search activities that will lead to employment.

(4) The legislature also finds that completion of appropriate educational and training programs is necessary for some families to achieve economic self-sufficiency through employment because research demonstrates that without adequate levels of education or training, job search activities alone have no measurable impact on a family's ability to become and remain economically self-sufficient.

(5) The legislature further finds that while many families have been successful in permanently leaving the program of temporary assistance for needy families, statistics indicate that families continue to return to the program in the absence of adequate education and training.

(6) In order to provide work opportunities for parents with significant barriers to employment, the legislature intends to build upon the successes of the community jobs program and to provide subsidized employment opportunities to parents who are unable to find employment after earnest efforts at job search or education and training activities.

(7) The legislature recognizes the vital importance of early childhood development and the significant developmental risks presented for children living in low-income households, particularly during critical developmental stages. Therefore, the legislature intends to reform components of Washington's subsidized childcare program by redesigning the eligibility determination process to promote: (a) Stability for children and (b) predictability for parents who are either working or preparing and searching for work and the childcare providers who are serving low-income families.

NEW SECTION. Sec. 11. A new section is added to chapter 43.215 RCW to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote continuity of care for children.

(2) Beginning in fiscal year 2011, for families with children enrolled in an early childhood education and assistance program, a head start program, or an early head start program, authorizations for the working connections child care subsidy shall be effective for twelve months unless a change in circumstances necessitates reauthorization sooner than twelve months.

(3) The department, in consultation with the department of social and health services, shall report to the legislature by September 1, 2011, with:

(a) An analysis of the impact of the twelve-month authorization period on the stability of child care, program costs, and administrative savings; and

(b) Recommendations for expanding the application of the twelve-month authorization period to additional populations of children in care.

NEW SECTION. Sec. 12. A new section is added to chapter 74.08A RCW to read as follows:

The Washington WorkFirst subcabinet, in consultation with the governor, shall:

(1) Reevaluate the structure and policies of the WorkFirst program in the context of legislative intent expressed in section 1 of this act, and in consideration of the relevant research relating to family economic self-sufficiency and the completion of training and education programs shown to be correlated with increased earnings and career growth;

(2) Develop a proposal for redesigning the state's use of temporary assistance for needy families funds in a manner that makes optimum use of all funds available in the state to promote more families moving out of poverty to sustainable self-sufficiency; and

(3) Report the proposal to the appropriate committees of the legislature by December 1, 2010. The proposal must include the following elements:

(a) A process for conducting a reassessment for persons who have been unable to achieve sustainable self-sufficiency through employment after receiving WorkFirst assistance for fifty-four months. The reassessment must be designed to determine if referral to community jobs or other services, including education and training opportunities, is appropriate or necessary to assist the person in attaining self-sufficiency for the family;

(b) A plan for referring persons who have been unsuccessful in finding sustainable employment to the community jobs program or other wage-subsidized employment program established under RCW 74.08A.320. Referrals should complement other activities that might be identified in a reassessment under (a) of this subsection; and

(c) A schedule for the development and implementation of three pathways to family self-sufficiency that will guide case management and engage parents early in developing a comprehensive plan to achieve self-sufficiency while addressing families' current basic needs. The pathways must address appropriate referrals for:

(i) Persons who have: (A) Marketable job skills, adequate education, or experience and attachment to the job force, (B) transportation, (C) safe child care arrangements in place, and (D) no unaddressed barriers to employment;

(ii) Persons who have: (A) Few or no marketable job skills, (B) little experience or attachment to the job force, (C) no high school diploma or equivalent, or (D) a need to complete adult basic education or other activities to remove barriers to employment; and

(iii) Persons who are: (A) Incapacitated and unemployable, (B) caring for a child with a disability, or (C) the primary caregiver for a family member with a disability.

Sec. 13. RCW 74.08A.285 and 2003 c 383 s 3 are each amended to read as follows:

The WorkFirst program operated by the department to meet the federal work requirements specified in P.L. 104-193 shall contain a job search component. The component shall consist of instruction on how to secure a job and assisted job search activities to locate and retain employment. Nonexempt recipients of temporary assistance for needy families shall participate in an initial job search for no more than twelve consecutive weeks, when appropriate, given the recipient's marketable job skills, attachment to the labor force, and level of education or training. Each recipient shall receive a work skills assessment upon referral to the job search program. The work skills assessment shall include but not be limited to education, employment history, employment strengths, and job skills. The recipient's ability to obtain employment will be reviewed periodically thereafter and, if it is clear at any time that further participation in a job search will not be productive, the department shall assess the recipient pursuant to RCW 74.08A.260. The department shall refer recipients unable to find employment through the initial job search period to ((work)) activities that will develop their skills or knowledge to make them more employable, including additional job search and job readiness assistance.

Sec. 14. RCW 74.08A.320 and 1997 c 58 s 325 are each amended to read as follows:

The department shall establish a wage subsidy program to be known as the community jobs program for recipients of temporary assistance for needy families who have barriers to employment, lack experience and attachment to the job force, or have been unsuccessful in securing employment leading to family self-sufficiency. The department shall give preference in job placements to private sector employers that have agreed to participate in the wage subsidy program. The department shall identify characteristics of employers who can meet the employment goals stated in RCW 74.08A.410. The department shall use these characteristics in identifying which employers may participate in the program. The department shall adopt rules for the participation of recipients of temporary assistance for needy families in the wage subsidy program. Participants in the program established under this section may not be employed if: (1) The employer has terminated the employment of any current employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with the participant; or (2) the participant displaces or partially displaces current employees. Employers providing positions created under this section shall meet the requirements of chapter 49.46 RCW. This section shall not diminish or result in the infringement of obligations or rights under chapters 41.06, 41.56, and 49.36 RCW and the national labor relations act, 29 U.S.C. Ch. 7. The department shall establish such local and statewide advisory boards, including business and labor representatives, as it deems appropriate to assist in the implementation of the wage subsidy program. Once the recipient is hired, the wage subsidy shall be authorized for up to nine months.

NEW SECTION. Sec. 15. RCW 74.08A.200 (Intent--Washington WorkFirst) and 1997 c 58 s 301 are each repealed.

NEW SECTION. Sec. 16. It is the intent of the legislature that this act be implemented within the funding appropriated in the 2009-11 biennial budget. No additional appropriations will be provided for its implementation."

Correct the title.

Representative Hinkle moved the adoption of amendment (1134) to amendment (1094).

On page 1, beginning on line 5 of the striking amendment, after "that" strike all material through "implementation." on page 5, line 34 and insert "state implementation of the historic federal

personal responsibility and work opportunity act of 1996 through the Washington WorkFirst program created by Chapter 58, Laws of 1997 has achieved successes for participants in meeting the program goals of caseload reduction, reduced recidivism to public assistance, job retention, increased earnings, and placement into private sector, unsubsidized jobs.

(2) The legislature also finds that since the state enacted welfare reform, the number of families on welfare in Washington has dropped by more than fifty-one percent from its peak prior to reform. The legislature further finds that as of 2008, WorkFirst, compared to the program it replaced, had significantly increased the likelihood of employment by welfare clients; increased average earnings; reduced child poverty; and resulted in clients being much more likely to remain off welfare a year after exiting the program.

(3) After more than a decade of experience with WorkFirst, the legislature reaffirms its intent under RCW 74.08A.200 RCW that all applicants to the Washington WorkFirst program shall be focused on obtaining paid, unsubsidized employment, and that the focus of the Washington WorkFirst program shall be work for all recipients.

(4) The legislature recognizes the importance of appropriate educational and job training activities in achieving successful outcomes for many WorkFirst clients, and the continued need for subsidized child care to move the lowest income parents toward economic independence.

(5) The legislature finds that after more than ten years of declining or flat caseloads, even during the prior economic recession, the number of persons enrolled in WorkFirst has increased as economic conditions deteriorated during the last two years. The legislature finds there is a need to improve and accelerate efforts to meet the program goal of placing clients in unsubsidized employment, with necessary and appropriate educational and job training and support.

NEW SECTION. Sec. 2. A new section is added to chapter 74.08A RCW to read as follows:

(1) The Washington WorkFirst subcabinet, in consultation with the governor, shall evaluate the WorkFirst program to assess its performance in meeting the goals and performance measures established in chapter 74.08A RCW. In conducting its evaluation, the WorkFirst subcabinet shall review the recommendations of the WorkFirst reexamination work group prepared for the governor and the members of the WorkFirst subcabinet in October 2005; measure the implementation of those recommendations; and identify the effectiveness of those recommendations in meeting stated program goals and outcomes.

(2) The Washington WorkFirst subcabinet shall report to the appropriate committees of the legislature by December 1, 2010. The report shall include any recommendations, based on the evaluation of the program required under subsection (1) of this section, for program changes and the reallocation of resources, including any legislation that may be required for implementation."

Representative Hinkle spoke in favor of the adoption of the amendment to the amendment.

Representative Kagi spoke against the adoption of the amendment to the amendment.

Amendment (1134) to amendment (1094) was not adopted.

Representative Kagi moved the adoption of amendment (1161) to amendment (1094).

On page 3, line 19, after "self-sufficiency" strike "; and

(3)Report" and insert: ". The subcabinet must report"

On page 4, line 14, after "disability" insert "; and

(3)(a) Adopt the goal of increasing the percentage of households receiving temporary assistance to needy families that move into the middle-income bracket or higher, and delineate specific program strategies within the proposal required in subsection (2) of this section to reach that goal.

(b) The proposal developed under subsection (2) of this section shall also include an estimate by the office of financial management, in consultation with other state agencies, of the percentage of Washington residents with incomes in the middle-income bracket or higher, and the percentage of Work First clients who have historically moved into the middle-income bracket or higher. The office of financial management shall continue, by December 1 of every year thereafter, to estimate and report the percentage of Washington residents with incomes in the middle-income bracket or higher to the governor and the appropriate committees of the legislature.

(c) For purposes of this section, "middle-income bracket" means family incomes between two hundred and five hundred percent of the 2009 federal poverty level, as determined by the United States department of health and human services for a family of four, adjusted annually for inflation"

Representative Kagi spoke in favor of the adoption of the amendment to the amendment.

Amendment (1161) to amendment (1094) was adopted.

Representative Hinkle moved the adoption of amendment (1129) to amendment (1094).

On page 5, beginning on line 29, strike all of section 6

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

Representative Hinkle spoke in favor of the adoption of the amendment to the amendment.

Representative Kagi spoke against the adoption of the amendment to the amendment.

Amendment (1129) to amendment (1094) was not adopted.

Amendment (1094) was adopted as amended.

The bill was ordered engrossed.

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

Representative Kagi spoke in favor of the passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 3141.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 3141, and the bill passed the House by the following vote: Yeas, 51; Nays, 43; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks,

Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3141, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1096, by Representatives Hasegawa, Green, Kenney, Chase, Hudgins and Moeller

Enhancing small business participation in state purchasing.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1096 was substituted for House Bill No. 1096 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1096 was read the second time.

Representative Orcutt moved the adoption of amendment (1142).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that it is in the state's economic interest and serves a public purpose to promote and facilitate the fullest possible participation by Washington businesses of all sizes in the process by which goods and services are purchased by the state. The legislature further finds that large businesses have the resources to participate fully and effectively in the state's purchasing system, and because of many factors, including economies of scale, the purchasing system tends to create a preference in favor of large businesses and to disadvantage small businesses. The legislature intends, therefore, to assist, to the maximum extent possible, small businesses to participate in order to enhance and preserve competitive enterprise and to ensure that small businesses have a fair opportunity to be awarded contracts or subcontracts for goods and services purchased by the state.

NEW SECTION. Sec. 2. A new section is added to chapter 43.19 RCW to read as follows:

(1) To facilitate the participation of small business in the provision of goods and services purchased by purchasing agencies for the use only of the respective agency, including purchases under chapters 39.29 and 43.105 RCW, the purchasing agency must:

(a) Apply a preference in the award of contracts for goods and services as follows:

(i) A preference to small business bidders that is five percent of the lowest responsible bidder meeting specifications; and

(ii) A preference to in-state business bidders that are not small businesses but who provide for small business subcontractor participation in the contract that may be up to five percent of the lowest responsible bidder meeting specifications, determined according to rules adopted by the purchasing agency;

(b) Give assistance to small businesses by:

(i) Providing technical assistance that would be reasonably expected to mitigate barriers that result from experience requirements related to the contract;

(ii) Allowing for alternative methods for meeting any inventory level requirements related to the contract; and

(iii) Assisting small businesses with the qualification application required under RCW 43.19.1908.

(2) Small business bidders qualified under this chapter shall have precedence over other business bidders so that the application of any bidder preference for which another business bidder may be eligible by law does not result in the denial of the contract award to a small business bidder. This subsection applies if the small business bidder is the lowest responsible bidder, as well as if the small business is eligible for the contract award as the result of the small business bidder preference applied under this section.

(3) The preferences under subsection (1)(a) of this section may not be awarded to a noncompliant bidder and may not be used to achieve any applicable minimum bidding requirements. The preferences may be used only in evaluating bids or proposals for awards. In no instance may the increase be paid to a bidder whose bid is accepted.

(4)(a) This section applies to a purchasing agency's purchase of goods and services to the maximum extent consistent with international trade agreement commitments and with applicable requirements of federal law. If a purchasing agency determines that compliance with this section may conflict with international trade agreement commitments or with federal requirements that are a prescribed condition to the allocation of federal funds to the state or if such compliance would otherwise conflict with federal law, the purchasing agency shall suspend the preference granted under this section only to the extent necessary to eliminate the conflict. A finding by one purchasing agency does not affect the application of this section to purchases by another purchasing agency or in another circumstance.

(b) Rules adopted under this section must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

(c) A purchasing agency may suspend the preference granted under this section for purchases made through a multistate contracting consortium, but the suspension is prohibited if it is done for the purpose of avoiding the application of the preference required under this section.

(5)(a) A business that is given the preference provided for in this section based on false information provided or on material information withheld, and which by reason of the information, or lack thereof, has been awarded a contract to which it would not otherwise have been entitled:

(i) Must pay the state an assessment equal to the difference between the contract amount and what the state's cost would have been if the contract had been properly awarded;

(ii) In addition to the amount specified in this subsection (5)(a) and except as provided in (b) of this subsection, must pay a civil penalty of ten percent of the amount of the contract involved or one thousand dollars, whichever is less; and

(iii) Is ineligible to directly or indirectly transact any business with the state for a period of not less than six months and not more than three years, as determined under criteria adopted by the affected purchasing agency. This ineligibility shall apply to the principals of the business and any subsequent businesses formed by those principals.

(b) In addition to being subject to the penalties under (a)(i) and (iii) of this subsection, a business that knowingly and with intent to defraud makes a false statement or fails to provide or conceals, or attempts to conceal, material information for the purpose of obtaining, or aiding another in obtaining, a preference under this section is subject to a civil penalty of ten percent of the amount of the contract involved or ten thousand dollars, whichever is greater.

(c)(i) A business subject to sanction under this subsection may request, within thirty days of the date of issuance of the notice of sanction, a hearing conducted pursuant to chapter 34.05 RCW.

(ii) If a business fails to pay an assessment or civil penalty after it has become final and not subject to further appeal, or after the court has entered final judgment in favor of the state, the attorney general may recover the assessment or penalty by action in the appropriate superior court. In such action, the validity and appropriateness of the final order imposing the assessment or penalty shall not be subject to review.

(d) Civil penalties collected under (a)(ii) and (b) of this subsection must be deposited in the small business bidding preference account created in section 3 of this act.

(6) As used in this section:

(a) "Purchasing agencies" are limited to the department of general administration, the department of information services, and the department of transportation.

(b) "In-state business" means a business that has its principal office located in Washington and its officers domiciled in Washington.

(c) "Small business" means an in-state business, including a sole proprietorship, corporation, partnership, or other legal entity, that: (i) Certifies, under penalty of perjury, that it is owned and operated independently from all other businesses and has either (A) fifty or fewer employees, or (B) a gross revenue of less than seven million dollars annually as reported on its federal income tax return or its return filed with the department of revenue over the previous three consecutive years; or (ii) is certified under chapter 39.19 RCW.

(7) Each purchasing agency must, in consultation with each other, adopt rules necessary to implement this section.

(8) Each December 1st, beginning with a preliminary report on December 1, 2010, the department of general administration, in consultation with the department of information services and the department of transportation, shall report to the governor and the appropriate committees of the legislature on the preference program under this section. Annual reports must include information about the program's progress in increasing the number of small businesses participating in state contracts, the number of contracts under which preferences were given, and the characteristics of small businesses that participated in the program.

(9) This section applies to contracts awarded on or after November 1, 2010, but before July 1, 2014.

(10) This section expires December 31, 2014.

NEW SECTION. Sec. 3. A new section is added to chapter 43.19 RCW to read as follows:

(1) The small business bidding preference account is created in the custody of the state treasurer. All receipts from civil penalties collected under section 2 of this act must be deposited into the account. Expenditures from the account may be used only toward defraying the costs of adjudications that occur under section 2 of this act. Only the director of the office of financial management or the director's designee may authorize expenditures from the account on the request of the director of general administration, the director of information services, or the secretary of transportation, or their respective designees. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires July 1, 2015.

Sec. 4. RCW 39.29.050 and 1983 c 120 s 12 are each amended to read as follows:

All contracts entered into under this chapter (~~on or after September 1, 1983,~~) are subject to the requirements established under:

(1) Section 2 of this act, with respect to the departments of general administration, information services, and transportation; and

(2) On or after September 1, 1983, chapter 39.19 RCW.

Sec. 5. RCW 43.19.1901 and 1987 c 434 s 23 are each amended to read as follows:

The term "purchase" as used in RCW 43.19.190 through 43.19.200, and as they may hereafter be amended, shall include leasing or renting(~~(: PROVIDED, That).~~ However, the purchasing, leasing, or renting of electronic data processing equipment shall not be included in the term "purchasing" if and when such transactions are otherwise expressly provided for by law, except that such purchasing, leasing, or renting by the departments of general administration, information services, and transportation is subject to section 2 of this act.

~~((The acquisition of job services and all other services for the family independence program under chapter 74.21 RCW shall not be included in the term "purchasing" under this chapter.))~~

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

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

Amendment (1142) was adopted.

The bill was ordered engrossed.

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

Representatives Hasegawa and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris Presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1096.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1096, and the bill passed the House by the following vote: Yeas, 84; Nays, 10; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove,

Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, Crouse, Herrera, Klippert, Kretz, McCune, Parker, Roach, Shea and Short.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1096, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1149, by Representatives Williams, Roach, Simpson, Kirby, Dunshee, Nelson and Ormsby

Protecting consumers from breaches of security.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1149 was substituted for House Bill No. 1149 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1149 was read the second time.

Representative Williams moved the adoption of amendment (1114).

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that data breaches of credit and debit card information contribute to identity theft and fraud and can be costly to consumers. The legislature also recognizes that when a breach occurs, remedial measures such as reissuance of credit or debit cards affected by the breach can help to reduce the incidence of identity theft and associated costs to consumers. Accordingly, the legislature intends to encourage financial institutions to reissue credit and debit cards to consumers when appropriate, and to permit financial institutions to recoup data breach costs associated with the reissuance from large businesses and card processors who are negligent in maintaining or transmitting card data.

NEW SECTION. Sec. 2. A new section is added to chapter 19.255 RCW to read as follows:

(1) For purposes of this section:

(a) "Access device" has the same meaning as in RCW 9A.56.010.

(b) "Account information" means: (i) The full, unencrypted magnetic stripe of an access device; (ii) the full, unencrypted account information contained on an identification device as defined under RCW 19.300.010; or (iii) the unencrypted primary account number on an access device or identification device, plus any of the following if not encrypted: Cardholder name, expiration date, or service code.

(c) "Breach" has the same meaning as "breach of the security of the system" in RCW 19.255.010.

(d) "Business" means an individual, partnership, corporation, association, organization, government entity, or any other legal or commercial entity that processes more than six million access device transactions annually, and who offers or sells goods or services to persons who are residents of Washington.

(e) "Encrypted" means enciphered or encoded using standards reasonable for the breached business or processor taking into account the business or processor's size and the number of transactions processed annually.

(f) "Financial institution" has the same meaning as in RCW 30.22.040.

(g) "Processor" means an individual, partnership, corporation, association, organization, government entity, or any other legal or commercial entity, other than a business as defined under this section, that directly processes or transmits account information for or on behalf of another person as part of a payment processing service.

(h) "Service code" means the three or four digit number in the magnetic stripe or on an access device that is used to specify acceptance requirements or to validate the card.

(i) "Vendor" means an individual, partnership, corporation, association, organization, government entity, or any other legal or commercial entity that manufactures and sells software or equipment that is designed to process, transmit, or store account information.

(2) Processors, businesses, and vendors are not liable under this section if (a) the account information was encrypted during storage and transmittal at the time of the breach, or (b) the processor, business, or vendor was certified compliant with the payment card industry data security standards adopted by the payment card industry security standards council, and in force at the time of the breach. A processor, business, or vendor will be considered compliant with payment card industry data security standards, if its compliance was validated on all system components where cardholder data is stored, processed, or transmitted at the time of its last annual security assessment, and if this assessment took place no more than one year prior to the time of the breach.

(3)(a) If a processor or business fails to take reasonable care to guard against unauthorized access to account information that is in the possession or under the control of the business or processor, and the failure is found to be the proximate cause of a breach, the processor or business is liable to a financial institution for reimbursement of reasonable actual costs related to the reissuance of access devices that are incurred by the financial institution to mitigate potential current or future damages to its access device account holders that reside in the state of Washington as a consequence of the breach, even if the financial institution has not suffered a physical injury in connection with the breach. In any legal action brought pursuant to this subsection, the prevailing party is entitled to recover its reasonable attorneys' fees and costs incurred in connection with the legal action.

(b) A vendor, instead of a processor or business, is liable to a financial institution for the damages described in (a) of this subsection to the extent that the damages were proximately caused by the vendor's negligence and if the claim is not limited or foreclosed by another provision of law or by a contract to which the financial institution is a party.

(4) Nothing in this section may be construed as preventing or foreclosing any entity responsible for handling account information on behalf of a business or processor from being made a party to an action under this section.

(5) Nothing in this section may be construed as preventing or foreclosing a processor, business, or vendor from asserting any defense otherwise available to it in an action including, but not limited to, defenses of contract, or of contributory or comparative negligence.

(6) In cases to which this section applies, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which was the proximate cause of the claimant's damages.

(7) The remedies under this section are cumulative and do not restrict any other right or remedy otherwise available under law, however a trier of fact may reduce damages awarded to a financial institution by any amount the financial institution recovers from a

credit card company in connection with the breach, for costs associated with access card reissuance.

NEW SECTION. **Sec. 3.** This act takes effect July 1, 2010.

NEW SECTION. **Sec. 4.** This act applies prospectively only. This act applies to any breach occurring on or after the effective date of this section."

Correct the title.

Representatives Williams, DeBolt and Bailey spoke in favor of the adoption of the amendment.

Amendment (1114) was adopted.

The bill was ordered engrossed.

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

Representative Williams spoke in favor of the passage of the bill.

Representative Bailey spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1149.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1149, and the bill passed the House by the following vote: Yeas, 63; Nays, 31; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Walsh.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1149, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1697, by Representatives Liias, Priest, Sullivan, Quall, Upthegrove, Santos, Kenney and Ormsby

Regarding career and technical student organizations.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1697.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1697, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

HOUSE BILL NO. 1697, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2138, by Representatives Simpson and Chase

Concerning the use of surplus property for the development of affordable housing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2138 was substituted for Engrossed House Bill No. 2138 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2138 was read the second time.

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

Representative Simpson spoke in favor of the passage of the bill.

Representative Angel spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2138.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2138, and the bill passed the House by the following vote: Yeas, 58; Nays, 36; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

SUBSTITUTE HOUSE BILL NO. 2138, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2580, by Representatives Liias, Simpson and Sullivan

Concerning secondary career and technical education courses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2580 was substituted for House Bill No. 2580 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2580 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2580.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2580, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

SUBSTITUTE HOUSE BILL NO. 2580, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2680, by Representatives Roberts, Kagi, Angel, Seaquist, Walsh, Maxwell and Kenney

Implementing a guardianship program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2680 was substituted for House Bill No. 2680 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2680 was read the second time.

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

Representatives Roberts and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2680.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2680, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

SUBSTITUTE HOUSE BILL NO. 2680, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2750, by Representatives Sells, Crouse, Dunshee and Simpson

Addressing public utility districts and deferred compensation and supplemental savings plans.

The bill was read the second time.

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

Representative Sells spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2750.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2750, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

Absent: Representative Probst.

HOUSE BILL NO. 2750, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2750.

Tim Probst, 17th District

SECOND READING

HOUSE BILL NO. 2933, by Representatives Ericks, Morrell and Dammeier

Modifying sales and use tax provisions for the local infrastructure financing tool program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2933 was substituted for House Bill No. 2933 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2933 was read the second time.

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

Representatives Ericks and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2933.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2933, and the bill passed the House by the following vote: Yeas, 90; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, Klippert, Kristiansen and Roach.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

SUBSTITUTE HOUSE BILL NO. 2933, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2984, by Representatives Maxwell, Clibborn, Eddy, Goodman and Hunter

Concerning a sales and use tax deferral for performing arts centers.

The bill was read the second time.

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

Representative Maxwell spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2984.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2984, and the bill passed the House by the following vote: Yeas, 54; Nays, 40; Absent, 0; Excused, 4.

Voting yea: Representatives Anderson, Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Fagan, Finn, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

HOUSE BILL NO. 2984, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on House Bill No. 2984.

Tim Probst, 17th District

SECOND READING

HOUSE BILL NO. 2987, by Representatives Simpson and Williams

Addressing the impact on the firefighters' pension fund when a city or town enters a regional fire protection service authority.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2987.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2987, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Flannigan, Hurst and Pedersen.

HOUSE BILL NO. 2987, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:00 a.m., February 15, 2010, the 36th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - REGULAR SESSION

THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 15, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Wyatt Arledge and Jessica Olsen. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Joanne Coleman Campbell, First United Methodist Church, Olympia.

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

RESOLUTION

HOUSE RESOLUTION NO. 4683, by Representatives Nealey, Armstrong, Kristiansen, Walsh, Pearson, Haler, Shea, Smith, Fagan, Klippert, Orcutt, Dammeier, Warnick, Rodne, Bailey, Parker, Short, Taylor, and Chandler

WHEREAS, Washington is the only state named for an American president, George Washington, the father of our country, and as such, we Washingtonians hold the presidency and presidents in especially high regard; and

WHEREAS, For many years our state and nation have set aside the third Monday in February to celebrate Presidents' Day, which honors former presidents of the United States of America; and

WHEREAS, Both February 12th, the actual birthday of President Abraham Lincoln, and February 22nd, the actual birthday of President George Washington, were kept and observed, until 1971, as the anniversaries of the births of these two great American presidents; and

WHEREAS, Presidents' Day, for many citizens, remains a time for specifically honoring the accomplishments of Washington, the first American president, and Lincoln, the 16th American president; and

WHEREAS, It was in 1968 when federal legislation, the "Monday Holidays Act," was passed to install the Presidents' Day celebration that we have come to know and respect; and

WHEREAS, Not only does Presidents' Day remain a time for celebrating the specific legacies of Presidents Washington and Lincoln, but former Presidents John Adams, Thomas Jefferson, John Quincy Adams, Martin Van Buren, Andrew Johnson, Ulysses Grant, James Garfield, and Teddy Roosevelt, as well as the presidents of later decades, are honored in numerous commemorations across the country; and

WHEREAS, In 1985, the Washington State Legislature singled out the third Monday in February as a day for commemorating the births of Presidents Washington and Lincoln; and

WHEREAS, It is recognized that this diverse, wonderful land of ours has been fashioned into an uplifting, multicultural quilt thanks to the tireless efforts of our forefathers, especially George Washington and Abraham Lincoln; and

WHEREAS, The first eight American presidents, comprising almost a fifth of our 44 presidents to date, did not begin their lives as Americans because there was no America when they were born, thus in a special way our reputation as a land of opportunity was established; and

WHEREAS, No Presidents' Day celebration would be complete without appropriate recognition for the invaluable service of the first ladies in our American presidential history; and

WHEREAS, The first ladies of our nation have not only provided citizens with role models who exemplify what it means to be an American but icons such as Dolly Madison, Eleanor Roosevelt, Jacqueline Kennedy, and Nancy Reagan have served as symbols of strength in times of adversity throughout our history;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington salute and celebrate Presidents' Day 2010, a time for recognizing and paying tribute to the tireless dedication of our former presidents and first ladies; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives, in recognition of the fact that any young person can grow up to be President of the United States of America, to the Office of the Superintendent of Public Instruction for effective distribution among the schools of Washington state to help our young people strengthen their knowledge of our presidents and first ladies.

Representative Nealey moved adoption of House Resolution No. 4683.

Representatives Nealey and White spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4683 was adopted.

INTRODUCTIONS AND FIRST READING

HB 3187 by Representative Simpson

AN ACT Relating to medicaid reimbursement for nursing facilities; and amending RCW 74.46.421.

Referred to Committee on Ways & Means.

HJM 4030 by Representatives Liias, Driscoll, Johnson, Kirby, Wallace, Eddy, Maxwell, Williams, Hunt, White, Nelson, Seaquist, Walsh, Linville, Ericks, Orwall, Kagi, Wood, Van De Wege, Green, Cody, Darneille, Haigh, Morrell, Blake, Takko, Dickerson, Dunshee, Upthegrove, Kessler, Hudgins, Pedersen, Simpson, Goodman, Sells, O'Brien, Kenney, Rolfes, Springer, Hasegawa, Appleton, Kelley, Miloscia, Hope, Pettigrew, Priest, Warnick, McCune, Chase, Moeller, Campbell, Probst, Finn, Carlyle, Conway and Clibborn

Petitioning to make the state sales tax deduction a permanent federal income tax deduction.

Referred to Committee on Finance.

SB 6206 by Senators Haugen and Kilmer

AN ACT Relating to authorizing extensions of the due dates for filing tax incentive accountability reports and surveys with the department of revenue; amending RCW 82.32.590; and creating a new section.

Referred to Committee on Finance.

ESSB 6289 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Pridemore, Brandland, Marr, Rockefeller, Brown, Kohl-Welles and Kline)

AN ACT Relating to protecting lake water quality by reducing phosphorus from lawn fertilizers; and adding a new chapter to Title 90 RCW.

Referred to Committee on Agriculture & Natural Resources.

SSB 6329 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, King, Franklin, Hewitt, Keiser, Kline and Delvin)

AN ACT Relating to creating a beer and wine tasting endorsement to the grocery store liquor license; amending RCW 66.28.310; reenacting and amending RCW 66.20.310 and 66.20.300; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

SSB 6350 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Ranker, Hargrove, Jacobsen, Rockefeller, Swecker, Marr, Fraser, Murray and Kline)

AN ACT Relating to marine waters planning and management, including marine spatial planning; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.21F RCW; adding a new chapter to Title 43 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

SSB 6373 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Ranker, Rockefeller, Swecker, Pridemore, Marr, Kline and Fraser)

AN ACT Relating to reporting of emissions of greenhouse gases; amending RCW 70.235.010 and 70.94.151; and declaring an emergency.

Referred to Committee on Ecology & Parks.

SSB 6414 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Regala)

AN ACT Relating to improving the administration and efficiency of sex and kidnapping offender registration; amending RCW 9A.44.130, 9A.44.140, 9A.44.145, 9.94A.030, 9.94A.501, 9.94A.701, 9.94A.702, and 70.48.470; adding new sections to chapter 9A.44 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Human Services.

SB 6450 by Senators Eide, Kauffman and Shin

AN ACT Relating to requiring the department of licensing to establish continuing education requirements for court reporters; and amending RCW 18.145.050 and 18.145.100.

Referred to Committee on Judiciary.

ESSB 6468 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Kauffman, Rockefeller, Pridemore, Berkey and Kline)

AN ACT Relating to coordinating the weatherization and structural rehabilitation of residential structures; amending RCW 70.164.010, 70.164.030, 70.164.040, and 70.164.070; and reenacting and amending RCW 70.164.020.

Referred to Committee on Local Government & Housing.

ESSB 6476 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Fraser, Swecker, Delvin, Brandland, Holmquist, Becker, Parlette, Carrell, Hewitt, Schoesler, King, Roach and Kohl-Welles)

AN ACT Relating to sex crimes involving minors; amending RCW 13.32A.030, 7.68.070, 13.40.070, 13.40.213, 9A.88.140, 9.68A.100, 9.68A.101, 9.68A.105, 43.63A.740, and 9.68A.110; reenacting and amending RCW 9.94A.515; adding a new section to chapter 13.32A RCW; adding a new section to chapter 13.40 RCW; adding a new section to chapter 74.15 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services.

SSB 6485 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Marr, King, Kohl-Welles, Hewitt, Hatfield, Delvin, Hobbs and Rockefeller)

AN ACT Relating to craft distilleries; and amending RCW 66.24.140, 66.24.145, 66.28.310, and 66.24.520.

Referred to Committee on Commerce & Labor.

E2SSB 6504 by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)

AN ACT Relating to the crime victims' compensation program; amending RCW 7.68.070, 7.68.085, 9A.82.110, 72.09.111, and 72.09.480; adding a new section to chapter 7.68 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 6520 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield, Parlette, Hobbs, Ranker, Pridemore and Shin)

AN ACT Relating to providing a one-year extension for completion of recommendations under RCW 36.70A.5601 conducted by the William D. Ruckelshaus Center; amending RCW 36.70A.560 and 36.70A.5601; amending 2007 c 353 s 6 (uncodified); creating a new section; and providing an expiration date.

Referred to Committee on Local Government & Housing.

SSB 6557 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Ranker, Swecker, Rockefeller, Brandland, Brown, Kohl-Welles, Shin, Fraser and Kline)

AN ACT Relating to limiting the use of certain substances in brake friction material; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environmental Health.

E2SSB 6561 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, McCaslin, Regala and Stevens)

AN ACT Relating to restricting access to juvenile offender records; amending RCW 13.04.240, 13.50.050, 13.50.010, 13.04.011, and 13.40.127; and creating a new section.

Referred to Committee on Human Services.

SB 6593 by Senators Gordon, Kauffman, Prentice, Oemig, Tom, Kline and Parlette

AN ACT Relating to the transfer of the administration of the infant and toddler early intervention program from the department of social and health services to the department of early learning; amending RCW 43.215.020 and 70.198.020; creating a new section; and providing an effective date.

Referred to Committee on Early Learning & Children's Services.

ESSB 6603 by Senate Committee on Transportation (originally sponsored by Senators Marr, Haugen, Swecker, Eide and Keiser)

AN ACT Relating to land uses adjacent to general aviation airports; amending RCW 36.70.547, 36.70.330, 36.70A.070, and 36.70.020; reenacting and amending RCW 36.70A.030; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

ESB 6610 by Senators Hargrove and McAuliffe

AN ACT Relating to improving procedures relating to the commitment of persons found not guilty by reason of insanity; amending RCW 10.77.120, 10.77.150, 10.77.160,

10.77.190, 10.77.200, and 10.77.220; adding new sections to chapter 10.77 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services.

SSB 6611 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Pridemore, Swecker and Shin)

AN ACT Relating to extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for three years and addressing the timing for adopting certain subarea plans; and amending RCW 36.70A.130.

Referred to Committee on Local Government & Housing.

2SSB 6667 by Senate Committee on Ways & Means (originally sponsored by Senators Kauffman and Kastama)

AN ACT Relating to business assistance programs; amending RCW 28B.30.530, 28B.20.297, 43.06.335, 43.338.020, 43.131.409, 43.131.410, and 43.79A.040; adding a new section to chapter 43.330 RCW; adding a new section to chapter 28B.20 RCW; and creating a new section.

Referred to Committee on Community & Economic Development & Trade.

SSB 6674 by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin and Hargrove)

AN ACT Relating to agreements to indemnify against liability for negligence involving motor carriers; and amending RCW 4.24.115.

Referred to Committee on Judiciary.

2SSB 6678 by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Kilmer, Marr, Berkey, Tom and Shin)

AN ACT Relating to the creation of entities to address the long-range impact of opportunities and changes in the aerospace industry; adding a new section to chapter 43.42 RCW; adding a new chapter to Title 43 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Community & Economic Development & Trade.

2SSB 6679 by Senate Committee on Ways & Means (originally sponsored by Senators Kauffman, Kastama and Shin)

AN ACT Relating to the small business export finance assistance center; amending RCW 43.210.040 and 43.210.050; and adding a new section to chapter 43.210 RCW.

Referred to Committee on Community & Economic Development & Trade.

SSB 6692 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Pridemore, Hargrove, Ranker and Haugen)

AN ACT Relating to allowing certain counties to participate and enter into ownership agreements for electric generating facilities powered by biomass; and amending RCW 36.140.010 and 54.44.020.

Referred to Committee on Technology, Energy & Communications.

2SSB 6702 by Senate Committee on Ways & Means (originally sponsored by Senators Kline, McAuliffe, Gordon, McDermott, Fraser, Shin and Kohl-Welles)

AN ACT Relating to providing education programs for juveniles in adult jails; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

SSB 6706 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Murray, Delvin, Kastama, Shin, Marr, Kilmer and Kohl-Welles)

AN ACT Relating to commercialization of research at state universities; amending RCW 42.52.160; and adding new sections to chapter 28B.63 RCW.

Referred to Committee on Community & Economic Development & Trade.

SB 6720 by Senators Fraser, Delvin and Kline

AN ACT Relating to providing an optional tool for cities to use for programmatic environmental impact review; amending RCW 82.02.020; adding a new section to chapter 43.21C RCW; and creating a new section.

Referred to Committee on Ecology & Parks.

SSB 6721 by Senate Committee on Ways & Means (originally sponsored by Senators Schoesler, Hobbs and Honeyford)

AN ACT Relating to tax statute clarifications and technical corrections; amending RCW 39.100.050, 82.04.190, 82.04.3651, 82.04.394, 82.08.0256, 82.08.02573, 82.08.0273, 82.08.700, 82.12.0257, 82.12.040, 82.16.110, 82.32.080, 82.36.440, 82.38.280, 82.62.010, 82.80.120, 83.100.040, 83.100.046, 83.100.046, 82.04.290, 29A.36.210, 36.68.525, 36.69.145, 84.36.381, 84.37.030, 84.37.902, 84.48.050, 84.52.030, 84.52.070, and 84.52.080; reenacting and amending RCW 82.04.050, 82.04.360, 82.16.010, 82.32.520, 84.34.020, and 84.36.383; adding a new section to chapter 82.32 RCW; repealing RCW 84.55.080; providing effective dates; and providing an expiration date.

Referred to Committee on Finance.

SSB 6747 by Senate Committee on Ways & Means (originally sponsored by Senators Jacobsen, Fraser, Ranker, Shin and Kline)

AN ACT Relating to cost recovery for the natural heritage program; amending RCW 79.71.090; and adding a new section to chapter 79.70 RCW.

Referred to Committee on General Government Appropriations.

ESB 6762 by Senators Fraser, Haugen and Kline

AN ACT Relating to compliance with the state environmental policy act; amending RCW 43.21C.031; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Ecology & Parks.

SB 6804 by Senator Kohl-Welles

AN ACT Relating to allowing the department of social and health services to adopt rules establishing standards for the review and certification of treatment facilities under the problem and pathological gambling treatment program; and amending RCW 43.20A.890.

Referred to Committee on Human Services.

SSB 6832 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

AN ACT Relating to the implementation of delivery of child welfare services through performance-based contracts by adding a foster youth representative to the child welfare transformation design committee; by clarifying the definition of supervising agency in relation to Indian tribes located in this state; by extending for six months the date by which the department must complete its contract conversion to performance-based contracts; by requiring that the performance contract conversion be accomplished in a manner that does not affect the department's ability to collect federal funding; by extending by six months the date by which supervising agencies must provide case management services in the demonstration sites; by clarifying that the primary preference for contracts if the demonstration sites are extended is with nonprofits, Indian tribes, and state employees; by clarifying that the department may provide child welfare services in the demonstration sites but only for the purpose of establishing a control or comparison group; amending RCW 74.13.368, 74.13.360, 74.13.364, and 74.13.366; reenacting and amending RCW 74.13.020; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

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

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

SECOND READING

HOUSE BILL NO. 1653, by Representative Simpson

Clarifying the integration of shoreline management act policies with the growth management act.

The bill was read the second time.

Representative Simpson moved the adoption of amendment (1155).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that Engrossed Substitute House Bill No. 1933, enacted as chapter 321, Laws of 2003, modified the relationship between the shoreline management act and the growth management act. The legislature recognizes also that its 2003 efforts, while intended to create greater operational clarity between these significant shoreline and land use acts, have been the subject of differing, and occasionally contrary, legal interpretations. This act is intended to affirm and clarify the legislature's intent relating to the provisions of chapter 321, Laws of 2003.

(2) The legislature affirms that development regulations adopted under the growth management act to protect critical areas apply within shorelines of the state as provided in section 2 of this act.

(3) The legislature affirms that the adoption or update of critical area regulations under the growth management act is not automatically an update to the shoreline master program.

(4) The legislature intends for this act to be remedial and curative in nature, and to apply retroactively to July 27, 2003.

Sec. 2. RCW 36.70A.480 and 2003 c 321 s 5 are each amended to read as follows:

(1) For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 are added as one of the goals of this chapter as set forth in RCW 36.70A.020 without creating an order of priority among the fourteen goals. The goals and policies of a shoreline master program for a county or city approved under chapter 90.58 RCW shall be considered an element of the county or city's comprehensive plan. All other portions of the shoreline master program for a county or city adopted under chapter 90.58 RCW, including use regulations, shall be considered a part of the county or city's development regulations.

(2) The shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations.

(3)(a) The policies, goals, and provisions of chapter 90.58 RCW and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105.

~~((a) As of the date the department of ecology approves a local government's shoreline master program adopted under applicable shoreline guidelines, the protection of critical areas as defined by RCW 36.70A.030(5) within shorelines of the state shall be accomplished only through the local government's shoreline master program and shall not be subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section.))~~

(b) Except as otherwise provided in (c) of this subsection, development regulations adopted under this chapter to protect critical areas within shorelines of the state apply within shorelines of the state until the department of ecology approves one of the following: A comprehensive master program update, as defined in RCW 90.58.030; a segment of a master program relating to critical areas, as provided in RCW 90.58.090; or a new or amended master program approved by the department of ecology on or after March 1, 2002, as provided in RCW 90.58.080. The adoption or update of development regulations to protect critical areas under this chapter prior to department of ecology approval of a master

program update as provided in this subsection is not a comprehensive or segment update to the master program.

(c)(i) Until the department of ecology approves a master program or segment of a master program as provided in (b) of this subsection, a use or structure legally located within shorelines of the state that was established or vested on or before the effective date of the local government's development regulations to protect critical areas may continue as a conforming use and may be redeveloped or modified if: (A) The redevelopment or modification is consistent with the local government's master program; and (B) the local government determines that the proposed redevelopment or modification will result in no net loss of shoreline ecological functions. The local government may waive this requirement if the redevelopment or modification is consistent with the master program and the local government's development regulations to protect critical areas.

(ii) For purposes of this subsection (c), an agricultural activity that does not expand the area being used for the agricultural activity is not a redevelopment or modification. "Agricultural activity," as used in this subsection (c) has the same meaning as defined in RCW 90.58.065.

(d) Upon department of ecology approval of a shoreline master program or critical area segment of a shoreline master program, critical areas within shorelines of the state ((that have been identified as meeting the definition of critical areas as defined by RCW 36.70A.030(5), and that are subject to a shoreline master program adopted under applicable shoreline guidelines shall not be)) are protected under chapter 90.58 RCW and are not subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in chapter 321, Laws of 2003 or this act is intended to affect whether or to what extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

~~((e)) (e) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.~~

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that ((is at least equal to the level of protection provided to critical areas by the local government's critical area ordinances adopted and thereafter amended pursuant to RCW 36.70A.060(2))) assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to RCW 90.58.060.

(5) Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(5) and have been designated as such by a local government pursuant to RCW 36.70A.060(2).

(6) If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by RCW 90.58.030(f), then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to RCW 36.70A.060(2).

Sec. 3. RCW 90.58.030 and 2007 c 328 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

- (a) "Department" means the department of ecology;
- (b) "Director" means the director of the department of ecology;
- (c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;
- (d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;
- (e) "~~((Hearings))~~ Hearings board" means the ~~((shoreline(s)))~~ shorelines hearings board established by this chapter.
- (2) Geographical:
- (a) "Extreme low tide" means the lowest line on the land reached by a receding tide;
- (b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;
- (c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state;
- (d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;
- (e) "Shorelines of statewide significance" means the following shorelines of the state:
- (i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;
- (ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:
- (A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,
- (B) Birch Bay--from Point Whitehorn to Birch Point,
- (C) Hood Canal--from Tala Point to Foulweather Bluff,
- (D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, and
- (E) Padilla Bay--from March Point to William Point;
- (iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;
- (iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;
- (v) Those natural rivers or segments thereof as follows:
- (A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,
- (B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of

the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

(i) Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

(ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforest land use, on lands subject to the provisions of this subsection (2)(f)(ii) are not subject to additional regulations under this chapter;

(g) "Floodway" means the area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020. "Comprehensive master program update" means a master program that fully achieves the procedural and substantive requirements of the department

guidelines effective January 17, 2004, as now or hereafter amended;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. The following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding

two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(A) The activity does not interfere with the normal public use of the surface waters;

(B) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(C) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(D) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(E) The activity is not subject to the permit requirements of RCW 90.58.550;

(xii) The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state agencies under chapter 43.21C RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 90.58 RCW to read as follows:

RCW 36.70A.480 governs the relationship between shoreline master programs and development regulations to protect critical areas that are adopted under chapter 36.70A RCW.

NEW SECTION. Sec. 5. This act is remedial and curative in nature and applies retroactively to July 27, 2003.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Taylor moved the adoption of amendment (1172) to amendment (1155).

On page 1, line 14 of the amendment, after "(2)" strike all material through "July 27, 2003" on line 21 and insert "This act is intended to affirm the legislature's intent that:

(a) The shoreline management act be read, interpreted, applied, and implemented as a whole consistent with decisions of the shoreline hearings board and Washington courts prior to the decision of the central Puget Sound growth management hearings board in *Everett Shorelines Coalition v. City of Everett and Washington State Department of Ecology*;

(b) The goals of the growth management act, including the goals and policies of the shoreline management act, set forth in RCW 36.70A.020 and included in RCW 36.70A.020 by RCW 36.70A.480, continue to be listed without an order of priority; and

(c) Shorelines of statewide significance may include critical areas as defined by RCW 36.70A.030(5), but that shorelines of statewide significance are not critical areas simply because they are shorelines of statewide significance.

(3) The legislature intends that critical areas within the jurisdiction of the shoreline management act shall be governed by the shoreline management act and that critical areas outside the jurisdiction of the shoreline management act shall be governed by the growth management act. The legislature further intends that the quality of information currently required by the shoreline management act to be applied to the protection of critical areas within shorelines of the state shall not be limited or changed by the provisions of the growth management act"

Representative Taylor spoke in favor of the adoption of the amendment to the amendment.

Representative Simpson spoke against the adoption of the amendment to the amendment.

Amendment (1172) to amendment (1155) was not adopted.

Representative Taylor moved the adoption of amendment (1171) to amendment (1155).

On page 2, line 12 of the amendment, after "(3)" strike "(a)"

On page 2, at the beginning of line 13 of the amendment, strike "and applicable guidelines" and insert "((~~and applicable guidelines~~))"

On page 2, at the beginning of line 18 of the amendment, strike all material through "RCW 90.58.060" on page 4, line 16 and insert the following:

"(a) As of the date the department of ecology approves a local government's shoreline master program adopted under applicable shoreline guidelines, the protection of critical areas as defined by RCW 36.70A.030(5) within shorelines of the state shall be accomplished only through the local government's shoreline master program and shall not be subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section.

(b) Critical areas within shorelines of the state that have been identified as meeting the definition of critical areas as defined by RCW 36.70A.030(5), and that are subject to a shoreline master program adopted under applicable shoreline guidelines shall not be subject to the procedural and substantive requirements of this chapter, except as provided in subsection (6) of this section. Nothing in chapter 321, Laws of 2003 is intended to affect whether or to what extent agricultural activities, as defined in RCW 90.58.065, are subject to chapter 36.70A RCW.

(c) The provisions of RCW 36.70A.172 shall not apply to the adoption or subsequent amendment of a local government's shoreline master program and shall not be used to determine compliance of a local government's shoreline master program with chapter 90.58 RCW and applicable guidelines. Nothing in this section, however, is intended to limit or change the quality of information to be applied in protecting critical areas within shorelines of the state, as required by chapter 90.58 RCW and applicable guidelines.

(4) Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that is at least equal to the level of protection provided to critical areas by the local government's critical area ordinances adopted

and thereafter amended pursuant to RCW 36.70A.060(2), and consistent with subsection (3) of this section"

Representative Taylor spoke in favor of the adoption of the amendment to the amendment.

Representative Simpson spoke against the adoption of the amendment to the amendment.

Amendment (1171) to amendment (1155) was not adopted.

Representative Taylor moved the adoption of amendment (1167) to amendment (1155).

On page 3, beginning on line 9 of the amendment, after "if" strike ":(A) The" and insert "the"

On page 3, line 11 of the amendment, after "program" strike all material through "functions" on line 13 and insert "in existence before the effective date of the local government's updated development regulations to protect critical areas"

On page 3, line 21 of the amendment, after "90.58.065." insert "When determining the extent of an area being used for agricultural activities, local governments and the department shall make their determination based upon, to the greatest extent possible, historical activities."

Representative Taylor spoke in favor of the adoption of the amendment to the amendment.

Representative Simpson spoke against the adoption of the amendment to the amendment.

Amendment (1167) to amendment (1155) was not adopted.

Representative Taylor moved the adoption of amendment (1168) to amendment (1155).

On page 8, line 28 of the amendment, after "means" strike all material through "amended" on line 30 and insert "an update to the shoreline master program that achieves the procedural and substantive requirements of this chapter and chapter 36.70A RCW"

Representative Taylor spoke in favor of the adoption of the amendment to the amendment.

Representative Simpson spoke against the adoption of the amendment to the amendment.

Amendment (1168) to amendment (1155) was not adopted.

Representative Taylor moved the adoption of amendment (1170) to amendment (1155).

On page 11, after line 31 of the amendment, insert the following:

"**Sec. 4.** RCW 90.58.190 and 2003 c 321 s 4 are each amended to read as follows:

(1) The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090(5) is governed by RCW 34.05.510 through 34.05.598.

(2)(a) The department's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board with jurisdiction over the local government. The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.

(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment solely for compliance with the requirements of this chapter ~~(and the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW)~~ and the policy of RCW 90.58.020 ~~((and the applicable guidelines, the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW))~~.

(c) If the appeal to the growth management hearings board concerns a shoreline of statewide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 ~~((and the applicable guidelines))~~.

(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.

(e) Any party aggrieved by a final decision of a growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.

(3)(a) The department's decision to approve, reject, or modify a proposed master program or master program amendment by a local government not planning under RCW 36.70A.040 shall be appealed to the shorelines hearings board by filing a petition within thirty days of the date of the department's written notice to the local government of the department's decision to approve, reject, or modify a proposed master program or master program amendment as provided in RCW 90.58.090(2).

(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program amendment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's master program or amendment in light of the policy of RCW 90.58.020 ~~((and the applicable guidelines))~~.

(c) In an appeal relating to shorelines of statewide significance, the shorelines hearings board shall uphold the decision by the department unless the board determines, by clear and convincing evidence that the decision of the department is inconsistent with the policy of RCW 90.58.020 ~~((and the applicable guidelines))~~.

(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. ~~((The aggrieved local government shall have the burden of proof in all such reviews.))~~

(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in chapter 34.05 RCW.

(4) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program amendment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program amendment."

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

Representative Taylor spoke in favor of the adoption of the amendment to the amendment.

Representative Simpson spoke against the adoption of the amendment to the amendment.

Amendment (1170) to amendment (1155) was not adopted.

Representative Taylor moved the adoption of amendment (1169) to amendment (1155).

On page 12, beginning on line 5 of the amendment, strike all of section 5

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

Representative Taylor spoke in favor of the adoption of the amendment to the amendment.

Representative Simpson spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 37 - YEAS; 59 - NAYS.

Amendment (1169) to amendment (1155) was not adopted.

Representative Bailey moved the adoption of amendment (1176) to amendment (1155).

On page 12, beginning on line 8 of the amendment, strike all of section 6

Representative Bailey spoke in favor of the adoption of the amendment to the amendment.

Representative Simpson spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 37 - YEAS; 60 - NAYS.

Amendment (1176) to amendment (1155) was not adopted.

Representative Simpson spoke in favor of the adoption of amendment (1155).

Amendment (1155) was adopted.

The bill was ordered engrossed.

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

Representative Simpson spoke in favor of the passage of the bill.

Representatives Angel and Taylor spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1653.

MOTION

On motion of Representative Walsh, Representative Rodne was excused.

The Speaker (Representative Morris presiding) recognized Representative Chandler.

COLLOQUY

Representative Chandler, "Would Representative Blake, as the Chair of the House Agriculture and Natural Resources Committee yield to a question?"

Representative Blake agreed to yield to a question.

Representative Chandler, "Thank you, representative. In this amendment, beginning on page 3, line 17, it reads that, "For purposes of this subsection (C), an agricultural activity that does not expand the area being used for the agricultural activity is not a redevelopment or modification. "Agricultural activity," as used in this subsection (C) has the same meaning as defined in RCW 90.58.065" Given that RCW 90.58.065 includes a change in or rotation of crops in the definition of agricultural activities, would this then mean that a farmer could change crops without having any additional requirements under this act?"

Representative Blake, "The Representative is correct that this language protects the ability to change crops, as is now the case under the provisions of the SMA. A change in crops would not trigger any new responsibilities under this act.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1653, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Green, Haler, Herrera, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Probst, Roach, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Rodne.

ENGROSSED HOUSE BILL NO. 1653, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2687, by Representatives Kagi, Haler, Roberts, Walsh, Goodman, Dickerson, Maxwell, Clibborn, Seaquist, Green, Haigh, Johnson, Kenney, Moeller and Nelson

Creating the home visiting services account.

The bill was read the second time.

There being no objection, Third Substitute House Bill No. 2687 was substituted for House Bill No. 2687 and the third substitute bill was placed on the second reading calendar.

THIRD SUBSTITUTE HOUSE BILL NO. 2687 was read the second time.

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

Representatives Kagi and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Third Substitute House Bill No. 2687.

ROLL CALL

The Clerk called the roll on the final passage of Third Substitute House Bill No. 2687, and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, DeBolt, Ericksen, Herrera, Klippert, Kretz, McCune, Orcutt and Shea.

THIRD SUBSTITUTE HOUSE BILL NO. 2687, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2734, by Representatives Kagi, Liias, Chase, Miloscia, Clibborn, Wallace, Maxwell, Nelson, Simpson and Santos

Allowing federally qualified community health centers to buy surplus real property from the department of transportation.

The bill was read the second time.

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

Representatives Kagi and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2734.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2734, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee,

Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Armstrong, Chandler, Condotta, Crouse, DeBolt, Haler, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Ross, Schmick, Shea, Short, Taylor and Wallace.

HOUSE BILL NO. 2734, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on House Bill No. 2734.

Deb Wallace, 17th District

SECOND READING

HOUSE BILL NO. 2756, by Representatives Driscoll, Parker, Haler, Ormsby, Lias, Pettigrew, Kelley, Sullivan, Green, Moeller, Simpson, Darneille, Morrell, Pearson, Hurst, Chase and Santos

Allowing medicare supplement insurance premiums to be deducted from the calculation of disposable income for the purpose of qualifying for senior property tax programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2756 was substituted for House Bill No. 2756 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2756 was read the second time.

Representative Hunter moved the adoption of amendment (1088).

On page 3, after line 21, insert the following:

"**NEW SECTION. Sec. 2.** Section 1 of this act applies to taxes levied for collection in 2011 and thereafter."

Correct the title.

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

Amendment (1088) was adopted.

The bill was ordered engrossed.

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

Representatives Driscoll and Parker spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2756.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2756, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2756, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2759, by Representatives Maxwell, Anderson, Roberts, White, Goodman, Clibborn, Kenney, Hunter, Morrell and Haigh

Adjusting local school finance related to nonresident students enrolled in online learning.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2759 was substituted for House Bill No. 2759 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2759 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2759.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2759, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst,

Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2759, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2789, by Representatives Conway, Chase, Hudgins, Moeller and Simpson

Authorizing issuance of subpoenas for purposes of agency investigations of underground economy activity. Revised for 1st Substitute: Authorizing issuance of subpoenas for purposes of agency investigations of underground economic activity.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2789 was substituted for House Bill No. 2789 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2789 was read the second time.

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

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2789.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2789, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2789, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2793, by Representatives Kessler, Walsh, Pedersen, Chase, Williams, Kagi, Moeller, Haigh, Nelson and Simpson)

Clarifying and expanding the rights and obligations of state registered domestic partners and other couples related to parentage.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2793 was substituted for House Bill No. 2793 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2793 was read the second time.

Representative Shea moved the adoption of amendment (1078).

On page 3, line 30, after "(16)" insert "Identifying information" includes, but is not limited to, the following information of the gamete donor or woman acting as a gestational surrogate:

- (a) The first and last name of the person; and
- (b) The age of the person at the time of the donation or gestational surrogacy.

(17)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 34, after line 33, insert the following:

"NEW SECTION. **Sec. 53.** A new section is added to chapter 26.26 RCW to read as follows:

(1) A person who donates gametes to a fertility clinic in Washington to be used in assisted reproduction shall provide, at a minimum, his or her identifying information and medical history to the fertility clinic. The fertility clinic shall keep the identifying information and medical history of its donors and shall disclose the information as provided under subsection (2) of this section.

(2)(a) A child conceived through assisted reproduction who is at least eighteen years old shall be provided, upon his or her request, access to identifying information of the donor who provided gametes for the assisted reproduction that resulted in the birth of the child, unless the donor has signed an affidavit of nondisclosure with the fertility clinic that provided the gamete for assisted reproduction.

(b) Regardless of whether the donor signed an affidavit of nondisclosure, a child conceived through assisted reproduction who is at least eighteen years old shall be provided, upon his or her request, access to the nonidentifying medical history of the donor who provided gametes for the assisted reproduction that resulted in the birth of the child."

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

On page 40, line 9, after "child." insert "When filing the certifications, the attorneys shall also include for the court files a summary of medical history information of the woman acting as a gestational surrogate."

On page 40, after line 35, insert the following:

"(6) Notwithstanding subsection (5) of this section, a child born under a gestational surrogacy contract who is at least eighteen years old shall be provided, upon his or her request, access to identifying information of the woman acting as a gestational surrogate, unless the woman acting as a gestational surrogate has filed an affidavit of nondisclosure with the court. Regardless of whether the woman acting as a gestational surrogate has filed an affidavit of nondisclosure, the child shall be provided, upon his or

her request, access to nonidentifying medical history of the woman acting as a gestational surrogate."

Correct the title.

Representatives Shea and Pedersen spoke in favor of the adoption of the amendment.

Amendment (1078) was adopted.

Representative Pedersen moved the adoption of amendment (1173).

On page 10, beginning on line 18, after "time" strike all material through "motion" on line 19

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

Amendment (1173) was adopted.

The bill was ordered engrossed.

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

Representatives Kessler, Pedersen, Kessler (again), Roberts and Santos spoke in favor of the passage of the bill.

Representatives Shea, Smith, McCune, Herrera and Klippert spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2793.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2793, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2793, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2818, by Representatives Chase and Simpson

Reducing the environmental health impact of cleaning in state facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2818 was substituted for House Bill No. 2818 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2818 was read the second time.

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

Representatives Chase, Shea and Campbell spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2818.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2818, and the bill passed the House by the following vote: Yeas, 73; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Fagan, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Ross, Schmick, Short, Taylor and Warnick.

SUBSTITUTE HOUSE BILL NO. 2818, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2884, by Representatives Quall and Morris

Authorizing limited expansions of urban growth areas into one hundred year floodplains in areas adjacent to a freeway interchange or interstate in counties wholly or partially bordering salt waters with more than one hundred thousand but fewer than one hundred fifty thousand residents.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2884 was substituted for House Bill No. 2884 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2884 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2884.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2884, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2884, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3048, by Representatives Cody, Armstrong and Pettigrew

Concerning administration of the medicaid program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3048 was substituted for House Bill No. 3048 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3048 was read the second time.

Representative Cody moved the adoption of amendment (1147).

On page 2, after line 2, insert the following:

"(4) The labor impacts, including the transfer of employees and the effect on current bargaining units and collective bargaining agreements."

Representatives Cody and Armstrong spoke in favor of the adoption of the amendment.

Amendment (1147) was adopted.

The bill was ordered engrossed.

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

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

Representatives Hinkle and Ericksen spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3048.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3048, and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Condotta, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Klippert, Kristiansen, Orcutt, Parker, Pearson, Priest, Rodne, Shea, Short, Taylor and Warnick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3048, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

SECOND READING

HOUSE BILL NO. 2408, by Representatives Angel, Haler, Schmick, Short, Fagan, McCune, Campbell, Rolfes, Chase and Warnick

Requiring notice to property owners when a county, city, or town modifies its zoning requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2408 was substituted for House Bill No. 2408 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2408 was read the second time.

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

Representatives Angel, Springer and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2408.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2408, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2408, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2577, by House Committee on Community & Economic Development & Trade (originally sponsored by Representatives Sullivan, Chase and Kenney)

Creating community facilities districts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2577 was substituted for House Bill No. 2577 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2577 was read the second time.

There being no objection, the House deferred action on SUBSTITUTE HOUSE BILL NO. 2577, and the bill held its place on the second reading calendar.

HOUSE BILL NO. 2416, by Representatives Morris, Chase, Eddy, Van De Wege, Morrell, Upthegrove, Simpson, Kenney, Hudgins and Ormsby

Establishing energy efficiency standards for consumer products.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2416 was substituted for House Bill No. 2416 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2416 was read the second time.

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

Representative Morris spoke in favor of passage of the bill.

Representatives Crouse and Orcutt spoke against passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2416.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2416, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 2416, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2471, by Representatives McCoy, Chase and Morris

Concerning net metering of electricity.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2471 was substituted for House Bill No. 2471 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2471 was read the second time.

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

Representatives McCoy, Morris, Morris (again), and Chase spoke in favor of the passage of the bill.

Representatives Crouse, Angel, Chandler and Armstrong spoke against passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2471.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2471, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Liias, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 2471, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2511, by Representatives Kirby, Blake, Upthegrove, Conway, Van De Wege, Ormsby, Moeller, Campbell and Haigh

Addressing motorcycle profiling.

The bill was read the second time.

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

Representatives Kirby, Ross and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2511.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2511, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Klippert and Nealey.

HOUSE BILL NO. 2511, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1545, by Representatives Conway, Seaquist, Bailey, Crouse, Hasegawa, Kenney, Simpson, Morrell and Ormsby

Authorizing the higher education coordinating board to offer higher education annuities and retirement income plans.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1545 was substituted for House Bill No. 1545 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1545 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1545.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1545, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Fagan, Haler and Herrera.

SUBSTITUTE HOUSE BILL NO. 1545, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute House Bill No. 1545.

Susan Fagan, 9th District

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1572, by Representatives Hunt, Liias, Appleton, Miloscia and Williams

Adopting all mail voting.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1572 was substituted for Substitute House Bill No. 1572 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1572 was read the second time.

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

Representative Hunt spoke in favor of passage of the bill.

Representatives Armstrong, Dammeier and Angel spoke against passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1572.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1572, and the bill passed the House by the following vote: Yeas, 57; Nays, 41; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Conway, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SECOND SUBSTITUTE HOUSE BILL NO. 1572, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2016, by Representatives Flannigan, Appleton, Hurst, Miloscia and Hunt

Concerning campaign contribution and disclosure laws.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2016 was substituted for House Bill No. 2016 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2016 was read the second time.

Representative Anderson moved the adoption of amendment (1190).

On page 64, line 7, after "party" strike "or to a caucus political committee" and insert "~~((or to a caucus political committee))~~"

except that no transfers may be made to a caucus political committee"

On page 64, line 34, after "candidate" insert ", a caucus political committee."

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

Representative Hunt spoke against the adoption of the amendment.

Amendment (1190) was not adopted.

Representative Anderson moved the adoption of amendment (1189).

On page 64, beginning on line 7, strike all of subsection (3) and insert "~~((3) Transfer the surplus without limit to a political party or to a caucus political committee;))"~~

Renumber the subsections consecutively and correct any internal references accordingly.

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

Representative Hunt spoke against the adoption of the amendment.

Amendment (1189) was not adopted.

Representative Anderson moved the adoption of amendment (1191).

On page 64, after line 34, insert the following:

(9) "No political committee may transfer funds to any other committee, except to a candidate's authorized committee."

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

Representative Hunt spoke against the adoption of the amendment.

Amendment (1191) was not adopted.

Representative Roach moved the adoption of amendment (1175).

On page 103, beginning on line 15, strike all of section 1104

Renumber the remaining section and correct the title.

Representatives Roach and Chandler spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

Amendment (1175) was not adopted.

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

Representatives Flannigan and Hunt spoke in favor of the passage of the bill.

Representatives Armstrong and Anderson spoke against passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2016.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2016, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liiias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

SECOND SUBSTITUTE HOUSE BILL NO. 2016, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2495, by Representatives White, Roberts, Dickerson, Carlyle, Springer, Miloscia, Nelson, Simpson, Dunshee, Pedersen and Kenney

Modifying provisions relating to the tabulation of ballots.

The bill was read the second time.

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

Representatives White and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2495.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2495, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liiias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby,

Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Fagan, Hudgins and Orcutt.

HOUSE BILL NO. 2495, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2496, by Representatives White, Orwall, Chase, Dickerson, Carlyle, Upthegrove, Springer, Nelson, Simpson, Miloscia, Dunshee and Hunt

Modifying ballot design provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2496 was substituted for House Bill No. 2496 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2496 was read the second time.

Representative White moved the adoption of amendment (1048).

On page 1, line 12, after "type." strike all language through "questions" on line 14 and insert "The secretary of state shall establish standards for ballot design and layout consistent with this act and RCW 29A.04.611"

Representatives White and Armstrong spoke in favor of the adoption of the amendment.

Amendment (1048) was adopted.

The bill was ordered engrossed.

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

Representatives White and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2496.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2496, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liiias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew,

Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2496, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2541, by Representatives Takko, Orcutt, Kessler, Kretz and Blake

Maintaining a base of forest lands that may be used for commercial forestry. Revised for 1st Substitute: Promoting and fostering the success of the forest products industry.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2541 was substituted for House Bill No. 2541 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2541 was read the second time.

Representative Takko moved the adoption of amendment (1156).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that sustainably managed commercial forestry produces jobs and revenue while also providing clean water, clean air, renewable energy, wildlife habitat, open space, and carbon storage, among other ecological values. For these reasons, maintaining a base of forest lands that may be utilized for sustainably managed commercial forestry is of utmost importance to the state.

(2) The legislature finds that the promotion and fostering of the economic success of the forest products industry with the goal of keeping sustainably managed forestry as a priority land use, and helping to secure the timber managing, growing, harvesting, transporting, and manufacturing jobs is made possible by a vibrant working forest land base.

(3) The legislature further finds that maintaining sustainable working forests is important for the quality of life of all Washingtonians, and that sustainable forest practices can help to maintain and restore the vitality of Washington's communities while also helping to preserve Washington's natural landscapes and ecosystems.

(4) The legislature further finds that it is necessary to assist landowners in gaining access to additional sources of revenue, such as emerging ecosystem services markets, and to help landowners diversify their incomes, improve the ecological functions of their lands, and pass their lands and the lands' associated benefits to future generations.

(5) The legislature further finds that the conservation and restoration of forest ecosystems provide services to the residents of the state that help improve water and habitat quality, help avoid carbon emissions, help address impacts associated with climate change, and help natural resources adapt to these impacts.

(6) The legislature further finds that ecosystem services markets can lead to efficient, innovative, and effective conservation and restoration actions and facilitate improved integration of public and private investment.

(7) Therefore, it is the intent of the legislature to develop tools to facilitate small and industrial forest landowners' access to

market capital from existing and emerging ecosystem services markets.

(8) The legislature further intends to enable forest landowners who provide ecosystem services access to financing to protect, restore, and maintain the ecological values provided by protection of public resources.

Sec. 2. RCW 76.09.010 and 1999 sp.s. c 4 s 901 are each amended to read as follows:

(1) The legislature hereby finds and declares that the forest land resources are among the most valuable of all resources in the state; that a viable forest products industry is of prime importance to the state's economy; that it is in the public interest for public and private commercial forest lands to be managed consistent with sound policies of natural resource protection; that coincident with maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty.

(2) The legislature further finds and declares it to be in the public interest of this state to create and maintain through the adoption of this chapter a comprehensive statewide system of laws and forest practices rules which will achieve the following purposes and policies:

(a) Afford protection to, promote, foster and encourage timber growth, and require such minimum reforestation of commercial tree species on forest lands as will reasonably utilize the timber growing capacity of the soil following current timber harvest;

(b) Afford protection to forest soils and public resources by utilizing all reasonable methods of technology in conducting forest practices;

(c) Recognize both the public and private interest in the profitable growing and harvesting of timber;

(d) Promote efficiency by permitting maximum operating freedom consistent with the other purposes and policies stated herein;

(e) Provide for regulation of forest practices so as to avoid unnecessary duplication in such rules;

(f) Provide for interagency input and intergovernmental and tribal coordination and cooperation;

(g) Achieve compliance with all applicable requirements of federal and state law with respect to nonpoint sources of water pollution from forest practices;

(h) To consider reasonable land use planning goals and concepts contained in local comprehensive plans and zoning regulations;

(i) Foster cooperation among managers of public resources, forest landowners, Indian tribes and the citizens of the state; ~~((and))~~

(j) Develop a watershed analysis system that addresses the cumulative effect of forest practices on, at a minimum, the public resources of fish, water, and public capital improvements of the state and its political subdivisions; and

(k) Assist forest landowners in accessing market capital and financing for the ecosystem services provided to the public as a result of the protection of public resources.

(3) The legislature further finds and declares that it is also in the public interest of the state to encourage forest landowners to undertake corrective and remedial action to reduce the impact of mass earth movements and fluvial processes.

(4) The legislature further finds and declares that it is in the public interest that the applicants for state forest practices permits should assist in paying for the cost of review and permitting necessary for the environmental protection of these resources.

Sec. 3. RCW 76.09.040 and 2009 c 246 s 1 are each amended to read as follows:

(1)(a) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions

of this chapter, the board shall adopt forest practices rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that:

~~((a))~~ (i) Establish minimum standards for forest practices;

~~((b))~~ (ii) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a)(i) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

~~((c))~~ (iii) Set forth necessary administrative provisions;

~~((d))~~ (iv) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter; and

~~((e))~~ (v) Allow for the development of watershed analyses.

(b) Forest practices rules pertaining to water quality protection shall be adopted by the board after reaching agreement with the director of the department of ecology or the director's designee on the board with respect thereto. All other forest practices rules shall be adopted by the board.

(c) Forest practices rules shall be administered and enforced by either the department or the local governmental entity as provided in this chapter. Such rules shall be adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2)(a) The board shall prepare proposed forest practices rules consistent with this section and chapter 34.05 RCW. In addition to any forest practices rules relating to water quality protection proposed by the board, the department of ecology may submit to the board proposed forest practices rules relating to water quality protection.

(b)(i) Prior to initiating the rule-making process, the proposed rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed rules relating to water quality protection.

(ii) After the expiration of ~~((such))~~ the thirty day period, the board and the department of ecology shall jointly hold one or more hearings on the proposed rules pursuant to chapter 34.05 RCW. ~~((At such hearing(s)))~~ Any county representative may propose specific forest practices rules relating to problems existing within ~~((such))~~ the county at the hearings.

(iii) The board may adopt and the department of ecology may approve such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

(3)(a) The board shall establish by rule a program for the acquisition of riparian open space and critical habitat for threatened or endangered species as designated by the board. Acquisition must be a conservation easement. Lands eligible for acquisition are forest lands within unconfined channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the board. Once acquired, these lands may be held and managed by the department, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy corporation, as defined in RCW 64.04.130, in fee or transfer of management obligation. The board shall adopt rules governing the acquisition by the state or donation to the state of such interest in lands including the right of refusal if the lands are subject to unacceptable liabilities. The rules shall include definitions of qualifying lands, priorities for acquisition, and provide for the opportunity to transfer such lands with limited warranties and with a description of boundaries that does not

require full surveys where the cost of securing the surveys would be unreasonable in relation to the value of the lands conveyed. The rules shall provide for the management of the lands for ecological protection or fisheries enhancement. For the purposes of conservation easements entered into under this section, the following apply:

~~((a))~~ (i) For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation must include the timber value component, as determined by the cruised volume of any timber located within the channel migration zone or critical habitat for threatened or endangered species as designated by the board, multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091;

~~((b))~~ (ii) For conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation must include the timber value component in (a)(i) of this subsection plus such portion of the land value component as determined just and equitable by the department. The land value component must be the acreage of qualifying channel migration zone or critical habitat for threatened or endangered species as determined by the board, to be conveyed, multiplied by the average per acre value of all commercial forest land in western Washington or the average for eastern Washington, whichever average is applicable to the qualifying lands. The department must determine the western and eastern Washington averages based on the land value tables established by RCW 84.33.140 and revised annually by the department of revenue.

~~((4))~~ (b) Subject to appropriations sufficient to cover the cost of such an acquisition program and the related costs of administering the program, the department must establish a conservation easement in land that an owner tenders for purchase; provided that such lands have been taxed as forest lands and are located within an unconfined channel migration zone or contain critical habitat for threatened or endangered species as designated by the board. Lands acquired under this section shall become riparian or habitat open space. These acquisitions shall not be deemed to trigger the compensating tax of chapters 84.33 and 84.34 RCW.

~~((5))~~ (c) Instead of offering to sell interests in qualifying lands, owners may elect to donate the interests to the state.

~~((6))~~ (d) Any acquired interest in qualifying lands by the state under this section shall be managed as riparian open space or critical habitat.

NEW SECTION. Sec. 4. (1) The department of natural resources shall, to the degree that resources are available, develop, consistent with this section, proposals for the development of appropriate landowner conservation incentives that support forest landowners maintaining their land in forestry. These incentives may include, but are not limited to, incentives that are related to ecosystem service markets, tax incentives, easements, technical assistance, and recognition or certification.

(2) The department of natural resources shall consult with the forest practices board, representatives of federal, state, and local government, Indian tribes, small forest landowners, conservation groups, industrial foresters, and other individuals deemed beneficial by the department in implementing this section.

(3) By December 31, 2011, the department of natural resources must present their research and any proposed incentives to the governor, the appropriate committees of the legislature, the commissioner of public lands, and the forest practices board. The department of natural resources shall also offer to present their findings and recommendations to the Washington congressional delegation, local governments, and any state or federal agency that has as a portion of their mission the support of Washington's

working land base and the jobs, products, and ecological values that working lands provide.

(4) Neither the activities nor outcome of the department of natural resources' actions or decisions under this section shall cause, promote, or delay rule making by the forest practices board in the execution of its applicable duties.

(5) The department of natural resources is authorized to seek federal and private funds, and in-kind contributions to complete the work in this act. At the discretion of the department of natural resources, the department must comply with this act only to the degree that existing or acquired nonstate resources permit.

(6) This section expires July 1, 2012.

Sec. 5. RCW 76.09.020 and 2009 c 354 s 5 and 2009 c 246 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the forest practices appeals board created by RCW 76.09.210.

(3) "Application" means the application required pursuant to RCW 76.09.050.

(4) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunnii*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(5) "Board" means the forest practices board created in RCW 76.09.030.

(6) "Commissioner" means the commissioner of public lands.

(7) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right-of-way shall be considered contiguous.

(8) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(9) "Department" means the department of natural resources.

(10) "Fish passage barrier" means any artificial instream structure that impedes the free passage of fish.

(11) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

(12) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any

manner. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(13) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction;

(b) Harvesting, final and intermediate;

(c) Precommercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

(14) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

(15) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that crosses land that meets the definition of forest land, but excludes residential access roads.

(16) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(17) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

(18) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

(19) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(20) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

(21) "Small forest landowner" has the same meaning as defined in RCW 76.09.450.

(22) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(23) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

(24) "Unconfined channel migration zone" means the area within which the active channel of an unconfined stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

(25) "Unconfined stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex floodplain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland

complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

(26) "Ecosystem services" means the benefits that the public enjoys as a result of natural processes and biological diversity.

(27) "Ecosystem services market" means a system in which providers of ecosystem services can access financing or market capital to protect, restore, and maintain ecological values, including the full spectrum of regulatory, quasiregulatory, and voluntary markets."

Correct the title.

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

Amendment (1156) was adopted.

The bill was ordered engrossed.

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

Representatives Takko and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2541.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2541, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2541, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2567, by Representatives Carlyle, Dickerson, Simpson, Anderson, White, Nelson, Sullivan, Kenney, Maxwell, Liias, Pettigrew and Santos

Concerning the excise taxation of publicly owned facilities accredited by the association of zoos and aquariums.

The bill was read the second time.

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

Representatives Carlyle and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2567.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2567, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hasegawa.

HOUSE BILL NO. 2567, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2603, by Representatives Smith, Kenney, Bailey, Quall, Morris, Blake, Anderson, Chase, Kelley, Short, Appleton, Sullivan, Dammeier, Upthegrove, Klippert, Chandler, Kristiansen, Rolfes, Pearson, Roach, Parker, Morrell, Haler, Walsh, Orcutt, Johnson, Liias, Hunt, Probst, Ericksen, Moeller, Kretz, Sells, Hope, Herrera and Warnick

Requiring agencies to give small businesses an opportunity to comply with a state law or agency rule before imposing a penalty.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2603 was substituted for House Bill No. 2603 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2603 was read the second time.

With the consent of the House, amendment (1192) was withdrawn.

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

Representatives Smith, Cody and Parker spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2603.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2603, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2603, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2641, by Representatives Kenney, Maxwell, Hasegawa, Sullivan, Liias, Clibborn, Ericks, Pettigrew, Chase, Conway, Probst, Kelley, Simpson, Sells, Goodman, Hudgins, Morrell and Santos

Expanding small business development centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2641 was substituted for House Bill No. 2641 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2641 was read the second time.

Representative Kenney moved the adoption of amendment (1166).

On page 1, beginning on line 13, strike all of subsection (3) and insert the following:

"(3)(a) Subject to (b) of this subsection, the department shall collect a voluntary donation of five dollars on each master business application and each renewal application. The voluntary donations must be deposited in the business assistance account created in RCW 28B.30.531 and be used by the small business development center administrator or the administrator's designee for business assistance purposes as provided in RCW 28B.30.530.

(b) The voluntary donation provided for under (a) of this subsection may not be collected from any master business applicant or applicant for renewal who actively opts not to participate in the voluntary donation program. The department shall ensure that the opportunity to opt out of the voluntary donation program under this subsection is made clear to master business applicants and applicants for renewal, and the opportunity to opt out of the voluntary donation program must be provided by the department at each application or renewal."

Representatives Kenney and Armstrong spoke in favor of the adoption of the amendment.

Amendment (1166) was adopted.

The bill was ordered engrossed.

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

Representatives Kenney and Kenney (again) spoke in favor of passage of the bill.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2641.

The House deferred further action on Engrossed Substitute House Bill No. 2641, and the bill held its place on the third reading calendar.

SECOND READING

HOUSE BILL NO. 2642, by Representatives Kenney, Probst, Maxwell, Ericks, Conway, Hasegawa, Sullivan, Springer, Pettigrew, Chase, Dickerson, White, Carlyle, Chandler, Rolfes, Hunt and Moeller

Establishing a pilot project to allow wine tasting at farmers markets.

The bill was read the second time.

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

Representatives Kenney and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2642.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2642, and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Fagan, Finn, Flannigan, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kelley, Kenney, Kessler, Kirby, Kretz, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Parker, Pettigrew, Probst, Quall, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Crouse, Dammeier, Eddy, Goodman, Hudgins, Kagi, Klippert, Kristiansen, McCune, Morrell, Nealey, Orcutt, Orwall, Pearson, Pedersen, Priest, Roach, Roberts and Van De Wege.

HOUSE BILL NO. 2642, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2704, by Representatives Takko, Hinkle, Appleton, Haler, Rolfes, Van De Wege, Quall, Warnick and Morris

Transferring the Washington main street program to the department of archaeology and historic preservation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2704 was substituted for House Bill No. 2704 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2704 was read the second time.

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

Representatives Takko and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2704.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2704, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, Crouse, Herrera, Klippert, Pearson, Shea and Taylor.

SUBSTITUTE HOUSE BILL NO. 2704, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2867, by Representatives Kagi, Sells, White, Hunt, Chase, Kessler, Morrell, Van De Wege, Kenney and Hasegawa

Promoting early learning.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2867 was substituted for House Bill No. 2867 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2867 was read the second time.

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

Representatives Kagi, Haler, Walsh, Goodman, Linville, Miloscia, Morris and Haler (again) spoke in favor of the passage of the bill.

Representatives Alexander, Ericksen, Hinkle, Bailey and Angel spoke against passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2867.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2867, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Armstrong, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

SECOND SUBSTITUTE HOUSE BILL NO. 2867, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2527, by Representatives Morris, Chase, Hudgins and Jacks

Regarding the energy facility site evaluation council.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2527 was substituted for House Bill No. 2527 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2527 was read the second time.

With the consent of the House, amendment (1185) was withdrawn.

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

Representatives Morris, Crouse and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2527.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2527, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander and Dammeier.

SUBSTITUTE HOUSE BILL NO. 2527, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

SECOND READING

HOUSE BILL NO. 2571, by Representative Appleton

Changing the definition of predatory.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2571 was substituted for House Bill No. 2571 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2571 was read the second time.

Representative Appleton moved the adoption of amendment (1024).

On page 10, line 33, after "school" insert "or home-based instruction"

On page 10, line 34, after "school" insert "or receiving home-based instruction while"

On page 10, beginning on line 35, after "subsection," strike all material through "instruction" on line 36 and insert "(~~"school" does not include home based instruction~~)" "home-based instruction" has the same meaning"

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

Amendment (1024) was adopted.

The bill was ordered engrossed.

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

Representatives Appleton and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2571.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2571, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2571, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2830, by Representatives Simpson, Bailey, Kirby, Kelley, Rodne and Nelson

Addressing credit union regulatory enforcement powers.

The bill was read the second time.

Representative Kirby moved the adoption of amendment (1066).

On page 8, line 23, after "RCW 31.12.545;" strike "~~(and)~~" and insert "and"

On page 8, beginning on line 26, after "director" strike all material through "order" on line 28

Correct any internal references accordingly.

Representatives Kirby and Bailey spoke in favor of the adoption of the amendment.

Amendment (1066) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2830.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2830, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2830, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2831, by Representatives Simpson, Bailey, Kirby, Kelley, Chase, Wallace, Rodne and Nelson

Regulating state-chartered commercial banks, trust companies, savings banks, and their holding companies.

The bill was read the second time.

Representative Simpson moved the adoption of amendment (1065).

On page 12, beginning on line 19, after "(8)" strike all material through "(9)" on line 25

On page 12, at the beginning of line 30, strike "(10)" and insert "(9)"

Correct any internal references accordingly.

On page 41, beginning on line 1, after "(8)" strike all material through "(9)" on line 7

On page 41, at the beginning of line 12, strike "(10)" and insert "(9)"

Correct any internal references accordingly.

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

Amendment (1065) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2831.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2831, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 2831, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3076, by Representatives Dickerson and Kenney

Concerning the involuntary treatment act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 3076 was substituted for House Bill No. 3076 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3076 was read the second time.

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

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 3076.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 3076, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien,

Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 3076, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1418, by House Committee on Education (originally sponsored by Representatives Kagi, Priest, Sullivan, Walsh, Pettigrew, Roberts, Dickerson, Quall, Seaquist, Sells, Appleton, Hunt, Haler, Pedersen, Orwall, Ormsby, Hasegawa, Conway, Kenney, Maxwell, Santos, Probst, Driscoll, Goodman and Nelson)

Establishing a statewide dropout reengagement system.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1418 was substituted for Substitute House Bill No. 1418 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1418 was read the second time.

Representative Santos moved the adoption of amendment (1177).

On page 3, line 4, after "(3)" insert "If a school district does not enter an interlocal agreement or contract with an educational service district, community or technical college, other public entity, or community-based organization to provide a dropout reengagement program for eligible students residing in the district, the educational service district, community or technical college, other public entity, or community-based organization may petition a school district other than the resident school district to enroll the eligible students under RCW 28A.225.220 through 28A.225.230 and enter the interlocal agreement or contract with the petitioning entity to provide a dropout reengagement program for the eligible students.

(4)"

Representatives Santos and Priest spoke in favor of the adoption of the amendment.

Amendment (1177) was adopted.

The bill was ordered engrossed.

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

Representatives Kagi, Priest and Sullivan spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1418.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1418, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Kristiansen and Nealey.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2962, by Representatives Probst and Hunter

Allowing county treasurers to use electronic bill presentment and payment that includes an automatic electronic payment option for property taxes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2962 was substituted for House Bill No. 2962 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2962 was read the second time.

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

Representatives Probst, Angel and Simpson spoke in favor of the passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2962.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2962, and the bill passed the House by the following vote: Yeas, 76; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew,

Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Chandler, Condotta, Crouse, DeBolt, Fagan, Hinkle, Hope, Johnson, Kretz, Kristiansen, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Taylor and Warnick.

SUBSTITUTE HOUSE BILL NO. 2962, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2990, by Representatives Pettigrew, Santos, Simpson and Kenney

Addressing alternative city assumption and tax authority provisions pertaining to water-sewer districts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2990 was substituted for House Bill No. 2990 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2990 was read the second time.

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

Representative Pettigrew spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2990.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2990, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Armstrong, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Probst, Roach, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 2990, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute House Bill No. 2990.

Jay Rodne, 5th District

SECOND READING

HOUSE BILL NO. 2383, by Representatives Simpson and Van De Wege

Adopting the international wildland urban interface code.

The bill was read the second time.

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

Representatives Simpson, Nelson, Dunshee, Van De Wege, Simpson (again) and Nelson (again) spoke in favor of the passage of the bill.

Representatives Angel, Taylor, Short, Klippert, Anderson, Kretz, Ericksen, Armstrong, Haler, Shea, Short (again) and Johnson spoke against the passage of the bill.

POINT OF ORDER

Representative DeBolt: "My point is Mr. Speaker that you can not impugn a members interpretation of the policy before the body. He read the bill, he saw the open flame, he made his decisions based upon that. He also looked at shelters, it's in there and so if you look at it from the perspective of interpretation, we've listened to a lot of interpretations on this floor, we've heard stories of peoples' lives, we've heard about insurance rates, we've heard about picking pockets; dumb things, I expect a little latitude on the opportunity to at least have our opinion count, thank you."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative DeBolt, your point is not well taken. In the House Floor Protocol Sheet which you were handed out on your desk, it indicates that it is appropriate to attack arguments and not members. If he was attacking the veracity of the good gentleman from the 42nd District and not the arguments that he was putting forth on this floor, his remarks would be out of order because they would be attacking persons and not arguments. Your point is not well taken."

There being no objection, the House deferred action on House Bill No. 2383, and the bill held its place on the third reading calendar.

HOUSE BILL NO. 2480, by Representatives Blake, Warnick, Takko, Upthegrove, Dunshee, Hinkle, Sells, Kretz and Ormsby

Adopting policy recommendations developed by the sustainable recreation work group.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2480 was substituted for House Bill No. 2480 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2480 was read the second time.

Representative Blake moved the adoption of amendment (1089).

On page 3, line 5, after "dollars," strike "or"

On Page 3, line 7, after "dollars" insert "or

(iv) Display of a department of fish and wildlife lands vehicle use permit obtained under RCW 77.32.380"

On page 5, after line 12, insert the following:

"**Sec. 4.** RCW 77.32.010 and 2009 c 564 s 956 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a recreational license issued by the director is required to hunt for or take wild animals or wild birds, fish for, take, or harvest fish, shellfish, and seaweed. A recreational fishing or shellfish license is not required for carp, smelt, and crawfish, and a hunting license is not required for bullfrogs.

(2) A permit issued by the department, or a department of natural resources annual parking and access pass issued under RCW 79.10.140, is required to park a motor vehicle upon improved department access facilities.

(3) During the 2009-2011 fiscal biennium to enable the implementation of the pilot project established in section 307, chapter 329, Laws of 2008, a fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirements in subsection (1) of this section on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and a Colville Tribes tribal member identification card shall satisfy the license requirements in subsection (1) of this section on all waters of Lake Rufus Woods."

Correct the title.

Representatives Blake and Warnick spoke in favor of the adoption of the amendment.

Amendment (1089) was adopted.

Representative Warnick moved the adoption of amendment (1188).

On page 3, line 21, after "(f)" insert "In recognition of the financial support provided to the department under RCW 46.09.170 through the payment of the motor vehicle fuel tax, the department may not require the payment of a use charge under this section to access ORV recreation facilities, as that term is defined in RCW 46.09.020.

(g)"

On page 3, at the beginning of line 31, strike "(g)" and insert "(h)"

Representatives Warnick and Upthegrove spoke in favor of the adoption of the amendment.

Amendment (1188) was adopted.

The bill was ordered engrossed.

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

Representatives Blake and Warnick spoke in favor of the passage of the bill.

Representatives Hinkle and Orcutt spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2480.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2480, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Herrera, Hinkle, Hope, Johnson, Kretz, Kristiansen, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Springer, Taylor and Walsh.

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2480, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2539, by Representative Upthegrove

Optimizing the collection of source separated materials.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2539 was substituted for House Bill No. 2539 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2539 was read the second time.

With the consent of the House, amendment (1193) was withdrawn.

Representative Short moved the adoption of amendment (1199).

On page 2, beginning on line 6, after "state," strike "One objective of local comprehensive plans is to" and insert "When updating a solid waste management plan developed under this chapter, after the effective date of this section, local comprehensive plans must"

On page 2, line 17, after "(2)" strike "At a minimum, each plan must" and insert "When updating a solid waste management plan developed under this chapter, after the effective date of this section, each local comprehensive plan must, at a minimum,"

Representatives Short and Upthegrove spoke in favor of the adoption of the amendment.

Amendment (1199) was adopted.

The bill was ordered engrossed.

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

Representative Upthegrove spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2539.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2539, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hasegawa.

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2539, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2399, by Representatives Upthegrove, Rodne, Finn, Armstrong, Rolfes, Haler, Driscoll, Chase, Morrell, Maxwell, Simpson and Hudgins

Prohibiting and prescribing penalties for engaging in, or advertising to engage in, solid waste collection without a solid waste collection certificate.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2399 was substituted for House Bill No. 2399 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2399 was read the second time.

With the consent of the House, amendment (1050) was withdrawn.

Representative Upthegrove moved the adoption of amendment (1121).

Beginning on page 1, line 6, strike all of section 1

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

On page 3, after line 14, insert the following:

"**Sec. 3.** RCW 81.77.090 and 1961 c 295 s 10 are each amended to read as follows:

(1) Every person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provisions of this chapter, or who fails to obey, or comply with any order, decision, rule, regulation, direction, demand, or requirement of the commission, or any part or provision thereof, is guilty of a gross misdemeanor.

(2) Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation under this chapter."

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

Representatives Upthegrove and Short spoke in favor of the adoption of the amendment.

Amendment (1121) was adopted.

The bill was ordered engrossed.

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

Representatives Upthegrove and Short spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2399.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2399, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2399, having received the necessary constitutional majority, was declared passed.

With the consent of the House, House Rule 13 (C) was suspended.

SECOND READING

HOUSE BILL NO. 2805, by Representatives Ormsby, Campbell, Williams, Van De Wege, Simpson, White, Chase, Hasegawa, Rolfes and Conway

Regarding public works involving off-site prefabrication.

The bill was read the second time.

With the consent of the House, amendment (1116) was withdrawn.

Representative Ormsby moved the adoption of amendment (1160).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 39.04 RCW to read as follows:

(1) For any public work estimated to cost over one million dollars, the contract must contain a provision requiring the contractor to submit certain information about off-site, prefabricated, nonstandard, project specific items produced under the terms of the contract and produced outside Washington. The information must be submitted to the awarding agency and to the department of general administration within ten days of delivery of the item under the contract. The information that must be provided is:

(a) The total cost of the public works project;

(b) The contract value, including labor and materials, of the off-site, prefabricated, nonstandard, project specific items produced outside Washington; and

(c) The name, address, and federal employer identification number of the contractor that produced the off-site, prefabricated, nonstandard, project specific items.

(2)(a) The required information under this section must be submitted on forms made available by the department of general administration.

(b) The department of general administration shall develop standard contract language to meet the requirements of subsection (1)(a) of this section and make the language available on its web site.

(3) For the purposes of this section, "off-site, prefabricated, nonstandard, project specific items" means products or items that are: (a) Made primarily of architectural or structural precast concrete, fabricated steel, pipe and pipe systems, or sheet metal and sheet metal duct work; (b) produced specifically for the public work and not considered to be regularly available shelf items; (c) produced or manufactured by labor expended to assemble or modify standard items; and (d) produced at an off-site location.

(4) The department of general administration shall compile information collected under this section and submit it on an annual basis to the capital projects advisory review board created in RCW 39.10.220 for review and public hearing.

(5) This section applies to contracts entered into on or after September 1, 2010, and expires December 31, 2015.

Sec. 2. RCW 39.04.350 and 2009 c 197 s 2 are each amended to read as follows:

(1) Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:

(a) At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW;

(b) Have a current state unified business identifier number;

(c) If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW;

(d) Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3); ~~(and)~~

(e) If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation; and

(f) Until December 31, 2015, not have violated section 1 of this act more than one time.

(2) In addition to the bidder responsibility criteria in subsection (1) of this section, the state or municipality may adopt relevant supplemental criteria for determining bidder responsibility applicable to a particular project which the bidder must meet.

(a) Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents.

(b) In a timely manner before the bid submittal deadline, a potential bidder may request that the state or municipality modify the supplemental criteria. The state or municipality must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the state or municipality must issue an addendum to the bidding documents identifying the new criteria.

(c) If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, the state or municipality may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.

(d) If the state or municipality determines a bidder to be not responsible, the state or municipality must provide, in writing, the reasons for the determination. The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the state or municipality. The state or municipality must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the state or municipality may not execute a contract with any other bidder until two business days after the bidder determined to be not responsible has received the final determination.

(3) The capital projects advisory review board created in RCW 39.10.220 shall develop suggested guidelines to assist the state and municipalities in developing supplemental bidder responsibility criteria. The guidelines must be posted on the board's web site.

NEW SECTION. Sec. 3. The expiration of section 1 of this act does not affect any request or proceeding instituted prior to the expiration of section 1 of this act."

Correct the title.

Representative Anderson moved the adoption of amendment (1186) to amendment (1160).

On page 3, after line 30 of the amendment, insert the following:

"(4)(a) This section shall not take effect unless states bordering Washington enact by law the requirements in subsection

(1) of this section with regard to provisions required in public works contracts.

(b) The department of general administration shall make the determination that requirements in (a) of this subsection have been enacted by the bordering states."

Representative Anderson spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

Amendment (1186) to amendment (1160) was not adopted.

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

Amendment (1160) was adopted.

The bill was ordered engrossed.

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

Representative Ormsby spoke in favor of the passage of the bill.

Representative Anderson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2805.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2805, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Goodman, Green, Hasegawa, Hudgins, Hunt, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Fagan, Finn, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Morris, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED HOUSE BILL NO. 2805, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3067, by Representatives Williams, Rodne, Springer, Clibborn, Lias, Upthegrove, Priest and Wallace

Establishing a process for the payment of impact fees through provisions stipulated in recorded covenants.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3067 was substituted for House Bill No. 3067 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3067 was read the second time.

Representative Simpson moved the adoption of amendment (1165).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.02.050 and 1994 c 257 s 24 are each amended to read as follows:

(1) It is the intent of the legislature:

(a) To ensure that adequate facilities are available to serve new growth and development;

(b) To promote orderly growth and development by establishing standards by which counties, cities, and towns may require, by ordinance, that new growth and development pay a proportionate share of the cost of new facilities needed to serve new growth and development; and

(c) To ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicative fees for the same impact.

(2) Counties, cities, and towns that are required or choose to plan under RCW 36.70A.040 are authorized to impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds and cannot rely solely on impact fees.

(3)(a) Counties, cities, and towns collecting impact fees must make available to applicants for building permits issued for a lot or unit within a subdivision, short subdivision, or site development permit issuance a process by which the applicant may record a covenant against title to the property that requires payment equal to one hundred percent of the impact fee rates in effect at the time of issuance of the building permit, less a credit for any deposits paid. Covenants recorded in accordance with this subsection (3) must provide for payment through escrow of the impact fee due and owing to be paid at the time of closing of sale of the lot or unit that is the subject of the building permit. Payment of such fees must be made from seller's proceeds, unless an agreement to the contrary is reached between buyer and seller. In the absence of an agreement to the contrary, the seller shall bear strict liability for the payment of said fees.

(b) A seller, and/or agents of a seller, of property subject to a covenant authorized under this subsection (3), must provide written disclosure of such covenant to a purchaser or prospective purchaser pursuant to the provisions of chapter 64.06 RCW. The disclosure of said covenant must include the amount of fees payable, and the governmental entities to which such fees are to be paid at closing.

(c) In the event the lot or unit is leased or rented rather than sold, all impact fees applicable to such lot or unit must be paid in full upon issuance of a certificate of occupancy or equivalent final occupancy approval.

(d) This subsection (3) applies only to: (i) Counties with more than one million five hundred thousand residents and the cities and towns within these counties; and (ii) counties adjoining counties meeting the requirements of (i) of this subsection (3)(d) that have

more than six hundred fifty thousand but fewer than eight hundred thousand residents, and the cities and towns within these counties.

(e) This subsection (3) does not apply to dwellings governed by chapter 64.34 RCW.

(4) The impact fees:

(a) ~~((Shall))~~ **Must** only be imposed for system improvements that are reasonably related to the new development;

(b) ~~((Shall))~~ **May** not exceed a proportionate share of the costs of system improvements that are reasonably related to the new development; and

(c) ~~((Shall))~~ **Must** be used for system improvements that will reasonably benefit the new development.

~~((4))~~ **(5)(a)** Impact fees may be collected and spent only for the public facilities defined in RCW 82.02.090 which are addressed by a capital facilities plan element of a comprehensive land use plan adopted pursuant to the provisions of RCW 36.70A.070 or the provisions for comprehensive plan adoption contained in chapter 36.70, 35.63, or 35A.63 RCW. After the date a county, city, or town is required to adopt its development regulations under chapter 36.70A RCW, continued authorization to collect and expend impact fees ~~((shall be))~~ **is** contingent on the county, city, or town adopting or revising a comprehensive plan in compliance with RCW 36.70A.070, and on the capital facilities plan identifying:

~~((a))~~ **(i)** Deficiencies in public facilities serving existing development and the means by which existing deficiencies will be eliminated within a reasonable period of time;

~~((b))~~ **(ii)** Additional demands placed on existing public facilities by new development; and

~~((c))~~ **(iii)** Additional public facility improvements required to serve new development.

(b) If the capital facilities plan of the county, city, or town is complete other than for the inclusion of those elements which are the responsibility of a special district, the county, city, or town may impose impact fees to address those public facility needs for which the county, city, or town is responsible.

Sec. 2. RCW 36.70A.070 and 2005 c 360 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of groundwater used for public water supplies. Wherever possible, the land use element should consider utilizing urban planning approaches that promote physical activity. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an

inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. To achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

(i) Containing or otherwise controlling rural development;

(ii) Assuring visual compatibility of rural development with the surrounding rural area;

(iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;

(iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and groundwater resources; and

(v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural

development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments.

(A) A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(~~(14)~~) (15). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(~~(14)~~) (15). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdictional boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve

as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the ~~((six-year improvement))~~ ten-year investment program developed by the ~~((department of transportation))~~ office of financial management as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies;

(vii) Pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years. If the collection of impact fees is delayed under RCW 82.02.050(3), the six-year period required by this subsection (6)(b) must begin after the county or city receives full payment of all impact fees due.

(c) The transportation element described in this subsection (6), and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year plan required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130."

Representative Simpson moved the adoption of amendment (1232) to amendment (1165).

On page 1, line 23 of the striking amendment, after "fees" insert "for residential development projects"

On page 2, after line 20 of the striking amendment, insert the following:

"(d) This subsection (3) applies only to the collection of impact fees for residential development projects."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Simpson and Angel spoke in favor of the adoption of the amendment to the amendment.

Amendment (1232) to amendment (1165) was adopted.

Representative Ericksen moved the adoption of amendment (1226) to amendment (1165).

On page 2, beginning on line 21 of the striking amendment, after "(d)" strike all material through "counties." on line 26 and insert the following:

"Nothing in this subsection (3) is intended to limit or otherwise affect the authority of a county, city, or town from continuing the use and enforcement of an impact fee payment system implemented prior to January 1, 2010, and which authorizes the payment of impact fees either at the time of the closing of the sale of a lot or unit or at the time of the issuance of a certificate of occupancy or its equivalent."

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

Representatives Simpson and Alexander spoke against the adoption of the amendment to the amendment.

Amendment (1226) to amendment (1165) was not adopted.

Amendment (1165) was adopted as amended.

The bill was ordered engrossed.

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

Representative Williams spoke in favor of the passage of the bill.

Representative Angel spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3067.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3067, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Dunshee, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hunter, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3067, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3024, by Representatives Conway, Morrell, Van De Wege, Williams, Sullivan, Seaquist, Green, Campbell, Simpson, Wood and Nelson

Providing uninterrupted meal and rest breaks for hospital employees.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 3024 was substituted for House Bill No. 3024 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 3024 was read the second time.

Representative Seaquist moved the adoption of amendment (1093).

On page 1, on line 6, after "(1)" insert the following:

"With this legislation it is the legislature's intent to affirm that nurses and allied health care workers are professionals. As such, they must be recognized for the significant judgment they exercise and the fact that this judgment is critical to the delivery of quality patient care. For this reason, the legislature intends to ensure that these professionals be afforded the right to meal and rest breaks that will help ensure safe and effective patient care.

(2)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

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

Representative Conway spoke against the adoption of the amendment.

Amendment (1093) was not adopted.

Representative Chandler moved the adoption of amendment (1196).

On page 1, line 6, after "(1)" strike "A hospital licensed under chapter 70.41 RCW" and insert "An employer"

On page 2, after line 18, insert the following:

"(6) For purposes of this section, "employer" means hospitals licensed under chapter 70.41 RCW; state hospitals as defined in RCW 72.23.010; state veterans' homes as defined in RCW 72.36.035; residential habilitation centers listed in RCW 71A.20.020, RCW 71A.20.030, and RCW 71A.20.040; facilities owned and operated by the department of corrections, or by a governing unit as defined in RCW 70.48.020, in a correctional institution as defined in RCW 9.94.049 that provide health care services to inmates as defined in RCW 72.09.015; and facilities in an institution as defined in RCW 13.40.020 or a detention facility as defined in RCW 13.40.020 that provide health care services to juveniles committed to the custody of the department of social and health services under RCW 13.40.185 or confined in a detention facility."

Representatives Chandler and Conway spoke in favor of the adoption of the amendment.

Amendment (1196) was adopted.

Representative Chandler moved the adoption of amendment (1197).

On page 1, line 6, after "(1)" strike "A hospital licensed under chapter 70.41 RCW" and insert "An employer"

On page 2, after line 18, insert the following:

"(6) For purposes of this section, "employer" means hospitals licensed under chapter 70.41 RCW or state hospitals as defined in RCW 72.23.010."

POINT OF ORDER

Representative Conway: "This amendment is not needed because we adopted in our previous amendment the inclusion of this amendment, this amendment would actually ask us to include the state hospitals and applications of this law and we've already done that in the previous amendment so I don't think we need to have this amendment. Thank you."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative Conway, your point of order is well taken. The body of amendment (1197) is contained within the amendment adopted in amendment (1196) so amendment (1197) is out of order, your point is well taken."

Amendment (1197) was ruled out of order.

Representative Condotta moved the adoption of amendment (1208).

On page 2, after line 18, insert the following:

"(6) This section does not apply to a health care facility certified as a critical access hospital under 42 U.S.C. 1395i-4."

Representatives Condotta and Chandler spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1208) to Second Substitute House Bill No. 3024.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1208) to Second Substitute House Bill No. 3024 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 54; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Chandler, Condotta, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, McCune, Morris, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Takko, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Dunshee, Eddy, Ericks, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (1208) was not adopted.

Representative Chandler moved the adoption of amendment (1209).

On page 2, after line 18, insert the following:

"(6) This section does not apply to the sexual assault unit of any hospital licensed under chapter 70.41 RCW."

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

Representative Green spoke against the adoption of the amendment.

Amendment (1209) was not adopted.

Representative Condotta moved the adoption of amendment (1210).

On page 2, after line 18, insert the following:

"(6) This section does not apply to mental health units of any hospital licensed under chapter 70.41 RCW."

Representatives Condotta and Chandler spoke in favor of the adoption of the amendment.

Representative Green spoke against the adoption of the amendment.

Amendment (1210) was not adopted.

With the consent of the House, amendment (1211) was withdrawn.

Representative Condotta moved the adoption of amendment (1212).

On page 2, after line 18, insert the following:

"(6) This section does not apply to labor and delivery units of any hospital licensed under chapter 70.41 RCW."

Representatives Condotta, Chandler and Klippert spoke in favor of the adoption of the amendment.

Representative Morrell spoke against the adoption of the amendment.

Amendment (1212) was not adopted.

Representative Chandler moved the adoption of amendment (1213).

On page 2, after line 18, insert the following:

"(6) This section does not apply to pediatric units of any hospital licensed under chapter 70.41 RCW."

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

Representative Nelson spoke against the adoption of the amendment.

Amendment (1213) was not adopted.

Representative Priest moved the adoption of amendment (1200).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.12 RCW to read as follows:

(1)(a) A hospital licensed under chapter 70.41 RCW shall provide employees who are licensed practical nurses and registered nurses licensed under chapter 18.79 RCW with uninterrupted thirty-minute meal breaks and rest breaks of at least ten minutes or as otherwise agreed to be provided by the hospital, whichever is longer, unless there is:

(i) An unforeseeable emergent circumstance as defined in RCW 49.28.130;

(ii) A clinical circumstance that could lead to patient harm without the specific skill or expertise of the employee on break; or

(iii) In the professional judgment of the employee, a reason to interrupt the break.

(iv) Rest breaks may be taken at any point during each four-hour work period during which the licensed practical nurse and registered nurse is required to receive the rest break as determined by the hospital.

(2) A hospital licensed under chapter 70.41 RCW shall provide employees who are surgical technologists registered under chapter 18.215 RCW, radiologic technologists certified under chapter 18.84 RCW, respiratory care practitioners licensed under chapter 18.89 RCW, cardiovascular technologists, and diagnostic medical sonographers with uninterrupted thirty-minute meal breaks and rest breaks of at least ten minutes or as otherwise agreed to be provided by the hospital, whichever is longer.

(3) Subsections (1) and (2) of this section does not apply when:

(a) The terms of any collective bargaining agreement covering employees address meal and rest breaks, including the need for flexibility; or

(b) An alternative approach to meal and rest breaks is developed by the hospital's nurse staffing committee under RCW 70.41.210, if employees are not covered by a collective bargaining agreement.

NEW SECTION. Sec. 2. (1) The department shall report and make recommendations to the appropriate committees of the legislature by December 15, 2010 on the enforcement of meal and rest break requirements. The report must contain:

(a) A review of the number and frequency of complaints filed with the department on missed meal and rest breaks by hospital employees since January of 2007;

(b) The investigations and enforcement actions taken in response to each complaint;

(c) Whether and how each complaint was resolved; and

(d) A comparison of the number and types of complaints made before and after the effective date of this act.

(2) The department shall also make recommendations on how to improve compliance with and enforcement of the meal and rest break requirements for hospital employees.

(3) This section expires June 30, 2011."

Correct the title.

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

Representative Kessler spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1200) to Second Substitute House Bill No. 3024.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1200) to Second Substitute House Bill No. 3024 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Clibborn, Condotta, Dammeier, DeBolt, Ericks, Ericksen, Fagan, Goodman, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Cody, Conway, Crouse, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Finn, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (1200) was not adopted.

Representative Chandler moved the adoption of amendment (1207).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 49.12 RCW to read as follows:

(1) A hospital licensed under chapter 70.41 RCW shall provide employees with uninterrupted thirty-minute meal breaks and rest breaks of at least ten minutes whichever is longer, unless there is:

(a) An unforeseeable emergent circumstance as defined in RCW 49.28.130; or

(b) A clinical circumstance that may lead to patient harm without the specific skill or expertise of the employee on break.

(2) Rest breaks may be taken at any point during each four-hour work period during which the employee is required to take the rest break.

(3) When employees of hospitals have entered into collective bargaining agreements, or if employees are not covered by a collective bargaining agreement, an alternative approach developed by the hospital's nurse staffing committee under RCW 70.41.210, that specifically vary from or supersede, in part or in total the requirements of subsections (1) and (2) of this section regarding appropriate meal and rest breaks, those subsections do not apply.

(4) For purposes of this section, "employee" means a person who is involved in direct patient care activities or clinical services, receives an hourly wage, and is a licensed practical nurse or a registered nurse licensed under chapter 18.79 RCW."

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

Representative Green spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1207) to Second Substitute House Bill No. 3024.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1207) to Second Substitute House Bill No. 3024 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Dammeier, DeBolt, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Springer, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (1207) was not adopted.

Representative Chandler moved the adoption of amendment (1214).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The William D. Ruckelshaus Center shall convene a work group to identify best practices related to meal and rest breaks for employees of hospitals. The William D. Ruckelshaus Center shall report to the legislature by December 1, 2010 on the outcomes of their work on the identification of best practices related to meal and rest breaks for employees of hospitals and how to apply them in a hospital setting. The members of work group are representatives from the following organizations:

- (a) The northwest organization of nurse executives;
- (b) The service employees international union healthcare, local 1199NW;
- (c) The united food and commercial workers union, local 141;
- (d) The Washington state hospital association; and
- (e) The Washington state nurses association."

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

Representative Conway spoke against the adoption of the amendment.

Amendment (1214) was not adopted.

The bill was ordered engrossed.

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

Representatives Green, Morrell, Campbell, Cody and Santos spoke in favor of the passage of the bill.

Representatives Chandler, Orcutt, Klippert, Pearson, Bailey, Klippert (again) and Johnson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 3024.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 3024, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3024, having received the necessary constitutional majority, was declared passed.

There being no objection, the Committee on Judiciary was relieved of SECOND SUBSTITUTE SENATE BILL NO. 6561 and the bill was referred to the Committee on Human Services. The Committee on Public Safety and Emergency Preparedness was relieved of SUBSTITUTE SENATE BILL NO. 6476 and the bill was referred to the Committee on Human Services.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2424
HOUSE BILL NO. 2752
HOUSE BILL NO. 2903
HOUSE BILL NO. 3174
HOUSE JOINT RESOLUTION NO. 4222

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

There being no objection, the House adjourned until 9:00 a.m., February 16, 2010, the 37th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 16, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Melissa Shoop and Andrew Miller. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Greg Rickel, Bishop of Olympia, Episcopal Church in Western Washington.

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

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

MESSAGES FROM THE SENATE

February 15, 2010

Mr. Speaker:

The Senate has passed:

- ENGROSSED SUBSTITUTE SENATE BILL 5543
- ENGROSSED SUBSTITUTE SENATE BILL 6241
- ENGROSSED SUBSTITUTE SENATE BILL 6244
- SUBSTITUTE SENATE BILL 6280
- SENATE BILL 6297
- SUBSTITUTE SENATE BILL 6298
- SUBSTITUTE SENATE BILL 6332
- SUBSTITUTE SENATE BILL 6338
- SUBSTITUTE SENATE BILL 6343
- SUBSTITUTE SENATE BILL 6367
- ENGROSSED SENATE BILL 6430
- SUBSTITUTE SENATE BILL 6459
- SENATE BILL 6467
- SENATE BILL 6481
- ENGROSSED SUBSTITUTE SENATE BILL 6656
- ENGROSSED SUBSTITUTE SENATE BILL 6733
- SUBSTITUTE SENATE BILL 6759
- ENGROSSED SUBSTITUTE SENATE BILL 6778
- SUBSTITUTE SENATE BILL 6788

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 15, 2010

Mr. Speaker:

The Senate has passed:

- SUBSTITUTE SENATE BILL 5046
- SUBSTITUTE SENATE BILL 6202
- ENGROSSED SENATE BILL 6287
- ENGROSSED SUBSTITUTE SENATE BILL 6359

- SUBSTITUTE SENATE BILL 6433
- SECOND ENGROSSED SUBSTITUTE SENATE BILL 6508
- SUBSTITUTE SENATE BILL 6521
- SENATE BILL 6546
- SUBSTITUTE SENATE BILL 6556
- SECOND SUBSTITUTE SENATE BILL 6575
- SUBSTITUTE SENATE BILL 6639
- SUBSTITUTE SENATE BILL 6686
- SUBSTITUTE SENATE BILL 6698
- SUBSTITUTE SENATE BILL 6727
- SUBSTITUTE SENATE BILL 6816

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 15, 2010

Mr. Speaker:

The Senate has passed:

- ENGROSSED SUBSTITUTE SENATE BILL 6051
- ENGROSSED SENATE BILL 6462
- ENGROSSED SECOND SUBSTITUTE SENATE BILL 6579
- ENGROSSED SUBSTITUTE SENATE BILL 6621
- ENGROSSED SUBSTITUTE SENATE BILL 6724
- ENGROSSED SENATE BILL 6754

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 15, 2010

Mr. Speaker:

The Senate has passed:

- ENGROSSED SUBSTITUTE SENATE BILL 6424
- ENGROSSED SUBSTITUTE SENATE BILL 6449
- ENGROSSED SECOND SUBSTITUTE SENATE BILL 6562
- ENGROSSED SUBSTITUTE SENATE BILL 6726
- ENGROSSED SUBSTITUTE SENATE BILL 6737

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTIONS AND FIRST READING

HB 3189 by Representatives Alexander, Linville, Dammeier, Ericks, Seaquist, Haler, Hunter, Warnick, Quall, Angel, Clibborn, Ross and Hinkle

AN ACT Relating to alcohol sales in state liquor stores and contract liquor stores; amending RCW 66.08.050; adding a new section to chapter 66.08 RCW; and creating new sections.

Referred to Committee on Ways & Means.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

SECOND READING

BILL NO. 2912, by Representatives Quall, Carlyle, O'Brien, Ericks, Dunshee, Sullivan, Blake, Jacks, Hunter and Maxwell

Modifying local excise taxes in counties that have pledged lodging tax revenues for the payment of bonds prior to June 26, 1975.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2912 was substituted for House Bill No. 2912 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2912 was read the second time.

With the consent of the House, amendments (1222) and (1110) were withdrawn.

Representative Orwall moved the adoption of amendment (1206).

On page 5, line 1, after "affordable" insert "workforce"

On page 6, line 3, after "located." insert "These funds may only be used to fund the portions of affordable workforce housing projects that are to be occupied by households earning less than eighty percent of area median income. These funds may be used as a subsidy under the Washington works housing program created in RCW 43.180.160(2)(a) (section 2, Chapter ... (HB 2753), Laws of 2010)."

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

Amendment (1206) was adopted.

Representative Quall moved the adoption of amendment (1187).

On page 6, line 5, after "under" strike "section 8 of this act" and insert "subsection (5) of this section"

On page 7, line 26, after "in" strike "section 8 of this act" and insert "subsection (5) of this section"

On page 7, after line 30, insert the following:

"(5)(a) Except as provided in subsection (2) of this section, money deposited in a special purposes account under this section may be used only for one or more of the following purposes within the county:

(i) Funding nonprofit organizations providing public health services;

(ii) Funding nonprofit organizations providing human service programs;

(iii) Funding tourism promotion as defined in RCW 67.28.080;

(iv) Funding youth or amateur sports activities or facilities;

(v) Funding regional centers;

(vi) Funding performing arts centers; or
(vii) Funding community preservation and development authorities created in chapter 43.167 RCW.

(b) Beginning in calendar year 2012, an amount equal to one dollar for each admission to any commercial event at a stadium developed by a public facilities district under chapter 36.100 RCW or a stadium and exhibition center developed by a public stadium authority under chapter 36.102 RCW, shall be deposited into the community preservation and development authority account created in RCW 43.167.040.

(c) Between January 1, 2012, and January 1, 2021, eight million four hundred thousand dollars must be transferred annually to the affordable workforce housing account described in subsection (3)(d)(ii) of this section."

On page 8, line 17, after "under" strike "section 8 of this act" and insert "RCW 67.28.180(5)"

On page 9, beginning on line 10, after "under" strike "section 8 of this act" and insert "RCW 67.28.180(5)"

On page 10, line 11, after "under" strike "section 8 of this act" and insert "RCW 67.28.180(5)"

On page 11, line 35, after "under" strike "section 8 of this act" and insert "RCW 67.28.180(5)"

On page 15, beginning on line 1, strike all of section 8

Re-number the remaining section consecutively, correct any internal references accordingly, and correct the title.

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

Amendment (1187) was adopted.

Representative Orcutt moved the adoption of amendment (1109).

Beginning on page 7, line 31, strike all of section 2

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Beginning on page 9, line 21, strike all of section 4

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

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

Representative Carlyle spoke against the adoption of the amendment.

Amendment (1109) was adopted.

Representative Orcutt moved the adoption of amendment (1182).

On page 9, after line 20, insert the following:

"After the debt on the stadium under RCW 67.28.180(2)(b)(ii) is fully retired in a county of one million five hundred thousand or more, the tax does not apply to a car rented as a service or repair replacement vehicle."

On page 11 line 5, after "use tax." insert "After the bonds issued for the construction of the baseball stadium are retired, the tax does not apply to a car rented as a service or repair replacement vehicle."

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

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1182) to Engrossed Substitute House Bill No. 2912.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1182) to Engrossed Substitute House Bill No. 2912 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Goodman, Haler, Herrera, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace and Walsh.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Amendment (1182) was not adopted.

Representative Chase moved the adoption of amendment (1236).

On page 15, after line 25, insert the following:

"(4) Money deposited in a special purposes account under this section may not be used for the construction, repair, or improvement of a stadium used primarily by or for the purposes of a state university."

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

Amendment (1236) was adopted.

The bill was ordered engrossed.

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

Representative Quall spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2912.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2912, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Finn, Flannigan, Goodman, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericks, Ericksen, Fagan, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Morris, Nealey, Orcutt, Parker, Pearson, Probst, Roach, Ross, Schmick, Shea, Short, Smith, Taylor, Van De Wege, Wallace, Walsh and Warnick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2912, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 2912.

Mark Ericks, 1st District

SECOND READING

HOUSE BILL NO. 2925, by Representatives Kretz, Short and Condotta

Concerning impact payments of a municipally owned hydroelectric facility.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2925 was substituted for House Bill No. 2925 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2925 was read the second time.

Representative Ericks moved the adoption of amendment (1238).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.21.420 and 1965 c 7 s 35.21.420 are each amended to read as follows:

(1) Any city owning and operating a public utility and having facilities for the generation of electricity located in a county other than that in which the city is located, may provide for the public peace, health, safety and welfare of such county as concerns the facilities and the personnel employed in connection therewith, by contributing to the support of the county government of any such county and enter into contracts with any such county therefor.

(2)(a) Any city with a population greater than five hundred thousand people owning and operating a public utility and having facilities for the generation of electricity located in a county other than that in which the city is located, must provide for the impacts of lost revenue and the public peace, health, safety, and welfare of

such county as concerns the facilities and the personnel employed in connection therewith, by contributing to the support of the county, city, or town government and school district of any such county and enter into contracts with any such county therefore as specified in RCW 35.21.425.

(b)(i) In the event the contract between a county and the governing body of a city with a population greater than five hundred thousand people authorized or required under this section expires prior to the adoption of a new contract between the parties, the city must continue to make compensatory payments to the affected county pursuant to the terms of the most recent expired contract until such time as a new contract is entered into by the parties.

(ii) In the event a contract entered into under subsection (1) of this section between a county and the governing body of a city with a population greater than five hundred thousand people expired prior to the effective date of this act, the city shall be indebted to the county for any resulting arrearage accruing from the time of the expiration of the contract until such time as a new contract is entered into by the parties. The dollar amount of such arrearage shall be calculated retroactively by reference to the payment terms set forth in the most recent expired compensation contract between the city and the county.

(c) In the event the contract between a county and any city with a population greater than five hundred thousand people owning and operating a public utility and having facilities for the generation of electricity located in a county other than that in which the city is located expires and the parties are unable to reach agreement within six months of such expiration, then the parties shall follow the arbitration procedures as provided in RCW 35.21.426. The city and/or the municipal utility shall be responsible for all arbitration costs.

Sec. 2. RCW 35.21.425 and 1965 c 7 s 35.21.425 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, whenever after March 17, 1955, any city shall construct hydroelectric generating facilities or acquire land for the purpose of constructing the same in a county other than the county in which such city is located, and by reason of such construction or acquisition shall (1) cause loss of revenue and/or place a financial burden in providing for the public peace, health, safety, welfare, and added road maintenance in such county, in addition to road construction or relocation as set forth in RCW 90.28.010 and/or (2) shall cause any loss of revenues and/or increase the financial burden of any school district affected by the construction because of an increase in the number of pupils by reason of the construction or the operation of said generating facilities, the city shall enter into an agreement with said county and/or the particular school district or districts affected for the payment of moneys to recompense such losses or to provide for such increased financial burden, upon such terms and conditions as may be mutually agreeable to the city and the county and/or school district or districts.

(2)(a) Whenever after March 17, 1955, a municipal owned utility located in a city with a population greater than five hundred thousand people constructs or operates hydroelectric generating facilities or acquires land for the purpose of constructing or operating the same in a county other than the county in which the city is located must enter into an agreement with the county affected for the annual payment of moneys to recompense such losses, as provided under RCW 35.21.425.

(b)(i) In the event the agreement between a county and the governing body of either a city with a population greater than five hundred thousand people or a municipal utility owned by a city with a population greater than five hundred thousand people, as required under this section, expires prior to the adoption of a new

agreement between the parties, the city or utility must continue to make compensatory payments to the affected county pursuant to the terms of the most recent expired agreement until such time as a new agreement is entered into by the parties.

(ii) In the event an agreement entered into under subsection (1) of this section between a county and the governing body of a city with a population greater than five hundred thousand people expired prior to the effective date of this act, the city shall be indebted to the county for any resulting arrearage accruing from the time of the expiration of the agreement until such time as a new agreement is entered into by the parties. The dollar amount of such arrearage shall be calculated retroactively by reference to the payment terms set forth in the most recent expired compensation agreement between the city and the county.

(c) In the event the agreement required between a county and the governing body of either a city with a population greater than five hundred thousand people or a municipal utility owned by a city with a population greater than five hundred thousand people expires, or has expired prior to the effective date of this act, and the parties are unable to reach agreement within six months of such expiration, then the parties shall follow the arbitration procedures as provided in RCW 35.21.426. The city and/or the municipal utility shall be responsible for all arbitration costs.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Representatives Ericks and Kretz spoke in favor of the adoption of the amendment.

Amendment (1238) was adopted.

The bill was ordered engrossed.

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

Representative Kretz spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2925.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2925, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Cody, Hudgins, Liias, Nelson and Van De Wege.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3179, by Representatives Springer and Ericks

Revising local excise tax provisions for counties and cities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3179 was substituted for House Bill No. 3179 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3179 was read the second time.

With the consent of the House, amendments (1201) and (1203) were withdrawn.

Representative Warnick moved the adoption of amendment (1204).

On page 7, line 33, after "RCW." insert "'Utility" does not mean an irrigation district formed under Title 87 RCW or other irrigation entities that deliver agricultural water supplies."

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

Representative Hunter spoke against the adoption of the amendment.

Amendment (1204) was not adopted.

Representative Springer moved the adoption of amendment (1194).

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.450 and 2009 c 551 s 1 are each amended to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters at a primary or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. ~~((Funds raised under this tax shall not supplant existing funds used for these purposes, except as follows: Up to one hundred percent may be used to supplant existing funding in calendar year 2010; up to eighty percent may be used to supplant existing funding in calendar year 2011; up to sixty percent may be used to supplant existing funding in calendar year 2012; up to forty percent may be used to supplant existing funding in calendar year 2013; and up to twenty percent may be used to supplant existing funding in calendar year 2014. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the county or city receiving the services, and major nonrecurring capital expenditures.))~~ The rate of tax under this section may not exceed

three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2)(a) A city legislative authority may submit an authorizing proposition to the city voters at a primary or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. The rate of tax under this subsection may not exceed one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. A city may not begin imposing a tax approved by the voters under this subsection prior to January 1, 2011.

(b) If a county adopts an ordinance or resolution to submit a ballot proposition to the voters to impose the sales and use tax under subsection (1) of this section prior to a city within the county adopting an ordinance or resolution to submit a ballot proposition to the voters to impose the tax under this subsection, the rate of tax by the city under this subsection may not exceed an amount that would cause the total county and city tax rate under this section to exceed three-tenths of one percent. This subsection (2)(b) also applies if the county and city adopt an ordinance or resolution to impose sales and use taxes under this section on the same date.

(c) If the city adopts an ordinance or resolution to impose the sales and use tax under this subsection prior to the county in which the city is located, the county must provide a credit against its tax under subsection (1) of this section for the city tax under this subsection to the extent the total county and city tax rate under this section would exceed three-tenths of one percent.

(3) The tax authorized in this section is in addition to any other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

~~((3))~~ (4) The retail sale or use of motor vehicles, and the lease of motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.

~~((4))~~ (5) One-third of all money received under this section must be used solely for criminal justice purposes, fire protection purposes, or both. For the purposes of this subsection, "criminal justice purposes" has the same meaning as provided in RCW 82.14.340.

~~((5))~~ (6) Money received by a county under subsection (1) of this section must be shared between the county and the cities as follows: Sixty percent must be retained by the county and forty percent must be distributed on a per capita basis to cities in the county.

(7) Tax proceeds received by a city imposing a tax under this section must be shared between the county and city as follows: Fifteen percent must be distributed to the county and eighty-five percent is retained by the city.

Sec. 2. RCW 82.14.460 and 2009 c 551 s 2 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, a county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(b) Any city with a population over two hundred thousand and located in a county with a population over eight hundred thousand may authorize, fix, and impose the sales and use tax in lieu of the county if the county has not imposed the tax authorized under (a) of this subsection by January 1, 2011. If a city imposes the tax under this subsection (1)(b) the county within which the city is located may not impose the tax authorized under (a) of this subsection.

(2) The tax authorized in this section (~~((shall be))~~ is in addition to any other taxes authorized by law and (~~((shall))~~ must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax (~~((shall))~~ equals one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section (~~((shall))~~ must be used solely for the purpose of providing for the operation or delivery of chemical dependency or mental health treatment programs and services and for the operation or delivery of therapeutic court programs and services. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service.

(4) All moneys collected under this section must be used solely for the purpose of providing new or expanded programs and services as provided in this section, except a portion of moneys collected under this section may be used to supplant existing funding for these purposes in any county as follows: Up to fifty percent may be used to supplant existing funding in calendar year 2010; up to forty percent may be used to supplant existing funding in calendar year 2011; up to thirty percent may be used to supplant existing funding in calendar year 2012; up to twenty percent may be used to supplant existing funding in calendar year 2013; and up to ten percent may be used to supplant existing funding in calendar year 2014.

(5) Nothing in this section may be interpreted to prohibit the use of moneys collected under this section for the replacement of lapsed federal funding previously provided for the operation or delivery of services and programs as provided in this section.

Sec. 3. RCW 82.14.340 and 1995 c 309 s 1 are each amended to read as follows:

The legislative authority of any county may fix and impose a sales and use tax in accordance with the terms of this chapter, provided that such sales and use tax is subject to repeal by referendum, using the procedures provided in RCW 82.14.036. The referendum procedure provided in RCW 82.14.036 is the exclusive method for subjecting any county sales and use tax ordinance or resolution to a referendum vote.

The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such county. The rate of tax shall equal one-tenth of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax).

When distributing moneys collected under this section, the state treasurer shall distribute ten percent of the moneys to the county in which the tax was collected. The remainder of the moneys collected under this section shall be distributed to the county and the cities within the county ratably based on population as last determined by the office of financial management. In making the distribution based on population, the county shall receive that proportion that the unincorporated population of the county bears to the total population of the county and each city shall receive that proportion that the city incorporated population bears to the total county population.

Moneys received from any tax imposed under this section shall be expended (~~((exclusively))~~ for criminal justice purposes (~~((and shall not be used to replace or supplant existing funding))~~). Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which include(~~((s))~~ human services, domestic violence

services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. (~~((Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.))~~)

In the expenditure of funds for criminal justice purposes as provided in this section, cities and counties, or any combination thereof, are expressly authorized to participate in agreements, pursuant to chapter 39.34 RCW, to jointly expend funds for criminal justice purposes of mutual benefit. Such criminal justice purposes of mutual benefit include, but are not limited to, the construction, improvement, and expansion of jails, court facilities, (~~((and))~~ juvenile justice facilities, and services with ancillary benefits to the civil justice system.

Sec. 4. RCW 82.46.035 and 2009 c 211 s 1 are each amended to read as follows:

(1) The legislative authority of any county or city (~~((shall))~~ must identify in the adopted budget the capital projects and park maintenance and operation expenditures, or both, funded in whole or in part from the proceeds of the tax authorized in this section(~~((, and shall indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects.))~~).

(2) The legislative authority of any county or any city that plans under RCW 36.70A.040(1) may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. Any county choosing to plan under RCW 36.70A.040(2) and any city within such a county may only adopt an ordinance imposing the excise tax authorized by this section if the ordinance is first authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters.

(3) Revenues generated from the tax imposed under subsection (2) of this section (~~((shall))~~ must be used by such counties and cities (~~((solely))~~ for financing capital projects specified in a capital facilities plan element of a comprehensive plan and, until January 1, 2015, park maintenance and operation expenditures. A county or city using a portion of revenues from the tax for park maintenance and operation expenditures may not use revenues to finance park facilities. However, revenues (a) pledged by such counties and cities to debt retirement prior to March 1, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (b) committed prior to March 1, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

(4) Revenues generated by the tax imposed by this section (~~((shall))~~ must be deposited in a separate account.

(5) As used in this section: (a) "City" means any city or town; (b) "capital project" means those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, municipally owned heavy rail short line railroads, domestic water systems, storm and sanitary sewer systems, (~~((and planning, construction, reconstruction, repair, rehabilitation, or improvement of parks))~~ parcs, recreational facilities, law enforcement facilities, fire protection facilities, trails,

libraries, administrative and/or judicial facilities, and river and water flood control facilities; and (c) "short line railroads" means class III railroads as defined by the United States surface transportation board.

(6) When the governor files a notice of noncompliance under RCW 36.70A.340 with the secretary of state and the appropriate county or city, the county or city's authority to impose the additional excise tax under this section ~~((shall))~~ must be temporarily rescinded until the governor files a subsequent notice rescinding the notice of noncompliance.

(7) A city or county may use revenue generated under subsection (2) of this section for municipally owned heavy short line railroads only if the revenue was collected prior to December 31, 2008, and may not use more than twenty-five percent of the total revenue generated under subsection (2) of this section for municipally owned heavy short line railroads.

Sec. 5. RCW 82.46.035 and 1992 c 221 s 3 and 1991 sp.s. c 32 s 33 are each reenacted and amended to read as follows:

(1) The legislative authority of any county or city shall identify in the adopted budget the capital projects and park maintenance and operation expenditures, or both, funded in whole or in part from the proceeds of the tax authorized in this section ~~((and shall indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects))~~.

(2) The legislative authority of any county or any city that plans under RCW 36.70A.040(1) may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. Any county choosing to plan under RCW 36.70A.040(2) and any city within such a county may only adopt an ordinance imposing the excise tax authorized by this section if the ordinance is first authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters.

(3) Revenues generated from the tax imposed under subsection (2) of this section ~~((shall))~~ must be used by such counties and cities ~~((solely))~~ for financing capital projects specified in a capital facilities plan element of a comprehensive plan and, until January 1, 2015, park maintenance and operation expenditures. A county or city using a portion of revenues from the tax for park maintenance and operation expenditures may not use revenues to finance park facilities. However, revenues (a) pledged by such counties and cities to debt retirement prior to March 1, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (b) committed prior to March 1, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

(4) Revenues generated by the tax imposed by this section ~~((shall))~~ must be deposited in a separate account.

(5) As used in this section, "city" means any city or town and "capital project" means those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems, ~~((and planning, construction, reconstruction, repair, rehabilitation, or improvement of parks))~~ parks, recreational facilities, law enforcement facilities, fire protection facilities, trails, libraries, administrative and/or judicial facilities, and river and water flood control facilities.

(6) When the governor files a notice of noncompliance under RCW 36.70A.340 with the secretary of state and the appropriate county or city, the county or city's authority to impose the

additional excise tax under this section ~~((shall))~~ must be temporarily rescinded until the governor files a subsequent notice rescinding the notice of noncompliance.

Sec. 6. RCW 82.12.010 and 2009 c 535 s 304 are each amended to read as follows:

For the purposes of this chapter:

(1) "Purchase price" means the same as sales price as defined in RCW 82.08.010;

(2)(a) "Value of the article used" shall be the purchase price for the article of tangible personal property, the use of which is taxable under this chapter. The term also includes, in addition to the purchase price, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used ~~((shall be))~~ is determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules as the department may prescribe.

(b) In case the articles used are acquired by bailment, the value of the use of the articles so used ~~((shall))~~ must be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe. In case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used ~~((shall be))~~ is determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules as the department of revenue may prescribe.

(c) In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than one hundred eighty days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used ~~((shall))~~ must be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in (a) of this subsection.

(d) In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used ~~((shall be))~~ is determined according to the value of the ingredients of such articles.

(e) In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used ~~((shall be))~~ is determined by: (i) The retail selling price of such new or improved product when first offered for sale; or (ii) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(f) In the case of an article purchased with a direct pay permit under RCW 82.32.087, the value of the article used ~~((shall be))~~ is

determined by the purchase price of such article if, but for the use of the direct pay permit, the transaction would have been subject to sales tax;

(3) "Value of the service used" means the purchase price for the digital automated service or other service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value thereof, the value of the service used (~~shall be~~) is determined as nearly as possible according to the retail selling price at place of use of similar services of like quality and character under rules the department may prescribe;

(4) "Value of the extended warranty used" means the purchase price for the extended warranty, the use of which is taxable under this chapter. If the extended warranty is received by gift or under conditions wherein the purchase price does not represent the true value of the extended warranty, the value of the extended warranty used (~~shall be~~) is determined as nearly as possible according to the retail selling price at place of use of similar extended warranties of like quality and character under rules the department may prescribe;

(5) "Value of the digital good or digital code used" means the purchase price for the digital good or digital code, the use of which is taxable under this chapter. If the digital good or digital code is acquired other than by purchase, the value of the digital good or digital code must be determined as nearly as possible according to the retail selling price at place of use of similar digital goods or digital codes of like quality and character under rules the department may prescribe;

(6) "Use," "used," "using," or "put to use" have their ordinary meaning, and mean:

(a) With respect to tangible personal property, except for natural gas and manufactured gas, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption within this state;

(b) With respect to a service defined in RCW 82.04.050(2)(a), the first act within this state after the service has been performed by which the taxpayer takes or assumes dominion or control over the article of tangible personal property upon which the service was performed (as a consumer), and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

(c) With respect to an extended warranty, the first act within this state after the extended warranty has been acquired by which the taxpayer takes or assumes dominion or control over the article of tangible personal property to which the extended warranty applies, and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

(d) With respect to a digital good or digital code, the first act within this state by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the digital good or digital code;

(e) With respect to a digital automated service, the first act within this state by which the taxpayer, as a consumer, uses, enjoys, or otherwise receives the benefit of the service;

(f) With respect to a service defined as a retail sale in RCW 82.04.050(6)(b), the first act within this state by which the taxpayer, as a consumer, accesses the prewritten computer software; (~~and~~)

(g) With respect to a service defined as a retail sale in RCW 82.04.050(2)(g), the first act within this state after the service has been performed by which the taxpayer, as a consumer, views,

accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the digital good upon which the service was performed; and

(h) With respect to natural gas or manufactured gas, the use of which is taxable under RCW 82.12.022, including gas that is also taxable under the authority of RCW 82.14.230, the first act within this state by which the taxpayer consumes the gas by burning the gas or storing the gas in the taxpayer's own facilities for later consumption by the taxpayer;

(7) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW;

(8)(a)(i) Except as provided in (a)(ii) of this subsection (8), "retailer" means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter.

(ii) "Retailer" does not include a professional employer organization when a covered employee coemployed with the client under the terms of a professional employer agreement engages in activities that constitute a sale of tangible personal property, extended warranty, digital good, digital code, or a sale of any digital automated service or service defined as a retail sale in RCW 82.04.050 (2) (a) or (g), (3)(a), or (6)(b) that is subject to the tax imposed by this chapter. In such cases, the client, and not the professional employer organization, is deemed to be the retailer and is responsible for collecting and remitting the tax imposed by this chapter.

(b) For the purposes of (a) of this subsection, the terms "client," "covered employee," "professional employer agreement," and "professional employer organization" have the same meanings as in RCW 82.04.540;

(9) "Extended warranty" has the same meaning as in RCW 82.04.050(7);

(10) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, (~~shall have~~) has full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, (~~shall~~) also means any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. With respect to property distributed to persons within this state by a consumer as defined in this subsection (10), the use of the property shall be deemed to be by such consumer.

Sec. 7. RCW 82.14.230 and 1989 c 384 s 2 are each amended to read as follows:

(1) The governing body of any city, while not required by legislative mandate to do so, may, by resolution or ordinance for the purposes authorized by this chapter, fix and impose on every person a use tax for the privilege of using natural gas or manufactured gas in the city as a consumer.

(2) The tax (~~shall be~~) is imposed in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the tax on natural gas businesses under RCW 35.21.870 in the city in which the article is used. The "value of the article used," does not include any amounts that are paid for the hire or use of a natural gas business in transporting the gas subject to tax under this subsection if those amounts are subject to tax under RCW 35.21.870.

(3) The tax imposed under this section (~~shall~~) does not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer has paid a tax under RCW 35.21.870 with respect to the gas for which exemption is sought under this subsection.

(4) There ~~((shall be))~~ is a credit against the tax levied under this section in an amount equal to any tax paid by:

(a) The person who sold the gas to the consumer when that tax is a gross receipts tax similar to that imposed pursuant to RCW 35.21.870 by another ~~((state))~~ municipality or other unit of local government with respect to the gas for which a credit is sought under this subsection; or

(b) The person consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another ~~((state))~~ municipality or other unit of local government with respect to the gas for which a credit is sought under this subsection.

(5) The use tax ~~((hereby))~~ imposed ~~((shall))~~ must be paid by the consumer. The administration and collection of the tax ~~((hereby))~~ imposed ~~((shall be))~~ is pursuant to RCW 82.14.050.

Sec. 8. RCW 9.46.113 and 1975 1st ex.s. c 166 s 11 are each amended to read as follows:

Any county, city or town which collects a tax on gambling activities authorized pursuant to RCW 9.46.110 shall use the revenue from such tax primarily for the purpose of ~~((enforcement of the provisions of this chapter by the county, city or town law enforcement agency))~~ public safety.

NEW SECTION. **Sec. 9.** Section 5 of this act takes effect June 30, 2012.

NEW SECTION. **Sec. 10.** Section 4 of this act expires June 30, 2012.

NEW SECTION. **Sec. 11.** 2009 c 551 s 12 (uncodified) is hereby repealed."

Correct the title.

With the consent of the House, amendments (1157) and (1138) were withdrawn.

Representative Orcutt moved the adoption of amendment (1217) to amendment (1194).

Beginning on page 1, line 3 of the amendment, strike all of section 1

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

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

Representative Hunter spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 40 - YEAS; 58 - NAYS.

Amendment (1217) to amendment (1194) was not adopted.

Representative Orcutt moved the adoption of amendment (1202) to amendment (1194).

Beginning on page 3, line 8, strike all of section 2

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

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

Representative Darneille spoke against the adoption of the amendment to the amendment.

Amendment (1202) to amendment (1194) was not adopted.

Representative Orcutt moved the adoption of amendment (1220) to amendment (1194).

Beginning on page 4, line 13 of the amendment, strike all of section 3

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

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

Representative Ericks spoke against the adoption of the amendment to the amendment.

Amendment (1220) to amendment (1194) was not adopted.

Representative Seaquist moved the adoption of amendment (1205) to amendment (1194).

Beginning on page 5, line 26 of the amendment, strike all of sections 4 and 5

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Seaquist, Orcutt, Hinkle and Anderson spoke in favor of the adoption of the amendment to the striking amendment.

Representatives Ericks, Simpson and Springer spoke against the adoption of the amendment to the striking amendment.

Amendment (1205) to amendment (1194) was adopted.

Representative Orcutt moved the adoption of amendment (1219) to amendment (1194).

Beginning on page 8, line 29 of the amendment, strike all of sections 6 and 7

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

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

Representative Hunter spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1219) to amendment (1194) to Substitute House Bill No. 3179.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1219) to amendment (1194) to Substitute House Bill No. 3179 and the amendment was not adopted by the following vote: Yeas: 44 Nays: 54 Absent: 0 Excused: 0

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haigh, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, McCune, Morris, Nealey, Orcutt, Parker,

Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, and Warnick

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood, and Mr. Speaker

Amendment (1219) to amendment (1194) was not adopted.

Representative Alexander moved the adoption of amendment (1221) to amendment (1194).

Strike everything after page 1, line 2 of the amendment, and insert the following:

"**Sec. 1.** RCW 82.14.450 and 2009 c 551 s 1 are each amended to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters at a primary or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. ~~((Funds raised under this tax shall not supplant existing funds used for these purposes, except as follows: Up to one hundred percent may be used to supplant existing funding in calendar year 2010; up to eighty percent may be used to supplant existing funding in calendar year 2011; up to sixty percent may be used to supplant existing funding in calendar year 2012; up to forty percent may be used to supplant existing funding in calendar year 2013; and up to twenty percent may be used to supplant existing funding in calendar year 2014. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the county or city receiving the services, and major nonrecurring capital expenditures.))~~ The rate of tax under this section may not exceed three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

(3) The retail sale or use of motor vehicles, and the lease of motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.

(4) One-third of all money received under this section must be used solely for criminal justice purposes, fire protection purposes, or both. For the purposes of this subsection, "criminal justice purposes" has the same meaning as provided in RCW 82.14.340.

(5) Money received under this section must be shared between the county and the cities as follows: Sixty percent must be retained by the county and forty percent must be distributed on a per capita basis to cities in the county.

Sec. 2. RCW 82.14.460 and 2009 c 551 s 2 are each amended to read as follows:

(1) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section (~~((shall be))~~) is in addition to any other taxes authorized by law and (~~((shall))~~) must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax (~~((shall))~~) equals one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section (~~((shall))~~) must be used solely for the purpose of providing for the operation or delivery of chemical dependency or mental health treatment programs and services and for the operation or delivery of therapeutic court programs and services. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service.

~~((4) All moneys collected under this section must be used solely for the purpose of providing new or expanded programs and services as provided in this section, except a portion of moneys collected under this section may be used to supplant existing funding for these purposes in any county as follows: Up to fifty percent may be used to supplant existing funding in calendar year 2010; up to forty percent may be used to supplant existing funding in calendar year 2011; up to thirty percent may be used to supplant existing funding in calendar year 2012; up to twenty percent may be used to supplant existing funding in calendar year 2013; and up to ten percent may be used to supplant existing funding in calendar year 2014.~~

~~((5) Nothing in this section may be interpreted to prohibit the use of moneys collected under this section for the replacement of lapsed federal funding previously provided for the operation or delivery of services and programs as provided in this section.))~~

Sec. 3. RCW 82.14.340 and 1995 c 309 s 1 are each amended to read as follows:

(1) The legislative authority of any county may fix and impose a sales and use tax in accordance with the terms of this chapter, provided that such sales and use tax is subject to repeal by referendum, using the procedures provided in RCW 82.14.036. The referendum procedure provided in RCW 82.14.036 is the exclusive method for subjecting any county sales and use tax ordinance or resolution to a referendum vote.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such county. The rate of tax shall equal one-tenth of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax).

(3) When distributing moneys collected under this section, the state treasurer shall distribute ten percent of the moneys to the county in which the tax was collected. The remainder of the moneys collected under this section shall be distributed to the county and the cities within the county ratably based on population as last determined by the office of financial management. In making the distribution based on population, the county shall receive that proportion that the unincorporated population of the county bears to the total population of the county and each city shall receive that proportion that the city incorporated population bears to the total county population.

(4) Moneys received from any tax imposed under this section shall be expended (~~((exclusively))~~) for criminal justice purposes (~~((and shall not be used to replace or supplant existing funding))~~). Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which include(~~((s))~~) domestic violence services such as

those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020. ~~((Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.))~~

(5) In the expenditure of funds for criminal justice purposes as provided in this section, cities and counties, or any combination thereof, are expressly authorized to participate in agreements, pursuant to chapter 39.34 RCW, to jointly expend funds for criminal justice purposes of mutual benefit. Such criminal justice purposes of mutual benefit include, but are not limited to, the construction, improvement, and expansion of jails, court facilities, and juvenile justice facilities.

NEW SECTION. **Sec. 4.** 2009 c 551 s 12 (uncodified) is hereby repealed."

Correct the title.

Representatives Alexander and Orcutt spoke in favor of the adoption of the amendment to the amendment.

Representative Hunter spoke against the adoption of the amendment to the amendment.

Amendment (1221) to amendment (1194) was not adopted.

Amendment (1194) was adopted as amended.

The bill was ordered engrossed.

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

Representatives Springer, White, Haigh, Hunt, Kagi and Ormsby spoke in favor of the passage of the bill.

Representatives Orcutt, Angel, Hinkle, Condotta, Parker, Ericksen and Bailey spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3179.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3179, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Green, Haler, Hasegawa, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Miloscia, Nealey,

Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Van De Wege, Wallace, Walsh and Warnick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3179, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House reconsidered the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 2912 passed the House.

There being no objection, the rules were suspended, and ENGROSSED SUBSTITUTE HOUSE BILL NO. 2912 was returned to second reading for the purpose of amendment.

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

MESSAGE FROM THE SENATE

February 16, 2010

MR. SPEAKER:

The Senate has passed:

SUBSTITUTE SENATE BILL 5237
 SUBSTITUTE SENATE BILL 6251
 SUBSTITUTE SENATE BILL 6309
 SUBSTITUTE SENATE BILL 6337
 SUBSTITUTE SENATE BILL 6349
 SUBSTITUTE SENATE BILL 6395
 SUBSTITUTE SENATE BILL 6398
 SENATE BILL 6453
 SUBSTITUTE SENATE BILL 6470
 ENGROSSED SUBSTITUTE SENATE BILL 6538
 SUBSTITUTE SENATE BILL 6544
 SUBSTITUTE SENATE BILL 6590
 SUBSTITUTE SENATE BILL 6634
 SUBSTITUTE SENATE BILL 6644
 ENGROSSED SUBSTITUTE SENATE BILL 6658
 SUBSTITUTE SENATE BILL 6749
 ENGROSSED SENATE BILL 6776

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2912, by Representatives Quall, Carlyle, O'Brien, Ericks, Dunshee, Sullivan, Blake, Jacks, Hunter and Maxwell

Modifying local excise taxes in counties that have pledged lodging tax revenues for the payment of bonds prior to June 26, 1975.

Representative Quall moved the adoption of amendment (1187).

On page 6, line 5, after "under" strike "section 8 of this act" and insert "subsection (5) of this section"

On page 7, line 26, after "in" strike "section 8 of this act" and insert "subsection (5) of this section"

On page 7, after line 30, insert the following:

"(5)(a) Except as provided in subsection (2) of this section, money deposited in a special purposes account under this section may be used only for one or more of the following purposes within the county:

(i) Funding nonprofit organizations providing public health services;

(ii) Funding nonprofit organizations providing human service programs;

(iii) Funding tourism promotion as defined in RCW 67.28.080;

(iv) Funding youth or amateur sports activities or facilities;

(v) Funding regional centers;

(vi) Funding performing arts centers; or

(vii) Funding community preservation and development authorities created in chapter 43.167 RCW.

(b) Beginning in calendar year 2012, an amount equal to one dollar for each admission to any commercial event at a stadium developed by a public facilities district under chapter 36.100 RCW or a stadium and exhibition center developed by a public stadium authority under chapter 36.102 RCW, shall be deposited into the community preservation and development authority account created in RCW 43.167.040.

(c) Between January 1, 2012, and January 1, 2021, eight million four hundred thousand dollars must be transferred annually to the affordable workforce housing account described in subsection (3)(d)(ii) of this section."

On page 8, line 17, after "under" strike "section 8 of this act" and insert "RCW 67.28.180(5)"

On page 9, beginning on line 10, after "under" strike "section 8 of this act" and insert "RCW 67.28.180(5)"

On page 10, line 11, after "under" strike "section 8 of this act" and insert "RCW 67.28.180(5)"

On page 11, line 35, after "under" strike "section 8 of this act" and insert "RCW 67.28.180(5)"

On page 15, beginning on line 1, strike all of section 8

Re-number the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representative Chase moved the adoption of amendment (1241) to amendment (1187).

On page 2, line 2 of the amendment, after "section." insert the following:

"(d) Money deposited in a special purposes account under this subsection may not be used for the construction, repair, or improvement of a stadium used primarily by or for the purposes of a state university."

Representatives Chase and Orcutt spoke in favor of the adoption of the amendment to the amendment.

Amendment (1241) to amendment (1187) was adopted.

Amendment (1187) was adopted as amended.

The bill was ordered engrossed.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Engrossed Substitute House Bill No. 2912.

The Clerk called the roll on the final passage of Second Engrossed Substitute House Bill No. 2912, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Flannigan, Goodman, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Fagan, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Lias, McCune, Morris, Nealey, Orcutt, Parker, Pearson, Probst, Quall, Roach, Ross, Schmick, Shea, Short, Smith, Taylor, Van De Wege, Wallace, Walsh and Warnick.

SECOND ENGROSSED SUBSTITUTE HOUSE BILL NO. 2912, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE HOUSE BILL NO. 1597, by
Representatives Springer and Hunter**

Concerning the administration of state and local tax programs.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1597 was substituted for Substitute House Bill No. 1597 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1597 was read the second time.

Representative Orcutt moved the adoption of amendment (1231).

Beginning on page 93, line 20, strike all of section 304

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

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

Amendment (1231) was adopted.

The bill was ordered engrossed.

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

Representatives Springer and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1597.

ROLL CALL

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1597, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1597, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3040, by Representatives Conway, Wood, Appleton, Rolfes, Sells, Sullivan and Finn

Regarding the licensing of appraisal management companies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3040 was substituted for House Bill No. 3040 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3040 was read the second time.

Representative Conway moved the adoption of amendment (1195).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Appraisal" means the act or process of estimating value; an estimate of value; or of pertaining to appraising and related functions.

(2) "Appraisal management company" means an entity that performs appraisal management services, regardless of the use of the term appraisal management company, mortgage technology provider, lender processing services, lender services, loan processor, mortgage services, real estate closing services provider, settlement services provider, or vendor management company, or any other term.

(3) "Appraisal management services" means to perform any or all of the following functions on behalf of a lender, financial institution, mortgage broker, loan originator, or any other person:

(a) Administer an appraiser panel;

(b) Recruit, qualify, verify licensing or certification, and negotiate fees and service level expectations with persons who are part of an appraiser panel;

(c) Receive an order for an appraisal from one person, or entity, and deliver the order for the appraisal to an appraiser that is part of an appraiser panel for completion;

(d) Track and determine the status of appraisal orders;

(e) Conduct quality control of a completed appraisal prior to the delivery of the appraisal to the person that ordered the appraisal; and

(f) Provide a completed appraisal performed by an appraiser to one or more persons that have ordered an appraisal.

(4) "Appraisal review" or "appraisal review services" means developing and communicating an opinion about the quality of another appraiser's work that was performed, or assignment results that were developed, as part of an appraisal assignment.

(5) "Appraiser" means a person who is licensed or certified under chapter 18.140 RCW or under similar laws of another state.

(6) "Appraiser fee schedule" means a list of the various appraisal products requested by an appraisal management company from appraisers and the fees that the appraisal management company is willing to pay an appraiser for the performance of the appraisals.

(7) "Appraiser panel" means a network of appraisers who are independent contractors of an appraisal management company that have:

(a) Independently applied to or responded to an invitation, request, or solicitation from an appraisal management company to perform appraisals for persons, or entities, that have ordered appraisals through the appraisal management company, or to perform appraisals for the appraisal management company directly, on a periodic basis, as assigned by the appraisal management company; and

(b) Been selected, and approved, by an appraisal management company to perform appraisals for a person, or entity, that has ordered an appraisal through the appraisal management company, or to perform appraisals for the appraisal management company directly, on a periodic basis, as assigned by the appraisal management company.

(8) "Controlling person" means:

(a) An owner, officer, or director of a corporation, partnership, or other business entity seeking to offer appraisal management services in this state;

(b) An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has the authority to enter into agreements with appraisers for the performance of appraisals;

(c) An individual who possesses the power to direct or cause the direction of the management or policies of an appraisal management company;

(d) Any person who controls a partnership, company, association, or corporation through one or more intermediaries, alone or in concert with others, or a ten percent or greater interest in a partnership, company, association, or corporation; or

(e) Any person who controls a limited liability company or is the owner of a sole proprietorship.

(9) "Department" means the department of licensing.

(10) "Director" means the director of the department of licensing.

NEW SECTION. Sec. 2. POWERS AND DUTIES OF DIRECTOR. The director shall:

(1) Adopt rules to implement this chapter;

(2) Establish appropriate administrative procedures for the processing of the applications;

(3) Issue licenses to qualified companies under the provisions of this chapter; and

(4) Maintain a roster of the names and addresses of companies licensed under this chapter;

(5) Employ professional, clerical, and technical assistance as may be necessary to properly administer the work of the director;

(6) Establish forms necessary to administer this chapter;

- (7) Oversee the performance of any background investigations;
- (8) Initiate and oversee investigations and any audits;
- (9) Establish grounds for disciplinary actions;
- (10) Adopt fees under RCW 43.24.086; and
- (11) Do all other things necessary to carry out the provisions of this chapter and comply with the requirements of any pertinent federal laws pertaining to appraisal management companies.

NEW SECTION. Sec. 3. IMMUNITY. The director or individuals acting on behalf of the director are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties except for their intentional or willful misconduct.

NEW SECTION. Sec. 4. APPLICATIONS--ORIGINAL AND RENEWALS. (1) Applications for licensure must be made to the department on forms approved by the director. Applications for original and renewal licenses must include a statement confirming that the company must comply with applicable rules and that the company understands the penalties for misconduct.

(2) The appropriate fees must accompany all applications for original licensure and renewal.

(3) Each applicant shall file and maintain a surety bond, approved by the director, executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety, whose liability as the surety may not exceed in the aggregate the penal sum of the bond. The penal sum of the bond must be a minimum of twenty-five thousand dollars. The bond must run to the state of Washington as obligee for the use and benefit of the state and of any person or persons who may have a cause of action against the obligor under this chapter. The bond must be conditioned that the obligor as licensee will faithfully conform to and abide by this chapter and all the rules adopted under this chapter. The bond will pay to the state and any person or persons having a cause of action against the obligor all moneys that may become due and owing to the state and those persons under and by virtue of this chapter.

NEW SECTION. Sec. 5. OUT OF STATE COMPANIES--CONSENT FOR SERVICE OF PROCESS. Every company seeking licensure whose headquarters is not based in the state of Washington shall submit, with the application for licensure, an irrevocable consent that service of process upon the controlling person or persons may be made by service on the director if, in an action against the entity in a Washington state court arising out of the entity's activities as an appraisal management company, the plaintiff cannot, in the exercise of due diligence, obtain personal service upon the company.

NEW SECTION. Sec. 6. LICENSURE--REQUIRED USE OF NAME AND LICENSE NUMBER. (1) A license issued under this chapter must bear the signature or facsimile signature of the director and a license number assigned by the director.

(2) Each licensed appraisal management company shall place the name under which it does business and its license number on any appraisal engagement document issued.

NEW SECTION. Sec. 7. LICENSURE REQUIRED. (1) It is unlawful for an entity to engage or attempt to engage in business as an appraisal management company, to engage or attempt to perform appraisal management services, or to advertise or hold itself out as engaging in or conducting business as an appraisal management company without first obtaining a license issued by the department under this chapter.

(2) An application for the issuance or renewal of a license required by subsection (1) of this section must, at a minimum, include the following information:

- (a) Name of the entity seeking licensure;
- (b) Names under which the entity will do business;
- (c) Business address of the entity seeking licensure;
- (d) Phone contact information of the entity seeking licensure;

(e) If the entity is not a corporation that is domiciled in this state, the name and contact information for the company's agent for service of process in this state;

(f) The name, address, and contact information for any individual or any corporation, partnership, or other business entity that owns ten percent or more of the appraisal management company;

(g) The name, address, and contact information for a controlling person;

(h) A certification that the entity has a system and process in place to verify that a person being added to the appraiser panel of the appraisal management company for work being done in this state holds a license or certificate in good standing under chapter 18.140 RCW;

(i) A certification that the entity has a system in place to review the work of appraisers that are performing real estate appraisal services on a periodic basis and have a policy in place to require that the real estate appraisal services provided by the appraiser are being conducted in accordance with chapter 18.140 RCW and other applicable state and federal laws;

(j) A certification that the entity maintains a detailed record of each service request that it receives and the appraiser that performs the real estate appraisal services under section 13 of this act;

(k) A certification that the entity maintains a complete copy of the completed appraisal report performed as a part of any request, for a minimum period of five years, seven years if the property or the appraisal becomes involved in any litigation, under uniform standards of professional appraisal practice provisions, and that the appraisals must be provided to the department upon demand;

(l) An irrevocable uniform consent to service of process, under section 6 of this act; and

(m) Any other relevant information reasonably required by the department to obtain a license under the requirements of this chapter.

NEW SECTION. Sec. 8. OWNER REQUIREMENTS. (1) An appraisal management company may not be more than ten percent owned by:

(a) A person who has had a license or certificate to act as an appraiser refused, denied, canceled, or revoked in any state; or

(b) An entity that is more than ten percent owned by any person who has had a license or certificate to act as an appraiser refused, denied, canceled, or revoked in any state.

(2)(a) Each person that owns more than ten percent of an appraisal management company must:

(i) Be of good moral character, as determined by the department; and

(ii) Submit to a background investigation under section 15 of this act.

(b) Each appraisal management company must certify to the department that it has reviewed each and every individual or entity that owns more than ten percent of the appraisal management company and that no entity that owns more than ten percent of the appraisal management company directly controlled by a person who has had a license or certificate to act as an appraiser refused, denied, canceled, or revoked.

(3) A person under this section may appeal an adjudicative proceeding involving a final decision of the director to deny, suspend, or revoke a license under chapter 18.235 RCW.

NEW SECTION. Sec. 9. CONTROLLING PERSON REQUIREMENTS. (1)(a) An appraisal management company shall designate one controlling person that will be the main contact for all communication between the department and the appraisal management company.

(b) Should the controlling person change, the appraisal management company must notify the director within fourteen

business days and provide the name and contact information of the new controlling person.

(2) The controlling person designated under subsection (1) of this section must:

(a) Have never had a license or certificate to act as an appraiser surrendered in lieu of disciplinary action, refused, denied, canceled, or revoked in any state;

(b) Be of good moral character, as determined by the department; and

(c) Submit to a background investigation under section 15 of this act.

NEW SECTION. Sec. 10. APPRAISER REQUIREMENTS.

(1) An appraisal management company may not knowingly contract with or employ as an appraiser:

(a) Any person who has ever had a license or certificate to act as an appraiser in this state, or in any other state, surrendered in lieu of disciplinary action, refused, denied, canceled, or revoked. However, a person under this subsection (1)(a) may appeal an adjudicative proceeding involving a final decision of the director to deny, suspend, or revoke a license under chapter 18.235 RCW;

(b) Any person who has been convicted of an offense that reflects adversely upon the person's integrity, competence, or fitness to meet the responsibilities of an appraiser or appraisal management company;

(c) Any person who has been convicted of, or who has pled guilty or nolo contendere to, a felony related to participation in the real estate or mortgage loan industry:

(i) During the seven-year period preceding the date of the application for licensing and registration; or

(ii) At any time preceding the date of application, if the felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering;

(d) Any person who is in violation of chapter 19.146 or 31.04 RCW; or

(e) Any person who is in violation of this chapter.

(2) An appraisal management company may not:

(a) Knowingly enter into any independent contractor arrangement for appraisal or appraisal review services with any person who has ever had a license or certificate to act as an appraiser in this state, or in any other state, surrendered in lieu of disciplinary action, refused, denied, canceled, or revoked; and

(b) Knowingly enter into any contract, agreement, or other business relationship for appraisal or appraisal review services with any entity that employs, has entered into an independent contractor arrangement, or has entered into any contract, agreement, or other business relationship with any person who has ever had a license or certificate to act as an appraiser in this state or in any other state surrendered in lieu of disciplinary action, refused, denied, canceled, or revoked.

(3) Any employee of the appraisal management company, or any contractor working in any capacity on behalf of the appraisal management company, that has any involvement in the actual performance of appraisal or appraisal review services, or review and analysis of completed appraisals must be a state licensed or state certified appraiser in the state in which the property is located, and must have geographic and product competence. This requirement does not apply to any review or examination of the appraisal for grammatical, typographical, or similar errors or general reviews of the appraisal for completeness.

NEW SECTION. Sec. 11. EXEMPTIONS. The provisions of this chapter do not apply to the following:

(1) A department or unit within a financial institution that is subject to direct regulation by an agency of the United States government, or to regulation by an agency of this state, that receives a request for the performance of an appraisal from one employee of the financial institution, and another employee of the

same financial institution assigns the request for the appraisal to an appraiser that is part of an appraiser panel; or

(2) An appraiser that enters into an agreement, whether written or otherwise, with another appraiser for the performance of an appraisal, and upon completion of the appraisal, the report of the appraiser performing the appraisal is signed by both the appraiser who completed the appraisal and the appraiser who requested the completion of the appraisal.

NEW SECTION. Sec. 12. RECORDKEEPING. An appraisal management company must certify to the department on initial application and upon renewal, that it maintains a detailed record of each service request that it receives and the appraiser that performs the appraisal for the appraisal management company. This statement must also certify that the appraisal management company maintains a complete copy of the completed appraisal report, for a minimum period of not less than five years after the appraisal is completed, nor for a period of not less than two years after final disposition of a judicial proceeding in which testimony relating to the records was given, whichever period expires later.

NEW SECTION. Sec. 13. ADJUDICATION OF DISPUTES BETWEEN AN APPRAISAL MANAGEMENT COMPANY AND AN APPRAISER. (1) Except within the first thirty days after an appraiser is first added to the appraiser panel of an appraisal management company, an appraisal management company may not remove an appraiser from its appraiser panel, or otherwise refuse to assign requests for real estate appraisal services to an appraiser without:

(a) Notifying the appraiser in writing of the reasons why the appraiser is being removed from the appraiser panel of the appraisal management company, including if the appraiser is being removed from the panel for illegal conduct, a violation of state licensing standards, substandard performance, or administrative purposes. In addition, if the removal is not for administrative purposes, the nature of the alleged conduct, substandard performance, or violation must be provided; and

(b) Providing an opportunity for the appraiser to respond to the notification of the appraisal management company.

(2) An appraiser that is removed from the appraiser panel of an appraisal management company for alleged illegal conduct or a violation of state licensing standards, may file a complaint with the department for a review of the decision of the appraisal management company, except that in no case will the department make any determination regarding the nature of the business relationship between the appraiser and the appraisal management company which is unrelated to the actions specified in subsection (1) of this section.

(3) If an appraiser files a complaint against an appraisal management company pursuant to subsection (2) of this section, the department may investigate the complaint within one hundred eighty days during which time the appraiser must remain removed from the panel.

(4) If after opportunity for hearing and review, the department determines that an appraiser did not commit a violation of law or a violation of state licensing standards, the department shall order that an appraiser be restored to the appraiser panel of the appraisal management company that was the subject of the complaint without prejudice.

(5) Following the adjudication of a complaint to the department by an appraiser against an appraisal management company, an appraisal management company may not refuse to make assignments for real estate appraisal services to an appraiser, or reduce the number of assignments, or otherwise penalize the appraiser because of the adjudicated complaint, if the department has found that the appraisal management company acted without reasonable cause in removing the appraiser from the appraiser panel.

NEW SECTION. Sec. 14. DISCIPLINARY ACTIONS--
FOUNDATIONS. (1) In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action for the following:

(a) Failing to meet the minimum qualifications for licensure established under this chapter;

(b) Failing to pay appraisers no later than forty-five days after completion of the appraisal service unless otherwise agreed or unless the appraiser has been notified in writing that a bona fide dispute exists regarding the performance or quality of the appraisal service;

(c) Failing to pay appraisers even if the appraisal management company is not paid by its client;

(d) Coercing, extorting, colluding, compensating, instructing, inducing, intimidating, bribing an appraiser, or in any other manner including:

(i) Withholding or threatening to withhold timely payment for an appraisal;

(ii) Requiring the appraiser to remit a portion of the appraisal fee back to the appraisal management company;

(iii) Withholding or threatening to withhold future business for, or demoting or terminating or threatening to demote or terminate, an appraiser;

(iv) Expressly or impliedly promising future business, promotions, or increased compensation for an appraiser;

(v) Conditioning the request for an appraisal or the payment of an appraisal fee or salary or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary estimate or opinion requested from an appraiser;

(vi) Requesting that an appraiser provide an estimated, predetermined, or desired valuation in an appraisal report, or provide estimated values or comparable sales at any time prior to the appraiser's completion of an appraisal;

(vii) Providing to an appraiser an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions must be provided to the appraiser;

(viii) Providing to an appraiser, or any entity or person related to the appraiser, stock or other financial or nonfinancial benefits;

(ix) Obtaining, using, or paying for a second or subsequent appraisal or ordering an automated valuation model in connection with a mortgage financing transaction unless there is a reasonable basis to believe that the initial appraisal was flawed or tainted and such basis is clearly and appropriately noted in the loan file, or unless such appraisal or automated valuation model is done pursuant to a bona fide prefunding or postfunding appraisal review or quality control process; or

(x) Any other act or practice that impairs or attempts to impair an appraiser's independence, objectivity, or impartiality, or that violates law;

(e) Altering, modifying, or otherwise changing a completed appraisal report submitted by an appraiser;

(f) Copying and using the appraiser's signature for any purpose or in any other report;

(g) Extracting, copying, or using only a portion of the appraisal report without reference to the entire report;

(h) Prohibiting or attempting to prohibit the appraiser from including or referencing the appraisal fee, the appraisal management company name or identity, or the client's or lender's name or identity in the appraisal report;

(i) Knowingly requiring an appraiser to prepare an appraisal report, engaging an appraiser to perform an appraisal, or accepting an appraisal from an appraiser who has informed the appraisal management company that he or she does not have either the

geographic competence or necessary expertise to complete the appraisal;

(j) Knowingly requiring an appraiser to prepare an appraisal report under such a limited time frame when the appraiser, in the appraiser's own professional judgment, has informed the appraisal management company that it does not afford the appraiser the ability to meet all relevant legal and professional obligations or provide a credible opinion of value for the property being appraised. This subsection (1)(j) allows an appraiser to decline an assignment, but is not a basis for complaints against the appraisal management company;

(k) Requiring, or attempting to require, an appraiser to modify an appraisal report except as permitted under subsection (2)(a) or (b) of this section;

(l) Prohibiting, or attempting to prohibit, or inhibiting legal or other allowable communication between the appraiser and:

(i) The lender;

(ii) A real estate licensee;

(iii) A property owner; or

(iv) Any other party or person from whom the appraiser, in the appraiser's own professional judgment, believes information would be relevant or pertinent in completing the appraisal;

(m) Knowingly requiring or attempting to require the appraiser to do anything that violates chapter 18.140 RCW or other applicable state and federal laws or with any allowable assignment conditions or certifications required by the client;

(n) Prohibiting or refusing to allow, or attempting to prohibit or refuse to allow, the transfer of an appraisal from one lender to another lender if the lenders are allowed to transfer an appraisal under applicable federal law; or

(o) Requiring an appraiser to sign any indemnification agreement that would require the appraiser to defend and hold harmless the appraisal management company or any of its agents, employees, or independent contractors for any liability, damage, losses, or claims arising out of the services performed by the appraisal management company or its agents, employees, or independent contractors and not the services performed by the appraiser.

(2) Nothing in subsection (1) of this section may be construed as prohibiting the appraisal management company from requesting that an appraiser:

(a) Provide additional information about the basis for a valuation, including whether or not the appraiser considered other sales and reasons the other sales were either not considered relevant or included in the appraisal; or

(b) Correct objective factual errors in an appraisal report.

NEW SECTION. Sec. 15. BACKGROUND INVESTIGATIONS. Background investigations under this chapter consist of fingerprint-based background checks through the Washington state patrol criminal identification system and through the federal bureau of investigation. The applicant is required to pay the current federal and state fees for fingerprint-based criminal history background checks. The applicant shall submit the fingerprints and required fees for the background checks to the department for submission to the Washington state patrol.

NEW SECTION. Sec. 16. APPRAISAL MANAGEMENT COMPANY ACCOUNT. The appraisal management company account is created in the state treasury. All fees and penalties under this chapter must be paid to the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out the provisions of this chapter. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

NEW SECTION. Sec. 17. UNIFORM REGULATION OF BUSINESS AND PROFESSIONS ACT. The uniform regulation

of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

Sec. 18. RCW 18.235.020 and 2009 c 412 s 22, 2009 c 370 s 20, and 2009 c 102 s 5 are each reenacted and amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

- (i) Auctioneers under chapter 18.11 RCW;
- (ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;
- (iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;
- (iv) Commercial telephone solicitors under chapter 19.158 RCW;
- (v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;
- (vi) Court reporters under chapter 18.145 RCW;
- (vii) Driver training schools and instructors under chapter 46.82 RCW;
- (viii) Employment agencies under chapter 19.31 RCW;
- (ix) For hire vehicle operators under chapter 46.72 RCW;
- (x) Limousines under chapter 46.72A RCW;
- (xi) Notaries public under chapter 42.44 RCW;
- (xii) Private investigators under chapter 18.165 RCW;
- (xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;
- (xiv) Real estate appraisers under chapter 18.140 RCW;
- (xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

(xvii) Sellers of travel under chapter 19.138 RCW;

(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xix) Whitewater river outfitters under chapter 79A.60 RCW; ((and))

((and)) (xx) Home inspectors under chapter 18.280 RCW; ((and))

(xxi) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; and

(xxii) Appraisal management companies under chapter 18.-- RCW (the new chapter created in section 20 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board of registration for architects established in chapter 18.08 RCW;

(ii) The Washington state collection agency board established in chapter 19.16 RCW;

(iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

(v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and

(vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters

specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

NEW SECTION. **Sec. 19. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 20.** Sections 1 through 17 and 19 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. **Sec. 21.** This act takes effect July 1, 2011." Correct the title.

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

Amendment (1195) was adopted.

The bill was ordered engrossed.

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

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3040.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3040, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3040, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2882, by Representatives Klippert, Green, Dammeier, Dickerson, Kelley, Wallace and McCune

Detaining persons with mental disorders.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2882 was substituted for House Bill No. 2882 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2882 was read the second time.

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

Representatives Klippert and Dickerson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2882.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2882, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2882, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2424, by Representatives O'Brien, Pearson, Hurst, Takko, Herrera, Chandler, Ross, Rodne, Dammeier, Condotta, Shea, Klippert, Smith, Walsh, Parker, McCune, Campbell, Johnson, Eddy, Morrell, Kelley, Short, Sullivan, Conway, Kagi, Roach, Kristiansen, Bailey, Haler, Schmick, Ericks, Warnick, Ormsby, Moeller and Hope

Protecting children from sexual exploitation and abuse.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2424 was substituted for House Bill No. 2424 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2424 was read the second time.

Representative O'Brien moved the adoption of amendment (1040).

On page 3, line 28, after "RCW." insert "Nothing in this act is intended to in any way affect or diminish the immunity afforded an electronic communication service provider, remote computing

service provider, or domain name registrar acting in the performance of its reporting or preservation responsibilities under 18 U.S.C. Secs. 2258a, 2258b, or 2258c."

Representatives O'Brien and Pearson spoke in favor of the adoption of the amendment.

Amendment (1040) was adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2424.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2424, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2424, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2752, by Representatives Dickerson, Orwall, Walsh, Goodman, Kagi, Roberts, Pedersen, Green, Santos and Nelson

Modifying provisions relating to providing shelter to a minor.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2752 was substituted for House Bill No. 2752 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2752 was read the second time.

Representative Klippert moved the adoption of amendment (1240).

On page 1, at the end of line 13, after "trust." Insert the following:

"The legislature also finds that parents of runaway youth have an interest in knowing their sons and daughters are safe in a shelter, rather than on the streets without protection. The legislature further finds that law enforcement and the department can notify a parent that the youth is safe, without disclosing the youth's location or compromising the ability of youth services providers to effectively assist youth in crisis."

On page 2, line 9, after "shall" strike all material through "(c)" on line 17 and insert the following:

(i) within eight hours, notify the department or the law enforcement agency of the jurisdiction in which the youth lives. Notice under this subsection (i) is for the limited purpose of communicating that the youth currently is safe and is off the streets, and shall not disclose the whereabouts of the youth, or the circumstances surrounding the youth's contact with the shelter or organization unless shelter staff have already provided such information to the youth's parent under subsection (ii) of this subsection; and

(ii) within not more than seventy-two hours, and preferably within twenty-four hours, notify the parent of the youth. Notice under this subsection (ii) should include the whereabouts of the youth, a description of the youth's physical and emotional condition, and the circumstances surrounding the youth's contact with the shelter or organization. If there are compelling reasons not to notify the parent, the shelter or organization shall instead provide the information to the department.

(c) When a local law enforcement agency or the department receives notice under subsection (b)(i) of this section, the agency or the department shall make a good faith effort to notify the youth's parent that the youth is currently safe and off the streets, but shall not disclose the whereabouts of the youth, if known to the agency or department.

(d)"

Representatives Klippert and Dickerson spoke in favor of the adoption of the amendment.

Amendment (1240) was adopted.

The bill was ordered engrossed.

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

Representatives Dickerson, Haler, Walsh and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2752.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2752, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias,

Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives DeBolt, Ericksen and Herrera.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2752, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

SECOND READING

HOUSE BILL NO. 2823, by Representatives Kristiansen, Armstrong, Blake and Kelley

Permitting retired participants to resume volunteer firefighter, emergency worker, or reserve officer service.

The bill was read the second time.

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

Representatives Kristiansen and Ericks spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2823.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2823, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

HOUSE BILL NO. 2823, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3168, by Representatives Orcutt and McCune

Providing taxpayers additional appeal protections for value changes.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (1239).

On page 2, line 22, after "taxpayer" strike "did not receive a revaluation notice" and insert "was not sent a revaluation notice under RCW 84.40.045"

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

Amendment (1239) was adopted.

The bill was ordered engrossed.

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

Representatives Orcutt and Takko spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 3168.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3168, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 3168, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

SECOND READING

HOUSE BILL NO. 2701, by Representative Taylor

Clarifying the time of commencement of regular legislative sessions.

The bill was read the second time.

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

Representatives Taylor and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2701.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2701, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Liias.

HOUSE BILL NO. 2701, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Ericksen congratulated Representative Taylor on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

HOUSE BILL NO. 2989, by Representatives Moeller and Cody

Concerning respiratory care practitioners.

The bill was read the second time.

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

Representatives Moeller and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2989.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2989, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

HOUSE BILL NO. 2989, having received the necessary constitutional majority, was declared passed.

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

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

HB 3188 by Representative Hunter

AN ACT Relating to modifying the definitions of "manufacturing" and "research and development" for tax incentive programs for businesses in rural counties; amending RCW 82.60.020 and 82.62.010; creating a new section; and providing an effective date.

Referred to Committee on Finance.

SSB 5046 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Keiser, Kline and Franklin)

AN ACT Relating to placing symphony musicians under the jurisdiction of the public employment relations commission for purposes of collective bargaining; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce & Labor.

ESSB 5543 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Pridemore, Oemig, Rockefeller, Fairley, Murray, Kline, Keiser, Shin, Regala, Franklin, McAuliffe, Fraser, Ranker and Kohl-Welles)

AN ACT Relating to mercury reduction; amending RCW 70.95M.010 and 70.95M.050; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environmental Health.

ESSB 6051 by Senate Committee on Ways & Means (originally sponsored by Senators Murray, Pflug, Kohl-Welles, McAuliffe, Jarrett, Eide, Kline, Fairley, Jacobsen and McDermott)

AN ACT Relating to removing an expiration date applicable to heritage and arts program funding; lodging taxes; and amending RCW 67.28.180.

Referred to Committee on Finance.

SSB 6202 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove,

Holmquist, Franklin, Honeyford, McCaslin, Regala, Morton, Keiser, Delvin, Swecker, Rockefeller, Tom, Kline, McAuliffe and Kilmer)

AN ACT Relating to vulnerable adults; amending RCW 30.22.210 and 74.34.035; and adding a new section to chapter 74.34 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

ESSB 6241 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kilmer and Delvin)

AN ACT Relating to creating community facilities districts; and adding a new chapter to Title 36 RCW.

Referred to Committee on Community & Economic Development & Trade.

ESSB 6244 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Fraser, Rockefeller, Marr, Ranker, Pridemore, Kohl-Welles, Shin and Kline)

AN ACT Relating to defining a green home and an energy efficient home; adding a new section to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

SSB 6280 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Murray, Shin, Kohl-Welles, Marr, Jacobsen and Kline)

AN ACT Relating to East Asian medicine practitioners; amending RCW 18.06.010, 18.06.020, 18.06.045, 18.06.050, 18.06.080, 18.06.120, 18.06.130, 18.06.140, 18.06.190, 4.24.240, 4.24.290, 7.70.020, 18.120.020, and 43.70.110; reenacting and amending RCW 18.130.040, 18.130.040, and 18.130.040; adding a new section to chapter 18.06 RCW; providing effective dates; and providing expiration dates.

Referred to Committee on Health Care & Wellness.

ESB 6287 by Senators Fraser and Fairley

AN ACT Relating to the disposition of existing voter-approved indebtedness at the time of annexation of a city, partial city, or town to a fire protection district; adding a new section to chapter 52.04 RCW; and declaring an emergency.

Referred to Committee on Local Government & Housing.

SB 6297 by Senator Franklin

AN ACT Relating to certification for speech-language pathology assistants; amending RCW 18.35.161; amending 2009 c 301 s 11 (uncodified); reenacting and amending RCW 18.130.040, 18.130.040, and 18.130.040; providing effective dates; and providing expiration dates.

Referred to Committee on Health Care & Wellness.

SSB 6298 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Rockefeller and Kline)

AN ACT Relating to the deposit of public funds with credit unions; adding a new section to chapter 39.58 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SSB 6332 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Haugen, Delvin, Kline, Fraser, Stevens, Shin, Fairley and Roach)

AN ACT Relating to human trafficking; amending RCW 19.320.010 and 19.320.020; adding new sections to chapter 19.320 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SSB 6338 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Carrell, Hargrove, Shin and Kline)

AN ACT Relating to intermediate tenancies for persons with criminal backgrounds or substance abuse issues; amending RCW 59.18.040; and adding a new chapter to Title 59 RCW.

Referred to Committee on Judiciary.

SSB 6343 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Jacobsen, Kohl-Welles, Swecker, Haugen, Hatfield and Keiser)

AN ACT Relating to the establishment of the Washington food policy forum; adding a new chapter to Title 15 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

ESSB 6359 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Becker, Shin and Tom)

AN ACT Relating to promoting efficiencies including institutional coordination and partnerships in the community and technical college system; amending RCW 28B.50.020 and 28B.50.090; adding a new section to chapter 28B.50 RCW; and creating new sections.

Referred to Committee on Higher Education.

SSB 6367 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Hatfield, Regala, Fairley, Fraser, Kohl-Welles and Roach)

AN ACT Relating to responses to public records requests; amending RCW 42.56.520; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

ESSB 6424 by Senate Committee on Ways & Means (originally sponsored by Senators Regala and Fairley)

AN ACT Relating to local excise tax authorities for counties and cities; amending RCW 82.14.450, 82.14.340, and 9.46.113; amending 2009 c 551 s 12 (uncodified); and providing an expiration date.

Referred to Committee on Finance.

ESB 6430 by Senators McDermott, Parlette and Tom

AN ACT Relating to ballot envelopes; amending RCW 29A.40.091; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

SSB 6433 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Honeyford, Parlette, Holmquist and Stevens)

AN ACT Relating to home inspector licensing requirements; amending RCW 18.280.020, 18.280.110, and 18.280.060; and declaring an emergency.

Referred to Committee on Commerce & Labor.

ESSB 6449 by Senate Committee on Government Operations & Elections (originally sponsored by Senators McDermott, Fairley, Keiser, Kohl-Welles and Kline)

AN ACT Relating to signature gatherers; amending RCW 42.17.020, 29A.72.110, 29A.72.120, 29A.72.130, and 29A.72.170; adding new sections to chapter 42.17 RCW; adding new sections to chapter 29A.72 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

SSB 6459 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Hobbs, Berkey, Marr and Schoesler)

AN ACT Relating to the inspection of rental properties; amending RCW 59.18.030 and 59.18.150; adding a new section to chapter 59.18 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

ESB 6462 by Senators Honeyford, Hewitt, Schoesler, Holmquist, Stevens, Morton, Delvin, King, Roach, Becker and Swecker

AN ACT Relating to firefighter duties; adding a new section to chapter 52.12 RCW; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Local Government & Housing.

SB 6467 by Senators Shin, Kastama, Delvin, Hobbs, Berkey, Rockefeller, Marr, Franklin, Kohl-Welles, Roach and Kline

AN ACT Relating to honorary degrees for students who were ordered into internment camps; and amending RCW 28B.20.130, 28B.30.150, 28B.35.205, and 28B.50.140.

Referred to Committee on Higher Education.

SB 6481 by Senators Morton, Schoesler, Holmquist, Hewitt, King, Delvin and Swecker

AN ACT Relating to clarifying which local governments have jurisdiction over conversion-related forest practices; and reenacting and amending RCW 76.09.240.

Referred to Committee on Agriculture & Natural Resources.

2ESSB 6508 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Prentice, Pridemore, Kline, Rockefeller, Ranker, Tom, McDermott, Gordon and Keiser)

AN ACT Relating to wrongful death or survival actions by changing the class of persons entitled to recoveries and by limiting the liability of state and local agencies or political subdivisions in those recoveries; amending RCW 4.20.020, 4.20.046, 4.20.060, 4.24.010, and 4.22.030; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

SSB 6521 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen and Honeyford)

AN ACT Relating to retaining productive farmland; adding a new section to chapter 89.08 RCW; adding a new section to chapter 43.17 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

SB 6546 by Senator Pridemore

AN ACT Relating to membership in the public employees' retirement system; reenacting and amending RCW 41.40.023; and declaring an emergency.

Referred to Committee on Ways & Means.

SSB 6556 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield and Schoesler)

AN ACT Relating to changing fees for certain types of agricultural burning; and amending RCW 70.94.6528.

Referred to Committee on General Government Appropriations.

E2SSB 6562 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Tom, Delvin, Regala, Murray, Hargrove and King)

AN ACT Relating to higher education accountability and access; amending RCW 28B.15.067, 28B.15.068, 28B.15.031, 28B.15.820, and 28B.15.910; adding new sections to chapter 28B.15 RCW; adding a new section to chapter 28B.92 RCW; repealing RCW 28B.10.920, 28B.10.921, and 28B.10.922; and providing an expiration date.

Referred to Committee on Higher Education.

2SSB 6575 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Keiser, Kline, Franklin and McDermott)

AN ACT Relating to recommendations of the joint legislative task force on the underground economy; amending RCW 18.27.340 and 18.27.020; reenacting and amending RCW 60.28.040; adding a new section to chapter 18.27 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

E2SSB 6579 by Senate Committee on Ways & Means (originally sponsored by Senators Swecker, Haugen, Oemig, Rockefeller, Jacobsen, Marr, Hatfield, Eide and Fraser)

AN ACT Relating to improving the efficiency, accountability, and quality within state information systems; amending RCW 43.88.560, 43.105.041, 43.105.180, and 43.105.160; adding a new section to chapter 43.88 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

ESSB 6621 by Senate Committee on Transportation (originally sponsored by Senators Delvin, Haugen, Tom, Brandland, Prentice, Marr, Shin, Hewitt and Roach)

AN ACT Relating to transferring service credit and contributions into the Washington state patrol retirement system by members who served as communications officers or commercial vehicle enforcement officers and who became commissioned officers in the Washington state patrol prior to July 1, 2000; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways & Means.

SSB 6639 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Brown, Stevens, Gordon and Shin)

AN ACT Relating to creating alternatives to total confinement for nonviolent offenders with minor children; amending RCW 9.94A.030, 9.94A.501, 9.94A.505, 9.94A.701, 9.94A.734, 9.94A.190, 9.94A.6332, and 9.94A.633; reenacting and amending RCW 9.94A.728; and adding new sections to chapter 9.94A RCW.

Referred to Committee on Human Services.

ESSB 6656 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Murray, Rockefeller, Fraser and Shin)

AN ACT Relating to implementing a pilot program for energy conservation services for cities and towns located wholly within the electric service territories of Tacoma public utilities, Seattle city light, and Puget Sound energy; amending RCW 35.92.070; adding a new chapter to Title 35 RCW; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

SSB 6686 by Senate Committee on Judiciary (originally sponsored by Senators Gordon, McCaslin, Kline, Regala, Kohl-Welles, Delvin, Tom and Shin)

AN ACT Relating to municipal court judges and commissioners; amending RCW 3.50.040, 3.50.050, 3.50.057, and 3.50.075; adding new sections to chapter 3.50 RCW; and repealing RCW 3.50.055 and 3.50.070.

Referred to Committee on Judiciary.

SSB 6698 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Marr, Murray, Fairley and Kohl-Welles)

AN ACT Relating to the acquisition of nonprofit hospitals; and amending RCW 70.45.100 and 70.45.080.

Referred to Committee on Health Care & Wellness.

ESSB 6724 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kilmer, Kauffman, Eide, Berkey, Murray, Shin and Keiser)

AN ACT Relating to the leave sharing program; amending RCW 41.04.665; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

ESSB 6726 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Marr, Kohl-Welles, Ranker, Murray, McDermott, Keiser, Prentice, Kauffman, Kline, Kilmer, Fraser and Pridemore)

AN ACT Relating to making the governor the public employer of language access providers; amending RCW 41.56.030, 41.56.113, 41.04.810, 43.01.047, and 74.04.025; adding a new section to chapter 41.56 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

ESSB 6733 by Senate Committee on Human Services & Corrections (originally sponsored by Senator King)

AN ACT Relating to allocating responsibility for court-related costs of involuntary commitment proceedings; creating a new section; and providing an expiration date.

Referred to Committee on Human Services.

ESSB 6737 by Senate Committee on Ways & Means (originally sponsored by Senators Marr, Brown and McCaslin)

AN ACT Relating to providing an exemption from property tax for aircraft used to provide air ambulance services; amending RCW 82.48.100; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Finance.

ESB 6754 by Senators McDermott, Fairley, Kohl-Welles and Kline

AN ACT Relating to signature petitions; and amending RCW 29A.72.230 and 29A.72.140.

Referred to Committee on State Government & Tribal Affairs.

SSB 6759 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Kauffman, Oemig, Prentice and Kline)

AN ACT Relating to a plan for a voluntary program of early learning; amending RCW 43.215.090 and 28A.290.010; creating new sections; and declaring an emergency.

Referred to Committee on Early Learning & Children's Services.

ESSB 6778 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Shin, Kauffman and Kline)

AN ACT Relating to establishing an alternative route to a high school diploma; amending RCW 28A.230.120, 28A.655.061, 28A.655.0611, and 28A.155.045; reenacting and amending RCW 28A.230.090; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

SSB 6788 by Senate Committee on Judiciary (originally sponsored by Senators Brown, Morton, Delvin and Marr)

AN ACT Relating to dissolving the assets and affairs of a nonprofit corporation; adding new sections to chapter 24.03 RCW; creating a new section; repealing RCW 24.03.265, 24.03.270, and 24.03.290; and declaring an emergency.

Referred to Committee on Judiciary.

SSB 6816 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senator Schoesler)

AN ACT Relating to special permitting for certain farm implements; and creating a new section.

Referred to Committee on Transportation.

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

REPORTS OF STANDING COMMITTEES

February 13, 2010

ESSB 6130 Prime Sponsor, Committee on Ways & Means: Amending provisions related to Initiative Measure No. 960. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 11, strike all of section 2

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

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 6130 was placed on the second reading calendar.

MOTION

Representative Ericksen moved to indefinitely postpone consideration of ENGROSSED SUBSTITUTE SENATE BILL NO. 6130

Representatives Ericksen, DeBolt, Orcutt, Herrera, Dammeier, Roach, Kristiansen, Haler, Armstrong, Hinkle, Short, Schmick, Parker, Pearson, Angel, Kretz, McCune, Klippert, Walsh, Hope Rodne, Campbell, Shea, Warnick, Johnson Taylor, Priest, Anderson, Nealey, Fagan, Alexander Bailey Chandler and Ross spoke in favor of the adoption of the motion.

Representatives Kessler, Hunter, Haigh, Simpson, Sullivan, Dickerson, Van De Wege, Springer, Santos, Flannigan, Cody, Appleton, Darneille, Pettigrew, Lias, Probst and Linville spoke against the adoption of the motion.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the motion to indefinitely postpone consideration of Engrossed Substitute Senate Bill No. 6130.

An electronic roll call was requested

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the motion to indefinitely postpone consideration of Engrossed Substitute Senate Bill No. 6130.

ROLL CALL

The Clerk called the roll on the adoption of the motion to indefinitely postpone consideration of Engrossed Substitute Senate Bill No. 6130 and the motion was not adopted by the following vote: Yeas, 46; Nays, 52; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

The motion was not adopted.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6130, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Relating to fiscal matters. Revised for 1st Substitute: Amending provisions related to Initiative Measure No. 960.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For Committee amendment, see Journal, Day 37, February 13, 2010.)

Representative Herrera moved the adoption of amendment (1228)

Beginning on page 5, line 11, strike all of section 4
Renumber the remaining section consecutively and correct any internal references accordingly.
Correct the title.

Representatives Herrera and Ericksen spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1228) to Engrossed Substitute Senate Bill No. 6130.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1228) to Engrossed Substitute Senate Bill No. 6130 and the amendment failed by the following vote: Yeas, 44; Nays, 54; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Amendment (1228) was not adopted.

Representative Orcutt moved the adoption of amendment (1230).

On page 6, after line 6, insert the following:

"Sec. 5. RCW 29A.32.070 and 2009 c 415 s 5 are each reenacted and amended to read as follows:

The secretary of state shall determine the format and layout of the voters' pamphlet published under RCW 29A.32.010. The secretary of state shall print the pamphlet in clear, readable type on a size, quality, and weight of paper that in the judgment of the secretary of state best serves the voters. The pamphlet must contain a table of contents. Measures and arguments must be printed in the order specified by RCW 29A.72.290.

The voters' pamphlet must provide the following information for each statewide issue on the ballot except measures for an advisory vote of the people whose requirements are provided in subsection (11) of this section:

(1) The legal identification of the measure by serial designation or number;

(2) The official ballot title of the measure;

(3) A statement prepared by the attorney general explaining the law as it presently exists;

(4) A statement prepared by the attorney general explaining the effect of the proposed measure if it becomes law;

(5) The fiscal impact statement prepared under RCW 29A.72.025;

(6) The total number of votes cast for and against the measure in the senate and house of representatives, if the measure has been passed by the legislature;

(7) An argument advocating the voters' approval of the measure together with any statement in rebuttal of the opposing argument;

(8) An argument advocating the voters' rejection of the measure together with any statement in rebuttal of the opposing argument;

(9) Each argument or rebuttal statement must be followed by the names of the committee members who submitted them, and may be followed by a telephone number that citizens may call to obtain information on the ballot measure;

(10) The full text of the measure;

(11) Two pages shall be provided in the general election voters' pamphlet for each (~~measure for an advisory vote of the people under RCW 43.135.041~~) legislative action raising taxes as defined by RCW 43.135.035 and shall consist of (~~the serial number assigned by the secretary of state under RCW 29A.72.040, the~~) a short description formulated by the attorney general (~~under RCW 29A.72.283~~), the tax increase's most up-to-date ten-year cost projection, including a year-by-year breakdown, by the office of financial management under RCW 43.135.031, and the names of the legislators, and their contact information, and how they voted on the increase upon final passage so they can provide information to, and answer questions from, the public. For the purposes of this subsection, "names of legislators, and their contact information" includes each legislator's position (senator or representative), first name, last name, party affiliation (for example, Democrat or Republican), city or town they live in, office phone number, and office e-mail address.

NEW SECTION. Sec. 6. Section 5 of this act expires July 1, 2011."

Renumber the remaining section consecutively and correct any internal references accordingly.

Correct the title.

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

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1230) to Engrossed Substitute Senate Bill No. 6130.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1230) to Engrossed Substitute Senate Bill No. 6130 and the amendment failed by the following vote: Yeas, 46; Nays, 52; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Sullivan, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Amendment (1230) was not adopted.

Representative Bailey moved the adoption of amendment (1227).

On page 6, beginning on line 7, strike all of section 5
Correct the title.

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

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1227) to Engrossed Substitute Senate Bill No. 6130.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1227) to Engrossed Substitute Senate Bill No. 6130 and the amendment failed by the following vote: Yeas, 45; Nays, 53; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos,

Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

BARBARA BAKER, Chief Clerk

Amendment (1227) was not adopted.

Representative Orcutt moved the adoption of amendment (1229).

On page 6, after line 6, strike all of section 5 and insert the following:

"NEW SECTION. Sec. 5. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Correct the title.

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

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1229) to Engrossed Substitute Senate Bill No. 6130.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1229) to Engrossed Substitute Senate Bill No. 6130 and the amendment failed by the following vote: Yeas, 46; Nays, 52; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Amendment (1229) was not adopted.

There being no objection, the rules were suspended and Engrossed Substitute Senate Bill No. 6130 was placed on third reading. There being no objection, action was deferred on Engrossed Substitute Senate Bill No. 6130 and the bill held its place on the third reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., February 17, 2010, the 38th Day of the Regular Session.

FRANK CHOPP, Speaker

THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 17, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jessica and Luke Olsen. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Imam Benjamin Shabazz, Al Islam Center, Seattle.

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

MESSAGES FROM THE SENATE

February 16, 2010

Mr. Speaker:

The Senate has passed:

SENATE BILL 5908
SUBSTITUTE SENATE BILL 6192
SENATE BILL 6275
SENATE BILL 6277
SUBSTITUTE SENATE BILL 6299
SENATE BILL 6308
SUBSTITUTE SENATE BILL 6371
ENGROSSED SUBSTITUTE SENATE BILL 6392
ENGROSSED SUBSTITUTE SENATE BILL 6402
SUBSTITUTE SENATE BILL 6416
SUBSTITUTE SENATE BILL 6510
SUBSTITUTE SENATE BILL 6524
SENATE BILL 6540
ENGROSSED SUBSTITUTE SENATE BILL 6582
SUBSTITUTE SENATE BILL 6584
SUBSTITUTE SENATE BILL 6662
SENATE BILL 6745
ENGROSSED SENATE BILL 6764
SECOND SUBSTITUTE SENATE BILL 6790
SUBSTITUTE SENATE BILL 6831
SENATE JOINT RESOLUTION 8225

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 16, 2010

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL 6261
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6267
ENGROSSED SUBSTITUTE SENATE BILL 6499
ENGROSSED SUBSTITUTE SENATE BILL 6522
ENGROSSED SUBSTITUTE SENATE BILL 6533

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTIONS AND FIRST READING

SSB 5237 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Shin, Kilmer, Berkey, Kastama, Sheldon, Hobbs, Kauffman, Schoesler, Franklin and Fraser)

AN ACT Relating to an accelerated baccalaureate degree program; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

SB 5908 by Senators Kohl-Welles, Roach and Keiser

AN ACT Relating to interest arbitration for employees of juvenile court services administered under 13.20.060; and amending RCW 41.56.030.

Referred to Committee on Commerce & Labor.

SSB 6192 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Marr and Brandland)

AN ACT Relating to the modification of restitution in juvenile cases; and amending RCW 13.40.190.

Referred to Committee on Human Services.

SSB 6251 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senator Benton)

AN ACT Relating to nonresident surplus line brokers and insurance producers; amending RCW 48.15.070, 48.15.073, 48.17.173, and 48.17.250; adding a new section to chapter 48.02 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 6277 by Senators Zarelli and Regala

AN ACT Relating to disposition of human remains; and amending RCW 68.50.160.

Referred to Committee on Judiciary.

SSB 6299 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Schoesler, Hatfield and Shin)

AN ACT Relating to animal inspection; amending RCW 16.36.005, 16.36.050, 16.36.060, 16.57.010, 16.57.160, 16.57.220, 16.57.240, 16.57.243, 16.57.245, 16.57.280, and 16.57.290; adding a new section to chapter 16.36 RCW; and adding a new section to chapter 16.57 RCW.

Referred to Committee on Agriculture & Natural Resources.

SB 6308 by Senators Carrell, King, Marr, Stevens, Becker and Roach

AN ACT Relating to controlling computer access by residents of the special commitment center; and amending RCW 71.09.080.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 6309 by Senate Committee on Judiciary (originally sponsored by Senators Carrell, King and Roach)

AN ACT Relating to including persons acquitted by reason of insanity within the slayer statute; and amending RCW 11.84.010.

Referred to Committee on Judiciary.

SSB 6349 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Ranker, Holmquist, Haugen, Hobbs, Becker, Shin and Roach)

AN ACT Relating to a farm internship program; amending RCW 49.46.010 and 50.04.150; adding a new section to chapter 51.16 RCW; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce & Labor.

SSB 6371 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators McDermott and Berkey)

AN ACT Relating to money transmitters; and amending RCW 19.230.010, 19.230.020, 19.230.050, 19.230.060, 19.230.070, 19.230.110, 19.230.170, 19.230.180, 19.230.200, 19.230.210, 19.230.320, and 19.230.330.

Referred to Committee on Financial Institutions & Insurance.

ESSB 6392 by Senate Committee on Transportation (originally sponsored by Senators Tom, Swecker, Oemig, Holmquist, Jacobsen, Haugen and Marr)

AN ACT Relating to the use of revenue generated from tolling the state route number 520 corridor; amending RCW 47.56.870 and 47.56.875; adding a new section to chapter 47.56 RCW; and creating a new section.

Referred to Committee on Transportation.

SSB 6395 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Kauffman and Kohl-Welles)

AN ACT Relating to lawsuits aimed at chilling the valid exercise of the constitutional rights of speech and petition; adding a new section to chapter 4.24 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Judiciary.

ESSB 6402 by Senate Committee on Environment, Water & Energy (originally sponsored by Senator Sheldon)

AN ACT Relating to the consolidation of permit exempt wells; and amending RCW 90.44.105.

Referred to Committee on Agriculture & Natural Resources.

SSB 6416 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Roach, Hargrove and Stevens)

AN ACT Relating to relatives in dependency proceedings; amending RCW 13.34.060; reenacting and amending RCW 13.34.130; adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

SB 6453 by Senators Hobbs, Delvin, Shin and Roach

AN ACT Relating to shared leave for members of the law enforcement officers' and firefighters' retirement system, plan 2; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

SSB 6470 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, Hargrove, Prentice, Gordon, Regala, Keiser, McAuliffe, Stevens and Kline)

AN ACT Relating to the burdens of proof required in dependency matters affecting Indian children; amending RCW 13.34.190; and reenacting and amending RCW 13.34.130.

Referred to Committee on Judiciary.

SSB 6510 by Senate Committee on Transportation (originally sponsored by Senators Kilmer and Sheldon)

AN ACT Relating to the extension of state route number 166; amending RCW 47.17.328; and creating a new section.

Referred to Committee on Transportation.

SSB 6524 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators King, Kohl-Welles, Kastama, Holmquist, Keiser, Honeyford, Regala, Franklin, McDermott, Hewitt and Kline)

AN ACT Relating to unemployment insurance penalties and contribution rates for employers who are not "qualified employers"; reenacting and amending RCW 50.29.025; adding a new section to chapter 50.12 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

ESSB 6538 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser and Pflug)

AN ACT Relating to the definition of small groups for insurance purposes; amending RCW 48.43.035; reenacting and amending RCW 48.43.005; and creating a new section.

Referred to Committee on Health Care & Wellness.

SB 6540 by Senators Fairley, Swecker, King, Parlette, Fraser, Pridemore, Shin and Roach

AN ACT Relating to the combined fund drive; amending RCW 41.04.033, 41.04.0331, 41.04.0332, and 41.04.039; and creating a new section.

Referred to Committee on General Government Appropriations.

SSB 6544 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Marr, Hobbs, Kilmer and Tom)

AN ACT Relating to time limitation for approval of plats; amending RCW 58.17.140 and 58.17.170; and providing an expiration date.

Referred to Committee on Local Government & Housing.

ESSB 6582 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Roach, Zarelli, Prentice and Kilmer)

AN ACT Relating to credentialing as a nursing assistant; amending RCW 18.88A.010, 18.88A.020, 18.88A.030, 18.88A.050, 18.88A.060, 18.88A.085, and 18.88A.140; adding a new section to chapter 18.88A RCW; creating a new section; and repealing RCW 18.88A.115.

Referred to Committee on Health Care & Wellness.

SSB 6584 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fraser, Swecker, Keiser, Schoesler, Roach, McDermott and Shin)

AN ACT Relating to monitoring customer complaints and appeals and reporting them to the legislature; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Health Care & Wellness.

SSB 6590 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Delvin, Brandland and Hargrove)

AN ACT Relating to law enforcement officer conduct; and adding a new section to chapter 43.101 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 6634 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by

Senators Ranker, Hatfield, Morton, Haugen, Becker, Shin and Jacobsen)

AN ACT Relating to establishing civil penalties for failure to comply with dairy nutrient management recordkeeping requirements; reenacting and amending RCW 43.21B.110, 43.21B.110, and 43.21B.300; adding a new section to chapter 90.64 RCW; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SSB 6644 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senator Jacobsen)

AN ACT Relating to falconry; amending RCW 77.08.010; adding new sections to chapter 77.32 RCW; and adding a new section to chapter 77.15 RCW.

Referred to Committee on Agriculture & Natural Resources.

ESSB 6658 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Rockefeller, Morton and Pridemore)

AN ACT Relating to modifying community solar project provisions for investment cost recovery incentives; amending RCW 82.16.110 and 82.16.120; and adding a new section to chapter 82.16 RCW.

Referred to Committee on Technology, Energy & Communications.

SSB 6662 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Roach, Kastama, Keiser, Zarelli and Shin)

AN ACT Relating to developing a curriculum for a career track for home care aides; and creating new sections.

Referred to Committee on Higher Education.

SB 6745 by Senator Sheldon

AN ACT Relating to veterinary technician licenses; amending RCW 18.92.128 and 18.92.128; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

ESB 6764 by Senators Gordon, Pflug, Oemig, McCaslin, Kline and Hargrove

AN ACT Relating to accrual of interest on judgments founded on tortious conduct; amending RCW 4.56.110; and creating a new section.

Referred to Committee on Judiciary.

ESB 6776 by Senators Jacobsen, Swecker, Fraser, Morton, Zarelli, Schoesler, Hargrove, Ranker, Hatfield and McCaslin

AN ACT Relating to creating the joint work group on small forest landowner sustainability; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

SSSB 6790 by Senate Committee on Ways & Means (originally sponsored by Senator Kastama)

AN ACT Relating to cluster and innovation partnership zone grants; and amending RCW 43.330.090.

Referred to Committee on Community & Economic Development & Trade.

SSB 6831 by Senate Committee on Ways & Means (originally sponsored by Senator Parlette)

AN ACT Relating to estates and trusts; adding new sections to chapter 11.108 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Judiciary.

SJR 8225 by Senators Fraser, Brandland and Prentice

Resolving to define "interest" in the state Constitution.

Referred to Committee on Capital Budget.

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

SB 6275 by Senator Jacobsen

AN ACT Relating to harbor lines; and amending RCW 79.115.030.

Referred to Committee on Agriculture & Natural Resources.

SSB 6337 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Carrell, Hargrove and Brandland)

AN ACT Relating to inmate savings accounts; amending RCW 72.09.111; and providing an effective date.

Referred to Committee on Human Services.

SSB 6727 by Senate Committee on Ways & Means (originally sponsored by Senators Marr and Brown)

AN ACT Relating to health sciences and services authorities; amending RCW 35.104.060, 35.104.040, 82.14.480, and 42.30.110; and adding a new section to chapter 35.104 RCW.

Referred to Committee on Community & Economic Development & Trade.

SSB 6749 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Fraser and Honeyford)

AN ACT Relating to the transfer of commercial real estate; amending RCW 64.06.005, 64.06.010, 64.06.022, 64.06.050, and 64.06.070; reenacting and amending RCW 64.06.040; and adding a new section to chapter 64.06 RCW.

Referred to Committee on Commerce & Labor.

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

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

EIGHTH ORDER

With the consent of the House, the Committee on Health Care & Wellness was relieved of SENATE BILL NO. 6804 and the bill was referred to the Committee on Human Services.

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6130, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice).

Relating to fiscal matters. Revised for 1st Substitute: Amending provisions related to Initiative Measure No. 960.

The bill was read the third time.

Representatives Hunter, Carlyle, Haigh, Kenney, Kagi, Hudgins, Sullivan, White, Hasegawa, Simpson and Quall spoke in favor of the passage of the bill.

Representatives Smith, Condotta, DeBolt, DeBolt (again), Ericksen, Orcutt, Klippert, Miloscia, Hinkle, Anderson, Roach, Armstrong, Angel, Alexander, Short, Dammeier, Hinkle (again) and Ross spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6130.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6130, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6130, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1436
 HOUSE BILL NO. 1775
 HOUSE BILL NO. 2488
 HOUSE BILL NO. 2591
 HOUSE BILL NO. 2697
 HOUSE BILL NO. 2914
 HOUSE BILL NO. 2935
 HOUSE BILL NO. 2954
 HOUSE BILL NO. 2969
 HOUSE BILL NO. 3023
 HOUSE BILL NO. 3156
 HOUSE BILL NO. 3175

There being no objection, the following bills from the second and third reading calendars were referred to the Rules Committee:

HOUSE BILL NO. 1028
 HOUSE BILL NO. 1088
 HOUSE BILL NO. 1165
 HOUSE BILL NO. 1581
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1669
 HOUSE BILL NO. 1796
 HOUSE BILL NO. 2082
 HOUSE BILL NO. 2383
 HOUSE BILL NO. 2394
 HOUSE BILL NO. 2412
 HOUSE BILL NO. 2448
 HOUSE BILL NO. 2482
 HOUSE BILL NO. 2553
 SUBSTITUTE HOUSE BILL NO. 2577
 HOUSE BILL NO. 2614
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2641
 HOUSE BILL NO. 2744
 HOUSE BILL NO. 2764
 HOUSE BILL NO. 2855
 HOUSE BILL NO. 2903
 HOUSE BILL NO. 2911
 HOUSE BILL NO. 2932
 HOUSE BILL NO. 2941
 HOUSE BILL NO. 2980
 HOUSE BILL NO. 2988
 HOUSE BILL NO. 2992
 HOUSE BILL NO. 2994
 HOUSE BILL NO. 3015
 HOUSE BILL NO. 3062
 HOUSE BILL NO. 3092
 HOUSE BILL NO. 3129
 HOUSE BILL NO. 3136
 HOUSE BILL NO. 3153
 HOUSE BILL NO. 3174
 HOUSE JOINT MEMORIAL NO. 4017
 HOUSE JOINT RESOLUTION NO. 4222

There being no objection, the House adjourned until 12:30 p.m., February 18, 2010, the 39th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

THIRTY NINTH DAY

House Chamber, Olympia, Thursday, February 18, 2010

The House was called to order at 12:30 p.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kathryn Gouker and Jessica Canfield. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Barbara Bailey, 10th District.

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

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

There being no objection, the Committee on Judiciary was relieved of SUBSTITUTE SENATE BILL NO. 6338 and the bill was referred to the Committee on Human Services.

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 2941, and the bill was placed on the second reading calendar.

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

INTRODUCTION & FIRST READING

HB 3190 by Representatives Kelley, Green, Van De Wege, Simpson, Blake, Ericks, Hurst, Finn, Hinkle and Dammeier

AN ACT Relating to membership in the law enforcement officers' and firefighters' retirement system plan 2 for firefighters employed by the department of corrections at the McNeil Island special commitment center; reenacting and amending RCW 41.26.030; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

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

SECOND READING

HOUSE BILL NO. 1775, by Representatives White, Carlyle, Nelson, Upthegrove and Simpson

Concerning the regulation of certain limousine carriers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1775 was substituted for House Bill No. 1775 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1775 was read the second time.

Representative White moved the adoption of amendment (1235).

On page 2, beginning on line 34, after "specifying the" strike "type, style, content," and insert "content"

On page 4, line 12, after "criteria" insert "and fees"

On page 6, beginning on line 4, after "each" strike "motor-propelled vehicle while so used in the conduct of a commercial limousine business" and insert "~~(motor-propelled vehicle while so used)~~ limousine while licensed by the department"

On page 7, after line 19, insert the following:

"(8) It is a class 1 civil infraction, with monetary penalties against the individual as specified in RCW 7.80.120, for an individual to accept payment to solicit or assign customers on the behalf of a chauffeur."

On page 8, beginning on line 27, strike all of section 10 and insert the following:

"Sec. 10. RCW 46.72A.120 and 1996 c 87 s 15 are each amended to read as follows:

The department may adopt and enforce such rules, including the setting of fees, as may be consistent with and necessary to carry out this chapter. The fees must approximate the cost of administration. Any fee related to limousine vehicle certificates must not exceed seventy-five dollars. Any fee related to a limousine carrier license for a business must not exceed three hundred and fifty dollars in 2011 and four hundred and fifty dollars in the following years."

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

On page 10, line 6, after "**Sec. 14.**" strike "This act takes" and insert "Sections 1 through 12 of this act take"

Correct the title.

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

Amendment (1235) was adopted.

The bill was ordered engrossed.

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

Representatives White, Rolfes and Orwall spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1775.

MOTION

On motion of Representative Van de Wege, Representatives Carlyle, Clibborn, Driscoll and Simpson were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1775, and the bill passed the House by the following vote: Yeas, 62; Nays, 32; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Armstrong, Blake, Chase, Cody, Conway, Dammeier, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representatives Carlyle, Clibborn, Driscoll and Simpson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1775, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2591, by Representatives Morris and Chase

Recovering the actual cost of processing applications for water right permits.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2591 was substituted for House Bill No. 2591 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2591 was read the second time.

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

Representatives Morris, Linville and Morris (again) spoke in favor of the passage of the bill.

Representatives Chandler, Hinkle, Haler, Taylor and Hinkle (again) spoke against the passage of the bill.

There being no objection, the House deferred action on SECOND SUBSTITUTE HOUSE BILL NO. 2591, and the bill held its place on the third reading calendar.

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

SECOND READING

HOUSE BILL NO. 3175, by Representative Darneille

Transferring the office of minority and women's business enterprises into the department of commerce.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3175 was substituted for House Bill No. 3175 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3175 was read the second time.

Representative Darneille moved the adoption of amendment (1245).

On page 10, beginning on line 26, strike all of subsection (7) and insert the following:

"(7) The existing bargaining units of employees of the office of minority and women's business enterprises transferred to the department of commerce under this section shall be transferred in their entirety without the merging of other bargaining units or the inclusion of employees from other bargaining units. Nothing contained in this section may be construed to alter any of the existing collective bargaining units unless and until the bargaining unit has been modified by action of the public employment relations commission as provided by law. Therefore, the certification of the existing bargaining units shall remain. However, the public employment relations commission may, upon request, amend the certification to reflect the name of the new agency. Nothing in this section may be construed to alter the provisions of any existing collective bargaining agreement until the agreement has expired. The existing bargaining units of employees transferred under this section shall continue to be subject to the provisions of chapter 41.80 RCW."

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

Amendment (1245) was adopted.

The bill was ordered engrossed.

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

Representatives Darneille and McCune spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3175.

MOTION

On motion of Representative Santos, Representatives Morris and Orwall were excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3175, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Clibborn, Driscoll, Morris, Orwall and Simpson.

SUBSTITUTE HOUSE BILL NO. 3175, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2697, by Representatives Conway and Condotta

Concerning real estate broker licensure fees.

The bill was read the second time.

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

Representatives Conway, Condotta and Ericks spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2697.

MOTION

On motion of Representative Santos, Representative Wallace was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2697, and the bill passed the House by the following vote: Yeas, 89; Nays, 2; Absent, 0; Excused, 7.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives DeBolt and Ross.

Excused: Representatives Carlyle, Clibborn, Driscoll, Morris, Orwall, Simpson and Wallace.

HOUSE BILL NO. 2697, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3023, by Representatives Jacks, Chandler, Kretz, Hunt, Blake and Wallace

Consolidating the pollution liability insurance agency within the department of ecology.

The bill was read the second time.

With the consent of the House, amendment (1159) was withdrawn.

Representative Jacks moved the adoption of amendment (1247).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.148.005 and 1990 c 64 s 1 are each amended to read as follows:

(1) The legislature finds that:

(a) Final regulations adopted by the United States environmental protection agency (EPA) require owners and operators of underground petroleum storage tanks to demonstrate financial responsibility for accidental releases of petroleum as a precondition to continued ownership and operation of such tanks;

(b) Financial responsibility is demonstrated through the purchase of pollution liability insurance or an acceptable alternative such as coverage under a state financial responsibility program, in the amount of at least five hundred thousand dollars per occurrence and one million dollars annual aggregate depending upon the nature, use, and number of tanks owned or operated;

(c) Many owners and operators of underground petroleum storage tanks cannot purchase pollution liability insurance either because private insurance is unavailable at any price or because owners and operators cannot meet the rigid underwriting standards of existing insurers, nor can many owners and operators meet the strict regulatory standards imposed for alternatives to the purchase of insurance; ~~(and)~~

(d) Without a state financial responsibility program for owners and operators of underground petroleum storage tanks, many tank owners and operators will be forced to discontinue the ownership and operation of these tanks; and

(e) Safeguarding funding for the pollution liability insurance program trust account is necessary to maintain federal funding for the state underground storage tanks program.

(2) The purpose of this chapter is to create a state financial responsibility program meeting EPA standards for owners and operators of underground petroleum storage tanks in a manner that:

(a) Minimizes state involvement in pollution liability claims management and insurance administration;

(b) Protects the state of Washington from unwanted and unanticipated liability for accidental release claims;

(c) Creates incentives for private insurers to provide needed liability insurance; and

(d) Parallels generally accepted principles of insurance and risk management.

To that end, this chapter establishes a temporary program to provide pollution liability reinsurance at a price that will encourage a private insurance company or risk retention group to sell pollution liability insurance in accordance with the requirements of this chapter to owners and operators of underground petroleum storage tanks, thereby allowing the owners and operators to comply with the financial responsibility regulations of the EPA.

(3) It is not the intent of this chapter to permit owners and operators of underground petroleum storage tanks to obtain pollution liability insurance without regard to the quality or condition of their storage tanks or without regard to the risk management practices of tank owners and operators, nor is it the intent of this chapter to provide coverage or funding for past or existing petroleum releases. Further, it is the intent of the legislature that the program follow generally accepted insurance underwriting and actuarial principles and to deviate from those principles only to the extent necessary and within the tax revenue limits provided, to make pollution liability insurance reasonably affordable and available to owners and operators who meet the requirements of this chapter, particularly to those owners and operators whose underground storage tanks meet a vital economic need within the affected community.

(4) The pollution liability insurance program established by this chapter and chapter 70.149 RCW is merged into the department.

Sec. 2. RCW 70.148.010 and 1990 c 64 s 2 are each amended to read as follows:

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

(1) "Accidental release" means any sudden or nonsudden release of petroleum arising from operating an underground storage tank that results in a need for corrective action, bodily injury, or property damage neither expected nor intended by the owner or operator.

(2) "Director" means the ~~((Washington pollution liability insurance program))~~ director of the department or the director's appointed representative.

(3) "Bodily injury" means bodily injury, sickness, or disease sustained by any person, including death at any time resulting from the injury, sickness, or disease.

(4) "Corrective action" means those actions reasonably required to be undertaken by the insured to remove, treat, neutralize, contain, or clean up an accidental release in order to comply with any statute, ordinance, rule, regulation, directive, order, or similar legal requirement of the United States, the state of Washington, or any political subdivision of the United States or the state of Washington in effect at the time of an accidental release. "Corrective action" includes, when agreed to in writing, in advance by the insurer, action to remove, treat, neutralize, contain, or clean up an accidental release to avert, reduce, or eliminate the liability of the insured for corrective action, bodily injury, or property damage. "Corrective action" also includes actions reasonably necessary to monitor, assess, and evaluate an accidental release.

"Corrective action" does not include:

- (a) Replacement or repair of storage tanks or other receptacles;
- (b) Replacement or repair of piping, connections, and valves of storage tanks or other receptacles;
- (c) Excavation or backfilling done in conjunction with (a) or (b) of this subsection; or
- (d) Testing for a suspected accidental release if the results of the testing indicate that there has been no accidental release.

(5) "Defense costs" include the costs of legal representation, expert fees, and related costs and expenses incurred in defending against claims or actions brought by or on behalf of:

- (a) The United States, the state of Washington, or any political subdivision of the United States or state of Washington to require corrective action or to recover costs of corrective action; or
- (b) A third party for bodily injury or property damage caused by an accidental release.

(6) ~~(("Washington pollution liability insurance program" or "program" means the reinsurance program created by this chapter.))~~ "Department" means the Washington state department of ecology.

(7) "Insured" means the owner or operator who is provided insurance coverage in accordance with this chapter.

(8) "Insurer" means the insurance company or risk retention group licensed or qualified to do business in Washington and authorized by the ~~((director))~~ department to provide insurance coverage in accordance with this chapter.

(9) "Loss reserve" means the amount traditionally set aside by commercial liability insurers for costs and expenses related to claims that have been made. "Loss reserve" does not include losses that have been incurred but not reported to the insurer.

(10) "Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a release from an underground storage tank.

(11) "Operator" means a person in control of, or having responsibility for, the daily operation of an underground storage tank.

(12) "Owner" means a person who owns an underground storage tank.

(13) "Person" means an individual, trust, firm, joint stock company, corporation (including government corporation), partnership, association, consortium, joint venture, commercial entity, state, municipality, commission, political subdivision of a state, interstate body, the federal government, or any department or agency of the federal government.

(14) "Petroleum" means crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure, which means at sixty degrees Fahrenheit and 14.7 pounds per square inch absolute and includes gasoline, kerosene, heating oils, and diesel fuels.

(15) "Pollution liability insurance program" or "program" means the reinsurance program created by this chapter.

(16) "Property damage" means:

(a) Physical injury to, destruction of, or contamination of tangible property, including the loss of use of the property resulting from the injury, destruction, or contamination; or

(b) Loss of use of tangible property that has not been physically injured, destroyed, or contaminated but has been evacuated, withdrawn from use, or rendered inaccessible because of an accidental release.

~~((16))~~ (17) "Release" means the emission, discharge, disposal, dispersal, seepage, or escape of petroleum from an underground storage tank into or upon land, groundwater, surface water, subsurface soils, or the atmosphere.

~~((17))~~ (18) "Surplus reserve" means the amount traditionally set aside by commercial property and casualty insurance companies to provide financial protection from unexpected losses and to serve, in part, as a measure of an insurance company's net worth.

~~((18))~~ (19) "Tank" means a stationary device, designed to contain an accumulation of petroleum, that is constructed primarily of nonearthen materials such as wood, concrete, steel, or plastic that provides structural support.

~~((19))~~ (20) "Underground storage tank" means any one or a combination of tanks including underground pipes connected to the tank, that is used to contain an accumulation of petroleum and the volume of which (including the volume of the underground pipes connected to the tank) is ten percent or more beneath the surface of the ground.

Sec. 3. RCW 70.148.020 and 2006 c 276 s 1 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution

liability insurance and underground storage tank community assistance programs. Expenditures for payment of administrative and operating costs of the ~~((agency))~~ program are subject to the allotment procedures under chapter 43.88 RCW and may be made only after appropriation by statute. No appropriation is required for other expenditures from the account.

(2) Each calendar quarter, the ~~((director))~~ department shall report to the insurance commissioner the loss and surplus reserves required for the calendar quarter. The ~~((director))~~ department shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) Each calendar quarter the ~~((director))~~ department shall determine the amount of reserves necessary to fund commitments made to provide financial assistance under RCW 70.148.130 to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance program. The ~~((director))~~ department shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The ~~((director))~~ department may immediately establish an initial financial assistance reserve of five million dollars from available revenues. The ~~((director))~~ department may not expend more than fifteen million dollars for the financial assistance program.

~~(4) During the 2005-2007 fiscal biennium, the legislature may transfer from the pollution liability insurance program trust account to the state general fund such amounts as reflect the excess fund balance of the account.~~

~~(5)) This section expires June 1, 2013.~~

Sec. 4. RCW 70.148.025 and 1995 c 20 s 12 are each amended to read as follows:

The ~~((director))~~ department shall provide reinsurance through the pollution liability insurance program trust account to the heating oil pollution liability protection program under chapter 70.149 RCW.

Sec. 5. RCW 70.148.030 and 1994 sp.s. c 9 s 805 are each amended to read as follows:

(1) ~~The ((Washington)) pollution liability insurance program is created as an independent agency of the state. The administrative head and appointing authority of the program shall be the director who shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The salary for this office shall be set by the governor pursuant to RCW 43.03.040. The director shall appoint a deputy director. The director, deputy director, and up to three other employees are exempt from the civil service law, chapter 41.06 RCW) merged into the department. The administrative head must be appointed by the director. The administrative head of the program and up to three other employees are exempt from the civil service law, chapter 41.06 RCW, and serve at the pleasure of the director.~~

(2) The pollution liability insurance program shall be closely aligned with programs related to underground storage tanks and toxic cleanup.

(3) The director shall employ such other staff as are necessary to fulfill the responsibilities and duties of the ~~((director))~~ department. The staff is subject to the civil service law, chapter 41.06 RCW. In addition, the director may ~~contract~~ with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. To the extent necessary to protect the state from unintended liability and ensure quality program and contract design, the director shall contract with an organization or organizations with demonstrated experience and ability in managing and designing pollution liability insurance and with an organization or organizations with demonstrated experience and ability in managing and designing pollution liability reinsurance. The

director shall enter into such contracts after competitive bid but need not select the lowest bid. The contracting activity is not subject to the competitive contracting provisions of RCW 41.06.142. Any such contractor or consultant is prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the ~~((program))~~ director. The director may call upon other agencies of the state to provide technical support and available information as necessary to assist the director in meeting the director's responsibilities under this chapter. Agencies shall supply this support and information as promptly as circumstances permit.

~~((3))~~ (4) The director may appoint ad hoc technical advisory committees to obtain expertise necessary to fulfill the purposes of this chapter.

Sec. 6. RCW 70.148.035 and 1990 c 64 s 11 are each amended to read as follows:

The ~~((director))~~ department may design the program to cover the costs incurred in determining whether a proposed applicant for pollution insurance under the program meets the underwriting standards of the insurer. In covering such costs the ~~((director))~~ department shall consider the financial resources of the applicant, shall take into consideration the economic impact of the discontinued use of the applicant's storage tank upon the affected community, shall provide coverage within the revenue limits provided under this chapter, and shall limit coverage of such costs to the extent that coverage would be detrimental to providing affordable insurance under the program.

Sec. 7. RCW 70.148.040 and 1990 c 64 s 5 are each amended to read as follows:

The ~~((director))~~ department may adopt rules consistent with this chapter to carry out the purposes of this chapter. All rules shall be adopted in accordance with chapter 34.05 RCW.

Sec. 8. RCW 70.148.050 and 2006 c 276 s 2 are each amended to read as follows:

The ~~((director))~~ department has the following powers and duties:

(1) To design and from time to time revise a reinsurance contract providing coverage to an insurer meeting the requirements of this chapter. Before initially entering into a reinsurance contract, the ~~((director))~~ department shall prepare an actuarial report describing the various reinsurance methods considered by the ~~((director))~~ department and describing each method's costs. In designing the reinsurance contract the ~~((director))~~ department shall consider common insurance industry reinsurance contract provisions and shall design the contract in accordance with the following guidelines:

(a) The contract shall provide coverage to the insurer for the liability risks of owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action that are underwritten by the insurer.

(b) In the event of an insolvency of the insurer, the reinsurance contract shall provide reinsurance payable directly to the insurer or to its liquidator, receiver, or successor on the basis of the liability of the insurer in accordance with the reinsurance contract. In no event may the program be liable for or provide coverage for that portion of any covered loss that is the responsibility of the insurer whether or not the insurer is able to fulfill the responsibility.

(c) The total limit of liability for reinsurance coverage shall not exceed one million dollars per occurrence and two million dollars annual aggregate for each policy underwritten by the insurer less the ultimate net loss retained by the insurer as defined and provided for in the reinsurance contract.

(d) Disputes between the insurer and the insurance program shall be settled through arbitration.

(2) To design and implement a structure of periodic premiums due the ~~((director))~~ department from the insurer that takes full advantage of revenue collections and projected revenue collections to ensure affordable premiums to the insured consistent with sound actuarial principles.

(3) To periodically review premium rates for reinsurance to determine whether revenue appropriations supporting the program can be reduced without substantially increasing the insured's premium costs.

(4) To solicit bids from insurers and select an insurer to provide pollution liability insurance to owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action.

(5) To monitor the activities of the insurer to ensure compliance with this chapter and protect the program from excessive loss exposure resulting from claims mismanagement by the insurer.

(6) To monitor the success of the program and periodically make such reports and recommendations to the legislature as the ~~((director))~~ department deems appropriate, and to annually publish a financial report on the pollution liability insurance program trust account showing, among other things, administrative and other expenses paid from the fund.

(7) To annually report the financial and loss experience of the insurer as to policies issued under the program and the financial and loss experience of the program to the legislature.

(8) To enter into contracts with public and private agencies to assist the ~~((director))~~ department in ~~((his or her))~~ its duties to design, revise, monitor, and evaluate the program and to provide technical or professional assistance to the ~~((director))~~ department.

(9) To examine the affairs, transactions, accounts, records, documents, and assets of insurers as the ~~((director))~~ department deems advisable.

Sec. 9. RCW 70.148.060 and 2005 c 274 s 341 are each amended to read as follows:

(1) All examination and proprietary reports and information obtained by the ~~((director))~~ department and the ~~((director's))~~ department's staff in soliciting bids from insurers and in monitoring the insurer selected by the ~~((director))~~ department shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) Subsection (1) of this section notwithstanding, the ~~((director))~~ department may furnish all or part of examination reports prepared by the ~~((director))~~ department or by any person, firm, corporation, association, or other entity preparing the reports on behalf of the ~~((director))~~ department to:

(a) The Washington state insurance commissioner;

(b) A person or organization officially connected with the insurer as officer, director, attorney, auditor, or independent attorney or independent auditor; and

(c) The attorney general in his or her role as legal advisor to the ~~((director))~~ department.

(3) Subsection (1) of this section notwithstanding, the ~~((director))~~ department may furnish all or part of the examination or proprietary reports or information obtained by the ~~((director))~~ department to:

(a) The Washington state insurance commissioner; and

(b) A person, firm, corporation, association, governmental body, or other entity with whom the ~~((director))~~ department has contracted for services necessary to perform his or her official duties.

(4) Examination reports and proprietary information obtained by the ~~((director))~~ department and the ~~((director's))~~ department's staff are not subject to public disclosure under chapter 42.56 RCW.

(5) A person who violates any provision of this section is guilty of a gross misdemeanor.

Sec. 10. RCW 70.148.070 and 1990 c 64 s 8 are each amended to read as follows:

(1) In selecting an insurer to provide pollution liability insurance coverage to owners and operators of underground storage tanks, the ~~((director))~~ department shall evaluate bids based upon criteria established by the ~~((director))~~ department that shall include:

(a) The insurer's ability to underwrite pollution liability insurance;

(b) The insurer's ability to settle pollution liability claims quickly and efficiently;

(c) The insurer's estimate of underwriting and claims adjustment expenses;

(d) The insurer's estimate of premium rates for providing coverage;

(e) The insurer's ability to manage and invest premiums; and

(f) The insurer's ability to provide risk management guidance to insureds.

The ~~((director))~~ department shall select the bidder most qualified to provide insurance consistent with this chapter and need not select the bidder submitting the least expensive bid. The ~~((director))~~ department may consider bids by groups of insurers and management companies who propose to act in concert in providing coverage and who otherwise meet the requirements of this chapter.

(2) The successful bidder shall agree to provide liability insurance coverage to owners and operators of underground storage tanks for third party bodily injury and property damage and corrective action consistent with the following minimum standards:

(a) The insurer shall provide coverage for defense costs.

(b) The insurer shall collect a deductible from the insured for corrective action in an amount approved by the ~~((director))~~ department.

(c) The insurer shall provide coverage for accidental releases in the amount of five hundred thousand dollars per occurrence and one million dollars annual aggregate but no more than one million dollars per occurrence and two million dollars annual aggregate exclusive of defense costs.

(d) The insurer shall require insurance applicants to meet at least the following underwriting standards before issuing coverage to the applicant:

(i) The applicant must be in compliance with statutes, ordinances, rules, regulations, and orders governing the ownership and operation of underground storage tanks as identified by the ~~((director))~~ department by rule; and

(ii) The applicant must exercise adequate underground storage tank risk management as specified by the ~~((director))~~ department by rule.

(e) The insurer may exclude coverage for losses arising before the effective date of coverage, and the ~~((director))~~ department may adopt rules establishing standards for determining whether a loss was incurred before the effective date of coverage.

(f) The insurer may exclude coverage for bodily injury, property damage, and corrective action as permitted by the ~~((director))~~ department by rule.

(g) The insurer shall use a variable rate schedule approved by the ~~((director))~~ department taking into account tank type, tank age, and other factors specified by the ~~((director))~~ department.

(3) The ~~((director))~~ department shall adopt all rules necessary to implement this section. In developing and adopting rules governing rates, deductibles, underwriting standards, and coverage conditions, limitations, and exclusions, the ~~((director))~~ department shall balance the owner and operator's need for coverage with the

need to maintain the actuarial integrity of the program, shall take into consideration the economic impact of the discontinued use of a storage tank upon the affected community, and shall consult with the ~~((standing)) ad hoc~~ technical advisory committees established under RCW 70.148.030~~((3))~~ (4). ~~((In developing and adopting rules governing coverage exclusions affecting corrective action, the director shall consult with the Washington state department of ecology.))~~

(4) Notwithstanding the definitions contained in RCW 70.148.010, the ~~((director))~~ department may permit an insurer to use different words or phrases describing the coverage provided under the program. In permitting such deviations from the definitions contained in RCW 70.148.010, the ~~((director))~~ department shall consider the regulations adopted by the United States environmental protection agency requiring financial responsibility by owners and operators of underground petroleum storage tanks.

(5) Owners and operators of underground storage tanks or sites containing underground storage tanks where a preexisting release has been identified or where the owner or operator knows of a preexisting release are eligible for coverage under the program subject to the following conditions:

(a) The owner or operator must have a plan for proceeding with corrective action; and

(b) If the owner or operator files a claim with the insurer, the owner or operator has the burden of proving that the claim is not related to a preexisting release until the owner or operator demonstrates to the satisfaction of the ~~((director))~~ department that corrective action has been completed.

(6) ~~((When))~~ Within thirty days of a reinsurance contract ((has been)) being entered into by the ((agency)) department and insurance companies, ((the director shall notify the department of ecology of the letting of the contract. Within thirty days of that notification.)) the department ~~((of ecology))~~ shall notify all known owners and operators of petroleum underground storage tanks that appropriate levels of financial responsibility must be established by October 26, 1990, in accordance with federal environmental protection agency requirements, and that insurance under the program is available. All owners and operators of petroleum underground storage tanks must also be notified that declaration of method of financial responsibility or intent to seek to be insured under the program must be made to the state by November 1, 1990. If the declaration of method of financial responsibility is not made by November 1, 1990, the department ~~((of ecology))~~ shall, pursuant to chapter 90.76 RCW, prohibit the owner or operator of an underground storage tank from obtaining a tank tag or receiving petroleum products until such time as financial responsibility has been established.

Sec. 11. RCW 70.148.080 and 1990 c 64 s 9 are each amended to read as follows:

If the insurer cancels or refuses to issue or renew a policy, the affected owner or operator may appeal the insurer's decision to the director or the director's designee. The director or the director's designee shall conduct a brief adjudicative proceeding under chapter 34.05 RCW.

Sec. 12. RCW 70.148.090 and 1990 c 64 s 10 are each amended to read as follows:

(1) The activities and operations of the program are exempt from the provisions and requirements of Title 48 RCW and to the extent of their participation in the program, the activities and operations of the insurer selected by the ~~((director))~~ department to provide liability insurance coverage to owners and operators of underground storage tanks are exempt from the requirements of Title 48 RCW except for:

(a) Chapter 48.03 RCW pertaining to examinations;

(b) RCW 48.05.250 pertaining to annual reports;

(c) Chapter 48.12 RCW pertaining to assets and liabilities;

(d) Chapter 48.13 RCW pertaining to investments;

(e) Chapter 48.30 RCW pertaining to deceptive, false, or fraudulent acts or practices; and

(f) Chapter 48.92 RCW pertaining to liability risk retention.

(2) To the extent of their participation in the program, the insurer selected by the ~~((director))~~ department to provide liability insurance coverage to owners and operators of underground storage tanks shall not participate in the Washington insurance guaranty association nor shall the association be liable for coverage provided to owners and operators of underground storage tanks issued in connection with the program.

Sec. 13. RCW 70.148.130 and 2005 c 428 s 2 are each amended to read as follows:

(1) Subject to the conditions and limitations of RCW 70.148.120 through 70.148.170, the ~~((director))~~ department shall establish and manage a program for providing financial assistance to public and private owners and operators of underground storage tanks who have been certified by the governing body of the county, city, or town in which the tanks are located as meeting a vital local government, public health or safety need. In providing such financial assistance the ~~((director))~~ department shall:

(a) Require owners and operators, including local government owners and operators, to demonstrate serious financial hardship;

(b) Limit assistance to only that amount necessary to supplement applicant financial resources;

(c) Limit assistance to no more than two hundred thousand dollars in value for any one underground storage tank site of which amount no more than seventy-five thousand dollars in value may be provided for corrective action; and

(d) Whenever practicable, provide assistance through the direct payment of contractors and other professionals for labor, materials, and other services.

(2)(a) Except as otherwise provided in RCW 70.148.120 through 70.148.170, no grant of financial assistance may be used for any purpose other than for corrective action and repair, replacement, reconstruction, and improvement of underground storage tanks and tank sites. If at any time prior to providing financial assistance or in the course of providing such assistance, it appears to the ~~((director))~~ department that corrective action costs may exceed seventy-five thousand dollars, the ~~((director))~~ department may not provide further financial assistance until the owner or operator has developed and implemented a corrective action plan with the department ~~((of ecology))~~.

(b) A grant of financial assistance may also be made to an owner or operator that has discontinued using underground petroleum storage tanks due to economic hardship. An owner or operator may receive a grant up to two hundred thousand dollars per retailing location if:

(i) The property is located in an underserved rural area;

(ii) The property was previously used by a private owner or operator to provide motor vehicle fuel; and

(iii) The property is at least ten miles from the nearest motor vehicle fuel service station.

(3) When requests for financial assistance exceed available funds, the ~~((director))~~ department shall give preference to providing assistance first to those underground storage tank sites which constitute the sole source of petroleum products in remote rural communities.

(4) ~~((The ((director shall consult with the department of ecology in approving financial assistance for corrective action to ensure compliance with regulations governing underground petroleum storage tanks and corrective action)) department, in approving financial assistance for corrective action, shall ensure compliance with rules governing underground petroleum storage tanks and corrective action.))~~

(5) The ~~((director))~~ department shall approve or disapprove applications for financial assistance within sixty days of receipt of a completed application meeting the requirements of RCW 70.148.120 through 70.148.170. The certification by local government of an owner or operator shall not preclude the ~~((director))~~ department from disapproving an application for financial assistance if the ~~((director))~~ department finds that such assistance would not meet the purposes of RCW 70.148.120 through 70.148.170.

(6) The ~~((director))~~ department may adopt all rules necessary to implement the financial assistance program and shall consult with the technical advisory committee established under RCW 70.148.030 in developing such rules and in reviewing applications for financial assistance.

Sec. 14. RCW 70.148.140 and 1991 c 4 s 3 are each amended to read as follows:

(1) To qualify for financial assistance, a private owner or operator retailing petroleum products to the public must:

(a) First apply for insurance from the pollution liability insurance program and request financial assistance in a form and manner required by the ~~((director))~~ department;

(b) If the ~~((director))~~ department makes a preliminary determination of possible eligibility for financial assistance, apply to the appropriate governing body of the city or town in which the tanks are located or in the case where the tanks are located outside of the jurisdiction of a city or town, then to the appropriate governing body of the county in which the tanks are located, for a determination by the governing body of the city, town, or county that the continued operation of the tanks meets a vital local government, or public health or safety need; and

(c) Qualify for insurance coverage from the pollution liability insurance program if such financial assistance were to be provided.

(2) In consideration for financial assistance and prior to receiving such assistance the owner and operator must enter into an agreement with the state whereby the owner and operator agree:

(a) To sell petroleum products to the public;

(b) To maintain the tank site for use in the retail sale of petroleum products for a period of not less than fifteen years from the date of agreement;

(c) To sell petroleum products to local government entities within the affected community on a cost-plus basis periodically negotiated between the owner and operator and the city, town, or county in which the tanks are located; and

(d) To maintain compliance with state underground storage tank financial responsibility and environmental regulations.

(3) The agreement shall be filed as a real property lien against the tank site with the county auditor ~~((of the county))~~ of the county in which the tanks are located. If the owner or operator transfers his or her interest in such property, the new owner or operator must agree to abide by the agreement or any financial assistance provided under RCW 70.148.120 through 70.148.170 shall be immediately repaid to the state by the owner or operator who received such assistance.

(4) As determined by the ~~((director))~~ department, if an owner or operator materially breaches the agreement, any financial assistance provided shall be immediately repaid by such owner or operator.

(5) The agreement between an owner and operator and the state required under this section shall expire fifteen years from the date of entering into the agreement.

Sec. 15. RCW 70.148.150 and 1991 c 4 s 4 are each amended to read as follows:

(1) To qualify for financial assistance, a public owner or operator must:

(a) First apply for insurance from the pollution liability insurance program and request financial assistance in a form and manner required by the ~~((director))~~ department;

(b) Provide to the ~~((director))~~ department a copy of the resolution by the governing body of the city, town, or county having jurisdiction, finding that the continued operation of the tanks is necessary to maintain vital local public health, education, or safety needs;

(c) Qualify for insurance coverage from the pollution liability insurance program if such financial assistance were to be provided.

(2) The ~~((director))~~ department shall give priority to and shall encourage local government entities to consolidate multiple operational underground storage tank sites into as few sites as possible. For this purpose, the ~~((director))~~ department may provide financial assistance for the establishment of a new local government underground storage tank site contingent upon the closure of other operational sites in accordance with environmental regulations. Within the per site financial limits imposed under RCW 70.148.120 through 70.148.170, the ~~((director))~~ department may authorize financial assistance for the closure of operational sites when closure is for the purpose of consolidation.

Sec. 16. RCW 70.148.160 and 1991 c 4 s 5 are each amended to read as follows:

To qualify for financial assistance, a rural hospital ~~((as defined in RCW 18.89.020))~~, owning or operating an underground storage tank must:

(1) First apply for insurance from the pollution liability insurance program and request financial assistance in a form and manner required by the ~~((director))~~ department;

(2) Apply to the governing body of the city, town, or county in which the hospital is located for certification that the continued operation of the tank or tanks is necessary to maintain vital local public health or safety needs;

(3) Qualify for insurance coverage from the pollution liability insurance program if such financial assistance were to be provided; and

(4) Agree to provide charity care ~~((as defined in RCW 70.39.020))~~ in an amount of equivalent value to the financial assistance provided under RCW 70.148.120 through 70.148.170. The ~~((director))~~ department shall consult with the department of health to monitor and determine the time period over which such care should be expected to be provided in the local community.

Sec. 17. RCW 70.148.170 and 1991 c 4 s 6 are each amended to read as follows:

(1) The ~~((director))~~ department shall develop and distribute to appropriate cities, towns, and counties a form for use by the local government in making the certification required for all private owner and operator financial assistance along with instructions on the use of such form.

(2) In certifying a private owner or operator retailing petroleum products to the public as meeting vital local government, public health or safety needs, the local government shall:

(a) Consider and find that other retail suppliers of petroleum products are located remote from the local community;

(b) Consider and find that the owner or operator requesting certification is capable of faithfully fulfilling the agreement required for financial assistance;

(c) Designate the local government official who will be responsible for negotiating the price of petroleum products to be sold on a cost-plus basis to the local government entities in the affected communities and the entities eligible to receive petroleum products at such price; and

(d) State the vital need or needs that the owner or operator meets.

(3) In certifying a hospital as meeting local public health and safety needs the local government shall:

(a) Consider and find that the continued use of the underground storage tank by the hospital is necessary; and

(b) Consider and find that the hospital provides health care services to the poor and otherwise provides charity care.

(4) The ~~((director))~~ department shall notify the governing body of the city, town, or county providing certification when financial assistance for a private owner or operator has been approved.

Sec. 18. RCW 70.149.010 and 1995 c 20 s 1 are each amended to read as follows:

(1) It is the intent of the legislature to establish a temporary regulatory program to assist owners and operators of heating oil tanks. The legislature finds that it is in the best interests of all citizens for heating oil tanks to be operated safely and for tank leaks or spills to be dealt with expeditiously. The legislature further finds that it is necessary to protect tank owners from the financial hardship related to damaged heating oil tanks. The problem is especially acute because owners and operators of heating oil tanks used for space heating have been unable to obtain pollution liability insurance or insurance has been unaffordable.

(2) The pollution liability insurance program established by this chapter and chapter 70.148 RCW is merged into the department.

Sec. 19. RCW 70.149.030 and 1995 c 20 s 3 are each amended to read as follows:

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

(1) "Accidental release" means a sudden or nonsudden release of heating oil, occurring after July 23, 1995, from operating a heating oil tank that results in bodily injury, property damage, or a need for corrective action, neither expected nor intended by the owner or operator.

(2) "Bodily injury" means bodily injury, sickness, or disease sustained by a person, including death at any time, resulting from the injury, sickness, or disease.

(3)(a) "Corrective action" means those actions reasonably required to be undertaken by the insured to remove, treat, neutralize, contain, or clean up an accidental release in order to comply with a statute, ordinance, rule, regulation, directive, order, or similar legal requirement, in effect at the time of an accidental release, of the United States, the state of Washington, or a political subdivision of the United States or the state of Washington. "Corrective action" includes, where agreed to in writing, in advance by the insurer, action to remove, treat, neutralize, contain, or clean up an accidental release to avert, reduce, or eliminate the liability of the insured for corrective action, bodily injury, or property damage. "Corrective action" also includes actions reasonably necessary to monitor, assess, and evaluate an accidental release.

(b) "Corrective action" does not include:

(i) Replacement or repair of heating oil tanks or other receptacles; or

(ii) Replacement or repair of piping, connections, and valves of tanks or other receptacles.

(4) "Defense costs" include the costs of legal representation, expert fees, and related costs and expenses incurred in defending against claims or actions brought by or on behalf of:

(a) The United States, the state of Washington, or a political subdivision of the United States or state of Washington to require corrective action or to recover costs of corrective action; or

(b) A third party for bodily injury or property damage caused by an accidental release.

(5) "Department" means the Washington state department of ecology.

~~(6) "Director" means the director of the ((Washington state pollution liability insurance agency)) department or the director's appointed representative.~~

~~((6))~~ (7) "Heating oil" means any petroleum product used for space heating in oil-fired furnaces, heaters, and boilers, including stove oil, diesel fuel, or kerosene. "Heating oil" does not include petroleum products used as fuels in motor vehicles, marine vessels, trains, buses, aircraft, or any off-highway equipment not used for space heating, or for industrial processing or the generation of electrical energy.

~~((7))~~ (8) "Heating oil tank" means a tank and its connecting pipes, whether above or below ground, or in a basement, with pipes connected to the tank for space heating of human living or working space on the premises where the tank is located. "Heating oil tank" does not include a decommissioned or abandoned heating oil tank, or a tank used solely for industrial process heating purposes or generation of electrical energy.

~~((8))~~ (9) "Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a release from a heating oil tank.

~~((9))~~ (10) "Owner or operator" means a person in control of, or having responsibility for, the daily operation of a heating oil tank.

~~((10))~~ (11) "Pollution liability insurance ~~((agency))~~ program" or "program" means the Washington state pollution liability insurance ~~((agency))~~ program located within the department.

~~((11))~~ (12) "Property damage" means:

(a) Physical injury to, destruction of, or contamination of tangible property, including the loss of use of the property resulting from the injury, destruction, or contamination; or

(b) Loss of use of tangible property that has not been physically injured, destroyed, or contaminated but has been evacuated, withdrawn from use, or rendered inaccessible because of an accidental release.

~~((12))~~ (13) "Release" means a spill, leak, emission, escape, or leaching into the environment.

~~((13))~~ (14) "Remedial action costs" means reasonable costs that are attributable to or associated with a remedial action.

~~((14))~~ (15) "Tank" means a stationary device, designed to contain an accumulation of heating oil, that is constructed primarily of nonearthen materials such as concrete, steel, fiberglass, or plastic that provides structural support.

~~((15))~~ (16) "Third-party liability" means the liability of a heating oil tank owner to another person due to property damage or personal injury that results from a leak or spill.

Sec. 20. RCW 70.149.040 and 2009 c 560 s 11 are each amended to read as follows:

The ~~((director))~~ department shall:

(1) Design a program, consistent with RCW 70.149.120, for providing pollution liability insurance for heating oil tanks that provides up to sixty thousand dollars per occurrence coverage and aggregate limits, and protects the state of Washington from unwanted or unanticipated liability for accidental release claims. The department shall require a competitive bid process for cleanups covered under the insurance program. The department shall also implement additional cost control measures that provide the most efficient and effective use of program funds;

(2) Administer, implement, and enforce the provisions of this chapter. To assist in administration of the program, the director is authorized to appoint up to two employees who are exempt from the civil service law, chapter 41.06 RCW, and who shall serve at the pleasure of the director;

(3) Administer the heating oil pollution liability trust account, as established under RCW 70.149.070;

(4) Employ and discharge, at ~~((his or her))~~ its discretion, agents, attorneys, consultants, companies, organizations, and

employees as deemed necessary, and to prescribe their duties and powers, and fix their compensation;

(5) Adopt rules under chapter 34.05 RCW as necessary to carry out the provisions of this chapter;

(6) Design and from time to time revise a reinsurance contract providing coverage to an insurer or insurers meeting the requirements of this chapter. The ~~((director))~~ department is authorized to provide reinsurance through the pollution liability insurance program trust account;

(7) Solicit bids from insurers and select an insurer to provide pollution liability insurance for third-party bodily injury and property damage, and corrective action to owners and operators of heating oil tanks;

(8) Register, and design a means of accounting for, operating heating oil tanks;

(9) Implement a program to provide advice and technical assistance to owners and operators of active and abandoned heating oil tanks if contamination from an active or abandoned heating oil tank is suspected. Advice and assistance regarding administrative and technical requirements may include observation of testing or site assessment and review of the results of reports. If the ~~((director))~~ department finds that contamination is not present or that the contamination is apparently minor and not a threat to human health or the environment, the ~~((director))~~ department may provide written opinions and conclusions on the results of the investigation to owners and operators of active and abandoned heating oil tanks. The ~~((agency))~~ department is authorized to collect, from persons requesting advice and assistance, the costs incurred by the ~~((agency))~~ department in providing such advice and assistance. The costs may include travel costs and expenses associated with review of reports and preparation of written opinions and conclusions. Funds from cost reimbursement must be deposited in the heating oil pollution liability trust account. The state of Washington, the department, the pollution liability insurance ~~((agency))~~ program, and its officers and employees are immune from all liability, and no cause of action arises from any act or omission in providing, or failing to provide, such advice, opinion, conclusion, or assistance;

(10) Establish a public information program to provide information regarding liability, technical, and environmental requirements associated with active and abandoned heating oil tanks;

(11) Monitor ~~((agency))~~ program expenditures and seek to minimize costs and maximize benefits to ensure responsible financial stewardship;

(12) Study if appropriate user fees to supplement program funding are necessary and develop recommendations for legislation to authorize such fees.

Sec. 21. RCW 70.149.050 and 1995 c 20 s 5 are each amended to read as follows:

(1) In selecting an insurer to provide pollution liability insurance coverage to owners and operators of heating oil tanks used for space heating, the ~~((director))~~ department shall evaluate bids based upon criteria established by the ~~((director))~~ department that shall include:

(a) The insurer's ability to underwrite pollution liability insurance;

(b) The insurer's ability to settle pollution liability claims quickly and efficiently;

(c) The insurer's estimate of underwriting and claims adjustment expenses;

(d) The insurer's estimate of premium rates for providing coverage;

(e) The insurer's ability to manage and invest premiums; and

(f) The insurer's ability to provide risk management guidance to insureds.

(2) The ~~((director))~~ department shall select the bidder most qualified to provide insurance consistent with this chapter and need not select the bidder submitting the least expensive bid. The ~~((director))~~ department may consider bids by groups of insurers and management companies who propose to act in concert in providing coverage and who otherwise meet the requirements of this chapter.

(3) Owners and operators of heating oil tanks, or sites containing heating oil tanks where a preexisting release has been identified or where the owner or operator knows of a preexisting release are eligible for coverage under the program subject to the following conditions:

(a) The owner or operator must have a plan for proceeding with corrective action; and

(b) If the owner or operator files a claim with the insurer, the owner or operator has the burden of proving that the claim is not related to a preexisting release until the owner or operator demonstrates to the satisfaction of the ~~((director))~~ department that corrective action has been completed.

Sec. 22. RCW 70.149.060 and 1995 c 20 s 6 are each amended to read as follows:

(1) The activities and operations of the program are exempt from the provisions and requirements of Title 48 RCW and to the extent of their participation in the program, the activities and operations of the insurer selected by the ~~((director))~~ department to provide liability insurance coverage to owners and operators of heating oil tanks are exempt from the requirements of Title 48 RCW except for:

(a) Chapter 48.03 RCW pertaining to examinations;

(b) Chapter 48.05.250 pertaining to annual reports;

(c) Chapter 48.12 RCW pertaining to assets and liabilities;

(d) Chapter 48.13 RCW pertaining to investments;

(e) Chapter 48.30 RCW pertaining to deceptive, false, or fraudulent acts or practices; and

(f) Chapter 48.92 RCW pertaining to liability risk retention.

(2) To the extent of their participation in the program, the insurer selected by the ~~((director))~~ department to provide liability insurance coverage to owners and operators of heating oil tanks shall not participate in the Washington insurance guaranty association nor shall the association be liable for coverage provided to owners and operators of heating oil tanks issued in connection with the program.

Sec. 23. RCW 70.149.090 and 2005 c 274 s 342 are each amended to read as follows:

The following shall be confidential and exempt under chapter 42.56 RCW, subject to the conditions set forth in this section:

(1) All examination and proprietary reports and information obtained by the ~~((director))~~ department and the ~~((director's))~~ department's staff in soliciting bids from insurers and in monitoring the insurer selected by the ~~((director))~~ department may not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(2) All information obtained by the ~~((director))~~ department or the ~~((director's))~~ department's staff related to registration of heating oil tanks to be insured may not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity.

(3) The ~~((director))~~ department may furnish all or part of examination reports prepared by the ~~((director))~~ department or by any person, firm, corporation, association, or other entity preparing the reports on behalf of the director to:

(a) The Washington state insurance commissioner;

(b) A person or organization officially connected with the insurer as officer, director, attorney, auditor, or independent attorney or independent auditor; and

(c) The attorney general in his or her role as legal advisor to the ~~((director))~~ department.

Sec. 24. RCW 70.149.120 and 2007 c 240 s 2 are each amended to read as follows:

(1) The ~~((pollution liability insurance agency))~~ department shall identify design criteria for heating oil tanks that provide superior protection against future leaks as compared to standard steel tank designs. Any tank designs identified under this section must either be constructed with fiberglass or offer at least an equivalent level of protection against leaks as a standard fiberglass design.

(2) The ~~((pollution liability insurance agency))~~ department shall reimburse any owner or operator, who is participating in the program created in this chapter and who has experienced an occurrence or remedial action, for the difference in price between a standard steel heating tank and a new heating oil tank that satisfies the design standards identified under subsection (1) of this section, if the owner or operator chooses or is required to replace his or her tank at the time of the occurrence or remedial action.

(3) Any new heating oil tank reimbursement provided under this section must be funded within the amount of per occurrence coverage provided to the owner or operator under RCW 70.149.040.

NEW SECTION. Sec. 25. A new section is added to chapter 70.149 RCW to read as follows:

(1) The following decisions by the department regarding the heating oil pollution liability insurance program may be appealed to the pollution control hearings board: Denial of eligibility for coverage; amount of payment allowed for corrective action; amount of payment allowed for property damage; and amount of payment allowed for a third-party claim.

(2) A party aggrieved by a decision of the department regarding denial of eligibility for coverage; amount of payment allowed for corrective action; amount of payment allowed for property damage; or the amount of payment allowed for a third-party claim may appeal the decision to the pollution control hearings board within thirty days of the decision. Review of such a decision must be conducted in accordance with chapter 43.21B RCW. The pollution control hearings board may hear such an appeal as a short board appeal pursuant to RCW 43.21B.305. Any subsequent appeal of a decision of the pollution control hearings board shall be obtained in accordance with RCW 43.21B.180.

(3) If the appeal to the pollution control hearings board is not received within thirty days after the decision, no further consideration will be given to the appeal.

Sec. 26. RCW 43.21B.110 and 2009 c 456 s 16, 2009 c 332 s 18, and 2009 c 183 s 17 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal

permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(h) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(i) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(j) Regarding the heating oil pollution liability insurance program described in chapter 70.149 RCW, any decision by the department regarding: Denial of eligibility for coverage; amount of payment allowed for corrective action; amount of payment allowed for property damage; and amount of payment allowed for a third-party claim. The pollution control hearings board may hear such an appeal as a short board appeal pursuant to RCW 43.21B.305.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, 70.148.080, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(e) Appeals of decisions by the department as provided in chapter 43.21L RCW.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 27. By September 1, 2011, the department of ecology shall submit a report to the governor and appropriate legislative committees that include findings on the consolidation of the pollution liability insurance agency within the department of ecology and recommendations for legislation in 2012, including draft legislation, if needed, to implement the recommendations and strategies identified in the report. In the report, the department of ecology shall discuss:

(1) Statutory changes that would ensure that the pollution liability insurance program's consolidation within the department of ecology is efficient and effective;

(2) The organizational structure of the pollution liability insurance program;

(3) The appeals process;

(4) Information management;

(5) Coordination of the pollution liability insurance program, underground storage tanks rule, and toxics cleanup program;

(6) Whether participants utilizing the program under chapter 70.149 RCW should be required to continue using oil for home heating for a certain period of time or compensate the fund;

(7) The effect of requiring a competitive bid process and other cost control measures as required in RCW 70.149.040; and

(8) Reauthorization of the pollution liability insurance program by July 1, 2013.

NEW SECTION. Sec. 28. A new section is added to chapter 70.148 RCW to read as follows:

(1) The pollution liability insurance agency is transferred to the department.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the pollution liability insurance agency shall be delivered to the custody of the department of ecology. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the pollution liability insurance agency shall be transferred to the department of ecology. All funds, credits, or other assets held by the pollution liability insurance agency shall be assigned to the department of ecology.

(b) Any appropriations made to the pollution liability insurance agency shall be transferred and credited to the department of ecology.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the pollution liability insurance agency are transferred to the jurisdiction of the department of ecology. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of ecology to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the pollution liability insurance agency shall be continued and acted upon by the pollution liability insurance program as part of the department of ecology. All existing contracts and obligations shall remain in full force and shall be performed by the pollution liability insurance program as part of the department of ecology.

(5) The transfer of the powers, duties, functions, and personnel of the pollution liability insurance agency to the department of ecology under this act shall not affect the validity of any activity performed before the effective date of this section or the effective date of the consolidation.

(6) If apportionments of budgeted funds are required because of the consolidation directed by this section, the director of financial management shall certify the apportionments to the affected agencies, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the pollution liability insurance agency assigned to the department of ecology under this act whose positions are within an existing bargaining unit description at the department of ecology shall become a part of the existing bargaining unit at the department of ecology and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

NEW SECTION. Sec. 29. This act takes effect July 1, 2010.

NEW SECTION. Sec. 30. (1) Sections 1 through 26 and 28 of this act expire June 1, 2013.

(2) Section 27 of this act expires January 1, 2012."

Correct the title.

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

Amendment (1247) was adopted.

The bill was ordered engrossed.

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

Representative Jacks spoke in favor of the passage of the bill.

Representative McCune spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 3023.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 3023, and the bill passed the House by the following vote: Yeas, 59; Nays, 32; Absent, 0; Excused, 7.

Voting yea: Representatives Anderson, Appleton, Blake, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Taylor and Warnick.

Excused: Representatives Carlyle, Clibborn, Driscoll, Morris, Orwall, Simpson and Wallace.

ENGROSSED HOUSE BILL NO. 3023, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House reconsidered the vote by which HOUSE BILL NO. 2697 passed the House.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2697 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2697 on reconsideration, and the bill passed the House by the following vote: Yeas, 91; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias,

Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Carlyle, Clibborn, Driscoll, Morris, Orwall, Simpson and Wallace.

HOUSE BILL NO. 2697 on reconsideration, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 2569, and the bill was placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., February 19, 2010, the 40th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

FORTIETH DAY

House Chamber, Olympia, Friday, February 19, 2010

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

The Speaker (Representative Santos presiding) called upon Representative Moeller to preside.

The flags were escorted to the rostrum by the Nisei Veterans Committee Color Guard. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Sam Mitsui, Blaine Memorial United Methodist Church, Seattle.

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

RESOLUTION

HOUSE RESOLUTION NO. 4689, by Representatives Hasegawa and Santos

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt signed Executive Order 9066, under which more than 120,000 Americans and resident aliens of Japanese ancestry, 12,000 of them residing in Washington state, were incarcerated in 10 internment camps scattered throughout western states during World War II; and

WHEREAS, The order for assembly and detention at Camp Harmony in Puyallup, Washington inflicted a great human cost of abandoned homes, businesses, careers, professional advancements, and disruption to family life, thus causing Japanese-Americans from the state of Washington to lose millions of dollars in property and assets, to suffer immeasurable physical and psychological damage, and to be deprived of their constitutional liberties without due process of law; and

WHEREAS, The alleged purpose of this drastic course of action was to prevent Japanese-Americans, all of whom were deemed disloyal and untrustworthy, from committing acts of espionage and sabotage against the United States during its involvement in World War II; and

WHEREAS, An overwhelming number of Japanese-Americans from the state of Washington responded to questions of their loyalty and patriotism by volunteering from within barbed wire camps to serve in the United States Military Intelligence Service and the United States Army's 442nd Regimental Combat Team, the latter of which became the most decorated unit of its size in American history with seven Presidential Unit Citations, 21 Congressional Medals of Honor, 52 Distinguished Service Crosses, one Distinguished Service Medal, 588 Silver Stars, 4,000 Bronze Stars, 9,486 Purple Hearts, and a total of 18 decorations from France and Italy; and

WHEREAS, A few equally patriotic Japanese-Americans, such as Gordon Hirabayashi, then a student at the University of Washington, were willing to face imprisonment to seek justice by challenging the constitutionality of the evacuation and internment orders; and

WHEREAS, Through the fact-finding work of the Commission on Wartime Relocation and Internment of Civilians, the United States Congress later found that "there was no military or security reason for the internment" of individuals of Japanese ancestry and that the internment "was caused by racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, On August 10, 1988, President Ronald Reagan signed H.R. 442, the Civil Liberties Act, which recognized the injustice of the relocation and internment of American citizens of Japanese ancestry and provided token monetary redress; and

WHEREAS, Japanese-American internees from the state of Washington endured economic, physical, and psychological hardship and suffered in silence for more than forty years before the state of Washington provided monetary redress and reparations to municipal and state employees;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, along with the people of Washington, pause to acknowledge the sixty-eighth anniversary of the signing of Executive Order 9066, to recognize the Japanese-American internees and World War II veterans from the state of Washington, to honor their patience, heroism, sacrifice, and patriotic loyalty, and to remember the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, the Military Intelligence Service - Northwest Association, the Japanese-American Citizens League, and the Japanese-American Cultural & Community Center.

Representative Hasegawa moved adoption of House Resolution No. 4689.

Representatives Hasegawa, Smith, Santos, Rolfes, Hunt, DeBolt and Orcutt spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4689 was adopted.

The Speaker (Representative Moeller presiding) recognized former Representative Kip Tokuda, as well as the Nisei Veterans Committee and the Japanese American Citizens League.

REPORTS OF STANDING COMMITTEES

February 17, 2010

SSB 6197 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Concerning group life insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 17, 2010

SB 6219 Prime Sponsor, Senator Berkey: Funding sources for time certificate of deposit investments. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 18, 2010

ESB 6287 Prime Sponsor, Senator Fraser: Concerning annexation of a city, partial city, or town to a fire protection district. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; White and Williams.

Passed to Committee on Rules for second reading.

February 18, 2010

SB 6288 Prime Sponsor, Senator Pridemore: Authorizing counties, cities, and towns to request background checks for certain license applicants and licensees. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Vice Chair; Angel, Ranking Minority Member; Fagan; Miloscia; Short; Springer; White and Williams.

Passed to Committee on Rules for second reading.

February 17, 2010

SSB 6298 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Authorizing limited deposits of public funds with credit unions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member and Rodne.

Passed to Committee on Rules for second reading.

February 17, 2010

ESSB 6306 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Regulating crop adjusters. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the House adjourned until 10:00 a.m., February 22, 2010, the 43rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

FORTY THIRD DAY

House Chamber, Olympia, Monday, February 22, 2010

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

The Speaker assumed the chair.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rachael Redjou and Clarice Hunter. The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Eusebio Elizondo, Auxiliary Bishop, Seattle Archdiocese.

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

RESOLUTION

HOUSE RESOLUTION NO. 4672, by Representatives Kenney, Chopp, Hunt, Conway, Santos, Pettigrew, Hasegawa, Haigh, Dickerson, Liias, Springer, Morrell, Goodman, Wood, Driscoll, Blake, Clibborn, Nelson, Quall, Pedersen, Sells, Maxwell, Darneille, Simpson, Van De Wege, Orwall, Hunter, McCoy, Ormsby, Carlyle, Kelley, Appleton, O'Brien, Takko, Sullivan, Roberts, Dunshee, Hudgins, Probst, Chase, Eddy, Williams, Green, Seaquist, Finn, Moeller, White, Cody, Upthegrove, Kagi, Rolfes, Jacks, Ericks, Morris, Miloscia, Kessler, Flannigan, and Campbell

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of advocacy and endeavor; and

WHEREAS, Tomás Villanueva has exhibited true excellence throughout his personal, professional, and public life, through his lengthy years of service; and

WHEREAS, Tomás Villanueva was born in Monterrey, Nuevo León, Mexico and moved to Texas, Ohio, Oregon, Idaho, and Arizona and settled in Toppenish, Washington with his family in 1958; and

WHEREAS, Tomás Villanueva married his friend and confidant, Hortencia Villanueva, in 1969, and together, they were blessed with seven children; and

WHEREAS, Tomás Villanueva began his work in manual field labor, but soon emerged as a community leader, peacefully advocating for farm workers rights and equal protection alongside César Chávez; and

WHEREAS, Tomás Villanueva is credited with helping to start the Yakima Valley Farm Workers Clinic, which works to improve the life of farm workers and the underserved, to strengthen their health and that of their communities; and

WHEREAS, Tomás Villanueva has had a passion for promoting elementary and higher education and schools for all, focusing in on the children of low-income and farm-working families; and

WHEREAS, Tomás Villanueva worked as a community liaison for the State's Department of Social and Health Services from 1994 through 2006; and

WHEREAS, Tomás Villanueva served as President of the United Farm Workers of Washington from 1992 through 1996, and has further held numerous positions on committees and boards since the late 1960's; and

WHEREAS, Tomás Villanueva is an ideal citizen of the State of Washington, for he has shown that it is possible to be passionate for a cause, and to find solutions and agreements without ever ignoring professional etiquette, or using violence and anger; and

WHEREAS, Tomás Villanueva has performed his work as an activist solely as a volunteer, and never for personal or monetary gain; and

WHEREAS, Tomás Villanueva has been and continues to be a champion for Human Rights, Labor Rights, Migrant Farm Workers Rights, Education Rights, and Child Labor Laws and a passionate and dedicated citizen to the cause of equality; and

WHEREAS, Tomás Villanueva has been and continues to be a bright minded and tender hearted individual, who has inspired many to stand up for what is fair and right, and speaks passionately for the equality and protection of others, and in doing so he has inspired laws to be passed and people to unite to replace greed, prejudice, and injustice, with acts of kindness, humility, and grace;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor Tomás Villanueva for his numerous years of dedicated service, his personal and professional integrity, and his dedication and faithfulness to the values of freedoms and rights for which he as so assiduously worked; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Tomás Villanueva.

Representative Kenny moved adoption of House Resolution No. 4672.

Representatives Kenney, Roach and Hunt spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4672 was adopted.

SPEAKER'S PRIVILEGE

The Speaker introduced Tomás Villanueva and his wife, Hortencia, and asked the Chamber to acknowledge them.

RESOLUTION

HOUSE RESOLUTION NO. 4678, by Representatives Orcutt, Herrera, Wallace, Probst, Jacks, Takko, Moeller, and Blake

WHEREAS, We are here today to honor the life and life works of a true humanitarian; and

WHEREAS, Margaret Leona Haller was born May 27, 1917, in Cowlitz County 14 miles east of Woodland, Washington in an old homestead which is now 160 feet under the waters of Lake Merwin; and

WHEREAS, Margaret attended Marble Creek Grade School which is also now under the waters of Lake Merwin. The Marble Creek Grade School enrollment dropped below the state minimum to just three students, and Margaret had to be sent to another school closer to Woodland; and

WHEREAS, Margaret was only a sixth grade student when she joined with seven seventh grade students at Clover Valley; and

WHEREAS, During the Great Depression, Margaret was too young to get a job so she attended Woodland High School for five years and took every subject available. She was called the "baby of the class" and graduated at the age of 16 as one of the top five students in a class of 45; and

WHEREAS, After high school Margaret worked at a bulb farm from 1934 through 1935 and worked in the strawberry fields and doing housework; and

WHEREAS, Margaret Haller married Walter Colf in January 1941 and together they operated the Etna Store for eight years, and she helped run the family farm with 22 acres of strawberries and cows; and

WHEREAS, Margaret helped her husband when he started logging and operated a saw mill, and she even worked in the woods as a whistle-punk who sent the signals from the woods to the operator of the steam donkey which pulled the logs out of the woods and loaded them onto trucks; and

WHEREAS, Margaret lost her husband to a logging accident in 1962 leaving her a widow with three daughters and two sons; and

WHEREAS, Margaret was an officer and member of the Green Mountain School Booster Club, and PTA President at La Center for two years, where she chaired many PTA committees. She was very active in the community, organizing drives for the Red Cross, cancer, muscular dystrophy, March of Dimes, and causes for children with disabilities. She also worked on election boards and voter registration drives for several years; and

WHEREAS, Margaret served as secretary-treasurer of the Hayes/Etna Telephone Company for eight years from 1943 through 1951. She is a precinct committee officer, and belongs to both local and national Republican women's groups. She also served as the Clark County Commissioner for the Hayes-Garder Cemetery District No. 5 for 45 years; and

WHEREAS, Margaret Colf married Edwin Hepola in October 1963, but was widowed again in 1977, when Edwin died from a heart attack; and

WHEREAS, Margaret has contributed monetarily and through her leadership to funding and completing many heritage projects in both Cowlitz and Clark counties; and

WHEREAS, From the age of 83 to the age of 91 Margaret Colf Hepola battled with a Federal agency to protect her family's farmland - and won; and

WHEREAS, Margaret Colf Hepola is 93 years old, yet remains active in a multitude of service activities and groups continuously and concurrently and has been honored by state and local officials and groups including those in Cowlitz and Clark counties; and

WHEREAS, Margaret Colf Hepola's life philosophy is that "You only take out of this world, when you leave it, what you have given away and the kindness you have shown to others. The most important thing you can give others is your time and concern for their welfare."

NOW, THEREFORE, BE IT RESOLVED, That the state of Washington and the House of Representatives honor and celebrate the life and service of Margaret Colf Hepola for her years of perseverance and community activism; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted to Margaret Colf Hepola.

HOUSE RESOLUTION NO. 4678 was adopted.

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

REPORTS OF STANDING COMMITTEES

February 17, 2010

ESSB 5543 Prime Sponsor, Committee on Environment, Water & Energy: Reducing the release of mercury into the environment. Reported by Committee on Environmental Health

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 31. The legislature finds that:

(1) Mercury is an essential component of many energy efficient lights. Improper disposal methods will lead to mercury releases that threaten the environment and harm human health. Spent mercury lighting is a hard to collect waste product that is appropriate for product stewardship;

(2) Convenient and environmentally sound product stewardship programs for mercury-containing lights that include collecting, transporting, and recycling mercury-containing lights will help protect Washington's environment and the health of state residents;

(3) The purpose of this act is to achieve a statewide goal of recycling all end-of-life mercury-containing lights by 2020 through expanded public education, a uniform statewide requirement to recycle all mercury-containing lights, and the development of a comprehensive, safe, and convenient collection system that includes use of residential curbside collection programs, mail-back containers, increased support for household hazardous waste facilities, and a network of additional collection locations;

(4) Product producers must play a significant role in financing no-cost collection and processing programs for mercury-containing lights; and

(5) Providers of premium collection services such as residential curbside and mail-back programs may charge a fee to cover the collection costs for these more convenient forms of collection.

NEW SECTION. Sec. 32. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Brand" means a name, symbol, word, or mark that identifies a product, rather than its components, and attributes the product to the owner of the brand as the producer.

(2) "Covered entities" means:

(a) A single-family or a multifamily household generator and persons that deliver no more than fifteen mercury-containing lights to registered collectors for a product stewardship program during a ninety-day period; and

(b) A single-family or a multifamily household generator and persons that utilize a registered residential curbside collection program or a mail-back program for collection of mercury-containing lights and that discards no more than fifteen mercury-containing lights into those programs during a ninety-day period.

(3) "Collection" or "collect" means, except for persons involved in mail-back programs:

(a) The activity of accumulating any amount of mercury-containing lights at a location other than the location where the lights are used by covered entities, and includes curbside collection activities, household hazardous waste facilities, and other registered drop-off locations; and

(b) The activity of transporting mercury-containing lights in the state, where the transporter is not a generator of unwanted mercury-containing lights, to a location for purposes of accumulation.

(4) "Department" means the department of ecology.

(5) "Final disposition" means the point beyond which no further processing takes place and materials from mercury-containing lights have been transformed for direct use as a feedstock in producing new products, or disposed of or managed in permitted facilities.

(6) "Hazardous substances" or "hazardous materials" means those substances or materials identified by rules adopted under chapter 70.105 RCW.

(7) "Mail-back program" means the use of a prepaid postage container with mercury vapor barrier packaging that is used for the collection and recycling of mercury-containing lights from covered entities as part of a product stewardship program and is transported by the United States postal service or a common carrier.

(8) "Mercury vapor barrier packaging" means sealable containers that are specifically designed for the storage, handling, and transport of mercury-containing lights in order to prevent the escape of mercury into the environment by volatilization or any other means, and that meet the requirements for transporting by the United States postal service or a common carrier.

(9) "Mercury-containing lights" means lamps, bulbs, tubes, or other devices that contain mercury and provide functional illumination in homes, businesses, and outdoor stationary fixtures.

(10) "Orphan product" means a mercury-containing light that lacks a producer's brand, or for which the producer is no longer in business and has no successor in interest, or that bears a brand for which the department cannot identify an owner.

(11) "Person" means a sole proprietorship, partnership, corporation, nonprofit corporation or organization, limited liability company, firm, association, cooperative, or other legal entity located within or outside Washington state.

(12) "Processing" means recovering materials from unwanted products for use as feedstock in new products. Processing must occur at permitted facilities.

(13) "Producer" means a person that:

(a) Has or had legal ownership of the brand, brand name, or cobrand of a mercury-containing light sold in or into Washington state, except for persons whose primary business is retail sales;

(b) Imports or has imported mercury-containing lights branded by a producer that meets the requirements of (a) of this subsection and where that producer has no physical presence in the United States;

(c) If (a) and (b) of this subsection do not apply, makes or made an unbranded mercury-containing light that is sold or has been sold in or into Washington state; or

(d)(i) Sells or sold at wholesale or retail a mercury-containing light; (ii) does not have legal ownership of the brand; and (iii) elects to fulfill the responsibilities of the producer for that product.

(14) "Product stewardship" means a requirement for a producer of mercury-containing lights to manage and reduce adverse safety, health, and environmental impacts of the product throughout its life cycle, including financing and providing for the collection, transporting, reusing, recycling, processing, and final disposition of their products.

(15) "Product stewardship plan" or "plan" means a detailed plan describing the manner in which a product stewardship program will be implemented.

(16) "Product stewardship program" or "program" means the methods, systems, and services financed and provided by producers of mercury-containing lights generated by covered entities that addresses product stewardship and includes collecting, transporting, reusing, recycling, processing, and final disposition

of unwanted mercury-containing lights, including a fair share of orphan products.

(17) "Recovery" means the collection and transportation of unwanted mercury-containing lights under this chapter.

(18)(a) "Recycling" means transforming or remanufacturing unwanted products into usable or marketable materials for use other than landfill disposal or incineration.

(b) "Recycling" does not include energy recovery or energy generation by means of combusting unwanted products with or without other waste.

(19) "Reporting period" means the period commencing January 1st and ending December 31st in the same calendar year.

(20) "Residuals" means nonrecyclable materials left over from processing an unwanted product.

(21) "Retailer" means a person who offers mercury-containing lights for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer.

(22)(a) "Reuse" means a change in ownership of a mercury-containing light or its components, parts, packaging, or shipping materials for use in the same manner and purpose for which it was originally purchased, or for use again, as in shipping materials, by the generator of the shipping materials.

(b) "Reuse" does not include dismantling of products for the purpose of recycling.

(23) "Stakeholder" means a person who may have an interest in or be affected by a product stewardship program.

(24) "Stewardship organization" means an organization designated by a producer or group of producers to act as an agent on behalf of each producer to operate a product stewardship program.

(25) "Unwanted product" means a mercury-containing light no longer wanted by its owner or that has been abandoned, discarded, or is intended to be discarded by its owner.

NEW SECTION. Sec. 33. (1) Every producer of mercury-containing lights sold in or into Washington state for residential use must fully finance and participate in a product stewardship program for that product, including the department's costs for administering and enforcing this chapter.

(2) Every producer must:

(a) Participate in a product stewardship program approved by the department and operated by a product stewardship organization contracted by the department. All producers must finance and participate in the plan operated by the product stewardship organization, unless the producer obtains department approval for an independent plan as described in (b) of this subsection; or

(b) Finance and operate, either individually or jointly with other producers, a product stewardship program approved by the department.

(3) A producer, group of producers, or product stewardship organization funded by producers must pay all administrative and operational costs associated with their program or programs, except for the collection costs associated with curbside and mail-back collection programs. For curbside and mail-back programs, a producer, group of producers, or product stewardship organization shall finance the costs of transporting mercury-containing lights from accumulation points and for processing mercury-containing lights collected by curbside and mail-back programs. For collection locations, including household hazardous waste facilities, charities, retailers, government recycling sites, or other suitable locations, a producer, group of producers, or product stewardship organization shall finance the costs of collection, transportation, and processing of mercury-containing lights collected at the collection locations.

(4) Product stewardship programs shall collect unwanted mercury-containing lights delivered from covered entities for reuse, recycling, processing, or final disposition, and not charge a fee when lights are dropped off or delivered into the program.

(5) Product stewardship programs shall provide, at a minimum, no cost services in all cities in the state with populations greater than ten thousand and all counties of the state on an ongoing, year-round basis.

(6) All product stewardship programs operated under approved plans must recover their fair share of unwanted covered products as determined by the department.

(7) The department or its designee may inspect, audit, or review audits of processing and disposal facilities used to fulfill the requirements of a product stewardship program.

(8) No product stewardship program required under this chapter may use federal or state prison labor for processing unwanted products.

(9) Product stewardship programs for mercury-containing lights must be fully implemented by January 1, 2013.

NEW SECTION. Sec. 34. (1) A producer, group of producers, or product stewardship program submitting a proposed product stewardship plan under section 3(2)(b) of this act must submit that plan by January 1st of the year prior to the planned implementation.

(2) The department shall establish rules for plan content. Plans must include but are not limited to:

(a) All necessary information to inform the department about the plan operator and participating producers and their brands;

(b) The management and organization of the product stewardship program that will oversee the collection, transportation, and processing services;

(c) The identity of collection, transportation, and processing service providers, including a description of the consideration given to existing residential curbside collection infrastructure and mail-back systems as an appropriate collection mechanism;

(d) How the product stewardship program will seek to use businesses within the state, including transportation services, retailers, collection sites and services, existing curbside collection services, existing mail-back services, and processing facilities;

(e) A description of how the public will be informed about the recycling program;

(f) A description of the financing system required under section 5 of this act;

(g) How mercury and other hazardous substances will be handled for collection through final disposition;

(h) A public review and comment process; and

(i) Any other information deemed necessary by the department to ensure an effective mercury light product stewardship program that is in compliance with all applicable laws and rules.

(3) All plans submitted to the department must be made available for public review on the department's web site and at the department's headquarters.

(4) At least two years from the start of the product stewardship program and once every four years thereafter, a producer, group of producers, or product stewardship organization operating a product stewardship program must update its product stewardship plan and submit the updated plan to the department for review and approval according to rules adopted by the department.

(5) Each product stewardship program shall submit an annual report to the department describing the results of implementing their plan for the prior year. The department may adopt rules for reporting requirements. All reports submitted to the department must be made available for public review on the department's web site and at the department's headquarters.

NEW SECTION. Sec. 35. (1) All producers that sell mercury-containing lights in or into the state of Washington are responsible

for financing the mercury-containing light recycling program required by section 3 of this act.

(2) Each producer shall pay fifteen thousand dollars to the department to contract for a product stewardship program to be operated by a product stewardship organization. The department shall retain five thousand dollars of the fifteen thousand dollars for administration and enforcement costs.

(3) A producer or producers participating in an independent plan, as permitted under section 3(2)(b) of this act, must pay the full cost of operation. Each producer participating in an approved independent plan shall pay an annual fee of five thousand dollars to the department for administration and enforcement costs.

NEW SECTION. Sec. 36. (1) All mercury-containing lights collected in the state by product stewardship programs or other collection programs must be recycled and any process residuals must be managed in compliance with applicable laws.

(2) Mercury recovered from retorting must be recycled or placed in a properly permitted hazardous waste landfill, or placed in a properly permitted mercury repository.

NEW SECTION. Sec. 37. (1) Except for persons involved in registered mail-back programs, a person who collects unwanted mercury-containing lights in the state, receives funding through a product stewardship program for mercury-containing lights, and who is not a generator of unwanted mercury-containing lights must:

(a) Register with the department as a collector of unwanted mercury-containing lights. Until the department adopts rules for collectors, the collector must provide to the department the legal name of the person or entity owning and operating the collection location, the address and phone number of the collection location, and the name, address, and phone number of the individual responsible for operating the collection location and update any changes in this information within thirty days of the change;

(b) Maintain a spill and release response plan at the collection location that describes the materials, equipment, and procedures that will be used to respond to any mercury release from an unwanted mercury-containing light;

(c) Maintain a worker safety plan at the collection location that describes the handling of the unwanted mercury-containing lights at the collection location and measures that will be taken to protect worker health and safety; and

(d) Use packaging and shipping material that will minimize the release of mercury into the environment and minimize breakage and use mercury vapor barrier packaging if mercury-containing lights are transported by the United States postal service or a common carrier.

(2) A person who operates a curbside collection program or owns or operates a mail-back business participating in a product stewardship program for mercury-containing lights and uses the United States postal service or a common carrier for transport must register with the department and use mercury vapor barrier packaging for curbside collection and mail-back containers.

NEW SECTION. Sec. 38. Effective January 1, 2013:

(1) All persons, residents, government, commercial, industrial, and retail facilities and office buildings must recycle their end-of-life mercury-containing lights.

(2) No mercury-containing lights may knowingly be placed in waste containers for disposal at incinerators, waste to energy facilities, or landfills.

(3) No mercury-containing lights may knowingly be placed in a container for mixed recyclables unless there is a separate location or compartment for the mercury-containing lights that complies with local government collection standards or guidelines.

(4) No owner or operator of a solid waste facility may be found in violation of this section if the facility has posted in a

conspicuous location a sign stating that mercury-containing lights must be recycled and are not accepted for disposal.

(5) No solid waste collector may be found in violation of this section for mercury-containing lights placed in a disposal container by the generator of the mercury-containing light.

NEW SECTION. Sec. 39. As of January 1, 2013, no producer, wholesaler, retailer, electric utility, or other person may distribute, sell, or offer for sale mercury-containing lights for residential use to any person in this state unless the producer is participating in a product stewardship program under a plan approved by the department.

NEW SECTION. Sec. 40. (1) The department shall send a written warning and a copy of this chapter and any rules adopted to implement this chapter to a producer who is not participating in a product stewardship program approved by the department and whose mercury-containing lights are being sold in or into the state.

(2) A producer not participating in a product stewardship program approved by the department whose mercury-containing lights continue to be sold in or into the state sixty days after receiving a written warning from the department shall be assessed a penalty of up to one thousand dollars for each violation. A violation is one day of sales.

(3) If any producer fails to implement its approved plan, the department shall assess a penalty of up to five thousand dollars for the first violation along with notification that the producer must implement its plan within thirty days of the violation. After thirty days, any producer failing to implement their approved plan must be assessed a penalty of up to ten thousand dollars for the second and each subsequent violation. A subsequent violation occurs each thirty-day period that the producer fails to implement the approved plan.

(4) The department shall send a written warning to a producer that fails to submit a product stewardship plan, update or change the plan when required, or submit an annual report as required under this chapter. The written warning must include compliance requirements and notification that the requirements must be met within sixty days. If requirements are not met within sixty days, the producer will be assessed a ten thousand dollar penalty per day of noncompliance starting with the first day of notice of noncompliance.

(5) Penalties prescribed under this section must be reduced by fifty percent if the producer complies within thirty days of the second violation notice.

(6) A producer may appeal penalties prescribed under this section to the pollution control hearings board created under chapter 43.21B RCW.

NEW SECTION. Sec. 41. (1) The department shall provide on its web site a list of all producers participating in a product stewardship plan that the department has approved and a list of all producers the department has identified as noncompliant with this chapter and any rules adopted to implement this chapter.

(2) Product wholesalers, retailers, distributors, and electric utilities must check the department's web site or producer-provided written verification to determine if producers of products they are selling in or into the state are in compliance with this chapter.

(3) No one may distribute or sell mercury-containing lights in or into the state from producers who are not participating in a product stewardship program or who are not in compliance with this chapter and rules adopted under this chapter.

(4) The department shall serve, or send with delivery confirmation, a written warning explaining the violation to any person known to be distributing or selling mercury-containing lights in or into the state from producers who are not participating in a product stewardship program or who are not in compliance with this chapter and rules adopted under this chapter.

(5) Any person who continues to distribute or sell mercury-containing lights from a producer that is not participating in an approved product stewardship program sixty days after receiving a written warning from the department may be assessed a penalty two times the value of the products sold in violation of this chapter or five hundred dollars, whichever is greater. The penalty must be waived if the person verifies that the person has discontinued distribution or sales of mercury-containing lights within thirty days of the date the penalty is assessed. A retailer may appeal penalties to the pollution control hearings board.

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

(7) A sale or purchase of mercury-containing lights as a casual or isolated sale as defined in RCW 82.04.040 is not subject to the provisions of this section.

(8) A person primarily engaged in the business of reuse and resale of a used mercury-containing light is not subject to the provisions of this section when selling used working mercury-containing lights, for use in the same manner and purpose for which it was originally purchased.

(9) In-state distributors, wholesalers, and retailers in possession of mercury-containing lights on the date that restrictions on the sale of the product become effective may exhaust their existing stock through sales to the public.

NEW SECTION. Sec. 42. All producers shall pay the department annual fees to cover the cost of administering and enforcing this chapter. The department may prioritize the work to implement this chapter if fees are not adequate to fund all costs of the program.

NEW SECTION. Sec. 43. The product stewardship programs account is created in the custody of the state treasurer. All funds received from producers under this chapter and penalties collected under this chapter must be deposited in the account. Expenditures from the account may be used only for administering this chapter. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 44. (1) The department may adopt rules necessary to implement, administer, and enforce this chapter.

(2) The department may adopt rules to establish performance standards for product stewardship programs and may establish administrative penalties for failure to meet the standards.

(3) By December 31, 2010, and annually thereafter until December 31, 2014, the department shall report to the appropriate committees of the legislature concerning the status of the product stewardship program and recommendations for changes to the provisions of this chapter.

(4) Beginning October 1, 2014, the department shall annually invite comments from local governments, communities, and citizens to report their satisfaction with services provided by product stewardship programs. This information must be used by the department to determine if the plan operator is meeting convenience requirements and in reviewing proposed updates or changes to product stewardship plans.

(5) Beginning October 1, 2014, the department shall annually invite comments from retailers, consumer groups, electric utilities, the Northwest power and conservation council, and other interested parties regarding the impacts of the requirements of this chapter on the availability or purchase of energy efficient lighting within the state. If the department determines that evidence shows the requirements of this chapter have resulted in negative impacts on the availability or purchase of energy efficient lighting in the state, the department shall report this information by December 31st of each year to the appropriate committees of the legislature with recommendations for changes to the provisions of this chapter.

(6) Beginning October 1, 2014, the department shall annually invite comments from retailers, consumer groups, electric utilities, the Northwest power and conservation council, and other interested parties regarding the availability of energy efficient nonmercury lighting to replace mercury-containing lighting within the state. If the department determines that evidence shows that energy efficient nonmercury-containing lighting is available and achieves similar energy savings as mercury lighting at similar cost, the department shall report this information by December 31st of each year to the appropriate committees of the legislature with recommendations for legislative changes to reduce mercury use in lighting.

(7) Beginning October 1, 2014, the department shall annually estimate the overall statewide recycling rate for mercury-containing lights and calculate that portion of the recycling rate attributable to the product stewardship program.

(8) The department may require submission of independent performance evaluations and report evaluations documenting the effectiveness of mercury vapor barrier packaging in preventing the escape of mercury into the environment. The department may restrict the use of packaging for which adequate documentation has not been provided. Restricted packaging may not be used in any product stewardship program required under this chapter.

NEW SECTION. Sec. 45. Nothing in this chapter changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this chapter change or limit the authority of a city or town to provide such service itself or by contract under RCW 81.77.020.

NEW SECTION. Sec. 46. Nothing in this chapter changes the requirements of any entity regulated under chapter 70.105 RCW to comply with the requirements under that chapter.

NEW SECTION. Sec. 47. This chapter must be liberally construed to carry out its purposes and objectives.

Sec. 48. RCW 70.95M.010 and 2003 c 260 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) (~~"Automotive mercury switch" includes a convenience switch, such as a switch for a trunk or hood light, and a mercury switch in antilock brake systems.~~) "Bulk mercury" includes any elemental, nonamalgamated mercury, regardless of volume quantity or weight and does not include products containing mercury collected for recycling or disposal at a permitted disposal facility.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department of ecology.

(4) "Health care facility" includes a hospital, nursing home, extended care facility, long-term care facility, clinical or medical laboratory, state or private health or mental institution, clinic, physician's office, or health maintenance organization.

(5) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a mercury-added product or an importer or domestic distributor of a mercury-added product produced in a foreign country. In the case of a multicomponent product containing mercury, the manufacturer is the last manufacturer to produce or assemble the product. If the multicomponent product or mercury-added product is produced in a foreign country, the manufacturer is the first importer or domestic distributor.

(6) "Mercury-added button-cell battery" means a button-cell battery to which the manufacturer intentionally introduces mercury for the operation of the battery.

(7) "Mercury-added novelty" means a mercury-added product intended mainly for personal or household enjoyment or adornment. Mercury-added novelties include, but are not limited

to, items intended for use as practical jokes, figurines, adornments, toys, games, cards, ornaments, yard statues and figures, candles, jewelry, holiday decorations, items of apparel, and other similar products. Mercury-added novelty does not include games, toys, or products that require a button-cell or lithium battery, liquid crystal display screens, or a lamp that contains mercury.

(8) "Mercury-added product" means a product, commodity, or chemical, or a product with a component that contains mercury or a mercury compound intentionally added to the product, commodity, or chemical in order to provide a specific characteristic, appearance, or quality, or to perform a specific function, or for any other reason. Mercury-added products include those products listed in the interstate mercury education and reduction clearinghouse mercury-added products database, but are not limited to, mercury thermometers, mercury thermostats, mercury barometers, lamps, and mercury switches (~~(in motor vehicles))~~ or relays.

(9) "Mercury manometer" means a mercury-added product that is used for measuring blood pressure.

(10) "Mercury thermometer" means a mercury-added product that is used for measuring temperature.

(11) "Retailer" means a retailer of a mercury-added product.

(12) "Switch" means any device, which may be referred to as a switch, sensor, valve, probe, control, transponder, or any other apparatus, that directly regulates or controls the flow of electricity, gas, or other compounds, such as relays or transponders. "Switch" includes all components of the unit necessary to perform its flow control function. "Automotive mercury switch" includes a convenience switch, such as a switch for a trunk or hood light, and a mercury switch in antilock brake systems. "Utility switch" includes, but is not limited to, all devices that open or close an electrical circuit, or a liquid or gas valve. "Utility relay" includes, but is not limited to, all products or devices that open or close electrical contacts to control the operation of other devices in the same or other electrical circuit.

(13) "Wholesaler" means a wholesaler of a mercury-added product.

Sec. 49. RCW 70.95M.050 and 2003 c 260 s 6 are each amended to read as follows:

(1) Effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a mercury-added novelty. A manufacturer of mercury-added novelties must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining mercury-added novelty inventory.

(2)(a) Effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a manometer used to measure blood pressure or a thermometer that contains mercury. This subsection (2)(a) does not apply to:

(i) An electronic thermometer with a button-cell battery containing mercury;

(ii) A thermometer that contains mercury and that is used for food research and development or food processing, including meat, dairy products, and pet food processing;

(iii) A thermometer that contains mercury and that is a component of an animal agriculture climate control system or industrial measurement system or for veterinary medicine until such a time as the system is replaced or a nonmercury component for the system or application is available;

(iv) A thermometer or manometer that contains mercury that is used for calibration of other thermometers, manometers, apparatus, or equipment, unless a nonmercury calibration standard is approved for the application by the national institute of standards and technology;

(v) A thermometer that is provided by prescription. A manufacturer of a mercury thermometer shall supply clear

instructions on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur; or

(vi) A manometer or thermometer sold or distributed to a hospital, or a health care facility controlled by a hospital, if the hospital has adopted a plan for mercury reduction consistent with the goals of the mercury chemical action plan developed by the department under section 302, chapter 371, Laws of 2002.

(b) A manufacturer of thermometers that contain mercury must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining thermometer inventory.

(3) Effective January 1, 2006, no person may sell, install, or reinstall a commercial or residential thermostat that contains mercury unless the manufacturer of the thermostat conducts or participates in a thermostat recovery or recycling program designed to assist contractors in the proper disposal of thermostats that contain mercury in accordance with 42 U.S.C. Sec. 6901, et seq., the federal resource conservation and recovery act.

(4) No person may sell, offer for sale, or distribute for sale or use in this state a motor vehicle manufactured after January 1, 2006, if the motor vehicle contains an automotive mercury switch.

(5) Nothing in this section restricts the ability of a manufacturer, importer, or domestic distributor from transporting products through the state, or storing products in the state for later distribution outside the state.

(6) Effective June 30, 2012, the sale or purchase and delivery of bulk mercury is prohibited, including sales through the internet or sales by private parties. However, the prohibition in this subsection does not apply to immediate dangerous waste recycling facilities or treatment, storage, and disposal facilities as approved by the department and sales to research facilities, or industrial facilities that provide products or services to entities exempted from this chapter. The facilities described in this subsection must submit an inventory of their purchase and use of bulk mercury to the department on an annual basis, as well as any mercury waste generated from such actions.

NEW SECTION. Sec. 50. Sections 1 through 17 and 21 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 51. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dickerson; Dunshee; Finn; Hudgins and Rolfes.

Referred to Committee on General Government Appropriations.

February 17, 2010

SSB 6248 Prime Sponsor, Committee on Health & Long-Term Care: Concerning the use of bisphenol A. Reported by Committee on Environmental Health

MAJORITY recommendation: Do pass as amended.

On page 1, after line 11, insert the following:

"(3) "Sports bottle" means a resealable, reusable container, sixty-four ounces or less in size, that is designed or intended primarily to be filled with a liquid or beverage for consumption from the container, and is sold or distributed at retail without containing any liquid or beverage."

On page 1, line 12, after "Sec. 2." insert "(1)"

On page 1, line 14, after "state" strike "any of the following: Any" and insert ", any"

On page 2, after line 3, insert the following:

"(2) Beginning July 1, 2012, no manufacturer, wholesaler, or retailer may manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use in this state, sports bottles that contain bisphenol A."

Signed by Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dickerson; Dunshee; Finn; Hudgins and Rolfes.

Referred to Committee on General Government Appropriations.

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

The Speaker called upon Representative Moeller to preside.

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

There being no objection, the House adjourned until 9:55 a.m., February 23, 2010, the 44th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

FORTY FOURTH DAY

House Chamber, Olympia, Tuesday, February 23, 2010

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

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

MESSAGE FROM THE SENATE

February 22, 2010

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL 6130 and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

REPORTS OF STANDING COMMITTEES

February 18, 2010

HB 3177 Prime Sponsor, Representative Nelson: Concerning funds for certain affordable housing purposes. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chase; Jacks; Maxwell; Morrell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Hope; McCune and Smith.

Passed to Committee on Rules for second reading.

February 18, 2010

HB 3181 Prime Sponsor, Representative Ormsby: Concerning the clean water act of 2010 funding cleanup of water pollution and other programs necessary for the health and well-being of Washington citizens through an increase in the tax on hazardous substances. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Chase; Jacks; Maxwell; Morrell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Hope; McCune and Smith.

Referred to Committee on Finance.

February 19, 2010

HB 3188 Prime Sponsor, Representative Hunter: Modifying the definitions of "manufacturing" and "research and development" for tax incentive programs for businesses in rural counties. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta and Santos.

Passed to Committee on Rules for second reading.

February 19, 2010

SSB 5295 Prime Sponsor, Committee on Government Operations & Elections: Implementing unanimous recommendations of the public records exemptions accountability committee. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 52. RCW 70.05.170 and 2009 c 134 s 1 are each amended to read as follows:

(1)(a) The legislature finds that the mortality rate in Washington state among infants and children less than eighteen years of age is unacceptably high, and that such mortality may be preventable. The legislature further finds that, through the performance of child mortality reviews, preventable causes of child mortality can be identified and addressed, thereby reducing the infant and child mortality in Washington state.

(b) It is the intent of the legislature to encourage the performance of child death reviews by local health departments by providing necessary legal protections to the families of children whose deaths are studied, local health department officials and employees, and health care professionals participating in child mortality review committee activities.

(2) As used in this section, "child mortality review" means a process authorized by a local health department as such department is defined in RCW 70.05.010 for examining factors that contribute to deaths of children less than eighteen years of age. The process may include a systematic review of medical, clinical, and hospital records; home interviews of parents and caretakers of children who have died; analysis of individual case information; and review of this information by a team of professionals in order to identify modifiable medical, socioeconomic, public health, behavioral,

administrative, educational, and environmental factors associated with each death.

(3) Local health departments are authorized to conduct child mortality reviews. In conducting such reviews, the following provisions shall apply:

~~(a) (All medical records, reports, and statements procured by, furnished to, or maintained by a local health department pursuant to chapter 70.02 RCW for purposes of a child mortality review are confidential insofar as the identity of an individual child and his or her adoptive or natural parents is concerned. Such records may be used solely by local health departments for the purposes of the review. This section does not prevent a local health department from publishing statistical compilations and reports related to the child mortality review, if such compilations and reports do not identify individual cases and sources of information.~~

~~(b) Any records or documents supplied or maintained for the purposes of a child mortality review are not subject to discovery or subpoena in any administrative, civil, or criminal proceeding related to the death of a child reviewed. This provision shall not restrict or limit the discovery or subpoena from a health care provider of records or documents maintained by such health care provider in the ordinary course of business, whether or not such records or documents may have been supplied to a local health department pursuant to this section.~~

~~(c) Any summaries or analyses of records, documents, or records of interviews prepared exclusively for purposes of a child mortality review are not subject to discovery, subpoena, or introduction into evidence in any administrative, civil, or criminal proceeding related to the death of a child reviewed.)~~ All health care information collected as part of a child mortality review is confidential, subject to the restrictions on disclosure provided for in chapter 70.02 RCW. When documents are collected as part of a child mortality review, the records may be used solely by local health departments for the purposes of the review;

(b) No identifying information related to the deceased child, the child's guardians, or anyone interviewed as part of the child mortality review may be disclosed. Any such information shall be redacted from any records produced as part of the review;

(c) Any witness statements or documents collected from witnesses, or summaries or analyses of those statements or records prepared exclusively for purposes of a child mortality review, are not subject to public disclosure, discovery, subpoena, or introduction into evidence in any administrative, civil, or criminal proceeding related to the death of a child reviewed. This provision does not restrict or limit the discovery or subpoena from a health care provider of records or documents maintained by such health care provider in the ordinary course of business, whether or not such records or documents may have been supplied to a local health department pursuant to this section. This provision shall not restrict or limit the discovery or subpoena of documents from such witnesses simply because a copy of a document was collected as part of a child mortality review;

(d) No local health department official or employee, and no members of technical committees established to perform case reviews of selected child deaths may be examined in any administrative, civil, or criminal proceeding as to the existence or contents of documents assembled, prepared, or maintained for purposes of a child mortality review.

(e) This section shall not be construed to prohibit or restrict any person from reporting suspected child abuse or neglect under chapter 26.44 RCW nor to limit access to or use of any records, documents, information, or testimony in any civil or criminal action arising out of any report made pursuant to chapter 26.44 RCW.

(4) The department shall assist local health departments to collect the reports of any child mortality reviews conducted by

local health departments and assist with entering the reports into a database to the extent that the data is not protected under subsection (3) of this section. Notwithstanding subsection (3) of this section, the department shall respond to any requests for data from the database to the extent permitted for health care information under chapter 70.02 RCW. In addition, the department shall provide technical assistance to local health departments and child death review coordinators conducting child mortality reviews and encourage communication among child death review teams. The department shall conduct these activities using only federal and private funding.

(5) This section does not prevent a local health department from publishing statistical compilations and reports related to the child mortality review. Any portions of such compilations and reports that identify individual cases and sources of information must be redacted.

Sec. 53. RCW 42.56.380 and 2009 c 33 s 37 are each amended to read as follows:

The following information relating to agriculture and livestock is exempt from disclosure under this chapter:

(1) Business-related information under RCW 15.86.110;

(2) Information provided under RCW 15.54.362;

(3) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.115, 15.100, 15.89, and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;

(4) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture;

(5) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; or (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.115, 15.100, 15.89, or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information;

~~(6) (Except under RCW 15.19.080, information obtained regarding the purchases, sales, or production of an individual American ginseng grower or dealer;~~

~~(7) Information that can be identified to a particular business and that is collected under RCW 15.17.140(2) and 15.17.143 for certificates of compliance;~~

~~(8) Financial statements provided under RCW 16.65.030(1)(d);)~~ Information obtained regarding the purchases, sales, or production of an individual American ginseng grower or dealer, except for providing reports to the United States fish and wildlife service under RCW 15.19.080;

(7) Information collected regarding packers and shippers of fruits and vegetables for the issuance of certificates of compliance under RCW 15.17.140(2) and 15.17.143;

(8) Financial statements obtained under RCW 16.65.030(1)(d) for the purposes of determining whether or not the applicant meets the minimum net worth requirements to construct or operate a public livestock market;

(9) Information submitted by an individual or business for the purpose of participating in a state or national animal identification system. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of

information used in reportable animal health investigations under chapter 16.36 RCW once they are complete; and

(10) Results of testing for animal diseases not required to be reported under chapter 16.36 RCW that is done at the request of the animal owner or his or her designee that can be identified to a particular business or individual.

NEW SECTION. Sec. 54. A new section is added to chapter 42.56 RCW to read as follows:

If the textual description of an exemption under this chapter conflicts with the statute that it references, the statute that it references controls.

Sec. 55. RCW 42.56.360 and 2009 c 1 s 24 (Initiative Measure No. 1000) and 2008 c 136 s 5 are each reenacted and amended to read as follows:

(1) The following health care information is exempt from disclosure under this chapter:

(a) Information obtained by the board of pharmacy as provided in RCW 69.45.090;

(b) Information obtained by the board of pharmacy or the department of health and its representatives as provided in RCW 69.41.044, 69.41.280, and 18.64.420;

(c) Information and documents created specifically for, and collected and maintained by a quality improvement committee under RCW 43.70.510, 70.230.080, or 70.41.200, or by a peer review committee under RCW 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640 or 18.20.390, or by a hospital, as defined in RCW 43.70.056, for reporting of health care-associated infections under RCW 43.70.056, a notification of an incident under RCW 70.56.040(5), and reports regarding adverse events under RCW 70.56.020(2)(b), regardless of which agency is in possession of the information and documents;

(d)(i) Proprietary financial and commercial information that the submitting entity, with review by the department of health, specifically identifies at the time it is submitted and that is provided to or obtained by the department of health in connection with an application for, or the supervision of, an antitrust exemption sought by the submitting entity under RCW 43.72.310;

(ii) If a request for such information is received, the submitting entity must be notified of the request. Within ten business days of receipt of the notice, the submitting entity shall provide a written statement of the continuing need for confidentiality, which shall be provided to the requester. Upon receipt of such notice, the department of health shall continue to treat information designated under this subsection (1)(d) as exempt from disclosure;

(iii) If the requester initiates an action to compel disclosure under this chapter, the submitting entity must be joined as a party to demonstrate the continuing need for confidentiality;

(e) Records of the entity obtained in an action under RCW 18.71.300 through 18.71.340;

~~(f) ((Except for published statistical compilations and reports relating to the infant mortality review studies that do not identify individual cases and sources of information, any records or documents obtained, prepared, or maintained by the local health department for the purposes of an infant mortality review conducted by the department of health under RCW 70.05.170;~~

~~(g))~~ Complaints filed under chapter 18.130 RCW after July 27, 1997, to the extent provided in RCW 18.130.095(1);

~~((h))~~ (g) Information obtained by the department of health under chapter 70.225 RCW; ~~(and~~

~~(i))~~ (h) Information collected by the department of health under chapter 70.245 RCW except as provided in RCW 70.245.150; ~~and~~

(i) All documents, including completed forms, received pursuant to a wellness program under RCW 41.04.362, but not statistical reports that do not identify an individual.

(2) Chapter 70.02 RCW applies to public inspection and copying of health care information of patients.

(3)(a) Documents related to infant mortality reviews conducted pursuant to RCW 70.05.170 are exempt from disclosure as provided for in RCW 70.05.170(3).

(b)(i) If an agency provides copies of public records to another agency that are exempt from public disclosure under this subsection (3), those records remain exempt to the same extent the records were exempt in the possession of the originating entity.

(ii) For notice purposes only, agencies providing exempt records under this subsection (3) to other agencies may mark any exempt records as "exempt" so that the receiving agency is aware of the exemption, however whether or not a record is marked exempt does not affect whether the record is actually exempt from disclosure.

Sec. 56. RCW 41.04.362 and 1987 c 248 s 2 are each amended to read as follows:

(1) ~~((The))~~ Directors of ~~((the department of personnel))~~ state and local entities, in consultation with applicable state agencies and employee organizations, may develop and administer a voluntary state employee wellness program.

(2) ~~((The))~~ A director may:

(a) Develop and implement state employee wellness policies, procedures, and activities;

(b) Disseminate wellness educational materials to ~~((state))~~ agencies and employees;

(c) Encourage the establishment of wellness activities in ~~((state))~~ agencies;

(d) Provide technical assistance and training to agencies conducting wellness activities for their employees;

(e) Develop standards by which agencies sponsoring specific wellness activities may impose a fee to participating employees to help defray the cost of those activities;

(f) Monitor and evaluate the effectiveness of this program, including the collection, analysis, and publication of relevant statistical information; and

(g) Perform other duties and responsibilities as necessary to carry out the purpose of this section.

(3) No wellness program or activity that involves or requires organized or systematic physical exercise may be implemented or conducted during normal working hours.

NEW SECTION. Sec. 57. RCW 41.04.364 (State employee wellness program--Confidentiality of individually identifiable information) and 1987 c 248 s 3 are each repealed.

Sec. 58. RCW 28C.18.020 and 1991 c 238 s 3 are each amended to read as follows:

(1) There is hereby created the workforce training and education coordinating board as a state agency and as the successor agency to the state board for vocational education. Once the coordinating board has convened, all references to the state board for vocational education in the Revised Code of Washington shall be construed to mean the workforce training and education coordinating board, except that reference to the state board for vocational education in RCW 49.04.030 shall mean the state board for community and technical colleges.

(2)(a) The board shall consist of nine voting members appointed by the governor with the consent of the senate, as follows: Three representatives of business, three representatives of labor, and, serving as ex officio members, the superintendent of public instruction, the executive director of the state board for community and technical colleges, and the commissioner of the employment security department. The chair of the board shall be a nonvoting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role that the

state's training system has in meeting those needs. Each voting member of the board may appoint a designee to function in his or her place with the right to vote. In making appointments to the board, the governor shall seek to ensure geographic, ethnic, and gender diversity and balance. The governor shall also seek to ensure diversity and balance by the appointment of persons with disabilities.

(b) The business representatives shall be selected from among nominations provided by a statewide business organization representing a cross-section of industries. However, the governor may request, and the organization shall provide, an additional list or lists from which the governor shall select the business representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities, and diversity in sizes of businesses.

(c) The labor representatives shall be selected from among nominations provided by statewide labor organizations. However, the governor may request, and the organizations shall provide, an additional list or lists from which the governor shall select the labor representatives. The nominations and selections shall reflect the cultural diversity of the state, including women, people with disabilities, and racial and ethnic minorities.

(d) Each business member may cast a proxy vote or votes for any business member who is not present and who authorizes in writing the present member to cast such vote.

(e) Each labor member may cast a proxy vote for any labor member who is not present and who authorizes in writing the present member to cast such vote.

(f) The chair shall appoint to the board one nonvoting member to represent racial and ethnic minorities, women, and people with disabilities. The nonvoting member appointed by the chair shall serve for a term of four years with the term expiring on June 30th of the fourth year of the term.

(g) The business members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(h) The labor members of the board shall serve for terms of four years, the terms expiring on June 30th of the fourth year of the term except that in the case of initial members, one shall be appointed to a two-year term and one appointed to a three-year term.

(i) Any vacancies among board members representing business or labor shall be filled by the governor with nominations provided by statewide organizations representing business or labor, respectively.

(j) The board shall adopt bylaws and shall meet at least bimonthly and at such other times as determined by the chair who shall give reasonable prior notice to the members or at the request of a majority of the voting members.

(k) Members of the board shall be compensated in accordance with RCW 43.03.040 and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(l) The board shall be formed and ready to assume its responsibilities under this chapter by October 1, 1991.

(m) The director of the board shall be appointed by the governor from a list of three names submitted by a committee made up of the business and labor members of the board. However, the governor may request, and the committee shall provide, an additional list or lists from which the governor shall select the director. ~~((The lists compiled by the committee shall not be subject to public disclosure.))~~ The governor may dismiss the director only with the approval of a majority vote of the board.

The board, by a majority vote, may dismiss the director with the approval of the governor.

(3) The state board for vocational education is hereby abolished and its powers, duties, and functions are hereby transferred to the workforce training and education coordinating board. All references to the director or the state board for vocational education in the Revised Code of Washington shall be construed to mean the director or the workforce training and education coordinating board.

Sec. 59. RCW 79A.25.150 and 2007 c 241 s 51 are each amended to read as follows:

When requested by the board, members employed by the state shall furnish assistance to the board from their departments for the analysis and review of proposed plans and projects, and such assistance shall be a proper charge against the appropriations to the several agencies represented on the board. Assistance may be in the form of money, personnel, or equipment and supplies, whichever is most suitable to the needs of the board.

The director of the recreation and conservation office shall be appointed by, and serve at the pleasure of, the governor. The governor shall select the director from a list of three candidates submitted by the board. However, the governor may request and the board shall provide an additional list or lists from which the governor may select the director. ~~((The lists compiled by the board shall not be subject to public disclosure.))~~ The director shall have background and experience in the areas of recreation and conservation management and policy. The director shall be paid a salary to be fixed by the governor in accordance with the provisions of RCW 43.03.040. The director shall appoint such personnel as may be necessary to carry out the duties of the office. Not more than three employees appointed by the director shall be exempt from the provisions of chapter 41.06 RCW.

Sec. 60. RCW 42.56.330 and 2008 c 200 s 6 are each amended to read as follows:

The following information relating to public utilities and transportation is exempt from disclosure under this chapter:

(1) Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 that a court has determined are confidential under RCW 80.04.095;

(2) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order;

(3) The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service; however, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides;

(4) The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons;

(5) The personally identifying information of persons who acquire and use transit passes and other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose this information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media ~~((or to the news media when reporting on public transportation or~~

public safety. This information may also be disclosed at the agency's discretion to governmental agencies or groups concerned with public transportation or public safety)) for the purpose of preventing fraud.

(a) This information may be disclosed in aggregate form if the data does not contain any personally identifying information.

(b) Personally identifying information may be released to law enforcement agencies if the request is accompanied by a court order;

(6) Any information obtained by governmental agencies that is collected by the use of a motor carrier intelligent transportation system or any comparable information equipment attached to a truck, tractor, or trailer; however, the information may be given to other governmental agencies or the owners of the truck, tractor, or trailer from which the information is obtained. As used in this subsection, "motor carrier" has the same definition as provided in RCW 81.80.010;

(7) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order; and

(8) The personally identifying information of persons who acquire and use a driver's license or identicaid that includes a radio frequency identification chip or similar technology to facilitate border crossing. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. Personally identifying information may be released to law enforcement agencies only for United States customs and border protection enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order.

Sec. 61. RCW 42.56.250 and 2006 c 209 s 6 are each amended to read as follows:

The following employment and licensing information is exempt from public inspection and copying under this chapter:

(1) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination;

(2) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

(3) The residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of employees or volunteers of a public agency, and the names, dates of birth, residential addresses, residential telephone numbers, personal wireless telephone numbers, personal electronic mail addresses, social security numbers, and emergency contact information of dependents of employees or volunteers of a public agency that are held by any public agency in personnel records, public employment related records, or volunteer rosters, or are included in any mailing list of employees or volunteers of any public agency. For purposes of this subsection, "employees" includes independent provider home care workers as defined in RCW 74.39A.240;

(4) Information that identifies a person who, while an agency employee: (a) Seeks advice, under an informal process established

by the employing agency, in order to ascertain his or her rights in connection with a possible unfair practice under chapter 49.60 RCW against the person; and (b) requests his or her identity or any identifying information not be disclosed;

(5) Investigative records compiled by an employing agency conducting ~~((a current))~~ an active and ongoing investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws prohibiting discrimination in employment; ~~((and))~~

~~((6) ((Except as provided in RCW 47.64.220, salary and employee benefit information collected under RCW 47.64.220(1) and described in RCW 47.64.220(2).)) Criminal history records checks for board staff finalist candidates conducted pursuant to RCW 43.33A.025; and~~

~~((7) Except as provided in RCW 47.64.220, salary and benefit information for maritime employees collected from private employers under RCW 47.64.220(1) and described in RCW 47.64.220(2)."~~

Correct the title.

On page 5, beginning on line 18, strike all of section 3

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

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

February 18, 2010

SSB 6211

Prime Sponsor, Committee on Transportation:
Creating an agricultural scenic corridor within the scenic and recreational highway system.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Armstrong; Campbell; Finn; Johnson; Klippert; Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Springer; Takko; Williams and Wood.

Passed to Committee on Rules for second reading.

February 18, 2010

SSB 6213

Prime Sponsor, Committee on Transportation:
Concerning vehicles at railroad grade crossings.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Armstrong; Campbell; Finn; Johnson; Klippert; Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Springer; Takko; Williams and Wood.

Passed to Committee on Rules for second reading.

February 18, 2010

SB 6218

Prime Sponsor, Senator Fraser: Authorizing use of voter approved local excess tax levies to pay financing contracts under the local option capital asset lending program and clarifying which "other agencies" may participate in the program.
Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair;

Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Hope; Jacks; Maxwell; McCune; Morrell; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

February 19, 2010

SSB 6239 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Making technical corrections to gender-based terms. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

February 19, 2010

SSB 6342 Prime Sponsor, Committee on Government Operations & Elections: Concerning the Washington soldiers' home. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 16, strike all of subsections (4) and (5)

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

February 19, 2010

SSB 6350 Prime Sponsor, Committee on Natural Resources, Ocean & Recreation: Concerning marine waters management that includes marine spatial planning. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Smith, Assistant Ranking Minority Member; Lias; McCoy; Nelson and Rolfes.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Kretz; Pearson; Van De Wege and Warnick.

Referred to Committee on Ways & Means.

February 19, 2010

SB 6401 Prime Sponsor, Senator Brandland: Concerning an alternative process for selecting an electrical contractor or a mechanical contractor, or both, for general contractor/construction manager projects. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Miloscia and Taylor.

Referred to Committee on Capital Budget.

February 19, 2010

SB 6481 Prime Sponsor, Senator Morton: Clarifying which local governments have jurisdiction over conversion-related forest practices. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 76.09.240 and 2007 c 236 s 1 and 2007 c 106 s 6 are each reenacted and amended to read as follows:

(1) (~~On or before December 31, 2008:~~)

(a) Counties planning under RCW 36.70A.040 with a population greater than one hundred thousand, and the cities and towns within those counties, where more than a total of twenty-five Class IV forest practices applications, as defined in RCW 76.09.050(1) Class IV (a) through (d), have been filed with the department between January 1, 2003, and December 31, 2005, shall adopt and enforce ordinances or regulations as provided in subsection (2) of this section for the following:

(i) Forest practices classified as Class I, II, III, and IV that are within urban growth areas designated under RCW 36.70A.110, except for forest practices on ownerships of contiguous forest land equal to or greater than twenty acres where the forest landowner provides, to the department and the county, a written statement of intent, signed by the forest landowner, not to convert to a use other than growing commercial timber for ten years. This statement must be accompanied by either:

(A) A written forest management plan acceptable to the department; or

(B) Documentation that the land is enrolled as forest land of long-term commercial significance under the provisions of chapter 84.33 RCW; and

(ii) Forest practices classified as Class IV, outside urban growth areas designated under RCW 36.70A.110, involving either timber harvest or road construction, or both on:

(A) Lands platted after January 1, 1960, as provided in chapter 58.17 RCW;

(B) Lands that have or are being converted to another use; or

(C) Lands which, under RCW 76.09.070, are not to be reforested because of the likelihood of future conversion to urban development;

(b) Counties planning under RCW 36.70A.040, and the cities and towns within those counties, not included in (a) of this subsection, may adopt and enforce ordinances or regulations as provided in (a) of this subsection; and

(c) Counties not planning under RCW 36.70A.040, and the cities and towns within those counties, may adopt and enforce ordinances or regulations as provided in subsection (2) of this section for forest practices classified as Class IV involving either timber harvest or road construction, or both on:

(i) Lands platted after January 1, 1960, as provided in chapter 58.17 RCW;

(ii) Lands that have or are being converted to another use; or

(iii) Lands which, under RCW 76.09.070, are not to be reforested because of the likelihood of future conversion to urban development.

(2) Before a county, city, or town may regulate forest practices under subsection (1) of this section, it shall ensure that its critical areas and development regulations are in compliance with RCW 36.70A.130 and, if applicable, RCW 36.70A.215. The county, city, or town shall notify the department and the department of

ecology in writing sixty days prior to adoption of the development regulations required in this section. The transfer of jurisdiction shall not occur until the county, city, or town has notified the department, the department of revenue, and the department of ecology in writing of the effective date of the regulations. Ordinances and regulations adopted under subsection (1) of this section and this subsection must be consistent with or supplement development regulations that protect critical areas pursuant to RCW 36.70A.060, and shall at a minimum include:

(a) Provisions that require appropriate approvals for all phases of the conversion of forest lands, including land clearing and grading; and

(b) Procedures for the collection and administration of permit and recording fees.

(3) Activities regulated by counties, cities, or towns as provided in subsections (1) and (2) of this section shall be administered and enforced by those counties, cities, or towns. The department shall not regulate these activities under this chapter.

(4) The board shall continue to adopt rules and the department shall continue to administer and enforce those rules in each county, city, or town for all forest practices as provided in this chapter until such a time as the county, city, or town has updated its development regulations as required by RCW 36.70A.130 and, if applicable, RCW 36.70A.215, and has adopted ordinances or regulations under subsections (1) and (2) of this section. However, counties, cities, and towns that have adopted ordinances or regulations regarding forest practices prior to July 22, 2007, are not required to readopt their ordinances or regulations in order to satisfy the requirements of this section.

(5) Upon request, the department shall provide technical assistance to all counties, cities, and towns while they are in the process of adopting the regulations required by this section, and after the regulations become effective.

(6) For those forest practices over which the board and the department maintain regulatory authority no county, city, municipality, or other local or regional governmental entity shall adopt or enforce any law, ordinance, or regulation pertaining to forest practices, except that to the extent otherwise permitted by law, such entities may exercise any:

(a) Land use planning or zoning authority: PROVIDED, That exercise of such authority may regulate forest practices only: (i) Where the application submitted under RCW 76.09.060 as now or hereafter amended indicates that the lands have been or will be converted to a use other than commercial forest product production; or (ii) on lands which have been platted after January 1, 1960, as provided in chapter 58.17 RCW: PROVIDED, That no permit system solely for forest practices shall be allowed; that any additional or more stringent regulations shall not be inconsistent with the forest practices regulations enacted under this chapter; and such local regulations shall not unreasonably prevent timber harvesting;

(b) Taxing powers;

(c) Regulatory authority with respect to public health; and

(d) Authority granted by chapter 90.58 RCW, the "Shoreline Management Act of 1971."

(7) All counties and cities adopting or enforcing regulations or ordinances under this section shall include in the regulation or ordinance a requirement that a verification accompany every permit issued for forest land by that county or city associated with the conversion to a use other than commercial timber operation, as that term is defined in RCW 76.09.020, that verifies that the land in question is not or has not been subject to a notice of conversion to nonforestry uses under RCW 76.09.060 during the six-year period prior to the submission of a permit application.

(8) To improve the administration of the forest excise tax created in chapter 84.33 RCW, a county, city, or town that

regulates forest practices under this section shall report permit information to the department of revenue for all approved forest practices permits. The permit information shall be reported to the department of revenue no later than sixty days after the date the permit was approved and shall be in a form and manner agreed to by the county, city, or town and the department of revenue. Permit information includes the landowner's legal name, address, telephone number, and parcel number."

Correct the title.

Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

February 19, 2010

SB 6543

Prime Sponsor, Senator Hatfield: Modifying the powers of the Washington tree fruit research commission. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

February 19, 2010

SSB 6634

Prime Sponsor, Committee on Agriculture & Rural Economic Development: Establishing civil penalties for failure to comply with dairy nutrient management recordkeeping requirements. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Rolfes; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Representative Pearson.

Passed to Committee on Rules for second reading.

February 19, 2010

SSB 6688

Prime Sponsor, Committee on Government Operations & Elections: Concerning filling vacancies in nonpartisan elective office. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

On page 2, line 27, after "within" strike "thirty" and insert "sixty"

On page 2, line 28, after "within" strike "fifteen" and insert "thirty"

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Flannigan and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander and Taylor.

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE SENATE

February 23, 2010

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE SENATE BILL 6130 and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

The Speaker signed ENGROSSED SUBSTITUTE SENATE BILL NO. 6130.

The Speaker called upon Representative Kessler to preside.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 18, 2010

ESSB 6426 Prime Sponsor, Committee on Ways & Means: Eliminating certain boards and commissions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Committee on Agency Officials' Salaries

Sec. 1. RCW 43.03.027 and 1970 ex.s. c 43 s 1 are each amended to read as follows:

It is hereby declared to be the public policy of this state to base the salaries of public officials on realistic standards in order that such officials may be paid according to the true value of their services and the best qualified citizens may be attracted to public service. It is the purpose of ~~((RCW 43.03.027, 43.03.028,))~~ this section and RCW 43.03.040~~((43.03.045 and 43.03.047))~~ to effectuate this policy by utilizing the expert knowledge of citizens having access to pertinent facts concerning proper salaries for public officials, thus removing and dispelling any thought of political consideration in fixing the appropriateness of the amount of such salaries.

Sec. 2. RCW 43.03.028 and 2007 c 241 s 3 are each amended to read as follows:

(1) ~~((There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four year institutions of higher education; the chairperson of the Washington personnel resources board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an~~

~~equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.~~

~~((2) The committee))~~ The department of personnel shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the eastern Washington historical society; the Washington state historical society; the recreation and conservation office; the criminal justice training commission; the department of personnel; the state library; the traffic safety commission; the horse racing commission; the advisory council on vocational education; the public disclosure commission; the state conservation commission; the commission on Hispanic affairs; the commission on Asian Pacific American affairs; the state board for volunteer firefighters and reserve officers; the transportation improvement board; the public employment relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

~~((The committee))~~ (2) The department of personnel shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

~~((3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.))~~

Sec. 3. RCW 34.12.100 and 1986 c 155 s 10 are each amended to read as follows:

The chief administrative law judge shall be paid a salary fixed by the governor after recommendation of the ~~((state committee on agency officials' salaries))~~ department of personnel. The salaries of administrative law judges appointed under the terms of this chapter shall be determined by the chief administrative law judge after recommendation of the ~~((state committee on agency officials' salaries))~~ department of personnel.

Sec. 4. RCW 42.17.370 and 1995 c 397 s 17 are each amended to read as follows:

The commission is empowered to:

(1) Adopt, promulgate, amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint and set, within the limits established by the ~~((committee on agency officials' salaries))~~ department of personnel under RCW 43.03.028, the compensation of an executive director who shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor shall it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) Make from time to time, on its own motion, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence and require the production of any books, papers, correspondence, memorandums, or other records relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt and promulgate a code of fair campaign practices;

(8) Relieve, by rule, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars;

(9) Adopt rules prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his or her regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations in his or her examination reports concerning those agencies;

(10) After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the reporting requirements of this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his or her immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section. Requests for renewals of reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and in accordance with the standards established in this section. No initial request may be heard in a brief adjudicative proceeding and no request for renewal may be heard in a brief adjudicative proceeding if the initial request was granted more than three years previously or if the applicant is holding an office or position of employment different from the office or position held when the initial request was granted. The commission shall adopt administrative rules governing the proceedings. Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order; and

(11) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December

preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.05 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold through December 1985;

(12) Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

Sec. 5. RCW 43.03.040 and 2009 c 5 s 5 are each amended to read as follows:

The directors of the several departments and members of the several boards and commissions, whose salaries are fixed by the governor and the chief executive officers of the agencies named in RCW 43.03.028(~~(2)~~) (1) as now or hereafter amended shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor or the appropriate salary fixing authority, in an amount not to exceed the recommendations of the (~~committee on agency officials' salaries~~) department of personnel. For the twelve months following February 18, 2009, a salary or wage increase shall not be granted to any position under this section.

Airport Impact Mitigation Advisory Board

Sec. 6. RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each amended to read as follows:

(1) The airport impact mitigation account is created in the custody of the state treasury. Moneys deposited in the account, including moneys received from the port of Seattle for purposes of this section, may be used only for airport mitigation purposes as provided in this section. Only the director of (~~the department of community, trade, and economic development~~) commerce or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The department of (~~community, trade, and economic development~~) commerce shall establish a competitive process to prioritize applications for airport impact mitigation assistance through the account created in subsection (1) of this section. The department shall conduct a solicitation of project applications in the airport impact area as defined in subsection (~~(4)~~) (3) of this section. Eligible applicants include public entities such as cities, counties, schools, parks, fire districts, and shall include organizations eligible to apply for grants under RCW 43.63A.125. The department (~~of community, trade, and economic development~~) shall evaluate and rank applications (~~in conjunction with the airport impact mitigation advisory board established in subsection (3) of this section~~) using objective criteria developed by the department (~~in conjunction with the airport impact mitigation advisory board~~). At a minimum, the criteria must consider: The extent to which the applicant is impacted by the airport; and the other resources available to the applicant to mitigate the impact, including other mitigation funds. The director of (~~the department of community, trade, and economic development~~) commerce shall award grants annually to the extent funds are available in the account created in subsection (1) of this section.

(3) (~~The director of the department of community, trade, and economic development shall establish the airport impact mitigation advisory board comprised of persons in the airport impact area to assist the director in developing criteria and ranking applications under this section. The advisory board shall include representation~~)

~~of local governments, the public in general, businesses, schools, community services organizations, parks and recreational activities, and others at the discretion of the director. The advisory board shall be weighted toward those communities closest to the airport that are more adversely impacted by airport activities.~~

~~(4))~~ The airport impact area includes the incorporated areas of Burien, Normandy Park, Des Moines, SeaTac, ~~((Tukwila))~~ Tukwila, Kent, and Federal Way, and the unincorporated portion of west King county.

~~((5))~~ (4) The department of ~~((community, trade, and economic development))~~ commerce shall report on its activities related to the account created in this section by January 1, 2004, and each January 1st thereafter.

Athletic Training Advisory Committee

NEW SECTION. Sec. 7. RCW 18.250.030 (Athletic training advisory committee) and 2007 c 253 s 4 are each repealed.

Sec. 8. RCW 18.250.010 and 2007 c 253 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Athlete" means a person who participates in exercise, recreation, sport, or games requiring physical strength, range-of-motion, flexibility, body awareness and control, speed, stamina, or agility, and the exercise, recreation, sports, or games are of a type conducted in association with an educational institution or professional, amateur, or recreational sports club or organization.

(2) "Athletic injury" means an injury or condition sustained by an athlete that affects the person's participation or performance in exercise, recreation, sport, or games and the injury or condition is within the professional preparation and education of an athletic trainer.

(3) "Athletic trainer" means a person who is licensed under this chapter. An athletic trainer can practice athletic training through the consultation, referral, or guidelines of a licensed health care provider working within their scope of practice.

(4)(a) "Athletic training" means the application of the following principles and methods as provided by a licensed athletic trainer:

(i) Risk management and prevention of athletic injuries through preactivity screening and evaluation, educational programs, physical conditioning and reconditioning programs, application of commercial products, use of protective equipment, promotion of healthy behaviors, and reduction of environmental risks;

(ii) Recognition, evaluation, and assessment of athletic injuries by obtaining a history of the athletic injury, inspection and palpation of the injured part and associated structures, and performance of specific testing techniques related to stability and function to determine the extent of an injury;

(iii) Immediate care of athletic injuries, including emergency medical situations through the application of first-aid and emergency procedures and techniques for nonlife-threatening or life-threatening athletic injuries;

(iv) Treatment, rehabilitation, and reconditioning of athletic injuries through the application of physical agents and modalities, therapeutic activities and exercise, standard reassessment techniques and procedures, commercial products, and educational programs, in accordance with guidelines established with a licensed health care provider as provided in RCW 18.250.070; and

(v) Referral of an athlete to an appropriately licensed health care provider if the athletic injury requires further definitive care or the injury or condition is outside an athletic trainer's scope of practice, in accordance with RCW 18.250.070.

(b) "Athletic training" does not include:

(i) The use of spinal adjustment or manipulative mobilization of the spine and its immediate articulations;

(ii) Orthotic or prosthetic services with the exception of evaluation, measurement, fitting, and adjustment of temporary, prefabricated or direct-formed orthosis as defined in chapter 18.200 RCW;

(iii) The practice of occupational therapy as defined in chapter 18.59 RCW;

(iv) The practice of acupuncture as defined in chapter 18.06 RCW;

(v) Any medical diagnosis; and

(vi) Prescribing legend drugs or controlled substances, or surgery.

~~(5) ("Committee" means the athletic training advisory committee.~~

~~((6))~~ "Department" means the department of health.

~~((7))~~ (6) "Licensed health care provider" means a physician, physician assistant, osteopathic physician, osteopathic physician assistant, advanced registered nurse practitioner, naturopath, physical therapist, chiropractor, dentist, massage practitioner, acupuncturist, occupational therapist, or podiatric physician and surgeon.

~~((8))~~ (7) "Secretary" means the secretary of health or the secretary's designee.

Sec. 9. RCW 18.250.020 and 2007 c 253 s 3 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Establish all license, examination, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Establish administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 and 43.70.280. All fees collected under this section must be credited to the health professions account as required under RCW 43.70.320;

(e) Develop and administer, or approve, or both, examinations to applicants for a license under this chapter;

(f) Issue a license to any applicant who has met the education, training, and examination requirements for licensure and deny a license to applicants who do not meet the minimum qualifications for licensure. However, denial of licenses based on unprofessional conduct or impaired practice is governed by the uniform disciplinary act, chapter 18.130 RCW;

~~((In consultation with the committee,))~~ (g) Approve examinations prepared or administered by private testing agencies or organizations for use by an applicant in meeting the licensing requirements under RCW 18.250.060;

(h) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialled in those states that have successfully fulfilled the requirements of RCW 18.250.080;

(i) Hire clerical, administrative, and investigative staff as needed to implement and administer this chapter;

(j) Maintain the official department record of all applicants and licensees; and

(k) Establish requirements and procedures for an inactive license.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

Sec. 10. RCW 18.250.060 and 2007 c 253 s 7 are each amended to read as follows:

An applicant for an athletic trainer license must:

(1) Have received a bachelor's or advanced degree from an accredited four-year college or university that meets the academic standards of athletic training, accepted by the secretary(~~(, as advised by the committee)~~);

(2) Have successfully completed an examination administered or approved by the secretary(~~(, in consultation with the committee)~~); and

(3) Submit an application on forms prescribed by the secretary and pay the licensure fee required under this chapter.

Basic Health Advisory Committee

Sec. 11. RCW 70.47.040 and 1993 c 492 s 211 are each amended to read as follows:

(1) The Washington basic health plan is created as a program within the Washington state health care authority. The administrative head and appointing authority of the plan shall be the administrator of the Washington state health care authority. The administrator shall appoint a medical director. The medical director and up to five other employees of the plan shall be exempt from the civil service law, chapter 41.06 RCW.

(2) The administrator shall employ such other staff as are necessary to fulfill the responsibilities and duties of the administrator, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the administrator may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the plan. The administrator may call upon other agencies of the state to provide available information as necessary to assist the administrator in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

(3) The administrator may appoint such technical or advisory committees as he or she deems necessary. ~~((The administrator shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, as well as consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or other advisory committee shall serve without compensation for their services as members, but may be reimbursed for their travel expenses pursuant to RCW 43.03.050 and 43.03.060.))~~

(4) The administrator may apply for, receive, and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

(5) Whenever feasible, the administrator shall reduce the administrative cost of operating the program by adopting joint policies or procedures applicable to both the basic health plan and employee health plans.

Chemical Dependency Certification Advisory Committee

NEW SECTION. Sec. 12. RCW 18.205.080 (Chemical dependency certification advisory committee--Composition--Terms) and 1998 c 243 s 8 are each repealed.

Sec. 13. RCW 18.205.020 and 2008 c 135 s 15 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Certification" means a voluntary process recognizing an individual who qualifies by examination and meets established educational prerequisites, and which protects the title of practice.

(2) "Certified chemical dependency professional" means an individual certified in chemical dependency counseling, under this chapter.

(3) "Certified chemical dependency professional trainee" means an individual working toward the education and experience requirements for certification as a chemical dependency professional.

(4) "Chemical dependency counseling" means employing the core competencies of chemical dependency counseling to assist or attempt to assist an alcohol or drug addicted person to develop and maintain abstinence from alcohol and other mood-altering drugs.

~~((("Committee" means the chemical dependency certification advisory committee established under this chapter.~~

~~((6)))~~ (7) "Core competencies of chemical dependency counseling" means competency in the nationally recognized knowledge, skills, and attitudes of professional practice, including assessment and diagnosis of chemical dependency, chemical dependency treatment planning and referral, patient and family education in the disease of chemical dependency, individual and group counseling with alcoholic and drug addicted individuals, relapse prevention counseling, and case management, all oriented to assist alcoholic and drug addicted patients to achieve and maintain abstinence from mood-altering substances and develop independent support systems.

~~((7)))~~ (6) "Department" means the department of health.

~~((8)))~~ (7) "Health profession" means a profession providing health services regulated under the laws of this state.

~~((9)))~~ (8) "Secretary" means the secretary of health or the secretary's designee.

Sec. 14. RCW 18.205.060 and 1998 c 243 s 6 are each amended to read as follows:

In addition to any other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter(~~(, in consultation with the committee)~~);

(2) Establish all certification, examination, and renewal fees in accordance with RCW 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue certificates to applicants who have met the education, training, and examination requirements for certification and to deny certification to applicants who do not meet the minimum qualifications, except that proceedings concerning the denial of certification based upon unprofessional conduct or impairment shall be governed by the uniform disciplinary act, chapter 18.130 RCW;

(5) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter, and hire individuals certified under this chapter to serve as examiners for any practical examinations;

(6) Determine minimum education requirements and evaluate and designate those educational programs that will be accepted as proof of eligibility to take a qualifying examination for applicants for certification;

(7) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, examinations for applicants for certification;

(8) Determine whether alternative methods of training are equivalent to formal education, and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take any qualifying examination;

(9) Determine which states have credentialing requirements equivalent to those of this state, and issue certificates to individuals credentialed in those states without examinations;

(10) Define and approve any experience requirement for certification;

(11) Implement and administer a program for consumer education;

(12) Adopt rules implementing a continuing competency program;

(13) Maintain the official department record of all applicants and certificated individuals;

(14) Establish by rule the procedures for an appeal of an examination failure; and

(15) Establish disclosure requirements.

Citizens Advisory Council on Alcoholism and Drug Addiction

NEW SECTION. Sec. 15. RCW 70.96A.070 (Citizens advisory council--Qualifications--Duties--Rules and policies) and 1994 c 231 s 2, 1989 c 270 s 9, 1973 1st ex.s. c 155 s 1, & 1972 ex.s. c 122 s 7 are each repealed.

Combined Fund Drive Committee

Sec. 16. RCW 41.04.033 and 2003 c 205 s 1 are each amended to read as follows:

The (~~director of the department of personnel~~) secretary of state is authorized to adopt rules, after consultation with state agencies, institutions of higher education, and employee organizations(~~to create a Washington state combined fund drive committee, and~~) for the operation of the Washington state combined fund drive.

Sec. 17. RCW 41.04.0331 and 2003 c 205 s 2 are each amended to read as follows:

To operate the Washington state combined fund (~~drive's powers and duties include~~) drive program, the secretary of state or the secretary's designee may but (~~are~~) is not limited to the following:

(1) (~~Raising~~) Raise money for charity, and reducing the disruption to government caused by multiple fund drives;

(2) (~~Establishing~~) Establish criteria by which a public or private nonprofit organization may participate in the combined fund drive;

(3) (~~Engaging~~) Engage in or encouraging fund-raising activities including the solicitation and acceptance of charitable gifts, grants, and donations from state employees, retired public employees, corporations, foundations, and other individuals for the benefit of the beneficiaries of the Washington state combined fund drive;

(4) (~~Requesting~~) Request the appointment of employees from state agencies and institutions of higher education to lead and manage workplace charitable giving campaigns within state government;

(5) (~~Engaging~~) Engage in educational activities, including classes, exhibits, seminars, workshops, and conferences, related to the basic purpose of the combined fund drive;

(6) (~~Engaging~~) Engage in appropriate fund-raising and advertising activities for the support of the administrative duties of the Washington state combined fund drive; and

(7) (~~Charging~~) Charge an administrative fee to the beneficiaries of the Washington state combined fund drive to fund the administrative duties of the Washington state combined fund drive.

Activities of the Washington state combined fund drive shall not result in direct commercial solicitation of state employees, or a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW. This section does not authorize individual state agencies to enter into contracts or partnerships unless otherwise authorized by law.

Sec. 18. RCW 41.04.0332 and 2003 c 205 s 3 are each amended to read as follows:

The (~~Washington state combined fund drive committee~~) secretary of state may enter into contracts and partnerships with private institutions, persons, firms, or corporations for the benefit of the beneficiaries of the Washington state combined fund drive. Activities of the Washington state combined fund drive shall not result in direct commercial solicitation of state employees, or a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW. This section does not authorize individual state agencies to enter into contracts or partnerships unless otherwise authorized by law.

Community Transition Coordination Networks Advisory Committee

Sec. 19. RCW 72.78.030 and 2007 c 483 s 103 are each amended to read as follows:

(1) The department of (~~community, trade, and economic development~~) commerce shall establish a community transition coordination network pilot program for the purpose of awarding grants to counties or groups of counties for implementing coordinated reentry efforts for offenders returning to the community. Grant awards are subject to the availability of amounts appropriated for this specific purpose.

(2) By September 1, 2007, the Washington state institute for public policy shall, in consultation with the department of (~~community, trade, and economic development~~) commerce, develop criteria for the counties in conducting its evaluation as directed by subsection (6)(c) of this section.

(3) Effective February 1, 2008, any county or group of counties may apply for participation in the community transition coordination network pilot program by submitting a proposal for a community transition coordination network.

(4) A proposal for a community transition coordination network initiated under this section must be collaborative in nature and must seek locally appropriate evidence-based or research-based solutions and promising practices utilizing the participation of public and private entities or programs to support successful, community-based offender reentry.

(5) In developing a proposal for a community transition coordination network, counties or groups of counties and the department of corrections shall collaborate in addressing:

(a) Efficiencies that may be gained by sharing space or resources in the provision of reentry services to offenders;

(b) Mechanisms for communication of information about offenders, including the feasibility of shared access to databases;

(c) Partnerships to establish neighborhood corrections initiatives as defined in RCW 72.09.280.

(6) A proposal for a community transition coordination network must include:

(a) Descriptions of collaboration and coordination between local community policing and supervision programs and those agencies and entities identified in the inventory conducted pursuant to RCW 72.78.020 to address the risks and needs of offenders under a participating county or city misdemeanor probation or other supervision program including:

(i) A proposed method of assessing offenders to identify the offenders' risks and needs. Counties and cities are encouraged, where possible, to make use of assessment tools developed by the department of corrections in this regard;

(ii) A proposal for developing and/or maintaining an individual reentry plan for offenders;

(iii) Connecting offenders to services and resources that meet the offender's needs as identified in his or her individual reentry plan including the identification of community representatives or volunteers that may assist the offender with his or her transition; and

(iv) The communication of assessment information, individual reentry plans, and service information between parties involved with ~~((the))~~ the offender's reentry;

(b) Mechanisms to provide information to former offenders regarding services available to them in the community regardless of the length of time since the offender's release and regardless of whether the offender was released from prison or jail. Mechanisms shall, at a minimum, provide for:

(i) Maintenance of the information gathered in RCW 72.78.020 regarding services currently existing within the community that are available to offenders; and

(ii) Coordination of access to existing services with community providers and provision of information to offenders regarding how to access the various type of services and resources that are available in the community; and

(c) An evaluation of the county's or group of counties' readiness to implement a community transition coordination network including the social service needs of offenders in general, capacity of local facilities and resources to meet offenders' needs, and the cost to implement and maintain a community transition coordination network for the duration of the pilot project.

(7) The department of ~~((community, trade, and economic development))~~ commerce shall review county applications for funding through the community transition coordination network pilot program and, no later than April 1, 2008, shall select up to four counties or groups of counties. In selecting pilot counties or regions, the department shall consider the extent to which the proposal:

(a) Addresses the requirements set out in subsection (6) of this section;

(b) Proposes effective partnerships and coordination between local community policing and supervision programs, social service and treatment providers, and the department of corrections' community justice center, if a center is located in the county or region;

(c) Focuses on measurable outcomes such as increased employment and income, treatment objectives, maintenance of stable housing, and reduced recidivism;

(d) Contributes to the diversity of pilot programs, considering factors such as geographic location, size of county or region, and reentry services currently available. The department shall ensure that a grant is awarded to at least one rural county or group of counties and at least one county or group of counties where a community justice center operated by the department of corrections is located; and

(e) Is feasible, given the evaluation of the social service needs of offenders, the existing capacity of local facilities and resources to meet offenders' needs, and the cost to implement a community transition coordination network in the county or group of counties.

(8) ~~((The department of community, trade, and economic development shall convene a policy advisory committee composed of representatives from the senate, the house of representatives, the governor's office of financial management, the department of corrections, to include one representative who is a community corrections officer, the office of crime victims' advocacy, the Washington state association of counties, association of Washington cities, a nonprofit provider of reentry services, and an ex-offender who has discharged the terms of his or her sentence. The advisory committee shall meet no less than annually to receive status reports on the implementation of community transition coordination networks, review annual reports and the pilot project evaluations submitted pursuant to RCW 72.78.050, and identify evidence based, research based, and promising practices for other counties seeking to establish community transition coordination networks.~~

~~(9))~~ Pilot networks established under this section shall extend for a period of four fiscal years, beginning July 1, 2008, and ending June 30, 2012.

~~((10))~~ (9) This section expires June 30, 2013.

Board of Law Enforcement Training Standards and Board on Correctional Training Standards

NEW SECTION. **Sec. 20.** The following acts or parts of acts are each repealed:

(1) RCW 43.101.310 (Board on law enforcement training standards and education--Board on correctional training standards--Created--Purpose) and 1997 c 351 s 2;

(2) RCW 43.101.315 (Boards--Membership) and 1997 c 351 s 3;

(3) RCW 43.101.320 (Boards--Terms of members) and 1997 c 351 s 4;

(4) RCW 43.101.325 (Termination of membership upon termination of qualifying office or employment) and 1997 c 351 s 5;

(5) RCW 43.101.330 (Boards--Chairs--Quorum) and 1997 c 351 s 6;

(6) RCW 43.101.335 (Boards--Travel expenses) and 1997 c 351 s 7;

(7) RCW 43.101.340 (Boards--Powers--Report to commission) and 1997 c 351 s 8; and

(8) RCW 43.101.345 (Recommendations of boards--Review by commission) and 1997 c 351 s 9.

Sec. 21. RCW 43.101.380 and 2009 c 25 s 1 are each amended to read as follows:

(1) The procedures governing adjudicative proceedings before agencies under chapter 34.05 RCW, the administrative procedure act, govern hearings before the commission and govern all other actions before the commission unless otherwise provided in this chapter. The standard of proof in actions before the commission is clear, cogent, and convincing evidence.

(2) In all hearings requested under RCW 43.101.155, a five-member hearings panel shall both hear the case and make the commission's final administrative decision. Members of the commission ~~((or the board on law enforcement training standards and education))~~ may, but need not, be appointed to the hearings panels. The commission shall appoint as follows two or more panels to hear appeals from certification actions:

(a) When a hearing is requested in relation to a certification action of a Washington peace officer who is not a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) One police chief; (ii) one sheriff; (iii) two certified Washington peace officers who are at or below the level of first line supervisor, one of whom is from a city or county law enforcement agency, and who have at least ten years' experience as peace officers; and (iv) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(b) When a hearing is requested in relation to a certification action of a peace officer of the Washington state patrol, the commission shall appoint to the panel: (i) Either one police chief or one sheriff; (ii) one administrator of the state patrol; (iii) one certified Washington peace officer who is at or below the level of first line supervisor, who is not a state patrol officer, and who has at least ten years' experience as a peace officer; (iv) one state patrol officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(c) When a hearing is requested in relation to a certification action of a tribal police officer, the commission shall appoint to the panel (i) either one police chief or one sheriff; (ii) one tribal police chief; (iii) one certified Washington peace officer who is at or

below the level of first line supervisor, and who has at least ten years' experience as a peace officer; (iv) one tribal police officer who is at or below the level of first line supervisor, and who has at least ten years' experience as a peace officer; and (v) one person who is not currently a peace officer and who represents a community college or four-year college or university.

(d) Persons appointed to hearings panels by the commission shall, in relation to any certification action on which they sit, have the powers, duties, and immunities, and are entitled to the emoluments, including travel expenses in accordance with RCW 43.03.050 and 43.03.060, of regular commission members.

(3) Where the charge upon which revocation or denial is based is that a peace officer was "discharged for disqualifying misconduct," and the discharge is "final," within the meaning of RCW 43.101.105(1)(d), and the officer received a civil service hearing or arbitration hearing culminating in an affirming decision following separation from service by the employer, the hearings panel may revoke or deny certification if the hearings panel determines that the discharge occurred and was based on disqualifying misconduct; the hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the employment separation proceeding. However, the hearings panel may, in its discretion, consider additional evidence to determine whether such a discharge occurred and was based on such disqualifying misconduct. The hearings panel shall, upon written request by the subject peace officer, allow the peace officer to present additional evidence of extenuating circumstances.

Where the charge upon which revocation or denial of certification is based is that a peace officer "has been convicted at any time of a felony offense" within the meaning of RCW 43.101.105(1)(c), the hearings panel shall revoke or deny certification if it determines that the peace officer was convicted of a felony. The hearings panel need not redetermine the underlying facts but may make this determination based solely on review of the records and decision relating to the criminal proceeding. However, the hearings panel shall, upon the panel's determination of relevancy, consider additional evidence to determine whether the peace officer was convicted of a felony.

Where the charge upon which revocation or denial is based is under RCW 43.101.105(1) (a), (b), (e), or (f), the hearings panel shall determine the underlying facts relating to the charge upon which revocation or denial of certification is based.

(4) The commission's final administrative decision is subject to judicial review under RCW 34.05.510 through 34.05.598.

Customer Advisory Board--Department of Information Services

NEW SECTION. Sec. 22. RCW 43.105.055 (Advisory committees--Customer advisory board) and 1999 c 80 s 7 & 1987 c 504 s 9 are each repealed.

Sec. 23. RCW 43.105.052 and 2000 c 180 s 1 are each amended to read as follows:

The department shall:

(1) Perform all duties and responsibilities the board delegates to the department, including but not limited to:

(a) The review of agency information technology portfolios and related requests; and

(b) Implementation of statewide and interagency policies, standards, and guidelines;

(2) Make available information services to state agencies and local governments and public benefit nonprofit corporations on a full cost-recovery basis. For the purposes of this section "public benefit nonprofit corporation" means a public benefit nonprofit corporation as defined in RCW 24.03.005 that is receiving local, state, or federal funds either directly or through a public agency

other than an Indian tribe or political subdivision of another state. These services may include, but are not limited to:

(a) Telecommunications services for voice, data, and video;

(b) Mainframe computing services;

(c) Support for departmental and microcomputer evaluation, installation, and use;

(d) Equipment acquisition assistance, including leasing, brokering, and establishing master contracts;

(e) Facilities management services for information technology equipment, equipment repair, and maintenance service;

(f) Negotiation with local cable companies and local governments to provide for connection to local cable services to allow for access to these public and educational channels in the state;

(g) Office automation services;

(h) System development services; and

(i) Training.

These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years;

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least annually by the ((customer advisory board)) office of financial management. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the ((customer advisory board)) office of financial management. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the strategic planning and policy component;

(4) With the advice of the information services board and agencies, develop a state strategic information technology plan and performance reports as required under RCW 43.105.160;

(5) Develop plans for the department's achievement of statewide goals and objectives set forth in the state strategic information technology plan required under RCW 43.105.160. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of the ((customer advisory board and the)) board in the development of these plans;

(6) Under direction of the information services board and in collaboration with the department of personnel, and other agencies as may be appropriate, develop training plans and coordinate training programs that are responsive to the needs of agencies;

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, information technology portfolios, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the strategic planning and policy component to the board for:

- (a) Meeting preparation, notices, and minutes;
- (b) Promulgation of policies, standards, and guidelines adopted by the board;
- (c) Supervision of studies and reports requested by the board;
- (d) Conducting reviews and assessments as directed by the board;

(12) Be the lead agency in coordinating video telecommunications services for all state agencies and develop, pursuant to board policies, standards and common specifications for leased and purchased telecommunications equipment. The department shall not evaluate the merits of school curriculum, higher education course offerings, or other education and training programs proposed for transmission and/or reception using video telecommunications resources. Nothing in this section shall abrogate or abridge the legal responsibilities of licensees of telecommunications facilities as licensed by the federal communication commission on March 27, 1990; and

(13) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

Revenue-Simplified Sales and Use Tax Administration Advisory Group

Sec. 24. RCW 82.58.020 and 2002 c 267 s 4 are each amended to read as follows:

~~((+))~~ For the purposes of reviewing or amending the agreement embodying the simplification requirements in RCW 82.58.050, the state shall enter into multistate discussions. For purposes of these discussions, the state shall be represented by the department. ~~((The governor may appoint up to four persons to consult with the department at these discussions. The persons advising the department shall not be compensated and are not entitled to payment of travel expenses by the state.~~

~~(2) The department shall regularly consult with an advisory group composed of one member from each of the two largest caucuses of the senate, appointed by the majority and minority leaders of the senate; one member from each of the two largest caucuses of the house of representatives, appointed by the speaker and minority leader of the house of representatives; representatives of retailers, including those selling via mail, telephone, and the internet; representatives of large and small businesses; and representatives of counties and cities. The department shall use its best efforts to consult with the advisory group before any multistate discussions in which it is anticipated that amendments may be proposed to the agreement embodying the simplification requirements in RCW 82.58.050.)~~

Driver Instructors' Advisory Committee

Sec. 25. RCW 46.20.100 and 2002 c 195 s 1 are each amended to read as follows:

(1) **Application.** The application of a person under the age of eighteen years for a driver's license or a motorcycle endorsement must be signed by a parent or guardian with custody of the minor. If the person under the age of eighteen has no father, mother, or guardian, then the application must be signed by the minor's employer.

(2) **Traffic safety education requirement.** For a person under the age of eighteen years to obtain a driver's license he or she must meet the traffic safety education requirements of this subsection.

(a) To meet the traffic safety education requirement for a driver's license the applicant must satisfactorily complete a traffic safety education course as defined in RCW 28A.220.020 for a course offered by a school district, or as defined by the department of licensing for a course offered by a driver training school licensed under chapter 46.82 RCW. The course offered by a school district or an approved private school must meet the

standards established by the office of the state superintendent of public instruction. The course offered by a driver training school must meet the standards established by the department of licensing ~~((with the advice of the driver instructors' advisory committee, pursuant to RCW 46.82.300)).~~ The traffic safety education course may be provided by:

- (i) A recognized secondary school; or
- (ii) A driver training school licensed under chapter 46.82 RCW that is annually approved by the department of licensing.

(b) To meet the traffic safety education requirement for a motorcycle endorsement, the applicant must successfully complete a motorcycle safety education course that meets the standards established by the department of licensing.

(c) The department may waive the traffic safety education requirement for a driver's license if the applicant demonstrates to the department's satisfaction that:

- (i) He or she was unable to take or complete a traffic safety education course;
- (ii) A need exists for the applicant to operate a motor vehicle; and
- (iii) He or she has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property.

The department may adopt rules to implement this subsection (2)(c) in concert with the supervisor of the traffic safety education section of the office of the superintendent of public instruction.

(d) The department may waive the traffic safety education requirement if the applicant was licensed to drive a motor vehicle or motorcycle outside this state and provides proof that he or she has had education equivalent to that required under this subsection.

Sec. 26. RCW 46.82.280 and 2009 c 101 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ~~("Advisory committee" means the driving instructors' advisory committee as created in this chapter.~~

~~(2))~~ "Behind-the-wheel instruction" means instruction in an approved driver training school instruction vehicle according to and inclusive of the minimum required curriculum. Behind-the-wheel instruction is characterized by driving experience.

~~((3))~~ (2) "Classroom" means a space dedicated to and used exclusively by a driver training instructor for the instruction of students. With prior department approval, a branch office classroom may be located within alternative facilities, such as a public or private library, school, community college, college or university, or a business training facility.

~~((4))~~ (3) "Classroom instruction" means that portion of a traffic safety education course that is characterized by classroom-based student instruction conducted by or under the direct supervision of a licensed instructor or licensed instructors.

~~((5))~~ (4) "Director" means the director of the department of licensing of the state of Washington.

~~((6))~~ (5) "Driver training education course" means a course of instruction in traffic safety education approved and licensed by the department of licensing that consists of classroom and behind-the-wheel instruction as documented by the minimum approved curriculum.

~~((7))~~ (6) "Driver training school" means a commercial driver training school engaged in the business of giving instruction, for a fee, in the operation of automobiles.

~~((8))~~ (7) "Enrollment" means the collecting of a fee or the signing of a contract for a driver training education course. "Enrollment" does not include the collecting of names and contact information for enrolling students once a driver training school is licensed to instruct.

~~((9))~~ (8) "Fraudulent practices" means any conduct or representation on the part of a driver training school owner or instructor including:

(a) Inducing anyone to believe, or to give the impression, that a license to operate a motor vehicle or any other license granted by the director may be obtained by any means other than those prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, or collecting money for such purposes;

(b) Operating a driver training school without a license, providing instruction without an instructor's license, verifying enrollment prior to being licensed, misleading or false statements on applications for a commercial driver training school license or instructor's license or on any required records or supporting documentation;

(c) Failing to fully document and maintain all required driver training school records of instruction, school operation, and instructor training;

(d) Issuing a driver training course certificate without requiring completion of the necessary behind-the-wheel and classroom instruction.

~~((10))~~ (9) "Instructor" means any person employed by or otherwise associated with a driver training school to instruct persons in the operation of an automobile.

~~((11))~~ (10) "Owner" means an individual, partnership, corporation, association, or other person or group that holds a substantial interest in a driver training school.

~~((12))~~ (11) "Person" means any individual, firm, corporation, partnership, or association.

~~((13))~~ (12) "Place of business" means a designated location at which the business of a driver training school is transacted or its records are kept.

~~((14))~~ (13) "Student" means any person enrolled in an approved driver training course.

~~((15))~~ (14) "Substantial interest holder" means a person who has actual or potential influence over the management or operation of any driver training school. Evidence of substantial interest includes, but is not limited to, one or more of the following:

(a) Directly or indirectly owning, operating, managing, or controlling a driver training school or any part of a driver training school;

(b) Directly or indirectly profiting from or assuming liability for debts of a driver training school;

(c) Is an officer or director of a driver training school;

(d) Owning ten percent or more of any class of stock in a privately or closely held corporate driver training school, or five percent or more of any class of stock in a publicly traded corporate driver training school;

(e) Furnishing ten percent or more of the capital, whether in cash, goods, or services, for the operation of a driver training school during any calendar year; or

(f) Directly or indirectly receiving a salary, commission, royalties, or other form of compensation from the activity in which a driver training school is or seeks to be engaged.

NEW SECTION. Sec. 27. RCW 46.82.300 (Driver instructors' advisory committee) and 2009 c 101 s 2, 2006 c 219 s 3, 2002 c 195 s 5, 1984 c 287 s 93, & 1979 ex.s. c 51 s 3 are each repealed.

Sec. 28. RCW 46.82.330 and 2009 c 101 s 6 are each amended to read as follows:

(1) The application for an instructor's license shall document the applicant's fitness, knowledge, skills, and abilities to teach the classroom and behind-the-wheel phases of a driver training education program in a commercial driver training school.

(2) An applicant shall be eligible to apply for an original instructor's certificate if the applicant possesses and meets the following qualifications and conditions:

(a) Has been licensed to drive for five or more years and possesses a current and valid Washington driver's license or is a resident of a jurisdiction immediately adjacent to Washington state and possesses a current and valid license issued by such jurisdiction, and does not have on his or her driving record any of the violations or penalties set forth in (a)(i), (ii), or (iii) of this subsection. The director shall have the right to examine the driving record of the applicant from the department of licensing and from other jurisdictions and from these records determine if the applicant has had:

(i) Not more than one moving traffic violation within the preceding twelve months or more than two moving traffic violations in the preceding twenty-four months;

(ii) No drug or alcohol-related traffic violation or incident within the preceding three years. If there are two or more drug or alcohol-related traffic violations in the applicant's driving history, the applicant is no longer eligible to be a driving instructor; and

(iii) No driver's license suspension, cancellation, revocation, or denial within the preceding two years, or no more than two of these occurrences in the preceding five years;

(b) Is a high school graduate or the equivalent and at least twenty-one years of age;

(c) Has completed an acceptable application on a form prescribed by the director;

(d) Has satisfactorily completed a course of instruction in the training of drivers acceptable to the director that is no less than sixty hours in length and includes instruction in classroom and behind-the-wheel teaching methods and supervised practice behind-the-wheel teaching of driving techniques; and

(e) Has paid an examination fee as set by rule of the department and has successfully completed an instructor's examination ~~((as approved by the advisory committee))~~.

Sec. 29. RCW 46.82.420 and 2008 c 125 s 3 are each amended to read as follows:

(1) The ~~((advisory committee shall consult with the))~~ department ~~((in the development and maintenance of))~~ shall develop and maintain a basic minimum required curriculum and ~~((the department))~~ shall furnish to each qualifying applicant for an instructor's license or a driver training school license a copy of such curriculum.

(2) In addition to information on the safe, lawful, and responsible operation of motor vehicles on the state's highways, the basic minimum required curriculum shall include information on:

(a) Intermediate driver's license issuance, passenger and driving restrictions and sanctions for violating the restrictions, and the effect of traffic violations and collisions on the driving privileges;

(b) The effects of alcohol and drug use on motor vehicle operators, including information on drug and alcohol related traffic injury and mortality rates in the state of Washington and the current penalties for driving under the influence of drugs or alcohol;

(c) Motorcycle awareness, approved by the director, to ensure new operators of motor vehicles have been instructed in the importance of safely sharing the road with motorcyclists;

(d) Bicycle safety, to ensure that operators of motor vehicles have been instructed in the importance of safely sharing the road with bicyclists; and

(e) Pedestrian safety, to ensure that operators of motor vehicles have been instructed in the importance of safely sharing the road with pedestrians.

(3) Should the director be presented with acceptable proof that any licensed instructor or driver training school is not showing proper diligence in teaching such basic minimum curriculum as required, the instructor or school shall be required to appear before the ~~((advisory committee))~~ director and show cause why the license of the instructor or school should not be revoked for such negligence. If the ~~((committee))~~ director does not accept such reasons as may be offered, the director may revoke the license of the instructor or school, or both.

Emergency Medical Services Licensing and Certification Advisory Committee

NEW SECTION. **Sec. 30.** The following acts or parts of acts are each repealed:

(1) RCW 18.73.040 (Emergency medical services licensing and certification advisory committee) and 1990 c 269 s 6, 1984 c 279 s 55, 1981 c 338 s 13, 1979 ex.s. c 261 s 2, 1975-'76 2nd ex.s. c 34 s 43, & 1973 1st ex.s. c 208 s 4; and

(2) RCW 18.73.050 (Committee--Duties--Review of rules) and 1990 c 269 s 7, 1987 c 214 s 3, 1979 ex.s. c 261 s 3, & 1973 1st ex.s. c 208 s 5.

Sec. 31. RCW 18.71.205 and 1996 c 191 s 55 and 1996 c 178 s 6 are each reenacted and amended to read as follows:

(1) The secretary of the department of health ~~((--in conjunction with the advice and assistance of the emergency medical services licensing and certification advisory committee as prescribed in RCW 18.73.050, and the commission,))~~ shall prescribe:

(a) Practice parameters, training standards for, and levels of, physician trained emergency medical service intermediate life support technicians and paramedics;

(b) Minimum standards and performance requirements for the certification and recertification of physician's trained emergency medical service intermediate life support technicians and paramedics; and

(c) Procedures for certification, recertification, and decertification of physician's trained emergency medical service intermediate life support technicians and paramedics.

(2) Initial certification shall be for a period established by the secretary pursuant to RCW 43.70.250 and 43.70.280.

(3) Recertification shall be granted upon proof of continuing satisfactory performance and education, and shall be for a period established by the secretary pursuant to RCW 43.70.250 and 43.70.280.

(4) As used in chapters 18.71 and 18.73 RCW, "approved medical program director" means a person who:

(a) Is licensed to practice medicine and surgery pursuant to chapter 18.71 RCW or osteopathic medicine and surgery pursuant to chapter 18.57 RCW; and

(b) Is qualified and knowledgeable in the administration and management of emergency care and services; and

(c) Is so certified by the department of health for a county, group of counties, or cities with populations over four hundred thousand in coordination with the recommendations of the local medical community and local emergency medical services and trauma care council.

(5) The Uniform Disciplinary Act, chapter 18.130 RCW, governs uncertified practice, the issuance and denial of certificates, and the disciplining of certificate holders under this section. The secretary shall be the disciplining authority under this section. Disciplinary action shall be initiated against a person credentialed under this chapter in a manner consistent with the responsibilities and duties of the medical program director under whom such person is responsible.

(6) Such activities of physician's trained emergency medical service intermediate life support technicians and paramedics shall be limited to actions taken under the express written or oral order of medical program directors and shall not be construed at any

time to include free standing or nondirected actions, for actions not presenting an emergency or life-threatening condition.

Sec. 32. RCW 18.73.030 and 2005 c 193 s 2 are each amended to read as follows:

~~((Unless a different meaning is plainly required by the context, the following words and phrases as used in this chapter shall have the meanings indicated.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Secretary" means the secretary of the department of health.

(2) "Department" means the department of health.

~~((("Committee" means the emergency medical services licensing and certification advisory committee.))~~

~~((4))~~ (4) "Ambulance" means a ground or air vehicle designed and used to transport the ill and injured and to provide personnel, facilities, and equipment to treat patients before and during transportation.

~~((5))~~ (4) "Aid vehicle" means a vehicle used to carry aid equipment and individuals trained in first aid or emergency medical procedure.

~~((6))~~ (5) "Emergency medical technician" means a person who is authorized by the secretary to render emergency medical care pursuant to RCW 18.73.081.

~~((7))~~ (6) "Ambulance service" means an organization that operates one or more ambulances.

~~((8))~~ (7) "Aid service" means an organization that operates one or more aid vehicles.

~~((9))~~ (8) "Emergency medical service" means medical treatment and care which may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

~~((10))~~ (9) "Communications system" means a radio and landline network which provides rapid public access, coordinated central dispatching of services, and coordination of personnel, equipment, and facilities in an emergency medical services and trauma care system.

~~((11))~~ (10) "Prehospital patient care protocols" means the written procedure adopted by the emergency medical services medical program director which direct the out-of-hospital emergency care of the emergency patient which includes the trauma care patient. These procedures shall be based upon the assessment of the patient's medical needs and what treatment will be provided for emergency conditions. The protocols shall meet or exceed statewide minimum standards developed by the department in rule as authorized in chapter 70.168 RCW.

~~((12))~~ (11) "Patient care procedures" means written operating guidelines adopted by the regional emergency medical services and trauma care council, in consultation with the local emergency medical services and trauma care councils, emergency medical communication centers, and the emergency medical services medical program director, in accordance with statewide minimum standards. The patient care procedures shall identify the level of medical care personnel to be dispatched to an emergency scene, procedures for triage of patients, the level of trauma care facility to first receive the patient, and the name and location of other trauma care facilities to receive the patient should an interfacility transfer be necessary. Procedures on interfacility transfer of patients shall be consistent with the transfer procedures in chapter 70.170 RCW.

~~((13))~~ (12) "Emergency medical services medical program director" means a person who is an approved medical program director as defined by RCW 18.71.205(4).

~~((14))~~ (13) "Council" means the local or regional emergency medical services and trauma care council as authorized under chapter 70.168 RCW.

~~((15))~~ (14) "Basic life support" means noninvasive emergency medical services requiring basic medical treatment skills as defined in chapter 18.73 RCW.

~~((16))~~ (15) "Advanced life support" means invasive emergency medical services requiring advanced medical treatment skills as defined by chapter 18.71 RCW.

~~((17))~~ (16) "First responder" means a person who is authorized by the secretary to render emergency medical care as defined by RCW 18.73.081.

~~((18))~~ (17) "Stretcher" means a cart designed to serve as a litter for the transportation of a patient in a prone or supine position as is commonly used in the ambulance industry, such as wheeled stretchers, portable stretchers, stair chairs, solid backboards, scoop stretchers, basket stretchers, or flexible stretchers. The term does not include personal mobility aids that recline at an angle or remain at a flat position, that are owned or leased for a period of at least one week by the individual using the equipment or the individual's guardian or representative, such as wheelchairs, personal gurneys, or banana carts.

Sec. 33. RCW 18.73.101 and 2000 c 93 s 17 are each amended to read as follows:

The secretary may grant a variance from a provision of this chapter and RCW 18.71.200 through 18.71.220 if no detriment to health and safety would result from the variance and compliance is expected to cause reduction or loss of existing emergency medical services. Variances may be granted for a period of no more than one year. A variance may be renewed by the secretary (~~upon approval of the committee~~).

Employee Retirement Benefits Board

NEW SECTION. Sec. 34. RCW 41.50.086 (Employee retirement benefits board--Created--Membership) and 2001 c 181 s 1, 1998 c 341 s 506, & 1995 c 239 s 301 are each repealed.

Sec. 35. RCW 41.50.088 and 2005 c 327 s 14 are each amended to read as follows:

(1) The ~~((board))~~ director shall adopt rules as necessary and exercise the following powers and duties:

(a) The ~~((board))~~ director shall recommend to the state investment board types of options for member self-directed investment in the teachers' retirement system plan 3, the school employees' retirement system plan 3, and the public employees' retirement system plan 3 as deemed by the ~~((board))~~ director to be reflective of the members' preferences;

(b) By July 1, 2005, subject to favorable tax determination by the internal revenue service, the ~~((board))~~ director shall make optional actuarially equivalent life annuity benefit payment schedules available to members and survivors that may be purchased from the combined plan 2 and plan 3 funds under RCW 41.50.075; and

(c) Determination of the basis for administrative charges to the self-directed investment fund to offset self-directed account expenses;

(2) The ~~((board))~~ director shall recommend to the state investment board types of options for participant self-directed investment in the state deferred compensation plan, as deemed by the ~~((board))~~ director to be reflective of the participants' preferences.

Sec. 36. RCW 41.50.770 and 1998 c 116 s 11 are each amended to read as follows:

(1) "Employee" as used in this section and RCW 41.50.780 includes all full-time, part-time, and career seasonal employees of the state, a county, a municipality, or other political subdivision of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of the government, including full-time members of boards, commissions, or committees; justices of the supreme court and judges of the court of appeals and of the superior and district courts; and members of

the state legislature or of the legislative authority of any county, city, or town.

(2) The state, through the department, and any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body is authorized to contract with an employee to defer a portion of that employee's income, which deferred portion shall in no event exceed the amount allowable under 26 U.S.C. Sec. 457, and deposit or invest such deferred portion in a credit union, savings and loan association, bank, or mutual savings bank or purchase life insurance, shares of an investment company, or fixed and/or variable annuity contracts from any insurance company or any investment company licensed to contract business in this state.

(3) Employees participating in the state deferred compensation plan administered by the department shall self-direct the investment of the deferred portion of their income through the selection of investment options as set forth in subsection (4) of this section.

(4) The department can provide such plans as it deems are in the interests of state employees. In addition to the types of investments described in this section, the state investment board, with respect to the state deferred compensation plan, shall invest the deferred portion of an employee's income, without limitation as to amount, in accordance with RCW 43.84.150, 43.33A.140, and 41.50.780, and pursuant to investment policy established by the state investment board for the state deferred compensation plans. The state investment board, after consultation with the ~~((employee retirement benefits board))~~ director regarding any recommendations made pursuant to RCW 41.50.088(2), shall provide a set of options for participants to choose from for investment of the deferred portion of their income. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the state or local retirement and pension benefits earned by any employee.

(5) Coverage of an employee under a deferred compensation plan under this section shall not render such employee ineligible for simultaneous membership and participation in any pension system for public employees.

Sec. 37. RCW 41.50.780 and 2008 c 229 s 12 are each amended to read as follows:

(1) The deferred compensation principal account is hereby created in the state treasury.

(2) The amount of compensation deferred by employees under agreements entered into under the authority contained in RCW 41.50.770 shall be paid into the deferred compensation principal account and shall be sufficient to cover costs of administration and staffing in addition to such other amounts as determined by the department. The deferred compensation principal account shall be used to carry out the purposes of RCW 41.50.770. All eligible state employees shall be given the opportunity to participate in agreements entered into by the department under RCW 41.50.770. State agencies shall cooperate with the department in providing employees with the opportunity to participate.

(3) Any county, municipality, or other subdivision of the state may elect to participate in any agreements entered into by the department under RCW 41.50.770, including the making of payments therefrom to the employees participating in a deferred compensation plan upon their separation from state or other qualifying service. Accordingly, the deferred compensation principal account shall be considered to be a public pension or retirement fund within the meaning of Article XXIX, section 1 of the state Constitution, for the purpose of determining eligible investments and deposits of the moneys therein.

(4) All moneys in the state deferred compensation principal account and the state deferred compensation administrative account, all property and rights purchased therewith, and all

income attributable thereto, shall be held in trust by the state investment board, as set forth under RCW 43.33A.030, for the exclusive benefit of the state deferred compensation plan's participants and their beneficiaries. Neither the participant, nor the participant's beneficiary or beneficiaries, nor any other designee, has any right to commute, sell, assign, transfer, or otherwise convey the right to receive any payments under the plan. These payments and right thereto are nonassignable and nontransferable. Unpaid accumulated deferrals are not subject to attachment, garnishment, or execution and are not transferable by operation of law in event of bankruptcy or insolvency, except to the extent otherwise required by law.

(5) The state investment board has the full power to invest moneys in the state deferred compensation principal account and the state deferred compensation administrative account in accordance with RCW 43.84.150, 43.33A.140, and 41.50.770, and cumulative investment directions received pursuant to RCW 41.50.770. All investment and operating costs of the state investment board associated with the investment of the deferred compensation plan assets shall be paid pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these expenses, one hundred percent of all earnings from these investments shall accrue directly to the deferred compensation principal account.

(6)(a) No state board or commission, agency, or any officer, employee, or member thereof is liable for any loss or deficiency resulting from participant investments selected pursuant to RCW 41.50.770(3).

(b) Neither the ~~((employee retirement benefits board)) department, nor the director or any employee,~~ nor the state investment board, nor any officer, employee, or member thereof is liable for any loss or deficiency resulting from reasonable efforts to implement investment directions pursuant to RCW 41.50.770(3).

(7) The deferred compensation administrative account is hereby created in the state treasury. All expenses of the department pertaining to the deferred compensation plan including staffing and administrative expenses shall be paid out of the deferred compensation administrative account. Any excess balances credited to this account over administrative expenses disbursed from this account shall be transferred to the deferred compensation principal account at such time and in such amounts as may be determined by the department with the approval of the office of financial management. Any deficiency in the deferred compensation administrative account caused by an excess of administrative expenses disbursed from this account shall be transferred to this account from the deferred compensation principal account.

(8)(a)(i) The department shall keep or cause to be kept full and adequate accounts and records of the assets of each individual participant, obligations, transactions, and affairs of any deferred compensation plans created under RCW 41.50.770 and this section. The department shall account for and report on the investment of state deferred compensation plan assets or may enter into an agreement with the state investment board for such accounting and reporting.

(ii) The department's duties related to individual participant accounts include conducting the activities of trade instruction, settlement activities, and direction of cash movement and related wire transfers with the custodian bank and outside investment firms.

(iii) The department has sole responsibility for contracting with any recordkeepers for individual participant accounts and shall manage the performance of recordkeepers under those contracts.

(b)(i) The department's duties under (a)(ii) of this subsection do not limit the authority of the state investment board to conduct its responsibilities for asset management and balancing of the deferred compensation funds.

(ii) The state investment board has sole responsibility for contracting with outside investment firms to provide investment management for the deferred compensation funds and shall manage the performance of investment managers under those contracts.

(c) The state treasurer shall designate and define the terms of engagement for the custodial banks.

(9) The department may adopt rules necessary to carry out its responsibilities under RCW 41.50.770 and this section.

Sec. 38. RCW 41.34.020 and 2000 c 247 s 401 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated:

(1) "Actuary" means the state actuary or the office of the state actuary.

(2) ~~((("Board" means the employee retirement benefits board authorized in chapter 41.50 RCW.~~

~~(3))~~ "Department" means the department of retirement systems.

~~((4))~~ ~~(3)~~(a) "Compensation" for teachers for purposes of this chapter is the same as "earnable compensation" for plan 3 in chapter 41.32 RCW except that the compensation may be reported when paid, rather than when earned.

(b) "Compensation" for classified employees for purposes of this chapter is the same as "compensation earnable" for plan 3 in RCW 41.35.010, except that the compensation may be reported when paid, rather than when earned.

(c) "Compensation" for public employees for purposes of this chapter is the same as "compensation earnable" for plan 3 in RCW 41.40.010, except that the compensation may be reported when paid, rather than when earned.

~~((5))~~ ~~(4)~~(a) "Employer" for teachers for purposes of this chapter means the same as "employer" for plan 3 in chapter 41.32 RCW.

(b) "Employer" for classified employees for purposes of this chapter means the same as "employer" for plan 3 in RCW 41.35.010.

(c) "Employer" for public employees for purposes of this chapter means the same as "employer" for plan 3 in RCW 41.40.010.

~~((6))~~ ~~(5)~~ "Member" means any employee included in the membership of a retirement system as provided for in chapter 41.32 RCW of plan 3, chapter 41.35 RCW of plan 3, or chapter 41.40 RCW of plan 3.

~~((7))~~ ~~(6)~~ "Member account" or "member's account" means the sum of the contributions and earnings on behalf of the member.

~~((8))~~ ~~(7)~~ "Retiree" means any member in receipt of an allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

~~((9))~~ ~~(8)~~ "Teacher" means a member of the teachers' retirement system plan 3 as defined in RCW 41.32.010(29).

~~((10))~~ ~~(9)~~ "Classified employee" means a member of the school employees' retirement system plan 3 as defined in RCW 41.35.010.

~~((11))~~ ~~(10)~~ "Public employee" means a member of the public employees' retirement system plan 3 as defined in RCW 41.40.010.

Sec. 39. RCW 41.34.040 and 2003 c 156 s 1 are each amended to read as follows:

(1) A member shall contribute from his or her compensation according to one of the following rate structures in addition to the mandatory minimum five percent:

<u>Option A</u>	<u>Contribution Rate</u>
All Ages	0.0% fixed

Option B

Up to Age 35	0.0%
Age 35 to 44	1.0%
Age 45 and above	2.5%

Option C

Up to Age 35	1.0%
Age 35 to 44	2.5%
Age 45 and above	3.5%

Option D

All Ages	2.0%
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Option E

All Ages	5.0%
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Option F

All Ages	10.0%
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(2) The ~~((board))~~ department shall have the right to offer contribution rate options in addition to those listed in subsection (1) of this section, provided that no significant additional administrative costs are created. All options offered by the ~~((board))~~ department shall conform to the requirements stated in subsections (3) and (5) of this section.

(3)(a) For members of the teachers' retirement system entering plan 3 under RCW 41.32.835 or members of the school employees' retirement system entering plan 3 under RCW 41.35.610, within ninety days of becoming a member he or she has an option to choose one of the above contribution rate structures. If the member does not select an option within the ninety-day period, he or she shall be assigned option A.

(b) For members of the public employees' retirement system entering plan 3 under RCW 41.40.785, within the ninety days described in RCW 41.40.785 an employee who irrevocably chooses plan 3 shall select one of the above contribution rate structures. If the member does not select an option within the ninety-day period, he or she shall be assigned option A.

(c) For members of the teachers' retirement system transferring to plan 3 under RCW 41.32.817, members of the school employees' retirement system transferring to plan 3 under RCW 41.35.510, or members of the public employees' retirement system transferring to plan 3 under RCW 41.40.795, upon election to plan 3 he or she must choose one of the above contribution rate structures.

(d) Within ninety days of the date that an employee changes employers, he or she has an option to choose one of the above contribution rate structures. If the member does not select an option within this ninety-day period, he or she shall be assigned option A.

(4) Each year, members may change their contribution rate option by notifying their employer in writing during the month of January.

(5) Contributions shall begin the first day of the pay cycle in which the rate option is made, or the first day of the pay cycle in which the end of the ninety-day period occurs.

Sec. 40. RCW 41.34.070 and 2005 c 327 s 3 are each amended to read as follows:

(1) If the member retires, becomes disabled, or otherwise terminates employment, the balance in the member's account may be distributed in accordance with an option selected by the member either as a lump sum or pursuant to other options authorized by the ~~((board))~~ department.

(2) If the member dies while in service, the balance of the member's account may be distributed in accordance with an option selected by the member either as a lump sum or pursuant to other options authorized by the ~~((board))~~ department. The distribution is as follows:

(a) The distribution shall be made to such person or persons as the member shall have nominated by written designation duly executed and filed with the department;

(b) If there be no such designated person or persons still living at the time of the member's death, the balance of the member's account in the retirement system, less any amount identified as owing to an obligee upon withdrawal of such account balance pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation;

(c) If there is no surviving spouse, then to such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(d) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

(3) If a member has a terminal illness and terminates from employment, the member may choose to have the balance in the member's account distributed as a lump sum payment based on the most recent valuation in order to expedite the distribution. The department shall make this payment within ten working days after receipt of notice of termination of employment, documentation verifying the terminal illness, and an application for payment.

(4) The distribution under subsections (1), (2), or (3) of this section shall be less any amount identified as owing to an obligee upon withdrawal pursuant to a court order filed under RCW 41.50.670.

Sec. 41. RCW 41.34.130 and 2001 c 181 s 3 are each amended to read as follows:

(1) The state investment board has the full authority to invest all self-directed investment moneys in accordance with RCW 43.84.150 and 43.33A.140, and cumulative investment directions received pursuant to RCW 41.34.060 and this section. In carrying out this authority the state investment board, after consultation with the ~~((employee retirement benefits board))~~ department regarding any recommendations made pursuant to RCW 41.50.088(1)(b), shall provide a set of options for members to choose from for self-directed investment.

(2) All investment and operating costs of the state investment board associated with making self-directed investments shall be paid by members and recovered under procedures agreed to by the ~~((board))~~ department and the state investment board pursuant to the principles set forth in RCW 43.33A.160 and 43.84.160. All other expenses caused by self-directed investment shall be paid by the member in accordance with rules established by the ~~((board))~~ department under RCW 41.50.088. With the exception of these expenses, all earnings from self-directed investments shall accrue to the member's account.

(3)(a)(i) The department shall keep or cause to be kept full and adequate accounts and records of each individual member's account. The department shall account for and report on the investment of defined contribution assets or may enter into an

agreement with the state investment board for such accounting and reporting under this chapter.

(ii) The department's duties related to individual participant accounts include conducting the activities of trade instruction, settlement activities, and direction of cash movement and related wire transfers with the custodian bank and outside investment firms.

(iii) The department has sole responsibility for contracting with any recordkeepers for individual participant accounts and shall manage the performance of recordkeepers under those contracts.

(b)(i) The department's duties under (a)(ii) of this subsection do not limit the authority of the state investment board to conduct its responsibilities for asset management and balancing of the deferred compensation funds.

(ii) The state investment board has sole responsibility for contracting with outside investment firms to provide investment management for the deferred compensation funds and shall manage the performance of investment managers under those contracts.

(c) The state treasurer shall designate and define the terms of engagement for the custodial banks.

Sec. 42. RCW 41.34.140 and 1999 c 265 s 2 are each amended to read as follows:

(1) A state board or commission, agency, or any officer, employee, or member thereof is not liable for any loss or deficiency resulting from member defined contribution investments selected or required pursuant to RCW 41.34.060 (1) or (3).

(2) Neither the ~~((board))~~ department, nor director or any employee, nor the state investment board, nor any officer, employee, or member thereof is liable for any loss or deficiency resulting from reasonable efforts to implement investment directions pursuant to RCW 41.34.060 (1) or (3).

(3) The state investment board, or any officer, employee, or member thereof is not liable with respect to any declared monthly unit valuations or crediting of rates of return, or any other exercise of powers or duties, including discretion, under RCW 41.34.060(2).

(4) The department, or any officer or employee thereof, is not liable for crediting rates of return which are consistent with the state investment board's declaration of monthly unit valuations pursuant to RCW 41.34.060(2).

Sec. 43. RCW 43.33A.135 and 1998 c 116 s 13 are each amended to read as follows:

The state investment board has the full power to establish investment policy, develop participant investment options, and manage investment funds for the state deferred compensation plan, consistent with the provisions of RCW 41.50.770 and 41.50.780. The board may continue to offer the investment options provided as of June 11, 1998, until the board establishes a deferred compensation plan investment policy and adopts new investment options after considering the recommendations of the ~~((employee retirement benefits board))~~ department of retirement systems.

Environmental and Land Use Hearings Board

NEW SECTION. Sec. 44. The following acts or parts of acts are each repealed:

(1) RCW 43.21L.005 (Purpose) and 2003 c 393 s 1;

(2) RCW 43.21L.010 (Definitions) and 2003 c 393 s 2;

(3) RCW 43.21L.020 (Exclusive review process--Exception--Procedural rules) and 2003 c 393 s 3;

(4) RCW 43.21L.030 (Designation as qualifying project--Request for determination--Duties of office of permit assistance) and 2003 c 393 s 4;

(5) RCW 43.21L.040 (Environmental and land use hearings board) and 2003 c 393 s 5;

(6) RCW 43.21L.050 (Review proceedings--Commencement--Rules for filing and service) and 2003 c 393 s 6;

(7) RCW 43.21L.060 (Standing) and 2003 c 393 s 7;

(8) RCW 43.21L.070 (Petition requirements) and 2003 c 393 s 8;

(9) RCW 43.21L.080 (Affidavit certifying applications for permits--Initial hearing on jurisdictional and preliminary matters) and 2003 c 393 s 9;

(10) RCW 43.21L.090 (Expedited review of petitions) and 2003 c 393 s 10;

(11) RCW 43.21L.100 (Stay or suspension of board action) and 2003 c 393 s 11;

(12) RCW 43.21L.110 (Decision record--Certified copy to board--Costs) and 2003 c 393 s 12;

(13) RCW 43.21L.120 (Board review of permit decisions--Correction of errors and omissions--Pretrial discovery--Requests for records under chapter 42.56 RCW) and 2005 c 274 s 295 & 2003 c 393 s 13;

(14) RCW 43.21L.130 (Standards for granting relief--Action by board) and 2003 c 393 s 14;

(15) RCW 43.21L.140 (Judicial review) and 2003 c 393 s 15;

(16) RCW 43.21L.900 (Implementation--2003 c 393) and 2003 c 393 s 24; and

(17) RCW 43.21L.901 (Effective date--2003 c 393) and 2003 c 393 s 25.

Sec. 45. RCW 36.70C.030 and 2003 c 393 s 17 are each amended to read as follows:

(1) This chapter replaces the writ of certiorari for appeal of land use decisions and shall be the exclusive means of judicial review of land use decisions, except that this chapter does not apply to:

(a) Judicial review of:

(i) Land use decisions made by bodies that are not part of a local jurisdiction;

(ii) Land use decisions of a local jurisdiction that are subject to review by a quasi-judicial body created by state law, such as the shorelines hearings board ~~((, the environmental and land use hearings board,))~~ or the growth management hearings board;

(b) Judicial review of applications for a writ of mandamus or prohibition; or

(c) Claims provided by any law for monetary damages or compensation. If one or more claims for damages or compensation are set forth in the same complaint with a land use petition brought under this chapter, the claims are not subject to the procedures and standards, including deadlines, provided in this chapter for review of the petition. The judge who hears the land use petition may, if appropriate, preside at a trial for damages or compensation.

(2) The superior court civil rules govern procedural matters under this chapter to the extent that the rules are consistent with this chapter.

Sec. 46. RCW 43.21B.005 and 2003 c 393 s 18 and 2003 c 39 s 22 are each reenacted and amended to read as follows:

(1) There is created an environmental hearings office of the state of Washington. The environmental hearings office shall consist of the pollution control hearings board created in RCW 43.21B.010, the forest practices appeals board created in RCW 76.09.210, the shorelines hearings board created in RCW 90.58.170, ~~((the environmental and land use hearings board created in chapter 43.21L RCW,))~~ and the hydraulic appeals board created in RCW ~~((77.55.170))~~ 77.55.301. The chair of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control hearings board, the forest practices appeals board, the shorelines hearings board, and the hydraulic appeals board shall be as provided by law.

(2) The chief executive officer of the environmental hearings office may appoint an administrative appeals judge who shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, in cases before the boards comprising the office. The administrative appeals judge shall have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. Additional administrative appeals judges may also be appointed by the chief executive officer on the same terms. Administrative appeals judges shall not be subject to chapter 41.06 RCW.

(3) The administrative appeals judges appointed under subsection (2) of this section are subject to discipline and termination, for cause, by the chief executive officer. Upon written request by the person so disciplined or terminated, the chief executive officer shall state the reasons for such action in writing. The person affected has a right of review by the superior court of Thurston county on petition for reinstatement or other remedy filed within thirty days of receipt of such written reasons.

(4) The chief executive officer may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

(5) The chief executive officer may also contract for required services.

Family Practice Education Advisory Board

NEW SECTION. Sec. 47. The following acts or parts of acts are each repealed:

(1) RCW 70.112.030 (Family practice education advisory board--Chairman--Membership) and 1975 1st ex.s. c 108 s 3;

(2) RCW 70.112.040 (Advisory board--Terms of members--Filling vacancies) and 1975 1st ex.s. c 108 s 4; and

(3) RCW 70.112.050 (Advisory board--Duties) and 1998 c 245 s 111 & 1975 1st ex.s. c 108 s 5.

Sec. 48. RCW 70.112.010 and 1975 1st ex.s. c 108 s 1 are each amended to read as follows:

(1) "School of medicine" means the University of Washington school of medicine located in Seattle, Washington;

(2) "Residency programs" mean community based family practice residency educational programs either in existence or established under this chapter;

(3) "Affiliated" means established or developed in cooperation with the school of medicine;

(4) "Family practice unit" means the community facility or classroom used for training of ambulatory health skills within a residency training program; and

~~((5) "Advisory board" means the family practice education advisory board created by this chapter.))~~

Sec. 49. RCW 70.112.020 and 1975 1st ex.s. c 108 s 2 are each amended to read as follows:

There is established a statewide medical education system for the purpose of training resident physicians in family practice. The dean of the school of medicine shall be responsible for implementing the development and expansion of residency programs in cooperation with the medical profession, hospitals, and clinics located throughout the state. The chairman of the department of family medicine in the school of medicine ~~((with the consent of the advisory board,))~~ shall determine where affiliated residency programs shall exist; giving consideration to communities in the state where the population, hospital facilities, number of physicians, and interest in medical education indicate the potential success of the residency program. The medical education system shall provide financial support for residents in training for those programs which are affiliated with the school of medicine and shall establish positions for appropriate faculty to staff these programs. The number of programs shall be determined by the board and be in keeping with the needs of the state.

Fire Protection Policy Board

NEW SECTION. Sec. 50. The following acts or parts of acts are each repealed:

(1) RCW 43.43.932 (State fire protection policy board--Created--Members) and 2005 c 35 s 1, 1995 c 369 s 15, & 1986 c 266 s 55; and

(2) RCW 43.43.936 (State fire protection policy board--Advisory duties) and 1995 c 369 s 17, 1993 c 280 s 70, & 1986 c 266 s 57.

Sec. 51. RCW 43.43.930 and 1995 c 369 s 14 are each amended to read as follows:

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. The legislature further finds that the paramount duty of the state in fire protection services is to enhance the capacity of all local jurisdictions to assure that their personnel with fire suppression, prevention, inspection, origin and cause, and arson investigation responsibilities are adequately trained to discharge their responsibilities. It is the intent of the legislature to consolidate fire protection services into a single state agency ~~((and to create a state board with the responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the chief of the Washington state patrol and the director of fire protection on matters relating to their duties under state law)).~~ It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy. It is the further intent of the legislature that the fire protection services program be implemented incrementally to assure a smooth transition, to build local, regional, and state capacity, and to avoid undue burdens on jurisdictions with limited resources.

Sec. 52. RCW 43.43.934 and 2003 c 316 s 1 are each amended to read as follows:

~~((Except for matters relating to the statutory duties of the chief of the Washington state patrol that are to be carried out through)) The director of fire protection ~~((the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board))~~ shall:~~

(1)(a) ~~((Adopt a state fire training and education master plan that allows to the maximum feasible extent for negotiated agreements.))~~ (i) With the state board for community and technical colleges ~~((to))~~ provide academic, vocational, and field training programs for the fire service; and (ii) with the higher education coordinating board and the state colleges and universities ~~((to))~~ provide instructional programs requiring advanced training, especially in command and management skills;

(b) ~~((Adopt minimum standards for each level of responsibility among personnel with fire suppression, prevention, inspection, and investigation responsibilities that assure continuing assessment of skills and are flexible enough to meet emerging technologies. With particular respect to training for fire investigations, the master plan shall encourage cross training in appropriate law enforcement skills. To meet special local needs, fire agencies may adopt more stringent requirements than those adopted by the state;))~~

~~((e))~~ Cooperate with the common schools, technical and community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.

Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule;

~~((d))~~ (c) Develop and adopt a master plan for constructing, equipping, maintaining, and operating necessary fire service training and education facilities subject to the provisions of chapter 43.19 RCW;

~~((e))~~ (d) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary for fire service training and education facilities in a manner provided by law; and

~~((f))~~ (e) Develop and adopt a plan with a goal of providing firefighter one and wildland training (~~as defined by the board,~~) to all firefighters in the state. Wildland training reimbursement will be provided if a fire protection district or a city fire department has and is fulfilling their interior attack policy or if they do not have an interior attack policy. The plan will include a reimbursement for fire protection districts and city fire departments of not less than three dollars for every hour of firefighter one or wildland training. The Washington state patrol shall not provide reimbursement for more than two hundred hours of firefighter one or wildland training for each firefighter trained.

~~((g))~~ (f) ~~(In addition to its responsibilities for fire service training, the board shall:~~

~~(a) Adopt a state fire protection master plan;~~

~~(b) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens including: (i) The comprehensiveness of state and local inspections required by law for fire and life safety; (ii) the level of skills and training of inspectors, as well as needs for additional training; and (iii) the efforts of local, regional, and state inspection agencies to improve coordination and reduce duplication among inspection efforts;~~

~~(c) Establish and promote state arson control programs and ensure development of local arson control programs;~~

~~(d) Provide representation for local fire protection services to the governor in state level fire protection planning matters such as, but not limited to, hazardous materials control;~~

~~(e) Recommend to the adjutant general rules on minimum information requirements of automatic location identification for the purposes of enhanced 911 emergency service;~~

~~(f) Seek and solicit grants, gifts, bequests, devises, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;~~

~~((g))~~ (a) Promote mutual aid and disaster planning for fire services in this state;

~~((h))~~ (b) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention; and

~~((i))~~ (c) Implement any legislation enacted by the legislature to meet the requirements of any acts of congress that apply to this section.

(3) In carrying out its statutory duties, the ~~(board)~~ office of the state fire marshal shall give particular consideration to the appropriate roles to be played by the state and by local jurisdictions with fire protection responsibilities. Any determinations on the division of responsibility shall be made in consultation with local fire officials and their representatives.

To the extent possible, the ~~(board)~~ office of the state fire marshal shall encourage development of regional units along compatible geographic, population, economic, and fire dimensions. Such regional units may serve to: (a) Reinforce coordination among state and local activities in fire service training, reporting, inspections, and investigations; (b) identify areas of special need, particularly in smaller jurisdictions with inadequate resources; (c) assist the state in its oversight responsibilities; (d) identify funding needs and options at both the

state and local levels; and (e) provide models for building local capacity in fire protection programs.

Sec. 53. RCW 43.43.938 and 1995 c 369 s 18 are each amended to read as follows:

(1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.

(2) The chief of the Washington state patrol shall appoint an officer who shall be known as the director of fire protection. ~~(The board, after consulting with the chief of the Washington state patrol, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the chief of the Washington state patrol a list containing the names of three persons whom the board believes meet its qualifications. If requested by the chief of the Washington state patrol, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.)~~

(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.

(4) The director of fire protection ~~(in accordance with the policies, objectives, and priorities of the fire protection policy board.)~~ shall prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the Washington state patrol's budget request.

(5) The director of fire protection, shall implement and administer, within constraints established by budgeted resources, ~~(the policies, objectives, and priorities of the board and)~~ all duties of the chief of the Washington state patrol that are to be carried out through the director of fire protection, and all of the duties of the director of fire protection. Such administration shall include negotiation of agreements with the state board for community and technical colleges, the higher education coordinating board, and the state colleges and universities as provided in RCW ~~((43.63A.320))~~ 43.43.934. Programs covered by such agreements shall include, but not be limited to, planning curricula, developing and delivering instructional programs and materials, and using existing instructional personnel and facilities. Where appropriate, such contracts shall also include planning and conducting instructional programs at the state fire service training center.

~~((6) The chief of the Washington state patrol, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.)~~

Sec. 54. RCW 43.43.962 and 2003 c 405 s 3 are each amended to read as follows:

The ~~(state fire protection policy board)~~ director of fire protection shall review and make recommendations to the chief on the refinement and maintenance of the Washington state fire services mobilization plan, which shall include the procedures to be used during fire and other emergencies for coordinating local, regional, and state fire jurisdiction resources. In carrying out this duty, the director of fire protection ~~(policy board)~~ shall consult with and solicit recommendations from representatives of state and local fire and emergency management organizations, regional fire defense boards, and the department of natural resources. The Washington state fire services mobilization plan shall be consistent with, and made part of, the Washington state comprehensive emergency management plan. The chief shall review the fire services mobilization plan as submitted by the director of fire protection ~~(policy board)~~, recommend changes that may be necessary, and approve the fire services mobilization plan for inclusion within the state comprehensive emergency management plan.

It is the responsibility of the chief to mobilize jurisdictions under the Washington state fire services mobilization plan. The

state fire marshal shall serve as the state fire resources coordinator when the Washington state fire services mobilization plan is mobilized.

Sec. 55. RCW 43.43.963 and 1997 c 49 s 11 are each amended to read as follows:

Regions within the state are initially established as follows but may be adjusted as necessary by the state fire marshal:

- (1) Northwest region - Whatcom, Skagit, Snohomish, San Juan, and Island counties;
- (2) Northeast region - Okanogan, Ferry, Stevens, Pend Oreille, Spokane, and Lincoln counties;
- (3) Olympic region - Clallam and Jefferson counties;
- (4) South Puget Sound region - Kitsap, Mason, King, and Pierce counties;
- (5) Southeast region - Chelan, Douglas, Kittitas, Grant, Adams, Whitman, Yakima, Klickitat, Benton, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties;
- (6) Central region - Grays Harbor, Thurston, Pacific, and Lewis counties; and
- (7) Southwest region - Wahkiakum, Cowlitz, Clark, and Skamania counties.

Within each of these regions there is created a regional fire defense board. The regional fire defense boards shall consist of two members from each county in the region. One member from each county shall be appointed by the county fire chiefs' association or, in the event there is no such county association, by the county's legislative authority. Each county's office of emergency management or, in the event there is no such office, the county's legislative authority shall select the second representative to the regional board. The department of natural resources fire control chief shall appoint a representative from each department of natural resources region to serve as a member of the appropriate regional fire defense board. Members of each regional board will select a chairperson and secretary as officers. Members serving on the regional boards do so in a voluntary capacity and are not eligible for reimbursement for meeting-related expenses from the state.

Regional defense boards shall develop regional fire service plans that include provisions for organized fire agencies to respond across municipal, county, or regional boundaries. Each regional plan shall be consistent with the incident command system, the Washington state fire services mobilization plan, and regional response plans already adopted and in use in the state. The regional boards shall work with the relevant local government entities to facilitate development of intergovernmental agreements if any such agreements are required to implement a regional fire service plan. Each regional plan shall be approved by the ~~((fire protection policy board before implementation))~~ director of fire protection.

Sec. 56. RCW 43.44.030 and 1991 c 170 s 2 are each amended to read as follows:

~~((Nonconstruction standards relative to fire prevention and safety for all schools under the jurisdiction of the superintendent of public instruction and state board of education shall be established by the state fire protection board.))~~ The director of fire protection shall make or cause to be made plan reviews and construction inspections for all E-1 occupancies as may be necessary to insure compliance with the state building code and standards for schools adopted under chapter 19.27 RCW. Nothing in this section prohibits the director of fire protection from delegating construction inspection authority to any local jurisdiction.

Sec. 57. RCW 43.44.060 and 1999 c 231 s 1 are each amended to read as follows:

(1) The chief of each organized fire department, or the sheriff or other designated county official having jurisdiction over areas not within the jurisdiction of any fire department, shall report

statistical information and data to the chief of the Washington state patrol, through the director of fire protection, on each fire occurring within the official's jurisdiction and, within two business days, report any death resulting from fire. Reports shall be consistent with the national fire incident reporting system developed by the United States fire administration and rules established by the chief of the Washington state patrol, through the director of fire protection. The chief of the Washington state patrol, through the director of fire protection, and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.

(2) The chief of the Washington state patrol, through the director of fire protection, shall analyze the information and data reported, compile a report, and distribute a copy annually by July 1st to each chief fire official in the state. Upon request, the chief of the Washington state patrol, through the director of fire protection, shall also furnish a copy of the report to any other interested person at cost.

~~((3) In carrying out the duties relating to collecting, analyzing, and reporting statistical fire data, the fire protection policy board may purchase statistical fire data from a qualified individual or organization. The information shall meet the diverse needs of state and local fire reporting agencies and shall be (a) defined in understandable terms of common usage in the fire community; (b) adaptable to the varying levels of resources available; (c) maintained in a manner that will foster both technical support and resource sharing; and (d) designed to meet both short and long-term needs.))~~

Sec. 58. RCW 38.52.530 and 2006 c 210 s 1 are each amended to read as follows:

The enhanced 911 advisory committee is created to advise and assist the state enhanced 911 coordinator in coordinating and facilitating the implementation and operation of enhanced 911 throughout the state. The director shall appoint members of the committee who represent diverse geographical areas of the state and include state residents who are members of the national emergency number association, the associated public communications officers Washington chapter, the Washington state fire chiefs association, the Washington association of sheriffs and police chiefs, the Washington state council of firefighters, the Washington state council of police officers, the Washington ambulance association, ~~((the state fire protection policy board,))~~ the Washington state firefighters association, the Washington state association of fire marshals, the Washington fire commissioners association, the Washington state patrol, the association of Washington cities, the Washington state association of counties, the utilities and transportation commission or commission staff, a representative of a voice over internet protocol company, and an equal number of representatives of large and small local exchange telephone companies and large and small radio communications service companies offering commercial mobile radio service in the state. This section expires December 31, 2011.

Sec. 59. RCW 49.26.120 and 1995 c 218 s 6 are each amended to read as follows:

(1) No person may assign any employee, contract with, or permit any individual or person to remove or encapsulate asbestos in any facility unless performed by a certified asbestos worker and under the direct, on-site supervision of a certified asbestos supervisor. In cases in which an employer conducts an asbestos abatement project in its own facility and by its own employees, supervision can be performed in the regular course of a certified asbestos supervisor's duties. Asbestos workers must have access to certified asbestos supervisors throughout the duration of the project.

(2) The department shall require persons undertaking asbestos projects to provide written notice to the department before the commencement of the project except as provided in RCW 49.26.125. The notice shall include a written description containing such information as the department requires by rule. The department may by rule allow a person to report multiple projects at one site in one report. The department shall by rule establish the procedure and criteria by which a person will be considered to have attempted to meet the prenotification requirement.

(3) The department shall consult with the ~~((state fire protection policy board,))~~ Washington state association of fire chiefs and may establish any additional policies and procedures for municipal fire department and fire district personnel who clean up sites after fires which have rendered it likely that asbestos has been or will be disturbed or released into the air.

Hazardous Substance Mixed Waste Advisory Board

NEW SECTION. Sec. 60. The following acts or parts of acts are each repealed:

(1) RCW 70.105E.070 (Disclosure of costs and clean-up budgets) and 2005 c 1 s 7; and

(2) RCW 70.105E.090 (Advisory board--Public involvement--Funding) and 2005 c 1 s 9.

Health and Welfare Advisory Board and Property and Liability Advisory Board

NEW SECTION. Sec. 61. The following acts or parts of acts are each repealed:

(1) RCW 48.62.051 (Health and welfare advisory board--Creation--Membership--Duties) and 1991 sp.s. c 30 s 5; and

(2) RCW 48.62.041 (Property and liability advisory board--Creation--Membership--Duties) and 1991 sp.s. c 30 s 4.

Sec. 62. RCW 48.62.061 and 1991 sp.s. c 30 s 6 are each amended to read as follows:

The state risk manager~~((, in consultation with the property and liability advisory board,))~~ shall adopt rules governing the management and operation of both individual and joint local government self-insurance programs covering property or liability risks. The state risk manager shall also adopt rules governing the management and operation of both individual and joint local government self-insured health and welfare benefits programs ~~((in consultation with the health and welfare benefits advisory board))~~. All rules shall be appropriate for the type of program and class of risk covered. The state risk manager's rules shall include:

(1) Standards for the management, operation, and solvency of self-insurance programs, including the necessity and frequency of actuarial analyses and claims audits;

(2) Standards for claims management procedures; and

(3) Standards for contracts between self-insurance programs and private businesses including standards for contracts between third-party administrators and programs.

Sec. 63. RCW 48.62.161 and 1991 sp.s. c 30 s 16 are each amended to read as follows:

(1) The state risk manager shall establish and charge an investigation fee in an amount necessary to cover the costs for the initial review and approval of a self-insurance program. The fee must accompany the initial submission of the plan of operation and management.

(2) The costs of subsequent reviews and investigations shall be charged to the self-insurance program being reviewed or investigated in accordance with the actual time and expenses incurred in the review or investigation.

(3) ~~((After the formation of the two advisory boards, each board))~~ The state risk manager may calculate, levy, and collect from each joint property and liability self-insurance program and each individual and joint health and welfare benefit program regulated by this chapter a start-up assessment to pay initial

expenses and operating costs of ~~((the boards and))~~ the risk manager's office in administering this chapter. Any program failing to remit its assessment when due is subject to denial of permission to operate or to a cease and desist order until the assessment is paid.

Higher Education Coordinating Board Advisory Council

NEW SECTION. Sec. 64. RCW 28B.76.100 (Advisory council) and 2007 c 458 s 103, 2004 c 275 s 2, & 1985 c 370 s 9 are each repealed.

Higher Education Coordinating Board Research Advisory Group

Sec. 65. RCW 28B.76.280 and 2004 c 275 s 12 are each amended to read as follows:

(1) In consultation with the institutions of higher education and state education agencies, the board shall identify the data needed to carry out its responsibilities for policy analysis, accountability, program improvements, and public information. The primary goals of the board's data collection and research are to describe how students and other beneficiaries of higher education are being served; to support higher education accountability; and to assist state policymakers and institutions in making policy decisions.

(2) The board shall ~~((convene a research advisory group and shall collaborate with the group to))~~ identify the most cost-effective manner for the board to collect data or access existing data. The board shall ~~((work with the advisory group to))~~ develop research priorities, policies, and common definitions to maximize the reliability and consistency of data across institutions. ~~((The advisory group shall include representatives of public and independent higher education institutions and other state agencies, including the state board for community and technical colleges, the office of the superintendent of public instruction, the office of financial management, the employment security department, the workforce training and education coordinating board, and other agencies as appropriate.))~~

(3) Specific protocols shall be developed by the board ~~((and the advisory group))~~ to protect the privacy of individual student records while ensuring the availability of student data for legitimate research purposes.

Industry Cluster Advisory Committee

Sec. 66. RCW 43.330.090 and 2009 c 151 s 1 are each amended to read as follows:

(1) The department shall work with private sector organizations, industry and sector associations, federal agencies, state agencies that use a sector-based approach to service delivery, local governments, local associate development organizations, and higher education and training institutions in the development of industry sector-based strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production. The industry sectors targeted by the department may include, but are not limited to, aerospace, agriculture, food processing, forest products, marine services, health and biomedical, software, digital and interactive media, transportation and distribution, and microelectronics. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to an industry sector-based approach to economic development and identifying and assisting additional sectors.

(2) The department's sector-based strategies shall include, but not be limited to, cluster-based strategies that focus on assisting regional industry sectors and related firms and institutions that meet the definition of an industry cluster in this section and based on criteria identified by the working group established in this chapter.

(3)(a) The department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state; to this end the department is directed

to assist in the location of a film and video production studio within the state.

(b) The department may, in carrying out its efforts to encourage film and video production in the state, solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local, or other governmental entities, as well as private sources, and may expend the same or any income therefrom for the encouragement of film and video production. All revenue received for such purposes shall be deposited into the film and video promotion account created in RCW 43.330.092.

(4) In assisting in the development of regional and statewide industry cluster-based strategies, the department's activities shall include, but are not limited to:

(a) Facilitating regional focus group discussions and conducting studies to identify industry clusters, appraise the current information linkages within a cluster, and identify issues of common concern within a cluster;

(b) Supporting industry and cluster associations, publications of association and cluster directories, and related efforts to create or expand the activities of industry and cluster associations;

(c) Administering a competitive grant program to fund economic development activities designed to further regional cluster growth. In administering the program, the department shall work with ~~((an industry cluster advisory committee with equal representation from))~~ the economic development commission, the workforce training and education coordinating board, the state board for community and technical colleges, the employment security department, business, and labor.

(i) The ~~((industry cluster advisory committee))~~ department shall ~~((recommend))~~ seek recommendations on criteria for evaluating applications for grant funds and recommend applicants for receipt of grant funds. Criteria shall include not duplicating the purpose or efforts of industry skill panels.

(ii) Applicants must include organizations from at least two counties and participants from the local business community. Eligible organizations include, but are not limited to, local governments, economic development councils, chambers of commerce, federally recognized Indian tribes, workforce development councils, and educational institutions.

(iii) Applications must evidence financial participation of the partner organizations.

(iv) Eligible activities include the formation of cluster economic development partnerships, research and analysis of economic development needs of the cluster, the development of a plan to meet the economic development needs of the cluster, and activities to implement the plan.

(v) Priority shall be given to applicants that complement industry skill panels and will use the grant funds to build linkages and joint projects.

(vi) The maximum amount of a grant is one hundred thousand dollars.

(vii) A maximum of one hundred thousand dollars total can go to King, Pierce, Kitsap, and Snohomish counties combined.

(viii) No more than ten percent of funds received for the grant program may be used by the department for administrative costs.

(5) As used in this chapter, "industry cluster" means a geographic concentration of interconnected companies in a single industry, related businesses in other industries, including suppliers and customers, and associated institutions, including government and education.

Integrated Justice Information Board

NEW SECTION. **Sec. 67.** The following acts or parts of acts are each repealed:

(1) RCW 10.98.200 (Findings--Intent) and 2005 c 274 s 208 & 2003 c 104 s 1;

(2) RCW 10.98.210 (Washington integrated justice information board--Members) and 2003 c 104 s 3;

(3) RCW 10.98.220 (Washington integrated justice information board--Meetings) and 2003 c 104 s 4;

(4) RCW 10.98.230 (Washington integrated justice information board--Powers and duties) and 2003 c 104 s 5; and

(5) RCW 10.98.240 (Washington integrated justice information board--Report) and 2003 c 104 s 6.

Juvenile Justice Advisory Committee

Sec. 68. RCW 2.56.031 and 1993 c 415 s 2 are each amended to read as follows:

The administrator for the courts shall develop a plan to improve the collection and reporting of information on juvenile offenders by all juvenile courts in the state. The information related to juvenile offenders shall include, but is not limited to, social, demographic, education, and economic data on juvenile offenders and where possible, their families. Development and implementation of the plan shall be accomplished in consultation with the human rights commission, ~~((the governor's juvenile justice advisory committee,))~~ superior court judges, juvenile justice administrators, and interested juvenile justice practitioners and researchers. The plan shall include a schedule and budget for implementation and shall be provided to the office of financial management by September 15, 1993.

Sec. 69. RCW 13.40.510 and 1997 c 338 s 61 are each amended to read as follows:

(1) In order to receive funds under RCW 13.40.500 through 13.40.540, local governments may, through their respective agencies that administer funding for consolidated juvenile services, submit proposals that establish community juvenile accountability programs within their communities. These proposals must be submitted to the juvenile rehabilitation administration of the department of social and health services for certification.

(2) The proposals must:

(a) Demonstrate that the proposals were developed with the input of ~~((the community public health and safety networks established under RCW 70.190.060, and))~~ the local law and justice councils established under RCW 72.09.300;

(b) Describe how local community groups or members are involved in the implementation of the programs funded under RCW 13.40.500 through 13.40.540;

(c) Include a description of how the grant funds will contribute to the expected outcomes of the program and the reduction of youth violence and juvenile crime in their community. Data approaches are not required to be replicated if the networks have information that addresses risks in the community for juvenile offenders.

(3) A local government receiving a grant under this section shall agree that any funds received must be used efficiently to encourage the use of community-based programs that reduce the reliance on secure confinement as the sole means of holding juvenile offenders accountable for their crimes. The local government shall also agree to account for the expenditure of all funds received under the grant and to submit to audits for compliance with the grant criteria developed under RCW 13.40.520.

(4) The juvenile rehabilitation administration, in consultation with the Washington association of juvenile court administrators~~((;))~~ and the state law and justice advisory council, ~~((and the family policy council,))~~ shall establish guidelines for programs that may be funded under RCW 13.40.500 through 13.40.540. The guidelines must:

(a) Target diverted and adjudicated juvenile offenders;

(b) Include assessment methods to determine services, programs, and intervention strategies most likely to change behaviors and norms of juvenile offenders;

(c) Provide maximum structured supervision in the community. Programs should use natural surveillance and community guardians such as employers, relatives, teachers, clergy, and community mentors to the greatest extent possible;

(d) Promote good work ethic values and educational skills and competencies necessary for the juvenile offender to function effectively and positively in the community;

(e) Maximize the efficient delivery of treatment services aimed at reducing risk factors associated with the commission of juvenile offenses;

(f) Maximize the reintegration of the juvenile offender into the community upon release from confinement;

(g) Maximize the juvenile offender's opportunities to make full restitution to the victims and amends to the community;

(h) Support and encourage increased court discretion in imposing community-based intervention strategies;

(i) Be compatible with research that shows which prevention and early intervention strategies work with juvenile offenders;

(j) Be outcome-based in that it describes what outcomes will be achieved or what outcomes have already been achieved;

(k) Include an evaluation component; and

(l) Recognize the diversity of local needs.

(5) The state law and justice advisory council (~~with the assistance of the family policy council and the governor's juvenile justice advisory committee~~) may provide support and technical assistance to local governments for training and education regarding community-based prevention and intervention strategies.

K-20 Educational Network Board

K-20 Network Technical Steering Committee

NEW SECTION. Sec. 70. The following acts or parts of acts are each repealed:

(1) RCW 43.105.800 (K-20 educational network board) and 1999 c 285 s 2; and

(2) RCW 43.105.810 (K-20 network technical steering committee) and 1999 c 285 s 6.

Sec. 71. RCW 43.105.020 and 2009 c 565 s 32, 2009 c 509 s 7, and 2009 c 486 s 14 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly (~~required~~ requires) otherwise.

(1) "Administrator" means the community technology opportunity program administrator designated by the department.

(2) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network.

(3) "Board" means the information services board.

(4) "Broadband" means a high-speed, high capacity transmission medium, using land-based, satellite, wireless, or any other mechanism, that can carry either signals or transmit data, or both, over long distances by using a wide range of frequencies.

(5) "Committee" means the state interoperability executive committee.

(6) "Common vendor registration and bid notification system" has the definition in RCW 39.29.006.

(7) "Community technology programs" means programs that are engaged in diffusing information and communications technology in local communities, particularly in unserved and underserved areas of the state. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet

connectivity, digital media literacy, development of locally relevant content, and delivery of vital services through technology.

(8) "Council" means the advisory council on digital inclusion created in RCW 43.105.400.

(9) "Department" means the department of information services.

(10) "Director" means the director of the department.

(11) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.

(12) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment.

(13) "High-speed internet" means broadband.

(14) "Information" includes, but is not limited to, data, text, voice, and video.

(15) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions.

(16) "Information services" means data processing, telecommunications, office automation, and computerized information systems.

(17) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments.

~~((18))~~ ~~("K-20 educational network board" or "K-20 board" means the K-20 educational network board created in RCW 43.105.800.~~

~~((19))~~ "K-20 network" means the network established in RCW 43.105.820.

~~((20))~~ ~~"K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in RCW 43.105.810.~~

~~((21))~~ (19) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately.

~~((22))~~ (20) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications.

~~((23))~~ (21) "Proprietary software" means that software offered for sale or license.

~~((24))~~ (22) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, telecommunications installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing.

~~((25))~~ (23) "Small business" has the definition in RCW 39.29.006.

~~((26))~~ (24) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means.

~~((27))~~ (25) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television

broadcast stations as currently designated by the department of commerce under chapter 43.330 RCW.

Sec. 72. RCW 43.105.041 and 2009 c 486 s 13 are each amended to read as follows:

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards and procedures governing the acquisition and disposition of equipment, proprietary software and purchased services, licensing of the radio spectrum by or on behalf of state agencies, and confidentiality of computerized data;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200, except that the board, the department, and state agencies, as delegated, must post notices of technology procurement bids on the state's common vendor registration and bid notification system. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop statewide or interagency technical policies, standards, and procedures;

(d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a statewide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director;

(i) To review and approve that portion of the department's budget requests that provides for support to the board; and

(j) To develop procurement policies and procedures, such as unbundled contracting and subcontracting, that encourage and facilitate the purchase of products and services by state agencies and institutions from Washington small businesses to the

maximum extent practicable and consistent with international trade agreement commitments.

(2) Statewide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board(~~(, in consultation with the K-20 board,)~~) has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the (~~(K-20 network technical steering committee)~~) department as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

Sec. 73. RCW 43.105.805 and 1999 c 285 s 3 are each amended to read as follows:

The (~~(K-20))~~ board has the following powers and duties:

(1) In cooperation with the educational sectors and other interested parties, to establish goals and measurable objectives for the network;

(2) To ensure that the goals and measurable objectives of the network are the basis for any decisions or recommendations regarding the technical development and operation of the network;

(3) To adopt, modify, and implement policies to facilitate network development, operation, and expansion. Such policies may include but need not be limited to the following issues: Quality of educational services; access to the network by recognized organizations and accredited institutions that deliver educational programming, including public libraries; prioritization of programming within limited resources; prioritization of access to the system and the sharing of technological advances; network security; identification and evaluation of emerging technologies for delivery of educational programs; future expansion or redirection of the system; network fee structures; and costs for the development and operation of the network;

(4) To prepare and submit to the governor and the legislature a coordinated budget for network development, operation, and expansion. The budget shall include the recommendations of the (~~(K-20))~~ board on (a) any state funding requested for network transport and equipment, distance education facilities and hardware or software specific to the use of the network, and proposed new network end sites, (b) annual copayments to be charged to public educational sector institutions and other public entities connected to the network, and (c) charges to nongovernmental entities connected to the network;

(5) To adopt and monitor the implementation of a methodology to evaluate the effectiveness of the network in achieving the educational goals and measurable objectives;

(6) To authorize the release of funds from the K-20 technology account under RCW 43.105.830 for network expenditures;

(7) To establish by rule acceptable use policies governing user eligibility for participation in the K-20 network, acceptable uses of network resources, and procedures for enforcement of such policies. The ((K-20)) board shall set forth appropriate procedures for enforcement of acceptable use policies, that may include suspension of network connections and removal of shared equipment for violations of network conditions or policies. ((However, the information services)) The board shall have sole responsibility for the implementation of enforcement procedures relating to technical conditions of use.

Sec. 74. RCW 43.105.820 and 1999 c 285 s 11 are each amended to read as follows:

The information services board shall prepare a technical plan for the design and construction of the K-20 telecommunication system. The board shall ensure that the technical plan adheres to the goals and objectives established under RCW 43.105.041. The board shall provide formal project approval and oversight during the development and implementation of the K-20 telecommunications network. In approving the plan, the board shall conduct a request for proposal process. The technical plan shall be developed in phases as follows:

(1) Phase one shall provide a telecommunication backbone connecting educational service districts, the main campuses of public baccalaureate institutions, the branch campuses of public research institutions, and the main campuses of community colleges and technical colleges.

(2) Phase two shall provide for (a) connection to the network by entities that include, but need not be limited to: School districts, public higher education off-campus and extension centers, and branch campuses of community colleges and technical colleges, as prioritized by the K-20 telecommunications oversight and policy committee, or as modified by the board; (b) distance education facilities and components for entities listed in subsections (1) and (2) of this section; and (c) connection for independent nonprofit institutions of higher education, provided that:

(i) The ((K-20)) board and each independent nonprofit institution of higher education to be connected agree in writing to terms and conditions of connectivity. The terms and conditions shall ensure, among other things, that the provision of K-20 services does not violate Article VIII, section 5 of the state Constitution and that the institution shall adhere to network policies; and

(ii) The ((K-20)) board determines that inclusion of the independent nonprofit institutions of higher education will not significantly affect the network's eligibility for federal universal service fund discounts or subsidies.

(3) Subsequent phases may include, but need not be limited to, connections to public libraries, state and local governments, community resource centers, and the private sector.

Washington Main Street Advisory Committee

NEW SECTION. Sec. 75. RCW 43.360.040 (Washington main street advisory committee) and 2005 c 514 s 911 are each repealed.

Mortgage Brokers

NEW SECTION. Sec. 76. RCW 19.146.280 (Mortgage broker commission--Code of conduct--Complaint review) and 2009 c 518 s 1, 2006 c 19 s 17, 2001 c 177 s 6, 1997 c 106 s 20, 1994 c 33 s 26, & 1993 c 468 s 21 are each repealed.

Sec. 77. RCW 19.146.225 and 2006 c 19 s 14 are each amended to read as follows:

In accordance with the administrative procedure act, chapter 34.05 RCW, the director may issue rules under this chapter only ((after seeking the advice of the mortgage broker commission and

only)) for the purpose of governing the activities of licensed mortgage brokers, loan originators, and other persons subject to this chapter.

Oil Spill Advisory Council

NEW SECTION. Sec. 78. The following acts or parts of acts are each repealed:

(1) RCW 90.56.120 (Oil spill advisory council--Meetings--Travel expenses and compensation) and 2006 c 372 s 907 & 2005 c 304 s 2; and

(2) RCW 90.56.130 (Council--Duties--Work plan--Reports) and 2005 c 304 s 3.

Sec. 79. RCW 90.56.005 and 2005 c 304 s 1 are each amended to read as follows:

(1) The legislature declares that water borne transportation as a source of supply for oil and hazardous substances poses special concern for the state of Washington. Each year billions of gallons of crude oil and refined petroleum products are transported as cargo and fuel by vessels on the navigable waters of the state. These shipments are expected to increase in the coming years. Vessels transporting oil into Washington travel on some of the most unique and special marine environments in the United States. These marine environments are a source of natural beauty, recreation, and economic livelihood for many residents of this state. As a result, the state has an obligation to ensure the citizens of the state that the waters of the state will be protected from oil spills.

(2) The legislature finds that prevention is the best method to protect the unique and special marine environments in this state. The technology for containing and cleaning up a spill of oil or hazardous substances is at best only partially effective. Preventing spills is more protective of the environment and more cost-effective when all the response and damage costs associated with responding to a spill are considered. Therefore, the legislature finds that the primary objective of the state is to achieve a zero spills strategy to prevent any oil or hazardous substances from entering waters of the state.

(3) The legislature also finds that:

(a) Recent accidents in Washington, Alaska, southern California, Texas, Pennsylvania, and other parts of the nation have shown that the transportation, transfer, and storage of oil have caused significant damage to the marine environment;

(b) Even with the best efforts, it is nearly impossible to remove all oil that is spilled into the water, and average removal rates are only fourteen percent;

(c) Washington's navigable waters are treasured environmental and economic resources that the state cannot afford to place at undue risk from an oil spill;

(d) The state has a fundamental responsibility, as the trustee of the state's natural resources and the protector of public health and the environment to prevent the spill of oil; and

(e) In section 5002 of the federal oil pollution act of 1990, the United States congress found that many people believed that complacency on the part of industry and government was one of the contributing factors to the Exxon Valdez spill and, further, that one method to combat this complacency is to involve local citizens in the monitoring and oversight of oil spill plans. Congress also found that a mechanism should be established that fosters the long-term partnership of industry, government, and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals. Moreover, congress concluded that, in addition to Alaska, a program of citizen monitoring and oversight should be established in other major crude oil terminals in the United States because recent oil spills indicate that the safe transportation of oil is a national problem.

(4) In order to establish a comprehensive prevention and response program to protect Washington's waters and natural resources from spills of oil, it is the purpose of this chapter:

(a) To establish state agency expertise in marine safety and to centralize state activities in spill prevention and response activities;

(b) To prevent spills of oil and to promote programs that reduce the risk of both catastrophic and small chronic spills;

(c) To ensure that responsible parties are liable, and have the resources and ability, to respond to spills and provide compensation for all costs and damages;

(d) To provide for state spill response and wildlife rescue planning and implementation;

(e) To support and complement the federal oil pollution act of 1990 and other federal law, especially those provisions relating to the national contingency plan for cleanup of oil spills and discharges, including provisions relating to the responsibilities of state agencies designated as natural resource trustees. The legislature intends this chapter to be interpreted and implemented in a manner consistent with federal law;

(f) To provide broad powers of regulation to the department of ecology relating to spill prevention and response;

(g) To provide for ~~((an))~~ independent ~~((oil spill advisory council to))~~ review on an ongoing basis the adequacy of oil spill prevention, preparedness, and response activities in this state; and

(h) To provide an adequate funding source for state response and prevention programs.

Sec. 80. RCW 90.56.060 and 2005 c 304 s 4 are each amended to read as follows:

(1) The department shall prepare and annually update a statewide master oil and hazardous substance spill prevention and contingency plan. In preparing the plan, the department shall consult with an advisory committee representing diverse interests concerned with oil and hazardous substance spills, including the United States coast guard, the federal environmental protection agency, state agencies, local governments, port districts, private facilities, environmental organizations, oil companies, shipping companies, containment and cleanup contractors, tow companies, and hazardous substance manufacturers ~~((, and with the oil spill advisory council))~~.

(2) The state master plan prepared under this section shall at a minimum:

(a) Take into consideration the elements of oil spill prevention and contingency plans approved or submitted for approval pursuant to this chapter and chapter 88.46 RCW and oil and hazardous substance spill contingency plans prepared pursuant to other state or federal law or prepared by federal agencies and regional entities;

(b) State the respective responsibilities as established by relevant statutes and rules of each of the following in the prevention of and the assessment, containment, and cleanup of a worst case spill of oil or hazardous substances into the environment of the state: (i) State agencies; (ii) local governments; (iii) appropriate federal agencies; (iv) facility operators; (v) property owners whose land or other property may be affected by the oil or hazardous substance spill; and (vi) other parties identified by the department as having an interest in or the resources to assist in the containment and cleanup of an oil or hazardous substance spill;

(c) State the respective responsibilities of the parties identified in (b) of this subsection in an emergency response;

(d) Identify actions necessary to reduce the likelihood of spills of oil and hazardous substances;

(e) Identify and obtain mapping of environmentally sensitive areas at particular risk to oil and hazardous substance spills;

(f) Establish an incident command system for responding to oil and hazardous substances spills; and

(g) Establish a process for immediately notifying affected tribes of any oil spill.

(3) In preparing and updating the state master plan, the department shall:

(a) Consult with federal, provincial, municipal, and community officials, other state agencies, the state of Oregon, and with representatives of affected regional organizations;

(b) Submit the draft plan to the public for review and comment;

(c) Submit to the appropriate standing committees of the legislature for review, not later than November 1st of each year, the plan and any annual revision of the plan; and

(d) Require or schedule unannounced oil spill drills as required by RCW 90.56.260 to test the sufficiency of oil spill contingency plans approved under RCW 90.56.210.

(4) The department shall evaluate the functions of advisory committees created by the department regarding oil spill prevention, preparedness, and response programs, and shall revise or eliminate those functions which are no longer necessary.

Olympic Natural Resources Center Policy Advisory Board

Sec. 81. RCW 43.30.820 and 1991 c 316 s 3 are each amended to read as follows:

The Olympic natural resources center shall operate under the authority of the board of regents of the University of Washington. It shall be administered by a director appointed jointly by the deans of the college of forest resources and the college of ocean and fishery sciences. The director shall be a member of the faculty of one of those colleges. The director shall appoint and maintain a scientific or technical committee, and other committees as necessary, to advise the director on the efficiency, effectiveness, and quality of the center's activities.

~~((A policy advisory board consisting of eleven members shall be appointed by the governor to advise the deans and the director on policies for the center that are consistent with the purposes of the center. Membership on the policy advisory board shall broadly represent the various interests concerned with the purposes of the center, including state and federal government, environmental organizations, local community, timber industry, and Indian tribes. Service on boards and committees of the center shall be without compensation but actual travel expenses incurred in connection with service to the center may be reimbursed from appropriated funds in accordance with RCW 43.03.050 and 43.03.060.))~~

On-site Wastewater Treatment Systems Advisory Committee

NEW SECTION. Sec. 82. The following acts or parts of acts are each repealed:

(1) RCW 18.210.040 (Advisory committee) and 1999 c 263 s 5; and

(2) RCW 18.210.070 (Advisory committee--Duties) and 1999 c 263 s 8.

Sec. 83. RCW 18.210.010 and 1999 c 263 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) ~~((**"Advisory committee"** means a group of individuals with broad knowledge and experience in the design, construction, and regulation of on-site wastewater treatment systems, appointed under this chapter to offer recommendations to the board and the director on the administration of the program established under this chapter.~~

~~((2))~~ **"Board"** means the board of registration for professional engineers and land surveyors as defined in chapter 18.43 RCW.

~~((3))~~ **(2) "Designer," "licensee," or "permit holder"** means an individual authorized under this chapter to perform design services for on-site wastewater treatment systems.

~~((4))~~ (3) "Director" means the director of the Washington state department of licensing.

~~((5))~~ (4) "Engineer" means a professional engineer licensed under chapter 18.43 RCW.

~~((6))~~ (5) "Practice of engineering" has the meaning set forth in RCW 18.43.020(5).

~~((7))~~ (6) "On-site wastewater treatment system" means an integrated system of components that: Convey, store, treat, and/or provide subsurface soil treatment and disposal of wastewater effluent on the property where it originates or on adjacent or other property and includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas, for on-site wastewater treatment under three thousand five hundred gallons per day when not connected to a public sewer system.

~~((8))~~ (7) "On-site wastewater design" means the development of plans, details, specifications, instructions, or inspections by application of specialized knowledge in analysis of soils, on-site wastewater treatment systems, disposal methods, and technologies to create an integrated system of collection, transport, distribution, treatment, and disposal of on-site wastewater.

~~((9))~~ (8) "Local health jurisdiction" or "jurisdictional health department" means an administrative agency created under chapter 70.05, 70.08, or 70.46 RCW, that administers the regulation and codes regarding on-site wastewater treatment systems.

~~((10))~~ (9) "Practice permit" means an authorization to practice granted to an individual who designs on-site wastewater treatment systems and who has been authorized by a local health jurisdiction to practice on or before July 1, 2000.

~~((11))~~ (10) "License" means a license to design on-site wastewater treatment systems under this chapter.

~~((12))~~ (11) "Certificate of competency" means a certificate issued to employees of local health jurisdictions indicating that the certificate holder has passed the licensing examination required under this chapter.

Sec. 84. RCW 18.210.050 and 1999 c 263 s 6 are each amended to read as follows:

The director may:

(1) ~~((Appoint and reappoint members to the advisory committee, including temporary additional members, and remove committee members for just cause;~~

(2) Employ administrative, clerical, and investigative staff as necessary to administer and enforce this chapter;

(3) Establish fees for applications, examinations, and renewals in accordance with chapter 43.24 RCW;

(4) Issue practice permits and licenses to applicants who meet the requirements of this chapter; and

(5) Exercise rule-making authority to implement this section.

Sec. 85. RCW 18.210.060 and 2002 c 86 s 258 are each amended to read as follows:

The board may:

(1) Adopt rules to implement this chapter including, but not limited to, evaluation of experience, examinations, and scope and standards of practice;

(2) Administer licensing examinations; and

(3) Review and approve or deny initial and renewal license applications.

~~((2) The board shall consider recommendations of the advisory committee made in accordance with this chapter.)~~

**On-site Sewage Disposal Systems Alternative Systems
Technical Review Committee**

NEW SECTION. Sec. 86. RCW 70.118.100 (Alternative systems--Technical review committee) and 1997 c 447 s 3 are each repealed.

Sec. 87. RCW 70.118.110 and 1997 c 447 s 5 are each amended to read as follows:

In order to assure that technical guidelines and standards keep pace with advancing technologies, the department of health in collaboration with ~~((the technical review committee,))~~ local health departments~~(s)~~ and other interested parties, must review and update as appropriate, the state guidelines and standards for alternative on-site sewage disposal every three years. The first review and update must be completed by January 1, 1999.

Orthotic and Prosthetics Advisory Committee

NEW SECTION. Sec. 88. RCW 18.200.060 (Advisory committee--Composition--Terms--Duties) and 1997 c 285 s 7 are each repealed.

Sec. 89. RCW 18.200.010 and 1997 c 285 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~((1) ("Advisory committee" means the orthotics and prosthetics advisory committee.~~

(2) "Department" means the department of health.

~~((3))~~ (2) "Secretary" means the secretary of health or the secretary's designee.

(4) (3) "Orthotics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, adjusting, or servicing, as well as providing the initial training necessary to accomplish the fitting of, an orthosis for the support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity. The practice of orthotics encompasses evaluation, treatment, and consultation. With basic observational gait and postural analysis, orthotists assess and design orthoses to maximize function and provide not only the support but the alignment necessary to either prevent or correct deformity or to improve the safety and efficiency of mobility or locomotion, or both. Orthotic practice includes providing continuing patient care in order to assess its effect on the patient's tissues and to assure proper fit and function of the orthotic device by periodic evaluation.

(5) (4) "Orthotist" means a person licensed to practice orthotics under this chapter.

(6) (5) "Orthosis" means a custom-fabricated, definitive brace or support that is designed for long-term use. Except for the treatment of scoliosis, orthosis does not include prefabricated or direct-formed orthotic devices, as defined in this section, or any of the following assistive technology devices: Commercially available knee orthoses used following injury or surgery; spastic muscle tone-inhibiting orthoses; upper extremity adaptive equipment; finger splints; hand splints; custom-made, leather wrist gauntlets; face masks used following burns; wheelchair seating that is an integral part of the wheelchair and not worn by the patient independent of the wheelchair; fabric or elastic supports; corsets; arch supports, also known as foot orthotics; low-temperature formed plastic splints; trusses; elastic hose; canes; crutches; cervical collars; dental appliances; and other similar devices as determined by the secretary, such as those commonly carried in stock by a pharmacy, department store, corset shop, or surgical supply facility. Prefabricated orthoses, also known as custom-fitted, or off-the-shelf, are devices that are manufactured as commercially available stock items for no specific patient. Direct-formed orthoses are devices formed or shaped during the molding process directly on the patient's body or body segment. Custom-fabricated orthoses, also known as custom-made orthoses, are devices designed and fabricated, in turn, from raw materials for a specific patient and require the generation of an image, form, or mold that replicates the patient's body or body segment and, in turn, involves the rectification of dimensions, contours, and

volumes to achieve proper fit, comfort, and function for that specific patient.

~~((7))~~ (6) "Prosthetics" means the science and practice of evaluating, measuring, designing, fabricating, assembling, fitting, aligning, adjusting, or servicing, as well as providing the initial training necessary to accomplish the fitting of, a prosthesis through the replacement of external parts of a human body lost due to amputation or congenital deformities or absences. The practice of prosthetics also includes the generation of an image, form, or mold that replicates the patient's body or body segment and that requires rectification of dimensions, contours, and volumes for use in the design and fabrication of a socket to accept a residual anatomic limb to, in turn, create an artificial appendage that is designed either to support body weight or to improve or restore function or cosmesis, or both. Involved in the practice of prosthetics is observational gait analysis and clinical assessment of the requirements necessary to refine and mechanically fix the relative position of various parts of the prosthesis to maximize the function, stability, and safety of the patient. The practice of prosthetics includes providing continuing patient care in order to assess the prosthetic device's effect on the patient's tissues and to assure proper fit and function of the prosthetic device by periodic evaluation.

~~((8))~~ (7) "Prosthetist" means a person who is licensed to practice prosthetics under this chapter.

~~((9))~~ (8) "Prosthesis" means a definitive artificial limb that is alignable or articulated, or, in lower extremity applications, capable of weight bearing. Prosthesis means an artificial medical device that is not surgically implanted and that is used to replace a missing limb, appendage, or other external human body part including an artificial limb, hand, or foot. The term does not include artificial eyes, ears, fingers or toes, dental appliances, ostomy products, devices such as artificial breasts, eyelashes, wigs, or other devices as determined by the secretary that do not have a significant impact on the musculoskeletal functions of the body. In the lower extremity of the body, the term prosthesis does not include prostheses required for amputations distal to and including the transmetatarsal level. In the upper extremity of the body, the term prosthesis does not include prostheses that are provided to restore function for amputations distal to and including the carpal level.

~~((10))~~ (9) "Authorized health care practitioner" means licensed physicians, physician's assistants, osteopathic physicians, chiropractors, naturopaths, podiatric physicians and surgeons, dentists, and advanced registered nurse practitioners.

Sec. 90. RCW 18.200.050 and 1997 c 285 s 6 are each amended to read as follows:

In addition to other authority provided by law, the secretary has the authority to:

- (1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter;
- (2) Establish administrative procedures, administrative requirements, and fees in accordance with RCW 43.70.250 and 43.70.280. All fees collected under this section must be credited to the health professions account as required under RCW 43.70.320;
- (3) Register applicants, issue licenses to applicants who have met the education, training, and examination requirements for licensure, and deny licenses to applicants who do not meet the minimum qualifications, except that proceedings concerning the denial of credentials based upon unprofessional conduct or impairment are governed by the uniform disciplinary act, chapter 18.130 RCW;
- (4) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(5) Determine minimum education requirements and evaluate and designate those educational programs from which graduation will be accepted as proof of eligibility to take a qualifying examination for applicants for licensure;

(6) Establish the standards and procedures for revocation of approval of education programs;

(7) Utilize or contract with individuals or organizations having expertise in the profession or in education to assist in the evaluations;

(8) Prepare and administer, or approve the preparation and administration of, examinations for applicants for licensure;

(9) Determine whether alternative methods of training are equivalent to formal education, and establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to take any qualifying examination;

(10) Determine which jurisdictions have licensing requirements equivalent to those of this state and issue licenses without examinations to individuals licensed in those jurisdictions;

(11) Define and approve any experience requirement for licensing;

(12) Implement and administer a program for consumer education;

(13) Adopt rules implementing continuing competency requirements for renewal of the license and relicensing;

(14) Maintain the official department records of all applicants and licensees;

(15) Establish by rule the procedures for an appeal of an examination failure;

(16) Establish requirements and procedures for an inactive license; and

(17) ~~((With the advice of the advisory committee, the secretary may))~~ Recommend collaboration with health professions, boards, and commissions to develop appropriate referral protocols.

Sec. 91. RCW 18.200.070 and 1997 c 285 s 8 are each amended to read as follows:

(1) An applicant must file a written application on forms provided by the department showing to the satisfaction of the secretary ~~((in consultation with the advisory committee,))~~ that the applicant meets the following requirements:

(a) The applicant possesses a baccalaureate degree with coursework appropriate for the profession approved by the secretary, or possesses equivalent training as determined by the secretary pursuant to subsections (3) and (5) of this section;

(b) The applicant has the amount of formal training, including the hours of classroom education and clinical practice, in areas of study as the secretary deems necessary and appropriate;

(c) The applicant has completed a clinical internship or residency in the professional area for which a license is sought in accordance with the standards, guidelines, or procedures for clinical internships or residencies inside or outside the state as established by the secretary, or that are otherwise substantially equivalent to the standards commonly accepted in the fields of orthotics and prosthetics as determined by the secretary pursuant to subsections (3) and (5) of this section. The secretary must set the internship as at least one year.

(2) An applicant for licensure as either an orthotist or prosthetist must pass all written and practical examinations that are required and approved by the secretary ~~((in consultation with the advisory committee))~~.

(3) The standards and requirements for licensure established by the secretary must be substantially equal to the standards commonly accepted in the fields of orthotics and prosthetics.

(4) An applicant failing to make the required grade in the first examination may take up to three subsequent examinations as the applicant desires upon prepaying a fee, determined by the secretary

under RCW 43.70.250, for each subsequent examination. Upon failing four examinations, the secretary may invalidate the original application and require remedial education before the person may take future examinations.

(5) The secretary may waive some of the education, examination, or experience requirements of this section if the secretary determines that the applicant meets alternative standards, established by the secretary through rule, that are substantially equivalent to the requirements in subsections (1) and (2) of this section.

Public Records Exemptions Accountability Committee

NEW SECTION. **Sec. 92.** RCW 42.56.140 (Public records exemptions accountability committee) and 2007 c 198 s 2 are each repealed.

Regional Fisheries Enhancement Group Advisory Board

NEW SECTION. **Sec. 93.** The following acts or parts of acts are each repealed:

(1) RCW 77.95.110 (Regional fisheries enhancement group advisory board) and 2000 c 107 s 108; and

(2) RCW 77.95.120 (Regional fisheries enhancement group advisory board--Duties and authority) and 2000 c 107 s 109, 1998 c 96 s 1, & 1995 c 367 s 6.

Sec. 94. RCW 77.95.100 and 2000 c 107 s 107 are each amended to read as follows:

The department may provide start-up funds to regional fisheries enhancement groups for costs associated with any enhancement project. The ~~((regional fisheries enhancement group advisory board and the))~~ commission shall develop guidelines for providing funds to the regional fisheries enhancement groups.

Sec. 95. RCW 77.95.180 and 1995 c 367 s 3 are each amended to read as follows:

To maximize available state resources, the department and the department of transportation shall work in partnership ~~((with the regional fisheries enhancement group advisory board))~~ to identify cooperative projects to eliminate fish passage barriers caused by state roads and highways. ~~((The advisory board may provide input to the department to aid in identifying priority barrier removal projects that can be accomplished with the assistance of regional fisheries enhancement groups.))~~ The department of transportation shall provide engineering and other technical services to assist regional fisheries enhancement groups with fish passage barrier removal projects, provided that the barrier removal projects have been identified as a priority by the department of fish and wildlife and the department of transportation has received an appropriation to continue the fish barrier removal program.

Sec. 96. RCW 77.95.190 and 1995 c 367 s 10 are each amended to read as follows:

The department shall ~~((coordinate with the regional fisheries enhancement group advisory board to))~~ field test coho and chinook salmon remote site incubators. The purpose of field testing efforts shall be to gather conclusive scientific data on the effectiveness of coho and chinook remote site incubators.

State Noxious Weed Control Board

NEW SECTION. **Sec. 97.** RCW 17.10.030 (State noxious weed control board--Members--Terms--Elections--Meetings--Reimbursement for travel expenses) and 1997 c 353 s 4, 1987 c 438 s 2, 1975-76 2nd ex.s. c 34 s 23, & 1969 ex.s. c 113 s 3 are each repealed.

Sec. 98. RCW 17.10.010 and 1997 c 353 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Noxious weed" means a plant that when established is highly destructive, competitive, or difficult to control by cultural or chemical practices.

(2) "State noxious weed list" means a list of noxious weeds adopted by the ~~((state noxious weed control board))~~ department. The list is divided into three classes:

(a) Class A consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in the state and that pose a serious threat to the state;

(b) Class B consists of those noxious weeds not native to the state that are of limited distribution or are unrecorded in a region of the state and that pose a serious threat to that region;

(c) Class C consists of any other noxious weeds.

(3) "Person" means any individual, partnership, corporation, firm, the state or any department, agency, or subdivision thereof, or any other entity.

(4) "Owner" means the person in actual control of property, or his or her agent, whether the control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means the possessor of legal or equitable title or the possessor of an easement: PROVIDED, That when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of the easement is deemed, for the purpose of this chapter, an "owner" of the property within the boundaries of the easement.

(5) As pertains to the duty of an owner, the words "control", "contain", "eradicate", and the term "prevent the spread of noxious weeds" means conforming to the standards of noxious weed control or prevention in this chapter or as adopted by rule in chapter 16-750 WAC by the ~~((state noxious weed control board))~~ department and an activated county noxious weed control board.

(6) "Agent" means any occupant or any other person acting for the owner and working or in charge of the land.

(7) "Agricultural purposes" are those that are intended to provide for the growth and harvest of food and fiber.

(8) "Director" means the director of the department of agriculture or the director's appointed representative.

(9) "Weed district" means a weed district as defined in chapters 17.04 and 17.06 RCW.

(10) "Aquatic noxious weed" means an aquatic plant species that is listed on the state weed list under RCW 17.10.080.

(11) "Screenings" means a mixture of mill or elevator run mixture or a combination of varying amounts of materials obtained in the process of cleaning either grain or seeds, or both, such as light or broken grain or seed, weed seeds, hulls, chaff, joints, straw, elevator dust, floor sweepings, sand, and dirt.

(12) "Department" means the department of agriculture.

Sec. 99. RCW 17.10.040 and 1997 c 353 s 5 are each amended to read as follows:

An inactive county noxious weed control board may be activated by any one of the following methods:

(1) Either within sixty days after a petition is filed by one hundred registered voters within the county or, on its own motion, the county legislative authority shall hold a hearing to determine whether there is a need, due to a damaging infestation of noxious weeds, to activate the county noxious weed control board. If such a need is found to exist, then the county legislative authority shall, in the manner provided by RCW 17.10.050, appoint five persons to the county's noxious weed control board.

(2) If the county's noxious weed control board is not activated within one year following a hearing by the county legislative authority to determine the need for activation, then upon the filing with the ~~((state noxious weed control board))~~ department of a petition comprised either of the signatures of at least two hundred registered voters within the county, or of the signatures of a majority of an adjacent county's noxious weed control board, the ~~((state board))~~ director shall, within six months of the date of the filing, hold a hearing in the county to determine the need for

activation. If a need for activation is found to exist, then the ~~((state board))~~ director shall order the county legislative authority to activate the county's noxious weed control board and to appoint members to the board in the manner provided by RCW 17.10.050.

(3) The director ~~(, upon request of the state noxious weed control board,))~~ shall order a county legislative authority to activate the noxious weed control board immediately if an infestation of a class A noxious weed or class B noxious weed designated for control on the state noxious weed list is confirmed in that county. The county legislative authority may, as an alternative to activating the noxious weed board, combat the class A noxious weed or class B noxious weed with county resources and personnel operating with the authorities and responsibilities imposed by this chapter on a county noxious weed control board. No county may continue without a noxious weed control board for a second consecutive year if the class A noxious weed or class B noxious weed has not been eradicated.

Sec. 100. RCW 17.10.070 and 1998 c 245 s 3 are each amended to read as follows:

~~((1) In addition to the powers conferred on the state noxious weed control board under other provisions of this chapter, it has the power to:~~

~~(a) Employ a state noxious weed control board executive secretary, and additional persons as it deems necessary, to disseminate information relating to noxious weeds to county noxious weed control boards and weed districts, to coordinate the educational and weed control efforts of the various county and regional noxious weed control boards and weed districts, and to assist the board in carrying out its responsibilities;~~

~~(b) Adopt, amend, or repeal rules, pursuant to the administrative procedure act, chapter 34.05 RCW, as may be necessary to carry out the duties and authorities assigned to the board by this chapter.~~

~~((2))~~ The ~~((state noxious weed control board))~~ department shall provide a written report before January 1st of each odd-numbered year to the county noxious weed control boards and the weed districts showing the expenditure of state funds on noxious weed control; specifically how the funds were spent; the status of the state, county, and district programs; and recommendations for the continued best use of state funds for noxious weed control. The report shall include recommendations as to the long-term needs regarding weed control.

Sec. 101. RCW 17.10.074 and 1997 c 353 s 9 are each amended to read as follows:

(1) In addition to the powers conferred on the director under other provisions of this chapter, the director ~~(, with the advice of the state noxious weed control board,))~~ has power to:

(a) Require the county legislative authority or the noxious weed control board of any county or any weed district to report to it concerning the presence, absence, or estimated amount of noxious weeds and measures, if any, taken or planned for the control thereof;

(b) Employ staff as may be necessary in the administration of this chapter;

(c) Adopt, amend, or repeal rules, pursuant to the administrative procedure act, chapter 34.05 RCW, as may be necessary to carry out this chapter;

(d) Do such things as may be necessary and incidental to the administration of its functions pursuant to this chapter including but not limited to surveying for and detecting noxious weed infestations;

(e) Upon receipt of a complaint signed by a majority of the members of an adjacent county noxious weed control board or weed district, or by one hundred registered voters that are land owners within the county, require the county legislative authority or noxious weed control board of the county or weed district that is

the subject of the complaint to respond to the complaint within forty-five days with a plan for the control of the noxious weeds cited in the complaint;

(f) If the complaint in (e) of this subsection involves a class A or class B noxious weed, order the county legislative authority, noxious weed control board, or weed district to take immediate action to eradicate or control the noxious weed infestation. If the county or the weed district does not take action to control the noxious weed infestation in accordance with the order, the director may control it or cause it to be controlled. The county or weed district is liable for payment of the expense of the control work including necessary costs and expenses for attorneys' fees incurred by the director in securing payment from the county or weed district. The director may bring a civil action in a court of competent jurisdiction to collect the expenses of the control work, costs, and attorneys' fees;

(g) In counties without an activated noxious weed control board, enter upon any property as provided for in RCW 17.10.160, issue or cause to be issued notices and citations and take the necessary action to control noxious weeds as provided in RCW 17.10.170, hold hearings on any charge or cost of control action taken as provided for in RCW 17.10.180, issue a notice of civil infraction as provided for in RCW 17.10.230 and 17.10.310 through ~~((and))~~ and 17.10.350, and place a lien on any property pursuant to RCW 17.10.280, 17.10.290, and 17.10.300 with the same authorities and responsibilities imposed by these sections on county noxious weed control boards;

(h) Adopt a list of noxious weed seeds and toxic weeds which shall be controlled in designated articles, products, or feed stuffs as provided for in RCW 17.10.235.

(2) The moneys appropriated for noxious weed control to the department shall be used for ~~((administration of the state noxious weed control board,))~~ the administration of the director's powers under this chapter, the purchase of materials for controlling, containing, or eradicating noxious weeds, the purchase or collection of biological control agents for controlling noxious weeds, and the contracting for services to carry out the purposes of this chapter. In a county with an activated noxious weed control board, the director shall make every effort to contract with that board for the needed services.

~~((3) If the director determines the need to reallocate funds previously designated for county use, the director shall convene a meeting of the state noxious weed control board to seek its advice concerning any reallocation.))~~

Sec. 102. RCW 17.10.080 and 1997 c 353 s 10 are each amended to read as follows:

(1) The ~~((state noxious weed control board))~~ department shall each year or more often, following a hearing, adopt a state noxious weed list.

(2) Any person may request during a comment period established by the ~~((state weed board))~~ director the inclusion, deletion, or designation change of any plant to the state noxious weed list.

(3) The ~~((state noxious weed control board))~~ department shall send a copy of the list to each activated county noxious weed control board, to each weed district, and to the county legislative authority of each county with an inactive noxious weed control board.

(4) The record of rule making must include the written findings of the ~~((board))~~ department for the inclusion of each plant on the list. The findings shall be made available upon request to any interested person.

Sec. 103. RCW 17.10.090 and 1997 c 353 s 11 are each amended to read as follows:

Each county noxious weed control board shall, within ninety days of the adoption of the state noxious weed list from the ~~((state~~

~~noxious weed control board~~) department and following a hearing, select those weeds from the class C list and those weeds from the class B list not designated for control in the noxious weed control region in which the county lies that it finds necessary to be controlled in the county. The weeds thus selected and all class A weeds and those class B weeds that have been designated for control in the noxious weed control region in which the county lies shall be classified within that county as noxious weeds, and those weeds comprise the county noxious weed list.

Sec. 104. RCW 17.10.100 and 1997 c 353 s 12 are each amended to read as follows:

Where any of the following occur, the ~~((state noxious weed control board))~~ director may, following a hearing, order any county noxious weed control board or weed district to include a noxious weed from the ~~((state board's))~~ department's list in the county's noxious weed list:

(1) Where the ~~((state noxious weed control board))~~ department receives a petition from at least one hundred registered voters within the county requesting that the weed be listed.

(2) Where the ~~((state noxious weed control board))~~ department receives a request for inclusion from an adjacent county's noxious weed control board or weed district, which the adjacent board or district has included that weed in its county list, and the adjacent board or weed district alleges that its noxious weed control program is being hampered by the failure to include the weed on the county's noxious weed list.

Sec. 105. RCW 17.10.130 and 1997 c 353 s 15 are each amended to read as follows:

The powers and duties of a regional noxious weed control board are as follows:

(1) The regional board shall, within ninety days of the adoption of the state noxious weed list ~~((from))~~ by the ~~((state noxious weed control board))~~ department and following a hearing, select those weeds from the state list that it finds necessary to be controlled on a regional basis. The weeds thus selected shall also be contained in the county noxious weed list of each county in the region.

(2) The regional board shall take action as may be necessary to coordinate the noxious weed control programs of the region and adopt a regional plan for the control of noxious weeds.

Sec. 106. RCW 17.10.160 and 1997 c 353 s 20 are each amended to read as follows:

Any authorized agent or employee of the county noxious weed control board ~~((or of the state noxious weed control board))~~ or of the department ~~((of agriculture))~~ where not otherwise proscribed by law may enter upon any property for the purpose of administering this chapter and any power exercisable pursuant thereto, including the taking of specimens of weeds, general inspection, and the performance of eradication or control work. Prior to carrying out the purpose for which the entry is made, the official making such entry or someone in his or her behalf, shall make a reasonable attempt to notify the owner of the property as to the purpose and need for the entry.

(1) When there is probable cause to believe that there is property within this state not otherwise exempt from process or execution upon which noxious weeds are standing or growing and the owner refuses permission to inspect the property, a judge of the superior court or district court in the county in which the property is located may, upon the request of the county noxious weed control board or its agent, issue a warrant directed to the board or agent authorizing the taking of specimens of weeds or other materials, general inspection, and the performance of eradication or control work.

(2) Application for issuance and execution and return of the warrant authorized by this section shall be in accordance with the applicable rules of the superior court or the district courts.

(3) Nothing in this section requires the application for and issuance of any warrant not otherwise required by law: PROVIDED, That civil liability for negligence shall lie in any case in which entry and any of the activities connected therewith are not undertaken with reasonable care.

(4) Any person who improperly prevents or threatens to prevent entry upon land as authorized in this section or any person who interferes with the carrying out of this chapter shall be upon conviction guilty of a misdemeanor.

Sec. 107. RCW 17.10.201 and 1997 c 353 s 34 are each amended to read as follows:

(1) The ~~((state noxious weed control board))~~ department shall:

(a) Work with the various federal and tribal land management agencies to coordinate state and federal noxious weed control;

(b) Encourage the various federal and tribal land management agencies to devote more time and resources to noxious weed control; and

(c) Assist the various federal and tribal land management agencies by seeking adequate funding for noxious weed control.

(2) County noxious weed control boards and weed districts shall work with the various federal and tribal land management agencies in each county in order to:

(a) Identify new noxious weed infestations;

(b) Outline and plan necessary noxious weed control actions;

(c) Develop coordinated noxious weed control programs; and

(d) Notify local federal and tribal agency land managers of noxious weed infestations.

(3) The department ~~((of agriculture))~~, county noxious weed control boards, and weed districts are authorized to enter federal lands, with the approval of the appropriate federal agency, to survey for and control noxious weeds where control measures of a type and extent required under this chapter have not been taken.

(4) The department ~~((of agriculture))~~, county noxious weed control boards, and weed districts may bill the federal land management agency that manages the land for all costs of the noxious weed control performed on federal land. If not paid by the federal agency that manages the land, the cost of the noxious weed control on federal land may be paid from any funds available to the county noxious weed control board or weed district that performed the noxious weed control. Alternatively, the costs of noxious weed control on federal land may be paid from any funds specifically appropriated to the department of agriculture for that purpose.

(5) The department ~~((of agriculture))~~, county noxious weed control boards, and weed districts are authorized to enter into any reasonable agreement with the appropriate authorities for the control of noxious weeds on federal or tribal lands.

(6) The department ~~((of agriculture))~~, county noxious weed control boards, and weed districts shall consult with state agencies managing federal land concerning noxious weed infestation and control programs.

Sec. 108. RCW 17.10.210 and 1997 c 353 s 25 are each amended to read as follows:

(1) Whenever the director, the county noxious weed control board, or a weed district finds that a parcel of land is so seriously infested with class A or class B noxious weeds that control measures cannot be undertaken thereon without quarantining the land and restricting or denying access thereto or use thereof, the director, the county noxious weed control board, or weed district, with the approval of the director of the department ~~((of agriculture))~~, may issue an order for the quarantine and restriction or denial of access or use. Upon issuance of the order, the director, the county noxious weed control board, or the weed district shall commence necessary control measures and may institute legal action for the collection of costs for control work, which may include attorneys' fees and the costs of other appropriate actions.

(2) An order of quarantine shall be served, by any method sufficient for the service of civil process, on all persons known to qualify as owners of the land within the meaning of this chapter.

(3) The director shall ~~((with the advice of the state noxious weed control board,))~~ determine how the expense of control work undertaken pursuant to this section, and the cost of any quarantine in connection therewith, is apportioned.

Sec. 109. RCW 17.10.235 and 1997 c 353 s 26 are each amended to read as follows:

(1) The director ~~((of agriculture))~~ shall adopt ~~((with the advice of the state noxious weed control board,))~~ rules designating noxious weed seeds which shall be controlled in products, screenings, or articles to prevent the spread of noxious weeds. The rules shall identify the products, screenings, and articles in which the seeds must be controlled and the maximum amount of the seed to be permitted in the product, screenings, or article to avoid a hazard of spreading the noxious weed by seed from the product, screenings, or article. The director shall also adopt ~~((with the advice of the state board,))~~ rules designating toxic weeds which shall be controlled in feed stuffs and screenings to prevent injury to the animal that consumes the feed. The rules shall identify the feed stuffs and screenings in which the toxic weeds must be controlled and the maximum amount of the toxic weed to be permitted in the feed. Rules developed under this section shall identify ways that products, screenings, articles, or feed stuffs containing noxious weed seeds or toxic weeds can be made available for beneficial uses.

(2) Any person who knowingly or negligently sells or otherwise distributes a product, article, screenings, or feed stuff designated by rule containing noxious weed seeds or toxic weeds designated for control by rule and in an amount greater than the amount established by the director for the seed or weed by rule is guilty of a misdemeanor.

(3) The department ~~((of agriculture shall))~~, upon request of the buyer, inspect products, screenings, articles, or feed stuffs designated by rule and charge fees, in accordance with chapter 22.09 RCW, to determine the presence of designated noxious weed seeds or toxic weeds.

Sec. 110. RCW 17.10.250 and 1997 c 353 s 28 are each amended to read as follows:

The legislative authority of any county with an activated noxious weed control board or the board of any weed district may apply to the director for noxious weed control funds when informed by the director that funds are available. Any applicant must employ adequate administrative personnel to supervise an effective weed control program as determined by the director ~~((with advice from the state noxious weed control board,))~~. The director ~~((with advice from the state noxious weed control board,))~~ shall adopt rules on the distribution and use of noxious weed control account funds.

Sec. 111. RCW 17.10.260 and 1987 c 438 s 33 are each amended to read as follows:

The administrative powers granted under this chapter to the director ~~((of the department of agriculture and to the state noxious weed control board))~~ shall be exercised in conformity with the provisions of the administrative procedure act, chapter 34.05 RCW, as now or hereafter amended. The use of any substance to control noxious weeds shall be subject to the provisions of the water pollution control act, chapter 90.48 RCW, as now or hereafter amended, the Washington pesticide control act, chapter 15.58 RCW, and the Washington pesticide application act, chapter 17.21 RCW.

Sec. 112. RCW 17.10.350 and 2003 c 53 s 117 are each amended to read as follows:

(1) Any person found to have committed a civil infraction under this chapter shall be assessed a monetary penalty not to

exceed one thousand dollars. The ~~((state noxious weed control board))~~ director shall adopt a schedule of monetary penalties for each violation of this chapter classified as a civil infraction and submit the schedule to the appropriate court. If a monetary penalty is imposed by the court, the penalty is immediately due and payable. The court may, at its discretion, grant an extension of time, not to exceed thirty days, in which the penalty must be paid.

(2) Failure to pay any monetary penalties imposed under this chapter is punishable as a misdemeanor.

Sec. 113. RCW 17.15.020 and 1997 c 357 s 3 are each amended to read as follows:

Each of the following state agencies or institutions shall implement integrated pest management practices when carrying out the agency's or institution's duties related to pest control:

- (1) The department of agriculture;
- (2) ~~((The state noxious weed control board;~~
- ~~((3)))~~ The department of ecology;
- ~~((4)))~~ (3) The department of fish and wildlife;
- ~~((5)))~~ (4) The department of transportation;
- ~~((6)))~~ (5) The parks and recreation commission;
- ~~((7)))~~ (6) The department of natural resources;
- ~~((8)))~~ (7) The department of corrections;
- ~~((9)))~~ (8) The department of general administration; and
- ~~((10)))~~ (9) Each state institution of higher education, for the institution's own building and grounds maintenance.

Sec. 114. RCW 17.26.006 and 1995 c 255 s 2 are each amended to read as follows:

This state is facing an environmental disaster that will affect other states as well as other nations. The legislature finds that six years is sufficient time for state agencies to debate solutions to the spartina and purple loosestrife problems that are occurring in state waters. One of the purposes of chapter 255, Laws of 1995 is to focus agency action on control and future eradication of spartina and purple loosestrife. It is the mandate of the legislature that one state agency, the department of agriculture, be responsible for a unified effort to eliminate spartina and control purple loosestrife ~~((with the advice of the state noxious weed control board,))~~ and that state agency shall be directly accountable to the legislature on the progress of the spartina eradication and purple loosestrife control program.

Sec. 115. RCW 17.26.015 and 1998 c 245 s 4 are each amended to read as follows:

(1) The state department of agriculture is the lead agency for the control of spartina and purple loosestrife ~~((with the advice of the state noxious weed control board,))~~.

- (2) Responsibilities of the lead agency include:
 - (a) Coordination of the control program including memorandums of understanding, contracts, and agreements with local, state, federal, and tribal governmental entities and private parties;
 - (b) Preparation of a statewide spartina management plan utilizing integrated vegetation management strategies that encompass all of Washington's tidelands. The plan shall be developed in cooperation with local, state, federal, and tribal governments, private landowners, and concerned citizens. The plan shall prioritize areas for control. Nothing in this subsection prohibits the department from taking action to control spartina in a particular area of the state in accordance with a plan previously prepared by the state while preparing the statewide plan;
 - (c) Directing on the ground control efforts that include, but are not limited to: (i) Control work and contracts; (ii) spartina survey; (iii) collection and maintenance of spartina location data; (iv) purchasing equipment, goods, and services; (v) survey of threatened and endangered species; and (vi) site-specific environmental information and documents; and
 - (d) Evaluating the effectiveness of the control efforts.

~~((The lead agency shall report to the appropriate standing committees of the house of representatives and the senate no later than December 15th of each year through the year 1999 on the progress of the program, the number of acres treated by various methods of control, and on the funds spent.))~~

Sec. 116. RCW 77.60.130 and 2007 c 341 s 59 are each amended to read as follows:

(1) The aquatic nuisance species committee is created for the purpose of fostering state, federal, tribal, and private cooperation on aquatic nuisance species issues. The mission of the committee is to minimize the unauthorized or accidental introduction of nonnative aquatic species and give special emphasis to preventing the introduction and spread of aquatic nuisance species. The term "aquatic nuisance species" means a nonnative aquatic plant or animal species that threatens the diversity or abundance of native species, the ecological stability of infested waters, or commercial, agricultural, or recreational activities dependent on such waters.

(2) The committee consists of representatives from each of the following state agencies: Department of fish and wildlife, department of ecology, department of agriculture, department of health, department of natural resources, Puget Sound partnership, state patrol, ~~((state noxious weed control board,))~~ and Washington sea grant program. The committee shall encourage and solicit participation by: Federally recognized tribes of Washington, federal agencies, Washington conservation organizations, environmental groups, and representatives from industries that may either be affected by the introduction of an aquatic nuisance species or that may serve as a pathway for their introduction.

(3) The committee has the following duties:

(a) Periodically revise the state of Washington aquatic nuisance species management plan, originally published in June 1998;

(b) Make recommendations to the legislature on statutory provisions for classifying and regulating aquatic nuisance species;

(c) Recommend to the ~~((state noxious weed control board))~~ department of agriculture that a plant be classified under the process designated by RCW 17.10.080 as an aquatic noxious weed;

(d) Coordinate education, research, regulatory authorities, monitoring and control programs, and participate in regional and national efforts regarding aquatic nuisance species;

(e) Consult with representatives from industries and other activities that may serve as a pathway for the introduction of aquatic nuisance species to develop practical strategies that will minimize the risk of new introductions; and

(f) Prepare a biennial report to the legislature with the first report due by December 1, 2001, making recommendations for better accomplishing the purposes of this chapter, and listing the accomplishments of this chapter to date.

(4) The committee shall accomplish its duties through the authority and cooperation of its member agencies. Implementation of all plans and programs developed by the committee shall be through the member agencies and other cooperating organizations.

Sec. 117. RCW 79A.25.320 and 2006 c 152 s 3 are each amended to read as follows:

(1) Membership in the council includes a representative from the following entities:

(a) The department of agriculture, represented by the director or the director's designee;

(b) The department of fish and wildlife, represented by the director or the director's designee;

(c) The department of ecology, represented by the director or the director's designee;

(d) The department of natural resources, represented by the commissioner or the commissioner's designee;

(e) The department of transportation, represented by the secretary or the secretary's designee;

~~(f) ((The Washington state noxious weed control board, appointed by the board;~~

~~(g))~~ (g) A county located east of the crest of the Cascade mountains, appointed by the other members of the council; and

~~((h))~~ (g) A county located west of the crest of the Cascade mountains, appointed by the other members of the council.

(2) The councilmembers may add members to the council as the councilmembers deem appropriate to accomplish its goals.

(3) The council must invite one representative each from the United States department of agriculture, the United States fish and wildlife service, the United States environmental protection agency, and the United States coast guard to participate on the council in a nonvoting, ex officio capacity.

(4) A representative of the office of the governor must convene the first meeting of the council and serve as chair until the council selects a chair. At the first meeting of the council, the council shall address issues including, but not limited to, voting methods, meeting schedules, and the need for and use of advisory and technical committees.

Sec. 118. RCW 79A.25.340 and 2006 c 152 s 5 are each amended to read as follows:

(1) The council shall develop and periodically update a statewide strategic plan for addressing invasive species. The strategic plan should incorporate the reports and activities of the aquatic nuisance species committee, the ~~((state noxious weed control board))~~ department of agriculture, and other appropriate reports and activities. In addition, the council must coordinate with the biodiversity council created in Executive Order 04-02 to ensure that a statewide strategy for the control of invasive species is integrated into the thirty-year strategy for biodiversity conservation that the biodiversity council must submit to the legislature in 2007.

(2) The strategic plan must, at a minimum, address:

(a) Statewide coordination and intergovernmental cooperation;

(b) Prevention of new biological invasions through deliberate or unintentional introduction;

(c) Inventory and monitoring of invasive species;

(d) Early detection of and rapid response to new invasions;

(e) Control, management, and eradication of established populations of invasive species;

(f) Projects that can be implemented during the period covered by the strategic plan for the control, management, and eradication of new or established populations of invasive species;

(g) Revegetation, reclamation, or restoration of native species following control or eradication of invasive species;

(h) Tools that can be made available to assist state agencies that are responsible for managing public land to control invasive noxious weeds and recommendations as to how the agencies should be held responsible for the failure to control invasive noxious weeds;

(i) Research and public education;

(j) Funding and resources available for invasive species prevention, control, and management; and

(k) Recommendations for legislation necessary to carry out the purposes of this chapter.

(3) The strategic plan must be updated at least once every three years following its initial development. The strategic plan must be submitted to the governor and appropriate committees of the legislature by September 15th of each applicable year. The council shall complete the initial strategic plan within two years of June 7, 2006.

(4) Each state department and agency named to the council shall, consistent with state law, make best efforts to implement

elements of the completed plan that are applicable to the department or agency.

State Solid Waste Advisory Committee

NEW SECTION. Sec. 119. The following acts or parts of acts are each repealed:

(1) RCW 70.95.040 (Solid waste advisory committee--Members--Meetings--Travel expenses--"Governor's award of excellence.") and 1991 c 319 s 401, 1987 c 115 s 1, 1982 c 108 s 1, & 1977 c 10 s 1;

(2) RCW 70.95.050 (Solid waste advisory committee--Staff services and facilities) and 1969 ex.s. c 134 s 5;

(3) RCW 70.95.070 (Review of standards prior to adoption--Revisions, additions and modifications--Factors) and 1975-'76 2nd ex.s. c 41 s 4 & 1969 ex.s. c 134 s 7; and

(4) RCW 70.105.060 (Review of rules, regulations, criteria and fee schedules) and 1975-'76 2nd ex.s. c 101 s 6.

Sec. 120. RCW 70.95.030 and 2004 c 101 s 1 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "City" means every incorporated city and town.

(2) "Commission" means the utilities and transportation commission.

(3) (~~"Committee"~~) means the state solid waste advisory committee.

(4) "Composted material" means organic solid waste that has been subjected to controlled aerobic degradation at a solid waste facility in compliance with the requirements of this chapter. Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

(5) "Department" means the department of ecology.

(6) "Director" means the director of the department of ecology.

(7) "Disposal site" means the location where any final treatment, utilization, processing, or deposit of solid waste occurs.

(8) "Energy recovery" means a process operating under federal and state environmental laws and regulations for converting solid waste into usable energy and for reducing the volume of solid waste.

(9) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(10) "Incineration" means a process of reducing the volume of solid waste operating under federal and state environmental laws and regulations by use of an enclosed device using controlled flame combustion.

(11) "Inert waste landfill" means a landfill that receives only inert waste, as determined under RCW 70.95.065, and includes facilities that use inert wastes as a component of fill.

(12) "Jurisdictional health department" means city, county, city-county, or district public health department.

(13) "Landfill" means a disposal facility or part of a facility at which solid waste is placed in or on land and which is not a land treatment facility.

(14) "Local government" means a city, town, or county.

(15) "Modify" means to substantially change the design or operational plans including, but not limited to, removal of a design element previously set forth in a permit application or the addition of a disposal or processing activity that is not approved in the permit.

(16) "Multiple family residence" means any structure housing two or more dwelling units.

(17) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(18) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan. Prior to the adoption of the local comprehensive solid waste plan, adopted pursuant to RCW 70.95.110(2), local governments may identify recyclable materials by ordinance from July 23, 1989.

(19) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.

(20) "Residence" means the regular dwelling place of an individual or individuals.

(21) "Sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials, generated from a wastewater treatment system, that does not meet the requirements of chapter 70.95J RCW.

(22) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in chapter 70.95J RCW and wastewater as regulated in chapter 90.48 RCW.

(23) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

(24) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof.

(25) "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

(26) "Vehicle" includes every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(27) "Waste-derived soil amendment" means any soil amendment as defined in this chapter that is derived from solid waste as defined in (~~RCW 70.95.030~~) this section, but does not include biosolids or biosolids products regulated under chapter 70.95J RCW or wastewaters regulated under chapter 90.48 RCW.

(28) "Waste reduction" means reducing the amount or toxicity of waste generated or reusing materials.

(29) "Yard debris" means plant material commonly created in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard debris includes but is not limited to grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden debris, holiday trees, and tree prunings four inches or less in diameter.

Sec. 121. RCW 43.21A.520 and 1989 c 431 s 47 are each amended to read as follows:

(1) The department of ecology shall develop and implement an environmental excellence awards program that recognizes products that are produced, labeled, or packaged in a manner that helps

ensure environmental protection. The award shall be in recognition of products that are made from recycled materials, easy to recycle, substitute for more hazardous products, or otherwise help protect the environment. Application for the award shall be voluntary. The awards may be made in a variety of product categories including, but not limited to:

- (a) Paint products;
- (b) Cleaning products;
- (c) Pest control products;
- (d) Automotive, marine, and related maintenance products;
- (e) Hobby and recreation products; and
- (f) Any other product available for retail or wholesale sale.

~~(2) ((The state solid waste advisory committee shall establish an environmental excellence product award subcommittee to develop and recommend criteria for awarding environmental excellence awards for products. The subcommittee shall also review award applications and make recommendations to the department. The subcommittee shall consist of equal representation of: (a) Product manufacturing or other business representatives; (b) environmental representatives; (c) labor or consumer representatives; and (d) independent technical experts. Members of the subcommittee need not necessarily be regular members of the state solid waste advisory committee.~~

~~(3))~~ Products receiving an environmental excellence award pursuant to this section shall be entitled to display a logo or other symbol developed by the department to signify the award. Awards shall be given each year to as many products as qualify. The award logo may be displayed for a period to be determined by the department.

Sec. 122. RCW 70.105.010 and 2009 c 549 s 1027 are each amended to read as follows:

The words and phrases defined in this section shall have the meanings indicated when used in this chapter unless the context clearly requires otherwise.

(1) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

- (a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or
- (b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(2) "Department" means the department of ecology.

(3) "Designated zone facility" means any facility that requires an interim or final status permit under rules adopted under this chapter and that is not a preempted facility as defined in this section.

(4) "Director" means the director of the department of ecology or the director's designee.

(5) "Disposal site" means a geographical site in or upon which hazardous wastes are disposed of in accordance with the provisions of this chapter.

(6) "Dispose or disposal" means the discarding or abandoning of hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned.

(7) "Extremely hazardous waste" means any dangerous waste which~~((+))~~:

- (a) Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form

(i) Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of human beings or wildlife, and

(ii) Is highly toxic to human beings or wildlife

(b) If disposed of at a disposal site in such quantities as would present an extreme hazard to human beings or the environment.

(8) "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for recycling, storing, treating, incinerating, or disposing of hazardous waste.

(9) "Hazardous household substances" means those substances identified by the department as hazardous household substances in the guidelines developed under RCW 70.105.220.

(10) "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter.

(11) "Hazardous waste" means and includes all dangerous and extremely hazardous waste, including substances composed of both radioactive and hazardous components.

(12) "Local government" means a city, town, or county.

(13) "Moderate-risk waste" means (a) any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation, and (b) any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

(14) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(15) "Pesticide" shall have the meaning of the term as defined in RCW 15.58.030 as now or hereafter amended.

(16) "Preempted facility" means any facility that includes as a significant part of its activities any of the following operations: (a) Landfill, (b) incineration, (c) land treatment, (d) surface impoundment to be closed as a landfill, or (e) waste pile to be closed as a landfill.

(17) "Service charge" means an assessment imposed under RCW 70.105.280 against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component. Service charges shall also apply to facilities undergoing closure under this chapter in those instances where closure entails the physical characterization of remaining wastes which contain both a nonradioactive hazardous component and a radioactive component or the management of such wastes through treatment or removal, except any commercial low-level radioactive waste facility.

~~((18) "Solid waste advisory committee" means the same advisory committee as per RCW 70.95.040 through 70.95.070.)~~

Sec. 123. RCW 70.105.160 and 1998 c 245 s 110 are each amended to read as follows:

The department shall conduct a study to determine the best management practices for categories of waste for the priority waste management methods established in RCW 70.105.150, with due consideration in the course of the study to sound environmental management and available technology. As an element of the study, the department shall review methods that will help achieve the priority of RCW 70.105.150(1)(a), waste reduction. Before issuing any proposed rules, the department shall conduct public hearings regarding the best management practices for the various waste categories studied by the department. After conducting the study, the department shall prepare new rules or modify existing rules as appropriate to promote implementation of the priorities established in RCW 70.105.150 for management practices which

assure use of sound environmental management techniques and available technology. The preliminary study shall be completed by July 1, 1986, and the rules shall be adopted by July 1, 1987. ~~((The solid waste advisory committee shall review the studies and the new or modified rules.))~~

The studies shall be updated at least once every five years. The funding for these studies shall be from the hazardous waste control and elimination account, subject to legislative appropriation.

Special License Plate Review Board

NEW SECTION. Sec. 124. RCW 46.16.705 (Special license plate review board--Created) and 2005 c 319 s 117 & 2003 c 196 s 101 are each repealed.

Sec. 125. RCW 46.16.233 and 2003 c 361 s 501 and 2003 c 196 s 401 are each reenacted and amended to read as follows:

(1) Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, the appearance of the background of all vehicle license plates may vary in color and design but must be legible and clearly identifiable as a Washington state license plate, as designated by the department. Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates, except for commercial vehicles with a gross weight in excess of twenty-six thousand pounds. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

(2) Special license plate series approved by the special license plate review board created under RCW 46.16.705 and enacted by the legislature prior to June 30, 2010, may display a symbol or artwork approved by the special license plate review board. Beginning July 1, 2010, special license plate series approved by the department and enacted into law by the legislature may display a symbol or artwork approved by the department.

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

Sec. 126. RCW 46.16.316 and 2005 c 210 s 2 are each amended to read as follows:

Except as provided in RCW 46.16.305:

(1) When a person who has been issued a special license plate or plates: (a) Under RCW 46.16.30901, 46.16.30903, 46.16.30905, or 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, or under RCW 46.16.305(2) or 46.16.324; (b) approved by the former special license plate review board ~~((under RCW 46.16.715 through 46.16.775));~~ or (c) under RCW 46.16.601 sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of ten dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be

made and fees paid as provided by law for the replacement of regular license plates.

Sec. 127. RCW 46.16.715 and 2005 c 319 s 118 are each amended to read as follows:

~~((1) The board shall meet periodically at the call of the chair, but must meet at least one time each year within ninety days before an upcoming regular session of the legislature. The board may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members, and it must have a quorum present to take a vote on a special license plate application.~~

~~(2) The board will be compensated from the general appropriation for the department of licensing in accordance with RCW 43.03.250. Each board member will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.~~

~~(3) The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.~~

~~(4)) The department of licensing shall ((provide administrative support to the board, which must include at least the following)):~~

~~((a) Provide general staffing to meet the administrative needs of the board;~~

~~(b) Report to the board on the reimbursement status of any new special license plate series for which the state had to pay the start-up costs;~~

~~(e)) (1) Process special license plate applications and confirm that the sponsoring organization has submitted all required documentation. If an incomplete application is received, the department must return it to the sponsoring organization; and~~

~~((4)) (2) Compile the annual financial reports submitted by sponsoring organizations with active special license plate series ((and present those reports to the board for review and approval)).~~

Sec. 128. RCW 46.16.725 and 2009 c 470 s 710 are each amended to read as follows:

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

~~(2)) The ((board)) department must review and either approve or reject special license plate applications submitted by sponsoring organizations.~~

~~((3)) (2) Duties of the ((board)) department include but are not limited to the following:~~

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

(b) Report annually to the senate and house transportation committees on the special license plate applications that were considered by the ~~((board))~~ department;

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

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

plate series to the chairs of the senate and house of representatives transportation committees(§

~~(e) Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates that an organization or a governmental entity may apply for).~~

~~((4)) (3) Except as provided in chapter 72, Laws of 2008, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, 2011. During this period of time, ((the special license plate review board created in RCW 46.16.705 and)) the department of licensing ((are)) is prohibited from accepting, reviewing, processing, or approving any applications. Additionally, no special license plate may be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.~~

Sec. 129. RCW 46.16.745 and 2005 c 210 s 8 are each amended to read as follows:

(1) A sponsoring organization meeting the requirements of RCW 46.16.735, applying for the creation of a special license plate ~~((to the special license plate review board))~~ must, on an application supplied by the department, provide the minimum application requirements in subsection (2) of this section.

(2) The sponsoring organization shall:

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

(b) Provide a proposed license plate design;

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

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

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

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

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

Sec. 130. RCW 46.16.755 and 2004 c 222 s 4 are each amended to read as follows:

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

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

(2) If reimbursement does not occur within two years from the date the plate is first offered for sale to the public, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully

reimbursed for its implementation costs after the one-year probation, the plate series must be discontinued immediately. Special plates issued before discontinuation are valid until replaced under RCW 46.16.233.

(3) The special license plate applicant trust account is created in the custody of the state treasurer. All receipts from special license plate applicants, except the application fee as provided in RCW 46.16.745~~((3))~~, must be deposited into the account. Only the director of the department or the director's designee may authorize disbursements from the account. The account is not subject to the allotment procedures under chapter 43.88 RCW, nor is an appropriation required for disbursements.

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

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

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

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

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

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

Sec. 131. RCW 46.16.775 and 2003 c 196 s 304 are each amended to read as follows:

(1) A special license plate series created by the legislature after January 1, ~~((2004))~~ 2011, that has not been reviewed and approved by the ~~((special license plate review board))~~ department is subject to the following requirements:

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

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

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

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

(3) If the sponsoring organization ceases to exist or the purpose of the special plate series ceases to exist, revenues generated from

the sale of the special license plates must be deposited into the motor vehicle account.

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

Sec. 132. RCW 46.16.30901 and 2004 c 35 s 1 are each amended to read as follows:

The department shall issue a special license plate displaying a symbol, approved by the special license plate review board before June 30, 2010, for professional firefighters and paramedics who are members of the Washington State Council of Firefighters. Upon initial application and subsequent renewals, applicants must show proof of eligibility by providing a certificate of current membership from the Washington State Council of Firefighters. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon the terms and conditions established by the department.

Sec. 133. RCW 46.16.30903 and 2004 c 48 s 1 are each amended to read as follows:

~~((1) The legislature recognizes the Helping Kids Speak license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

(2)) The department shall issue a special license plate displaying a symbol, as approved by the special license plate review board before June 30, 2010, recognizing an organization that supports programs that provide no-cost speech pathology programs to children. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates will commemorate an organization that supports programs that provide free diagnostic and therapeutic services to children who have a severe delay in language or speech development.

Sec. 134. RCW 46.16.30905 and 2004 c 221 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the law enforcement memorial license plate has been reviewed by the special license plate review board as specified in chapter 196, Laws of 2003, and was found to fully comply with all provisions of chapter 196, Laws of 2003.~~

(2)) The department shall issue a special license plate displaying a symbol, as approved by the special license plate review board before June 30, 2010, honoring law enforcement officers in Washington killed in the line of duty. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon the terms and conditions established by the department.

Sec. 135. RCW 46.16.30907 and 2005 c 42 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the Washington's Wildlife license plate collection, to include three distinct designs including bear, deer, and elk, has been reviewed by the special license plate review board under RCW 46.16.725 and was found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

(2)) The department shall issue a special license plate collection displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2010, recognizing Washington's wildlife, that may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles

registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 136. RCW 46.16.30909 and 2005 c 44 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the Washington state parks and recreation commission license plate application has been reviewed by the special license plate review board under RCW 46.16.725 and was found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2010, recognizing Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources, that may be used in lieu of regular or personalized license plates for vehicles required to display one and two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 137. RCW 46.16.30911 and 2005 c 48 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "Washington Lighthouses" license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with RCW 46.16.715 through 46.16.775.~~

(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2010, recognizing an organization that supports selected Washington state lighthouses and provides environmental education programs. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 138. RCW 46.16.30913 and 2005 c 53 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "Keep Kids Safe" license plate has been reviewed and approved by the special license plate review board under RCW 46.16.725, and found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

(2)) The department shall issue a special license plate displaying artwork, as approved by the special license plate review board before June 30, 2010, recognizing efforts to prevent child abuse and neglect. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 139. RCW 46.16.30914 and 2005 c 71 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "we love our pets" license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board before June 30, 2010, recognizing an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets, in order to reduce pet overpopulation. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles

registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 140. RCW 46.16.30916 and 2005 c 85 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the Gonzaga University alumni association license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board before June 30, 2010, recognizing the Gonzaga University alumni association. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 141. RCW 46.16.30918 and 2005 c 177 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "Washington's National Park Fund" license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with RCW 46.16.715 through 46.16.775.~~

(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2010, recognizing Washington's National Park Fund, that may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 142. RCW 46.16.30920 and 2008 c 183 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the armed forces license plate collection has been reviewed and approved by the special license plate review board.~~

(2)) The department shall issue a special license plate collection, as approved by the special license plate review board and the legislature before June 30, 2010, recognizing the contribution of veterans, active duty military personnel, reservists, and members of the national guard. The collection includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.

~~((3)) (2) Armed forces special license plates may be used in lieu of regular or personalized license plates for vehicles required to display one and two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.~~

((4)) (3) Upon request, the department must make available to the purchaser, at no additional cost, a decal indicating the purchaser's military status. The department must work with the department of veterans affairs to establish a list of the decals to be made available. The list of available decals must include, but is not limited to, "veteran," "disabled veteran," "reservist," "retiree," or "active duty." The department may specify where the decal may be placed on the license plate. Decals are required to be made available only for standard six-inch by twelve-inch license plates.

~~((5)) (4) Armed forces license plates and decals are available only to veterans as defined in RCW 41.04.007, active duty military personnel, reservists, members of the national guard, and the families of veterans and service members. Upon initial application, any purchaser requesting an armed forces license plate and decal will be required to show proof of eligibility by providing: A DD-214 or discharge papers if a veteran; a military identification or retired military identification card; or a declaration~~

of fact attesting to the purchaser's eligibility as required under this section. "Family" or "families" means an individual's spouse, child, parent, sibling, aunt, uncle, or cousin. A child includes stepchild, adopted child, foster child, grandchild, and son or daughter-in-law. A parent includes stepparent, grandparent, and in-laws. A sibling includes brother, half brother, stepbrother, sister, half sister, stepsister, and brother or sister-in-law.

~~((6)) (5) The department of veterans affairs must enter into an agreement with the department to reimburse the department for the costs associated with providing military status decals described in subsection ((4)) (3) of this section.~~

~~((7)) (6) Armed forces license plates are not available free of charge to disabled veterans, former prisoners of war, or spouses of deceased former prisoners of war under the privileges defined in RCW 73.04.110 and 73.04.115.~~

Sec. 143. RCW 46.16.30922 and 2005 c 220 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "Ski & Ride Washington" license plate has been reviewed and approved by the special license plate review board under RCW 46.16.725, and found to fully comply with RCW 46.16.715 through 46.16.775.~~

(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2010, recognizing the Washington snowsports industry, that may be used in lieu of regular or personalized license plates for vehicles required to display vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 144. RCW 46.16.30924 and 2005 c 224 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the Wild On Washington license plate has been reviewed by the special license plate review board under RCW 46.16.725 and was found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2010, referred to as "Wild On Washington license plates," that may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 145. RCW 46.16.30926 and 2005 c 225 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the Endangered Wildlife license plate has been reviewed by the special license plate review board under RCW 46.16.725 and was found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2010, referred to as "Endangered Wildlife license plates," that may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 146. RCW 46.16.30928 and 2005 c 426 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "Share the Road" license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with RCW 46.16.715 through 46.16.775.~~

(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2010,

recognizing an organization that promotes bicycle safety and awareness education. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates will commemorate the life of Cooper Jones.

**Strategic Health Planning Office
Technical Advisory Committee**

Sec. 147. RCW 43.370.020 and 2009 c 343 s 1 are each amended to read as follows:

(1) The office shall serve as a coordinating body for public and private efforts to improve quality in health care, promote cost-effectiveness in health care, and plan health facility and health service availability. In addition, the office shall facilitate access to health care data collected by public and private organizations as needed to conduct its planning responsibilities.

(2) The office shall:

(a) Conduct strategic health planning activities related to the preparation of the strategy, as specified in this chapter;

(b) Develop a computerized system for accessing, analyzing, and disseminating data relevant to strategic health planning responsibilities. The office may contract with an organization to create the computerized system capable of meeting the needs of the office;

(c) Have access to the information submitted as part of the health professional licensing application and renewal process, excluding social security number and background check information, whether the license is issued by the secretary of the department of health or a board or commission. The office shall also have access to information submitted to the department of health as part of the medical or health facility licensing process. Access to and use of all data shall be in accordance with state and federal confidentiality laws and ethical guidelines, and the office shall maintain the same degree of confidentiality as the department of health. For professional licensing information provided to the office, the department of health shall replace any social security number with an alternative identifier capable of linking all licensing records of an individual; and

(d) Conduct research and analysis or arrange for research and analysis projects to be conducted by public or private organizations to further the purposes of the strategy.

~~((3) The office shall establish a technical advisory committee to assist in the development of the strategy. Members of the committee shall include health economists, health planners, representatives of government and nongovernment health care purchasers, representatives of state agencies that use or regulate entities with an interest in health planning, representatives of acute care facilities, representatives of long term care facilities, representatives of community based long term care providers, representatives of health care providers, a representative of one or more federally recognized Indian tribes, and representatives of health care consumers. The committee shall include members with experience in the provision of health services to rural communities.))~~

Sec. 148. RCW 43.370.030 and 2007 c 259 s 52 are each amended to read as follows:

(1) The office(~~(, in consultation with the technical advisory committee established under RCW 43.370.020,))~~ shall develop a statewide health resources strategy. The strategy shall establish statewide health planning policies and goals related to the availability of health care facilities and services, quality of care, and cost of care. The strategy shall identify needs according to geographic regions suitable for comprehensive health planning as designated by the office.

(2) The development of the strategy shall consider the following general goals and principles:

(a) That excess capacity of health services and facilities place considerable economic burden on the public who pay for the construction and operation of these facilities as patients, health insurance purchasers, carriers, and taxpayers; and

(b) That the development and ongoing maintenance of current and accurate health care information and statistics related to cost and quality of health care, as well as projections of need for health facilities and services, are essential to effective strategic health planning.

(3) The strategy, with public input by health service areas, shall include:

(a) A health system assessment and objectives component that:

(i) Describes state and regional population demographics, health status indicators, and trends in health status and health care needs; and

(ii) Identifies key policy objectives for the state health system related to access to care, health outcomes, quality, and cost-effectiveness;

(b) A health care facilities and services plan that shall assess the demand for health care facilities and services to inform state health planning efforts and direct certificate of need determinations, for those facilities and services subject to certificate of need as provided in chapter 70.38 RCW. The plan shall include:

(i) An inventory of each geographic region's existing health care facilities and services;

(ii) Projections of need for each category of health care facility and service, including those subject to certificate of need;

(iii) Policies to guide the addition of new or expanded health care facilities and services to promote the use of quality, evidence-based, cost-effective health care delivery options, including any recommendations for criteria, standards, and methods relevant to the certificate of need review process; and

(iv) An assessment of the availability of health care providers, public health resources, transportation infrastructure, and other considerations necessary to support the needed health care facilities and services in each region;

(c) A health care data resource plan that identifies data elements necessary to properly conduct planning activities and to review certificate of need applications, including data related to inpatient and outpatient utilization and outcomes information, and financial and utilization information related to charity care, quality, and cost. The plan shall inventory existing data resources, both public and private, that store and disclose information relevant to the health planning process, including information necessary to conduct certificate of need activities pursuant to chapter 70.38 RCW. The plan shall identify any deficiencies in the inventory of existing data resources and the data necessary to conduct comprehensive health planning activities. The plan may recommend that the office be authorized to access existing data sources and conduct appropriate analyses of such data or that other agencies expand their data collection activities as statutory authority permits. The plan may identify any computing infrastructure deficiencies that impede the proper storage, transmission, and analysis of health planning data. The plan shall provide recommendations for increasing the availability of data related to health planning to provide greater community involvement in the health planning process and consistency in data used for certificate of need applications and determinations;

(d) An assessment of emerging trends in health care delivery and technology as they relate to access to health care facilities and services, quality of care, and costs of care. The assessment shall recommend any changes to the scope of health care facilities and services covered by the certificate of need program that may be

warranted by these emerging trends. In addition, the assessment may recommend any changes to criteria used by the department to review certificate of need applications, as necessary;

(e) A rural health resource plan to assess the availability of health resources in rural areas of the state, assess the unmet needs of these communities, and evaluate how federal and state reimbursement policies can be modified, if necessary, to more efficiently and effectively meet the health care needs of rural communities. The plan shall consider the unique health care needs of rural communities, the adequacy of the rural health workforce, and transportation needs for accessing appropriate care.

(4) The office shall submit the initial strategy to the governor and the appropriate committees of the senate and house of representatives by January 1, 2010. Every two years the office shall submit an updated strategy. The health care facilities and services plan as it pertains to a distinct geographic planning region may be updated by individual categories on a rotating, biannual schedule.

(5) The office shall hold at least one public hearing and allow opportunity to submit written comments prior to the issuance of the initial strategy or an updated strategy. A public hearing shall be held prior to issuing a draft of an updated health care facilities and services plan, and another public hearing shall be held before final adoption of an updated health care facilities and services plan. Any hearing related to updating a health care facilities and services plan for a specific planning region shall be held in that region with sufficient notice to the public and an opportunity to comment.

Veterans Innovation Program Board

Sec. 149. RCW 43.60A.170 and 2006 c 343 s 5 are each amended to read as follows:

(1) The competitive grant program is created to fund innovative initiatives to provide crisis and emergency relief, education, training, and employment assistance to veterans and their families in their communities.

~~((1) The veterans innovations program board is created to exercise the powers granted under RCW 43.60A.160 through 43.60A.185 related to the competitive grant program.~~

~~(a) The board consists of seven citizens of the state, appointed by the governor, with recognized experience in serving veterans and their families in the community regarding transition and readjustment issues; education, training, and employment needs; and other needs experienced by veterans and their families stemming from service to their country.~~

~~(b) The members of the board select the chair.~~

~~(c) The department shall provide staff support to the board.~~

~~(d) Members of the board receive no compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.)~~

(2) The ~~((board))~~ department shall:

(a) Establish a competitive process to solicit proposals for and prioritize project applications for potential funding. The purpose of the proposals shall be in three categories:

- (i) Crisis and emergency relief;
- (ii) Education, training, and employment assistance; and
- (iii) Community outreach and resources; and

(b) Report on January 1, 2007, to the appropriate standing committees of the legislature and to the joint committee on veterans and military affairs on the implementation of chapter 343, Laws of 2006. The report must include, but is not limited to, information on the number of applications for assistance, the grant amount awarded each project, a description of each project, and performance measures of the program.

Sec. 150. RCW 43.131.406 and 2006 c 343 s 11 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2017:

- (1) 2006 c 343 § 1 (uncodified);
- (2) RCW 43.60A.160 and 2006 c 343 § 3;
- (3) RCW 43.60A.165 and 2006 c 343 § 4;
- (4) RCW 43.60A.170 and section 149 of this act & 2006 c 343 § 5;
- (5) RCW 43.60A.175 and 2006 c 343 § 6;
- (6) RCW 43.60A.180 and 2006 c 343 § 7; and
- (7) RCW 43.60A.185 and 2006 c 343 § 8.

Sec. 151. RCW 43.60A.010 and 2006 c 343 s 2 are each amended to read as follows:

As used in this chapter the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

- (1) "Department" means the department of veterans affairs.
- (2) "Director" means the director of the department of veterans affairs.
- (3) "Committee" means the veterans affairs advisory committee.

~~((4) "Board" means the veterans innovations program board.))~~
NEW SECTION. Sec. 152. RCW 43.60A.180 (Conflicts of interest) and 2006 c 343 s 7 are each repealed.

Vehicle Equipment Safety Commission

NEW SECTION. Sec. 153. The following acts or parts of acts are each repealed:

- (1) RCW 46.38.010 (Compact enacted--Provisions) and 1963 c 204 s 1;
- (2) RCW 46.38.020 (Legislative findings) and 1987 c 330 s 735 & 1963 c 204 s 2;
- (3) RCW 46.38.030 (Effective date of rules, etc. of vehicle safety equipment commission) and 1987 c 330 s 736, 1967 ex.s. c 145 s 57, & 1963 c 204 s 3;
- (4) RCW 46.38.040 (Appointment of commissioner and alternate commissioner) and 1987 c 330 s 737 & 1963 c 204 s 4;
- (5) RCW 46.38.050 (Cooperation of state agencies with vehicle equipment safety commission) and 1963 c 204 s 5;
- (6) RCW 46.38.060 (State officers for the filing of documents and receipt of notices) and 1987 c 330 s 738 & 1963 c 204 s 6;
- (7) RCW 46.38.070 (Vehicle equipment safety commission to submit budgets to director of financial management) and 1979 c 151 s 160 & 1963 c 204 s 7;
- (8) RCW 46.38.080 (State auditor to inspect accounts of vehicle equipment safety commission) and 1963 c 204 s 8; and
- (9) RCW 46.38.090 (Withdrawal from compact, "executive head" defined) and 1963 c 204 s 9.

Water Supply Advisory Committee

NEW SECTION. Sec. 154. RCW 70.119A.160 (Water supply advisory committee) and 1998 c 245 s 112 & 1995 c 376 s 4 are each repealed.

Sec. 155. RCW 70.119A.180 and 2003 1st sp.s. c 5 s 7 are each amended to read as follows:

(1) It is the intent of the legislature that the department establish water use efficiency requirements designed to ensure efficient use of water while maintaining water system financial viability, improving affordability of supplies, and enhancing system reliability.

(2) The requirements of this section shall apply to all municipal water suppliers and shall be tailored to be appropriate to system size, forecasted system demand, and system supply characteristics.

(3) For the purposes of this section:

(a) Water use efficiency includes conservation planning requirements, water distribution system leakage standards, and water conservation performance reporting requirements; and

(b) "Municipal water supplier" and "municipal water supply purposes" have the meanings provided by RCW 90.03.015.

(4) To accomplish the purposes of this section, the department shall adopt rules necessary to implement this section by December 31, 2005. The department shall:

(a) Develop conservation planning requirements that ensure municipal water suppliers are: (i) Implementing programs to integrate conservation with water system operation and management; and (ii) identifying how to appropriately fund and implement conservation activities. Requirements shall apply to the conservation element of water system plans and small water system management programs developed pursuant to chapter 43.20 RCW. In establishing the conservation planning requirements the department shall review the current department conservation planning guidelines and include those elements that are appropriate for rule. Conservation planning requirements shall include but not be limited to:

(A) Selection of cost-effective measures to achieve a system's water conservation objectives. Requirements shall allow the municipal water supplier to select and schedule implementation of the best methods for achieving its conservation objectives;

(B) Evaluation of the feasibility of adopting and implementing water delivery rate structures that encourage water conservation;

(C) Evaluation of each system's water distribution system leakage and, if necessary, identification of steps necessary for achieving water distribution system leakage standards developed under (b) of this subsection;

(D) Collection and reporting of water consumption and source production and/or water purchase data. Data collection and reporting requirements shall be sufficient to identify water use patterns among utility customer classes, where applicable, and evaluate the effectiveness of each system's conservation program. Requirements, including reporting frequency, shall be appropriate to system size and complexity. Reports shall be available to the public; and

(E) Establishment of minimum requirements for water demand forecast methodologies such that demand forecasts prepared by municipal water suppliers are sufficient for use in determining reasonably anticipated future water needs;

(b) Develop water distribution system leakage standards to ensure that municipal water suppliers are taking appropriate steps to reduce water system leakage rates or are maintaining their water distribution systems in a condition that results in leakage rates in compliance with the standards. Limits shall be developed in terms of percentage of total water produced and/or purchased and shall not be lower than ten percent. The department may consider alternatives to the percentage of total water supplied where alternatives provide a better evaluation of the water system's leakage performance. The department shall institute a graduated system of requirements based on levels of water system leakage. A municipal water supplier shall select one or more control methods appropriate for addressing leakage in its water system;

(c) Establish minimum requirements for water conservation performance reporting to assure that municipal water suppliers are regularly evaluating and reporting their water conservation performance. The objective of setting conservation goals is to enhance the efficient use of water by the water system customers. Performance reporting shall include:

(i) Requirements that municipal water suppliers adopt and achieve water conservation goals. The elected governing board or governing body of the water system shall set water conservation goals for the system. In setting water conservation goals the water supplier may consider historic conservation performance and conservation investment, customer base demographics, regional climate variations, forecasted demand and system supply characteristics, system financial viability, system reliability, and affordability of water rates. Conservation goals shall be

established by the municipal water supplier in an open public forum;

(ii) Requirements that the municipal water supplier adopt schedules for implementing conservation program elements and achieving conservation goals to ensure that progress is being made toward adopted conservation goals;

(iii) A reporting system for regular reviews of conservation performance against adopted goals. Performance reports shall be available to customers and the public. Requirements, including reporting frequency, shall be appropriate to system size and complexity;

(iv) Requirements that any system not meeting its water conservation goals shall develop a plan for modifying its conservation program to achieve its goals along with procedures for reporting performance to the department;

(v) If a municipal water supplier determines that further reductions in consumption are not reasonably achievable, it shall identify how current consumption levels will be maintained;

(d) Adopt rules that, to the maximum extent practical, utilize existing mechanisms and simplified procedures in order to minimize the cost and complexity of implementation and to avoid placing unreasonable financial burden on smaller municipal systems.

~~(5) ((The department shall establish an advisory committee to assist the department in developing rules for water use efficiency. The advisory committee shall include representatives from public water system customers, environmental interest groups, business interest groups, a representative cross section of municipal water suppliers, a water utility conservation professional, tribal governments, the department of ecology, and any other members determined necessary by the department. The department may use the water supply advisory committee created pursuant to RCW 70.119A.160 augmented with additional participants as necessary to comply with this subsection to assist the department in developing rules.~~

~~(6))~~ The department shall provide technical assistance upon request to municipal water suppliers and local governments regarding water conservation, which may include development of best management practices for water conservation programs, conservation landscape ordinances, conservation rate structures for public water systems, and general public education programs on water conservation.

~~((7))~~ ~~(6)~~ To ensure compliance with this section, the department shall establish a compliance process that incorporates a graduated approach employing the full range of compliance mechanisms available to the department.

~~((8))~~ ~~(7)~~ Prior to completion of rule making required in subsection (4) of this section, municipal water suppliers shall continue to meet the existing conservation requirements of the department and shall continue to implement their current water conservation programs.

Sec. 156. RCW 90.86.030 and 2005 c 60 s 3 are each amended to read as follows:

(1) The joint legislative committee on water supply during drought shall convene from time to time at the call of the chair when a drought conditions order under RCW 43.83B.405 is in effect, or when the chair determines, in consultation with the department of ecology, that it is likely that such an order will be issued within the next year.

(2) The committee may request and review information relating to water supply conditions in the state, and economic, environmental, and other impacts relating to decreased water supply being experienced or anticipated. The governor's executive water emergency committee, the department of ecology, ~~((the water supply advisory committee))~~ and other state agencies with

water management or related responsibilities shall cooperate in responding to requests from the committee.

(3) During drought conditions in which an order issued under RCW 43.83B.405 is in effect, the department of ecology shall provide to the committee no less than monthly a report describing drought response activities of the department and other state and federal agencies participating on the water supply availability committee. The report shall include information regarding applications for, and approvals and denials of emergency water withdrawals and temporary changes or transfers of, water rights under RCW 43.83B.410.

(4) The committee from time to time shall make recommendations to the senate and house of representatives on budgetary and legislative actions that will improve the state's drought response programs and planning.

Western States School Bus Safety Commission

NEW SECTION. Sec. 157. The following acts or parts of acts are each repealed:

(1) RCW 46.39.010 (Compact enacted--Provisions) and 1977 ex.s. c 88 s 1; and

(2) RCW 46.39.020 (Designation of Washington state commissioners) and 1984 c 7 s 51 & 1977 ex.s. c 88 s 2.

Women's History Consortium

NEW SECTION. Sec. 158. The following acts or parts of acts are each repealed:

(1) RCW 27.34.360 (Women's history consortium--Created--Washington state historical society as managing agency) and 2005 c 391 s 2;

(2) RCW 27.34.365 (Women's history consortium--Board of advisors) and 2005 c 391 s 3;

(3) RCW 27.34.370 (Women's history consortium--Responsibilities of board of advisors) and 2005 c 391 s 4;

(4) RCW 27.34.375 (Women's history consortium--Responsibilities) and 2005 c 391 s 5; and

(5) RCW 27.34.380 (Women's history consortium--Report to the legislature) and 2005 c 391 s 6.

Interagency Integrated Pest Management Coordinating Committee

NEW SECTION. Sec. 159. RCW 17.15.040 (Interagency integrated pest management coordinating committee--Creation--Composition--Duties--Public notice--Progress reports) and 1997 c 357 s 5 are each repealed.

Land Bank Technical Advisory Committee

NEW SECTION. Sec. 160. RCW 79.19.070 (Land bank technical advisory committee) and 1984 c 222 s 7 are each repealed.

Forest Fire Advisory Board

NEW SECTION. Sec. 161. RCW 76.04.145 (Forest fire advisory board) and 1986 c 100 s 15 are each repealed.

Sec. 162. RCW 70.94.6534 and 2009 c 118 s 501 are each amended to read as follows:

(1) The department of natural resources shall have the responsibility for issuing and regulating burning permits required by it relating to the following activities for the protection of life or property and/or for the public health, safety, and welfare:

(a) Abating a forest fire hazard;

(b) Prevention of a fire hazard;

(c) Instruction of public officials in methods of forest fire fighting;

(d) Any silvicultural operation to improve the forest lands of the state; and

(e) Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

(2) The department of natural resources shall not retain such authority, but it shall be the responsibility of the appropriate fire protection agency for permitting and regulating outdoor burning on lands where the department of natural resources does not have fire protection responsibility.

(3) Permit fees shall be assessed for silvicultural burning under the jurisdiction of the department of natural resources and collected by the department of natural resources as provided for in this section. All fees shall be deposited in the air pollution control account, created in RCW 70.94.015. The legislature shall appropriate to the department of natural resources funds from the air pollution control account to enforce and administer the program under this section and RCW ~~((70.94.6534,))~~ 70.94.6536, 70.94.6538, and 70.94.6540. Fees shall be set by rule by the department of natural resources at the level necessary to cover the costs of the program after receiving recommendations on such fees from the public ~~((and the forest fire advisory board established by RCW 76.04.145)).~~

Sec. 163. RCW 76.04.630 and 1993 c 36 s 2 are each amended to read as follows:

There is created a landowner contingency forest fire suppression account in the state treasury. Moneys in the account may be spent only as provided in this section. Disbursements from the account shall be on authorization of the commissioner of public lands or the commissioner's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

The department may expend from this account the amounts as may be available and as it considers appropriate for the payment of emergency fire costs resulting from a participating landowner fire. The department may, when moneys are available from the landowner contingency forest fire suppression account, expend moneys for summarily abating, isolating, or reducing an extreme fire hazard under RCW 76.04.660. All moneys recovered as a result of the department's actions, from the owner or person responsible, under RCW 76.04.660 shall be deposited in the landowner contingency forest fire suppression account.

When a determination is made that the fire was started by other than a landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from the general fund appropriations as may be available for emergency fire suppression costs. The department shall deposit in the landowner contingency forest fire suppression account moneys paid out of the account which are later recovered, less reasonable costs of recovery.

This account shall be established and renewed by an annual special forest fire suppression account assessment paid by participating landowners at a rate to be established by the department. In establishing assessments, the department shall seek to establish and thereafter reestablish a balance in the account of three million dollars. The department may establish a flat fee assessment of no more than seven dollars and fifty cents for participating landowners owning parcels of fifty acres or less. For participating landowners owning parcels larger than fifty acres, the department may charge the flat fee assessment plus a per acre assessment for every acre over fifty acres. The per acre assessment established by the department may not exceed fifteen cents per acre per year. The assessments may differ to equitably distribute the assessment based on emergency fire suppression cost experience necessitated by landowner operations. Amounts assessed for this account shall be a lien upon the forest lands with respect to which the assessment is made and may be collected as directed by the department in the same manner as forest protection assessments. Payment of emergency costs from this account shall in no way restrict the right of the department to recover costs pursuant to RCW 76.04.495 or other laws.

When the department determines that a forest fire was started in the course of or as a result of a landowner operation, ~~((it shall notify the forest fire advisory board of the determination.))~~ the determination shall be final, unless, within ninety days of the notification, ~~((the forest fire advisory board))~~ or an interested party serves a request for a hearing before the department. The hearing shall constitute an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, and an appeal shall be in accordance with RCW 34.05.510 through 34.05.598.

Sec. 164. RCW 76.04.660 and 2007 c 480 s 13 are each amended to read as follows:

(1) The owner of land on which there is an additional fire hazard, when the hazard is the result of a landowner operation or the land is within an area covered by a forest health hazard warning issued under RCW 76.06.180, shall take reasonable measures to reduce the danger of fire spreading from the area and may abate the hazard by burning or other satisfactory means.

(2) An extreme fire hazard shall exist within areas covered by a forest health hazard order issued by the commissioner of public lands under RCW 76.06.180 in which there is an additional fire hazard caused by disturbance agents and the landowner has failed to take such action as required by the forest health hazard order. The duties and liability of such landowner under this chapter are as described in subsections (5), (6), and (7) of this section.

(3) The department shall adopt rules defining areas of extreme fire hazard that the owner and person responsible shall abate. The areas shall include but are not limited to high risk areas such as where life or buildings may be endangered, areas adjacent to public highways, and areas of frequent public use.

(4) The department may adopt rules ~~((after consultation with the forest fire advisory board.))~~ defining other conditions of extreme fire hazard with a high potential for fire spreading to lands in other ownerships. The department may prescribe additional measures that shall be taken by the owner and person responsible to isolate or reduce the extreme fire hazard.

(5) The owner or person responsible for the existence of the extreme fire hazard is required to abate, isolate, or reduce the hazard. The duty to abate, isolate, or reduce, and liability under this chapter, arise upon creation of the extreme fire hazard. Liability shall include but not be limited to all fire suppression expenses incurred by the department, regardless of fire cause.

(6) If the owner or person responsible for the existence of the extreme fire hazard or forest debris subject to RCW 76.04.650 refuses, neglects, or unsuccessfully attempts to abate, isolate, or reduce the same, the department may summarily abate, isolate, or reduce the hazard as required by this chapter and recover twice the actual cost thereof from the owner or person responsible. Landowner contingency forest fire suppression account moneys may be used by the department, when available, for this purpose. Moneys recovered by the department pursuant to this section shall be returned to the landowner contingency forest fire suppression account.

(7) Such costs shall include all salaries and expenses of people and equipment incurred therein, including those of the department. All such costs shall also be a lien upon the land enforceable in the same manner with the same effect as a mechanic's lien.

(8) The summary action may be taken only after ten days' notice in writing has been given to the owner or reputed owner of the land on which the extreme fire hazard or forest debris subject to RCW 76.04.650 exists. The notice shall include a suggested method of abatement and estimated cost thereof. The notice shall be by personal service or by registered or certified mail addressed to the owner or reputed owner at the owner's last known place of residence.

(9) A landowner or manager may make a written request to the department to inspect their property and provide a written notice

that they have complied with a forest health hazard warning or forest health hazard order, or otherwise adequately abated, isolated, or reduced an additional or extreme fire hazard. An additional or extreme fire hazard shall be considered to continue to exist unless and until the department, in its sole discretion, issues such notice.

State Board on Geographic Names

NEW SECTION. Sec. 165. The following acts or parts of acts are each repealed:

- (1) RCW 43.126.015 (Purposes) and 1983 c 273 s 1;
- (2) RCW 43.126.025 (State board on geographic names created--Membership--Chair) and 2009 c 549 s 5174 & 1983 c 273 s 2;
- (3) RCW 43.126.035 (Powers and duties) and 1983 c 273 s 3;
- (4) RCW 43.126.045 (Policies--Criteria) and 1983 c 273 s 4;
- (5) RCW 43.126.055 (Adoption of names--Procedure--Effect) and 1983 c 273 s 5;
- (6) RCW 43.126.065 (Meetings--Rules--Publication of adopted names) and 2009 c 549 s 5175 & 1983 c 273 s 6;
- (7) RCW 43.126.075 (Compensation and travel expenses of members) and 1984 c 287 s 88 & 1983 c 273 s 7; and
- (8) RCW 43.126.085 (Naming geographic features without board approval prohibited) and 1983 c 273 s 8.

Lieutenant Governor Appointments and Assignments

Sec. 166. RCW 43.15.020 and 2009 c 560 s 27 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

- (1) The lieutenant governor serves on the following boards and committees:
 - (a) Capitol furnishings preservation committee, RCW 27.48.040;
 - (b) Washington higher education facilities authority, RCW 28B.07.030;
 - (c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;
 - (d) State finance committee, RCW 43.33.010;
 - (e) State capitol committee, RCW 43.34.010;
 - (f) Washington health care facilities authority, RCW 70.37.030;
 - (g) State medal of merit nominating committee, RCW 1.40.020;
 - (h) Medal of valor committee, RCW 1.60.020; and
 - (i) Association of Washington generals, RCW 43.15.030.
- (2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:
 - (a) Civil legal aid oversight committee, RCW 2.53.010;
 - (b) Office of public defense advisory committee, RCW 2.70.030;
 - (c) Washington state gambling commission, RCW 9.46.040;
 - (d) Sentencing guidelines commission, RCW 9.94A.860;
 - (e) State building code council, RCW 19.27.070;
 - (f) ~~((Women's history consortium board of advisors, RCW 27.34.365;))~~
 - ~~((g))~~ (g) Financial ~~((literacy))~~ education public-private partnership, RCW 28A.300.450;
 - ~~((h))~~ (g) Joint administrative rules review committee, RCW 34.05.610;
 - ~~((i))~~ (h) Capital projects advisory review board, RCW 39.10.220;
 - ~~((j))~~ (i) Select committee on pension policy, RCW 41.04.276;
 - ~~((k))~~ (j) Legislative ethics board, RCW 42.52.310;
 - ~~((l))~~ (k) Washington citizens' commission on salaries, RCW 43.03.305;

~~((m))~~ (l) Legislative oral history committee, RCW 44.04.325;
~~((n))~~ (m) State council on aging, RCW 43.20A.685;
~~((o))~~ (n) State investment board, RCW 43.33A.020;
~~((p))~~ (o) Capitol campus design advisory committee, RCW 43.34.080;
~~((q))~~ (p) Washington state arts commission, RCW 43.46.015;
~~((r))~~ (q) Information services board, RCW 43.105.032;
~~((s))~~ ~~K-20 educational network board, RCW 43.105.800;~~
~~((t))~~ (r) Municipal research council, RCW 43.110.010;
~~((u))~~ (s) Council for children and families, RCW 43.121.020;
~~((v))~~ (t) PNWER-Net working subgroup under chapter 43.147 RCW;
~~((w))~~ (u) Community economic revitalization board, RCW 43.160.030;
~~((x))~~ (v) Washington economic development finance authority, RCW 43.163.020;
~~((y))~~ (w) Life sciences discovery fund authority, RCW 43.350.020;
~~((z))~~ (x) Legislative children's oversight committee, RCW 44.04.220;
~~((aa))~~ (y) Joint legislative audit and review committee, RCW 44.28.010;
~~((ab))~~ (z) Joint committee on energy supply and energy conservation, RCW 44.39.015;
~~((ac))~~ (aa) Legislative evaluation and accountability program committee, RCW 44.48.010;
~~((ad))~~ (bb) Agency council on coordinated transportation, RCW 47.06B.020;
~~((ae))~~ (cc) Manufactured housing task force, RCW 59.22.090;
~~((af))~~ (dd) Washington horse racing commission, RCW 67.16.014;
~~((ag))~~ (ee) Correctional industries board of directors, RCW 72.09.080;
~~((ah))~~ (ff) Joint committee on veterans' and military affairs, RCW 73.04.150;
~~((ai))~~ (gg) Joint legislative committee on water supply during drought, RCW 90.86.020;
~~((aj))~~ (hh) Statute law committee, RCW 1.08.001; and
~~((ak))~~ (ii) Joint legislative oversight committee on trade policy, RCW 44.55.020.

NEW SECTION. Sec. 167. (1) All documents and papers, equipment, or other tangible property in the possession of the terminated entity shall be delivered to the custody of the entity assuming the responsibilities of the terminated entity or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration.

(2) All funds held by, or other moneys due to, the terminated entity shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund.

(3) All contractual rights and duties of an entity shall be assigned or delegated to the entity assuming the responsibilities of the terminated entity, or if there is none to such entity as the governor shall direct.

(4) All rules and all pending business before any terminated entity shall be continued and acted upon by the entity assuming the responsibilities of the terminated entity.

NEW SECTION. Sec. 168. The following sections are recodified as new sections in chapter 43.215 RCW:

RCW 43.121.170

RCW 43.121.175

RCW 43.121.180

NEW SECTION. Sec. 169. Sections 153 and 157 of this act take effect June 30, 2011.

NEW SECTION. Sec. 170. Sections 1 through 152 and 158 through 167 of this act take effect June 30, 2010.

Airport Impact Mitigation Advisory Board	6	
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Environmental and Land Use Hearings Board	45	
Family Practice Education Advisory Board	48	
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State Solid Waste Advisory Committee	103	
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Vehicle Equipment Safety Commission	129	
Veterans Innovation Program Board	127	
Washington Main Street Advisory Committee	73	
Water Supply Advisory Committee	130	
Western States School Bus Safety Commission	134	
Women's History Consortium	134"	
Correct the title.		

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Referred to Committee on Ways & Means.

February 22, 2010

2ESSB 6508 Prime Sponsor, Committee on Government Operations & Elections: Changing the class of persons entitled to recoveries under a wrongful death action or survival action. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 4.20.020 and 2007 c 156 s 29 are each amended to read as follows:

(1) Every ~~((such))~~ action under RCW 4.20.010 shall be for the benefit of the ~~((wife, husband))~~ spouse, state registered domestic partner, ~~((child))~~ or children, including stepchildren, of the person whose death shall have been so caused. If there ~~((be))~~ is no ~~((wife, husband))~~ spouse, state registered domestic partner, or ~~((such))~~ child ~~((or children, such)),~~ the action may be maintained for the benefit of:

(a) ~~The parents~~~~((, sisters, or brothers, who may be dependent upon the deceased person for support, and who are resident within the United States at the time of his death))~~ of a deceased adult child if the parents are financially dependent upon the adult child for support or if the parents have had significant involvement in the adult child's life; or

(b) Sisters or brothers who are financially dependent upon the decedent for support if there is no spouse, state registered domestic partner, child, or parent.

In every such action the jury may ~~((give such))~~ award economic and noneconomic damages as~~((;))~~ under all circumstances of the case~~((;))~~ may to them seem just.

(2) For the purposes of this section:

(a) "Financially dependent for support" means substantial dependence based on the receipt of services that have an economic or monetary value, or substantial dependence based on actual monetary payments or contributions; and

(b) "Significant involvement" means demonstrated support of an emotional, psychological, or financial nature within the relationship, at or reasonably near the time of death, or at or reasonably near the time of the incident causing death.

Sec. 2. RCW 4.20.046 and 2008 c 6 s 409 are each amended to read as follows:

(1) All causes of action by a person or persons against another person or persons shall survive to the personal representatives of the former and against the personal representatives of the latter, whether ~~((such))~~ the actions arise on contract or otherwise, and whether or not ~~((such))~~ the actions would have survived at the common law or prior to the date of enactment of this section~~((; PROVIDED, HOWEVER, That))~~.

(2) In addition to recovering economic losses for the estate, the personal representative ~~((shall only be))~~ is entitled to recover on behalf of those beneficiaries identified under RCW 4.20.060 any noneconomic damages for pain and suffering, anxiety, emotional distress, or humiliation personal to and suffered by ~~((a))~~ the deceased ~~((on behalf of those beneficiaries enumerated in RCW 4.20.020, and))~~ in such amounts as determined by a jury to be just under all the circumstances of the case. Damages under

this section are recoverable regardless of whether or not the death was occasioned by the injury that is the basis for the action.

(3) The liability of property of spouses or domestic partners held by them as community property and subject to execution in satisfaction of a claim enforceable against such property so held shall not be affected by the death of either or both spouses or either or both domestic partners; and a cause of action shall remain an asset as though both claiming spouses or both claiming domestic partners continued to live despite the death of either or both claiming spouses or both claiming domestic partners.

~~((2))~~ (4) Where death or an injury to person or property, resulting from a wrongful act, neglect or default, occurs simultaneously with or after the death of a person who would have been liable therefor if his or her death had not occurred simultaneously with such death or injury or had not intervened between the wrongful act, neglect or default and the resulting death or injury, an action to recover damages for such death or injury may be maintained against the personal representative of such person.

Sec. 3. RCW 4.20.060 and 2007 c 156 s 30 are each amended to read as follows:

(1) No action for a personal injury to any person occasioning death shall abate, nor shall ~~((such))~~ the right of action ~~((determine))~~ terminate, by reason of ~~((such))~~ the death~~((;))~~ if ~~((such))~~ the person has a surviving ~~((spouse, state registered domestic partner, or child living, including stepchildren, or leaving no surviving spouse, state registered domestic partner, or such children, if there is dependent upon the deceased for support and resident within the United States at the time of decedent's death, parents, sisters, or brothers; but such action may be prosecuted, or commenced and prosecuted, by the executor or administrator))~~ beneficiary in whose favor the action may be brought under subsection (2) of this section.

(2) An action under this section shall be brought by the personal representative of the deceased~~((;))~~ in favor of ~~((such))~~ the surviving spouse or state registered domestic partner, ~~((or in favor of the surviving spouse or state registered domestic partner))~~ and ~~((such))~~ children~~((, or if))~~. If there is no surviving spouse ~~((or))~~, state registered domestic partner, ~~((in favor of such child))~~ or children, ~~((or if no surviving spouse, state registered domestic partner, or such child or children, then))~~ the action shall be brought in favor of the decedent's;

(a) ~~Parents~~~~((, sisters, or brothers who may be dependent upon such person for support, and resident in the United States at the time of decedent's death))~~ if the parents are financially dependent upon the decedent for support or if the parents have had significant involvement in the decedent's life; or

(b) Sisters or brothers who are financially dependent upon the decedent for support if there is no spouse, state registered domestic partner, child, or parent.

(3) In addition to recovering economic losses, the persons identified in subsection (2) of this section are entitled to recover any noneconomic damages personal to and suffered by the decedent including, but not limited to, damages for the decedent's pain and suffering, anxiety, emotional distress, or humiliation, in such amounts as determined by a jury to be just under all the circumstances of the case.

(4) For the purposes of this section:

(a) "Financially dependent for support" means substantial dependence based on the receipt of services that have an economic or monetary value, or substantial dependence based on actual monetary payments or contributions; and

(b) "Significant involvement" means demonstrated support of an emotional, psychological, or financial nature within the relationship, at or reasonably near the time of

death, or at or reasonably near the time of the incident causing death.

Sec. 4. RCW 4.24.010 and 1998 c 237 s 2 are each amended to read as follows:

(1) A (~~(mother or father, or both,)~~) parent who has regularly contributed to the support of his or her minor child, (~~(and the mother or father, or both, of a child on whom either, or both, are)~~) or a parent who is financially dependent on a minor child for support or who has had significant involvement in the minor child's life, may maintain or join ((as a party)) an action as plaintiff for the injury or death of the child.

(2) Each parent, separately from the other parent, is entitled to recover for his or her own loss regardless of marital status, even though this section creates only one cause of action((-but if the parents of the child are not married, are separated, or not married to each other damages may be awarded to each plaintiff separately, as the trier of fact finds just and equitable)).

(3) If one parent brings an action under this section and the other parent is not named as a plaintiff, notice of the institution of the suit, together with a copy of the complaint, shall be served upon the other parent: PROVIDED, That notice shall be required only if parentage has been duly established.

Such notice shall be in compliance with the statutory requirements for a summons. Such notice shall state that the other parent must join as a party to the suit within twenty days or the right to recover damages under this section shall be barred. Failure of the other parent to timely appear shall bar such parent's action to recover any part of an award made to the party instituting the suit.

(4) In (~~such~~) an action under this section, in addition to damages for medical, hospital, medication expenses, and loss of services and support, damages may be recovered for the loss of love and companionship of the child and for injury to or destruction of the parent-child relationship in such amount as, under all the circumstances of the case, may be just.

(5) For the purposes of this section:

(a) "Financially dependent for support" means substantial dependence based on the receipt of services that have an economic or monetary value, or substantial dependence based on actual monetary payments or contributions; and

(b) "Significant involvement" means demonstrated support of an emotional, psychological, or financial nature within the relationship, at or reasonably near the time of death, or at or reasonably near the time of the incident causing death.

NEW SECTION. Sec. 5. This act applies to all causes of action filed on or after July 1, 2011.

NEW SECTION. Sec. 6. (1) On December 1, 2011, and every December 1st thereafter, the risk management division within the office of financial management shall report to the house ways and means committee, the house judiciary committee, the senate ways and means committee, and the senate government operations and elections committee, or successor committees, on the incidents covered by this act that involve state agencies.

(2) On December 1, 2011, and every December 1st thereafter, each local government risk pool or local government risk management division, or the equivalent in local governments, shall report to the legislative body of the local government on the incidents covered by this act that involve the local government.

(3) This section expires December 2, 2016.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Ross and Warnick.

Referred to Committee on Ways & Means.

February 22, 2010

SSB 6831

Prime Sponsor, Committee on Ways & Means: Concerning estates and trusts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Referred to Committee on Finance.

February 22, 2010

SJR 8225

Prime Sponsor, Senator Fraser: Resolving to define "interest" in the state Constitution. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Anderson; Blake; Chase; Hope; Jacks; McCune; Morrell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Assistant Ranking Minority Member and Smith.

Passed to Committee on Rules for second reading.

There being no objection, the bills and joint resolution listed on the day's supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., February 24, 2010, the 45th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

FORTY FIFTH DAY

House Chamber, Olympia, Wednesday, February 24, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Shannon Van Duine and Patrick Brumback. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor John Rosenberg, Lutheran Church of the Good Shepherd, Olympia.

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

RESOLUTION

HOUSE RESOLUTION NO. 4668, by Representatives Goodman, Chase, and Kagi

WHEREAS, Bastyr University is a nonprofit, accredited institution for higher education, founded in 1978, and located on a 51-acre campus on the north shore of Lake Washington in the City of Kenmore, Washington; and

WHEREAS, Bastyr University is working to transform the health and well-being of the human community through educating the world's future leaders in the natural health arts and sciences; and

WHEREAS, Bastyr University is internationally recognized as a pioneer in the natural health arts and sciences, modeling an integrated approach to research, education, and clinical service; and

WHEREAS, Bastyr University respects the healing power of nature and offers a multidisciplinary curriculum that combines the pursuit of scientific knowledge with the wisdom of ancient healing methods from around the world; and

WHEREAS, Bastyr University was the first natural health arts and sciences university in the country to receive funding for complementary and alternative medicine research from the National Institutes of Health; and

WHEREAS, Bastyr University has completed more than 80 research studies and has been instrumental in increasing the amount of research activity in the field of natural health sciences; and

WHEREAS, Bastyr University's teaching clinic, Bastyr Center for Natural Health, is the largest natural health clinic in the Northwest, with more than 35,000 annual patient visits; and

WHEREAS, Bastyr University is committed to a sustainable health care model and annually provides free healthcare services to underserved populations in the greater Seattle area; and

WHEREAS, Bastyr University's commitment to eco-friendly, LEED certified building practices exemplifies the university's role as a leader in natural health arts and sciences education and furthers its mission to enhance the health and well-being of the human community; and

WHEREAS, Bastyr University is an internationally recognized community of scholars, students, and supporters who share a

common commitment to the transformation of the health of the human family through education, research, and clinical services;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives does hereby recognize the various contributions and lasting legacy made by Bastyr University; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Chief Clerk of the House of Representatives to the Board of Trustees of Bastyr University and Bastyr University President, Dr. Dan Church.

Representative Goodman moved adoption of House Resolution No. 4668.

Representatives Goodman, Hinkle, Kagi and Angel spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4668 was adopted.

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

REPORTS OF STANDING COMMITTEES

February 22, 2010

ESB 5297 Prime Sponsor, Senator Kline: Concerning the procedure for filing a declaration of completion of probate. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 8. RCW 11.68.110 and 1998 c 292 s 202 are each amended to read as follows:

(1) If a personal representative who has acquired nonintervention powers does not apply to the court for either of the final decrees provided for in RCW 11.68.100 as now or hereafter amended, the personal representative shall, when the administration of the estate has been completed, file a declaration of completion of probate that must state as follows:

(a) The date of the decedent's death and the decedent's residence at the time of death;

(b) Whether or not the decedent died testate or intestate;

(c) If the decedent died testate, the date of the decedent's last will and testament and the date of the order probating the will;

(d) That each creditor's claim which was justly due and properly presented as required by law has been paid or otherwise disposed of by agreement with the creditor, and that the amount of estate taxes due as the result of the decedent's death has been determined, settled, and paid;

(e) That the personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed;

(f) ~~((If the decedent died intestate,))~~ The names ~~((;))~~ and addresses (if known) ~~((; and relationship))~~ of each heir, legatee, and devisee of the decedent to whom the personal representative is required to give

notice as provided in this section, and if the decedent died intestate, the relationship of each heir to the decedent, together with the distributive share of each heir; and

(g) The amount of fees paid or to be paid to each of the following: (i) Personal representative or representatives; (ii) lawyer or lawyers; (iii) appraiser or appraisers; and (iv) accountant or accountants; and that the personal representative believes the fees to be reasonable and does not intend to obtain court approval of the amount of the fees or to submit an estate accounting to the court for approval.

(2) ((Subject to the requirement of notice as provided in this section, unless an heir, devisee, or legatee of a decedent petitions the court either for an order requiring the personal representative to obtain court approval of the amount of fees paid or to be paid to the personal representative, lawyers, appraisers, or accountants, or for an order requiring an accounting, or both, within thirty days from the date of filing a declaration of completion of probate, the personal representative will be automatically discharged without further order of the court and the representative's powers will cease thirty days after the filing of the declaration of completion of probate, and the declaration of completion of probate shall, at that time, be the equivalent of the entry of a decree of distribution in accordance with chapter 11.76 RCW for all legal intents and purposes.

—(3)) Within five days of the date of the filing of the declaration of completion, the personal representative or the personal representative's lawyer shall mail a copy of the declaration of completion to each heir, legatee, or devisee of the decedent, who: (a) Has not waived notice of the filing, in writing, filed in the cause; and (b) either has not received the full amount of the distribution to which the heir, legatee, or devisee is entitled or has a property right that might be affected adversely by the discharge of the personal representative under this section, together with a notice ~~((which shall be))~~ in substantially ((as follows)) the following form:

CAPTION NOTICE OF FILING OF
OF
CASE DECLARATION OF COMPLETION

OF PROBATE

NOTICE IS GIVEN that the attached Declaration of Completion of Probate was filed by the undersigned in the above-entitled court on the day of , ~~((49:))~~ 20 ~~((unless)).~~ You ((shall)) have thirty days after the date of the filing of the Declaration of Completion of Probate to file a petition in the above-entitled court requesting the court to approve the reasonableness of the fees, or for an accounting, or both((and)).

If you file a petition with the court, you must serve a copy ((thereof upon)) of the petition on the personal representative or the personal representative's lawyer, and on each heir, legatee, and devisee, who was given a copy of this Declaration of Completion of Probate by the personal representative. You may serve a copy of the petition by first-class mail or personal service.

If you file a petition with the court, you must request the court to set a time and place for a hearing on your petition. At least ten days before the hearing on your petition, you must provide notice of the hearing time and place to the personal representative or the personal representative's lawyer, and on each heir, legatee, and devisee, who was given a copy of this Declaration of Completion of Probate by the personal representative. You may serve a copy of the notice by first-class mail or personal service.

You must file proof of service of your petition and the notice of the hearing time and place. Proof of service must

be filed with the court within thirty-five days after the date of the filing of the Declaration of Completion of Probate.

If you do not file a petition with the court within thirty days after the date of the filing((:)) of the Declaration of Completion of Probate, or if you file a petition but fail to follow the procedures outlined in this notice, the following will occur:

(1) The amount of fees paid or to be paid will be deemed reasonable((:));

(2) The acts of the personal representative will be ~~((deemed))~~ approved((:));

(3) The personal representative's powers will cease;

(4) The personal representative will be automatically discharged ~~((without further order of the court.))~~ as provided in RCW 11.68.110; and

(5) The Declaration of Completion of Probate will be final and deemed the equivalent of a Decree of Distribution entered under chapter 11.76 RCW for all legal intents and purposes.

~~((If you file and serve a petition within the period specified, the undersigned will request the court to fix a time and place for the hearing of your petition, and you will be notified of the time and place thereof, by mail, or personal service, not less than ten days before the hearing on the petition.))~~

Dated this day of , ~~((49:))~~ 20 . .

Personal Representative

~~((4))~~ (3) If all heirs, devisees, and legatees of the decedent entitled to notice under this section waive ~~((in writing,))~~ the notice required by this section and such waivers are filed in writing with the court, the personal representative will be ~~((automatically))~~ discharged ~~((without further order of the court and the declaration of completion of probate will become effective as a decree of distribution upon the date of filing thereof))~~ as provided in subsection (4) of this section.

(4)(a) Except as provided in (b) of this subsection, thirty days after the date of the filing of the declaration of completion of probate under this section the following will occur:

(i) The amount of fees paid or to be paid will be deemed reasonable;

(ii) The acts of the personal representative will be approved;

(iii) The personal representative's powers will cease;

(iv) The personal representative will be automatically discharged as provided in RCW 11.68.110; and

(v) The declaration of completion of probate will be final and deemed the equivalent of a decree of distribution entered under chapter 11.76 RCW for all legal intents and purposes.

(b) If a petition requesting the court to approve the reasonableness of fees, or for an accounting, or both, is filed within thirty days after the date of the filing of the declaration of completion of probate, the petitioner must follow the procedures under subsection (5) of this section.

(5)(a) A petitioner requesting the court to approve the reasonableness of fees, or for an accounting, or both, must:

(i) File a petition with the court within thirty days after the date of the filing of the declaration of completion of probate;

(ii) Serve a copy of the petition, by first-class mail or personal service, on the personal representative or the personal representative's lawyer, and on each heir, legatee, and devisee, who was given a copy of the declaration of completion of probate by the personal representative;

showing how the reserve was in fact distributed, unless a person with an interest in the reserve petitions the court earlier within the thirty-day period for an order requiring an accounting of the reserve or an order determining the reasonableness, or lack of reasonableness, of distributions made from the reserve.

(3)(a) Except as provided in (b) of this subsection, thirty days after the date of the filing of the declaration of completion of probate under this section the following will occur:

(i) The amount of fees paid or to be paid as set forth in the declaration of completion of probate will be deemed reasonable;

(ii) The acts that the personal representative performed before the declaration of completion of probate was filed will be approved, and the personal representative will be automatically discharged with respect to all such acts;

(iii) The personal representative will retain the power to deal with the taxing authorities, hold reserve funds for the determination and payment of all remaining tax obligations and expenses associated with such settlement, and distribute any reserve that remains after the settlement of any tax liability; and

(iv) The declaration of completion of probate will be final and deemed the equivalent of a decree of distribution entered under chapter 11.76 RCW for all legal intents and purposes.

(b) If a petition requesting the court to approve the reasonableness of fees, or for an accounting, or both, is filed within thirty days after the date of the filing of the declaration of completion of probate, the petitioner must follow the procedures under subsection (4) of this section.

(4)(a) A petitioner requesting the court to approve the reasonableness of fees, or for an accounting, or both, must:

(i) File the petition with the court within thirty days after the date of the filing of the declaration of completion of probate;

(ii) Serve a copy of the petition, by first-class mail or personal service, on the personal representative or the personal representative's lawyer, and on each heir, legatee, and devisee, who was given a copy of the declaration of completion of probate by the personal representative;

(iii) Request the court to set a time and place for a hearing on the petition;

(iv) At least ten days before the hearing, provide notice of the hearing time and place, by first-class mail or personal service, on the personal representative or the personal representative's lawyer, and on each heir, legatee, and devisee, who was given a copy of the declaration of completion of probate by the personal representative; and

(v) File proof of service of the petition and the notice of the hearing time and place within thirty-five days after the date of the filing of the declaration of completion of probate.

(b) If the petitioner fails to follow the requirements of (a) of this subsection, the following will occur:

(i) The amount of fees paid or to be paid as set forth in the declaration of completion of probate will be deemed reasonable;

(ii) The acts that the personal representative performed before the declaration of completion of probate was filed will be approved, and the personal representative will be automatically discharged with respect to all such acts;

(iii) The personal representative will retain the power to deal with the taxing authorities, hold reserve funds for the determination and payment of all remaining tax obligations and expenses associated with such settlement, and distribute any reserve that remains after the settlement of any tax liability; and

(iv) The declaration of completion of probate will be final and deemed the equivalent of a decree of distribution entered under chapter 11.76 RCW for all legal intents and purposes.

(5) If the personal representative has been required to furnish a bond, any bond furnished by the personal representative is

automatically discharged upon the final discharge of the personal representative."

Correct the title.

Strike everything after the enacting clause and insert the following:

"Sec. 10. RCW 11.68.110 and 1998 c 292 s 202 are each amended to read as follows:

(1) If a personal representative who has acquired nonintervention powers does not apply to the court for either of the final decrees provided for in RCW 11.68.100 as now or hereafter amended, the personal representative shall, when the administration of the estate has been completed, file a declaration that must state as follows:

(a) The date of the decedent's death and the decedent's residence at the time of death;

(b) Whether or not the decedent died testate or intestate;

(c) If the decedent died testate, the date of the decedent's last will and testament and the date of the order probating the will;

(d) That each creditor's claim which was justly due and properly presented as required by law has been paid or otherwise disposed of by agreement with the creditor, and that the amount of estate taxes due as the result of the decedent's death has been determined, settled, and paid;

(e) That the personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed;

(f) If the decedent died intestate, the names, addresses (if known), and relationship of each heir of the decedent, together with the distributive share of each heir; and

(g) The amount of fees paid or to be paid to each of the following: (i) Personal representative or representatives; (ii) lawyer or lawyers; (iii) appraiser or appraisers; and (iv) accountant or accountants; and that the personal representative believes the fees to be reasonable and does not intend to obtain court approval of the amount of the fees or to submit an estate accounting to the court for approval.

(2) Subject to the requirement of notice as provided in this section, unless an heir, devisee, or legatee of a decedent petitions the court either for an order requiring the personal representative to obtain court approval of the amount of fees paid or to be paid to the personal representative, lawyers, appraisers, or accountants, or for an order requiring an accounting, or both, within thirty days from the date of filing a declaration of completion of probate, the personal representative will be automatically discharged without further order of the court and the representative's powers will cease thirty days after the filing of the declaration of completion of probate, and the declaration of completion of probate shall, at that time, be the equivalent of the entry of a decree of distribution in accordance with chapter 11.76 RCW for all legal intents and purposes.

(3) Within five days of the date of the filing of the declaration of completion, the personal representative or the personal representative's lawyer shall mail a copy of the declaration of completion to each heir, legatee, or devisee of the decedent, who: (a) Has not waived notice of the filing, in writing, filed in the cause; and (b) either has not received the full amount of the distribution to which the heir, legatee, or devisee is entitled or has a property right that might be affected adversely by the discharge of the personal representative under this section, together with a notice which shall be substantially as follows:

CAPTION	NOTICE OF FILING OF
OF	OF
CASE	DECLARATION OF COMPLETION
	OF PROBATE

NOTICE IS GIVEN that the attached Declaration of Completion of Probate was filed by the undersigned in the above-entitled court on the day of, (~~19~~) 20 . . ; unless you shall file a petition in the above-entitled court requesting the court to approve the reasonableness of the fees, or for an accounting, or both, and serve a copy thereof upon the personal representative or the personal representative's lawyer, and each heir, legatee, and devisee to whom the personal representative sent a copy of this Declaration of Completion of Probate, within thirty days after the date of the filing, the amount of fees paid or to be paid will be deemed reasonable, the acts of the personal representative will be deemed approved, the personal representative will be automatically discharged without further order of the court, and the Declaration of Completion of Probate will be final and deemed the equivalent of a Decree of Distribution entered under chapter 11.76 RCW.

If you file and serve a petition within the period specified, (~~the undersigned will~~) you must request the court to fix a time and place for the hearing of your petition, and you (~~will be notified~~) must provide notice of the time and place thereof to the personal representative or the personal representative's lawyer, and to each heir, legatee, and devisee to whom the personal representative sent a copy of this Declaration of Completion of Probate, by mail(;) or personal service, not less than ten days before the hearing on the petition.

If you file and serve a petition but do not provide notice of the hearing time and place, the acts of the personal representative will be deemed approved, and the personal representative will be automatically discharged as provided in RCW 11.68.110.

Dated this day of, (~~19~~) 20 . .

Personal Representative

(4) If all heirs, devisees, and legatees of the decedent entitled to notice under this section waive, in writing, the notice required by this section, the personal representative will be automatically discharged without further order of the court and the declaration of completion of probate will become effective as a decree of distribution upon the date of filing thereof. In those instances where the personal representative has been required to furnish bond, and a declaration of completion is filed pursuant to this section, any bond furnished by the personal representative shall be automatically discharged upon the discharge of the personal representative.

Sec. 11. RCW 11.68.114 and 1998 c 292 s 203 are each amended to read as follows:

(1) The personal representative retains the powers to: Deal with the taxing authority of any federal, state, or local government; hold a reserve in an amount not to exceed three thousand dollars, for the determination and payment of any additional taxes, interest, and penalties, and of all reasonable expenses related directly or indirectly to such determination or payment; pay from the reserve the reasonable expenses, including compensation for services rendered or goods provided by the personal representative or by the personal representative's employees, independent contractors, and other agents, in addition to any taxes, interest, or penalties assessed by a taxing authority; receive and hold any credit, including interest, from any taxing authority; and distribute the residue of the reserve to the intended beneficiaries of the reserve; if:

(a) In lieu of the statement set forth in RCW 11.68.110(1)(e), the declaration of completion of probate states that:

The personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed, except for the determination of taxes and of interest and penalties thereon as permitted under this section; and

(b) The notice of the filing of declaration of completion of probate must be in substantially the following form:

CAPTION
NOTICE OF FILING OF
OF
DECLARATION OF COMPLETION
CASE
PROBATE OF

NOTICE IS GIVEN that the attached Declaration of Completion of Probate was filed by the undersigned in the above-entitled court on the day of,; unless you file a petition in the above-entitled court requesting the court to approve the reasonableness of the fees, or for an accounting, or both, and serve a copy thereof upon the personal representative or the personal representative's lawyer, and each heir, legatee, and devisee to whom the personal representative sent a copy of this Declaration of Completion of Probate, within thirty days after the date of the filing:

- (i) The schedule of fees set forth in the Declaration of Completion of Probate will be deemed reasonable;
- (ii) The Declaration of Completion of Probate will be final and deemed

the equivalent of a Decree of Distribution entered under chapter 11.76 RCW;

(iii) The acts that the personal representative performed before the Declaration of Completion of Probate was filed will be deemed approved, and the personal representative will be automatically discharged without further order of the court with respect to all such acts; and

(iv) The personal representative will retain the power to deal with the taxing authorities, together with \$. . . . for the determination and payment of all remaining tax obligations. Only that portion of the reserve that remains after the settlement of any tax liability, and the payment of any expenses associated with such settlement, will be distributed to the persons legally entitled to the reserve.

(2) If the requirements in subsection (1) of this section are met, the personal representative is discharged from all claims other than those relating to the settlement of any tax obligations and the actual distribution of the reserve, at the effective date of the declaration of completion. The personal representative is discharged from liability from the settlement of any tax obligations and the distribution of the reserve, and the personal representative's powers cease, thirty days after the personal representative has mailed to those persons who would have shared in the distribution of the reserve had the reserve remained intact and has filed with the court copies of checks or receipts showing how the reserve was in fact distributed, unless a person with an interest in the reserve petitions the court earlier within the thirty-day period for an order requiring an accounting of the reserve or an order determining the reasonableness, or lack of reasonableness, of distributions made from the reserve. If the personal representative has been required to furnish a bond, any bond furnished by the personal

representative is automatically discharged upon the final discharge of the personal representative."

Correct the title.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 22, 2010

SSB 5548 Prime Sponsor, Committee on Transportation: Expanding certain public facilities eligible to be credited against the imposition of impact fees. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan and Short.

Passed to Committee on Rules for second reading.

February 22, 2010

ESSB 5704 Prime Sponsor, Committee on Government Operations & Elections: Concerning creation of a flood district by three or more counties. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 12. RCW 85.38.090 and 1991 c 349 s 12 are each amended to read as follows:

(1) Whenever the governing body of a special district has more than three members, the governing body shall be reduced to three members as of January 1, 1986, by eliminating the positions of those district governing body members with the shortest remaining terms of office. The remaining three governing body members shall have staggered terms with the one having the shortest remaining term having his or her position filled at the 1987 special district general election, the one with the next shortest remaining term having his or her position filled at the 1989 special district general election, and the one with the longest remaining term having his or her position filled at the 1992 special district general election. If any of these remaining three governing body members have identical remaining terms of office, the newly calculated remaining terms of these persons shall be determined by lot with the county auditor who assists the special district in its elections managing such lot procedure. The newly established terms shall be recorded by the county auditor.

(2) However, whenever five or more special districts have consolidated under chapter 85.36 RCW and the consolidated district has five members in its governing body on July 28, 1985, the consolidated district may adopt a resolution retaining a five-member governing body. At any time thereafter, such a district may adopt a resolution and reduce the size of the governing body to three members with the reduction occurring as provided in subsection (1) of this section, but the years of the effective dates shall be extended so that the reduction occurs at the next January 1st occurring after the date of the adoption of the resolution. Whenever a special district is

so governed by a five-member governing body, two members shall be elected at each of two consecutive special district general elections, and one member shall be elected at the following special district general election, each to serve a six-year staggered term.

(3) Nothing in this section permits the governing body of a flood control district that is subject to section 2 of this act to reduce the size of its governing body.

NEW SECTION. Sec. 13. A new section is added to chapter 85.38 RCW to read as follows:

The following provisions apply to the governing bodies of flood control districts that, upon creation, have territory in three or more counties:

(1) The governing body shall include one member from each county with territory in the district, and two additional members selected as provided by this section. No more than two governing members may be from the same county.

(2) The initial members of the governing body must be chosen by each county legislative authority within which the district resides, with each county choosing one member, and the two counties with the largest populations within the district choosing one additional member each. The initial governing body members shall serve until their successors are elected and qualified at the next special district general election.

(3) At this first election, the members receiving the two greatest number of votes shall serve six-year terms, the members receiving the third and fourth greatest number of votes shall serve four-year terms, and the remaining members shall serve two-year terms of office.

(4) The requirements for the filing period, method for filing declarations of candidacy, and the arrangement of candidate names on the ballot for all special district general elections conducted after the initial election in the district shall be the same as the requirements for the initial election in the district. No primary elections may be held for the governing body of a flood control district that, upon creation, has territory in three or more counties.

(5) A vacancy occurs upon the death, resignation, or incapacity of a governing body member, or whenever the governing body member ceases to be a registered voter of the district.

(6)(a) Whenever a vacancy occurs in the governing body, the legislative authority of the county within which the largest geographic portion of the district is located shall appoint a registered voter to serve until a person is elected, at the next special district general election occurring sixty or more days after the vacancy has occurred, to serve the remainder of the unexpired term. The person so elected shall take office immediately when qualified as defined in RCW 29A.04.133.

(b) If an election for the position that became vacant would otherwise have been held at this special district general election, only one election shall be held and the person elected to fill the succeeding term for that position shall take office immediately when qualified as defined in RCW 29A.04.133 and shall serve both the remainder of the unexpired term and the succeeding term.

(7) An elected or appointed member of the governing body, or a candidate for the governing body, must be a registered voter of the flood control district who has resided within the district for period of not less than thirty days before the election. In accordance with RCW 85.38.127, land ownership is not a requirement for serving on the governing body of the district."

Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Short; Springer; Uptegrove; White and Williams.

Passed to Committee on Rules for second reading.

2ESSB 5742 Prime Sponsor, Committee on Human Services & Corrections: Concerning crime-free rental housing. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 14. The legislature finds that local governments, landlords, and tenants working together to provide crime-free rental housing is beneficial to the public health, safety, and welfare. The legislature is also concerned about activities and provisions that serve to bar a person with a criminal history from obtaining viable housing regardless of other factors that may indicate rental stability, such as employment, rental references, or time in the community with no further criminal activity. It is therefore the intent of this act to provide certain requirements that a local government must follow in adopting a crime-free rental housing program.

NEW SECTION. Sec. 15. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Crime-free rental housing program" means a crime prevention program designed to reduce crime, drugs, and gangs on rental housing premises under the supervision of the local police department or a crime prevention officer. The program may include, but is not limited to: Property management and crime prevention training classes; crime prevention through environmental design surveys; and community awareness training.

(2) "Criminal activity" means a criminal act defined by statute or ordinance that threatens the health, safety, or welfare of the tenants, owner, guests, occupants, or property manager.

(3) "Local government" means any city, code city, town, or county.

(4) "Premises" has the same meaning as in RCW 59.18.030.

(5) "Rental housing" means any tenancy subject to chapter 59.12, 59.18, or 59.20 RCW.

NEW SECTION. Sec. 16. (1)(a) Except as provided in (b) of this subsection, a local government may adopt and implement a crime-free rental housing program within its jurisdiction in accordance with this chapter.

(b) A crime-free rental housing program adopted and implemented by a county is applicable only to unincorporated areas of the county.

(2) Except as provided in subsection (3) of this section, a crime-free rental housing program must be voluntary.

(3) A local government may require a landlord to participate in a crime-free rental housing program upon exceeding a reasonable threshold of instances of criminal activity on the premises if the landlord has not made a good faith effort to deter the criminal activity.

(b) A good faith effort may include, but is not limited to:

(i) Service of notice on the tenant to comply or quit as allowed by law or the commencement of an unlawful detainer action against the tenant; and

(ii) Attendance and completion of a landlord training program approved by the local government.

(4)(a) As a prerequisite to subsection (3) of this section, upon the occurrence of criminal activity on the premises, the local police department must send a notice to the landlord setting forth the following:

(i) The date and location of the occurrence;

(ii) The nature of the occurrence; and

(iii) The name of the person who engaged in the occurrence.

(b) Notice is deemed properly delivered when it is either served upon the landlord or a property manager of the rental property, or is delivered by first-class mail to the last known address of the landlord.

(5) This section does not prevent a local government from charging a fee for participation in a crime-free rental housing program.

(6) This section does not affect a local government's authority to enforce existing law in regard to rental housing, except in regard to a crime-free rental housing program.

NEW SECTION. Sec. 17. A crime-free rental housing program may not prohibit a landlord from hiring or renting to a person solely because of the person's criminal history.

NEW SECTION. Sec. 18. (1) Except as provided in subsection (2) of this section, this chapter supersedes and preempts all rules, regulations, codes, statutes, or ordinances of all local governments regarding the same subject matter. The state preemption created in this section applies to all rules, regulations, codes, statutes, and ordinances pertaining to crime-free rental housing programs at any time.

(2) Section 3 of this act does not apply to rules, regulations, codes, statutes, or ordinances adopted by local governments prior to July 1, 2010, except as required by an order issued by a court of competent jurisdiction pursuant to litigation regarding the rules, regulations, codes, statutes, or ordinances.

NEW SECTION. Sec. 19. Sections 1 through 5 of this act constitute a new chapter in Title 35 RCW."

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Roberts; Ross and Warnick.

MINORITY recommendation: Do not pass. Signed by Representative Ormsby.

Passed to Committee on Rules for second reading.

February 22, 2010

ESSB 5902 Prime Sponsor, Committee on Ways & Means: Promoting accessible communities for persons with disabilities. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 20. The legislature finds that when people who have disabilities are welcomed and included as members of our communities and provided with equal access to the opportunities available to others, their participation enriches those communities, enhances the strength of those communities' diversity, and contributes toward the economic vitality of those communities. The legislature further finds that more than nine hundred thousand Washington state residents with disabilities continue to face barriers to full participation that could be easily eliminated.

NEW SECTION. Sec. 21. (1) The accessible communities account is created in the custody of the state treasurer. Two hundred dollars from each full penalty imposed under RCW 46.16.381 (7), (8), and (9) must be deposited into the account. When a reduced penalty is imposed under RCW 46.16.381 (7), (8) and (9), the amount deposited in the accessible communities account shall be reduced proportionally.

(2) The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Only the commissioner may authorize expenditures from the account.

(3) Expenditures from the account may be used for promoting greater awareness of disability issues and improved access for and

inclusion and acceptance of persons with disabilities in communities in the state of Washington, including:

(a) Reimbursing travel, per diem, and reasonable accommodation for county accessible community advisory committee meetings and committee sponsored activities including, but not limited to, supporting the involvement of people with disabilities and disability organization in emergency planning and emergency preparedness activities;

(b) Establishing and maintaining an accessible communities web site;

(c) Providing training or technical assistance for county accessible community advisory committees;

(d) A grant program for funding proposals developed and submitted by county accessible community advisory committees to promote greater awareness of disability issues and acceptance, inclusion, and access for persons with disabilities within the community;

(e) Reimbursing the state agency that provides administrative support to the governor's committee on disability issues and employment for costs associated with implementing this act; and

(f) Programming changes to the judicial information system accounting module required for disbursement of funds to this account.

NEW SECTION. Sec. 22. A new section is added to chapter 50.40 RCW to read as follows:

(1) To the extent allowed by funds available from the accessible communities account created in section 2 of this act, the governor's committee on disability issues and employment shall:

(a) Determine eligibility of accessible community advisory committees for reimbursement or for grant funding according to section 4 of this act; and

(b) Solicit proposals from active accessible community advisory committees for projects to improve disability awareness and access for persons with disabilities, and shall select projects for funding from moneys available in the accessible communities account.

(2) The commissioner shall adopt rules to administer this section.

(3) To the extent allowed by funds available from the accessible communities account created in section 2 of this act, the governor's committee on disability issues and employment shall establish an accessible communities web site to provide the following information: Guidance, technical assistance, reference materials, and resource identification for local governments, accessible community advisory committees, and public accommodations; examples of best practices for local initiatives and activities to promote greater awareness of disability issues and access for persons with disabilities within the community; and a searchable listing of local public accommodations that have taken steps to be more disability friendly, including information on the specific access features provided.

NEW SECTION. Sec. 23. A new section is added to chapter 36.01 RCW to read as follows:

(1) A county has the option to expand the scope of an advisory committee established and maintained under RCW 29A.46.260 to that of an accessible community advisory committee, or to create an accessible community advisory committee.

(2) A county that has an active accessible community advisory committee may be reimbursed within available funds from the accessible communities account created in section 2 of this act for travel, per diem, and reasonable accommodation expenses for the participation of that committee's members in committee meetings and sponsored activities.

(3) A county establishes that it has an active accessible community advisory committee by submitting biennial assurances to the governor's committee on disability issues and employment that:

(a) The decision to establish an accessible community advisory committee was made by the county legislative authority, or by agents or officers acting under that authority.

(b) If an accessible community advisory committee is established by expanding the advisory committee established and maintained under RCW 29A.46.260, the county auditor supports that expansion.

(c) Committee members include persons with a diverse range of disabilities who are knowledgeable in identifying and eliminating attitudinal, programmatic, communication, and physical barriers encountered by persons with disabilities.

(d) The committee is actively involved in the following activities: Advising on addressing the needs of persons with disabilities in emergency plans; advising the county and other local governments within the county on access to programs services and activities, new construction or renovation projects, sidewalks, other pedestrian routes of travel, and disability parking enforcement; and developing local initiatives and activities to promote greater awareness of disability issues, and acceptance, involvement, and access for persons with disabilities within the community.

(4) Counties may form joint accessible community advisory committees, as long as no more than one of the participating counties has a population greater than seventy thousand.

Sec. 24. RCW 29A.46.260 and 2006 c 207 s 7 are each amended to read as follows:

(1) The legislature finds that the elimination of polling places resulting from the transition to vote by mail creates barriers that restrict the ability of many voters with disabilities from achieving the independence and privacy in voting provided by the accessible voting devices required under the help America vote act. Counties adopting a vote by mail system must take appropriate steps to mitigate these impacts and to address the obligation to provide voters with disabilities an equal opportunity to vote independently and privately, to the extent that this can be achieved without incurring undue administrative and financial burden.

(2) Each county shall establish and maintain an advisory committee that includes persons with diverse disabilities and persons with expertise in providing accommodations for persons with disabilities. The committee shall assist election officials in developing a plan to identify and implement changes to improve the accessibility of elections for voters with disabilities. The plan shall include recommendations for the following:

(a) The number of polling places that will be maintained in order to ensure that people with disabilities have reasonable access to accessible voting devices, and a written explanation for how the determination was made;

(b) The locations of polling places, drop-off facilities, voting centers, and other election-related functions necessary to maximize accessibility to persons with disabilities;

(c) Outreach to voters with disabilities on the availability of disability accommodation, including in-person disability access voting;

(d) Transportation of voting devices to locations convenient for voters with disabilities in order to ensure reasonable access for voters with disabilities; and

(e) Implementation of the provisions of the help America vote act related to persons with disabilities.

Counties must update the plan at least annually. The election review staff of the secretary of state shall review and evaluate the plan in conformance with the review procedure identified in RCW 29A.04.570.

(3) Counties may form a joint advisory committee to develop the plan identified in subsection (2) of this section if ~~((the total population of the joining counties does not exceed thirty thousand, and the counties are geographically adjacent))~~ no more than one of the participating counties has a population greater than seventy thousand.

Sec. 25. RCW 46.16.381 and 2007 c 262 s 1 and 2007 c 44 s 1 are each reenacted and amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk or involves acute sensitivity to light and meets one of the following criteria, as determined by a licensed physician, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, or a physician assistant licensed under chapter 18.71A or 18.57A RCW:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;

(c) Has such a severe disability, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) Uses portable oxygen;

(e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association;

(g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician, advanced registered nurse practitioner, or physician assistant of the applicant shall document that the disability is comparable in severity to the others listed in this subsection;

(h) Is legally blind and has limited mobility; or

(i) Is restricted by a form of porphyria to the extent that the applicant would significantly benefit from a decrease in exposure to light.

(2) The applications for parking permits for persons with disabilities and parking permits for persons with temporary disabilities are official state documents. Knowingly providing false information in conjunction with the application is a gross misdemeanor punishable under chapter 9A.20 RCW. The following statement must appear on each application form immediately below the physician's, advanced registered nurse practitioner's, or physician assistant's signature and immediately below the applicant's signature: "A parking permit for a person with disabilities may be issued only for a medical necessity that severely affects mobility or involves acute sensitivity to light (RCW 46.16.381). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both."

(3) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and an individual serial number, along with a special identification card bearing the name and date of birth of the person to whom the placard is issued, and the placard's serial number. The special identification card shall be issued to all persons who are issued parking placards, including those issued for temporary disabilities, and special parking license plates for persons with disabilities. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the person with disabilities. Instead of regular motor vehicle license plates, persons with disabilities are entitled to receive special license plates under this section or RCW 46.16.385 bearing the international symbol of access for one vehicle registered in the name of the person with disabilities. Persons with disabilities who are not issued the special license plates are entitled to receive a second special placard upon submitting a written request to the department. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a vehicle displaying the placard or

special license plates issued under this section or RCW 46.16.385 may park in places reserved for persons with physical disabilities. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabalances that regularly transport persons with disabilities who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding home, senior citizen center, private nonprofit agency, or cabulance service if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(4) Whenever the person with disabilities transfers or assigns his or her interest in the vehicle, the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the person with disabilities and the vehicle owner qualifies for a special plate, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the person with disabilities, the removed plate shall be immediately surrendered to the director.

(5) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to exceed six months. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the person's physician. The permanent parking placard and identification card of a person with disabilities shall be renewed at least every five years, as required by the director, by satisfactory proof of the right to continued use of the privileges. In the event of the permit holder's death, the parking placard and identification card must be immediately surrendered to the department. The department shall match and purge its database of parking permits issued to persons with disabilities with available death record information at least every twelve months.

(6) Additional fees shall not be charged for the issuance of the special placards or the identification cards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

(7) Any unauthorized use of the special placard, special license plate issued under this section or RCW 46.16.385, or identification card is a ~~((traffic))~~ parking infraction with a monetary penalty of ~~((two))~~ four hundred fifty dollars.

(8) It is a parking infraction, with a monetary penalty of ~~((two))~~ four hundred fifty dollars for a person to park in, block, or otherwise make inaccessible the access aisle located next to a space reserved for persons with physical disabilities. The Clerk of the court shall report all violations related to this subsection to the department.

(9) It is a parking infraction, with a monetary penalty of ~~((two))~~ four hundred fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for persons with physical disabilities without a placard or special license plate issued under this section or RCW 46.16.385. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the placard or special license plate issued under this section or RCW 46.16.385 required under this

section. A local jurisdiction providing nonmetered, on-street parking places reserved for persons with physical disabilities may impose by ordinance time restrictions of no less than four hours on the use of these parking places. A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards or special license plates issued under this section or RCW 46.16.385. All time restrictions must be clearly posted.

(10) ~~((The penalties))~~ Two hundred dollars from each full penalty imposed under subsections (7), (8), and (9) of this section shall be deposited in the accessible communities account created in section 2 of this act. When a reduced penalty is imposed under subsections (7), (8), and (9) of this section, the amount deposited in the accessible communities account shall be reduced proportionally. The remaining penalty amounts shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

(11) Except as provided by subsection (2) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate issued under this section or RCW 46.16.385, placard, or identification card in a manner other than that established under this section.

(12)(a) A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of this section or RCW 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications the agency deems desirable.

(b) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(c) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(d) A police officer or a volunteer may request a person to show the person's identification card or special parking placard when investigating the possibility of a violation of this section. If the request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

(13) For second or subsequent violations of this section, in addition to a monetary fine, the violator must complete a minimum of forty hours of:

(a) Community restitution for a nonprofit organization that serves persons having disabilities or disabling diseases; or

(b) Any other community restitution that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

(14) The court may not suspend more than one-half of any fine imposed under subsection (7), (8), (9), or (11) of this section.

(15) For the purposes of this section, "legally blind" means a person who: (a) Has no vision or whose vision with corrective lenses is so limited that the individual requires alternative methods or skills to do efficiently those things that are ordinarily done with sight by individuals with normal vision; or (b) has an eye condition of a progressive nature which may lead to blindness.

Sec. 26. RCW 43.79A.040 and 2009 c 87 s 4 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the accessible communities account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Correct the title.

Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Referred to Committee on Ways & Means.

February 22, 2010

SSB 6192

Prime Sponsor, Committee on Human Services & Corrections: Providing for modification of the disposition concerning restitution in juvenile cases. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 27. RCW 13.40.190 and 2004 c 120 s 6 are each amended to read as follows:

(1)(a) In its dispositional order, the court shall require the respondent to make restitution to any persons who have suffered loss or damage as a result of the offense committed by the respondent. In addition, restitution may be ordered for loss or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which, pursuant to a plea agreement, are not prosecuted.

(b) Restitution may include the costs of counseling reasonably related to the offense.

(c) The payment of restitution shall be in addition to any punishment which is imposed pursuant to the other provisions of this chapter.

(d) The court may determine the amount, terms, and conditions of the restitution including a payment plan extending up to ten years if the court determines that the respondent does not have the means to make full restitution over a shorter period. ~~((Restitution may include the costs of counseling reasonably related to the offense.))~~ For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday and, during this period, the restitution portion of the dispositional order may be modified as to amount, terms, and conditions at any time. Prior to the expiration of the ten-year period, the juvenile court may extend the judgment for the payment of restitution for an additional ten years. If the court grants a respondent's petition pursuant to RCW 13.50.050(11), the court's jurisdiction under this subsection shall terminate.

(e) Nothing in this section shall prevent a respondent from petitioning the court pursuant to RCW 13.50.050(11) if the respondent has paid the full restitution amount stated in the court's order and has met the statutory criteria.

(f) If the respondent participated in the crime with another person or other persons, all such participants shall be jointly and severally responsible for the payment of restitution. ~~((For the purposes of this section, the respondent shall remain under the court's jurisdiction for a maximum term of ten years after the respondent's eighteenth birthday. Prior to the expiration of the ten-year period, the juvenile court may extend the judgment for the payment of restitution for an additional ten years.))~~

(g) At any time, the court may determine that the respondent is not required to pay, or may relieve the respondent of the requirement to pay, full or partial restitution to any insurance provider authorized under Title 48 RCW if the respondent reasonably satisfies the court that he or she does not have the means to make full or partial restitution to the insurance provider and could not reasonably acquire the means to pay the insurance provider the restitution over a ten-year period.

(2) Regardless of the provisions of subsection (1) of this section, the court shall order restitution in all cases where the victim is entitled to benefits under the crime victims' compensation act, chapter 7.68 RCW. If the court does not order restitution and the victim of the

crime has been determined to be entitled to benefits under the crime victims' compensation act, the department of labor and industries, as administrator of the crime victims' compensation program, may petition the court within one year of entry of the disposition order for entry of a restitution order. Upon receipt of a petition from the department of labor and industries, the court shall hold a restitution hearing and shall enter a restitution order.

(3) If an order includes restitution as one of the monetary assessments, the county Clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments.

(4) For purposes of this section, "victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the offense charged. "Victim" may also include a known parent or guardian of a victim who is a minor child or is not a minor child but is incapacitated, incompetent, disabled, or deceased.

(5) A respondent under obligation to pay restitution may petition the court for modification of the restitution order."

Correct the title.

Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Herrera and Walsh.

Passed to Committee on Rules for second reading.

February 22, 2010
SSB 6214 Prime Sponsor, Committee on Government Operations & Elections: Restructuring three growth management hearings boards into one board. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 28. RCW 36.70A.110 and 2009 c 342 s 1 and 2009 c 121 s 1 are each reenacted and amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve. As part of this planning process, each city within the county must include areas sufficient to accommodate the broad range of needs and uses that will accompany the projected urban growth including, as appropriate, medical, governmental,

institutional, commercial, service, retail, and other nonresidential uses.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and under this section. Such action may be appealed to the ((appropriate)) growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or

potential annexation areas designated for specific cities or towns within the county.

(8)(a) Except as provided in (b) of this subsection, the expansion of an urban growth area is prohibited into the one hundred year floodplain of any river or river segment that: (i) Is located west of the crest of the Cascade mountains; and (ii) has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.

(b) Subsection (8)(a) of this section does not apply to:

(i) Urban growth areas that are fully contained within a floodplain and lack adjacent buildable areas outside the floodplain;

(ii) Urban growth areas where expansions are precluded outside floodplains because:

(A) Urban governmental services cannot be physically provided to serve areas outside the floodplain; or

(B) Expansions outside the floodplain would require a river or estuary crossing to access the expansion; or

(iii) Urban growth area expansions where:

(A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land to be included in the urban growth area and located within the floodplain; or

(B) Urban development already exists within a floodplain as of July 26, 2009, and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; storm water facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase storm water runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

(c) For the purposes of this subsection (8), "one hundred year floodplain" means the same as "special flood hazard area" as set forth in WAC 173-158-040 as it exists on July 26, 2009.

Sec. 29. RCW 36.70A.130 and 2009 c 479 s 23 are each amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section.

(b) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the time periods specified in subsection (4) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(c) The review and evaluation required by this subsection may be combined with the review required by subsection (3) of this section. The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if

planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management.

(d) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the time periods specified in subsection (4) of this section or in accordance with the provisions of subsections (5) and (8) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;

(ii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iii) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget;

(iv) Until June 30, 2006, the designation of recreational lands under RCW 36.70A.1701. A county amending its comprehensive plan pursuant to this subsection (2)(a)(iv) may not do so more frequently than every eighteen months; and

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.031(2), provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with ((a)) the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, at least every ten years, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(4) The department shall establish a schedule for counties and cities to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter. Except

as provided in subsections (5) and (8) of this section, the schedule established by the department shall provide for the reviews and evaluations to be completed as follows:

(a) On or before December 1, 2004, and every seven years thereafter, for Clallam, Clark, Jefferson, King, Kitsap, Pierce, Snohomish, Thurston, and Whatcom counties and the cities within those counties;

(b) On or before December 1, 2005, and every seven years thereafter, for Cowlitz, Island, Lewis, Mason, San Juan, Skagit, and Skamania counties and the cities within those counties;

(c) On or before December 1, 2006, and every seven years thereafter, for Benton, Chelan, Douglas, Grant, Kittitas, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before December 1, 2007, and every seven years thereafter, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the time limits established in subsection (4) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a schedule established by the department under subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the date established in the applicable schedule: The county has a population of less than fifty thousand and has had its population increase by no more than seventeen percent in the ten years preceding the date established in the applicable schedule as of that date.

(c) A city that is subject to a schedule established by the department under subsection (4)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the thirty-six months following the date established in the applicable schedule: The city has a population of no more than five thousand and has had its population increase by the greater of either no more than one hundred persons or no more than seventeen percent in the ten years preceding the date established in the applicable schedule as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(6) A county or city subject to the time periods in subsection (4)(a) of this section that, pursuant to an ordinance adopted by the county or city establishing a schedule for periodic review of its comprehensive plan and development regulations, has conducted a review and evaluation of its comprehensive plan and development regulations and, on or after January 1, 2001, has taken action in response to that review and evaluation shall be deemed to have conducted the first review required by subsection (4)(a) of this section. Subsequent review and evaluation by the county or city of its comprehensive plan and development regulations shall be conducted in accordance with the time periods established under subsection (4)(a) of this section.

(7) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities: (a) Complying with the schedules in this section; (b) demonstrating substantial progress towards compliance with the schedules in this section for development regulations that protect critical areas; or (c) complying with the extension provisions of subsection (5)(b) or (c) of this section may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70.146 RCW. A county or city that is fewer than twelve months out of compliance with the schedules in this

section for development regulations that protect critical areas is making substantial progress towards compliance. Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8) Except as provided in subsection (5)(b) and (c) of this section:

(a) Counties and cities required to satisfy the requirements of this section according to the schedule established by subsection (4)(b) through (d) of this section may comply with the requirements of this section for development regulations that protect critical areas one year after the dates established in subsection (4)(b) through (d) of this section;

(b) Counties and cities complying with the requirements of this section one year after the dates established in subsection (4)(b) through (d) of this section for development regulations that protect critical areas shall be deemed in compliance with the requirements of this section; and

(c) This subsection (8) applies only to the counties and cities specified in subsection (4)(b) through (d) of this section, and only to the requirements of this section for development regulations that protect critical areas that must be satisfied by December 1, 2005, December 1, 2006, and December 1, 2007.

(9) Notwithstanding subsection (8) of this section and the substantial progress provisions of subsections (7) and (10) of this section, only those counties and cities complying with the schedule in subsection (4) of this section, or the extension provisions of subsection (5)(b) or (c) of this section, may receive preferences for grants, loans, pledges, or financial guarantees under chapter 43.155 or 70.146 RCW.

(10) Until December 1, 2005, and notwithstanding subsection (7) of this section, a county or city subject to the time periods in subsection (4)(a) of this section demonstrating substantial progress towards compliance with the schedules in this section for its comprehensive land use plan and development regulations may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70.146 RCW. A county or city that is fewer than twelve months out of compliance with the schedules in this section for its comprehensive land use plan and development regulations is deemed to be making substantial progress towards compliance.

Sec. 30. RCW 36.70A.172 and 1995 c 347 s 105 are each amended to read as follows:

(1) In designating and protecting critical areas under this chapter, counties and cities shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas. In addition, counties and cities shall give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

(2) If it determines that advice from scientific or other experts is necessary or will be of substantial assistance in reaching its decision, ((a)) the growth management hearings board may retain scientific or other expert advice to assist in reviewing a petition under RCW 36.70A.290 that involves critical areas.

Sec. 31. RCW 36.70A.250 and 1994 c 249 s 29 are each amended to read as follows:

((1)) There are hereby created three growth management hearings boards for the state of Washington. The boards shall be established as follows:

(a) An Eastern Washington board with jurisdictional boundaries including all counties that are required to or choose to plan under RCW 36.70A.040 and are located east of the crest of the Cascade mountains;

(b) A Central Puget Sound board with jurisdictional boundaries including King, Pierce, Snohomish, and Kitsap counties; and

(c) A Western Washington board with jurisdictional boundaries including all counties that are required or choose to plan under RCW 36.70A.040 and are located west of the crest of the Cascade

mountains and are not included in the Central Puget Sound board jurisdictional boundaries. Skamania county, should it be required or choose to plan under RCW 36.70A.040, may elect to be included within the jurisdictional boundaries of either the Western or Eastern board.

~~—(2) Each board shall only hear matters pertaining to the cities and counties located within its jurisdictional boundaries.)~~ (1) A growth management hearings board for the state of Washington is created. The board shall consist of seven members qualified by experience or training in matters pertaining to land use law or land use planning and who have experience in the practical application of those matters. All seven board members shall be appointed by the governor, two each residing respectively in the Central Puget Sound, Eastern Washington, and Western Washington regions, plus one board member residing within the state of Washington. At least three members of the board shall be admitted to practice law in this state, one each residing respectively in the Central Puget Sound, Eastern Washington, and Western Washington regions. At least three members of the board shall have been a city or county elected official, one each residing respectively in the Central Puget Sound, Eastern Washington, and Western Washington regions. After expiration of the terms of board members on the previously existing three growth management hearings boards, no more than four members of the seven-member board may be members of the same major political party. No more than two members at the time of their appointment or during their term may reside in the same county.

(2) Each member of the board shall be appointed for a term of six years. A vacancy shall be filled by appointment by the governor for the unexpired portion of the term in which the vacancy occurs. Members of the previously existing three growth management hearings boards appointed before the effective date of this section shall complete their staggered, six-year terms as members of the growth management hearings board created under subsection (1) of this section. The reduction from nine board members on the previously existing three growth management hearings boards to seven total members on the growth management hearings board shall be made through attrition, voluntary resignation, or retirement.

Sec. 32. RCW 36.70A.260 and 1994 c 249 s 30 are each amended to read as follows:

~~((1) Each growth management hearings board shall consist of three members qualified by experience or training in matters pertaining to land use planning and residing within the jurisdictional boundaries of the applicable board. At least one member of each board must be admitted to practice law in this state and at least one member must have been a city or county elected official. Each board shall be appointed by the governor and not more than two members at the time of appointment or during their term shall be members of the same political party. No more than two members at the time of appointment or during their term shall reside in the same county.~~

(2) Each member of a board shall be appointed for a term of six years. A vacancy shall be filled by appointment by the governor for the unexpired portion of the term in which the vacancy occurs. The terms of the first three members of a board shall be staggered so that one member is appointed to serve until July 1, 1994, one member until July 1, 1996, and one member until July 1, 1998.) (1) Each petition for review that is filed with the growth management hearings board shall be heard and decided by a regional panel of growth management hearings board members. Regional panels shall be constituted as follows:

(a) Central Puget Sound Region. A three-member Central Puget Sound panel shall be selected to hear matters pertaining to cities and counties located within the region comprised of King, Pierce, Snohomish, and Kitsap counties.

(b) Eastern Washington Region. A three-member Eastern Washington panel shall be selected to hear matters pertaining to cities and counties that are required or choose to plan under RCW

36.70A.040 and are located east of the crest of the Cascade mountains.

(c) Western Washington Region. A three-member Western Washington panel shall be selected to hear matters pertaining to cities and counties that are required or choose to plan under RCW 36.70A.040, are located west of the crest of the Cascade mountains, and are not included in the Central Puget Sound Region. Skamania county, if it is required or chooses to plan under RCW 36.70A.040, may elect to be included within either the Western Washington Region or the Eastern Washington Region.

(2)(a) Each regional panel selected to hear and decide cases shall consist of three board members, at least a majority of whom shall reside within the region in which the case arose, unless such members cannot sit on a particular case because of recusal or disqualification, or unless the board administrative officer determines that there is an emergency including, but not limited to, the unavailability of a board member due to illness, absence, vacancy, or significant workload imbalance. The presiding officer of each case shall reside within the region in which the case arose, unless the board administrative officer determines that there is an emergency.

(b) Except as provided otherwise in this subsection (2)(b), each regional panel must: (i) Include one member admitted to practice law in this state; (ii) include one member who has been a city or county elected official; and (iii) reflect the political composition of the board. The requirements of this subsection (2)(b) may be waived by the board administrative officer due to member unavailability, significant workload imbalances, or other reasons.

Sec. 33. RCW 36.70A.270 and 1997 c 429 s 11 are each amended to read as follows:

~~(Each))~~ The growth management hearings board shall be governed by the following rules on conduct and procedure:

(1) Any board member may be removed for inefficiency, malfeasance, and misfeasance in office, under specific written charges filed by the governor. The governor shall transmit such written charges to the member accused and the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Removal of any member of ~~((a))~~ the board by the tribunal shall disqualify such member for reappointment.

(2) Each board member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060. ~~((If it is determined that the review boards shall operate on a full-time basis,))~~ Each member shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040. ((If it is determined that a review board shall operate on a part-time basis, each member shall receive compensation pursuant to RCW 43.03.250, provided such amount shall not exceed the amount that would be set if they were a full-time board member.)) The principal office of ~~((each))~~ the board shall be located ~~((by the governor within the jurisdictional boundaries of each board. The boards shall operate on either a part-time or full-time basis, as determined by the governor))~~ in Olympia.

(3) Each board member shall not: (a) Be a candidate for or hold any other public office or trust; (b) engage in any occupation or business interfering with or inconsistent with his or her duty as a board member; and (c) for a period of one year after the termination of his or her board membership, act in a representative capacity before the board on any matter.

(4) A majority of ~~((each))~~ the board shall constitute a quorum for ~~((making orders or decisions,))~~ adopting rules necessary for the conduct of its powers and duties~~((s))~~ or transacting other official business, and may act even though one position of the board is vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

(5) The board may appoint one or more hearing examiners to assist the board in its hearing function, to make conclusions of law and findings of fact and, if requested by the board, to make recommendations to the board for decisions in cases before the board. Such hearing examiners must have demonstrated knowledge of land use planning and law. The board((s)) shall specify in ~~((their joint))~~ its rules of practice and procedure, as required by subsection (7) of this section, the procedure and criteria to be employed for designating hearing examiners as a presiding officer. Hearing examiners selected by ~~((a))~~ the board shall meet the requirements of subsection (3) of this section. The findings and conclusions of the hearing examiner shall not become final until they have been formally approved by the board. This authorization to use hearing examiners does not waive the requirement of RCW 36.70A.300 that final orders be issued within one hundred eighty days of board receipt of a petition.

(6) ~~((Each))~~ The board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members of the ~~((board))~~ regional panel deciding the particular case and upon being filed at the board's principal office, and shall be open for public inspection at all reasonable times.

(7) All proceedings before the board, any of its members, or a hearing examiner appointed by the board shall be conducted in accordance with such administrative rules of practice and procedure as the board~~((s jointly))~~ prescribes. ~~((All three))~~ The board~~((s))~~ shall ~~((jointly meet to))~~ develop and adopt ~~((joint))~~ rules of practice and procedure, including rules regarding expeditious and summary disposition of appeals and the assignment of cases to regional panels. The board~~((s))~~ shall publish such rules and decisions ~~((they))~~ it renders and arrange for the reasonable distribution of the rules and decisions. Except as it conflicts with specific provisions of this chapter, the administrative procedure act, chapter 34.05 RCW, and specifically including the provisions of RCW 34.05.455 governing ex parte communications, shall govern the practice and procedure of the board~~((s))~~.

(8) A board member or hearing examiner is subject to disqualification under chapter 34.05 RCW. The ~~((joint))~~ rules of practice of the board~~((s))~~ shall establish procedures by which a party to a hearing conducted before the board may file with the board a motion to disqualify, with supporting affidavit, against a board member or hearing examiner assigned to preside at the hearing.

(9) ~~((The))~~ All members of the board~~((s))~~ shall meet ~~((jointly))~~ on at least an annual basis with the objective of sharing information that promotes the goals and purposes of this chapter.

(10) The board shall annually elect one of its members to be the board administrative officer. The duties and responsibilities of the administrative officer include handling day-to-day administrative, budget, and personnel matters on behalf of the board, together with making case assignments to board members in accordance with the board's rules of procedure in order to achieve a fair and balanced workload among all board members. The administrative officer of the board may carry a reduced caseload to allow time for performing the administrative work functions.

Sec. 34. RCW 36.70A.280 and 2008 c 289 s 5 are each amended to read as follows:

(1) ~~((A))~~ The growth management hearings board shall hear and determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes ~~((a))~~ the board to hear petitions alleging noncompliance with RCW 36.70A.5801; or

(b) That the twenty-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within sixty days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

(3) For purposes of this section "person" means any individual, partnership, corporation, association, state agency, governmental subdivision or unit thereof, or public or private organization or entity of any character.

(4) To establish participation standing under subsection (2)(b) of this section, a person must show that his or her participation before the county or city was reasonably related to the person's issue as presented to the board.

(5) When considering a possible adjustment to a growth management planning population projection prepared by the office of financial management, ~~((a))~~ the board shall consider the implications of any such adjustment to the population forecast for the entire state.

The rationale for any adjustment that is adopted by ~~((a))~~ the board must be documented and filed with the office of financial management within ten working days after adoption.

If adjusted by ~~((a))~~ the board, a county growth management planning population projection shall only be used for the planning purposes set forth in this chapter and shall be known as ~~((a))~~ the "board adjusted population projection." None of these changes shall affect the official state and county population forecasts prepared by the office of financial management, which shall continue to be used for state budget and planning purposes.

Sec. 35. RCW 36.70A.290 and 1997 c 429 s 12 are each amended to read as follows:

(1) All requests for review to ~~((a))~~ the growth management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board. The board shall render written decisions articulating the basis for its holdings. The board shall not issue advisory opinions on issues not presented to the board in the statement of issues, as modified by any prehearing order.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days after publication by the legislative bodies of the county or city.

(a) Except as provided in (c) of this subsection, the date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published.

(b) Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

Except as provided in (c) of this subsection, for purposes of this section the date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(c) For local governments planning under RCW 36.70A.040, promptly after approval or disapproval of a local government's shoreline master program or amendment thereto by the department of ecology as provided in RCW 90.58.090, the local government shall publish a notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology. For purposes of this section, the date of publication for the adoption or amendment of a shoreline master program is the date the

local government publishes notice that the shoreline master program or amendment thereto has been approved or disapproved by the department of ecology.

(3) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, or the parties have filed an agreement to have the case heard in superior court as provided in RCW 36.70A.295, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

(4) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

(5) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

Sec. 36. RCW 36.70A.295 and 1997 c 429 s 13 are each amended to read as follows:

(1) The superior court may directly review a petition for review filed under RCW 36.70A.290 if all parties to the proceeding before the board have agreed to direct review in the superior court. The agreement of the parties shall be in writing and signed by all of the parties to the proceeding or their designated representatives. The agreement shall include the parties' agreement to proper venue as provided in RCW 36.70A.300(5). The parties shall file their agreement with the board within ten days after the date the petition is filed, or if multiple petitions have been filed and the board has consolidated the petitions pursuant to RCW 36.70A.300, within ten days after the board serves its order of consolidation.

(2) Within ten days of receiving the timely and complete agreement of the parties, the board shall file a certificate of agreement with the designated superior court and shall serve the parties with copies of the certificate. The superior court shall obtain exclusive jurisdiction over a petition when it receives the certificate of agreement. With the certificate of agreement the board shall also file the petition for review, any orders entered by the board, all other documents in the board's files regarding the action, and the written agreement of the parties.

(3) For purposes of a petition that is subject to direct review, the superior court's subject matter jurisdiction shall be equivalent to that of the board. Consistent with the requirements of the superior court civil rules, the superior court may consolidate a petition subject to direct review under this section with a separate action filed in the superior court.

(4)(a) Except as otherwise provided in (b) and (c) of this subsection, the provisions of RCW 36.70A.280 through 36.70A.330, which specify the nature and extent of board review, shall apply to the superior court's review.

(b) The superior court:

(i) Shall not have jurisdiction to directly review or modify an office of financial management population projection;

(ii) Except as otherwise provided in RCW 36.70A.300(2)(b), shall render its decision on the petition within one hundred eighty days of receiving the certification of agreement; and

(iii) Shall give a compliance hearing under RCW 36.70A.330(2) the highest priority of all civil matters before the court.

(c) An aggrieved party may secure appellate review of a final judgment of the superior court under this section by the supreme court or the court of appeals. The review shall be secured in the manner provided by law for review of superior court decisions in other civil cases.

(5) If, following a compliance hearing, the court finds that the state agency, county, or city is not in compliance with the court's prior order, the court may use its remedial and contempt powers to enforce compliance.

(6) The superior court shall transmit a copy of its decision and order on direct review to the board, the department, and the governor. If the court has determined that a county or city is not in compliance with the provisions of this chapter, the governor may impose sanctions against the county or city in the same manner as if ((a)) the board had recommended the imposition of sanctions as provided in RCW 36.70A.330.

(7) After the court has assumed jurisdiction over a petition for review under this section, the superior court civil rules shall govern a request for intervention and all other procedural matters not specifically provided for in this section.

Sec. 37. RCW 36.70A.302 and 1997 c 429 s 16 are each amended to read as follows:

(1) ((A)) The board may determine that part or all of a comprehensive plan or development regulations are invalid if the board:

(a) Makes a finding of noncompliance and issues an order of remand under RCW 36.70A.300;

(b) Includes in the final order a determination, supported by findings of fact and conclusions of law, that the continued validity of part or parts of the plan or regulation would substantially interfere with the fulfillment of the goals of this chapter; and

(c) Specifies in the final order the particular part or parts of the plan or regulation that are determined to be invalid, and the reasons for their invalidity.

(2) A determination of invalidity is prospective in effect and does not extinguish rights that vested under state or local law before receipt of the board's order by the city or county. The determination of invalidity does not apply to a completed development permit application for a project that vested under state or local law before receipt of the board's order by the county or city or to related construction permits for that project.

(3)(a) Except as otherwise provided in subsection (2) of this section and (b) of this subsection, a development permit application not vested under state or local law before receipt of the board's order by the county or city vests to the local ordinance or resolution that is determined by the board not to substantially interfere with the fulfillment of the goals of this chapter.

(b) Even though the application is not vested under state or local law before receipt by the county or city of the board's order, a determination of invalidity does not apply to a development permit application for:

(i) A permit for construction by any owner, lessee, or contract purchaser of a single-family residence for his or her own use or for the use of his or her family on a lot existing before receipt by the county or city of the board's order, except as otherwise specifically provided in the board's order to protect the public health and safety;

(ii) A building permit and related construction permits for remodeling, tenant improvements, or expansion of an existing structure on a lot existing before receipt of the board's order by the county or city; and

(iii) A boundary line adjustment or a division of land that does not increase the number of buildable lots existing before receipt of the board's order by the county or city.

(4) If the ordinance that adopts a plan or development regulation under this chapter includes a savings clause intended to revive prior policies or regulations in the event the new plan or regulations are determined to be invalid, the board shall determine under subsection (1) of this section whether the prior policies or regulations are valid during the period of remand.

(5) A county or city subject to a determination of invalidity may adopt interim controls and other measures to be in effect until it adopts a comprehensive plan and development regulations that comply with the requirements of this chapter. A development permit application may vest under an interim control or measure upon determination by the board that the interim controls and other

measures do not substantially interfere with the fulfillment of the goals of this chapter.

(6) A county or city subject to a determination of invalidity may file a motion requesting that the board clarify, modify, or rescind the order. The board shall expeditiously schedule a hearing on the motion. At the hearing on the motion, the parties may present information to the board to clarify the part or parts of the comprehensive plan or development regulations to which the final order applies. The board shall issue any supplemental order based on the information provided at the hearing not later than thirty days after the date of the hearing.

(7)(a) If a determination of invalidity has been made and the county or city has enacted an ordinance or resolution amending the invalidated part or parts of the plan or regulation or establishing interim controls on development affected by the order of invalidity, after a compliance hearing, the board shall modify or rescind the determination of invalidity if it determines under the standard in subsection (1) of this section that the plan or regulation, as amended or made subject to such interim controls, will no longer substantially interfere with the fulfillment of the goals of this chapter.

(b) If the board determines that part or parts of the plan or regulation are no longer invalid as provided in this subsection, but does not find that the plan or regulation is in compliance with all of the requirements of this chapter, the board, in its order, may require periodic reports to the board on the progress the jurisdiction is making towards compliance.

Sec. 38. RCW 36.70A.310 and 1994 c 249 s 32 are each amended to read as follows:

A request for review by the state to ((a)) the growth management hearings board may be made only by the governor, or with the governor's consent the head of an agency, or by the commissioner of public lands as relating to state trust lands, for the review of whether: (1) A county or city that is required or chooses to plan under RCW 36.70A.040 has failed to adopt a comprehensive plan or development regulations, or county-wide planning policies within the time limits established by this chapter; or (2) a county or city that is required or chooses to plan under this chapter has adopted a comprehensive plan, development regulations, or county-wide planning policies, that are not in compliance with the requirements of this chapter.

Sec. 39. RCW 36.70A.3201 and 1997 c 429 s 2 are each amended to read as follows:

((In amending RCW 36.70A.320(3) by section 20(3), chapter 429, Laws of 1997.)) The legislature intends that the board((s apply)) applies a more deferential standard of review to actions of counties and cities than the preponderance of the evidence standard provided for under existing law. In recognition of the broad range of discretion that may be exercised by counties and cities consistent with the requirements of this chapter, the legislature intends for the board((s)) to grant deference to counties and cities in how they plan for growth, consistent with the requirements and goals of this chapter. Local comprehensive plans and development regulations require counties and cities to balance priorities and options for action in full consideration of local circumstances. The legislature finds that while this chapter requires local planning to take place within a framework of state goals and requirements, the ultimate burden and responsibility for planning, harmonizing the planning goals of this chapter, and implementing a county's or city's future rests with that community.

Sec. 40. RCW 36.70A.345 and 1994 c 249 s 33 are each amended to read as follows:

The governor may impose a sanction or sanctions specified under RCW 36.70A.340 on: (1) A county or city that fails to designate critical areas, agricultural lands, forest lands, or mineral resource lands under RCW 36.70A.170 by the date such action was required to have been taken; (2) a county or city that fails to adopt development regulations under RCW 36.70A.060 protecting critical areas or conserving agricultural lands, forest lands, or mineral resource lands

by the date such action was required to have been taken; (3) a county that fails to designate urban growth areas under RCW 36.70A.110 by the date such action was required to have been taken; and (4) a county or city that fails to adopt its comprehensive plan or development regulations when such actions are required to be taken.

Imposition of a sanction or sanctions under this section shall be preceded by written findings by the governor, that either the county or city is not proceeding in good faith to meet the requirements of the act; or that the county or city has unreasonably delayed taking the required action. The governor shall consult with and communicate his or her findings to the ((appropriate)) growth management hearings board prior to imposing the sanction or sanctions. For those counties or cities that are not required to plan or have not opted in, the governor in imposing sanctions shall consider the size of the jurisdiction relative to the requirements of this chapter and the degree of technical and financial assistance provided.

Sec. 41. RCW 90.58.190 and 2003 c 321 s 4 are each amended to read as follows:

(1) The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090(5) is governed by RCW 34.05.510 through 34.05.598.

(2)(a) The department's decision to approve, reject, or modify a proposed master program or amendment adopted by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board ((with jurisdiction over the local government)). The appeal shall be initiated by filing a petition as provided in RCW 36.70A.250 through 36.70A.320.

(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment solely for compliance with the requirements of this chapter, the policy of RCW 90.58.020 and the applicable guidelines, the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.

(c) If the appeal to the growth management hearings board concerns a shoreline of statewide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.

(e) Any party aggrieved by a final decision of ((a)) the growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.

(3)(a) The department's decision to approve, reject, or modify a proposed master program or master program amendment by a local government not planning under RCW 36.70A.040 shall be appealed to the shorelines hearings board by filing a petition within thirty days of the date of the department's written notice to the local government of the department's decision to approve, reject, or modify a proposed master program or master program amendment as provided in RCW 90.58.090(2).

(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program amendment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's master program or amendment in light of the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to shorelines of statewide significance, the shorelines hearings board shall uphold the decision by the department unless the board determines, by clear and convincing evidence that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the Administrative Procedure Act. The aggrieved local government shall have the burden of proof in all such reviews.

(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in chapter 34.05 RCW.

(4) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program amendment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program amendment.

Sec. 42. RCW 34.05.518 and 2003 c 393 s 16 are each amended to read as follows:

(1) The final decision of an administrative agency in an adjudicative proceeding under this chapter may, except as otherwise provided in chapter 43.21L RCW, be directly reviewed by the court of appeals either (a) upon certification by the superior court pursuant to this section or (b) if the final decision is from an environmental board as defined in subsection (3) of this section, upon acceptance by the court of appeals after a certificate of appealability has been filed by the environmental board that rendered the final decision.

(2) For direct review upon certification by the superior court, an application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

(a) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

(b) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

(c) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

(d) The appellate court's determination in the proceeding would have significant precedential value.

Procedures for certification shall be established by court rule.

(3)(a) For the purposes of direct review of final decisions of environmental boards, environmental boards include those boards identified in RCW 43.21B.005 and the growth management hearings board(s) as identified in RCW 36.70A.250.

(b) An environmental board may issue a certificate of appealability if it finds that delay in obtaining a final and prompt determination of the issues would be detrimental to any party or the public interest and either:

(i) Fundamental and urgent statewide or regional issues are raised; or

(ii) The proceeding is likely to have significant precedential value.

(4) The environmental board shall state in the certificate of appealability which criteria it applied, explain how that criteria was met, and file with the certificate a copy of the final decision.

(5) For an appellate court to accept direct review of a final decision of an environmental board, it shall consider the same criteria outlined in subsection (3) of this section, except as otherwise provided in chapter 43.21L RCW.

(6) The procedures for direct review of final decisions of environmental boards include:

(a) Within thirty days after filing the petition for review with the superior court, a party may file an application for direct review with

the superior court and serve the appropriate environmental board and all parties of record. The application shall request the environmental board to file a certificate of appealability.

(b) If an issue on review is the jurisdiction of the environmental board, the board may file an application for direct review on that issue.

(c) The environmental board shall have thirty days to grant or deny the request for a certificate of appealability and its decision shall be filed with the superior court and served on all parties of record.

(d) If a certificate of appealability is issued, the parties shall have fifteen days from the date of service to file a notice of discretionary review in the superior court, and the notice shall include a copy of the certificate of appealability and a copy of the final decision.

(e) If the appellate court accepts review, the certificate of appealability shall be transmitted to the court of appeals as part of the certified record.

(f) If a certificate of appealability is denied, review shall be by the superior court. The superior court's decision may be appealed to the court of appeals.

Sec. 43. RCW 34.12.020 and 2002 c 354 s 226 are each amended to read as follows:

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

(1) "Office" means the office of administrative hearings.

(2) "Administrative law judge" means any person appointed by the chief administrative law judge to conduct or preside over hearings as provided in this chapter.

(3) "Hearing" means an adjudicative proceeding within the meaning of RCW 34.05.010(1) conducted by a state agency under RCW 34.05.413 through 34.05.476.

(4) "State agency" means any state board, commission, department, or officer authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the growth management hearings board(s), the utilities and transportation commission, the pollution control hearings board, the shorelines hearings board, the forest practices appeals board, the environmental hearings office, the board of industrial insurance appeals, the Washington personnel resources board, the public employment relations commission, and the board of tax appeals.

NEW SECTION. Sec. 44. (1) The three growth management hearings boards are abolished and their powers, duties, and functions are transferred to the growth management hearings board.

(2) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the three growth management hearings boards must be delivered to the custody of the growth management hearings board. All office furnishings, office equipment, motor vehicles, and other tangible property in the possession of the three growth management hearings boards must be made available to the growth management hearings board.

(3) All funds, credits, or other assets held by the three growth management hearings boards must, on the effective date of this section, be transferred to the growth management hearings board. Any appropriations made to the three growth management hearings boards must, on the effective date of this section, be transferred and credited to the growth management hearings board. If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(4) All employees of the three growth management hearings boards are transferred to the growth management hearings board. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the growth management hearings board to perform their usual duties upon the same terms as formerly, without

any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(5) This section may not be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the public employment relations commission as provided by law.

(6) All rules and pending business before the three growth management hearings boards must be continued and acted upon by the growth management hearings board. All existing contracts and obligations remain in full force and must be performed by the growth management hearings board.

(7) The transfer of the powers, duties, functions, and personnel of the three growth management hearings boards to the growth management hearings board does not affect the validity of any act performed before the effective date of this section.

(8) All cases decided and all orders previously issued by the three growth management hearings boards remain in full force and effect and are not affected by this act.

NEW SECTION. Sec. 45. This act takes effect July 1, 2010." Correct the title.

Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan and Short.

Referred to Committee on General Government Appropriations.

February 23, 2010

ESB 6240 Prime Sponsor, Senator Keiser: Regulating joint underwriting associations. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 46. Availability of insurance for loss arising from flooding in the geographical area protected by any dam is vital to the economy of the state of Washington. If adequate property insurance for loss arising from this flood is not available, the security of citizens' property and the viability of business operations and services are threatened. This chapter gives the commissioner authority to ensure continued availability of excess insurance to insure property at risk from, and business that is interrupted by, flood arising from the failure of a dam or from efforts to prevent the failure of a dam. The commissioner may establish a temporary joint underwriting association for excess flood insurance to insure property at risk from, and business that is interrupted by, flood arising from the failure of a dam or from efforts to prevent the failure of a dam if:

(1) Excess flood insurance of a particular class or type is not available from the voluntary market; or

(2) There are so few insurers selling excess flood insurance that a competitive market does not exist.

The commissioner may use appropriated funds as needed to establish and supervise the association.

NEW SECTION. Sec. 47. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Association" means a nonprofit underwriting association established under this chapter.

(2) "Board" means the governing board of the association.

(3) "Casualty insurance" has the same meaning as "general casualty insurance" in RCW 48.11.070. "Casualty insurance" does not include any type of:

(a) Workers' compensation insurance;

(b) Employers' liability insurance;

(c) Nuclear liability insurance;

(d) Surety insurance; or

(e) Personal insurance.

(4) "Dam" means any United States army corps of engineers dam located in a county with a population that exceeds one million.

(5) "Excess flood insurance" means insurance against loss, including business interruption, arising from flood that is in excess of the limit of liability insurance offered by the national flood insurance program. Excess flood insurance does not include coverage for personal insurance.

(6) "Person" means a natural person, association, partnership, or corporation.

(7) "Personal insurance" means:

(a) Private passenger automobile coverage;

(b) Homeowner's coverage, including mobile homeowners, manufactured homeowners, condominium owners, and renter's coverage;

(c) Dwelling property coverage;

(d) Earthquake coverage for a residence or personal property;

(e) Personal liability and theft coverage;

(f) Personal inland marine coverage; and

(g) Mechanical breakdown coverage for personal auto or home appliances.

(8) "Property insurance" has the same meaning as in RCW 48.11.040 and does not include personal insurance or surety insurance.

NEW SECTION. Sec. 48. (1) The commissioner may create an association to provide excess flood insurance to insure property at risk from, and business that is interrupted by, flood arising from the failure of a dam or from efforts to prevent the failure of a dam if the requirements of this section are met.

(2) The commissioner must hold a hearing under chapters 48.04 and 34.05 RCW before forming an association.

(3) An association may not begin underwriting operations for excess flood or business interruption insurance until the commissioner finds that:

(a) If a market assistance plan formed under section 15 of this act finds that there are fewer than four admitted or surplus lines insurers offering excess flood insurance, exclusive of personal insurance, then the market assistance plan is inadequate to insure property at risk from, and business that is interrupted by, flood arising from the failure of a dam or from efforts to prevent the failure of a dam;

(b) Persons cannot buy excess flood insurance through the voluntary market; or

(c) There are so few insurers selling excess flood insurance that a competitive market does not exist.

(4) At a hearing to appeal the commissioner's finding that excess flood insurance is unavailable through the voluntary market or that a competitive market does not exist, the finding that four or more admitted or surplus lines insurers are offering excess flood insurance, exclusive of personal insurance, is prima facie evidence that a competitive market does exist. A decision of the commissioner, finding that excess flood insurance is unavailable through the market assistance plan, voluntary market, or that a competitive market does not exist, may be appealed under chapters 48.04 and 34.05 RCW.

NEW SECTION. Sec. 49. (1) The association may offer policies only as follows:

(a) The coverage of any one policy may not exceed five million dollars; and

(b) The total amount of all coverage offered by the association may never exceed two hundred fifty million dollars.

(2) The board, jointly with the commissioner, shall apportion policies within these limitations on an equitable basis.

NEW SECTION. Sec. 50. (1) If an association is formed, a person that is unable to obtain excess flood or business interruption insurance because it is unavailable in the voluntary market or because the market is not competitive is eligible to apply to an association for insurance.

(2) The association may decline to insure particular persons that present an extraordinary risk because of the nature of their operations, property condition, past claims experience, or inadequate risk management. However, the location of a property for which insurance is sought from the association must not, in and of itself, constitute an extraordinary risk.

(3) Any decision to decline coverage must be sent to the applicant and include:

- (a) A statement of the actual reason for declination; and
- (b) A statement that the applicant may appeal the decision to the commissioner.

(4) If the commissioner finds that the decision to decline coverage is not supported by the criteria in this section, the commissioner may require the association to provide coverage.

(5) A decision of the commissioner to provide or to decline to provide coverage under this may be appealed under chapters 48.04 and 34.05 RCW.

NEW SECTION. Sec. 51. (1) The association is composed of all insurers that have a certificate of authority to write either casualty or property insurance, or both, in this state. Every property or casualty insurer, or both, must be a member of the association as a condition of its authority to continue to transact business in this state.

(2) The association has the general powers and limitations of a nonprofit corporation under chapter 24.03 RCW and of an insurance company under Title 48 RCW, as needed to transact its business.

(3) To the extent consistent with this chapter, the association and its member insurers are "persons" under chapter 48.30 RCW.

NEW SECTION. Sec. 52. (1) A governing board shall administer the association.

(2) The board and the commissioner shall work cooperatively to achieve the objectives of this chapter.

(3) The board may select and employ one or more persons to manage the operations of an association. Every managing person must be authorized to transact insurance in the state of Washington and have demonstrated expertise in excess flood insurance. The board may employ any advisors that the board deems necessary.

(4) The board must consist of seven persons appointed as set forth in this subsection.

(a) Three board members must be member insurers appointed by each of the following three trade associations: Property casualty insurers association of America, American insurance association, and national association of mutual insurance companies. At least one of the three insurers on the board must be a domestic insurer.

(b) Four board members must be residents of the state. One is appointed by the insurance commissioner. One is appointed by the King county council. One is appointed by the association of Washington cities, to represent one or more of the following municipal governments: Auburn, Kent, Renton, or Tukwila. One is appointed by the board of directors of the center for advanced manufacturing Puget Sound. None of the resident-appointees may be employed by, serve on the board of directors of, or have a substantial ownership interest in any insurer.

(c) Original board members must be appointed to serve an initial term of three years and may be appointed for a second term. Board members may serve consecutive terms. Successor board members must be appointed as soon as possible subject to (a) and (b) of this subsection.

(5) The commissioner shall notify the members of the board if he or she has information that any board member is dishonest, reckless,

or incompetent or is failing to perform any duty of his or her office, and the board shall meet immediately to consider the matter. The commissioner must receive notice of the time and place of this meeting. If the board finds by a majority of the board members, with the accused board member not voting on this matter, that the commissioner's objection is well-founded, the accused board member shall be removed immediately. The successor of a board member removed under this section must be appointed as soon as possible subject to subsection (4) of this section.

(6) All members of the board shall conduct the business of the association in a manner that is in the interest of all policyholders of the association. Board members stand in a fiduciary relationship to the association and must discharge their duties in good faith and with that diligence, care, and skill that ordinary, prudent persons would exercise under similar circumstances in a like position.

(7) Each person serving on the board or any subcommittee thereof, each member insurer of the association, and each officer and employee of the association must be indemnified by the association against all costs and expenses actually and necessarily incurred by him, her, or it in connection with the defense of any action, suit, or proceeding in which he, she, or it is made a party by reason of his, her, or its being or having been a member of the board, or a member or officer or employee of the association, except in relation to matters as to which he, she, or it has been judged in such action, suit, or proceeding to be liable by reason of willful misconduct in the performance of his, her, or its duties as a member of the board, or member, officer, or employee of the association. This indemnification is not exclusive of other rights as to which the member, officer, or employee may be entitled as a matter of law.

(8) Board members may not receive any compensation, but may be reimbursed for all travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 53. (1) The board must adopt a plan of operation within thirty days of its appointment.

(2) The plan of operation may take effect only after it has been reviewed by the commissioner. Any changes recommended by the commissioner must be either approved by a majority of the members of the board or a written statement of the board's reasons for rejection of any provision provided to the commissioner. The commissioner may continue to consult with the board to arrive at a plan of operation that is approved by both the commissioner and the board, or the commissioner may accept the plan of operation of the board. This process must conclude with a plan of operation accepted by the board within thirty days of the first board appointed under this act.

(a) The plan of operation may be amended by agreement of a majority of the members of the board and the commissioner.

(b) The association must use rates that are demonstrably sound as compared to accepted actuarial standards. At the time of filing with the commissioner, the rates must be accompanied by an actuarial analysis. The rates must comply with chapter 48.19 RCW and be approved by the commissioner.

NEW SECTION. Sec. 54. The association must file a statement annually with the commissioner that contains information about the association's transactions, financial condition, and operations during the preceding year. The statement must be in the form and in a manner approved by the commissioner. The association must maintain its records according to the accounting practices and procedures manual adopted by the national association of insurance commissioners. The commissioner may require the association to furnish additional information if the commissioner considers it necessary to evaluate the scope, operation, and experience of the association.

NEW SECTION. Sec. 55. (1) The commissioner may examine the transactions, financial condition, and operations of the association when the commissioner finds it necessary in order to carry out the purposes of this chapter. Except as set forth in subsections (2) and (3)

of this section, each examination must be conducted in the manner prescribed for domestic insurance companies in chapter 48.03 or 48.37 RCW.

(2) The commissioner is not required to examine any association on a prescribed cycle or schedule.

(3) An association created under this chapter is responsible for the total costs of its financial and market conduct examinations. RCW 48.03.060 (1) and (2) and 48.37.060(14) (a) and (b) are not applicable to the examination of an association created under this chapter.

NEW SECTION. Sec. 56. (1) The association is not a member of the guaranty fund created under chapter 48.32 RCW. The guaranty fund, this state, and any political subdivisions are not responsible for losses sustained by the association.

(2) The association is exempt from payment of all fees and all taxes levied by the state or any of its subdivisions, except taxes levied on real or personal property.

NEW SECTION. Sec. 57. (1) The association is funded by premiums paid by persons insured by the association.

(a) All premiums for the association must be deposited into a fund or funds under management of the board.

(b) Premiums must be used to pay claims, administrative costs, and other expenses of the association.

(2) The association may assess its members to pay past and future financial obligations of the association, not funded by premiums. Each member insurer must be assessed a proportionate share based on the sum of direct premiums earned in this state for all property insurance and casualty insurance.

(3) If the association makes an assessment, an assessed insurer must pay the association within thirty days after it receives notice of the assessment. If an insurer does not pay an assessment within thirty days after it receives notice of the assessment:

(a) The assessment accrues interest at the maximum legal rate until it is paid in full. The interest is paid to the association;

(b) The association may collect the assessment in a civil action and must be awarded its attorneys' fees if it prevails;

(c) The commissioner may suspend, revoke, or refuse to renew an insurer's certificate of authority; and

(d) The commissioner may fine the insurer up to ten thousand dollars.

(4) This section may be enforced under RCW 48.02.080.

NEW SECTION. Sec. 58. (1) The association may operate for a period of five years. At the end of the five-year period, the association must be dissolved unless the legislature authorizes its continued operation.

(2) If, at any time, the commissioner or the board of directors holds a hearing under chapters 48.04 and 34.05 RCW and determines that excess flood and business interruption insurance is available through a market assistance plan, in the voluntary market, or that a competitive market exists, the commissioner must order the association to end its underwriting operations.

(3) If the commissioner or the board of directors orders the association to end all underwriting operations, the commissioner must supervise the dissolution of the association, including settlement of all financial and legal obligations and distribution of any remaining assets as follows:

(a) If there has been an assessment on the members of the association, and after all creditors of the association are paid in full, then to the member insurers in a proportional manner and as determined by rule by the commissioner; or

(b) If there has not been an assessment on the members of the association, or if there are funds remaining after distribution under (a) of this subsection and after all creditors of the association are paid in full, then to the policyholders in a proportional manner and as determined by rule by the commissioner.

NEW SECTION. Sec. 59. The commissioner may adopt all rules needed to implement and administer this chapter and to ensure

the efficient operation of the association, including but not limited to rules:

(1) Creating sample plans of operation for the assistance of the board;

(2) Requiring or limiting certain policy provisions;

(3) Containing the basis and method for assessing members for operation of the association; and

(4) Establishing the order in which the assets of the association that is dissolved by the commissioner must be distributed.

NEW SECTION. Sec. 60. (1) The commissioner must by rule require insurers authorized to write property insurance in this state to form a market assistance plan to assist persons located in the geographical area protected by any dam that are unable to purchase excess flood or business interruption insurance in an adequate amount from either the admitted or nonadmitted market.

(2) For the purpose of this section, a market assistance plan means a voluntary mechanism by insurers writing property insurance in this state in either the admitted or nonadmitted market to provide excess flood or business interruption insurance for a class of insurance as designated in writing to the plan by the commissioner.

(3) The bylaws and method of operation of any market assistance plan must be approved by the commissioner prior to its operation.

(4) A market assistance plan must have a minimum of twenty-five insurers willing to insure risks within the class designated by the commissioner. If twenty-five insurers do not voluntarily agree to participate, the commissioner may require either property or property and casualty, or both, insurers to participate in a market assistance plan as a condition of continuing to do business in this state. The commissioner must make this requirement to fulfill the quota of at least twenty-five insurers. The commissioner must make his or her designation on the basis of the insurer's premium volume of property insurance in this state.

NEW SECTION. Sec. 61. The board and the commissioner shall report to the respective committees of the house of representatives and senate having jurisdiction over the insurance code by January 31, 2011, and each subsequent January 31st of each year that the association remains in existence.

Sec. 62. RCW 48.15.040 and 1983 1st ex.s. c 32 s 4 are each amended to read as follows:

If certain insurance coverages cannot be procured from authorized insurers, such coverages, hereinafter designated as "surplus lines," may be procured from unauthorized insurers subject to the following conditions:

(1) The insurance must be procured through a licensed surplus line broker.

(2) The insurance must not be procurable, after diligent effort has been made to do so from among a majority of the insurers authorized to transact that kind of insurance in this state.

(3) Coverage shall not be procured from an unauthorized insurer for the purpose of securing a lower premium rate than would be accepted by any authorized insurer nor to secure any other competitive advantage.

(4) The commissioner may by regulation establish the degree of effort required to comply with subsections (2) and (3) of this section.

(5) At the time of the procuring of any such insurance an affidavit setting forth the facts referred to in subsections (2) and (3) of this section must be executed by the surplus line broker. Such affidavit shall be filed with the commissioner within thirty days after the insurance is procured.

(6) For purposes of chapter 48.-- RCW (the new chapter created in section 18 of this act), a joint underwriting association established or authorized by the legislature is not an authorized insurer.

NEW SECTION. Sec. 63. Sections 1 through 16 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 64. This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 65. This act expires December 31, 2016."

Correct the title.

Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Parker, Assistant Ranking Minority Member and Rodne.

Referred to Committee on General Government Appropriations.

February 22, 2010

ESSB 6241 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Creating community facilities districts. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Lias; Moeller; Parker and Probst.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member and Orcutt.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6251 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Concerning nonresident surplus line brokers and insurance producers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 22, 2010

SSB 6271 Prime Sponsor, Committee on Transportation: Concerning annexations by cities and code cities located within the boundaries of a regional transit authority. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan and Short.

Passed to Committee on Rules for second reading.

February 22, 2010

SB 6279

Prime Sponsor, Senator Kline: Clarifying regional transit authority facilities as essential public facilities. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Springer; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Short and Uptegrove.

Passed to Committee on Rules for second reading.

February 22, 2010

ESSB 6286

Prime Sponsor, Committee on Judiciary: Concerning the liability and powers of cities and flood control zone districts. (REVISED FOR ENGROSSED: Concerning the liability and powers of cities, diking districts, and flood control zone districts.) Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 22, 2010

2SSB 6316

Prime Sponsor, Committee on Ways & Means: Addressing the coordination between local law enforcement and the department of corrections. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Referred to Committee on General Government Appropriations.

February 22, 2010

SSB 6337

Prime Sponsor, Committee on Human Services & Corrections: Concerning inmate savings accounts. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6341

Prime Sponsor, Committee on Agriculture & Rural Economic Development: Transferring food assistance programs to the department of agriculture. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Kenney; Klippert; Pedersen; Sells; Short and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee and Hudgins.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6371 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Concerning money transmitters. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 22, 2010

SSB 6395 Prime Sponsor, Committee on Judiciary: Addressing lawsuits aimed at chilling the valid exercise of the constitutional rights of speech and petition. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 22, 2010

SSB 6414 Prime Sponsor, Committee on Human Services & Corrections: Improving the administration and efficiency of sex and kidnapping offender registration. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Darneille; Green and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Dammeier, Ranking Minority Member; Herrera and Walsh.

Referred to Committee on Ways & Means.

February 22, 2010

SB 6418 Prime Sponsor, Senator Marr: Regarding cities and towns annexed to fire protection districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Miloscia; Short; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Assistant Ranking Minority Member and Fagan.

Passed to Committee on Rules for second reading.

February 22, 2010

SB 6450 Prime Sponsor, Senator Eide: Requiring the department of licensing to establish continuing education requirements for court reporters. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 22, 2010

SSB 6459 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Concerning the inspection of rental properties. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 66. RCW 59.18.030 and 2008 c 278 s 12 are each amended to read as follows:

As used in this chapter:

(1) "Distressed home" has the same meaning as in RCW 61.34.020.

(2) "Distressed home conveyance" has the same meaning as in RCW 61.34.020.

(3) "Distressed home purchaser" has the same meaning as in RCW 61.34.020.

(4) "Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single family residences and units of multiplexes, apartment buildings, and mobile homes.

(5) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold the property;

(b) The homeowner is at least thirty days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed property conveyance.

(6) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the landlord.

(7) "Mortgage" is used in the general sense and includes all instruments, including deeds of trust, that are used to secure an obligation by an interest in real property.

(8) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(9) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

(10) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

(11) "Rental agreement" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

(12) A "single family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

(13) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

(14) "Reasonable attorney's fees", where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

(15) "Gang" means a group that: (a) Consists of three or more persons; (b) has identifiable leadership or an identifiable name, sign, or symbol; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(16) "Gang-related activity" means any activity that occurs within the gang or advances a gang purpose.

(17) "Certificate of inspection" means an unsworn statement, declaration, verification, or certificate made in accordance with the requirements of RCW 9A.72.085 by a qualified inspector that states that the landlord has not failed to fulfill any substantial obligation imposed under RCW 59.18.060 that endangers or impairs the health or safety of a tenant, including (a) structural members that are of insufficient size or strength to carry imposed loads with safety, (b) exposure of the occupants to the weather, (c) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury, (d) not providing facilities adequate to supply heat and water and hot water as reasonably required by the tenant, (e) providing heating or ventilation systems that are not functional or are hazardous, (f) defective, hazardous, or missing electrical wiring or electrical service, (g) defective or hazardous exits that increase the risk of injury to occupants, and (h) conditions that increase the risk of fire.

(18) "Property" or "rental property" means all dwelling units on a contiguous quantity of land managed by the same landlord as a single, rental complex.

(19) "Qualified inspector" means a United States department of housing and urban development certified inspector; a Washington state licensed home inspector; an American society of home inspectors certified inspector; a private inspector certified by the

national association of housing and redevelopment officials, the American association of code enforcement, or other comparable professional association as approved by the local municipality; a municipal code enforcement officer; a Washington licensed structural engineer; or a Washington licensed architect.

NEW SECTION. Sec. 67. A new section is added to chapter 59.18 RCW to read as follows:

(1) Local municipalities may require that landlords provide a certificate of inspection as a business license condition. A local municipality does not need to have a business license or registration program in order to require that landlords provide a certificate of inspection. A certificate of inspection does not preclude or limit inspections conducted pursuant to the tenant remedy as provided for in RCW 59.18.115, at the request or consent of the tenant, or pursuant to a warrant.

(2) A qualified inspector who is conducting an inspection under this section may only investigate a rental property as needed to provide a certificate of inspection.

(3) A local municipality may only require a certificate of inspection on a rental property once every three years.

(4)(a) A rental property that has received a certificate of occupancy within the last four years and has had no code violations reported on the property during that period is exempt from inspection under this section.

(b) A rental property inspected by a government agency or other qualified inspector within the previous twenty-four months may provide proof of that inspection which the local municipality may accept in lieu of a certificate of inspection. If any additional inspections of the rental property are conducted, a copy of the findings of these inspections may also be required by the local municipality.

(5) A rental property owner may choose to inspect one hundred percent of the units on the rental property and provide only the certificate of inspection for all units to the local municipality. However, if a rental property owner chooses to inspect only a sampling of the units, the owner must send written notice of the inspection to all units at the property. The notice must advise tenants that some of the units at the property will be inspected and that the tenants whose units need repairs or maintenance should send written notification to the landlord as provided in RCW 59.18.070. The notice must also advise tenants that if the landlord fails to adequately respond to the request for repairs or maintenance, the tenants may contact local municipality officials. A copy of the notice must be provided to the inspector upon request on the day of inspection.

(6)(a) If a rental property has twenty or fewer dwelling units, no more than four dwelling units at the rental property may be selected by the local municipality to provide a certificate of inspection as long as the initial inspection reveals that no conditions exist that endanger or impair the health or safety of a tenant.

(b) If a rental property has twenty-one or more units, no more than twenty percent of the units, rounded up to the next whole number, on the rental property, and up to a maximum of fifty units at any one property, may be selected by the local municipality to provide a certificate of inspection as long as the initial inspection reveals that no conditions exist that endanger or impair the health or safety of a tenant.

(c) If a rental property is asked to provide a certificate of inspection for a sample of units on the property and a selected unit fails the initial inspection, the local municipality may require up to one hundred percent of the units on the rental property to provide a certificate of inspection.

(d) If a rental property has had conditions that endanger or impair the health or safety of a tenant reported since the last required inspection, the local municipality may require one hundred percent of the units on the rental property to provide a certificate of inspection.

(e) If a rental property owner chooses to hire a qualified inspector other than a municipal housing code enforcement officer, and a selected unit of the rental property fails the initial inspection, both the results of the initial inspection and any certificate of inspection must be provided to the local municipality.

(7)(a) The landlord shall provide written notification of his or her intent to enter an individual unit for the purposes of providing a local municipality with a certificate of inspection in accordance with RCW 59.18.150(6). The written notice must indicate the date and approximate time of the inspection and the company or person performing the inspection, and that the tenant has the right to see the inspector's identification before the inspector enters the individual unit. A copy of this notice must be provided to the inspector upon request on the day of inspection.

(b) A tenant who continues to deny access to his or her unit is subject to RCW 59.18.150(8).

(8) If a rental property owner does not agree with the findings of an inspection performed by a local municipality under this section, the local municipality shall offer an appeals process.

(9) A penalty for noncompliance under this section may be assessed by a local municipality. A local municipality may also notify the landlord that until a certificate of inspection is provided, it is unlawful to rent or to allow a tenant to continue to occupy the dwelling unit.

(10) Any person who knowingly submits or assists in the submission of a falsified certificate of inspection, or knowingly submits falsified information upon which a certificate of inspection is issued, is, in addition to the penalties provided for in subsection (9) of this section, guilty of a gross misdemeanor and must be punished by a fine of not more than five thousand dollars.

(11) As of the effective date of this section, a local municipality may not enact an ordinance requiring a certificate of inspection unless the ordinance complies with this section. This prohibition does not preclude any amendments made to ordinances adopted before the effective date of this section.

Sec. 68. RCW 59.18.150 and 2002 c 263 s 1 are each amended to read as follows:

(1) The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, alterations, or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors.

(2) Upon written notice of intent to seek a search warrant, when a tenant or landlord denies a fire official the right to search a dwelling unit, a fire official may immediately seek a search warrant and, upon a showing of probable cause specific to the dwelling unit sought to be searched that criminal fire code violations exist in the dwelling unit, a court of competent jurisdiction shall issue a warrant allowing a search of the dwelling unit.

Upon written notice of intent to seek a search warrant, when a landlord denies a fire official the right to search the common areas of the rental building other than the dwelling unit, a fire official may immediately seek a search warrant and, upon a showing of probable cause specific to the common area sought to be searched that a criminal fire code violation exists in those areas, a court of competent jurisdiction shall issue a warrant allowing a search of the common areas in which the violation is alleged.

The superior court and courts of limited jurisdiction organized under Titles 3, 35, and 35A RCW have jurisdiction to issue such search warrants. Evidence obtained pursuant to any such search may be used in a civil or administrative enforcement action.

(3) As used in this section:

(a) "Common areas" means a common area or those areas that contain electrical, plumbing, and mechanical equipment and facilities used for the operation of the rental building.

(b) "Fire official" means any fire official authorized to enforce the state or local fire code.

(4)(a) A search warrant may be issued by a judge of a superior court or a court of limited jurisdiction under Titles 3, 35, and 35A RCW to a code enforcement official of the state or of any county, city, or other political subdivision for the purpose of allowing the inspection of any specified dwelling unit and premises to determine the presence of an unsafe building condition or a violation of any building regulation, statute, or ordinance.

(b) A search warrant must only be issued upon application of a designated officer or employee of a county or city prosecuting or regulatory authority supported by an affidavit or declaration made under oath or upon sworn testimony before the judge, establishing probable cause that a violation of a state or local law, regulation, or ordinance regarding rental housing exists and endangers the health or safety of the tenant or adjoining neighbors. In addition, the affidavit must contain a statement that consent to inspect has been sought from the owner and the tenant but could not be obtained because the owner or the tenant either refused or failed to respond within five days, or a statement setting forth facts or circumstances reasonably justifying the failure to seek such consent. A landlord may not take or threaten to take reprisals or retaliatory action as defined in RCW 59.18.240 against a tenant who gives consent to a code enforcement official of the state or of any county, city, or other political subdivision to inspect his or her dwelling unit to determine the presence of an unsafe building condition or a violation of any building regulation, statute, or ordinance.

(c) In determining probable cause, the judge is not limited to evidence of specific knowledge, but may also consider any of the following:

- (i) The age and general condition of the premises;
- (ii) Previous violations or hazards found present in the premises;
- (iii) The type of premises;
- (iv) The purposes for which the premises are used; or
- (v) The presence of hazards or violations in and the general condition of premises near the premises sought to be inspected.

(d) Before issuing an inspection warrant, the judge shall find that the applicant has: (i) Provided written notice of the date, approximate time, and court in which the applicant will be seeking the warrant to the owner and, if the applicant reasonably believes the dwelling unit or rental property to be inspected is in the lawful possession of a tenant, to the tenant; and (ii) posted a copy of the notice on the exterior of the dwelling unit or rental property to be inspected. The judge shall also allow the owner and any tenant who appears during consideration of the application for the warrant to defend against or in support of the issuance of the warrant.

(e) All warrants must include at least the following:

- (i) The name of the agency and building official requesting the warrant and authorized to conduct an inspection pursuant to the warrant;
- (ii) A reasonable description of the premises and items to be inspected; and
- (iii) A brief description of the purposes of the inspection.

(f) An inspection warrant is effective for the time specified in the warrant, but not for a period of more than ten days unless it is extended or renewed by the judge who signed and issued the original warrant upon satisfying himself or herself that the extension or renewal is in the public interest. The inspection warrant must be executed and returned to the judge by whom it was issued within the time specified in the warrant or within the extended or renewed time. After the expiration of the time specified in the warrant, the warrant, unless executed, is void.

(g) An inspection pursuant to a warrant must not be made:

(i) Between 7:00 p.m. of any day and 8:00 a.m. of the succeeding day, on Saturday or Sunday, or on any legal holiday, unless the owner

or, if occupied, the tenant specifies a preference for inspection during such hours or on such a day;

(ii) Without the presence of an owner or occupant over the age of eighteen years or a person designated by the owner or occupant unless specifically authorized by a judge upon a showing that the authority is reasonably necessary to effectuate the purpose of the search warrant; or

(iii) By means of forcible entry, except that a judge may expressly authorize a forcible entry when:

(A) Facts are shown that are sufficient to create a reasonable suspicion of a violation of a state or local law or rule relating to municipal or county building, fire, safety, environmental, animal control, land use, plumbing, electrical, health, minimum housing, or zoning standards that, if the violation existed, would be an immediate threat to the health or safety of the tenant; or

(B) Facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful.

(h) Immediate execution of a warrant is prohibited, except when necessary to prevent loss of life or property.

(i) Any person who willfully refuses to permit inspection, obstructs inspection, or aids in the obstruction of an inspection of property authorized by warrant issued pursuant to this section is subject to remedial and punitive sanctions for contempt of court under chapter 7.21 RCW. Such conduct may also be subject to a civil penalty imposed by local ordinance that takes into consideration the facts and circumstances and the severity of the violation.

(5) The landlord may enter the dwelling unit without consent of the tenant in case of emergency or abandonment.

~~((5))~~ (6) The landlord shall not abuse the right of access or use it to harass the tenant. Except in the case of emergency or if it is impracticable to do so, the landlord shall give the tenant at least two days' notice of his or her intent to enter and shall enter only at reasonable times. The tenant shall not unreasonably withhold consent to the landlord to enter the dwelling unit at a specified time where the landlord has given at least one day's notice of intent to enter to exhibit the dwelling unit to prospective or actual purchasers or tenants. A landlord shall not unreasonably interfere with a tenant's enjoyment of the rented dwelling unit by excessively exhibiting the dwelling unit.

~~((6))~~ (7) The landlord has no other right of access except by court order, arbitrator or by consent of the tenant.

~~((7))~~ (8) A landlord or tenant who continues to violate the rights of the tenant or landlord with respect to the duties imposed on the other as set forth in this section after being served with one written notification alleging in good faith violations of this section listing the date and time of the violation shall be liable for up to one hundred dollars for each violation after receipt of the notice. The prevailing landlord or tenant may recover costs of the suit or arbitration under this section, and may also recover reasonable attorneys' fees.

~~((8))~~ (9) Nothing in this section is intended to (a) abrogate or modify in any way any common law right or privilege or (b) affect the common law as it relates to a local municipality's right of entry under emergency or exigent circumstances.

NEW SECTION. Sec. 69. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 22, 2010

ESSB 6468

Prime Sponsor, Committee on Environment, Water & Energy: Coordinating the weatherization and structural rehabilitation of residential structures. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan and Short.

Referred to Committee on Capital Budget.

February 22, 2010

SSB 6470

Prime Sponsor, Committee on Human Services & Corrections: Addressing the burdens of proof required in dependency matters affecting Indian children. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts and Ross.

Passed to Committee on Rules for second reading.

February 22, 2010

ESSB 6476

Prime Sponsor, Committee on Human Services & Corrections: Revising provisions relating to sex crimes involving minors. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 70. A new section is added to chapter 13.40 RCW to read as follows:

Within available funding, when a youth who has been diverted under RCW 13.40.070 for an alleged offense of prostitution or prostitution loitering is referred to the department, the department shall connect that youth with the services and treatment specified in RCW 74.14B.060 and 74.14B.070.

Sec. 71. RCW 7.68.070 and 2009 c 38 s 1 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or the victim's family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, subject to the limitations under RCW 7.68.015. The rights, duties, responsibilities, limitations, and procedures applicable to a worker as contained in RCW 51.32.010 are applicable to this chapter.

(3)(a) The limitations contained in RCW 51.32.020 are applicable to claims under this chapter. In addition ~~((thereto))~~, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

~~((a))~~ (i) The result of consent, provocation, or incitement by the victim, unless an injury resulting from a criminal act caused the death of the victim;

~~((b))~~ (ii) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

~~((c))~~ (iii) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(b) A person identified as the "minor" in the charge of commercial sexual abuse of a minor under RCW 9.68A.100, promoting commercial sexual abuse of a minor under RCW 9.68A.101, or promoting travel for commercial sexual abuse of a minor under RCW 9.68A.102 is considered a victim of a criminal act for the purpose of the right to benefits under this chapter even if the person is also charged with prostitution under RCW 9A.88.030.

(4) The benefits established upon the death of a worker and contained in RCW 51.32.050 shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter(~~(- PROVIDED, That)~~). Benefits for burial expenses shall not exceed the amount paid by the department in case of the death of a worker as provided in chapter 51.32 RCW in any claim(~~(- PROVIDED FURTHER, That)~~). If the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived the victim or where such spouse has legal custody of all of his or her children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following

percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter(~~(- PROVIDED, That)~~). No person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter(~~(- PROVIDED, That)~~). Benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Counseling services may include, if determined appropriate by the department, counseling of members of

the victim's immediate family, other than the perpetrator of the assault.

(13) Except for medical benefits authorized under RCW 7.68.080, no more than thirty thousand dollars shall be granted as a result of a single injury or death, except that benefits granted as the result of total permanent disability or death shall not exceed forty thousand dollars.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for total temporary disability under subsection (7) of this section, shall be limited to fifteen thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

(16) Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act, except to the extent that the costs for such services exceed service limits established by the department of social and health services or, during the 1993-95 fiscal biennium, to the extent necessary to provide matching funds for federal medicaid reimbursement.

(17) In addition to other benefits provided under this chapter, immediate family members of a homicide victim may receive appropriate counseling to assist in dealing with the immediate, near-term consequences of the related effects of the homicide. Fees for counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Payment of counseling benefits under this section may not be provided to the perpetrator of the homicide. The benefits under this subsection may be provided only with respect to homicides committed on or after July 1, 1992.

(18) A dependent mother, father, stepmother, or stepfather, as defined in RCW 51.08.050, who is a survivor of her or his child's homicide, who has been requested by a law enforcement agency or a prosecutor to assist in the judicial proceedings related to the death of the victim, and who is not domiciled in Washington state at the time of the request, may receive a lump-sum payment upon arrival in this state. Total benefits under this subsection may not exceed seven thousand five hundred dollars. If more than one dependent parent is eligible for this benefit, the lump-sum payment of seven thousand five hundred dollars shall be divided equally among the dependent parents.

(19) A victim whose crime occurred in another state who qualifies for benefits under RCW 7.68.060(4) may receive appropriate mental health counseling to address distress arising from participation in the civil commitment proceedings. Fees for counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080.

Sec. 72. RCW 13.40.070 and 2009 c 252 s 3 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1)(a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and ~~((7))~~ (8) of this section. If the prosecutor finds that the requirements of subsection (1)(a) and (b) of this section are not met, the prosecutor

shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Except as provided in RCW 13.40.213 and subsection (7) of this section, where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, a class C felony listed in RCW 9.94A.411(2) as a crime against persons or listed in RCW 9A.46.060 as a crime of harassment, or a class C felony that is a violation of RCW 9.41.080 or 9.41.040(2)(a)(iii); or

(b) An alleged offender is accused of a felony and has a criminal history of any felony, or at least two gross misdemeanors, or at least two misdemeanors; or

(c) An alleged offender has previously been committed to the department; or

(d) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

(e) An alleged offender has two or more diversion agreements on the alleged offender's criminal history; or

(f) A special allegation has been filed that the offender or an accomplice was armed with a firearm when the offense was committed.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense is the offender's first offense or violation. If the alleged offender is charged with a related offense that must or may be filed under subsections (5) and ~~((7))~~ (8) of this section, a case under this subsection may also be filed.

(7) Where a case is legally sufficient to charge an alleged offender with either prostitution or prostitution loitering and the alleged offense is the offender's first prostitution or prostitution loitering offense, the prosecutor shall divert the case.

~~((8))~~ (8) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

~~((9))~~ (9) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversion interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile. Where a case involves victims of crimes against persons or victims whose property has not been recovered at the time a juvenile is referred to a diversion unit, the victim shall be notified of the referral and informed how to contact the unit.

~~((9))~~ (10) The responsibilities of the prosecutor under subsections (1) through ~~((8))~~ (9) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

~~((10))~~ (11) The prosecutor, juvenile court probation counselor, or diversion unit may, in exercising their authority under this section or RCW 13.40.080, refer juveniles to mediation or victim offender reconciliation programs. Such mediation or victim offender reconciliation programs shall be voluntary for victims.

Sec. 73. RCW 13.40.213 and 2009 c 252 s 2 are each amended to read as follows:

(1) When a juvenile is alleged to have committed the offenses of prostitution or prostitution loitering, and the allegation, if proved, would not be the juvenile's first offense, a prosecutor may divert the offense if the county in which the offense is alleged to have been committed has a comprehensive program that provides:

- (a) Safe and stable housing;
- (b) Comprehensive on-site case management;
- (c) Integrated mental health and chemical dependency services, including specialized trauma recovery services;
- (d) Education and employment training delivered on-site; and
- (e) Referrals to off-site specialized services, as appropriate.

(2) A prosecutor may divert a case for prostitution or prostitution loitering into the comprehensive program described in this section, notwithstanding the filing criteria set forth in RCW 13.40.070(5).

(3) A diversion agreement under this section may extend to twelve months.

(4)(a) The administrative office of the courts shall compile data regarding:

- (i) The number of juveniles whose cases are diverted into the comprehensive program described in this section;
- (ii) Whether the juveniles complete their diversion agreements under this section; and
- (iii) Whether juveniles whose cases have been diverted under this section have been subsequently arrested or committed subsequent offenses.

(b) ((A)) An annual report of the data compiled shall be provided to the governor and the appropriate committee of the legislature. The first report is due by November 1, 2010.

NEW SECTION. Sec. 74. A new section is added to chapter 13.40 RCW to read as follows:

In any proceeding under this chapter related to an arrest for prostitution or prostitution loitering, there is a presumption that the alleged offender meets the criteria for a certification as a victim of a severe form of trafficking in persons as defined in section 7105 of Title 22 of the United States code, and that the alleged offender is also a victim of commercial sex abuse of a minor.

NEW SECTION. Sec. 75. A new section is added to chapter 74.15 RCW to read as follows:

The department shall require that to be licensed or continue to be licensed as a secure or semi-secure crisis residential center or HOPE center that the center has on staff, or otherwise has access to, a person who has been trained to work with the needs of sexually exploited children. For purposes of this section, "sexually exploited child" means that person as defined in RCW 13.32A.030(17).

Sec. 76. RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
- Malicious explosion 1 (RCW 70.74.280(1))
- Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- Trafficking 1 (RCW 9A.40.100(1))

- XIII Malicious explosion 2 (RCW 70.74.280(2))
- Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
- Assault of a Child 1 (RCW 9A.36.120)
- Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
- Rape 1 (RCW 9A.44.040)
- Rape of a Child 1 (RCW 9A.44.073)
- Trafficking 2 (RCW 9A.40.100(2))
- XI Manslaughter 1 (RCW 9A.32.060)
- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))
- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run--Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)

- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- ~~((Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)))~~
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)

- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)

- Child Molestation 2 (RCW 9A.44.086)

- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
- Drive-by Shooting (RCW 9A.36.045)

- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- Unlawful Possession of a Firearm in the first degree (RCW 9A.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9A.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)

- Incest 1 (RCW 9A.64.020(1))

- Intimidating a Judge (RCW 9A.72.160)

- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.070)
- Rape of a Child 3 (RCW 9A.44.079)

- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)

- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)

- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))

- Kidnapping 2 (RCW 9A.40.030)

- Perjury 1 (RCW 9A.72.020)

- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)

- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)

- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)

- Assault 2 (RCW 9A.36.021)

- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)

Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)	Assault of a Child 3 (RCW 9A.36.140)
Cheating 1 (RCW 9A.46.1961)	Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
Commercial Bribery (RCW 9A.68.060)	Burglary 2 (RCW 9A.52.030)
Counterfeiting (RCW 9.16.035(4))	((Commercial Sexual Abuse of a Minor (RCW 9.68A.100)))
Endangerment with a Controlled Substance (RCW 9A.42.100)	Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Escape 1 (RCW 9A.76.110)	Criminal Gang Intimidation (RCW 9A.46.120)
Hit and Run--Injury (RCW 46.52.020(4)(b))	Custodial Assault (RCW 9A.36.100)
Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))	Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
Identity Theft 1 (RCW 9.35.020(2))	Escape 2 (RCW 9A.76.120)
Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)	Extortion 2 (RCW 9A.56.130)
Influencing Outcome of Sporting Event (RCW 9A.82.070)	Harassment (RCW 9A.46.020)
Malicious Harassment (RCW 9A.36.080)	Intimidating a Public Servant (RCW 9A.76.180)
Residential Burglary (RCW 9A.52.025)	Introducing Contraband 2 (RCW 9A.76.150)
Robbery 2 (RCW 9A.56.210)	Malicious Injury to Railroad Property (RCW 81.60.070)
Theft of Livestock 1 (RCW 9A.56.080)	Mortgage Fraud (RCW 19.144.080)
Threats to Bomb (RCW 9.61.160)	Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
Trafficking in Stolen Property 1 (RCW 9A.82.050)	Organized Retail Theft 1 (RCW 9A.56.350(2))
Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))	Perjury 2 (RCW 9A.72.030)
Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))	Possession of Incendiary Device (RCW 9.40.120)
Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))	Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Unlawful transaction of insurance business (RCW 48.15.023(3))	Promoting Prostitution 2 (RCW 9A.88.080)
Unlicensed practice as an insurance professional (RCW 48.17.063((↔)) (2))	Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))	Securities Act violation (RCW 21.20.400)
Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)	Tampering with a Witness (RCW 9A.72.120)
Willful Failure to Return from Furlough (RCW 72.66.060)	Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))	Theft of Livestock 2 (RCW 9A.56.083)
Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))	Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
	Trafficking in Stolen Property 2 (RCW 9A.82.055)
	Unlawful Imprisonment (RCW 9A.40.040)

- Unlawful possession of firearm in the second degree (RCW 9A.10.040(2))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(11)(a))
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)

- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(((4))))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Vehicle Prowl 1 (RCW 9A.52.095)

Sec. 77. RCW 9A.88.140 and 2009 c 387 s 1 are each amended to read as follows:

(1)(a) Upon an arrest for a suspected violation of patronizing a prostitute, promoting prostitution in the first degree, promoting prostitution in the second degree, promoting travel for prostitution (~~commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor~~), the arresting law enforcement officer may impound the person's vehicle if (i) the motor vehicle was used in the commission of the crime; (ii) the person arrested is the owner of the vehicle or the vehicle is a rental car as defined in RCW 46.04.465; and (iii) either (A) the person arrested has previously been convicted of one of the offenses listed in this subsection or (B) the offense was committed within an area designated under (b) of this subsection.

(b) A local governing authority may designate areas within which vehicles are subject to impoundment under this section regardless of whether the person arrested has previously been convicted of any of the offenses listed in (a) of this subsection.

(i) The designation must be based on evidence indicating that the area has a disproportionately higher number of arrests for the offenses listed in (a) of this subsection as compared to other areas within the same jurisdiction.

(ii) The local governing authority shall post signs at the boundaries of the designated area to indicate that the area has been designated under this subsection.

(2) Upon an arrest for a suspected violation of commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor, the

arresting law enforcement officer shall impound the person's vehicle if (a) the motor vehicle was used in the commission of the crime; and (b) the person arrested is the owner of the vehicle or the vehicle is a rental car as defined in RCW 46.04.465.

(3) Impoundments performed under this section shall be in accordance with chapter 46.55 RCW and the impoundment order must clearly state "prostitution hold."

~~((3))~~ (4)(a) Prior to redeeming the impounded vehicle, and in addition to all applicable impoundment, towing, and storage fees paid to the towing company under chapter 46.55 RCW, the owner of the impounded vehicle must pay a fine ~~((of five hundred dollars))~~ to the impounding agency. The fine shall be five hundred dollars for the offenses specified in subsection (1) of this section, or two thousand five hundred dollars for the offenses specified in subsection (2) of this section. The fine shall be deposited in the prostitution prevention and intervention account established under RCW 43.63A.740.

(b) Upon receipt of the fine paid under (a) of this subsection, the impounding agency shall issue a written receipt to the owner of the impounded vehicle.

~~((4))~~ (5)(a) In order to redeem a vehicle impounded under this section, the owner must provide the towing company with the written receipt issued under subsection ~~((3))~~ (4)(b) of this section.

(b) The written receipt issued under subsection ~~((3))~~ (4)(b) of this section authorizes the towing company to release the impounded vehicle upon payment of all impoundment, towing, and storage fees.

(c) A towing company that relies on a forged receipt to release a vehicle impounded under this section is not liable to the impounding authority for any unpaid fine under subsection ~~((3))~~ (4)(a) of this section.

~~((5))~~ (6)(a) In any proceeding under chapter 46.55 RCW to contest the validity of an impoundment under this section where the claimant substantially prevails, the claimant is entitled to a full refund of the impoundment, towing, and storage fees paid under chapter 46.55 RCW and the five hundred dollar fine paid under subsection ~~((3))~~ (4) of this section.

(b) If the person is found not guilty at trial for a crime listed under subsection (1) of this section, the person is entitled to a full refund of the impoundment, towing, and storage fees paid under chapter 46.55 RCW and the ~~((five hundred dollar))~~ fine paid under subsection ~~((3))~~ (4) of this section.

(c) All refunds made under this section shall be paid by the impounding agency.

(d) Prior to receiving any refund under this section, the claimant must provide proof of payment.

Sec. 78. RCW 9.68A.100 and 2007 c 368 s 2 are each amended to read as follows:

(1) A person is guilty of commercial sexual abuse of a minor if:

(a) He or she pays a fee to a minor or a third person as compensation for a minor having engaged in sexual conduct with him or her;

(b) He or she pays or agrees to pay a fee to a minor or a third person pursuant to an understanding that in return therefore such minor will engage in sexual conduct with him or her; or

(c) He or she solicits, offers, or requests to engage in sexual conduct with a minor in return for a fee.

(2) Commercial sexual abuse of a minor is a class ~~((C))~~ B felony punishable under chapter 9A.20 RCW.

(3) In addition to any other penalty provided under chapter 9A.20 RCW, a person guilty of commercial sexual abuse of a minor is subject to the provisions under RCW 9A.88.130 and 9A.88.140.

(4) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

Sec. 79. RCW 9.68A.101 and 2007 c 368 s 4 are each amended to read as follows:

(1) A person is guilty of promoting commercial sexual abuse of a minor if he or she knowingly advances commercial sexual abuse of a minor or profits from a minor engaged in sexual conduct.

(2) Promoting commercial sexual abuse of a minor is a class ~~((B))~~ A felony.

(3) For the purposes of this section:

(a) A person "advances commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct or as a person engaged in commercial sexual abuse of a minor, he or she causes or aids a person to commit or engage in commercial sexual abuse of a minor, procures or solicits customers for commercial sexual abuse of a minor, provides persons or premises for the purposes of engaging in commercial sexual abuse of a minor, operates or assists in the operation of a house or enterprise for the purposes of engaging in commercial sexual abuse of a minor, or engages in any other conduct designed to institute, aid, cause, assist, or facilitate an act or enterprise of commercial sexual abuse of a minor.

(b) A person "profits from commercial sexual abuse of a minor" if, acting other than as a minor receiving compensation for personally rendered sexual conduct, he or she accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he or she participates or will participate in the proceeds of commercial sexual abuse of a minor.

(4) For purposes of this section, "sexual conduct" means sexual intercourse or sexual contact, both as defined in chapter 9A.44 RCW.

Sec. 80. RCW 9.68A.105 and 2007 c 368 s 11 are each amended to read as follows:

(1)(a) In addition to penalties set forth in RCW 9.68A.100, 9.68A.101, and 9.68A.102, a person who is either convicted or given a deferred sentence or a deferred prosecution or who has entered into a statutory or nonstatutory diversion agreement as a result of an arrest for violating RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or municipal ordinance shall be assessed a five ~~((hundred fifty))~~ thousand dollar fee.

(b) The court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay.

(c) When a minor has been adjudicated a juvenile offender or has entered into a statutory or nonstatutory diversion agreement for an offense which, if committed by an adult, would constitute a violation of RCW 9.68A.100, 9.68A.101, or 9.68A.102, or a comparable county or municipal ordinance, the court shall assess the fee under (a) of this subsection. The court may not suspend payment of all or part of the fee unless it finds that the minor does not have the ability to pay the fee.

(2) The fee assessed under subsection (1) of this section shall be collected by the Clerk of the court and distributed each month to the state treasurer for deposit in the prostitution prevention and intervention account under RCW 43.63A.740 for the purpose of funding prostitution prevention and intervention activities.

(3) For the purposes of this section:

(a) "Statutory or nonstatutory diversion agreement" means an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense listed in subsection (1) of this section and a court, county or city prosecutor, or designee thereof, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

(b) "Deferred sentence" means a sentence that will not be carried out if the defendant meets certain requirements, such as complying with the conditions of probation.

NEW SECTION. Sec. 81. If funds are appropriated specifically for this purpose, the criminal justice training commission, in consultation with the Washington association of sheriffs and police chiefs, shall, by December 1, 2010, develop a model policy on law enforcement officer implementation of the procedures provided in this act relating to contact with a minor who is a "sexually exploited child" as defined in this act or who is a victim of offenses related to

commercial sexual abuse of a minor as defined in chapter 9.68A RCW. The commission shall develop a curriculum based on the model policy for inclusion in its basic training academy by January 1, 2011.

Sec. 82. RCW 9.68A.110 and 2007 c 368 s 3 are each amended to read as follows:

(1) In a prosecution under RCW 9.68A.040, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law enforcement and prosecution agencies shall not employ minors to aid in the investigation of a violation of RCW 9.68A.090 or 9.68A.100. This chapter does not apply to lawful conduct between spouses.

(2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or 9.68A.080, it is not a defense that the defendant did not know the age of the child depicted in the visual or printed matter(~~(= PROVIDED, That)~~). It is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant was not in possession of any facts on the basis of which he or she should reasonably have known that the person depicted was a minor.

(3) In a prosecution under RCW 9.68A.040, 9.68A.090, 9.68A.100, 9.68A.101, or 9.68A.102, it is not a defense that the defendant did not know the alleged victim's age(~~(= PROVIDED, That)~~). It is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant made a reasonable bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper and did not rely solely on the oral allegations or apparent age of the minor.

(4) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070, it shall be an affirmative defense that the defendant was a law enforcement officer in the process of conducting an official investigation of a sex-related crime against a minor, or that the defendant was providing individual case treatment as a recognized medical facility or as a psychiatrist or psychologist licensed under Title 18 RCW.

(5) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070, the state is not required to establish the identity of the alleged victim.

NEW SECTION. Sec. 83. The following acts or parts of acts are each repealed: 2009 c 252 s 4 (uncodified)."

Correct the title.

Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Referred to Committee on Ways & Means.

February 22, 2010

2SSB 6515 Prime Sponsor, Committee on Ways & Means: Refocusing the department of commerce, including transferring programs. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 84. A new section is added to chapter 43.330 RCW to read as follows:

(1) In 2009, the legislature changed the name of the department of community, trade, and economic development to the department of

commerce and directed the agency to organize around a concise core mission aligned with the state's economic development plan and around jobs. In accordance with that legislation, chapter 565, Laws of 2009, in November 2009 the department of commerce submitted a plan that establishes a mission of growing and improving jobs in the state. The plan also outlines agency priorities, efficiencies, and program transfers that will help to advance the new mission.

(2) The purposes of this act are: (a) To implement portions of the department of commerce plan by transferring certain programs from the department of commerce to other state agencies whose missions are more closely aligned with the core functions of those programs; (b) to direct strategic initiatives and targeted actions focused on the mission of growing and improving jobs; (c) to direct the department to establish a separate division to contain community services and housing programs, and to work with the legislature on future plans for these programs; (d) to direct creation of a central point of access within the department for small business and entrepreneurial assistance; and (e) to direct development of a statewide clean energy strategy. This act also directs additional efficiencies in state government, which will better enable the department of commerce to focus on its new mission.

(3) The legislature finds that the department of commerce has conducted a credible process to identify the most critical economic needs of our state. The legislature recognizes that to sustain a world-class innovation economy on a foundation of strong communities requires continuous improvement and focus on the fundamentals. The legislature finds that the state's reputation as a center of innovative, cutting edge research and development will form the foundation of whole new markets, product categories, and industry clusters. The legislature therefore affirms the department's mission, to focus on growing and improving jobs, and supports the eight priorities identified by the department in its 2009 report to the legislature: (a) Improving the state's competitiveness; (b) strengthening education and workforce training; (c) investing in infrastructure; (d) increasing regulatory efficiency; (e) building community capacity; (f) focusing on rural economic development; (g) engaging with key industry sectors; and (h) helping small businesses succeed.

(4)(a) The legislature recognizes that small businesses and entrepreneurs are a foundation of the state's economy yet they encounter many barriers to achieving long-term stability and growth. Gaining access to capital, complying with complex government regulations, and competing successfully for market opportunities are among the challenges they face. The legislature finds that state government must enhance its commitment to helping small businesses and entrepreneurs thrive, including finding ways to integrate and coordinate existing programs to make them more accessible and effective. The legislature further finds that the mission of the department of commerce to growing and improving jobs in Washington makes it particularly well-suited to take a leadership role in these efforts.

(b) The legislature therefore directs the department of commerce, beginning in fiscal year 2011, to create a central point of access within the department for small business and entrepreneurial assistance, and in collaboration with other agencies and partners over time, to (i) consolidate and expand small business financing services; (ii) develop and implement regulatory assistance initiatives; and (iii) institute innovative systems to connect small businesses and entrepreneurs to a broad array of technical assistance resources at the local, state, and federal levels.

(c) The department shall report to appropriate legislative committees by December 1, 2010, on the milestones achieved and the future actions planned to meet the priorities described in subsections (3) and (4) of this section.

(5)(a) The legislature recognizes that there are many strong community services and housing programs currently operating within

the department and serving our most vulnerable individuals, families, and communities. The legislature finds that some of these programs can readily be transferred beginning on July 1, 2010, to other mission-aligned agencies in state government. However, the legislature finds that to maintain the strength and credibility of the majority of the department's community services and housing programs, it is necessary to create a separate division for them within the department and to develop a plan to establish a separate state government agency for them in the future.

(b) The legislature directs the department of commerce to establish a single division to contain community services and housing programs that deliver essential services to individuals, families, and communities. Services provided by the division shall include, but are not limited to: (i) Homeless housing and assistance programs including transitional housing, emergency shelter grants, independent youth housing, housing assistance for persons with mental illness, and housing opportunities for people with AIDS; (ii) affordable housing development programs including the housing trust fund and low-income home energy assistance; (iii) farm worker housing; (iv) crime victims' advocacy and sexual assault services; (v) community mobilization against substance abuse and violence; (vi) asset building for working families; (vii) local and community projects including the building communities fund, building for the arts, and youth recreational facilities grants; (viii) dispute resolution centers; (ix) the Washington families fund; (x) community services block grants; (xi) community development block grants; (xii) child care facility fund; (xiii) WorkFirst community jobs; (xiv) long-term care ombudsman; (xv) state drug task forces; (xvi) justice assistance grants; (xvii) children and families of incarcerated parents; and (xviii) the Washington new Americans program.

(c) The economic development committees in the house of representatives and the senate shall, in consultation with the governor and the department: (i) Solicit information and advice from representatives of community, social services, and housing organizations at the local and state levels, including minority communities, people with disabilities, and other vulnerable populations; and (ii) develop a plan for consideration and action in the 2011 legislative session to establish a separate state government agency whose mission is focused on community services and housing.

(6) The department shall examine the functions and operations of agricultural commodity commissions in the state and collaborate with industry sector and cluster associations on legislation that would enable industries to develop self-financing systems for addressing industry-identified issues such as workforce training, international marketing, quality improvement, and technology deployment. By December 1, 2010, the department shall report to the governor and the legislature on its findings and proposed legislation.

PART I

DEPARTMENT OF HEALTH--PUBLIC HEALTH

Sec. 101. RCW 70.05.125 and 2009 c 479 s 48 are each amended to read as follows:

(1) The county public health account is created in the state treasury. Funds deposited in the county public health account shall be distributed by the state treasurer to each local public health jurisdiction based upon amounts certified to it by the department of ~~((community, trade, and economic development))~~ health in consultation with the Washington state association of counties. The account shall include funds distributed under RCW 82.14.200(8) and such funds as are appropriated to the account from the state general fund, the public health services account under RCW 43.72.902, and such other funds as the legislature may appropriate to it.

(2)(a) The ~~((director))~~ secretary of the department of ~~((community, trade, and economic development))~~ health shall certify the amounts to be distributed to each local public health jurisdiction

using 1995 as the base year of actual city contributions to local public health.

(b) Only if funds are available and in an amount no greater than available funds under RCW 82.14.200(8), the department of community, trade, and economic development shall adjust the amount certified under (a) of this subsection to compensate for any annexation of an area with fifty thousand residents or more to any city as a result of a petition during calendar year 1996 or 1997, or for any city that became newly incorporated as a result of an election during calendar year 1994 or 1995. The amount to be adjusted shall be equal to the amount which otherwise would have been lost to the health jurisdiction due to the annexation or incorporation as calculated using the jurisdiction's 1995 funding formula.

(c) The county treasurer shall certify the actual 1995 city contribution to the department. Funds in excess of the base shall be distributed proportionately among the health jurisdictions based on incorporated population figures as last determined by the office of financial management.

(3) Moneys distributed under this section shall be expended exclusively for local public health purposes.

NEW SECTION. Sec. 102. (1) All powers, duties, and functions of the department of commerce pertaining to county public health assistance are transferred to the department of health. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the secretary or the department of health when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of health. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the department of health. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of health.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of health.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of health. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of health to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of health. All existing contracts and obligations shall remain in full force and shall be performed by the department of health.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected,

the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the department of health under this section whose positions are within an existing bargaining unit description at the department of health shall become a part of the existing bargaining unit at the department of health and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

**PART II
DEPARTMENT OF HEALTH--DEVELOPMENTAL
DISABILITIES**

Sec. 201. RCW 43.330.210 and 2009 c 565 s 11 are each amended to read as follows:

The developmental disabilities endowment governing board is established to design and administer the developmental disabilities endowment. To the extent funds are appropriated for this purpose, the ~~((director))~~ secretary of the department ~~((of commerce))~~ shall provide staff and administrative support to the governing board.

(1) The governing board shall consist of seven members as follows:

(a) Three of the members, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as finance, actuarial science, management, business, or public policy.

(b) Three members of the board, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as business, developmental disabilities service design, management, or public policy, and shall be family members of persons with developmental disabilities.

(c) The seventh member of the board, who shall serve as chair of the board, shall be appointed by the remaining six members of the board.

(2) Members of the board shall serve terms of four years and may be appointed for successive terms of four years at the discretion of the appointing authority. However, the governor may stagger the terms of the initial six members of the board so that approximately one-fourth of the members' terms expire each year.

(3) Members of the board shall be compensated for their service under RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall meet periodically as specified by the call of the chair, or a majority of the board.

(5) Members of the governing board and the state investment board shall not be considered an insurer of the funds or assets of the endowment trust fund or the individual trust accounts. Neither of these two boards or their members shall be liable for the action or inaction of the other.

(6) Members of the governing board and the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The department and the state investment board, respectively, may purchase liability insurance for members.

Sec. 202. RCW 43.330.240 and 2009 c 565 s 12 are each amended to read as follows:

The department ~~((of commerce))~~ shall adopt rules for the implementation of policies established by the governing board in RCW 43.330.200 through 43.330.230 (as recodified by this act). Such rules will be consistent with those statutes and chapter 34.05 RCW.

NEW SECTION. Sec. 203. The following sections are each recodified as sections in chapter 43.70 RCW:

RCW 43.330.195

RCW 43.330.200

RCW 43.330.205

RCW 43.330.210

RCW 43.330.220

RCW 43.330.225

RCW 43.330.230

RCW 43.330.240

NEW SECTION. Sec. 204. (1) All powers, duties, and functions of the department of commerce pertaining to the developmental disabilities endowment are transferred to the department of health. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the secretary or the department of health when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of health. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the department of health. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of health.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of health.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of health. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of health to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of health. All existing contracts and obligations shall remain in full force and shall be performed by the department of health.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the department of health under this section whose positions are within an existing bargaining unit description at the department of health shall become a part of the existing bargaining unit at the department of health and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

PART III

BUILDING CODE COUNCIL

Sec. 301. RCW 19.27.070 and 1995 c 399 s 8 are each amended to read as follows:

There is hereby established a state building code council to be appointed by the governor.

(1) The state building code council shall consist of fifteen members, two of whom shall be county elected legislative body members or elected executives and two of whom shall be city elected legislative body members or mayors. One of the members shall be a local government building code enforcement official and one of the members shall be a local government fire service official. Of the remaining nine members, one member shall represent general construction, specializing in commercial and industrial building construction; one member shall represent general construction, specializing in residential and multifamily building construction; one member shall represent the architectural design profession; one member shall represent the structural engineering profession; one member shall represent the mechanical engineering profession; one member shall represent the construction building trades; one member shall represent manufacturers, installers, or suppliers of building materials and components; one member shall be a person with a physical disability and shall represent the disability community; and one member shall represent the general public. At least six of these fifteen members shall reside east of the crest of the Cascade mountains. The council shall include: Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership. Terms of office shall be for three years. The council shall elect a member to serve as chair of the council for one-year terms of office. Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment. Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests listed in this subsection. Members serving on the council on July 28, 1985, may complete their terms of office. Any vacancy shall be filled by alternating appointments from governmental and nongovernmental entities or interests until the council is constituted as required by this subsection.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department of (~~community, trade, and economic development~~) general administration shall provide administrative and clerical assistance to the building code council.

Sec. 302. RCW 19.27.097 and 1995 c 399 s 9 are each amended to read as follows:

(1) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. An application for a water right shall not be sufficient proof of an adequate water supply.

(2) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this

section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of (~~community, trade, and economic development~~) general administration to mediate or, if necessary, make the determination.

(3) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

Sec. 303. RCW 19.27.150 and 1995 c 399 s 10 are each amended to read as follows:

Every month a copy of the United States department of commerce, bureau of the census' "report of building or zoning permits issued and local public construction" or equivalent report shall be transmitted by the governing bodies of counties and cities to the department of (~~community, trade, and economic development~~) general administration.

Sec. 304. RCW 19.27A.020 and 2009 c 423 s 4 are each amended to read as follows:

(1) The state building code council shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;

(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework; and

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall be the 2006 edition of the Washington state energy code, or as amended by rule by the council.

(5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 2006 edition, or as amended by the council by rule.

(6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.

(7) The state building code council shall consult with the department of (~~community, trade, and economic development~~) general administration as provided in RCW 34.05.310 prior to publication of proposed rules. The director of the department of (~~community, trade, and economic development~~) general administration shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(9) The definitions in RCW 19.27A.140 apply throughout this section.

Sec. 305. RCW 19.27A.140 and 2009 c 423 s 2 are each amended to read as follows:

The definitions in this section apply to RCW 19.27A.130 through 19.27A.190 and 19.27A.020 unless the context clearly requires otherwise.

(1) "Benchmark" means the energy used by a facility as recorded monthly for at least one year and the facility characteristics information inputs required for a portfolio manager.

(2) "Conditioned space" means conditioned space, as defined in the Washington state energy code.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Cost-effectiveness" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To meet or reduce the power demand of the intended consumers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof.

(5) "Council" means the state building code council.

(6) ("Department" means the department of community, trade, and economic development.

~~(7)~~ "Embodied energy" means the total amount of fossil fuel energy consumed to extract raw materials and to manufacture, assemble, transport, and install the materials in a building and the life-cycle cost benefits including the recyclability and energy efficiencies with respect to building materials, taking into account the total sum of current values for the costs of investment, capital, installation, operating, maintenance, and replacement as estimated for the lifetime of the product or project.

~~(8)~~ (7) "Energy consumption data" means the monthly amount of energy consumed by a customer as recorded by the applicable energy meter for the most recent twelve-month period.

~~(9)~~ (8) "Energy service company" has the same meaning as in RCW 43.19.670.

~~(10)~~ (9) "General administration" means the department of general administration.

~~(11)~~ (10) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

~~(12)~~ (11) "Investment grade energy audit" means an intensive engineering analysis of energy efficiency and management measures for the facility, net energy savings, and a cost-effectiveness determination.

~~(13)~~ (12) "Investor-owned utility" means a corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or natural gas, or both, to more than one retail electric customer in the state.

~~(14)~~ (13) "Major facility" means any publicly owned or leased building, or a group of such buildings at a single site, having ten thousand square feet or more of conditioned floor space.

~~(15)~~ (14) "National energy performance rating" means the score provided by the energy star program, to indicate the energy efficiency performance of the building compared to similar buildings in that climate as defined in the United States environmental protection agency "ENERGY STAR® Performance Ratings Technical Methodology."

~~(16)~~ (15) "Net zero energy use" means a building with net energy consumption of zero over a typical year.

~~(17)~~ (16) "Portfolio manager" means the United States environmental protection agency's energy star portfolio manager or an equivalent tool adopted by the department of general administration.

~~(18)~~ (17) "Preliminary energy audit" means a quick evaluation by an energy service company of the energy savings potential of a building.

~~(19)~~ (18) "Qualifying public agency" includes all state agencies, colleges, and universities.

~~(20)~~ (19) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than twenty-five thousand customers in the state of Washington.

~~(21)~~ (20) "Reporting public facility" means any of the following:

(a) A building or structure, or a group of buildings or structures at a single site, owned by a qualifying public agency, that exceed ten thousand square feet of conditioned space;

(b) Buildings, structures, or spaces leased by a qualifying public agency that exceeds ten thousand square feet of conditioned space, where the qualifying public agency purchases energy directly from the investor-owned or consumer-owned utility;

(c) A wastewater treatment facility owned by a qualifying public agency; or

(d) Other facilities selected by the qualifying public agency.

~~(22)~~ (21) "State portfolio manager master account" means a portfolio manager account established to provide a single shared portfolio that includes reports for all the reporting public facilities.

Sec. 306. RCW 19.27A.150 and 2009 c 423 s 3 are each amended to read as follows:

(1) To the extent that funding is appropriated specifically for the purposes of this section, the department of commerce shall develop and implement a strategic plan for enhancing energy efficiency in and reducing greenhouse gas emissions from homes, buildings, districts, and neighborhoods. The strategic plan must be used to help direct the future code increases in RCW 19.27A.020, with targets for new buildings consistent with RCW 19.27A.160. The strategic plan will identify barriers to achieving net zero energy use in homes and buildings and identify how to overcome these barriers in future energy code updates and through complementary policies.

(2) The department of commerce must complete and release the strategic plan to the legislature and the council by December 31, 2010, and update the plan every three years.

(3) The strategic plan must include recommendations to the council on energy code upgrades. At a minimum, the strategic plan must:

(a) Consider development of aspirational codes separate from the state energy code that contain economically and technically feasible optional standards that could achieve higher energy efficiency for those builders that elected to follow the aspirational codes in lieu of or in addition to complying with the standards set forth in the state energy code;

(b) Determine the appropriate methodology to measure achievement of state energy code targets using the United States environmental protection agency's target finder program or equivalent methodology;

(c) Address the need for enhanced code training and enforcement;

(d) Include state strategies to support research, demonstration, and education programs designed to achieve a seventy percent reduction in annual net energy consumption as specified in RCW 19.27A.160 and enhance energy efficiency and on-site renewable energy production in buildings;

(e) Recommend incentives, education, training programs and certifications, particularly state-approved training or certification programs, joint apprenticeship programs, or labor-management partnership programs that train workers for energy-efficiency projects

to ensure proposed programs are designed to increase building professionals' ability to design, construct, and operate buildings that will meet the seventy percent reduction in annual net energy consumption as specified in RCW 19.27A.160;

(f) Address barriers for utilities to serve net zero energy homes and buildings and policies to overcome those barriers;

(g) Address the limits of a prescriptive code in achieving net zero energy use homes and buildings and propose a transition to performance-based codes;

(h) Identify financial mechanisms such as tax incentives, rebates, and innovative financing to motivate energy consumers to take action to increase energy efficiency and their use of on-site renewable energy. Such incentives, rebates, or financing options may consider the role of government programs as well as utility-sponsored programs;

(i) Address the adequacy of education and technical assistance, including school curricula, technical training, and peer-to-peer exchanges for professional and trade audiences;

(j) Develop strategies to develop and install district and neighborhood-wide energy systems that help meet net zero energy use in homes and buildings;

(k) Identify costs and benefits of energy efficiency measures on residential and nonresidential construction; and

(l) Investigate methodologies and standards for the measurement of the amount of embodied energy used in building materials.

(4) The department of commerce and the council shall convene a work group with the affected parties to inform the initial development of the strategic plan.

Sec. 307. RCW 19.27A.180 and 2009 c 423 s 7 are each amended to read as follows:

By December 31, 2009, to the extent that funding is appropriated specifically for the purposes of this section, the department of commerce shall develop and recommend to the legislature a methodology to determine an energy performance score for residential buildings and an implementation strategy to use such information to improve the energy efficiency of the state's existing housing supply. In developing its strategy, the department of commerce shall seek input from providers of residential energy audits, utilities, building contractors, mixed use developers, the residential real estate industry, and real estate listing and form providers.

NEW SECTION. Sec. 308. (1) All powers, duties, and functions of the department of commerce pertaining to administrative and support services for the state building code council are transferred to the department of general administration. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the director or the department of general administration when referring to the functions transferred in this section. Policy and planning assistance functions performed by the department of commerce remain with the department of commerce.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of general administration. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the department of general administration. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of general administration.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of general administration.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of general administration. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of general administration to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of general administration. All existing contracts and obligations shall remain in full force and shall be performed by the department of general administration.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the department of general administration under this section whose positions are within an existing bargaining unit description at the department of general administration shall become a part of the existing bargaining unit at the department of general administration and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

PART IV

DEPARTMENT OF COMMERCE--ENERGY POLICY

Sec. 401. RCW 43.21F.010 and 1975-'76 2nd ex.s. c 108 s 1 are each amended to read as follows:

(1) The legislature finds that the state needs to implement a comprehensive energy planning process that:

(a) Is based on unbiased analysis;

(b) Engages public agencies and stakeholders in a thoughtful, deliberative process that creates a cohesive plan that earns sustained support of the public and the organizations and institutions that will ultimately be responsible for implementation and execution of the plan; and

(c) Establishes policies and practices needed to ensure the effective implementation of the strategy.

(2) The legislature further finds that energy drives the entire modern economy from petroleum for vehicles to electricity to light homes and power businesses. The legislature further finds that the nation and the world have started the transition to a clean energy economy, with significant improvements in energy efficiency and investments in new clean and renewable energy resources and technologies. The legislature further finds this transition may increase energy costs and that these cost increases must be fair and reasonable.

(3) The legislature finds and declares that it is the continuing purpose of state government, consistent with other essential considerations of state policy, to foster wise and efficient energy use and to promote energy self-sufficiency through the use of indigenous and renewable energy sources, consistent with the promotion of

reliable energy sources, the general welfare, and the protection of environmental quality.

(4) The legislature further declares that a successful state energy strategy shall be guided by the following three goals:

- (a) Maintain competitive energy prices that are fair and reasonable for consumers and businesses and support our state's continued economic success;
- (b) Increase competitiveness by fostering a clean energy economy and jobs through business and workforce development; and
- (c) Meet the state's obligations to reduce greenhouse gas emissions.

Sec. 402. RCW 43.21F.025 and 2009 c 565 s 27 are each reenacted and amended to read as follows:

- (1) "Assistant director" means the assistant director of the department of commerce responsible for energy policy activities;
- (2) "Department" means the department of commerce;
- (3) "Director" means the director of the department of commerce;
- (4) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state;
- (5) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; hydropower; organic waste products; wind; tidal activity; any other substance or process used to produce heat, light, or motion; or the savings from nongeneration technologies, including conservation or improved efficiency in the usage of any of the sources described in this subsection;
- (6) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized; and
- (7) "State energy strategy" means the document ~~((and energy policy direction))~~ developed ~~((under section 1, chapter 201, Laws of 1991 including any related appendices))~~ and updated by the department under RCW 43.21F.090.

NEW SECTION. Sec. 403. A new section is added to chapter 43.21F RCW to read as follows:

- (1) The state shall use the following principles to guide development and implementation of the state's energy strategy and to meet the goals of RCW 43.21F.010:
 - (a) Pursue all cost-effective energy efficiency and conservation as the state's preferred energy resource;
 - (b) Ensure that the state's energy system meets the health, welfare, and economic needs of its citizens with particular emphasis on meeting the needs of low-income and vulnerable populations;
 - (c) Maintain and enhance economic competitiveness by ensuring an affordable and reliable supply of energy resources and by supporting clean energy technology innovation, access to clean energy markets worldwide, and clean energy business and workforce development;
 - (d) Reduce dependence on fossil fuel energy sources through improved efficiency and development of cleaner energy sources, such as bioenergy, low-carbon energy sources, and natural gas;
 - (e) Improve efficiency of transportation energy use through advances in vehicle technology, increased system efficiencies, development of electricity, biofuels, and other clean fuels, and regional transportation planning to improve transportation choices;
 - (f) Meet the state's statutory climate change goals and targets and other environmental requirements as the state develops and uses energy resources;

(g) Build on the advantage provided by the state's clean regional electrical grid by expanding and integrating additional carbon-free and carbon-neutral renewable energy generation and improving the transmission capacity serving the state;

- (h) Make state government a model for energy efficiency, use of clean and renewable energy, and greenhouse gas-neutral operations; and
 - (i) Maintain and enhance our state's existing energy infrastructure.
- (2) The department shall:
 - (a) During energy shortage emergencies, give priority in the allocation of energy resources to maintaining the public health, safety, and welfare of the state's citizens and industry in order to minimize adverse impacts on their physical, social, and economic well-being;
 - (b) Develop and disseminate impartial and objective energy information and analysis, while taking full advantage of the capabilities of the state's institutions of higher education, national laboratory, and other organizations with relevant expertise and analytical capabilities;
 - (c) Actively seek to maximize federal and other nonstate funding and support to the state for energy efficiency, renewable energy, emerging energy technologies, and other activities of benefit to the state's overall energy future; and
 - (d) Monitor the actions of all agencies of the state for consistent implementation of the state's energy policy including applicable statutory policies and goals relating to energy supply and use.

Sec. 404. RCW 43.21F.090 and 1996 c 186 s 106 are each amended to read as follows:

(1)(a) By December 1, 2010, the department ((shall review the state energy strategy as developed under section 1, chapter 201, Laws of 1991, periodically with the guidance of an advisory committee. For each review, an advisory committee shall be established with a membership resembling as closely as possible the original energy strategy advisory committee specified under section 1, chapter 201, Laws of 1991. Upon completion of a public hearing regarding the advisory committee's advice and recommendations for revisions to the energy strategy, a written report shall be conveyed by the department to the governor and the appropriate legislative committees. Any advisory committee established under this section shall be dissolved within three months after their written report is conveyed.)) of commerce shall update and revise the state energy strategy and implementation report with the guidance of an advisory committee formed under subsection (4) of this section. By December 1, 2011, by December 1, 2014, and every four years thereafter, the department shall, with the advisory committee's guidance, produce a fully updated state energy strategy and implementation report.

(b) The 2010 state energy strategy update and each future update or revision must be approved by the legislature by concurrent resolution before the department may implement the strategy.

(2)(a) The strategy shall, to the maximum extent feasible, examine the state's entire energy system.

(b) In producing and updating the energy strategy, the department and advisory committee shall review related processes and documents relevant to a state energy strategy, including but not limited to, prior state energy strategies, the work of the clean energy leadership council, the climate advisory and action teams, the evergreen jobs committee, reports of state transportation planning commission, economic development commission, and the northwest power and conservation council.

(c) The strategy must build upon and be consistent with all relevant and applicable statutorily authorized energy, environmental, and other policies, goals, and programs.

(d) The strategy must identify administrative actions, regulatory coordination, and recommendations for legislation that need to be undertaken to ensure that the energy strategy is implemented and operationally supported by all state agencies, regulatory bodies, and

other organizations responsible for implementation of energy policy in the state.

(3)(a) In order to facilitate decision making by the department and the advisory committee as provided in subsection (4) of this section, the director of the department shall engage a group of scientific, engineering, economic, and other experts in energy analysis.

(b) The group shall be comprised of representatives from the following institutions:

- (i) Research institutions of higher education;
- (ii) Pacific northwest national laboratory;
- (iii) Northwest power and conservation council; and
- (iv) Other private, public, and nonprofit organizations that have recognized expertise in engineering or economic analysis.

(c) This group shall:

- (i) Identify near-term and long-term analytical needs and capabilities necessary to develop a state energy strategy; and
- (ii) Provide unbiased information about the state's and region's energy portfolio, future energy needs, scenarios for growth, and improved productivity.

(4)(a) In order to update the state energy strategy, the department shall form an advisory committee. The director shall appoint the advisory committee with a membership reflecting a balance of the interests in energy generation, distribution, consumption, and economic development including: Residential, commercial, industrial, and agricultural users; electric and natural gas utilities or organizations, both consumer-owned and investor-owned; liquid fuel and natural gas industries; local governments; labor; civic and environmental organizations; clean energy companies; energy research and development organizations; economic development organizations; key public agencies; and other interested stakeholders. The president of the senate shall appoint one member from each of the two largest caucuses of the senate and the speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives to serve as ex-officio members of the advisory committee. The department shall work with stakeholders and other state agencies to develop the strategy.

(b) Upon completion of a public hearing regarding the advisory committee's advice and recommendations for revisions to the state energy strategy, the department shall present a written report to the governor and appropriate legislative committees which may include specific actions that will be needed to implement the strategy. Any advisory committee established under this section must be dissolved within three months after the written report is conveyed.

(5) The department may periodically review and update the state energy strategy, as necessary. The department shall engage an advisory committee as required in this section when updating the strategy and present any updates to the legislature for its approval.

(6) To assist in updates of the state energy strategy, the department shall actively seek both in-kind and financial support for this process from nonstate sources. In order to avoid competition among Washington state agencies, the department of commerce shall coordinate the search for such external support. The department shall develop a work plan for updating the energy strategy that reflects the levels of activities and deliverables commensurate with the level of funding and in-kind support available from state and nonstate sources.

NEW SECTION. Sec. 405. RCW 43.21F.015 (State policy) and 1994 c 207 s 3 & 1981 c 295 s 1 are each repealed.

PART V

CRIMINAL JUSTICE TRAINING COMMISSION-- DRUG

PROSECUTION ASSISTANCE PROGRAM

Sec. 501. RCW 36.27.100 and 1995 c 399 s 41 are each amended to read as follows:

The legislature recognizes that, due to the magnitude or volume of offenses in a given area of the state, there is a recurring need for supplemental assistance in the prosecuting of drug and drug-related

offenses that can be directed to the area of the state with the greatest need for short-term assistance. A statewide drug prosecution assistance program is created within the (~~department of community, trade, and economic development~~) criminal justice training commission to assist county prosecuting attorneys in the prosecution of drug and drug-related offenses.

NEW SECTION. Sec. 502. (1) All powers, duties, and functions of the department of commerce pertaining to the drug prosecution assistance program are transferred to the criminal justice training commission. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the director or the criminal justice training commission when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the criminal justice training commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the criminal justice training commission. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the criminal justice training commission.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the criminal justice training commission.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the criminal justice training commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the criminal justice training commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the criminal justice training commission. All existing contracts and obligations shall remain in full force and shall be performed by the criminal justice training commission.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the criminal justice training commission under this section whose positions are within an existing bargaining unit description at the criminal justice training commission shall become a part of the existing bargaining unit at the criminal justice training commission and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

**PART VI
WASHINGTON UTILITIES AND TRANSPORTATION
COMMISSION--ENERGY**

Sec. 601. RCW 80.50.030 and 2001 c 214 s 4 are each amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2)(a) The chair of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chair may designate a member of the council to serve as acting chair in the event of the chair's absence. The salary of the chair shall be determined under RCW 43.03.040. The chair is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.250.

(b) The chair or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington ~~((state department of community, trade, and economic development))~~ utilities and transportation commission shall provide all administrative and staff support for the council. The ~~((director of the department of community, trade, and economic development))~~ commission has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW. The council shall otherwise retain its independence in exercising its powers, functions, and duties and its supervisory control over nonadministrative staff support. Membership, powers, functions, and duties of the Washington state utilities and transportation commission and the council shall otherwise remain as provided by law.

(3)(a) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

- (i) Department of ecology;
- (ii) Department of fish and wildlife;
- (iii) Department of ~~((community, trade, and economic development))~~ commerce;
- (iv) Utilities and transportation commission; and
- (v) Department of natural resources.

(b) The directors, administrators, or their designees, of the following departments, agencies, and commissions, or their statutory successors, may participate as councilmembers at their own discretion provided they elect to participate no later than sixty days after an application is filed:

- (i) Department of agriculture;
- (ii) Department of health;
- (iii) Military department; and
- (iv) Department of transportation.

(c) Council membership is discretionary for agencies that choose to participate under (b) of this subsection only for applications that are filed with the council on or after May 8, 2001. For applications filed before May 8, 2001, council membership is mandatory for those agencies listed in (b) of this subsection.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council.

The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

NEW SECTION. Sec. 602. (1) All administrative powers, duties, and functions of the department of commerce pertaining to the energy facility site evaluation council are transferred to the Washington utilities and transportation commission. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the Washington utilities and transportation commission when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the Washington utilities and transportation commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the Washington utilities and transportation commission. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the Washington utilities and transportation commission.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the Washington utilities and transportation commission.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Washington utilities and transportation commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington utilities and transportation commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the Washington utilities and transportation commission. All existing contracts and obligations shall remain in full force and shall be performed by the Washington utilities and transportation commission.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected,

the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the Washington utilities and transportation commission under this section whose positions are within an existing bargaining unit description at the Washington utilities and transportation commission shall become a part of the existing bargaining unit at the Washington utilities and transportation commission and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

PART VII

MUNICIPAL RESEARCH COUNCIL

Sec. 701. RCW 43.110.030 and 2000 c 227 s 3 are each amended to read as follows:

(1) The ~~((municipal research council))~~ department of commerce shall contract for the provision of municipal research and services to cities, towns, and counties. Contracts for municipal research and services shall be made with state agencies, educational institutions, or private consulting firms, that in the judgment of ~~((council members))~~ the department are qualified to provide such research and services.

Contracts for staff support may be made with state agencies, educational institutions, or private consulting firms that in the judgment of the ~~((council members))~~ department are qualified to provide such support.

(2) Municipal research and services shall consist of:

~~((1))~~ (a) Studying and researching city, town, and county government and issues relating to city, town, and county government;

~~((2))~~ (b) Acquiring, preparing, and distributing publications related to city, town, and county government and issues relating to city, town, and county government;

~~((3))~~ (c) Providing educational conferences relating to city, town, and county government and issues relating to city, town, and county government; and

~~((4))~~ (d) Furnishing legal, technical, consultative, and field services to cities, towns, and counties concerning planning, public health, utility services, fire protection, law enforcement, public works, and other issues relating to city, town, and county government.

(3) Requests for legal services by county officials shall be sent to the office of the county prosecuting attorney. Responses by the ~~((municipal research council))~~ department of commerce to county requests for legal services shall be provided to the requesting official and the county prosecuting attorney.

(4) The ~~((activities, programs, and services of the municipal research council shall be carried on in cooperation))~~ department of commerce shall coordinate with the association of Washington cities and the Washington state association of counties in carrying out the activities in this section. Services to cities and towns shall be based upon the moneys appropriated to the ~~((municipal research council))~~ department from the city and town research services account under RCW 43.110.060. Services to counties shall be based upon the moneys appropriated to the ~~((municipal research council))~~ department from the county research services account under RCW 43.110.050.

Sec. 702. RCW 43.110.060 and 2002 c 38 s 4 are each amended to read as follows:

The city and town research services account is created in the state treasury. Moneys in the account shall consist of amounts transferred under RCW 66.08.190(2) and any other transfers or appropriations to the account. Moneys in the account may be spent only after an appropriation. Expenditures from the account may be used only for city and town research.

All unobligated moneys remaining in the account at the end of the fiscal biennium shall be distributed by the treasurer to the incorporated cities and towns of the state in the same manner as the distribution under RCW 66.08.190(1)(b)(iii).

((The treasurer may disburse amounts appropriated to the municipal research council from the city and town research services account by warrant or check to the contracting parties on invoices or vouchers certified by the chair of the municipal research council or his or her designee.)) Payments to public agencies may be made in advance of actual work contracted for, at the discretion of the ~~((council))~~ department of commerce.

Sec. 703. RCW 43.110.080 and 2006 c 328 s 1 are each amended to read as follows:

(1) The ~~((municipal research council))~~ department of commerce shall contract for the provision of research and services to special purpose districts. A contract shall be made with a state agency, educational institution, or private consulting firm, that in the judgment of ~~((council members))~~ the department is qualified to provide such research and services.

(2) Research and services to special purpose districts shall consist of:

(a) Studying and researching issues relating to special purpose district government;

(b) Acquiring, preparing, and distributing publications related to special purpose districts; and

(c) Furnishing legal, technical, consultative, and field services to special purpose districts concerning issues relating to special purpose district government.

(3) The ~~((activities, programs, and services of the municipal research council to special purpose districts shall be carried on in cooperation))~~ department of commerce shall coordinate with the associations representing the various special purpose districts with respect to carrying out the activities in this section. Services to special purpose districts shall be based upon the moneys appropriated to the ~~((municipal research council))~~ department of commerce from the special purpose district research services account under RCW 43.110.090.

Sec. 704. RCW 43.15.020 and 2009 c 560 s 27 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

(a) Capitol furnishings preservation committee, RCW 27.48.040;
(b) Washington higher education facilities authority, RCW 28B.07.030;

(c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;

(d) State finance committee, RCW 43.33.010;

(e) State capitol committee, RCW 43.34.010;

(f) Washington health care facilities authority, RCW 70.37.030;

(g) State medal of merit nominating committee, RCW 1.40.020;

(h) Medal of valor committee, RCW 1.60.020; and

(i) Association of Washington generals, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

(a) Civil legal aid oversight committee, RCW 2.53.010;

(b) Office of public defense advisory committee, RCW 2.70.030;

(c) Washington state gambling commission, RCW 9.46.040;

(d) Sentencing guidelines commission, RCW 9.94A.860;

(e) State building code council, RCW 19.27.070;

(f) Women's history consortium board of advisors, RCW 27.34.365;

(g) Financial ~~((literacy))~~ education public-private partnership, RCW 28A.300.450;

(h) Joint administrative rules review committee, RCW 34.05.610;

(i) Capital projects advisory review board, RCW 39.10.220;

(j) Select committee on pension policy, RCW 41.04.276;

(k) Legislative ethics board, RCW 42.52.310;

- (l) Washington citizens' commission on salaries, RCW 43.03.305;
- (m) Legislative oral history committee, RCW 44.04.325;
- (n) State council on aging, RCW 43.20A.685;
- (o) State investment board, RCW 43.33A.020;
- (p) Capitol campus design advisory committee, RCW 43.34.080;
- (q) Washington state arts commission, RCW 43.46.015;
- (r) Information services board, RCW 43.105.032;
- (s) K-20 educational network board, RCW 43.105.800;
- (t) ((Municipal research council, RCW 43.110.010;
- ~~((u))~~) Council for children and families, RCW 43.121.020;
- ~~((v))~~ ((u)) PNWER-Net working subgroup under chapter 43.147 RCW;
- ~~((w))~~ ((v)) Community economic revitalization board, RCW 43.160.030;
- ~~((x))~~ ((w)) Washington economic development finance authority, RCW 43.163.020;
- ~~((y))~~ ((x)) Life sciences discovery fund authority, RCW 43.350.020;
- ~~((z))~~ ((y)) Legislative children's oversight committee, RCW 44.04.220;
- ~~((aa))~~ ((z)) Joint legislative audit and review committee, RCW 44.28.010;
- ~~((ab))~~ ((aa)) Joint committee on energy supply and energy conservation, RCW 44.39.015;
- ~~((ac))~~ ((ab)) Legislative evaluation and accountability program committee, RCW 44.48.010;
- ~~((ad))~~ ((ac)) Agency council on coordinated transportation, RCW 47.06B.020;
- ~~((ae))~~ ((ad)) Manufactured housing task force, RCW 59.22.090;
- ~~((af))~~ ((ae)) Washington horse racing commission, RCW 67.16.014;
- ~~((ag))~~ ((af)) Correctional industries board of directors, RCW 72.09.080;
- ~~((ah))~~ ((ag)) Joint committee on veterans' and military affairs, RCW 73.04.150;
- ~~((ai))~~ ((ah)) Joint legislative committee on water supply during drought, RCW 90.86.020;
- ~~((aj))~~ ((ai)) Statute law committee, RCW 1.08.001; and
- ~~((ak))~~ ((aj)) Joint legislative oversight committee on trade policy, RCW 44.55.020.

Sec. 705. RCW 35.21.185 and 1995 c 21 s 1 are each amended to read as follows:

- (1) It is the purpose of this section to provide a means whereby all cities and towns may obtain, through a single source, information regarding ordinances of other cities and towns that may be of assistance to them in enacting appropriate local legislation.
- (2) For the purposes of this section, (a) "Clerk" means the city or town Clerk or other person who is lawfully designated to perform the recordkeeping function of that office, and (b) "~~((municipal research council))~~ department" means the ~~((municipal research council created by chapter 43.110 RCW))~~ department of commerce.
- (3) The Clerk of every city and town is directed to provide to the ~~((municipal research council))~~ department or its designee, promptly after adoption, a copy of each of its regulatory ordinances and such other ordinances or kinds of ordinances as may be described in a list or lists promulgated by the ~~((municipal research council))~~ department or its designee from time to time, and may provide such copies without charge. The ~~((municipal research council))~~ department may provide that information to the entity with which it contracts for the provision of municipal research and services, in order to provide a pool of information for all cities and towns in the state of Washington.
- (4) This section is intended to be directory and not mandatory.

Sec. 706. RCW 35.102.040 and 2006 c 301 s 7 are each amended to read as follows:

- (1)(a) The cities, working through the association of Washington cities, shall form a model ordinance development committee made up

of a representative sampling of cities that as of July 27, 2003, impose a business and occupation tax. This committee shall work through the association of Washington cities to adopt a model ordinance on municipal gross receipts business and occupation tax. The model ordinance and subsequent amendments shall be adopted using a process that includes opportunity for substantial input from business stakeholders and other members of the public. Input shall be solicited from statewide business associations and from local chambers of commerce and downtown business associations in cities that levy a business and occupation tax.

(b) The ~~((municipal research council))~~ department of commerce shall contract to post the model ordinance on an internet web site and to make paper copies available for inspection upon request. The department of revenue and the department of licensing shall post copies of or links to the model ordinance on their internet web sites. Additionally, a city that imposes a business and occupation tax must make copies of its ordinance available for inspection and copying as provided in chapter 42.56 RCW.

(c) The definitions and tax classifications in the model ordinance may not be amended more frequently than once every four years, however the model ordinance may be amended at any time to comply with changes in state law. Any amendment to a mandatory provision of the model ordinance must be adopted with the same effective date by all cities.

(2) A city that imposes a business and occupation tax must adopt the mandatory provisions of the model ordinance. The following provisions are mandatory:

- (a) A system of credits that meets the requirements of RCW 35.102.060 and a form for such use;
- (b) A uniform, minimum small business tax threshold of at least the equivalent of twenty thousand dollars in gross income annually. A city may elect to deviate from this requirement by creating a higher threshold or exemption but it shall not deviate lower than the level required in this subsection. If a city has a small business threshold or exemption in excess of that provided in this subsection as of January 1, 2003, and chooses to deviate below the threshold or exemption level that was in place as of January 1, 2003, the city must notify all businesses licensed to do business within the city at least one hundred twenty days prior to the potential implementation of a lower threshold or exemption amount;
- (c) Tax reporting frequencies that meet the requirements of RCW 35.102.070;
- (d) Penalty and interest provisions that meet the requirements of RCW 35.102.080 and 35.102.090;
- (e) Claim periods that meet the requirements of RCW 35.102.100;
- (f) Refund provisions that meet the requirements of RCW 35.102.110; and
- (g) Definitions, which at a minimum, must include the definitions enumerated in RCW 35.102.030 and 35.102.120. The definitions in chapter 82.04 RCW shall be used as the baseline for all definitions in the model ordinance, and any deviation in the model ordinance from these definitions must be described by a comment in the model ordinance.

(3) Except for the deduction required by RCW 35.102.160 and the system of credits developed to address multiple taxation under subsection (2)(a) of this section, a city may adopt its own provisions for tax exemptions, tax credits, and tax deductions.

(4) Any city that adopts an ordinance that deviates from the nonmandatory provisions of the model ordinance shall make a description of such differences available to the public, in written and electronic form.

Sec. 707. RCW 36.70B.220 and 2005 c 274 s 272 are each amended to read as follows:

- (1) Each county and city having populations of ten thousand or more that plan under RCW 36.70A.040 shall designate permit

assistance staff whose function it is to assist permit applicants. An existing employee may be designated as the permit assistance staff.

(2) Permit assistance staff designated under this section shall:

(a) Make available to permit applicants all current local government regulations and adopted policies that apply to the subject application. The local government shall provide counter copies thereof and, upon request, provide copies according to chapter 42.56 RCW. The staff shall also publish and keep current one or more handouts containing lists and explanations of all local government regulations and adopted policies;

(b) Establish and make known to the public the means of obtaining the handouts and related information; and

(c) Provide assistance regarding the application of the local government's regulations in particular cases.

(3) Permit assistance staff designated under this section may obtain technical assistance and support in the compilation and production of the handouts under subsection (2) of this section from the ~~((municipal research council and the department of community, trade, and economic development))~~ department of commerce.

NEW SECTION. Sec. 708. The following acts or parts of acts are each repealed:

(1) RCW 43.110.010 (Council created--Membership--Terms--Travel expenses) and 2001 c 290 s 1, 1997 c 437 s 1, 1990 c 104 s 1, 1983 c 22 s 1, 1975-76 2nd ex.s. c 34 s 129, 1975 1st ex.s. c 218 s 1, & 1969 c 108 s 2;

(2) RCW 43.110.040 (Local government regulation and policy handouts--Technical assistance) and 1996 c 206 s 10; and

(3) RCW 43.110.070 (Hazardous liquid and gas pipeline--Model ordinance and franchise agreement) and 2000 c 191 s 8.

NEW SECTION. Sec. 709. (1) The municipal research council is hereby abolished and its powers, duties, and functions are hereby transferred to the department of commerce. All references to the municipal research council in the Revised Code of Washington shall be construed to mean the department of commerce.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the municipal research council shall be delivered to the custody of the department of commerce. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the municipal research council shall be made available to the department of commerce. All funds, credits, or other assets held by the municipal research council shall be assigned to the department of commerce.

(b) Any appropriations made to the municipal research council shall, on the effective date of this section, be transferred and credited to the department of commerce.

(c) If any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the municipal research council shall be continued and acted upon by the department of commerce. All existing contracts and obligations shall remain in full force and shall be performed by the department of commerce.

(4) The transfer of the powers, duties, and functions of the municipal research council shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

PART VIII MISCELLANEOUS PROVISIONS

Sec. 801. RCW 41.06.070 and 2009 c 33 s 36 and 2009 c 5 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) The public printer or to any employees of or positions in the state printing plant;

(n) Officers and employees of the Washington state fruit commission;

(o) Officers and employees of the Washington apple commission;

(p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of the Washington grain commission;

(t) Officers and employees of any commission formed under chapter 15.66 RCW;

(u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(w) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(x) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(y) All employees of the marine employees' commission;

(z) A maximum of six staff employed by the department of ((community, trade, and economic development)) commerce to administer ((energy)) innovation and policy functions ((and manage)), including the three principal policy assistants exempted under (1)(x) of this subsection;

((aa)) The manager of the energy site evaluation council ((activities under RCW 43.21F.045(2)(m))); and

((aa)) ((bb)) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director of personnel may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the director of personnel stating the reasons for requesting such exemptions. The director of personnel shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the director of personnel shall grant the request and such determination shall be final as to any decision

made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (v) and (y) and (2) of this section, shall be determined by the director of personnel. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

For the twelve months following February 18, 2009, a salary or wage increase shall not be granted to any position exempt from classification under this chapter.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

NEW SECTION. Sec. 802. RCW 43.63A.150 is decodified.

NEW SECTION. Sec. 803. This act takes effect July 1, 2010."

Correct the title.

Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Moeller and Probst.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Referred to Committee on Ways & Means.

February 22, 2010

SSB 6520

Prime Sponsor, Committee on Agriculture & Rural Economic Development: Extending time to complete recommendations under RCW 36.70A.5601 conducted by the William D. Ruckelshaus Center. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 804. RCW 36.70A.560 and 2007 c 353 s 2 are each amended to read as follows:

(1) For the period beginning May 1, 2007, and concluding July 1, ((2010)) 2011, counties and cities may not amend or adopt critical

area ordinances under RCW 36.70A.060(2) as they specifically apply to agricultural activities. Nothing in this section:

(a) Nullifies critical area ordinances adopted by a county or city prior to May 1, 2007, to comply with RCW 36.70A.060(2);

(b) Limits or otherwise modifies the obligations of a county or city to comply with the requirements of this chapter pertaining to critical areas not associated with agricultural activities; or

(c) Limits the ability of a county or city to adopt or employ voluntary measures or programs to protect or enhance critical areas associated with agricultural activities.

(2) Counties and cities subject to deferral requirements under subsection (1) of this section:

(a) Should implement voluntary programs to enhance public resources and the viability of agriculture. Voluntary programs implemented under this subsection (2)(a) must include measures to evaluate the successes of these programs; and

(b) Must review and, if necessary, revise critical area ordinances as they specifically apply to agricultural activities to comply with the requirements of this chapter by December 1, ~~((2014))~~ 2012.

(3) For purposes of this section and RCW 36.70A.5601, "agricultural activities" means agricultural uses and practices currently existing or legally allowed on rural land or agricultural land designated under RCW 36.70A.170 including, but not limited to: Producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing, and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities, when the replacement facility is no closer to a critical area than the original facility; and maintaining agricultural lands under production or cultivation.

Sec. 805. RCW 36.70A.5601 and 2007 c 353 s 3 are each amended to read as follows:

(1) ~~((Subject to the availability of amounts appropriated for this specific purpose,))~~ The William D. Ruckelshaus Center must conduct an examination of the conflicts between agricultural activities and critical area ordinances adopted under chapter 36.70A RCW. The examination required by this section must commence by July 1, 2007.

(2) In fulfilling the requirements of this section, the center must:

(a) Work and consult with willing participants including, but not limited to, agricultural, environmental, tribal, and local government interests; and (b) involve and apprise legislators and legislative staff of its efforts.

(3) The examination conducted by the center must be completed in two distinct phases in accordance with the following:

(a) In the first phase, the center must conduct fact-finding and stakeholder discussions with stakeholders identified in subsection (2) of this section. These discussions must identify stakeholder concerns, desired outcomes, opportunities, and barriers. The fact-finding must identify existing regulatory, management, and scientific information related to agricultural activities and critical areas including, but not limited to: (i) Critical area ordinances adopted under chapter 36.70A RCW; (ii) acreage enrolled in the conservation reserve enhancement program; (iii) acreage protected by conservation easements; (iv) buffer widths; (v) requirements of federally approved salmon recovery plans; (vi) the impacts of agricultural activities on Puget Sound recovery efforts; and (vii) compliance with water quality requirements. The center must issue two reports of its fact-finding efforts and stakeholder discussions to the governor and the appropriate committees of the house of representatives and the senate by December 1, 2007, and December 1, 2008; and

(b)(i) In the second phase, the center must facilitate discussions between the stakeholders identified in subsection (2) of this section to identify policy and financial options or opportunities to address the issues and desired outcomes identified by stakeholders in the first phase of the center's examination efforts.

(ii) In particular, the stakeholders must examine innovative solutions including, but not limited to, outcome-based approaches that incorporate, to the maximum extent practicable, voluntary programs or approaches. Additionally, stakeholders must examine ways to modify statutory provisions to ensure that regulatory constraints on agricultural activities are used as a last resort if desired outcomes are not achieved through voluntary programs or approaches.

(iii) The center must work to achieve agreement among participating stakeholders and to develop a coalition that can be used to support agreed upon changes or new approaches to protecting critical areas during the ~~((2010))~~ 2011 legislative session.

(4) The center must issue a final report of findings and legislative recommendations to the governor and the appropriate committees of the house of representatives and the senate by September 1, ~~((2009))~~ 2010.

Sec. 806. 2007 c 353 s 6 (uncodified) is amended to read as follows:

This act expires December 1, ~~((2014))~~ 2012."

Correct the title.

Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Referred to Committee on Education Appropriations.

February 23, 2010

SB 6540

Prime Sponsor, Senator Fairley: Transferring the combined fund drive from the department of personnel to the secretary of state. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Kenney; Klippert; Pedersen; Sells; Short and Van De Wege.

MINORITY recommendation: Without recommendation. Signed by Representatives Dunshee and Hudgins.

Passed to Committee on Rules for second reading.

February 22, 2010

SSB 6544

Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Extending the time limitations for approval of plats. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 22, 2010

SB 6546

Prime Sponsor, Senator Pridemore: Allowing the state director of fire protection to refuse membership in the public employees' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kenney; Kessler; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 22, 2010

SSB 6548

Prime Sponsor, Committee on Human Services & Corrections: Suspending the parole or probation of an offender who is charged with a new felony offense in certain conditions. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6557

Prime Sponsor, Committee on Environment, Water & Energy: Limiting the use of certain substances in brake friction material. Reported by Committee on Environmental Health

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 807. The legislature finds that:

(1) Brake friction material is an essential component of motor vehicle brakes and is critically important to transportation safety and public safety in general;

(2) Debris from brake friction material containing copper and its compounds is generated and released to the environment during normal operation of motor vehicle brakes;

(3) Thousands of pounds of copper and other substances released from brake friction material enter Washington state's streams, rivers, and marine environment every year; and

(4) Copper is toxic to many aquatic organisms, including salmon.

NEW SECTION. Sec. 808. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accredited laboratory" means a laboratory that is:

(a) Qualified and equipped for testing of products, materials, equipment, and installations in accordance with national or international standards; and

(b) Accredited by a third-party organization approved by the department to accredit laboratories for purposes of this chapter.

(2) "Alternative brake friction material" means brake friction material that:

(a) Does not contain:

(i) More than 0.5 percent copper or its compounds by weight;

(ii) The constituents identified in section 3 of this act at the concentrations specified; and

(iii) Other materials determined by the department to be more harmful to human health or the environment than existing brake friction material;

(b) Enables motor vehicle brakes to meet applicable federal safety standards, or if no federal safety standard exists, a widely accepted industry standard;

(c) Is available at a cost and quantity that does not cause significant financial hardship across the majority of brake friction material and vehicle manufacturing industries; and

(d) Is available to enable brake friction material and vehicle manufacturers to produce viable products meeting consumer expectations regarding braking noise, shuddering, and durability.

(3) "Brake friction material" means that part of a motor vehicle brake designed to retard or stop the movement of a motor vehicle through friction against a rotor made of more durable material.

(4) "Committee" means the brake friction material advisory committee.

(5) "Department" means the department of ecology.

(6)(a) "Motor vehicle" has the same meaning as defined in RCW 46.04.320 that are subject to licensing requirements under RCW 46.16.010.

(b) "Motor vehicle" does not include:

(i) Motorcycles as defined in RCW 46.04.330;

(ii) Motor vehicles employing internal closed oil immersed motor vehicle brakes or similar brake systems that are fully contained and emit no debris or fluid under normal operating conditions;

(iii) Military combat vehicles;

(iv) Race cars, dual-sport vehicles, or track day vehicles, whose primary use is for off-road purposes and are driven to and from the race track or race event; or

(v) Collector vehicles, as defined in RCW 46.04.126.

(7)(a) "Motor vehicle brake" means an energy conversion mechanism used to retard or stop the movement of a motor vehicle.

(b) "Motor vehicle brake" does not include brakes designed primarily to hold motor vehicles stationary and not for use while motor vehicles are in motion.

(8) "Original equipment service" means brake friction material provided as service parts originally designed for and using the same brake friction material formulation sold with a new motor vehicle.

(9) "Small volume motor vehicle manufacturer" means a manufacturer of motor vehicles with Washington annual sales of less than one thousand new passenger cars, light-duty trucks, medium-duty vehicles, heavy-duty vehicles, and heavy-duty engines based on the average number of vehicles sold for the three previous consecutive model years.

NEW SECTION. Sec. 809. (1) Beginning January 1, 2014, no manufacturer, wholesaler, retailer, or distributor may sell or offer for sale brake friction material in Washington state containing any of the following constituents in an amount exceeding the specified concentrations:

(a) Asbestiform fibers, 0.1 percent by weight.

(b) Cadmium and its compounds, 0.01 percent by weight.

(c) Chromium(VI)-salts, 0.1 percent by weight.

(d) Lead and its compounds, 0.1 percent by weight.

(e) Mercury and its compounds, 0.1 percent by weight.

(2) Beginning January 1, 2021, no manufacturer, wholesaler, retailer, or distributor may sell or offer for sale brake friction material in Washington state containing more than five percent copper and its compounds by weight.

(3) Brake friction material manufactured prior to 2015 is exempt from subsection (1) of this section for the purposes of clearing inventory. This exemption expires January 1, 2025.

(4) Brake friction material manufactured prior to 2021 is exempt from subsection (2) of this section for the purposes of clearing inventory. This exemption expires January 1, 2031.

(5) Brake friction material manufactured as part of an original equipment service contract for vehicles manufactured prior to January 1, 2015, is exempt from subsection (1) of this section.

(6) Brake friction material manufactured as part of an original equipment service contract for vehicles manufactured prior to January 1, 2021, is exempt from subsection (2) of this section.

NEW SECTION. Sec. 810. (1) By December 1, 2015, the department shall review risk assessments, scientific studies, and other relevant analysis regarding alternative brake friction material and determine whether the material may be available. The department shall consider any new science with regard to the bioavailability and toxicity of copper.

(2) If the department finds that alternative brake friction material may be available, it shall convene a brake friction material advisory committee. The committee shall include, but is not limited to:

- (a) A representative of the department, who will chair the committee;
- (b) The chief of the Washington state patrol, or the chief's designee;
- (c) A representative of manufacturers of brake friction material;
- (d) A representative of manufacturers of motor vehicles;
- (e) A representative of a nongovernmental organization concerned with motor vehicle safety;
- (f) A representative of the national highway traffic safety administration; and
- (g) A representative of a nongovernmental organization concerned with the environment.

(3) If convened pursuant to subsection (2) of this section, the committee shall separately assess alternative brake friction material for passenger vehicles, light-duty vehicles, and heavy-duty vehicles. The committee shall make different recommendations to the department as to whether alternative brake friction material is available or unavailable for passenger vehicles, light-duty vehicles, and heavy-duty vehicles. For purposes of this section, "heavy-duty vehicle" means a vehicle used for commercial purposes with a gross vehicle weight rating above twenty-six thousand pounds. The committee shall also consider appropriate exemptions including original equipment service and brake friction material manufactured prior to the dates specified in section 5 of this act. The department shall consider the committee's recommendations and make a finding as to whether alternative brake friction material is available or unavailable.

(4) If, pursuant to subsection (3) of this section, the department finds that alternative brake friction material:

- (a) Is available, it shall comply with section 5 of this act;
- (b) Is not available, it shall periodically evaluate the finding and, if it determines that alternative brake friction material may be available, comply with subsections (2) and (3) of this section. If the department finds that alternative brake friction material is available, it shall comply with section 5 of this act.

NEW SECTION. Sec. 811. If, pursuant to section 4 of this act, the department finds that alternative brake friction material is available:

- (1)(a) By December 31st of the year in which the finding is made, the department shall publish the information required by section 4 of this act in the Washington State Register and present it in a report to the appropriate committees of the legislature; and
- (b) The report must include recommendations for exemptions on original equipment service and brake friction material manufactured prior to dates specified in this section and may include recommendations for other exemptions.

(2) Beginning eight years after the report in subsection (1) of this section is published in the Washington State Register, no manufacturer, wholesaler, retailer, or distributor may sell or offer for sale brake friction material in Washington state containing more than

0.5 percent copper and its compounds by weight, as specified in the report.

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

NEW SECTION. Sec. 812. (1) Motor vehicles manufactured by small volume motor vehicle manufacturers are exempt from this chapter for any year in which the manufacturer qualifies as a small volume motor vehicle manufacturer. Small volume motor vehicle manufacturers must report vehicle sales annually to the department for the purpose of qualifying for this exemption.

(2) Any motor vehicle manufacturer or brake friction material manufacturer may apply to the department for an exemption from this chapter for brake friction material intended for a specific motor vehicle model or class of motor vehicles based on special needs or characteristics of the motor vehicles for which the brake friction material is intended. Exemptions may only be issued for specific motor vehicle models or special classes of vehicles, such as fire trucks, police cars, and heavy or wide-load equipment hauling, provided the manufacturer can demonstrate it is not feasible to comply with the requirements of this chapter, is necessary to comply with safety standards, or causes significant financial hardship.

Exemptions are valid for no less than one year and may be renewed automatically as needed or the exemption may be permanent for as long as the vehicle is used in the manner described in the application.

NEW SECTION. Sec. 813. (1) By January 1, 2013, and at least every three years thereafter, manufacturers of brake friction material sold or offered for sale in Washington state shall provide data to the department adequate to enable the department to determine concentrations of antimony, copper, nickel, and zinc and their compounds in brake friction material sold or offered for sale in Washington state.

(2) Using data provided pursuant to subsection (1) of this section and other data as needed, and in consultation with the brake friction material manufacturing industry, the department must:

- (a) By July 1, 2013, establish baseline concentration levels for constituents identified in subsection (1) of this section in brake friction material; and
- (b) Track progress toward reducing the use of copper and its compounds and ensure that concentration levels of antimony, nickel, or zinc and their compounds do not increase by more than fifty percent above baseline concentration levels.

(3) If concentration levels of antimony, nickel, or zinc and their compounds in brake friction material increase by more than fifty percent above baseline concentration levels, the department shall review scientific studies to determine the potential impact of the constituent on human health and the environment. If scientific studies demonstrate the need for controlling the use of the constituent in brake friction material, the department may consider recommending limits on concentration levels of the constituent in the material.

(4) Confidential business information otherwise protected under RCW 43.21A.160 or chapter 42.56 RCW is exempt from this chapter.

NEW SECTION. Sec. 814. (1) Manufacturers of brake friction material offered for sale in Washington state must certify compliance with the requirements of this chapter and mark proof of certification on the brake friction material in accordance with criteria developed under this section.

(2) By December 1, 2012, the department must, after consulting with interested parties, develop compliance criteria to meet the requirements of this chapter. Compliance criteria includes, but is not limited to:

- (a) Self-certification of compliance by brake friction material manufacturers using accredited laboratories; and
- (b) Marked proof of certification, including manufacture date, on brake friction material and product packaging. Marked proof of certification must appear by January 1, 2015. Brake friction material manufactured or packaged prior to January 1, 2015, is exempt from this subsection (2)(b).

(3) Beginning January 1, 2021, manufacturers of new motor vehicles offered for sale in Washington state must ensure that motor vehicles are equipped with brake friction material certified to be compliant with the requirements of this chapter.

NEW SECTION. Sec. 815. (1) The department shall enforce this chapter. The department may periodically purchase and test brake friction material sold or offered for sale in Washington state to verify that the material complies with this chapter.

(2) Enforcement of this chapter by the department must rely on notification and information exchange between the department and manufacturers, distributors, and retailers. The department shall issue one warning letter by certified mail to a manufacturer, distributor, or retailer that sells or offers to sell brake friction material in violation of this chapter, and offer information or other appropriate assistance regarding compliance with this chapter. Once a warning letter has been issued to a distributor or retailer for violations under subsections (3) and (5) of this section, the department need not provide warning letters for subsequent violations by that distributor or retailer. For the purposes of subsection (6) of this section, a warning letter serves as notice of the violation. If compliance is not achieved, the department may assess penalties under this section.

(3) A brake friction material distributor or retailer that violates this chapter is subject to a civil penalty not to exceed ten thousand dollars for each violation. Brake friction material distributors or retailers that sell brake friction material that is packaged consistent with section 8(2)(b) of this act are not in violation of this chapter. However, if the brake friction material distributor or retailer had actual knowledge that the brake friction material being sold violates section 3 or 5 of this act, the brake friction material distributor or retailer is subject to civil penalties according to this section.

(4) A brake friction material manufacturer that knowingly violates this chapter shall recall the brake friction material and reimburse the brake friction distributor, retailer, or any other purchaser for the material and any applicable shipping and handling charges for returning the material. A brake friction material manufacturer that violates this chapter is subject to a civil penalty not to exceed ten thousand dollars for each violation.

(5) A motor vehicle distributor or retailer that violates this chapter is subject to a civil penalty not to exceed ten thousand dollars for each violation. A motor vehicle distributor or retailer is not in violation of this chapter for selling a vehicle that was previously sold at retail and that contains brake friction material failing to meet the requirements of this chapter. However, if the motor vehicle distributor or retailer installed brake friction material that violates section 3, 5, or 8(2)(b) of this act on the vehicle being sold and had actual knowledge that the brake friction material violates section 3, 5, or 8(2)(b) of this act, the motor vehicle distributor or retailer is subject to civil penalties under this section.

(6) A motor vehicle manufacturer that violates this chapter must notify the registered owner of the vehicle within six months of knowledge of the violation and must replace at no cost to the owner the noncompliant brake friction material with brake friction material that complies with this chapter. A motor vehicle manufacturer that fails to provide the required notification to registered owners of the affected vehicles within six months of knowledge of the violation is subject to a civil penalty not to exceed one hundred thousand dollars. A motor vehicle manufacturer that fails to provide the required notification to registered owners of the affected vehicles after twelve months of knowledge of the violation is subject to a civil penalty not to exceed ten thousand dollars per vehicle. For purposes of this section, "motor vehicle manufacturer" does not include a vehicle dealer defined under RCW 46.70.011 and required to be licensed as a vehicle dealer under chapter 46.70 RCW.

(7) Before the effective date of the prohibitions in section 3 or 5 of this act, the department shall prepare and distribute information

about the prohibitions to manufacturers, distributors, and retailers to the maximum extent practicable.

(8) All penalties collected under this chapter must be deposited in the state toxics control account created in RCW 70.105D.070.

NEW SECTION. Sec. 816. The department may adopt rules necessary to implement this chapter.

NEW SECTION. Sec. 817. Sections 1 through 10 and 12 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 818. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dickerson; Finn; Hudgins; Kretz and Rolfes.

MINORITY recommendation: Without recommendation.
Signed by Representative Dunshee.

Referred to Committee on General Government Appropriations.

February 22, 2010

SSB 6591 Prime Sponsor, Committee on Judiciary: Revising the procedure for complaints filed with the human rights commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 22, 2010

ESB 6610 Prime Sponsor, Senator Hargrove: Concerning the assessment and treatment of certain persons with mental illnesses. (REVISED FOR ENGROSSED: Improving procedures relating to the commitment of persons found not guilty by reason of insanity.) Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The institute for public policy shall, in collaboration with the department of social and health services and other applicable entities, undertake a search for validated mental health assessment tools in each of the following areas:

(a) An assessment tool or combination of tools to be used by individuals performing court-ordered competency assessments and level of risk assessments of defendants pursuant to chapter 10.77 RCW; and

(b) An assessment tool or combination of tools to be used by individuals developing recommendations to courts as to the appropriateness of conditional release from inpatient treatment of criminally insane patients pursuant to chapter 10.77 RCW.

(2) This section expires June 30, 2011.

Sec. 2. RCW 10.77.150 and 1998 c 297 s 41 are each amended to read as follows:

(1) Persons examined pursuant to RCW 10.77.140 may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court of the county which ordered the person's commitment the person's application for conditional release as well as the secretary's recommendations concerning the application and any proposed terms and conditions upon which the secretary reasonably believes the person can be conditionally released. Conditional release may also contemplate partial release for work, training, or educational purposes.

(2) In instances in which persons examined pursuant to RCW 10.77.140 have not made application to the secretary for conditional release, but the secretary, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, reasonably believes the person may be conditionally released, the secretary may submit a recommendation for release to the court of the county which ordered the person's commitment. The secretary's recommendation must include any proposed terms and conditions upon which the secretary reasonably believes the person may be conditionally released. Conditional release may also include partial release for work, training, or educational purposes. Notice of the secretary's recommendation under this subsection must be provided to the person for whom the secretary has made the recommendation for release and to his or her attorney.

(3)(a) The court of the county which ordered the person's commitment, upon receipt of an application or recommendation for conditional release with the secretary's recommendation for conditional release terms and conditions, shall within thirty days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary.

(b) The prosecuting attorney shall represent the state at such hearings and shall have the right to have the patient examined by an expert or professional person of the prosecuting attorney's choice. If the committed person is indigent, and he or she so requests, the court shall appoint a qualified expert or professional person to examine the person on his or her behalf.

(c) The issue to be determined at such a hearing is whether or not the person may be released conditionally without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security.

(d) The court, after the hearing, shall rule on the secretary's recommendations, and if it disapproves of conditional release, may do so only on the basis of substantial evidence. The court may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary. If the order of conditional release includes a requirement for the committed person to report to a community corrections officer, the order shall also specify that the conditionally released person shall be under the supervision of the secretary of corrections or such person as the secretary of corrections may designate and shall follow explicitly the instructions of the secretary of corrections including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer prior to making any change in the offender's address or employment. If the order of conditional release includes a requirement for the committed person to report to a community corrections officer, the community corrections officer shall notify the secretary or the secretary's designee, if the person is not in compliance with the court-ordered conditions of release.

~~((3))~~ (4) If the court determines that receiving regular or periodic medication or other medical treatment shall be a condition of the committed person's release, then the court shall require him or her

to report to a physician or other medical or mental health practitioner for the medication or treatment. In addition to submitting any report required by RCW 10.77.160, the physician or other medical or mental health practitioner shall immediately upon the released person's failure to appear for the medication or treatment report the failure to the court, to the prosecuting attorney of the county in which the released person was committed, to the secretary, and to the supervising community corrections officer.

~~((4))~~ (5) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial.

Sec. 3. RCW 10.77.200 and 2000 c 94 s 16 are each amended to read as follows:

(1) Upon application by the committed or conditionally released person, the secretary shall determine whether or not reasonable grounds exist for release. In making this determination, the secretary may consider the reports filed under RCW 10.77.060, 10.77.110, 10.77.140, and 10.77.160, and other reports and evaluations provided by professionals familiar with the case. If the secretary approves the release he or she then shall authorize the person to petition the court.

(2) In instances in which persons have not made application for release, but the secretary believes, after consideration of the reports filed under RCW 10.77.060, 10.77.110, 10.77.140, and 10.77.160, and other reports and evaluations provided by professionals familiar with the case, that reasonable grounds exist for release, the secretary may petition the court. If the secretary petitions the court for release under this subsection, notice of the petition must be provided to the person who is the subject of the petition and to his or her attorney.

(3) The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for release, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of the prosecuting attorney's choice. If the petitioner is indigent, and the person so requests, the court shall appoint a qualified expert or professional person to examine him or her. If the petitioner ~~((is developmentally disabled))~~ has a developmental disability, the examination shall be performed by a developmental disabilities professional. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney. The burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the petitioner no longer presents, as a result of a mental disease or defect, a substantial danger to other persons, or a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

~~((3))~~ (4) Nothing contained in this chapter shall prohibit the patient from petitioning the court for release or conditional release from the institution in which he or she is committed. The issue to be determined on such proceeding is whether the petitioner, as a result of a mental disease or defect, is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

NEW SECTION. Sec. 4. A new section is added to chapter 10.77 RCW to read as follows:

(1) The department shall review the costs of the operation of each of the following boards and the rates of recidivism and treatment outcomes for the populations under their jurisdiction as follows:

(a) The Oregon psychiatric security review board's administration of cases involving (i) persons judged to be guilty except for insanity, (ii) persons who would have been guilty of a felony or misdemeanor which caused or risked physical injury to another except for insanity,

and (iii) persons affected by mental illness and determined to be a substantial danger to others; and

(b) The Virginia community services boards' administration of cases involving persons found not guilty by reason of insanity.

(2) The department shall report the results of its review to the appropriate committees of the legislature by December 15, 2010.

NEW SECTION. Sec. 5. A new section is added to chapter 10.77 RCW to read as follows:

For persons who have received court approval for conditional release, the secretary, or such person as the secretary shall designate, shall supervise the person's compliance with the court-ordered conditions of release. The level of supervision provided by the secretary shall correspond to the level of the person's assessed public safety risk. In undertaking supervision of persons under this section, the secretary shall coordinate with any treatment providers designated pursuant to RCW 10.77.150(3), any department of corrections staff designated pursuant to RCW 10.77.150(2), and local law enforcement, if appropriate. The secretary shall adopt rules to implement this section."

Correct the title.

Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Referred to Committee on Health & Human Services Appropriations.

February 22, 2010

SSB 6611 Prime Sponsor, Committee on Government Operations & Elections: Extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for three years and addressing the timing for adopting certain subarea plans. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; DeBolt, Assistant Ranking Minority Member; Fagan; Miloscia; Short; Springer; Uptegrove; White and Williams.

Referred to Committee on Ways & Means.

February 22, 2010

SSB 6639 Prime Sponsor, Committee on Human Services & Corrections: Creating alternatives to total confinement for nonviolent offenders with minor children. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 6. RCW 9.94A.030 and 2009 c 375 s 4 are each amended to read as follows:

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

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for

monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court Clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with

any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

- (a) To gain admission, prestige, or promotion within the gang;
- (b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;
- (c) To exact revenge or retribution for the gang or any member of the gang;
- (d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;
- (e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or
- (f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(21) "Drug offense" means:

- (a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);
- (b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or
- (c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(23) "Escape" means:

- (a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or
- (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(24) "Felony traffic offense" means:

- (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or
- (b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(29) "Minor child" means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense.

(30) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

- (a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;
- (b) Assault in the second degree;
- (c) Assault of a child in the second degree;
- (d) Child molestation in the second degree;
- (e) Controlled substance homicide;
- (f) Extortion in the first degree;
- (g) Incest when committed against a child under age fourteen;
- (h) Indecent liberties;
- (i) Kidnapping in the second degree;
- (j) Leading organized crime;
- (k) Manslaughter in the first degree;
- (l) Manslaughter in the second degree;
- (m) Promoting prostitution in the first degree;
- (n) Rape in the third degree;
- (o) Robbery in the second degree;
- (p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

~~((30))~~ (31) "Nonviolent offense" means an offense which is not a violent offense.

~~((31))~~ (32) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer convicted of an offense included in RCW 9.94A.501(1) and ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((32))~~ (33) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

~~((33))~~ (34) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

~~((34))~~ (35) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first

degree; or (C) an attempt to commit any crime listed in this subsection ~~((34))~~ (35)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((35))~~ (36) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

~~((36))~~ (37) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((37))~~ (38) "Public school" has the same meaning as in RCW 28A.150.010.

~~((38))~~ (39) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((39))~~ (40) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

~~((40))~~ (41) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((41))~~ (42) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;
 (ii) Homicide by abuse;
 (iii) Murder in the second degree;
 (iv) Manslaughter in the first degree;
 (v) Assault in the first degree;
 (vi) Kidnapping in the first degree;
 (vii) Rape in the first degree;
 (viii) Assault of a child in the first degree; or
 (ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((42))~~ (43) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((43))~~ (44) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((44))~~ (45) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((45))~~ (46) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((46))~~ (47) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~((47))~~ (48) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((48))~~ (49) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((49))~~ (50) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((50))~~ (51) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of

intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((51))~~ (52) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((52))~~ (53) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((53))~~ (54) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

NEW SECTION. Sec. 7. A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender is eligible for the parenting sentencing alternative if:

(a) The high end of the standard sentence range for the current offense is greater than one year;

(b) The offender has no prior or current conviction for a felony that is a sex offense or a violent offense;

(c) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(d) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court; and

(e) The offender has physical custody of his or her minor child or is a legal guardian or custodian with physical custody of a child under the age of eighteen at the time of the current offense.

(2) To assist the court in making its determination, the court may order the department to complete either a risk assessment report or a chemical dependency screening report as provided in RCW 9.94A.500, or both reports prior to sentencing.

(3) If the court is considering this alternative, the court shall request that the department contact the children's administration of the Washington state department of social and health services to determine if the agency has an open child welfare case or prior substantiated referral of abuse or neglect involving the offender or if the agency is aware of any substantiated case of abuse or neglect with a tribal child welfare agency involving the offender.

(a) If the offender has an open child welfare case, the department will provide the release of information waiver and request that the children's administration or the tribal child welfare agency provide a report to the court. The children's administration shall provide a report within seven business days of the request that includes, at the minimum, the following:

(i) Legal status of the child welfare case;

(ii) Length of time the children's administration has been involved with the offender;

(iii) Legal status of the case and permanent plan;

(iv) Any special needs of the child;

(v) Whether or not the offender has been cooperative with services ordered by a juvenile court under a child welfare case; and

(vi) If the offender has been convicted of a crime against a child.

(b) If a report is required from a tribal child welfare agency, the department shall attempt to obtain information that is similar to what

is required for the report provided by the children's administration in a timely manner.

(c) If the offender does not have an open child welfare case with the children's administration or with a tribal child welfare agency but has prior involvement, the department will obtain information from the children's administration on the number and type of past substantiated referrals of abuse or neglect and report that information to the court. If the children's administration has never had any substantiated referrals or an open case with the offender, the department will inform the court.

(4) If the sentencing court determines that the offender is eligible for a sentencing alternative under this section and that the sentencing alternative is appropriate and should be imposed, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of twelve months of community custody. The court shall consider the offender's criminal history when determining if the alternative is appropriate.

(5) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate.

(b) The department may impose conditions as authorized in RCW 9.94A.704 that may include, but are not limited to:

(i) Parenting classes;

(ii) Chemical dependency treatment;

(iii) Mental health treatment;

(iv) Vocational training;

(v) Offender change programs;

(vi) Life skills classes.

(c) The department shall report to the court if the offender commits any violations of his or her sentence conditions.

(6) The department shall provide the court with quarterly progress reports regarding the offender's progress in required programming, treatment, and other supervision conditions. When an offender has an open child welfare case, the department will seek to coordinate services with the children's administration.

(7)(a) The court may bring any offender sentenced under this section back into court at any time during the period of community custody on its own initiative to evaluate the offender's progress in treatment, or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody, if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served in confinement under this section.

Sec. 8. RCW 9.94A.501 and 2009 c 376 s 2 are each amended to read as follows:

(1) The department shall supervise every offender convicted of a misdemeanor or gross misdemeanor offense who is sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, for an offense included in (a) and (b) of this subsection. The superior court shall order probation for:

(a) Offenders convicted of fourth degree assault, violation of a domestic violence court order pursuant to RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145, and who also have a prior conviction for one or more of the following:

(i) A violent offense;

- (ii) A sex offense;
- (iii) A crime against a person as provided in RCW 9.94A.411;
- (iv) Fourth degree assault; or
- (v) Violation of a domestic violence court order; and
- (b) Offenders convicted of:
 - (i) Sexual misconduct with a minor second degree;
 - (ii) Custodial sexual misconduct second degree;
 - (iii) Communication with a minor for immoral purposes; and
 - (iv) Failure to register pursuant to RCW 9A.44.130.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody whose risk assessment, conducted pursuant to subsection (6) of this section, classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

- (a) Has a current conviction for a sex offense or a serious violent offense as defined in RCW 9.94A.030;
- (b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;
- (c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;
- (d) Was sentenced under RCW 9.94A.650, 9.94A.660, section 2 of this act, or 9.94A.670; or
- (e) Is subject to supervision pursuant to RCW 9.94A.745.

(5) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under subsection (1), (2), (3), or (4) of this section.

(6) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section.

Sec. 9. RCW 9.94A.505 and 2009 c 389 s 1 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(viii) Section 2 of this act, relating to the parenting sentencing alternative;

~~(ix)~~ RCW 9.94A.507, relating to certain sex offenses;

~~((ix))~~ ~~(x)~~ RCW 9.94A.535, relating to exceptional sentences;

~~((x))~~ ~~(xi)~~ RCW 9.94A.589, relating to consecutive and concurrent sentences;

~~((xi))~~ ~~(xii)~~ RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which

may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

Sec. 10. RCW 9.94A.701 and 2009 c 375 s 5 are each amended to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody for three years:

(a) A sex offense not sentenced under RCW 9.94A.507;

(b) A serious violent offense; or

(c) A violation of RCW 9A.44.130(11)(a) committed on or after June 7, 2006, when a court sentences the person to a term of confinement of one year or less.

(2) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for eighteen months when the court sentences the person to the custody of the department for a violent offense that is not considered a serious violent offense.

(3) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for one year when the court sentences the person to the custody of the department for:

(a) Any crime against persons under RCW 9.94A.411(2);

(b) An offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate; or

(c) A felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000.

(4) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.660.

(5) If an offender is sentenced under the special ~~((sexual-[sex]))~~ sex offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.

(6) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.

(7) If an offender is sentenced under the parenting sentencing alternative, the court shall impose a term of community custody as provided in section 2 of this act.

(8) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.507, the court shall impose community custody as provided in that section.

~~((8))~~ (9) The term of community custody specified by this section shall be reduced by the court whenever an offender's standard range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime as provided in RCW 9A.20.021.

Sec. 11. RCW 9.94A.728 and 2009 c 455 s 2, 2009 c 441 s 1, and 2009 c 399 s 1 are each reenacted and amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) An offender may earn early release time as authorized by RCW 9.94A.729;

(2) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(3)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious and is expected to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and

(iii) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time.

(e) Persistent offenders are not eligible for extraordinary medical placement;

(4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(5) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community or no more than the final twelve months of the offender's term of confinement may be served in partial confinement as part of the parenting program in section 8 of this act. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

(6) The governor may pardon any offender;

(7) The department may release an offender from confinement any time within ten days before a release date calculated under this section;

(8) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870; and

(9) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540.

Sec. 12. RCW 9.94A.729 and 2009 c 455 s 3 are each amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. The department may approve a jail certification from a correctional agency that calculates earned release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence.

(2) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(c) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (c)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(d) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(c) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(c) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who is convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(5);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan. The voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) For each offender who is the recipient of a rental voucher, the department shall include, concurrent with the data that the department otherwise obtains and records, the housing status of the offender for the duration of the offender's supervision.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

NEW SECTION. Sec. 13. A new section is added to chapter 9.94A RCW to read as follows:

For offenders not sentenced under section 2 of this act, but otherwise eligible under this section, no more than the final twelve months of the offender's term of confinement may be served in partial confinement as home detention as part of the parenting program developed by the department.

(1) The secretary may transfer an offender from a correctional facility to home detention in the community if it is determined that the

parenting program is an appropriate placement and when all of the following conditions exist:

(a) The offender is serving a sentence in which the high end of the range is greater than one year;

(b) The offender has no current conviction for a felony that is a sex offense or a violent offense;

(c) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(d) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court;

(e) The offender:

(i) Has physical or legal custody of a minor child;

(ii) Has a proven, established, ongoing, and substantial relationship with his or her minor child that existed prior to the commission of the current offense; or

(iii) Is a legal guardian of a child that was under the age of eighteen at the time of the current offense; and

(f) The department determines that such a placement is in the best interests of the child.

(2) When the department is considering partial confinement as part of the parenting program for an offender, the department shall inquire of the individual and the children's administration with the Washington state department of social and health services whether the agency has an open child welfare case or prior substantiated referral for abuse or neglect involving the offender. If the children's administration or a tribal jurisdiction has an open child welfare case, the department will seek input from the children's administration or the involved tribal jurisdiction as to: (a) The status of the child welfare case; and (b) recommendations regarding placement of the offender and services required of the department and the court governing the individual's child welfare case. The department and its officers, agents, and employees are not liable for the acts of offenders participating in the parenting program unless the department or its officers, agents, and employees acted with willful and wanton disregard.

(3) All offenders placed on home detention as part of the parenting program shall provide an approved residence and living arrangement prior to transfer to home detention.

(4) While in the community on home detention as part of the parenting program, the department shall:

(a) Require the offender to be placed on electronic home monitoring;

(b) Require the offender to participate in programming and treatment that the department determines is needed;

(c) Assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements; and

(d) If the offender has an open child welfare case with the children's administration, collaborate and communicate with the identified social worker in the provision of services.

(5) The department has the authority to return any offender serving partial confinement in the parenting program to total confinement if the offender is not complying with sentence requirements.

Sec. 14. RCW 9.94A.734 and 2007 c 199 s 9 are each amended to read as follows:

(1) Home detention may not be imposed for offenders convicted of the following offenses, unless imposed as partial confinement in the department's parenting program under section 8 of this act:

(a) A violent offense;

(b) Any sex offense;

(c) Any drug offense;

- (d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;
- (e) Assault in the third degree as defined in RCW 9A.36.031;
- (f) Assault of a child in the third degree;
- (g) Unlawful imprisonment as defined in RCW 9A.40.040; or
- (h) Harassment as defined in RCW 9A.46.020.

Home detention may be imposed for offenders convicted of possession of a controlled substance under RCW 69.50.4013 or forged prescription for a controlled substance under RCW 69.50.403 if the offender fulfills the participation conditions set forth in this section and is monitored for drug use by a treatment alternatives to street crime program or a comparable court or agency-referred program.

(2) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender:

- (a) Successfully completing twenty-one days in a work release program;
- (b) Having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary;
- (c) Having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense;
- (d) Having no prior charges of escape; and
- (e) Fulfilling the other conditions of the home detention program.

(3) Home detention may be imposed for offenders convicted of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, theft of a motor vehicle as defined under RCW 9A.56.065, or possession of a stolen motor vehicle as defined under RCW 9A.56.068 conditioned upon the offender:

- (a) Having no convictions for taking a motor vehicle without permission, theft of a motor vehicle or possession of a stolen motor vehicle during the preceding five years and not more than two prior convictions for taking a motor vehicle without permission, theft of a motor vehicle or possession of a stolen motor vehicle;
- (b) Having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense;
- (c) Having no prior charges of escape; and
- (d) Fulfilling the other conditions of the home detention program.

(4) Participation in a home detention program shall be conditioned upon:

- (a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender;
- (b) Abiding by the rules of the home detention program; and
- (c) Compliance with court-ordered legal financial obligations.

The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Sec. 15. RCW 9.94A.190 and 2009 c 28 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state, or in home detention pursuant to section 8 of this act. Except as provided in subsection (3) or (5) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized

under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the offender or a member of the offender's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.589.

(4) Notwithstanding any other provision of this section, a sentence imposed pursuant to RCW 9.94A.660 which has a standard sentence range of over one year, regardless of length, shall be served in a facility or institution operated, or utilized under contract, by the state.

(5) Sentences imposed pursuant to RCW 9.94A.507 shall be served in a facility or institution operated, or utilized under contract, by the state.

Sec. 16. RCW 9.94A.6332 and 2009 c 375 s 14 are each amended to read as follows:

The procedure for imposing sanctions for violations of sentence conditions or requirements is as follows:

(1) If the offender was sentenced under the drug offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.660.

(2) If the offender was sentenced under the special (~~sexual~~ ~~[sex])~~ sex offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.670.

(3) If the offender was sentenced under the parenting sentencing alternative, any sanctions shall be imposed by the department or by the court pursuant to section 2 of this act.

(4) If a sex offender was sentenced pursuant to RCW 9.94A.507, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((4))~~ (5) In any other case, if the offender is being supervised by the department, any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, upon receipt of a violation hearing report from the department, the court retains any authority that those statutes provide to respond to a probationer's violation of conditions.

~~((5))~~ (6) If the offender is not being supervised by the department, any sanctions shall be imposed by the court pursuant to RCW 9.94A.6333.

Sec. 17. RCW 9.94A.633 and 2009 c 375 s 12 are each amended to read as follows:

(1)(a) An offender who violates any condition or requirement of a sentence may be sanctioned with up to sixty days' confinement for each violation.

(b) In lieu of confinement, an offender may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through

electronic monitoring, or any other sanctions available in the community.

(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728(2), the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the offender was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the offender may be sanctioned in accordance with that section.

(c) If the offender was sentenced under the parenting sentencing alternative set out in section 2 of this act, the offender may be sanctioned in accordance with that section.

~~((sex))~~ (d) If the offender was sentenced under the special ~~((sexual))~~ sex offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the offender committed to serve the original sentence of confinement.

~~((eth))~~ (e) If the offender was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the offender may be reclassified to serve the unexpired term of his or her sentence in total confinement.

~~((sex))~~ (f) If a sex offender was sentenced pursuant to RCW 9.94A.507, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. The department shall provide a copy of the violation hearing report to the sentencing court in a timely manner. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions."

Correct the title.

Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Referred to Committee on Ways & Means.

February 22, 2010

ESSB 6658 Prime Sponsor, Committee on Environment, Water & Energy: Modifying community solar project provisions for investment cost recovery incentives. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 18. RCW 82.16.110 and 2009 c 469 s 504 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means an owner and assignee of a community solar project as defined in subsection (2)(a)(i) of this section that is responsible for applying for the investment cost recovery incentive on behalf of the other owners and performing such

administrative tasks on behalf of the other owners as may be necessary, such as receiving investment cost recovery incentive payments, and allocating and paying appropriate amounts of such payments to the other owners.

~~((2))~~ (a) "Community solar project" means:

(i) A solar energy system that produces a maximum instantaneous power output of one megawatt of electricity and is owned by local individuals, households, nonprofit organizations, or nonutility businesses that is placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business; ~~((eth))~~

(ii) A utility-owned solar energy system that produces a maximum instantaneous power output of one megawatt of electricity and that is voluntarily funded by the utility's ratepayers where, in exchange for their financial support, the utility gives contributors a payment or credit on their utility bill for the value of the electricity produced by the project;

(iii) A solar energy system, placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business, that produces a maximum instantaneous power output of one megawatt of electricity, and that is owned by a limited liability company whose members are each eligible for an investment cost recovery incentive for the same customer-generated electricity as provided in RCW 82.16.120; or

(iv) A virtual net metering system, as defined in RCW 80.60.010, that uses solar energy to generate electricity and the customer-generators participating in virtual net metering are assigned fractions or shares by a net metering aggregator as determined under RCW 80.60.010 through 80.60.030.

(b) For the purposes of "community solar project" as defined in (a) of this subsection:

(i) "Nonprofit organization" means an organization exempt from taxation under ~~((Title))~~ 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of January 1, 2009; and

(ii) "Utility" means a light and power business, an electric cooperative, or a mutual corporation that provides electricity service.

~~((2))~~ (3) "Customer-generated electricity" means a community solar project or the alternating current electricity that is generated from a renewable energy system located in Washington and installed on an individual's, businesses', or local government's real property that is also provided electricity generated by a light and power business. Except for community solar projects, a system located on a leasehold interest does not qualify under this definition. Except for utility-owned community solar projects, "customer-generated electricity" does not include electricity generated by a light and power business with greater than one thousand megawatt hours of annual sales or a gas distribution business.

~~((3))~~ (4) "Economic development kilowatt-hour" means the actual kilowatt-hour measurement of customer-generated electricity multiplied by the appropriate economic development factor.

~~((4))~~ (5) "Local governmental entity" means any unit of local government of this state including, but not limited to, counties, cities, towns, municipal corporations, quasi-municipal corporations, special purpose districts, and school districts.

~~((5))~~ (6) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

~~((6))~~ (7) "Renewable energy system" means a solar energy system, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

~~((7))~~ (8) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

~~((8))~~ (9) "Solar inverter" means the device used to convert direct current to alternating current in a photovoltaic cell system.

~~((9))~~ (10) "Solar module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

Sec. 19. RCW 82.16.120 and 2009 c 469 s 505 are each amended to read as follows:

(1)(a) Any individual, business, local governmental entity, not in the light and power business or in the gas distribution business, or a participant in a community solar project may apply to the light and power business serving the situs of the system, each fiscal year beginning on July 1, 2005, for an investment cost recovery incentive for each kilowatt-hour from a customer-generated electricity renewable energy system.

(No incentive may be paid for kilowatt-hours generated before July 1, 2005, or after June 30, 2020.)

(b) In the case of a community solar project as defined in RCW 82.16.110(2)(a)(i), the administrator must apply for the investment cost recovery incentive on behalf of each of the other owners.

(c) In the case of a community solar project as defined in RCW 82.16.110(2)(a)(iii), the limited liability company owning the community solar project must apply for the investment cost recovery incentive on behalf of each member of the limited liability company.

(d) In the case of a community solar project as defined in RCW 82.16.110(2)(a)(iv), the net metering aggregator must apply for the investment cost recovery incentive on behalf of each customer-generator.

(2)(a) Before submitting for the first time the application for the incentive allowed under subsection (4) of this section, the applicant must submit to the department of revenue and to the climate and rural energy development center at the Washington State University, established under RCW 28B.30.642, a certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system.

(A) If the applicant is an administrator of a community solar project as defined in RCW 82.16.110(2)(a)(i), the certification must also include the name and address of each of the owners of the community solar project.

(B) If the applicant is a limited liability company that owns a community solar project as defined in RCW 82.16.110(2)(a)(iii), the certification must also include the name and address of each member of the limited liability company.

(C) If the applicant is a virtual net metering aggregator as defined in RCW 82.16.110(2)(a)(iv), the certification must also include the name and address of each customer-generator participating in virtual net metering;

(ii) The applicant's tax registration number;

(iii) That the electricity produced by the applicant meets the definition of "customer-generated electricity" and that the renewable energy system produces electricity with:

(A) Any solar inverters and solar modules manufactured in Washington state;

(B) A wind generator powered by blades manufactured in Washington state;

(C) A solar inverter manufactured in Washington state;

(D) A solar module manufactured in Washington state; or

(E) Solar or wind equipment manufactured outside of Washington state;

(iv) That the electricity can be transformed or transmitted for entry into or operation in parallel with electricity transmission and distribution systems; and

(v) The date that the renewable energy system received its final electrical permit from the applicable local jurisdiction.

(b) Within thirty days of receipt of the certification the department of revenue must notify the applicant by mail, or electronically as provided in RCW 82.32.135, whether the renewable

energy system qualifies for an incentive under this section. The department may consult with the climate and rural energy development center to determine eligibility for the incentive. System certifications and the information contained therein are subject to disclosure under RCW 82.32.330(3)(m).

(3)(a) By August 1st of each year application for the incentive ~~((shall))~~ must be made to the light and power business serving the situs of the system by certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system.

(A) If the applicant is an administrator of a community solar project as defined in RCW 82.16.110(2)(a)(i), the application must also include the name and address of each of the owners of the community solar project.

(B) If the applicant is a limited liability company that owns a community solar project as defined in RCW 82.16.110(2)(a)(iii), the application must also include the name and address of each member of the limited liability company;

(ii) The applicant's tax registration number;

(iii) The date of the notification from the department of revenue stating that the renewable energy system is eligible for the incentives under this section; and

(iv) A statement of the amount of kilowatt-hours generated by the renewable energy system in the prior fiscal year.

(b) Within sixty days of receipt of the incentive certification the light and power business serving the situs of the system ~~((shall))~~ must notify the applicant in writing whether the incentive payment will be authorized or denied. The business may consult with the climate and rural energy development center to determine eligibility for the incentive payment. Incentive certifications and the information contained therein are subject to disclosure under RCW 82.32.330(3)(m).

(c)(i) Persons receiving incentive payments ~~((shall))~~ must keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of incentive applied for and received. Such records ~~((shall))~~ must be open for examination at any time upon notice by the light and power business that made the payment or by the department. If upon examination of any records or from other information obtained by the business or department it appears that an incentive has been paid in an amount that exceeds the correct amount of incentive payable, the business may assess against the person for the amount found to have been paid in excess of the correct amount of incentive payable and ~~((shall))~~ must add thereto interest on the amount. Interest ~~((shall be))~~ is assessed in the manner that the department assesses interest upon delinquent tax under RCW 82.32.050.

(ii) If it appears that the amount of incentive paid is less than the correct amount of incentive payable the business may authorize additional payment.

(4) Except for community solar projects, the investment cost recovery incentive may be paid fifteen cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For community solar projects, the investment cost recovery incentive may be paid thirty cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For the purposes of this section, the rate paid for the investment cost recovery incentive may be multiplied by the following factors:

(a) For customer-generated electricity produced using solar modules manufactured in Washington state, two and four-tenths;

(b) For customer-generated electricity produced using a solar or a wind generator equipped with an inverter manufactured in Washington state, one and two-tenths;

(c) For customer-generated electricity produced using an anaerobic digester, or by other solar equipment or using a wind generator equipped with blades manufactured in Washington state, one; and

(d) For all other customer-generated electricity produced by wind, eight-tenths.

(5)(a) No individual, household, business, or local governmental entity is eligible for incentives provided under subsection (4) of this section for more than five thousand dollars per year.

(b) Except as provided in (c) and (d) of this subsection (5), each applicant in a community solar project is eligible for up to five thousand dollars per year.

(c) Where the applicant is an administrator of a community solar project as defined in RCW 82.16.110(2)(a)(i), each owner is eligible for an incentive up to five thousand dollars per year.

(d) Where the applicant is a limited liability company owning a community solar project that has applied for an investment cost recovery incentive on behalf of its members, the limited liability company is eligible for an incentive up to five thousand dollars per year.

(6) Owners in a community solar project are eligible to receive an investment cost recovery incentive based on the total customer-generated electricity produced by the project but only in proportion to each ownership share or, in the case of a utility-owned community solar project, in proportion to each ratepayer's contribution. No owner in a community solar project is eligible for incentives under this section for more than five thousand dollars.

(7) If requests for the investment cost recovery incentive exceed the amount of funds available for credit to the participating light and power business, the incentive payments ~~((shall))~~ must be reduced proportionately.

~~((7))~~ (8) The climate and rural energy development center at Washington State University energy program may establish guidelines and standards for technologies that are identified as Washington manufactured and therefore most beneficial to the state's environment.

~~((8))~~ (9) The environmental attributes of the renewable energy system belong to the applicant, and do not transfer to the state or the light and power business upon receipt of the investment cost recovery incentive.

(10) No incentive may be paid under this section for kilowatt-hours generated before July 1, 2005, or after June 30, 2020.

NEW SECTION. Sec. 20. A new section is added to chapter 82.16 RCW to read as follows:

Owners of a community solar project as defined in RCW 82.16.110(2)(a) (i) and (iii) must agree to hold harmless the light and power business serving the situs of the system, including any employee, for the good faith reliance on the information contained in an application or certification submitted by an administrator or limited liability company. In addition, the light and power business and any employee is immune from civil liability for the good faith reliance on any misstatement that may be made in such application or certification. Should a light and power business or employee prevail upon the defense provided in this section, it is entitled to recover expenses and reasonable attorneys' fees incurred in establishing the defense.

Sec. 21. RCW 80.60.010 and 2007 c 323 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly ~~((indicates))~~ requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Customer-generator" means either: (a) A user of a net metering system located on the premises of a customer-generator; or (b) a customer of an electric utility participating in virtual net metering.

(3) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(4) "Electric cooperative" means a cooperative or association organized under chapter 23.86 or 24.06 RCW.

(5) "Electric utility" means any electrical company, public utility district, irrigation district, port district, electric cooperative, or municipal electric utility that is engaged in the business of distributing electricity to retail electric customers in the state.

(6) "Irrigation district" means an irrigation district under chapter 87.03 RCW.

(7) "Meter aggregation" means the administrative combination of readings from and billing for all meters, regardless of the rate class, on premises owned or leased by a customer-generator located within the service territory of a single electric utility.

(8) "Municipal electric utility" means a city or town that owns or operates an electric utility authorized by chapter 35.92 RCW.

(9) "Net metering" means measuring the difference between the electricity supplied by an electric utility and the electricity generated by a customer-generator over the applicable billing period.

(10) "Net metering system" means a fuel cell, a facility that produces electricity and used and useful thermal energy from a common fuel source, or a facility for the production of electrical energy that generates renewable energy, and that:

(a)(i) For electric utilities that are not full requirements customers, has an electrical generating capacity of not more than one (~~hundred kilowatts~~) megawatt; or

(ii) For electric utilities that are full requirements customers, either: (A) Has an electrical generating capacity of no more than one hundred ninety-nine kilowatts and is metered by one meter; or (B) has an electrical generating capacity of up to one megawatt and is metered by multiple meters with no one meter measuring more than one hundred ninety-nine kilowatts in electrical generating capacity;

(b) Is located on the customer-generator's premises or, for virtual net metering, is located within the same electric distribution system of the customer-generator;

(c) Operates in parallel with the electric utility's transmission and distribution facilities; and

(d) Is intended primarily to offset part or all of the customer-generator's requirements for electricity.

(11) "Premises" means any residential property, commercial real estate, or lands, owned or leased by a customer-generator within the service area of a single electric utility.

(12) "Port district" means a port district within which an industrial development district has been established as authorized by Title 53 RCW.

(13) "Public utility district" means a district authorized by chapter 54.04 RCW.

(14) "Renewable energy" means energy generated by a facility that uses water, wind, solar energy, or biogas from animal waste as a fuel.

(15) "Virtual net metering" means the administrative combination of readings from the production meter, or meters when the net metering system is connected to the distribution system of an electric utility that is a full requirements customer, of a single net metering system and billing for multiple meters, regardless of class, from a group of customer-generators according to either an assigned fraction, share, or net meter reading of that net metering system for each customer-generator as contracted with a virtual net metering aggregator. The net metering system and the group of customer-generators must all be within the same electric distribution system.

(16) "Virtual net metering aggregator" means an entity that:

(a) Is responsible for professionally managing the net metering system for the life of the project;

(b) Acts as the sole point of contact with the electric utility, responsible for calibrating, maintaining, and communicating to the electric utility a list of assigned fractions, shares, or net meter readings

of the electrical output of a net metering system depending on if utility or aggregator is providing software for meter aggregation;

(c) Registers the net metering system with the western renewable energy generation information system and accounts for all renewable energy credit transactions on that system; and

(d) Registers with the secretary of state as required by statute as either: A limited liability company; a profit corporation; a nonprofit corporation; a limited partnership; or a limited liability partnership.

(17) "Assigned fraction" means the percentage of kilowatt-hours generated by a net metering system deducted from the electrical consumption of a customer-generator. Unless there is a voluntary agreement for smaller fractions, an assigned fraction may not be smaller than:

(a) One-tenth of a percent (1/1000) and on average produce no less than one thousand kilowatt-hours annually for utilities with more than twenty-five thousand ratepayers; or

(b) One percent (1/100) and on average produce no less than two thousand kilowatt-hours annually for utilities with less than twenty-five thousand ratepayers.

(18) "Operating fraction" means the percentage of kilowatt-hours generated by a net metering system that is:

(a) Specified by the net metering aggregator;

(b) Not assigned to a customer-generator for virtual net metering; and

(c) Sold by the virtual net metering aggregator to the utility at the rates, terms, and conditions that would otherwise apply to a renewable energy generation system of the same size as the net metering system.

(19) "Distribution system" means all of the distribution lines, substations, switches, and other distribution hardware contiguously connected at voltages below ninety kilovolts that are:

(a) Owned and operated by a single utility; or

(b) Owned and operated by two or more utilities with adjoining distribution systems agreeing to combine their distribution systems for the purpose of virtual net metering.

(20) "Full requirements customer" has the same meaning as defined in RCW 19.280.020.

Sec. 22. RCW 80.60.020 and 2007 c 323 s 2 are each amended to read as follows:

(1) An electric utility:

(a) Shall offer to make net metering available to eligible customers-generators on a first-come, first-served basis until the cumulative generating capacity of net metering systems equals 0.25 percent of the utility's peak demand during 1996. On January 1, 2014, the cumulative generating capacity available to net metering systems will equal 0.5 percent of the utility's peak demand during 1996. Not less than one-half of the utility's 1996 peak demand available for net metering systems shall be reserved for the cumulative generating capacity attributable to net metering systems that generate renewable energy;

(b) Shall allow net metering systems to be interconnected using a standard kilowatt-hour meter capable of registering the flow of electricity in two directions, unless the commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment:

(i) That the use of additional metering equipment to monitor the flow of electricity in each direction is necessary and appropriate for the interconnection of net metering systems, after taking into account the benefits and costs of purchasing and installing additional metering equipment; and

(ii) How the cost of purchasing and installing an additional meter is to be allocated between the customer-generator and the utility;

(c) Shall charge the customer-generator a minimum monthly fee that is the same as other customers of the electric utility in the same rate class, but shall not charge the customer-generator any additional standby, capacity, interconnection, or other fee or charge unless the

commission, in the case of an electrical company, or the appropriate governing body, in the case of other electric utilities, determines, after appropriate notice and opportunity for comment that:

(i) The electric utility will incur direct costs associated with interconnecting or administering net metering systems that exceed any offsetting benefits associated with these systems; and

(ii) Public policy is best served by imposing these costs on the customer-generator rather than allocating these costs among the utility's entire customer base;

(d) Shall buy an operating fraction of the net metering aggregator of the net metering system using rates, tariffs, contracts, and conditions as would otherwise apply to the utility buying power from a comparable renewable energy generator.

(2)(a) If a production meter (~~and~~), software, and associated interconnection equipment is required by the electric utility to provide meter aggregation under RCW 80.60.030(4), (~~the~~) customer-generators (~~is~~) or aggregators are responsible for the purchase of the production meter (~~and~~), software, and associated interconnection equipment. If an electric utility chooses to update its billing software to accommodate meter aggregation, the customer-generator may not be required to purchase software.

(b) If the electric utility decides to update its billing software to accommodate meter aggregation, the aggregator must assign fractions to customer-generators and operating fractions in a manner consistent with this chapter.

(c) If the net metering aggregator is required by the electric utility to provide software to accommodate meter aggregation, the aggregator must provide net meter readings to the electric utility in the form the electric utility uses to read meters.

(3) A net metering aggregator, who must assign fractions to customer-generators and operating fractions as required under subsection (2)(b) of this section, shall submit an updated list of assigned fractions and operating fractions to the electric utility no more than once per quarter on a date determined by the electric utility. A net metering aggregator must provide information to the electric utility demonstrating that the assigned fractions and operating fractions equal one hundred percent.

Sec. 23. RCW 80.60.030 and 2007 c 323 s 3 are each amended to read as follows:

Consistent with the other provisions of this chapter, the net energy measurement must be calculated in the following manner:

(1) The electric utility shall measure the net electricity produced or consumed during the billing period, in accordance with normal metering practices.

(2) If the electricity supplied by the electric utility exceeds the electricity generated by the customer-generator and fed back to the electric utility during the billing period, the customer-generator shall be billed for the net electricity supplied by the electric utility, in accordance with normal metering practices.

(3) If electricity generated by the customer-generator exceeds the electricity supplied by the electric utility, the customer-generator:

(a) Shall be billed for the appropriate customer charges for that billing period, in accordance with RCW 80.60.020; and

(b) Shall be credited for the excess kilowatt-hours generated during the billing period, with this kilowatt-hour credit appearing on the bill for the following billing period.

(4) If a customer-generator requests, an electric utility shall provide meter aggregation.

(a) For customer-generators participating in meter aggregation, kilowatt-hours credits earned by a net metering system during the billing period first shall be used to offset electricity supplied by the electric utility.

(b) Not more than a total of one (~~hundred kilowatts~~) megawatt shall be aggregated among all customer-generators participating in a (~~generating facility~~) net metering system under this subsection.

(c) Excess kilowatt-hours credits earned by the net metering system, during the same billing period, shall be either: (i) Credited equally by the electric utility to remaining meters located on all premises of a customer-generator at the designated rate of each meter; or (ii) in the case of virtual net metering, credited by the virtual net metering aggregator to remaining meters in proportion to the contracted specified fraction, share, or net meter reading for each customer-generator. An assigned fraction, share, or net metering reading shall be directly proportional to each meter's share of the net consumption or generation at its rate class as related to the total of all aggregated meters of a virtual net metering aggregator.

(d) Meters so aggregated shall not change rate classes due to meter aggregation under this section.

(5) On April 30th of each calendar year, any remaining unused kilowatt-hour credit accumulated during the previous year shall be granted to the electric utility, without any compensation to the customer-generator.

(6)(a) All renewable energy credits produced as a result of the generation of electricity from a net metering system shall be the property of the customer-generator.

(b) For renewable energy credits generated through virtual net metering, an assigned fraction or share of the renewable energy credit shall be assigned to the customer-generator by the virtual net metering aggregator."

Correct the title.

Signed by Representatives McCoy, Chair; Finn, Vice Chair; Carlyle; Eddy; Hasegawa; Hudgins; Jacks; Morris; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Hinkle; McCune; Nealey and Taylor.

Passed to Committee on Rules for second reading.

February 22, 2010

2SSB 6667 Prime Sponsor, Committee on Ways & Means: Concerning business assistance programs. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 24. The legislature finds that small businesses and entrepreneurs are a fundamental source of economic and community vitality for our state. They employ state residents, pay state taxes, purchase goods and services from local and regional companies, and contribute to our communities in many other ways. The legislature finds that small businesses and entrepreneurs need increased access to capital and technical assistance in order to maximize their potential. The legislature intends that the department of commerce and the small business development center each build upon their existing relevant statutory missions and authorities by collaborating on a specific plan to expand services to small businesses and entrepreneurs beginning in the 2011-2013 biennium.

Sec. 25. RCW 43.330.060 and 2005 c 136 s 13 are each amended to read as follows:

(1) The department shall (a) assist in expanding the state's role as an international center of trade, culture, and finance; (b) promote and market the state's products and services both nationally and internationally; (c) work in close cooperation with other private and public international trade efforts; (d) act as a centralized location for

the assimilation and distribution of trade information; and (e) establish and operate foreign offices promoting overseas trade and commerce.

(2) The department shall identify and work with Washington businesses that can use local, state, and federal assistance to increase domestic and foreign exports of goods and services.

(3) The department shall work generally with small businesses and other employers to facilitate resolution of siting, regulatory, expansion, and retention problems. This assistance shall include but not be limited to assisting in workforce training and infrastructure needs, identifying and locating suitable business sites, and resolving problems with government licensing and regulatory requirements. The department shall identify gaps in needed services and develop steps to address them including private sector support and purchase of these services.

(4) The department shall work to increase the availability of capital to small businesses by developing new and flexible investment tools; by assisting in targeting and improving the efficiency of existing investment mechanisms; and by assisting in the procurement of managerial and technical assistance necessary to attract potential investors.

(5) The department shall assist women and minority-owned businesses in overcoming barriers to entrepreneurial success. The department shall contract with public and private agencies, institutions, and organizations to conduct entrepreneurial training courses for minority and women-owned businesses. The instruction shall be intensive, practical training courses in financing, marketing, managing, accounting, and recordkeeping for a small business, with an emphasis on federal, state, local, or private programs available to assist small businesses. Instruction shall be offered in major population centers throughout the state at times and locations that are convenient for minority and women small business owners.

(6)(a) By December 1, 2010, the department, in conjunction with the small business development center, must prepare and present to the governor and appropriate legislative committees a specific, actionable plan to increase access to capital and technical assistance to small businesses and entrepreneurs beginning with the 2011-2013 biennium. In developing the plan, the department and the center must consult with the Washington state microenterprise association, and may consult with other government, nonprofit, and private organizations as necessary. The plan must identify:

(i) Existing sources of capital and technical assistance for small businesses and entrepreneurs;

(ii) Critical gaps and barriers to availability of capital and delivery of technical assistance to small businesses and entrepreneurs;

(iii) Workable solutions to filling the gaps and removing barriers identified in (a)(ii) of this subsection; and

(iv) The financial resources and statutory changes necessary to put the plan into effect beginning with the 2011-2013 biennium.

(b) With respect to increasing access to capital, the plan must identify specific, feasible sources of capital and practical mechanisms for expanding access to it.

(c) The department and the center must include, within the analysis and recommendations in (a) of this subsection, any specific gaps, barriers, and solutions related to rural and low-income communities and small manufacturers interested in exporting.

Sec. 26. RCW 28B.30.530 and 2009 c 486 s 1 are each amended to read as follows:

(1) The board of regents of Washington State University shall establish the Washington State University small business development center.

(2) The center shall provide management and technical assistance including but not limited to training, counseling, and research services to small businesses throughout the state. The center shall work with the department of ~~((community, trade, and economic development))~~ commerce, the state board for community and technical colleges, the

higher education coordinating board, the workforce training and education coordinating board, the employment security department, the Washington state economic development commission, associate development organizations, and workforce development councils to:

(a) Integrate small business development centers with other state and local economic development and workforce development programs;

(b) Target the centers' services to small businesses;

(c) Tailor outreach and services at each center to the needs and demographics of entrepreneurs and small businesses located within the service area;

(d) Establish and expand small business development center satellite offices when financially feasible; and

(e) Coordinate delivery of services to avoid duplication.

(3) The administrator of the center may contract with other public or private entities for the provision of specialized services.

(4) The small business development center may accept and disburse federal grants or federal matching funds or other funds or donations from any source when made, granted, or donated to carry out the center's purposes. When drawing on funds from the business assistance account created in RCW (~~(30.60.040)~~) 28B.30.531, the center must first use the funds to make increased management and technical assistance available to existing small businesses and start-up businesses at satellite offices. The funds may also be used to develop and expand assistance programs such as small business planning workshops and small business counseling.

(5) The legislature directs the small business development center to request United States small business administration approval of a special emphasis initiative, as permitted under 13 C.F.R. 130.340(c) as of April 1, 2009, to target assistance to Washington state's smaller businesses. This initiative would be negotiated and included in the first cooperative agreement application process that occurs after July 26, 2009.

(6) By (~~December 1, 2009, and~~) December 1, 2010, (~~respectively,~~) the center shall provide a written progress report and a final report to the appropriate committees of the legislature with respect to the requirements in subsections (2) and (5) of this section and the amount and use of funding received through the business assistance account. The reports must also include data on the number, location, staffing, and budget levels of satellite offices; affiliations with community colleges, associate development organizations or other local organizations; the number, size, and type of small businesses assisted; and the types of services provided. The reports must also include information on the outcomes achieved, such as jobs created or retained, private capital invested, and return on the investment of state and federal dollars.

(7)(a) By December 1, 2010, the center, in conjunction with the department of commerce, must prepare and present to the governor and appropriate legislative committees a specific, actionable plan to increase access to capital and technical assistance to small businesses and entrepreneurs beginning with the 2011-2013 biennium. In developing the plan, the center and the department must consult with the Washington state microenterprise association, and may consult with other government, nonprofit, and private organizations as necessary. The plan must identify:

(i) Existing sources of capital and technical assistance for small businesses and entrepreneurs;

(ii) Critical gaps and barriers to availability of capital and delivery of technical assistance to small businesses and entrepreneurs;

(iii) Workable solutions to filling the gaps and removing barriers identified in (a)(ii) of this subsection; and

(iv) The financial resources and statutory changes necessary to put the plan into effect beginning with the 2011-2013 biennium.

(b) With respect to increasing access to capital, the plan must identify specific, feasible sources of capital and practical mechanisms for expanding access to it.

(c) The center and the department must include, within the analysis and recommendations in (a) of this subsection, any specific gaps, barriers, and solutions related to rural and low-income communities and small manufacturers interested in exporting."

Correct the title.

Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Moeller and Probst.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Referred to Committee on Ways & Means.

February 22, 2010

SSB 6674 Prime Sponsor, Committee on Judiciary: Regulating indemnification agreements involving motor carrier transportation contracts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 22, 2010

2SSB 6679 Prime Sponsor, Committee on Ways & Means: Concerning the small business export finance assistance center. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 27. RCW 43.210.040 and 1998 c 109 s 3 are each amended to read as follows:

(1) The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 (~~shall have~~) has the powers granted under chapter 24.03 RCW. In exercising such powers, the center may:

(a) Solicit and accept grants, contributions, and any other financial assistance from the federal government, federal agencies, and any other sources to carry out its purposes;

(b) Make loans or provide loan guarantees on loans made by financial institutions to Washington businesses with annual sales of two hundred million dollars or less for the purpose of financing exports of goods or services by those businesses to buyers in foreign countries and for the purpose of financing business growth to accommodate increased export sales. Loans or loan guarantees made under the authority of this section may only be considered upon a financial institution's assurance that such loan or loan guarantee is otherwise not available;

(c) Provide assistance to businesses with annual sales of two hundred million dollars or less in obtaining loans and guarantees of loans made by financial institutions for the purpose of financing export of goods or services from the state of Washington;

~~((e))~~ (d) Provide export finance and risk mitigation counseling to Washington exporters with annual sales of two hundred million dollars or less, provided that such counseling is not practicably available from a Washington for-profit business. For such counseling, the center may charge reasonable fees as it determines are necessary;

~~((d))~~ (e) Provide assistance in obtaining export credit insurance or alternate forms of foreign risk mitigation to facilitate the export of goods and services from the state of Washington;

~~((e))~~ (f) Be available as a teaching resource to both public and private sponsors of workshops and programs relating to the financing and risk mitigation aspects of exporting products and services from the state of Washington;

~~((f))~~ (g) Develop a comprehensive inventory of export-financing resources, both public and private, including information on resource applicability to specific countries and payment terms;

~~((g))~~ (h) Contract with the federal government and its agencies to become a program administrator for federally provided loan guarantee and export credit insurance programs; and

~~((h))~~ (i) Take whatever action may be necessary to accomplish the purposes set forth in this chapter.

(2) The center may not use any Washington state funds or funds which come from the public treasury of the state of Washington to make loans or to make any payment under a loan guarantee agreement. Under no circumstances may the center use any funds received under RCW 43.210.050 to make or assist in making any loan or to pay or assist in paying any amount under a loan guarantee agreement. Debts of the center shall be center debts only and may be satisfied only from the resources of the center. The state of Washington shall not in any way be liable for such debts.

(3) The small business export finance assistance center shall make every effort to seek nonstate funds for its continued operation.

(4) The small business export finance assistance center may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the small business export finance assistance center and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

Sec. 28. RCW 43.210.050 and 1998 c 245 s 84 are each amended to read as follows:

(1) The small business export finance assistance center formed under RCW 43.210.020 and 43.210.030 ~~((shall))~~ must enter into a contract under this chapter with the department of ~~((community, trade, and economic development))~~ commerce or its statutory successor.

(2) The contract ~~((shall))~~ under subsection (1) of this section must:

(a) Require the center to provide export assistance services~~((consistent with RCW 43.210.070 and 43.210.100 through 43.210.120, shall));~~

(b) Have a duration of two years~~((and shall));~~

(c) Require the center to aggressively seek to fund its continued operation from nonstate funds~~((The contract shall also)); and~~

(d) Require the center to report annually to the department on its success in obtaining nonstate funding. ~~((Upon expiration of the contract, any provisions within the contract applicable to the Pacific Northwest export assistance project shall be automatically renewed without change provided the legislature appropriates funds for administration of the small business export assistance center and the Pacific Northwest export assistance project. The provisions of the contract related to the Pacific Northwest export assistance project may be changed at any time if the director of the department of community, trade, and economic development or the president of the small business export finance assistance center present compelling reasons supporting the need for a contract change to the board of directors and a majority of the~~

~~board of directors agrees to the changes. The department of agriculture shall be included in the contracting negotiations with the department of community, trade, and economic development and the small business export finance assistance center when the Pacific Northwest export assistance project provides export services to industrial sectors within the administrative domain of the Washington state department of agriculture.))"~~

Correct the title.

Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Moeller; Orcutt; Parker and Probst.

Referred to Committee on General Government Appropriations.

February 22, 2010

SSB 6692

Prime Sponsor, Committee on Environment, Water & Energy: Allowing certain counties to participate and enter into ownership agreements for electric generating facilities powered by biomass. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 29. RCW 36.140.010 and 2009 c 281 s 1 are each amended to read as follows:

(1) Any county legislative authority of a county where a public utility district owns and operates a plant or system for the generation, transmission, and distribution of electric energy for sale within the county may construct, purchase, acquire, operate, and maintain ~~((a))~~ one facility within the county to generate electricity from biomass energy that is a renewable resource under RCW 19.285.030 or from biomass energy that is produced from lignin in spent pulping liquors or liquors derived from algae and other sources. The county legislative authority has the authority to regulate and control the use, distribution, sale, and price of the electricity produced from the biomass facility authorized under this section.

(2) For the purposes of this section:

(a) "County legislative authority" means the board of county commissioners or the county council; ~~((and))~~

(b) "Plant" means a natural gas-fueled, combined-cycle combustion turbine capable of generating at least two hundred forty megawatts of electricity; and

(c) "Public utility district" means a municipal corporation formed under chapter 54.08 RCW.

Sec. 30. RCW 54.44.020 and 2008 c 198 s 3 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, cities of the first class, public utility districts organized under chapter 54.08 RCW, and joint operating agencies organized under chapter 43.52 RCW, any such cities and public utility districts which operate electric generating facilities or distribution systems and any joint operating agency shall have power and authority to participate and enter into agreements with each other and with electrical companies which are subject to the jurisdiction of the Washington utilities and transportation commission or the public utility commissioner of Oregon, hereinafter called "regulated utilities", and with rural electric cooperatives, including generation and transmission cooperatives for the undivided ownership of any type of electric generating plants and facilities, including, but not limited to, nuclear and other thermal power generating plants and facilities and transmission facilities including, but not limited to, related transmission facilities, hereinafter

called "common facilities", and for the planning, financing, acquisition, construction, operation and maintenance thereof. It shall be provided in such agreements that each city, public utility district, or joint operating agency shall own a percentage of any common facility equal to the percentage of the money furnished or the value of property supplied by it for the acquisition and construction thereof and shall own and control a like percentage of the electrical output thereof.

(2) Cities of the first class, public utility districts organized under chapter 54.08 RCW, and joint operating agencies organized under chapter 43.52 RCW, shall have the power and authority to participate and enter into agreements for the undivided ownership of a coal-fired thermal electric generating plant and facility placed in operation before July 1, 1975, including related common facilities, and for the planning, financing, acquisition, construction, operation, and maintenance of the plant and facility. It shall be provided in such agreements that each city, public utility district, or joint operating agency shall own a percentage of any common facility equal to the percentage of the money furnished or the value of property supplied by the city, district, or agency, for the acquisition and construction of the facility, and shall own and control a like percentage of the electrical output thereof. Cities of the first class, public utility districts, and joint operating agencies may enter into agreements under this subsection with each other, with regulated utilities, with rural electric cooperatives, with electric companies subject to the jurisdiction of the regulatory commission of any other state, and with any power marketer subject to the jurisdiction of the federal energy regulatory commission.

(3)(a) Except as provided in subsections (1) and (2) of this section, cities of the first class, counties with a biomass facility authorized under RCW 36.140.010, public utility districts organized under chapter 54.08 RCW, any cities that operate electric generating facilities or distribution systems, any joint operating agency organized under chapter 43.52 RCW, or any separate legal entity comprising two or more thereof organized under chapter 39.34 RCW shall, either directly or as co-owners of a separate legal entity, have power and authority to participate and enter into agreements described in (b) and (c) of this subsection with each other, and with any of the following, either directly or as co-owners of a separate legal entity:

(i) Any public agency, as that term is defined in RCW 39.34.020;

(ii) Electrical companies that are subject to the jurisdiction of the Washington utilities and transportation commission or the regulatory commission of any state; and

(iii) Rural electric cooperatives and generation and transmission cooperatives or any wholly owned subsidiaries of either rural electric cooperatives or generation and transmission cooperatives.

(b) Except as provided in (b)(i)(B) of this subsection (3), agreements may provide for:

(i)(A) The undivided ownership, or indirect ownership in the case of a separate legal entity, of common facilities that include any type of electric generating plant (~~powered by~~) generating an eligible renewable resource, as defined in RCW 19.285.030, and transmission facilities including, but not limited to, related transmission facilities, and for the planning, financing, acquisition, construction, operation, and maintenance thereof;

(B) For counties with a biomass facility authorized under RCW 36.140.010, the provisions in (b)(i)(A) of this subsection (3) are limited to the purposes of RCW 36.140.010; and

(ii) The formation, operation, and ownership of a separate legal entity that may own the common facilities.

(c) Agreements must provide that each city, county, public utility district, or joint operating agency:

(i) Owns a percentage of any common facility or a percentage of any separate legal entity equal to the percentage of the money furnished or the value of property supplied by it for the acquisition and construction thereof; and

(ii) Owns and controls, or has a right to own and control in the case of a separate legal entity, a like percentage of the electrical output thereof.

(d) Any entity in which a public utility district participates, either directly or as co-owner of a separate legal entity, in constructing or developing a common facility pursuant to this subsection shall comply with the provisions of chapter 39.12 RCW.

(4) Each participant shall defray its own interest and other payments required to be made or deposited in connection with any financing undertaken by it to pay its percentage of the money furnished or value of property supplied by it for the planning, acquisition and construction of any common facility, or any additions or betterments thereto. The agreement shall provide a uniform method of determining and allocating operation and maintenance expenses of the common facility.

(5) Each city, county acting under RCW 36.140.010, public utility district, joint operating agency, regulated utility, and cooperatives participating in the direct or indirect ownership or operation of a common facility described in subsections (1) through (3) of this section shall pay all taxes chargeable to its share of the common facility and the electric energy generated thereby under applicable statutes as now or hereafter in effect, and may make payments during preliminary work and construction for any increased financial burden suffered by any county or other existing taxing district in the county in which the common facility is located, pursuant to agreement with such county or taxing district."

Correct the title.

Signed by Representatives McCoy, Chair; Finn, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Eddy; Hasegawa; Hinkle; Hudgins; Jacks; McCune; Morris; Nealey; Takko; Taylor and Van De Wege.

Passed to Committee on Rules for second reading.

February 22, 2010

SSB 6706

Prime Sponsor, Committee on Economic Development, Trade & Innovation: Concerning the commercialization of research at state universities. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 31. A new section is added to chapter 28B.10 RCW to read as follows:

(1) It is the intent of the legislature that state universities engage in the commercialization of research and other economic development and workforce development activities that benefit the intermediate and long-term economic vitality of Washington. State universities are expected to develop and strengthen university-industry relationships through the conduct of research, the support of company formation and job generation, and collaborative training. The state universities, using in-house university resources and not contractors, must perform one or more of the following functions:

(a) Provide collaborative research and technology transfer opportunities;

(b) Publicize their commercialization processes and include an explanation of how to access commercialization resources at the universities;

(c) Develop mechanisms for pairing researchers, entrepreneurs, and investors. Such mechanisms are to include, but are not limited to, developing guides, web sites, or workshops on funding opportunities,

on entrepreneurship and the process of starting a company, and on university-industry relations;

(d) Host events to connect researchers to entrepreneurs, investors, and individuals from the state's technology-based industries; and

(e) Provide opportunities for training undergraduate and graduate students through direct involvement in research and industry interactions.

(2) In carrying out the functions in this section, the universities may work with and through the higher education coordinating board.

NEW SECTION. Sec. 32. A new section is added to chapter 28B.10 RCW to read as follows:

To support the formation of companies created around the technologies developed at state universities, the state universities are authorized to establish and administer bridge-funding programs for start-up companies using funds from the federal government and the private sector."

Correct the title.

Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Moeller and Probst.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Passed to Committee on Rules for second reading.

February 22, 2010

SSB 6727 Prime Sponsor, Committee on Ways & Means: Concerning health sciences and services authorities. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 33. RCW 35.104.060 and 2009 c 564 s 921 are each amended to read as follows:

(1) The authority has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers, including the authority may:

(a) Sue and be sued in its own name;

(b) Make and execute agreements, contracts, and other instruments, with any public or private entity or person, in accordance with this chapter;

(c) Employ, contract with, or engage independent counsel, financial advisors, auditors, other technical or professional assistants, and such other personnel as are necessary or desirable to implement this chapter;

(d) Establish such special funds, and control deposits to and disbursements from them, as it finds convenient for the implementation of this chapter;

(e) Enter into contracts with public and private entities for research to be conducted in this state;

(f) Delegate any of its powers and duties if consistent with the purposes of this chapter;

(g) Exercise any other power reasonably required to implement the purposes of this chapter; and

(h) Hire staff and pay administrative costs; however, such expenses shall be paid from moneys provided by the sponsoring local government and moneys received from gifts, grants, and bequests and the interest earned on the authority's accounts and investments.

~~((During the 2009-2011 fiscal biennium, up to))~~ **No more than** ten percent of the amounts received under RCW 82.14.480 may be used

by a health ~~sciences and services ((and sciences))~~ authority for the purposes of subsections (1)(c) and (h) of this section.

(2) In addition to other powers and duties prescribed in this chapter, the authority is empowered to:

(a) Use the authority's public moneys, leveraging those moneys with amounts received from other public and private sources in accordance with contribution agreements, to promote bioscience-based economic development, and to advance new therapies and procedures to combat disease and promote public health;

(b) Solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities to receive moneys in consideration of the authority's promise to leverage those moneys with the revenue generated by the tax authorized under RCW 82.14.480 and contributions from other public entities and private entities, in order to use those moneys to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;

(c) Hold funds received by the authority in trust for their use pursuant to this chapter to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;

(d) Manage its funds, obligations, and investments as necessary and consistent with its purpose, including the segregation of revenues into separate funds and accounts;

(e) Borrow money and incur indebtedness pursuant to section 4 of this act;

~~_____~~ **(f)** Make grants to entities pursuant to contract to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health. Grant agreements shall specify the deliverables to be provided by the recipient pursuant to the grant. Grants to private entities may only be provided under a contractual agreement that ensures the state will receive appropriate consideration, such as an assurance of job creation or retention, or the delivery of services that provide for the public health, safety, and welfare. The authority shall solicit requests for funding and evaluate the requests by reference to factors such as: (i) The quality of the proposed research; (ii) its potential to improve health outcomes, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular disease or condition; (iii) its potential to leverage additional funding; (iv) its potential to provide health care benefits; (v) its potential to stimulate employment; and (vi) evidence of public and private collaboration;

~~((f))~~ **(g)** Create one or more advisory boards composed of scientists, industrialists, and others familiar with health sciences and services; and

~~((g))~~ **(h)** Adopt policies and procedures to facilitate the orderly process of grant application, review, and reward.

(3) The records of the authority shall be subject to audit by the office of the state auditor.

Sec. 34. RCW 35.104.040 and 2007 c 251 s 4 are each amended to read as follows:

(1) The higher education coordinating board may approve applications submitted by local governments for an area's designation as a health sciences and services authority under this chapter. The director ~~((shall))~~ **must** determine the division to review applications submitted by local governments under this chapter. The application for designation ~~((shall))~~ **must** be in the form and manner and contain such information as the higher education coordinating board may prescribe, provided the application ~~((shall))~~:

(a) Contains sufficient information to enable the director to determine the viability of the proposal;

(b) Demonstrates that an ordinance or resolution has been passed by the legislative authority of a local government that delineates the boundaries of an area that may be designated an authority;

(c) ~~((Be))~~ Is submitted on behalf of the local government, or, if that office does not exist, by the legislative body of the local government;

(d) Demonstrates that the public funds directed to programs or facilities in the authority will leverage private sector resources and contributions to activities to be performed;

(e) Provides a plan or plans for the development of the authority as an entity to advance as a cluster for health sciences education, health sciences research, biotechnology development, biotechnology product commercialization, and/or health care services; and

(f) Demonstrates that the state has previously provided funds to health sciences and services programs or facilities in the applicant city, town, or county.

(2) The director ~~((shall))~~ must determine the division to develop criteria to evaluate the application. The criteria ~~((shall))~~ must include:

(a) The presence of infrastructure capable of spurring development of the area as a center of health sciences and services;

(b) The presence of higher education facilities where undergraduate or graduate coursework or research is conducted; and

(c) The presence of facilities in which health services are provided.

(3) There ~~((shall))~~ may be no more than ~~((one authority))~~ two authorities statewide.

(4) An authority may only be created in a county with a population of less than one million persons and located east of the crest of the Cascade mountains.

(5) The director may reject or approve an application. When denying an application, the director must specify the application's deficiencies. The decision regarding such designation as it relates to a specific local government is final; however, a rejected application may be resubmitted.

(6) Applications are due by December 31, ~~((2007))~~ 2010, and must be processed within sixty days of submission.

(7) The director may, at his or her discretion, amend the boundaries of an authority upon the request of the local government.

(8) The higher education coordinating board may adopt any rules necessary to implement this chapter ~~((251, Laws of 2007 within one hundred twenty days of July 22, 2007)).~~

(9) The higher education coordinating board must develop evaluation and performance measures in order to evaluate the effectiveness of the programs in the authorities that are funded with public resources. A report to the legislature ~~((shall be))~~ is due on a biennial basis beginning December 1, 2009. In addition, the higher education coordinating board ~~((shall))~~ must develop evaluation criteria that enables the local governments to measure the effectiveness of the program.

Sec. 35. RCW 82.14.480 and 2007 c 251 s 11 are each amended to read as follows:

(1) The legislative authority of a local jurisdiction that has created a health sciences and services authority under RCW 35.104.030, prior to January 1, 2010, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and ~~((shall))~~ must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the local jurisdiction. The rate of the tax ~~((shall))~~ may not exceed 0.020 percent of the selling price in the case of a sales tax or the value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section ~~((shall))~~ must be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department of revenue ~~((shall))~~ must perform the collection of the tax on behalf of the authority at no cost to the authority.

(3) The amounts received under this section may only be used in accordance with RCW 35.104.060 or to finance and retire the

indebtedness incurred pursuant to RCW 35.104.070, in whole or in part.

(4) This section expires January 1, 2023.

NEW SECTION. Sec. 36. A new section is added to chapter 35.104 RCW to read as follows:

(1) A local government that has established a health sciences and services authority under RCW 35.104.030 may, by ordinance or resolution, authorize the authority to borrow money under the conditions set forth in this section.

(2) Moneys borrowed by an authority must be secured by funds derived from gifts or grants from any source, public or private, federal, state, or local government grants or payments, or intergovernmental transfers.

(3) The authority shall incur no expense or liability that is an obligation, either general or special, of the state or local government, or a general obligation of the authority, and shall pay no expense or liability from funds other than funds of the authority.

Sec. 37. RCW 42.30.110 and 2005 c 424 s 13 are each amended to read as follows:

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

~~((A))~~ (i) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

~~((B))~~ (ii) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

~~((C))~~ (iii) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information;

(l) To consider proprietary or confidential unpublished information related to the development, acquisition, or implementation of state purchased health care services as provided in RCW 41.05.026;

(m) To consider in the case of the life sciences discovery fund authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information;

(n) To consider in the case of a health sciences and services authority, the substance of grant applications and grant awards when public knowledge regarding the discussion would reasonably be expected to result in private loss to the providers of this information.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer."

Correct the title.

Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Moeller; Parker and Probst.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

Referred to Committee on Finance.

February 22, 2010

ESB 6764 Prime Sponsor, Senator Gordon: Regarding accrual of interest on judgments founded on tortious conduct. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 38. RCW 4.56.110 and 2004 c 185 s 2 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at

the rate specified in the contracts: PROVIDED, That said interest rate is set forth in the judgment.

(2) All judgments for unpaid child support that have accrued under a superior court order or an order entered under the administrative procedure act shall bear interest at the rate of twelve percent.

(3) ~~(a)~~ Judgments founded on the tortious conduct of ~~(individuals or other entities, whether acting in their personal or representative capacities)~~ a "public agency" as defined in RCW 42.30.020 shall bear interest from the date of entry at two percentage points above the equivalent coupon issue yield, as published by the board of governors of the federal reserve system, of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately preceding the date of entry. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

(b) Except as provided in subsection (3)(a) of this section, judgments founded on the tortious conduct of individuals or other entities, whether acting in their personal or representative capacities, shall bear interest from the date of entry at two percentage points above the prime rate, as published by the board of governors of the federal reserve system on the first business day of the calendar month immediately preceding the date of entry. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

(4) Except as provided under subsections (1), (2), and (3) of this section, judgments shall bear interest from the date of entry at the maximum rate permitted under RCW 19.52.020 on the date of entry thereof. In any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered. The method for determining an interest rate prescribed by this subsection is also the method for determining the "rate applicable to civil judgments" for purposes of RCW 10.82.090.

NEW SECTION, Sec. 2. The rate of interest required by RCW 4.56.110 3(a) and (b) applies to the accrual of interest:

(1) As of the date of entry of judgment with respect to a judgment that is entered on or after the effective date of this section; and

(2) As of the effective date of this section with respect to a judgment that was entered before the effective date of this section and that is still accruing interest on the effective date of this section."

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 22, 2010

SSB 6790 Prime Sponsor, Committee on Ways & Means: Concerning cluster and innovation partnership zone grants. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.330.270 and 2009 c 72 s 1 are each amended to read as follows:

(1) The department shall design and implement an innovation partnership zone program through which the state will encourage and support research institutions, workforce training organizations, and globally competitive companies to work cooperatively in close geographic proximity to create commercially viable products and jobs.

(2) The director shall designate innovation partnership zones on the basis of the following criteria:

(a) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(i) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

(ii) Dense proximity of globally competitive firms in a research-based industry or industries or of individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for standardization 9000 or 1400 certification, or other recognized evidence of international success; and

(iii) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity requirement, to the extent both are associated with an educational institution in the proposed zone.

(b) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(c) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(d) The innovation partnership zone administrator must be an economic development council, port, workforce development council, city, or county.

(3) With respect solely to the research capacity required in subsection (2)(a)(i) of this section, the director may waive the requirement that the research institution be located within the zone. To be considered for such a waiver, an applicant must provide a specific plan that demonstrates the research institution's unique qualifications and suitability for the zone, and the types of jointly executed activities that will be used to ensure ongoing, face-to-face interaction and research collaboration among the zone's partners.

(4) On October 1st of each odd-numbered year, the director shall designate innovation partnership zones on the basis of applications that meet the legislative criteria, estimated economic impact of the zone, evidence of forward planning for the zone, and other criteria as recommended by the Washington state economic development commission. Estimated economic impact must include evidence of anticipated private investment, job creation, innovation, and commercialization. The director shall require evidence that zone applicants will promote commercialization, innovation, and collaboration among zone residents and with applicable industry clusters.

(5) Innovation partnership zones are eligible for funds and other resources as provided by the legislature, the department, or at the discretion of the governor.

(6) If the innovation partnership zone meets the other requirements of the fund sources, then the zone is eligible for the following ~~((funds relating to))~~ state programs:

(a) The local infrastructure financing tools and the local revitalization financing programs;

(b) The sales and use tax for public facilities in rural counties; ~~((and))~~

(c) Job skills; and

(d) The industry cluster grant program.

(7) An innovation partnership zone shall be designated as a zone for a four-year period. At the end of the four-year period, the zone must reapply for the designation through the department.

(8) If the director finds at any time after the initial year of designation that an innovation partnership zone is failing to meet the performance standards required in its contract with the department, the director may withdraw such designation and cease state funding of the zone.

(9) The department shall convene annual information sharing events for innovation partnership zone administrators, industry clusters and their associations, and other interested parties.

(10) An innovation partnership zone shall provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation.

(11) The department shall compile a biennial report on the innovation partnership zone program by December 1st of every even-numbered year. The report shall provide information for each zone on its: Objectives; funding, tax incentives, and other support obtained from public sector sources; major activities; partnerships, including connections with industry clusters; performance measures; and outcomes achieved since the inception of the zone or since the previous biennial report. The report shall also include the department's recommendations for increasing the effectiveness of individual zones and the program overall, including mechanisms for expanding and strengthening connections between the zones and applicable industry clusters. The Washington state economic development commission shall review the department's draft report and make additional recommendations on ways to increase the effectiveness of individual zones and the program overall. The department shall submit the report, including the commission's recommendations, to the governor and legislature beginning December 1, 2010."

Correct the title.

Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Liias; Moeller and Probst.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Referred to Committee on General Government Appropriations.

February 22, 2010

SB 6804

Prime Sponsor, Senator Kohl-Welles: Allowing the department of social and health services to adopt rules establishing standards for the review and certification of treatment facilities under the problem and pathological gambling treatment program. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Darneille; Green; O'Brien and Walsh.

MINORITY recommendation: Do not pass. Signed by Representatives Dammeier, Ranking Minority Member and Herrera.

Passed to Committee on Rules for second reading.

February 22, 2010

ESSB 6805 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Concerning the Washington state economic development commission. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 2. RCW 43.162.005 and 2007 c 232 s 1 are each amended to read as follows:

The legislature finds that ((Washington's innovation and trade-driven economy has provided tremendous opportunities for citizens of the state, but that there is no guarantee that globally competitive firms will continue to grow and locate in the state. The current economic development system is fragmented among numerous programs, councils, centers, and organizations with inadequate overall coordination and insufficient guidance built into the system to ensure that the system is responsive to its customers. The current economic development system's data-gathering and evaluation methods are inconsistent and unable to provide adequate information for determining how well the system is performing on a regular basis so the system may be held accountable for its outcomes.

The legislature also finds that developing a comprehensive economic development strategic plan to guide the operation of effective economic development programs, including workforce training, infrastructure development, small business assistance, technology transfer, and export assistance, is vital to the state's efforts to increase the competitiveness of state businesses, encourage employment growth, increase state revenues, and generate economic well-being. There is a need for responsive and consistent involvement of the private sector in the state's economic development efforts. The legislature finds that there is a need for the development of coordination criteria for business recruitment, expansion, and retention activities carried out by the state and local entities. It is the intent of the legislature to create an economic development commission that will provide planning, coordination, evaluation, monitoring, and policy analysis and development for the state economic development system as a whole, and advice to the governor and legislature concerning the state economic development system)) in order to achieve long-term global competitiveness, prosperity, and economic opportunity for all the state's citizens, Washington state must become the most attractive, creative, and fertile investment environment for innovation in the world.

The legislature finds that the state must take a strategic approach to fostering an innovation economy, and that success will be driven by public and private sector leaders who are committed to developing and advocating a shared vision and collaborating across organizational and geographic boundaries.

The legislature intends therefore that (1) the Washington economic development commission be comprised of business, labor, academic, association, and government leaders, and (2) the commission's mission be to create and regularly update a comprehensive statewide economic development strategy to guide the

state's investments in economic development activities including: Infrastructure, talent and workforce development, technology transfer, trade, access to capital, and entrepreneurship.

Sec. 3. RCW 43.162.010 and 2007 c 232 s 2 are each amended to read as follows:

(1) The Washington state economic development commission is established to ~~((oversee the economic development strategies and policies of the department of community, trade, and economic development))~~ assist the governor and legislature by providing leadership, direction, and guidance on a long-term and systematic approach to economic development that will result in enduring global competitiveness, prosperity, and economic opportunity for all the state's citizens.

(2)(a) The ~~((Washington state economic development))~~ commission shall consist of ~~((eleven voting))~~ twenty-three members. Fifteen of the members shall be voting members appointed by the governor as follows: ~~((Six))~~ Eight representatives of the private sector, one representative of labor from east of the crest of the Cascade mountains and one representative of labor from west of the crest of the Cascade mountains, one representative of port districts, one representative of four-year state public higher education, one representative ~~((for))~~ of state community or technical colleges, one representative of nonprofit trade associations engaged in economic development, and one representative of associate development organizations. The nonvoting ex officio members are: The director of the department of ~~((community, trade, and economic development))~~ commerce, the director of the workforce training and education coordinating board, the commissioner of the employment security department, and the secretary of the department of transportation ~~((and))~~. The voting ex officio members are the chairs and ranking minority members of the standing committees of the house of representatives and the senate overseeing economic development policies ~~((shall serve as nonvoting ex officio members))~~. (b) Members may not designate alternates, substitutes, or surrogates. However, members may participate in a meeting by conference telephone or similar communications equipment so that all persons participating in the meeting can hear each other at the same time. Participation by that method constitutes presence in person at a meeting.

(c) The chair of the commission shall be a voting member ~~((selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state and nation and the role the state's economic development system has in meeting those needs))~~ elected by members of the commission to a two- year term. The chair may be reelected to serve additional terms. The chair or vice-chair may not be the director of an executive branch agency or a member of the legislature. A vice-chair shall also be elected by members of the commission and shall exercise the duties of the commission chair in his or her absence.

~~((b))~~ (d) In making the appointments, the governor shall consult with the commission and with organizations that have an interest in economic development, including, but not limited to, industry associations, labor organizations, minority business associations, economic development councils, chambers of commerce, port associations, tribes, and the chairs of the legislative committees with jurisdiction over economic development.

~~((e))~~ (e) The members shall be representative of the geographic regions of the state, including eastern and central Washington, as well as represent the ethnic diversity of the state. Private sector members shall represent existing and emerging industries, small businesses, women-owned businesses, and minority-owned businesses. Members of the commission shall serve statewide interests while preserving their diverse perspectives, and shall be recognized leaders in their fields with demonstrated experience in economic

development, innovation, or disciplines related to economic development.

(3) Members appointed by the governor shall serve at the pleasure of the governor for not more than two consecutive three-year terms, except that, as determined by the governor, the terms of four of the appointees on the commission on the effective date of this section expire in 2011, the terms of four of the appointees on the commission on the effective date of this section expire in 2012, and the terms of three of the appointees on the commission on the effective date of this section expire in 2013. Thereafter all terms shall be for three years. Vacancies shall be filled in the same manner as the original appointments.

(4) The commission may establish committees as it desires, and may invite nonmembers of the commission to serve as committee members.

(5) The executive director of the commission shall be appointed by the governor with the consent of the ~~((voting members of the))~~ commission. The salary of the executive director shall be set by the governor with the consent of the commission. The governor may dismiss the executive director only with the approval of a majority vote of the commission. The commission, by a majority vote, may dismiss the executive director with the approval of the governor. The commission shall evaluate the performance of the executive director in a manner consistent with the process used by the governor to evaluate the performance of agency directors.

(6) The commission may adopt ~~((rules))~~ policies and procedures for its own governance.

(7) As used in this chapter, "commission" means the Washington state economic development commission unless the context clearly requires otherwise.

Sec. 4. RCW 43.162.015 and 2007 c 232 s 3 are each amended to read as follows:

(1) ~~((The commission shall employ an executive director.))~~ The executive director of the commission shall serve as its chief executive officer ~~((of the commission and))~~. Subject to available resources and in accordance with commission direction, the executive director shall:

(a) Administer the provisions of this chapter~~((, employ such personnel as may be necessary to implement the purposes of this chapter, utilize staff of existing operating agencies to the fullest extent possible, and employ outside consulting and service agencies when appropriate))~~.

(2) The executive director may not be the chair of the commission.

(3) The executive director shall);

(b) Appoint necessary staff who shall be exempt from the provisions of chapter 41.06 RCW. The executive director's appointees shall serve at the executive director's pleasure on such terms and conditions as the executive director determines but subject to chapter 42.52 RCW~~((-~~

(4) The executive director shall));

(c) Appoint ~~((and employ such other))~~ employees ~~((as may be required for the proper discharge of the functions of the commission))~~ who shall be subject to the provisions of chapter 41.06 RCW; and

(d) Contract with additional persons who have specific technical expertise if needed to carry out a specific, time-limited project.

~~((§))~~ (2) The executive director shall exercise ~~((such))~~ additional ~~((powers))~~ authority, other than rule making, as may be delegated by the commission.

(3) The executive director must develop for commission review and approval an annual commission budget and work plan in accordance with the omnibus appropriations bill approved by the legislature, and must present a fiscal report to the commission quarterly for its review and comment. The fiscal reports must identify all moneys received and their respective sources, the amounts and purposes of expenditures to date, and the amounts and purposes of expenditures planned for the future.

(4) The executive director of the commission shall report solely to the governor and the commissioners on matters pertaining to commission operations.

Sec. 5. RCW 43.162.020 and 2009 c 151 s 9 are each amended to read as follows:

~~((The Washington state economic development commission shall:~~

(1) Concentrate its major efforts on planning, coordination, evaluation, policy analysis, and recommending improvements to the state's economic development system using, but not limited to, the "Next Washington" plan and the global competitiveness council recommendations;

(2) Develop and maintain on a biennial basis a state comprehensive plan for economic development, including but not limited to goals, objectives, and priorities for the state economic development system; identify the elements local associate development organizations must include in their countywide economic development plans; and review the state system for consistency with the state comprehensive plan. The plan shall include the industry clusters in the state and the strategic clusters targeted by the commission for economic development efforts. The commission shall consult with the workforce training and education coordinating board and include labor market and economic information by the employment security department in developing the list of clusters and strategic clusters that meet the criteria identified by the working group convened by the economic development commission and the workforce training and education coordinating board under chapter 43.330 RCW. In developing the state comprehensive plan for economic development, the commission shall use, but may not be limited to: Economic, labor market, and populations trend reports in office of financial management forecasts; the annual state economic climate report prepared by the economic climate council; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome evaluations; the needs of industry associations, industry clusters, businesses, and employees as evidenced in formal surveys and other input;

(3) Establish and maintain an inventory of the programs of the state economic development system and related state programs; perform a biennial assessment of the ongoing and strategic economic development needs of the state; and assess the extent to which the economic development system and related programs represent a consistent, coordinated, efficient, and integrated approach to meet such needs; and

(4) Produce a biennial report to the governor and the legislature on progress by the commission in coordinating the state's economic development system and meeting the other obligations of this chapter, as well as include recommendations for any statutory changes necessary to enhance operational efficiencies or improve coordination.

~~—The commission may delegate to the executive director any of the functions of this section.)~~

(1) The commission shall concentrate its major efforts on strategic planning, policy research and analysis, advocacy, evaluation, and promoting coordination and collaboration.

(2)(a) During each regular legislative session, the commission shall consult with appropriate legislative committees about the state's economic development needs and opportunities.

(b) By June 15th of each even-numbered year, the commission shall submit to the governor and legislature a biennial comprehensive statewide economic development strategy. The strategy may include:

(i) An assessment of the state's economic vitality;

(ii) Recommended goals, objectives, and priorities for the next biennium, and the future;

(iii) A common set of outcomes and benchmarks for the economic development system as a whole;

(iv) Recommendations for removing barriers and promoting collaboration among participants in the innovation ecosystem;

(v) An inventory of existing relevant programs compiled by the commission from materials submitted by agencies;

(vi) Recommendations for expanding, discontinuing, or redirecting existing programs, or adding new programs; and

(vii) Recommendations of best practices and public and private sector roles in implementing the strategy.

(3) By June 15th of every odd-numbered year, the commission shall develop and submit to the governor and legislature a written update to the biennial strategic plan.

(4) In developing the biennial strategic plan for economic development and the annual update, the commission shall consult, collaborate, and coordinate with relevant state agencies, private sector business, nonprofit organizations involved in economic development, trade associations, and relevant local organizations in order to avoid duplication of effort.

(5) State agencies shall cooperate with the commission and provide information as the commission may reasonably request.

(6) The commission must develop a biennial budget request for approval by the office of financial management. The department of commerce must forward the commission's budget request to the office of financial management with the department's budget package. The commission must adopt an annual budget and work plan in accordance with the omnibus appropriations bill approved by the legislature.

(7)(a) The commission and the department of commerce shall jointly develop and adopt a memorandum of understanding to outline and establish clear lines of authority and responsibility between them related to budget and administrative services.

(b) To cover its administrative expenses as fiscal agent for the commission, the department of commerce may use no more than ten percent of the total state amounts appropriated in any year for the personnel costs of the commission plus three percent of the total nonstate amounts in the commission account created in section 7 of this act.

(c) The memorandum of understanding shall not provide any additional grant of authorities to the commission or the department that is not already provided for by statute, nor diminish any authorities or powers granted to either party by statute.

(d) Periodically, but not less often than biannually, the commission and department of commerce shall review the memorandum of understanding and, if necessary, recommend changes to the other party.

(e) As provided generally under RCW 43.162.015, the executive director of the commission shall report solely to the governor and the commissioners on matters pertaining to commission operations.

(8) To maintain its objectivity and concentration on strategic planning, policy research and analysis, and evaluation, the commission shall not take an administrative role in the delivery of services. However, subject to available resources and consistent with its work plan, the commission or the executive director may conduct outreach activities such as regional forums and best practices seminars.

(9) The commission must evaluate its own performance on a regular basis.

(10) The commission may accept gifts, grants, donations, sponsorships, or contributions from any federal, state, or local governmental agency or program, or any private source, and expend the same for any purpose consistent with this chapter.

Sec. 6. RCW 43.162.025 and 2007 c 232 s 5 are each amended to read as follows:

(Subject to available funds, the Washington state economic development commission may:

(1) Periodically review for consistency with the state comprehensive plan for economic development the policies and plans established for:

(a) Business and technical assistance by the small business development center, the Washington manufacturing service, the Washington technology center, associate development organizations, the department of community, trade, and economic development, and the office of minority and women-owned business enterprises;

(b) Export assistance by the small business export finance assistance center, the international marketing program for agricultural commodities and trade, the department of agriculture, the center for international trade in forest products, associate development organizations, and the department of community, trade, and economic development; and

(c) Infrastructure development by the department of community, trade, and economic development and the department of transportation;

(2) Review and make recommendations to the office of financial management and the legislature on budget requests and legislative proposals relating to the state economic development system for purposes of consistency with the state comprehensive plan for economic development;

(3) Provide for coordination among the different agencies, organizations, and components of the state economic development system at the state level and at the regional level;

(4) Advocate for the state economic development system and for meeting the needs of industry associations, industry clusters, businesses, and employees;

(5) Identify partners and develop a plan to develop a consistent and reliable database on participation rates, costs, program activities, and outcomes from publicly funded economic development programs in this state by January 1, 2011.

(a) In coordination with the development of the database, the commission shall establish standards for data collection and maintenance for providers in the economic development system in a format that is accessible to use by the commission. The commission shall require a minimum of common core data to be collected by each entity providing economic development services with public funds and shall develop requirements for minimum common core data in consultation with the economic climate council, the office of financial management, and the providers of economic development services;

(b) The commission shall establish minimum common standards and metrics for program evaluation of economic development programs, and monitor such program evaluations; and

(c) The commission shall, beginning no later than January 1, 2012, periodically administer, based on a schedule established by the commission, scientifically based outcome evaluations of the state economic development system including, but not limited to, surveys of industry associations, industry cluster associations, and businesses served by publicly funded economic development programs; matches with employment security department payroll and wage files; and matches with department of revenue tax files; and

(6) Evaluate proposals for expenditure from the economic development strategic reserve account and recommend expenditures from the account.

~~—The commission may delegate to the director any of the functions of this section.)~~ Subject to available resources, the governor or legislature may direct the commission, from time to time, to undertake additional research and policy analysis, assessments, or other special projects related to its mission.

Sec. 7. RCW 43.162.030 and 2007 c 232 s 7 are each amended to read as follows:

Creation of the (~~Washington state economic development~~) commission shall not be construed to modify any authority or budgetary responsibility of the governor or the department of (~~community, trade, and economic development~~) commerce.

NEW SECTION. Sec. 8. A new section is added to chapter 43.162 RCW to read as follows:

The Washington state economic development commission account is created in the custody of the state treasurer. All receipts from gifts, grants, donations, sponsorships, or contributions must be deposited into the account. State appropriated funds may not be deposited into the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used only for purposes related to carrying out the mission, roles, and responsibilities of the commission. Only the commission, or the commission's designee, may authorize expenditures from the account."

Correct the title.

Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Moeller; Orcutt; Parker and Probst.

Referred to Committee on General Government Appropriations.

February 22, 2010
SJM 8025 Prime Sponsor, Senator Prentice: Requesting that a retired space shuttle orbiter be transferred to Washington's museum of flight. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Liias; Moeller; Orcutt; Parker and Probst.

Passed to Committee on Rules for second reading.

February 22, 2010
SJM 8026 Prime Sponsor, Senator Regala: Requesting the Interstate Commission for Adult Offender Supervision immediately initiate its emergency rule-making process. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille; Green; Herrera; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 23, 2010
ESB 5041 Prime Sponsor, Senator Kilmer: Increasing state contracts with veteran-owned businesses. (REVISED FOR ENGROSSED: Encouraging state contracts with veteran-owned businesses.) Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

February 23, 2010
SSB 5046 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Placing symphony musicians under the jurisdiction of the public employment relations commission for purposes of collective bargaining. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 23, 2010
ESB 5516 Prime Sponsor, Senator Franklin: Addressing drug overdose prevention. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Appleton; Goodman; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Ranking Minority Member Klippert, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 23, 2010
ESSB 5529 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Regarding architects. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 9. RCW 18.08.310 and 1985 c 37 s 2 are each amended to read as follows:

(1) It is unlawful for any person to practice or offer to practice architecture in this state, (~~architecture~~), or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including the word "architect," "architecture," "architectural," or language tending to imply that he or she is an architect, unless the person is registered or authorized to practice in the state of Washington under this chapter.

(2) An architect or architectural firm registered in any other jurisdiction recognized by the board may offer to practice architecture in this state if:

(a) It is clearly and prominently stated in such an offer that the architect or firm is not registered to practice architecture in the state of Washington; and

(b) Prior to practicing architecture or signing a contract to provide architectural services, the architect or firm must be registered to practice architecture in this state.

(3) A person who has an accredited architectural degree may use the title "intern architect" when enrolled in a structured intern

program recognized by the board and working under the direct supervision of an architect.

~~(4)~~ The provisions of this section shall not affect the use of the words "architect," "architecture," or "architectural" where a person does not practice or offer to practice architecture.

Sec. 10. RCW 18.08.320 and 1985 c 37 s 3 are each amended to read as follows:

~~(Unless the context clearly requires otherwise,)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accredited architectural degree" means a professional degree from an institution of higher education accredited by the national architectural accreditation board or an equivalent degree in architecture as determined by the board.

~~(2)~~ "Administration of the construction contract" means the periodic observation of materials and work to observe the general compliance with the construction contract documents, and does not include responsibility for supervising construction methods and processes, site conditions, equipment operations, personnel, or safety on the work site.

~~(2)~~ ~~(3)~~ "Architect" means an individual who is registered under this chapter to practice architecture.

~~(3)~~ ~~(4)~~ "Board" means the state board ~~(of registration)~~ for architects.

~~(4)~~ ~~(5)~~ "Certificate of authorization" means a certificate issued by the director to a ~~(corporation or partnership)~~ business entity that authorizes the entity to practice architecture.

~~(5)~~ ~~(6)~~ "Certificate of registration" means the certificate issued by the director to newly registered architects.

~~(6)~~ ~~(7)~~ "Department" means the department of licensing.

~~(7)~~ ~~(8)~~ "Director" means the director of licensing.

~~(8)~~ ~~(9)~~ "Engineer" means an individual who is registered as an engineer under chapter 18.43 RCW.

~~(9)~~ ~~(10)~~ "Person" means any individual, partnership, professional service corporation, corporation, joint stock association, joint venture, or any other entity authorized to do business in the state.

~~(10)~~ ~~(11)~~ "Practice of architecture" means the rendering of services in connection with the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction of alterations or additions to the structures, including but not specifically limited to pre design services, schematic design, design development, preparation of construction contract documents, and administration of the construction contract.

~~(11)~~ ~~(12)~~ "Prototypical documents" means drawings or specifications, prepared by a person registered as an architect in any state or as otherwise approved by the board, that are not intended as final and complete technical submissions for a building project, but rather are to serve as a prototype for a building or buildings to be adapted by an architect for construction in more than one location.

~~(12)~~ ~~(13)~~ "Registered" means holding a currently valid certificate of registration or certificate of authorization issued by the director authorizing the practice of architecture.

~~(13)~~ ~~(14)~~ "Structure" means any construction consisting of load-bearing members such as the foundation, roof, floors, walls, columns, girders, and beams or a combination of any number of these parts, with or without other parts or appurtenances.

(15) "Review" means a process of examination and evaluation, of the documents, for compliance with applicable laws, codes, and regulations affecting the built environment that includes the ability to control the final product.

(16) "Registered professional design firm" means a business entity registered in Washington to offer and provide architectural services under RCW 18.08.420.

(17) "Managers" means the members of a limited liability company in which management of its business is vested in the

members, and the managers of a limited liability company in which management of its business is vested in one or more managers.

Sec. 11. RCW 18.08.330 and 1985 c 37 s 4 are each amended to read as follows:

There is ~~(hereby)~~ created a state board ~~(of registration)~~ for architects consisting of seven members who shall be appointed by the governor. Six members shall be registered architects who are residents of the state and have at least eight years' experience in the practice of architecture as registered architects in responsible charge of architectural work or responsible charge of architectural teaching. One member shall be a public member, who is not and has never been a registered architect and who does not employ and is not employed by or professionally or financially associated with an architect.

The terms of each newly appointed member shall be six years. ~~(The members of the board of registration for architects serving on July 28, 1985, shall serve out the remainders of their existing five-year terms. The term of the public member shall coincide with the term of an architect.)~~

Every member of the board shall receive a certificate of appointment from the governor. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of six years or until the next successor has been appointed.

The governor may remove any member of the board for cause. Vacancies in the board for any reason shall be filled by appointment for the unexpired term.

The board shall elect a ~~(chairman)~~ chair, a ~~(vice chairman)~~ vice-chair, and a secretary. The secretary may delegate his or her authority to the executive ~~(secretary)~~ director.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 12. RCW 18.08.340 and 2002 c 86 s 201 are each amended to read as follows:

(1) The board may adopt such rules under chapter 34.05 RCW as are necessary for the proper performance of its duties under this chapter.

(2) The director shall employ an executive ~~(secretary)~~ director subject to approval by the board.

Sec. 13. RCW 18.08.350 and 1997 c 169 s 1 are each amended to read as follows:

(1) A certificate of registration shall be granted by the director to all qualified applicants who are certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required experience.

(2) Applications for examination shall be filed as the board prescribes by rule. The application and examination fees shall be determined by the director under RCW 43.24.086.

(3) An applicant for registration as an architect shall be of a good moral character, at least eighteen years of age, and shall possess ~~(either)~~ one of the following qualifications:

(a) Have an accredited architectural degree and at least three years' practical architectural work experience ~~(and have completed the requirements of)~~ in a structured intern training program approved by the board; or

(b) Have ~~(eight years' practical architectural work experience, which may include designing buildings as a principal activity, and have completed the requirements of a structured intern training program approved by the board. Each year spent in an accredited architectural education program approved by the board shall be considered one year of practical experience. At least four years' practical work experience shall be under the direct supervision of an architect)~~ a high school diploma or equivalent and at least nine years of practical architectural work experience, including the completion of a structured intern training program under the direct supervision of an architect as determined by the board. Prior to applying to enroll in a structured intern training program, the applicant must have at least

six years of work experience, of which three years must be under the direct supervision of an architect. This work experience may include designing buildings as a principal activity and postsecondary education as determined by the board. The board may approve up to four years of practical architectural work experience for postsecondary education courses in architecture, architectural technology, or a related field, as determined by the board, including courses completed in a community or technical college if the courses are equivalent to courses in an accredited architectural degree program.

Sec. 14. RCW 18.08.360 and 1985 c 37 s 7 are each amended to read as follows:

(1) The examination for an architect's certificate of registration shall be held at least annually at such time and place as the board determines.

(2) The board shall determine the content, scope, and grading process of the examination. The board may adopt an appropriate national examination and grading procedure.

(3) Applicants who fail to pass any section of the examination shall be permitted to retake the parts failed as prescribed by the board. Applicants have five years from the date of the first passed examination section to pass all remaining sections. If the entire examination is not successfully completed within five years, ((a retake of the entire examination shall be required)) any sections that were passed more than five years prior must be retaken. If a candidate fails to pass all remaining sections within the initial five-year period, the candidate is given a new five-year period from the date of the second oldest passed section. All sections of the examination must be passed within a single five-year period for the applicant to be deemed to have passed the complete examination.

(4) Applicants for registration who have an accredited architectural degree may begin taking the examination upon enrollment in a structured intern training program as approved by the board. Applicants who do not possess an accredited architectural degree may take the examination only after completing the experience and intern training requirements of this chapter.

Sec. 15. RCW 18.08.370 and 1985 c 37 s 8 are each amended to read as follows:

(1) The director shall issue a certificate of registration to any applicant who has, to the satisfaction of the board, met all the requirements for registration upon payment of the registration fee as provided in this chapter. All certificates of registration shall show the full name of the registrant, have the registration number, and shall be signed by the ~~((chairman))~~ chair of the board and by the director. The issuance of a certificate of registration by the director is prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered architect.

(2) Each registrant shall obtain a seal of the design authorized by the board bearing the architect's name, registration number, the legend "Registered Architect," and the name of this state. ~~((Drawings prepared by the registrant shall be sealed and signed by the registrant when filed with public authorities.))~~ All technical submissions prepared by an architect and filed with public authorities must be sealed and signed by the architect. It is unlawful to seal and sign a document after a registrant's certificate of registration or authorization has expired, been revoked, or is suspended.

(3) An architect may seal and sign technical submissions under the following conditions:

(a) An architect may seal and sign technical submissions that are: Prepared by the architect; prepared by the architect's regularly employed subordinates; prepared in part by an individual or firm under a direct subcontract with the architect; or prepared in collaboration with an architect who is licensed in a jurisdiction recognized by the board, provided there is a contractual agreement between the architects.

(b) An architect may seal and sign technical submissions based on prototypical documents provided: The architect obtains written permission from the architect who prepared or sealed the prototypical documents, and from the legal owner to adapt the prototypical documents; the architect thoroughly analyzes the prototypical documents, makes necessary revisions, and adds all required elements and design information, including the design services of engineering consultants, if warranted, so that the prototypical documents become suitable complete technical submissions, in compliance with applicable codes, regulations, and site-specific requirements.

(c) An architect who seals and signs the technical submissions under this subsection (3) is responsible to the same extent as if the technical submissions were prepared by the architect.

Sec. 16. RCW 18.08.410 and 1985 c 37 s 12 are each amended to read as follows:

This chapter shall not affect or prevent:

(1) The practice of naval architecture, landscape architecture as authorized in chapter 18.96 RCW, engineering as authorized in chapter 18.43 RCW, or the provision of space planning((;)) or interior design((, or any legally recognized profession or trade by persons not registered as architects)) services not affecting public health or safety;

(2) Drafters, Clerks, project managers, superintendents, and other employees of architects ~~((, engineers, naval architects, or landscape architects))~~ from acting under the instructions, control, or supervision of ~~((their employers))~~ an architect;

(3) The construction, alteration, or supervision of construction of buildings or structures by contractors registered under chapter 18.27 RCW or superintendents employed by contractors or the preparation of shop drawings in connection therewith;

(4) Owners or contractors registered under chapter 18.27 RCW from engaging persons who are not architects to observe and supervise construction of a project;

(5) Any person from doing design work including preparing construction contract documents and administration of the construction contract for the erection, enlargement, repair, or alteration of a structure or any appurtenance to a structure regardless of size, if the structure is to be used for a residential building of up to and including four dwelling units or a farm building or is a structure used in connection with or auxiliary to such residential building or farm building such as a garage, barn, shed, or shelter for animals or machinery;

(6) Except as otherwise provided in this section, any person from doing design work including preparing construction contract documents and administering the contract for construction, erection, enlargement, alteration, or repairs of or to a building of any occupancy up to a total building size of four thousand square feet ((of construction)); or

(7) ~~((Design-build construction by registered general contractors if the structural design services are performed by a registered engineer;~~

(8) Any person from designing buildings or doing other design work for any structure prior to the time of filing for a building permit; or

(9) Any person from designing buildings or doing other design work for structures larger than those exempted under subsections (5) and (6) of this section, if the plans, which may include such design work, are stamped by a registered engineer or architect)) Any person from doing design work, including preparing construction contract documents and administration of the contract, for alteration of or repairs to a building where the project size is not more than four thousand square feet in a building greater than four thousand square feet and when the work contemplated by the design does not affect the life safety or structural systems of the building. The combined square footage of simultaneous projects allowed under this subsection (7) may not exceed four thousand square feet.

Sec. 17. RCW 18.08.420 and 2002 c 86 s 203 are each amended to read as follows:

(1) ((An architect or architects may organize a corporation formed either as a business corporation under the provisions of Title 23B RCW or as a professional corporation under the provisions of chapter 18.100 RCW. For an architect or architects to practice architecture through a corporation or joint stock association organized by any person under Title 23B RCW, the corporation or joint stock association shall file with the board:

(a) The application for certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether the corporation is qualified under this chapter to practice architecture in this state;

(b) Its notices of incorporation and bylaws and a certified copy of a resolution of the board of directors of the corporation that designates individuals registered under this chapter as responsible for the practice of architecture by the corporation in this state and that provides that full authority to make all final architectural decisions on behalf of the corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the individuals designated in the resolution. The filing of the resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract; and

(c) A designation in writing setting forth the name or names of the person or persons registered under this chapter who are responsible for the architecture of the firm. If there is a change in the person or persons responsible for the architecture of the firm, the changes shall be designated in writing and filed with the board within thirty days after the effective date of the changes.) Any business entity, including a sole proprietorship, offering architecture services in Washington state must register with the board, regardless of its business structure. A business entity shall file with the board a list of individuals registered under this chapter as responsible for the practice of architecture by the business entity in this state and provides that full authority to make all final architectural decisions on behalf of the business entity with respect to work performed by the business entity in this state. Further, the person having the practice of architecture in his/her charge is himself/herself a general partner (if a partnership or limited liability partnership), or a manager (if a limited liability company), or a director (if a business corporation or professional service corporation) and is registered to practice architecture in this state.

(2) The business entity shall furnish the board with such information about its organization and activities as the board shall require by rule.

~~(3) Upon the filing with the board of the application for certificate of authorization, the certified copy of the resolution, and the information specified in subsection (1) of this section, the board shall authorize the director to issue to the ((corporation)) business entity a certificate of authorization to practice architecture in this state ((upon a determination by the board that:~~

(a) The bylaws of the corporation contain provisions that all architectural decisions pertaining to any project or architectural activities in this state shall be made by the specified architects responsible for the project or architectural activities, or other responsible architects under the direction or supervision of the architects responsible for the project or architectural activities;

(b) The applicant corporation has the ability to provide, through qualified personnel, professional services or creative work requiring architectural experience, and with respect to the architectural services that the corporation undertakes or offers to undertake, the personnel have the ability to apply special knowledge to the professional services or creative work such as consultation, investigation, evaluation, planning, design, and administration of the construction contract in connection with any public or private structures, buildings, equipment, processes, works, or projects;

(c) The application for certificate of authorization contains the professional records of the designated person or persons who are responsible;

(d) The application for certificate of authorization states the experience of the corporation, if any, in furnishing architectural services during the preceding five-year period;

(e) The applicant corporation meets such other requirements related to professional competence in the furnishing of architectural services as may be established and promulgated by the board in furtherance of the purposes of this chapter; and

(f) The applicant corporation is possessed of the ability and competence to furnish architectural services in the public interest.

(3) Upon recommendation of the board to impose action as authorized in RCW 18.235.110, the director may impose the recommended action upon a certificate of authorization to a corporation if the board finds that any of the officers, directors, incorporators, or the stockholders holding a majority of stock of the corporation have committed an act prohibited under RCW 18.08.440 or 18.235.130 or have been found personally responsible for misconduct under subsection (6) or (7) of this section.

(4) In the event a corporation, organized solely by a group of architects each registered under this chapter, applies for a certificate of authorization, the board may, in its discretion, grant a certificate of authorization to that corporation based on a review of the professional records of such incorporators, in lieu of the required qualifications set forth in subsections (1) and (2) of this section. In the event the ownership of such corporation is altered, the corporation shall apply for a revised certificate of authorization, based upon the professional records of the owners if exclusively architects, under the qualifications required by subsections (1) and (2) of this section)).

~~((5))~~ (4) Any ~~((corporation))~~ business entity practicing or offering to practice architecture, whether or not it is authorized to practice architecture under this chapter, ~~((together with its directors and officers for their own individual acts, are))~~ shall be jointly and severally responsible to the same degree as an individual registered architect and shall conduct their business without misconduct or malpractice in the practice of architecture as defined in this chapter.

~~((6))~~ (5) Any ~~((corporation))~~ business entity that has been certified under this chapter and has engaged in the practice of architecture may have its certificate of authorization either suspended or revoked by the board if, after a proper hearing, the board finds that the ~~((corporation))~~ business entity has committed misconduct or malpractice under RCW 18.08.440 or 18.235.130. In such a case, any individual architect registered under this chapter who is involved in such misconduct or malpractice is also subject to disciplinary measures provided in this chapter and RCW 18.235.110.

((7) All plans, specifications, designs, and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the direction of the designated architects and shall be signed by and stamped with the official seal of the designated architects in the corporation authorized under this chapter.

~~((8))~~ (6) For each certificate of authorization issued under this section there shall be paid a certification fee and an annual certification renewal fee as prescribed by the director under RCW 43.24.086.

((9) This chapter shall not affect the practice of architecture as a professional service corporation under chapter 18.100 RCW.)

Sec. 18. RCW 18.08.430 and 1985 c 37 s 14 are each amended to read as follows:

(1) The renewal date for certificates of registration shall be set by the director in accordance with RCW 43.24.086. Registrants who fail to pay the renewal fee within thirty days of the due date shall pay all delinquent fees plus a penalty fee equal to one-third of the renewal fee. A registrant who fails to pay a renewal fee for a period of five years may be reinstated under such circumstances as the board

determines. The renewal and penalty fees and the frequency of renewal assessment shall be authorized under this chapter. Renewal date for certificates of authorization shall be the anniversary of the date of authorization.

(2) Any registrant in good standing may withdraw from the practice of architecture by giving written notice to the director, and may within five years thereafter resume active practice upon payment of the then-current renewal fee. A registrant may be reinstated after a withdrawal of more than five years under such circumstances as the board determines.

(3) A registered architect must demonstrate professional development since the architect's last renewal or initial registration, as the case may be. The board shall by rule describe professional development activities acceptable to the board and the form of documentation of the activities required by the board. The board may decline to renew a registration if the architect's professional development activities do not meet the standards set by the board by rule. When adopting rules under the authority of this subsection, the board shall strive to ensure that the rules are consistent with the continuing professional education requirements and systems in use by national professional organizations representing architects and in use by other states.

(a) A registered architect shall, as part of his or her license renewal, certify that he or she has completed the required continuing professional development required by this section.

(b) The board may adopt reasonable exemptions from the requirements of this section.

NEW SECTION. Sec. 19. Sections 7 through 10 of this act take effect July 1, 2011.

NEW SECTION. Sec. 20. Section 5 of this act takes effect July 1, 2012, and all persons enrolled in an intern training program as approved by the board before July 1, 2012, shall be governed by the statute in effect at the time of enrollment in the program."

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on General Government Appropriations.

February 23, 2010

SB 5582 Prime Sponsor, Senator Parlette: Concerning the chief for a day program. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

February 23, 2010

2ESB 5617 Prime Sponsor, Senator Kauffman: Changing early learning advisory council provisions. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 5668

Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Restricting the use of consignment contracts in the sale of used manufactured/mobile homes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 21. The legislature finds that restricting the use of consignment contract sales of manufactured/mobile homes in favor of listing agreement sales by listing dealers or other vehicle dealers is necessary to protect the interests of homeowners, especially those who are elderly. Although a manufactured/mobile home is considered a vehicle, it is also a home, and those manufactured/mobile homes that are used as homes should not be sold strictly as a vehicle in the care of a dealer. The department of licensing by rule recognizes that a manufactured/mobile home is not simply a vehicle but a home.

The legislature also finds that a consignment contract is not transparent to the parties involved. The agent or dealer can easily hide or disguise terms of sale that can be detrimental to both the buyer and the seller and beneficial to the agent or dealer.

Therefore, the legislature intends this act to require the use of a listing agreement for the sale of a used manufactured/mobile home to ensure a transparent transaction between the parties.

NEW SECTION. Sec. 22. A new section is added to chapter 46.70 RCW to read as follows:

(1) As used in this section:

(a) "Consignment" means an arrangement where a vehicle dealer accepts delivery or entrustment of a vehicle and agrees to sell the vehicle on behalf of another.

(b) "Listing agreement" means a contract between a seller of a used manufactured/mobile home and a listing dealer to locate a willing buyer for the used manufactured/mobile home.

(2)(a) If a listing dealer or other vehicle dealer of manufactured/mobile homes acts on behalf of a seller for the sale and transfer of a used manufactured/mobile home, the listing dealer or other vehicle dealer shall use a listing agreement only and is prohibited from entering into a consignment contract if the used manufactured/mobile home:

(i) Exists as a finished home certified for occupancy and located in a manufactured/mobile home community or on private land; and

(ii) Is intended to remain at its location as a home, or will be moved to another manufactured/mobile home community or private land as a home, upon the sale and transfer of ownership.

(b) The listing agreement used under this subsection must state the amount of compensation to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home, which may be expressed as a fixed dollar amount, a percentage of the sales price, or another means of compensation.

(3) The listing dealer or other vehicle dealer shall negotiate the purchase agreement between the seller and buyer of the used manufactured/mobile home, which must include the following procedure:

(a) All written purchase offers bearing the buyer's signature must immediately be delivered to the seller for acceptance or refusal.

(b) The seller accepts the purchase agreement by signing the offer. A copy of the purchase agreement must be delivered to the buyer immediately following the seller signing and accepting the offer as proof that the buyer's purchase offer was accepted.

(c) Any counteroffers or amendments to the purchase agreement must also bear the signatures of both the buyer and seller, and copies of the counteroffers or amendments must be delivered to each party.

(4) The listing dealer or other vehicle dealer must follow all other requirements under this chapter.

NEW SECTION. Sec. 23. A new section is added to chapter 46.70 RCW to read as follows:

A listing dealer or other vehicle dealer of manufactured/mobile homes acting on behalf of a seller for the sale and transfer of a used manufactured/mobile home shall complete and attach to any listing agreement the following notice:

NOTICE

The description and physical location of the used manufactured/mobile home to be sold under this listing agreement is .

The compensation to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home is

Any changes to the compensation to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home must be

Sec. 24. RCW 46.70.028 and 2000 c 131 s 2 are each amended to read as follows:

Dealers who transact dealer business by consignment shall obtain a consignment contract for sale and shall comply with applicable provisions of this chapter ((46.70 RCW)). The dealer shall place all funds received from the sale of the consigned vehicle in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the vehicle from these funds. Where title has been delivered to the purchaser, the dealer shall pay the amount due a consignor within ten days after the sale. However, in the case of a consignment from a licensed vehicle dealer from any state, the wholesale auto auction shall pay the consignor within twenty days. Dealers are also subject to the requirements of sections 2 and 3 of this act.

Sec. 25. RCW 46.70.029 and 2001 c 64 s 8 are each amended to read as follows:

Listing dealers shall transact dealer business by obtaining a listing agreement for sale, and the buyer's purchase of the mobile home shall be handled as dealer inventory. All funds from the purchaser shall be placed in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the mobile home from these funds. Where title has been delivered to the purchaser, the listing dealer shall pay the amount due a seller within ten days after the sale of a listed mobile home. A complete account of all funds received and disbursed shall be given to the seller or consignor after the sale is completed. The sale of listed mobile homes imposes the same duty under RCW 46.70.122 on the listing dealer as any other sale. Listing dealers are also subject to the requirements of sections 2 and 3 of this act."

Correct the title.

Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 5798 Prime Sponsor, Committee on Health & Long-Term Care: Concerning medical marijuana. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Herrera and Hinkle.

Passed to Committee on Rules for second reading.

February 23, 2010

SB 6196 Prime Sponsor, Senator Hobbs: Concerning military leave for public employees. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

On page 2, line 7, after "work" insert" for the state or the county, city, or other political subdivision"

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6202 Prime Sponsor, Committee on Human Services & Corrections: Expanding provisions relating to vulnerable adults. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

February 23, 2010

ESB 6221 Prime Sponsor, Senator Fairley: Concerning clarification and expansion of eligibility to use the state's local government investment pool. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

On page 4, line 6, after "designee," strike "authorized officer of a school district."

Reported by Committee on Local Government & Housing

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Alexander and Taylor.

Passed to Committee on Rules for second reading.

February 23, 2010

SB 6227 Prime Sponsor, Senator Becker: Concerning the practice of opticianry. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 23, 2010

SB 6229 Prime Sponsor, Senator Schoesler: Extending to 2015 the assessment levied under RCW 15.36.551 to support the dairy inspection program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

February 23, 2010

SB 6243 Prime Sponsor, Senator Fairley: Eliminating provisions for filings at locations other than the public disclosure commission. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

On page 13, after line 4, insert the following:

"**NEW SECTION. Sec. 10.** A new section is added to chapter 42.17 RCW to read as follows: The filing of campaign finance reports required under this chapter with the commission shall be sufficient to satisfy local government requirements where the local government requires the same information from a political committee."

Re-number the sections consecutively and correct any internal references accordingly.

Correct the title.

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

February 22, 2010

ESB 6261 Prime Sponsor, Senator Marr: Addressing utility services collections against rental property.

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.21.217 and 1998 c 285 s 1 are each amended to read as follows:

(1) Prior to furnishing utility services, a city or town may require a deposit to guarantee payment for services. However, failure to require a deposit does not affect the validity of any lien authorized by RCW 35.21.290 or 35.67.200. A city or town may determine how to apply partial payments on past due accounts.

(2) A city or town may provide a real property owner or the owner's designee with duplicates of tenant utility service bills, or may notify an owner or the owner's designee that a tenant's utility account is delinquent. However, if an owner or the owner's designee notifies the city or town in writing that a property served by the city or town is a rental property, asks to be notified of a tenant's delinquency, and has provided, in writing, a complete and accurate mailing address, the city or town shall notify the owner or the owner's designee of a tenant's delinquency at the same time and in the same manner the city or town notifies the tenant of the tenant's delinquency or by mail, and the city or town is prohibited from collecting from the owner or the owner's designee any charges for electric light or power services more than four months past due. When a city or town provides a real property owner or the owner's designee with duplicates of tenant utility service bills or notice that a tenant's utility account is delinquent, the city or town shall notify the tenant that it is providing the duplicate bills or delinquency notice to the owner or the owner's designee.

(3) After ~~(January 1, 1999)~~ August 1, 2010, if a city or town fails to notify the owner of a tenant's delinquency after receiving a written request to do so and after receiving the other information required by this subsection, the city or town shall have no lien against the premises for the tenant's delinquent and unpaid charges and is prohibited from collecting the tenant's delinquent and unpaid charges for electric light or power services from the owner or the owner's designee.

(4) When a utility account is in a tenant's name, the owner or the owner's designee shall notify the city or town in writing within fourteen days of the termination of the rental agreement and vacation of the premises. If the owner or the owner's designee fails to provide this notice, a city or town providing electric light or power services is not limited to collecting only up to four months of a tenant's delinquent charges from the owner or the owner's designee, provided that the city or town has complied with the notification requirements of subsection (3) of this section.

(5)(a) When service is provided through a master meter, when the address of the real property owner is different from the address of the property served, or when the city or town has been previously notified that a tenant resides at the property served, the city or town shall provide notice of pending disconnection to the service address at least ten calendar days prior to disconnection, so that any tenant has an opportunity to resolve the delinquency or dispute with his or her landlord or to arrange for continued service by opening his or her own utility service account. If requested, a city or town shall provide utility service to a tenant on the same terms and conditions as other utility customers, without requiring that he or she pay delinquent amounts for services owed by the property owner or a previous tenant.

(b) This subsection does not affect the validity of any lien authorized by RCW 35.21.290 or 35.67.200. Furthermore, a city or town who allows a tenant to open his or her own utility service account in these circumstances shall retain the right to collect any

delinquent amounts due for service previously provided from the property owner, previous tenant, or both.

Sec. 2. RCW 35.21.290 and 1965 c 7 s 35.21.290 are each amended to read as follows:

~~Except as provided in RCW 35.21.217(4), cities and towns owning their own waterworks, or electric light or power plants shall have a lien against the premises to which water, electric light, or power services were furnished for four months charges therefor due or to become due, but not for any charges more than four months past due(= PROVIDED, That the owner of the premises or the owner of a delinquent mortgage thereon may give written notice to the superintendent or other head of such works or plant to cut off service to such premises accompanied by payment or tender of payment of the then delinquent and unpaid charges for such service against the premises together with the cut off charge, whereupon the city or town shall have no lien against the premises for charges for such service thereafter furnished, nor shall the owner of the premises or the owner of a delinquent mortgage thereon be held for the payment thereof).~~"

Correct the title.

Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Miloscia; Short; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives DeBolt, Assistant Ranking Minority Member and Fagan.

Passed to Committee on Rules for second reading.

February 23, 2010

ESB 6263 Prime Sponsor, Senator Keiser: Establishing the Washington vaccine association. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Association" means the Washington vaccine association.

(2) "Covered lives" means all persons under the age of nineteen in Washington state who are:

(a) Covered under an individual or group health benefit plan issued or delivered in Washington state or an individual or group health benefit plan that otherwise provides benefits to Washington residents; or

(b) Enrolled in a group health benefit plan administered by a third-party administrator. Persons under the age of nineteen for whom federal funding is used to purchase vaccines or who are enrolled in state purchased health care programs covering low-income children including, but not limited to, apple health for kids under RCW 74.09.470 and the basic health plan under chapter 70.47 RCW are not considered "covered lives" under this chapter.

(3) "Estimated vaccine cost" means the estimated cost to the state over the course of a state fiscal year for the purchase and distribution of vaccines purchased at the federal discount rate by the department of health.

(4) "Health benefit plan" has the same meaning as defined in RCW 48.43.005 and also includes health benefit plans administered by a third-party administrator.

(5) "Health carrier" has the same meaning as defined in RCW 48.43.005.

(6) "Secretary" means the secretary of the department of health.

(7) "State supplied vaccine" means vaccine purchased by the state department of health for covered lives for whom the state is purchasing vaccine using state funds raised via assessments on health carriers and third-party administrators as provided in this chapter.

(8) "Third-party administrator" means any person or entity who, on behalf of a health insurer or health care purchaser, receives or collects charges, contributions, or premiums for, or adjusts or settles claims on or for, residents of Washington state or Washington health care providers and facilities.

(9) "Total nonfederal program cost" means the estimated vaccine cost less the amount of federal revenue available to the state for the purchase and distribution of vaccines.

(10) "Vaccine" means a preparation of killed or attenuated living microorganisms, or fraction thereof, that upon administration stimulates immunity that protects against disease and is approved by the federal food and drug administration as safe and effective and recommended by the advisory committee on immunization practices of the centers for disease control and prevention for administration to children under the age of nineteen years.

NEW SECTION. Sec. 4. There is created a nonprofit corporation to be known as the Washington vaccine association. The association is formed for the primary purpose of collecting and remitting adequate funds from health carriers and third-party administrators for the cost of vaccines provided to certain children in Washington state. The association may also undertake other activities in support of a broader private/public initiative to protect Washington's children from the effects of preventable infectious diseases through increasing immunization rates. Costs of activities undertaken in support of a broader initiative to increase immunization rates cannot be financed through assessments under this chapter.

NEW SECTION. Sec. 5. (1) The association is comprised of all health carriers issuing or renewing health benefit plans in Washington state and all third-party administrators conducting business on behalf of residents of Washington state or Washington health care providers and facilities. Third-party administrators are subject to registration under section 9 of this act.

(2) The association is a nonprofit corporation under chapter 24.03 RCW and has the powers granted under that chapter.

(3) The board of directors includes the following voting members:

(a) Four members, selected from health carriers or third-party administrators, excluding health maintenance organizations, that have the most fully insured and self-funded covered lives in Washington state. The count of total covered lives includes enrollment in all companies included in their holding company system. Each health carrier or third-party administrator is entitled to no more than a single position on the board to represent all entities under common ownership or control.

(b) One member selected from the health maintenance organization having the most fully insured and self-insured covered lives in Washington state. The count of total lives includes enrollment in all companies included in its holding company system. Each health maintenance organization is entitled to no more than a single position on the board to represent all entities under common ownership or control.

(c) One member, representing health carriers not otherwise represented on the board under (a) or (b) of this subsection, who is elected from among the health carrier members not designated under (a) or (b) of this subsection.

(d) One member, representing Taft Hartley plans, appointed by the secretary from a list of nominees submitted by the Northwest administrators association.

(e) One member representing Washington state employers offering self-funded health coverage, appointed by the secretary from a list of nominees submitted by the Puget Sound health alliance.

(f) Two physician members appointed by the secretary, including at least one board certified pediatrician.

(g) The secretary, or a designee of the secretary with expertise in childhood immunization purchasing and distribution.

(4) The directors' terms and appointments must be specified in the plan of operation adopted by the association.

(5) The board of directors of the association shall:

(a) Prepare and adopt articles of association and bylaws;

(b) Prepare and adopt a plan of operation;

(c) Submit the plan of operation to the secretary for approval;

(d) Conduct all activities in accordance with the approved plan of operation;

(e) Enter into contracts as necessary or proper to collect and disburse the assessment;

(f) Enter into contracts as necessary or proper to administer the plan of operation;

(g) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessment for, on behalf of, or against members of the association or other participating person;

(h) Appoint, from among its directors, committees as necessary to provide technical assistance in the operation of the association, including the hiring of independent consultants as necessary;

(i) Obtain such liability and other insurance coverage for the benefit of the association, its directors, officers, employees, and agents as may in the judgment of the board of directors be helpful or necessary for the operation of the association;

(j) By May 1, 2010, establish the estimated amount of the assessment needed for the period of May 1, 2010, through December 31, 2010, based upon the estimate provided to the association under section 4(1) of this act; and notify, in writing, each health carrier and third-party administrator of the health carrier's or third-party administrator's total assessment for this period by May 15, 2010;

(k) On an annual basis, beginning no later than November 1, 2010, and by November 1st of each year thereafter, establish the estimated amount of the assessment;

(l) Notify, in writing, each health carrier and third-party administrator of the health carrier's or third-party administrator's estimated total assessment by November 15th of each year;

(m) Submit a periodic report to the secretary listing those health carriers or third-party administrators that failed to remit their assessments and audit health carrier and third-party administrator books and records for accuracy of assessment payment submission;

(n) Allow each health carrier or third-party administrator no more than ninety days after the notification required by (l) of this subsection to remit any amounts in arrears or submit a payment plan, subject to approval by the association and initial payment under an approved payment plan;

(o) Deposit annual assessments collected by the association, less the association's administrative costs, with the state treasurer to the credit of the universal vaccine purchase account established in RCW 43.70.720;

(p) Borrow and repay such working capital, reserve, or other funds as, in the judgment of the board of directors, may be helpful or necessary for the operation of the association; and

(q) Perform any other functions as may be necessary or proper to carry out the plan of operation and to affect any or all of the purposes for which the association is organized.

(6) The secretary shall convene the initial meeting of the association board of directors.

NEW SECTION. Sec. 6. (1) The secretary shall estimate the total nonfederal program cost for the upcoming calendar year by October 1, 2010, and October 1st of each year thereafter. Additionally, the secretary shall subtract any amounts needed to serve children enrolled in state purchased health care programs covering low-income children for whom federal vaccine funding is not available, and report the final amount to the association. In addition,

the secretary shall perform such calculation for the period of May 1st through December 31st, 2010, as soon as feasible but in no event later than April 1, 2010. The estimates shall be timely communicated to the association.

(2) The board of directors of the association shall determine the method and timing of assessment collection in consultation with the department of health. The board shall use a formula designed by the board to ensure the total anticipated nonfederal program cost, minus costs for other children served through state-purchased health care programs covering low-income children, calculated under subsection (1) of this section, is collected and transmitted to the universal vaccine purchase account created in RCW 43.70.720 in order to ensure adequacy of state funds to order state-supplied vaccine from federal centers for disease control and prevention.

(3) Each licensed health carrier and each third-party administrator on behalf of its client health benefit plans, must be assessed and is required to timely remit payment for its share of the total amount needed to fund nonfederal program costs calculated by the department of health. Such an assessment includes additional funds as determined necessary by the board to cover the reasonable costs for the association's administration. The board shall determine the assessment methodology, with the intent of ensuring that the nonfederal costs are based on actual usage of vaccine for a health carrier or third-party administrator's covered lives. State and local governments and school districts must pay their portion of vaccine expense for covered lives under this chapter.

(4) The board of the association shall develop a mechanism through which the number and cost of doses of vaccine purchased under this chapter that have been administered to children covered by each health carrier and each third-party administrator's client health benefit plans are attributed to each such health carrier and third-party administrator. Except as otherwise permitted by the board, this mechanism must include at least the following: Date of service; patient name; vaccine received; and health benefit plan eligibility. The data must be collected and maintained in a manner consistent with applicable state and federal health information privacy laws. Beginning November 1, 2011, and each November 1st thereafter, the board shall factor the results of this mechanism for the previous year into the determination of the appropriate assessment amount for each health carrier and third-party administrator for the upcoming year.

(5) For any year in which the total calculated cost to be received from association members through assessments is less than the total nonfederal program cost, the association must pay the difference to the state for deposit into the universal vaccine purchase account established in RCW 43.70.720. The board may assess, and the health carrier and third-party administrators are obligated to pay, their proportionate share of such costs and appropriate reserves as determined by the board.

(6) The aggregate amount to be raised by the association in any year may be reduced by any surpluses remaining from prior years.

(7) In order to generate sufficient start-up funding, the association may accept prepayment from member health carriers and third-party administrators, subject to offset of future amounts otherwise owing or other repayment method as determined by the board. The initial deposit of start-up funding must be deposited into the universal vaccine purchase account on or before April 30, 2010.

NEW SECTION. Sec. 7. (1) The board of the association shall establish a committee for the purposes of developing recommendations to the board regarding selection of vaccines to be purchased in each upcoming year by the department. The committee must be composed of at least five voting board members, including at least three health carrier or third-party administrator members, one physician, and the secretary or the secretary's designee. The committee must also include a representative of vaccine manufacturers, who is a nonvoting member of the committee. The representative of vaccine manufacturers must be chosen by the

secretary from a list of three nominees submitted collectively by vaccine manufacturers on an annual basis.

(2) In selecting vaccines to purchase, the following factors should be strongly considered by the committee: Patient safety and clinical efficacy, public health and purchaser value, patient and provider choice, and stability of vaccine supply.

NEW SECTION. Sec. 8. In addition to the duties and powers enumerated elsewhere in this chapter:

(1) The association may, pursuant to either vote of its board of directors or request of the secretary, audit compliance with reporting obligations established under the association's plan of operation. Upon failure of any entity that has been audited to reimburse the costs of such audit as certified by vote of the association's board of directors within forty-five days of notice of such vote, the secretary shall assess a civil penalty of one hundred fifty percent of the amount of such costs.

(2) The association may establish an interest charge for late payment of any assessment under this chapter. The secretary shall assess a civil penalty against any health carrier or third-party administrator that fails to pay an assessment within three months of notification under section 3 of this act. The civil penalty under this subsection is one hundred fifty percent of such assessment.

(3) The secretary and the association are authorized to file liens and seek judgment to recover amounts in arrears and civil penalties, and recover reasonable collection costs, including reasonable attorneys' fees and costs. Civil penalties so levied must be deposited in the universal vaccine purchase account created in RCW 43.70.720.

(4) The secretary may adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this section.

NEW SECTION. Sec. 9. The board of directors of the association shall submit to the secretary, no later than one hundred twenty days after the close of the association's fiscal year, a financial report in a form approved by the secretary.

NEW SECTION. Sec. 10. No liability on the part of, and no cause of action of any nature, shall arise against any member of the board of the association, against an employee or agent of the association, or against any health care provider for any lawful action taken by them in the performance of their duties or required activities under this chapter.

NEW SECTION. Sec. 11. A new section is added to chapter 43.24 RCW to read as follows:

(1)(a) Beginning September 1, 2010, a third-party administrator must register with the department of licensing and renew its registration on an annual basis thereafter prior to December 31st of each year, or within ten days after the registrant changes its name, business name, business address, or business telephone number, whichever occurs sooner.

(b) The registrant shall pay the registration or renewal fee established by the department of licensing as provided in RCW 43.24.086.

(c) Any person or entity that is acting as or holding itself out to be a third-party administrator while failing to have registered under this section is subject to a civil penalty of not less than one thousand dollars nor more than ten thousand dollars for each violation. The civil penalty is in addition to any other penalties that may be imposed for violations of other laws of this state.

(2) For the purposes of this section, "third-party administrator" has the same meaning as defined in section 1 of this act.

(3) The department of licensing may adopt rules under chapter 34.05 RCW as necessary to implement this section.

Sec. 12. RCW 43.70.720 and 2009 c 564 s 934 are each amended to read as follows:

The universal vaccine purchase account is created in the custody of the state treasurer. Receipts from public and private sources for the purpose of increasing access to vaccines for children may be deposited into the account. Expenditures from the account must be

used exclusively for the purchase of vaccines, at no cost to health care providers in Washington, to administer to children under nineteen years old who are not eligible to receive vaccines at no cost through federal programs. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 13. Sections 1 through 8 and 12 through 14 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 14. (1) The association board may, on or after June 30, 2015, vote to recommend termination of the association if it finds that the original intent of its formation and operation, which is to ensure more cost-effective purchase and distribution of vaccine than if provided through uncoordinated purchase by health care providers, has not been achieved. The association board shall provide notice of the recommendation to the relevant policy and fiscal committees of the legislature within thirty days of the vote being taken by the association board. If the legislature has not acted by the last day of the next regular legislative session to reject the board's recommendation, the board may vote to permanently dissolve the association.

(2) In the event of a voluntary or involuntary dissolution of the association, funds remaining in the universal purchase vaccine account created in RCW 43.70.720 that were collected under this chapter must be returned to the member health carrier and third-party administrators in proportion to their previous year's contribution, from any balance remaining following the repayment of any prepayments for start-up funding not previously recouped by such member.

NEW SECTION. Sec. 15. Physicians and clinics ordering state supplied vaccine must ensure they have billing mechanisms and practices in place that enable the association to accurately track vaccine delivered to association members' covered lives and must submit documentation in such a form as may be prescribed by the board in consultation with state physician organizations. Physicians and other persons providing childhood immunization are strongly encouraged to use state supplied vaccine whenever possible. Nothing in this chapter prohibits health carriers and third-party administrators from denying claims for vaccine serum costs when the serum or serums providing similar protection are provided or available via state supplied vaccine.

NEW SECTION. Sec. 16. If the requirement that any segment of health carriers, third-party administrators, or state or local governmental entities provide funding for the program established in this chapter is invalidated by a court of competent jurisdiction, the board of the association may terminate the program one hundred twenty days following a final judicial determination on the matter.

NEW SECTION. Sec. 17. A new section is added to chapter 48.43 RCW to read as follows:

Assessments paid by carriers under section 4 of this act may be considered medical expenses for purposes of rate setting and regulatory filings.

NEW SECTION. Sec. 18. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to assessments described in sections 3 and 4 of this act received by a nonprofit corporation established under section 2 of this act.

NEW SECTION. Sec. 19. A new section is added to chapter 84.36 RCW to read as follows:

(1) Real and personal property owned by a nonprofit corporation established under section 2 of this act and used primarily for the purposes described in section 2 of this act is exempt from property taxation.

(2) The conditions of RCW 84.36.805(2) do not apply to property exempt under this section.

NEW SECTION. Sec. 20. This act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Ways & Means.

February 23, 2010

E2SSB 6267 Prime Sponsor, Committee on Ways & Means: Regarding water right processing improvements. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 21. Water is an essential element for economic prosperity and it generates new, family-wage jobs and state revenues. It is the intent of the legislature to provide both water right applicants and the department of ecology with the necessary tools to expedite the processing of water right applications depending on the needs of the project and agency workload.

NEW SECTION. Sec. 22. Sufficient resources to support the department of ecology's water resource program are essential for effective and sustainable water management that provides certainty to processed applications. The department of ecology shall review current water resource functions and report to the legislature and the governor by September 1, 2010, on improvements to make the program more self-sustaining and efficient.

Sec. 23. RCW 90.03.265 and 2003 c 70 s 6 are each amended to read as follows:

(1)(a) Any applicant for a new withdrawal or a change, transfer, or amendment of a water right pending before the department(,) may initiate a cost-reimbursement agreement with the department to provide expedited review of the application. A cost-reimbursement agreement may (~~only~~) be initiated under this section if the applicant agrees to pay for, or as part of a cooperative effort agrees to pay for, the cost of processing his or her application and all other applications from the same source of supply which must be acted upon before the applicant's request because they were filed prior to the date of when the applicant filed.

(b) The requirement to pay for the cost of other applications under (a) of this subsection does not apply to an application for a new appropriation that would not diminish the water available to earlier pending applicants for new appropriations from the same source of supply.

(c) The requirement to pay for the cost of processing other applications under (a) of this subsection does not apply to an application for a change, transfer, or other amendment that would not diminish the water available to earlier pending applicants for changes or transfers from the same source of supply.

(d) In determining whether an application would not diminish the water available to earlier pending applicants, the department shall consider any water impoundment or other water resource management mitigation technique proposed by the applicant under RCW 90.03.255 or 90.44.055.

(e) The department may enter into cost-reimbursement agreements provided resources are available and shall use the process established under RCW 43.21A.690 for entering into cost-reimbursement agreements. The department's share of work related to a cost-reimbursement application, such as final certificate approval,

must be prioritized within the framework of other water right processing needs and as determined by agency rule.

(f) Each individual applicant is responsible for his or her own appeal costs that may result from a water right decision made by the department. In the event that the department's approval of an application is appealed under chapter 43.21B RCW by a third party, the applicant for the water right in question must reimburse the department for the cost of defending the decision before the pollution control hearings board unless otherwise agreed to by the applicant and the department. If an applicant appeals either an approval or a denial by the department, the applicant is responsible only for its own appeal costs.

(2) In pursuing a cost-reimbursement project, the department must determine the source of water proposed to be diverted or withdrawn from, including the boundaries of the area that delimits the source. The department must determine if any other water right permit applications are pending from the same source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department finds they are hydraulically connected. The department shall consider technical information submitted by the applicant in making its determinations under this subsection. The department may recover from a cost-reimbursement applicant its own costs in making the same source determination under this subsection.

(3) Upon request of the applicant seeking cost-reimbursement processing, the department may elect to initiate a coordinated cost-reimbursement process. To initiate this process, the department must notify in writing all persons who have pending applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be posted on the department's web site and published in a newspaper of general circulation in the area where affected properties are located. The notice must also be made individually by way of mail to:

(a) Inform those applicants that cost-reimbursement processing of applications within the described water source is being initiated;

(b) Provide to individual applicants the criteria under which the applications will be examined and determined;

(c) Provide to individual applicants the estimated cost for having an application processed on a cost-reimbursement basis;

(d) Provide an estimate of how long the cost-reimbursement process will take before an application is approved or denied; and

(e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in the cost-reimbursement process.

(4) The applicant initiating the cost-reimbursement request must pay for the cost of the determination under subsections (2) and (3) of this section and other costs necessary for the initial phase of cost-reimbursement processing. The cost for each applicant for conducting processing under a coordinated cost-reimbursement agreement must be based primarily on the proportionate quantity of water requested by each applicant. The cost may be adjusted if it appears that an application will require a disproportionately greater amount of time and effort to process due to its complexity.

(5)(a) Only the department may approve or deny a water right application processed under this section, and such a final decision remains solely the responsibility and function of the department. The department retains full authority to amend, refuse, or approve any work product provided by any consultant under this section. The department may recover its costs related to: (i) The review of a contractor to ensure that no conflict of interest exists; (ii) the management of consultant contracts and cost-reimbursement agreements; and (iii) the review of work products provided by participating consultants.

(b) For any cost-reimbursement process initiated under subsection (1) of this section, the applicant may, after consulting with the department, select a prequalified consultant listed by the department under subsection (7) of this section or may be assigned such a prequalified consultant by the department.

(c) For any coordinated cost-reimbursement process initiated under subsection (2) of this section, the applicant may, after consulting with the department, select a prequalified consultant listed by the department under subsection (7) of this section or may be assigned a prequalified consultant by the department.

(d) In lieu of having one or more of the work products performed by a prequalified consultant listed under subsection (7) of this section, the department may, at its discretion, recognize specific work completed by an applicant or an applicant's consultant prior to the initiation of cost-reimbursement processing. The department may also, at its discretion, authorize the use of such a consultant to perform a specific scope of the work performed by prequalified consultants listed under subsection (7) of this section.

(e) At any point during the cost-reimbursement process, the department may request or accept technical information, data, and analysis from the applicant or the applicant's consultant to support the cost-reimbursement process or the department's decision on the application.

(6) The department is authorized to adopt rules or guidance providing minimum qualifications and standards for any consultant's submission of work products under this section, including standards for submission of technical information, scientific analysis, work product documentation, and report presentation that such a consultant must meet.

(7) The department must provide notice to potential consultants of the opportunity to be considered for inclusion on the list of cost-reimbursement consultants to whom work assignments will be made. The department must competitively select an appropriate number of consultants who are qualified by training and experience to investigate and make recommendations on the disposition of water right applications. The prequalified consultant list must be renewed at least every six years, though the department may add qualified cost-reimbursement consultants to the list at any time. The department must enter a master contract with each consultant selected and thereafter make work assignments based on availability and qualifications.

(8) The department may remove any consultant from the consultant list for poor performance, malfeasance, or excessive complaints from cost-reimbursement participants. The department may interview any cost-reimbursement consultant to determine whether the person is qualified for this work, and must spot-check the work of consultants to ensure that the public is being competently served.

(9) When a prequalified cost-reimbursement consultant from the department's list described in subsection (7) of this section is assigned or selected to investigate an application or set of applications, the consultant must document its findings and recommended disposition in the form of written draft technical reports and preliminary draft reports of examination. Within two weeks of the department receiving draft technical reports and preliminary draft reports of examination, the department shall provide the applicant such documents for review and comment prior to their completion by the consultant. The department shall consider such comments by the applicant prior to the department's issuance of a draft report of examination. The department may modify the preliminary draft reports of examination submitted by the consultant. The department's decision on a permit application is final unless it is appealed to the pollution control hearings board under chapter 43.21B RCW.

(10) If an applicant elects not to participate in a cost-reimbursement process, the application remains on file with the department, retains its priority date, and may be processed in the

future under regular processing, expedited processing, coordinated cost-reimbursement processing, cost-reimbursement processing, or through conservancy board processing as authorized under chapter 90.80 RCW.

NEW SECTION. Sec. 24. A new section is added to chapter 90.03 RCW to read as follows:

The water rights processing account is created in the state treasury. All receipts from the fees collected under sections 5, 7, and 12 of this act must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account may only be used to support the processing of water right applications for a new appropriation, change, transfer, or amendment of a water right as provided in this chapter and chapters 90.42 and 90.44 RCW or for the examination, certification, and renewal of certification of water right examiners as provided in section 7 of this act.

NEW SECTION. Sec. 25. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department may expedite processing of applications within the same source of water on its own volition when there is interest from a sufficient number of applicants or upon receipt of written requests from at least ten percent of the applicants within the same source of water.

(2) If the conditions of subsection (1) of this section have been met and the department determines that the public interest is best served by expediting applications within a water source, the department must notify in writing all persons who have pending applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be posted on the department's web site and published in a newspaper of general circulation in the area where affected properties are located. The notice must also be made individually by way of mail to:

(a) Inform those applicants that expedited processing of applications within the described water source is being initiated;

(b) Provide to individual applicants the criteria under which the applications will be examined and determined;

(c) Provide to individual applicants the estimated cost for having an application processed on an expedited basis;

(d) Provide an estimate of how long the expedited process will take before an application is approved or denied; and

(e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in the expedited processing of their applications.

(3) In addition to the application fees provided in RCW 90.03.470, the department must recover the full cost of processing all the applications from applicants who elect to participate within the water source through expedited processing fees. The department must calculate an expedited processing fee based primarily on the proportionate quantity of water requested by each applicant and may adjust the fee if it appears that the application will require a disproportionately greater amount of time and effort to process due to its complexity. Any application fees that were paid by the applicant under RCW 90.03.470 must be credited against the applicant's share of the cost of processing applications under the provisions of this section.

(4) The expedited processing fee must be collected by the department prior to the expedited processing of an application. Revenue collected from these fees must be deposited into the water rights processing account created in section 4 of this act. An applicant who has stated in writing that he or she wants his or her application processed using the expedited procedures in this section must transmit the processing fee within sixty days of the written

request. Failure to do so will result in the applicant not being included in expedited processing for that water source.

(5) If an applicant elects not to participate in expedited processing, the application remains on file with the department, the applicant retains his or her priority date, and the application may be processed through regular processing, expedited processing, coordinated cost-reimbursement processing, cost-reimbursement processing, or through conservancy board processing as authorized under chapter 90.80 RCW. Such an application may not be processed through expedited processing within twelve months after the department's issuance of decisions on participating applications at the conclusion of expedited processing unless the applicant agrees to pay the full proportionate share that would otherwise have been paid during such processing. Any proceeds collected from an applicant under this delayed entry into expedited processing shall be used to reimburse the other applicants who participated in the previous expedited processing of applications, provided sufficient proceeds remain to fully cover the department's cost of processing the delayed entry application and the department's estimated administrative costs to reimburse the previously expedited applicants.

NEW SECTION. Sec. 26. A new section is added to chapter 90.03 RCW to read as follows:

The department must post notice on its web site and provide electronic notice and opportunity for comment to affected federally recognized tribal governments concurrently when providing notice to applicants under RCW 90.03.265 and sections 5 and 12 of this act.

NEW SECTION. Sec. 27. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall establish and maintain a list of certified water right examiners. Certified water right examiners on the list are eligible to perform final proof examinations of permitted water uses leading to the issuance of a water right certificate under RCW 90.03.330. The list must be updated annually and must be made available to the public through written and electronic media.

(2) In order to qualify, an individual must be registered in Washington as a professional engineer, professional land surveyor, or registered hydrogeologist, or an individual must demonstrate at least five years of applicable experience to the department, or be a board member of a water conservancy board. Qualified individuals must also pass a written examination prior to being certified by the department. Such an examination must be administered by either the department or an entity formally approved by the department. Each certified water right examiner must demonstrate knowledge and competency regarding:

- (a) Water law in the state of Washington;
- (b) Measurement of the flow of water through open channels and enclosed pipes;
- (c) Water use and water level reporting;
- (d) Estimation of the capacity of reservoirs and ponds;
- (e) Irrigation crop water requirements;
- (f) Aerial photo interpretation;
- (g) Legal descriptions of land parcels;
- (h) Location of land and water infrastructure through the use of maps and global positioning;
- (i) Proper construction and sealing of well bores; and
- (j) Other topics related to the preparation and certification of water rights in Washington state.

(3) Except as provided in subsection (9) of this section, upon completion of a water appropriation and putting water to beneficial use, in order to receive a final water right certificate, the permit holder must secure the services of a certified water right examiner who has been tested and certified by the department. The examiner shall carry out a final examination of the project to verify its completion and to determine and document for the permit holder and the department the amount of water that has been appropriated for beneficial use, the location of diversion or withdrawal and conveyance facilities, and the

actual place of use. The examiner shall take measurements or make estimates of the maximum diversion or withdrawal, the capacity of water storage facilities, the acreage irrigated, the type and number of residences served, the type and number of stock watered, and other information relevant to making a final determination of the amount of water beneficially used. The examiner shall make photographs of the facilities to document the use or uses of water and the photographs must be submitted with the examiner's report to the department. The department shall specify the format and required content of the reports and may provide a form for that purpose.

(4) The department may suspend or revoke a certification based on poor performance, malfeasance, failure to acquire continuing education credits, or excessive complaints from the examiner's customers. The department may require the retesting of an examiner. The department may interview any examiner to determine whether the person is qualified for this work. The department shall spot-check the work of examiners to ensure that the public is being competently served. Any person aggrieved by an order of the department including the granting, denial, revocation, or suspension of a certificate issued by the department under this chapter may appeal pursuant to chapter 43.21B RCW.

(5) The decision regarding whether to issue a final water right certificate is solely the responsibility and function of the department.

(6) The department shall make its final decision under RCW 90.03.330 within sixty days of the date of receipt of the proof of examination from the certified water right examiner, unless otherwise requested by the applicant.

(7) Each certified water right examiner must complete eight hours annually of qualifying continuing education in the water resources field. The department shall determine and specify the qualifying continuing education and shall inform examiners of the opportunities. The department shall track whether examiners are current in their continuing education and may suspend the certification of an examiner who has not complied with the continuing education requirement.

(8) Each certified water right examiner must be bonded for at least fifty thousand dollars.

(9) The department may waive the requirement to secure the services of a certified water right examiner in situations in which the department deems it unnecessary for purposes of issuing a certificate of water right.

(10) The department shall establish and collect fees for the examination, certification, and renewal of certification of water right examiners. Revenue collected from these fees must be deposited into the water rights processing account created in section 4 of this act. Pursuant to RCW 43.135.055, the department is authorized to set fees for examination, certification, and renewal of certification for water right examiners.

(11) The department may adopt rules appropriate to carry out the purposes of this section.

Sec. 28. RCW 90.14.065 and 1987 c 93 s 1 are each amended to read as follows:

~~(1)(a)~~ Any person or entity, or successor to such person or entity, having a statement of claim on file with the water rights claims registry ~~((on April 20, 1987,))~~ may submit to the department of ecology for filing ~~(?)~~ an amendment to such a statement of claim if the submitted amendment is based on:

~~((1))~~ ~~(i)~~ An error in estimation of the quantity of the applicant's water claim prescribed in RCW 90.14.051 if the applicant provides reasons for the failure to claim such right in the original claim;

~~((2))~~ ~~(ii)~~ A change in circumstances not foreseeable at the time the original claim was filed, if such change in circumstances relates only to the manner of transportation or diversion of the water and not to the use or quantity of such water; or

~~((3))~~ ~~(iii)~~ The amendment is ministerial in nature.

(b) The department shall accept any such submission and file the same in the registry unless the department by written determination concludes that the requirements of (a)(i), (ii), or (iii) of this subsection ((1), (2), or (3) of this section) have not been satisfied.

(2) In addition to subsection (1) of this section, a surface water right claim may be changed or transferred in the same manner as a permit or certificate under RCW 90.03.380, and a water right claim for groundwater may be changed or transferred as provided under RCW 90.03.380 and 90.44.100.

(3) Any person aggrieved by a determination of the department may obtain a review thereof by filing a petition for review with the pollution control hearings board within thirty days of the date of the determination by the department. The provisions of RCW 90.14.081 shall apply to any amendment filed or approved under this section.

Sec. 29. RCW 90.44.100 and 2009 c 183 s 16 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of groundwater right, the holder of a valid right to withdraw public groundwaters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public groundwater as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public groundwater as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" of a water right permit or certificate is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well. The location of the

original well or wells of a water right claim filed under chapter 90.14 RCW is the area located within a one-quarter mile radius of the current well or wells.

(5) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring an amendment of any existing water right to enable the holder of the right to store water governed by the right.

(6) This section does not apply to a water right involved in an approved local water plan created under RCW 90.92.090 or a banked water right under RCW 90.92.070.

Sec. 30. RCW 90.44.100 and 2003 c 329 s 3 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of groundwater right, the holder of a valid right to withdraw public groundwaters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public groundwater as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public groundwater as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" of a water right permit or certificate is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well. The location of the original well or wells of a water right claim filed under chapter 90.14

RCW is the area located within a one-quarter mile radius of the current well or wells.

(5) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring an amendment of any existing water right to enable the holder of the right to store water governed by the right.

NEW SECTION. Sec. 31. A new section is added to chapter 90.44 RCW to read as follows:

Applications to appropriate groundwater under a cost-reimbursement agreement must be processed in accordance with RCW 90.03.265 when an applicant requests the assignment of a cost-reimbursement consultant as provided in RCW 43.21A.690.

NEW SECTION. Sec. 32. A new section is added to chapter 90.44 RCW to read as follows:

(1) The department may expedite processing of applications within the same source of water on its own volition when there is interest from a sufficient number of applicants or upon receipt of written requests from at least ten percent of the applicants within the same source of water.

(2) If the conditions of subsection (1) of this section have been met and the department determines that the public interest is best served by expediting applications within a water source, the department must notify in writing all persons who have pending applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be posted on the department's web site and published in a newspaper of general circulation in the area where affected properties are located. The notice must also be made individually by way of mail to:

- (a) Inform those applicants that expedited processing of applications within the described water source is being initiated;
- (b) Provide to individual applicants the criteria under which the applications will be examined and determined;
- (c) Provide to individual applicants the estimated cost for having an application processed on an expedited basis;
- (d) Provide an estimate of how long the expedited process will take before an application is approved or denied; and
- (e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in expedited processing of their applications.

(3) In addition to the application fees provided in RCW 90.03.470, the department must recover the full cost of processing all the applications from applicants who elect to participate within the water source through expedited processing fees. The department must calculate an expedited processing fee based primarily on the proportionate quantity of water requested by each applicant and may adjust the fee if it appears that an application will require a disproportionately greater amount of time and effort to process due to its complexity. Any application fees that were paid by the applicant under RCW 90.03.470 must be credited against the applicant's share of the cost of processing applications under the provisions of this section.

(4) The expedited processing fee must be collected by the department prior to the expedited processing of an application. Revenue collected from these fees must be deposited into the water rights processing account created in section 4 of this act. An applicant who has stated in writing that he or she wants his or her application processed using the expedited procedures in this section must transmit the processing fee within sixty days of the written request. Failure to do so will result in the applicant not being included in expedited processing for that water source.

(5) If an applicant elects not to participate in expedited processing, the application remains on file with the department, the applicant retains his or her priority date, and the application may be processed through regular processing, expedited processing, coordinated cost-reimbursement processing, cost-reimbursement processing, or through conservancy board processing as authorized under chapter 90.80 RCW. Such an application may not be processed through expedited processing within twelve months after the department's issuance of decisions on participating applications at the conclusion of expedited processing unless the applicant agrees to pay the full proportionate share that would otherwise have been paid during such processing. Any proceeds collected from an applicant under this delayed entry into expedited processing shall be used to reimburse the other applicants who participated in the previous expedited processing of applications, provided sufficient proceeds remain to fully cover the department's cost of processing the delayed entry application and the department's estimated administrative costs to reimburse the previously expedited applicants.

NEW SECTION. Sec. 33. Section 9 of this act expires June 30, 2019.

NEW SECTION. Sec. 34. Section 10 of this act takes effect June 30, 2019.

NEW SECTION. Sec. 35. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Blake, Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Nelson; Pearson; Rolfes; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives Ormsby, Vice Chair; Liias and McCoy.

Referred to Committee on General Government Appropriations.

February 23, 2010

SSB 6273 Prime Sponsor, Committee on Health & Long-Term Care: Regarding insurance coverage of the sales tax for prescribed durable medical equipment and mobility enhancing equipment. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member and Bailey.

Passed to Committee on Rules for second reading.

February 23, 2010

SB 6275 Prime Sponsor, Senator Jacobsen: Regarding harbor lines. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority

Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6280 Prime Sponsor, Committee on Health & Long-Term Care: Concerning East Asian medicine practitioners. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

On page 7, at the beginning of line 1, strike "unless the patient signs a written waiver acknowledging the risks associated with failure to pursue treatment from a primary health care provider. The requirements of the waiver shall be established by the secretary in rule"

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 23, 2010

ESSB 6289 Prime Sponsor, Committee on Environment, Water & Energy: Protecting lake water quality by reducing phosphorus from lawn fertilizers. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 36.** (1) The legislature finds that:

(a) Phosphorus loading of surface waters can stimulate the growth of weeds and algae and that this growth can have adverse environmental, health, and aesthetic effects;

(b) Lawn fertilizers contribute to phosphorus loading. Limits on turf fertilizer containing phosphorus can significantly reduce the discharge of phosphorus into the state's ground and surface waters;

(c) Turf fertilizers containing no or very low amounts of phosphorus are readily available and maintaining established turf in a healthy and green condition is not dependent upon the addition of phosphorus fertilizers; and

(d) While significant reductions of phosphorus from laundry detergent and dishwashing detergent have been achieved, similar progress in reducing phosphorus contributions from turf fertilizer has not been accomplished.

(2) It is the intent of the legislature that this chapter significantly limit the use of fertilizers containing the plant nutrient phosphorus.

NEW SECTION. Sec. 37. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Director" means the director of the department of ecology.

(3)(a) "Fertilizer" includes any substance containing one or more recognized plant nutrients, and that is either used for its plant nutrient content or is designated for use or claimed to have value in promoting plant growth, or both. "Fertilizer" includes gypsum and manipulated animal and vegetable manures.

(b) "Fertilizer" does not include:

(i) Unmanipulated animal and vegetable material, organic waste-derived materials, substances containing phosphorus derived solely

from natural organic sources, and other products exempted by the department by rule;

(ii) Calcium carbonate (lime) and anhydrous ammonia;

(iii) Materials including, but not limited to, compost biosolids, municipal sewage sludge, or slow release fertilizer used in compliance with best practices developed by the Washington State University extension service, or products derived therefrom, that are regulated under chapter 70.95 or 70.95J RCW or rules adopted under those chapters; and

(iv) Materials using waste manure from confined animal feeding operations as the primary feedstock and manufactured as a biotic fertilizer in a manner that balances the pH of the material and reduces the leaching of phosphorus.

(4) "Impervious surface" means a highway, street, sidewalk, parking lot, driveway, or other artificial surface that prevents infiltration of water into the soil.

(5) "Turf" means noncrop land planted in closely mowed, managed grasses on residential property. Turf does not include managed pasture, hayland, hay, turf grown on turf farms, home or commercial vegetable production, horticultural beds, flower beds, general landscaping, or any other form of agricultural production.

NEW SECTION. Sec. 38. (1) Except as provided in subsection (2) of this section, after January 1, 2012, a person may not apply to turf a fertilizer containing the plant nutrient phosphorus.

(2) Subsection (1) of this section does not apply when:

(a) Applying a solid fertilizer containing less than 0.67 percent phosphate by weight or a liquid fertilizer applied at a rate not greater than 0.3 pounds of phosphate per one thousand square feet of turf;

(b) Laboratory test results or other certifications by a turf specialist performed within the three years previous to the application indicates that the level of available phosphorus in the soils is insufficient to support healthy turf growth. The level of phosphorus needed to support healthy turf and the agronomic application rate must be determined by Washington State University; or

(c) The property owner or an agent of the property owner is first establishing turf via seed or sod procedures and only during the first growing season.

(3)(a) This section does not apply to the application of turf fertilizer for agricultural uses.

(b) This section does not apply to the application of turf fertilizer for golf courses.

NEW SECTION. Sec. 39. A person may not apply a fertilizer to an impervious surface. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or another legal site or returned to the original container or another appropriate container.

NEW SECTION. Sec. 40. (1) The department may issue a notice of corrective action to a person in violation of section 3 or 4 of this act.

(2) A city or county may adopt an ordinance providing for enforcement of the requirements of sections 3 and 4 of this act. A city or county adopting an ordinance has jurisdiction concurrent with the department to enforce this section.

NEW SECTION. Sec. 41. The department may produce consumer information on the application restrictions under section 3 of this act and on recommended best practices for turf fertilizer and other residential landscaping uses. The consumer information must be produced in consultation with the Washington State University extension service, fertilizer industry representatives, lakes health organizations, and other interested parties. The consumer information must be in a format and of a content suitable for posting and distribution at retail points of sale of fertilizer that contains phosphorus for use on turf.

NEW SECTION. Sec. 42. Sections 1 through 6 of this act constitute a new chapter in Title 90 RCW."

Correct the title.

Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Jacks; Lias; McCoy; Nelson; Rolfes and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Pearson and Warnick.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6293 Prime Sponsor, Committee on Judiciary: Changing provisions relating to rendering criminal assistance in the first degree. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 43. RCW 9A.76.070 and 2003 c 53 s 83 are each amended to read as follows:

(1) A person is guilty of rendering criminal assistance in the first degree if he or she renders criminal assistance to a person who has committed or is being sought for murder in the first degree or any class A felony or equivalent juvenile offense.

(2)(a) Except as provided in (b) of this subsection, rendering criminal assistance in the first degree is a class ~~(C)~~ **B** felony.

(b) Rendering criminal assistance in the first degree is a ~~(gross misdemeanor)~~ **class C felony** if it is established by a preponderance of the evidence that the actor is a relative as defined in RCW 9A.76.060.

Sec. 44. RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are each reenacted and amended to read as follows:

TABLE 2

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))
	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Rape 1 (RCW 9A.44.040)

	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run--Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Robbery 1 (RCW 9A.56.200)
	Sexual Exploitation (RCW 9.68A.040)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
VIII	Arson 1 (RCW 9A.48.020)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Manslaughter 2 (RCW 9A.32.070)
	Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Theft of Ammonia (RCW 69.55.010)
	Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)

- VII Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.070)
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070(2)(a))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))

- Hit and Run with Vessel--Injury
Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))
- Indecent Exposure to Person Under
Age Fourteen (subsequent sex
offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event
(RCW 9A.82.070)
- Malicious Harassment (RCW
9A.36.080)
- Residential Burglary (RCW
9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW
9A.82.050)
- Unlawful factoring of a credit card or
payment card transaction (RCW
9A.56.290(4)(b))
- Unlawful transaction of health
coverage as a health care service
contractor (RCW 48.44.016(3))
- Unlawful transaction of health
coverage as a health maintenance
organization (RCW 48.46.033(3))
- Unlawful transaction of insurance
business (RCW 48.15.023(3))
- Unlicensed practice as an insurance
professional (RCW
48.17.063(~~(3)~~)) (2)
- Use of Proceeds of Criminal
Profiteering (RCW 9A.82.080 (1)
and (2))
- Vehicular Assault, by being under the
influence of intoxicating liquor or
any drug, or by the operation or
driving of a vehicle in a reckless
manner (RCW 46.61.522)
- Willful Failure to Return from
Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or
Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace
Officer With a Projectile Stun
Gun) (RCW 9A.36.031 except
subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony
(RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Commercial Sexual Abuse of a Minor
(RCW 9.68A.100)
- Communication with a Minor for
Immoral Purposes (RCW
9.68A.090)
- Criminal Gang Intimidation (RCW
9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction
or threat of death) (RCW
9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW
9A.76.180)
- Introducing Contraband 2 (RCW
9A.76.150)
- Malicious Injury to Railroad Property
(RCW 81.60.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily
Harm By Use of a Signal
Preemption Device (RCW
46.37.674)
- Organized Retail Theft 1 (RCW
9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW
9.40.120)
- Possession of Machine Gun or Short-
Barreled Shotgun or Rifle (RCW
9.41.190)
- Promoting Prostitution 2 (RCW
9A.88.080)
- Rendering Criminal Assistance 1
(RCW 9A.76.070(2)(b))
- Retail Theft with Extenuating
Circumstances 1 (RCW
9A.56.360(2))
- Securities Act violation (RCW
21.20.400)
- Tampering with a Witness (RCW
9A.72.120)
- Telephone Harassment (subsequent
conviction or threat of death)
(RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW
9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW
9A.82.055)
- Unlawful Imprisonment (RCW
9A.40.040)
- Unlawful possession of firearm in the
second degree (RCW 9.41.040(2))
- Vehicular Assault, by the operation or
driving of a vehicle with disregard
for the safety of others (RCW
46.61.522)
- Willful Failure to Return from Work
Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW
9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody
(RCW 72.09.310)

- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(11)(a))
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)
- Mineral Trespass (RCW 78.44.330)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Reckless Burning 1 (RCW 9A.48.040)
- Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)
- Theft 2 (RCW 9A.56.040)
- Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))
- Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(((4))))
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
- Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
- Unlawful Possession of Payment Instruments (RCW 9A.56.320)
- Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
- Unlawful Production of Payment Instruments (RCW 9A.56.320)
- Unlawful Trafficking in Food Stamps (RCW 9.91.142)
- Unlawful Use of Food Stamps (RCW 9.91.144)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Sec. 45. RCW 9A.76.060 and 1975 1st ex.s. c 260 s 9A.76.060 are each amended to read as follows:**
- As used in RCW 9A.76.070 and 9A.76.080, "relative" means a person:
- (1)(a) Who was under the age of eighteen at the time of the offense, and is related as husband or wife, brother or sister, parent or grandparent, child or grandchild, step-child or step-parent to the person to whom criminal assistance is rendered; or
- (b) Who provides emergency medical assistance and who is related to the same person as husband or wife, brother or sister, parent or grandparent, child or grandchild, stepchild or stepparent to whom criminal assistance is rendered; and
- (2) Who does not render criminal assistance to another person in one or more of the means defined in subsections (4), (5), or (6) of RCW 9A.76.050.
- NEW SECTION. Sec. 46.** This act shall be known as Randy's law."
- Correct the title.
- Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.
- Referred to Committee on General Government Appropriations.
- February 23, 2010
- SB 6297 Prime Sponsor, Senator Franklin: Regarding certification of speech-language pathology assistants. Reported by Committee on Health Care & Wellness
- MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.
- Passed to Committee on Rules for second reading.
- February 23, 2010

SSB 6299 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding animal inspections. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

February 23, 2010

SB 6308 Prime Sponsor, Senator Carrell: Controlling computer access by residents of the special commitment center. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Appleton; Goodman and Kirby.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6329 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Creating a beer and wine tasting endorsement to the grocery store liquor license. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Green; Moeller and Williams.

MINORITY recommendation: Without recommendation. Signed by Representative Crouse.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6332 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Concerning human trafficking. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 3, line 28, after "integrate" strike all material through "contain" on line 30 and insert "information on assisting victims of human trafficking in posters and brochures, as deemed appropriate by the department. The information shall include"

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6340 Prime Sponsor, Committee on Judiciary: Changing the membership of the Washington state forensic investigations council. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 47. RCW 43.103.040 and 1995 c 398 s 5 are each amended to read as follows:

The council shall consist of ~~((twelve))~~ thirteen members who shall be selected as follows: One county coroner; one county prosecutor; one county prosecutor who also serves as ex officio county coroner; one county medical examiner; one county sheriff; one chief of police; the chief of the state patrol; two members of a county legislative authority; one pathologist who is currently in private practice; ~~((and))~~ two members of a city legislative authority; and one attorney whose practice of law includes significant experience representing clients charged with criminal offenses.

The governor shall appoint members to the council from among the nominees submitted for each position as follows: The Washington association of county officials shall submit two nominees each for the coroner position and the medical examiner position; the Washington state association of counties shall submit two nominees each for the two county legislative authority positions; the association of Washington cities shall submit two nominees each for the two city legislative authority positions; the Washington association of prosecuting attorneys shall submit two nominees each for the county prosecutor-ex officio county coroner and for the county prosecutor position; the Washington association of sheriffs and police chiefs shall submit two nominees each for the county sheriff position and the chief of police position; ~~((and))~~ the Washington association of pathologists shall submit two nominees for the private pathologist position; and the Washington association of criminal defense lawyers and the Washington defender association shall jointly submit two nominees for the criminal defense attorney position, one of whom must actively manage or have significant experience in managing a public or private criminal defense agency or association, the other must have experience in cases involving DNA or other forensic evidence."

Correct the title.

Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6343 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Establishing the Washington food policy forum. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 48. (1) The legislature finds that:

(a) A number of governmental agencies and programs of the state share goals and missions relating to food, nutrition, agriculture, health, education, and economic development through sustained agricultural production and improved access to nutritious foods;

(b) The food and agriculture industry generates forty-two billion dollars annually, employs one hundred sixty thousand people, and contributes thirteen percent to the state's economy;

(c) Agriculture is a leading employer in the state, produces over three hundred different crops, and is composed of many diverse types of agricultural endeavors;

(d) Washington state continues to lose approximately seventy thousand acres of farmland every year to nonfarming uses and the average age of farmers in the state is fifty-seven;

(e) Washington is currently ranked twenty-eighth in the nation for very low food security with one hundred twelve thousand households experiencing hunger, a twenty-four percent increase from 2008;

(f) According to data average for the years 2004 through 2008, nearly sixty-one percent of Washington adults are either obese or overweight;

(g) Obesity contributes substantially to the burden of preventable illnesses and premature death, which are estimated to cost Washington almost two billion dollars annually; and

(h) The current food system in Washington state is complex and directly affected by the activities and policies of multiple nongovernmental organizations, state agencies, and local governments, and a coordinated, systemic approach is necessary to improve the health of Washington's citizens and improve the economic viability of agriculture.

(2) The legislature recognizes the need to understand the impacts of governmental rules and regulations on the viability of the agricultural sector and on the ability of citizens of all backgrounds to obtain sufficient, high quality foods for themselves and their families.

(3) The purpose of this act is to provide for the establishment of a forum whereby state food policy, food-related programs, and food-related issues can be examined, improved, and better integrated to accomplish the overarching public goals. It is the intent of the legislature to place the state in a favorable position to qualify for available federal funds, moneys from foundations, and other sources to fund the activities of the forum.

NEW SECTION. Sec. 49. (1) The Washington food policy forum is established. The purpose of the forum is to develop recommendations to advance the following food system goals:

(a) To increase production, sales, and consumption of Washington-grown foods;

(b) To develop and promote programs that bring healthy Washington grown foods to Washington residents, including increased state purchasing of local food products for school, adult care programs, and other state-funded food programs;

(c) To review and develop programs that support providing proper nutrition and avoid burdens of obesity and chronic diet-related diseases;

(d) To protect the land and water resources needed for sustained local food production;

(e) To examine ways to encourage retention of an adequate number of farmers, the educational needs for an adequate agricultural workforce, and to provide for the continued economic viability of local food production, processing, and distribution in the state; and

(f) To reduce food insecurity and hunger in the state and ensure that the benefits of a healthy Washington food system are shared with families at all income levels, and particularly with vulnerable children, the elderly, people with disabilities, and communities of color.

(2) Recommendations shall include benchmarks and criteria for measuring progress in achieving each goal.

(3) Recommendations shall consider, but not be limited to, ways in which the following may help achieve each of the five goals:

(a) Increased collaboration and communication between state agencies;

(b) Increased collaboration and communication between local, state, and federal agencies;

(c) Innovative public-private partnerships that can leverage private and public market influence such as through institutional purchasing and contracts;

(d) A review of (i) the future of farming study that was coordinated by the department of agriculture with regard to the goals established in this section, (ii) reports issued by the office of farmland preservation with regard to the goals established in this section, and (iii) data and analysis of food insecurity across the state as reported by the department of health behavioral risk factors surveillance surveys;

(e) Improvements to state or federal laws or regulations relevant to the food system and food security in the state;

(f) Improvements in state or federal program implementation relevant to the food system and food security in the state;

(g) Identifying additional federal, state, local, and private investments needed to accomplish the recommendations.

(4) In developing its recommendations, the forum:

(a) Shall coordinate with the office of farmland preservation to avoid duplication of effort;

(b) Shall solicit public input through public hearings or informational sessions;

(c) May conduct research and analysis as needed within financial resources available to the forum; and

(d) Shall invite additional stakeholder participation through an advisory committee created to address issues identified by the forum as requiring study or particular expertise.

(5) The forum may establish advisory committees to address specific issue areas.

NEW SECTION. Sec. 50. (1) All members of the Washington food policy forum are voting members.

(2) The following are invited to participate as ex officio members of the Washington food policy forum convened under section 4(1) of this act:

(a) The director of the department of agriculture or the director's designee;

(b) The secretary of the department of health or the secretary's designee;

(c) The superintendent of public instruction or the superintendent's designee;

(d) The director of the department of commerce or the director's designee;

(e) The secretary of the department of social and health services or the secretary's designee;

(f) The dean of the college of agricultural, human, and natural resource sciences at Washington State University or the dean's designee;

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

(h) A representative from the state conservation commission office of farmland preservation; and

(i) A representative from the University of Washington who has expertise in food systems or nutrition appointed by the president of the University of Washington.

(3) The following members shall be appointed by the governor to the food policy forum:

(a) Five farmer representatives. The governor shall endeavor to ensure that geographic diversity, size of operation, and farmer age are balanced among the five farmer representatives, and shall select the farmer representatives from persons nominated by established agricultural organizations;

(b) One representative who represents food distribution, processing, and marketing interests;

(c) One representative who represents direct-to-consumer marketing efforts;

(d) One representative who represents community-based efforts to address nutrition and public health;

- (e) One representative who represents nongovernmental statewide anti-hunger efforts;
- (f) One representative who represents food banks;
- (g) One representative who represents nongovernmental statewide efforts to protect the state's land, air, and water;
- (h) One representative from a labor union that represents workers in the food industry;
- (i) One representative from the international trade sector with expertise in the trade of food products;
- (j) One person representing retail grocers who own a single store or a regional chain with less than ten million five hundred thousand dollars in gross revenue per location annually, nominated by an established food industry association; and
- (k) One representative from the restaurant sector.

(4) The fourteen governor-appointed members shall be appointed for terms of three years or until a successor is appointed. Members are eligible to be reappointed.

(5) The chair of the forum shall be elected by the members of the forum for a term not to exceed two years.

(6) The public members of the forum shall serve without compensation from state funds. The ex officio members of the forum shall serve without additional compensation of state funds. Members of the forum may receive reimbursement from the forum for travel expenses as provided in RCW 43.03.050 and 43.03.060 if funds for forum operations are available as determined by the director of the office of financial management.

NEW SECTION. Sec. 51. (1) The governor shall appoint a person to convene an organizational meeting of the food policy forum. At its first meeting, the forum must, at a minimum, (a) elect a forum chair from among its members, (b) identify funding sources for the forum, and (c) begin the development of a work plan.

(2) No state agency or state university may be compelled to incur expenses in connection with the operation of the forum.

(3) The forum shall report its initial findings and recommendations by December 1st of the year following the date of the second meeting of the forum. Thereafter, the forum shall submit an annual report that includes recommendations and progress on benchmarks by December 1st each year. These reports shall be submitted to the office of the governor and to the offices of the chief Clerk of the house of representatives and the secretary of the senate.

NEW SECTION. Sec. 52. This chapter expires July 1, 2015.

NEW SECTION. Sec. 53. Sections 1 through 5 of this act constitute a new chapter in Title 15 RCW."

Correct the title.

Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Liias; McCoy; Nelson; Rolfes and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz; Pearson and Warnick.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6344 Prime Sponsor, Committee on Government Operations & Elections: Concerning campaign contribution limits. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 54. RCW 42.17.640 and 2006 c 348 s 1 are each amended to read as follows:

(1) The contribution limits in this section apply to:

- (a) Candidates for state legislative office;
- (b) Candidates for state office other than state legislative office;
- (c) Candidates for county office((in a county that has over two hundred thousand registered voters));
- (d) Candidates for special purpose district office if that district is authorized to provide freight and passenger transfer and terminal facilities and that district has over two hundred thousand registered voters;

(e) Candidates for city council office;

(f) Candidates for mayoral office;

(g) Persons holding an office in (a) through ~~((f))~~(f) of this subsection against whom recall charges have been filed or to a political committee having the expectation of making expenditures in support of the recall of a person holding the office;

~~((h))~~ (h) Caucus political committees;

~~((g))~~ (i) Bona fide political parties.

(2) No person, other than a bona fide political party or a caucus political committee, may make contributions to a candidate for a state legislative office, ~~((or))~~ county office, city council office, or mayoral office that in the aggregate exceed ~~((seven))~~ eight hundred dollars or to a candidate for a public office in a special purpose district or a state office other than a state legislative office that in the aggregate exceed one thousand ~~((four))~~ six hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate.

Contributions to candidates subject to the limits in this section made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions to candidates subject to the limits in this section made with respect to a general election may not be made after the final day of the applicable election cycle.

(3) No person, other than a bona fide political party or a caucus political committee, may make contributions to a state official, a county official, a city official, or a public official in a special purpose district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, county official, city official, or public official in a special purpose district during a recall campaign that in the aggregate exceed ~~((seven))~~ eight hundred dollars if for a state legislative office, ~~((or))~~ county office, or city office, or one thousand ~~((four))~~ six hundred dollars if for a special purpose district office or a state office other than a state legislative office.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) ~~((seventy))~~ eighty cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus political committee or the governing body of a state organization, or (ii) ~~((thirty five))~~ forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed ~~((thirty five))~~ forty cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(5)(a) Notwithstanding subsection (3) of this section, no bona fide political party or caucus political committee may make contributions to a state official, county official, city official, or a public official in a special purpose district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, county official, city official, or a public official in a special purpose district during a recall campaign that in the aggregate exceed (i) ~~((seventy))~~ eighty cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus political committee or the governing body of a state organization, or (ii) ~~((thirty-five))~~ forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No official holding an office specified in subsection (1) of this section against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of the official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed ~~((thirty-five))~~ forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

(6) For purposes of determining contribution limits under subsections (4) and (5) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

(7) Notwithstanding subsections (2) through (5) of this section, no person other than an individual, bona fide political party, or caucus political committee may make contributions reportable under this chapter to a caucus political committee that in the aggregate exceed ~~((seven))~~ eight hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed ~~((three))~~ four thousand ~~((five-hundred))~~ dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

(8) For the purposes of RCW 42.17.640 through 42.17.790, a contribution to the authorized political committee of a candidate or of an official specified in subsection (1) of this section against whom recall charges have been filed is considered to be a contribution to the candidate or official.

(9) A contribution received within the twelve-month period after a recall election concerning an office specified in subsection (1) of this section is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

(10) The contributions allowed by subsection (3) of this section are in addition to those allowed by subsection (2) of this section, and the contributions allowed by subsection (5) of this section are in addition to those allowed by subsection (4) of this section.

(11) RCW 42.17.640 through 42.17.790 apply to a special election conducted to fill a vacancy in an office specified in subsection (1) of this section. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(12) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a state office candidate, to a state official against whom

recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

(13) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate specified in subsection (1) of this section, or an official specified in subsection (1) of this section against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of an official specified in subsection (1) of this section if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the official.

(14) No person may accept contributions that exceed the contribution limitations provided in this section.

(15) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates; or

(b) An expenditure by a political committee for its own internal organization or fund raising without direct association with individual candidates."

Correct the title

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6349

Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Establishing a farm internship program. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 55. A new section is added to chapter 49.12 RCW to read as follows:

(1) The director shall establish a farm internship pilot project until December 1, 2011, for the employment of farm interns on small farms under special certificates at wages, if any, as authorized by the department and subject to such limitations as to time, number, proportion, and length of service as provided in this section and as prescribed by the department. The pilot project shall consist of two counties, one a county consisting entirely of islands with fewer than fifty thousand residents and one a county that is bordered by the crest of the Cascade mountain range and salt waters with fewer than one hundred fifty thousand residents.

(2) A small farm may employ no more than three interns per year under this section.

(3) A small farm must apply for a special certificate on a form made available by the director. The application must set forth: the name of the farm and a description of the farm seeking the certificate; the type of work to be performed by a farm intern; a description of the internship program; the period of time for which the certificate is sought and the duration of an internship; the number of farm interns for which a special certificate is sought; the wages, if any, that will be paid to the farm intern; any room and board, stipends, and other

remuneration the farm will provide to a farm intern; and the total number of workers employed by the farm.

(4) Upon receipt of an application, the department shall review the application and issue a special certificate to the requesting farm within fifteen days if the department finds that:

(a) The farm qualifies as a small farm;

(b) There have been no serious violations of chapter 49.46 RCW or Title 51 RCW that provide reasonable grounds to believe that the terms of an internship agreement may not be complied with;

(c) The issuance of a certificate will not create unfair competitive labor cost advantages nor have the effect of impairing or depressing wage or working standards established for experienced workers for work of a like or comparable character in the industry or occupation at which the intern is to be employed;

(d) A farm intern will not displace an experienced worker; and

(e) The farm demonstrates that the interns will perform work for the farm under an internship program that: (i) Provides a curriculum of learning modules and supervised participation in farm work activities designed to teach farm interns about farming practices and farm enterprises; (ii) is based on the bona fide curriculum of an educational or vocational institution; and (iii) is reasonably designed to provide the intern with vocational knowledge and skills about farming practices and enterprises. In assessing an internship program, the department may consult with relevant college and university departments and extension programs and state and local government agencies involved in the regulation or development of agriculture.

(4) A special certificate issued under this section must specify the terms and conditions under which it is issued, including: The name of the farm; the duration of the special certificate allowing the employment of farm interns and the duration of an internship; the total number of interns authorized under the special certificate; the authorized wage rate, if any; and any room and board, stipends, and other remuneration the farm will provide to the farm intern. A farm worker may be paid at wages specified in the certificate only during the effective period of the certificate and for the duration of the internship.

(5) If the department denies an application for a special certificate, notice of denial must be mailed to the farm. The farm listed on the application may, within fifteen days after notice of such action has been mailed, file with the director a petition for review of the denial, setting forth grounds for seeking such a review. If reasonable grounds exist, the director or the director's authorized representative may grant such a review and, to the extent deemed appropriate, afford all interested persons an opportunity to be heard on such review.

(6) Before employing a farm intern, a farm must submit a statement on a form made available by the director stating that the farm understands: The requirements of the industrial welfare act, chapter 49.12 RCW, that apply to farm interns; that the farm must pay workers' compensation premiums in the assigned intern risk class and must pay workers' compensation premiums for non-intern work hours in the applicable risk class; and that if the farm does not comply with subsection (7) of this section, the director may revoke the special certificate.

(7) The director may revoke a special certificate issued under this section if a farm fails to: Comply with the requirements of the industrial welfare act, chapter 49.12 RCW, that apply to farm interns; pay workers' compensation premiums in the assigned intern risk class; or pay workers' compensation premiums in the applicable risk class for non-intern work hours.

(8) Before the start of a farm internship, the farm and the intern must sign a written agreement and send a copy of the agreement to the department. The written agreement must, at a minimum:

(a) Describe the internship program offered by the farm, including the skills and objectives the program is designed to teach and the manner in which those skills and objectives will be taught;

(b) Explicitly state that the intern is not entitled to minimum wages for work and activities conducted pursuant to the internship program for the duration of the internship;

(c) Describe the responsibilities, expectations, and obligations of the intern and the farm, including the anticipated number of hours of farm activities to be performed by the intern per week;

(d) Describe the activities of the farm and the type of work to be performed by the farm intern; and

(e) Describes any wages, room and board, stipends, and other remuneration the farm will provide to the farm intern.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Farm intern" means an individual who provides services to a small farm under a written agreement and primarily as a means of learning about farming practices and farm enterprises.

(b) "Farm internship program" means an internship program described under subsection (2)(d) of this section.

(c) "Small farm" means a farm:

(i) Organized as a sole proprietorship, partnership, or corporation;

(ii) That reports on the applicant's schedule F of form 1040 or other applicable form filed with the United States internal revenue service annual sales less than two hundred fifty thousand dollars; and

(iii) Where all the owners or partners of the farm provide regular labor to and participate in the management of the farm, and own or lease the productive assets of the farm.

(10) A farm intern employed under such a certificate may be paid at the wage rate specified in the certificate only during the effective period of the certificate.

(11) The department shall monitor and evaluate the farm internships authorized by this section and report to the appropriate committees of the legislature by December 31, 2011. The report shall include, but not be limited to: the number of small farms that applied for and received special certificates; the number of interns employed as farm interns; the nature of the educational activities provided to the farm interns; the wages and other remuneration paid to farm interns; the number of and type of workers' compensation claims for farm interns; the employment of farm interns following farm internships; and other matters relevant to assessing farm internships authorized in this section.

Sec. 56. RCW 49.46.010 and 2002 c 354 s 231 are each amended to read as follows:

As used in this chapter:

(1) "Director" means the director of labor and industries;

(2) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by rules of the director;

(3) "Employ" includes to permit to work;

(4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;

(5) "Employee" includes any individual employed by an employer but shall not include:

(a) Any individual (i) employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been, and is generally and customarily recognized as having been, paid on a piece rate basis in the region of employment; (ii) who commutes daily from his or her permanent residence to the farm on which he or she is employed; and (iii) who has been employed in agriculture less than thirteen weeks during the preceding calendar year;

(b) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;

(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman as those terms are defined and delimited by rules of the director. However, those terms shall be defined and delimited by the director of personnel pursuant to chapter 41.06 RCW for employees employed under the director of personnel's jurisdiction;

(d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government, or publicly supported retirement system other than that provided under chapter 41.24 RCW;

(f) Any newspaper vendor or carrier;

(g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(h) Any individual engaged in forest protection and fire prevention activities;

(i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;

(j) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;

(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;

(l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;

(m) All vessel operating crews of the Washington state ferries operated by the department of transportation;

(n) Any individual employed as a seaman on a vessel other than an American vessel;

(o) Any farm intern providing his or her services to a small farm which has a special certificate issued under section 1 of this act;

(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed;

(7) "Retail or service establishment" means an establishment seventy-five percent of whose annual dollar volume of sales of goods or services, or both, is not for resale and is recognized as retail sales or services in the particular industry.

NEW SECTION. Sec. 57. A new section is added to chapter 51.16 RCW to read as follows:

The department shall adopt rules to provide special workers' compensation risk class or classes for farm interns providing agricultural labor pursuant to a farm internship program. The rules must include any requirements for obtaining a special risk class that must be met by small farms.

Sec. 58. A new section is added to chapter 50.04 RCW to read as follows:

(1) The term "employment" shall not include service performed in agricultural labor by a farm intern providing his or her services under a farm internship program as established in section 1 of this act.

(2) For purposes of this section, "agricultural labor" means:

(a) Services performed on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wild life, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment;

(b) Services performed in packing, packaging, grading, storing, or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations. The exclusions from the term "employment" provided in this subsection (b) shall not be deemed to be applicable with respect to commercial packing houses, commercial storage establishments, commercial canning, commercial freezing, or any other commercial processing or with respect to services performed in connection with the cultivation, raising, harvesting and processing of oysters or raising and harvesting of mushrooms; or

(c) Direct local sales of any agricultural or horticultural commodity after its delivery to a terminal market for distribution or consumption.

NEW SECTION. Sec. 59. This act expires December 31, 2011."

Correct the title.

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on Health & Human Services Appropriations.

February 23, 2010

SSB 6355 Prime Sponsor, Committee on Higher Education & Workforce Development: Expanding the higher education system upon proven demand. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended.

On page 5, line 27, after "degrees" insert "; and

(d) Recommendations from the technology transformation task force created in chapter 407, laws of 2009 and institutions of higher education relative to the strategic and operational use of technology in higher education. These and other reports, reviews, and audits shall allow for: The development of enterprise wide digital information technology across educational sectors, systems and delivery methods; the integration and streamlining of administrative tools including but not limited to student information management, financial management, payroll, human resources, data collection, reporting, and analysis; and a determination of the costs of multiple technology platforms, systems, and models"

On page 8, line 5, after "technology" insert "in order to effectively and efficiently share costs, improve the quality of instruction and student, faculty, and administrative services, increase undergraduate and graduate student access, retention and graduation, and enhance transfer capability"

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6357 Prime Sponsor, Committee on Higher Education & Workforce Development: Requiring policies for academic recognition of certain formal and informal learning experiences. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Referred to Committee on Education Appropriations.

February 23, 2010

ESSB 6359 Prime Sponsor, Committee on Higher Education & Workforce Development: Promoting efficiencies including institutional coordination and partnerships in the community and technical college system. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Carlyle; Driscoll; Hasegawa and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Assistant Ranking Minority Member; Angel and Haler.

Referred to Committee on Education Appropriations.

February 23, 2010

SSB 6361 Prime Sponsor, Committee on Human Services & Corrections: Exempting a person's identifying information from public disclosure when submitted in the course of using the sex offender notification and registration program for the purpose of receiving notification regarding registered sex offenders. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

February 23, 2010

SB 6365 Prime Sponsor, Senator Swecker: Exempting the motor vehicles of certain residents who are members of the armed services from the provisions of chapter 70.120A RCW. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins; Kretz; Kristiansen; Morris; Orcutt; Shea and Taylor.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6367 Prime Sponsor, Committee on Government Operations & Elections: Allowing agencies to direct requesters to their web site for public records. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6373 Prime Sponsor, Committee on Environment, Water & Energy: Directing the department of ecology to adopt rules requiring entities to report the emissions of greenhouse gases. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 60. RCW 70.235.010 and 2008 c 14 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carbon dioxide equivalents" means a metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

(2) "Climate advisory team" means the stakeholder group formed in response to executive order 07-02.

(3) "Climate impacts group" means the University of Washington's climate impacts group.

(4) "Department" means the department of ecology.

(5) ("Direct emissions" means emissions of greenhouse gases from sources of emissions, including stationary combustion sources, mobile combustion emissions, process emissions, and fugitive emissions.

~~---~~(6)) "Director" means the director of the department.

~~(((7)))~~ (6) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, ~~((and))~~ sulfur hexafluoride, and any other gas or gases designated by the department by rule.

~~(((8)))~~ (8) "Indirect emissions" means emissions of greenhouse gases associated with the purchase of electricity, heating, cooling, or steam.

~~---~~(((9))) (7) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of the state.

~~(((10)))~~ (8) "Program" means the department's climate change program.

~~(((11)))~~ (11) "Total emissions of greenhouse gases" means all direct emissions and all indirect emissions.

~~---~~(((12))) (9) "Western climate initiative" means the collaboration of states, Canadian provinces, Mexican states, and tribes to design a multisector market-based mechanism as directed under the western

regional climate action initiative signed by the governor on February 22, 2007.

Sec. 61. RCW 70.94.151 and 2008 c 14 s 5 are each amended to read as follows:

(1) The board of any activated authority or the department, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Except as provided in subsection (3) of this section, any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the department or board of the authority, require registration or reporting shall register therewith and make reports containing information as may be required by such department or board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. In the case of emissions of greenhouse gases as defined in RCW 70.235.010 the department shall adopt rules requiring reporting of those emissions. The department or board may require that such registration or reporting be accompanied by a fee, and may determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee shall only be to compensate for the costs of administering such registration or reporting program which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering or other reliable analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program: PROVIDED FURTHER, That any such registration made with either the board or the department shall preclude a further registration and reporting with any other board or the department, except that emissions of greenhouse gases as defined in RCW 70.235.010 must be reported as required under subsection (5) of this section.

All registration program and reporting fees collected by the department shall be deposited in the air pollution control account. All registration program fees collected by the local air authorities shall be deposited in their respective treasuries.

(3) If a registration or report has been filed for a grain warehouse or grain elevator as required under this section, registration, reporting, or a registration program fee shall not, after January 1, 1997, again be required under this section for the warehouse or elevator unless the capacity of the warehouse or elevator as listed as part of the license issued for the facility has been increased since the date the registration or reporting was last made. If the capacity of the warehouse or elevator listed as part of the license is increased, any registration or reporting required for the warehouse or elevator under this section must be made by the date the warehouse or elevator receives grain from the first harvest season that occurs after the increase in its capacity is listed in the license.

This subsection does not apply to a grain warehouse or grain elevator if the warehouse or elevator handles more than ten million bushels of grain annually.

(4) For the purposes of subsection (3) of this section:

(a) A "grain warehouse" or "grain elevator" is an establishment classified in standard industrial classification (SIC) code 5153 for wholesale trade for which a license is required and includes, but is not limited to, such a licensed facility that also conducts cleaning operations for grain;

(b) A "license" is a license issued by the department of agriculture licensing a facility as a grain warehouse or grain elevator under chapter 22.09 RCW or a license issued by the federal government licensing a facility as a grain warehouse or grain elevator for purposes similar to those of licensure for the facility under chapter 22.09 RCW; and

(c) "Grain" means a grain or a pulse.

(5)(a) The department shall adopt rules requiring ~~((the reporting of)) persons to report~~ emissions of greenhouse gases as defined in RCW 70.235.010 ~~((The rules must include a de minimis amount of emissions below which reporting will not be required for both indirect and direct emissions. The rules must require that emissions of greenhouse gases resulting from the burning of fossil fuels be reported separately from emissions of greenhouse gases resulting from the burning of biomass. Except as provided in (b) of this subsection, the department shall, under the authority granted in subsection (1) of this section, adopt rules requiring any owner or operator: (i) Of a fleet of on road motor vehicles that as a fleet emit at least twenty five hundred metric tons of greenhouse gas annually in the state to report the emissions of greenhouse gases generated from or emitted by that fleet; or (ii) of a source or combination of sources that emit at least ten thousand metric tons of greenhouse gas annually in the state to report their total annual emissions of greenhouse gases. In calculating emissions of greenhouse gases for purposes of determining whether or not reporting is required, only direct emissions shall be included. For purposes of reporting emissions of greenhouse gases in chapter 14, Laws of 2008, "source" means any stationary source as defined in RCW 70.94.030, or mobile source used for transportation of people or cargo. The emissions of greenhouse gases must be reported as carbon dioxide equivalents. The rules must require that persons report 2009 emissions starting in 2010. The rules must establish an annual reporting schedule that takes into account the time needed to allow the owner or operator reporting emissions of greenhouse gases to gather the information needed and to verify the emissions being reported. However, in no event may reports be submitted later than October 31st of the year in which the report is due. The department may phase in the reporting requirements for sources or combinations of sources under (a)(ii) of this subsection until the reporting threshold is met, which must be met by January 1, 2012. The department may from time to time amend the rules to include other persons that emit less than the annual greenhouse gas emissions levels set out in this subsection if necessary to comply with any federal reporting requirements for emissions of greenhouse gases.~~

(b) In its rules, the department may defer the reporting requirement under (a) of this subsection for emissions associated with interstate and international commercial aircraft, rail, truck, or marine vessels until (i) there is a federal requirement to report these emissions; or (ii) the department finds that there is a generally accepted reporting protocol for determining interstate emissions from these sources.) where those emissions from a single facility, source, or site, or from fossil fuels sold in Washington by a single supplier meet or exceed ten thousand metric tons of carbon dioxide equivalent annually. The department may phase in the requirement to report greenhouse gas emissions until the reporting threshold in this subsection is met, which must occur by January 1, 2012. In addition, the rules must require that:

(i) Emissions of greenhouse gases resulting from the combustion of fossil fuels be reported separately from emissions of greenhouse gases resulting from the combustion of biomass;

(ii) Reporting will start in 2010 for 2009 emissions. Each annual report must include emissions data for the preceding calendar year and must be submitted to the department by October 31st of the year in which the report is due. However, starting in 2011, a person who is required to report greenhouse gas emissions to the United States environmental protection agency under 40 C.F.R. Part 98, as adopted on September 22, 2009, must submit the report required under this section to the department concurrent with the submission to the United States environmental protection agency. Except as otherwise provided in this section, the data for emissions in Washington and any corrections thereto that are reported to the United States environmental protection agency must be the emissions data reported to the department; and

(iii) Emissions of carbon dioxide associated with the complete combustion or oxidation of liquid motor vehicle fuel, special fuel, or aircraft fuel that is sold in Washington where the annual emissions associated with that combustion or oxidation equal or exceed ten thousand metric tons be reported to the department. Each person who is required to file periodic tax reports of motor vehicle fuel sales under RCW 82.36.031 or special fuel sales under RCW 82.38.150, or each distributor of aircraft fuel required to file periodic tax reports under RCW 82.42.040 must report to the department the annual emissions of carbon dioxide from the complete combustion or oxidation of the fuels listed in those reports as sold in the state of Washington. The department shall not require suppliers to use additional data to calculate greenhouse gas emissions other than the data the suppliers report to the department of licensing. The rules may allow this information to be aggregated when reported to the department. The department and the department of licensing shall enter into an interagency agreement to ensure proprietary information is protected if they share reported information. Any proprietary information exempt from disclosure when reported to the department of licensing is exempt from disclosure when shared by the department of licensing with the department under this provision. The term "proprietary information" means information that is protected from disclosure under chapter 42.56 RCW.

(b)(i) Except as otherwise provided in this subsection, the rules adopted by the department under (a) of this subsection must be consistent with the regulations adopted by the United States environmental protection agency in 40 C.F.R. Part 98 on September 22, 2009.

(ii) The department may by rule include additional gases to the definition of "greenhouse gas" in RCW 70.235.010 only if the gas has been designated as a greenhouse gas by the United States congress or by the United States environmental protection agency. Prior to including additional gases to the definition of "greenhouse gas" in RCW 70.235.010, the department shall notify the appropriate committees of the legislature. Decisions to amend the rule to include additional gases must be made prior to December 1st of any year and the amended rule may not take effect before the end of the regular legislative session in the next year.

(iii) The department may by rule exempt persons who are required to report greenhouse gas emissions to the United States environmental protection agency and who emit less than ten thousand metric tons carbon dioxide equivalent annually.

(iv) The department must establish a methodology for persons who are not required to report under this section to voluntarily report their greenhouse gas emissions.

(c) The department shall review and if necessary update its rules whenever the United States environmental protection agency adopts final amendments to 40 C.F.R. Part 98 to ensure consistency with federal reporting requirements for emissions of greenhouse gases.

However, the department shall not amend its rules in a manner that conflicts with (a) of this subsection.

~~(d)~~ (d) The department shall share any reporting information reported to it with the local air authority in which the ~~((owner or operator))~~ person reporting under the rules adopted by the department operates.

~~((e))~~ (e) The fee provisions in subsection (2) of this section apply to reporting of emissions of greenhouse gases. ~~((Owners and operators))~~ Persons required to report under (a) of this subsection who fail to report or pay the fee required in subsection (2) of this section are subject to enforcement penalties under this chapter. The department shall enforce the reporting rule requirements unless it approves a local air authority's request to enforce the requirements for ~~((sources))~~ persons operating within the authority's jurisdiction. However, neither the department nor an approved local air authority are authorized to assess enforcement penalties on persons required to report under (a) of this subsection until six months after the department finalizes its reporting rule.

~~((f))~~ (f) The energy facility site evaluation council shall, simultaneously with the department, adopt rules that impose greenhouse gas reporting requirements in site certifications on owners or operators of a facility permitted by the energy facility site evaluation council. The greenhouse gas reporting requirements imposed by the energy facility site evaluation council must be the same as the greenhouse gas reporting requirements imposed by the department. The department shall share any information reported to it from facilities permitted by the energy facility site evaluation council with the council, including notice of a facility that has failed to report as required. The energy facility site evaluation council shall contract with the department to monitor the reporting requirements adopted under this section.

((f)) In developing its rules, the department shall, with the assistance of the department of transportation, identify a mechanism to report an aggregate estimate of the annual emissions of greenhouse gases generated from or emitted by otherwise unreported on-road motor vehicles.)

(g) The inclusion or failure to include any person, source, classes of persons or sources, or types of emissions of greenhouse gases into the department's rules for reporting under this section does not indicate whether such a person, source, or category is appropriate for inclusion in ~~((the multisector market-based system designed under RCW 70.235.020))~~ state, regional, or national greenhouse gas reduction programs or strategies.

(h) ((Should the federal government adopt rules sufficient to track progress toward the emissions reductions required by chapter 14, Laws of 2008 governing the reporting of greenhouse gases, the department shall amend its rules, as necessary, to seek consistency with the federal rules to ensure duplicate reporting is not required. Nothing in this section requires the department to increase the reporting threshold established in (a) of this subsection or otherwise require the department's rules be identical to the federal rules in scope.)) (i) The definitions in RCW 70.235.010 apply throughout this subsection (5) unless the context clearly requires otherwise.

(ii) For the purpose of this subsection (5), the term "supplier" includes: (A) A motor vehicle fuel supplier or a motor vehicle fuel importer, as those terms are defined in RCW 82.36.010; (B) a special fuel supplier or a special fuel importer, as those terms are defined in RCW 82.38.020; and (C) a distributor of aircraft fuel, as those terms are defined in RCW 82.42.010.

(iii) For the purpose of this subsection (5), the term "person" includes: (A) An owner or operator, as those terms are defined by the United States environmental protection agency in its mandatory greenhouse gas reporting regulation in 40 C.F.R. Part 98, as adopted on September 22, 2009; and (B) a supplier."

Correct the title.

Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins; Kretz; Morris and Orcutt.

MINORITY recommendation: Do not pass. Signed by Representatives Kristiansen; Shea and Taylor.

Referred to Committee on General Government Appropriations.

February 23, 2010

SSB 6380 Prime Sponsor, Committee on Transportation: Concerning the purchase of wetland mitigation bank credits by the department of transportation. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Kretz; Kristiansen; Orcutt; Shea and Taylor.

Referred to Committee on Transportation.

February 23, 2010

SSB 6393 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Modifying distributions of funds by the horse racing commission to nonprofit race meets. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6398 Prime Sponsor, Committee on Judiciary: Adding the definition of threat to malicious harassment provisions. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

February 23, 2010

ESSB 6402 Prime Sponsor, Committee on Environment, Water & Energy: Concerning the consolidation of permit exempt wells. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 62. RCW 90.44.105 and 1997 c 446 s 1 are each amended to read as follows:

(1)(a) Upon the issuance by the department of an amendment to the appropriate permit or certificate of groundwater right, the holder of a valid right to withdraw public groundwaters may consolidate that right with a groundwater right exempt from the permit requirement under RCW 90.44.050, without affecting the priority of either of the water rights being consolidated.

(b) Such a consolidation amendment shall be issued only after publication of a notice of the application, a comment period, and a determination made by the department, in lieu of meeting the conditions required for an amendment under RCW 90.44.100, that:

((+)) (i) The exempt well either taps or is in connection with the same body of public groundwater ~~((as the well to))~~ in which the holder has or has applied to establish a water right ~~((of the exempt well is to be consolidated))~~ to withdraw groundwater; ((2)) (ii) use of the exempt well shall be discontinued upon approval of the consolidation amendment to the permit or certificate; ((3)) (iii) legally enforceable agreements have been entered to prohibit the construction of another exempt well to serve the area previously served by the exempt well to be discontinued, and such agreements are binding upon subsequent owners of the land through appropriate binding limitations on the title to the land; ((4)) (iv) the exempt well or wells the use of which is to be discontinued will be properly decommissioned in accordance with chapter 18.104 RCW and the rules of the department unless the department authorizes that the well may continue to be used for groundwater monitoring purposes; and ((5)) (v) other existing rights, including ground and surface water rights and minimum stream flows adopted by rule, shall not be impaired.

(c) The notice shall be published by the applicant in a newspaper of general circulation in the county or counties in which the wells for the rights to be consolidated are located once a week for two consecutive weeks. The notice must include contact information for the water system so that owners of existing exempt wells may contact the water system if interested in well consolidation. The applicant shall provide evidence of the publication of the notice to the department. The comment period shall be for thirty days beginning on the date the second notice is published.

(2) The amount of the water to be added to the holder's permit or certificate upon discontinuance of the exempt well shall be the average withdrawal from the well, in gallons per day, for the most recent five-year period preceding the date of the application, except that the amount shall not be less than eight hundred gallons per day for each residential connection or such alternative minimum amount as may be established by the department in consultation with the department of health, and shall not exceed five thousand gallons per day. The department shall presume that an amount identified by the applicant as being the average withdrawal from the well during the most recent five-year period is accurate if the applicant establishes that the amount identified for the use or uses of water from the exempt well is consistent with the average amount of water used for similar use or uses in the general area in which the exempt well is located. The department shall develop, in consultation with the department of health, a schedule of average household and small-area landscaping water usages in various regions of the state to aid the department and applicants in identifying average amounts used for these purposes. The presumption does not apply if the department finds credible evidence of nonuse of the well during the required period or credible evidence that the use of water from the exempt well or the intensity of the use of the land supported by water from the exempt well is substantially different than such uses in the general area in which the exempt well is located. The department shall also accord a presumption in favor of approval of such consolidation if the requirements of this subsection are met and the discontinuance of the exempt well is consistent with an adopted coordinated water system plan under chapter 70.116 RCW, an adopted comprehensive land use plan under chapter 36.70A RCW, or other comprehensive watershed

management plan applicable to the area containing an objective of decreasing the number of existing and newly developed small groundwater withdrawal wells. The department shall provide a priority to reviewing and deciding upon applications subject to this subsection, and shall make its decision within sixty days of the end of the comment period following publication of the notice by the applicant or within sixty days of the date on which compliance with the state environmental policy act, chapter 43.21C RCW, is completed, whichever is later. The applicant and the department may by prior mutual agreement extend the time for making a decision.

(3) Until December 31, 2015, if an existing, publicly owned and operated group A or group B water system, as those terms are defined in RCW 70.119A.020, that holds a permitted or certificated right to withdraw public groundwaters is unable to serve proposed new development within or adjacent to the approved service area of the water system because it does not have adequate water rights or a sufficient number of connections, and the proposed new development would then seek to obtain water supply under the groundwater permit exemption in RCW 90.44.050, the water system may consolidate with its water right an additional quantity of water authorized to be withdrawn under the permit exemption in RCW 90.44.050 and necessary to serve the proposed new development subject to the following requirements:

(a) The water system shall publish public notice of the intent to consolidate an exempt withdrawal in a newspaper of general circulation in the county or counties in which the water system and the proposed new development are located once a week for two consecutive weeks. The notice must include contact information for the water system so that owners of existing exempt wells may contact the water system if interested in well consolidation. The notice shall provide for a thirty-day comment period;

(b) The water system shall provide evidence of publication of the notice to the department, the department of health, and the local government with land use authority over the proposed new development;

(c) The local government with land use authority over the proposed new development shall ensure that the proposed consolidation is consistent with an adopted coordinated water system plan under chapter 70.116 RCW, an adopted comprehensive land use plan under chapter 36.70A RCW, or other comprehensive watershed management plan applicable to the area containing an objective of decreasing the number of existing and newly developed small groundwater withdrawal wells;

(d) The water system must make any necessary amendments to its water system plan and receive approval from the department of health to authorize the addition of new connections, new uses, or revise or modify the retail service area boundary;

(e) Legally enforceable agreements have been entered to prohibit the construction of an exempt well to serve the area of the proposed new development, and such agreements are binding upon subsequent owners of the land through appropriate binding limitations on the title to the land; and

(f) Compliance with the state environmental policy act, chapter 43.21C RCW.

(4)(a) The department shall give priority to reviewing and deciding upon applications subject to subsection (3) of this section, and shall make its decision within sixty days of the date on which the requirements in subsection (3) of this section have been completed. The department may extend the sixty-day time period by forty-five days for good cause or for any period of time at the request of the applicant.

(b) The department shall consult with the department of health and the local government with land use authority over the proposed new development to ensure compliance with subsection (3) of this section prior to deciding upon applications.

(c) Prior to deciding upon applications, the department shall: (i) Review public comments; (ii) determine whether water is legally available for purposes of the consolidation; (iii) determine whether the proposed consolidation would violate any water resource management rules; and (iv) determine whether the proposed consolidation would impair existing rights, including instream flows.

(5) In no case may the quantity of water consolidated with the water system's water rights under subsection (3) of this section exceed five thousand gallons per day or the number of new connections exceed fourteen, and the quantity of water withdrawn must also comply with rules adopted by the department and ordinances adopted by the local government with land use authority over the proposed new development.

(6) The water system must separately meter both existing connections and new connections to be added under subsection (3) of this section.

(7) Any letter, certificate, or other statement that water is available to serve the proposed new development utilizing the procedure in subsection (3) of this section to satisfy the water availability requirement of RCW 19.27.097 or 58.17.110 must be provided to the department, the department of health, and the local government with land use authority upon issuance by the water system.

(8) A water system may exercise the authority in subsection (3) of this section on multiple occasions, but only until a total of fourteen residential connections or five thousand gallons per day of water has been consolidated with the water rights of the water system.

(9) After beneficial use has occurred, the water system shall submit a proof of appropriation demonstrating the actual quantity of water beneficially used in order to obtain a consolidation amendment from the department.

(10) Any determination by the department under this section is appealable to the pollution control hearings board under chapter 43.21B RCW.

Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

February 23, 2010

ESSB 6403 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding accountability and support for vulnerable students and dropouts. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 63. (1) The legislature finds that by preventing one high school student from dropping out the annual savings is approximately ten thousand five hundred dollars, including lost state and local taxes and savings to the temporary assistance to needy families program, food stamps, housing assistance, the criminal justice system, and the health care system.

(2) The legislature further finds that school districts need both accountability and technical assistance to improve high school graduation rates.

(3) The legislature further finds that many vulnerable students fail to graduate from high school without adequate dropout prevention, intervention, and reengagement systems at the school district level.

(4) The legislature further finds that school districts need the support of families, agencies, and organizations in the local

community to prevent dropouts. In order to significantly improve statewide high school graduation rates, it is the intent of the legislature to facilitate the development of a collaborative infrastructure at the local, regional, and state level between systems that serve vulnerable youth.

NEW SECTION. Sec. 64. A new section is added to chapter 28A.175 RCW to read as follows:

The definitions in this section apply throughout sections 3 and 4 of this act unless the context clearly requires otherwise.

(1) "Critical community members" means representatives in the local community from among the following agencies and organizations: Student/parent organizations, parents and families, local government, law enforcement, juvenile corrections, any tribal organization in the local school district, the local health district, nonprofit and social service organizations serving youth, and faith organizations.

(2) "Dropout early warning and intervention data system" means a student information system that provides the data needed to conduct a universal screening to identify students at risk of dropping out, catalog student interventions, and monitor student progress towards graduation.

(3) "K-12 dropout prevention, intervention, and reengagement system" means a system that provides all of the following functions:

(a) Engaging in school improvement planning specifically focused on improving high school graduation rates, including goal-setting and action planning, based on a comprehensive assessment of strengths and challenges;

(b) Providing prevention activities including, but not limited to, emotionally and physically safe school environments, implementation of a comprehensive guidance and counseling model facilitated by certified school counselors, core academic instruction, and career and technical education exploratory and preparatory programs;

(c) Identifying vulnerable students based on a dropout early warning and intervention data system;

(d) Timely academic and nonacademic group and individual interventions for vulnerable students based on a response to intervention model, including planning and sharing of information at critical academic transitions;

(e) Providing graduation coaches, mentors, certified school counselors, and/or case managers for vulnerable students identified as needing a more intensive one-on-one adult relationship;

(f) Establishing and providing staff to coordinate a school/family/community partnership that assists in building a K-12 dropout prevention, intervention, and reengagement system;

(g) Providing retrieval or reentry activities; and

(h) Providing alternative educational programming including, but not limited to, credit retrieval and online learning opportunities.

(4) "School/family/community partnership" means a partnership between a school or schools, families, and the community, that engages critical community members in a formal, structured partnership with local school districts in a coordinated effort to provide comprehensive support services and improve outcomes for vulnerable youth.

(5) "Vulnerable students" means students who are in foster care, involved in the juvenile justice system, receiving special education services under chapter 28A.155 RCW, recent immigrants, homeless, emotionally traumatized, or are facing behavioral health issues, and students deemed at-risk of school failure as identified by a dropout early warning data system or other assessment.

NEW SECTION. Sec. 65. By September 15, 2010, the office of the superintendent of public instruction, in collaboration with the work group established in RCW 28A.175.075, shall develop and report recommendations to the quality education council and the legislature for the development of a comprehensive, K-12 dropout reduction initiative designed to integrate multiple tiers of dropout prevention, intervention, and technical assistance provided through

federal and state programs and to support a K-12 dropout prevention, intervention, and reengagement system as defined in section 2 of this act.

Sec. 66. RCW 28A.175.075 and 2007 c 408 s 7 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall establish a state-level building bridges work group that includes K-12 and state agencies that work with youth who have dropped out or are at risk of dropping out of school. The following agencies shall appoint representatives to the work group: The office of the superintendent of public instruction, the workforce training and education coordinating board, the department of early learning, the employment security department, the state board for community and technical colleges, the department of health, the community mobilization office, and the children's services and behavioral health and recovery divisions of the department of social and health services. The ~~((state level leadership))~~ work group ~~((shall))~~ should also consist of one representative from each of the following agencies and organizations: ~~((The workforce training and education coordinating board;))~~ A statewide organization representing career and technical education programs including skill centers; ((relevant divisions of the department of social and health services;)) the juvenile courts or the office of juvenile justice, or both; the Washington association of prosecuting attorneys; the Washington state office of public defense; ~~((the employment security department;))~~ accredited institutions of higher education; the educational service districts; the area workforce development councils; parent and educator associations; ~~((the department of health))~~ achievement gap oversight and accountability committee; office of the education ombudsman; local school districts; agencies or organizations that provide services to special education students; community organizations serving youth; federally recognized tribes and urban tribal centers; each of the major political caucuses of the senate and house of representatives; and the minority commissions.

(2) To assist and enhance the work of the building bridges programs established in RCW ~~((28A.175.055))~~ 28A.175.025, the state-level work group shall:

(a) Identify and make recommendations to the legislature for the reduction of fiscal, legal, and regulatory barriers that prevent coordination of program resources across agencies at the state and local level;

(b) Develop and track performance measures and benchmarks for each partner agency or organization across the state including performance measures and benchmarks based on student characteristics and outcomes specified in RCW 28A.175.035(1)(e); and

(c) Identify research-based and emerging best practices regarding prevention, intervention, and retrieval programs.

(3)(a) The work group shall report to the quality education council, appropriate committees of the legislature, and the governor on an annual basis beginning December 1, 2007, with proposed strategies for building K-12 dropout prevention, intervention, and reengagement systems in local communities throughout the state including, but not limited to, recommendations for implementing emerging best practices, needed additional resources, and eliminating barriers.

(b) By September 15, 2010, the work group shall report on:

(i) A recommended state goal and annual state targets for the percentage of students graduating from high school;

(ii) A recommended state goal and annual state targets for the percentage of youth who have dropped out of school who should be reengaged in education and be college and work ready;

(iii) Recommended funding for supporting career guidance and the planning and implementation of K-12 dropout prevention, intervention, and reengagement systems in school districts and a plan

for phasing the funding into the program of basic education, beginning in the 2011- 2013 biennium; and

(iv) A plan for phasing in the expansion of the current school improvement planning program to include state-funded, dropout-focused school improvement technical assistance for school districts in significant need of improvement regarding high school graduation rates.

(4) State agencies in the building bridges work group shall work together, wherever feasible, on the following activities to support school/family/community partnerships engaged in building K-12 dropout prevention, intervention, and reengagement systems:

- (a) Providing opportunities for coordination and flexibility of program eligibility and funding criteria;
- (b) Providing joint funding;
- (c) Developing protocols and templates for model agreements on sharing records and data;
- (d) Providing joint professional development opportunities that provide knowledge and training on:
 - (i) Research-based and promising practices;
 - (ii) The availability of programs and services for vulnerable youth; and
 - (iii) Cultural competence.

(5) The building bridges work group shall make recommendations to the governor and the legislature by December 1, 2010, on a state-level and regional infrastructure for coordinating services for vulnerable youth. Recommendations must address the following issues:

- (a) Whether to adopt an official conceptual approach or framework for all entities working with vulnerable youth that can support coordinated planning and evaluation;
- (b) The creation of a performance-based management system, including outcomes, indicators, and performance measures relating to vulnerable youth and programs serving them, including accountability for the dropout issue;
- (c) The development of regional and/or county-level multipartner youth consortia with a specific charge to assist school districts and local communities in building K-12 comprehensive dropout prevention, intervention, and reengagement systems;
- (d) The development of integrated or school-based one-stop shopping for services that would:
 - (i) Provide individualized attention to the neediest youth and prioritized access to services for students identified by a dropout early warning and intervention data system;
 - (ii) Establish protocols for coordinating data and services, including getting data release at time of intake and common assessment and referral processes; and
 - (iii) Build a system of single case managers across agencies;
- (e) Launching a statewide media campaign on increasing the high school graduation rate; and
- (f) Developing a statewide database of available services for vulnerable youth.

Sec. 67. RCW 28A.175.010 and 2005 c 207 s 3 are each amended to read as follows:

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

- (1) For students enrolled in each of a school district's high school programs:
 - (a) The number of students who graduate in fewer than four years;
 - (b) The number of students who graduate in four years;
 - (c) The number of students who remain in school for more than four years but who eventually graduate and the number of students who remain in school for more than four years but do not graduate;
 - (d) The number of students who transfer to other schools;

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

- (f) The number of students whose status is unknown.
- (2) Dropout rates of students in each of the grades seven through twelve.
- (3) Dropout rates for student populations in each of the grades seven through twelve by:
 - (a) Ethnicity;
 - (b) Gender;
 - (c) Socioeconomic status; and
 - (d) Disability status.
- (4) The causes or reasons, or both, attributed to students for having dropped out of school in grades seven through twelve.

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

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

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

(8) The Washington state institute for public policy shall calculate an annual estimate of the savings resulting from any change compared to the prior school year in the extended graduation rate. The superintendent shall include the estimate from the institute in an appendix of the report required under subsection (7) of this section, beginning with the 2010 report."

Correct the title.

Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6416 Prime Sponsor, Committee on Human Services & Corrections: Concerning relatives in dependency proceedings. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 68. A new section is added to chapter 13.34 RCW to read as follows:

- (1) A caregiver of a dependent child may petition the juvenile court to be heard on a decision by the department or supervising agency to remove the child from the caregiver's home if:
 - (a) The child has been found to be a dependent child under this chapter;
 - (b) The child had been placed with and resided in the caregiver's home for twelve or more continuous months prior to the decision to remove, or the removal of, the child;
 - (c) The child is in the custody of the department or supervising agency at the time the petition to be heard is filed; and

(d) The department or supervising agency has made the decision to remove or has already removed the child from the caregiver's home.

(2) The caregiver may file a petition under this section within not more than ten business days after the date the caregiver receives notice of the removal decision, or the child is removed from the caregiver's home, whichever is later.

(3) If the requirements of subsection (1) of this section are met, the court shall grant the petition to be heard on the sole issue of the placement decision and shall schedule an expedited hearing on the matter.

(4) The caregiver has the right to be represented by counsel, at his or her own expense, at the hearing on the issue of the placement decision.

(5) The granting of a petition to be heard under this section does not grant the caregiver party status in the underlying dependency.

(6) For the purposes of this section, "caregiver" means a relative as defined in RCW 74.15.020(2)(a) except a parent, another suitable person as described in RCW 13.34.130(1)(b), or a licensed foster parent."

Correct the title.

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on General Government Appropriations.

February 23, 2010

SSB 6433 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Modifying home inspector licensing requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 2, beginning on line 3, strike all of section 2
Renumber the remaining sections consecutively and correct any internal references accordingly.
Correct the title.

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 23, 2010

SB 6467 Prime Sponsor, Senator Shin: Authorizing honorary degrees for students who were ordered into internment camps. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6485 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Modifying craft distillery

provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 3, line 35, after "spirits" strike "distilled"

On page 3, line 36, after "or the" strike "accredited" and insert "authorized"

On page 3, line 37, after "manufacturer," strike "importer, or distributor" and insert "or importer"

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 23, 2010

SB 6487 Prime Sponsor, Senator Franklin: Repealing the expiration of the fair payment for chiropractic services requirement. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen, Ranking Minority Member.

Referred to Committee on Ways & Means.

February 23, 2010

E2SSB 6504 Prime Sponsor, Committee on Ways & Means: Modifying provisions of the crime victims' compensation program. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 69. RCW 7.68.070 and 2009 c 38 s 1 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW except as provided in this section, provided that no more than fifty thousand dollars shall be paid per claim:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or the victim's family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, subject to the limitations under RCW 7.68.015. The rights, duties, responsibilities, limitations, and procedures applicable to a worker as contained in RCW 51.32.010 are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim, unless an injury resulting from a criminal act caused the death of the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a worker and contained in RCW 51.32.050 shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter(~~(= PROVIDED)~~), except that:

(a) Benefits for burial expenses shall not exceed ((the amount paid by the department in case of the death of a worker as provided in chapter 51.32 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived the victim or where such spouse has legal custody of all of his or her children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances)) five thousand dollars per claim; and

(b) An application for benefits relating to payment for burial expenses, pursuant to this subsection, must be received within twelve months of the worker's death.

(5) The benefits established in RCW 51.32.060 for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter(~~(= PROVIDED)~~), except that if a victim becomes permanently and totally disabled as a proximate result of the criminal act (~~(and was not gainfully employed at the time of the criminal act)~~), the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter, but shall not exceed seven thousand dollars per claim.

(7) The benefits established in RCW 51.32.090 for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter(~~(= PROVIDED)~~), except that no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act (~~(= and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act)~~).

(8) The benefits established in RCW 51.32.095 for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter(~~(= PROVIDED)~~), except that benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) ((Except for medical benefits authorized under RCW 7.68.080, no more than thirty thousand dollars shall be granted as a result of a single injury or death, except that benefits granted as the

result of total permanent disability or death shall not exceed forty thousand dollars.

—((14)) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for total temporary disability under subsection (7) of this section, shall be limited to fifteen thousand dollars.

((14)) (14) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

((15)) (15) Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act, except to the extent that the costs for such services exceed service limits established by the department of social and health services or, during the 1993-95 fiscal biennium, to the extent necessary to provide matching funds for federal medicaid reimbursement.

((16)) (16) In addition to other benefits provided under this chapter, immediate family members of a homicide victim may receive appropriate counseling to assist in dealing with the immediate, near-term consequences of the related effects of the homicide. Fees for counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Payment of counseling benefits under this section may not be provided to the perpetrator of the homicide. The benefits under this subsection may be provided only with respect to homicides committed on or after July 1, 1992.

((17)) (17) A dependent mother, father, stepmother, or stepfather, as defined in RCW 51.08.050, who is a survivor of her or his child's homicide, who has been requested by a law enforcement agency or a prosecutor to assist in the judicial proceedings related to the death of the victim, and who is not domiciled in Washington state at the time of the request, may receive a lump-sum payment upon arrival in this state. Total benefits under this subsection may not exceed seven thousand five hundred dollars. If more than one dependent parent is eligible for this benefit, the lump-sum payment of seven thousand five hundred dollars shall be divided equally among the dependent parents.

((18)) (18) A victim whose crime occurred in another state who qualifies for benefits under RCW 7.68.060(4) may receive appropriate mental health counseling to address distress arising from participation in the civil commitment proceedings. Fees for counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080.

Sec. 70. RCW 7.68.085 and 2009 c 479 s 9 are each amended to read as follows:

(1) This section has no force or effect from the effective date of this section until July 1, 2015.

(2) The director of labor and industries shall institute a cap on medical benefits of one hundred fifty thousand dollars per injury or death. Payment for medical services in excess of the cap shall be made available to any innocent victim under the same conditions as other medical services and if the medical services are:

((a)) (a) Necessary for a previously accepted condition;

((b)) (b) Necessary to protect the victim's life or prevent deterioration of the victim's previously accepted condition; and

((c)) (c) Not available from an alternative source.

For the purposes of this section, an individual will not be required to use his or her assets other than funds recovered as a result of a civil action or criminal restitution, for medical expenses or pain and suffering, in order to qualify for an alternative source of payment.

The director shall, in cooperation with the department of social and health services, establish by October 1, 1989, a process to aid crime victims in identifying and applying for appropriate alternative benefit programs, if any, administered by the department of social and health services.

NEW SECTION. Sec. 71. A new section is added to chapter 7.68 RCW to read as follows:

The crime victims' compensation account is created in the custody of the state treasurer. Expenditures from the account may be used only for the crime victims' compensation program under this chapter. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 72. RCW 9A.82.110 and 2009 c 479 s 11 are each amended to read as follows:

(1) In an action brought by the attorney general on behalf of the state under RCW 9A.82.100(1)(b)(i) in which the state prevails, any payments ordered in excess of the actual damages sustained shall be deposited in the ~~((state general fund))~~ crime victims' compensation account provided in section 3 of this act.

(2)(a) The county legislative authority may establish an antiprofitereing revolving fund to be administered by the county prosecuting attorney under the conditions and for the purposes provided by this subsection. Disbursements from the fund shall be on authorization of the county prosecuting attorney. No appropriation is required for disbursements.

(b) Any prosecution and investigation costs, including attorney's fees, recovered for the state by the county prosecuting attorney as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of criminal profiteering, whether by final judgment, settlement, or otherwise, shall be deposited, as directed by a court of competent jurisdiction, in the fund established by this subsection. In an action brought by a prosecuting attorney on behalf of the county under RCW 9A.82.100(1)(b)(i) in which the county prevails, any payments ordered in excess of the actual damages sustained shall be deposited in the ~~((state general fund))~~ crime victims' compensation account provided in section 3 of this act.

(c) The county legislative authority may prescribe a maximum level of moneys in the antiprofitereing revolving fund. Moneys exceeding the prescribed maximum shall be transferred to the county current expense fund.

(d) The moneys in the fund shall be used by the county prosecuting attorney for the investigation and prosecution of any offense, within the jurisdiction of the county prosecuting attorney, included in the definition of criminal profiteering, including civil enforcement.

(e) If a county has not established an antiprofitereing revolving fund, any payments or forfeitures ordered to the county under this chapter shall be deposited to the county current expense fund.

Sec. 73. RCW 72.09.111 and 2009 c 479 s 60 are each amended to read as follows:

(1) The secretary shall deduct taxes and legal financial obligations from the gross wages, gratuities, or workers' compensation benefits payable directly to the inmate under chapter 51.32 RCW, of each inmate working in correctional industries work programs, or otherwise receiving such wages, gratuities, or benefits. The secretary shall also deduct child support payments from the gratuities of each inmate working in class II through class IV correctional industries work programs. The secretary shall develop a formula for the distribution of offender wages, gratuities, and benefits. The formula shall not reduce the inmate account below the indigency level, as defined in RCW 72.09.015.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

(i) Five percent to the ~~((state general fund))~~ crime victims' compensation account provided in section 3 of this act;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

(i) Five percent to the ((state general fund)) crime victims' compensation account provided in section 3 of this act;

(ii) Ten percent to a department personal inmate savings account;

(iii) Fifteen percent to the department to contribute to the cost of incarceration;

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(v) Fifteen percent for any child support owed under a support order.

(c) The formula shall include the following minimum deductions from any workers' compensation benefits paid pursuant to RCW 51.32.080:

(i) Five percent to the ((state general fund)) crime victims' compensation account provided in section 3 of this act;

(ii) Ten percent to a department personal inmate savings account;

(iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) An amount equal to any legal financial obligations owed by the inmate established by an order of any Washington state superior court up to the total amount of the award.

(d) The formula shall include the following minimum deductions from class III gratuities:

(i) Five percent for the ((state general fund)) crime victims' compensation account provided in section 3 of this act; and

(ii) Fifteen percent for any child support owed under a support order.

(e) The formula shall include the following minimum deduction from class IV gross gratuities:

(i) Five percent to the department to contribute to the cost of incarceration; and

(ii) Fifteen percent for any child support owed under a support order.

(2) Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under subsection (1)(a)(ii), (b)(ii), or (c)(ii).

(3)(a) The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the following times:

(i) The time of his or her release from confinement;

(ii) Prior to his or her release from confinement in order to secure approved housing; or

(iii) When the secretary determines that an emergency exists for the inmate.

(b) If funds are made available pursuant to (a)(ii) or (iii) of this subsection, the funds shall be made available to the inmate in an amount determined by the secretary.

(c) The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

(4)(a) Subject to availability of funds for the correctional industries program, the expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(i) Not later than June 30, 2005, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(ii) Not later than June 30, 2006, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iii) Not later than June 30, 2007, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iv) Not later than June 30, 2008, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(v) Not later than June 30, 2009, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(vi) Not later than June 30, 2010, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003.

(b) Failure to comply with the schedule in this subsection does not create a private right of action.

(5) In the event that the offender worker's wages, gratuity, or workers' compensation benefit is subject to garnishment for support enforcement, the ((state general fund)) crime victims' compensation account, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

(6) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(7) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

(8) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

(9) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

Sec. 74. RCW 72.09.480 and 2009 c 479 s 61 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsections (4) and (8) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions and the priorities established in chapter 72.11 RCW:

- (a) Five percent to the ((state general fund)) crime victims' compensation account provided in section 3 of this act;
- (b) Ten percent to a department personal inmate savings account;
- (c) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court;
- (d) Twenty percent for any child support owed under a support order; and
- (e) Twenty percent to the department to contribute to the cost of incarceration.

(3) When an inmate, except as provided in subsection (8) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(4) When an inmate who is subject to a child support order receives funds from an inheritance, the deduction required under subsection (2)(e) of this section shall only apply after the child support obligation has been paid in full.

(5) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

(6)(a) The deductions required under subsection (2) of this section shall not apply to funds received by the department from an offender or from a third party on behalf of an offender for payment of education or vocational programs or postsecondary education degree programs as provided in RCW 72.09.460 and 72.09.465.

(b) The deductions required under subsection (2) of this section shall not apply to funds received by the department from a third party, including but not limited to a nonprofit entity on behalf of the department's education, vocation, or postsecondary education degree programs.

(7) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

(8) When an inmate sentenced to life imprisonment without possibility of release or sentenced to death under chapter 10.95 RCW receives funds, deductions are required under subsection (2) of this section, with the exception of a personal inmate savings account under subsection (2)(b) of this section.

(9) The secretary of the department of corrections, or his or her designee, may exempt an inmate from a personal inmate savings account under subsection (2)(b) of this section if the inmate's earliest release date is beyond the inmate's life expectancy.

(10) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

(11) Nothing in this section shall limit the authority of the department of social and health services division of child support, the county Clerk, or a restitution recipient from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 9.94A, 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action.

NEW SECTION. Sec. 75. A new section is added to chapter 7.68 RCW to read as follows:

(1) Within current funding levels, the department's crime victims' compensation program shall post on its public web site a report that shows the following items:

- (a) The total amount of current funding available in the crime victims' compensation fund;
- (b) The total amount of funding disbursed to victims in the previous thirty days; and
- (c) The total amount paid in overhead and administrative costs in the previous thirty days.

(2) The information listed in subsection (1) of this section must be posted and maintained on the department's web site by July 1, 2010 and updated every thirty days thereafter.

NEW SECTION. Sec. 76. Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect April 1, 2010, for all claims of victims of criminal acts occurring after July 1, 1981.

NEW SECTION. Sec. 77. Sections 1 and 2 of this act expire July 1, 2015."

Correct the title.

Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

MINORITY recommendation: Without recommendation.
Signed by Representative Pearson, Ranking Minority Member.

Referred to Committee on Ways & Means.

February 23, 2010

SSB 6521

Prime Sponsor, Committee on Agriculture & Rural Economic Development: Requiring state agencies to use an agriculture impact statement. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 78. (1) The legislature finds that loss of productive farmland is a critical issue of statewide importance that puts at risk the long-term viability of agriculture in the state. To address the issues relating to loss of farmland the legislature, in 2007, created the office of farmland preservation as a program within the state conservation commission. One of the tasks of the office is to provide the legislature and governor with an analysis of the factors contributing to the loss of farmland in the state.

(2) State agencies acquire various interests in real property that range from easements and leases to purchases in fee simple. Sometimes agencies will acquire an interest in real property that is currently used as working agricultural land for the production of food and fiber, or has the potential for such production. In these acquisitions, the agency plans for the real property may or may not include the continued use of the land for agricultural production. When the agency does not continue agricultural production, these lands may be put to other uses that will permanently remove productive agricultural lands from future use. Given the continuing loss of productive agricultural lands, the legislature intends to gather information to determine the scope and extent to which state agency acquisition of real property contributes to this ongoing loss of productive agricultural lands.

(3) The legislature finds that agricultural lands are also acquired and in some cases converted to other uses by activities that are not undertaken by state agencies. It is the intent of the legislature to gather information on the scope and extent of the impact of these private activities on agricultural lands.

(4) State agencies adopt rules, guidance, and policies that may impact productive agricultural lands. It is the intent of the legislature to examine whether additional information is needed to determine the scope and extent to which agricultural lands may be impacted by these activities.

NEW SECTION. Sec. 79. A new section is added to chapter 89.08 RCW to read as follows:

(1) The commission shall develop a form and process for an agriculture impact statement to be completed by any state agency before the acquisition of an interest in real property when the interest includes agricultural land as defined in this section. The acquisition of a water right separate from real property shall not be considered an interest in real property for the purposes of this section and is not subject to completion of an agriculture impact statement form.

(2) When developing the agriculture impact statement form and process, the commission shall consult with affected agencies before final adoption. The commission may exempt smaller scale acquisitions and activities from the requirements of this section. The commission shall work with affected agencies to identify sources of information that minimize costs to agencies but will still provide the necessary information.

(3) The commission shall report to the governor and legislature no later than December 1st of each calendar year, which at a minimum should provide information on the status of the agriculture impact statement program, the results of the information submitted to the commission over the previous year, and other factors the commission deems appropriate to report that fulfill the purposes of this section and section 3 of this act. The commission may also make recommendations to the governor and legislature on issues raised through the evaluation of the agriculture impact statement forms.

(4) An agriculture impact statement completed by an agency pursuant to this chapter may not be used as the basis for appeal of an agency action or to otherwise delay or stop the proposed agency activity described in the agriculture impact statement.

(5) The definitions in this subsection apply throughout this section.

(a) "Agriculture impact statement" means the document developed by the state conservation commission and used by agencies consistent with this section, and is separate and distinct from the detailed environmental review documents required under chapter 43.21C RCW and WAC 197-11-400.

(b) "Agricultural land" includes land that is (i) currently used for agricultural production, (ii) zoned agricultural land of long-term commercial significance, or (iii) otherwise zoned as agricultural land by a local jurisdiction. "Agricultural land" does not include timberland as defined in RCW 84.40.032.

(c) "Interest in real property" includes an easement, lease, any interest in fee simple or less than fee simple, a restrictive covenant, or a deferred purchase mechanism.

NEW SECTION. Sec. 80. A new section is added to chapter 43.17 RCW to read as follows:

(1) Except as otherwise provided in this section, all state agencies including all state departments, boards, councils, commissions, and state universities, colleges, and community colleges shall complete an agriculture impact statement in the form and process described and adopted by the Washington state conservation commission pursuant to chapter 89.08 RCW before acquisition of an interest in real property when the interest includes agricultural land.

(2) The terms used in this section have the same meaning as defined in section 2 of this act. Agricultural land does not include timberland as defined in RCW 84.40.032.

(3) This section does not apply to the following:

(a) Any interest in a water right; and

(b) Any acquisition by the department of transportation of a right-of-way to be used only for physical construction purposes.

NEW SECTION. Sec. 81. (1) In the first report to the legislature and governor under section 2 of this act, the state conservation commission shall address the information obtained through the agriculture impact statement process and other research by the commission. The first report must contain state conservation commission recommendations on:

(a) The potential applicability of the agriculture impact statement to agency rule-making actions;

(b) The potential applicability to acquisition and land use activities by federal and local governments;

(c) Whether the agriculture impact statement should be applied to the state acquisition of an interest in a water right; and

(d) Whether existing processes adequately provide for the evaluation of impacts to agricultural lands from other project activities.

(2) After consultation with local governments and other appropriate stakeholders, the state conservation commission shall make recommendations on how the agriculture impact statement could be used to track conversions of agricultural land through private transactions.

(3) This section expires July 31, 2011."

Correct the title.

Signed by Representatives Blake, Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Pearson; Rolfes; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives Ormsby, Vice Chair; Liias; McCoy and Nelson.

Referred to Committee on Capital Budget.

February 23, 2010

ESSB 6522 Prime Sponsor, Committee on Health & Long-Term Care: Establishing the accountable care organization pilot projects. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Campbell; Herrera and Hinkle.

Referred to Committee on Health & Human Services Appropriations.

February 23, 2010

SSB 6524 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Addressing unemployment insurance penalties and contribution rates for employers who are not "qualified employers." Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta,

Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 23, 2010

ESSB 6538 Prime Sponsor, Committee on Health & Long-Term Care: Defining small groups for insurance purposes. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

On page 9, after line 28, insert the following:

"**NEW SECTION, Sec. 4.** This act takes effect one hundred and eighty days after the date the insurance commissioner certifies to the secretary of the senate, the chief Clerk of the house of representatives, and the code reviser's office that federal legislation has been signed into law by the President of the United States that includes guaranteed issue for individuals who purchase health coverage through the individual or small group markets."

Correct the title.

Signed by Representatives Cody, Chair; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Herrera and Hinkle.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6550 Prime Sponsor, Committee on Human Services & Corrections: Imposing a sanction for offenders who violate sentence conditions by committing an assault against a law enforcement officer, employee of a law enforcement agency, or department of corrections employee. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Appleton and Goodman.

Referred to Committee on Ways & Means.

February 23, 2010

E2SSB 6561 Prime Sponsor, Committee on Ways & Means: Restricting access to juvenile offender records. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION, Sec. 82.** It is the legislature's intent to eventually automatically seal juvenile offender records at age eighteen provided the offender meets certain requirements. The legislature recognizes that because of information technology

differences in the computer systems used by the various agencies that would be involved in automatically sealing juvenile offender records, this goal cannot be currently accomplished without a significant fiscal impact. Nevertheless, the legislature intends that the agencies involved begin to work together to achieve the goal of automatically sealing juvenile offender records within the near future.

Sec. 83. RCW 13.04.240 and 1961 c 302 s 16 are each amended to read as follows:

An order of court adjudging a child (~~delinquent~~) a juvenile offender or dependent under the provisions of this chapter shall in no case be deemed a conviction of crime.

Sec. 84. RCW 13.50.050 and 2008 c 221 s 1 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (12) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section, RCW 13.50.010, 13.40.215, and 4.24.550.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Except as provided in RCW 4.24.550, information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) Upon the decision to arrest or the arrest, law enforcement and prosecuting attorneys may cooperate with schools in releasing information to a school pertaining to the investigation, diversion, and prosecution of a juvenile attending the school. Upon the decision to arrest or the arrest, incident reports may be released unless releasing the records would jeopardize the investigation or prosecution or endanger witnesses. If release of incident reports would jeopardize the investigation or prosecution or endanger witnesses, law enforcement and prosecuting attorneys may release information to the maximum extent possible to assist schools in protecting other students, staff, and school property.

(8) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(9) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or

proven crime shall be released to the victim of the crime or the victim's immediate family.

(10) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(11) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and, subject to subsection (23) of this section, order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(12)(a) The court shall not grant any motion to seal records for class A offenses made pursuant to subsection (11) of this section that is filed on or after July 1, 1997, unless ~~((it finds that))~~:

~~((a) For class B offenses other than sex offenses,)) (i) Since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent five consecutive years in the community without committing any offense or crime that subsequently results in an adjudication or conviction (For class C offenses other than sex offenses, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction. For gross misdemeanors and misdemeanors, since the last date of release from confinement, including full-time residential treatment, if any, or entry of disposition, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction. For diversions, since completion of the diversion agreement, the person has spent two consecutive years in the community without committing any offense or crime that subsequently results in conviction or diversion));~~

~~((b)) (ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;~~

~~((c)) (iii) No proceeding is pending seeking the formation of a diversion agreement with that person;~~

~~((d)) (iv) The person has not been convicted of a (class A or) sex offense; and~~

~~((e)) (v) Full restitution has been paid.~~

(b) The court shall not grant any motion to seal records for class B, C, gross misdemeanor and misdemeanor offenses and diversions, other than sex offenses, made under subsection (11) of this section unless:

(i) Since the date of last release from confinement, including full-time residential treatment, if any, entry of disposition, or completion of the diversion agreement, the person has spent two consecutive years in the community without being convicted of any offense or crime;

(ii) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense;

(iii) No proceeding is pending seeking the formation of a diversion agreement with that person; and

(iv) Full restitution has been paid.

(13) The person making a motion pursuant to subsection (11) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(14) If the court grants the motion to seal made pursuant to subsection (11) of this section, it shall, subject to subsection (23) of this section, order sealed the official juvenile court file, the social file,

and other records relating to the case as are named in the order.

Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(15) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8) and subsection (23) of this section.

(16) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any charging of an adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW. The administrative office of the courts shall ensure that the superior court judicial information system provides prosecutors access to information on the existence of sealed juvenile records.

(17)(a)(i) Subject to subsection (23) of this section, all records maintained by any court or law enforcement agency, including the juvenile court, local law enforcement, the Washington state patrol, and the prosecutor's office, shall be automatically destroyed within ninety days of becoming eligible for destruction. Juvenile records are eligible for destruction when:

(A) The person who is the subject of the information or complaint is at least eighteen years of age;

(B) His or her criminal history consists entirely of one diversion agreement or counsel and release entered on or after June 12, 2008;

(C) Two years have elapsed since completion of the agreement or counsel and release;

(D) No proceeding is pending against the person seeking the conviction of a criminal offense; and

(E) There is no restitution owing in the case.

(ii) No less than quarterly, the administrative office of the courts shall provide a report to the juvenile courts of those individuals whose records may be eligible for destruction. The juvenile court shall verify eligibility and notify the Washington state patrol and the appropriate local law enforcement agency and prosecutor's office of the records to be destroyed. The requirement to destroy records under this subsection is not dependent on a court hearing or the issuance of a court order to destroy records.

(iii) The state and local governments and their officers and employees are not liable for civil damages for the failure to destroy records pursuant to this section.

(b) A person eighteen years of age or older whose criminal history consists entirely of one diversion agreement or counsel and release entered prior to June 12, 2008, may request that the court order the records in his or her case destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that two years have elapsed since completion of the agreement or counsel and release.

(c) A person twenty-three years of age or older whose criminal history consists of only referrals for diversion may request that the court order the records in those cases destroyed. The request shall be granted, subject to subsection (23) of this section, if the court finds that all diversion agreements have been successfully completed and no proceeding is pending against the person seeking the conviction of a criminal offense.

(18) If the court grants the motion to destroy records made pursuant to subsection (17)(b) or (c) of this section, it shall, subject to subsection (23) of this section, order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(19) The person making the motion pursuant to subsection (17)(b) or (c) of this section shall give reasonable notice of the motion

to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(20) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(21) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(22) Any juvenile justice or care agency may, subject to the limitations in subsection (23) of this section and (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older or pursuant to subsection (17)(a) of this section.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

(23) No identifying information held by the Washington state patrol in accordance with chapter 43.43 RCW is subject to destruction or sealing under this section. For the purposes of this subsection, identifying information includes photographs, fingerprints, palmprints, soleprints, toeprints and any other data that identifies a person by physical characteristics, name, birthdate or address, but does not include information regarding criminal activity, arrest, charging, diversion, conviction or other information about a person's treatment by the criminal justice system or about the person's behavior.

(24) Information identifying child victims under age eighteen who are victims of sexual assaults by juvenile offenders is confidential and not subject to release to the press or public without the permission of the child victim or the child's legal guardian. Identifying information includes the child victim's name, addresses, location, photographs, and in cases in which the child victim is a relative of the alleged perpetrator, identification of the relationship between the child and the alleged perpetrator. Information identifying a child victim of sexual assault may be released to law enforcement, prosecutors, judges, defense attorneys, or private or governmental agencies that provide services to the child victim of sexual assault.

Sec. 85. RCW 13.50.010 and 2009 c 440 s 1 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of the family and children's ombudsman, the department of social and health services and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(d) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the

department of social and health services relating to a petition filed pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. ~~((The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(12).))~~

The court shall release to the sentencing guidelines commission records needed for its research and data-gathering functions under RCW 9.94A.850 and other statutes. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the sentencing guidelines commission under RCW 9.94A.850 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(10) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombudsman.

(11) For the purpose of research only, the administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. Access to the research copy is restricted to the Washington state center for court research. The Washington state center for court research shall maintain the confidentiality of all confidential records and shall preserve the anonymity of all persons identified in the research copy.

The research copy may not be subject to any records retention schedule and must include records destroyed or removed from the judicial information system pursuant to RCW 13.50.050 (17) and (18) and 13.50.100(3).

(12) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records.

Sec. 86. RCW 13.04.011 and 1997 c 338 s 6 are each amended to read as follows:

For purposes of this title:

(1) "Adjudication" has the same meaning as "conviction" in RCW 9.94A.030, ~~((and the terms must be construed identically and used interchangeably))~~ but only for the purposes of sentencing under chapter 9.94A RCW;

(2) Except as specifically provided in RCW 13.40.020 and chapter 13.24 RCW, "juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years;

(3) "Juvenile offender" and "juvenile offense" have the meaning ascribed in RCW 13.40.020;

(4) "Court" when used without further qualification means the juvenile court judge(s) or commissioner(s);

(5) "Parent" or "parents," except as used in chapter 13.34 RCW, means that parent or parents who have the right of legal custody of the child. "Parent" or "parents" as used in chapter 13.34 RCW, means the biological or adoptive parents of a child unless the legal rights of that person have been terminated by judicial proceedings;

(6) "Custodian" means that person who has the legal right to custody of the child."

Correct the title.

Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Darneille; Green and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Dammeier, Ranking Minority Member; Herrera and Walsh.

Passed to Committee on Rules for second reading.

February 23, 2010

2SSB 6575 Prime Sponsor, Committee on Ways & Means: Concerning the recommendations of the joint legislative task force on the underground economy. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 87.** RCW 18.27.340 and 1997 c 314 s 17 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, a contractor found to have committed an infraction under RCW 18.27.200 shall be assessed a monetary penalty of not less than two hundred dollars and not more than five thousand dollars.

(2) The director may waive collection in favor of payment of restitution to a consumer complainant.

(3) A contractor found to have committed an infraction under RCW 18.27.200 for failure to register shall be assessed a fine of not less than one thousand dollars, nor more than five thousand dollars.

For a first offense, the director may reduce the penalty for failure to register, but in no case below five hundred dollars, if the person: Becomes registered within ten days of receiving a notice of infraction ((and the notice of infraction is for a first offense)); and registers for a department-approved contractor training class under section 2 of this act within ten days of receiving a notice of infraction, completes the class within one hundred twenty days of receiving the notice of infraction, and pays any required class fees upon class registration.

(4) Until July 1, 2011, monetary penalties collected under this chapter shall be deposited in the general fund. Beginning July 1, 2011, monetary penalties and class fees collected under this chapter shall be deposited in the contractor registration account created in section 4 of this act.

NEW SECTION. **Sec. 88.** A new section is added to chapter 18.27 RCW to read as follows:

The department will approve or conduct contractor training classes and charge a fee, payable upon class registration, that covers the costs of administering the class. The department may adopt rules relating to the number of classes to be offered by the department, the locations of these classes, class fees, and curriculum. In determining the locations of these classes, the department may consider offering online classes and ensure that classes are reasonably accessible in eastern and western Washington. The department shall deposit all fees in the contractor registration account created in section 4 of this act.

Sec. 3. RCW 18.27.070 and 1997 c 314 s 7 are each amended to read as follows:

The department shall charge fees for issuance, renewal, and reinstatement of certificates of registration; and changes of name, address, or business structure. The department shall set the fees by rule.

The entire amount of the fees are to be used solely to cover the full cost of issuing certificates, filing papers and notices, and administering and enforcing this chapter. The costs shall include reproduction, travel, per diem, and administrative and legal support costs.

(3) The department shall deposit all fees in the contractor registration account created in section 4 of this act.

NEW SECTION. **Sec. 4.** A new section is added to chapter 18.27 RCW to read as follows:

The contractor registration account is created in the state treasury. The department shall deposit in the account all moneys from registrations, renewals, or civil penalties assessed and collected under this chapter. Appropriations from the account may be made only for the purposes of administration of the chapter, including conducting contractor training classes under section 2 of this act.

Sec. 5. RCW 60.28.040 and 2009 c 432 s 7 and 2009 c 219 s 7 are each reenacted and amended to read as follows:

(1) Subject to subsection (5) of this section, the amount of all taxes, increases, and penalties due or to become due under Title 82 RCW, from a contractor or the contractor's successors or assignees with respect to a public improvement contract wherein the contract price is thirty-five thousand dollars or more, shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract.

(2) Subject to subsection (5) of this section, after payment of all taxes, increases, and penalties due or to become due under Title 82 RCW, from a contractor or the contractor's successors or assignees with respect to a public improvement contract wherein the contract price is ~~((twenty))~~ thirty-five thousand dollars or more, the amount of all other taxes, increases, and penalties under Title 82 RCW, due and owing from the contractor, shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract.

(3) Subject to subsection (5) of this section, after payment of all taxes, increases, and penalties due or to become due under Title 82 RCW, the amount of all taxes, increases, and penalties due or to become due under Titles 50 and 51 RCW from the contractor or the contractor's successors or assignees with respect to a public improvement contract wherein the contract price is ~~((twenty))~~ thirty-five thousand dollars or more, shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract.

(4) Subject to subsection (5) of this section, the amount of all other taxes, increases, and penalties due and owing from the contractor shall be a lien upon the balance of such retained percentage remaining in the possession of the disbursing officer after all other statutory lien claims have been paid.

(5) The employees of a contractor or the contractor's successors or assignees who have not been paid the prevailing wage under such a public improvement contract shall have a first priority lien against the bond or retainage prior to all other liens.

Sec. 6. RCW 18.27.020 and 2007 c 436 s 2 are each amended to read as follows:

(1) Every contractor shall register with the department.

(2) It is a gross misdemeanor for any contractor to:

(a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;

(b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked;

(c) Use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required;

(d) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor; or

(e) Subcontract to or use an unregistered contractor.

(3) It is not unlawful for a registered contractor to employ an unregistered contractor who was registered at the time he or she entered into a contract with the registered contractor, unless the registered contractor or his or her representative has been notified in writing by the department of labor and industries that the contractor has become unregistered.

(4) All gross misdemeanor actions under this chapter shall be prosecuted in the county where the infraction occurs.

(5) A person is guilty of a separate gross misdemeanor for each day worked if, after the person receives a ~~((citation))~~ notice of infraction from the department, the person works while unregistered, or while his or her registration is suspended or revoked, or works under a registration issued to another contractor. A person is guilty of a separate gross misdemeanor for each worksite on which he or she violates subsection (2) of this section. Nothing in this subsection applies to a registered contractor.

(6) A person is guilty of a class C felony if, after receiving a third or subsequent final infraction for working as a contractor while unregistered, while his or her registration is suspended or revoked, or under a registration issued to another contractor, he or she works as a contractor while unregistered, while his or her registration is suspended or revoked, or under a registration issued to another contractor.

(7) The director by rule shall establish a two-year audit and monitoring program for a contractor not registered under this chapter who becomes registered after receiving an infraction or conviction under this chapter as an unregistered contractor. The director shall notify the departments of revenue and employment security of the infractions or convictions and shall cooperate with these departments to determine whether any taxes or registration, license, or other fees or penalties are owed the state.

NEW SECTION. Sec. 7. A new section is added to chapter 18.27 RCW to read as follows:

(1) A contractor commits a violation under this chapter and is subject to an infraction if on a single job site, work is performed together on the same task by more than two contractors which have no workers subject to coverage of Title 51 RCW on that job site.

(2) If contractors are working in the same trade or craft on a single job site, the contractors have the burden of proof to show that they are not working together on the same task.

(3) The violation under subsection (1) of this section is committed by all parties to the contract.

(4) A contractor found to have committed an infraction under this section shall be assessed a fine of not less than one thousand dollars, nor more than five thousand dollars. For a first offense, the director may reduce the penalty to no less than five hundred dollars if the contractor registers for a department-approved training class under section 2 of this act within ten days of receiving a notice of infraction, completes the class within one hundred twenty days of receiving the notice of infraction, and pays any required class fees upon class registration. For a second or subsequent offense under this section, the director may suspend the registration of the contractor.

(5) For purposes of this section, a "job site" is a single physical address.

NEW SECTION. Sec. 8. Sections 3 and 4 of this act take effect

July 1, 2011."

Correct the title.

Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Ways & Means.

February 23, 2010

ESSB 6582 Prime Sponsor, Committee on Health & Long-Term Care: Concerning nursing assistant credentialing. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 8. RCW 18.88A.010 and 1991 c 16 s 1 are each amended to read as follows:

(1) The legislature takes special note of the contributions made by nursing assistants in health care facilities whose tasks are arduous and whose working conditions may be contributing to the high and often critical turnover among the principal cadre of health care workers who provide for the basic needs of patients. The legislature also recognizes the growing shortage of nurses as the proportion of the elderly population grows and as the acuity of patients in hospitals and nursing homes becomes generally more severe.

(2) The legislature finds and declares that:

(a) Occupational nursing assistants should have a formal system of educational and experiential qualifications leading to career mobility and advancement. The establishment of such a system should bring about a more stabilized workforce in health care facilities, as well as provide a valuable resource for recruitment into licensed nursing practice.

~~((The legislature finds that))~~ (b) The quality of patient care in health care facilities is dependent upon the competence of the

personnel who staff their facilities. To assure the availability of trained personnel in health care facilities the legislature recognizes the need for training programs for nursing assistants.

~~(The legislature declares that)~~ (c) Certified home care aides and medical assistants are a valuable potential source of nursing assistants who will be needed to meet the care needs of the state's growing aging population. To assure continued opportunity for recruitment into licensed nursing practice and career advancement for certified home care aides and medical assistants, nursing assistant training programs should recognize the relevant training and experience obtained by these credentialed professionals. By taking advantage of the authority granted under the federal social security act to certify nursing assistants through a state-approved competency evaluation program as a federally recognized alternative to the state-approved training and competency evaluation program, the legislature intends to increase the potential for recruitment into licensed nursing practice while maintaining a single standard for competency evaluation of certified nursing assistants.

(d) The registration of nursing assistants and providing for voluntary certification of those who wish to seek higher levels of qualification is in the interest of the public health, safety, and welfare.

Sec. 9. RCW 18.88A.020 and 1994 sp.s. c 9 s 708 are each amended to read as follows:

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

(1) "Department" means the department of health.

(2) "Secretary" means the secretary of health.

(3) "Commission" means the Washington nursing care quality assurance commission.

(4) "Nursing assistant" means an individual, regardless of title, who, under the direction and supervision of a registered nurse or licensed practical nurse, assists in the delivery of nursing and nursing-related activities to patients in a health care facility. The two levels of nursing assistants are:

(a) "Nursing assistant-certified," an individual certified under this chapter~~(:); and~~

(b) "Nursing assistant-registered," an individual registered under this chapter.

(5) "Approved training program" means a nursing assistant-certified training program approved by the commission to meet the requirements of a state-approved nurse aide training and competency evaluation program consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act. For community college, vocational-technical institutes, skill centers, and secondary school as defined in chapter 28B.50 RCW, nursing assistant-certified training programs shall be approved by the commission in cooperation with the board for community and technical colleges or the superintendent of public instruction.

(6) "Health care facility" means a nursing home, hospital, hospice care facility, home health care agency, hospice agency, or other entity for delivery of health care services as defined by the commission.

(7) "Competency evaluation" means the measurement of an individual's knowledge and skills as related to safe, competent performance as a nursing assistant.

(8) "Alternative training" means a nursing assistant-certified program meeting criteria adopted by the commission under section 3 of this act to meet the requirements of a state-approved nurse aide competency evaluation program consistent with 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act.

NEW SECTION. Sec. 10. A new section is added to chapter 18.88A RCW to read as follows:

(1) The commission shall adopt criteria for evaluating an applicant's alternative training to determine the applicant's eligibility to take the competency evaluation for nursing assistant certification. At least one option adopted by the commission must allow an applicant to take the competency evaluation if he or she:

(a)(i) Is a certified home care aide pursuant to chapter 18.88B RCW; or

(ii) Is a certified medical assistant pursuant to a certification program accredited by a national medical assistant accreditation organization and approved by the commission; and

(b) Has successfully completed twenty-four hours of training that the commission determines is necessary to provide training equivalent to approved training on topics not addressed in the training specified for certification as a home care aide or medical assistant, as applicable. In the commission's discretion, a portion of these hours may include clinical training.

(2)(a) By January 1, 2011, the commission, in consultation with the secretary, the department of social and health services, and consumer, employer, and worker representatives, shall adopt rules to implement this section and to provide, beginning May 1, 2011, for a program of credentialing reciprocity to the extent required by this section between home care aide and medical assistant certification and nursing assistant certification. By January 1, 2011, the secretary shall also adopt such rules as may be necessary to implement this section and the credentialing reciprocity program.

(b) Rules adopted under this section must be consistent with requirements under 42 U.S.C. Sec. 1395i-3(e) and (f) of the federal social security act relating to state-approved competency evaluation programs for certified nurse aides.

(3) Beginning December 1, 2011, the secretary, in consultation with the commission, shall report annually by December 1st to the governor and the appropriate committees of the legislature on the progress made in achieving career advancement for certified home care aides and medical assistants into nursing practice.

Sec. 11. RCW 18.88A.030 and 1995 1st sp.s. c 18 s 52 are each amended to read as follows:

(1)(a) A nursing assistant may assist in the care of individuals as delegated by and under the direction and supervision of a licensed (registered) nurse or licensed practical nurse.

~~((2))~~ (b) A health care facility shall not assign a nursing assistant-registered to provide care until the nursing assistant-registered has demonstrated skills necessary to perform competently all assigned duties and responsibilities.

~~((3))~~ (c) Nothing in this chapter shall be construed to confer on a nursing assistant the authority to administer medication unless delegated as a specific nursing task pursuant to this chapter or to practice as a licensed (registered) nurse or licensed practical nurse as defined in chapter 18.79 RCW.

~~((4))~~ (2)(a) A nursing assistant employed in a nursing home must have successfully obtained certification through: (i) An approved training program and the competency evaluation within four months after the date of employment; or (ii) alternative training and the competency evaluation prior to employment.

(b) Certification is voluntary for nursing assistants working in health care facilities other than nursing homes unless otherwise required by state or federal law or regulation.

~~((5))~~ (3) The commission may adopt rules to implement the provisions of this chapter.

Sec. 12. RCW 18.88A.050 and 1991 c 16 s 6 are each amended to read as follows:

In addition to any other authority provided by law, the secretary has the authority to:

(1) Set all nursing assistant certification, registration, and renewal fees in accordance with RCW 43.70.250 and to collect and deposit all such fees in the health professions account established under RCW 43.70.320;

(2) Establish forms, procedures, and ~~((examinations))~~ the competency evaluation necessary to administer this chapter;

(3) Hire clerical, administrative, and investigative staff as needed to implement this chapter;

(4) Issue a nursing assistant registration to any applicant who has met the requirements for registration;

(5) After January 1, 1990, issue a nursing assistant certificate to any applicant who has met the ~~((education,))~~ training, competency evaluation, and conduct requirements for certification under this chapter;

(6) Maintain the official record for the department of all applicants and persons with registrations and certificates under this chapter;

(7) Exercise disciplinary authority as authorized in chapter 18.130 RCW;

(8) Deny registration to any applicant who fails to meet requirement for registration as a nursing assistant;

(9) Deny certification to applicants who do not meet the ~~((education,))~~ training, competency evaluation, and conduct requirements for certification as a nursing assistant.

Sec. 13. RCW 18.88A.060 and 1994 sp.s. c 9 s 710 are each amended to read as follows:

In addition to any other authority provided by law, the commission may:

(1) Determine minimum nursing assistant education requirements and approve training programs;

(2) Prepare, grade, and administer, or determine the nature of, and supervise the grading and administration of, ~~((examinations of training and))~~ the competency evaluation for applicants for nursing assistant certification, using the same competency evaluation for all applicants, whether qualifying to take the competency evaluation under an approved training program or alternative training;

(3) ~~((Determine whether alternative methods of training are equivalent to approved training programs, and))~~ Establish forms ~~((,))~~ and procedures ~~((, and criteria))~~ for evaluation of an applicant's alternative training ~~((to determine the applicant's eligibility to take any qualifying examination for certification))~~ under criteria adopted pursuant to section 3 of this act;

(4) Define and approve any experience requirement for nursing assistant certification;

(5) Adopt rules implementing a continuing competency evaluation program for nursing assistants; and

(6) Adopt rules to enable it to carry into effect the provisions of this chapter.

Sec. 14. RCW 18.88A.085 and 2007 c 361 s 9 are each amended to read as follows:

(1) After January 1, 1990, the secretary shall issue a nursing assistant certificate to any applicant who demonstrates to the secretary's satisfaction that the following requirements have been met:

(a) Successful completion of an approved training program or successful completion of ~~((alternate))~~ alternative training meeting established criteria ~~((approved))~~ adopted by the commission under section 3 of this act; and

(b) Successful completion of ~~((a))~~ the competency evaluation.

(2) ~~((The secretary may permit all or a portion of the training hours earned under chapter 74.39A RCW to be applied toward certification under this section.~~

~~((3))~~ In addition, applicants shall be subject to the grounds for denial of certification under chapter 18.130 RCW.

Sec. 15. RCW 18.88A.090 and 1994 sp.s. c 9 s 713 are each amended to read as follows:

(1) ~~((The date and location of examinations shall be established by the secretary. Applicants who have been found by the secretary to meet the requirements for certification shall be scheduled for the next examination following the filing of the application. The secretary shall establish by rule the examination application deadline.~~

~~((2))~~ The commission shall examine each applicant, by a written or oral and a manual component of competency evaluation.

~~((Examinations))~~ The competency evaluation shall be limited to the

purpose of determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

~~((3))~~ The examination papers, all grading of the papers, and the grading of skills demonstration shall be preserved for a period of not less than one year after the commission has made and published the decisions. All examinations shall be conducted under fair and wholly impartial methods.

~~((4))~~ (2) Any applicant failing to make the required grade in the first ~~((examination))~~ competency evaluation may take up to three subsequent ~~((examinations))~~ competency evaluations as the applicant desires upon prepaying a fee determined by the secretary under RCW 43.70.250 for each subsequent ~~((examination))~~ competency evaluation. Upon failing four ~~((examinations))~~ competency evaluations, the secretary may invalidate the original application and require such remedial education before the person may take future ~~((examinations))~~ competency evaluations.

~~((5))~~ The commission may approve ~~((an examination))~~ a competency evaluation prepared or administered by a private testing agency or association of licensing agencies for use by an applicant in meeting the credentialing requirements.

Sec. 16. RCW 18.88A.110 and 1991 c 16 s 13 are each amended to read as follows:

An applicant holding a credential in another state may be certified by endorsement to practice in this state without ~~((examination))~~ the competency evaluation if the secretary determines that the other state's credentialing standards are substantially equivalent to the standards in this state.

Sec. 17. RCW 18.88A.140 and 2003 c 140 s 3 are each amended to read as follows:

Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice by an individual licensed, certified, or registered under the laws of this state and performing services within their authorized scope of practice;

(2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(3) The practice by a person who is a regular student in an educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor;

(4) A nursing assistant, while employed as a personal aide as defined in RCW 74.39.007 or a long-term care worker as defined in chapter 74.39A RCW, from accepting direction from an individual who is self-directing ~~((their))~~ his or her care.

NEW SECTION. Sec. 18. RCW 18.88A.115 (Home care aide certification reciprocity) and 2009 c 580 s 16 & 2009 c 2 s 11 (Initiative Measure No. 1029) are each repealed.

NEW SECTION. Sec. 19. If any part of this act is found by a federal agency to be in conflict with federal requirements, including requirements related to the medicare and medicaid programs under the federal social security act, that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements, including requirements related to the medicare and medicaid programs under the federal social security act, that are a necessary condition to the receipt of federal funds by the state."

Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Herrera and Hinkle.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6584 Prime Sponsor, Committee on Health & Long-Term Care: Monitoring and reporting customer complaints and appeals to the state health care authority. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Clibborn; Green; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Campbell; Herrera; Hinkle and Kelley.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6590 Prime Sponsor, Committee on Judiciary: Stating the policy that law enforcement personnel be truthful and honest in the conduct of official business. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 20. A new section is added to chapter 43.101 RCW to read as follows:

It is the policy of the state of Washington that all commissioned, appointed, and elected law enforcement personnel comply with their oath of office and agency policies regarding the duty to be truthful and honest in the conduct of their official business."

Correct the title.

Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

February 23, 2010

SB 6593 Prime Sponsor, Senator Gordon: Transferring the administration of the infant and toddler early intervention program from the department of social and health services to the department of early learning. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 21. RCW 43.215.020 and 2007 c 394 s 5 are each amended to read as follows:

(1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties

transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private-public partnership;

(d) To administer child care and early learning programs;

(e) To serve as the state lead agency for Part C of the federal individuals with disabilities education act (IDEA);

~~(f)~~ To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

~~((f))~~ ~~(g)~~ To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

~~((g))~~ ~~(h)~~ To work cooperatively and in coordination with the early learning council;

~~((h))~~ ~~(i)~~ To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs; and

~~((i))~~ ~~(j)~~ Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information through the internet and other means.

(3) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

Sec. 22. RCW 70.198.020 and 2009 c 381 s 33 are each amended to read as follows:

(1) There is established an advisory council in the department of social and health services for the purpose of advancing the development of a comprehensive and effective statewide system to provide prompt and effective early interventions for children in the state who are deaf or hard of hearing and their families.

(2) Members of the advisory council shall have training, experience, or interest in hearing loss in children. Membership shall include, but not be limited to, the following: Pediatricians; audiologists; teachers of the deaf and hard of hearing; parents of children who are deaf or hard of hearing; a representative from the Washington state center for childhood deafness and hearing loss; and representatives of the ~~((infant toddler early intervention))~~ early support for infants and toddlers program in the department of ~~((social and health services))~~ early learning, the department of health, and the office of the superintendent of public instruction.

NEW SECTION. Sec. 23. (1) All powers, duties, and functions of the department of social and health services pertaining to administration of the infant and toddler early intervention program are transferred to the department of early learning. The program shall be renamed the early support for infants and toddlers program.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of social and health services pertaining to the powers, functions, and

duties transferred shall be delivered to the custody of the department of early learning. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of social and health services in carrying out the powers, functions, and duties transferred shall be made available to the department of early learning. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of early learning.

(b) Any appropriations made to the department of social and health services for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of early learning.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of social and health services engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of early learning. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of early learning to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of social and health services pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of early learning. All existing contracts and obligations shall remain in full force and shall be performed by the department of early learning.

(5) The transfer of the powers, duties, functions, and personnel of the department of social and health services shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of social and health services assigned to the department of early learning under this section whose positions are within an existing bargaining unit description at the department of early learning shall become a part of the existing bargaining unit at the department of early learning and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

NEW SECTION. Sec. 24. This act takes effect July 1, 2010." Correct the title.

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Ways & Means.

February 23, 2010

ESSB 6604 Prime Sponsor, Committee on Early Learning & K-12 Education: Providing flexibility in the education system. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 25. RCW 28A.655.061 and 2009 c 524 s 5 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the SAT or the ACT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the PSAT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

((12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

(i) The student's results on the Washington assessment of student learning;

(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;

(iii) Any credit deficiencies;

(iv) The student's attendance rates over the previous two years;

(v) The student's progress toward meeting state and local graduation requirements;

(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;

(vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;

(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;

(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

(x) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.)"

Correct the title.

Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Liias; Orwall; Probst; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 23, 2010

SB 6627

Prime Sponsor, Senator Marr: Authorizing Washington pharmacies to fill prescriptions written by advanced registered nurse practitioners in other states or in certain provinces of Canada. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6644

Prime Sponsor, Committee on Natural Resources, Ocean & Recreation: Regarding falconry. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 26. A new section is added to chapter 77.32 RCW to read as follows:

(1) A falconry permit is required for any resident to practice falconry as authorized by rule of the department. A falconry permit costs one hundred dollars and is valid for two years.

(2) The department may not impose a fee for a falconry permit:

(a) Until the fee charged for the issuance of a substantially similar permit by the United States fish and wildlife service on the effective date of this section has been discontinued; or

(b) In any period when the United States fish and wildlife service charges a fee for the issuance of a substantially similar permit.

NEW SECTION. Sec. 27. A new section is added to chapter 77.32 RCW to read as follows:

(1) A nonresident may practice falconry in the state if the person is in possession of a valid permit to practice falconry issued by their state, tribe, or country of residence.

(2) A nonresident must purchase any applicable recreational licenses, permits, or tags required under this chapter in order to hunt with a raptor.

(3) A nonresident raptor capture permit is required for any nonresident to capture raptors in the state as authorized by rule of the department. The fee for a permit is: Five hundred dollars for a peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or goshawk (*Accipiter gentilis*); and two hundred fifty dollars for any other raptor authorized for capture by the department. A nonresident raptor capture permit is valid for one year.

NEW SECTION. Sec. 28. A new section is added to chapter 77.32 RCW to read as follows:

The department must deposit any fees collected from the sale of falconry permits under section 1 of this act and nonresident raptor capture permits under section 2 of this act into the state wildlife account created in RCW 77.12.170. Such amounts must be used exclusively for the administration and management of falconry.

Sec. 29. RCW 77.08.010 and 2009 c 333 s 12 are each amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(2) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections (3), (28), (40), (44), (58), and (59) of this section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(3) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(4) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(8) "Commercial" means related to or connected with buying, selling, or bartering.

(9) "Commission" means the state fish and wildlife commission.

(10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(11) "Contraband" means any property that is unlawful to produce or possess.

(12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

(13) "Department" means the department of fish and wildlife.

(14) "Director" means the director of fish and wildlife.

(15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(16) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

(18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

(19) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

(20) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

(21) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(23) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(24) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(25) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(26) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(27) "Illegal items" means those items unlawful to be possessed.

(28) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

(29) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(30) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(31) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

(32) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

(33) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

(34) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

(35) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

(36) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(37) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

(38) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

(39) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(40) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

(41) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(42) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

(43) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

(44) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

(45) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

(46) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

(47) "Saltwater" means those marine waters seaward of river mouths.

(48) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

(49) "Senior" means a person seventy years old or older.

(50) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

(51) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

(52) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

(53) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(54) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(55) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(56) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

(57) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(58) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

(59) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

(60) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or

exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

(61) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(62) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(63) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

(64) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

(65) "Falconry" means the capture or attempt to capture, possession, transfer, use, or disposition of a raptor for the purpose of hunting or free flight training.

(66) "Raptor" means a migratory bird of the Order Falconiformes or the Order Strigiformes that has been designated as a raptor by rule of the department."

Correct the title.

Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Pearson; Rolfes; Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

February 23, 2010

SSB 6647 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Protecting jobs of members of the civil air patrol while acting in an emergency service operation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 1, beginning on line 7, after "discipline" strike all material through "operation" on line 10, and insert ":

(a) A volunteer firefighter or reserve officer because of leave taken related to an alarm of fire or an emergency call; or

(b) A civil air patrol member because of leave taken related to an emergency service operation"

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6673 Prime Sponsor, Committee on Judiciary: Appointing a task force to study bail practices and procedures. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 30. The legislature intends to appoint a panel of experts to study bail practices and procedures. The bail system must be examined in a comprehensive and well-considered manner from all aspects including, but not limited to, judicial discretion, bail amounts and procedures, public safety, variations in county practices, constitutional restraints, and cost to local government. The variety of practices and procedures requires that a panel of experts study the issue and report its recommendation to the legislature.

NEW SECTION. Sec. 31. (1)(a) A work group on bail practices is established within existing resources. The work group must consist of the following members:

(i) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;

(ii) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;

(iii) The chief justice of the Washington state supreme court or the chief justice's designee;

(iv) A superior court judge, appointed by the superior court judges' association;

(v) A district or municipal court judge, appointed by the district and municipal court judges' association;

(vi) The governor or the governor's designee;

(vii) The secretary of the Washington state department of corrections or the secretary's designee;

(viii) Two prosecutors, appointed by the Washington association of prosecuting attorneys or designees of the prosecutors;

(ix) Two attorneys selected by separate associations of attorneys whose members have practices that focus on representing criminal defendants;

(x) One police officer and one deputy sheriff, selected by a statewide association of such officers and deputies;

(xi) A representative of a statewide association of city governments, selected by the association;

(xii) A representative of a statewide association of counties, selected by the association;

(xiii) A representative employed as an adult corrections officer, selected by a statewide association of such officers;

(xiv) A representative from an entity representing corrections officers at a local county jail in which adult offenders are in custody and located in any county with a population in excess of one million persons, selected by the entity;

(xv) A representative of a statewide organization concerned primarily with the protection of individual liberties, selected by the organization;

(xvi) A representative of a statewide association of advocates who work on behalf of victims and survivors of violent crimes, selected by the association;

(xvii) A representative of the bail bond enforcement industry, chosen by a statewide association of bail bond enforcement agents;

(xviii) A representative of the bail bond industry, selected by a statewide association of bail companies; and

(xix) A representative of a statewide consumer advocacy organization with at least thirty thousand members, selected by the organization.

(b) The work group shall choose its cochairs from among its legislative membership. The legislative cochairs shall convene the initial meeting of the work group.

(2) The work group shall review, at a minimum, the following issues:

- (a) All aspects of bail, paying particular attention to legislation affecting bail and pretrial release introduced during the 2010 legislative session;
 - (b) A validated risk assessment tool that measures or predicts the likelihood that an offender will exhibit violent behavior if released and whether judges should use this tool at bail hearings;
 - (c) Bail practices by county, including the processes used to seek and grant bail as well as the standards by which bail is granted;
 - (d) Whether, or to what extent, uniformity of bail practices should be required by state law;
 - (e) The characteristics of the federal system;
 - (f) The benefits of competitive freedom of government regulation in the pricing of bail bonds;
 - (g) The interests of crime victims in being notified of a person's release on bail;
 - (h) The interests of counties and cities that maintain municipal courts;
 - (i) Legal and constitutional constraints in granting or denying bail;
 - (j) Whether the existing regulatory, judicial, or statutory constraints on bail should be revised; and
 - (k) The pretrial release system.
- (3) The work group shall use staff from senate committee services and the house of representatives office of program research and meet in state facilities that do not charge for use.
- (4) Legislative members of the work group must be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.
- (5) The work group may organize itself in a manner and adopt rules of procedure that it determines are most conducive to the timely completion of its charge.
- (6) The work group shall report its findings and recommendations to the Washington state supreme court, the governor, and appropriate committees of the legislature by December 1, 2010.
- (7) This section expires December 31, 2010.
Correct the title.

Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

February 23, 2010

E2SSB 6696 Prime Sponsor, Committee on Ways & Means:
Regarding education reform. Reported by
Committee on Education

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

**"PART I
ACCOUNTABILITY FRAMEWORK**

NEW SECTION. Sec. 101. The legislature finds that it is the state's responsibility to create a coherent and effective accountability framework for the continuous improvement for all schools and districts. This system must provide an excellent and equitable education for all students; an aligned federal/state accountability system; and the tools necessary for schools and districts to be accountable. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student

achievement, and a system of general support, targeted assistance, and if necessary, intervention.

The office of the superintendent of public instruction is responsible for developing and implementing the accountability tools to build district capacity and working within federal and state guidelines. The legislature assigned the state board of education responsibility and oversight for creating an accountability framework. This framework provides a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions. Such a system will identify schools and their districts for recognition as well as for additional state support. For a specific group of challenged schools, defined as persistently lowest-achieving schools, and their districts, it is necessary to provide a required action process that creates a partnership between the state and local district to target funds and assistance to turn around the identified lowest-achieving schools.

Phase I of this accountability system will recognize schools that have done an exemplary job of raising student achievement and closing the achievement gaps using the state board of education's accountability index. The state board of education shall have ongoing collaboration with the achievement gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and the recognition provided to the school districts for closing the achievement gaps. Phase I will also target the lowest five percent of persistently lowest-achieving schools defined under federal guidelines to provide federal funds and federal intervention models through a voluntary option in 2010, and for those who do not volunteer and have not improved student achievement, a required action process beginning in 2011.

Phase II of this accountability system will work toward implementing the state board of education's accountability index for identification of schools in need of improvement, including those that are not Title I schools, and the use of state and local intervention models and state funds through a required action process beginning in 2013, in addition to the federal program. Federal approval of the state board of education's accountability index must be obtained or else the federal guidelines for persistently lowest-achieving schools will continue to be used.

The expectation from implementation of this accountability system is the improvement of student achievement for all students to prepare them for postsecondary education, work, and global citizenship in the twenty-first century.

NEW SECTION. Sec. 102. (1) Beginning in 2010, and each year thereafter, by December 1st, the superintendent of public instruction shall annually identify schools as one of the state's persistently lowest-achieving schools if the school is a Title I school, or a school that is eligible for but does not receive Title I funds, that is among the lowest-achieving five percent of Title I or Title I eligible schools in the state.

(2) The criteria for determining whether a school is among the persistently lowest-achieving five percent of Title I schools, or Title I eligible schools, under subsection (1) of this section shall be established by the superintendent of public instruction. The criteria must meet all applicable requirements for the receipt of a federal school improvement grant under the American recovery and reinvestment act of 2009 and Title I of the elementary and secondary education act of 1965, and take into account both:

(a) The academic achievement of the "all students" group in a school in terms of proficiency on the state's assessment, and any alternative assessments, in reading and mathematics combined; and

(b) The school's lack of progress on the mathematics and reading assessments over a number of years in the "all students" group.

NEW SECTION. Sec. 103. (1) Beginning in January 2011, the superintendent of public instruction shall annually recommend to the state board of education school districts for designation as required

action districts. A district with at least one school identified as a persistently lowest-achieving school shall be designated as a required action district if it meets the criteria developed by the superintendent of public instruction. However, a school district shall not be recommended for designation as a required action district if the district was awarded a federal school improvement grant by the superintendent in 2010 and for three consecutive years following receipt of the grant implemented a federal school intervention model at each school identified for improvement. The state board of education may designate a district that received a school improvement grant in 2010 as a required action district if after three years of voluntarily implementing a plan the district continues to have a school identified as persistently lowest-achieving and meets the criteria for designation established by the superintendent of public instruction.

(2) The superintendent of public instruction shall provide a school district superintendent with written notice of the recommendation for designation as a required action district by certified mail or personal service. A school district superintendent may request reconsideration of the superintendent of public instruction's recommendation. The reconsideration shall be limited to a determination of whether the school district met the criteria for being recommended as a required action district. A request for reconsideration must be in writing and served on the superintendent of public instruction within ten days of service of the notice of the superintendent's recommendation.

(3) The state board of education shall annually designate those districts recommended by the superintendent in subsection (1) of this section as required action districts. A district designated as a required action district shall be required to notify all parents of students attending a school identified as a persistently lowest-achieving school in the district of the state board of education's designation of the district as a required action district and the process for complying with the requirements set forth in sections 104 through 110 of this act.

NEW SECTION. Sec. 104. (1) The superintendent of public instruction shall contract with an external review team to conduct an academic performance audit of the district and each persistently lowest-achieving school in a required action district to identify the potential reasons for the school's low performance and lack of progress. The review team must consist of persons under contract with the superintendent who have expertise in comprehensive school and district reform and may not include staff from the agency, the school district that is the subject of the audit, or members or staff of the state board of education.

(2) The audit must be conducted based on criteria developed by the superintendent of public instruction and must include but not be limited to an examination of the following:

- (a) Student demographics;
- (b) Mobility patterns;
- (c) School feeder patterns;
- (d) The performance of different student groups on assessments;
- (e) Effective school leadership;
- (f) Strategic allocation of resources;
- (g) Clear and shared focus on student learning;
- (h) High standards and expectations for all students;
- (i) High level of collaboration and communication;
- (j) Aligned curriculum, instruction, and assessment to state standards;
- (k) Frequency of monitoring of learning and teaching;
- (l) Focused professional development;
- (m) Supportive learning environment;
- (n) High level of family and community involvement; and
- (o) Alternative secondary schools best practices.

(3) Audit findings must be made available to the local school district, its staff, the community, and the state board of education.

NEW SECTION. Sec. 105. (1) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of

education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community. The superintendent of public instruction shall provide a district with assistance in developing its plan if requested. The school board must conduct a public hearing to allow for comment on a proposed required action plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal guidelines. After the office of the superintendent of public instruction has approved that the plan is consistent with federal guidelines, the local school district must submit its required action plan to the state board of education for approval.

(2) A required action plan must include all of the following:

(a) Implementation of one of the four federal intervention models required for the receipt of a federal school improvement grant, for those persistently lowest-achieving schools that the district will be focusing on for required action. However, a district may not establish a charter school under a federal intervention model without express legislative authority. The intervention models are the turnaround, restart, school closure, and transformation models. The intervention model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan;

(b) Submission of an application for a federal school improvement grant to the superintendent of public instruction;

(c) A budget that provides for adequate resources to implement the federal model selected and any other requirements of the plan;

(d) A description of the changes in the district's or school's existing policies, structures, agreements, processes, and practices that are intended to attain significant achievement gains for all students enrolled in the school;

(e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include improving mathematics and reading student achievement and graduation rates as defined by the office of the superintendent of public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

(3)(a) For any district designated for required action, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after the effective date of this section must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement a required action plan.

(b) If the school district and the employee organizations are unable to agree on the terms of an addendum or modification to an existing collective bargaining agreement, the parties, including all labor organizations affected under the required action plan, shall request the public employment relations commission to, and the commission shall, appoint an employee of the commission to act as a mediator to assist in the resolution of a dispute between the school district and the employee organizations. Beginning in 2011, and each year thereafter, mediation shall commence no later than April 15th. All mediations held under this section shall include the employer and representatives of all affected bargaining units.

(c) If the executive director of the public employment relations commission, upon the recommendation of the assigned mediator, finds that the employer and any affected bargaining unit are unable to reach agreement following a reasonable period of negotiations and mediation, but by no later than May 15th of the year in which

mediation occurred, the executive director shall certify any disputed issues for a decision by the superior court in the county where the school district is located. The issues for determination by the superior court must be limited to the issues certified by the executive director.

(d) The process for filing with the court in this subsection (3)(d) must be used in the case where the executive director certifies issues for a decision by the superior court.

(i) The school district shall file a petition with the superior court, by no later than May 20th of the same year in which the issues were certified, setting forth the following:

(A) The name, address, and telephone number of the school district and its principal representative;

(B) The name, address, and telephone number of the employee organizations and their principal representatives;

(C) A description of the bargaining units involved;

(D) A copy of the unresolved issues certified by the executive director for a final and binding decision by the court; and

(E) The academic performance audit that the office of the superintendent of public instruction completed for the school district.

(ii) Within seven days after the filing of the petition, each party shall file with the court the proposal it is asking the court to order be implemented in a required action plan for the district for each issue certified by the executive director. Contemporaneously with the filing of the proposal, a party must file a brief with the court setting forth the reasons why the court should order implementation of its proposal in the final plan.

(iii) Following receipt of the proposals and briefs of the parties, the court must schedule a date and time for a hearing on the petition. The hearing must be limited to argument of the parties or their counsel regarding the proposals submitted for the court's consideration. The parties may waive a hearing by written agreement.

(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic performance audit, and allows for the award of a federal school improvement grant to the district from the office of the superintendent of public instruction to implement one of the four federal intervention models. The court's decision must be issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the award of a federal school improvement grant by the superintendent of public instruction.

(e) Each party shall bear its own costs and attorneys' fees incurred under this statute.

(f) Any party that proceeds with the process in this section after knowledge that any provision of this section has not been complied with and who fails to state its objection in writing is deemed to have waived its right to object.

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school districts designated as required action districts to implement one of the four federal models in a required action plan.

NEW SECTION. Sec. 106. A required action plan developed by a district's school board and superintendent must be submitted to the state board of education for approval. The state board must accept for inclusion in any required action plan the final decision by the superior court on any issue certified by the executive director of the public employment relations commission under the process in section 105 of this act. The state board of education shall approve a plan proposed by a school district only if it meets the requirements set forth in section 105 of this act. Any addendum or modification to an existing collective bargaining agreement, negotiated under section 105 of this act or by agreement of the district and the exclusive bargaining unit, related to student achievement or school improvement shall not go

into effect until approval of a required action plan by the state board of education. If the state board does not approve a proposed plan, it must notify the local school board and local district's superintendent in writing with an explicit rationale for why the plan was not approved. Nonapproval by the state board of education of the local school district's initial required action plan submitted is not intended to trigger any actions under section 108 of this act. With the assistance of the office of the superintendent of public instruction, the superintendent and school board of the required action district shall either: (a) Submit a new plan to the state board of education for approval within forty days of notification that its plan was rejected, or (b) submit a request to the required action plan review panel established under section 107 of this act for reconsideration of the state board's rejection within ten days of the notification that the plan was rejected. If federal funds are not available, the plan is not required to be implemented until such funding becomes available. If federal funds for this purpose are available, a required action plan must be implemented in the immediate school year following the district's designation as a required action district.

NEW SECTION. Sec. 107. (1) A required action plan review panel shall be established to offer an objective, external review of a request from a school district for reconsideration of the state board of education's rejection of the district's required action plan. The review and reconsideration by the panel shall be based on whether the state board of education gave appropriate consideration to the unique circumstances and characteristics of the local school district whose required action plan was rejected.

(2)(a) The panel shall be composed of five individuals with expertise in school improvement, school and district restructuring, or parent and community involvement in schools. Two of the panel members shall be appointed by the speaker of the house of representatives; two shall be appointed by the president of the senate; and one shall be appointed by the governor.

(b) The speaker of the house of representatives, president of the senate, and governor shall solicit recommendations for possible panel members from the Washington association of school administrators, the Washington state school directors' association, the association of Washington school principals, the achievement gap oversight and accountability committee, and associations representing certificated teachers, classified school employees, and parents.

(c) Members of the panel shall be appointed no later than December 1, 2010, but the superintendent of public instruction shall convene the panel only as needed to consider a school district's request for reconsideration. Reappointments in the case of a vacancy shall be made expeditiously so that all requests are considered in a timely manner.

(3) The required action plan review panel may reaffirm the decision of the state board of education, recommend that the state board reconsider the rejection, or recommend changes to the required action plan that should be considered by the district and the state board of education to secure approval of the plan. The state board of education shall consider the recommendations of the panel and issue a decision in writing to the local school district and the panel. If the school district must submit a new required action plan to the state board of education, the district must submit the plan within forty days of the board's decision.

(4) The state board of education and superintendent of public instruction must develop timelines and procedures for the deliberations under this section so that school districts can implement a required action plan within the time frame required under section 106 of this act.

NEW SECTION. Sec. 108. The state board of education may direct the superintendent of public instruction to require a school district that has not submitted a final required action plan for approval, or has submitted but not received state board of education approval of a required action plan by the beginning of the school year

in which the plan is intended to be implemented, to redirect the district's Title I funds based on the academic performance audit findings.

NEW SECTION. Sec. 109. A school district must implement a required action plan upon approval by the state board of education. The office of superintendent of public instruction must provide the required action district with technical assistance and federal school improvement grant funds, if available, to implement an approved plan. The district must submit a report to the superintendent of public instruction that provides the progress the district is making in meeting the student achievement goals based on the state's assessments, identifying strategies and assets used to solve audit findings, and establishing evidence of meeting plan implementation benchmarks as set forth in the required action plan.

NEW SECTION. Sec. 110. (1) The superintendent of public instruction must provide a report twice per year to the state board of education regarding the progress made by all school districts designated as required action districts.

(2) The superintendent of public instruction must recommend to the state board of education that a school district be released from the designation as a required action district after the district implements a required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction, in reading and mathematics on the state's assessment over the past three consecutive years; and no longer has a school within the district identified as persistently lowest achieving. The state board shall release a school district from the designation as a required action district upon confirmation that the district has met the requirements for a release.

(3) If the state board of education determines that the required action district has not met the requirements for release, the district remains in required action and must submit a new or revised plan under the process in section 105 of this act.

Sec. 111. RCW 28A.305.225 and 2009 c 548 s 503 are each amended to read as follows:

(1) The state board of education shall continue to refine the development of an accountability framework that creates a unified system of support for challenged schools, that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions.

(2) The state board of education shall develop an accountability index to identify schools and districts for recognition, for continuous improvement, and for additional state support. The index shall be based on criteria that are fair, consistent, and transparent. Performance shall be measured using multiple outcomes and indicators including, but not limited to, graduation rates and results from statewide assessments. The index shall be developed in such a way as to be easily understood by both employees within the schools and districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and districts to self-assess their progress, and enable the identification of schools with exemplary student performance and those that need assistance to overcome challenges in order to achieve exemplary student performance. ~~((Once the accountability index has identified schools that need additional help, a more thorough analysis will be done to analyze specific conditions in the district including but not limited to the level of state resources a school or school district receives in support of the basic education system, achievement gaps for different groups of students, and community support.~~

(3) Based on the accountability index and in consultation with the superintendent of public instruction, the state board of education shall develop a proposal and timeline for implementation of a comprehensive system of voluntary support and assistance for schools and districts. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public

instruction, shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(4)(a) The state board of education shall develop a proposal and implementation timeline for a more formalized comprehensive system improvement targeted to challenged schools and districts that have not demonstrated sufficient improvement through the voluntary system. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. The proposal and timeline shall be submitted to the education committees of the legislature by December 1, 2009, and shall include recommended legislation and recommended resources to implement the system according to the timeline developed.

(b) The proposal shall outline a process for addressing performance challenges that will include the following features: (i) An academic performance audit using peer review teams of educators that considers school and community factors in addition to other factors in developing recommended specific corrective actions that should be undertaken to improve student learning; (ii) a requirement for the local school board plan to develop and be responsible for implementation of corrective action plan taking into account the audit findings, which plan must be approved by the state board of education at which time the plan becomes binding upon the school district to implement; and (iii) monitoring of local district progress by the office of the superintendent of public instruction. The proposal shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

~~—(5))~~ (3) The state board of education, in cooperation with the office of the superintendent of public instruction, shall annually recognize schools for exemplary performance as measured on the state board of education accountability index. The state board of education shall have ongoing collaboration with the achievement gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and the recognition provided to the school districts for closing the achievement gaps.

~~—(4)~~ (4) In coordination with the superintendent of public instruction, the state board of education shall seek approval from the United States department of education for use of the accountability index and the state system of support, assistance, and intervention, to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.

~~((6))~~ (5) The state board of education shall work with the education data center established within the office of financial management and the technical working group established in section 112, chapter 548, Laws of 2009 to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and districts but also as a tool for schools and districts to report to the state legislature and the state board of education on how the state resources received are being used.

NEW SECTION. Sec. 112. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "All students group" means those students in grades three through eight and high school who take the state's assessment in reading and mathematics required under 20 U.S.C. Sec. 6311(b)(3).

(2) "Title I" means Title I, part A of the federal elementary and secondary education act of 1965 (ESEA) (20 U.S.C. Secs. 6311-6322).

NEW SECTION. Sec. 113. The superintendent of public instruction and the state board of education may each adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter.

NEW SECTION. Sec. 114. (1) The legislature finds that a unified and equitable system of education accountability must include expectations and benchmarks for improvement, along with support for schools and districts to make the necessary changes that will lead

to success for all students. Such a system must also clearly address the consequences for persistent lack of improvement. Establishing a process for school districts to prepare and implement a required action plan is one such consequence. However, to be truly accountable to students, parents, the community, and taxpayers, the legislature must also consider what should happen if a required action district continues not to make improvement after an extended period of time. Without an answer to this significant question, the state's system of education accountability is incomplete. Furthermore, accountability must be appropriately shared among various levels of decision makers, including in the building, in the district, and at the state.

(2)(a) A joint select committee on education accountability is established with the following members:

(i) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

(b) The committee shall choose its cochair from among its membership.

(3) The committee shall:

(a) Identify and analyze options for a complete system of education accountability, particularly consequences in the case of persistent lack of improvement by a required action district;

(b) Identify and analyze appropriate decision-making responsibilities and accompanying consequences at the building, district, and state level within such an accountability system;

(c) Examine models and experiences in other states;

(d) Identify the circumstances under which significant state action may be required; and

(e) Analyze the financial, legal, and practical considerations that would accompany significant state action.

(4) Staff support for the committee must be provided by the senate committee services and the house of representatives office of program research.

(5) The committee shall submit an interim report to the education committees of the legislature by September 1, 2011, and a final report with recommendations by September 1, 2012.

(6) This section expires June 30, 2013.

PART II EVALUATIONS

Sec. 201. RCW 28A.150.230 and 2006 c 263 s 201 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its superintendent, classified staff, certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum. Each district shall report annually to the superintendent of public instruction the following for each employee group listed in this subsection (2)(a): (i) Evaluation criteria and rubrics; (ii) a description of each rating; and (iii) the number of staff in each rating;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs and data, based upon a plan to ensure that the assignment policy: (i) Supports the learning needs of all the students in the district; and (ii) gives specific attention to high-need schools and classrooms;

(c) Provide information to the local community and its electorate describing the school district's policies concerning hiring, assigning, terminating, and evaluating staff, including the criteria for evaluating teachers and principals;

~~(d)~~ Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules of the state board of education;

~~((e))~~ (e) Determine the allocation of staff time, whether certificated or classified;

~~((f))~~ (f) Establish final curriculum standards consistent with law and rules of the superintendent of public instruction, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

~~((g))~~ (g) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

Sec. 202. RCW 28A.405.100 and 1997 c 278 s 1 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, the superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter.

(b) Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

(2)(a) Pursuant to the implementation schedule established in subsection (7)(b) of this section, every board of directors shall, in accordance with procedures provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish revised evaluative criteria and a four-level rating system for all certificated classroom teachers.

(b) The minimum criteria shall include: (i) Centering instruction on high expectations for student achievement; (ii) demonstrating effective teaching practices; (iii) recognizing individual student learning needs and developing strategies to address those needs; (iv) providing clear and intentional focus on subject matter content and curriculum; (v) fostering and managing a safe, positive learning environment; (vi) using multiple student data elements to modify instruction and improve student learning; (vii) communicating and collaborating with parents and school community; and (viii) exhibiting collaborative and collegial practices focused on improving instructional practice and student learning.

(c) The four-level rating system used to evaluate the certificated classroom teacher must describe performance along a continuum that

indicates the extent to which the criteria have been met or exceeded. When student growth data, if available and relevant to the teacher and subject matter, is referenced in the evaluation process it must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. As used in this subsection, "student growth" means the change in student achievement between two points in time.

~~(3)(a)~~ (5) Except as provided in subsection ~~((5))~~ (10) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel ~~(, hereinafter referred to as "employees" in this section,)~~ shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. An employee in the third year of provisional status as defined in RCW 28A.405.220 shall be observed at least three times in the performance of his or her duties and the total observation time for the school year shall not be less than ninety minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

(b) As used in this subsection and subsection (4) of this section, "employees" means classroom teachers and certificated support personnel.

~~(4)(a)~~ (4)(a) At any time after October 15th, an employee whose work is ~~not judged ((unsatisfactory))~~ satisfactory based on district evaluation criteria shall be notified in writing of the specific areas of deficiencies along with a reasonable program for improvement. During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the school district. A probationary period of sixty school days shall be established. The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency; such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. The probationer may be removed from probation if he or she has demonstrated improvement to the satisfaction of the principal in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her improvement program. Lack of necessary improvement during the established probationary period, as specifically documented in writing with notification to the probationer and shall constitute grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

(b) Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and improvement program, the employee may be removed from his or her assignment and placed into an alternative

assignment for the remainder of the school year. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term.

~~((2))~~ (5) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Except as provided in subsection (6) of this section, such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

~~((3))~~ (6)(a) Pursuant to the implementation schedule established by subsection (7)(b) of this section, every board of directors shall establish revised evaluative criteria and a four-level rating system for principals.

(b) The minimum criteria shall include: (i) Creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff; (ii) demonstrating commitment to closing the achievement gap; (iii) providing for school safety; (iv) leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements; (v) assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals; (vi) monitoring, assisting, and evaluating effective instruction and assessment practices; (vii) managing both staff and fiscal resources to support student achievement and legal responsibilities; and (viii) partnering with the school community to promote student learning.

(c) The four-level rating system used to evaluate the principal must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. When available, student growth data that is referenced in the evaluation process must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. As used in this subsection, "student growth" means the change in student achievement between two points in time.

(7)(a) The superintendent of public instruction, in collaboration with state professional associations representing teachers, principals, and administrators, shall create models for implementing the evaluation system criteria, student growth tools, professional development programs, and evaluator training for certificated classroom teachers and principals. Human resources specialists, professional development experts, and assessment experts must also be consulted. Due to the diversity of teaching assignments and the many developmental levels of students, classroom teachers and principals must be prominently represented in this work. The models must be available for use in the 2011-12 school year.

(b) A new certificated classroom teacher evaluation system that implements the provisions of subsection (2) of this section and a new principal evaluation system that implements the provisions of subsection (6) of this section shall be phased-in beginning with the 2010-11 school year by districts identified in (c) of this subsection and implemented in all school districts beginning with the 2013-14 school year.

(c) A set of school districts shall be selected by the superintendent of public instruction to participate in a collaborative process resulting in the development and piloting of new certificated classroom teacher

and principal evaluation systems during the 2010-11 and 2011-12 school years. These school districts must be selected based on: (i) The agreement of the local associations representing classroom teachers and principals to collaborate with the district in this developmental work and (ii) the agreement to participate in the full range of development and implementation activities, including: Development of rubrics for the evaluation criteria and ratings in subsections (2) and (6) of this section; identification of or development of appropriate multiple measures of student growth in subsections (2) and (6) of this section; development of appropriate evaluation system forms; participation in professional development for principals and classroom teachers regarding the content of the new evaluation system; participation in evaluator training; and participation in activities to evaluate the effectiveness of the new systems and support programs. The school districts must submit to the office of the superintendent of public instruction data that is used in evaluations and all district-collected student achievement, aptitude, and growth data regardless of whether the data is used in evaluations. If the data is not available electronically, the district may submit it in nonelectronic form. The superintendent of public instruction must analyze the districts' use of student data in evaluations, including examining the extent that student data is not used or is underutilized. The superintendent of public instruction must also consult with participating districts and stakeholders, recommend appropriate changes, and address statewide implementation issues. The superintendent of public instruction shall report evaluation system implementation status, evaluation data, and recommendations to appropriate committees of the legislature and governor by July 1, 2011, and at the conclusion of the development phase by July 1, 2012. In the July 1, 2011 report, the superintendent shall include recommendations for whether a single statewide evaluation model should be adopted, whether modified versions developed by school districts should be subject to state approval, and what the criteria would be for determining if a school district's evaluation model meets or exceeds a statewide model. The report shall also identify challenges posed by requiring a state approval process.

(8) Each certificated ((employee)) classroom teacher and certificated support personnel shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance.

((4)) (9) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated ((employees)) classroom teachers and certificated support personnel or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300.

((5)) (10) After ((an employee)) a certificated classroom teacher or certificated support personnel has four years of satisfactory evaluations under subsection (1) of this section or has received one of the two top ratings for four years under subsection (2) of this section, a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional growth, an evaluation under subsection (1) or (2) of this section, or any combination thereof. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) or (2) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. A locally bargained short-form evaluation emphasizing professional growth must provide that the professional growth activity conducted by the certificated

classroom teacher be specifically linked to one or more of the certificated classroom teacher evaluation criteria. However, the evaluation process set forth in subsection (1) or (2) of this section shall be followed at least once every three years unless this time is extended by a local school district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set forth in subsection (1) or (2) of this section be conducted in any given school year. No evaluation other than the evaluation authorized under subsection (1) or (2) of this section may be used as a basis for determining that an employee's work is ~~((unsatisfactory))~~ not satisfactory under subsection (1) or (2) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an evaluation process developed under chapter 41.59 RCW determines otherwise.

Sec. 203. RCW 28A.405.220 and 2009 c 57 s 2 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first ~~((two))~~ three years of employment by such district, unless: (a) The employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district; or (b) the school district superintendent may make a determination to remove an employee from provisional status if the employee has received one of the top two evaluation ratings during the second year of employment by the district. Employees as defined in this section shall hereinafter be referred to as "provisional employees(♫)."

(2) In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 15th, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.405.100.

(3) Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

(4) Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the

superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

(5) The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

(6) This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

NEW SECTION. Sec. 204. A new section is added to chapter 28A.405 RCW to read as follows:

(1) Representatives of the office of the superintendent of public instruction and statewide associations representing administrators, principals, human resources specialists, and certificated classroom teachers shall analyze how the evaluation systems in RCW 28A.405.100 (2) and (6) affect issues related to a change in contract status.

(2) The analysis shall be conducted during each of the phase-in years of the certificated classroom teacher and principal evaluation systems. The analysis shall include: Procedures, timelines, probationary periods, appeal procedures, and other items related to the timely exercise of employment decisions and due process provisions for certificated classroom teachers and principals.

NEW SECTION. Sec. 205. A new section is added to chapter 28A.405 RCW to read as follows:

If funds are provided for professional development activities designed specifically for first through third-year teachers, the funds shall be allocated first to districts participating in the evaluation systems in RCW 28A.405.100 (2) and (6) before the required implementation date under that section.

PART III PRINCIPAL PERFORMANCE

NEW SECTION. Sec. 301. The legislature finds that the presence of highly effective principals in schools has never been more important than it is today. To enable students to meet high academic standards, principals must lead and encourage teams of teachers and support staff to work together, align curriculum and instruction, use student data to target instruction and intervention strategies, and serve as the chief school officer with parents and the community. Greater responsibility should come with greater authority over personnel, budgets, resource allocation, and programs. But greater responsibility also comes with greater accountability for outcomes. Washington is putting into place an updated and rigorous system of evaluating principal performance, one that will measure what matters. This system will never be truly effective unless the results are meaningfully used.

NEW SECTION. Sec. 302. A new section is added to chapter 28A.405 RCW to read as follows:

(1) Any certificated employee of a school district under this section who is first employed as a principal after the effective date of this section shall be subject to transfer as provided under this section, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section means any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator. This section applies only to school districts with an annual average student enrollment of more than thirty-five thousand full-time equivalent students.

(2) During the first three consecutive school years of employment as a principal by the school district, or during the first full school year

of such employment in the case of a principal who has been previously employed as a principal by another school district in the state for three or more consecutive school years, the transfer of the principal to a subordinate certificated position may be made by a determination of the superintendent that the best interests of the school district would be served by the transfer.

(3) Commencing with the fourth consecutive school year of employment as a principal, or the second consecutive school year of such employment in the case of a principal who has been previously employed as a principal by another school district in the state for three or more consecutive school years, the transfer of the principal to a subordinate certificated position shall be based on the superintendent's determination that the results of the evaluation of the principal's performance using the evaluative criteria and rating system established under RCW 28A.405.100 provide a valid reason for the transfer without regard to whether there is probable cause for the transfer. If a valid reason is shown, it shall be deemed that the transfer is reasonably related to the principal's performance. No probationary period is required. However, provision of support and an attempt at remediation of the performance of the principal, as defined by the superintendent, are required for a determination by the superintendent under this subsection that the principal should be transferred to a subordinate certificated position.

(4) Any superintendent transferring a principal under this section to a subordinate certificated position shall notify that principal in writing on or before May 15th before the beginning of the school year of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 15th. The notification shall state the reason or reasons for the transfer and shall identify the subordinate certificated position to which the principal will be transferred. The notification shall be served upon the principal personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

(5) Any principal so notified may request to the president or chair of the board of directors of the district, in writing and within ten days after receiving notice, an opportunity to meet informally with the board of directors in an executive session for the purpose of requesting the board to reconsider the decision of the superintendent, and shall be given such opportunity. The board, upon receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall give the principal written notice at least three days before the meeting of the date, time, and place of the meeting. At the meeting the principal shall be given the opportunity to refute any evidence upon which the determination was based and to make any argument in support of his or her request for reconsideration. The principal and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the principal in writing of its final decision within ten days following its meeting with the principal. No appeal to the courts shall lie from the final decision of the board of directors to transfer a principal to a subordinate certificated position.

(6) This section provides the exclusive means for transferring a certificated employee first employed by a school district under this section as a principal after the effective date of this section to a subordinate certificated position at the expiration of the term of his or her employment contract.

Sec. 303. RCW 28A.405.210 and 2009 c 57 s 1 are each amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law

or the Washington professional educator standards board for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 15th, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within ten days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 or section 302 of this act shall not be construed as a nonrenewal of contract for the purposes of this section.

Sec. 304. RCW 28A.405.230 and 2009 c 57 s 3 are each amended to read as follows:

Any certificated employee of a school district employed as an assistant superintendent, director, principal, assistant principal, coordinator, or in any other supervisory or administrative position, hereinafter in this section referred to as "administrator", shall be subject to transfer, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section, shall mean any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator.

Every superintendent determining that the best interests of the school district would be served by transferring any administrator to a subordinate certificated position shall notify that administrator in

writing on or before May 15th preceding the commencement of such school term of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 15th, which notification shall state the reason or reasons for the transfer, and shall identify the subordinate certificated position to which the administrator will be transferred. Such notice shall be served upon the administrator personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

Every such administrator so notified, at his or her request made in writing and filed with the president or chair, or secretary of the board of directors of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the board of directors in an executive session thereof for the purpose of requesting the board to reconsider the decision of the superintendent. Such board, upon receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall notify the administrator in writing of the date, time and place of the meeting at least three days prior thereto. At such meeting the administrator shall be given the opportunity to refute any facts upon which the determination was based and to make any argument in support of his or her request for reconsideration. The administrator and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the administrator in writing of its final decision within ten days following its meeting with the administrator. No appeal to the courts shall lie from the final decision of the board of directors to transfer an administrator to a subordinate certificated position: PROVIDED, That in the case of principals such transfer shall be made at the expiration of the contract year and only during the first three consecutive school years of employment as a principal by a school district; except that if any such principal has been previously employed as a principal by another school district in the state of Washington for three or more consecutive school years the provisions of this section shall apply only to the first full school year of such employment.

This section applies to any person employed as an administrator by a school district on June 25, 1976, and to all persons so employed at any time thereafter, except that section 302 of this act applies to persons first employed after the effective date of this section as a principal by a school district meeting the criteria of section 302 of this act. This section provides the exclusive means for transferring an administrator subject to this section to a subordinate certificated position at the expiration of the term of his or her employment contract.

Sec. 305. RCW 28A.405.300 and 1990 c 33 s 395 are each amended to read as follows:

In the event it is determined that there is probable cause or causes for a teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with the school district, hereinafter referred to as "employee", to be discharged or otherwise adversely affected in his or her contract status, such employee shall be notified in writing of that decision, which notification shall specify the probable cause or causes for such action. Such determinations of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notices shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair of the board or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for a hearing pursuant to RCW 28A.405.310 to determine whether or not

there is sufficient cause or causes for his or her discharge or other adverse action against his or her contract status.

In the event any such notice or opportunity for hearing is not timely given, or in the event cause for discharge or other adverse action is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged or otherwise adversely affected in his or her contract status for the causes stated in the original notice for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee may be discharged or otherwise adversely affected as provided in the notice served upon the employee.

Transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 or section 302 of this act shall not be construed as a discharge or other adverse action against contract status for the purposes of this section.

PART IV

ENCOURAGING INNOVATIONS

Sec. 401. RCW 28A.400.200 and 2002 c 353 s 2 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a master's degree and zero years of service;

(3)(a) The actual average salary paid to certificated instructional staff shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(b) Fringe benefit contributions for certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, for additional responsibilities, ((or) for incentives, or for implementing specific measurable innovative activities, including professional development, specified by the school district to: (a) Close one or more achievement gaps, (b) focus on development of science, technology, engineering, and mathematics (STEM) learning opportunities, or (c) provide arts education. Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not

exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

PART V

EXPANDING PROFESSIONAL PREPARATION OPTIONS AND WORKFORCE INFORMATION

NEW SECTION. Sec. 501. A new section is added to chapter 28A.410 RCW to read as follows:

(1) Beginning with the 2011-12 school year, all professional educator standards board-approved teacher preparation programs must administer to all preservice candidates the evidence-based assessment of teaching effectiveness adopted by the professional educator standards board. The professional educator standards board shall adopt rules that establish a date during the 2012-13 school year after which candidates completing teacher preparation programs must successfully pass this assessment. Assessment results from persons completing each preparation program must be reported annually by the professional educator standards board to the governor and the education and fiscal committees of the legislature by December 1st.

(2) The professional educator standards board and the superintendent of public instruction, as determined by the board, may contract with one or more third parties for:

(a) The administration, scoring, and reporting of scores of the assessment under this section;

(b) Related clerical and administrative activities; or

(c) Any combination of the purposes of this subsection (2).

(3) Candidates for residency certification who are required to successfully complete the assessment under this section, and who are charged a fee for the assessment by a third party contracted with under this section, shall pay the fee charged by the contractor directly to the contractor. Such fees shall be reasonably related to the actual costs of the contractor in providing the assessment.

NEW SECTION. Sec. 502. A new section is added to chapter 28A.410 RCW to read as follows:

(1) By September 30, 2010, the professional educator standards board shall review and revise teacher and administrator preparation program approval standards and proposal review procedures at the residency certificate level to ensure they are rigorous and appropriate standards for an expanded range of potential providers, including community college and nonhigher education providers. All approved providers must adhere to the same standards and comply with the same requirements.

(2) Beginning September 30, 2010, the professional educator standards board must accept proposals for community college and nonhigher education providers of educator preparation programs. Proposals must be processed and considered by the board as expeditiously as possible.

(3) By September 1, 2011, all professional educator standards board-approved residency teacher preparation programs at institutions of higher education as defined in RCW 28B.10.016 not currently a partner in an alternative route program approved by the professional educator standards board must submit to the board a proposal to offer one or more of the alternative route programs that meet the requirements of RCW 28A.660.020 and 28A.660.040.

(4)(a) The state board for community and technical colleges shall select up to three community colleges to develop and offer a program of study leading to a baccalaureate degree with a residency teaching certificate. The program must lead to endorsement in a subject matter shortage area. To the maximum extent possible, the colleges selected shall be geographically dispersed to enhance access in underserved areas of the state. The state board for community and technical

colleges and the professional educator standards board shall provide technical assistance to the colleges in developing and submitting the program for approval.

(b) A college selected under this subsection (4) may develop the curriculum for and design and deliver courses leading to a baccalaureate degree. However, programs developed under this subsection (4) are subject to approval by the state board for community and technical colleges under RCW 28B.50.090, the higher education coordinating board under RCW 28B.76.230, and the professional educator standards board under RCW 28A.410.210 before the college may enroll students in upper division courses or apply courses offered toward required competencies for teacher certification or endorsement. The boards shall coordinate their review and approval processes to expedite approval.

(c) The state board for community and technical colleges and the professional educator standards board shall evaluate the experience of the programs established under this subsection (4) and submit a report to the governor and the legislature by January 10, 2014, regarding whether additional programs should be authorized.

Sec. 503. RCW 28A.660.020 and 2006 c 263 s 816 are each amended to read as follows:

(1) ~~(Each)~~ The professional educator standards board shall transition the alternative route partnership grant program from a separate competitive grant program to a preparation program model to be expanded among approved preparation program providers. Alternative routes are partnerships between professional educator standards board-approved preparation programs, Washington school districts, and other partners as appropriate.

(2) Each prospective teacher preparation program provider, in cooperation with a Washington school district or consortia of school districts applying ~~(for the)~~ to operate alternative route certification program shall ~~(submit a)~~ include in its proposal to the Washington professional educator standards board ~~(specifying)~~:

(a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;

(b) The estimated number of candidates that will be enrolled per route;

(c) An identification, indication of commitment, and description of the role of approved teacher preparation programs ~~(that are)~~ and partnering ~~(with the)~~ district or consortia of districts;

(d) An assurance ~~(of)~~ that the district ~~(provision of)~~ or approved preparation program provider will provide adequate training for mentor teachers ~~(either through participation in a state mentor training academy or district provided training that meets state-established mentor training standards)~~ specific to the mentoring of alternative route candidates;

(e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;

(f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in RCW 28A.660.040; ~~(and)~~

(g) A summary of procedures that provide flexible completion opportunities for candidates to achieve a residency certificate; and

(h) The design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan may include the following components:

(i) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship during field experience, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. ~~(For route one and two candidates;)~~

Before the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the ~~(higher education)~~ teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision~~(For route three and four candidates, the mentor of the teacher candidate shall make the decision);~~

(ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the Washington professional educator standards board;

(iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;

(iv) A description of strategies for assessing candidate performance on the benchmarks;

(v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year; ~~(and)~~

(vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program; and

(vii) A description of how the district intends for the alternative route program to support its workforce development plan and how the presence of alternative route interns will advance its school improvement plans.

~~((2))~~ (3) To the extent funds are appropriated for this purpose, ~~(districts)~~ alternative route programs may apply for program funds to pay stipends to trained mentor teachers of interns during the mentored internship. The per intern amount of mentor stipend provided by state funds shall not exceed five hundred dollars.

Sec. 504. RCW 28A.660.040 and 2009 c 192 s 1 and 2009 c 166 s 1 are each reenacted and amended to read as follows:

~~(Partnership grants funded)~~ Alternative route programs under this chapter shall operate one to four specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. ~~(For route one and two candidates;)~~ The mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the ~~(higher education)~~ teacher preparation program must both agree that the teacher candidate has successfully completed the program. ~~(For route three and four candidates, the mentor of the teacher candidate shall make the determination that the candidate has successfully completed the program.)~~

(1) ~~(Partnership grant programs seeking funds to operate)~~ Alternative route programs operating route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with endorsements in special education, bilingual education, or English as a second language. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including one year of successful student interaction and leadership as a classified instructional employee;

(b) Successful passage of the statewide basic skills exam ~~(when available)~~; and

(c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.

(2) ~~((Partnership grant programs seeking funds to operate))~~ Alternative route programs operating route two programs shall enroll currently employed classified staff with baccalaureate degrees seeking residency teacher certification in subject matter shortage areas and areas with shortages due to geographic location. Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via video-conference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including one year of successful student interaction and leadership as classified staff;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's college or university grade point average may be considered as a selection factor;

(c) Successful completion of the ~~((content test, once the state content test is available))~~ subject matter assessment required by RCW 28A.410.220(3);

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of the statewide basic skills exam ~~((, when available)).~~

(3) ~~((Partnership grant))~~ Alternative route programs seeking funds to operate route three programs shall enroll individuals with baccalaureate degrees, who are not employed in the district at the time of application. When selecting candidates for certification through route three, districts and approved preparation program providers shall give priority to individuals who are seeking residency teacher certification in subject matter shortage areas or shortages due to geographic locations. ~~((For route three only, the districts may include additional candidates in nonshortage subject areas if the candidates are seeking endorsements with a secondary grade level designation as defined by rule by the professional educator standards board. The districts shall disclose to candidates in nonshortage subject areas available information on the demand in those subject areas.))~~ Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary, by a second summer teaching academy. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(b) Successful completion of the ~~((content test, once the state content test is available))~~ subject matter assessment required by RCW 28A.410.220(3);

(c) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of statewide basic skills exam ~~((, when available)).~~

(4) ~~((Partnership grant programs seeking funds to operate))~~ Alternative route programs operating route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship. If employed on a conditional certificate, the intern may serve as the teacher of record, supported by a well-trained mentor. In

addition, partnership programs shall uphold entry requirements for candidates that include:

(a) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(b) Successful completion of the ~~((content test, once the state content test is available))~~ subject matter assessment required by RCW 28A.410.220(3);

(c) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of statewide basic skills exam ~~((, when available)).~~

(5) Applicants for alternative route programs who are eligible veterans or national guard members and who meet the entry requirements for the alternative route program for which application is made shall be given preference in admission.

Sec. 505. RCW 28A.660.050 and 2009 c 539 s 3 and 2009 c 192 s 2 are each reenacted and amended to read as follows:

Subject to the availability of amounts appropriated for these purposes, the conditional scholarship programs in this chapter are created under the following guidelines:

(1) The programs shall be administered by the higher education coordinating board. In administering the programs, the higher education coordinating board has the following powers and duties:

(a) To adopt necessary rules and develop guidelines to administer the programs;

(b) To collect and manage repayments from participants who do not meet their service obligations; and

(c) To accept grants and donations from public and private sources for the programs.

(2) Requirements for participation in the conditional scholarship programs are as provided in this subsection (2).

(a) The alternative route conditional scholarship program is limited to interns of ~~((the partnership grant))~~ professional educator standards board-approved alternative routes to teaching programs under RCW 28A.660.040. For fiscal year 2011, priority must be given to fiscal year 2010 participants in the alternative route partnership program. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment in alternative certification routes through ~~((the partnership grant))~~ a professional educator standards board-approved program;

(ii) Continue to make satisfactory progress toward completion of the alternative route certification program and receipt of a residency teaching certificate; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed eight thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The board may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(b) The pipeline for paraeducators conditional scholarship program is limited to qualified paraeducators as provided by RCW 28A.660.042. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment at a community and technical college for no more than two years and attain an associate of arts degree;

(ii) Continue to make satisfactory progress toward completion of an associate of arts degree. This progress requirement is a condition for eligibility into a route one program of the alternative routes to

teacher certification program for a mathematics, special education, or English as a second language endorsement; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed four thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The board may adjust the annual award by the average rate of tuition and fee increases at the state community and technical colleges.

(c) The retooling to teach mathematics and science conditional scholarship program is limited to current K-12 teachers ((and individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate as provided by RCW 28A.660.045)). In order to receive conditional scholarship awards:

(i) Individuals currently employed as teachers shall pursue a middle level mathematics or science, or secondary mathematics or science endorsement; or

(ii) Individuals who are certificated with an elementary education endorsement(~~((but not employed in positions requiring an elementary education certificate,))~~) shall pursue an endorsement in middle level mathematics or science, or both; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive a mathematics or science endorsement, or both, which shall include passing a mathematics or science endorsement test, or both tests, plus observation and completing applicable coursework to attain the proper endorsement; and

(iv) Individuals shall receive no more than the annual amount of the scholarship, not to exceed three thousand dollars, for the cost of tuition, test fees, and educational expenses, including books, supplies, and transportation for the endorsement pathway being pursued.

(3) The Washington professional educator standards board shall select individuals to receive conditional scholarships. In selecting recipients, preference shall be given to eligible veterans or national guard members.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients who fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The higher education coordinating board shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) The higher education coordinating board may deposit all appropriations, collections, and any other funds received for the program in this chapter in the future teachers conditional scholarship account authorized in RCW 28B.102.080.

NEW SECTION. Sec. 506. A new section is added to chapter 28A.410 RCW to read as follows:

Beginning with the 2010 school year and annually thereafter, each educational service district, in cooperation with the professional educator standards board, must convene representatives from school districts within that region and professional educator standards board-approved educator preparation programs to review district and regional educator workforce data, make biennial projections of certificate staffing needs, and identify how recruitment and enrollment plans in educator preparation programs reflect projected need.

Sec. 507. RCW 28B.76.335 and 2007 c 396 s 17 are each amended to read as follows:

As part of the state needs assessment process conducted by the board in accordance with RCW 28B.76.230, the board shall in collaboration with the professional educator standards board, assess the need for additional (~~(baccalaureate)~~) degree and certificate programs in Washington that specialize in teacher preparation (~~((in mathematics, science, and technology))~~) to meet regional or subject area shortages. If the board determines that there is a need for additional programs, then the board shall encourage the appropriate institutions of higher education or institutional sectors to create such a program.

NEW SECTION. Sec. 508. A new section is added to chapter 28B.76 RCW to read as follows:

(1) The board must establish boundaries for service regions for institutions of higher education as defined in RCW 28B.10.016 implementing professional educator standards board-approved educator preparation programs. Regions shall be established to encourage and support, not exclude, the reach of public institutions of higher education across the state.

(2) Based on the data in the assessment in RCW 28B.76.230 and 28B.76.335, the board shall determine whether reasonable teacher preparation program access for prospective teachers is available in each region. If access is determined to be inadequate in a region, the institution of higher education responsible for the region shall submit a plan for meeting the access need to the board.

(3) Partnerships with other teacher preparation program providers and the use of appropriate technology shall be considered. The board shall review the plan and, as appropriate, assist the institution in developing support and resources for implementing the plan.

Sec. 509. RCW 28B.50.020 and 2009 c 64 s 2 are each amended to read as follows:

The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational education and training, or for adult basic skills and literacy education, by creating a new, independent system of community and technical colleges which will:

(1) Offer an open door to every citizen, regardless of his or her academic background or experience, at a cost normally within his or her economic means;

(2) Ensure that each college district shall offer thoroughly comprehensive educational, training, and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; community services of an educational, cultural, and recreational nature; and adult education, including basic skills and general, family, and workforce literacy programs and services;

(3) Provide for basic skills and literacy education, and occupational education and technical training at technical colleges in order to prepare students for careers in a competitive workforce;

(4) Provide or coordinate related and supplemental instruction for apprentices at community and technical colleges;

(5) Provide administration by state and local boards which will avoid unnecessary duplication of facilities or programs; and which will encourage efficiency in operation and creativity and imagination in education, training, and service to meet the needs of the community and students;

(6) Allow for the growth, improvement, flexibility and modification of the community colleges and their education, training, and service programs as future needs occur; and

(7) Establish firmly that, except on a pilot basis as provided under RCW 28B.50.810 and section 502 of this act, community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and

other institutions of higher learning, and never to be considered for conversion into four-year liberal arts colleges.

NEW SECTION. Sec. 510. The following acts or parts of acts are each repealed:

- (1) RCW 28A.660.010 (Partnership grant program) and 2004 c 23 s 1 & 2001 c 158 s 2;
- (2) RCW 28A.415.100 (Student teaching centers--Legislative recognition--Intent) and 1991 c 258 s 1;
- (3) RCW 28A.415.105 (Definitions) and 2006 c 263 s 811, 1995 c 335 s 403, & 1991 c 258 s 2;
- (4) RCW 28A.415.125 (Network of student teaching centers) and 2006 c 263 s 812 & 1991 c 258 s 6;
- (5) RCW 28A.415.130 (Allocation of funds for student teaching centers) and 2006 c 263 s 813 & 1991 c 258 s 7;
- (6) RCW 28A.415.135 (Alternative means of teacher placement) and 1991 c 258 s 8;
- (7) RCW 28A.415.140 (Field experiences) and 1991 c 258 s 9;
- (8) RCW 28A.415.145 (Rules) and 2006 c 263 s 814 & 1991 c 258 s 10; and
- (9) RCW 28A.660.030 (Partnership grants--Selection--Administration) and 2004 c 23 s 3, 2003 c 410 s 2, & 2001 c 158 s 4.

PART VI

COMMON CORE STANDARDS

NEW SECTION. Sec. 601. A new section is added to chapter 28A.655 RCW to read as follows:

(1) By August 2, 2010, the superintendent of public instruction may revise the state essential academic learning requirements authorized under RCW 28A.655.070 for mathematics, reading, writing, and communication by provisionally adopting a common set of standards for students in grades kindergarten through twelve. The revised state essential academic learning requirements may be substantially identical with the standards developed by a multistate consortium in which Washington participated, must be consistent with the requirements of RCW 28A.655.070, and may include additional standards if the additional standards do not exceed fifteen percent of the standards for each content area. However, the superintendent of public instruction shall not take steps to implement the provisionally adopted standards until the education committees of the house of representatives and the senate have an opportunity to review the standards.

(2) By January 1, 2011, the superintendent of public instruction shall submit to the education committees of the house of representatives and the senate:

(a) A detailed comparison of the provisionally adopted standards and the state essential academic learning requirements as of the effective date of this section, including the comparative level of rigor and specificity of the standards and the implications of any identified differences; and

(b) An estimated timeline and costs to the state and to school districts to implement the provisionally adopted standards, including providing necessary training, realignment of curriculum, adjustment of state assessments, and other actions.

(3) The superintendent may implement the revisions to the essential academic learning requirements under this section after the 2011 legislative session unless otherwise directed by the legislature.

PART VII

PARENTS AND COMMUNITY

NEW SECTION. Sec. 701. A new section is added to chapter 28A.605 RCW to read as follows:

School districts are encouraged to strengthen family, school, and community partnerships by creating spaces in school buildings, if space is available, where students and families can access the services they need, such as after-school tutoring, dental and health services, counseling, or clothing and food banks.

NEW SECTION. Sec. 702. A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning with the 2010-11 school year, each school shall conduct outreach and seek feedback from a broad and diverse range of parents, other individuals, and organizations in the community regarding their experiences with the school. The school shall summarize the responses in its annual report under RCW 28A.655.110.

(2) The office of the superintendent of public instruction shall create a working group with representatives of organizations representing parents, teachers, and principals as well as diverse communities. The working group shall also include a representative from the achievement gap oversight and accountability committee. By September 1, 2010, the working group shall develop model feedback tools and strategies that school districts may use to facilitate the feedback process required in subsection (1) of this section. The model tools and strategies are intended to provide assistance to school districts. School districts are encouraged to adapt the models or develop unique tools and strategies that best fit the circumstances in their communities.

Sec. 703. RCW 28A.655.110 and 1999 c 388 s 303 are each amended to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed educational decisions. As data from the assessments in RCW 28A.655.060 becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years (~~and shall include school level goals under RCW 28A.655.050~~), student performance relative to the goals and the percentage of students performing at each level of the assessment, a comparison of student performance at each level of the assessment to the previous year's performance, and information regarding school-level plans to achieve the goals.

(2) The annual performance report shall include, but not be limited to: (a) A brief statement of the mission of the school and the school district; (b) enrollment statistics including student demographics; (c) expenditures per pupil for the school year; (d) a summary of student scores on all mandated tests; (e) a concise annual budget report; (f) student attendance, graduation, and dropout rates; (g) information regarding the use and condition of the school building or buildings; (h) a brief description of the learning improvement plans for the school; (i) a summary of the feedback from parents and community members obtained under section 702 of this act; and ~~((4))~~ (j) an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, and update periodically, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section. In order to make school performance reports broadly accessible to the public, the superintendent of public instruction, to the extent feasible, shall make information on each school's report available on or through the superintendent's internet web site.

NEW SECTION. Sec. 704. A new section is added to chapter 28A.300 RCW to read as follows:

There is a sizeable body of research positively supporting the involvement of parents taking an engaged and active role in their

child's education. Therefore, the legislature intends to provide state recognition by the center for the improvement of student learning within the office of the superintendent of public instruction for schools that increase the level of direct parental involvement with their child's education. By September 1, 2010, the center for the improvement of student learning shall determine measures that can be used to evaluate the level of parental involvement in a school. The center for the improvement of student learning shall collaborate with school district family and community outreach programs and educational service districts to identify and highlight successful models and practices of parent involvement.

PART VIII

COLLECTIVE BARGAINING

Sec. 801. RCW 41.56.100 and 1989 c 45 s 1 are each amended to read as follows:

(1) A public employer shall have the authority to engage in collective bargaining with the exclusive bargaining representative and no public employer shall refuse to engage in collective bargaining with the exclusive bargaining representative (~~(= PROVIDED, That nothing contained herein shall require any)~~). However, a public employer is not required to bargain collectively with any bargaining representative concerning any matter which by ordinance, resolution, or charter of said public employer has been delegated to any civil service commission or personnel board similar in scope, structure, and authority to the board created by chapter 41.06 RCW.

(2) Upon the failure of the public employer and the exclusive bargaining representative to conclude a collective bargaining agreement, any matter in dispute may be submitted by either party to the commission. This subsection does not apply to negotiations and mediations conducted between a school district employer and an exclusive bargaining representative under section 105 of this act.

(3) If a public employer implements its last and best offer where there is no contract settlement, allegations that either party is violating the terms of the implemented offer shall be subject to grievance arbitration procedures if and as such procedures are set forth in the implemented offer, or, if not in the implemented offer, if and as such procedures are set forth in the parties' last contract.

NEW SECTION. Sec. 802. A new section is added to chapter 41.56 RCW to read as follows:

All collective bargaining agreements entered into between a school district employer and school district employees under this chapter after the effective date of this section, as well as bargaining agreements existing on the effective date of this section but renewed or extended after the effective date of this section, shall be consistent with section 105 of this act.

NEW SECTION. Sec. 803. A new section is added to chapter 41.59 RCW to read as follows:

All collective bargaining agreements entered into between a school district employer and school district employees under this chapter after the effective date of this section, as well as bargaining agreements existing on the effective date of this section but renewed or extended after the effective date of this section, shall be consistent with section 105 of this act.

Sec. 804. RCW 41.59.120 and 1975 1st ex.s. c 288 s 13 are each amended to read as follows:

(1) Either an employer or an exclusive bargaining representative may declare that an impasse has been reached between them in collective bargaining and may request the commission to appoint a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy on terms which are mutually acceptable. If the commission determines that its assistance is needed, not later than five days after the receipt of a request therefor, it shall appoint a mediator in accordance with rules and regulations for such appointment prescribed by the commission. The mediator shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, and shall take such other steps

as he may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. The mediator, without the consent of both parties, shall not make findings of fact or recommend terms of settlement. The services of the mediator, including, if any, per diem expenses, shall be provided by the commission without cost to the parties. Nothing in this subsection (1) shall be construed to prevent the parties from mutually agreeing upon their own mediation procedure, and in the event of such agreement, the commission shall not appoint its own mediator unless failure to do so would be inconsistent with the effectuation of the purposes and policy of this chapter.

(2) If the mediator is unable to effect settlement of the controversy within ten days after his or her appointment, either party, by written notification to the other, may request that their differences be submitted to fact-finding with recommendations, except that the time for mediation may be extended by mutual agreement between the parties. Within five days after receipt of the aforesaid written request for fact-finding, the parties shall select a person to serve as fact finder and obtain a commitment from that person to serve. If they are unable to agree upon a fact finder or to obtain such a commitment within that time, either party may request the commission to designate a fact finder. The commission, within five days after receipt of such request, shall designate a fact finder in accordance with rules and regulations for such designation prescribed by the commission. The fact finder so designated shall not be the same person who was appointed mediator pursuant to subsection (1) of this section without the consent of both parties.

The fact finder, within five days after his appointment, shall meet with the parties or their representatives, or both, either jointly or separately, and make inquiries and investigations, hold hearings, and take such other steps as he may deem appropriate. For the purpose of such hearings, investigations and inquiries, the fact finder shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence. If the dispute is not settled within ten days after his appointment, the fact finder shall make findings of fact and recommend terms of settlement within thirty days after his appointment, which recommendations shall be advisory only.

(3) Such recommendations, together with the findings of fact, shall be submitted in writing to the parties and the commission privately before they are made public. Either the commission, the fact finder, the employer, or the exclusive bargaining representative may make such findings and recommendations public if the dispute is not settled within five days after their receipt from the fact finder.

(4) The costs for the services of the fact finder, including, if any, per diem expenses and actual and necessary travel and subsistence expenses, and any other incurred costs, shall be borne by the commission without cost to the parties.

(5) Nothing in this section shall be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, their own procedure for resolving impasses in collective bargaining for that provided in this section or from agreeing to utilize for the purposes of this section any other governmental or other agency or person in lieu of the commission.

(6) Any fact finder designated by an employer and an exclusive representative or the commission for the purposes of this section shall be deemed an agent of the state.

(7) This section does not apply to negotiations and mediations conducted under section 105 of this act.

PART IX

CLOSING THE ACHIEVEMENT GAP

Sec. 901. RCW 28A.300.136 and 2009 c 468 s 2 are each amended to read as follows:

(1) An achievement gap oversight and accountability committee is created to synthesize the findings and recommendations from the 2008 achievement gap studies into an implementation plan, and to

recommend policies and strategies to the superintendent of public instruction, the professional educator standards board, and the state board of education to close the achievement gap.

(2) The committee shall recommend specific policies and strategies in at least the following areas:

(a) Supporting and facilitating parent and community involvement and outreach;

(b) Enhancing the cultural competency of current and future educators and the cultural relevance of curriculum and instruction;

(c) Expanding pathways and strategies to prepare and recruit diverse teachers and administrators;

(d) Recommending current programs and resources that should be redirected to narrow the gap;

(e) Identifying data elements and systems needed to monitor progress in closing the gap;

(f) Making closing the achievement gap part of the school and school district improvement process; and

(g) Exploring innovative school models that have shown success in closing the achievement gap.

(3) Taking a multidisciplinary approach, the committee may seek input and advice from other state and local agencies and organizations with expertise in health, social services, gang and violence prevention, substance abuse prevention, and other issues that disproportionately affect student achievement and student success.

(4) The achievement gap oversight and accountability committee shall be composed of the following members:

(a) The chairs and ranking minority members of the house and senate education committees, or their designees;

(b) One additional member of the house of representatives appointed by the speaker of the house and one additional member of the senate appointed by the president of the senate;

(c) A representative of the office of the education ombudsman;

(d) A representative of the center for the improvement of student learning in the office of the superintendent of public instruction;

(e) A representative of federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington state, designated by the federally recognized tribes; and

(f) Four members appointed by the governor in consultation with the state ethnic commissions, who represent the following populations: African-Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans.

(5) The governor and the tribes are encouraged to designate members who have experience working in and with schools.

(6) The committee may convene ad hoc working groups to obtain additional input and participation from community members. Members of ad hoc working groups shall serve without compensation and shall not be reimbursed for travel or other expenses.

(7) The chair or co-chairs of the committee shall be selected by the members of the committee. Staff support for the committee shall be provided by the center for the improvement of student learning. Members of the committee shall serve without compensation but must be reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(8) The superintendent of public instruction, the state board of education, the professional educator standards board, and the quality education council shall work collaboratively with the achievement gap oversight and accountability committee to close the achievement gap.

PART X

EDUCATION REFORM FINANCE

NEW SECTION. Sec. 1001. (1) An essential aspect of overall education reform is reform in state financing for basic education, both in the way that funds are distributed and the overall level of state support to school districts. Chapter 548, Laws of 2009, took a significant step in this aspect of education reform by creating a

framework for new funding distribution formulas and directing further work on this topic and recommendations from the quality education council and technical working groups. It is the legislature's intent to continue implementation of the education reforms in chapter 548, Laws of 2009, by adopting the technical details of a new distribution formula for the instructional program of basic education and authorizing a phase-in of implementation of a new distribution formula for pupil transportation, both to take effect September 1, 2011. Unless otherwise stated, the numeric values adopted in section 1002 of this act represent the translation of 2009-2010 state funding levels for the basic education act into the funding factors of the prototypical school funding formula, based on the expert advice and extensive work of the funding formula technical working group established by the legislature for this purpose. The legislature intends to continue to review and revise the formulas and may make revisions as necessary for technical purposes and consistency in the event of mathematical or other technical errors.

(2) It is also the legislature's intent to adopt an implementation schedule for phasing-in additional education finance reforms and enhancements to the baseline funding levels of 2009-10 beginning in the 2011-12 school year for pupil transportation, class size allocations for grades kindergarten through three, full-day kindergarten, and allocations for maintenance, supplies, and operating costs.

(3) Finally, it is the legislature's intent to adjust the timelines for other working groups so that their expertise and advice can be received as soon as possible and to make technical adjustments to certain provisions of chapter 548, Laws of 2009.

Sec. 1002. RCW 28A.150.260 and 2009 c 548 s 106 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter ~~28A.155~~, 28A.165, 28A.180, or ~~((28A.155))~~ 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district

and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

~~((=))~~ (4)(a) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on ~~((=))~~ the following general education average class size ~~((as specified in the omnibus appropriations act))~~ of full-time equivalent students per teacher:

General education average class size	
Grades K-3	25.23
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(b) Beginning in the 2011-12 school year and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades K-3 shall be reduced until the average class size funded under this subsection (4) is no more than 15.0 full-time equivalent students per teacher beginning in the 2015-16 school year.

(c) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical education average class size	
Approved career and technical education offered at the middle school and high school level	26.57
Skill center programs meeting the standards established by the office of the superintendent of public instruction	22.76

(d) In addition, the omnibus appropriations act shall at a minimum specify:

(i) ~~((Basic average class size; —(ii) Basic))~~ A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and

~~((=))~~ (ii) A specialty average class size for ~~((exploratory and preparatory career and technical education,))~~ laboratory science, advanced placement, and international baccalaureate courses ~~((; and~~

(iv) Average class size in grades kindergarten through three).

~~((=))~~ (5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

~~((i))~~ Principals, including assistant principals, and other certificated building-level administrators;

~~((ii))~~ Teacher librarians, performing functions including information literacy, technology, and media to support school library media programs;

~~((iii))~~ Student health services, a function that includes school nurses, whether certificated instructional or classified employee, and social workers;

~~((iv))~~ Guidance counselors, performing functions including parent outreach and graduation advisor;

~~((v))~~ Professional development coaches;

~~((vi))~~ Teaching assistance, which includes any aspect of educational instructional services provided by classified employees;

~~((vii))~~ Office support, technology support, and other noninstructional aides;

~~((viii))~~ Custodians, warehouse, maintenance, laborer, and professional and technical education support employees; and

~~((ix))~~ Classified staff providing student and staff safety.

(4)(a))

	<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
<u>Principals, assistant principals, and other certificated building-level administrators</u>	<u>1.253</u>	<u>1.353</u>	<u>1.880</u>
<u>Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs</u>	<u>0.663</u>	<u>0.519</u>	<u>0.523</u>
<u>Student health services, a function that includes school nurses, whether certificated instructional or classified employee, and social workers</u>	<u>0.135</u>	<u>0.068</u>	<u>0.118</u>
<u>Guidance counselors, a function that includes parent outreach and graduation advising</u>	<u>0.493</u>	<u>1.116</u>	<u>1.909</u>
<u>Teaching assistance, including any aspect of educational instructional services provided by classified employees</u>	<u>0.917</u>	<u>0.685</u>	<u>0.638</u>
<u>Office support and other noninstructional aides</u>	<u>1.971</u>	<u>2.277</u>	<u>3.201</u>
<u>Custodians</u>	<u>1.622</u>	<u>1.902</u>	<u>2.903</u>
<u>Classified staff providing student and staff safety</u>	<u>0.077</u>	<u>0.090</u>	<u>0.138</u>

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000 K-12 students	
Technology	0.615
Facilities, maintenance, and grounds	1.776
Warehouse, laborers, and mechanics	0.325

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (b) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs, to be adjusted for inflation from the 2008-09 school year: ((Student technology; utilities; curriculum; textbooks, library materials, and instructional supplies; instructional professional development for both certificated and classified staff; other building level costs including maintenance, custodial, and security; and central office administration.))

Per annual average full-time equivalent student in grades K-12	
Technology	\$54.43
Utilities and insurance	\$147.90
Curriculum and textbooks	\$58.44
Other supplies and library materials	\$124.07
Instructional professional development for certified and classified staff	\$9.04
Facilities maintenance	\$73.27
Security and central office	\$50.76

(b) ((The annual average full-time equivalent student amounts in (a) of this subsection shall be enhanced)) Beginning in the 2011-12 school year, the minimum allocation for maintenance, supplies, and operating costs shall be increased annually until the following allocations, adjusted for inflation from the 2007-08 school year, are provided in the 2013-14 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average full-time equivalent student in grades K-12	
Technology	\$113.80
Utilities and insurance	\$309.21
Curriculum and textbooks	\$122.17
Other supplies and library materials	\$259.39
Instructional professional development for certificated and classified staff	\$18.89
Facilities maintenance	\$153.18
Security and central office administration	\$106.12

(9) In addition to the amounts provided in subsection (8) of this section, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

- (a) Exploratory career and technical education courses for students in grades seven through twelve;
- (b) Laboratory science courses for students in grades nine through twelve;
- (c) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and
- (d) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

((5)) (10) In addition to the allocations otherwise provided under ((subsections (3) and (4) of) this section ((shall be enhanced as follows to provide additional allocations for classroom teachers and maintenance, supplies, and operating costs)), amounts shall be provided to support the following programs and services:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the ((percent) district percentage of students in ((each school) grades K-12 who ((are) were eligible for free ((and) or reduced-price meals in the prior school year. The minimum allocation for the ((learning assistance)) program shall provide ((an

extended school day and extended school year)) for each level of prototypical school ((and a per student allocation for maintenance, supplies, and operating costs)) resources to provide, on a statewide average, 1.5156 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide ((for supplemental instruction based on percent of the school day a student is assumed to receive supplemental instruction and a per student allocation for maintenance, supplies, and operating costs)) resources to provide, on a statewide average, 4.7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher.

((6) The allocations provided under subsections (3) and (4) of this section shall be enhanced)) (c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on two and three hundred fourteen one-thousandths percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide ((an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs)) resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

((7)) (11) The allocations under subsections ((3)) (4)(a) and (b), ((e)(i), and (d), (4)), (5), (6) and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

((8) The distribution formula shall include allocations to school districts to support certificated and classified staffing of central office administration. The minimum allocation shall be calculated as a percentage, identified in the omnibus appropriations act, of the total allocations for staff under subsections (3) and (6) of this section for all schools in the district.

—(9)) (12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections ((3)) (4) and ((5)) (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections ((3) and) (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

((10)) (13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the

servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 1003. RCW 28A.150.390 and 2009 c 548 s 108 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 ~~((3)(b), (c)(i), and (d), (4), and (8) and federal medical assistance and private funds accruing under RCW 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256))~~ (4)(a) and (b), (5), (6), and (8).

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by 0.9309.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 ~~((3)(b), (c)(i), and (d), (4), and (8))~~ (4)(a) and (b), (5), (6), and (8), to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent.

Sec. 1004. RCW 28A.150.315 and 2009 c 548 s 107 are each amended to read as follows:

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. Beginning with the 2011-12 school year, funding shall continue to be phased-in incrementally each year until full statewide implementation of all-day kindergarten is achieved in the 2017-18 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years

regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

Sec. 1005. 2009 c 548 s 112 (uncodified) is amended to read as follows:

(1) The legislature intends to continue to redefine the instructional program of education under RCW 28A.150.220 that fulfills the obligations and requirements of Article IX of the state Constitution. The funding formulas under RCW 28A.150.260 to support the instructional program shall be implemented to the extent the technical details of the formula have been established and according to an implementation schedule to be adopted by the legislature. The object of the schedule is to assure that any increases in funding allocations are timely, predictable, and occur concurrently with any increases in program or instructional requirements. It is the intent of the legislature that no increased programmatic or instructional expectations be imposed upon schools or school districts without an accompanying increase in resources as necessary to support those increased expectations.

(2) The office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to:

(a) Develop the details of the funding formulas under RCW 28A.150.260;

(b) Recommend to the legislature an implementation schedule for phasing-in any increased program or instructional requirements concurrently with increases in funding for adoption by the legislature; and

(c) Examine possible sources of revenue to support increases in funding allocations and present options to the legislature and the quality education council created in ~~(section 114 of this act)~~ RCW 28A.290.010 for consideration.

(3) The working group shall include representatives of the legislative evaluation and accountability program committee, school

district and educational service district financial managers, the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(4) The working group shall be monitored and overseen by the legislature and the quality education council established in ~~((section 114 of this act))~~ RCW 28A.290.010. The working group shall submit its recommendations to the legislature by December 1, 2009.

(5) After the 2009 report to the legislature, the office of financial management and the office of the superintendent of public instruction shall periodically reconvene the working group to monitor and provide advice on further development and implementation of the funding formulas under RCW 28A.150.260 and provide technical assistance to the ongoing work of the quality education council.

Sec. 1006. 2009 c 548 s 302 (uncodified) is amended to read as follows:

(1) Beginning ~~((July))~~ April 1, 2010, the office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to develop options for a new system of supplemental school funding through local school levies and local effort assistance.

(2) The working group shall consider the impact on overall school district revenues of the new basic education funding system established under ~~((this act))~~ chapter 548, Laws of 2009 and shall recommend a phase-in plan that ensures that no school district suffers a decrease in funding from one school year to the next due to implementation of the new system of supplemental funding.

(3) The working group shall also:

(a) Examine local school district capacity to address facility needs associated with phasing-in full-day kindergarten across the state and reducing class size in kindergarten through third grade; and

(b) Provide the quality education council with analysis on the potential use of local funds that may become available for redeployment and redirection as a result of increased state funding allocations for pupil transportation and maintenance, supplies, and operating costs.

(4) The working group shall be composed of representatives from the department of revenue, the legislative evaluation and accountability program committee, school district and educational service district financial managers, and representatives of the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

~~((4))~~ (5) The local funding working group shall be monitored and overseen by the legislature and by the quality education council created in ~~((section 114 of this act))~~ RCW 28A.290.010. The working group shall report to the legislature ~~((December 1))~~ June 30, 2011.

Sec. 1007. RCW 43.41.398 and 2009 c 548 s 601 are each amended to read as follows:

(1) The legislature recognizes that providing students with the opportunity to access a world-class educational system depends on our continuing ability to provide students with access to world-class educators. The legislature also understands that continuing to attract and retain the highest quality educators will require increased investments. The legislature intends to enhance the current salary

allocation model and recognizes that changes to the current model cannot be imposed without great deliberation and input from teachers, administrators, and classified employees. Therefore, it is the intent of the legislature to begin the process of developing an enhanced salary allocation model that is collaboratively designed to ensure the rationality of any conclusions regarding what constitutes adequate compensation.

(2) Beginning July 1, 2011, the office of the superintendent of public instruction, in collaboration with the office of financial management, shall convene a technical working group to recommend the details of an enhanced salary allocation model that aligns state expectations for educator development and certification with the compensation system and establishes recommendations for a concurrent implementation schedule. In addition to any other details the technical working group deems necessary, the technical working group shall make recommendations on the following:

(a) How to reduce the number of tiers within the existing salary allocation model;

(b) How to account for labor market adjustments;

(c) How to account for different geographic regions of the state where districts may encounter difficulty recruiting and retaining teachers;

(d) The role of and types of bonuses available;

(e) Ways to accomplish salary equalization over a set number of years; and

(f) Initial fiscal estimates for implementing the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather in permanently to the existing schedule.

(3) As part of its work, the technical working group shall conduct or contract for a preliminary comparative labor market analysis of salaries and other compensation for school district employees to be conducted and shall include the results in any reports to the legislature. For the purposes of this subsection, "salaries and other compensation" includes average base salaries, average total salaries, average employee basic benefits, and retirement benefits.

(4) The analysis required under subsection (1) of this section must:

(a) Examine salaries and other compensation for teachers, other certificated instructional staff, principals, and other building-level certificated administrators, and the types of classified employees for whom salaries are allocated;

(b) Be calculated at a statewide level that identifies labor markets in Washington through the use of data from the United States bureau of the census and the bureau of labor statistics; and

(c) Include a comparison of salaries and other compensation to the appropriate labor market for at least the following subgroups of educators: Beginning teachers and types of educational staff associates.

(5) The working group shall include representatives of the department of personnel, the professional educator standards board, the office of the superintendent of public instruction, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with appropriate expertise in compensation related matters. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall be monitored and overseen by the legislature and the quality education council created in RCW 28A.290.010. The working group shall make an initial report to the legislature by ~~((December 1))~~ June 30, 2012, and shall include in its report recommendations for whether additional further work of the group is necessary.

Sec. 1008. RCW 28A.160.192 and 2009 c 548 s 311 are each amended to read as follows:

(1) The superintendent of public instruction shall phase-in the implementation of the distribution formula under this chapter for allocating state funds to school districts for the transportation of students to and from school. The phase-in shall ~~((be according to the implementation schedule adopted by the legislature and shall))~~ begin no later than the ~~((2013-14))~~ 2011-12 school year and be fully implemented by the 2013-14 school year.

(a) The formula must be developed and revised on an ongoing basis using the major cost factors in student transportation, including basic and special student loads, school district land area, average distance to school, roadway miles, and number of locations served. Factors must include all those site characteristics that are statistically significant after analysis of the data required by the revised reporting process.

(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis.

(2) During the phase-in period, funding provided to school districts for student transportation operations shall be distributed on the following basis:

(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the state recovery rate identified by the superintendent; and

(b) Annually, any funds appropriated by the legislature in excess of the maintenance level funding amount for student transportation shall be distributed among school districts on a prorated basis using the difference between the amount identified in (a) of this subsection and the amount determined under the formula in RCW 28A.160.180.

~~((3))~~ The superintendent shall develop, implement, and provide a copy of the rules specifying the student transportation reporting requirements to the legislature and school districts no later than December 1, 2009.

(4) Beginning in December 2009, and continuing until December 2014, the superintendent shall provide quarterly updates and progress reports to the fiscal committees of the legislature on the implementation and testing of the distribution formula.)

NEW SECTION. Sec. 1009. A new section is added to chapter 28A.160 RCW to read as follows:

(1) The superintendent of public instruction shall develop, implement, and provide a copy of the rules specifying the student transportation reporting requirements to the legislature and school districts no later than December 1, 2010.

(2) Beginning in December 2010, and continuing until December 2014, the superintendent shall provide quarterly updates and progress reports to the fiscal committees of the legislature on the implementation and testing of the distribution formula.

(3) This section expires June 30, 2015.

Sec. 1010. RCW 28A.150.410 and 2007 c 403 s 1 are each amended to read as follows:

(1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.

(2) Salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and

related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a master's degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

Sec. 1011. RCW 28A.175.010 and 2005 c 207 s 3 are each amended to read as follows:

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

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

(a) The number of students who graduate in fewer than four years;

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

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

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

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

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

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

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

(a) Ethnicity;

(b) Gender;

(c) Socioeconomic status; and

(d) Disability status.

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

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

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

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

(8) The Washington state institute for public policy shall calculate an annual estimate of the savings to taxpayers resulting from any improvement compared to the prior school year in the extended graduation rate, as calculated by the superintendent of public instruction. The superintendent shall include the estimate from the institute in an appendix of the report required under subsection (7) of this section, beginning with the 2010 report.

NEW SECTION. Sec. 1012. A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall implement and maintain an internet-based portal that provides ready public access to the state's prototypical school funding model for basic education under RCW 28A.150.260. The portal must provide citizens the opportunity to view, for each local school building, the staffing levels and other prototypical school funding elements that are assumed under the state funding formula. The portal must also provide a matrix displaying how individual school districts are deploying those same state resources through their allocation of staff and other resources to school buildings, so that citizens are able to compare the state assumptions to district allocation decisions for each local school building.

Sec. 1013. RCW 28A.150.100 and 1990 c 33 s 103 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.150.410 and 28A.400.200, "basic education certificated instructional staff" (~~shall~~) means all full-time equivalent classroom teachers, teacher librarians, guidance counselors, certificated student health services staff, and other certificated instructional staff in the following programs as defined for statewide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) (~~In the 1988-89 school year and thereafter,~~) Each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full time equivalent students.

Sec. 1014. 2009 c 548 s 710 (uncodified) is amended to read as follows:

(1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969 ex.s. c 223 s 28A.01.010;

(2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212, 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, & 1973 1st ex.s. c 105 s 1;

(3) ((RCW 28A.150.100 (Basic education certificated instructional staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203;

—(4)) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s 22, & 1969 ex.s. c 223 s 28A.01.020;

((5)) (4) RCW 28A.150.370 (Additional programs for which legislative appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7; and

((6)) (5) RCW 28A.155.180 (Safety net funds--Application--Technical assistance--Annual survey) and 2007 c 400 s 8.

Sec. 1015. 2009 c 548 s 805 (uncodified) is amended to read as follows:

Sections 304 through 311 of this act take effect September 1, (~~2013~~) 2011.

PART XI

MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 1101. RCW 28A.305.225 is recodified as a section in the chapter created in section 1102 of this act.

NEW SECTION. Sec. 1102. Sections 101 through 110 and 112 and 113 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 1103. 2009 c 548 s 112, as amended by section 1005 of this act, is codified as a section in chapter 28A.290 RCW.

NEW SECTION. Sec. 1104. RCW 43.41.398 is recodified as a section in chapter 28A.400 RCW.

NEW SECTION. Sec. 1105. Sections 1002, 1003, 1004, 1008, 1010, 1013, and 1014 of this act take effect September 1, 2011.

NEW SECTION. Sec. 1106. Section 1006 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan; Hunt; Johnson; Lias; Orwall; Probst; Santos and Sullivan.

Referred to Committee on Ways & Means.

February 23, 2010

2SSB 6702 Prime Sponsor, Committee on Ways & Means: Providing education programs for juveniles in adult jails. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Maxwell, Vice Chair; Hunt; Lias; Orwall; Probst; Santos and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Dammeier; Fagan and Johnson.

Referred to Committee on Ways & Means.

February 23, 2010

ESSB 6724 Prime Sponsor, Committee on Government Operations & Elections: Allowing employees of a school district or educational service district to share leave with employees in another agency. (REVISED FOR ENGROSSED: Addressing the shared leave program.) Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Taylor.

Referred to Committee on Ways & Means.

February 23, 2010

ESSB 6726 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Making the governor the public employer of language access providers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended.

On page 1, line 18, after "providers," strike "brokers, and representatives of" and insert "language access agencies, brokers, and"

Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Ways & Means.

February 23, 2010

SSB 6730 Prime Sponsor, Committee on Human Services & Corrections: Concerning child welfare. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1107. RCW 13.34.096 and 2009 c 520 s 25 are each amended to read as follows:

(1) The department or supervising agency shall provide the child's foster parents, preadoptive parents, or other caregivers with notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. The rights to notice and to be heard apply only to persons with whom a child has been placed by the department (~~before shelter care~~) or other supervising agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

(2) The department or other supervising agency and the court also shall consider, in any hearing under this chapter regarding a change in the child's placement, written information about the child submitted by persons who provided care to the child within twelve months preceding the hearing and other persons who have a significant relationship with the child.

Sec. 1108. RCW 74.13.300 and 2009 c 520 s 77 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home or in the home of a relative caregiver or other suitable person as described in RCW 13.34.130(1)(b) by the department or supervising agency and the child has thereafter resided in the home for at least ninety consecutive days, the department or supervising agency shall notify the foster family, relative caregiver, or other suitable person at least five days prior to moving the child to another placement, unless:

(a) A court order has been entered requiring an immediate change in placement;

(b) The child is being returned home;

(c) The child's safety is in jeopardy; or

(d) The child is residing in a receiving home or a group home.

(2) If the child has resided in a foster family home or in the home of a relative caregiver or other suitable person as described in RCW 13.34.130(1)(b) for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department or supervising agency shall notify the foster family, relative caregiver, or suitable person of proposed placement changes as soon as reasonably possible.

(3) This section is intended (~~solely~~) to assist in minimizing disruption to the child in changing (~~foster care~~) placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's (~~foster care~~) placement nor to create any substantive custody rights (~~in the~~) for foster parents, relative caregivers, or other suitable persons with whom a child is placed.

(4) Whenever a child has been placed with and resided in the home of a foster family, relative caregiver, or other suitable person as

described in RCW 13.34.130(1)(b) for twelve continuous months or longer, the notice required under this section must be in writing and specify the reasons for changing the child's placement. The department shall report annually to the appropriate committees of the legislature regarding changes in placement for children who have resided for twelve continuous months or longer with a foster family, relative caregiver, or other suitable person, including the reasons for changing the placements of those children. The first report is due to the legislature not later than September 1, 2011, and a final report is due September 1, 2015.

Sec. 1109. RCW 13.34.105 and 2008 c 267 s 13 are each amended to read as follows:

(1) Unless otherwise directed by the court, the duties of the guardian ad litem for a child subject to a proceeding under this chapter, including an attorney specifically appointed by the court to serve as a guardian ad litem, include but are not limited to the following:

(a) To investigate, collect relevant information about the child's situation, and report to the court factual information regarding the best interests of the child;

(b) To meet with, interview, or observe the child, depending on the child's age and developmental status, and report to the court any views or positions expressed by the child on issues pending before the court;

(c) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order;

(d) To report to the court information on the legal status of a child's membership in any Indian tribe or band;

(e) Court-appointed special advocates and guardians ad litem may make recommendations based upon an independent investigation regarding the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties; and

(f) To represent and be an advocate for the best interests of the child.

(2) When a child, in the course of a guardian ad litem's normal investigation and collection of information for the court, makes a disclosure of abuse or neglect, the guardian ad litem shall make a referral to child protective services pursuant to RCW 26.44.030.

(3) A guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.

~~((3))~~ (4) Except for information or records specified in RCW 13.50.100(7), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.

~~((4))~~ (5) A guardian ad litem may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

~~((5))~~ (6) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100."

Correct the title.

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Health & Human Services Appropriations.

February 23, 2010

SB 6745 Prime Sponsor, Senator Sheldon: Concerning veterinary technician licenses. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; McCoy; Pearson; Rolfes; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6749 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Concerning the transfer of commercial real estate. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 23, 2010

SSB 6759 Prime Sponsor, Committee on Early Learning & K-12 Education: Requiring a plan for a voluntary program of early learning. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1110. The department of early learning, the superintendent of public instruction, and thrive by five's joint early learning recommendations to the governor, and the quality education council's January 2010 recommendations to the legislature both suggested that a voluntary program of early learning should be included within the overall program of basic education. The legislature intends to examine these recommendations and Attorney General Opinion Number 8 (2009) through the development of a working group to identify and recommend a comprehensive plan.

NEW SECTION. Sec. 1111. (1) Beginning April 1, 2010, the office of the superintendent of public instruction, with assistance and support from the department of early learning, shall convene a technical working group to develop a comprehensive plan for a voluntary program of early learning. The plan shall examine the opportunities and barriers of at least two options:

(a) A program of early learning under the program of basic education; and

(b) A program of early learning as an entitlement, either statutorily or constitutionally protected.

(2) The working group shall, at a minimum, include in the plan the following recommendations for each option:

(a) Criteria for eligible children;

(b) Program standards, including, but not limited to, direct services to be provided, number of hours per school year, teacher qualifications, and transportation requirements;

(c) Performance measures;

(d) Criteria for eligible providers, specifying whether or not they may be:

(i) Approved, certified, or licensed by the department of early learning; and

(ii) Public, private, nonsectarian, or sectarian organizations;

(e) Governance responsibilities for the superintendent of public instruction and the department of early learning;

(f) Funding necessary to implement a voluntary program of early learning, including, but not limited to, early learning teachers, professional development, facilities, and technical assistance;

(g) A timeline for implementation; and

(h) The early childhood education and assistance program's role in the new program of early learning.

(3) While developing the plan, the working group shall review early learning programs in Washington state, including the early childhood education and assistance program and the federal head start program, as well as programs in other states.

(4) The working group shall be composed of:

(a) At least one representative each from the following: The department of early learning, the office of the superintendent of public instruction, the nongovernmental private-public partnership created in RCW 43.215.070, and the office of the attorney general;

(b) Two members of the early learning advisory council established in RCW 43.215.090 to be appointed by the council; and

(c) Additional stakeholders with expertise in early learning to be appointed by the early learning advisory council.

(5) The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall be monitored and overseen by the quality education council created in RCW 28A.290.010. The working group shall submit a progress report by July 1, 2010, and final report with the plan by November 1, 2010, to the early learning advisory council and the quality education council.

Sec. 1112. RCW 43.215.090 and 2007 c 394 s 3 are each amended to read as follows:

(1) The early learning advisory council is established to advise the department on statewide early learning ~~((community needs and progress))~~ issues that would build a comprehensive system of quality early learning programs and services for Washington's children and families by assessing needs and the availability of services, aligning resources, developing plans for data collection and professional development of early childhood educators, and establishing key performance measures.

(2) The council shall work in conjunction with the department to develop a statewide early learning plan that ~~((crosses systems and sectors to promote))~~ guides the department in promoting alignment of private and public sector actions, objectives, and resources, and ~~((to ensure))~~ ensuring school readiness.

(3) The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(4) Council members shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

(5) The council shall consist of not more than ~~((twenty-five))~~ twenty-three members, as follows:

(a) The governor shall appoint at least one representative from each of the following: The department, the office of financial management, the department of social and health services, the

department of health, the higher education coordinating board, and the state board for community and technical colleges;

(b) One representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction;

(c) The governor shall appoint ~~((at least))~~ seven leaders in early childhood education, with at least one representative with experience or expertise in each of the areas such as the following ~~((areas))~~: Children with disabilities, the K-12 system, family day care providers, and child care centers;

(d) Two members of the house of representatives, one from each caucus, and two members of the senate, one from each caucus, to be appointed by the speaker of the house of representatives and the president of the senate, respectively;

(e) Two parents, one of whom serves on the department's parent advisory council, to be appointed by the governor;

(f) ~~((Two))~~ One representative(s) of the private-public partnership created in RCW 43.215.070, to be appointed by the partnership board;

(g) One representative designated by sovereign tribal governments; and

(h) One representative from the Washington federation of independent schools.

(6) The council shall be cochaired by one representative of a state agency and one nongovernmental member, to be elected by the council for two-year terms.

(7) The council shall appoint two members and stakeholders with expertise in early learning to sit on the technical working group created in section 2, chapter . . . , Laws of 2010 (section 2 of the act).

(8) Each member of the board shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

~~((8))~~ (9) The department shall provide staff support to the council.

Sec. 1113. RCW 28A.290.010 and 2009 c 548 s 114 are each amended to read as follows:

(1) The quality education council is created to recommend and inform the ongoing implementation by the legislature of an evolving program of basic education and the financing necessary to support such program. The council shall develop strategic recommendations on the program of basic education for the common schools. The council shall take into consideration the capacity report produced under RCW 28A.300.172 and the availability of data and progress of implementing the data systems required under RCW 28A.655.210. Any recommendations for modifications to the program of basic education shall be based on evidence that the programs effectively support student learning. The council shall update the statewide strategic recommendations every four years. The recommendations of the council are intended to:

(a) Inform future educational policy and funding decisions of the legislature and governor;

(b) Identify measurable goals and priorities for the educational system in Washington state for a ten-year time period, including the goals of basic education and ongoing strategies for coordinating statewide efforts to eliminate the achievement gap and reduce student dropout rates; and

(c) Enable the state of Washington to continue to implement an evolving program of basic education.

(2) The council may request updates and progress reports from the office of the superintendent of public instruction, the state board of education, the professional educator standards board, and the department of early learning on the work of the agencies as well as educational working groups established by the legislature.

(3) The chair of the council shall be selected from the councilmembers. The council shall be composed of the following members:

(a) Four members of the house of representatives, with two members representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Four members of the senate, with two members representing each of the major caucuses and appointed by the president of the senate; and

(c) One representative each from the office of the governor, office of the superintendent of public instruction, state board of education, professional educator standards board, and department of early learning.

(4) In the 2009 fiscal year, the council shall meet as often as necessary as determined by the chair. In subsequent years, the council shall meet no more than four times a year.

(5)(a) The council shall submit an initial report to the governor and the legislature by January 1, 2010, detailing its recommendations, including recommendations for resolving issues or decisions requiring legislative action during the 2010 legislative session, and recommendations for any funding necessary to continue development and implementation of chapter 548, Laws of 2009.

(b) The initial report shall, at a minimum, include:

(i) Consideration of how to establish a statewide beginning teacher mentoring and support system;

(ii) Recommendations for a program of early learning for at-risk children;

(iii) A recommended schedule for the concurrent phase-in of the changes to the instructional program of basic education and the implementation of the funding formulas and allocations to support the new instructional program of basic education as established under chapter 548, Laws of 2009. The phase-in schedule shall have full implementation completed by September 1, 2018; and

(iv) A recommended schedule for phased-in implementation of the new distribution formula for allocating state funds to school districts for the transportation of students to and from school, with phase-in beginning no later than September 1, 2013.

(6) The council shall submit a report to the legislature by January 1, 2011, detailing its recommendations for a comprehensive plan for a voluntary program of early learning. Before submitting the report, the council shall seek input from the early learning advisory council created in RCW 43.215.090.

(7) The council shall be staffed by the office of the superintendent of public instruction and the office of financial management.

Additional staff support shall be provided by the state entities with representatives on the ~~((committee))~~ council. Senate committee services and the house of representatives office of program research may provide additional staff support.

~~((7))~~ (8) Legislative members of the council shall serve without additional compensation but may be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council.

Nonlegislative members of the council may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 1114. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Goodman and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representative Angel.

Referred to Committee on Education Appropriations.

February 23, 2010

ESB 6762 Prime Sponsor, Senator Fraser: Regarding compliance with the state environmental policy act in the consideration of cumulative impacts and the assumption of lead agency status when the same agency is the sponsor of the project. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1115. RCW 43.21C.031 and 1995 c 347 s 203 are each amended to read as follows:

(1)(a) An environmental impact statement (the detailed statement required by RCW 43.21C.030(2)(c)) shall be prepared on proposals for legislation and other major actions having a probable significant, adverse environmental impact. The environmental impact statement may be combined with the recommendation or report on the proposal or issued as a separate document. The substantive decisions or recommendations shall be clearly identifiable in the combined document. Actions categorically exempt under RCW 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement under this chapter. This subsection does not impose the requirements of RCW 43.21C.030 or this section upon actions that are statutorily exempt from this chapter's environmental review requirements. Proposals, or parts of proposals, that are so closely related as to be in effect a single course of action must be evaluated in the same environmental document if the:

(i) Proposal, or parts of the proposal, cannot or will not proceed unless implemented simultaneously; or

(ii) Larger proposal is necessary for justification or implementation of parts of the proposal. Phased environmental review may be allowed by rule of the department. In a county, city, or town planning under RCW 36.70A.040, a planned action, as provided for in subsection (2) of this section, does not require a threshold determination or the preparation of an environmental impact statement under this chapter, but is subject to environmental review and mitigation as provided in this chapter.

(b) An environmental impact statement is required to analyze only those probable adverse environmental impacts which are significant. Beneficial environmental impacts may be discussed. The responsible official shall consult with agencies and the public to identify such impacts and limit the scope of an environmental impact statement. The subjects listed in RCW 43.21C.030(2)(c) need not be treated as separate sections of an environmental impact statement. Discussions of significant short-term and long-term environmental impacts, including cumulative impacts, significant irrevocable commitments of natural resources, significant alternatives including mitigation measures, and significant environmental impacts which cannot be mitigated should be consolidated or included, as applicable, in those sections of an environmental impact statement where the responsible official decides they logically belong.

(2)(a) For purposes of this section, a planned action means one or more types of project action that:

(i) Are designated planned actions by an ordinance or resolution adopted by a county, city, or town planning under RCW 36.70A.040;

(ii) Have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with (A) a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or (B) a fully contained community, a master planned resort, a master planned development, or a phased project;

(iii) Are subsequent or implementing projects for the proposals listed in (a)(ii) of this subsection;

(iv) Are located within an urban growth area, as defined in RCW 36.70A.030;

(v) Are not essential public facilities, as defined in RCW 36.70A.200; and

(vi) Are consistent with a comprehensive plan adopted under chapter 36.70A RCW.

(b) A county, city, or town shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the county, city, or town and may limit a planned action to a time period identified in the environmental impact statement or the ordinance or resolution adopted under this subsection.

NEW SECTION. Sec. 1116. A new section is added to chapter 43.21C RCW to read as follows:

When an agency is the lead agency on its own proposal, the agency staff carrying out the environmental review procedures of RCW 43.21C.030 and 43.21C.031 should be different from the agency staff developing the proposal."

Correct the title.

Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Dunshee; Eddy; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Finn; Kretz; Kristiansen; Orcutt; Shea and Taylor.

Passed to Committee on Rules for second reading.

February 23, 2010

ESB 6776 Prime Sponsor, Senator Jacobsen: Creating the joint work group on small forest landowner sustainability. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1117. (1) The legislature finds that providing for long-term stewardship of nonindustrial forests and woodlands is an important factor in maintaining Washington's special character and quality of life.

(2) The legislature further finds that in order to encourage and maintain nonindustrial forests and woodlands for their present and future benefit to all citizens, Washington's nonindustrial forest and woodland owners' long-term commitments to stewardship of forest resources must be recognized and supported by the citizens of the state.

(3) The legislature further finds that the adoption of forest practices rules consistent with the forests and fish report, as defined in RCW 76.09.020, has imposed substantial financial burdens on small forest landowners.

(4) The legislature further finds that in order to maintain the economic viability of eighty-nine thousand family forest owners, managing five million acres of forest land across the state, small forest landowners must be provided with incentives to keep their land in long-term forestry.

NEW SECTION. Sec. 1118. (1) The joint work group on small forest landowner sustainability is established. Utilizing research conducted by the school of forest resources at the University of Washington and the information and perspectives provided by the department of natural resources, the department of fish and wildlife, and the department of ecology, the joint work group shall report to the

legislature consistent with RCW 43.01.036, the commissioner of public lands, and the governor on ways to remove regulatory barriers and disincentives in order to encourage small forest landownership for generations to come without reducing protection to public resources.

(2) The joint work group on small forest landowner sustainability shall consist of two members of the house of representatives agriculture and natural resources committee appointed by the speaker of the house of representatives and two members of the senate natural resources, ocean, and recreation committee appointed by the president of the senate. The speaker of the house of representatives and the president of the senate shall ensure that there is equal participation between the two largest caucuses in their respective chambers.

(3) The joint work group shall consult with relevant state agencies, stakeholders, and experts in the fields of forestry, tax policy, transfer of development rights, forested fish habitat, and ecosystem service payments. The joint work group may also request assistance from the department of natural resources, the department of ecology, the department of fish and wildlife, federal experts on the state habitat conservation plan, representatives of native American tribes, and the environmental community.

(4) The joint work group will utilize the house of representatives office of program research and senate committee services and existing legislative resources. The work group will also utilize teleconferencing and other communications methods, when feasible, to minimize travel and per diem expenditures for legislators and staff.

(5) In developing recommendations, the joint work group shall review and build upon reports related to small forest landowner economic viability, including reports completed for or by the rural technology initiative, the Northwest environmental forum, and the small landowner office at the department of natural resources. The work group shall also rely on the department of natural resources' and other entities' work to develop proposals for landowner conservation incentives that support forest landowners maintaining their lands in forestry.

(6) In developing recommendations, the joint work group shall consider:

(a) The long-term sustainability of the forestry riparian easement program defined in RCW 76.13.120 and ways to reform that program.

(b) Recommendations on how to address issues unique to small forest lands east of the Cascade mountains, including periodic insect and disease attacks, catastrophic wildfire, and replacement of historic species by shade tolerant species.

(c) Whether, how, and to what extent the department of natural resources has evaluated the cumulative impact of small forest landowner alternate management plans or alternate harvest restrictions on essential riparian functions as required by RCW 76.13.110.

(d) Whether, how, and to what extent the department of natural resources and the forest practices board have developed alternate plans or alternate harvest restrictions that meet riparian functions while requiring less costly regulatory prescriptions for small forest landowners, including recognition of or credit for improving the condition of public resources.

(e) The complexity of administrative rules for small harvests and relatively short stream reaches.

(f) Recommendations on ways the forest practices board and the legislature could provide more effective incentives to encourage continued management of nonindustrial forests and woodlands for forestry.

(g) Ways to address conversion pressures, global competition, and the gap between appraised values of forest land and the value for the same land for development.

(h) The possibility of a pilot program for ecosystem service payments and technical funding assistance for small forest landowners.

(i) Whether, how, and to what extent the recommendations are consistent with the state's obligations under the forest practices habitat conservation plan and clean water act assurances.

(7) The joint work group on small forest landowner sustainability shall deliver its report in the form of proposed legislation to the legislature, the commissioner of public lands, and the governor by September 15, 2010.

(8) This section expires June 31, 2011."

Correct the title.

Signed by Representatives Blake, Chair; Ormsby, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; Nelson; Pearson; Rolfes; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Representative McCoy.

Passed to Committee on Rules for second reading.

February 23, 2010

SB 6815 Prime Sponsor, Senator Haugen: Concerning health care benefits for marine employees of the department of transportation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on Transportation.

February 23, 2010

SSB 6832 Prime Sponsor, Committee on Human Services & Corrections: Concerning child welfare services. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1119. The legislature finds that, based upon the work of the child welfare transformation design committee established pursuant to 2SHB 2106 during the 2009 legislative session, several narrowly based amendments to that legislation need to be made, mainly for clarifying purposes. The legislature further finds that two deadlines need to be extended by six months, the first to allow the department of social and health services additional time to complete the conversion of its contracts to performance-based contracts and the second to allow the department additional time to gradually transfer existing cases to supervising agencies in the demonstration sites. The legislature finds that the addition of a foster youth on the child welfare transformation design committee will greatly assist the committee in its work.

The legislature recognizes that clarifying language regarding Indian tribes should be added regarding the government-to-government relationship the tribes have with the state. The legislature further recognizes that language is needed regarding the department's ability to receive federal funding based upon the recommendations made by the child welfare transformation design committee.

Sec. 1120. RCW 74.13.368 and 2009 c 520 s 8 are each amended to read as follows:

(1)(a) The child welfare transformation design committee is established, with members as provided in this subsection.

(i) The governor or the governor's designee;

(ii) Four private agencies that, as of May 18, 2009, provide child welfare services to children and families referred to them by the department. Two agencies must be headquartered in western Washington and two must be headquartered in eastern Washington. Two agencies must have an annual budget of at least one million state-contracted dollars and two must have an annual budget of less than one million state-contracted dollars;

(iii) The assistant secretary of the children's administration in the department;

(iv) Two regional administrators in the children's administration selected by the assistant secretary, one from one of the department's administrative regions one or two, and one from one of the department's administrative regions three, four, five, or six;

(v) The administrator for the division of licensed resources in the children's administration;

(vi) Two nationally recognized experts in performance-based contracts;

(vii) The attorney general or the attorney general's designee;

(viii) A representative of the collective bargaining unit that represents the largest number of employees in the children's administration;

(ix) A representative from the office of the family and children's ombudsman;

(x) Four representatives from the Indian policy advisory committee convened by the department's office of Indian policy and support services;

(xi) Two currently elected or former superior court judges with significant experience in dependency matters, selected by the superior court judge's association;

(xii) One representative from partners for our children affiliated with the University of Washington school of social work;

(xiii) A member of the Washington state racial disproportionality advisory committee;

(xiv) A foster parent; ~~(and)~~

(xv) A youth currently in or a recent alumnus of the Washington state foster care system, to be designated by the cochairs of the committee; and

~~(xvi)~~ A parent representative who has had personal experience with the dependency system.

(b) The president of the senate and the speaker of the house of representatives shall jointly appoint the members under (a)(ii), (xiv), and ~~((xv))~~ (xvi) of this subsection.

(c) The representative from partners for our children shall convene the initial meeting of the committee no later than June 15, 2009.

(d) The cochairs of the committee shall be the assistant secretary for the children's administration and another member selected by a majority vote of those members present at the initial meeting.

(2) The committee shall establish a transition plan containing recommendations to the legislature and the governor consistent with this section for the provision of child welfare services by supervising agencies pursuant to RCW 74.13.360.

(3) The plan shall include the following:

(a) A model or framework for performance-based contracts to be used by the department that clearly defines:

(i) The target population;

(ii) The referral and exit criteria for the services;

(iii) The child welfare services including the use of evidence-based services and practices to be provided by contractors;

(iv) The roles and responsibilities of public and private agency workers in key case decisions;

(v) Contract performance and outcomes, including those related to eliminating racial disparities in child outcomes;

(vi) That supervising agencies will provide culturally competent service;

(vii) How to measure whether each contractor has met the goals listed in RCW 74.13.360(5); and

(viii) Incentives to meet performance outcomes;

(b) A method by which the department will substantially reduce its current number of contracts for child welfare services;

(c) A method or methods by which clients will access community-based services, how private supervising agencies will engage other services or form local service networks, develop subcontracts, and share information and supervision of children;

(d) Methods to address the effects of racial disproportionality, as identified in the 2008 Racial Disproportionality Advisory Committee Report published by the Washington state institute for public policy in June 2008;

(e) Methods for inclusion of the principles and requirements of the centennial accord executed in November 2001, executed between the state of Washington and federally recognized tribes in Washington state;

(f) Methods for assuring performance-based contracts adhere to the letter and intent of the federal Indian child welfare act;

(g) Contract monitoring and evaluation procedures that will ensure that children and families are receiving timely and quality services and that contract terms are being implemented;

(h) A method or methods by which to ensure that the children's administration has sufficiently trained and experienced staff to monitor and manage performance-based contracts;

(i) A process by which to expand the capacity of supervising and other private agencies to meet the service needs of children and families in a performance-based contractual arrangement;

(j) A method or methods by which supervising and other private agencies can expand services in underserved areas of the state;

(k) The appropriate amounts and procedures for the reimbursement of supervising agencies given the proposed services restructuring;

(l) A method by which to access and enhance existing data systems to include contract performance information;

(m) A financing arrangement for the contracts that examines:

(i) The use of case rates or performance-based fee-for-service contracts that include incentive payments or payment schedules that link reimbursement to outcomes; and

(ii) Ways to reduce a contractor's financial risk that could jeopardize the solvency of the contractor, including consideration of the use of a risk-reward corridor that limits risk of loss and potential profits or the establishment of a statewide risk pool;

(n) A description of how the transition will impact the state's ability to obtain federal funding and examine options to further maximize federal funding opportunities and increased flexibility;

(o) A review of whether current administrative staffing levels in the regions should be continued when the majority of child welfare services are being provided by supervising agencies;

(p) A description of the costs of the transition, the initial start-up costs and the mechanisms to periodically assess the overall adequacy of funds and the fiscal impact of the changes, and the feasibility of the plan and the impact of the plan on department employees during the transition; and

(q) Identification of any statutory and regulatory revisions necessary to accomplish the transition.

(4)(a) The committee, with the assistance of the department, shall select two demonstration sites within which to implement chapter 520, Laws of 2009. One site must be located on the eastern side of the state. The other site must be located on the western side of the state. Neither site must be wholly located in any of the department's administrative regions.

(b) The committee shall develop two sets of performance outcomes to be included in the performance-based contracts the department enters into with supervising agencies. The first set of outcomes shall be used for those cases transferred to a supervising

agency over time. The second set of outcomes shall be used for new entrants to the child welfare system.

(c) The committee shall also identify methods for ensuring that comparison of performance between supervising agencies and the existing service delivery system takes into account the variation in the characteristics of the populations being served as well as historical trends in outcomes for those populations.

(5) The committee shall determine the appropriate size of the child and family populations to be provided services under performance-based contracts with supervising agencies. The committee shall also identify the time frame within which cases will be transferred to supervising agencies. The performance-based contracts entered into with supervising agencies shall encompass the provision of child welfare services to enough children and families in each demonstration site to allow for the assessment of whether there are meaningful differences, to be defined by the committee, between the outcomes achieved in the demonstration sites and the comparison sites or populations. To ensure adequate statistical power to assess these differences, the populations served shall be large enough to provide a probability greater than seventy percent that meaningful difference will be detected and a ninety-five percent probability that observed differences are not due to chance alone.

(6) The committee shall also prepare as part of the plan a recommendation as to how to implement chapter 520, Laws of 2009 so that full implementation of chapter 520, Laws of 2009 is achieved no later than ~~(June)~~ December 30, 2012.

(7) The committee shall prepare the plan to manage the delivery of child welfare services in a manner that achieves coordination of the services and programs that deliver primary prevention services.

(8) Beginning June 30, 2009, the committee shall report quarterly to the governor and the legislative children's oversight committee established in RCW 44.04.220. From June 30, 2012, until January 1, 2015, the committee need only report twice a year. The committee shall report on its progress in meeting its duties under subsections (2) and (3) of this section and on any other matters the committee or the legislative children's oversight committee or the governor deems appropriate. The portion of the plan required in subsection (6) of this section shall be due to the legislative children's oversight committee on or before June 1, 2010. The reports shall be in written form.

(9) The committee, by majority vote, may establish advisory committees as it deems necessary.

(10) All state executive branch agencies and the agencies with whom the department contracts for child welfare services shall cooperate with the committee and provide timely information as the chair or cochair may request. Cooperation by the children's administration must include developing and scheduling training for supervising agencies to access data and information necessary to implement and monitor the contracts.

(11) It is expected that the administrative costs for the committee will be supported through private funds.

(12) Staff support for the committee shall be provided jointly by partners for our children and legislative staff.

(13) The committee is subject to chapters 42.30 (open public meetings act) and 42.52 (ethics in public service) RCW.

(14) This section expires July 1, 2015.

Sec. 1121. RCW 74.13.020 and 2009 c 520 s 2 and 2009 c 235 s 3 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Case management" means the management of services delivered to children and families in the child welfare system, including permanency services, caseworker-child visits, family visits, the convening of family group conferences, the development and revision of the case plan, the coordination and monitoring of services needed by the child and family, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and

ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.

(2) "Child" means a person less than eighteen years of age.

(3) "Child protective services" has the same meaning as in RCW 26.44.020.

(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

(b) Protecting and caring for dependent, abused, or neglected children;

(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;

(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

"Child welfare services" does not include child protection services.

(5) "Committee" means the child welfare transformation design committee.

(6) "Department" means the department of social and health services.

(7) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising agency is assigned in a performance-based contract, in time periods established in the contract.

(8) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(9) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(10) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(11) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(12) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or ~~((aa))~~ licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services, as defined in this section.

Sec. 1122. RCW 74.13.360 and 2009 c 520 s 3 are each amended to read as follows:

(1) No later than ~~((January))~~ July 1, 2011, the department shall convert its current contracts with providers of child welfare services

into performance-based contracts. In accomplishing this conversion, the department shall decrease the total number of contracts it uses to purchase child welfare services from providers. The conversion of contracts for the provision of child welfare services to performance-based contracts must be done in a manner that does not adversely affect the state's ability to continue to obtain federal funding for child welfare related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

(2) No later than ~~((July 1))~~ December 30, 2012:

(a) In the demonstration sites selected under RCW 74.13.368(4)(a), child welfare services shall be provided by supervising agencies with whom the department has entered into performance-based contracts. Supervising agencies may enter into subcontracts with other licensed agencies; and

(b) Except as provided in subsection (4) of this section, and notwithstanding any law to the contrary, the department may not directly provide child welfare services to families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a).

(3) No later than ~~((July 1))~~ December 30, 2012, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department is responsible for only the following:

(a) Monitoring the quality of services for which the department contracts under this chapter;

(b) Ensuring that the services are provided in accordance with federal law and the laws of this state, including the Indian child welfare act;

(c) Providing child protection functions and services, including intake and investigation of allegations of child abuse or neglect, emergency shelter care functions under RCW 13.34.050, and referrals to appropriate providers; and

(d) Issuing licenses pursuant to chapter 74.15 RCW.

(4) No later than ~~((July 1))~~ December 30, 2012, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under RCW 74.13.368(4)(a), the department may provide child welfare services only:

(a) For the limited purpose of establishing a control or comparison group as deemed necessary by the child welfare transformation design committee, with input from the Washington state institute for public policy, to implement the demonstration sites selected and defined pursuant to RCW 74.13.368(4)(a) in which the performance in achieving measurable outcomes will be compared and evaluated pursuant to RCW 74.13.370; or

~~(b)~~ (b) In an emergency or as a provider of last resort. The department shall adopt rules describing the circumstances under which the department may provide those services. For purposes of this section, "provider of last resort" means the department is unable to contract with a private agency to provide child welfare services in a particular geographic area or, after entering into a contract with a private agency, either the contractor or the department terminates the contract.

(5) For purposes of this chapter, on and after September 1, 2010, performance-based contracts shall be structured to hold the supervising agencies accountable for achieving the following goals in order of importance: Child safety; child permanency, including reunification; and child well-being.

(6) A federally recognized tribe located in this state may enter into a performance-based contract with the department to provide child welfare services to Indian children whether or not they reside on a reservation. Nothing in this section prohibits a federally recognized Indian tribe located in this state from providing child welfare services to its members or other Indian children pursuant to existing tribal law, regulation, or custom, or from directly entering into agreements for

the provision of such services with the department, if the department continues to otherwise provide such services, or with federal agencies.

Sec. 1123. RCW 74.13.364 and 2009 c 520 s 5 are each amended to read as follows:

Children whose cases are managed by a supervising agency as defined in RCW 74.13.020 remain under the care and placement authority of the state. The child welfare transformation design committee, in selecting demonstration sites for the provision of child welfare services under RCW 74.13.368(4), shall maintain the placement and care authority of the state over children receiving child welfare services at a level that does not adversely affect the state's ability to continue to obtain federal funding for child welfare related functions currently performed by the state and with consideration of options to further maximize federal funding opportunities and increase flexibility in the use of such funds, including use for preventive and in-home child welfare services.

Sec. 1124. RCW 74.13.366 and 2009 c 520 s 6 are each amended to read as follows:

~~((Performance based contracts with private nonprofit entities who otherwise meet the definition of supervising agency shall receive primary preference. This section does not apply to Indian tribes.))~~ For the purposes of the provision of child welfare services by supervising agencies under this act, the department shall give primary preference for performance-based contracts to private nonprofit entities, including federally recognized Indian tribes located in this state, who otherwise meet the definition of supervising agency under RCW 74.13.020. In any continuation or expansion of delivery of child welfare services purchased through the use of performance-based contracts under the provisions of RCW 74.13.372, when all other elements of the bids are equal, private nonprofit entities, federally recognized Indian tribes located in this state, and state employees shall receive primary preference over private for profit entities."

Correct the title.

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

There being no objection, the bills and joint memorials listed on the day's committee reports and supplemental committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., February 25, 2010, the 46th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

FORTY SIXTH DAY

House Chamber, Olympia, Thursday, February 25, 2010

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

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

RESOLUTIONS**HOUSE RESOLUTION NO. 4684, by Representatives Schmick and Fagan**

WHEREAS, The Town of Connell was officially incorporated on November 28, 1910, and will be celebrating its Centennial this year; and

WHEREAS, The first officers of the Town of Connell were: Mayor W.H. Miller; Treasurer H.J. Sohm; Councilmembers S.T. Bailie, M.H. Finch, N.T. Murry, Joe E. Janosky, and W.S. Moon; and T.Z. Warner as Town Clerk; and

WHEREAS, Connell was first settled in the mid-1800s by pioneer families, and the original settlement was known as Palouse Junction, and became an important crossroads of railroad and agricultural pursuits; and

WHEREAS, Connell is named for one of the Northern Pacific trainmen at the time; and

WHEREAS, Connell continued to prosper through the effort of hard-working citizens, and has come to be known as "Eastern Washington's Harvestland" for its bounteous agriculture; and

WHEREAS, Connell anchored the expansion of major food processing facilities and other businesses, the North Franklin School District, and Coyote Ridge Corrections Center, the largest correctional facility in the state; and

WHEREAS, Citizens have given admirable stewardship and built community pride; and students and athletes have excelled; and artists have created wall murals and world-class sculptures; and

WHEREAS, The current officers for the City of Connell are Mayor Garland D. Walton and Councilmembers Jared A. Broberg, Rhonda K. Quinton, Lee M. Barrow, Ron Boyer, Monica L. Pruetz; and Maria T. Peña, City Clerk/Treasurer; and

WHEREAS, The City of Connell is located at the crossroads of U.S. Highway 395 and State Route 260, and is positioned to move forward for years to come;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives officially recognize and congratulate the City of Connell and its citizens, past and present, on the 100th anniversary of the establishment of the Town of Connell; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Garland D. Walton, Mayor of the City of Connell; to the City Councilmembers and City Officials; and to Kathy Valdez, Editor of The Franklin County Graphic.

HOUSE RESOLUTION NO. 4684 was adopted.

HOUSE RESOLUTION NO. 4685, by Representatives Schmick and Fagan

WHEREAS, The St. John/Endicott High School varsity volleyball team reached an unprecedented accomplishment when the team won its first state title on Saturday, November 14, 2009; and

WHEREAS, The Eagles won their championship by defeating high school volleyball opponents from LaCrosse/Washtucna, Colton, Trout Lake/Glenwood, and Crescent; and

WHEREAS, St. John/Endicott defeated Crescent High School in the first round to make it to the quarterfinals of the tournament; and

WHEREAS, The Eagles beat Trout Lake/Glenwood High School in the quarterfinals; and

WHEREAS, The Eagle volleyball players continued their tournament domination against Colton High School in the semifinal game; and

WHEREAS, The 2009 Eagles showed that they could soar their way to victory and the 1-B state championship title when they finished the tournament against LaCrosse/Washtucna in a heated five-game battle;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the 2009 St. John/Endicott High School volleyball team Dusti Bafus, Katie Jensema, Emily Kucklick, Lucy Lautenschlater, Gretchen Van Lith, Kelly Van Lith, Tricia Luft, Carmen Lust, Michelle Means, Linsey Miller, Kaylea Newton, Haley Reiber, Kelsey Simon, Ciara White, Alli Winters, Coach Megan Doering, and Assistant Coach Kendrin Maj on the occasion of capturing the school's first volleyball championship title.

HOUSE RESOLUTION NO. 4685 was adopted.

HOUSE RESOLUTION NO. 4686, by Representatives Schmick and Fagan

WHEREAS, The Colfax High School volleyball team reached a state record among all divisions when it won its sixth-straight volleyball 2-B state championship on November 14, 2009; and

WHEREAS, The Colfax High School volleyball team has won 8 state championships in the last 10 years; and

WHEREAS, The Bulldogs won their championship by defeating opponents from Pomeroy High School in Pomeroy, La Conner Braves in La Conner, La Salle in Union Gap, and Northwest Christian School in Spokane; and

WHEREAS, Colfax defeated Pomeroy High School in a swift three games to make it to the quarterfinals of the tournament; and

WHEREAS, The Bulldogs swept La Conner High School in another three games in the quarterfinals; and

WHEREAS, Colfax's volleyball players continued their tournament domination with another three-game sweep of La Salle High School in the semifinal game; and

WHEREAS, The 2009 Bulldogs showed that they deserved the state championship title when they finished the tournament against Northwest Christian School without losing a single game to an opponent, concluding a twelve-game run to take out four opponents during the tournament;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor the 2009 Colfax High School Bulldogs volleyball team Amelie Bruya, Maggee Cochran, Carmen Hall, Hannah Harazin, Danielle Herne, Sidney Huber, Rachel Johnson, Kayla Johnson, Christa Nyholm, Megan Pearson, Samantha Pearson, Shaina Simonson, Brooke Waldo, and Brooke Webber and coaches Sue Doering, Shawna Kneale, and Jill Solbrack, on the occasion of capturing the school's sixth-straight championship title.

HOUSE RESOLUTION NO. 4686 was adopted.

HOUSE RESOLUTION NO. 4687, by Representatives Schmick and Fagan

WHEREAS, The Connell High School football team made school history on December 5, 2009, by capping a perfect season with the 1-A state championship; and

WHEREAS, Connell qualified for state with a 51-7 victory in the South Central Athletic Conference playoff; and

WHEREAS, The Eagles remained unbeaten and won their gridiron crown by defeating opponents from Cascade (Leavenworth), River View (Kennewick), Chelan, and Cascade Christian (Puyallup) by an average margin of 26 points per game; and

WHEREAS, Connell took a 21-0 lead in the first half of the state championship game, held the previously undefeated Cascade Christian Cougars to one touchdown and added another for a final score of 28-7; and

WHEREAS, It was the school-record sixth consecutive state-level appearance for the Eagles football program, which reached the championship games in 2006 and 2007; and

WHEREAS, Connell's football program has qualified for postseason play 19 times in 36 years and has a record of 24-17 during that span; and

WHEREAS, The 2009 Eagles collected a passel of all-conference honors, with players named most valuable on offense and defense, five players on first-team offense, six players named to first-team defense, and were led by the SCAC-East coach of the year, Wayne Riner;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor the 2009 Connell High School Eagles football team and coaches Wayne Riner, Clint Didier, Doug Edmonds, Zak Fife, Zeek Fife, Scott Forsyth, and Kyle Berry, on the occasion of capturing the school's second state football title.

HOUSE RESOLUTION NO. 4687 was adopted.

HOUSE RESOLUTION NO. 4688, by Representative Kessler

WHEREAS, The arts, including dance, music, theatre, and visual arts, are defined as a core content area in Washington state's definition of basic education, and considered an essential component of the complete and balanced education that should be provided for all students; and

WHEREAS, Learning in and through the arts enables students to develop critical thinking and problem-solving skills, imagination and creativity, discipline, alternative ways to communicate and express feelings and ideas, and cross-cultural understanding, which supports academic success across the curriculum as well as personal growth outside the classroom; and

WHEREAS, Imagination and creativity are increasingly understood as critical capacities needed for success in life in the 21st century and students develop these abilities through meaningful learning in the arts; and

WHEREAS, The arts can bring every academic subject to life and the integration of the arts within the broader academic curriculum, including reading, mathematics, science, and social

studies, can enhance student engagement, extend student learning, and deepen student understanding of all the academic content areas; and

WHEREAS, The arts can transform our schools into havens of creativity and exploration, places where students want to learn, teachers want to teach, and all members of the learning community are more engaged and motivated; and

WHEREAS, We applaud the efforts and dedication of educators and advocates around the state, and we call for school and community leaders to continue to broaden and strengthen their arts education focus in order to ensure equity of access to arts learning for all students;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the importance of arts education for its students and future leaders.

HOUSE RESOLUTION NO. 4688 was adopted.

HOUSE RESOLUTION NO. 4690, by Representative Quall

WHEREAS, Providing all Washington state children a public education is the paramount duty of the state; and

WHEREAS, It is impossible to provide our children a quality public education if they cannot get to school, if they are hungry during the school day, or if the schools they arrive at are neglected, cold, and unsafe; and

WHEREAS, Classified employees are the bus drivers who are safely transporting, in sometimes dangerous road conditions, over 474,514 students each day in 9,035 busses over 500,000 miles; the child nutrition employees providing breakfast for 113,518 students and lunches for over 440,000 students each day; the custodial, maintenance, and security employees ensuring that the 2,174 school buildings where our children are receiving their education are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents, staff, and most importantly all children receive the necessary support and services while at the same time providing love and attention to each student's special needs, even if all that is needed is a Band-Aid, a friendly ear, or a reminder; and

WHEREAS, Classified employees are the paraeducators who are increasingly depended upon to provide individualized attention to students in the classroom to ensure they meet the higher academic standards, as well as provide such specialized services as nursing and interpreting for deaf and disabled children and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ over 50,000 classified employees to provide these essential support services to the nearly one million students receiving public education; and

WHEREAS, Washington state students have had their education significantly enhanced by the services of classified school employees; and

WHEREAS, Washington state citizens seldom reflect on the critical role classified employees play in providing our children a quality education;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor classified school employees and urge all citizens to join in honoring, recognizing, and respecting the dedication and hard work of all classified school employees; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Public School Employees of Washington, SEIU Local 1948 and SEIU Local 925.

HOUSE RESOLUTION NO. 4690 was adopted.

HOUSE RESOLUTION NO. 4691, by Representatives Morris and Quall

WHEREAS, Every April the tulips are in bloom, celebrating the beginning of spring; and

WHEREAS, The beautiful Skagit Valley is the Northwest's tulip capital and the number one producer of tulip bulbs in North America; and

WHEREAS, The Skagit Valley Tulip Festival kicks off the festival season in Washington; and

WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of the event and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's 27th annual festival will run from April 1st through the 30th, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and

WHEREAS, Visitors will be greeted by more than 700 acres of tulips reflecting all the vibrant colors of the rainbow, by the fullness of life in the valley, and by its wonderful people; and

WHEREAS, This year's Tulip Festival Ambassadors, Anna-Marie Alvarado and Blake Gurney, will ably and personably perform their responsibilities as representatives of the festival; and

WHEREAS, Highlights of the event include the World Tulip Summit, the Mount Vernon Street Fair, PACCAR Open House, Air Show and Fly-in, Skagit County wineries, RoozenGaarde, Tulip Town, art shows, bike rides, foot races, and much more;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives salute all the communities of the Skagit Valley, their Chambers of Commerce, the Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Skagit Valley Tulip Festival Executive Director, Cindy Verge, and the Tulip Festival Ambassadors.

HOUSE RESOLUTION NO. 4691 was adopted.

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

There being no objection, the House adjourned until 10:00 a.m., February 26, 2010, the 47th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

FORTY SEVENTH DAY

House Chamber, Olympia, Friday, February 26, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joseph Rothlin and Timothy Kranick. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Norma Smith, 10th District.

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

RESOLUTION

HOUSE RESOLUTION NO. 4682, by Representatives Quall, Morris, Jacks, Nelson, Armstrong, Williams, Kenney, Chase, Roberts, Sullivan, Upthegrove, Linville, Orcutt, Carlyle, Takko, Haler, Probst, McCoy, Maxwell, Morrell, and Johnson

WHEREAS, Mr. Wolf Bauer has been a pioneer of the Northwest and a leader in outdoor education and environmental conservation since 1929; and

WHEREAS, In March of 1930, Mr. Bauer won the Mountaineers first slalom race and served as a trailbreaker for the Mountaineers first patrol race; and

WHEREAS, In the summer of 1935, Mr. Bauer and Mr. Jack Hossack made the first ascent of the Ptarmigan Ridge on the north face of Mt. Rainier, reaching the summit in two days; and

WHEREAS, Mr. Bauer's designs and innovations led to the development of the modern fiberglass kayak, as well as the sport of kayaking; and

WHEREAS, In 1948, Mr. Bauer created the Washington Foldboat Club, which is currently titled the Washington Kayak Club; and

WHEREAS, A group led by Mr. Bauer made the first descent of Boulder Drop on the Skykomish River near Index, Washington; and

WHEREAS, In 1949, Mr. Bauer created the Mountain Rescue and Safety Council, which is presently titled the Mountain Rescue Council, and served as the Council's chairman for its first six years; and

WHEREAS, Mr. Bauer's dedication to the preservation of the Green River Gorge led to appropriations for purchase of surrounding lands from individuals, railroads, and timber companies; and

WHEREAS, Mr. Bauer was a founding member of the Washington Environmental Council in 1969; and

WHEREAS, In 1969, Mr. Bauer drafted the 'Natural Shorelines Act', which was incorporated into the Shoreline Management Act of 1971; and

WHEREAS, Mr. Bauer still hikes the trails of Washington Park in Anacortes; and

WHEREAS, Mr. Bauer celebrated his 98th birthday on February 24, 2010;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives officially recognize Mr. Wolf Bauer for his dedication to outdoor education and safety, as well as his

steadfast commitment to the preservation of Washington rivers and shorelines; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mr. Wolf Bauer.

Representative Quall moved adoption of House Resolution No. 4682.

Representatives Quall and Armstrong spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4682 was adopted.

SPEAKERS' PRIVILEGE

The Speaker (Representative Morris presiding) introduced Wolf Bauer, and asked the chamber to acknowledge him.

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

SECOND READING

HOUSE BILL NO. 2935, by Representatives Van De Wege, Sells, Blake, Takko, Darneille, Walsh, Hinkle and Kessler

Regarding environmental and land use hearings boards and making more uniform the timelines for filing appeals with those boards.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2935 was substituted for House Bill No. 2935 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2935 was read the second time.

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

Representatives Van De Wege, McCune and Darneille spoke in favor of the passage of the bill.

Representative Taylor spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2935.

MOTIONS

On motion of Representative Santos, Representative Hurst was excused. On motion of Representative Kristiansen, Representative DeBolt was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2935, and the bill passed the House by the following vote: Yeas, 89; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Ericksen, Klippert, Roach, Schmick, Shea and Taylor.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE HOUSE BILL NO. 2935, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2954, by Representative Cody

Concerning license fees for nursing homes, boarding homes, and adult family homes.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2954 was substituted for House Bill No. 2954 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2954 was read the second time.

Representative Cody moved the adoption of amendment (1248).

On page 1, line 19, after "budget act." insert "The license fees established by the legislature shall not exceed the department's annual licensing and regulatory activity costs."

On page 3, line 16, after "budget act." insert "The license fees established by the legislature shall not exceed the department's annual licensing and regulatory activity costs."

On page 6, line 31, after "budget act." insert "The license fees established by the legislature shall not exceed the department's annual licensing and regulatory activity costs."

On page 7, after line 16, insert the following:

"NEW SECTION. **Sec. 4.** A new section is added to chapter 43.20A RCW to read as follows:

(1) It is the intent of the legislature that the costs of each long term care facility licensing and regulatory program be fully borne by the facilities. With the information provided in the report under subsection (2) of this section, the legislature intends to identify the licensing fees for each facility that would be sufficient to defray the costs of administering the licensing and regulatory program for those facilities.

(2) Beginning July 15, 2010, and annually thereafter, the department shall provide a licensing fee report to the legislature on nursing homes, boarding homes, and adult family homes. The report shall include:

- (a) Information on initial licensing including but not limited to:
 - (i) The number of initial facility inspections; and
 - (ii) The number of initial licensing follow-up inspections by facility type;
- (b) Information on licensing renewals including but not limited to:
 - (i) The number of licensing renewal full inspections;
 - (ii) The number of follow-up inspections; and
 - (iii) The average length of time between renewal inspections by facility type;
- (c) Information on complaint investigations including but not limited to:
 - (i) The total number of complaint investigations by facility type;
 - (ii) The number of complaint investigations by priority and facility type; and
 - (iii) The percent of complaints per bed by facility type; and
- (d) Information on licensing and regulatory costs for the previous fiscal year including but not limited to:
 - (i) The total costs for licensing and regulatory activities by facility type;
 - (ii) The percentage of total state operating costs for licensing and regulatory activities that are covered through licensing fees; and
 - (iii) The estimated fee amount that would be needed in order to cover the total state costs of licensing and regulatory activities, by facility type."

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

Amendment (1248) was adopted.

The bill was ordered engrossed.

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

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

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2954.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2954, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Driscoll, Erickson, Fagan, Flannigan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Walsh, Warnick and Williams.

Excused: Representatives DeBolt and Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2954, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2969, by Representative Hudgins

Promoting efficiencies in the services provided by the office of the public printer.

The bill was read the second time.

Representative Hudgins moved the adoption of amendment (1250).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the current state printing enterprise approach should be reviewed and modified to accommodate new technology, changing industry trends, and agency practices of distributing more information electronically rather than using paper documents. The legislature intends to facilitate the public printer's efforts to function more efficiently through the changes, transfer of duties, and study in this act.

NEW SECTION. Sec. 2. A new section is added to chapter 43.105 RCW to read as follows:

(1) The department shall broker print management contracts for state agencies that are required to utilize print management contracts under this section.

(2) The department is authorized to broker print management contracts for other state agencies that choose to utilize these services.

(3) Except as provided under subsection (6) of this section, all state agencies with total annual average full-time equivalent staff that exceeds one thousand as determined by the office of financial management shall utilize print management services brokered by the department, as follows:

(a) Any agency with a copier and multifunctional device contract that is set to expire on or before December 31, 2010, may opt to:

- (i) Renew the copier and multifunctional device contract; or
- (ii) Enter a print management contract;

(b) Any agency with a copier and multifunctional device contract that is set to expire on or after January 1, 2011, shall begin planning for the transition to a print management contract six months prior to the expiration date of the contract. Upon expiration of the copier and multifunctional device contract, the agency shall utilize a print management contract; and

(c) Any agency with a copier and multifunctional device contract that is terminated on or after January 1, 2011, shall enter a print management contract.

(4) Until December 31, 2016, for each agency transitioning from a copier and multifunctional device contract to a print management contract, the print management contract should result in savings in comparison with the prior copier and multifunctional device contract.

(5) If an agency has more full-time equivalent employees than it had when it entered its most recently completed print management contract, the cost of a new print management contract may exceed the cost of the most recently completed print management contract.

(6) The director of financial management may exempt a state agency, or a program within a state agency, from the requirements of this section if the director deems it unfeasible or the department and agency could not reasonably reach an agreement regarding print management.

NEW SECTION. Sec. 3. A new section is added to chapter 43.105 RCW to read as follows:

(1) The department shall consult with the office of financial management and state agencies to more efficiently manage the use of envelopes by standardizing them to the extent feasible given the business needs of state agencies.

(2) All state agencies with total annual average full-time equivalent staff that exceeds one thousand as determined by the office of financial management shall cooperate with the department in efforts to standardize envelopes under subsection (1) of this section. In the event that an agency is updating a mailing, the agency shall transition to an envelope recommended by the department, unless the office of financial management considers the change unfeasible.

(3) State agencies with one thousand total annual average full-time equivalent staff or less, as determined by the office of financial management, are encouraged to cooperate with the department to standardize envelopes under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 43.105 RCW to read as follows:

For every printing job and binding job ordered by a state agency, the department shall advise the agency on how to choose more economic and efficient options to reduce costs.

NEW SECTION. Sec. 5. The department of information services shall report to the legislature by December 1, 2010, on:

(1) Progress in implementing section 2 of this act and a detailed analysis of savings to date and potential future savings given continued implementation efforts;

(2) Progress in standardizing envelopes under section 3 of this act, especially the reduction in the types of envelopes used and a detailed analysis of savings to date and potential future savings as efforts to standardize envelopes continue to be implemented; and

(3) An updated strategic plan for the duties and functions performed by the public printer prior to July 1, 2010. The plan must describe changes to the business model to make operations and services more enterprise focused within the parameters of the public printer's mission prior to July 1, 2010, and describe pricing practices.

Sec. 6. RCW 43.78.080 and 1972 ex.s. c 1 s 1 are each amended to read as follows:

All printing, ruling, binding, and other work done or supplies furnished by the state printing plant for the various state departments, commissions, institutions, boards, and officers shall be paid for on an actual cost basis as determined from a standard cost finding system to be maintained by the state printing plant. In no event shall the price charged the various state departments, commissions, institutions, boards, and officers exceed those established by the (~~Porte Publishing Company's~~) Franklin Printing Catalogue for similar and comparable work. All bills for printing, ruling, binding, and other work done or for supplies furnished by the state printing plant shall be certified and sworn to by the (~~public printer~~) department.

The public printing shall be divided into the following classes:
FIRST CLASS. The bills, resolutions, and other matters that may be ordered by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed in such form as the legislature shall provide.

SECOND CLASS. The second class shall consist of printing and binding of journals of the senate and house of representatives, and the annual and biennial reports of the several state officers, state commissions, boards, and institutions, with the exception of the reports of the attorney general and the governor's message to the legislature, which shall be printed and bound in the same style as heretofore. Said journals and reports shall be printed in such form as

the senate and house of representatives and the various state officers, commissions, boards, and institutions shall respectively provide.

THIRD CLASS. The third class shall consist of all reports, communications, and all other documents that may be ordered printed in book form by the legislature or either branch thereof, and all reports, books, pamphlets, and other like matter printed in book form required by all state officers, boards, commissions, and institutions shall be printed in such form and style, and set in such size type, and printed on such grade of paper as may be desired by the state officer, board, commission, or institution ordering them, and which they think will best serve the purpose for which intended.

FOURTH CLASS. The fourth class shall consist of the session laws, and shall be printed and bound in such form as the statute law committee shall provide.

FIFTH CLASS. The fifth class shall consist of the printing of all stationery blanks, record books, and circulars, and all printing and binding required by the respective state officers, boards, commissions, and institutions not covered by classes one, two, three, and four.

Sec. 7. RCW 43.78.030 and 1994 c 82 s 1 are each amended to read as follows:

The ~~((public printer))~~ department shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court, and the court of appeals and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities. This section shall not apply to the printing of the supreme court and the court of appeals reports, to the printing of bond certificates or bond offering disclosure documents, to the printing of educational publications of the state historical societies, or to any printing done or contracted for by institutions of higher education: PROVIDED, That institutions of higher education, in consultation with the ~~((public printer))~~ department, develop vendor selection procedures comparable to those used by the ~~((public printer))~~ department for contracted printing jobs. Where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer. Any printing and binding of whatever description as may be needed by any institution or agency of the state department of social and health services not at Olympia, or the supreme court or the court of appeals or any officer thereof, the estimated cost of which shall not exceed one thousand dollars, may be done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of the agency so ordering, the saving in time and processing justifies the award to such local private printing concern.

Beginning on July 1, 1989, and on July 1st of each succeeding odd-numbered year, the dollar limit specified in this section shall be adjusted as follows: The office of financial management shall calculate such limit by adjusting the previous biennium's limit by an appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest fifty dollars.

Sec. 8. RCW 43.78.070 and 2009 c 549 s 5148 are each amended to read as follows:

The ~~((public printer))~~ department shall use the state printing plant upon the following conditions~~((to wit))~~:

(1) ~~((He or she))~~ The department shall do the public printing, and charge ~~((therefor the))~~ fees as provided by law. ~~((He or she))~~ The department may print the Washington Reports for the publishers ~~((thereof))~~ under a contract ~~((approved in writing by the governor))~~.

(2) The ~~((gross income of the public printer shall be deposited in an account designated))~~ director of the department of information services shall transfer any residual funds remaining in the "state printing plant revolving fund" ((in depositories approved by the state treasurer, and shall be disbursed by the public printer by check and only as follows:

First, in payment of the actual cost of labor, material, supplies, replacements, repairs, water, light, heat, telephone, rent, and all other expenses necessary in the operation of the plant: PROVIDED, That no machinery shall be purchased except on written approval of the governor;

Second, in payment of the cost of reasonable insurance upon the printing plant, payable to the state and of all fidelity bonds required by law of the public printer;

Third, in payment to the public printer of a salary which shall be fixed by the governor in accordance with the provisions of RCW 43.03.040;

Fourth, in remitting the balance to the state treasurer for the general fund: PROVIDED, That a reasonable sum to be determined by the governor, the public printer, and the director of financial management shall be retained in the fund for working capital for the public printer) to the public printing revolving account established in section 9 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 43.105 RCW to read as follows:

The public printing revolving account is created in the custody of the state treasurer. All receipts from public printing must be deposited in the account. Expenditures from the account may be used only for administrative and operating purposes related to public printing. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 10. RCW 43.78.090 and 1965 c 8 s 43.78.090 are each amended to read as follows:

Whenever required by law or by the legislature or by any state officer, board, commission, or institution the ~~((public printer))~~ department shall keep the type used in printing any matter forming a part of the first, second, third, and fourth classes standing for a period not exceeding sixty days for use in reprinting such matter.

Sec. 11. RCW 43.78.100 and 1993 c 379 s 106 are each amended to read as follows:

The ~~((public printer))~~ department shall furnish all paper, stock, and binding materials required in all public work, and shall charge the same to the state, as it is actually used, at the actual price at which it was purchased plus five percent for waste, insurance, storage, and handling. This section does not apply to institutions of higher education.

Sec. 12. RCW 43.78.105 and 1993 c 379 s 105 are each amended to read as follows:

The ~~((public printer))~~ department may use the state printing plant for the purposes of printing or furnishing materials under RCW 43.78.100 ~~((as recodified by this act))~~ if an interlocal agreement under chapter 39.34 RCW has been executed between an institution of higher education and the ~~((public printer))~~ department.

Sec. 13. RCW 43.78.110 and 2009 c 486 s 12 are each amended to read as follows:

(1) Whenever in the judgment of the ~~((public printer))~~ department certain printing, ruling, binding, or supplies can be secured from private sources more economically than by doing the work or preparing the supplies in the state printing plant, the ~~((public printer))~~ department may obtain such work or supplies from such private sources. The solicitation for the contract opportunity must be posted on the state's common vendor registration and bid notification system. The ~~((public printer))~~ department shall develop procurement policies and procedures, such as unbundled contracting and subcontracting,

that encourage and facilitate the purchase of such services or supplies from Washington small businesses to the maximum extent practicable and consistent with international trade agreement commitments.

(2) In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add up to five percent to the cost (~~(thereof)~~) to cover the handling of the orders which shall be added to the bills and charged to the respective authorities ordering the work or supplies. The five percent handling charge shall not apply to contracts with institutions of higher education.

(3) The definitions in this subsection apply throughout this section.

(a) "Common vendor registration and bid notification system" has the definition in RCW 39.29.006.

(b) "Small business" has the definition in RCW 39.29.006.

Sec. 14. RCW 43.78.170 and 2009 c 356 s 5 are each amended to read as follows:

Except as provided in RCW 43.19A.022(3), the ~~(public printer)~~ department shall use one hundred percent recycled copy and printing paper for all jobs printed on white copy and printing paper.

Sec. 15. RCW 43.105.020 and 2009 c 565 s 32, 2009 c 509 s 7, and 2009 c 486 s 14 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly (~~(required)~~) requires otherwise.

(1) "Administrator" means the community technology opportunity program administrator designated by the department.

(2) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network.

(3) "Board" means the information services board.

(4) "Broadband" means a high-speed, high capacity transmission medium, using land-based, satellite, wireless, or any other mechanism, that can carry either signals or transmit data, or both, over long distances by using a wide range of frequencies.

(5) "Committee" means the state interoperability executive committee.

(6) "Common vendor registration and bid notification system" has the definition in RCW 39.29.006.

(7) "Community technology programs" means programs that are engaged in diffusing information and communications technology in local communities, particularly in unserved and underserved areas of the state. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet connectivity, digital media literacy, development of locally relevant content, and delivery of vital services through technology.

(8) "Copier and multifunctional device contract" means a contract to lease or purchase copiers and/or printing devices to meet office printing needs, brokered by the department of general administration, under RCW 43.19.190 and 43.19.1901.

(9) "Council" means the advisory council on digital inclusion created in RCW 43.105.400.

~~((9))~~ (10) "Department" means the department of information services.

~~((10))~~ (11) "Director" means the director of the department.

~~((11))~~ (12) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.

~~((12))~~ (13) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, wireless

communications system facilities, cables, and any physical facility necessary for the operation of such equipment.

~~((13))~~ (14) "High-speed internet" means broadband.

~~((14))~~ (15) "Information" includes, but is not limited to, data, text, voice, and video.

~~((15))~~ (16) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions.

~~((16))~~ (17) "Information services" means data processing, telecommunications, office automation, and computerized information systems.

~~((17))~~ (18) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments.

~~((18))~~ (19) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in RCW 43.105.800.

~~((19))~~ (20) "K-20 network" means the network established in RCW 43.105.820.

~~((20))~~ (21) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in RCW 43.105.810.

~~((21))~~ (22) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately.

~~((22))~~ (23) "Office printers" means any device that allows an individual user to print from a computer through a network connection or independent from a network.

(24) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications.

~~((23))~~ (25) "Print management contract" means any contract or agreement with a vendor for the provision of printer services. The purpose of this type of contract is to reduce the costs of printing documents and to increase efficiency. Such a contract must include, but not be limited to:

(a) Agreement that the agency:

(i) Is responsible to pay a monthly fee associated with an agreed upon number of copies;

(ii) Provides all paper to supply its printer services needs;

(iii) Pays a monthly fee to the vendor for an agreed upon number of copies; and

(iv) Is not responsible for any payment beyond the monthly fee;

(b) Agreement that the vendor:

(i) Is responsible for all services and supplies associated with office printing, other than paper, including, but not limited to:

(A) Providing all related devices, hardware, and software, except in cases where the contract specifies otherwise;

(B) Installation;

(C) Maintenance;

(D) Removal; and

(E) Replacement; and

(ii) May not assess any additional fee beyond the agreed upon monthly fee.

(26) "Printer services" means services that provide office printers and management of printer devices, supplies, consumables, repair services, and support within an enterprise.

(27) "Proprietary software" means that software offered for sale or license.

~~((24))~~ (28) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant,

security, computer hardware and software installation and maintenance, telecommunications installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing.

~~((25))~~ (29) "Small business" has the definition in RCW 39.29.006.

~~((26))~~ (30) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means.

~~((27))~~ (31) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of commerce under chapter 43.330 RCW.

Sec. 16. RCW 43.105.041 and 2009 c 486 s 13 are each amended to read as follows:

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards and procedures governing the acquisition and disposition of equipment, proprietary software and purchased services, licensing of the radio spectrum by or on behalf of state agencies, ~~(and)~~ confidentiality of computerized data, and standards for printer services and office printers;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200, except that the board, the department, and state agencies, as delegated, must post notices of technology procurement bids on the state's common vendor registration and bid notification system. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop statewide or interagency technical policies, standards, and procedures;

(d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a statewide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director;

(i) To review and approve that portion of the department's budget requests that provides for support to the board; and

(j) To develop procurement policies and procedures, such as unbundled contracting and subcontracting, that encourage and facilitate the purchase of products and services by state agencies and institutions from Washington small businesses to the maximum extent practicable and consistent with international trade agreement commitments.

(2) Statewide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board, in consultation with the K-20 board, has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the K-20 network technical steering committee as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

Sec. 17. RCW 1.08.039 and 1955 c 235 s 8 are each amended to read as follows:

The committee may enter into contracts or otherwise arrange for the publication and/or distribution, provided for in RCW 1.08.038, with or without calling for bids, by the ~~((public printer))~~ department of information services or by private printer, upon specifications formulated under the authority of RCW 1.08.037, and upon such basis as the committee deems to be most expeditious and economical. Any such contract may be upon such terms as the committee deems to be most advantageous to the state and to potential purchasers of such publications. The committee shall fix terms and prices for such publications.

Sec. 18. RCW 15.24.085 and 2002 c 313 s 121 are each amended to read as follows:

The restrictive provisions ~~((of chapter 43.78))~~ relating to public printing in chapter 43.105 RCW shall not apply to promotional printing and literature for the Washington apple commission, the Washington state fruit commission, or the Washington state dairy products commission.

Sec. 19. RCW 15.62.190 and 1989 c 5 s 19 are each amended to read as follows:

The restrictive provisions ~~((of chapter 43.78))~~ relating to public printing in chapter 43.105 RCW shall not apply to promotional

printing and literature for the Washington state honey bee commission.

Sec. 20. RCW 16.67.170 and 1969 c 133 s 16 are each amended to read as follows:

The restrictive provisions (~~(of chapter 43.78 RCW, as now or hereafter amended,)~~ relating to public printing in chapter 43.105 RCW shall not apply to promotional printing and literature for the commission.

Sec. 21. RCW 28A.300.040 and 2009 c 556 s 10 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

- (1) To have supervision over all matters pertaining to the public schools of the state;
- (2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;
- (3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;
- (4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;
- (5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be made available online and which shall be sold at approximate actual cost of publication and distribution per volume to public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be (~~transmitted to the public printer who shall credit the state superintendent's account within~~) deposited in the state printing plant revolving fund (by a like amount) and credited to the state superintendent's account within the fund;
- (6) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;
- (7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;
- (8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;
- (9) To issue certificates as provided by law;
- (10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;
- (11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district

superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

- (12) To administer oaths and affirmations in the discharge of the superintendent's official duties;
- (13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;
- (14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;
- (15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;
- (16) To perform such other duties as may be required by law.

Sec. 22. RCW 28B.10.029 and 2004 c 167 s 10 are each amended to read as follows:

(1) An institution of higher education may exercise independently those powers otherwise granted to the director of general administration in chapter 43.19 RCW in connection with the purchase and disposition of all material, supplies, services, and equipment needed for the support, maintenance, and use of the respective institution of higher education. Property disposition policies followed by institutions of higher education shall be consistent with policies followed by the department of general administration. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19, 39.29, and 43.03 RCW, and RCW 43.19.1901, 43.19.1906, 43.19.1911, 43.19.1917, 43.19.1937, 43.19.534, 43.19.685, 43.19.700 through 43.19.704, and 43.19.560 through 43.19.637. The community and technical colleges shall comply with RCW 43.19.450. Except for the University of Washington, institutions of higher education shall comply with RCW 43.41.310, 43.41.290, and 43.41.350. If an institution of higher education can satisfactorily demonstrate to the director of the office of financial management that the cost of compliance is greater than the value of benefits from any of the following statutes, then it shall be exempt from them: RCW 43.19.685; 43.19.534; and 43.19.637. Any institution of higher education that chooses to exercise independent purchasing authority for a commodity or group of commodities shall notify the director of general administration. Thereafter the director of general administration shall not be required to provide those services for that institution for the duration of the general administration contract term for that commodity or group of commodities.

- (2) The council of presidents and the state board for community and technical colleges shall convene its correctional industries business development advisory committee, and work collaboratively with correctional industries, to:
 - (a) Reaffirm purchasing criteria and ensure that quality, service, and timely delivery result in the best value for expenditure of state dollars;
 - (b) Update the approved list of correctional industries products from which higher education shall purchase; and
 - (c) Develop recommendations on ways to continue to build correctional industries' business with institutions of higher education.
- (3) Higher education and correctional industries shall develop a plan to build higher education business with correctional industries to increase higher education purchases of correctional industries products, based upon the criteria established in subsection (2) of this section. The plan shall include the correctional industries' production and sales goals for higher education and an approved list of products from which higher education institutions shall purchase, based on the criteria established in subsection (2) of this section. Higher education

and correctional industries shall report to the legislature regarding the plan and its implementation no later than January 30, 2005.

(4) Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2006, to purchase one percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. Institutions of higher education shall set as a target to contract, beginning not later than June 30, 2008, to purchase two percent of the total goods and services required by the institutions each year produced or provided in whole or in part from class II inmate work programs operated by the department of corrections.

(5) An institution of higher education may exercise independently those powers otherwise granted to the ~~((public printer))~~ department of information services in chapter ~~((43.78))~~ 43.105 RCW in connection with the production or purchase of any printing and binding needed by the respective institution of higher education. Purchasing policies and procedures followed by institutions of higher education shall be in compliance with chapters 39.19 and 43.105 RCW. Any institution of higher education that chooses to exercise independent printing production or purchasing authority shall notify the ~~((public printer))~~ department of information services. Thereafter the ~~((public printer))~~ department of information services shall not be required to provide those services for that institution.

Sec. 23. RCW 40.04.030 and 1995 c 24 s 1 are each amended to read as follows:

The ~~((public printer))~~ department of information services shall deliver to the statute law committee all bound volumes of the session laws. The ~~((public printer))~~ department of information services shall deliver the house and senate journals as they are published to the chief clerk of the house of representatives and the secretary of the senate, as appropriate. The publisher of the supreme court reports and the court of appeals reports of the state of Washington shall deliver the copies that are purchased by the supreme court for the use of the state to the state law librarian.

Sec. 24. RCW 40.06.030 and 2006 c 199 s 5 are each amended to read as follows:

(1) Every state agency shall promptly submit to the state library copies of published information that are state publications.

(a) For state publications available only in print format, each state agency shall deposit, at a minimum, two copies of each of its publications with the state library. For the purposes of broad public access, state agencies may deposit additional copies with the state library for distribution to additional depository libraries.

(b) For state publications available only in electronic format, each state agency shall deposit one copy of each of its publications with the state library.

(c) For state publications available in both print and electronic format, each state agency shall deposit two print copies and one electronic copy of the publication with the state library.

(2) Annually, each state agency shall provide the state library with a listing of all its publications made available to state government and the public during the preceding year, including those published in electronic form. The secretary of state shall, by rule, establish the annual date by which state agencies must provide the list of its publications to the state library.

(3) In the interest of economy and efficiency, the state librarian may specifically or by general rule exempt a given state publication or class of publications from the requirements of this section in full or in part.

(4) Upon consent of the issuing state agency, such state publications as are printed by the ~~((public printer))~~ department of information services shall be delivered directly to the center.

Sec. 25. RCW 40.07.050 and 1986 c 158 s 5 are each amended to read as follows:

Neither the ~~((public printer))~~ department of information services nor any state agency shall print or authorize for printing any state publication that has been determined by the director to be inconsistent with RCW 40.07.030 except to the extent this requirement may conflict with the laws of the United States or any rules or regulations lawfully promulgated under those laws. A copy of any state publication printed without the approval of the director under the exceptions authorized in this section shall be filed with the director with a letter of transmittal citing the federal statute, rule, or regulation requiring the publication.

Sec. 26. RCW 41.06.070 and 2009 c 33 s 36 and 2009 c 5 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) ~~((The public printer or to any employees of or positions in the state printing plant))~~ Employees in positions in the department of information services who are engaged in performing the powers, functions, and duties transferred from the public printer or the state printing plant to the department of information services pursuant to section 30 of this act;

(n) Officers and employees of the Washington state fruit commission;

- (o) Officers and employees of the Washington apple commission;
 - (p) Officers and employees of the Washington state dairy products commission;
 - (q) Officers and employees of the Washington tree fruit research commission;
 - (r) Officers and employees of the Washington state beef commission;
 - (s) Officers and employees of the Washington grain commission;
 - (t) Officers and employees of any commission formed under chapter 15.66 RCW;
 - (u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;
 - (v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;
 - (w) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;
 - (x) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;
 - (y) All employees of the marine employees' commission;
 - (z) Staff employed by the department of ~~((community, trade, and economic development))~~ commerce to administer energy policy functions and manage energy site evaluation council activities under RCW 43.21F.045(2)(m);
 - (aa) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).
- (2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:
- (a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;
 - (b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;
 - (c) Printing craft employees in the department of printing at the University of Washington.
- (3) In addition to the exemptions specifically provided by this chapter, the director of personnel may provide for further exemptions

pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the director of personnel stating the reasons for requesting such exemptions. The director of personnel shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the director of personnel shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (v) and (y) and (2) of this section, shall be determined by the director of personnel. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

For the twelve months following February 18, 2009, a salary or wage increase shall not be granted to any position exempt from classification under this chapter.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 27. RCW 43.08.061 and 1993 c 38 s 1 are each amended to read as follows:

The ~~((public printer))~~ department of information services shall print all state treasury warrants for distribution as directed by the state treasurer. All warrants redeemed by the state treasurer shall be retained for a period of one year, following their redemption, after which they may be destroyed without regard to the requirements imposed for their destruction by chapter 40.14 RCW.

NEW SECTION. Sec. 28. The following acts or parts of acts, as now or hereafter amended, are each repealed:

- (1) RCW 43.78.010 (Appointment of public printer) and 2009 c 549 s 5146, 1981 c 338 s 6, & 1965 c 8 s 43.78.010;
- (2) RCW 43.78.020 (Bond) and 2009 c 549 s 5147 & 1965 c 8 s 43.78.020;
- (3) RCW 43.78.040 (Requisitions) and 1965 c 8 s 43.78.040;
- (4) RCW 43.78.050 (Itemized statement of charges) and 1965 c 8 s 43.78.050; and
- (5) RCW 43.78.080 (Printing specifications) and 1972 ex.s. c 1 s 1, 1969 c 6 s 7, & 1965 c 8 s 43.78.080.

NEW SECTION. Sec. 29. The following sections are each recodified as sections in chapter 43.105 RCW:

RCW 43.78.030
 RCW 43.78.070
 RCW 43.78.090
 RCW 43.78.100
 RCW 43.78.105
 RCW 43.78.110
 RCW 43.78.130
 RCW 43.78.140
 RCW 43.78.150
 RCW 43.78.160
 RCW 43.78.170

NEW SECTION. Sec. 30. (1) The powers, duties, and functions of the public printer are hereby transferred to the department of information services. All references to the public printer in the Revised Code of Washington shall be construed to mean the director or the department of information services.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the public printer shall be delivered to the custody of the department of information services. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the public printer shall be made available to the department of information services. All funds, credits, or other assets held by the public printer shall be assigned to the department of information services.

(b) Any appropriations made to the public printer shall, on the effective date of this section, be transferred and credited to the department of information services.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the public printer shall be continued and acted upon by the department of information services. All existing contracts and obligations shall remain in full force and shall be performed by the department of information services.

(4) The transfer of the powers, duties, functions, and personnel of the public printer shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) All employees of the public printer engaged in performing the powers, functions, and duties transferred to the department of information services, are transferred to the department of information services.

(a) The commercial agreement between the graphic communications conference of the international brotherhood of teamsters, local 767M and the department of printing-bindery that became effective July 1, 2007, shall remain in effect during its duration. Upon expiration of the commercial agreement, chapter 41.56 RCW shall apply to the department of information services with respect to employees in positions formerly covered under the expired commercial agreement.

(b) The commercial agreement between the graphic communications conference of the international brotherhood of teamsters, local 767M and the department of printing-litho that became effective July 1, 2007, shall remain in effect during its duration. Upon expiration of the commercial agreement, chapter

41.56 RCW shall apply to the department of information services with respect to the employees in positions formerly covered under the expired commercial agreement.

(c) The typographical contract between the communications workers of America, the newspaper guild, local 37082, and the department of printing-typographical that became effective July 1, 2007, shall remain in effect during its duration. Upon expiration of the typographical contract, chapter 41.56 RCW shall apply to the department of information services with respect to the employees in positions formerly covered under the expired typographical contract.

NEW SECTION. Sec. 31. A new section is added to chapter 41.56 RCW to read as follows:

(1) The legislature recognizes that, over more than fifty years, the public printer and representatives of its printing craft employees have achieved harmonious and cooperative labor relations. In transferring the powers, duties, and functions of the public printer to the department of information services, the legislature intends to maintain the agreements, processes, and relationships critical to continuing such relations.

(2) In addition to the entities listed in RCW 41.56.020, this chapter applies to the department of information services with respect to the printing craft employees in positions in the department who are engaged in performing the powers, functions, and duties transferred from the public printer or the state printing plant to the department pursuant to section 30 of this act.

(3) This chapter governs the collective bargaining relationship between the department of information services and the printing craft employees, except as follows:

(a) The department shall be represented by the governor or governor's designee in collective bargaining.

(b) A bargaining unit of printing craft employees covered by this chapter existing on the effective date of this section shall be considered an appropriate unit.

(c) The exclusive bargaining representatives recognized as representing the bargaining units of printing craft employees covered by this chapter existing on the effective date of this section shall continue as the exclusive bargaining representative without the necessity of an election.

(4) For the purposes of this section, "printing craft employees" means employees in positions in the department who are engaged in performing the powers, functions, and duties transferred from the public printer or the state printing plant to the department pursuant to section 30 of this act.

NEW SECTION. Sec. 32. Sections 1 through 25 and 27 through 31 of this act take effect July 1, 2010.

NEW SECTION. Sec. 33. Section 26 of this act takes effect July 1, 2011."

Correct the title.

Representative Armstrong moved the adoption of amendment (1251) to amendment (1250).

On page 6, after line 25 of the amendment, insert the following:
 "(3) The department may use the state printing plant only to provide public printing work or supplies to state agencies, institutions of higher education, and other institutions of state government."

On page 7, line 25 of the amendment, after "Whenever" strike "in the judgment of the ((public printer)) department" and insert "((in the judgment of the public printer))"

On page 7, at the beginning of line 29 of the amendment, strike "department" and insert "any agency"

On page 8, beginning on line 3 of the amendment, after "(2)" strike all material through "(3)" on line 10, and insert "((In event any work or supplies are secured on behalf of the state under this section the state printing plant shall be entitled to add up to five percent to the cost thereof to cover the handling of the orders which shall be added

to the bills and charged to the respective authorities ordering the work or supplies. The five percent handling charge shall not apply to contracts with institutions of higher education.

(3)))"

On page 8, after line 14 of the amendment, insert the following:

"Sec. 14. RCW 43.78.130 and 1999 c 365 s 1 are each amended to read as follows:

All printing, binding, and stationery work done for any state agency(~~(, county, city, town, port district, or school district)) or institution of higher education~~ in this state shall be done within the state, and all proposals, requests, or invitations to submit bids, prices, or contracts thereon, and all contracts for such work, shall so stipulate: PROVIDED, That whenever it is established that any such work cannot be executed within the state, or that the lowest charge for which it can be procured within the state, exceeds the charge usually and customarily made to private individuals and corporations for work of similar character and quality, or that all bids for the work or any part thereof are excessive and not reasonably competitive, the officers of any such public corporation may have the work done outside the state."

Re-number the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 12, line 9 of the amendment, after "That," insert "except for office printers and printer services as defined in RCW 43.105.020."

Representatives Armstrong, Ericksen, Armstrong (again) and Alexander spoke in favor of the adoption of the amendment to the amendment.

Representatives Hudgins and Hunt spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1251) to amendment (1250) to House Bill No. 2969.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1251) to amendment (1250) to House Bill No. 2969 and the amendment was not adopted by the following vote: Yeas, 45; Nays, 51; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Driscoll, Ericks, Ericksen, Fagan, Flannigan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, Linville, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

Amendment (1251) to amendment (1250) was not adopted.

Representative Hudgins spoke in favor of the adoption of amendment (1250).

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 56 - YEAS; 40 - NAYS.

Amendment (1250) was adopted.

The bill was ordered engrossed.

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

Representatives Hudgins and McCune spoke in favor of the passage of the bill.

Representative Armstrong spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2969.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2969, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Carlyle, Chandler, Condotta, Crouse, Dammeier, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Kelley, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives DeBolt and Hurst.

ENGROSSED HOUSE BILL NO. 2969, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2941, by Representatives Clibborn, O'Brien, Maxwell, Liias, Eddy, Springer, Hunter and Goodman

Authorizing the use of express toll lanes in the Interstate 405 corridor.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2941 was substituted for House Bill No. 2941 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2941 was read the second time.

Representative Rodne moved the adoption of amendment (1215).

On page 3, line 12, after "RCW 47.56.820" insert "and article II, section 40 of the state Constitution"

Representatives Rodne and Herrera spoke in favor of the adoption of the amendment.

Representative Liias spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1215) to Substitute House Bill No. 2941.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1215) to Substitute House Bill No. 2941 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 54; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Driscoll, Ericks, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

Amendment (1215) was not adopted.

Representative Roach moved the adoption of amendment (1218).

On page 3, beginning on line 22, after "toll-paying" strike ", high-occupant vehicle users with two passengers and"

On page 3, line 31, after "lanes" insert "that only charge tolls to single-occupant vehicle users"

Representatives Roach, Ericksen and Anderson spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

Amendment (1218) was not adopted.

Representative Rodne moved the adoption of amendment (1216).

On page 3, line 33, after "end" insert ", but not in any current general purpose lane or any lane constructed with funds from the transportation 2003 account or transportation partnership account"

Representatives Rodne, Roach and Ericksen spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1216) to Substitute House Bill No. 2941.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1216) to Substitute House Bill No. 2941 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 57; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

Amendment (1216) was not adopted.

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

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

Representatives Roach and Rodne spoke against the passage of the bill.

POINT OF ORDER

Representative Hudgins: "A few mentions of social engineering seems to me to go to the motives of the bill in front of us and not to the actual policy."

SPEAKERS' RULING

Mr. Speaker (Representative Morris presiding): "The Speaker believes that the debate topic is in a gray area about motives versus the outcome of the impact of the bill. Although the Speaker does believe that the term social engineering may not be the one that engenders the most debate and would ask the good gentleman from the 5th to maybe choose some words that engender debate on the floor and not detract from it, please proceed."

Representatives Moeller and Maxwell spoke in favor of the passage of the bill.

Representatives Orcutt, Roach (again) and Ericksen spoke against the passage of the bill.

Representative Carlyle spoke in favor of the passage of the bill.

POINT OF ORDER

Representative Anderson: "I believe the gentlemen's remarks are not germane to the bill before us."

SPEAKERS' RULING

Mr. Speaker (Representative Morris presiding): "Your point is well taken but the Speaker was in error by letting Representative Ericksen get off in talking about issues up in Whatcom county that are not covered by the topic of the bill. Representative Carlyle, the Speaker would ask you to keep your remarks germane to the topic of 405."

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2941.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2941, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Driscoll, Ericksen, Fagan, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE HOUSE BILL NO. 2941, having received the necessary constitutional majority, was declared passed.

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

REPORTS OF STANDING COMMITTEES

February 24, 2010

HB 2836 Prime Sponsor, Representative Dunshee: Concerning the capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Blake; Chase; Hope; Jacks; Morrell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Assistant Ranking Minority Member; Anderson; McCune and Smith.

February 24, 2010

SB 6209 Prime Sponsor, Senator Haugen: Allowing moneys paid to county road funds to be used for park and ride lots. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Moeller; Nealey; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Klippert; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 25, 2010

ESSB 5529 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Regarding architects. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.08.310 and 1985 c 37 s 2 are each amended to read as follows:

(1) It is unlawful for any person to practice or offer to practice architecture in this state, (~~architecture~~) or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including the word "architect," "architecture," "architectural," or language tending to imply that he or she is an architect, unless the person is registered or authorized to practice in the state of Washington under this chapter.

(2) An architect or architectural firm registered in any other jurisdiction recognized by the board may offer to practice architecture in this state if:

(a) It is clearly and prominently stated in such an offer that the architect or firm is not registered to practice architecture in the state of Washington; and

(b) Prior to practicing architecture or signing a contract to provide architectural services, the architect or firm must be registered to practice architecture in this state.

(3) A person who has an accredited architectural degree may use the title "intern architect" when enrolled in a structured intern program recognized by the board and working under the direct supervision of an architect.

(4) The provisions of this section shall not affect the use of the words "architect," "architecture," or "architectural" where a person does not practice or offer to practice architecture.

Sec. 2. RCW 18.08.320 and 1985 c 37 s 3 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accredited architectural degree" means a professional degree from an institution of higher education accredited by the national architectural accreditation board or an equivalent degree in architecture as determined by the board.

(2) "Administration of the construction contract" means the periodic observation of materials and work to observe the general compliance with the construction contract documents, and does not include responsibility for supervising construction methods and processes, site conditions, equipment operations, personnel, or safety on the work site.

~~((2))~~ (3) "Architect" means an individual who is registered under this chapter to practice architecture.

~~((3))~~ (4) "Board" means the state board ~~((of registration))~~ for architects.

~~((4))~~ (5) "Certificate of authorization" means a certificate issued by the director to a ~~((corporation or partnership))~~ business entity that authorizes the entity to practice architecture.

~~((5))~~ (6) "Certificate of registration" means the certificate issued by the director to newly registered architects.

~~((6))~~ (7) "Department" means the department of licensing.

~~((7))~~ (8) "Director" means the director of licensing.

~~((8))~~ (9) "Engineer" means an individual who is registered as an engineer under chapter 18.43 RCW.

~~((9))~~ (10) "Person" means any individual, partnership, professional service corporation, corporation, joint stock association, joint venture, or any other entity authorized to do business in the state.

~~((10))~~ (11) "Practice of architecture" means the rendering of services in connection with the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction of alterations or additions to the structures, including but not specifically limited to predesign services, schematic design, design development, preparation of construction contract documents, and administration of the construction contract.

~~((11))~~ (12) "Prototypical documents" means drawings or specifications, prepared by a person registered as an architect in any state or as otherwise approved by the board, that are not intended as final and complete technical submissions for a building project, but rather are to serve as a prototype for a building or buildings to be adapted by an architect for construction in more than one location.

(13) "Registered" means holding a currently valid certificate of registration or certificate of authorization issued by the director authorizing the practice of architecture.

~~((12))~~ (14) "Structure" means any construction consisting of load-bearing members such as the foundation, roof, floors, walls, columns, girders, and beams or a combination of any number of these parts, with or without other parts or appurtenances.

(15) "Review" means a process of examination and evaluation, of the documents, for compliance with applicable laws, codes, and regulations affecting the built environment that includes the ability to control the final product.

(16) "Registered professional design firm" means a business entity registered in Washington to offer and provide architectural services under RCW 18.08.420.

(17) "Managers" means the members of a limited liability company in which management of its business is vested in the members, and the managers of a limited liability company in which management of its business is vested in one or more managers.

Sec. 3. RCW 18.08.330 and 1985 c 37 s 4 are each amended to read as follows:

There is ~~((hereby))~~ created a state board ~~((of registration))~~ for architects consisting of seven members who shall be appointed by the governor. Six members shall be registered architects who are

residents of the state and have at least eight years' experience in the practice of architecture as registered architects in responsible charge of architectural work or responsible charge of architectural teaching. One member shall be a public member, who is not and has never been a registered architect and who does not employ and is not employed by or professionally or financially associated with an architect.

The terms of each newly appointed member shall be six years. ~~((The members of the board of registration for architects serving on July 28, 1985, shall serve out the remainders of their existing five-year terms. The term of the public member shall coincide with the term of an architect.))~~

Every member of the board shall receive a certificate of appointment from the governor. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of six years or until the next successor has been appointed.

The governor may remove any member of the board for cause. Vacancies in the board for any reason shall be filled by appointment for the unexpired term.

The board shall elect a ~~((chairman))~~ chair, a ~~((vice chairman))~~ vice-chair, and a secretary. The secretary may delegate his or her authority to the executive ~~((secretary))~~ director.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 4. RCW 18.08.340 and 2002 c 86 s 201 are each amended to read as follows:

(1) The board may adopt such rules under chapter 34.05 RCW as are necessary for the proper performance of its duties under this chapter.

(2) The director shall employ an executive ~~((secretary))~~ director subject to approval by the board.

(3) The board shall evaluate the effect of changes to RCW 18.08.410 made by this act on the provision of services to project owners. The report shall be provided to the legislature by December 31, 2011, and shall be prepared with the participation of project owner, contractor, and building official representatives.

Sec. 5. RCW 18.08.350 and 1997 c 169 s 1 are each amended to read as follows:

(1) A certificate of registration shall be granted by the director to all qualified applicants who are certified by the board as having passed the required examination and as having given satisfactory proof of completion of the required experience.

(2) Applications for examination shall be filed as the board prescribes by rule. The application and examination fees shall be determined by the director under RCW 43.24.086.

(3) An applicant for registration as an architect shall be of a good moral character, at least eighteen years of age, and shall possess ~~((either))~~ one of the following qualifications:

(a) Have an accredited architectural degree and at least three years' practical architectural work experience ~~((and have completed the requirements of))~~ in a structured intern training program approved by the board; or

(b) Have ~~((eight years' practical architectural work experience, which may include designing buildings as a principal activity, and have completed the requirements of a structured intern training program approved by the board. Each year spent in an accredited architectural education program approved by the board shall be considered one year of practical experience. At least four years' practical work experience shall be under the direct supervision of an architect))~~ a high school diploma or equivalent and twelve years' practical architectural work experience, which may include designing buildings as a principal activity and postsecondary education approved by the board. At least six years of work experience must be under the direct supervision of a registered architect and include completing the requirements of a structured intern training program approved by the board. An applicant may receive up to four years of

practical architectural work experience for postsecondary education courses in architecture, architectural technology, or a related field, including courses completed in a community or technical college, if the courses are equivalent to education courses in an accredited architectural degree program.

Sec. 6. RCW 18.08.360 and 1985 c 37 s 7 are each amended to read as follows:

(1) The examination for an architect's certificate of registration shall be held at least annually at such time and place as the board determines.

(2) The board shall determine the content, scope, and grading process of the examination. The board may adopt an appropriate national examination and grading procedure.

(3) Applicants who fail to pass any section of the examination shall be permitted to retake the parts failed as prescribed by the board. Applicants have five years from the date of the first passed examination section to pass all remaining sections. If the entire examination is not successfully completed within five years, ((a retake of the entire examination shall be required)) any sections that were passed more than five years prior must be retaken. If a candidate fails to pass all remaining sections within the initial five-year period, the candidate is given a new five-year period from the date of the second oldest passed section. All sections of the examination must be passed within a single five-year period for the applicant to be deemed to have passed the complete examination.

(4) Applicants for registration who have an accredited architectural degree may begin taking the examination upon enrollment in a structured intern training program as approved by the board. Applicants who do not possess an accredited architectural degree may take the examination only after completing the experience and intern training requirements of this chapter.

Sec. 7. RCW 18.08.370 and 1985 c 37 s 8 are each amended to read as follows:

(1) The director shall issue a certificate of registration to any applicant who has, to the satisfaction of the board, met all the requirements for registration upon payment of the registration fee as provided in this chapter. All certificates of registration shall show the full name of the registrant, have the registration number, and shall be signed by the ~~((chairman))~~ chair of the board and by the director. The issuance of a certificate of registration by the director is prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered architect.

(2) Each registrant shall obtain a seal of the design authorized by the board bearing the architect's name, registration number, the legend "Registered Architect," and the name of this state. ~~((Drawings prepared by the registrant shall be sealed and signed by the registrant when filed with public authorities.))~~ All technical submissions prepared by an architect and filed with public authorities must be sealed and signed by the architect. It is unlawful to seal and sign a document after a registrant's certificate of registration or authorization has expired, been revoked, or is suspended.

(3) An architect may seal and sign technical submissions under the following conditions:

(a) An architect may seal and sign technical submissions that are: Prepared by the architect; prepared by the architect's regularly employed subordinates; prepared in part by an individual or firm under a direct subcontract with the architect; or prepared in collaboration with an architect who is licensed in a jurisdiction recognized by the board, provided there is a contractual agreement between the architects.

(b) An architect may seal and sign technical submissions based on prototypical documents provided: The architect obtains written permission from the architect who prepared or sealed the prototypical documents, and from the legal owner to adapt the prototypical documents; the architect thoroughly analyzes the prototypical documents, makes necessary revisions, and adds all required elements

and design information, including the design services of engineering consultants, if warranted, so that the prototypical documents become suitable complete technical submissions, in compliance with applicable codes, regulations, and site-specific requirements.

(c) An architect who seals and signs the technical submissions under this subsection (3) is responsible to the same extent as if the technical submissions were prepared by the architect.

Sec. 8. RCW 18.08.410 and 1985 c 37 s 12 are each amended to read as follows:

This chapter shall not affect or prevent:

(1) The practice of naval architecture, landscape architecture as authorized in chapter 18.96 RCW, engineering as authorized in chapter 18.43 RCW, or the provision of space planning ~~((or))~~ or interior design ~~((or any legally recognized profession or trade by persons not registered as architects))~~ services not affecting public health or safety;

(2) Drafters, clerks, project managers, superintendents, and other employees of architects ~~((engineers, naval architects, or landscape architects))~~ from acting under the instructions, control, or supervision of ~~((their employers))~~ an architect;

(3) The construction, alteration, or supervision of construction of buildings or structures by contractors registered under chapter 18.27 RCW or superintendents employed by contractors or the preparation of shop drawings in connection therewith;

(4) Owners or contractors registered under chapter 18.27 RCW from engaging persons who are not architects to observe and supervise construction of a project;

(5) Any person from doing design work including preparing construction contract documents and administration of the construction contract for the erection, enlargement, repair, or alteration of a structure or any appurtenance to a structure regardless of size, if the structure is to be used for a residential building of up to and including four dwelling units or a farm building or is a structure used in connection with or auxiliary to such residential building or farm building such as a garage, barn, shed, or shelter for animals or machinery;

(6) Except as otherwise provided in this section, any person from doing design work including preparing construction contract documents and administering the contract for construction, erection, enlargement, alteration, or repairs of or to a building of any occupancy up to a total building size of four thousand square feet ~~((of construction))~~; or

(7) ~~((Design-build construction by registered general contractors if the structural design services are performed by a registered engineer;~~

(8) Any person from designing buildings or doing other design work for any structure prior to the time of filing for a building permit; or

(9) Any person from designing buildings or doing other design work for structures larger than those exempted under subsections (5) and (6) of this section, if the plans, which may include such design work, are stamped by a registered engineer or architect)) Any person from doing design work including preparing construction contract documents and administration of the construction contract for the enlargement, repair, or alteration of up to four thousand square feet in a building that is greater than four thousand square feet, provided the building is a single story with an at grade level exit and the enlargement, alteration, or repairs do not affect the life safety of the occupants or structural systems of the building, provided further that this subsection shall not allow for multiple projects in a single building in which the combined square footage of the projects is greater than four thousand square feet.

Sec. 9. RCW 18.08.420 and 2002 c 86 s 203 are each amended to read as follows:

(1) ~~((An architect or architects may organize a corporation formed either as a business corporation under the provisions of Title 23B RCW or as a professional corporation under the provisions of~~

chapter 18.100 RCW. For an architect or architects to practice architecture through a corporation or joint stock association organized by any person under Title 23B RCW, the corporation or joint stock association shall file with the board:

(a) The application for certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether the corporation is qualified under this chapter to practice architecture in this state;

(b) Its notices of incorporation and bylaws and a certified copy of a resolution of the board of directors of the corporation that designates individuals registered under this chapter as responsible for the practice of architecture by the corporation in this state and that provides that full authority to make all final architectural decisions on behalf of the corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the individuals designated in the resolution. The filing of the resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract; and

(c) A designation in writing setting forth the name or names of the person or persons registered under this chapter who are responsible for the architecture of the firm. If there is a change in the person or persons responsible for the architecture of the firm, the changes shall be designated in writing and filed with the board within thirty days after the effective date of the changes.) Any business entity, including a sole proprietorship, offering architecture services in Washington state must register with the board, regardless of its business structure. A business entity shall file with the board a list of individuals registered under this chapter as responsible for the practice of architecture by the business entity in this state and provides that full authority to make all final architectural decisions on behalf of the business entity with respect to work performed by the business entity in this state. Further, the person having the practice of architecture in his/her charge is himself/herself a general partner (if a partnership or limited liability partnership), or a manager (if a limited liability company), or a director (if a business corporation or professional service corporation) and is registered to practice architecture in this state.

(2) The business entity shall furnish the board with such information about its organization and activities as the board shall require by rule.

(3) Upon the filing with the board of the application for certificate of authorization, the certified copy of the resolution, and the information specified in subsection (1) of this section, the board shall authorize the director to issue to the ~~((corporation))~~ business entity a certificate of authorization to practice architecture in this state ~~((upon a determination by the board that:~~

(a) The bylaws of the corporation contain provisions that all architectural decisions pertaining to any project or architectural activities in this state shall be made by the specified architects responsible for the project or architectural activities, or other responsible architects under the direction or supervision of the architects responsible for the project or architectural activities;

(b) The applicant corporation has the ability to provide, through qualified personnel, professional services or creative work requiring architectural experience, and with respect to the architectural services that the corporation undertakes or offers to undertake, the personnel have the ability to apply special knowledge to the professional services or creative work such as consultation, investigation, evaluation, planning, design, and administration of the construction contract in connection with any public or private structures, buildings, equipment, processes, works, or projects;

(c) The application for certificate of authorization contains the professional records of the designated person or persons who are responsible;

(d) The application for certificate of authorization states the experience of the corporation, if any, in furnishing architectural services during the preceding five-year period;

(e) The applicant corporation meets such other requirements related to professional competence in the furnishing of architectural services as may be established and promulgated by the board in furtherance of the purposes of this chapter; and

(f) The applicant corporation is possessed of the ability and competence to furnish architectural services in the public interest.

(3) Upon recommendation of the board to impose action as authorized in RCW 18.235.110, the director may impose the recommended action upon a certificate of authorization to a corporation if the board finds that any of the officers, directors, incorporators, or the stockholders holding a majority of stock of the corporation have committed an act prohibited under RCW 18.08.440 or 18.235.130 or have been found personally responsible for misconduct under subsection (6) or (7) of this section.

(4) In the event a corporation, organized solely by a group of architects each registered under this chapter, applies for a certificate of authorization, the board may, in its discretion, grant a certificate of authorization to that corporation based on a review of the professional records of such incorporators, in lieu of the required qualifications set forth in subsections (1) and (2) of this section. In the event the ownership of such corporation is altered, the corporation shall apply for a revised certificate of authorization, based upon the professional records of the owners if exclusively architects, under the qualifications required by subsections (1) and (2) of this section).

~~((5))~~ (4) Any ~~((corporation))~~ business entity practicing or offering to practice architecture, whether or not it is authorized to practice architecture under this chapter, ~~((together with its directors and officers for their own individual acts, are))~~ shall be jointly and severally responsible to the same degree as an individual registered architect and shall conduct their business without misconduct or malpractice in the practice of architecture as defined in this chapter.

~~((6))~~ (5) Any ~~((corporation))~~ business entity that has been certified under this chapter and has engaged in the practice of architecture may have its certificate of authorization either suspended or revoked by the board if, after a proper hearing, the board finds that the ~~((corporation))~~ business entity has committed misconduct or malpractice under RCW 18.08.440 or 18.235.130. In such a case, any individual architect registered under this chapter who is involved in such misconduct or malpractice is also subject to disciplinary measures provided in this chapter and RCW 18.235.110.

~~((7))~~ (7) All plans, specifications, designs, and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the direction of the designated architects and shall be signed by and stamped with the official seal of the designated architects in the corporation authorized under this chapter.

~~((8))~~ (6) For each certificate of authorization issued under this section there shall be paid a certification fee and an annual certification renewal fee as prescribed by the director under RCW 43.24.086.

~~((9))~~ (9) This chapter shall not affect the practice of architecture as a professional service corporation under chapter 18.100 RCW.)

Sec. 10. RCW 18.08.430 and 1985 c 37 s 14 are each amended to read as follows:

(1) The renewal date for certificates of registration shall be set by the director in accordance with RCW 43.24.086. Registrants who fail to pay the renewal fee within thirty days of the due date shall pay all delinquent fees plus a penalty fee equal to one-third of the renewal fee. A registrant who fails to pay a renewal fee for a period of five years may be reinstated under such circumstances as the board determines. The renewal and penalty fees and the frequency of renewal assessment shall be authorized under this chapter. Renewal

date for certificates of authorization shall be the anniversary of the date of authorization.

(2) Any registrant in good standing may withdraw from the practice of architecture by giving written notice to the director, and may within five years thereafter resume active practice upon payment of the then-current renewal fee. A registrant may be reinstated after a withdrawal of more than five years under such circumstances as the board determines.

(3) A registered architect must demonstrate professional development since the architect's last renewal or initial registration, as the case may be. The board shall by rule describe professional development activities acceptable to the board and the form of documentation of the activities required by the board. The board may decline to renew a registration if the architect's professional development activities do not meet the standards set by the board by rule. When adopting rules under the authority of this subsection, the board shall strive to ensure that the rules are consistent with the continuing professional education requirements and systems in use by national professional organizations representing architects and in use by other states.

(a) A registered architect shall, as part of his or her license renewal, certify that he or she has completed the required continuing professional development required by this section.

(b) The board may adopt reasonable exemptions from the requirements of this section.

NEW SECTION. Sec. 11. (1) Section 5 of this act takes effect on July 1, 2011, and all persons enrolled in an intern training program as approved by the board before July 1, 2011, shall be governed by the statute in effect at the time of enrollment in the program.

(2) Sections 7 through 10 of this act take effect July 1, 2010." Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2010

ESSB 5543 Prime Sponsor, Committee on Environment, Water & Energy: Reducing the release of mercury into the environment. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Environmental Health. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6214 Prime Sponsor, Committee on Government Operations & Elections: Restructuring three growth management hearings boards into one board. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Local Government & Housing. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Assistant Ranking Minority Member; Klippert and Short.

Passed to Committee on Rules for second reading.

February 25, 2010

ESB 6240 Prime Sponsor, Senator Keiser: Regulating joint underwriting associations. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Financial Institutions & Insurance. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Klippert and Short.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6248 Prime Sponsor, Committee on Health & Long-Term Care: Concerning the use of bisphenol A. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Environmental Health. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2010

E2SSB 6267 Prime Sponsor, Committee on Ways & Means: Regarding water right processing improvements. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Water is an essential element for economic prosperity and it generates new, family-wage jobs and state revenues. It is the intent of the legislature to provide both water right applicants and the department of ecology with the necessary tools to expedite the processing of water right applications depending on the needs of the project and agency workload.

NEW SECTION. Sec. 2. Sufficient resources to support the department of ecology's water resource program are essential for effective and sustainable water management that provides certainty to processed applications. The department of ecology shall review current water resource functions and report to the legislature and the governor by September 1, 2010, on improvements to make the program more self-sustaining and efficient.

Sec. 3. RCW 90.03.265 and 2003 c 70 s 6 are each amended to read as follows:

(1)(a) Any applicant for a new withdrawal or a change, transfer, or amendment of a water right pending before the department(=) may initiate a cost-reimbursement agreement with the department to provide expedited review of the application. A cost-reimbursement agreement may ((only)) be initiated under this section if the applicant agrees to pay for, or as part of a cooperative effort agrees to pay for, the cost of processing his or her application and all other applications from the same source of supply which must be acted upon before the applicant's request because they were filed prior to the date of when the applicant filed.

(b) The requirement to pay for the cost of other applications under (a) of this subsection does not apply to an application for a new appropriation that would not diminish the water available to earlier pending applicants for new appropriations from the same source of supply.

(c) The requirement to pay for the cost of processing other applications under (a) of this subsection does not apply to an application for a change, transfer, or other amendment that would not diminish the water available to earlier pending applicants for changes or transfers from the same source of supply.

(d) In determining whether an application would not diminish the water available to earlier pending applicants, the department shall consider any water impoundment or other water resource management mitigation technique proposed by the applicant under RCW 90.03.255 or 90.44.055.

(e) The department may enter into cost-reimbursement agreements provided resources are available and shall use the process established under RCW 43.21A.690 for entering into cost-reimbursement agreements. The department's share of work related to a cost-reimbursement application, such as final certificate approval, must be prioritized within the framework of other water right processing needs and as determined by agency rule.

(f) Each individual applicant is responsible for his or her own appeal costs that may result from a water right decision made by the department. In the event that the department's approval of an application is appealed under chapter 43.21B RCW by a third party, the applicant for the water right in question must reimburse the department for the cost of defending the decision before the pollution control hearings board unless otherwise agreed to by the applicant and the department. If an applicant appeals either an approval or a denial by the department, the applicant is responsible only for its own appeal costs.

(2) In pursuing a cost-reimbursement project, the department must determine the source of water proposed to be diverted or withdrawn from, including the boundaries of the area that delimits the source. The department must determine if any other water right permit applications are pending from the same source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department finds they are hydraulically connected. The department shall consider technical information submitted by the applicant in making its determinations under this subsection. The department may recover from a cost-reimbursement applicant its own costs in making the same source determination under this subsection.

(3) Upon request of the applicant seeking cost-reimbursement processing, the department may elect to initiate a coordinated cost-reimbursement process. To initiate this process, the department must notify in writing all persons who have pending applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be posted on the department's web site and published in a newspaper of general circulation in the area where affected properties

are located. The notice must also be made individually by way of mail to:

(a) Inform those applicants that cost-reimbursement processing of applications within the described water source is being initiated;

(b) Provide to individual applicants the criteria under which the applications will be examined and determined;

(c) Provide to individual applicants the estimated cost for having an application processed on a cost-reimbursement basis;

(d) Provide an estimate of how long the cost-reimbursement process will take before an application is approved or denied; and

(e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in the cost-reimbursement process.

(4) The applicant initiating the cost-reimbursement request must pay for the cost of the determination under subsections (2) and (3) of this section and other costs necessary for the initial phase of cost-reimbursement processing. The cost for each applicant for conducting processing under a coordinated cost-reimbursement agreement must be based primarily on the proportionate quantity of water requested by each applicant. The cost may be adjusted if it appears that an application will require a disproportionately greater amount of time and effort to process due to its complexity.

(5)(a) Only the department may approve or deny a water right application processed under this section, and such a final decision remains solely the responsibility and function of the department. The department retains full authority to amend, refuse, or approve any work product provided by any consultant under this section. The department may recover its costs related to: (i) The review of a contractor to ensure that no conflict of interest exists; (ii) the management of consultant contracts and cost-reimbursement agreements; and (iii) the review of work products provided by participating consultants.

(b) For any cost-reimbursement process initiated under subsection (1) of this section, the applicant may, after consulting with the department, select a prequalified consultant listed by the department under subsection (7) of this section or may be assigned such a prequalified consultant by the department.

(c) For any coordinated cost-reimbursement process initiated under subsection (2) of this section, the applicant may, after consulting with the department, select a prequalified consultant listed by the department under subsection (7) of this section or may be assigned a prequalified consultant by the department.

(d) In lieu of having one or more of the work products performed by a prequalified consultant listed under subsection (7) of this section, the department may, at its discretion, recognize specific work completed by an applicant or an applicant's consultant prior to the initiation of cost-reimbursement processing. The department may also, at its discretion, authorize the use of such a consultant to perform a specific scope of the work performed by prequalified consultants listed under subsection (7) of this section.

(e) At any point during the cost-reimbursement process, the department may request or accept technical information, data, and analysis from the applicant or the applicant's consultant to support the cost-reimbursement process or the department's decision on the application.

(6) The department is authorized to adopt rules or guidance providing minimum qualifications and standards for any consultant's submission of work products under this section, including standards for submission of technical information, scientific analysis, work product documentation, and report presentation that such a consultant must meet.

(7) The department must provide notice to potential consultants of the opportunity to be considered for inclusion on the list of cost-reimbursement consultants to whom work assignments will be made. The department must competitively select an appropriate number of consultants who are qualified by training and experience to

investigate and make recommendations on the disposition of water right applications. The prequalified consultant list must be renewed at least every six years, though the department may add qualified cost-reimbursement consultants to the list at any time. The department must enter a master contract with each consultant selected and thereafter make work assignments based on availability and qualifications.

(8) The department may remove any consultant from the consultant list for poor performance, malfeasance, or excessive complaints from cost-reimbursement participants. The department may interview any cost-reimbursement consultant to determine whether the person is qualified for this work, and must spot-check the work of consultants to ensure that the public is being competently served.

(9) When a prequalified cost-reimbursement consultant from the department's list described in subsection (7) of this section is assigned or selected to investigate an application or set of applications, the consultant must document its findings and recommended disposition in the form of written draft technical reports and preliminary draft reports of examination. Within two weeks of the department receiving draft technical reports and preliminary draft reports of examination, the department shall provide the applicant such documents for review and comment prior to their completion by the consultant. The department shall consider such comments by the applicant prior to the department's issuance of a draft report of examination. The department may modify the preliminary draft reports of examination submitted by the consultant. The department's decision on a permit application is final unless it is appealed to the pollution control hearings board under chapter 43.21B RCW.

(10) If an applicant elects not to participate in a cost-reimbursement process, the application remains on file with the department, retains its priority date, and may be processed in the future under regular processing, expedited processing, coordinated cost-reimbursement processing, cost-reimbursement processing, or through conservancy board processing as authorized under chapter 90.80 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 90.03 RCW to read as follows:

The water rights processing account is created in the state treasury. All receipts from the fees collected under sections 5, 7, and 12 of this act must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account may only be used to support the processing of water right applications for a new appropriation, change, transfer, or amendment of a water right as provided in this chapter and chapters 90.42 and 90.44 RCW or for the examination, certification, and renewal of certification of water right examiners as provided in section 7 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department may expedite processing of applications within the same source of water on its own volition when there is interest from a sufficient number of applicants or upon receipt of written requests from at least ten percent of the applicants within the same source of water.

(2) If the conditions of subsection (1) of this section have been met and the department determines that the public interest is best served by expediting applications within a water source, the department must notify in writing all persons who have pending applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be posted on the department's web site and published in a newspaper of general

circulation in the area where affected properties are located. The notice must also be made individually by way of mail to:

(a) Inform those applicants that expedited processing of applications within the described water source is being initiated;

(b) Provide to individual applicants the criteria under which the applications will be examined and determined;

(c) Provide to individual applicants the estimated cost for having an application processed on an expedited basis;

(d) Provide an estimate of how long the expedited process will take before an application is approved or denied; and

(e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in the expedited processing of their applications.

(3) In addition to the application fees provided in RCW 90.03.470, the department must recover the full cost of processing all the applications from applicants who elect to participate within the water source through expedited processing fees. The department must calculate an expedited processing fee based primarily on the proportionate quantity of water requested by each applicant and may adjust the fee if it appears that the application will require a disproportionately greater amount of time and effort to process due to its complexity. Any application fees that were paid by the applicant under RCW 90.03.470 must be credited against the applicant's share of the cost of processing applications under the provisions of this section.

(4) The expedited processing fee must be collected by the department prior to the expedited processing of an application. Revenue collected from these fees must be deposited into the water rights processing account created in section 4 of this act. An applicant who has stated in writing that he or she wants his or her application processed using the expedited procedures in this section must transmit the processing fee within sixty days of the written request. Failure to do so will result in the applicant not being included in expedited processing for that water source.

(5) If an applicant elects not to participate in expedited processing, the application remains on file with the department, the applicant retains his or her priority date, and the application may be processed through regular processing, expedited processing, coordinated cost-reimbursement processing, cost-reimbursement processing, or through conservancy board processing as authorized under chapter 90.80 RCW. Such an application may not be processed through expedited processing within twelve months after the department's issuance of decisions on participating applications at the conclusion of expedited processing unless the applicant agrees to pay the full proportionate share that would otherwise have been paid during such processing. Any proceeds collected from an applicant under this delayed entry into expedited processing shall be used to reimburse the other applicants who participated in the previous expedited processing of applications, provided sufficient proceeds remain to fully cover the department's cost of processing the delayed entry application and the department's estimated administrative costs to reimburse the previously expedited applicants.

NEW SECTION. Sec. 6. A new section is added to chapter 90.03 RCW to read as follows:

The department must post notice on its web site and provide electronic notice and opportunity for comment to affected federally recognized tribal governments concurrently when providing notice to applicants under RCW 90.03.265 and sections 5 and 12 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall establish and maintain a list of certified water right examiners. Certified water right examiners on the list are eligible to perform final proof examinations of permitted water uses leading to the issuance of a water right certificate under RCW 90.03.330. The list must be updated annually and must be made available to the public through written and electronic media.

(2) In order to qualify, an individual must be registered in Washington as a professional engineer, professional land surveyor, or registered hydrogeologist, or an individual must demonstrate at least five years of applicable experience to the department, or be a board member of a water conservancy board. Qualified individuals must also pass a written examination prior to being certified by the department. Such an examination must be administered by either the department or an entity formally approved by the department. Each certified water right examiner must demonstrate knowledge and competency regarding:

- (a) Water law in the state of Washington;
- (b) Measurement of the flow of water through open channels and enclosed pipes;
- (c) Water use and water level reporting;
- (d) Estimation of the capacity of reservoirs and ponds;
- (e) Irrigation crop water requirements;
- (f) Aerial photo interpretation;
- (g) Legal descriptions of land parcels;
- (h) Location of land and water infrastructure through the use of maps and global positioning;
- (i) Proper construction and sealing of well bores; and
- (j) Other topics related to the preparation and certification of water rights in Washington state.

(3) Except as provided in subsection (9) of this section, upon completion of a water appropriation and putting water to beneficial use, in order to receive a final water right certificate, the permit holder must secure the services of a certified water right examiner who has been tested and certified by the department. The examiner shall carry out a final examination of the project to verify its completion and to determine and document for the permit holder and the department the amount of water that has been appropriated for beneficial use, the location of diversion or withdrawal and conveyance facilities, and the actual place of use. The examiner shall take measurements or make estimates of the maximum diversion or withdrawal, the capacity of water storage facilities, the acreage irrigated, the type and number of residences served, the type and number of stock watered, and other information relevant to making a final determination of the amount of water beneficially used. The examiner shall make photographs of the facilities to document the use or uses of water and the photographs must be submitted with the examiner's report to the department. The department shall specify the format and required content of the reports and may provide a form for that purpose.

(4) The department may suspend or revoke a certification based on poor performance, malfeasance, failure to acquire continuing education credits, or excessive complaints from the examiner's customers. The department may require the retesting of an examiner. The department may interview any examiner to determine whether the person is qualified for this work. The department shall spot-check the work of examiners to ensure that the public is being competently served. Any person aggrieved by an order of the department including the granting, denial, revocation, or suspension of a certificate issued by the department under this chapter may appeal pursuant to chapter 43.21B RCW.

(5) The decision regarding whether to issue a final water right certificate is solely the responsibility and function of the department.

(6) The department shall make its final decision under RCW 90.03.330 within sixty days of the date of receipt of the proof of examination from the certified water right examiner, unless otherwise requested by the applicant.

(7) Each certified water right examiner must complete eight hours annually of qualifying continuing education in the water resources field. The department shall determine and specify the qualifying continuing education and shall inform examiners of the opportunities. The department shall track whether examiners are current in their continuing education and may suspend the certification of an

examiner who has not complied with the continuing education requirement.

(8) Each certified water right examiner must be bonded for at least fifty thousand dollars.

(9) The department may waive the requirement to secure the services of a certified water right examiner in situations in which the department deems it unnecessary for purposes of issuing a certificate of water right.

(10) The department shall establish and collect fees for the examination, certification, and renewal of certification of water right examiners. Revenue collected from these fees must be deposited into the water rights processing account created in section 4 of this act. Pursuant to RCW 43.135.055, the department is authorized to set fees for examination, certification, and renewal of certification for water right examiners.

(11) The department may adopt rules appropriate to carry out the purposes of this section.

Sec. 8. RCW 90.14.065 and 1987 c 93 s 1 are each amended to read as follows:

~~(1)(a)~~ Any person or entity, or successor to such person or entity, having a statement of claim on file with the water rights claims registry ~~((on April 20, 1987,))~~ may submit to the department of ecology for filing ~~(?)~~ an amendment to such a statement of claim if the submitted amendment is based on:

~~((1))~~ (i) An error in estimation of the quantity of the applicant's water claim prescribed in RCW 90.14.051 if the applicant provides reasons for the failure to claim such right in the original claim;

~~((2))~~ (ii) A change in circumstances not foreseeable at the time the original claim was filed, if such change in circumstances relates only to the manner of transportation or diversion of the water and not to the use or quantity of such water; or

~~((3))~~ (iii) The amendment is ministerial in nature.

~~(b)~~ The department shall accept any such submission and file the same in the registry unless the department by written determination concludes that the requirements of (a)(i), (ii), or (iii) of this subsection ~~((1), (2), or (3) of this section))~~ have not been satisfied.

(2) In addition to subsection (1) of this section, a surface water right claim may be changed or transferred in the same manner as a permit or certificate under RCW 90.03.380, and a water right claim for groundwater may be changed or transferred as provided under RCW 90.03.380 and 90.44.100.

(3) Any person aggrieved by a determination of the department may obtain a review thereof by filing a petition for review with the pollution control hearings board within thirty days of the date of the determination by the department. The provisions of RCW 90.14.081 shall apply to any amendment filed or approved under this section.

Sec. 9. RCW 90.44.100 and 2009 c 183 s 16 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of groundwater right, the holder of a valid right to withdraw public groundwaters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public groundwater as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c)

where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public groundwater as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" of a water right permit or certificate is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well. The location of the original well or wells of a water right claim filed under chapter 90.14 RCW is the area located within a one-quarter mile radius of the current well or wells.

(5) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring an amendment of any existing water right to enable the holder of the right to store water governed by the right.

(6) This section does not apply to a water right involved in an approved local water plan created under RCW 90.92.090 or a banked water right under RCW 90.92.070.

Sec. 10. RCW 90.44.100 and 2003 c 329 s 3 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of groundwater right, the holder of a valid right to withdraw public groundwaters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public groundwater as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal

from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public groundwater as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" of a water right permit or certificate is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well. The location of the original well or wells of a water right claim filed under chapter 90.14 RCW is the area located within a one-quarter mile radius of the current well or wells.

(5) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring an amendment of any existing water right to enable the holder of the right to store water governed by the right.

NEW SECTION. Sec. 11. A new section is added to chapter 90.44 RCW to read as follows:

Applications to appropriate groundwater under a cost-reimbursement agreement must be processed in accordance with RCW 90.03.265 when an applicant requests the assignment of a cost-reimbursement consultant as provided in RCW 43.21A.690.

NEW SECTION. Sec. 12. A new section is added to chapter 90.44 RCW to read as follows:

(1) The department may expedite processing of applications within the same source of water on its own volition when there is interest from a sufficient number of applicants or upon receipt of written requests from at least ten percent of the applicants within the same source of water.

(2) If the conditions of subsection (1) of this section have been met and the department determines that the public interest is best served by expediting applications within a water source, the department must notify in writing all persons who have pending applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be posted on the department's web site and published in a newspaper of general circulation in the area where affected properties are located. The notice must also be made individually by way of mail to:

(a) Inform those applicants that expedited processing of applications within the described water source is being initiated;

(b) Provide to individual applicants the criteria under which the applications will be examined and determined;

(c) Provide to individual applicants the estimated cost for having an application processed on an expedited basis;

(d) Provide an estimate of how long the expedited process will take before an application is approved or denied; and

(e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in expedited processing of their applications.

(3) In addition to the application fees provided in RCW 90.03.470, the department must recover the full cost of processing all the applications from applicants who elect to participate within the water source through expedited processing fees. The department must calculate an expedited processing fee based primarily on the proportionate quantity of water requested by each applicant and may adjust the fee if it appears that an application will require a disproportionately greater amount of time and effort to process due to its complexity. Any application fees that were paid by the applicant under RCW 90.03.470 must be credited against the applicant's share of the cost of processing applications under the provisions of this section.

(4) The expedited processing fee must be collected by the department prior to the expedited processing of an application. Revenue collected from these fees must be deposited into the water rights processing account created in section 4 of this act. An applicant who has stated in writing that he or she wants his or her application processed using the expedited procedures in this section must transmit the processing fee within sixty days of the written request. Failure to do so will result in the applicant not being included in expedited processing for that water source.

(5) If an applicant elects not to participate in expedited processing, the application remains on file with the department, the applicant retains his or her priority date, and the application may be processed through regular processing, expedited processing, coordinated cost-reimbursement processing, cost-reimbursement processing, or through conservancy board processing as authorized under chapter 90.80 RCW. Such an application may not be processed through expedited processing within twelve months after the department's issuance of decisions on participating applications at the conclusion of expedited processing unless the applicant agrees to pay the full proportionate share that would otherwise have been paid during such processing. Any proceeds collected from an applicant under this delayed entry into expedited processing shall be used to reimburse the other applicants who participated in the previous expedited processing of applications, provided sufficient proceeds remain to fully cover the department's cost of processing the delayed entry application and the department's estimated administrative costs to reimburse the previously expedited applicants.

NEW SECTION. Sec. 13. Section 9 of this act expires June 30, 2019.

NEW SECTION. Sec. 14. Section 10 of this act takes effect June 30, 2019.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. It is the intent of the legislature to recover the actual cost of processing applications for water right permits and to stop subsidizing the processing of water right permits out of general tax revenues. The legislature recognizes that the largest beneficiary of receiving a water permit is the person receiving the water permit.

It is further the intent of the legislature that the backlog of applications be eliminated within five years of the effective date of this section and that thereafter water right permit applications be

processed to a conclusion within twelve months of an application being made to the department of ecology.

NEW SECTION. Sec. 17. A new section is added to chapter 90.03 RCW to read as follows:

The water rights processing and dam safety account is created in the state treasury. All receipts from the fees collected under RCW 90.03.470 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to support the processing of water right applications and change applications as provided in this chapter and chapters 90.38, 90.42, and 90.44 RCW and the safety inspection of hydraulic works and plans and specifications for such works.

Sec. 18. RCW 90.03.470 and 2005 c 412 s 2 are each amended to read as follows:

The fees specified in this section shall be collected by the department in advance of the requested action.

(1) ((For the examination of an application for a permit to appropriate water, a minimum fee of fifty dollars must be remitted with the application.

For an amount of water exceeding one-half cubic foot per second, the examination fee shall be assessed at the rate of one dollar per one hundredth cubic foot per second. In no case will the examination fee be less than fifty dollars or more than twenty-five thousand dollars. No fee is required under this subsection (1) for an application filed by a party to a cost-reimbursement agreement made under RCW 90.03.265.)) For the examination of an application for a permit to appropriate water or for an application to change, transfer, or amend an existing water right, an examination fee equal to one hundred dollars for each one-hundredth of a cubic foot per second must be remitted with the application, but in no case may the examination fee be less than one thousand dollars or more than fifty thousand dollars.

(2) The following fees apply for the examination of an application to store water((, a fee of two dollars for each acre foot of storage proposed shall be charged, but a minimum fee of fifty dollars must be remitted with the application. In no case will the examination fee for a storage project be less than fifty dollars or more than twenty-five thousand dollars. No fee is required under this subsection (2) for an application filed by a party to a cost-reimbursement agreement made under RCW 90.03.265)) and for an application to change a storage right:

(a) For storage of less than one hundred acre feet of water, an examination fee of one thousand dollars must be remitted with the application.

(b) For storage of more than one hundred acre feet of water but less than or equal to one thousand acre feet of water, an examination fee of two thousand dollars must be remitted with the application.

(c) For storage of more than one thousand acre feet of water but less than or equal to ten thousand acre feet of water, an examination fee of seven thousand five hundred dollars must be remitted with the application.

(d) For storage of more than ten thousand acre feet of water, an examination fee of fifteen thousand dollars must be remitted with the application.

(3)(a) ((For the examination of an application to transfer, change, or amend a water right certificate, permit, or claim as authorized by RCW 90.44.100, 90.44.105, or 90.03.380, a minimum fee of fifty dollars must be remitted with the application. For an application for change involving an amount of water exceeding one cubic foot per second, the total examination fee shall be assessed at the rate of fifty cents per one hundredth cubic foot per second. For an application for change of a storage water right, the total examination fee shall be assessed at the rate of one dollar for each acre foot of water involved in the change. The fee shall be based on the amount of water subject to change as proposed in the application, not on the total amount of water reflected in the water right certificate, permit, or claim. In no

case will the examination fee charged for a change application be less than fifty dollars or more than twelve thousand five hundred dollars.

(b)) The fee paid to the department for an application for change filed with a water conservancy board under chapter 90.80 RCW or for an application for change filed by a party to a cost-reimbursement agreement under RCW 90.03.265 must be one-fifth of the amounts provided in subsections (1) and (2) of this section. A conservancy board may charge its own processing fees in accordance with RCW 90.80.060.

(b) The examination fee for a temporary or seasonal change under RCW 90.03.390 is ((fifty)) two hundred dollars and must be remitted with the application.

(c) No fee is required under this subsection (3) for:

(i) An application to process a change relating to donation of a trust water right to the state; or

(ii) An application to process a change when the department otherwise acquires a trust water right for purposes of improving instream flows or for other public purposes(;

(iii) An application filed with a water conservancy board according to chapter 90.80 RCW or for the review of a water conservancy board's record of decision submitted to the department according to chapter 90.80 RCW; or

(iv) An application filed by a party to a cost-reimbursement agreement made under RCW 90.03.265)).

(d) For a change, transfer, or amendment involving a single project operating under more than one water right, including related secondary diversion rights, or involving the consolidation of multiple water rights, only one examination fee and one certificate fee are required to be paid.

(4) ((The fifty-dollar minimum fee payable with the application shall be a credit to the total amount whenever the examination fee totals more than fifty dollars under the schedule specified in subsections (1) through (3) of this section and in such case the further fee due shall be the total computed amount, less the amount previously paid. Within five working days from receipt of an application, the department shall notify the applicant by registered mail of any additional fees due under subsections (1) through (3) of this section.)) (a) The fee amounts specified in this section apply to applications received after the effective date of this section and to all applications that have not been acted on by the department by issuance of a report of examination as of the effective date of this section. For pending applications that were filed prior to the effective date of this section, any fees that were paid under a previous fee schedule must be credited to the amounts required by subsections (1), (2), and (3) of this section. When the department is prepared to take action on an application that was filed prior to the effective date of this section, the department shall notify the applicant that additional fees are due and give the applicant sixty days to remit the additional fees. If the applicant fails to remit the additional fees within the time provided, the department shall cancel the application and inform the applicant of the cancellation.

(b) If the department receives a water right, change, transfer, amendment, or storage application that does not include remittance of the fee amounts required by this section, the department shall return the application to the applicant with instructions on the proper fee amount to be remitted. An application does not establish a priority date until the proper fee is remitted.

(5) The ~~((fees specified in subsections (1) through (3) of this section do not apply to any filings))~~ fee for filing an emergency withdrawal authorization((s)) or temporary drought-related water right change((s)) authorized under RCW 43.83B.410 that ((are)) is received by the department while a drought condition order issued under RCW 43.83B.405 is in effect is one hundred dollars.

(6) For applying for each extension of time for beginning construction work under a permit to appropriate water, for completion of construction work, or for completing application of water to a

beneficial use, a fee of two hundred fifty dollars is required. These fees also apply to similar extensions of time requested under a change or transfer authorization.

(7) For the inspection of any hydraulic works to ~~((insure))~~ ensure safety to life and property, a fee based on the actual cost of the inspection, including the expense incident thereto, is required ~~((except as follows: (a) For any hydraulic works less than ten years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, there shall be no fee charged; or (b) for any hydraulic works more than ten years old, but less than twenty years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, the fee charged shall not exceed the fee for a significant hazard dam))~~.

(8) For the examination of plans and specifications as to safety of controlling works for storage of ten acre feet or more of water, a minimum fee of ~~((ten))~~ five hundred dollars, or a fee equal to the actual cost, is required.

(9) For recording an assignment either of a permit to appropriate water or of an application for such a permit, a fee of ~~((fifty))~~ two hundred dollars is required.

(10) For preparing and issuing all water right certificates, a fee of ~~((fifty))~~ two hundred dollars is required.

(11) For filing and recording a formal protest against granting any application, a fee of fifty dollars is required. No fee is required to submit a comment, by mail or otherwise, regarding an application.

(12) For filing an application to amend a water right claim filed under chapter 90.14 RCW, a fee of ~~((fifty))~~ two hundred dollars is required.

(13) For the registration of a new permit exempt groundwater withdrawal as required by RCW 90.44.050, a fee of three hundred dollars must be remitted.

(14)(a) Each person who holds a water right permit application, a reservoir permit application, or a change, transfer, or amendment application that is pending at any time between the effective date of this section and June 30, 2011, must remit a one-time fee of two hundred dollars to the department to retain an application in good standing. The department shall provide written notice by certified mail to each holder of an application for the fees that are due under this section. The notice must require that the fees be paid within sixty days of the date of receipt, but in no case may payment be due later than June 30, 2011. For ease of administration, the department may distribute the issuance of the notices by geographic area. The surcharge paid under this subsection is a credit against the application fees required in this section.

(b) Applications not in good standing must be canceled. The department shall issue an order to any holder of an application who fails to pay the fee within the prescribed time. The order must state that the application is canceled unless payment is received within thirty days.

(c) The department shall advise an applicant and provide an opportunity for an applicant to withdraw their application without further payment of fees if the department determines that the application would not likely be approved. The department shall summarize the basis for its conclusion to the applicant. The department shall further advise that the applicant has the option of providing an amended application that could include storage or other resource management technique that might make it approvable under RCW 90.03.255 or 90.44.055. The department's advice is not subject to appeal. If the applicant decides to retain the application on file and pays the fee required in this subsection, the department shall maintain the application in good standing until it is able to render a final decision on the application. The final decision is subject to appeal to the pollution control hearings board as provided under chapter 43.21B RCW.

(15) An application or request for an action as provided for under this section is incomplete unless accompanied by the fee or the minimum fee. If no fee or an amount less than the minimum fee accompanies an application or other request for an action as provided under this section, the department shall return the application or request to the applicant with advice as to the fee that must be remitted with the application or request for it to be accepted for processing. If additional fees are due, the department shall provide timely notification by certified mail with return receipt requested to the applicant. No action may be taken by the department until the fee is paid in full. Failure to remit fees within sixty days of the department's notification is grounds for rejecting the application or request or canceling the permit. Cash shall not be accepted. Fees must be paid by check or money order and are nonrefundable.

~~((14))~~ (16) For purposes of calculating fees for groundwater filings, one cubic foot per second shall be regarded as equivalent to four hundred fifty gallons per minute.

((15) Eighty percent of the fees collected by the department under this section shall be deposited in the state general fund. Twenty percent of the fees collected by the department under this section shall be deposited in the water rights tracking system account established in RCW 90.14.240.

(16) Except for the fees relating to the inspection of hydraulic works and the examination of plans and specifications of controlling works provided for in subsections (7) and (8) of this section, nothing in this section is intended to grant authority to the department to amend the fees in this section by adoption of rules or otherwise.) (17) The fees collected by the department under this section must be deposited in the water rights processing and dam safety account created in section 17 of this act.

(18)(a) The fees specified in this section are effective until the department adopts rules that modify them in accordance with section 21 of this act, except that the fees required in subsections (7) and (8) of this section may be modified at any time.

(b) When information has been previously obtained that directly relates to the processing of an application in subsections (1) and (2) of this section, the department must proportionately reduce the fees associated with that application as a result of the reduced workload of the department.

NEW SECTION. Sec. 19. A new section is added to chapter 90.03 RCW to read as follows:

Within existing appropriations, the department must provide grant funds to assist applicants in the payment of fees required in RCW 90.03.470. The department shall give priority in the distribution of grant money to applicants who designate on their application that the water will be used for agricultural purposes.

Sec. 20. RCW 90.44.050 and 2003 c 307 s 1 are each amended to read as follows:

(1) After June 6, 1945, no withdrawal of public groundwaters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the department and a permit has been granted by it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public groundwaters for stock-watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding five thousand gallons a day, or as provided in RCW 90.44.052, or for an industrial purpose in an amount not exceeding five thousand gallons a day, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter: PROVIDED, HOWEVER, That the department from time to time may require the person or agency making any such small withdrawal to furnish information as to the means for and the quantity of that withdrawal: PROVIDED, FURTHER, That at the option of the party

making withdrawals of groundwaters of the state not exceeding five thousand gallons per day, applications under this section or declarations under RCW 90.44.090 may be filed and permits and certificates obtained in the same manner and under the same requirements as is in this chapter provided in the case of withdrawals in excess of five thousand gallons a day.

(2)(a) The owner of a permit exempt withdrawal established under this section, the beneficial use of which is commenced on or after the effective date of this section, must register the withdrawal with the department on a registration form provided by the department. The registration must include information regarding the ownership and intended purpose of the withdrawal, the amounts withdrawn or proposed to be withdrawn, and the location, size, depth, and other particulars regarding the well. The department shall make the registration form available on its internet site and shall accept the filing of registration forms electronically as well as by conventional mail or personal delivery.

(b) For each permit exempt withdrawal the beneficial use of which is commenced on or after the effective date of this section, the registration form must be accompanied by a fee of three hundred dollars. Upon receiving a completed registration form and fee, the department shall make a record of the registration form and shall return a copy of the registration marked as having been received and registered.

(c) The well or wells being registered must be tagged in accordance with RCW 18.104.040(6). The department shall provide an identification tag for each well and shall instruct the owner to affix the tags to the wells used to withdraw water.

(d) Whenever the owner of a permit exempt withdrawal adds dwelling units or additional purposes for the use of the withdrawal or otherwise increases the amount of water to be withdrawn by more than twenty percent, a new registration form and fee of one hundred dollars must be filed.

(e) All fees collected under this section must be deposited into the water rights processing and dam safety account created in section 17 of this act.

(3) The department may issue either an order under RCW 43.27A.190 or a civil penalty under RCW 90.03.600, or both, to the owner of a new permit exempt withdrawal who fails to file the registration form and fee required in subsection (2) of this section. Before issuing an order or penalty, the department shall inform the owner in writing by registered mail with return receipt that the registration form and fee must be remitted within thirty days. An order issued under this subsection may require the owner to cease withdrawing and using water until the form and fee have been filed. If the owner continues to refuse to file the form and fee, the department may issue an order requiring that the subject well or wells be decommissioned.

(4) A permit exempt withdrawal, the beneficial use of which is commenced on or after the effective date of this section, that has not been registered shall not be recognized as a water right under a general adjudication of water rights held under chapter 90.03 RCW.

NEW SECTION. Sec. 21. A new section is added to chapter 90.03 RCW to read as follows:

To effectuate the purpose of fully recovering the direct administrative costs incurred by the state to process water right and storage applications under this chapter and RCW 90.44.050 and to inspect and approve hydraulic works under this chapter, the department may periodically adopt rules to adjust the fees established in RCW 90.03.470. Any subsequent fees adopted by rule supersede those provided in RCW 90.03.470. Before proposing to adopt any changes to the fees, the department shall consult with the policy committees of the legislature that review water resources legislation.

NEW SECTION. Sec. 22. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall submit a report to the legislature prior to December 31, 2012, and biennially thereafter until December 31, 2020, on the status of the backlog of applications for water right permits, the effectiveness of processing water right permit applications to a conclusion within twelve months, and the appropriateness of the fee amounts.

(2) This section expires January 1, 2021.

NEW SECTION. Sec. 23. A new section is added to chapter 90.44 RCW to read as follows:

(1) The department may not require withdrawals of groundwater to be metered or measured for wells authorized under the provisions of RCW 90.44.050 constructed prior to the effective date of this section for single or group domestic uses that do not exceed withdrawing five thousand gallons a day.

(2) This section does not apply to wells the department has required to be metered or measured as of the effective date of this section."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Klippert and Short.

Referred to Committee on Ways & Means.

SSB 6293 February 25, 2010
Prime Sponsor, Committee on Judiciary: Changing provisions relating to rendering criminal assistance in the first degree. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass without amendment by Committee on Public Safety & Emergency Preparedness. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

SSB 6357 February 25, 2010
Prime Sponsor, Committee on Higher Education & Workforce Development: Requiring policies for academic recognition of certain formal and informal learning experiences. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

ESSB 6359 February 25, 2010
Prime Sponsor, Committee on Higher Education & Workforce Development: Promoting efficiencies including institutional coordination

and partnerships in the community and technical college system. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

SSB 6373 February 25, 2010
Prime Sponsor, Committee on Environment, Water & Energy: Directing the department of ecology to adopt rules requiring entities to report the emissions of greenhouse gases. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Ecology & Parks. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

SSB 6416 February 25, 2010
Prime Sponsor, Committee on Human Services & Corrections: Concerning relatives in dependency proceedings. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Early Learning & Children's Services.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 13.34 RCW to read as follows:

(1) A caregiver of a dependent child may petition the juvenile court to be heard on a decision by the department or supervising agency to remove the child from the caregiver's home if:

(a) The child has been found to be a dependent child under this chapter;

(b) The child was placed with the caregiver by the department or supervising agency and resided in the caregiver's home for twelve or more continuous months prior to the decision to remove, or the removal of, the child;

(c) The child is in the custody of the department or supervising agency at the time the petition to be heard is filed;

(d) The department or supervising agency has made the decision to remove or has already removed the child from the caregiver's home; and

(e) The child is not being returned home or moved to a permanent placement that is consistent with the child's permanency plan approved by the court.

(2) The caregiver may file a petition under this section within not more than ten business days after the date the caregiver receives notice of the removal decision, or the child is removed from the caregiver's home, whichever is later.

(3) If the requirements of subsection (1) of this section are met, the court shall grant the petition to be heard on the sole issue of the placement decision and shall schedule an expedited hearing on the matter.

(4) The caregiver has the right to be represented by counsel, at his or her own expense, at the hearing on the issue of the placement decision.

(5) The granting of a petition to be heard under this section does not grant the caregiver party status in the underlying dependency.

(6) The right to file a petition to be heard under this section does not grant a caregiver the right to further review of the placement decision on which the caregiver petitioned to be heard.

(7) For the purposes of this section, "caregiver" means a licensed foster parent, another suitable person as described in RCW 13.34.130(1)(b), or a relative as defined in RCW 74.15.020(2)(a) who is not the child's parent."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Assistant Ranking Minority Member and Klippert.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6520 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Extending time to complete recommendations under RCW 36.70A.5601 conducted by the William D. Ruckelshaus Center. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Local Government & Housing. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Hunter; Kagi; Maxwell; Nealey; Quall and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson; Carlyle; Haler and Rolfes.

Passed to Committee on Rules for second reading.

February 25, 2010

ESSB 6522 Prime Sponsor, Committee on Health & Long-Term Care: Establishing the accountable care organization pilot projects. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Fagan; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Schmick, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6556 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Changing the fees for certain types of agricultural burning. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6557 Prime Sponsor, Committee on Environment, Water & Energy: Limiting the use of certain substances in brake friction material. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Environmental Health. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member Armstrong, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 25, 2010

ESB 6610 Prime Sponsor, Senator Hargrove: Concerning the assessment and treatment of certain persons with mental illnesses. (REVISED FOR ENGROSSED: Improving procedures relating to the commitment of persons found not guilty by reason of insanity.) Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Human Services. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Fagan; Miloscia; Morrell; O'Brien; Roberts and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Johnson and Walsh.

Passed to Committee on Rules for second reading.

February 25, 2010

2SSB 6679 Prime Sponsor, Committee on Ways & Means: Concerning the small business export finance assistance center. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and

without amendment by Committee on Community & Economic Development & Trade. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6730 Prime Sponsor, Committee on Human Services & Corrections: Concerning child welfare. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health & Human Services Appropriations and without amendment by Committee on Early Learning & Children's Services.

Strike everything after the enacting clause and insert the following:

"Sec. 2. RCW 13.34.096 and 2009 c 520 s 25 are each amended to read as follows:

- (1) The department or supervising agency shall provide the child's foster parents, preadoptive parents, or other caregivers with notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. The rights to notice and to be heard apply only to persons with whom a child has been placed by the department (~~(before shelter care)~~) or other supervising agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.
- (2) The department or other supervising agency and the court also shall consider, in any hearing under this chapter regarding a change in the child's placement, written information about the child submitted by persons who provided care to the child within twelve months preceding the hearing and other persons who have a significant relationship with the child.

Sec. 3. RCW 74.13.300 and 2009 c 520 s 77 are each amended to read as follows:

- (1) Whenever a child has been placed in a foster family home or in the home of a relative caregiver or other suitable person as described in RCW 13.34.130(1)(b) by the department or supervising agency and the child has thereafter resided in the home for at least ninety consecutive days, the department or supervising agency shall notify the foster family, relative caregiver, or other suitable person at least five days prior to moving the child to another placement, unless:
 - (a) A court order has been entered requiring an immediate change in placement;
 - (b) The child is being returned home;
 - (c) The child's safety is in jeopardy; or
 - (d) The child is residing in a receiving home or a group home.
- (2) If the child has resided in a foster family home or in the home of a relative caregiver or other suitable person as described in RCW 13.34.130(1)(b) for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department or supervising agency shall notify the foster family, relative caregiver, or suitable person of proposed placement changes as soon as reasonably possible.
- (3) This section is intended (~~(solely)~~) to assist in minimizing disruption to the child in changing (~~(foster care)~~) placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's (~~(foster care)~~) placement nor to create any substantive custody rights (~~(in the)~~) for foster

parents, relative caregivers, or other suitable persons with whom a child is placed.

(4) Whenever a child has been placed with and resided in the home of a foster family, relative caregiver, or other suitable person as described in RCW 13.34.130(1)(b) for twelve continuous months or longer, the notice required under this section must be in writing and specify the reasons for changing the child's placement. The department shall report annually to the appropriate committees of the legislature regarding changes in placement for children who have resided for twelve continuous months or longer with a foster family, relative caregiver, or other suitable person, including the reasons for changing the placements of those children. The first report is due to the legislature not later than September 1, 2011, and a final report is due September 1, 2015.

Sec. 4. RCW 13.34.105 and 2008 c 267 s 13 are each amended to read as follows:

- (1) Unless otherwise directed by the court, the duties of the guardian ad litem for a child subject to a proceeding under this chapter, including an attorney specifically appointed by the court to serve as a guardian ad litem, include but are not limited to the following:
 - (a) To investigate, collect relevant information about the child's situation, and report to the court factual information regarding the best interests of the child;
 - (b) To meet with, interview, or observe the child, depending on the child's age and developmental status, and report to the court any views or positions expressed by the child on issues pending before the court;
 - (c) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order;
 - (d) To report to the court information on the legal status of a child's membership in any Indian tribe or band;
 - (e) Court-appointed special advocates and guardians ad litem may make recommendations based upon an independent investigation regarding the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties; and
 - (f) To represent and be an advocate for the best interests of the child.
 - (2) When a child, in the course of a guardian ad litem's normal investigation and collection of information for the court, makes a disclosure of abuse or neglect, the guardian ad litem shall make a referral to child protective services pursuant to RCW 26.44.030.
 - (3) A guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.
 - ~~((3))~~ (4) Except for information or records specified in RCW 13.50.100(7), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.
 - ~~((4))~~ (5) A guardian ad litem may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.
 - ~~((5))~~ (6) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100.
- NEW SECTION. Sec. 5.** If specific funding for the purposes of section 2 of this act, referencing section 2 of this act by bill or

chapter number and section number, is not provided by June 30, 2010, in the omnibus appropriations act, section 2 of this act is null and void."

Correct the title.

Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Fagan; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6747 Prime Sponsor, Committee on Ways & Means: Authorizing the department of natural resources to recover costs for data delivery services provided under the natural heritage program. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 79.70 RCW to read as follows:

(1) In an effort to recover the service cost incurred for staff time and other expenses involved in data delivery and information services from the natural heritage program, the department shall collect either:

(a) A one thousand dollar annual subscription fee for statewide data. The annual subscription fee includes five separate requests for information services as described in subsection (2) of this section. An hourly charge described in subsection (3) of this section will be assessed for information requests in excess of the five requests included in an annual subscription fee; or

(b) A one hundred dollar annual fee for data covering a full county or any portion thereof, plus an hourly charge described in subsection (3) of this section for information services requests described in subsection (2) of this section.

(2) For the purposes of this section, an information services request includes, but is not limited to, data analysis, technical assistance, manual searches, map interpretations, and preparing special reports.

(3) The hourly charge to process and respond to an information services request is seventy-five dollars per hour rounded to the nearest one-half hour. The department may waive user charges when an information services request requires less than one hour of response time or when no data or information services are provided. When the request is from a student for educational purposes, the department may waive fees for data and information services.

(4) The fees charged to an applicant requesting information services on private land owned by the applicant may not exceed three hundred dollars per calendar year.

(5) All moneys collected under this section must be deposited into the natural resources conservation areas stewardship account created in RCW 79.71.090.

(6) After July 1, 2011, the department may adjust or modify the fees specified in this section as necessary to recover the service costs.

(7) Nothing in this section limits the department from entering into contracts, agreements, or other arrangements with public and private agencies or organizations to provide the type of natural heritage information services covered by this section."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; Hudgins; Kenney; Klippert; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee and Short.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6759 Prime Sponsor, Committee on Early Learning & K-12 Education: Requiring a plan for a voluntary program of early learning. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & Children's Services. Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Quall; Rolfes and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representative Nealey.

Passed to Committee on Rules for second reading.

February 25, 2010

SSB 6760 Prime Sponsor, Committee on Ways & Means: Regarding the basic education instructional allocation distribution formula. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) It is the legislature's intent to continue implementation of chapter 548, Laws of 2009, by adopting the technical details of a new distribution formula for the instructional program of basic education and authorizing a phase-in of implementation of a new distribution formula for pupil transportation, both to take effect September 1, 2011. Unless otherwise stated, the numeric values adopted in section 2 of this act represent the translation of 2009-2010 state funding levels for the basic education act into the funding factors of the prototypical school funding formula, based on the expert advice and extensive work of the funding formula technical working group established by the legislature for this purpose. The legislature intends to continue to review and revise the formulas and may make revisions as necessary for technical purposes and consistency in the event of mathematical or other technical errors.

(2) The legislature intends that basic education funding for a school district shall not be decreased as a result of the transition of basic education funding formulas in effect during the 2009-2011 biennium to the new funding formulas under RCW 28A.150.260 that take effect September 1, 2011.

(3) It is also the legislature's intent to adopt an implementation schedule for phasing-in enhancements to the baseline funding levels of 2009-10 beginning in the 2011-12 school year for pupil transportation, class size allocations for grades kindergarten through three, full-day kindergarten, and allocations for maintenance, supplies, and operating costs.

(4) Finally, it is the legislature's intent to adjust the timelines for other working groups so that their expertise and advice can be received as soon as possible and to make technical adjustments to certain provisions of chapter 548, Laws of 2009.

Sec. 2. RCW 28A.150.260 and 2009 c 548 s 106 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter ~~28A.155~~, 28A.165, 28A.180, or ~~((28A.155)) 28A.185~~ RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

- (i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;
- (ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and
- (iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

~~((e))~~ (4)(a) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on ~~((an))~~ the following general education average class size ((as specified in the omnibus appropriations act)) of full-time equivalent students per teacher:

Grades K-3	25.23
Grade 4-7	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(b) Beginning in the 2011-12 school year and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades K-3 shall be reduced until the average class size funded under this subsection (4) is no more than 15.0 full-time equivalent students per teacher beginning in the 2015-16 school year.

(c) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical education average class size	
Approved career and technical education offered at the middle school and high school level	26.57
Skill center programs meeting the standards established by the office of the superintendent of public instruction	22.76

(d) In addition, the omnibus appropriations act shall at a minimum specify:

- (i) ((Basic average class size; ~~—(ii) Basic~~)) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and
- ~~((iii))~~ (ii) A specialty average class size for ~~((exploratory and preparatory career and technical education.))~~ laboratory science, advanced placement, and international baccalaureate courses~~((and~~
- (iv) Average class size in grades kindergarten through three). ~~((d))~~ (5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:
 - ((i)) Principals, including assistant principals, and other certificated building-level administrators;
 - (ii) Teacher librarians, performing functions including information literacy, technology, and media to support school library media programs;
 - (iii) Student health services, a function that includes school nurses, whether certificated instructional or classified employee, and social workers;
 - (iv) Guidance counselors, performing functions including parent outreach and graduation advisor;
 - (v) Professional development coaches;
 - (vi) Teaching assistance, which includes any aspect of educational instructional services provided by classified employees;
 - (vii) Office support, technology support, and other noninstructional aides;
 - (viii) Custodians, warehouse, maintenance, laborer, and professional and technical education support employees; and
 - (ix) Classified staff providing student and staff safety.

General education average class size

	<u>Elemen</u> <u>tary</u> <u>Schoo</u> <u>l</u>	<u>Mid</u> <u>dle</u> <u>Sch</u> <u>ool</u>	<u>Hig</u> <u>h</u> <u>Sch</u> <u>ool</u>
<u>Principals, assistant principals, and other certificated building-level administrators</u>	<u>1.253</u>	<u>1.3</u> <u>53</u>	<u>1.8</u> <u>80</u>

<u>Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs</u>	<u>0.663</u>	<u>0.5</u>	<u>0.5</u>
<u>Health and social services:</u>			
<u>School nurses</u>	<u>0.076</u>	<u>0.0</u>	<u>0.0</u>
<u>Social workers</u>	<u>0.042</u>	<u>0.0</u>	<u>0.0</u>
<u>Psychologists</u>	<u>0.017</u>	<u>0.0</u>	<u>0.0</u>
<u>Guidance counselors, a function that includes parent outreach and graduation advising</u>	<u>0.493</u>	<u>1.1</u>	<u>1.9</u>
<u>Teaching assistance, including any aspect of educational instructional services provided by classified employees</u>	<u>0.936</u>	<u>0.7</u>	<u>0.6</u>
<u>Office support and other noninstructional aides</u>	<u>2.012</u>	<u>2.3</u>	<u>3.2</u>
<u>Custodians</u>	<u>0.079</u>	<u>0.0</u>	<u>0.1</u>
<u>Classified staff providing student and staff safety</u>	<u>0.077</u>	<u>0.0</u>	<u>0.1</u>

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000 K-12 students	
Technology	0.628
Facilities, maintenance, and grounds	1.813
Warehouse, laborers, and mechanics	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.45 percent of the staff units generated under subsections (4)(a) and (b) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs, to be adjusted for inflation from the 2008-09 school year: ~~((Student technology; utilities; curriculum; textbooks, library materials, and instructional supplies; instructional professional development for both certificated and classified staff; other building level costs including maintenance, custodial, and security; and central office administration.))~~

Per annual average full-time equivalent student in grades K-12	
Technology	\$54.43
Utilities and insurance	\$147.90
Curriculum and textbooks	\$58.44
Other supplies and library materials	\$124.07
Instructional professional development for certified and classified staff	\$9.04
Facilities maintenance	\$73.27
Security and central office	\$50.76

~~(b) ((The annual average full-time equivalent student amounts in (a) of this subsection shall be enhanced))~~ Beginning in the 2011-12 school year, the minimum allocation for maintenance, supplies, and operating costs shall be increased annually until the following allocations, adjusted for inflation from the 2007-08 school year, are provided in the 2013-14 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average full-time equivalent student in grades K-12	
Technology	\$113.80
Utilities and insurance	\$309.21
Curriculum and textbooks	\$122.17
Other supplies and library materials	\$259.39
Instructional professional development for certificated and classified staff	\$18.89
Facilities maintenance	\$153.18
Security and central office administration	\$106.12

(9) In addition to the amounts provided in subsection (8) of this section, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

- (a) Exploratory career and technical education courses for students in grades seven through twelve;
- (b) Laboratory science courses for students in grades nine through twelve;
- (c) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and
- (d) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

~~((5))~~ (10) In addition to the allocations otherwise provided under ((subsections (3) and (4) of)) this section ((shall be enhanced as follows to provide additional allocations for classroom teachers and maintenance, supplies, and operating costs)), amounts shall be provided to support the following programs and services:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the ~~((percent))~~ district percentage of students in ~~((each school))~~ grades K-12 who ((are)) were eligible for free ((and) or reduced-price meals in the prior school year. The minimum allocation for the ~~((learning assistance))~~ program shall provide ((an extended school day and extended school year)) for each level of prototypical school ~~((and a per student allocation for maintenance, supplies, and operating costs))~~ resources to provide, on a statewide average, 1.5156 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide ~~((for supplemental instruction based on percent of the school day a student is assumed to receive supplemental instruction and a per student allocation for maintenance, supplies, and operating costs))~~ resources to provide, on a statewide average, 4.7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher.

~~((6))~~ The allocations provided under subsections (3) and (4) of this section shall be enhanced)) (c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on two and three hundred fourteen one-thousandths percent of each school

district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide ~~((an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs))~~ resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

~~((7))~~ (11) The allocations under subsections ~~((3))~~ (4)(a) and (b), ~~((e)(i), and (d), (4),)~~ (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

~~((8))~~ The distribution formula shall include allocations to school districts to support certificated and classified staffing of central office administration. The minimum allocation shall be calculated as a percentage, identified in the omnibus appropriations act, of the total allocations for staff under subsections (3) and (6) of this section for all schools in the district.

~~(9))~~ (12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections ~~((3))~~ (4) and ~~((5))~~ (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections ~~((3) and))~~ (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

~~((4))~~ (13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 3. RCW 28A.150.390 and 2009 c 548 s 108 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 ~~((3) (b), (e)(i), and (d), (4), and (8))~~ and federal medical assistance and private funds accruing under

~~RCW 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256)~~ (4)(a) and (b), (5), (6), and (8).

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by 0.9309.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 ~~((3) (b), (e)(i), and (d), (4), and (8))~~ (4)(a) and (b), (5), (6), and (8), to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent.

Sec. 4. RCW 28A.150.315 and 2009 c 548 s 107 are each amended to read as follows:

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. Beginning with the 2011-12 school year, funding shall continue to be phased-in incrementally each year until full statewide implementation of all-day kindergarten is achieved in the 2017-18 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

- (i) Developing initial skills in the academic areas of reading, mathematics, and writing;
- (ii) Developing a variety of communication skills;
- (iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;
- (iv) Acquiring large and small motor skills;
- (v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and
- (vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

Sec. 5. 2009 c 548 s 112 (uncodified) is amended to read as follows:

(1) The legislature intends to continue to redefine the instructional program of education under RCW 28A.150.220 that fulfills the obligations and requirements of Article IX of the state Constitution. The funding formulas under RCW 28A.150.260 to support the instructional program shall be implemented to the extent the technical details of the formula have been established and according to an implementation schedule to be adopted by the legislature. The object of the schedule is to assure that any increases in funding allocations are timely, predictable, and occur concurrently with any increases in program or instructional requirements. It is the intent of the legislature that no increased programmatic or instructional expectations be imposed upon schools or school districts without an accompanying increase in resources as necessary to support those increased expectations.

(2) The office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to:

(a) Develop the details of the funding formulas under RCW 28A.150.260;

(b) Recommend to the legislature an implementation schedule for phasing-in any increased program or instructional requirements concurrently with increases in funding for adoption by the legislature; and

(c) Examine possible sources of revenue to support increases in funding allocations and present options to the legislature and the quality education council created in ~~((section 114 of this act))~~ RCW 28A.290.010 for consideration.

(3) The working group shall include representatives of the legislative evaluation and accountability program committee, school district and educational service district financial managers, the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(4) The working group shall be monitored and overseen by the legislature and the quality education council established in ~~((section 114 of this act))~~ RCW 28A.290.010. The working group shall submit its recommendations to the legislature by December 1, 2009.

(5) After the 2009 report to the legislature, the office of financial management and the office of the superintendent of public instruction shall periodically reconvene the working group to monitor and provide advice on further development and implementation of the funding formulas under RCW 28A.150.260 and provide technical assistance to the ongoing work of the quality education council.

Sec. 6. 2009 c 548 s 302 (uncodified) is amended to read as follows:

(1) Beginning ~~((July))~~ April 1, 2010, the office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to develop options for a new system of supplemental school funding through local school levies and local effort assistance.

(2) The working group shall consider the impact on overall school district revenues of the new basic education funding system established under ~~((this act))~~ chapter 548, Laws of 2009 and shall recommend a phase-in plan that ensures that no school district suffers a decrease in funding from one school year to the next due to implementation of the new system of supplemental funding.

(3) The working group shall also:

(a) Examine local school district capacity to address facility needs associated with phasing-in full-day kindergarten across the state and reducing class size in kindergarten through third grade; and

(b) Provide the quality education council with analysis on the potential use of local funds that may become available for redeployment and redirection as a result of increased state funding allocations for pupil transportation and maintenance, supplies, and operating costs.

(4) The working group shall be composed of representatives from the department of revenue, the legislative evaluation and accountability program committee, school district and educational service district financial managers, and representatives of the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

~~((4))~~ (5) The local funding working group shall be monitored and overseen by the legislature and by the quality education council created in ~~((section 114 of this act))~~ RCW 28A.290.010. The working group shall report to the legislature ~~((December 1))~~ June 30, 2011.

Sec. 7. RCW 43.41.398 and 2009 c 548 s 601 are each amended to read as follows:

(1) The legislature recognizes that providing students with the opportunity to access a world-class educational system depends on our continuing ability to provide students with access to world-class educators. The legislature also understands that continuing to attract and retain the highest quality educators will require increased investments. The legislature intends to enhance the current salary allocation model and recognizes that changes to the current model cannot be imposed without great deliberation and input from teachers, administrators, and classified employees. Therefore, it is the intent of the legislature to begin the process of developing an enhanced salary allocation model that is collaboratively designed to ensure the rationality of any conclusions regarding what constitutes adequate compensation.

(2) Beginning July 1, 2011, the office of the superintendent of public instruction, in collaboration with the office of financial management, shall convene a technical working group to recommend the details of an enhanced salary allocation model that aligns state expectations for educator development and certification with the compensation system and establishes recommendations for a concurrent implementation schedule. In addition to any other details the technical working group deems necessary, the technical working group shall make recommendations on the following:

(a) How to reduce the number of tiers within the existing salary allocation model;

(b) How to account for labor market adjustments;

(c) How to account for different geographic regions of the state where districts may encounter difficulty recruiting and retaining teachers;

(d) The role of and types of bonuses available;

(e) Ways to accomplish salary equalization over a set number of years; and

(f) Initial fiscal estimates for implementing the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather in permanently to the existing schedule.

(3) As part of its work, the technical working group shall conduct or contract for a preliminary comparative labor market analysis of salaries and other compensation for school district employees to be conducted and shall include the results in any reports to the legislature. For the purposes of this subsection, "salaries and other compensation" includes average base salaries, average total salaries, average employee basic benefits, and retirement benefits.

(4) The analysis required under subsection (1) of this section must:

(a) Examine salaries and other compensation for teachers, other certificated instructional staff, principals, and other building-level certificated administrators, and the types of classified employees for whom salaries are allocated;

(b) Be calculated at a statewide level that identifies labor markets in Washington through the use of data from the United States bureau of the census and the bureau of labor statistics; and

(c) Include a comparison of salaries and other compensation to the appropriate labor market for at least the following subgroups of educators: Beginning teachers and types of educational staff associates.

(5) The working group shall include representatives of the department of personnel, the professional educator standards board, the office of the superintendent of public instruction, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with appropriate expertise in compensation related matters. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall be monitored and overseen by the legislature and the quality education council created in RCW 28A.290.010. The working group shall make an initial report to the legislature by ~~((December 1))~~ June 30, 2012, and shall include in its report recommendations for whether additional further work of the group is necessary.

Sec. 8. RCW 28A.160.192 and 2009 c 548 s 311 are each amended to read as follows:

(1) The superintendent of public instruction shall phase-in the implementation of the distribution formula under this chapter for allocating state funds to school districts for the transportation of students to and from school. The phase-in shall ~~((be according to the implementation schedule adopted by the legislature and shall))~~ begin no later than the ~~((2013-14))~~ 2011-12 school year and be fully implemented by the 2013-14 school year.

(a) The formula must be developed and revised on an ongoing basis using the major cost factors in student transportation, including basic and special student loads, school district land area, average distance to school, roadway miles, and number of locations served. Factors must include all those site characteristics that are statistically significant after analysis of the data required by the revised reporting process.

(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis.

(2) During the phase-in period, funding provided to school districts for student transportation operations shall be distributed on the following basis:

(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the state recovery rate identified by the superintendent; and

(b) Annually, any funds appropriated by the legislature in excess of the maintenance level funding amount for student transportation shall be distributed among school districts on a prorated basis using the difference between the amount identified in (a) of this subsection and the amount determined under the formula in RCW 28A.160.180.

((3) The superintendent shall develop, implement, and provide a copy of the rules specifying the student transportation reporting requirements to the legislature and school districts no later than December 1, 2009.

(4) Beginning in December 2009, and continuing until December 2014, the superintendent shall provide quarterly updates and progress reports to the fiscal committees of the legislature on the implementation and testing of the distribution formula.))

NEW SECTION. Sec. 9. A new section is added to chapter 28A.160 RCW to read as follows:

(1) The superintendent of public instruction shall develop, implement, and provide a copy of the rules specifying the student transportation reporting requirements to the legislature and school districts no later than December 1, 2010.

(2) Beginning in December 2010, and continuing until December 2014, the superintendent shall provide quarterly updates and progress reports to the fiscal committees of the legislature on the implementation and testing of the distribution formula.

(3) This section expires June 30, 2015.

Sec. 10. RCW 28A.150.410 and 2007 c 403 s 1 are each amended to read as follows:

(1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.

(2) Salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a master's degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a

nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

Sec. 11. RCW 28A.175.010 and 2005 c 207 s 3 are each amended to read as follows:

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

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

- (a) The number of students who graduate in fewer than four years;
- (b) The number of students who graduate in four years;
- (c) The number of students who remain in school for more than four years but who eventually graduate and the number of students who remain in school for more than four years but do not graduate;
- (d) The number of students who transfer to other schools;
- (e) The number of students in the ninth through twelfth grade who drop out of school over a four-year period; and
- (f) The number of students whose status is unknown.

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

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

- (a) Ethnicity;
- (b) Gender;
- (c) Socioeconomic status; and
- (d) Disability status.

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

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

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

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

(8) The Washington state institute for public policy shall calculate an annual estimate of the savings to taxpayers resulting from any improvement compared to the prior school year in the extended graduation rate, as calculated by the superintendent of public instruction. The superintendent shall include the estimate from the institute in an appendix of the report required under subsection (7) of this section, beginning with the 2010 report.

NEW SECTION. Sec. 12. A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall implement and maintain an internet-based portal that provides ready public access to the state's prototypical school funding model for basic education under RCW 28A.150.260. The portal must provide citizens the opportunity to view, for each local school building, the staffing levels and other prototypical school funding elements that are assumed under the state funding formula. The portal must also provide a matrix displaying how individual school districts are

deploying those same state resources through their allocation of staff and other resources to school buildings, so that citizens are able to compare the state assumptions to district allocation decisions for each local school building.

Sec. 13. RCW 28A.150.100 and 1990 c 33 s 103 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.150.410 and 28A.400.200, "basic education certificated instructional staff" ~~((shall))~~ means all full-time equivalent classroom teachers, teacher librarians, guidance counselors, certificated student health services staff, and other certificated instructional staff in the following programs as defined for statewide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) ~~((In the 1988-89 school year and thereafter,))~~ Each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full time equivalent students.

Sec. 14. 2009 c 548 s 710 (uncodified) is amended to read as follows:

(1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969 ex.s. c 223 s 28A.01.010;

(2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212, 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, & 1973 1st ex.s. c 105 s 1;

(3) ~~((RCW 28A.150.100 (Basic education certificated instructional staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203;~~

(4)) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-76 2nd ex.s. c 118 s 22, & 1969 ex.s. c 223 s 28A.01.020;

~~((5))~~ (4) RCW 28A.150.370 (Additional programs for which legislative appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7; and

~~((6))~~ (5) RCW 28A.155.180 (Safety net funds--Application--Technical assistance--Annual survey) and 2007 c 400 s 8.

Sec. 15. RCW 28A.290.010 and 2009 c 548 s 114 are each amended to read as follows:

(1) The quality education council is created to recommend and inform the ongoing implementation by the legislature of an evolving program of basic education and the financing necessary to support such program. The council shall develop strategic recommendations on the program of basic education for the common schools. The council shall take into consideration the capacity report produced under RCW 28A.300.172 and the availability of data and progress of implementing the data systems required under RCW 28A.655.210. Any recommendations for modifications to the program of basic education shall be based on evidence that the programs effectively support student learning. The council shall update the statewide strategic recommendations every four years. The recommendations of the council are intended to:

(a) Inform future educational policy and funding decisions of the legislature and governor;

(b) Identify measurable goals and priorities for the educational system in Washington state for a ten-year time period, including the goals of basic education and ongoing strategies for coordinating statewide efforts to eliminate the achievement gap and reduce student dropout rates; and

(c) Enable the state of Washington to continue to implement an evolving program of basic education.

(2) The council may request updates and progress reports from the office of the superintendent of public instruction, the state board of education, the professional educator standards board, and the department of early learning on the work of the agencies as well as educational working groups established by the legislature.

(3) The chair of the council shall be selected from the councilmembers. The council shall be composed of the following members:

(a) Four members of the house of representatives, with two members representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Four members of the senate, with two members representing each of the major caucuses and appointed by the president of the senate; ~~((and))~~

(c) One representative each from the office of the governor, office of the superintendent of public instruction, state board of education, professional educator standards board, and department of early learning; and

(d) Two nonlegislative representatives from the achievement gap oversight and accountability committee established under RCW 28A.300.136, to be selected by the members of the committee.

(4) In the 2009 fiscal year, the council shall meet as often as necessary as determined by the chair. In subsequent years, the council shall meet no more than four times a year.

(5)(a) The council shall submit an initial report to the governor and the legislature by January 1, 2010, detailing its recommendations, including recommendations for resolving issues or decisions requiring legislative action during the 2010 legislative session, and recommendations for any funding necessary to continue development and implementation of chapter 548, Laws of 2009.

(b) The initial report shall, at a minimum, include:

(i) Consideration of how to establish a statewide beginning teacher mentoring and support system;

(ii) Recommendations for a program of early learning for at-risk children;

(iii) A recommended schedule for the concurrent phase-in of the changes to the instructional program of basic education and the implementation of the funding formulas and allocations to support the new instructional program of basic education as established under chapter 548, Laws of 2009. The phase-in schedule shall have full implementation completed by September 1, 2018; and

(iv) A recommended schedule for phased-in implementation of the new distribution formula for allocating state funds to school districts for the transportation of students to and from school, with phase-in beginning no later than September 1, 2013.

(6) The council shall submit a report to the governor and the legislature by December 1, 2010, that includes recommendations for specific strategies, programs, and funding, including funding allocations through the funding distribution formula in RCW 28A.150.260, that are designed to close the achievement gap and increase the high school graduation rate in Washington public schools. The council shall consult with the achievement gap oversight and accountability committee and the building bridges work group in developing its recommendations.

(7) The council shall be staffed by the office of the superintendent of public instruction and the office of financial management. Additional staff support shall be provided by the state entities with representatives on the committee. Senate committee services and the house of representatives office of program research may provide additional staff support.

~~((7))~~ (8) Legislative members of the council shall serve without additional compensation but may be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 16. 2009 c 548 s 805 (uncodified) is amended to read as follows:

Sections 304 through 311 of this act take effect September 1, ~~((2013))~~ 2011.

NEW SECTION. **Sec. 17.** 2009 c 548 s 112, as amended by section 5 of this act, is codified as a section in chapter 28A.290 RCW.

NEW SECTION. **Sec. 18.** RCW 43.41.398 is recodified as a section in chapter 28A.400 RCW.

NEW SECTION. **Sec. 19.** Sections 2, 3, 4, 8, 10, 13, and 14 of this act take effect September 1, 2011.

NEW SECTION. **Sec. 20.** Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Haigh, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Maxwell; Nealey; Quall; Rolfes and Wallace.

Referred to Committee on Ways & Means.

February 25, 2010

SSSB 6790 Prime Sponsor, Committee on Ways & Means: Concerning cluster and innovation partnership zone grants. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Community & Economic Development & Trade. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Klippert and Short.

Passed to Committee on Rules for second reading.

February 25, 2010

ESSB 6805 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Concerning the Washington state economic development commission. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Community & Economic Development & Trade. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Klippert; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports and supplemental committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2836 which was placed on the second reading calendar and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6267 which was referred to the Committee on Ways & Means.

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

There being no objection, the Committee on Local Government & Housing was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 6603, and the bill was referred to the Committee on Rules. There being no objection, the Committee on Health and Human Services Appropriations was relieved of SUBSTITUTE SENATE BILL NO. 6349, and the bill was referred to the Committee on Rules.

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

There being no objection, the House adjourned until 12:00 p.m., February 28, 2010, the 49th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - REGULAR SESSION

FORTY NINTH DAY

House Chamber, Olympia, Sunday, February 28, 2010

The House was called to order at 12:00 p.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ricky Lazaro and Haley Rice. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Tina Orwall, 33rd District.

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

INTRODUCTIONS AND FIRST READING

HB 3191 by Representatives Hunter, Conway and Hasegawa

AN ACT Relating to modifying Washington state excise tax laws to create jobs and to preserve funding for education, public safety, health care, and safety net services for elderly, disabled, and vulnerable people.

Referred to Committee on Finance.

HB 3192 by Representatives Sullivan and Linville

AN ACT Relating to employee benefits purchased by the public employees' benefits board; and creating a new section.

Referred to Committee on Ways & Means.

HB 3193 by Representatives Sullivan and Linville

AN ACT Relating to adjusting salary bonuses associated with the national board for professional teaching standards; and amending RCW 28A.405.415.

Referred to Committee on Ways & Means.

HB 3194 by Representatives Linville and Sullivan

AN ACT Relating to fiscal matters; and creating a new section.

Referred to Committee on Ways & Means.

HB 3195 by Representatives Linville and Sullivan

AN ACT Relating to state pension systems; and creating a new section.

Referred to Committee on Ways & Means.

HB 3196 by Representatives Sullivan and Linville

AN ACT Relating to revising education programs to implement the 2009-11 operating budget; and creating a new section.

Referred to Committee on Ways & Means.

HB 3197 by Representatives Sullivan, Linville, Seaquist, Ericks and Haigh

AN ACT Relating to transferring funds from the budget stabilization account to the general fund; and creating a new section.

Referred to Committee on Ways & Means.

HB 3198 by Representatives Ericks and Linville

AN ACT Relating to containing costs for services to sexually violent predators; and amending RCW 71.09.110 and 71.09.800.

Referred to Committee on Ways & Means.

HB 3199 by Representatives Hunt and Linville

AN ACT Relating to transferring and consolidating state agencies and programs; and creating a new section.

Referred to Committee on Ways & Means.

HB 3200 by Representatives Hunt and Linville

AN ACT Relating to placing limitations on alternative learning experiences in public schools; amending RCW 28A.150.262, 28A.150.305, and 28A.320.035; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Ways & Means.

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

MESSAGES FROM THE SENATE

February 27, 2010

Mr. Speaker:

The Senate has passed:

HOUSE BILL 1080
 ENGROSSED SUBSTITUTE HOUSE BILL 2399
 SUBSTITUTE HOUSE BILL 2430
 HOUSE BILL 2490
 HOUSE BILL 2510
 SUBSTITUTE HOUSE BILL 2515

HOUSE BILL 2521
 HOUSE BILL 2598
 SUBSTITUTE HOUSE BILL 2661
 ENGROSSED HOUSE BILL 2667
 HOUSE BILL 2858
 HOUSE BILL 2996
 SUBSTITUTE HOUSE BILL 3066

and the same are herewith transmitted.

Thomas Hoemann, Secretary

February 27, 2010

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL 6381
 ENGROSSED SUBSTITUTE SENATE BILL 6444

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5046, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Keiser, Kline and Franklin)

Placing symphony orchestras, operas, and performing arts theaters under the jurisdiction of the public employment relations commission for purposes of collective bargaining. Revised for 1st Substitute: Placing symphony musicians under the jurisdiction of the public employment relations commission for purposes of collective bargaining.

The bill was read the second time.

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

Representative Conway spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5046.

MOTIONS

On motion of Representative Santos, Representative Hurst was excused. On motion of Representative Hinkle, Representative DeBolt was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5046, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2. Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh,

Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 5046, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5516, by Senators Franklin, Kline, Kohl-Welles, Regala, Fraser, Kauffman and Shin

Addressing drug overdose prevention.

The bill was read the second time.

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

Representatives Goodman, Cody and O'Brien spoke in favor of the passage of the bill.

Representatives Pearson, Hinkle, Dammeier, Klippert, Hinkle (again), Orcutt, Shea and Taylor spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5516.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5516, and the bill passed the House by the following vote: Yeas, 57; Nays, 39; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Van De Wege, Walsh and Warnick.

Excused: Representatives DeBolt and Hurst.

ENGROSSED SENATE BILL NO. 5516, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Senate Bill No. 5516.
Troy X. Kelley, 28th District.

SECOND READING

SENATE BILL NO. 5582, by Senators Parlette and Becker

Concerning the chief for a day program.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5582.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5582, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Orwall, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SENATE BILL NO. 5582, having received the necessary constitutional majority, was declared passed.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5742, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, McCaslin, Hobbs, Schoesler and Hatfield)

Concerning local government crime-free rental housing programs. Revised for 1st Substitute: Concerning crime-free rental housing.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For Committee amendment, see Journal, Day 43, February 22, 2010).

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

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Engrossed Substitute Senate Bill No. 5742, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5742, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Ormsby.

Excused: Representatives DeBolt and Hurst.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5742, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6197, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Parlette and Franklin)

Concerning group life insurance.

The bill was read the second time.

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

Representatives Kirby and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6197.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6197, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler,

Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6197, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6211, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Hatfield and Kohl-Welles)

Creating an agricultural scenic corridor within the scenic and recreational highway system.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6211.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6211, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6211, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6213, by Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker)

Concerning vehicles at railroad grade crossings.

The bill was read the second time.

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

Representative Lias spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6213.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6213, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6213, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6221, by Senator Fairley

Concerning clarification and expansion of eligibility to use the state's local government investment pool.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

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

Representative Hunt spoke in favor of the passage of the bill.

Representative Armstrong spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6221, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6221, as amended by the House, and the bill passed the House by the following vote: Yeas, 65; Nays, 31; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Ericksen, Fagan, Haler, Herrera, Hinkle, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Rodne, Schmick, Shea, Short, Taylor, Walsh and Warnick.

Excused: Representatives DeBolt and Hurst.

ENGROSSED SENATE BILL NO. 6221, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6229, by Senators Schoesler and Ranker

Extending to 2015 the assessment levied under RCW 15.36.551 to support the dairy inspection program.

The bill was read the second time.

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

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6229.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6229, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SENATE BILL NO. 6229, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6280, by Senate Committee on Health & Long-Term Care (originally

sponsored by Senators Murray, Shin, Kohl-Welles, Marr, Jacobsen and Kline)

Concerning East Asian medicine practitioners.

The bill was read the second time.

MOTION

Representative Moeller moved to not adopt the committee amendment by the Committee on Health Care and Wellness.

Representative Moeller spoke in favor of the adoption of the motion.

Representatives Cody and Hinkle spoke against the adoption of the motion.

The motion was not adopted.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6280, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6280, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6280, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6286, by Senate Committee on Judiciary (originally sponsored by Senators Kline, Haugen, Tom, Keiser, Kauffman and McDermott)

Concerning the liability and powers of cities and flood control zone districts. Revised for 1st Substitute: Concerning the liability and powers of cities and flood control zone districts. (REVISED FOR ENGROSSED: Concerning the liability and powers of cities, diking districts, and flood control zone districts.)

The bill was read the second time.

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

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6286.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6286, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6286, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6298, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Rockefeller and Kline)

Authorizing limited deposits of public funds with credit unions.

The bill was read the second time.

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

Representative Kirby spoke in favor of the passage of the bill.

Representative Bailey spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6298.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6298, and the bill passed the House by the following vote: Yeas, 76; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Shea, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Bailey, Chandler, Condotta, Dammeier, Ericksen, Haler, Kagi, Klippert, Kretz, McCune, Nealey, Roach, Rodne, Schmick, Short, Smith, Taylor and Walsh.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6298, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6299, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Schoesler, Hatfield and Shin)

Regarding livestock inspection. Revised for 1st Substitute: Regarding animal inspections.

The bill was read the second time.

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

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6299.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6299, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6299, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6306, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senator Schoesler)

Regulating crop adjusters.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6306.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6306, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6306, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6332, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Haugen, Delvin, Kline, Fraser, Stevens, Shin, Fairley and Roach)

Concerning human trafficking.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

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

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6332, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6332, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6332, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6340, by Senate Committee on Judiciary (originally sponsored by Senators Regala and Kline)

Changing the membership of the Washington state forensic investigations council.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety & Emergency Preparedness was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6340, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6340, as amended by the House, and the bill

passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6340, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6344, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Prentice, Hargrove, Kauffman, Marr and McDermott)

Establishing contribution limits for city council campaigns. Revised for 1st Substitute: Concerning campaign contribution limits.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

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

Representatives Appleton and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6344, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6344, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; Nays, 6; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short,

Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Carlyle, Chandler, Hinkle, Kirby, McCune and Warnick.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6344, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6367, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Hatfield, Regala, Fairley, Fraser, Kohl-Welles and Roach)

Allowing agencies to direct requesters to their web site for public records.

The bill was read the second time.

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

Representatives Appleton and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6367.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6367, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6367, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6371, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators McDermott and Berkey)

Concerning money transmitters.

The bill was read the second time.

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

Representatives Kirby and Parker spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6371.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6371, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6371, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6467, by Senators Shin, Kastama, Delvin, Hobbs, Berkey, Rockefeller, Marr, Franklin, Kohl-Welles, Roach and Kline

Authorizing honorary degrees for students who were ordered into internment camps.

The bill was read the second time.

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

Representatives Hasegawa and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6467.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6467, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks,

Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SENATE BILL NO. 6467, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6544, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Marr, Hobbs, Kilmer and Tom)

Extending the time limitations for approval of plats.

The bill was read the second time.

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

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6544.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6544, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6544, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6546, by Senator Pridemore

Allowing the state director of fire protection to refuse membership in the public employees' retirement system.

The bill was read the second time.

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

Representatives Van De Wege and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6546.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6546, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SENATE BILL NO. 6546, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6582, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Roach, Zarelli, Prentice and Kilmer)

Concerning nursing assistant credentialing.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 44, February 23, 2010).

Representative Cody moved the adoption of amendment (1262) to the committee amendment:

On page 3, line 33 of the striking amendment, after "By" strike "January" and insert "July"

On page 3, line 36 of the striking amendment, after "beginning" strike "May 1, 2011" and insert "January 1, 2012"

On page 4, line 2 of the striking amendment, after "By" strike "January" and insert "July"

On page 4, line 9 of the striking amendment, after "December 1," strike "2011" and insert "2012"

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

Amendment (1262) to the committee amendment was adopted.

Representative Morrell moved the adoption of amendment (1259) to the committee amendment.

On page 8, after line 14 of the striking amendment, insert the following:

"Sec. 11. RCW 18.88B.040 and 2009 c 580 s 15 are each amended to read as follows:

The following long-term care workers are not required to become a certified home care aide pursuant to this chapter.

(1) Registered nurses, licensed practical nurses, certified nursing assistants or persons who are in an approved training program for certified nursing assistants under chapter 18.88A RCW, medicare-certified home health aides, or other persons who hold a similar health credential, as determined by the secretary of health, or persons with special education training and an endorsement granted by the superintendent of public instruction, as described in RCW 28A.300.010, if the secretary of health determines that the circumstances do not require certification. Individuals exempted by this subsection may obtain certification as a home care aide from the department of health without fulfilling the training requirements in RCW 74.39A.073 but must successfully complete a certification examination pursuant to RCW 18.88B.030.

(2) A person already employed as a long-term care worker prior to January 1, 2011, who completes all of his or her training requirements in effect as of the date he or she was hired, is not required to obtain certification. Individuals exempted by this subsection may obtain certification as a home care aide from the department of health without fulfilling the training requirements in RCW 74.39A.073 but must successfully complete a certification examination pursuant to RCW 18.88B.030.

(3) All long-term care workers employed by supported living providers are not required to obtain certification under this chapter.

(4) An individual provider caring only for his or her biological, step, or adoptive child or parent is not required to obtain certification under this chapter.

(5) Prior to June 30, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month is not required to obtain certification under this chapter.

(6) A long-term care worker exempted by this section from the training requirements contained in RCW 74.39A.073 may not be prohibited from enrolling in training pursuant to that section.

(7) The department of health shall adopt rules by August 1, 2010, to implement this section."

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

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

Amendment (1259) to the committee amendment was adopted.

The committee amendment was adopted as amended.

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

Representative Cody spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6582, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6582, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Angel, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, Ericksen, Fagan, Haler, Herrera, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Walsh.

Excused: Representatives DeBolt and Hurst.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6582, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6584, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Fraser, Swecker, Keiser, Schoesler, Roach, McDermott and Shin)

Applying the prohibition against unfair practices by insurers and their remedies and penalties to the state health care authority. Revised for 1st Substitute: Monitoring and reporting customer complaints and appeals to the state health care authority.

The bill was read the second time.

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

Representative Driscoll spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6584.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6584, and the bill passed the House by the following vote: Yeas, 87; Nays, 9; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew,

Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, Ericksen, Haler, Hinkle, Klippert, Kretz, Kristiansen, Short and Taylor.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6584, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6634, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Ranker, Hatfield, Morton, Haugen, Becker, Shin and Jacobsen)

Establishing civil penalties for failure to comply with dairy nutrient management recordkeeping requirements.

The bill was read the second time.

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

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6634.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6634, and the bill passed the House by the following vote: Yeas, 86; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, Dunshee, Ericksen, Herrera, Kretz, Kristiansen, Orcutt, Pearson, Schmick and Short.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6634, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6688, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley and Shin)

Concerning filling vacancies in nonpartisan elective office.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was adopted. (For Committee amendment, see Journal, Day 40, February 19, 2010).

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

Representatives Hunt, White and Lias spoke in favor of the passage of the bill.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6688, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6688, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hudgins, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6688, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6692, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Pridemore, Hargrove, Ranker and Haugen)

Allowing certain counties to participate and enter into ownership agreements for electric generating facilities powered by biomass.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology, Energy & Communications was adopted. (For Committee amendment, see Journal, Day 43, February 22, 2010).

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

Representatives McCoy and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6692, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6692, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Ericksen.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6692, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6776, by Senators Jacobsen, Swecker, Fraser, Morton, Zarelli, Schoesler, Hargrove, Ranker, Hatfield and McCaslin

Creating the joint work group on small forest landowner sustainability.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

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

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6776, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6776, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

ENGROSSED SENATE BILL NO. 6776, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6832, by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

Concerning child welfare services.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Children's Services was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

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

Representatives Kagi and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6832, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6832, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hinkle.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6832, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

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

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

ESSB 6381 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Marr)

AN ACT Relating to transportation funding and appropriations; amending RCW 43.19.642, 47.12.080, 46.68.320, 47.12.340, and 70.95.532; amending 2009 c 8 s 2 (uncodified); amending 2009 c 470 ss 101, 102, 103, 104, 106, 107, 108, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 222, 223, 224, 225, 302, 303, 306, 307, 308, 309, 310, 311, 401, 402, 403, 407, 304, and 603 (uncodified); creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

ESSB 6444 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice and Tom)

AN ACT Relating to fiscal matters; amending RCW 13.06.050, 15.76.115, 28A.300.380, 28A.510.250, 28B.50.837, 28B.76.565, 28B.76.610, 43.17.390, 43.20A.725, 43.60A.185, 43.131.406, 43.70.110, 43.79.460, 43.79.465, 43.89.010, 43.105.080, 43.155.050, 43.320.110, 46.66.080, 67.70.044, 67.70.230, 74.31.060, 70.93.180, 70.105D.130, 70.146.100, 79.105.150, 80.01.080, 80.36.430, 82.14.495, and 83.100.230; amending 2010 c 3 ss 101, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 301, 302, 303, 304, 305, 306, 401, 402, and 501; amending 2009 c 564 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 112, 113, 114, 115, 116, 117, 118, 119, 121, 122, 123, 124, 131, 132, 133, 134, 135, 136, 138, 140, 141, 142, 144, 145, 147, 148, 150, 152, 201, 213, 214, 216, 217, 218, 220, 221, 224, 226, 301, 304, 305, 308, 501, 502, 503, 504, 505, 506, 507, 509, 510, 511, 512, 514, 515, 516, 601, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 701, 703, 704, 710, 712, 717, 801, 805, and 914; reenacting and amending RCW 28B.105.110 and 46.09.170; adding a new section to chapter 43.79 RCW; adding new sections to 2009 c 564 (uncodified); creating a new section; repealing 2009 c 564 ss 111 and 720 (uncodified); making appropriations; providing expiration dates; and declaring an emergency.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 6381 and ENGROSSED SUBSTITUTE SENATE BILL NO. 6444 were read the first time, and under suspension of the rules, were placed on the second reading calendar.

REPORTS OF STANDING COMMITTEES

February 24, 2010

HB 2838 Prime Sponsor, Representative Clibborn: Making 2009-11 supplemental transportation appropriations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Finn; Flannigan; Herrera; Johnson; Moeller; Nealey; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Ericksen; Klippert; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

February 24, 2010

SSB 6208 Prime Sponsor, Committee on Transportation: Concerning temporary agricultural directional signs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.42.020 and 2005 c 398 s 2 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Department" means the Washington state department of transportation.

(2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code.

(4) "Maintain" means to allow to exist.

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual or individuals.

(6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code.

(7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway, as determined by the department.

(8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway. "Sign" does not include a display authorized under RCW 47.36.030(3) promoting a local agency sponsored event that does not include advertising.

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial or industrial activities, or any combination thereof, within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which the activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right-of-way;

(f) Activities conducted in a building principally used as a residence.

If any commercial or industrial activity that has been used in defining or delineating an unzoned area ceases to operate for a period of six continuous months, any signs located within the former unzoned area become nonconforming and shall not be maintained by any person.

(10) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

(11) "Temporary agricultural directional sign" means a sign on private property adjacent to a state highway right-of-way, or on a state highway right-of-way, to provide directional information to places of business offering for sale seasonal agricultural products on the property where the sale is taking place.

Sec. 2. RCW 47.42.120 and 1999 c 276 s 1 are each amended to read as follows:

Notwithstanding any other provisions of this chapter, no sign except a sign of type 1 or 2 or those type 3 signs that advertise activities conducted upon the properties where the signs are located, may be erected or maintained without a permit issued by the department. Application for a permit shall be made to the department on forms furnished by it. The forms shall contain a statement that the owner or lessee of the land in question has consented thereto. For type 8 signs (temporary agricultural directional signs), when the land in question is owned by the department, the consent statement must be reviewed and, if the sign does not create a safety concern, be approved within ten days of application by the department. The application shall be accompanied by a fee established by department rule to be deposited with the state treasurer to the credit of the motor vehicle fund. Permits shall be for the remainder of the calendar year in which they are issued, and accompanying fees shall not be prorated for fractions of the year. Permits must be renewed annually through a certification process established by department rule. Advertising copy may be changed at any time without the payment of an additional fee. Assignment of permits in good standing is effective only upon receipt of written notice of assignment by the department. A permit may be revoked after hearing if the department finds that any statement made in the application or annual certification process was false or misleading, or that the sign covered is not in good general condition and in a reasonable state of repair, or is otherwise in violation of this chapter, if the false or misleading information has not been corrected and the sign

has not been brought into compliance with this chapter or rules adopted under it within thirty days after written notification."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 24, 2010

SSB 6231 Prime Sponsor, Committee on Transportation: Implementing rules and penalties for drivers when approaching certain emergency, roadside assistance, or police vehicles in emergency zones. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.212 and 2007 c 83 s 1 are each amended to read as follows:

(1) The driver of any motor vehicle, upon approaching an emergency zone, which is defined as the adjacent lanes of the roadway two hundred feet before and after (a) a stationary authorized emergency vehicle that is making use of audible and/or visual signals meeting the requirements of RCW 46.37.190, (b) a tow truck that is making use of visual red lights meeting the requirements of RCW 46.37.196, (c) other vehicles providing roadside assistance that are making use of warning lights with three hundred sixty degree visibility, or (d) a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights, shall:

~~((+))~~ (i) On a highway having four or more lanes, at least two of which are intended for traffic proceeding in the same direction as the approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by the stationary authorized emergency vehicle or police vehicle;

~~((=))~~ (ii) On a highway having less than four lanes, proceed with caution, reduce the speed of the vehicle, and, if reasonable, with due regard for safety and traffic conditions, and under the rules of this chapter, yield the right-of-way by passing to the left at a safe distance and simultaneously yield the right-of-way to all vehicles traveling in the proper direction upon the highway; or

~~((3))~~ (iii) If changing lanes or moving away would be unreasonable or unsafe, proceed with due caution and reduce the speed of the vehicle.

(2) A person may not drive a vehicle in an emergency zone at a speed greater than the posted speed limit.

(3) A person found to be in violation of this section, or any infraction relating to speed restrictions in an emergency zone, must be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110.

(4) A person who drives a vehicle in an emergency zone in such a manner as to endanger or be likely to endanger any emergency zone worker or property is guilty of reckless endangerment of emergency zone workers. A violation of this subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(5) The department shall suspend for sixty days the driver's license, permit to drive, or nonresident driving privilege of a person convicted of reckless endangerment of emergency zone workers.

NEW SECTION. **Sec. 2.** (1) Within existing resources, the state patrol and the department of transportation shall conduct education and outreach efforts regarding emergency zones, including drivers' obligations in emergency zones and the penalties for violating these obligations, for at least ninety days after the effective date of this act. The education and outreach efforts must include the use of department of transportation variable message signs.

(2) This section expires June 30, 2011.

Sec. 3. RCW 46.63.020 and 2009 c 485 s 6 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to circumventing an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

(19) Chapter 46.29 RCW relating to financial responsibility;

(20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(21) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

(23) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

(24) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(25) RCW 46.48.175 relating to the transportation of dangerous articles;

(26) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(27) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(28) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(29) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(30) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(31) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(32) RCW 46.55.300 relating to vehicle immobilization;

(33) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

(34) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(35) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(36) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(37) RCW 46.61.212(4) relating to reckless endangerment of emergency zone workers;

(38) RCW 46.61.500 relating to reckless driving;

~~((38))~~ (39) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((39))~~ (40) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

~~((40))~~ (41) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((41))~~ (42) RCW 46.61.522 relating to vehicular assault;

~~((42))~~ (43) RCW 46.61.5249 relating to first degree negligent driving;

~~((43))~~ (44) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

~~((44))~~ (45) RCW 46.61.530 relating to racing of vehicles on highways;

~~((45))~~ (46) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

~~((46))~~ (47) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((47))~~ (48) RCW 46.61.740 relating to theft of motor vehicle fuel;

~~((48))~~ (49) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((49))~~ (50) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((50))~~ (51) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((51))~~ (52) RCW 46.68.010 relating to false statements made to obtain a refund;

~~((52))~~ (53) RCW 46.35.030 relating to recording device information;

~~((53))~~ (54) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((54))~~ (55) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((55))~~ (56) RCW 46.72A.060 relating to limousine carrier insurance;

~~((56))~~ (57) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

~~((57))~~ (58) RCW 46.72A.080 relating to false advertising by a limousine carrier;

~~((58))~~ (59) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((59))~~ (60) Chapter 46.82 RCW relating to driver's training schools;

~~((60))~~ (61) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~((61))~~ (62) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 4. RCW 46.20.342 and 2008 c 282 s 4 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

- (i) A conviction of a felony in the commission of which a motor vehicle was used;
- (ii) A previous conviction under this section;
- (iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;
- (iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license, a temporary restricted driver's license, or an ignition interlock driver's license;
- (v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;
- (vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;
- (viii) A conviction of RCW 46.61.212(4), relating to reckless endangerment of emergency zone workers;
- (ix) A conviction of RCW 46.61.500, relating to reckless driving;

~~((x))~~ (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

~~((xi))~~ (xi) A conviction of RCW 46.61.520, relating to vehicular homicide;

~~((xii))~~ (xii) A conviction of RCW 46.61.522, relating to vehicular assault;

~~((xiii))~~ (xiii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

~~((xiv))~~ (xiv) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

~~((xv))~~ (xv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

~~((xvi))~~ (xvi) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;

~~((xvii))~~ (xvii) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((xviii))~~ (xviii) An administrative action taken by the department under chapter 46.20 RCW; or

~~((xix))~~ (xix) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or any combination of (c)(i) through (vii) of this subsection, is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has

obtained a valid driver's license, the period of suspension or revocation shall not be extended.

Sec. 5. RCW 46.63.110 and 2009 c 479 s 39 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is five hundred dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter it is immediately payable. If the court determines, in its discretion, that a person is not able to pay a monetary obligation in full, and not more than one year has passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable, the court shall enter into a payment plan with the person, unless the person has previously been granted a payment plan with respect to the same monetary obligation, or unless the person is in noncompliance of any existing or prior payment plan, in which case the court may, at its discretion, implement a payment plan. If the court has notified the department that the person has failed to pay or comply and the person has subsequently entered into a payment plan and made an initial payment, the court shall notify the department that the infraction has been adjudicated, and the department shall rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.

(a) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privilege until all monetary obligations, including those imposed under subsections (3) and (4) of this section, have been paid, and court authorized community restitution has been completed, or until the department has been notified that the court has

entered into a new time payment or community restitution agreement with the person.

(b) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court shall notify the department of the delinquency. The department shall suspend the person's driver's license or driving privilege until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a payment plan under this section.

(c) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed ten dollars per infraction or twenty-five dollars per payment plan, whichever is less.

(d) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for such administrative services, which fee may be calculated on a periodic, percentage, or other basis.

(e) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;

(b) A fee of ten dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the Washington auto theft prevention authority account; and

(c) A fee of two dollars per infraction. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 or 46.61.212 shall be assessed an additional penalty of twenty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) Eight dollars and fifty cents of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited in the state general fund. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the court may, at its discretion, enter into a payment plan.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) Two hundred fifty dollars for the first violation; (b) five hundred dollars for the second violation; and (c) seven hundred fifty dollars for each violation thereafter.

NEW SECTION. **Sec. 6.** This act takes effect January 1, 2011."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 24, 2010

SSB 6345

Prime Sponsor, Committee on Transportation:
Addressing the use of wireless communications devices while driving. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Dickerson; Driscoll; Eddy; Finn; Flannigan; Klippert; Moeller; Rolfes; Sells; Simpson; Springer; Takko; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Ericksen; Herrera; Johnson; Kristiansen; Nealey and Shea.

Passed to Committee on Rules for second reading.

February 24, 2010

SSB 6346

Prime Sponsor, Committee on Transportation:
Expanding the use of certain electric vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.04.295 and 2007 c 510 s 2 are each amended to read as follows:

"Medium-speed electric vehicle" means a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than ~~((thirty))~~ twenty-five miles per hour but not more than thirty-five miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.

Sec. 2. RCW 46.61.723 and 2007 c 510 s 3 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, a person may operate a medium-speed electric vehicle upon a highway of this state having a speed limit of thirty-five miles per hour or less, or forty-five miles per hour or less as provided in subsection (4) of this section, if:

(a) The person does not operate a medium-speed electric vehicle upon state highways that are listed in chapter 47.17 RCW;

(b) The person does not operate a medium-speed electric vehicle upon a highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates in compliance with chapter

46.16 RCW. The department must track medium-speed electric vehicles in a separate registration category for reporting purposes;

(c) The person does not operate a medium-speed electric vehicle upon a highway of this state without first obtaining a valid driver's license issued to Washington residents in compliance with chapter 46.20 RCW;

(d) The person does not operate a medium-speed electric vehicle subject to registration under chapter 46.16 RCW on a highway of this state unless the person is insured under a motor vehicle liability policy in compliance with chapter 46.30 RCW; and

(e) The person operating a medium-speed electric vehicle does not cross a roadway with a speed limit in excess of thirty-five miles per hour, or forty-five miles per hour as provided in subsection (4) of this section, unless the crossing begins and ends on a roadway with a speed limit of thirty-five miles per hour or less, or forty-five miles per hour or less as provided in subsection (4) of this section, and occurs at an intersection of approximately ninety degrees, except that the operator of a medium-speed electric vehicle must not cross an uncontrolled intersection of streets and highways that are part of the state highway system subject to Title 47 RCW unless that intersection has been authorized by local authorities under subsection (3) of this section.

(2) Any person who violates this section commits a traffic infraction.

(3) This section does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of their police power, from regulating the operation of medium-speed electric vehicles on streets and highways under their jurisdiction by resolution or ordinance of the governing body, if the regulation is consistent with this title, except that:

(a) Local authorities may not authorize the operation of medium-speed electric vehicles on streets and highways that are part of the state highway system subject to Title 47 RCW;

(b) Local authorities may not prohibit the operation of medium-speed electric vehicles upon highways of this state having a speed limit of thirty-five miles per hour or less; and

(c) Local authorities may not establish requirements for the registration and licensing of medium-speed electric vehicles.

(4) In counties consisting of islands whose only connection to the mainland are ferry routes, a person may operate a medium-speed electric vehicle upon a highway of this state having a speed limit of forty-five miles per hour or less. A person operating a medium-speed electric vehicle as authorized under this subsection must not cross a roadway with a speed limit in excess of forty-five miles per hour, unless the crossing begins and ends on a roadway with a speed limit of forty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, except that the operator of a medium-speed electric vehicle must not cross an uncontrolled intersection of streets and highways that are part of the state highway system subject to Title 47 RCW unless that intersection has been authorized by local authorities under subsection (3) of this section.

(5) Accidents must be recorded and tracked in compliance with chapter 46.52 RCW. An accident report must indicate and be tracked separately when any of the vehicles involved are a medium-speed electric vehicle.

Sec. 3. RCW 46.61.725 and 2003 c 353 s 3 are each amended to read as follows:

(1) Absent prohibition by local authorities authorized under this section and except as prohibited elsewhere in this section, a person may operate a neighborhood electric vehicle upon a highway of this state having a speed limit of thirty-five miles per hour or less, or forty-five miles per hour or less as provided in subsection (4) of this section, if:

(a) The person does not operate a neighborhood electric vehicle upon state highways that are listed in chapter 47.17 RCW;

(b) The person does not operate a neighborhood electric vehicle upon a highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates in compliance with chapter 46.16 RCW. The department must track neighborhood electric vehicles in a separate registration category for reporting purposes;

(c) The person does not operate a neighborhood electric vehicle upon a highway of this state without first obtaining a valid driver's license issued to Washington residents in compliance with chapter 46.20 RCW;

(d) The person does not operate a neighborhood electric vehicle subject to registration under chapter 46.16 RCW on a highway of this state unless the person is insured under a motor vehicle liability policy in compliance with chapter 46.30 RCW; and

(e) The person operating a neighborhood electric vehicle does not cross a roadway with a speed limit in excess of thirty-five miles per hour, or forty-five miles per hour as provided in subsection (4) of this section, unless the crossing begins and ends on a roadway with a speed limit of thirty-five miles per hour or less, or forty-five miles per hour or less as provided in subsection (4) of this section, and occurs at an intersection of approximately ninety degrees, except that the operator of a neighborhood electric vehicle must not cross an uncontrolled intersection of streets and highways that are part of the state highway system subject to Title 47 RCW unless that intersection has been authorized by local authorities provided elsewhere in this section.

(2) Any person who violates this section commits a traffic infraction.

(3) This section does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of their police power, from regulating the operation of neighborhood electric vehicles on streets and highways under their jurisdiction by resolution or ordinance of the governing body, if the regulation is consistent with the provisions of this title, except that:

(a) Local authorities may not authorize the operation of neighborhood electric vehicles on streets and highways that are part of the state highway system subject to the provisions of Title 47 RCW;

(b) Local authorities may not prohibit the operation of neighborhood electric vehicles upon highways of this state having a speed limit of twenty-five miles per hour or less; and

(c) Local authorities are prohibited from establishing any requirements for the registration and licensing of neighborhood electric vehicles.

(4) In counties consisting of islands whose only connection to the mainland are ferry routes, a person may operate a neighborhood electric vehicle upon a highway of this state having a speed limit of forty-five miles per hour or less. A person operating a neighborhood electric vehicle as authorized under this subsection must not cross a roadway with a speed limit in excess of forty-five miles per hour, unless the crossing begins and ends on a roadway with a speed limit of forty-five miles per hour or less and occurs at an intersection of approximately ninety degrees, except that the operator of a neighborhood electric vehicle must not cross an uncontrolled intersection of streets and highways that are part of the state highway system subject to Title 47 RCW unless that intersection has been authorized by local authorities under subsection (3) of this section.

(5) Accidents must be recorded and tracked in compliance with chapter 46.52 RCW. An accident report must indicate and be tracked separately when any of the vehicles involved are a neighborhood electric vehicle."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Simpson.

Passed to Committee on Rules for second reading.

February 24, 2010

SSB 6356 Prime Sponsor, Committee on Transportation: Limiting access to law enforcement and emergency equipment and vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to protect the public to ensure that only federal, state, and local law enforcement and emergency personnel, public or private, or other entities authorized by law to use emergency equipment have access to emergency equipment and vehicles.

Sec. 2. RCW 46.37.195 and 1990 c 94 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a public agency, business, entity, or person shall not sell or give emergency vehicle lighting equipment or other equipment to a person who may not lawfully operate the lighting equipment or other equipment on the public streets and highways. Prior to selling or giving an emergency vehicle to a person or entity that is not a public law enforcement or emergency agency within or outside the state, public law enforcement or emergency agency in another country, or private ambulance business within or outside the state, the seller or donor must remove all emergency lighting as defined in rules by the Washington state patrol, radios, and any other emergency equipment from the vehicle, except for reflective stripes and paint on fire trucks, that was not originally installed by the original vehicle manufacturer and that visibly identifies the vehicle as an emergency vehicle from the exterior, including spotlights and confinement or rear seat safety cages. If the equipment is not retained or transferred to another public law enforcement or emergency agency within or outside the state, public law enforcement or emergency agency in another country, or private ambulance business within or outside the state, the equipment must be dismantled with the individual parts being recycled or destroyed prior to being disposed of. The agency must also remove all decals, state and local designated law enforcement colors, and stripes that were not installed by the original vehicle manufacturer.

(2) The sale or donation to a broker specializing in the resale of emergency vehicles, or a charitable organization, intending to deliver the vehicle or equipment to a public law enforcement or emergency agency within or outside the state, public law enforcement or emergency agency in another country, or private ambulance business within or outside the state, is allowed with the emergency equipment still installed and intact. If the broker or charitable organization sells or donates the emergency vehicle to a person or entity that is not a public law enforcement or emergency agency, or private ambulance business, the broker or charitable organization must remove the equipment and designations and is accountable and responsible for the removal of the equipment and

designations not installed on the vehicle by the original vehicle manufacturer. Equipment not sold or donated to a public law enforcement or emergency agency, or a private ambulance business, must be removed and transferred, destroyed, or recycled in accordance with subsection (1) of this section."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 24, 2010

SB 6379 Prime Sponsor, Senator Swecker: Streamlining and making technical corrections to vehicle and vessel registration and title provisions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act is intended to streamline and make technical amendments to certain codified statutes that deal with vehicle and vessel registration and title. Any statutory changes made by this act should be interpreted as technical in nature and not be interpreted to have any substantive policy or legal implications.

PART I. DEFINITIONS

NEW SECTION. Sec. 101. A new section is added to chapter 46.04 RCW to read as follows:

"Affidavit of loss" means a written statement confirming that the certificate of title, registration certificate, gross weight license, validation tab, or decal has been lost, stolen, destroyed, or mutilated. The statement must be in a form prescribed by the director.

NEW SECTION. Sec. 102. A new section is added to chapter 46.04 RCW to read as follows:

"Agent," for the purposes of entering into the standard contract required under RCW 46.01.140(1), means any county auditor or other individual, government, or business entity other than a subagent that is appointed to carry out vehicle registration and certificate of title functions for the department.

NEW SECTION. Sec. 103. A new section is added to chapter 46.04 RCW to read as follows:

"Amateur radio operator license plates" means special license plates displaying amateur radio call letters assigned by the federal communications commission.

NEW SECTION. Sec. 104. A new section is added to chapter 46.04 RCW to read as follows:

"Armed forces license plate collection" means the collection of six separate license plate designs issued under section 612 of this act. Each license plate design displays a symbol representing one of the five branches of the armed forces, and one representing the national guard.

NEW SECTION. Sec. 105. A new section is added to chapter 46.04 RCW to read as follows:

"Baseball stadium license plate" means special license plates commemorating the construction of a baseball stadium as defined in RCW 82.14.0485.

NEW SECTION. Sec. 106. A new section is added to chapter 46.04 RCW to read as follows:

"Business day" means Monday through Friday and excludes Saturday, Sunday, and state and federal holidays.

NEW SECTION. Sec. 107. A new section is added to chapter 46.04 RCW to read as follows:

"Cab and chassis" means an incomplete vehicle manufactured and sold with only a cab, frame, and running gear.

Sec. 108. RCW 46.04.125 and 1996 c 225 s 2 are each amended to read as follows:

"Collector" means the owner of one or more vehicles described in ((RCW 46.16.305(4))) section 617(1) of this act who collects, purchases, acquires, trades, or disposes of the vehicle or parts of it, for his or her personal use, in order to preserve, restore, and maintain the vehicle for hobby or historical purposes.

NEW SECTION. Sec. 109. A new section is added to chapter 46.04 RCW to read as follows:

"Collector vehicle license plate" means a special license plate that may be assigned to a vehicle that is more than thirty years old.

NEW SECTION. Sec. 110. A new section is added to chapter 46.04 RCW to read as follows:

"Commercial trailer" means a trailer that is principally used to transport commodities, merchandise, produce, freight, or animals.

NEW SECTION. Sec. 111. A new section is added to chapter 46.04 RCW to read as follows:

"Confidential license plates" and "undercover license plates" mean standard issue license plates assigned to vehicles owned or operated by public agencies. These license plates are used as specifically authorized under RCW 46.08.066.

NEW SECTION. Sec. 112. A new section is added to chapter 46.04 RCW to read as follows:

"Converter gear" means an auxiliary axle, booster axle, dolly, or jeep axle.

NEW SECTION. Sec. 113. A new section is added to chapter 46.04 RCW to read as follows:

"Disabled American veteran license plates" means special license plates issued to a veteran, as defined in RCW 41.04.007, who meets the requirements provided in section 619 of this act.

NEW SECTION. Sec. 114. A new section is added to chapter 46.04 RCW to read as follows:

"Empty scale weight" means the weight of a vehicle as it stands without a load.

NEW SECTION. Sec. 115. A new section is added to chapter 46.04 RCW to read as follows:

"Endangered wildlife license plates" means special license plates that display a symbol or artwork symbolizing endangered wildlife in Washington state.

NEW SECTION. Sec. 116. A new section is added to chapter 46.04 RCW to read as follows:

"Fixed load vehicle" means a commercial vehicle that has a structure or machinery permanently attached such as, but not limited to, an air compressor, a bunk house, a conveyor, a cook house, a donkey engine, a hoist, a rock crusher, a tool house, or a well drilling machine. Fixed load vehicles are not capable of carrying any additional load other than the structure or machinery permanently attached.

NEW SECTION. Sec. 117. A new section is added to chapter 46.04 RCW to read as follows:

"Former prisoner of war license plates" means special license plates that may be issued to former prisoners of war as authorized under section 619 of this act.

NEW SECTION. Sec. 118. A new section is added to chapter 46.04 RCW to read as follows:

"Gross vehicle weight rating" means the value specified by the manufacturer as the maximum load weight of a single vehicle.

NEW SECTION. Sec. 119. A new section is added to chapter 46.04 RCW to read as follows:

"Helping kids speak license plates" means special license plates that commemorate an organization that supports programs that provide free diagnostic and therapeutic services to children who have a severe delay in language or speech development.

NEW SECTION. Sec. 120. A new section is added to chapter 46.04 RCW to read as follows:

"Horseless carriage license plate" is a special license plate that may be assigned to a vehicle that is more than forty years old.

NEW SECTION. Sec. 121. A new section is added to chapter 46.04 RCW to read as follows:

"Hybrid motor vehicle" means a motor vehicle that uses multiple power sources or fuel types for propulsion and meets the federal definition of a hybrid motor vehicle.

NEW SECTION. Sec. 122. A new section is added to chapter 46.04 RCW to read as follows:

"Light truck" means a motor vehicle manufactured as a truck with a declared gross weight of twelve thousand pounds or less.

NEW SECTION. Sec. 123. A new section is added to chapter 46.04 RCW to read as follows:

"Market value threshold amount" means an amount set by rule by the department that is used to determine, together with the age of the vehicle, whether vehicle certificates of title for vehicles aged six years through twenty years should be identified as having been previously destroyed or reported as an insurance total loss.

NEW SECTION. Sec. 124. A new section is added to chapter 46.04 RCW to read as follows:

"Military affiliate radio system license plates" means special license plates displaying official military affiliate radio system call letters assigned by the United States department of defense.

NEW SECTION. Sec. 125. A new section is added to chapter 46.04 RCW to read as follows:

"Natural person" means a human being.

NEW SECTION. Sec. 126. A new section is added to chapter 46.04 RCW to read as follows:

"New motor vehicle" means any motor vehicle that (1) is self-propelled and is required to be registered and titled under this title, (2) has not been previously titled to a retail purchaser or lessee, and (3) is not a used vehicle as defined under RCW 46.04.660.

NEW SECTION. Sec. 127. A new section is added to chapter 46.04 RCW to read as follows:

"Off-road vehicle" or "ORV" means a nonstreet registered vehicle when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. "Off-road vehicle" or "ORV" includes, but is not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

NEW SECTION. Sec. 128. A new section is added to chapter 46.04 RCW to read as follows:

"ORV registration" means a registration certificate or decal issued under the laws of this state pertaining to the registration of off-road vehicles under chapter 46.09 RCW.

NEW SECTION. Sec. 129. A new section is added to chapter 46.04 RCW to read as follows:

"Ownership in doubt" means that a vehicle or vessel owner is unable to obtain satisfactory evidence of ownership or releases of interest and is permitted to apply for a three-year registration period without a certificate of title or a three-year period with a bond covering the certificate of title.

Sec. 130. RCW 46.04.3815 and 1996 c 225 s 3 are each amended to read as follows:

"Parts car" means a motor vehicle that is owned by a collector to furnish parts for restoration or maintenance of a vehicle described in ((RCW 46.16.305(4))) section 617(1) of this act, thus enabling a collector to preserve, restore, and maintain such a vehicle.

NEW SECTION. Sec. 131. A new section is added to chapter 46.04 RCW to read as follows:

"Personalized license plates" means license plates that display the license plate number assigned to the vehicle or camper for which the license plate number was issued in a combination of letters or numbers, or both, requested by the owner of the vehicle or camper in accordance with chapter 46.. RCW (the new chapter created in section 1224 of this act).

NEW SECTION. Sec. 132. A new section is added to chapter 46.04 RCW to read as follows:

"Private use single-axle trailer" means a trailer owned by a natural person and used for the private noncommercial use of the owner.

NEW SECTION. Sec. 133. A new section is added to chapter 46.04 RCW to read as follows:

"Purple heart license plates" means special license plates that may be assigned to a motor vehicle to recipients of the Purple Heart medal or to another qualified person.

NEW SECTION. Sec. 134. A new section is added to chapter 46.04 RCW to read as follows:

"Registration" means the registration certificate or license plates issued under the laws of this state pertaining to the registration of vehicles.

NEW SECTION. Sec. 135. A new section is added to chapter 46.04 RCW to read as follows:

"Renewal notice" means the notice to renew a vehicle registration sent to the registered owner by the department.

NEW SECTION. Sec. 136. A new section is added to chapter 46.04 RCW to read as follows:

"Report of sale" means a document or electronic record transaction that when properly completed and filed protects the seller of a vehicle from certain criminal and civil liabilities arising from use of the vehicle by another person after the vehicle has been sold or a change in ownership has occurred.

NEW SECTION. Sec. 137. A new section is added to chapter 46.04 RCW to read as follows:

"Ride share license plates" means special license plates issued for motor vehicles that are used primarily for commuter ride sharing as defined in RCW 46.74.010.

NEW SECTION. Sec. 138. A new section is added to chapter 46.04 RCW to read as follows:

"Salvage vehicle" means a vehicle whose certificate of title has been surrendered to the department under RCW 46.12.070 (as recodified by this act) due to the vehicle's destruction or declaration as a total loss or for which there is documentation indicating that the vehicle has been declared salvage or has been damaged to the extent that the owner, an insurer, or other person acting on behalf of the owner, has determined that the cost of parts and labor plus the salvage value has made it uneconomical to repair the vehicle. "Salvage vehicle" does not include a motor vehicle having a model year designation of a calendar year that is at least six years before the calendar year in which the vehicle was wrecked, destroyed, or damaged, unless, after June 13, 2002, and immediately before the vehicle was wrecked, destroyed, or damaged, the vehicle had a retail fair market value of at least the then market value threshold amount and has a model year designation of a calendar year not more than twenty years before the calendar year in which the vehicle was wrecked, destroyed, or damaged.

NEW SECTION. Sec. 139. A new section is added to chapter 46.04 RCW to read as follows:

"Scale weight" means the weight of a vehicle without a load.

NEW SECTION. Sec. 140. A new section is added to chapter 46.04 RCW to read as follows:

"Secured party" has the same meaning as in RCW 62A.1-201.

NEW SECTION. Sec. 141. A new section is added to chapter 46.04 RCW to read as follows:

"Security interest" has the same meaning as in RCW 62A.1-201.

NEW SECTION. Sec. 142. A new section is added to chapter 46.04 RCW to read as follows:

"Share the road license plates" means special license plates displaying a symbol or artwork recognizing an organization that promotes bicycle safety and awareness education. Share the road license plates commemorate the life of Cooper Jones.

NEW SECTION. Sec. 143. A new section is added to chapter 46.04 RCW to read as follows:

"Ski & ride Washington license plates" means special license plates displaying a symbol or artwork recognizing the Washington snowsports industry.

NEW SECTION. Sec. 144. A new section is added to chapter 46.04 RCW to read as follows:

(1) "Special highway construction equipment" means any vehicle that is (a) designed and used primarily for the grading of highways, the paving of highways, earth moving, and other construction work on highways, (b) not designed or used primarily to transport persons or property on a public highway, and (c) only incidentally operated or moved over the highway.

(2) "Special highway construction equipment" includes, but is not limited to, road construction and maintenance machinery that is designed and used for the purposes described under subsection (1) of this section, such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, and self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations that (a) are in excess of the legal width, (b) because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (c) are driven or moved upon a public highway only for the purpose of crossing the highway from one property to another, provided that the movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads that will not damage the roadway surface.

NEW SECTION. Sec. 145. A new section is added to chapter 46.04 RCW to read as follows:

"Snowmobile" means a self-propelled vehicle that is capable of traveling over snow or ice that (1) utilizes as its means of propulsion an endless belt tread or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, (2) is steered wholly or in part by skis or sled type runners, and (3) is not otherwise registered as, or subject to, the motor vehicle excise tax in the state of Washington.

NEW SECTION. Sec. 146. A new section is added to chapter 46.04 RCW to read as follows:

"Sport utility vehicle" means a high performance motor vehicle weighing six thousand pounds or less, designed to carry ten passengers or less or designated as a sport utility vehicle by the manufacturer.

NEW SECTION. Sec. 147. A new section is added to chapter 46.04 RCW to read as follows:

"Square dancer license plates" means special license plates displaying a symbol of square dancers.

NEW SECTION. Sec. 148. A new section is added to chapter 46.04 RCW to read as follows:

"Standard issue license plates" means license plates that are held for general issue, and does not mean personalized license plates or any other special license plate.

NEW SECTION. Sec. 149. A new section is added to chapter 46.04 RCW to read as follows:

"Subagency" means the licensing office in which vehicle title and registration functions are carried out by a subagent.

NEW SECTION. Sec. 150. A new section is added to chapter 46.04 RCW to read as follows:

"Subagent" means a person or governmental entity recommended by a county auditor or other agent and who is appointed by the director to provide vehicle registration and certificate of title services under contract with the county auditor or other agent.

NEW SECTION. Sec. 151. A new section is added to chapter 46.04 RCW to read as follows:

"Tab" or "license tab" means a sticker issued by the department and affixed to the rear license plate to identify the vehicle license expiration month and year for a specific vehicle.

NEW SECTION. Sec. 152. A new section is added to chapter 46.04 RCW to read as follows:

"Total loss vehicle" means a vehicle that has been reported to the department as destroyed by an insurance company, self-insurer, or the vehicle owner or the owner's authorized representative.

NEW SECTION. Sec. 153. A new section is added to chapter 46.04 RCW to read as follows:

"Tow dolly" means a trailer equipped with between one and three axles designed to connect to a tow bar on the rear of a motor vehicle that is used to tow another vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly.

NEW SECTION. Sec. 154. A new section is added to chapter 46.04 RCW to read as follows:

"Transit permit" means a document that authorizes a person to operate a vehicle on a public highway of this state solely for the purpose of obtaining the necessary documentation to complete and apply for a Washington certificate of title or vehicle registration. Unlimited use of the vehicle is prohibited when operated under a transit permit.

Sec. 155. RCW 46.04.670 and 2003 c 141 s 6 are each amended to read as follows:

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. ~~((The term))~~ "Vehicle" does not include power wheelchairs or devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. Mopeds ~~((shall))~~ are not ~~((be))~~ considered vehicles or motor vehicles for the purposes of chapter 46.70 RCW. Bicycles ~~((shall))~~ are not ~~((be))~~ considered vehicles for the purposes of chapter 46.12, 46.16, or 46.70 RCW or RCW 82.12.045. Electric personal assistive mobility devices are not considered vehicles or motor vehicles for the purposes of chapter 46.12, 46.16, 46.29, 46.37, or 46.70 RCW.

NEW SECTION. Sec. 156. A new section is added to chapter 46.04 RCW to read as follows:

"Vehicle license fee" means a fee collected by the state of Washington as a license fee, as that term is construed in Article II, section 40 of the state Constitution, for the act of registering a vehicle under chapter 46.16 RCW. "Vehicle license fee" does not include license plate fees, or taxes and fees collected by the department for other jurisdictions.

NEW SECTION. Sec. 157. A new section is added to chapter 46.04 RCW to read as follows:

"Vintage snowmobile" means a snowmobile manufactured at least thirty years ago.

NEW SECTION. Sec. 158. A new section is added to chapter 46.04 RCW to read as follows:

"Washington state parks license plates" means special license plates displaying a symbol or artwork recognizing Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.

NEW SECTION. Sec. 159. A new section is added to chapter 46.04 RCW to read as follows:

"Washington's wildlife license plate collection" means the collection of three separate license plate designs. Each license plate design displays a distinct symbol or artwork, to include bear, deer, and elk, recognizing the wildlife of Washington.

NEW SECTION. Sec. 160. A new section is added to chapter 46.04 RCW to read as follows:

"We love our pets license plates" means special license plates displaying a symbol or artwork recognizing an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay or neuter surgery on Washington state pets in order to reduce pet overpopulation.

NEW SECTION. Sec. 161. A new section is added to chapter 46.04 RCW to read as follows:

"Wild on Washington license plates" means special license plates that display a symbol or artwork symbolizing wildlife viewing in Washington state.

PART II. GENERAL PROVISIONS AND NONHIGHWAY VEHICLES

Sec. 201. RCW 46.01.011 and 1994 c 92 s 500 are each amended to read as follows:

The legislature finds that the department of licensing administers laws relating to the licensing and regulation of professions, businesses, ~~((gambling,))~~ and other activities in addition to administering laws relating to the licensing and regulation of vehicles and vehicle operators, dealers, and manufacturers. The laws administered by the department have the common denominator of licensing and regulation and are directed toward protecting and enhancing the well-being of the residents of the state.

Sec. 202. RCW 46.01.110 and 1995 c 403 s 108 are each amended to read as follows:

The director ~~((of licensing is hereby authorized to))~~ may adopt and enforce ~~((such reasonable rules as may be consistent with and necessary))~~ rules to carry out ~~((the))~~ provisions ~~((relating))~~ related to vehicle ~~((licenses))~~ registrations, certificates of ~~((ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW: PROVIDED, That the director of licensing may not adopt rules after July 23, 1995, that are based))~~ title, and drivers' licenses. These rules must not be based:

_____ (1) Solely on a section of law stating a statute's intent or purpose(;;);

_____ (2) On the enabling provisions of the statute establishing the agency(;;); or

_____ (3) On any combination of ~~((such provisions, for statutory authority to adopt any rule))~~ subsections (1) and (2) of this section.

Sec. 203. RCW 46.01.130 and 2009 c 169 s 1 are each amended to read as follows:

~~((1) The department of licensing shall have the general supervision))~~ The director:

_____ (1) Shall supervise and control ~~((of))~~ the issuing of vehicle ~~((licenses))~~ certificates of title, vehicle registrations, and vehicle license ~~((number))~~ plates, and ~~((shall have))~~ has the full power to do all things necessary and proper to carry out the provisions of the law relating to the ~~((licensing))~~ registration of vehicles; ~~((the director shall have the power to))~~

_____ (2) May appoint and employ deputies, assistants ~~((and)),~~ representatives, and ~~((such clerks as may be required from time to time, and to provide for their operation))~~ clerks;

_____ (3) May establish branch offices in different parts of the state ~~((and the director shall have the power to));~~

_____ (4) May appoint ~~((the))~~ county auditors ~~((of the several counties as the director's agents for the licensing of vehicles.~~

_____ (2)(a) The director)) in Washington state or, in the absence of a county auditor, the department or an official of county government as agents for applications for and the issuance of vehicle certificates of title and vehicle registrations; and

_____ (5)(a) Shall investigate the conviction records and pending

charges of any current employee or prospective employee being considered for any position with the department that has or will have:

(i) The ability to create or modify records of applicants for enhanced drivers' licenses and identicards issued under RCW 46.20.202; and

(ii) The ability to issue enhanced drivers' licenses and identicards under RCW 46.20.202.

(b) The investigation consists of a background check as authorized under RCW 10.97.050, 43.43.833, and 43.43.834, and the federal bureau of investigation. The background check must be conducted through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which is through the submission of fingerprints. The director shall use the information solely to determine the character, suitability, and competence of current or prospective employees subject to this section.

(c) The director shall investigate the conviction records and pending charges of an employee subject to this subsection every five years.

(d) Criminal justice agencies shall provide the director with information that they may possess and that the director may require solely to determine the employment suitability of current or prospective employees subject to this section.

Sec. 204. RCW 46.01.140 and 2005 c 343 s 1 are each amended to read as follows:

((1) The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and recommend subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) A county auditor appointed by the director may request that the director appoint subagencies within the county.

(a) Upon authorization of the director, the auditor shall use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants.

(b) A subagent may recommend a successor who is either the subagent's sibling, spouse, or child, or a subagency employee, as long as the recommended successor participates in the open, competitive process used to select an applicant. In making successor recommendation and appointment determinations, the following provisions apply:

(i) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers.

(ii) No subagent may receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment.

(iii) (a) and (b) of this subsection are intended to assist in the efficient transfer of appointments in order to minimize public inconvenience. They do not create a proprietary or property interest in the appointment.

(c) The auditor shall submit all proposals to the director, and shall recommend the appointment of one or more subagents who have applied through the open competitive process. The auditor shall include in his or her recommendation to the director, not only the name of the successor who is a relative or employee, if applicable and if otherwise qualified, but also the name of one other applicant who is qualified and was chosen through the open competitive process. The director has final appointment authority.

(3)(a) A county auditor who is appointed as an agent by the department shall enter into a standard contract provided by the director, developed with the advice of the title and registration

advisory committee.

(b) A subagent appointed under subsection (2) of this section shall enter into a standard contract with the county auditor, developed with the advice of the title and registration advisory committee. The director shall provide the standard contract to county auditors.

(c) The contracts provided for in (a) and (b) of this subsection must contain at a minimum provisions that:

(i) Describe the responsibilities, and where applicable, the liability, of each party relating to the service expectations and levels, equipment to be supplied by the department, and equipment maintenance;

(ii) Require the specific type of insurance or bonds so that the state is protected against any loss of collected motor vehicle tax revenues or loss of equipment;

(iii) Specify the amount of training that will be provided by the state, the county auditor, or subagents;

(iv) Describe allowable costs that may be charged to vehicle licensing activities as provided for in (d) of this subsection;

(v) Describe the causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(d) The department shall develop procedures that will standardize and prescribe allowable costs that may be assigned to vehicle licensing and vessel registration and title activities performed by county auditors.

(e) The contracts may include any provision that the director deems necessary to ensure acceptable service and the full collection of vehicle and vessel tax revenues.

(f) The director may waive any provisions of the contract deemed necessary in order to ensure that readily accessible service is provided to the citizens of the state.

(4)(a) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle or vessel upon the public highways or waters of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of three dollars for each application in addition to any other fees required by law.

(b) Counties that do not cover the expenses of vehicle licensing and vessel registration and title activities may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department shall develop procedures to verify whether a request is reasonable. Payment shall be made on requests found to be allowable from the licensing services account.

(c) Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of four dollars in addition to any other fees required by law.

(d) The fees under (a) and (c) of this subsection, if paid to the county auditor as agent of the director, or if paid to a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application.

(e) Applicants required to pay the three-dollar fee established under (a) of this subsection, must pay an additional seventy-five cents, which must be collected and remitted to the state treasurer and distributed as follows:

(i) Fifty cents must be deposited into the department of licensing services account of the motor vehicle fund and must be used for agent and subagent support, which is to include but not be limited to the replacement of department-owned equipment in the possession of agents and subagents.

(ii) Twenty-five cents must be deposited into the license plate

technology account created under RCW 46.16.685.

(5) A subagent shall collect a service fee of (a) ten dollars for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the title application or transfer and (b) four dollars for registration renewal only, issuing a transit permit, or any other service under this section.

(6) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

(7) Any county revenues that exceed the cost of providing vehicle licensing and vessel registration and title activities in a county, calculated in accordance with the procedures in subsection (3)(d) of this section, shall be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(8) The director may adopt rules to implement this section.)

(1) **County auditor/agent duties.** A county auditor or other agent appointed by the director shall:

(a) Enter into a standard contract provided by the director, as developed in consultation with the advice of the title and registration advisory committee;

(b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the director including, but not limited to:

(i) Processing reports of sale;

(ii) Processing transitional ownership transactions;

(iii) Processing mail-in vehicle registration renewals until directed otherwise by legislative authority;

(iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

(v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and

(vi) Collecting fees and taxes as required.

(2) **County auditor/agent assistants and subagents.** A county auditor or other agent appointed by the director may, with approval of the director:

(a) Appoint assistants as special deputies to accept applications for vehicle certificates of title and to issue vehicle registrations; and

(b) Recommend and request that the director appoint subagencies within the county to accept applications for vehicle certificates of title and vehicle registration application issuance.

(3) **Appointing subagents.** A county auditor or other agent appointed by the director who requests a subagency shall, with approval of the director:

(a) Use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants; and

(b) Submit all proposals to the director with a recommendation for appointment of one or more subagents who have applied through the open competitive process. If a qualified successor who is an existing subagent's sibling, spouse, or child, or a subagency employee has applied, the county auditor shall provide the name of the qualified successor and the name of one other applicant who is qualified and was chosen through the open competitive process.

(4) **Subagent duties.** A subagent appointed by the director shall:

(a) Enter into a standard contract with the county auditor or agent provided by the director, as developed in consultation with the title and registration advisory committee; and

(b) Provide all services authorized by the director for vehicle

certificates of title and vehicle registration applications and issuance under the direction and supervision of the county auditor or agent and the director including, but not limited to:

(i) Processing reports of sale;

(ii) Processing transitional ownership transactions;

(iii) Mailing out vehicle registrations and replacement plates to internet payment option customers until directed otherwise by legislative authority;

(iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

(v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and

(vi) Collecting fees and taxes as required.

(5) **Subagent successorship.** A subagent appointed by the director who no longer wants his or her appointment may recommend a successor who is the subagent's sibling, spouse, or child, or a subagency employee. The recommended successor must participate in the open competitive process used to select an applicant. In making successor recommendations and appointment determinations, the following provisions apply:

(a) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers;

(b) A subagent may not receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment; and

(c) The appointment of a successor is intended to assist in the efficient transfer of appointments to minimize public inconvenience. The appointment of a successor does not create a proprietary or property interest in the appointment.

(6) **Standard contracts.** The standard contracts provided by the director in this section may include provisions that the director deems necessary to ensure that readily accessible and acceptable service is provided to the citizens of the state, including the full collection of fees and taxes. The standard contracts must include provisions that:

(a) Describe responsibilities and liabilities of each party related to service expectations and levels;

(b) Describe the equipment to be supplied by the department and equipment maintenance;

(c) Require specific types of insurance or bonds, or both, to protect the state against any loss of collected revenue or loss of equipment;

(d) Specify the amount of training that will be provided by each of the parties;

(e) Describe allowable costs that may be charged for vehicle registration activities as described in subsection (7) of this section; and

(f) Describe causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(7) **County auditor/agent cost reimbursement.** A county auditor or other agent appointed by the director who does not cover expenses for services provided by the standard contract may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department shall develop procedures to standardize and identify allowable costs and to verify whether a request is reasonable. Payment must be made on those requests found to be allowable from the licensing services account.

(8) **County auditor/agent revenue disbursement.** County revenues that exceed the cost of providing services described in the standard contract, calculated in accordance with the procedures in subsection (7) of this section, must be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(9) **Appointment authority.** The director has final appointment

authority for county auditors or other agents or subagents.

(10) **Rules.** The director may adopt rules to implement this section.

Sec. 205. RCW 46.01.230 and 2003 c 369 s 1 are each amended to read as follows:

((1) The department of licensing is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses, or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle may be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270 as now or hereafter amended.

(2) It is a traffic infraction to fail to surrender within ten days to the department or any authorized agent of the department any certificate, license, or permit after being notified that such certificate, license, or permit has been canceled pursuant to this section. Notice of cancellation may be accomplished by sending a notice by first-class mail using the last known address in department records for the holder of the certificate, license, or permit, and recording the transmittal on an affidavit of first-class mail.

(3) Whenever registrations, licenses, or permits have been paid for by checks that have been dishonored by nonacceptance or nonpayment, a reasonable handling fee may be assessed for each such instrument. Notwithstanding provisions of any other laws, county auditors, agents, and subagents, appointed or approved by the director pursuant to RCW 46.01.140, may collect restitution, and where they have collected restitution may retain the reasonable handling fee. The amount of the reasonable handling fee may be set by rule by the director.

(4) In those counties where the county auditor has been appointed an agent of the director under RCW 46.01.140, the auditor shall continue to process mail-in registration renewals until directed otherwise by legislative authority. Subagents appointed by the director under RCW 46.01.140 have the same authority to mail out registrations and replacement plates to Internet payment option customers as the agents until directed otherwise by legislative authority. The department shall provide separate statements giving notice to Internet payment option customers that: (a) A subagent service fee, as provided in RCW 46.01.140(5)(b), will be collected by a subagent office for providing mail and pick-up services; and (b) a filing fee will be collected on all transactions listed under RCW 46.01.140(4)(a). The statement must include the amount of the fee and be published on the department's Internet web site on the page that lists each department, county auditor, and subagent office, eligible to provide mail or pick-up services for registration renewals and replacement plates. The statements must be published below each office listed.))

(1) The department may accept checks and money orders for the payment of drivers' licenses, certificates of title and vehicle registrations, vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department. Whenever registrations,

licenses, or permits have been paid for by checks or money orders that have been dishonored by nonacceptance or nonpayment, the department shall:

(a) Cancel the registration, license, or permit;

(b) Send a notice of cancellation by first-class mail using the last known address in department records for the holder of the certificate, license, or permit, and complete an affidavit of first-class mail; and

(c) Assess a handling fee, set by rule.

(2) It is a traffic infraction to fail to surrender a certificate of title, registration certificate, or permit to the department or to an authorized agent within ten days of being notified that the certificate, registration, or permit has been cancelled.

(3) County auditors, agents, and subagents appointed by the director may collect restitution for dishonored checks and money orders and keep the handling fee.

(4) A person who has recently acquired a vehicle by purchase, exchange, gift, lease, inheritance, or legal action is not liable or responsible for the payment of uncollected fees and taxes that were paid for by a predecessor's check or money order that was subsequently dishonored. The department may not deny an application to transfer ownership for the uncollected amount.

(5) The director may adopt rules to implement this section. The rules must provide for the public's convenience consistent with sound business practice and encourage annual renewal of vehicle registrations by mail, authorizing checks and money orders for payment.

NEW SECTION. Sec. 206. A new section is added to chapter 46.01 RCW to read as follows:

(1) The department shall provide on its internet payment option web site:

(a) That a filing fee will be collected on all transactions subject to a filing fee;

(b) That a subagent service fee will be collected by a subagent office for mail or pick-up licensing services; and

(c) The amount of the filing and subagent service fees.

(2) The filing and subagent service fees must be shown below each office listed.

Sec. 207. RCW 46.01.235 and 2004 c 249 s 9 are each amended to read as follows:

The department may adopt necessary rules and procedures to allow use of credit and debit cards for payment of fees and excise taxes to the department and its agents or subagents related to the licensing of drivers, the issuance of identicards, and vehicle and vessel ~~((title))~~ certificates of title and registration. The department may establish a convenience fee to be paid by the credit or debit card user whenever a credit or debit card is chosen as the payment method. The fee must be sufficient to offset the charges imposed on the department and its agents and subagents by credit and debit card companies. In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state.

The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

Sec. 208. RCW 46.01.260 and 2009 c 276 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the director ~~((, in his or her discretion,))~~ may destroy applications for vehicle ~~((licenses))~~ registrations, copies of vehicle ~~((licenses))~~ registrations issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, and records or supporting papers on file in ~~((his or her office which))~~ the department that have been microfilmed or photographed or are more than five years old. ~~((If the))~~ The director may destroy applications for vehicle ~~((licenses))~~ registrations that are renewal applications ~~((, the director may destroy such applications))~~

when the computer record (~~thereof~~) of the applications has been updated.

(2)(a) The director shall not destroy records of convictions or adjudications of RCW 46.61.502, 46.61.504, 46.61.520, and 46.61.522, or records of deferred prosecutions granted under RCW 10.05.120 and shall maintain such records permanently on file.

(b) The director shall not, within fifteen years from the date of conviction or adjudication, destroy records if the offense was originally charged as one of the offenses designated in (a) of this subsection, convictions or adjudications of the following offenses: RCW 46.61.500 or 46.61.5249 or any other violation that was originally charged as one of the offenses designated in (a) of this subsection.

(c) For purposes of RCW 46.52.101 and 46.52.130, offenses subject to this subsection shall be considered "alcohol-related" offenses.

Sec. 209. RCW 46.01.270 and 1991 c 339 s 18 are each amended to read as follows:

~~(The)~~ A county auditor or other agent appointed by the director may destroy applications for vehicle (~~licenses~~) registrations and any copies of vehicle (~~licenses~~) registrations or other records issued after (~~such~~) those records have been on file in the county auditor's or other agent's office for a period of eighteen months, unless otherwise directed by the director.

Sec. 210. RCW 46.01.310 and 1987 c 302 s 3 are each amended to read as follows:

No civil suit or action may ever be commenced or prosecuted against the director, the state of Washington, any county auditor or other agents appointed by the director, (~~or against~~) any other government officer or entity, or against any other person, by reason of any act done or omitted to be done in connection with the titling (~~licensing~~) or registration of vehicles or vessels while administering duties and responsibilities imposed on the director or as an agent of the director (~~of licensing~~), or as (~~an agent~~) a subagent of an agent of the director (~~of licensing, pursuant to RCW 46.01.140. However~~), This section does not bar the state of Washington or the director (~~of licensing~~) from bringing any action, whether civil or criminal, against any (~~such~~) agent, nor shall it bar a county auditor or other agent of the director from bringing an action against (~~his or her~~) the agent.

Sec. 211. RCW 46.08.066 and 1986 c 158 s 20 are each amended to read as follows:

(1) ~~(Except as provided in subsection (3) of this section,)~~ The department (~~of licensing is authorized to~~) may issue confidential (~~motor vehicle~~) license plates to:

(a) Units of local government and (~~to~~) agencies of the federal government for law enforcement purposes only;

(b) Any state official elected on a statewide basis for use on official business. Only one set of confidential license plates may be issued to these elected officials;

(c) Any other public officer or public employee for the personal security of the officer or employee when recommended by the chief of the Washington state patrol. These confidential license plates may only be used on an unmarked publicly owned or controlled vehicle of the employing government agency for the conduct of official business for the period of time that the personal security of the state official, public officer, or other public employee may require; and

(d) The office of the state treasurer. These confidential license plates may only be used on an unmarked state owned or controlled vehicle when required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.

(2) ~~(Except as provided in subsections (3) and (4) of this section)~~ The use of confidential license plates on other vehicles owned or operated by the state of Washington by any officer or employee (~~thereof, shall be~~) of the state is limited to confidential, investigative, or undercover work of state law enforcement agencies,

confidential public health work, and confidential public assistance fraud or support investigations.

(3) ~~(Any state official elected on a statewide basis shall be provided on request with one set of confidential plates for use on official business. When necessary for the personal security of any other public officer, or public employee, the chief of the Washington state patrol may recommend that the director issue confidential plates for use on an unmarked publicly owned or controlled vehicle of the appropriate governmental unit for the conduct of official business for the period of time that the personal security of such state official, public officer, or other public employee may require. The office of the state treasurer may use an unmarked state owned or controlled vehicle with confidential plates where required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.~~

(4) ~~The director (~~of licensing~~) may (~~issue~~) adopt rules (~~and regulations~~) governing applications for, and the use of, (~~such~~) confidential license plates (~~by law enforcement and other public agencies~~).~~

Sec. 212. RCW 46.08.150 and 1995 c 384 s 2 are each amended to read as follows:

The director of general administration shall have power to devise and promulgate rules and regulations for the control of vehicular and pedestrian traffic and the parking of motor vehicles on the state capitol grounds. However, the monetary penalty for parking a motor vehicle without a valid special license plate or placard in a parking place reserved for (~~physically disabled~~) persons with physical disabilities shall be the same as provided in (~~RCW 46.16.381~~) section 706 of this act. Such rules and regulations shall be promulgated by publication in one issue of a newspaper published at the state capitol and shall be given such further publicity as the director may deem proper.

Sec. 213. RCW 46.09.020 and 2007 c 241 s 13 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advisory committee" means the nonhighway and off-road vehicle activities advisory committee established in RCW 46.09.280 (as recodified by this act).

(2) "Board" means the recreation and conservation funding board established in RCW 79A.25.110.

(3) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

(4) ~~("Department" means the department of licensing. —(5))~~ "Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every roadway publicly maintained by the state department of transportation or any county or city with funding from the motor vehicle fund. A highway is generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles.

~~((6))~~ "Motorized vehicle" means a vehicle that derives motive power from an internal combustion engine.

~~(7))~~ (5) "Nonhighway road" means any road owned or managed by a public agency or any private road for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used for (a) original construction or reconstruction in the last twenty-five years; or (b) maintenance in the last four years.

~~((8))~~ (6) "Nonhighway road recreation facilities" means recreational facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonhighway road recreational users.

~~((9))~~ (7) "Nonhighway road recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road

is primarily for nonhighway road recreational purposes, including, but not limited to, hunting, fishing, camping, sightseeing, wildlife viewing, picnicking, driving for pleasure, kayaking/canoeing, and gathering berries, firewood, mushrooms, and other natural products.

~~((40))~~ (8) "Nonhighway vehicle" means any motorized vehicle including an ORV when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain.

Nonhighway vehicle does not include:

- (a) Any vehicle designed primarily for travel on, over, or in the water;
- (b) Snowmobiles or any military vehicles; or
- (c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

~~((41))~~ (9) "Nonmotorized recreational facilities" means recreational trails and facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonmotorized recreational users.

~~((42))~~ (10) "Nonmotorized recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonmotorized recreational purposes including, but not limited to, walking, hiking, backpacking, climbing, cross-country skiing, snowshoeing, mountain biking, horseback riding, and pack animal activities.

((13) "Off-road vehicle" or "ORV" means any nonstreet licensed vehicle when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. Such vehicles include, but are not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

(14) "Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

(15)) (11) "Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

~~((46))~~ (12) "ORV recreation facilities" include, but are not limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use areas, designated for ORV use by the managing authority that are intended primarily for ORV recreational users.

~~((47))~~ (13) "ORV recreational user" means a person whose purpose for consuming fuel on nonhighway roads or off-road is primarily for ORV recreational purposes, including but not limited to riding an all-terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or dune buggy.

~~((48))~~ (14) "ORV sports park" means a facility designed to accommodate competitive ORV recreational uses including, but not limited to, motocross racing, four-wheel drive competitions, and flat track racing. Use of ORV sports parks can be competitive or noncompetitive in nature.

~~((49))~~ (15) "ORV trail" means a multiple-use corridor designated by the managing authority and maintained for recreational use by motorized vehicles.

((20) "ORV use permit" means a permit issued for operation of an off-road vehicle under this chapter.

(21) "Owner" means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

(22) "Person" means any individual, firm, partnership, association, or corporation.)

NEW SECTION. Sec. 214. A new section is added to chapter 46.09 RCW under the subchapter heading "general provisions" to read as follows:

The department shall issue a certificate of title to the owner of an off-road vehicle. The owner shall pay the fee established under

section 508 of this act. Issuance of the certificate of title does not qualify the vehicle for registration under chapter 46.16 RCW.

Sec. 215. RCW 46.09.030 and 1990 c 250 s 23 are each amended to read as follows:

The department shall (provide for the issuance of use permits for off-road vehicles and may appoint agents for collecting fees and issuing permits. The department shall charge each applicant for registration the actual cost of the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals. The provisions of RCW 46.01.130 and 46.01.140 apply to the issuance of use permits for off-road vehicles as they do to the issuance of vehicle licenses, the appointment of agents and the collection of application fees);

(1) Issue registrations and temporary ORV use permits for off-road vehicles;

(2) Issue decals for off-road vehicles. The decals serve the same function as license plates for vehicles registered under chapter 46.16 RCW; and

(3) Charge a fee for each decal covering the actual cost of the decal.

Sec. 216. RCW 46.09.040 and 1977 ex.s. c 220 s 3 are each amended to read as follows:

Except as provided in this chapter, ~~((no))~~ a person shall not operate ~~((any))~~ an off-road vehicle within this state ~~((after January 1, 1978,))~~ unless the off-road vehicle has been assigned an ORV registration or temporary ORV use permit and displays ~~((a current ORV tag in accordance with the provisions of this chapter. PROVIDED, That registration and display of an unexpired ATV use permit shall be deemed to have complied with this section))~~ current decals and tabs as required under this chapter.

Sec. 217. RCW 46.09.050 and 2004 c 105 s 9 are each amended to read as follows:

ORV ~~((use permits))~~ registrations and ~~((ORV tags shall be))~~ decals are required under ~~((the provisions of))~~ this chapter except for the following:

(1) Off-road vehicles owned and operated by the United States, another state, or a political subdivision ~~((thereof))~~ of the United States or another state.

(2) Off-road vehicles owned and operated by this state, ~~((or by any))~~ a municipality, or a political subdivision ~~((thereof))~~ of this state or the municipality.

(3) Off-road vehicles operated on agricultural lands owned or leased by the ~~((ORV))~~ off-road vehicle owner or operator.

(4) Off-road vehicles owned by a resident of another state that have a valid ORV use permit or vehicle ~~((license))~~ registration issued in accordance with the laws of the other state. This exemption ~~((shall apply))~~ applies only to the extent that a similar exemption or privilege is granted under the laws of that state.

(5) Off-road vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.

(6) Vehicles ~~((which are licensed pursuant to))~~ registered under chapter 46.16 RCW or, in the case of nonresidents, vehicles ~~((which are))~~ validly ~~((licensed))~~ registered for operation over public highways in the jurisdiction of the owner's residence.

Sec. 218. RCW 46.09.070 and 2004 c 106 s 1 are each amended to read as follows:

((1) Application for annual or temporary ORV use permits shall be made to the department or its authorized agent in such manner and upon such forms as the department shall prescribe and shall state the name and address of each owner of the off-road vehicle.

(2) An application for an annual permit shall be signed by at least one owner, and shall be accompanied by a fee of eighteen dollars. Upon receipt of the annual permit application and the application fee, the off-road vehicle shall be assigned a use permit number tag or decal, which shall be affixed to the off-road vehicle in a manner

prescribed by the department. The annual permit is valid for a period of one year and is renewable each year in such manner as the department may prescribe for an additional period of one year upon payment of a renewal fee of eighteen dollars.

Any person acquiring an off-road vehicle for which an annual permit has been issued who desires to continue to use the permit must, within fifteen days of the acquisition of the off-road vehicle, make application to the department or its authorized agent for transfer of the permit, and the application shall be accompanied by a transfer fee of five dollars.

(3) A temporary use permit is valid for sixty days. Application for a temporary permit shall be accompanied by a fee of seven dollars. The permit shall be carried on the vehicle at all times during its operation in the state.

(4) Except as provided in RCW 46.09.050, any out-of-state operator of an off-road vehicle shall, when operating in this state, comply with this chapter, and if an ORV use permit is required under this chapter, the operator shall obtain an annual or temporary permit and tag.)

(1) The application for an original ORV registration has the same requirements as described for original vehicle registrations in RCW 46.16.040 (as recodified by this act) and must be accompanied by the annual off-road vehicle license fee required under section 531 of this act, in addition to any other fees or taxes due for the application.

(2) The application for renewal of an ORV registration has the same requirements as described for the renewal of vehicle registrations in RCW 46.16.210 (as recodified by this act) and must be accompanied by the annual off-road vehicle license fee required under section 531 of this act, in addition to any other fees or taxes due for the application.

(3) The annual ORV registration is valid for one year and may be renewed each subsequent year as prescribed by the department.

(4) A person who acquires an off-road vehicle that has an ORV registration must:

(a) Apply to the department, county auditor or other agent, or subagent appointed by the director for a transfer of the ORV registration within fifteen days of taking possession of the off-road vehicle; and

(b) Pay the ORV registration transfer fee required under section 536 of this act, in addition to any other fees or taxes due at the time of application.

(5) The department shall issue an ORV registration, decals, and tabs upon receipt of:

(a) A properly completed application for an original ORV registration; and

(b) The payment of all fees and taxes due at the time of application.

(6) The ORV registration must be carried on the vehicle for which it was issued at all times during its operation in this state.

(7) Off-road vehicle decals must be affixed to the off-road vehicle in a manner prescribed by the department.

(8) Unless exempt under RCW 46.09.050 (as recodified by this act), any out-of-state operator of an off-road vehicle, when operating in this state, must comply with this chapter. If an ORV registration is required under this chapter, the out-of-state operator must obtain an ORV registration and decal or a temporary ORV use permit.

NEW SECTION. Sec. 219. A new section is added to chapter 46.09 RCW under the subchapter heading "use permits" to read as follows:

(1) The application for a temporary ORV use permit must be made by the owner or the owner's authorized representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department. The application must contain:

(a) The name and address of each owner of the off-road vehicle; and

(b) Other information that the department may require.

(2) The owner or the owner's authorized representative shall sign the application for a temporary ORV use permit.

(3) The application for a temporary ORV use permit must be accompanied by the temporary ORV use permit fee required under section 535 of this act, in addition to any other fees or taxes due for the application.

(4) A temporary ORV use permit:

(a) Is valid for sixty days; and

(b) Must be carried on the vehicle for which it was issued at all times during its operation in this state.

Sec. 220. RCW 46.09.080 and 1990 c 250 s 24 are each amended to read as follows:

(1) Each dealer of off-road vehicles in this state (~~who does not have a current "dealer's plate" for vehicle use pursuant to chapter 46.70 RCW~~) shall obtain either a miscellaneous vehicle dealer license as defined in RCW 46.70.011 or an ((ORV)) off-road vehicle dealer ((permit)) license from the department in ((such)) a manner ((and upon such forms as)) prescribed by the department ((shall prescribe)). Upon receipt of an application for an ((ORV)) off-road vehicle dealer ((permit)) license and the fee described under subsection (2) of this section, the dealer ((shall be registered)) is licensed and an ((ORV)) off-road vehicle dealer ((permit)) license number must be assigned.

(2) The annual fee for ((ORV)) an off-road vehicle dealer ((permits shall be)) license is twenty-five dollars ((per year)), which covers all of the off-road vehicles owned by a dealer and not rented. Off-road vehicles rented on a regular, commercial basis by a dealer ((shall)) must have separate ((use permits)) registrations.

(3) Upon the issuance of an ((ORV)) off-road vehicle dealer ((permit)) license, each dealer may purchase, at a cost to be determined by the department, ((ORV)) off-road vehicle dealer ((number)) license plates of a size and color to be determined by the department((, that)). The off-road vehicle dealer license plates must contain the off-road vehicle dealer ((ORV permit)) license number assigned to the dealer. Each off-road vehicle operated by a dealer, dealer representative, or prospective customer for the purposes of testing or demonstration shall display ((such number)) dealer license plates assigned ((pursuant to the dealer permit provisions in chapter 46.70 RCW or this section, in a manner prescribed)) by the department.

(4) ((No)) A dealer, dealer representative, or prospective customer ((shall use such number)) may only use dealer license plates for ((any purpose other than)) the purposes prescribed in subsection (3) of this section.

(5) ((ORV)) Off-road vehicle dealer ((permit)) license numbers ((shall be)) are nontransferable.

(6) It is unlawful for any dealer to sell any off-road vehicle at wholesale or retail or to test or demonstrate any off-road vehicle within the state unless ((he has a motor vehicle dealers' license pursuant to chapter 46.70 RCW or an ORV dealer permit number in accordance with)) the dealer has either a miscellaneous vehicle dealer license as defined in RCW 46.70.011 or an off-road vehicle dealer license as required under this section.

(7) When an ((ORV)) off-road vehicle is sold by a dealer, the dealer shall apply for a certificate of title in the purchaser's name within fifteen days following the sale.

(8) Except as provided in RCW 46.09.050, it is unlawful for any dealer to sell at retail an off-road vehicle without registration required in RCW 46.09.040.

Sec. 221. RCW 46.09.115 and 2006 c 212 s 2 are each amended to read as follows:

(1) Except as otherwise provided in this section, it is lawful to operate an off-road vehicle upon:

(a) A nonhighway road and in parking areas serving designated off-road vehicle areas if the state, federal, local, or private authority

responsible for the management of the nonhighway road authorizes the use of off-road vehicles; and

(b) A street, road, or highway as authorized under RCW 46.09.180 (as recodified by this act).

(2) Operations of an off-road vehicle on a nonhighway road, or on a street, road, or highway as authorized under RCW 46.09.180 (as recodified by this act), under this section is exempt from ((licensing)) registration requirements of chapter 46.16 RCW ((46.16.010)) and vehicle lighting and equipment requirements of chapter 46.37 RCW.

(3) It is unlawful to operate an off-road vehicle upon a private nonhighway road if the road owner has not authorized the use of off-road vehicles.

(4) Nothing in this section authorizes trespass on private property.

(5) The provisions of RCW 4.24.210(5) shall apply to public landowners who allow members of the public to use public facilities accessed by a highway, street, or nonhighway road for recreational off-road vehicle use.

Sec. 222. RCW 46.09.170 and 2009 c 564 s 944 and 2009 c 187 s 2 are each reenacted and amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

(a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the board for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the board receives under RCW 46.09.110 (as recodified by this act), may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The board may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the board's project evaluation. Funds remaining after such a waiver must be allocated in accordance with board policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.09.110 (as recodified by this act), expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the 2009-2011 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to the department of natural resources to install consistent off-road vehicle signage at department-managed recreation sites, and to implement the recreation opportunities on department-managed lands in the Reiter block and Ahtanum state forest, and to the state parks and recreation commission for maintenance and operation of parks and to improve accessibility for boaters and off-road vehicle users. This appropriation is not required to follow the specific distribution specified in subsection (2) of this section.

Sec. 223. RCW 46.09.240 and 2007 c 241 s 17 are each amended to read as follows:

(1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the board shall, at least once each year, distribute the funds it receives under RCW 46.09.110 and 46.09.170 (as recodified by this act) to state agencies, counties, municipalities, federal agencies, nonprofit ((ORV)) off-road vehicle organizations, and Indian tribes. Funds distributed under this section to nonprofit ((ORV)) off-road vehicle organizations may be spent only on projects or activities that benefit ((ORV)) off-road vehicle recreation on lands once publicly owned that come into private ownership in a federally approved land exchange completed between January 1, 1998, and January 1, 2005.

(2) The board shall adopt rules governing applications for funds administered by the recreation and conservation office under this chapter and shall determine the amount of money distributed to each applicant. Agencies receiving funds under this chapter for capital purposes shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

(3) The board shall require each applicant for acquisition or development funds under this section to comply with the requirements of either the state environmental policy act, chapter 43.21C RCW, or the national environmental policy act (42 U.S.C. Sec. 4321 et seq.).

Sec. 224. RCW 46.09.280 and 2007 c 241 s 19 are each amended to read as follows:

(1) The board shall establish the nonhighway and off-road vehicle activities advisory committee to provide advice regarding the administration of this chapter. The committee consists of governmental representatives, land managers, and a proportional representation of persons with recreational experience in areas identified in the most recent fuel use study, including but not limited to people with ((ORV)) off-road vehicle, hiking, equestrian, mountain biking, hunting, fishing, and wildlife viewing experience.

(2) After the advisory committee has made recommendations regarding the expenditure of the fuel tax revenue portion of the nonhighway and off-road vehicle account moneys, the advisory committee's ((ORV)) off-road vehicle and mountain biking

recreationists, governmental representatives, and land managers will make recommendations regarding the expenditure of funds received under RCW 46.09.110 (as recodified by this act).

(3) At least once a year, the board, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission shall report to the nonhighway and off-road vehicle activities advisory committee on the expenditures of funds received under RCW 46.09.110 and 46.09.170 (as recodified by this act) and must proactively seek the advisory committee's advice regarding proposed expenditures.

(4) The advisory committee shall advise these agencies regarding the allocation of funds received under RCW 46.09.170 (as recodified by this act) to ensure that overall expenditures reflect consideration of the results of the most recent fuel use study.

Sec. 225. RCW 46.10.010 and 2005 c 235 s 1 are each amended to read as follows:

((As used in this chapter the words and phrases in this section shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicated.

(1) "Person" shall mean any individual, firm, partnership, association, or corporation.

(2) "Snowmobile" shall mean any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or sled type runners, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the state of Washington.

(3) "Vintage snowmobile" means a snowmobile manufactured at least thirty years ago.

(4)) The following definitions apply throughout this chapter unless the context clearly requires otherwise.

(1) "All terrain vehicle" ((shall)) means any self-propelled vehicle other than a snowmobile, capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, including, but not limited to, four-wheel vehicles, amphibious vehicles, ground effect or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, or any military or law enforcement vehicles.

((5) "Owner" shall mean the person, other than a lienholder, having the property in or title to a snowmobile or all terrain vehicle, and entitled to the use or possession thereof.

(6) "Operator" means each person who operates, or is in physical control of, any snowmobile or all terrain vehicle.

(7)) (2) "Public roadway" ((shall)) means the entire width of the right-of-way of any road or street designed and ordinarily used for travel or parking of motor vehicles, which is controlled by a public authority other than the Washington state department of transportation, and which is open as a matter of right to the general public for ordinary vehicular traffic.

((8)) (3) "Highway((s))" ((shall)) means the entire width of the right-of-way of ((a)) a primary and secondary state highway((s)), including ((a)) any portion((s)) of the interstate highway system.

((9)) (4) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail in this state.

((10) "Department" shall mean the department of licensing.

(11) "Director" shall mean the director of the department of licensing.

(12)) (5) "Commission" ((shall)) means the Washington state parks and recreation commission.

((13)) (6) "Hunt" ((shall)) means any effort to kill, injure, capture, or disturb a wild animal or wild bird.

((14)) (7) "Committee" means the Washington state parks and recreation commission snowmobile advisory committee.

Sec. 226. RCW 46.10.020 and 2008 c 52 s 1 are each amended to read as follows:

(1) Except as provided in this chapter, a person may not operate ~~((any))~~ a snowmobile within this state unless ~~((such))~~ the snowmobile has been registered ((in accordance with the provisions of)) as required under this chapter.

(2) ~~((A registration number shall))~~ Snowmobile decals must be assigned, without the payment of a fee, to snowmobiles owned by the state of Washington or its political subdivisions((and the assigned registration number shall)). The snowmobile decals must be displayed upon each snowmobile in ((such manner as provided by)) accordance with rules adopted by the department.

Sec. 227. RCW 46.10.030 and 1986 c 16 s 1 are each amended to read as follows:

~~((No))~~ Registration ~~((shall be))~~ is not required under ~~((the provisions of))~~ this chapter for the following ~~((described))~~ snowmobiles:

(1) Snowmobiles owned and operated by the United States, another state, or a political subdivision thereof.

(2) A snowmobile owned by a resident of another state or Canadian province if that snowmobile is registered ~~((in accordance with))~~ under the laws of the state or province in which its owner resides((, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for snowmobiles registered in this state: PROVIDED, That)). This exemption applies only to the extent that a similar exemption or privilege is granted under the laws of that state or province. Any snowmobile ((which)) that is validly registered in another state or province and ((which)) that is physically located in this state for a period of more than fifteen consecutive days ((shall be)) is subject to registration under ~~((the provisions of))~~ this chapter.

Sec. 228. RCW 46.10.040 and 2008 c 52 s 2 are each amended to read as follows:

((1) Application for registration shall be made to the department in the manner and upon forms the department prescribes, and shall state the name and address of each owner of the snowmobile to be registered, and shall be signed by at least one such owner, and shall be accompanied by an annual registration fee as described in (a) of this subsection.

(a) The annual registration fee for snowmobiles manufactured less than thirty years is thirty dollars. The annual registration fee for vintage snowmobiles is twelve dollars. The department shall design, in cooperation with the commission, a distinct registration decal which shall be issued to vintage snowmobiles upon payment of the annual registration fee.

(b) Upon receipt of the application and the application fee, the snowmobile shall be registered and a registration number assigned, which shall be affixed to the snowmobile in a manner provided in RCW 46.10.070.

(2) The registration provided in this section shall be valid for a period of one year. At the end of the period of registration, every owner of a snowmobile in this state shall renew his or her registration in the manner the department prescribes, for an additional period of one year, upon payment of the annual registration fee.

(3) Any person acquiring a snowmobile already validly registered under the provisions of this chapter must, within ten days of the acquisition or purchase of the snowmobile, make application to the department for transfer of the registration, and the application shall be accompanied by a transfer fee of five dollars.

(4) A snowmobile owned by a resident of another state or Canadian province where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for the permit shall state the name and address of each owner of the snowmobile to be registered and shall be signed by

at least one owner and shall be accompanied by a registration fee of five dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state.

(5) The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other registration or license fee on any snowmobile in this state.

(6) The department shall make available a pair of uniform decals consistent with the provisions of RCW 46.10.070. In addition to the registration fee provided in this section the department shall charge each applicant for registration the actual cost of the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals.)

(1) The application for an original snowmobile registration has the same requirements as described for original vehicle registrations in RCW 46.16.040 (as recodified by this act) and must be accompanied by the annual snowmobile registration fee required under section 531 of this act, in addition to any other fees and taxes due at the time of application.

(2) The application for renewal of a snowmobile registration has the same requirements as described for the renewal of vehicle registrations in RCW 46.16.210 (as recodified by this act) and must be accompanied by the annual snowmobile registration fee required under section 531 of this act, in addition to any other fees or taxes due at the time of application.

(3) The snowmobile registration is valid for one year and must be renewed each year thereafter as determined by the department.

(4) A person who acquires a snowmobile that has a valid snowmobile registration must:

(a) Apply to the department, county auditor or other agent, or subagent appointed by the director for a transfer of the snowmobile registration within ten days of taking possession of the snowmobile; and

(b) Pay the snowmobile registration transfer fee required under section 537 of this act, in addition to any other fees or taxes due at the time of application.

(5) The department shall issue a snowmobile registration and snowmobile decals upon receipt of:

(a) A properly completed application for an original snowmobile registration; and

(b) The payment of all fees and taxes due at the time of application.

(6) The snowmobile registration must be carried on the vehicle for which it was issued at all times during its operation in this state.

(7) Snowmobile decals must be affixed to the snowmobile as provided in RCW 46.10.070 (as recodified by this act).

(8) Snowmobile registration fees provided in this section and in section 531 of this act are in lieu of any personal property or excise tax imposed on snowmobiles by this state or any political subdivision. A state agency, city, county, or other municipality may not impose other registration fees on a snowmobile in this state.

NEW SECTION. Sec. 229. A new section is added to chapter 46.10 RCW under the subchapter heading "registration and permits" to read as follows:

(1) The application for a nonresident temporary snowmobile permit must be made by the snowmobile owner or the owner's authorized representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department. The application must contain:

(a) The name and address of each owner of the snowmobile; and
(b) Other information the department may require.

(2) The snowmobile owner or the owner's authorized representative shall sign the application for a nonresident temporary snowmobile permit.

(3) The application for a nonresident temporary snowmobile permit must be accompanied by the nonresident temporary snowmobile permit fee required under section 535 of this act, in addition to any other fees or taxes due at the time of application.

(4) Nonresident temporary snowmobile permits:

(a) Are available for snowmobiles owned by residents of another state or Canadian province where registration is not required by law;

(b) Are valid for not more than sixty days; and

(c) Must be carried on the snowmobile at all times during its operation in this state.

Sec. 230. RCW 46.10.043 and 1982 c 17 s 3 are each amended to read as follows:

(Each snowmobile dealer registered pursuant to the provisions of RCW 46.10.050 shall register the snowmobile or, in the event the snowmobile is currently registered, transfer the registration to the new owner prior to delivering the snowmobile to that new owner subsequent to the sale thereof by the dealer. Applications for registration and transfer of registration of snowmobiles shall be made to agents of the department authorized as such in accordance with RCW 46.01.140 and 46.01.150 as now or hereafter amended.

All registrations for snowmobiles must be valid for the current registration period prior to the transfer of any registration, including assignment to a dealer. Upon the sale of a snowmobile by a dealer, the dealer may issue a temporary registration as provided by rules adopted by the department.)

A snowmobile registration must be valid for the current registration period before transfer of the registration, including assignment to a dealer.

Sec. 231. RCW 46.10.050 and 1990 c 250 s 26 are each amended to read as follows:

(1) Each dealer of snowmobiles in this state shall ~~((register with))~~ obtain a snowmobile dealer license from the department in ~~((such))~~ a manner ~~((and upon such forms as))~~ prescribed by the department ~~((shall prescribe))~~. Upon receipt of an application for a snowmobile dealer's ~~((application for registration))~~ license and the ~~((registration))~~ fee provided ~~((for))~~ in subsection (2) of this section, ~~((such))~~ the dealer ~~((shall be registered))~~ is licensed and a ~~((registration))~~ snowmobile dealer license number must be assigned.

(2) The ~~((registration))~~ annual license fee for a snowmobile dealer ~~((s shall be))~~ is twenty-five dollars ~~((per year, and such fee shall))~~, which covers all of the snowmobiles offered by a dealer for sale and not rented on a regular, commercial basis ~~((PROVIDED, That))~~. Snowmobiles rented on a regular commercial basis by a snowmobile dealer ~~((shall))~~ must be registered separately under ~~((the provisions of))~~ RCW 46.10.020, 46.10.040, 46.10.060, and 46.10.070 ~~((as recodified by this act))~~.

(3) Upon ~~((registration each dealer))~~ the issuance of a snowmobile dealer license, a snowmobile dealer may purchase, at a cost to be determined by the department, snowmobile dealer ~~((number))~~ license plates of a size and color to be determined by the department ~~((which shall))~~. The snowmobile dealer license plates must contain the ~~((registration))~~ snowmobile license number assigned to ~~((that))~~ the dealer. Each snowmobile operated by a dealer, dealer representative, or prospective customer for the purposes of demonstration or testing shall display ~~((such number))~~ snowmobile dealer license plates in a clearly visible manner.

(4) ~~((No person other than))~~ Only a dealer, dealer representative, or prospective customer ~~((shall))~~ may display a snowmobile dealer ~~((number))~~ plate, and ~~((no))~~ only a dealer, dealer representative, or prospective customer ~~((shall))~~ may use a snowmobile dealer's ~~((number))~~ license plate for ~~((any purpose other than))~~ the purposes described in subsection (3) of this section.

(5) Snowmobile dealer ~~((registration numbers))~~ licenses are nontransferable.

(6) It is unlawful for any snowmobile dealer to sell ~~((any))~~ a snowmobile at wholesale or retail, or to test or demonstrate any

snowmobile, within the state, unless ~~((registered in accordance with the provisions of this section))~~ the dealer has a snowmobile dealer license as required under this section.

(7) When a snowmobile is sold by a snowmobile dealer, the dealer:

(a) Shall apply for licensing in the purchaser's name within fifteen days following the sale; and

(b) May issue a temporary license as provided by rules adopted by the department.

Sec. 232. RCW 46.10.055 and 1982 c 17 s 4 are each amended to read as follows:

The director may by order deny, suspend, or revoke the ~~((registration))~~ license of any snowmobile dealer or, in lieu thereof or in addition thereto, may by order assess monetary civil penalties not to exceed five hundred dollars per violation, if the director finds that the order is in the public interest and that the applicant or ~~((registrant))~~ licensee, or any partner, officer, director, or owner of ten percent of the assets of the firm, or any employee or agent:

(1) Has failed to comply with the applicable provisions of this chapter or any rules adopted under this chapter; or

(2) Has failed to pay any monetary civil penalty assessed by the director under this section within ten days after the assessment becomes final.

Sec. 233. RCW 46.10.060 and 1971 ex.s. c 29 s 6 are each amended to read as follows:

~~((The registration number))~~ (1) Snowmobile decals assigned to a snowmobile in this state at the time of its original registration ~~((shall))~~ must remain with that snowmobile until the ~~((vehicle))~~ snowmobile is destroyed, abandoned, or permanently removed from this state, or until changed or terminated by the department.

(2) The department shall ~~((upon assignment of such registration number,))~~ issue and deliver to the snowmobile owner ~~((a certificate of))~~ upon proper application:

(a) A registration certificate, in ~~((such))~~ a form as prescribed by the department ~~((shall prescribe)).~~ The ~~((certificate of))~~ registration ~~((shall))~~ certificate is not ~~((be))~~ valid unless it is signed by the person who signed the application for registration~~((:~~

~~— At the time of the original registration, and at the time of each subsequent renewal thereof, the department shall issue to the registrant a date tag or tags indicating the validity of the current registration and the expiration date thereof, which validating date, tag, or tags shall)); and~~

(b) License tabs showing the current expiration of the snowmobile registration. The license tabs must be affixed to the snowmobile ~~((in such manner))~~ as prescribed by the department ~~((may prescribe. Notwithstanding the fact that a snowmobile has been assigned a registration number, it shall not be considered as validly registered within the meaning of this section unless a validating date tag and current registration certificate has been issued)).~~

(3) A snowmobile is not properly registered unless license tabs and a current registration certificate have been issued.

Sec. 234. RCW 46.10.070 and 1973 1st ex.s. c 128 s 2 are each amended to read as follows:

~~((The registration number))~~ (1) Snowmobile decals assigned to each snowmobile ~~((shall))~~ must be:

(a) Permanently affixed to and displayed upon each snowmobile ~~((in such manner))~~ as provided by rules adopted by the department~~((:)); and ~~((shall be))~~~~

(b) Maintained in a legible condition~~((: except)).~~

(2) Dealer number license plates as provided for in RCW 46.10.050 ~~((as recodified by this act))~~ may be temporarily affixed.

(3) The department shall make available a pair of identical snowmobile decals consistent with subsection (1) of this section. The decals serve the same function as license plates for vehicles registered under chapter 46.16 RCW. The department shall charge each

applicant for an original registration the actual cost of the snowmobile decal. The department shall make available replacement snowmobile decals for a fee equivalent to the actual cost of the snowmobile decals.

Sec. 235. RCW 46.10.220 and 1994 c 264 s 38 are each amended to read as follows:

(1) There is created in the Washington state parks and recreation commission a snowmobile advisory committee to advise the commission regarding the administration of this chapter.

(2) The purpose of the committee is to assist and advise the commission in the planned development of snowmobile facilities and programs.

(3) The committee shall consist of:

(a) Six interested snowmobilers, appointed by the commission; each such member shall be a resident of one of the six geographical areas throughout this state where snowmobile activity occurs, as defined by the commission;

(b) Three representatives of the nonsnowmobiling public, appointed by the commission; and

(c) One representative of the department of natural resources, one representative of the department of fish and wildlife, and one representative of the Washington state association of counties; each of whom shall be appointed by the director of such department or association.

(4) Terms of the members appointed under subsection (3)(a) and (b) of this section shall commence on October 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term: PROVIDED, That the first such members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(5) Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Expenditures under this subsection shall be from the snowmobile account created by RCW 46.10.075 ~~((as recodified by this act)).~~

(6) The committee may meet at times and places fixed by the committee. The committee shall meet not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. One of the meetings shall be coincident with a meeting of the commission at which the committee shall provide a report to the commission. The chairman of the committee shall be chosen under procedures adopted by the committee from those members appointed under subsection (3)(a) and (b) of this section.

(7) The Washington state parks and recreation commission shall serve as recording secretary to the committee. A representative of the department of licensing shall serve as an ex officio member of the committee and shall be notified of all meetings of the committee. The recording secretary and the ex officio member shall be nonvoting members.

(8) The committee shall adopt procedures to govern its proceedings.

NEW SECTION. Sec. 236. The following acts or parts of acts are each repealed:

(1) RCW 46.09.085 (Selling ORV without use permit) and 2004 c 105 s 10; and

(2) RCW 46.10.080 (Distribution of snowmobile registration fees, civil penalties, and fuel tax moneys) and 1982 c 17 s 7, 1979 ex.s. c 182 s 8, 1975 1st ex.s. c 181 s 2, 1973 1st ex.s. c 128 s 3, 1972 ex.s. c 153 s 22, & 1971 ex.s. c 29 s 8.

PART III. CERTIFICATES OF TITLE

Sec. 301. RCW 46.12.010 and 1997 c 241 s 3 are each amended to read as follows:

~~((It shall be unlawful for any person to operate any vehicle in this state under a certificate of license registration of this state without~~

securing and having in full force and effect a certificate of ownership therefor that contains the name of the registered owner exactly as it appears on the certificate of license registration and it shall further be unlawful for any person to sell or transfer any vehicle without complying with all the provisions of this chapter relating to certificates of ownership and license registration of vehicles: PROVIDED, No certificate of title need be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing and demonstration, or a vehicle used by a manufacturer solely for testing: PROVIDED, That a security interest in a vehicle held as inventory by a manufacturer or dealer shall be perfected in accordance with RCW 62A.9-302(1) and no endorsement on the certificate of title shall be necessary for perfection: AND PROVIDED FURTHER, That nothing in this title shall be construed to prevent any person entitled thereto from securing a certificate of ownership upon a vehicle without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of licensing, it is proper to do so.)

(1) A person shall not:

(a) Operate a vehicle in this state with a registration certificate issued by the department without having a certificate of title for the vehicle that contains the name of the registered owner exactly as it appears on the registration certificate; or

(b) Sell or transfer a vehicle without complying with the provisions of this chapter relating to certificates of title and vehicle registration.

(2) A certificate of title does not need to be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing and demonstration, or for a vehicle used by a manufacturer or dealer solely for testing. A security interest in a vehicle held as inventory by a manufacturer or dealer must be perfected as described in chapter 62A.9A RCW. An endorsement is not required on certificates of title held by a manufacturer or dealer to perfect the security interest. A certificate of title may be issued for any vehicle without the vehicle needing to be registered.

Sec. 302. RCW 46.12.030 and 2007 c 420 s 1 are each amended to read as follows:

((1) The application for a certificate of ownership shall be upon a form furnished or approved by the department and shall contain:

(a) A full description of the vehicle, which shall contain the proper vehicle identification number, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(b) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(c) Such other information as the department may require.

(2) The department may in any instance, in addition to the information required on the application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either.

(3)(a) A physical examination of the vehicle is mandatory if (i) it has been rebuilt after surrender of the certificate of ownership to the department under RCW 46.12.070 due to the vehicle's destruction or declaration as a total loss and (ii) it is not retained by the registered owner at the time of the vehicle's destruction or declaration as a total loss. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the title and registration certificate. The inspection must be made by a member of the Washington state patrol or other person authorized by the department to make such inspections.

(b)(i) A physical examination of the vehicle is mandatory if the vehicle was declared totaled or salvage under the laws of this state, or the vehicle is presented with documents from another state showing

the vehicle was totaled or salvage and has not been reissued a valid registration from that state after the declaration of total loss or salvage.

(ii) The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the original documents supporting the vehicle purchase or ownership.

(iii) A Washington state patrol VIN specialist must ensure that all major component parts used for the reconstruction of a salvage or rebuildable vehicle were obtained legally. Original invoices for new and used parts must be from a vendor that is registered with the department of revenue for the collection of retail sales or use taxes or comparable agency in the jurisdiction where the major component parts were purchased. The invoices must include the name and address of the business, a description of the part or parts sold, the date of sale, and the amount of sale to include all taxes paid unless exempted by the department of revenue or comparable agency in the jurisdiction where the major component parts were purchased. Original invoices for used parts must be from a vehicle wrecker licensed under chapter 46.80 RCW or a comparable business in the jurisdiction outside Washington state where the major component part was purchased. If the parts or components were purchased from a private individual, the private individual must have title to the vehicle the parts were taken from, except as provided by RCW 46.04.3815, and the bill of sale for the parts must be notarized. The bills of sale must include the names and addresses of the sellers and purchasers, a description of the vehicle, the part or parts being sold, including the make, model, year, and identification or serial number, that date of sale, and the purchase price of the vehicle or part or parts. If the presenter is unable to provide an acceptable release of interest or proof of ownership for a vehicle or major component part as described above, an inspection must be completed for ownership-in-doubt purposes as prescribed by WAC 308-56A-210.

(iv) A vehicle presented for inspection must have all damaged major component parts replaced or repaired to meet RCW and WAC requirements before inspection of the salvage vehicle by the Washington state patrol.

(4) To the extent that the Washington state patrol has a backlog of vehicle inspections that it is to perform under this section, chapter 420, Laws of 2007 shall not be construed to reduce the vehicle inspection workload of the Washington state patrol.

(5) Rebuilt or salvage vehicles licensed in Washington must meet the requirements found under chapter 46.37 RCW to be driven upon public roadways.

(6) The application shall be subscribed by the person applying to be the registered owner and be sworn to by that applicant in the manner described by RCW 9A.72.085. The department shall retain the application in either the original, computer, or photostatic form.)

(1) The application for a certificate of title of a vehicle must be made by the owner or owner's representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department and must contain:

(a) A description of the vehicle, including make, model, vehicle identification number, type of body, and the odometer reading at the time of delivery of the vehicle;

(b) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party; and

(c) Other information the department may require.

(2) The department may require additional information and a physical examination of the vehicle or of any class of vehicles, or either.

(3) The application for a certificate of title must be signed by the person applying to be the registered owner and be sworn to by that person in the manner described under RCW 9A.72.085. The department shall keep the application in the original, computer, or photostatic form.

(4) The application for an original certificate of title must be accompanied by:

- (a) A draft, money order, certified bank check, or cash for all fees and taxes due for the application for certificate of title; and
- (b) The most recent certificate of title or other satisfactory evidence of ownership.

(5) Once issued, a certificate of title is not subject to renewal.

NEW SECTION. Sec. 303. A new section is added to chapter 46.12 RCW under the subchapter heading "general provisions" to read as follows:

(1)(a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol or other authorized inspector if the vehicle:

- (i) Was declared a total loss or salvage vehicle under the laws of this state;
- (ii) Has been rebuilt after the certificate of title was returned to the department under RCW 46.12.070 (as recodified by this act) and the vehicle was not kept by the registered owner at the time of the vehicle's destruction or declaration as a total loss; or
- (iii) Is presented with documents from another state showing that the vehicle was a total loss or salvage vehicle and has not been reissued a valid registration certificate from that state after the declaration of total loss or salvage.

(b) A vehicle presented for inspection must have all damaged major component parts replaced or repaired to meet all requirements in law and rule before the Washington state patrol will inspect the vehicle. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the certificate of title and registration certificate.

(c) A Washington state patrol vehicle identification number specialist must ensure that all major component parts used for the reconstruction of a salvage or rebuilt vehicle were obtained legally, and must securely attach a marking at the driver's door latch pillar indicating the vehicle was previously destroyed or declared a total loss. It is a class C felony for a person to remove the marking indicating that the vehicle was previously destroyed or declared a total loss.

(2) A person presenting a vehicle for inspection under subsection (1) of this section must provide original invoices for new and used parts from:

(a) A vendor that is registered with the department of revenue or a comparable agency in the jurisdiction where the major component parts were purchased for the collection of retail sales or use taxes. The invoices must include:

- (i) The name and address of the business;
- (ii) A description of the part or parts sold;
- (iii) The date of sale; and
- (iv) The amount of sale to include all taxes paid unless exempted by the department of revenue or a comparable agency in the jurisdiction where the major component parts were purchased;

(b) A vehicle wrecker licensed under chapter 46.80 RCW or a comparable business in the jurisdiction outside Washington state where the major component part was purchased; and

(c) Private individuals. The private individual must have the certificate of title to the vehicle where the parts were taken from unless the parts were obtained from a parts car, as defined in RCW 46.04.3815, owned by a collector. Bills of sale for parts must be notarized and include:

- (i) The names and addresses of the sellers and purchasers;
- (ii) A description of the vehicle and the part or parts being sold, including the make, model, year, and identification or serial number;
- (iii) The date of sale; and
- (iv) The purchase price of the vehicle part or parts.

(3) A person presenting a vehicle for inspection under this section who is unable to provide an acceptable release of interest or proof of ownership for a vehicle or major component part as described in this section shall apply for an ownership in doubt application described in RCW 46.12.151 (as recodified by this act).

(4)(a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol or other authorized inspector when the application is for a vehicle being titled for the first time as:

- (i) Assembled;
- (ii) Glider kit;
- (iii) Homemade;
- (iv) Kit vehicle;
- (v) Street rod; or
- (vi) Subject to ownership in doubt under RCW 46.12.151 (as recodified by this act).

(b) The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the certificate of title and registration certificate.

(5)(a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol when the application is for a vehicle with a vehicle identification number that has been:

- (i) Altered;
- (ii) Defaced;
- (iii) Obliterated;
- (iv) Omitted;
- (v) Removed; or
- (vi) Otherwise absent.

(b) The application must include payment of the fee required in section 515 of this act.

(c) The Washington state patrol shall assign a new vehicle identification number to the vehicle and place or stamp the new number in a conspicuous position on the vehicle.

(d) The department shall use the new vehicle identification number assigned by the Washington state patrol as the official vehicle identification number assigned to the vehicle.

(6) The department may adopt rules as necessary to implement this section.

Sec. 304. RCW 46.12.047 and 2002 c 246 s 1 are each amended to read as follows:

The department shall institute software and systems modifications to enable a WACIC/NCIC stolen vehicle search of out-of-state vehicles as part of the application for a certificate of title transaction. During the stolen vehicle search, if the information obtained indicates the vehicle is stolen, ~~((that information))~~ the department shall ~~((be))~~ immediately ~~((reported))~~ report that the vehicle is stolen to the Washington state patrol and the applicant ~~((shall))~~ must not be issued a certificate of ~~((ownership))~~ title for the vehicle. Vehicles for which the stolen vehicle check is negative ~~((shall))~~ must be issued a certificate of ~~((ownership))~~ title if the department is satisfied that all other requirements have been met.

Sec. 305. RCW 46.12.050 and 1996 c 26 s 2 are each amended to read as follows:

~~((The department, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have a certificate of ownership thereof in the applicant's name, shall issue an appropriate electronic record of ownership or a written certificate of ownership, over the director's signature, authenticated by seal, and if required, a new written certificate of license registration if certificate of license registration is required.~~

The certificates of ownership and the certificates of license registration shall contain upon the face thereof, the date of application, the registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner and legal owner, the vehicle identification number, and such other description of the vehicle and facts as the department shall require, and in addition thereto, if the vehicle described in such certificates shall have ever been licensed and operated as an exempt vehicle or a taxicab, or if it has been rebuilt after becoming a salvage vehicle, such fact shall be clearly shown thereon.

All certificates of ownership of motor vehicles issued after April 30, 1990, shall reflect the odometer reading as provided by the odometer disclosure statement submitted with the title application involving a transfer of ownership.

A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner.

Upon issuance of the certificate of license registration and certificate of ownership and upon any reissue thereof, the department shall deliver the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner.)

(1) The department shall issue an electronic record of ownership or a written certificate of title if the department is satisfied from the statements on the application that the applicant is the legal owner of the vehicle or otherwise entitled to have a certificate of title in the applicant's name.

(2) Each certificate of title issued by the department must contain:

- (a) The date of application;
- (b) The certificate of title number assigned to the vehicle;
- (c) The name and address of the registered owner and legal owner;
- (d) The vehicle identification number;
- (e) The mileage reading, if required, as provided by the odometer disclosure statement submitted with the application involving a transfer of ownership;
- (f) A notation that the recorded mileage is actual, not actual, or exceeds mechanical limits;
- (g) A blank space on the face of the certificate of title for the signature of the registered owner;
- (h) Information on whether the vehicle was ever registered and operated as an exempt vehicle or taxicab;
- (i) A brand conspicuously shown across its front if indicating that the vehicle has been rebuilt after becoming a salvage vehicle;
- (j) The director's signature and the seal of the department; and
- (k) Any other description of the vehicle and facts the department may require.

(3) The department shall deliver the registration certificate to the registered owner and the certificate of title to the legal owner, or both to the person who is both the registered owner and legal owner.

Sec. 306. RCW 46.12.070 and 2003 c 53 s 235 are each amended to read as follows:

((1) Upon the destruction of any vehicle issued a certificate of ownership under this chapter or a license registration under chapter 46.16 RCW, the registered owner and the legal owner shall forthwith and within fifteen days thereafter forward and surrender the certificate to the department, together with a statement of the reason for the surrender and the date and place of destruction. Failure to notify the department or the possession by any person of any such certificate for a vehicle so destroyed, after fifteen days following its destruction, is prima facie evidence of violation of the provisions of this chapter and constitutes a gross misdemeanor.

(2) Any insurance company settling an insurance claim on a vehicle that has been issued a certificate of ownership under this chapter or a certificate of license registration under chapter 46.16 RCW as a total loss, less salvage value, shall notify the department thereof within fifteen days after the settlement of the claim.

Notification shall be provided regardless of where or in what jurisdiction the total loss occurred.

(3) For a motor vehicle having a model year designation at least six years before the calendar year of destruction, the notification to the department must include a statement of whether the retail fair market value of the motor vehicle immediately before the destruction was at least the then market value threshold amount as defined in RCW 46.12.005.)

(1)(a) The registered owner or legal owner shall:

(i) Report the destruction of the vehicle issued a certificate of title or registration certificate to the department within fifteen days of its destruction; and

(ii) Submit the certificate of title or affidavit in lieu of title marked "DESTROYED." The registered owner's name, address, and the date of destruction must be clearly shown on the certificate of title or affidavit in lieu of title.

(b) It is a gross misdemeanor to fail to notify the department and be in possession of a certificate of title of a destroyed vehicle on the sixteenth day after the vehicle is destroyed and each day thereafter.

(2) The insurance company or self-insurer shall report the destruction or total loss of vehicles issued a certificate of title or registration certificate to the department within fifteen days after the settlement claim. The report must be submitted regardless of where or in what jurisdiction the total loss occurred. An insurer shall report total loss vehicles to the department in any of the following manners:

(a) Electronically through the department's online reporting system. An insurer choosing this option must immediately destroy ownership documents after filing the electronic report;

(b) Submitting the certificate of title or affidavit in lieu of title marked "DESTROYED." The insurer's name, address, and the date of loss must be clearly shown on the certificate of title or affidavit in lieu of title; or

(c) Submitting a properly completed total loss claim settlement form provided by the department.

(3) The registered owner, legal owner, or insurer reporting the destruction or total loss of a motor vehicle six years old or older must include a statement on whether the fair market value of the motor vehicle immediately before its destruction was at least equal to the market value threshold. The age of the motor vehicle is determined by subtracting the model year from the current calendar year.

(4) Beginning January 1, 2011, the market value threshold is six thousand seven hundred ninety dollars or a greater amount as set by rule of the department. The department shall:

(a) Increase the market value threshold amount:

(i) When the consumer price index for all urban consumers, compiled by the bureau of labor statistics, United States department of labor, or its successor, for the west region, in the expenditure category "used cars and trucks," shows an annual average increase over the previous year;

(ii) By the same percentage increase of the annual average shown in the consumer price index; and

(iii) On July 1st of the year immediately following the year with the increase of the annual average;

(b) Round each increase of the market value threshold to the nearest ten dollars;

(c) Not increase the market value threshold amount if the amount of the increase would be less than fifty dollars; and

(d) Carry forward any unmade increases to succeeding years until the cumulative increase is at least fifty dollars.

Sec. 307. RCW 46.12.080 and 2002 c 352 s 4 are each amended to read as follows:

((Any person holding the certificate of ownership for a motorcycle or any vehicle registered by its motor number in which there has been installed a new or different motor than that with which it was issued certificates of ownership and license registration shall forthwith and within five days after such installation forward and

surrender such certificates to the department, together with an application for issue of corrected certificates of ownership and license registration and a fee of five dollars, and a statement of the disposition of the former motor. The possession by any person of any such certificates for such vehicle in which a new or different motor has been installed, after five days following such installation, shall be prima facie evidence of a violation of the provisions of this chapter and shall constitute a misdemeanor.)

(1) A person shall apply for a new certificate of title for any motor vehicle registered by its motor number when:

- (a) A new or different motor has been installed; and
- (b) The most recent certificate of title issued for the motor vehicle has recorded on it the previous motor number.

(2) The application for a new certificate of title required in subsection (1) of this section must:

- (a) Be made within five days after installation of the new motor;
- (b) Be made by the owner or owner's authorized representative to the department, county auditor or other agent, or subagent;
- (c) Require the most recent certificate of title to be returned to the department;
- (d) Include a statement of the disposition of the former motor; and
- (e) Include the fee required under section 508 of this act in addition to any other fee or tax required by law.

(3) A person who possesses a certificate of title that shows the previous motor number for a motor vehicle in which a new or different motor has been installed, after five days following the installation of the new motor, is in violation of this chapter. A violation of this section constitutes a misdemeanor.

NEW SECTION. Sec. 308. A new section is added to chapter 46.12 RCW under the subchapter heading "general provisions" to read as follows:

(1) A local health officer may notify the department that a vehicle has been:

(a) Declared unfit and prohibited from use as authorized in chapter 64.44 RCW if the vehicle has become contaminated as defined in RCW 64.44.010;

(b) Satisfactorily decontaminated and retested according to the written work plan approved by the local health officer.

(2) The department shall brand vehicle records and certificates of title when it receives the notification from a local health officer as provided in subsection (1) of this section.

(3) A person is guilty of a gross misdemeanor if he or she advertises for sale or sells a vehicle that has been declared unfit and prohibited from use by a local health officer if:

(a) The person has knowledge that the local health officer has issued an order declaring the vehicle unfit and prohibiting its use; or

(b) A notification has been placed on the certificate of title under subsection (2) of this section that the vehicle has been declared unfit and prohibited from use.

(4) A person may advertise or sell a vehicle if a release for reuse document has been issued by a local health officer under chapter 64.44 RCW or a notification has been placed on the certificate of title under subsection (2) of this section that the vehicle has been decontaminated and released for reuse.

Sec. 309. RCW 46.12.101 and 2008 c 316 s 1 are each amended to read as follows:

((A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1)(a) If an owner transfers his or her interest in a vehicle, other than by the creation, deletion, or change of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and provide an odometer disclosure statement under RCW 46.12.124 on the certificate of ownership or as the department otherwise prescribes, and cause the certificate and assignment to be transmitted to the transferee. The owner shall notify

the department or its agents or subagents, in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, the transferee's driver's license number if available, and such description of the vehicle, including the vehicle identification number, as may be required in the appropriate form provided or approved for that purpose by the department. The report of sale will be deemed properly filed if all information required in this section is provided on the form and includes a department-authorized notation that the document was received by the department, its agents, or subagents on or before the fifth day after the sale of the vehicle, excluding Saturdays, Sundays, and state and federal holidays. Agents and subagents shall immediately electronically transmit the seller's report of sale to the department. Reports of sale processed and recorded by the department's agents or subagents may be subject to fees as specified in RCW 46.01.140 (4)(a) or (5)(b). By January 1, 2003, the department shall create a system enabling the seller of a vehicle to transmit the report of sale electronically. The system created by the department must immediately indicate on the department's vehicle record that a seller's report of sale has been filed.

(b) By January 1, 2008, the department shall provide instructions on release of interest forms that allow the seller of a vehicle to release his or her interest in a vehicle at the same time a financial institution, as defined in RCW 30.22.040, releases its lien on the vehicle.

(2) The requirements of subsection (1) of this section to provide an odometer disclosure statement apply to the transfer of vehicles held for lease when transferred to a lessee and then to the lessor at the end of the leasehold and to vehicles held in a fleet when transferred to a purchaser.

(3) Except as provided in RCW 46.70.122 the transferee shall within fifteen days after delivery to the transferee of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department accompanied by a fee of five dollars in addition to any other fees required.

(4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party.

(5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(6) If the purchaser or transferee fails or neglects to make application to transfer the certificate of ownership and license registration within fifteen days after the date of delivery of the vehicle, he or she shall on making application for transfer be assessed a twenty-five dollar penalty on the sixteenth day and two dollars additional for each day thereafter, but not to exceed one hundred dollars. The director may by rule establish conditions under which the penalty will not be assessed when an application for transfer is delayed for reasons beyond the control of the purchaser. Conditions for not assessing the penalty may be established for but not limited to delays caused by:

- (a) The department requesting additional supporting documents;
- (b) Extended hospitalization or illness of the purchaser;
- (c) Failure of a legal owner to release his or her interest;
- (d) Failure, negligence, or nonperformance of the department, auditor, or subagent;

(e) The transferee had no knowledge of the filing of the vehicle report of sale and signs an affidavit to the fact.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor and a continuing offense for each day during which the purchaser or transferee does not make application to transfer the certificate of ownership and license registration. Despite the continuing nature of this offense, it shall be considered a single offense, regardless of the number of days that have elapsed following the forty-five day time period.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer.

(8) Once each quarter the department shall report to the department of revenue a list of those vehicles for which a seller's report has been received but no transfer of title has taken place.)

(1) **Releasing interest.** An owner releasing interest in a vehicle shall:

(a) Sign the release of interest section provided on the certificate of title or on a release of interest document or form approved by the department;

(b) Give the certificate of title or most recent evidence of ownership to the person gaining the interest in the vehicle;

(c) Give the person gaining interest in the vehicle an odometer disclosure statement if one is required; and

(d) Report the vehicle sold as provided in subsection (2) of this section.

(2) **Report of sale.** An owner shall notify the department, county auditor or other agent, or subagent appointed by the director in writing within five business days after a vehicle is or has been:

(a) Sold;

(b) Given as a gift to another person;

(c) Traded, either privately or to a dealership;

(d) Donated to charity;

(e) Turned over to an insurance company or wrecking yard; or

(f) Disposed of.

(3) **Report of sale properly filed.** A report of sale is properly filed if it is received by the department, county auditor or other agent, or subagent appointed by the director within five business days after the date of sale or transfer and it includes:

(a) The date of sale or transfer;

(b) The owner's name and address;

(c) The name and address of the person acquiring the vehicle;

(d) The vehicle identification number and license plate number;

(e) A date or stamp by the department showing it was received on or before the fifth business day after the date of sale or transfer; and

(f) Payment of the fees required under section 505 of this act if the report of sale is processed by a county auditor or other agent or subagent appointed by the director.

(4) **Report of sale - administration.** The department shall:

(a) Provide or approve reports of sale forms;

(b) Provide a system enabling an owner to submit reports of sale electronically;

(c) Immediately update the department's vehicle record when a report of sale has been filed;

(d) Provide instructions on release of interest forms that allow the seller of a vehicle to release their interest in a vehicle at the same time a financial institution, as defined in RCW 30.22.040, releases its lien on the vehicle; and

(e) Send a report to the department of revenue that lists vehicles for which a report of sale has been received but no transfer of ownership has taken place. The department shall send the report once each quarter.

(5)(a) **Transferring ownership.** A person who has recently acquired a vehicle by purchase, exchange, gift, lease, inheritance, or legal action shall apply to the department, county auditor or other agent, or subagent appointed by the director for a new certificate of title within fifteen days of delivery of the vehicle. A secured party who has possession of the certificate of title shall either:

(i) Apply for a new certificate of title on behalf of the owner and pay the fee required under section 508 of this act; or

(ii) Provide all required documents to the owner, as long as the transfer was not a breach of its security agreement, to allow the owner to apply for a new certificate of title.

(b) Compliance with this subsection does not affect the rights of the secured party.

(6) **Certificate of title delivered to secured party.** The certificate of title must be kept by or delivered to the person who becomes the secured party when a security interest is reserved or created at the time of the transfer of ownership. The parties must comply with RCW 46.12.170 (as recodified by this act).

(7) **Penalty for late transfer.** A person who has recently acquired a motor vehicle by purchase, exchange, gift, lease, inheritance, or legal action who does not apply for a new certificate of title within fifteen calendar days of delivery of the vehicle is charged a penalty, as described in section 512 of this act, when applying for a new certificate of title. It is a misdemeanor to fail or neglect to apply for a transfer of ownership within forty-five days after delivery of the vehicle. The misdemeanor is a single continuing offense for each day that passes regardless of the number of days that have elapsed following the forty-five day time period.

(8) **Penalty for late transfer - exceptions.** The penalty is not charged if the delay in application is due to at least one of the following:

(a) The department requests additional supporting documents;

(b) The department, county auditor or other agent, or subagent fails to perform or is neglectful;

(c) The owner is prevented from applying due to an illness or extended hospitalization;

(d) The legal owner fails or neglects to release interest;

(e) The owner did not know of the filing of a report of sale by the previous owner and signs an affidavit to the fact; or

(f) The department finds other conditions exist that adequately explain the delay.

(9) **Review and issue.** The department shall review applications for certificates of title and issue certificates of title when it has determined that all applicable provisions of law have been complied with.

(10) **Rules.** The department may adopt rules as necessary to implement this section.

Sec. 310. RCW 46.12.102 and 2006 c 291 s 3 are each amended to read as follows:

((1) An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of it to a purchaser shall not by reason of any of the provisions of this title be deemed the owner of the vehicle so as to be subject to civil liability or criminal liability for the operation of the vehicle thereafter by another person when the owner has also fulfilled both of the following requirements:

(a) When the owner has made proper endorsement and delivery of the certificate of ownership and has delivered the certificate of registration as provided in this chapter;

(b) When the owner has delivered to the department either a properly filed report of sale that includes all of the information required in RCW 46.12.101(1) and is delivered to the department within five days of the sale of the vehicle excluding Saturdays, Sundays, and state and federal holidays, or appropriate documents for registration of the vehicle pursuant to the sale or transfer.

(2) An owner who has made a bona fide sale or transfer of a vehicle, has delivered possession of it to a purchaser, and has fulfilled

the requirements of subsection (1)(a) and (b) of this section is relieved of liability and liability is transferred to the purchaser of the vehicle, for any traffic violation under this title, whether designated as a traffic infraction or classified as a criminal offense, that occurs after the date of the sale or transfer that is based on the vehicle's identification, including, but not limited to, parking infractions, high occupancy toll lane violations, and violations recorded by automated traffic safety cameras.

(3) When a registered tow truck operator submits an abandoned vehicle report to the department for a vehicle sold at an abandoned vehicle auction, any previous owner is relieved of civil or criminal liability for the operation of the vehicle from the date of sale thereafter, and liability is transferred to the purchaser of the vehicle as listed on the abandoned vehicle report.

(4) When a transferee had no knowledge of the filing of the vehicle report of sale, he or she is relieved of civil or criminal liability for the operation of the vehicle, and liability is transferred to the seller shown on the report of sale.)

(1) An owner is relieved of civil or criminal liability for the operation of a vehicle by another person when the owner has:

- (a) Made a bona fide sale or transfer of a vehicle;
- (b) Delivered possession of the vehicle to the person acquiring ownership;

(c) Released interest in the vehicle and provided the certificate of title and registration certificate to the person acquiring ownership; and
 (d) Filed a report of sale that meets all the requirements in RCW 46.12.101(2) (as recodified by this act).

(2) A person acquiring a vehicle assumes civil or criminal liability for any traffic violation under this title, whether designated as a traffic infraction or classified as a criminal offense, that occurs after the date of sale or transfer of ownership based on the vehicle's identification including, but not limited to:

- (a) Parking infractions;
- (b) High occupancy toll lane violations; and
- (c) Violations recorded by automated traffic safety cameras.

(3) A person shown as the buyer of a vehicle on an abandoned vehicle report submitted to the department by a registered tow truck operator assumes liability for the vehicle. Any previous owner is relieved of civil or criminal liability for the operation of the vehicle from the date of sale.

(4) A person who had no knowledge of the filing of the report of sale is relieved of civil or criminal liability for the operation of the vehicle. Liability is then transferred to the seller shown on the report of sale.

Sec. 311. RCW 46.12.103 and 2000 c 250 s 9A-823 are each amended to read as follows:

- (1) ~~((The purpose of))~~ A transitional ownership record ((is to));
Enables a security interest in a motor vehicle to be perfected in a timely manner when the certificate of ~~((ownership))~~ title is not available at the time the security interest is created ~~((, and to))~~;
Provides for timely notification to security interest holders under chapter 46.55 RCW ~~((-~~

~~((-~~ A transitional ownership record)); and
~~((-~~ Is only acceptable as an ownership record for motor vehicles currently stored on the department's computer system and if the certificate of ((ownership)) title or other authorized proof of ownership for the motor vehicle is not in the possession of the selling vehicle dealer or new security interest holder ((at the time)) when the transitional ownership record is submitted to the department.

~~((3))~~ (2) A person shall submit the transitional ownership record to the department or to ((any of its)) the county auditor or other agents or subagents. ((Agents and subagents shall immediately electronically transmit the transitional ownership records to the department. A transitional ownership document processed and recorded by an agent or subagent may be subject to fees as specified in RCW 46.01.140 (4)(a) or (5)(b).

~~((4))~~ (3) A transitional ownership record ((means a record containing)) must contain all of the following information:

- (a) The date of sale;
- (b) The name and address of each owner of the vehicle;
- (c) The name and address of each security interest holder;
- (d) The priorities of interest if there are multiple security interest holders ((, the priorities of interest if)) and the security interest holders do not jointly hold a single security interest;
- (e) The vehicle identification number, the license plate number, if any, the year, make, and model of the vehicle;
- (f) The name of the selling dealer or security interest holder who is submitting the transitional ownership record; and
- (g) The transferee's driver's license number, if available.

~~((5))~~ (4) The report of sale form ((prescribed)) provided or approved by the department under RCW 46.12.101 (as recodified by this act) may be used by a vehicle dealer as the transitional ownership record.

~~((6) Compliance with)~~ (5) A security interest is perfected in a motor vehicle on the date the department receives the transitional ownership record when:

- (a) The requirements of this section ~~((shall result in perfection of a security interest in the vehicle as of the date the department receives the transitional ownership record))~~ have been met; and
(b) Any required fees ((required under subsection (3) of this section)) have been paid.

(6)(a) The selling dealer or new security interest holder shall submit to the department, within ten days of receipt of the certificate of ((ownership)) title for the vehicle, ((or of)) written confirmation that only an electronic record of ownership exists or that the certificate of ((ownership)) title has been lost or destroyed ((, the selling dealer or new security interest holder shall promptly submit the same to the department together)) with:

- (i) An application for a new certificate of ((ownership)) title containing the name and address of the secured party ((and tender)); and
- (ii) Payment of the required fees as provided in ((RCW 46.12.095(1). In the event)) section 507 of this act.

(b) A security interest becomes unperfected when a secured party fails to submit an application for a certificate of title within the ten-day time period provided in this subsection (6), ((its security interest shall become unperfected,)) unless the security interest is perfected otherwise.

Sec. 312. RCW 46.12.124 and 1990 c 238 s 6 are each amended to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director shall require ~~((an))~~ a written odometer disclosure statement ~~((to accompany))~~ with every application for a certificate of ~~((ownership, unless specifically exempted))~~ title for a motor vehicle. The odometer disclosure statement must be on either the certificate of title or on a separate form approved by the department. A secure odometer disclosure statement is required if the certificate of ((ownership)) title was issued after April 30, 1990 ((, a secure odometer statement is required, unless specifically exempted)). ((The)) Odometer disclosure statements ((shall)) must include, at a minimum, the following:

- (a) The miles shown on the odometer at the time of transfer of ownership, but not to include tenths of miles;
- (b) The date of transfer of ownership;
- (c) The transferor's printed name, current address, and signature;
- (d) The transferee's printed name, current address, and signature;
- (e) The identity of the motor vehicle, including its make, model, year, body type, and vehicle identification number;
- (f) Information that the odometer statement is required by the federal truth in mileage act of 1986 and that failure to complete the odometer statement or providing false information may result in fines

or imprisonment, or both; and

(g) One of the following statements:

(i) The mileage (~~(reflected))~~ shown is actual to the best of transferor's knowledge;

(ii) The odometer reading exceeds the mechanical limits of the odometer to the best of the transferor's knowledge; or

(iii) The odometer reading is not the actual mileage(;) .

If the odometer reading is under one hundred thousand miles, the only options that can be certified are "actual to the best of the transferor's knowledge" or "not the actual mileage." If the odometer reading is one hundred thousand miles or more, the options "actual to the best of the transferor's knowledge" or "not the actual mileage" cannot be used unless the odometer has six digit capability(;

~~(d) A complete description of the vehicle, including the:~~

~~(i) Model year;~~

~~(ii) Make;~~

~~(iii) Series and body type (model);~~

~~(iv) Vehicle identification number;~~

~~(v) License plate number and state (optional);~~

~~(e) The name, address, and signature of the transferor, in accordance with the following conditions:~~

~~(i).~~

(2) The transferee and the transferor shall each sign the odometer disclosure statement. Only one registered owner is required to complete the odometer disclosure statement(;

(ii) When the registered owner is a business) for the transferee, and only one owner is required to complete the odometer disclosure statement for the transferor. When applicable, both the business name and a company representative's name must be shown on the odometer disclosure statement(;

(f) The name and address of the transferee and the transferee's signature to acknowledge the transferor's information. If the transferee represents a company, both the company name and the agent's name must be shown on the odometer disclosure statement;

(g) A statement that the notice is required by the federal Truth in Mileage Act of 1986; and

(h) A statement that failure to complete the odometer disclosure statement or providing false information may result in fines or imprisonment or both.

(2)) when the registered owner is a business or the transferee represents a company, or both.

(3) The transferee shall return a signed copy of the odometer disclosure statement to the transferor at the time of transfer of ownership.

~~((3))~~ (4) The following vehicles are not subject to ((the)) odometer disclosure requirements at the time of ownership transfer:

(a) A motor vehicle having a declared gross vehicle weight of more than sixteen thousand pounds;

(b) A vehicle that is not self-propelled;

(c) A motor vehicle that is ten years old or older;

(d) A motor vehicle sold directly by a manufacturer to a federal agency in conformity with contract specifications; or

(e) A new motor vehicle before its first retail sale.

(5) The requirements of this section also apply to the transfer of a motor vehicle held:

(a) For lease when transferred to a lessee and then to the lessor at the end of the leasehold; and

(b) In a fleet when transferred to a purchaser.

Sec. 313. RCW 46.12.130 and 1967 c 140 s 3 are each amended to read as follows:

(1) The department shall file and index certificates of ((ownership)) title when assigned and returned to the department, together with ((subsequently assigned reissues thereof, shall be retained by the department and appropriately filed and indexed)) subsequent transactions so that at all times it will be possible to trace ownership to the vehicle designated ((therein)) on each certificate of title.

~~((1) If the)~~ (2)(a) A person who acquires an interest ((of an owner)) in a vehicle ((passes to another)), other than by voluntary transfer, ((the transferee shall, except as provided in subsection (3) of this section, promptly)) shall within fifteen days mail or deliver to the department, county auditor or other agent, or subagent appointed by the director:

(i) The last certificate of ((ownership)) title if available(;;);

(ii) Proof of transfer((, and his)); and

(iii) An application for a new certificate ((in the form the department prescribes)) of title.

~~((2) If the interest of the owner is terminated or the)~~ (b) This subsection shall not apply to transactions described in subsection (4) of this section.

(3) A secured party named in the certificate of title who repossesses a vehicle ((is sold)) under a security agreement ((by a secured party named in the certificate of ownership, the transferee)) shall ((promptly)) within fifteen days mail or deliver to the department, county auditor or other agent, or subagent appointed by the director:

(a) The last certificate of ((ownership, his)) title;

(b) An application for a new certificate ((in the form the department prescribes,)) of title; and

(c) An affidavit made by or on the behalf of the secured party that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold ((pursuant to)) under the terms of the security agreement.

~~((3) If the)~~ (4) A secured party ((succeeds to the interest of the owner and)) named in the certificate of title who holds the vehicle for resale((, he need not secure)) is not required to apply for a new certificate of ((ownership but, upon transfer to another person,)) title. When the vehicle is sold, the secured party shall promptly mail or deliver to the ((transferee)) buyer or to the department, county auditor or other agent, or subagent appointed by the director:

(a) The certificate((, affidavit and)) of title;

(b) An affidavit made by or on the behalf of the secured party that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold under the terms of the security agreement; and

(c) Any other documents ((and articles)) required to be sent to the department by the ((transferee)) buyer.

Sec. 314. RCW 46.12.151 and 1990 c 250 s 30 are each amended to read as follows:

((If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle but shall either:

(1) Withhold issuance of a certificate of ownership for a period of three years or until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(2) As a condition of issuing a certificate of ownership, require the applicant to file with the department a bond for a period of three years in the form prescribed by the department and executed by the applicant. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. At the end of three years or prior thereto if the vehicle is no longer registered in this state or when satisfactory evidence of ownership is surrendered to the

department, the owner may apply to the department for a replacement certificate of ownership without reference to the bond.)

(1) The department, county auditor or other agent, or subagent appointed by the director may register a vehicle and withhold issuance of a certificate of title or require a bond as a condition of issuing a certificate of title if the department is not satisfied:

- (a) As to the ownership of the vehicle; or
- (b) That there are no undisclosed security interests in the vehicle.

(2) A person who is unable to provide satisfactory evidence of ownership may:

- (a) Apply for ownership in doubt and receive either a:
 - (i) Registration without a certificate of title for a three-year period; or

(ii) A bonded certificate of title with or without registration as described in subsection (3) of this section; or

(b) Petition any district court or superior court of any county in this state to receive a judgment awarding ownership of the vehicle.

(3) A person who is either required by the department, county auditor or other agent, or subagent appointed by the director to file a bond or wants a certificate of title for a vehicle when ownership is in doubt shall file the bond for a three-year period. The bond must:

- (a) Be in the form approved by the department;
- (b) Be in an amount equal to one and one-half times the value of the vehicle as determined by the department;
- (c) Be signed by the applicant and the bonding agent; and
- (d) Offer protection to any previous owner, secured party, future purchaser, or their successors against any expense, loss, or damage, including reasonable attorneys' fees.

(4) A person who has or has held an interest in the vehicle may, during the three-year ownership in doubt period, petition any district court or superior court of any county in this state to receive a judgment either awarding ownership of the vehicle or be compensated for any expense, loss, or damage, including reasonable attorneys' fees. The total claim must not be more than the amount of the bond if a bond has been filed with the department.

(5) A person who has applied for ownership in doubt may apply for a certificate of title at any time during the three-year ownership in doubt period when satisfactory evidence of ownership becomes available. At the end of the three-year ownership in doubt period, the owner must apply to the department, county auditor or other agent, or subagent appointed by the director for a certificate of title. The new certificate of title will not include reference to the bond if a bond was filed with the department.

(6) A person applying for ownership in doubt must have acquired the vehicle by purchase, exchange, gift, lease, or inheritance from the owner of record or interim owner.

- (7) Ownership in doubt does not apply to:
 - (a) Unauthorized vehicles, as defined in RCW 46.55.010;
 - (b) Abandoned vehicles, as defined in RCW 46.55.010;
 - (c) Snowmobiles, as defined in section 145 of this act; or
 - (d) Washington vehicle dealer sales, as defined in RCW 46.70.011.

Sec. 315. RCW 46.12.160 and 1994 c 262 s 5 are each amended to read as follows:

~~((#))~~ (1) The department may refuse to issue or may cancel a certificate of title at any time if the department determines ((at any time)) that an applicant for a certificate of ((ownership or for a certificate of license registration for a vehicle is not entitled thereto, the department may refuse to issue such certificate or to license the vehicle and may, for like reason, after notice, and in the exercise of discretion, cancel license registration already acquired or any outstanding certificate of ownership)) title is not entitled to a certificate of title. Notice of cancellation may be accomplished by sending a notice by first-class mail using the last known address in department records for the registered or legal ((vehicle)) owner or owners, and ((recording the transmittal on)) completing an affidavit of

first-class mail. It ~~((shall then be))~~ is unlawful for any person to remove, drive, or operate the vehicle until a proper certificate of ~~((ownership or license registration))~~ title has been issued~~((, and))~~. Any person removing, driving, or operating ((such)) a vehicle after the refusal to issue or cancellation of the ((department to issue)) certificate((s or the revocation thereof shall be)) of title is guilty of a gross misdemeanor.

(2)(a) The suspension of, revocation of, cancellation of, or refusal to issue a certificate of title or vehicle registration provided for in chapters 46.12 and 46.16 RCW by the director is conclusive unless the person whose registration or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county or the person's county of residence.

(b) Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal, the court shall issue an order to the director to show cause why the registration should not be granted or reinstated and return the order not less than ten days after the date of service of the notice to the director. Service must be in the manner as prescribed for the service of a summons and complaint in other civil actions.

(c) Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the registration or certificate and enter judgment either affirming or setting aside the suspension, revocation, cancellation, or refusal.

Sec. 316. RCW 46.12.170 and 2007 c 96 s 2 are each amended to read as follows:

((1) If, after a certificate of ownership is issued, a security interest is granted on the vehicle described therein, the registered owner or secured party shall, within ten days thereafter, present an application to the department, to which shall be attached the certificate of ownership last issued covering the vehicle, or such other documentation as may be required by the department, which application shall be upon a form approved by the department and shall be accompanied by a fee of five dollars in addition to all other fees. The department, if satisfied that there should be a reissue of the certificate, shall note such change upon the vehicle records and issue to the secured party a new certificate of ownership.

(2) Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must either:

(a) Assign the certificate of ownership to the debtor or the debtor's assignee or transferee, and transmit the certificate to the department with an accompanying fee of five dollars in addition to all other fees; or

(b) Assign the certificate of ownership to the debtor's assignee or transferee together with the debtor's or debtor's assignee's release of interest.

(3) Upon receipt of the certificate of ownership and the debtor's release of interest and required fees as provided in subsection (2)(a) of this section, the department shall issue a new certificate of ownership and transmit it to the registered owner.

(4) If the affected secured party fails to either assign the certificate of ownership to the debtor or the debtor's assignee or transferee or transmit the certificate of ownership to the department within ten days after proper demand, that secured party shall be liable to the debtor or the debtor's assignee or transferee for one hundred dollars, and in addition for any loss caused to the debtor or the debtor's assignee or transferee by such failure.)

(1) A security interest in a vehicle other than one held as inventory by a manufacturer or a dealer and for which a certificate of title is required is perfected only by:

(a) Complying with the requirements of RCW 46.12.103 (as recodified by this act) or this section;

(b) Receipt by the department, county auditor or other agent, or

subagent appointed by the director of:

- (i) The existing certificate of title, if any;
 - (ii) An application for a certificate of title containing the name and address of the secured party; and
 - (iii) Payment of the required fees.
- (2) A security interest is perfected when it is created if the secured party's name and address appear on the most recently issued certificate of title or, if not, it is created when the department, county auditor or other agent, or subagent appointed by the director receives the certificate of title or an application for a certificate of title and the fees required in subsection (1) of this section.

(3) If a vehicle is subject to a security interest when brought into this state, perfection of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest was attached, subject to the following:

(a) The security interest continues perfected in this state if the name of the secured party is shown on the existing certificate of title issued by that jurisdiction. The name of the secured party must be shown on the certificate of title issued for the vehicle by this state. The security interest continues perfected in this state when the department issues the certificate of title.

(b) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, it may be perfected in this state. Perfection begins when the department receives the information and fees required in subsection (1) of this section.

(4)(a) After a certificate of title has been issued, the registered owner or secured party must apply to the department, county auditor or other agent, or subagent appointed by the director for a new certificate of title when a security interest is granted on a vehicle. Within ten days after creating a security agreement, the registered owner or secured party must submit:

- (i) An application for a certificate of title;
- (ii) The certificate of title last issued for the vehicle, or other documentation required by the department; and
- (iii) The fee required in section 508 of this act.

(b) If satisfied that a certificate of title should be reissued, the department shall change the vehicle record and issue a new certificate of title to the secured party.

(5) A secured party shall release the security interest when the conditions within the security agreement have been met and there is no further secured obligation. The secured party must either:

(a) Assign the certificate of title to the registered owner or the registered owner's designee and send the certificate of title to the department, county auditor or other agent, or subagent appointed by the director with the fee required in section 508 of this act; or

(b) Assign the certificate of title to the person acquiring the vehicle from the registered owner with the registered owner's release of interest.

(6) The department shall issue a new certificate of title to the registered owner when the department receives the release of interest and required fees as provided in subsection (5)(a) of this section.

(7) A secured party is liable for one hundred dollars payable to the registered owner or person acquiring the vehicle from the registered owner when:

(a) The secured party fails to either assign the certificate of title to the registered owner or to the person acquiring the vehicle from the registered owner or apply for a new certificate of title; and

(b) The failure of the secured party to act as described in (a) of this subsection results in a loss to the registered owner or person acquiring the vehicle from the registered owner.

Sec. 317. RCW 46.12.181 and 2002 c 352 s 6 are each amended to read as follows:

A legal owner or the legal owner's authorized representative may apply for a duplicate certificate of title if a certificate of ((ownership)) title is lost, stolen, mutilated, or destroyed, or becomes illegible((the

~~first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of five dollars in addition to all other fees and upon furnishing information satisfactory to the department)). The application for a duplicate certificate of title must include information required by the department and be accompanied by the fee required in section 508 of this act. The duplicate certificate of ((ownership shall)) title must contain the ((legend)) word, "duplicate." It ((shall)) must be provided to the first priority secured party named in it or, if none, to the legal owner.~~

~~A person recovering ((an original)) a certificate of ((ownership)) title for which a duplicate has been issued shall promptly ((surrender)) return the ((original)) certificate of title that has been recovered to the department.~~

Sec. 318. RCW 46.12.190 and 1961 c 12 s 46.12.190 are each amended to read as follows:

~~((The person, firm, copartnership, association or corporation to whom a certificate of ownership shall have been issued shall)) A person shown as the legal owner on a certificate of title which has a different person shown as the registered owner does not ((thereby)) incur liability ((or be)) and is not responsible for damage((or otherwise)) or any liability resulting from any act or contract made by the registered owner or by any other person acting for, or by or under the authority of ((such)), the registered owner.~~

Sec. 319. RCW 46.12.210 and 2003 c 53 s 236 are each amended to read as follows:

~~((Any)) (1) A person ((who)) is guilty of a class B felony if the person:~~

~~(a) Knowingly makes any false statement of a material fact, either ((in his or her)) on an application for ((the)) a certificate of ((ownership)) title or in any ((assignment thereof, or who with intent to procure)) transfer of a certificate of title;~~

~~(b) Intentionally acquires or ((pass)) passes ownership ((to)) of a vehicle which ((he or she)) that person knows or has reason to believe has been stolen((:));~~

~~(c) Receives or transfers possession of ((the same)) a stolen vehicle from or to another ((or who has in his or her possession)) person;~~

~~(d) Possesses any vehicle which ((he or she)) that person knows or has reason to believe has been stolen((, and who is not an officer of the law engaged at the time in the performance of his or her duty as such officer, is guilty of a class B felony and upon conviction shall));~~

~~(e) Alters or forges or causes the alteration or forgery of:~~

~~(i) A certificate of title or registration certificate issued by the department;~~

~~(ii) An assignment of a certificate of title or registration certificate; or~~

~~(iii) A release or notice of release of an encumbrance referred to on a certificate of title or registration certificate; or~~

~~(f) Holds or uses a certificate of title, registration certificate, assignment, release, or notice of release, knowing that it has been altered or forged.~~

~~(2) A person convicted of violating subsection (1) of this section must be punished by a fine of not more than five thousand dollars or by imprisonment for not more than ten years, or both such fine and imprisonment. This ((provision shall)) subsection does not exclude any other offenses or penalties prescribed by any existing or future law for the larceny or unauthorized taking of a ((motor)) vehicle.~~

~~(3) It is a class C felony for a person to sell or convey a vehicle certificate of title except in conjunction with the sale or transfer of the vehicle for which the certificate was originally issued.~~

~~(4) This section does not apply to an officer of the law engaged at the time in the performance of official authorized law enforcement activities.~~

Sec. 320. RCW 46.12.250 and 1969 ex.s. c 125 s 1 are each amended to read as follows:

((It shall be unlawful for any person under the age of eighteen to be the registered or legal owner of any motor vehicle: PROVIDED, That RCW 46.12.250 through 46.12.270 shall not apply to any person who is on active duty in the United States armed forces nor to any minor who is in effect emancipated: PROVIDED further, That RCW 46.12.250 through 46.12.270 shall not apply to any person who is the registered owner of a motor vehicle prior to August 11, 1969 or who became the registered or legal owner of a motor vehicle while a nonresident of this state.))

(1) A person under the age of eighteen may not be the registered or legal owner of a motor vehicle unless the:

- (a) Motor vehicle was previously registered in the person's name in another jurisdiction while a resident of that jurisdiction;
- (b) Person is on active military duty with the United States armed forces; or
- (c) Person is, in effect, emancipated.

(2) It is unlawful for any person to convey, sell, or transfer the ownership of any motor vehicle to a person under the age of eighteen. This subsection does not apply to a vehicle dealer properly licensed under chapter 46.70 RCW if the minor provides the dealer with a certified copy of an original birth certificate showing that the minor is over eighteen years of age. The vehicle dealer shall submit the certified copy of the original birth certificate with an application for certificate of title to the department, county auditor or other agent, or subagent appointed by the director.

(3) A person is guilty of a misdemeanor punishable by a fine of not more than two hundred fifty dollars or by imprisonment in a county jail for not more than ninety days if that person with actual notice of the prohibition:

- (a) Gives, sells, or transfers the ownership of a motor vehicle to a person under the age of eighteen;
- (b) Is a registered or legal owner of a motor vehicle in violation of subsection (1) of this section; or
- (c) Transfers, sells, or encumbers an interest in a motor vehicle in violation of RCW 46.61.5058.

Sec. 321. RCW 46.12.280 and 1979 c 158 s 136 are each amended to read as follows:

((The provisions of chapter 46.12 RCW concerning the registration and titling of vehicles, and the perfection of security interests therein shall apply to campers, as defined in RCW 46.04.085. In addition, the director of licensing shall have the power to adopt such rules and regulations he deems necessary to implement the registration and titling of campers and the perfection of security interests therein.))

A camper is considered a vehicle for the purposes of certificates of title, perfection of security interests, and registrations. The director may adopt rules to implement this section.

Sec. 322. RCW 46.12.290 and 2005 c 399 s 4 are each amended to read as follows:

((1) The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of chapter 231, Laws of 1971 ex. sess. or chapter 65.20 RCW apply to mobile or manufactured homes: PROVIDED, That RCW 46.12.080 and 46.12.250 through 46.12.270 shall not apply to mobile or manufactured homes.

(2) In order to transfer ownership of a mobile home, all registered owners of record must sign the title certificate releasing their ownership. If the mobile home was manufactured before June 15, 1976, the registered owner must sign an affidavit in the form prescribed by the department of licensing that notice was provided to the purchaser of the mobile home that failure of the mobile home to meet federal housing and urban development standards or failure of the mobile home to meet a fire and safety inspection by the department of labor and industries may result in denial by a local jurisdiction of a permit to site the mobile home.

(3) The director of licensing shall have the power to adopt such rules as necessary to implement the provisions of this chapter relating to mobile homes.))

(1) **Titling options.** An owner of a manufactured home shall establish ownership in the manufactured home by either:

- (a) Applying for a certificate of title as required under this chapter; or
- (b) Eliminating the certificate of title under chapter 65.20 RCW.

(2) **Exemption.** This section does not apply to a manufactured home held for resale by a dealer or manufacturer.

(3) **Transferring ownership.** A registered owner of record must sign the certificate of title releasing the owner's interest when transferring ownership of a manufactured home. If the mobile home was manufactured before June 15, 1976, the registered owner must sign an affidavit on a form approved by the department. The affidavit must state that the purchaser was notified that failure of the mobile home to meet federal housing and urban development standards or failure of the mobile home to meet a fire and safety inspection by the department of labor and industries may result in denial by a local jurisdiction of a permit to site the mobile home.

(4) **Evidence of taxes paid.** Before accepting an application for a certificate of title for a manufactured home, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to provide evidence that any taxes due on the sale of the manufactured home under chapters 82.45 and 84.52 RCW have been paid. Acceptable evidence includes a copy of:

- (a) The real estate excise tax affidavit that has been stamped by the county treasurer; or
- (b) A treasurer certificate that is prepared by the treasurer of the county in which a used manufactured home is located and that states that all property taxes due upon the used manufactured home being sold have been satisfied.

(5) **County assessor notification.** The department shall notify the county assessor of the county where the manufactured home is located when ownership of a manufactured home is transferred. The notification must include the name and address of the former owner and the new owner.

(6) **Title elimination.** The certificate of title for a manufactured home may be eliminated or not issued when the manufactured home is registered under chapter 65.20 RCW. If the certificate of title is eliminated or not issued, the application must be recorded in the county property records of the county where the real property to which the home is affixed is located. All vehicle license fees and taxes applicable to manufactured homes under this chapter are due and must be collected before recording the ownership with the county auditor.

(7) **Rules.** The department may adopt rules as necessary to implement this section.

Sec. 323. RCW 46.12.420 and 1996 c 225 s 6 are each amended to read as follows:

((The state patrol shall inspect a street rod vehicle and assign a vehicle identification number in accordance with this chapter.))

A street rod vehicle (~~((shall be titled))~~) must:

(1) Be recorded in department records as the make and year of the vehicle as originally manufactured(~~(-The title shall be)~~); and

(2) Have the certificate of title branded with the designation "street rod."

Sec. 324. RCW 46.12.440 and 2009 c 284 s 1 are each amended to read as follows:

((The following procedures must be followed when applying for a certificate of ownership for a kit vehicle:

(1) The vehicle identification number (VIN) of a new vehicle kit and of a body kit will be taken from the manufacturer's certificate of origin belonging to that vehicle. If the VIN is not available, the Washington state patrol shall assign a VIN at the time of inspection.

(2) The department shall use the model year of a manufactured

new vehicle kit and manufactured body kit as the year reflected on the manufacturer's certificate of origin.

(3) The make shall be listed as "KITV," and the series and body designation must describe a discrete vehicle model.

(4) Except for kit vehicles licensed under RCW 46.16.680(5), kit vehicles must comply with chapter 204-10 WAC.)

(1) A person who applies for an original certificate of title for a kit vehicle shall provide:

(a) The manufacturer's certificate of origin or an equivalent document if the kit vehicle is a new manufactured vehicle kit or body kit;

(b) The certificate of title or a certified copy or equivalent document for the frame;

(c) Proof of ownership for all major parts used in the construction of the vehicle. Major parts include the frame, engine, axles, transmission, and any other parts that carry vehicle identification numbers;

(d) Bills of sale or invoices for all major components used in the construction of the vehicle. The bills of sale must be notarized unless the vendor is registered with the department of revenue for the collection of retail sales or use tax and must include:

(i) The names and addresses of the seller and purchaser;

(ii) A description of the vehicle or part being sold, including the make, model, and identification or serial number or the yard number if from a wrecking yard;

(iii) The date of sale; and

(iv) The purchase price of the vehicle or part;

(e) A certificate of vehicle inspection completed by the Washington state patrol or other authorized inspector verifying the vehicle identification number, and year and make when applicable. A Washington state patrol vehicle identification number inspector must ensure that all parts are documented by certificates of title, notarized bills of sale, or business receipts, such as those obtained from a wrecking yard purchase;

(f) A completed declaration of value form to determine the value for excise tax purposes if the purchase cost and year is unknown or incomplete;

(g) Payment of use tax on the frame and all component parts used, unless proof of payment of the sales or use tax is submitted; and

(h) An odometer disclosure statement on all originals and transfers of certificates of title for kit vehicles under ten years old, unless otherwise exempt by law.

(2) If the frame from a donor vehicle is used and the remainder of the donor vehicle is to be sold or destroyed, the certificate of title is required as an ownership document to the buyer. The department may make a certified copy of the certificate of title for documentation of the frame for this transaction.

(3) When accepting an application for an original certificate of title for a kit vehicle, the department, county auditor or other agent, or subagent appointed by the director shall:

(a) Use the vehicle identification number provided on the manufacturer's certificate of origin. If the vehicle identification number is not available, the Washington state patrol shall assign a vehicle identification number at the time of inspection;

(b) Use the actual model year provided on the manufacturer's certificate of origin as the model year. This is not the model year of the vehicle being replicated;

(c) Record the make as "KITV";

(d) Record in the series and body designation a discrete vehicle model; and

(e) Assign a use class identifying the actual use of the vehicle, such as a passenger car or truck.

(4) A kit vehicle may be registered under section 617 of this act as a street rod vehicle if the vehicle is manufactured to have the same appearance as a similar vehicle manufactured before 1949. Kit vehicles must comply with chapter 204-10 WAC unless the kit

vehicle is registered under section 617 of this act.

(5) A kit vehicle is exempt from the welding requirements under WAC 204-10-022(8) if, upon application for a certificate of ((ownership)) title, the owner furnishes documentation from the manufacturer of the vehicle frame that informs the owner that the welding on the frame was not completed by a certified welder and that the structural strength of the frame has not been certified by an engineer as meeting the applicable federal motor vehicle safety standards set under 49 C.F.R. Sec. 571.201, 571.214, 571.216, and 571.220 through 571.224, and the applicable SAE standards.

((5)) The application for the certificate of ownership must be accompanied by the following documents:

(a) For a manufactured new vehicle kit, the manufacturer's certificate of origin or equivalent document;

(b)(i) For a manufactured body kit, the manufacturer's certificate of origin or equivalent document; (ii) for the frame, the title or a certified copy or equivalent document;

(c) Bills of sale or invoices for all major components used in the construction of the vehicle. The bills of sale must be notarized unless the vendor is registered with the department of revenue for the collection of retail sales or use tax. The bills of sale must include the names and addresses of the seller and purchaser, a description of the vehicle or part being sold, including the make, model, and identification or serial number, the date of sale, and the purchase price of the vehicle or part;

(d) A statement as defined in WAC 308-56A-150 by an authorized inspector of the Washington state patrol or other person authorized by the department of licensing verifying the vehicle identification number, and year and make when applicable;

(e) A completed declaration of value form (TD 420-737) to determine the value for excise tax if the purchase cost and year is unknown or incomplete.

(6) A Washington state patrol VIN inspector must ensure that all parts are documented by titles, notarized bills of sale, or business receipts such as obtained from a wrecking yard purchase. The bills of sale must contain the VIN of the vehicle the parts came from, or the yard number if from a wrecking yard.

(7)) (6) The department may not deny a certificate of ((ownership)) title to an applicant who completes the requisite application, complies with this section, and pays the requisite titling fees and taxes.

NEW SECTION. Sec. 325. The following acts or parts of acts are each repealed:

(1) RCW 46.12.005 (Definitions) and 2002 c 245 s 1, 1996 c 26 s 1, & 1967 c 140 s 5;

(2) RCW 46.12.020 (Prerequisite to issuance of vehicle license and plates) and 1989 c 337 s 22;

(3) RCW 46.12.040 (Certificate of ownership--Fees) and 2007 c 420 s 2, 2004 c 200 s 1, 2002 c 352 s 3, 2001 c 125 s 2, 1990 c 238 s 2, 1989 c 110 s 1, 1975 1st ex.s. c 138 s 1, 1974 ex.s. c 128 s 2, & 1961 c 12 s 46.12.040;

(4) RCW 46.12.042 (Emergency medical services fee) and 1997 c 331 s 5;

(5) RCW 46.12.045 (Off-road vehicles, certificate of ownership for title purposes only) and 1986 c 186 s 4;

(6) RCW 46.12.055 (Certificate of ownership--Manufactured homes) and 1989 c 343 s 19;

(7) RCW 46.12.060 (Procedure when identification number altered or obliterated) and 2001 c 125 s 4, 1975 c 25 s 10, 1974 ex.s. c 36 s 1, & 1961 c 12 s 46.12.060;

(8) RCW 46.12.075 (Rebuilt vehicles) and 1996 c 26 s 3 & 1995 c 256 s 24;

(9) RCW 46.12.095 (Requirements for perfecting security interest) and 2000 c 250 s 9A-822, 1998 c 203 s 10, 1969 ex.s. c 170 s 16, & 1967 c 140 s 6;

(10) RCW 46.12.105 (Transfer of ownership of mobile home, county assessor notified--Evidence of taxes paid) and 1979 ex.s. c 266 s 5, 1979 c 158 s 133, & 1971 ex.s. c 231 s 13;

(11) RCW 46.12.200 (State or director not liable for acts in administering chapter) and 1979 c 158 s 134, 1967 c 32 s 11, & 1961 c 12 s 46.12.200;

(12) RCW 46.12.215 (Unlawful sale of certificate of ownership) and 1995 c 256 s 1;

(13) RCW 46.12.220 (Alteration or forgery--Penalty) and 2003 c 53 s 237, 1967 c 32 s 12, & 1961 c 12 s 46.12.220;

(14) RCW 46.12.230 (Permit to licensed wrecker to junk vehicle--fee) and 1975 c 25 s 14, 1967 c 32 s 13, & 1961 c 12 s 46.12.230;

(15) RCW 46.12.240 (Appeals to superior court from suspension, revocation, cancellation, or refusal of license or certificate) and 1987 c 388 s 8, 1965 ex.s. c 121 s 42, & 1961 c 12 s 46.20.340;

(16) RCW 46.12.260 (Sale or transfer of motor vehicle ownership to person under eighteen prohibited) and 1979 c 158 s 135 & 1969 ex.s. c 125 s 2;

(17) RCW 46.12.270 (Penalty for violation of RCW 46.12.250 or 46.12.260) and 1994 c 139 s 2, 1993 c 487 s 6, & 1969 ex.s. c 125 s 3;

(18) RCW 46.12.450 (Kit vehicles--Issuance of certificate of ownership or registration) and 1996 c 225 s 9;

(19) RCW 46.12.500 (Commercial vehicle--Compliance statement) and 1999 c 351 s 4; and

(20) RCW 46.12.510 (Donations for organ donation awareness) and 2008 c 139 s 26 & 2003 c 94 s 6.

PART IV. REGISTRATION CERTIFICATES

Sec. 401. RCW 46.16.004 and 2007 c 419 s 3 are each amended to read as follows:

For the purposes of this chapter unless the context clearly requires otherwise:

(1) "Commercial motor vehicle," for the purposes of requiring a department of transportation number, means the same as defined in RCW 46.25.010(6), or a motor vehicle used in commerce when the motor vehicle: (a) Has a gross vehicle weight rating of 11,794 kilograms or more (26,001 pounds or more) inclusive of a towed unit of a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds or more); (b) has a gross vehicle weight rating of 11,794 kilograms or more (26,001 pounds or more); or (c) is used in the transportation of hazardous materials, as defined in RCW 46.25.010(13);

~~(2) ("Department" means the department of licensing;~~

~~(3))~~ "Department of transportation number" means a department of transportation number from the federal motor carrier safety administration;

~~(4))~~ (3) "Interstate commercial motor vehicle" means a commercial vehicle that operates in more than one state;

~~(5))~~ (4) "Intrastate commercial motor vehicle" means a commercial vehicle that operates exclusively within the state of Washington;

~~(6))~~ (5) "Motor carrier" means a person or entity who has been issued a department of transportation number and who owns a commercial motor vehicle;

(6) "Registration year" means the effective period of a vehicle registration issued by the department. A registration year begins at 12:01 a.m. on the date of the calendar year designated by the department and ends at 12:00 a.m. the same day the following year unless otherwise specified;

(7) "Renewal notice" means the notice to renew a vehicle registration sent to the registered owner by the department.

Sec. 402. RCW 46.16.006 and 2009 c 159 s 1 are each amended to read as follows:

(1) (The term "registration year" for the purposes of chapters 46.16, 82.44, and 82.50 RCW means the effective period of a vehicle license issued by the department. Such year commences at 12:01 a.m. on the date of the calendar year designated by the department

and ends at 12:01 a.m. on the same date of the next succeeding calendar year.

(a) If a vehicle license previously issued in this state has expired and is renewed with a different registered owner, a new registration year is deemed to commence upon the date the expired license is renewed in order that the renewed license be useable for a full twelve-month period.

(b) A new registration year is deemed to commence upon the date the expired license is renewed in order that the renewed license be useable for a full twelve months when)

The department, county auditor or other agent, or subagent appointed by the director shall assign a new registration year to a vehicle if:

(a) The Washington state vehicle registration has expired and registered ownership to the vehicle is being transferred. The renewed license is valid for a full twelve-month period unless a specific expiration date is required by law, rule, or program; or

(b) The Washington vehicle registration has expired and the registered owner:

(i) Is a member of the United States armed forces;

(ii) Was stationed outside of Washington under military orders during the prior vehicle registration year; and

(iii) Provides the department a copy of the military orders.

(2) Each registration year may be divided into twelve registration months. Each registration month ((commences on the day numerically corresponding to the day of the calendar month on which the registration year begins, and terminates on the numerically corresponding day of the next succeeding calendar month)) begins at 12:01 a.m. on a day of the month assigned by the department and ends at 12:00 a.m. on the same day the following month.

(3) ((Where the term "last day of the month" is used in chapters 46.16, 82.44, and 82.50 RCW in lieu of a specified day of any calendar month it means the last day of such calendar month or months irrespective of the numerical designation of that day.

(4) If) A registration period extends through the end of the next business day when the final day of a registration year or month falls on a Saturday, Sunday, or legal holiday((, such period extends through the end of the next business day)).

Sec. 403. RCW 46.16.010 and 2007 c 242 s 2 are each amended to read as follows:

(1) Vehicles must be registered as required by this chapter and must display license plates or decals assigned by the department.

(2) It is unlawful for a person to operate any vehicle ~~((over and along))~~ on a public highway of this state without ~~((first having obtained and))~~ having in full force and effect a current and proper vehicle ~~((license))~~ registration and ~~((display vehicle))~~ displaying license ~~((number))~~ plates ~~((therefor as by this chapter provided))~~ on the vehicle.

~~((2))~~ (3) Vehicle license plates or registration certificates, whether original issues or duplicates, may not be issued or furnished by the department until the applicant makes satisfactory application for a certificate of title or presents satisfactory evidence that a certificate of title covering the vehicle has been previously issued.

(4) Failure to make initial registration before ~~((operation))~~ operating a vehicle on the public highways of this state is a traffic infraction~~((, and any))~~. A person committing this infraction shall pay a penalty of five hundred twenty-nine dollars, ~~((no part of))~~ which may not be suspended ~~((or))~~, deferred, or reduced.

~~((3))~~ (5) Failure to renew an expired registration before ~~((operation))~~ operating a vehicle on the public highways of this state is a traffic infraction.

~~((4) The licensing of) (6) It is a gross misdemeanor for a resident, as identified in RCW 46.16.028 (as recodified by this act), to register a vehicle in another state ((by a resident of this state, as defined in RCW 46.16.028)), evading the payment of any tax or vehicle license fee imposed in connection with registration((?)). It is ((a gross misdemeanor)) punishable as follows:~~

(a) For a first offense, up to one year in the county jail and payment of a fine of five hundred twenty-nine dollars plus twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and payment of a fine of five hundred twenty-nine dollars plus four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(c) For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed will be deposited in the vehicle licensing fraud account created in the state treasury;

(d) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

((5) These provisions shall not apply to the following vehicles:

(a) Motorized foot scooters;

(b) Electric-assisted bicycles;

(c) Off-road vehicles operating on nonhighway roads under RCW 46.09.115;

(d) Farm vehicles if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;

(e) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

(f) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks;

(g) "Trams" used for transporting persons to and from facilities related to the horse racing industry as regulated in chapter 67.16 RCW, as long as the public right-of-way routes over which the trams operate are not more than one mile from end to end, the public rights-of-way over which the tram operates have an average daily traffic of not more than 15,000 vehicles per day, and the activity is in conformity with federal law. The operator must be a licensed driver and at least eighteen years old. For the purposes of this section, "tram" also means a vehicle, or combination of vehicles linked together with a single mode of propulsion, used to transport persons from one location to another;

(h) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (i) are in excess of the legal width, or (ii) which, because of their length, height, or unladen weight, may not be moved on a public

highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (iii) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(6) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

(c) An off-road vehicle operated on a street, road, or highway as authorized under RCW 46.09.180.

(7)(a) A motor vehicle subject to initial or renewal registration under this section shall not be registered to a natural person unless the person at time of application:

(i) Presents an unexpired Washington state driver's license; or

(ii) Certifies that he or she is:

(A) A Washington resident who does not operate a motor vehicle on public roads; or

(B) Exempt from the requirement to obtain a Washington state driver's license under RCW 46.20.025.

(b) For shared or joint ownership, the department will set up procedures to verify that all owners meet the requirements of this subsection.

(c) A person falsifying residency is guilty of a gross misdemeanor punishable only by a fine of five hundred twenty-nine dollars.

(d) The department may adopt rules necessary to implement this subsection, including rules under which a natural person applying for registration may be exempt from the requirements of this subsection where the person provides evidence satisfactory to the department that he or she has a valid and compelling reason for not being able to meet the requirements of this subsection.

(8)) (7) A vehicle with an expired registration of more than forty-five days parked on a public street may be impounded by a police officer under RCW 46.55.113(2).

NEW SECTION. Sec. 404. A new section is added to chapter 46.16 RCW under the subchapter heading "general provisions" to read as follows:

The following vehicles are not required to be registered under this chapter:

(1) Converter gears used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle;

(2) Electric-assisted bicycles;

(3)(a) Farm implements, tractors, trailers, and other farm vehicles (i) operated within a radius of fifteen miles of the farm where it is

principally used or garaged, including trailers designed as cook or bunk houses, (ii) used exclusively for animal herding, and (iii) temporarily operating or drawn upon the public highways, and (b) trailers used exclusively to transport farm implements from one farm to another during daylight hours or at night when the trailer is equipped with lights that comply with applicable law;

(4) Forklifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses they serve;

(5) Motor vehicles operated solely within a national recreation area that is not accessible by a state highway, including motorcycles, motor homes, passenger cars, and sport utility vehicles. This exemption applies only after initial registration;

(6) Motorized foot scooters;

(7) Nurse rigs or equipment auxiliary for the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

(8) Off-road vehicles operated on a street, road, or highway as authorized under RCW 46.09.180 (as recodified by this act), or nonhighway roads under RCW 46.09.115 (as recodified by this act);

(9) Special highway construction equipment;

(10) Dump trucks and tractor-dump trailer combinations that are:

(a) Designed and used primarily for construction work on highways;

(b) Not designed or used primarily for the transportation of persons or property on a public highway; and

(c) Only incidentally operated or moved over the highways;

(11) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation;

(12) Tow dollies;

(13) Trams used for transporting persons to and from facilities related to the horse racing industry as regulated in chapter 67.16 RCW, as long as the public right-of-way routes over which the trams operate are not more than one mile from end to end, the public rights-of-way over which the tram operates have average daily traffic of not more than fifteen thousand vehicles per day, and the activity is in conformity with federal law. The operator must be a licensed driver and at least eighteen years old. For the purposes of this section, "tram" also means a vehicle, or combination of vehicles linked together with a single mode of propulsion, used to transport persons from one location to another; and

(14) Vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

NEW SECTION. Sec. 405. A new section is added to chapter 46.16 RCW under the subchapter heading "general provisions" to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director shall not issue an initial or renewal registration certificate for a motor vehicle to a natural person under this chapter unless the natural person at time of application:

(a) Presents an unexpired Washington state driver's license; or

(b) Certifies that he or she is:

(i) A Washington state resident who does not operate a motor vehicle on public roads; or

(ii) Exempt from the requirement to obtain a Washington state driver's license under RCW 46.20.025.

(2) The department must set up procedures to verify that all owners meet the requirements of this section.

(3) A person falsifying residency is guilty of a gross misdemeanor punishable only by a fine of five hundred twenty-nine dollars.

(4) The department may adopt rules necessary to implement this section, including rules under which a natural person applying for registration may be exempt from the requirements of this section if the person provides evidence satisfactory to the department that he or

she has a valid and compelling reason for not being able to meet the requirements of this section.

Sec. 406. RCW 46.16.015 and 2002 c 24 s 1 are each amended to read as follows:

(1) ~~((Neither))~~ The department ~~((of licensing nor its agents)),~~ county auditor or other agent, or subagent appointed by the director may not issue or renew a motor vehicle ~~((license for any vehicle))~~ registration or change the registered owner of a ~~((licensed))~~ registered vehicle~~(s)~~ for any motor vehicle ~~((that is))~~ required to be inspected under chapter 70.120 RCW, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance or a valid certificate of acceptance issued ~~((pursuant to))~~ as required under chapter 70.120 RCW; or (b) ~~((exempted from this requirement pursuant to))~~ exempt, as described in subsection (2) of this section. The certificates must have a date of validation ~~((which))~~ that is within ~~((six))~~ twelve months of the ~~((date of application for the vehicle license or license))~~ assigned registration renewal date. Certificates for fleet or owner tested diesel vehicles may have a date of validation ~~((which))~~ that is within twelve months of the assigned ~~((license))~~ registration renewal date.

(2) ~~((Subsection (1) of this section does not apply to the following vehicles:~~

(a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;

(b) Motor vehicles with a model year of 1967 or earlier;

(c) Motor vehicles that use propulsion units powered exclusively by electricity;

(d) Motor vehicles fueled by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;

(e)) The following motor vehicles are exempt from emission test requirements:

(a) Motor vehicles that are less than five years old or more than twenty-five years old;

(b) Motor vehicles that are a 2009 model year or newer;

(c) Motor vehicles powered exclusively by electricity, propane, compressed natural gas, or liquid petroleum gas;

(d) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

~~((f))~~ (e) Farm vehicles as defined in RCW 46.04.181;

~~((g))~~ (f) Used vehicles ~~((which))~~ that are offered for sale by a motor vehicle dealer licensed under chapter 46.70 RCW;

~~((h))~~ (g) Classes of motor vehicles exempted by the director of the department of ecology; and

((i) Collector cars as identified by the department of licensing under RCW 46.16.305(1);

(j) Beginning January 1, 2000, vehicles that are less than five years old or more than twenty-five years old; or

(k)) (h) Hybrid motor vehicles that obtain a rating by the environmental protection agency of at least fifty miles per gallon of gas during city driving. For purposes of this section, a hybrid motor vehicle is one that uses propulsion units powered by both electricity and gas.

((The provisions of (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.))

(3) The department of ecology shall provide information to motor vehicle owners;

(a) Regarding the boundaries of emission contributing areas and restrictions established under this section that apply to vehicles registered in such areas~~((In addition the department of ecology shall provide information to motor vehicle owners)); and~~

(b) On the relationship between motor vehicles and air pollution and steps motor vehicle owners should take to reduce motor vehicle

related air pollution. ~~((The department of licensing shall send to all registered motor vehicle owners affected by the emission testing program notice that they must have an emission test to renew their registration.))~~

(4) The department of licensing shall:

(a) Notify all registered motor vehicle owners affected by the emission testing program that they must have an emission test to renew their registration;

(b) Adopt rules implementing and enforcing this section, except for subsection (2)(e) of this section, as specified in chapter 34.05 RCW.

(5) A motor vehicle may not be registered, leased, rented, or sold for use in the state, starting with the model year as provided in RCW 70.120A.010, unless the vehicle:

(a) Has seven thousand five hundred miles or more; or

(b)(i) Is consistent with the vehicle emission standards and carbon dioxide equivalent emission standards adopted by the department of ecology; and

(ii) Has a California certification label for all emission standards, and carbon dioxide equivalent emission standards necessary to meet fleet average requirements.

(6) The department of licensing, in consultation with the department of ecology, may adopt rules necessary to implement this section and may provide for reasonable exemptions to these requirements. The department of ecology may exempt public safety vehicles from meeting the standards where the department finds that vehicles necessary to meet the needs of public safety agencies are not otherwise reasonably available.

Sec. 407. RCW 46.16.020 and 1986 c 30 s 1 are each amended to read as follows:

(1) The following vehicles are exempt from the payment of vehicle license fees:

(a) Any vehicle owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington and used exclusively by them(~~(-and all)~~);

(b) Vehicles owned or leased with an option to purchase by the United States government, or by the government of foreign countries, or by international bodies to which the United States government is a signatory by treaty(~~(-or)~~);

(c) Vehicles owned or leased by the governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior, and used exclusively in its (~~(or their)~~) service (~~(shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided:~~ **PROVIDED, HOWEVER, That such vehicles, except those);**

(d) Any bus or vehicle owned and operated by a private school or schools meeting the requirements of RCW 28A.195.010 and used by that school or schools primarily to transport children to and from school or to transport children in connection with school activities. A registration issued by the department for these buses or vehicles is exempt from the motor vehicle excise tax provided in chapter 82.44 RCW;

(e) Vehicles owned and used exclusively by the United States government and (~~(which)~~) are clearly identified by (~~(clearly exhibited)~~) displaying registration numbers or license plates assigned by (~~(an instrumentality of that)~~) the United States government(~~(-shall be)~~) if the vehicle is registered (~~(as prescribed for the license registration of other vehicles and shall)~~) and displays (~~(the vehicle)~~) license (~~(number)~~) plates assigned to it by the United States government; and

(f) Except for payment of the license plate fee required under section 517 of this act, vehicles owned and used exclusively by the United States government and are clearly identified by displaying registration numbers of license plates assigned by the state of

Washington if the vehicle is registered and displays license plates assigned to it by the state of Washington.

(2) The department shall assign a license plate or plates to each vehicle or may assign a block of license plates to an agency or political subdivision for further assignment by the agency or political subdivision to individual vehicles registered to it (~~(pursuant to this section)~~). The agency, political subdivision, or Indian tribe, except a foreign government or international body, shall pay (~~(a)~~) the fee (~~(of two dollars)~~) required in section 517 of this act for the license plate or plates for each vehicle.

(3) An Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior is not entitled to (~~(license and)~~) register any tribal government service vehicle under this section if that tribe itself (~~(licenses or)~~) registers any tribal government service vehicles under tribal law.

(~~(No)~~) (4) A vehicle (~~(license)~~) registration or license (~~(number)~~) plates (~~(shall)~~) may not be issued to any (~~(such)~~) vehicle under (~~(the provisions of)~~) this section for the transportation of school children unless (~~(and until such)~~) the vehicle (~~(shall have)~~) has been first (~~(personally)~~) inspected by the director or the director's (~~(duly)~~) authorized representative.

Sec. 408. RCW 46.16.022 and 1986 c 30 s 2 are each amended to read as follows:

(1) The provisions of this chapter relating to (~~(licensing of)~~) registering vehicles by this state, including the display of (~~(vehicle)~~) license (~~(number)~~) plates and (~~(license)~~) registration certificates, do not apply to vehicles owned or leased by the governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior(~~(-only when)~~) if:

(a) The vehicle is used exclusively in tribal government service; (~~(and)~~)

(b) The vehicle has been (~~(licensed and)~~) registered under a law adopted by (~~(such)~~) the tribal government; (~~(and)~~)

(c) (~~(Vehicle)~~) License (~~(number)~~) plates issued by the tribe showing the initial or abbreviation of the name of the tribe are displayed on the vehicle (~~(substantially as provided therefor)~~) as required in this state; (~~(and)~~)

(d) The tribe has not elected to receive (~~(any)~~) Washington state license plates for tribal government service vehicles (~~(pursuant to)~~) as authorized in RCW 46.16.020 (as recodified by this act); and

(e) If required by the department, the tribe provides the department with vehicle description and ownership information similar to that required for vehicles registered in this state, which may include the model year, make, model series, body type, type of power (~~(gasoline, diesel, or other, VIN)~~), vehicle identification number, and the license plate number assigned to each government service vehicle (~~(licensed)~~) registered by that tribe.

(2) (~~(The provisions of)~~) This section (~~(are operative as to a vehicle owned or leased by an Indian tribe located within this state and used exclusively in tribal government service only to the extent that under)~~) applies only if the laws of the tribe (like);

(a) Allow similar exemptions and privileges (are granted) to all vehicles (~~(duly licensed)~~) registered under the laws of this state (~~(for operation of such vehicles)~~) on all tribal roads within the tribe's reservation(~~(. If under the laws of the tribe,);~~) and

(b) Do not require persons operating vehicles (~~(licensed)~~) registered by this state (~~(are required)~~) to pay a (~~(license or)~~) registration fee or to carry or display (~~(vehicle)~~) license (~~(number)~~) plates or a registration certificate issued by the tribe(~~(, the tribal government shall comply with the provisions of this state's laws relating to the licensing and registration of vehicles operating on the highways of this state)~~).

Sec. 409. RCW 46.16.025 and 1979 c 158 s 139 are each amended to read as follows:

((Before any "farm vehicle", as defined in RCW 46.04.181, shall operate on or move along a public highway, there shall be displayed upon it in a conspicuous manner a decal or other device, as may be prescribed by the director of licensing and issued by the department of licensing, which shall describe in some manner the vehicle and identify it as a vehicle exempt from the licensing requirements of this chapter. Application for such identifying devices shall be made to the department on a form furnished for that purpose by the director. Such application shall be made by the owner or lessee of the vehicle, or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge. The application must show:

- (1) The name and address of the owner of the vehicle;
- (2) The trade name of the vehicle, model, year, type of body, the motor number or the identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;
- (3) The purpose for which said vehicle is to be principally used;
- (4) Such other information as shall be required upon such application by the director; and
- (5) Place where farm vehicle is principally used or garaged.

A fee of five dollars shall be charged for and submitted with such application for an identification decal as in this section provided as to each farm vehicle which fee shall be deposited in the motor vehicle fund and distributed proportionately as otherwise provided for vehicle license fees under RCW 46.68.030. Only one application need be made as to each such vehicle, and the status as an exempt vehicle shall continue until suspended or revoked for misuse, or when such vehicle no longer is used as a farm vehicle.))

(1) A farmer shall apply to the department, county auditor or other agent, or subagent appointed by the director for a farm exempt decal for a farm vehicle if the farm vehicle is exempt under section 404(3) of this act. The farm exempt decal:

- (a) Allows the farm vehicle to be operated within a radius of fifteen miles of the farm where it is principally used or garaged;
- (b) Must be displayed on the farm vehicle so that it is clearly visible from outside of the farm vehicle; and
- (c) Must identify that the farm vehicle is exempt from the registration requirements of this chapter.

(2) A farmer or the farmer's representative must apply for a farm exempt decal on a form furnished or approved by the department. The application must show:

- (a) The name and address of the person who is the owner of the vehicle;
- (b) A full description of the vehicle, including its make, model, year, the motor number or the vehicle identification number if the vehicle is a motor vehicle, or the serial number if the vehicle is a trailer;
- (c) The purpose for which the vehicle is principally used;
- (d) The place where the farm vehicle is principally used or garaged; and
- (e) Other information as required by the department upon application.

(3) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under section 526 of this act when issuing a farm exempt decal.

(4) A farm exempt decal may not be renewed. The status as an exempt vehicle continues until suspended or revoked for misuse, or when the vehicle is no longer used as a farm vehicle.

(5) The department may adopt rules to implement this section.

Sec. 410. RCW 46.16.028 and 1997 c 59 s 7 are each amended to read as follows:

(1) For the purposes of vehicle ((license)) registration, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes, but is not limited to:

- (a) Becoming a registered voter in this state; ((or))
- (b) Receiving benefits under one of the Washington public assistance programs; or
- (c) Declaring ((that he or she is a resident)) residency for the purpose of obtaining a state license or tuition fees at resident rates.

(2) ((The term)) A natural person may be a resident of this state even though that person has or claims residency or domicile in another state or intends to leave this state at some future time. A natural person is presumed a resident if the natural person meets at least two of the following conditions:

- (a) Maintains a residence in this state for personal use;
- (b) Has a Washington state driver's license or a Washington state resident hunting or fishing license;
- (c) Uses a Washington state address for federal income tax or state tax purposes;
- (d) Has previously maintained a residence in this state for personal use and has not established a permanent residence outside the state of Washington, such as a person who retires and lives in a motor home or vessel that is not permanently attached to any property;
- (e) Claims this state as his or her residence for obtaining eligibility to hold a public office or for judicial actions;
- (f) Is a custodial parent with a child attending public schools in this state.

(3) "Washington public assistance programs," as referred to in subsection (1)(b) of this section, includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. ((Programs which are not included within the term)) "Washington public assistance programs" ((pursuant to the above criteria)) does not include((, but are not limited to)): The food stamp program under the federal food stamp act of 1964; programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771 through 1788; and temporary assistance for needy families.

((3)) (4) A resident of the state shall apply for a certificate of title under chapter 46.12 RCW and register under this chapter((s 46.12 and 46.16 RCW)) a vehicle to be operated on the highways of the state. New Washington residents ((shall be)) are allowed thirty days from the date they become residents as defined in this section to ((procure)) obtain Washington registration for their vehicles. This thirty-day period ((shall)) may not be combined with any other period of reciprocity provided for in this chapter or chapter 46.85 RCW.

Sec. 411. RCW 46.16.029 and 1987 c 142 s 2 are each amended to read as follows:

((It is unlawful to)) A person may not purchase a vehicle ((bearing)) displaying foreign license plates without removing and destroying the license plates unless:

- (1) The out-of-state vehicle is sold to a Washington resident by a resident of a jurisdiction where the license plates follow the owner ((or));
- (2) The out-of-state license plates may be returned to the jurisdiction of issuance by the owner for refund purposes; or
- (3) For ((such)) other reasons as determined by the department ((may deem appropriate)) by rule.

Sec. 412. RCW 46.16.030 and 1991 c 163 s 2 are each amended to read as follows:

((Except as is herein provided for foreign businesses,)) (1) The provisions ((relative)) of this chapter relating to the ((licensing)) registration of vehicles and display of ((vehicle)) license ((number)) plates and ((license)) registration certificates ((shall)) do not apply to ((any)) vehicles owned by nonresidents of this state if:

- (a) The owner ((thereof)) has complied with the law requiring the ((licensing)) registration of vehicles in the names of the owners ((thereof)) in force in the state, foreign country, territory, or federal district of ((his or her)) residence; and

(b) The ~~((vehicle))~~ license ~~((number))~~ plate showing the initial or abbreviation of the name of ~~((such))~~ the state, foreign country, territory, or federal district~~((;))~~ is displayed on ~~((such))~~ the vehicle substantially as ~~((is provided therefor))~~ required in this state. ~~((The provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, foreign country, territory or federal district of his or her residence, like))~~

(2) This section applies only if the laws of the state, foreign country, territory, or federal district of the nonresident's residence allow similar exemptions and privileges ~~((are granted))~~ to vehicles ~~((duly licensed))~~ registered under the laws of ~~((and owned by residents of this state. If under the laws of such))~~ the foreign state, ~~((foreign))~~ country, territory, or federal district~~((, vehicles owned by residents of this state, operating upon the highways of such state, foreign country, territory or federal district, are required to pay the license fee and carry the vehicle license number plates of such state, foreign country, territory or federal district, the vehicles owned by residents of such state, foreign country, territory or federal district, and operating upon the highways of this state, shall comply with the provisions of this state relating to the licensing of vehicles))~~.

(3) Foreign businesses owning, maintaining, or operating places of business in this state and using vehicles in connection with ~~((such))~~ those places of business~~((;))~~ shall comply with ~~((the provisions relating to the licensing of vehicles insofar as vehicles used in connection with such places of business are concerned))~~ this chapter. Under provisions of the international registration plan, the nonmotor vehicles of member and nonmember jurisdictions ~~((which))~~ that are properly based and ~~((licensed))~~ registered in such jurisdictions ~~((are granted))~~ have reciprocity in this state as provided in RCW 46.87.070~~((;2))~~.

(4) The director ~~((is empowered to make))~~ may adopt and enforce rules ~~((and regulations))~~ for the ~~((licensing))~~ registration of nonresident vehicles ~~((upon))~~ on a reciprocal basis and with respect to any character or class of operation.

Sec. 413. RCW 46.16.040 and 1987 c 244 s 2 are each amended to read as follows:

((Application for original vehicle license shall be made on [a] form furnished for the purpose by the department. Such application shall be made by the owner of the vehicle or duly authorized agent over the signature of such owner or agent, and the applicant shall certify that the statements therein are true to the best of the applicant's knowledge. The application must show:

(1) Name and address of the owner of the vehicle and, if the vehicle is subject to a security agreement, the name and address of the secured party;

(2) Trade name of the vehicle, model, year, type of body, the identification number thereof;

(3) The power to be used--whether electric, steam, gas or other power;

(4) The purpose for which said vehicle is to be used and the nature of the license required;

(5) The licensed gross weight for such vehicle which in the case of for hire vehicles and auto stages with seating capacity of more than six shall be the adult seating capacity thereof, including the operator, as provided for in RCW 46.16.111. In the case of motor trucks, tractors, and truck tractors, the licensed gross weight shall be the gross weight declared by the applicant pursuant to the provisions of RCW 46.16.111;

(6) The unladen weight of such vehicle, if it be a motor truck or trailer, which shall be the shipping weight thereof as given by the manufacturer thereof unless another weight is shown by weight slip verified by a certified weighmaster, which slip shall be attached to the original application;

(7) Such other information as shall be required upon such application by the department.)

(1) An owner or the owner's authorized representative must apply for an original vehicle registration to the department, county auditor or other agent, or subagent appointed by the director on a form furnished by the department. The application must contain:

(a) A description of the vehicle, including its make, model, vehicle identification number, type of body, and power to be used;

(b) The name and address of the person who is the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(c) The purpose for which the vehicle is to be used;

(d) The licensed gross weight for the vehicle, which is:

(i) The adult seating capacity, including the operator, as provided for in RCW 46.16.070(1) (as recodified by this act) if the vehicle will be operated as a for hire vehicle or auto stage and has a seating capacity of more than six; or

(ii) The gross weight declared by the applicant as required in RCW 46.16.070(2) (as recodified by this act) if the vehicle will be operated as a motor truck, tractor, or truck tractor;

(e) The empty scale weight of the vehicle; and

(f) Other information that the department may require.

(2) The registered owner or the registered owner's authorized representative shall sign the application for an original vehicle registration and certify that the statements on the application are true to the best of the applicant's knowledge.

(3) The application for an original vehicle registration must be accompanied by a draft, money order, certified bank check, or cash for all fees and taxes due for the application for an original vehicle registration.

NEW SECTION. Sec. 414. A new section is added to chapter 46.16 RCW under the subchapter heading "general provisions" to read as follows:

(1) The department may refuse to issue or may cancel a registration at any time when the department determines that an applicant for registration is not entitled to one. Notice of cancellation may be accomplished by sending a notice by first-class mail using the last known address in department records for the registered or legal owner or owners, and completing an affidavit of first-class mail. It is unlawful for any person to remove, drive, or operate the vehicle until a proper registration certificate has been issued. A person removing, driving, or operating a vehicle after the refusal to issue or cancellation of the registration is guilty of a gross misdemeanor.

(2) The suspension, revocation, cancellation, or refusal by the director of a registration certificate provided under this chapter is conclusive unless the person whose registration or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county or the person's county of residence.

(a) Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal, the court shall issue an order to the director to show cause why the registration should not be granted or reinstated and return the order not less than ten days after the date of service to the director. Service must be in the same manner as prescribed for the service of a summons and complaint in other civil actions.

(b) Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the registration and shall enter judgment either affirming or setting aside the suspension, revocation, cancellation, or refusal.

Sec. 415. RCW 46.16.045 and 2008 c 51 s 1 are each amended to read as follows:

(1) ((The department in its discretion may grant a temporary permit to operate a vehicle for which application for registration has been made, where such application is accompanied by the proper fee pending action upon said application by the department.

(2))) The department may authorize vehicle dealers properly

licensed ((pursuant to)) under chapters 46.09, 46.10, and 46.70 RCW to issue temporary permits to operate vehicles under ((such)) rules ((and regulations as)) adopted by the department ((deems appropriate)).

~~((3))~~ (2) The ~~((fee))~~ department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under section 535(1)(a) of this act for each temporary permit application ~~((distributed))~~ sold to an authorized vehicle dealer ~~((shall be fifteen dollars, five dollars of which shall be credited to the payment of registration fees at the time application for registration is made. The remainder shall be deposited to the state patrol highway account))~~.

~~((4))~~ (3) The payment of ~~((the registration))~~ vehicle license fees to an authorized dealer is considered payment to the state of Washington.

~~((5))~~ ~~By July 1, 2009,~~ (4) The department shall provide access to a secure system that allows temporary permits issued by vehicle dealers properly licensed ~~((pursuant to))~~ under chapters 46.09, 46.10, and 46.70 RCW to be generated and printed on demand. By July 1, 2011, all such permits must be generated using the designated system.

Sec. 416. RCW 46.16.047 and 1961 c 12 s 46.16.047 are each amended to read as follows:

((Forms for such temporary permits shall be prescribed and furnished by the department. Temporary permits shall bear consecutive numbers, shall show the name and address of the applicant, trade name of the vehicle, model, year, type of body, identification number and date of application, and shall be such as may be affixed to the vehicle at the time of issuance, and remain on such vehicle only during the period of such registration and until the receipt of permanent license plates. The application shall be registered in the office of the person issuing the permit and shall be forwarded by him to the department each day together with the fee accompanying it.

A fee of fifty cents shall be charged by the person authorized to issue such permit which shall be accounted for in the same manner as the other fees collected by such officers, provided that such fees collected by county auditors or their agents shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund.))

(1) The department, county auditor or other agent, or subagent appointed by the director may grant a temporary permit to operate a vehicle for which an application for registration has been made. The application for a temporary permit must be made by the owner or the owner's representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished by the department and must contain:

- (a) A full description of the vehicle, including its make, model, vehicle identification number, and type of body;
- (b) The name and address of the applicant;
- (c) The date of application; and
- (d) Other information that the department may require.

(2) Temporary permits must:

- (a) Be consecutively numbered;
- (b) Be displayed where it is visible from outside of the vehicle, such as on the inside left side of the rear window; and
- (c) Remain on the vehicle only until the receipt of permanent license plates.

(3) The application must be accompanied by the fee required under section 535(1)(b) of this act.

Sec. 417. RCW 46.16.048 and 1977 c 25 s 2 are each amended to read as follows:

The department ~~((in its discretion))~~ may issue a temporary letter of authority authorizing the movement of an ~~((unlicensed))~~ unregistered vehicle or the temporary ~~((usage))~~ use of a special plate for the purpose of promoting or participating in an event such as a parade, pageant, fair, convention, or other special community activity.

The letter of authority may not be issued to or used by anyone for personal gain, but public identification of the sponsor or owner of the donated vehicle shall not be considered to be personal gain.

Sec. 418. RCW 46.16.068 and 1998 c 321 s 32 are each amended to read as follows:

((Trailing units which are subject to RCW 82.44.020(4) shall, upon application, be issued a permanent license plate that is valid until the vehicle is sold, permanently removed from the state, or otherwise disposed of by the registered owner. The fee for this license plate is thirty-six dollars. Upon the sale, permanent removal from the state, or other disposition of a trailing unit bearing a permanent license plate the registered owner is required to return the license plate and registration certificate to the department. Violations of this section or misuse of a permanent license plate may subject the registered owner to prosecution or denial, or both, of future permanent registration of any trailing units. This section does not apply to any trailing units subject to the annual excise taxes prescribed in RCW 82.44.020. The department is authorized to adopt rules to implement this section for leased vehicles and other applications as necessary.))

(1) Trailers that are towed in combination with a truck, motor truck, truck tractor, road tractor, or tractor and used to transport loads in excess of forty thousand pounds combined gross weight may be issued a permanent license plate and registration. The permanent license plate and registration is valid until the trailer is sold, permanently removed from the state, or otherwise disposed of by the registered owner. The owner of the trailer shall:

(a) Apply for the permanent license plate and registration with the department, county auditor or other agent, or subagent;

(b) Pay the combination trailer license plate fee required under section 516 of this act in addition to any other fee or taxes due by law; and

(c) Return the license plate and registration certificate to the department if the trailer is sold, permanently removed from the state, or otherwise disposed of.

(2) The permanent license plate and registration authorized in subsection (1) of this section may not be issued to trailers that haul logs.

(3) A violation of this section or misuse of a permanent license plate may subject the registered owner to prosecution or denial, or both, of future permanent registration of any trailer.

(4) The department may adopt rules to implement this section for leased vehicles and other applications as necessary.

Sec. 419. RCW 46.16.070 and 2005 c 314 s 204 are each amended to read as follows:

((1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight under chapter 46.44 RCW, the following licensing fees by weight:

WEIGHT	SCHEDULE A	SCHEDULE B
4,000 lbs.	\$ 40.00	\$ 40.00
6,000 lbs.	\$ 50.00	\$ 50.00
8,000 lbs.	\$ 60.00	\$ 60.00
10,000 lbs.	\$ 62.00	\$ 62.00
12,000 lbs.	\$ 79.00	\$ 79.00

14,000 lbs.	\$ 90.00	\$ 90.00	80,000 lbs.	\$ 1,742.00	\$ 1,832.00
16,000 lbs.	\$ 102.00	\$ 102.00	82,000 lbs.	\$ 1,863.00	\$ 1,953.00
18,000 lbs.	\$ 154.00	\$ 154.00	84,000 lbs.	\$ 1,983.00	\$ 2,073.00
20,000 lbs.	\$ 171.00	\$ 171.00	86,000 lbs.	\$ 2,104.00	\$ 2,194.00
22,000 lbs.	\$ 185.00	\$ 185.00	88,000 lbs.	\$ 2,225.00	\$ 2,315.00
24,000 lbs.	\$ 200.00	\$ 200.00	90,000 lbs.	\$ 2,346.00	\$ 2,436.00
26,000 lbs.	\$ 211.00	\$ 211.00	92,000 lbs.	\$ 2,466.00	\$ 2,556.00
28,000 lbs.	\$ 249.00	\$ 249.00	94,000 lbs.	\$ 2,587.00	\$ 2,677.00
30,000 lbs.	\$ 287.00	\$ 287.00	96,000 lbs.	\$ 2,708.00	\$ 2,798.00
32,000 lbs.	\$ 346.00	\$ 346.00	98,000 lbs.	\$ 2,829.00	\$ 2,919.00
34,000 lbs.	\$ 368.00	\$ 368.00	100,000 lbs.	\$ 2,949.00	\$ 3,039.00
36,000 lbs.	\$ 399.00	\$ 399.00	102,000 lbs.	\$ 3,070.00	\$ 3,160.00
38,000 lbs.	\$ 438.00	\$ 438.00	104,000 lbs.	\$ 3,191.00	\$ 3,281.00
40,000 lbs.	\$ 501.00	\$ 501.00	105,500 lbs.	\$ 3,312.00	\$ 3,402.00
42,000 lbs.	\$ 521.00	\$ 611.00			
44,000 lbs.	\$ 532.00	\$ 622.00			
46,000 lbs.	\$ 572.00	\$ 662.00			
48,000 lbs.	\$ 596.00	\$ 686.00			
50,000 lbs.	\$ 647.00	\$ 737.00			
52,000 lbs.	\$ 680.00	\$ 770.00			
54,000 lbs.	\$ 734.00	\$ 824.00			
56,000 lbs.	\$ 775.00	\$ 865.00			
58,000 lbs.	\$ 806.00	\$ 896.00			
60,000 lbs.	\$ 859.00	\$ 949.00			
62,000 lbs.	\$ 921.00	\$ 1,011.00			
64,000 lbs.	\$ 941.00	\$ 1,031.00			
66,000 lbs.	\$ 1,048.00	\$ 1,138.00			
68,000 lbs.	\$ 1,093.00	\$ 1,183.00			
70,000 lbs.	\$ 1,177.00	\$ 1,267.00			
72,000 lbs.	\$ 1,259.00	\$ 1,349.00			
74,000 lbs.	\$ 1,368.00	\$ 1,458.00			
76,000 lbs.	\$ 1,478.00	\$ 1,568.00			
78,000 lbs.	\$ 1,614.00	\$ 1,704.00			

((Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

(3) In lieu of the gross weight fee under subsection (1) of this section, farm vehicles may be licensed upon payment of the fee in effect under subsection (1) of this section on May 1, 2005. In order to qualify for the reduced fee under this subsection, the farm vehicle must be exempt from property taxes in accordance with RCW 84.36.630. The applicant must submit copies of the forms required under RCW 84.36.630. The application for the reduced fee under this subsection shall require the applicant to attest that the vehicle shall be used primarily for farming purposes. The department shall provide licensing agents and subagents with a schedule of the appropriate licensing fees for farm vehicles.))

(1) **Auto stage, bus, for hire vehicle - more than six seats.** The declared gross weight for an auto stage, bus, or for hire vehicle, except taxicabs, with a seating capacity of more than six is determined by:

(a) Multiplying the number of seats, including the driver, times one hundred fifty pounds per seat;

(b) Adding the scale weight to the product derived in (a) of this subsection; and

(c) Locating the sum derived in (b) of this subsection in the registration fee based on declared gross weight table provided in section 530 of this act and rounding up to the next greater weight.

(2) **Motor truck, road tractor, truck, truck tractor - sufficient declared gross weight required.** The declared gross weight for a motor truck, road tractor, truck, or truck tractor must have a sufficient declared gross weight, as required under chapter 46.44 RCW, to cover:

(a) Its empty scale weight plus the maximum load it will carry; and

(b) The empty scale weight of any trailer it will tow and the maximum load that the trailer will carry. The declared gross weight of the motor vehicle does not need to include the trailer if:

(i) The empty scale weight of the trailer and the maximum load the trailer will carry does not exceed four thousand pounds; or

(ii) The trailer is for personal use, such as a horse trailer, travel trailer, or utility trailer.

(3) **Motor truck, road tractor, truck, and truck tractor - exceeding six thousand pounds empty scale weight.** Every truck, motor truck, truck tractor, and tractor exceeding six thousand pounds empty scale weight registered under chapter 46.16 or 46.87 RCW must be licensed for not less than one hundred fifty percent of its empty weight unless:

(a) The amount would exceed the legal limits described in RCW 46.44.041 or 46.44.042, in which event the vehicle must be licensed for the maximum weight authorized for the vehicle; or

(b) The vehicle is a fixed load vehicle.

(4) **Increasing declared gross weight.** The following provisions apply when increasing declared gross weight for a motor vehicle licensed under this section:

(a) The declared gross weight must be increased to the end of the current registration year when the declared gross weight remains at 12,000 pounds or less.

(b) For motor vehicles increasing to a declared gross weight of 14,000 pounds or more, the declared gross weight must be increased, at a minimum, to the expiration of the current declared gross weight license.

(c) The new license fee is one-twelfth of the annual license fee listed in section 530 of this act for each of the number of months remaining in the registration period. The department shall:

(i) Apply credit to any gross weight license fees already paid for the full months remaining in the registration period;

(ii) Charge the monthly declared gross weight license fee required under section 532 of this act, in addition to any other fees or taxes due; and

(iii) Not apply credit to monthly declared gross weight license fees already used.

(d) (c) of this subsection does not apply to motor vehicles described in (a) of this subsection.

(e) Upon surrender of the current registration certificate or cab card, credit must be applied as described in (c) of this subsection.

(5) **Monthly license--Authorized.** The annual license fees required in section 530 of this act for any motor vehicle or combination of vehicles having a declared gross weight of twelve thousand one pounds or more may be paid for any full registration month or months at one-twelfth of the annual license fee plus the monthly declared gross weight license fee required in section 532 of this act. This sum must be multiplied by the number of full months

for which the fees are paid if for less than a full year.

(6) **Monthly license--Penalty.** Operation of a vehicle registered under subsection (5) of this section by any person upon the public highways after the expiration of the monthly license is a traffic infraction. The person shall pay a license fee for the vehicle involved covering an entire registration year's operation, less the fees for any registration month or months of the registration year already paid. If, within five days, a license fee for a full registration year has not been paid as required, the Washington state patrol, county sheriff, or city police shall impound the vehicle until the fees have been paid.

(7) **Camper, school bus--Exemptions.** (a) The weight of a camper must not be included when determining declared gross weight.

(b) Motor vehicles used for the transportation of school children or teachers to and from school and other school activities are exempt from subsection (1) of this section and the seating capacity fee provided in section 529 of this act. If the motor vehicle is used for any other purpose, it must be appropriately registered as required under this chapter.

(8) **Credit for unused license fee.** A registered owner of a motor vehicle with a declared gross weight of more than twelve thousand pounds may obtain credit for the unused portion of the license fee paid or transfer the credit to a new owner under the following conditions:

(a) The motor vehicle must have been recently sold or transferred to another owner, is no longer in the possession of the owner, or is reported destroyed under RCW 46.12.070 (as recodified by this act);

(b) The available credit must be fifteen dollars or more;

(c) Credit will be given for any unused months of the declared gross weight license already purchased at the rate of one-twelfth for each full or partial month of registration;

(d) Credit only applies to license fees due under section 530 of this act for the registration year for which it was purchased;

(e) Credit as used in this section may not be refunded.

Sec. 420. RCW 46.16.076 and 2009 c 512 s 1 are each amended to read as follows:

((1)(a) Except as otherwise provided in this section, the department shall collect from the owners of vehicles registered under RCW 46.16.0621 and vehicles licensed under RCW 46.16.070 with a declared gross weight of ten thousand pounds or less a voluntary donation of five dollars at the time of initial or renewal registration. The donation must be deposited in the state parks renewal and stewardship account established in RCW 79A.05.215 to be used for the operation and maintenance of state parks.

(b) The donation required under this section may not be collected from any vehicle owner actively opting not to participate in the donation program. The department shall ensure that the opt-out donation under this section shall be clear, visible, and prominently displayed in both paper and online vehicle registration renewals. Notification of intent to not participate in the donation program must be provided annually at the time of vehicle registration renewal.

(2) This section applies to registrations due or to become due on or after September 1, 2009.)

(1) The department, county auditor or other agent, or subagent appointed by the director shall provide an opportunity for a vehicle owner to make a voluntary donation as provided in this section when applying for an initial or renewal vehicle registration.

(2)(a) A vehicle owner who registers a vehicle under this chapter may donate one dollar or more to the organ and tissue donation awareness account to promote the donation of organs and tissues under the uniform anatomical gift act as described in chapter 68.64 RCW. The donation of one or more dollars is voluntary and may be refused by the vehicle owner.

(b) The department, county auditor or other agent, or subagent appointed by the director shall:

(i) Ask a vehicle owner applying for a vehicle registration if the

owner would like to donate one dollar or more;

(ii) Inform a vehicle owner of the option for organ and tissue donations as required under RCW 46.20.113; and

(iii) Make information booklets or other informational material available regarding the importance of organ and tissue donations to vehicle owners.

(c) All reasonable costs associated with the creation of the donation program created under this section must be paid proportionally or by another agreement by a participating Washington state organ procurement organization established for organ and tissue donation awareness purposes by the Washington state organ procurement organizations. For the purposes of this section, "reasonable costs" and "Washington state organ procurement organization" have the same meaning as in RCW 68.64.010.

(3) The department shall collect from a vehicle owner who pays a vehicle license fee under section 531(1) (a), (d), (e), (g), (h), (j), (n), (o), or (g) of this act or who registers a vehicle under RCW 46.16.070 (as recodified by this act) with a declared gross weight of ten thousand pounds or less a voluntary donation of five dollars. The donation may not be collected from any vehicle owner actively opting not to participate in the donation program. The department shall ensure that the opt-out donation under this section is clear, visible, and prominently displayed in both paper and online vehicle registration renewals. Notification of intent to not participate in the donation program must be provided annually at the time of vehicle registration renewal. The donation must be deposited in the state parks renewal and stewardship account established in RCW 79A.05.215 to be used for the operation and maintenance of state parks.

Sec. 421. RCW 46.16.086 and 2006 c 337 s 2 are each amended to read as follows:

(In lieu of the license tab fees provided in RCW 46.16.0621, private use single-axle trailers of two thousand pounds scale weight or less may be licensed upon the payment of a license fee in the sum of fifteen dollars, but only if) Private use single-axle trailers of two thousand pounds scale weight or less may qualify for a reduced vehicle license fee described in section 531(1)(k) of this act. To qualify for the reduced vehicle license fee:

(1) The trailer ((is)) must be operated upon public highways((,));

(2) The vehicle license fee must be collected annually for each registration year or fraction of a registration year((. This reduced license fee applies only to)); and

(3) The trailer((s)) must be operated for personal use of the owner((s,)) and not ((trailers)) held for rental to the public or used in any commercial or business endeavor. ((The proceeds from the fees collected under this section shall be distributed in accordance with RCW 46.68.035(2)).

NEW SECTION. Sec. 422. A new section is added to chapter 46.16 RCW under the subchapter heading "general provisions" to read as follows:

(1) **Design.** All license plates may be obtained by the director from the metal working plant of a state correctional facility or from any source in accordance with existing state of Washington purchasing procedures. License plates:

(a) May vary in background, color, and design;

(b) Must be legible and clearly identifiable as a Washington state license plate;

(c) Must designate the name of the state of Washington without abbreviation;

(d) Must be treated with fully reflectorized materials designed to increase visibility and legibility at night;

(e) Must be of a size and color and show the registration period as determined by the director; and

(f) May display a symbol or artwork approved by the special license plate review board and the legislature.

(2) **Exceptions to reflectorized materials.** License plates issued before January 1, 1968, are not required to be treated with reflectorized materials.

(3) **Dealer license plates.** License plates issued to a dealer must contain an indication that the license plates have been issued to a vehicle dealer.

(4)(a) **Furnished.** The director shall furnish to all persons making satisfactory application for a vehicle registration:

(i) Two identical license plates each containing the license plate number; or

(ii) One license plate if the vehicle is a trailer, semitrailer, camper, moped, collector vehicle, horseless carriage, or motorcycle.

(b) The director may adopt types of license plates to be used as long as the license plates are legible.

(5)(a) **Display.** License plates must be:

(i) Attached conspicuously at the front and rear of each vehicle if two license plates have been issued;

(ii) Attached to the rear of the vehicle if one license plate has been issued;

(iii) Kept clean and be able to be plainly seen and read at all times; and

(iv) Attached in a horizontal position at a distance of not more than four feet from the ground.

(b) The Washington state patrol may grant exceptions to this subsection if the body construction of the vehicle makes compliance with this section impossible.

(6) **Change of license classification.** A person who has altered a vehicle that makes the current license plate or plates invalid for the vehicle's use shall:

(a) Surrender the current license plate or plates to the department, county auditor or other agent, or subagent appointed by the director;

(b) Apply for a new license plate or plates; and

(c) Pay a change of classification fee required under section 523 of this act.

(7) **Unlawful acts.** It is unlawful to:

(a) Display a license plate or plates on the front or rear of any vehicle that were not issued by the director for the vehicle;

(b) Display a license plate or plates on any vehicle that have been changed, altered, or disfigured, or have become illegible;

(c) Use holders, frames, or other materials that change, alter, or make a license plate or plates illegible. License plate frames may be used on license plates only if the frames do not obscure license tabs or identifying letters or numbers on the plates and the license plates can be plainly seen and read at all times;

(d) Operate a vehicle unless a valid license plate or plates are attached as required under this section;

(e) Transfer a license plate or plates issued under this chapter between two or more vehicles without first making application to transfer the license plates. A violation of this subsection (7)(e) is a traffic infraction subject to a fine not to exceed five hundred dollars.

Any law enforcement agency that determines that a license plate or plates have been transferred between two or more vehicles shall confiscate the license plate or plates and return them to the department for nullification along with full details of the reasons for confiscation. Each vehicle identified in the transfer will be issued a new license plate or plates upon application by the owner or owners and the payment of full fees and taxes; or

(f) Fail, neglect, or refuse to endorse the registration certificate and deliver the license plate or plates to the purchaser or transferee of the vehicle, except as authorized under this section.

(8) **Transfer.** (a) Standard issue license plates follow the vehicle when ownership of the vehicle changes unless the registered owner wishes to retain the license plates and transfer them to a replacement vehicle of the same use. A registered owner wishing to keep standard issue license plates shall pay the license plate transfer fee required

under section 518(1)(c) of this act when applying for license plate transfer.

(b) Special license plates may be treated in the same manner as described in (a) of this subsection unless otherwise limited by law.

(c) License plates issued to the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law may be treated in the same manner as described in (a) of this subsection.

(9) **Replacement.** (a) An owner or the owner's authorized representative shall apply for a replacement license plate or plates if the current license plate or plates assigned to the vehicle have been lost, defaced, or destroyed, or if one or both plates have become so illegible or are in such a condition as to be difficult to distinguish. An owner or the owner's authorized representative may apply for a replacement license plate or plates at any time the owner chooses.

(b) The application for a replacement license plate or plates must:

(i) Be on a form furnished or approved by the director; and

(ii) Be accompanied by the fee required under section 518(1)(a) of this act.

(c) The department shall not require the payment of any fee to replace a license plate or plates for vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty.

(10)(a) **Periodic replacement.** License plates must be replaced periodically to ensure maximum legibility and reflectivity. The department shall:

(i) Use empirical studies documenting the longevity of the reflective materials used to make license plates;

(ii) Determine how frequently license plates must be replaced; and

(iii) Offer to owners the option of retaining the current license plate number when obtaining replacement license plates for the fee required in section 518(1)(b) of this act.

(b) Commercial motor vehicles with a gross weight in excess of twenty-six thousand pounds are exempt from periodic license plate replacement.

(11) **Periodic replacement--exceptions.** The following license plates are not required to be periodically replaced as required in subsection (10) of this section:

(a) Horseless carriage license plates issued under section 623 of this act before January 1, 1987;

(b) Congressional Medal of Honor license plates issued under section 618 of this act;

(c) License plates for commercial motor vehicles with a gross weight greater than twenty-six thousand pounds.

(12) **Rules.** The department may adopt rules to implement this section.

(13) **Tags or emblems.** The director may issue tags or emblems to be attached to license plates or elsewhere on the vehicle to signify initial registration and renewals. Renewals become effective when tags or emblems have been issued and properly displayed on license plates.

Sec. 423. RCW 46.16.090 and 1989 c 156 s 3 are each amended to read as follows:

(Motor trucks, truck tractors, and tractors may be specially licensed based on the declared gross weight thereof for the various amounts set forth in the schedule provided in RCW 46.16.070 less twenty-three dollars; divide the difference by two and add twenty-three dollars, when such vehicles are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such vehicles are to be used for the transportation of the farmer's own farm, orchard, or dairy products, or the farmer's own private sector cultured aquatic products as defined in RCW 15.85.020, from point of production to market or warehouse, and of supplies to be used on the farmer's farm. Fish other than those that are such private sector cultured aquatic products and forestry products

are not considered as farm products; and/or

(2) When such vehicles are to be used for the infrequent or seasonal transportation by one farmer for another farmer in the farmer's neighborhood of products of the farm, orchard, dairy, or aquatic farm owned by the other farmer from point of production to market or warehouse, or supplies to be used on the other farm, but only if transportation for another farmer is for compensation other than money. Farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on such vehicles, when used in the transportation of the farmer's own farm machinery between the farmer's own farm or farms and for a distance of not more than thirty-five miles from the farmer's farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to the effect that the vehicle concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles to indicate that the vehicle is specially licensed, or may, in its discretion, substitute a special license plate for such vehicle for such designation.

Operation of such a specially licensed vehicle in transportation upon public highways in violation of the limitations of this section is a traffic infraction.)

(1) Motor trucks, truck tractors, and tractors owned and operated by farmers may receive a reduction in gross weight license fees as described in section 527 of this act only if the vehicle is used exclusively to transport:

(a) The farmer's own farm, orchard, dairy, or private sector cultured aquatic products as defined in RCW 15.85.020, from point of production to market or warehouse. Fish other than private sector cultured aquatic products or forestry products are not considered farm products;

(b) Supplies used on the farmer's farm; or

(c) Products owned by the farm as listed in (a) of this subsection for another farmer in the neighborhood on a seasonal or infrequent basis. This may only be for compensation other than money.

(2) Farm vehicles that meet the requirements provided in subsection (1)(a) through (c) of this section may receive a reduction in gross weight license fees if the farm is exempt from property taxes under RCW 84.36.630. The reduction is the reduced gross weight license fee provided in section 527 of this act. To qualify for the additional gross weight license fee reduction, the farmer must submit copies of the forms as required under RCW 84.36.630.

(3) An additional eight thousand pounds gross weight within the legal limits on farm vehicles may be used if the farmer is transporting the farmer's own farm machinery between the farmer's own farm or farms and for a distance of not more than thirty-five miles.

(4) The application for a reduced gross weight license fee must be made by the farmer or the farmer's authorized representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department and must contain a statement that the vehicle will be used subject to the limitations of this section.

(5) The department, county auditor or other agent, or subagent appointed by the director shall issue a unique series of license tags for farm vehicles registered under this section. Farm tags must be placed on all farm vehicles registered under this section to indicate that the vehicle is registered as a farm vehicle. The department may substitute a special license plate for farm vehicles.

(6) It is a traffic infraction to operate a farm vehicle registered under this section on the public highways in violation of the limitations of this section.

Sec. 424. RCW 46.16.125 and 1997 c 215 s 2 are each amended to read as follows:

In addition to the license fees required ~~((by))~~ under section 530 of this act for registering vehicles under RCW 46.16.070 (as recodified

by this act), operators of auto stages with seating capacity over six shall pay, at the time they file gross earning returns with the utilities and transportation commission, the sum of fifteen cents for each one hundred vehicle miles operated by each auto stage over the public highways of this state. However, in the case of each auto stage propelled by steam, electricity, natural gas, diesel oil, butane, or propane, the payment required in this section is twenty cents per one hundred miles of such operation. The commission shall transmit all sums so collected to the state treasurer, who shall deposit the same in the motor vehicle fund. Any person failing to make any payment required by this section is subject to a penalty of one hundred percent of the payment due in this section, in addition to any penalty provided for failure to submit a report. Any penalties so collected shall be credited to the public service revolving fund.

Sec. 425. RCW 46.16.160 and 2007 c 419 s 6 are each amended to read as follows:

((1) The owner of a vehicle which under reciprocal relations with another jurisdiction would be required to obtain a license registration in this state or an unlicensed vehicle which would be required to obtain a license registration for operation on public highways of this state may, as an alternative to such license registration, secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of license registration, and licensed gross weight if applicable. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles. Trip permits are required for movement of mobile homes or park model trailers and may only be issued if property taxes are paid in full. For the purpose of this section, a vehicle is considered unlicensed if the licensed gross weight currently in effect for the vehicle or combination of vehicles is not adequate for the load being carried. Vehicles registered under RCW 46.16.135 shall not be operated under authority of trip permits in lieu of further registration within the same registration year.

(2) Each trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for such vehicle for a period of three consecutive days commencing with the day of first use. No more than three such permits may be used for any one vehicle in any period of thirty consecutive days, except that in the case of a recreational vehicle as defined in RCW 43.22.335, no more than two trip permits may be used for any one vehicle in a one-year period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(3) Vehicles operating under authority of trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of such permit for four years.

(5) Trip permits may be obtained from field offices of the department of transportation, department of licensing, or other agents appointed by the department. The fee for each trip permit is twenty dollars. Five dollars from every twenty-dollar trip permit fee shall be deposited into the state patrol highway account and must be used for commercial motor vehicle inspections. For each permit issued, the fee includes a filing fee as provided by RCW 46.01.140 and an excise tax of one dollar. The remaining portion of the trip permit fee must be deposited to the credit of the motor vehicle fund as an administrative fee. If the filing fee amount of three dollars as prescribed in RCW 46.01.140 is increased or decreased after July 1, 2002, the administrative fee must be increased or decreased by the

same amount so that the total trip permit would be adjusted equally to compensate. These fees and taxes are in lieu of all other vehicle license fees and taxes. No exchange, credits, or refunds may be given for trip permits after they have been purchased.

(6) The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(7) Commercial motor vehicles that are owned by a motor carrier subject to RCW 46.32.080, must not be operated on trip permits authorized by RCW 46.16.160 or 46.16.162 if the motor carrier's department of transportation number has been placed out of service by the Washington state patrol. A violation of or a failure to comply with this subsection is a gross misdemeanor, subject to a minimum monetary penalty of two thousand five hundred dollars for the first violation and five thousand dollars for each subsequent violation.

(8) Except as provided in subsection (7) of this section, a violation of or a failure to comply with any provision of this section is a gross misdemeanor.

(9) The department of licensing may adopt rules as it deems necessary to administer this section.

(10) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief programs. All other administrative fees and excise taxes collected under the provisions of this chapter shall be forwarded by the department with proper identifying detailed report to the state treasurer who shall deposit the administrative fees to the credit of the motor vehicle fund and the excise taxes to the credit of the general fund. Filing fees will be forwarded and reported to the state treasurer by the department as prescribed in RCW 46.01.140.)

(1)(a) A vehicle owner may operate an unregistered vehicle on public highways under the authority of a trip permit issued by this state. For purposes of trip permits, a vehicle is considered unregistered if:

(i) Under reciprocal relations with another jurisdiction, the owner would be required to register the vehicle in this state;

(ii) The license tabs have expired; or

(iii) The current gross weight license is insufficient for the load being carried. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles or forty thousand pounds for a single unit vehicle with three or more axles.

(b) Trip permits are required to move mobile homes or park model trailers and may only be issued if property taxes are paid in full.

(2) Trip permits may not be:

(a) Issued to vehicles registered under RCW 46.16.070(5) (as recodified by this act) in lieu of further registration within the same registration year; or

(b) Used for commercial motor vehicles owned by a motor carrier subject to RCW 46.32.080 if the motor carrier's department of transportation number has been placed out of service by the Washington state patrol. A violation of or a failure to comply with this subsection is a gross misdemeanor, subject to a minimum monetary penalty of two thousand five hundred dollars for the first violation and five thousand dollars for each subsequent violation.

(3)(a) Each trip permit authorizes the operation of a single vehicle at the maximum legal weight limit for the vehicle for a period of three consecutive days beginning with the day of first use. No more than three trip permits may be used for any one vehicle in any thirty consecutive day period. No more than two trip permits may be used for any one recreational vehicle, as defined in RCW 43.22.335, in a

one-year period. Every trip permit must:

- (i) Identify the vehicle for which it is issued;
- (ii) Be completed in its entirety;
- (iii) Be signed by the operator before operation of the vehicle on the public highways of this state;
- (iv) Not be altered or corrected. Altering or correcting data on the trip permit invalidates the trip permit; and
- (v) Be displayed on the vehicle for which it is issued as required by the department.

(b) Vehicles operating under the authority of trip permits are subject to all laws, rules, and regulations affecting the operation of similar vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of each permit for four years.

(5) Trip permits may be obtained from field offices of the department of transportation, department of licensing, county auditors or other agents, and subagents appointed by the department for the fee provided in section 535(1)(h) of this act. Exchanges, credits, or refunds may not be given for trip permits after they have been purchased.

(6) Except as provided in subsection (2)(b) of this section, a violation of or a failure to comply with this section is a gross misdemeanor.

(7) The department may adopt rules necessary to administer this section.

Sec. 426. RCW 46.16.162 and 2009 c 452 s 1 are each amended to read as follows:

(1) The owner of a farm vehicle (~~(licensed)~~) registered under RCW 46.16.090 purchasing a monthly (~~(license)~~) registration under RCW (~~46.16.135~~) 46.16.070(5) (as recodified by this act) may (~~as an alternative to the~~) operate the farm vehicle under the authority of a farm vehicle trip permit if:

(a) There is less than one full month remaining in the first (~~(partial)~~) month of the (~~(license)~~) registration (~~(secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state)~~); or

(b) A previously issued monthly registration has expired.

(2) A vehicle operating under the authority of a farm vehicle trip permit is subject to all laws and rules affecting the operation of similar vehicles in this state. The licensed gross weight of a vehicle operating under a farm vehicle trip permit may not exceed eighty thousand pounds for a combination of vehicles (~~(noe)~~) or forty thousand pounds for a single unit vehicle with three or more axles.

((2) If a monthly license previously issued has expired, the owner of a farm vehicle may, as an alternative to purchasing a full monthly license, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.))

(3) Each farm vehicle trip permit (~~(shall)~~) authorizes the operation of a single vehicle at the maximum legal weight limit for the vehicle for thirty days, (~~(commencing)~~) beginning with the day of first use. No more than four (~~(such)~~) farm vehicle trip permits may be used for any one vehicle in any twelve-month period. Every farm vehicle trip permit (~~(shall)~~) must:

(a) Identify (~~(as the department may require)~~) the vehicle for which it is issued (~~(and shall)~~);

(b) Be completed in its entirety (~~(and)~~);

(c) Be signed by the operator before operation of the vehicle on the public highways of this state (~~(Correction of data on the permit such as dates, license number, or vehicle identification number)~~);

(d) Not be altered or corrected. Altering or correcting data on the farm vehicle trip permit invalidates the permit (~~(The farm vehicle trip permit shall)~~); and

(e) Be displayed on the vehicle to which it is issued as (~~(prescribed)~~) required by the department.

(4) ((Vehicles operating under authority of farm vehicle trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(5)) Farm vehicle trip permits may be obtained from the department ((of licensing)), county auditors or other agents ((and)), or subagents appointed by the ((department)) director for the fee provided in section 535(1)(c) of this act. ((The fee for each farm vehicle trip permit is six dollars and twenty-five cents. Farm vehicle trip permits sold by the department's agents or subagents are subject to fees specified in RCW 46.01.140 (4)(a), (5)(b), or (6).

(6) The proceeds from farm vehicle trip permits received by the director shall be forwarded to the state treasurer to be distributed as provided in RCW 46.68.035(2).

(7) No)) Exchanges, credits, or refunds may not be given for farm vehicle trip permits after they have been purchased.

((8)) (5) The department (~~(of licensing)~~) may adopt rules as it deems necessary to administer this section.

NEW SECTION. Sec. 427. A new section is added to chapter 46.16 RCW under the subchapter heading "permits and uses" to read as follows:

The owner of a commercial vehicle properly registered in another state may apply to the department, county auditor or other agent, or subagent appointed by the director for an out-of-state commercial vehicle intrastate permit when operating the commercial vehicle in Washington state for periods less than one year. The permit may be issued for a thirty, sixty, or ninety-day period. For each thirty-day period, the cost of each permit is one-twelfth of the fees required under chapter 82.44 RCW if the vehicle is subject to locally imposed motor vehicle excise taxes and (1) under section 530(1) of this act if the vehicle is a motor vehicle or (2) under section 531(1)(c) of this act if the vehicle is a commercial trailer.

Sec. 428. RCW 46.16.210 and 2001 c 206 s 1 are each amended to read as follows:

((1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

(3) Persons expecting to be out of the state during the normal renewal period of a vehicle license may secure renewal of such vehicle license and have license plates or tabs preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by such license fees, and excise tax as may be required by law.

(4) Application for the annual renewal of a vehicle license number plate to the director or the director's agents shall not be required for those vehicles owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington or a governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior.))

(1) A registered owner or the registered owner's authorized representative must apply for a renewal vehicle registration to the

department, county auditor or other agent, or subagent appointed by the director on a form approved by the director. The application for a renewal vehicle registration must be accompanied by a draft, money order, certified bank check, or cash for all fees and taxes required by law for the application for a renewal vehicle registration.

(2) An application and the fees and taxes for a renewal vehicle registration must be handled in the same manner as an original vehicle registration application. The registration does not need to show the name of the lien holder when the application for renewal vehicle registration becomes the renewal registration upon validation.

(3) A person expecting to be out of state during the normal renewal period of a vehicle registration may renew a vehicle registration and have license plates or tabs preissued by applying for a renewal as described in subsection (1) of this section. A vehicle registration may be renewed for the subsequent registration year up to eighteen months before the current expiration date and must be displayed from the date of issue or from the day of the expiration of the current registration year, whichever date is later.

(4) An application for a renewal vehicle registration is not required for those vehicles owned, rented, or leased by:

- (a) The state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington; or
- (b) A governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior.

Sec. 429. RCW 46.16.212 and 1989 c 353 s 10 are each amended to read as follows:

The department (~~(of licensing)~~) shall notify (~~(the public)~~) motor vehicle owners of the liability insurance requirements (~~((of)) described in RCW 46.30.020 through 46.30.040 at the time of ((new)) issuance of an original motor vehicle registration and when the department sends a motor vehicle registration renewal notice.~~

Sec. 430. RCW 46.16.216 and 2004 c 231 s 4 are each amended to read as follows:

((1) To renew a vehicle license, an applicant shall satisfy all listed standing, stopping, and parking violations, and other infractions issued under RCW 46.63.030(1)(d) for the vehicle incurred while the vehicle was registered in the applicant's name and forwarded to the department pursuant to RCW 46.20.270(3). For the purposes of this section, "listed" standing, stopping, and parking violations, and other infractions issued under RCW 46.63.030(1)(d) include only those violations for which notice has been received from state or local agencies or courts by the department one hundred twenty days or more before the date the vehicle license expires and that are placed on the records of the department. Notice of such violations received by the department later than one hundred twenty days before that date that are not satisfied shall be considered by the department in connection with any applications for license renewal in any subsequent license year. The renewal application may be processed by the department or its agents only if the applicant:

- (a) Presents a preprinted renewal application showing no listed standing, stopping, or parking violations, or other infractions issued under RCW 46.63.030(1)(d), or in the absence of such presentation, the agent verifies the information that would be contained on the preprinted renewal application; or
- (b) If listed standing, stopping, or parking violations, or other infractions issued under RCW 46.63.030(1)(d) exist, presents proof of payment and pays a fifteen dollar surcharge.

(2) The surcharge shall be allocated as follows:

- (a) Ten dollars shall be deposited in the motor vehicle fund to be used exclusively for the administrative costs of the department of licensing; and
- (b) Five dollars shall be retained by the agent handling the renewal application to be used by the agent for the administration of this section.

(3) If there is a change in the registered owner of the vehicle, the

department shall forward the information regarding the change to the state or local charging jurisdiction and release any hold on the renewal of the vehicle license resulting from parking violations or other infractions issued under RCW 46.63.030(1)(d) incurred while the certificate of license registration was in a previous registered owner's name.

(4) The department shall send to all registered owners of vehicles who have been reported to have outstanding listed parking violations or other infractions issued under RCW 46.63.030(1)(d), at the time of renewal, a statement setting out the dates and jurisdictions in which the violations occurred as well as the amounts of unpaid fines and penalties relating to them and the surcharge to be collected.))

(1) Each court and government agency located in this state having jurisdiction over standing, stopping, and parking violations, the use of a photo enforcement system under RCW 46.63.160, and the use of automated traffic safety cameras under RCW 46.63.170 may forward to the department any outstanding:

- (a) Standing, stopping, and parking violations;
- (b) Photo enforcement infractions issued under RCW 46.63.030(1)(d); and
- (c) Automated traffic safety camera infractions issued under RCW 46.63.030(1)(e).

(2) Violations and infractions described in subsection (1) of this section must be reported to the department in the manner described in RCW 46.20.270(3).

(3) The department shall:

(a) Record the violations and infractions on the matching vehicle records; and

(b) Send notice approximately one hundred twenty days in advance of the current vehicle registration expiration date to the registered owner listing the dates and jurisdictions in which the violations occurred, the amounts of unpaid fines and penalties, and the surcharge to be collected. Only those violations and infractions received by the department one hundred twenty days or more before the current vehicle registration expiration date will be included in the notice. Violations and infractions received by the department later than one hundred twenty days before the current vehicle registration expiration date that are not satisfied will be delayed until the next vehicle registration expiration date.

(4) The department, county auditor or other agent, or subagent appointed by the director shall not renew a vehicle registration if there are any outstanding standing, stopping, and parking violations, and other infractions issued under RCW 46.63.030(1)(d) for the vehicle unless:

- (a) The outstanding, standing, or parking violations were received by the department within one hundred twenty days before the current vehicle registration expiration;
- (b) There is a change in registered ownership; or
- (c) The registered owner presents proof of payment of each violation and infraction provided in this section and the registered owner pays the surcharge required under section 504 of this act.

(5) The department shall:

- (a) Forward a change in registered ownership information to the court or government agency who reported the outstanding violations or infractions; and
- (b) Remove the outstanding violations and infractions from the vehicle record.

Sec. 431. RCW 46.16.225 and 1986 c 18 s 15 are each amended to read as follows:

((~~Notwithstanding any provision of law to the contrary,~~) The department may by rule extend or (~~((diminish)) reduce~~) vehicle ((license)) registration periods for the purpose of staggering renewal periods. ((~~Such extension or diminishment of a vehicle license registration period shall be by rule of the department adopted in accordance with the provisions of chapter 34.05 RCW.~~)) The rules may (~~(provide for the omission of))~~ exclude any classes or

classifications of vehicles from the staggered renewal system and may provide for the gradual introduction of classes or classifications of vehicles into the system. The rules shall provide for the collection of proportionately increased or decreased vehicle license ((~~registration~~)) fees and of excise or property taxes required to be paid at the time of registration.

It is the intent of the legislature that there shall be neither a significant net gain nor loss of revenue to the state general fund or the motor vehicle fund as the result of implementing and maintaining a staggered vehicle registration system.

Sec. 432. RCW 46.16.260 and 1986 c 18 s 16 are each amended to read as follows:

(1) A registration certificate ((~~of license registration to be valid must have endorsed thereon the signature of~~)) must be:

(a) Signed by the registered owner, or ((~~if a firm or corporation, the signature of one of its officers or other ((~~duly~~)) authorized agent((~~and must be~~)), to be valid;~~

(b) Carried in the vehicle for which it is issued((~~at all times in the manner prescribed by the department~~)); and

(c) Provided to law enforcement and the department by the operator of the vehicle upon demand.

(2) It ((~~shall be~~)) is unlawful for any person to operate or ((~~have~~)) be in ((~~his~~)) possession of a vehicle without carrying ((~~thereon such certificate of license~~)) a registration certificate for the vehicle. Any person in charge of ((~~such~~)) a vehicle shall, upon demand of any of the local authorities or of any police officer or of any representative of the department, permit an inspection of ((~~such certificate of license~~)) the vehicle registration certificate. This section does not apply to a vehicle for which ((~~annual renewal of its license plates~~)) registration is not required to be renewed annually and ((~~which~~)) is a publicly owned vehicle marked ((~~in accordance with the provisions of~~)) as required under RCW 46.08.065.

Sec. 433. RCW 46.16.265 and 1997 c 241 s 6 are each amended to read as follows:

A registered owner or the registered owner's authorized representative shall promptly apply for a duplicate registration certificate if a registration certificate ((~~of license registration~~)) is lost, stolen, mutilated, or destroyed, or becomes illegible((~~the registered owner or owners, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and twenty five cents in addition to all other fees and upon furnishing information satisfactory to the department~~)). The application for a duplicate registration certificate must include information required by the department and be accompanied by the fee required in section 525 of this act. The duplicate ((~~of the license~~)) registration ((~~shall~~)) certificate must contain the ((~~legend~~)) word, "duplicate."

A person recovering ((~~an original~~)) a registration certificate ((~~of license registration~~)) for which a duplicate has been issued shall promptly ((~~surrender~~)) return the ((~~original~~)) recovered registration certificate to the department.

NEW SECTION. Sec. 434. A new section is added to chapter 46.16 RCW under the subchapter heading "general provisions" to read as follows:

The registration certificate for a commercial vehicle must include a statement that the owner or person operating a commercial vehicle must be in compliance with the requirements of the United States department of transportation federal motor carrier safety regulations contained in 49 C.F.R. Part 382.

Sec. 435. RCW 46.16.460 and 1979 c 158 s 141 are each amended to read as follows:

((Upon the payment of a fee of ten dollars therefor, the department of licensing shall issue a temporary motor vehicle license for a motor vehicle in this state for a period of forty-five days when such motor vehicle has been or is being purchased by a nonresident member of the armed forces of the United States and an application,

accompanied with prepayment of required fees, for out of state registration has been made by the purchaser.))

(1) A nonresident member of the armed forces of the United States may apply to the department, county auditor or other agent, or subagent appointed by the director for a temporary permit for a recently purchased motor vehicle. The permit:

(a) Allows the motor vehicle to be used in Washington state while the owner applies for out-of-state registration;

(b) Is valid for forty-five days; and

(c) Must be carried on the motor vehicle so that it is clearly visible from outside of the motor vehicle.

(2) A person applying for the forty-five day permit provided in subsection (1) of this section is not subject to sales and use taxes or motor vehicle excise taxes during or after the forty-five day period of the permit unless the motor vehicle is:

(a) Still in Washington state after the forty-five day period of the permit; or

(b) Returned to Washington state within one year after the forty-five day permit has expired.

(3) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under section 535(1)(d) of this act when issuing the forty-five day permit described in this section.

(4) The department shall adopt rules to implement this section. Those rules may require proof that the nonresident member of the armed forces of the United States qualifies for the forty-five day permit before the permit may be issued.

Sec. 436. RCW 46.16.500 and 1980 c 104 s 3 are each amended to read as follows:

((~~Whenever an~~)) Both a person operating a vehicle with the express or implied permission of the owner and the owner of the vehicle are responsible for any act or omission that is declared ((~~to be~~)) unlawful in this chapter ((~~46.16 RCW, if the operator of the vehicle is not the owner or lessee of such vehicle, but is so operating or moving the vehicle with the express or implied permission of the owner or lessee, then the operator and/or owner or lessee are both subject to the provisions of this chapter with the primary responsibility to be that of the owner or lessee~~)). The primary responsibility is the owner's.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner ((~~or lessee~~)) of the vehicle, ((~~such person is fully authorized to~~)) the operator may accept the citation and execute the promise to appear on behalf of the owner ((~~or lessee~~)).

NEW SECTION. Sec. 437. A new section is added to chapter 46.16 RCW under the subchapter heading "specific vehicles" to read as follows:

This chapter applies to the following:

(1) Campers are considered vehicles for the purposes of vehicle registration and license plate display, except for campers held as part of a manufacturer's or dealer's inventory that:

(a) Are unoccupied at all times;

(b) Have been issued a dated demonstration permit that is valid for no more than seventy-two hours. The permit must be carried in the vehicle on which the camper is mounted; and

(c) Are mounted on a properly registered vehicle.

(2) Mopeds are considered vehicles for the purposes of vehicle registration and license plate display. Mopeds are exempt from personal property taxes and vehicle excise taxes imposed under chapter 82.44 RCW.

(3) Wheelchair conveyances are considered vehicles for the purposes of vehicle registration and license plate display. Wheelchair conveyances that do not meet braking equipment requirements described in RCW 46.37.340 must be registered as mopeds.

NEW SECTION. Sec. 438. The following acts or parts of acts are each repealed:

- (1) RCW 46.16.0105 (Exemption--Vehicles in national recreation areas) and 2005 c 79 s 1;
- (2) RCW 46.16.016 (Emission control inspections--Rules for licensing requirements) and 1979 ex.s. c 163 s 15;
- (3) RCW 46.16.017 (Emission standards--Compliance required to register, lease, rent, or sell vehicles--Exemptions) and 2005 c 295 s 7;
- (4) RCW 46.16.023 (Ride-sharing vehicles--Special plates--Gross misdemeanor) and 2004 c 223 s 2, 1993 c 488 s 5, & 1987 c 175 s 2;
- (5) RCW 46.16.035 (Exemptions--Private school buses) and 1990 c 33 s 584 & 1980 c 88 s 1;
- (6) RCW 46.16.0621 (License fee) and 2003 c 1 s 2, 2002 c 352 s 7, & 2000 1st sp.s. c 1 s 1;
- (7) RCW 46.16.063 (Additional fee for recreational vehicles) and 1996 c 237 s 1 & 1980 c 60 s 2;
- (8) RCW 46.16.071 (Additional fees) and 1996 c 315 s 4;
- (9) RCW 46.16.079 (Fixed load motor vehicle equipped for lifting or towing--Capacity fee in addition to and in lieu) and 1986 c 18 s 5, 1975 c 25 s 16, & 1963 c 18 s 1;
- (10) RCW 46.16.085 (Commercial trailers, pole trailers--Fee in lieu) and 1991 c 163 s 3, 1989 c 156 s 2, 1987 c 244 s 4, 1986 c 18 s 8, & 1985 c 380 s 16;
- (11) RCW 46.16.088 (Transfer of license plates--Penalty) and 1986 c 18 s 9 & 1985 c 380 s 17;
- (12) RCW 46.16.111 (Gross weight, how computed) and 1987 c 244 s 5, 1986 c 18 s 11, 1971 ex.s. c 231 s 1, 1969 ex.s. c 170 s 6, & 1967 ex.s. c 83 s 57;
- (13) RCW 46.16.121 (Seating capacity fees on stages, for hire vehicles) and 1967 ex.s. c 83 s 58;
- (14) RCW 46.16.135 (Monthly license fee--Penalty) and 1986 c 18 s 12, 1985 c 380 s 19, 1979 ex.s. c 136 s 46, 1979 c 134 s 1, 1975-'76 2nd ex.s. c 64 s 3, 1975 1st ex.s. c 118 s 6, 1969 ex.s. c 170 s 7, & 1961 c 12 s 46.16.135;
- (15) RCW 46.16.150 (School buses exempt from load and seat capacity fees) and 1961 c 12 s 46.16.150;
- (16) RCW 46.16.200 (Applications to agents--Transmittal to director) and 1961 c 12 s 46.16.200;
- (17) RCW 46.16.220 (Time of renewal of licenses--Duration) and 1997 c 241 s 9, 1991 c 339 s 20, 1975 1st ex.s. c 118 s 9, 1969 ex.s. c 170 s 9, & 1961 c 12 s 46.16.220;
- (18) RCW 46.16.230 (License plates furnished) and 1992 c 7 s 41, 1975 c 25 s 19, & 1961 c 12 s 46.16.230;
- (19) RCW 46.16.233 (Standard background--Periodic replacement--Retention of current plate number) and 2003 c 361 s 501, 2003 c 196 s 401, 2000 c 37 s 1, & 1997 c 291 s 2;
- (20) RCW 46.16.235 (State name not abbreviated) and 1965 ex.s. c 78 s 2;
- (21) RCW 46.16.237 (Reflectorized materials--Fee) and 2005 c 314 s 301, 1987 c 52 s 1, & 1967 ex.s. c 145 s 60;
- (22) RCW 46.16.240 (Attachment of plates to vehicles--Violations enumerated) and 2006 c 326 s 1;
- (23) RCW 46.16.270 (Replacement of plates--Fee) and 2005 c 314 s 302, 1997 c 291 s 3, 1990 c 250 s 32, & 1987 c 178 s 2;
- (24) RCW 46.16.280 (Sale, loss, or destruction of commercial vehicle--Credit for unused fee--Change in license classification) and 1987 c 244 s 7, 1986 c 18 s 17, 1967 c 32 s 20, & 1961 c 12 s 46.16.280;
- (25) RCW 46.16.290 (Disposition of license plates, certificate on vehicle transfer) and 2004 c 223 s 3, 1997 c 291 s 4, 1986 c 18 s 18, 1983 c 27 s 2, & 1961 c 12 s 46.16.290;
- (26) RCW 46.16.295 (Returned plates--Reuse) and 2003 c 359 s 1;
- (27) RCW 46.16.305 (Special license plates--Continuance of earlier issues--Conditions for current issues) and 2008 c 72 s 1;
- (28) RCW 46.16.307 (Collectors' vehicles--Use restrictions) and 1996 c 225 s 11;
- (29) RCW 46.16.30901 (Professional firefighters and paramedics plate) and 2004 c 35 s 1;
- (30) RCW 46.16.30902 (Washington State Council of Firefighters benevolent fund) and 2004 c 35 s 4;
- (31) RCW 46.16.30903 (Helping Kids Speak plate) and 2004 c 48 s 1;
- (32) RCW 46.16.30904 ("Helping Kids Speak" account) and 2004 c 48 s 4;
- (33) RCW 46.16.30905 (Law enforcement memorial plate) and 2004 c 221 s 1;
- (34) RCW 46.16.30906 (Law enforcement memorial account) and 2004 c 221 s 4;
- (35) RCW 46.16.30907 (Washington's Wildlife plate collection) and 2005 c 42 s 1;
- (36) RCW 46.16.30908 (Washington's Wildlife license plate collection--Definition) and 2005 c 42 s 2;
- (37) RCW 46.16.30909 (Washington state parks and recreation commission plate) and 2005 c 44 s 1;
- (38) RCW 46.16.30910 (Washington state parks and recreation commission special license plate--Definition) and 2005 c 44 s 2;
- (39) RCW 46.16.30911 ("Washington Lighthouses" plate) and 2005 c 48 s 1;
- (40) RCW 46.16.30912 (Lighthouse environmental programs account) and 2005 c 48 s 4;
- (41) RCW 46.16.30913 ("Keep Kids Safe" plate) and 2005 c 53 s 1;
- (42) RCW 46.16.30914 ("We love our pets" plate) and 2005 c 71 s 1;
- (43) RCW 46.16.30915 (We love our pets account) and 2005 c 71 s 4;
- (44) RCW 46.16.30916 (Gonzaga University alumni association plate) and 2005 c 85 s 1;
- (45) RCW 46.16.30917 (Gonzaga University alumni association account) and 2005 c 85 s 4;
- (46) RCW 46.16.30918 ("Washington's National Park Fund" plate) and 2005 c 177 s 1;
- (47) RCW 46.16.30919 ("Washington's National Park Fund" account) and 2005 c 177 s 4;
- (48) RCW 46.16.30920 (Armed forces plate collection) and 2008 c 183 s 1 & 2005 c 216 s 1;
- (49) RCW 46.16.30921 (Armed forces license plate collection--Definition--No free issuance) and 2008 c 183 s 2 & 2005 c 216 s 2;
- (50) RCW 46.16.30923 ("Ski & Ride Washington" account) and 2005 c 220 s 4;
- (51) RCW 46.16.30924 (Wild On Washington plate) and 2005 c 224 s 1;
- (52) RCW 46.16.30925 (Wild On Washington license plates--Definition) and 2005 c 224 s 2;
- (53) RCW 46.16.30926 (Endangered Wildlife plate) and 2005 c 225 s 1;
- (54) RCW 46.16.30927 (Endangered Wildlife license plates--Definition) and 2005 c 225 s 2;
- (55) RCW 46.16.30928 ("Share the Road" plate) and 2005 c 426 s 1;
- (56) RCW 46.16.30929 ("Share the Road" account) and 2005 c 426 s 4;
- (57) RCW 46.16.313 (Special license plates--Fees) and 2005 c 426 s 3, 2005 c 225 s 3, 2005 c 224 s 3, 2005 c 220 s 3, 2005 c 216 s 3, 2005 c 177 s 3, 2005 c 85 s 3, 2005 c 71 s 3, 2005 c 53 s 3, 2005 c 48 s 3, 2005 c 44 s 3, & 2005 c 42 s 3;
- (58) RCW 46.16.316 (Special license plates--Transfer of vehicle--Replacement plates) and 2005 c 210 s 2;
- (59) RCW 46.16.333 (Cooper Jones emblems) and 2005 c 426 s 5 & 2002 c 264 s 3;
- (60) RCW 46.16.335 (Special license plates and emblems--Rules) and 1990 c 250 s 10;

(61) RCW 46.16.340 (Amateur radio operator plates--Information furnished to various agencies) and 1995 c 391 s 8, 1986 c 266 s 49, 1985 c 7 s 112, 1974 ex.s. c 171 s 43, 1967 c 32 s 23, & 1961 c 12 s 46.16.340;

(62) RCW 46.16.350 (Amateur radio operator plates--Expiration or revocation of radio license--Penalty) and 1997 c 291 s 11, 1990 c 250 s 11, 1979 ex.s. c 136 s 49, 1967 c 32 s 24, & 1961 c 12 s 46.16.350;

(63) RCW 46.16.371 (Special plates for honorary consul, foreign government representative) and 1987 c 237 s 1;

(64) RCW 46.16.374 (Taipei Economic and Cultural Office--Special plates) and 2001 c 64 s 5 & 1996 c 139 s 1;

(65) RCW 46.16.376 (Taipei Economic and Cultural Office--Fee exemption) and 1996 c 139 s 2;

(66) RCW 46.16.381 (Special parking for persons with disabilities--Penalties--Enforcement--Definition) and 2007 c 262 s 1, 2007 c 44 s 1, 2006 c 357 s 2, 2005 c 390 s 2, 2004 c 222 s 2, 2003 c 371 s 1, 2002 c 175 s 33, 2001 c 67 s 1, 1999 c 136 s 1, 1998 c 294 s 1, 1995 c 384 s 1, 1994 c 194 s 6, 1993 c 106 s 1, 1992 c 148 s 1, 1991 c 339 s 21, 1990 c 24 s 1, 1986 c 96 s 1, & 1984 c 154 s 2;

(67) RCW 46.16.385 (Versions of special plates for persons with disabilities) and 2005 c 390 s 3, 2005 c 210 s 3, & 2004 c 222 s 1;

(68) RCW 46.16.470 (Temporary license--Display) and 1967 c 202 s 5;

(69) RCW 46.16.480 (Nonresident members of armed forces--Exemption from sales, use, or motor vehicle excise taxes--Extent of exemption) and 1967 c 202 s 6;

(70) RCW 46.16.490 (Nonresident members of armed forces--Rules and regulations--Proof) and 1979 c 158 s 142 & 1967 c 202 s 7;

(71) RCW 46.16.505 (Campers--License and plates--Application--Fee) and 1975 1st ex.s. c 118 s 11, 1975 c 41 s 1, & 1971 ex.s. c 231 s 7;

(72) RCW 46.16.560 (Personalized license plates--Defined) and 1975 c 59 s 1 & 1973 1st ex.s. c 200 s 2;

(73) RCW 46.16.565 (Personalized license plates--Application) and 1985 c 173 s 1, 1983 c 27 s 4, 1975 c 59 s 2, & 1973 1st ex.s. c 200 s 3;

(74) RCW 46.16.570 (Personalized license plates--Design) and 2005 c 210 s 4, 1986 c 108 s 1, 1983 1st ex.s. c 24 s 1, 1975 c 59 s 3, & 1973 1st ex.s. c 200 s 4;

(75) RCW 46.16.575 (Personalized license plates--Issuance to registered owner only) and 1973 1st ex.s. c 200 s 5;

(76) RCW 46.16.580 (Personalized license plates--Application requirements) and 1973 1st ex.s. c 200 s 6;

(77) RCW 46.16.585 (Personalized license plates--Fees--Renewal--Penalty) and 1979 ex.s. c 136 s 51, 1975 c 59 s 4, & 1973 1st ex.s. c 200 s 7;

(78) RCW 46.16.590 (Personalized license plates--Transfer fees) and 2004 c 223 s 5, 1975 c 59 s 5, & 1973 1st ex.s. c 200 s 8;

(79) RCW 46.16.595 (Personalized license plates--Transfer or surrender upon sale or release of vehicle--Penalty) and 1979 ex.s. c 136 s 52, 1975 c 59 s 6, & 1973 1st ex.s. c 200 s 9;

(80) RCW 46.16.600 (Personalized license plates--Rules and regulations) and 2005 c 210 s 5, 1979 c 158 s 143, & 1973 1st ex.s. c 200 s 10;

(81) RCW 46.16.601 (Personalized special plates) and 2005 c 210 s 1;

(82) RCW 46.16.605 (Personalized license plates--Disposition of fees--Costs) and 1988 c 36 s 27, 1983 1st ex.s. c 24 s 2, 1983 c 3 s 118, 1979 c 158 s 144, & 1973 1st ex.s. c 200 s 11;

(83) RCW 46.16.606 (Personalized license plates--Additional fee) and 2007 c 246 s 2 & 1991 sp.s. c 7 s 13;

(84) RCW 46.16.630 (Moped registration) and 2002 c 352 s 9, 1997 c 241 s 11, & 1979 ex.s. c 213 s 5;

(85) RCW 46.16.640 (Wheelchair conveyances) and 1983 c 200 s 2;

(86) RCW 46.16.670 (Boat trailers--Fee for freshwater aquatic weeds account) and 1991 c 302 s 3;

(87) RCW 46.16.680 (Kit vehicles) and 2009 c 284 s 2 & 1996 c 225 s 10;

(88) RCW 46.17.010 (Vehicle weight fee--Motor vehicles, except motor homes) and 2006 c 337 s 9 & 2005 c 314 s 201; and

(89) RCW 46.17.020 (Vehicle weight fee--Motor homes) and 2005 c 314 s 202.

PART V. FEES

A. FILING AND SERVICE FEES

NEW SECTION. **Sec. 501.** A new section is added to chapter 46.17 RCW to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a three dollar filing fee in addition to any other fees and taxes required by law.

(2) A person who applies for a certificate of title shall pay a four dollar filing fee in addition to any other fees and taxes required by law.

(3) The filing fees established in this section must be distributed under section 819 of this act.

NEW SECTION. **Sec. 502.** A new section is added to chapter 46.17 RCW to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a twenty-five cent license plate technology fee in addition to any other fees and taxes required by law. The license plate technology fee must be distributed under RCW 46.16.685 (as recodified by this act).

(2) A vehicle registered under RCW 46.16.070 (as recodified by this act) or section 527 of this act is not subject to the license plate technology fee.

NEW SECTION. **Sec. 503.** A new section is added to chapter 46.17 RCW to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a fifty cent license service fee in addition to any other fees and taxes required by law. The license service fee must be distributed under RCW 46.68.220.

(2) A vehicle registered under RCW 46.16.070 (as recodified by this act) or section 527 of this act is not subject to the license service fee.

NEW SECTION. **Sec. 504.** A new section is added to chapter 46.17 RCW to read as follows:

The department, county auditor or other agent, or subagent appointed by the director shall require a person who applies for a vehicle registration for a vehicle subject to RCW 46.16.216 (as recodified by this act) to pay a fifteen dollar parking ticket surcharge. The fifteen dollar surcharge must be distributed under section 816 of this act.

NEW SECTION. **Sec. 505.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting a report of sale filed under RCW 46.12.101(2) (as recodified by this act), the county auditor or other agent or subagent appointed by the director shall require the applicant to pay:

(1) The filing fee under section 501(1) of this act, the license plate technology fee under section 502 of this act, and the license service fee under section 503 of this act to the county auditor or other agent; and

(2) The subagent service fee under section 506(2) of this act to the subagent.

NEW SECTION. **Sec. 506.** A new section is added to chapter 46.17 RCW to read as follows:

A subagent appointed by the director shall collect a service fee of:

(1) Ten dollars for changes in a certificate of title, with or without registration renewal, or for verification of record and preparation of

an affidavit of lost title other than at the time of the certificate of title application or transfer; and

(2) Four dollars for a registration renewal, issuing a transit permit, or any other service under this section.

NEW SECTION. Sec. 507. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting a transitional ownership record filed under RCW 46.12.103 (as recodified by this act), the county auditor or other agent or subagent appointed by the director shall require the applicant to pay:

(1) The filing fee under section 501(1) of this act, the license plate technology fee under section 502 of this act, and the license service fee under section 503 of this act to the county auditor or other agent; and

(2) The subagent service fee under section 506(2) of this act to the subagent.

B. CERTIFICATE OF TITLE FEES

NEW SECTION. Sec. 508. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a certificate of title as required in this title, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a five dollar application fee in addition to any other fees and taxes required by law. The certificate of title application fee must be distributed under RCW 46.68.020.

NEW SECTION. Sec. 509. A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a certificate of title for a motor vehicle as required in this title, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a six dollar and fifty cent emergency medical services fee for the following transactions:

(a) All retail sales or leases of any new or used motor vehicles; and

(b) Original and transfer certificate of title transactions.

(2) The emergency medical services fee:

(a) Is not considered a violation of RCW 46.70.180(2);

(b) Does not apply to motor vehicles declared a total loss by an insurer or self-insurer unless an application for certificate of title is made to the department, county auditor or other agent, or subagent appointed by the director after the declaration of total loss; and

(c) Must be distributed under section 820 of this act.

NEW SECTION. Sec. 510. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a transfer of certificate of title for a new or used manufactured home as required in this title and chapter 65.20 RCW, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a fifteen dollar fee in addition to any other fees and taxes required by law. The fifteen dollar fee must be forwarded to the state treasurer, who shall deposit the fee in the manufactured housing account created in RCW 59.22.070.

NEW SECTION. Sec. 511. A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a certificate of title for an original or transfer manufactured home transaction as required in this title or chapter 65.20 RCW, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a one hundred dollar fee in addition to any other fees and taxes required by law if the manufactured home:

(a) Is located in a mobile home park;

(b) Is one year old or older;

(c) Is new or ownership changes, excluding changes that involve adding or deleting spouse or domestic partner coregistered owners or legal owners; and

(d) Sales price is five thousand dollars or more.

(2) The one hundred dollar fee must be forwarded to the state treasurer, who shall deposit the fee in the mobile home park relocation fund created in RCW 59.21.050.

(3) The department and the state treasurer may adopt rules necessary to carry out this section.

NEW SECTION. Sec. 512. A new section is added to chapter 46.17 RCW to read as follows:

The penalty for a late transfer under RCW 46.12.101(7) (as recodified by this act) is twenty-five dollars assessed on the sixteenth day after the date of delivery and two dollars for each additional day thereafter, but the total penalty must not exceed one hundred dollars. The penalty must be distributed under RCW 46.68.020.

NEW SECTION. Sec. 513. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a certificate of title for a vehicle previously registered in any other state or country, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a fee of fifteen dollars. The fifteen dollar fee must be distributed under RCW 46.68.020.

NEW SECTION. Sec. 514. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to pay a sixty-five dollar inspection fee if an inspection of the vehicle was completed by the Washington state patrol. The inspection fee must be distributed under RCW 46.68.020.

NEW SECTION. Sec. 515. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to pay a five dollar vehicle identification number reassignment fee if the Washington state patrol has reassigned an identification number as authorized under section 303 of this act. The reassignment fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

C. LICENSE PLATE FEES

NEW SECTION. Sec. 516. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a combination trailer license plate authorized under RCW 46.16.068 (as recodified by this act), the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to pay a thirty-six dollar license plate fee. The thirty-six dollar license plate fee must be deposited and distributed under RCW 46.68.035.

NEW SECTION. Sec. 517. A new section is added to chapter 46.17 RCW to read as follows:

State agencies, political subdivisions, Indian tribes, and the United States government, except foreign governments or international bodies, shall pay a fee of two dollars for a license plate or plates for each vehicle when the department assigns license plates for further assignment by the entity.

NEW SECTION. Sec. 518. A new section is added to chapter 46.17 RCW to read as follows:

(1) In addition to all other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge:

(a) The following license plate fees for each license plate, unless the owner or type of vehicle is exempt from payment:

FEE TYPE	FEE	DISTRIBUTION
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Reflectivity	\$ 2.00	RCW 46.68.070	(e) Collegiate	\$ 40.00	\$ 30.00	Section 811 of this act
Replacement	\$ 10.00	RCW 46.68.070	(f) Endangered wildlife	\$ 40.00	\$ 30.00	Section 810 of this act
Replacement, motorcycle	\$ 2.00	RCW 46.68.070	(g) Gonzaga University alumni	\$ 40.00	\$ 30.00	Section 809 of this act
			(h) Helping kids speak	\$ 40.00	\$ 30.00	Section 809 of this act
			(i) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
			(j) Keep kids safe	\$ 45.00	\$ 30.00	Section 810 of this act
			(k) Law enforcement memorial	\$ 40.00	\$ 30.00	Section 809 of this act
			(l) Military affiliate radio system	\$ 5.00	N/A	RCW 46.68.070
			(m) Professional firefighters and paramedics	\$ 40.00	\$ 30.00	Section 809 of this act
			(n) Ride share	\$ 25.00	N/A	RCW 46.68.030
			(o) Share the road	\$ 40.00	\$ 30.00	Section 809 of this act
			(p) Ski and ride Washington	\$ 40.00	\$ 30.00	Section 809 of this act
			(q) Square dancer	\$ 40.00	N/A	RCW 46.68.070
			(r) Washington lighthouses	\$ 40.00	\$ 30.00	Section 809 of this act
			(s) Washington state parks	\$ 40.00	\$ 30.00	Section 810 of this act
			(t) Washington's national parks	\$ 40.00	\$ 30.00	Section 809 of this act
			(u) Washington's wildlife collection	\$ 40.00	\$ 30.00	Section 810 of this act
			(v) We love our pets	\$ 40.00	\$ 30.00	Section 809 of this act
			(w) Wild on Washington	\$ 40.00	\$ 30.00	Section 810 of this act

(b) A license plate retention fee, as required under section 422(10)(a)(iii) of this act, of twenty dollars if the owner wishes to retain the current license plate number upon license plate replacement, unless the owner or type of vehicle is exempt from payment. The twenty dollar fee must be deposited in the multimodal transportation account created in RCW 47.66.070.

(c) A ten dollar license plate transfer fee, as required under section 422(8)(a) of this act, when transferring standard issue license plates from one vehicle to another, unless the owner or type of vehicle is exempt from payment. The ten dollar license plate transfer fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

(d) Former prisoner of war license plates, as described in section 619 of this act, may be transferred to a replacement vehicle upon payment of a five dollar license plate fee, in addition to any other fee required by law.

(2) The department may, upon request, provide license plates that have been used and returned to the department to individuals for nonvehicular use. The department may charge a fee of up to five dollars per license plate to cover costs or recovery for postage and handling. The department may waive the fee for license plates used in educational projects and may, by rule, provide standards for the fee waiver and restrictions on the number of license plates provided to any one person. The fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

NEW SECTION. Sec. 519. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a replacement license tab, the department, county auditor or other agent, or subagent appointed by the director shall charge a one dollar fee for each pair of tabs or windshield emblem. The license tab or windshield emblem replacement fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

NEW SECTION. Sec. 520. A new section is added to chapter 46.17 RCW to read as follows:

In addition to all fees and taxes required to be paid upon application for a vehicle registration under chapter 46.16 RCW, the holder of a personalized license plate shall pay an initial fee of forty-two dollars and thirty-two dollars for each renewal. The personalized license plate fee must be distributed as provided in section 821 of this act.

NEW SECTION. Sec. 521. A new section is added to chapter 46.17 RCW to read as follows:

(1) In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16 RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
(b) Armed forces	\$ 40.00	\$ 30.00	Section 810 of this act
(c) Baseball stadium	\$ 40.00	\$ 30.00	Subsection (2) of this section
(d) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030

(2) After deducting administration and collection expenses for the sale of baseball stadium license plates, the remaining proceeds must be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

D. VEHICLE LICENSE FEES

NEW SECTION. Sec. 522. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a vehicle registration for a boat trailer, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a three dollar aquatic weed fee in addition to any other fees and taxes required by law. The three dollar fee must be deposited in the freshwater aquatic weeds account created in RCW 43.21A.650.

NEW SECTION. Sec. 523. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a change of class as required under section 422(6) of this act, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a one dollar fee. The one dollar fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

NEW SECTION. Sec. 524. A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a motor vehicle base plated in the state of Washington that is subject to highway inspections and compliance reviews under RCW 46.32.080 or the international registration plan if base plated in a foreign jurisdiction, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a sixteen dollar commercial vehicle safety enforcement fee in addition to any other fees and taxes required by law. The sixteen dollar fee:

- (a) Must be apportioned for those vehicles operating interstate and registered under the international registration plan;
- (b) Does not apply to trailers; and
- (c) Is not refundable when the motor vehicle is no longer subject to RCW 46.32.080.

(2) The department may deduct an amount equal to the cost of administering the program. All remaining fees must be deposited with the state treasurer and credited to the state patrol highway account of the motor vehicle fund created in RCW 46.68.070.

NEW SECTION. Sec. 525. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a duplicate registration as required under RCW 46.16.265 (as recodified by this act), the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a one dollar and twenty-five cent fee in addition to any other fees and taxes required by law. The one dollar and twenty-five cent fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

NEW SECTION. Sec. 526. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a farm exempt decal as required under RCW 46.16.025 (as recodified by this act), the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a five dollar fee in addition to any other fees and taxes required by law. The five dollar fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

NEW SECTION. Sec. 527. A new section is added to chapter 46.17 RCW to read as follows:

(1) In lieu of the vehicle license fee required under section 531 of this act and before accepting an application for a vehicle registration for farm vehicles described in RCW 46.16.090 (as recodified by this act), the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following farm vehicle reduced gross weight license fee by weight:

WEIGHT	SCHEDULE A	SCHEDULE B
4,000 pounds	\$24.50	\$24.50
6,000 pounds	\$24.50	\$24.50
8,000 pounds	\$24.50	\$24.50
10,000 pounds	\$40.50	\$40.50
12,000 pounds	\$49.00	\$49.00

14,000 pounds	\$54.50	\$54.50
16,000 pounds	\$60.50	\$60.50
18,000 pounds	\$86.50	\$86.50
20,000 pounds	\$95.00	\$95.00
22,000 pounds	\$102.00	\$102.00
24,000 pounds	\$109.50	\$109.50
26,000 pounds	\$115.00	\$115.00
28,000 pounds	\$134.00	\$134.00
30,000 pounds	\$153.00	\$153.00
32,000 pounds	\$182.50	\$182.50
34,000 pounds	\$193.50	\$193.50
36,000 pounds	\$209.00	\$209.00
38,000 pounds	\$228.50	\$228.50
40,000 pounds	\$260.00	\$260.00
42,000 pounds	\$270.00	\$315.00
44,000 pounds	\$275.50	\$320.50
46,000 pounds	\$295.50	\$340.50
48,000 pounds	\$307.50	\$352.50
50,000 pounds	\$333.00	\$378.00
52,000 pounds	\$349.50	\$394.50
54,000 pounds	\$376.50	\$421.50
56,000 pounds	\$397.00	\$442.00
58,000 pounds	\$412.50	\$457.50
60,000 pounds	\$439.00	\$484.00
62,000 pounds	\$470.00	\$515.00
64,000 pounds	\$480.00	\$525.00
66,000 pounds	\$533.50	\$578.50
68,000 pounds	\$556.00	\$601.00
70,000 pounds	\$598.00	\$643.00
72,000 pounds	\$639.00	\$684.00
74,000 pounds	\$693.50	\$738.50
76,000 pounds	\$748.50	\$793.50
78,000 pounds	\$816.50	\$861.50

80,000 pounds	\$880.50	\$925.50
82,000 pounds	\$941.00	\$986.00
84,000 pounds	\$1,001.00	\$1,046.00
86,000 pounds	\$1,061.50	\$1,106.50
88,000 pounds	\$1,122.00	\$1,167.00
90,000 pounds	\$1,182.50	\$1,127.50
92,000 pounds	\$1,242.50	\$1,287.50
94,000 pounds	\$1,303.00	\$1,348.00
96,000 pounds	\$1,363.50	\$1,408.50
98,000 pounds	\$1,424.00	\$1,469.00
100,00 pounds	\$1,484.00	\$1,529.00
102,000 pounds	\$1,544.50	\$1,589.50
104,000 pounds	\$1,605.00	\$1,650.00
105,500 pounds	\$1,665.50	\$1,710.50

(2) The for hire vehicle and auto stage seating capacity fee imposed in subsection (1) of this section does not apply to taxicabs.
NEW SECTION. Sec. 530. A new section is added to chapter 46.17 RCW to read as follows:

(1) In lieu of the vehicle license fee required under section 531 of this act and before accepting an application for a vehicle registration for motor vehicles described in RCW 46.16.070 (as recodified by this act), the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following license fee by weight:

WEIGHT	SCHEDULE A	SCHEDULE B
4,000 pounds	\$ 38.00	\$ 38.00
6,000 pounds	\$ 48.00	\$ 48.00
8,000 pounds	\$ 58.00	\$ 58.00
10,000 pounds	\$ 60.00	\$ 60.00
12,000 pounds	\$ 77.00	\$ 77.00
14,000 pounds	\$ 88.00	\$ 88.00
16,000 pounds	\$ 100.00	\$ 100.00
18,000 pounds	\$ 152.00	\$ 152.00
20,000 pounds	\$ 169.00	\$ 169.00
22,000 pounds	\$ 183.00	\$ 183.00
24,000 pounds	\$ 198.00	\$ 198.00
26,000 pounds	\$ 209.00	\$ 209.00
28,000 pounds	\$ 247.00	\$ 247.00
30,000 pounds	\$ 285.00	\$ 285.00
32,000 pounds	\$ 344.00	\$ 344.00
34,000 pounds	\$ 366.00	\$ 366.00
36,000 pounds	\$ 397.00	\$ 397.00
40,000 pounds	\$ 499.00	\$ 499.00
42,000 pounds	\$ 519.00	\$ 609.00
44,000 pounds	\$ 530.00	\$ 620.00
46,000 pounds	\$ 570.00	\$ 660.00
48,000 pounds	\$ 594.00	\$ 684.00
50,000 pounds	\$ 645.00	\$ 735.00
52,000 pounds	\$ 678.00	\$ 768.00
54,000 pounds	\$ 732.00	\$ 822.00
56,000 pounds	\$ 773.00	\$ 863.00

(2) Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(3) If the resultant gross weight is not listed in the table provided in subsection (1) of this section, it must be increased to the next higher weight.

(4) The farm vehicle reduced gross weight license fees provided in subsection (1) of this section are in addition to the filing fee required under section 501 of this act and any other fee or tax required by law.

(5) The farm vehicle reduced gross weight license fee as provided in subsection (1) of this section must be distributed under RCW 46.68.030.

NEW SECTION. Sec. 528. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a fixed load motor vehicle registration, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to pay:

(1) The license fee based on declared gross weight as provided in section 530 of this act. The declared gross weight must be equal to the scale weight of the motor vehicle, rounded up to the next higher amount in the schedule provided in section 530 of this act, up to the legal limit provided in chapter 46.44 RCW; or

(2) A twenty-five dollar capacity fee if the vehicle is equipped for lifting or towing any abandoned, disabled, or impounded vehicle or parts of vehicles. The twenty-five dollar capacity fee is in lieu of the license fee based on declared gross weight as provided in section 530 of this act and must be deposited under RCW 46.68.030.

NEW SECTION. Sec. 529. A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a vehicle registration for a for hire vehicle or auto stage with a seating capacity of six or less, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a fifteen dollar seating capacity fee. The seating capacity fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

58,000 pounds	\$ 804.00	\$ 894.00
60,000 pounds	\$ 857.00	\$ 947.00
62,000 pounds	\$ 919.00	\$ 1,009.00
64,000 pounds	\$ 939.00	\$ 1,029.00
66,000 pounds	\$ 1,046.00	\$ 1,136.00
68,000 pounds	\$ 1,091.00	\$ 1,181.00
70,000 pounds	\$ 1,175.00	\$ 1,265.00
72,000 pounds	\$ 1,257.00	\$ 1,347.00
74,000 pounds	\$ 1,366.00	\$ 1,456.00
76,000 pounds	\$ 1,476.00	\$ 1,566.00
78,000 pounds	\$ 1,612.00	\$ 1,702.00
80,000 pounds	\$ 1,740.00	\$ 1,830.00
82,000 pounds	\$ 1,861.00	\$ 1,951.00
84,000 pounds	\$ 1,981.00	\$ 2,071.00
86,000 pounds	\$ 2,102.00	\$ 2,192.00
88,000 pounds	\$ 2,223.00	\$ 2,313.00
90,000 pounds	\$ 2,344.00	\$ 2,434.00
92,000 pounds	\$ 2,464.00	\$ 2,554.00
94,000 pounds	\$ 2,585.00	\$ 2,675.00
96,000 pounds	\$ 2,706.00	\$ 2,796.00
98,000 pounds	\$ 2,827.00	\$ 2,917.00
100,000 pounds	\$ 2,947.00	\$ 3,037.00
102,000 pounds	\$ 3,068.00	\$ 3,158.00
104,000 pounds	\$ 3,189.00	\$ 3,279.00
105, 500 pounds	\$ 3,310.00	\$ 3,400.00

(2) Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(3) If the resultant gross weight is not listed in the table provided in subsection (1) of this section, it must be increased to the next higher weight.

(4) The license fees provided in subsection (1) of this section are in addition to the filing fee required under section 501 of this act and any other fee or tax required by law.

(5) The license fee based on declared gross weight as provided in subsection (1) of this section must be distributed under RCW 46.68.035.

NEW SECTION. Sec. 531. A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a vehicle registration, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following vehicle license fee by vehicle type:

VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
(c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
(d) For hire vehicle, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
(i) Off-road vehicle	\$ 18.00	\$ 18.00	Section 822 of this act
(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
(k) Private use single-axle trailer	\$ 15.00	\$ 15.00	RCW 46.68.035(2)
(l) Snowmobile	\$ 30.00	\$ 30.00	Section 823 of this act
(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	Section 823 of this act
(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
(p) Trailer, over 2000 pounds	\$ 30.00	\$ 30.00	RCW 46.68.030
(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030

(2) The vehicle license fee required in subsection (1) of this section is in addition to the filing fee required under section 501 of this act, and any other fee or tax required by law.

NEW SECTION. Sec. 532. A new section is added to chapter 46.17 RCW to read as follows:

A person applying for a monthly declared gross weight license as authorized in RCW 46.16.070 (as recodified by this act) shall pay an additional two dollars for each month of the declared gross weight license, plus an additional two dollars. These two dollar fees must be deposited in the motor vehicle fund created in RCW 46.68.070.

NEW SECTION. Sec. 533. A new section is added to chapter 46.17 RCW to read as follows:

(1) A person applying for a motor vehicle registration and paying the vehicle license fee required in section 531(1)(a), (d), (e), (h), (j), (n), and (o) of this act shall pay a motor vehicle weight fee in addition to all other fees and taxes required by law. The motor vehicle weight fee:

- (a) Must be based on the motor vehicle scale weight;
- (b) Is the difference determined by subtracting the vehicle license fee required in section 531 of this act from the license fee in Schedule B of section 530 of this act, plus two dollars; and
- (c) Must be distributed under section 813 of this act.

(2) A person applying for a motor home vehicle registration shall, in lieu of the motor vehicle weight fee required in subsection (1) of this section, pay a motor home vehicle weight fee of seventy-five dollars in addition to all other fees and taxes required by law. The motor home vehicle weight fee must be distributed under section 813 of this act.

(3) The department shall:

(a) Rely on motor vehicle empty scale weights provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each motor vehicle; and

(b) Adopt rules for determining weight for vehicles without manufacturer empty scale weights.

NEW SECTION. Sec. 534. A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for registration for a recreational vehicle, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to pay a three dollar fee in addition to any other fees and taxes required by law. The recreational vehicle sanitary disposal fee must be deposited in the RV account created in RCW 46.68.170.

(2) For the purposes of this section, "recreational vehicle" means a camper, motor home, or travel trailer.

E. PERMIT AND TRANSFER FEES

NEW SECTION. Sec. 535. A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for one of the following permits, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay the following permit fee by permit type in addition to any other fee or tax required by law:

PERMIT TYPE	FEE	AUTHORITY	DISTRIBUTION
(a) Dealer temporary	\$15.00	RCW 46.16.045 (as recodified by this act)	RCW 46.68.030
(b) Department temporary	\$.50	RCW 46.16.047 (as recodified by this act)	Section 814 of this act
(c) Farm vehicle trip	\$6.25	RCW 46.16.162 (as recodified by this act)	RCW 46.68.035
(d) Nonresident military	\$10.00	RCW 46.16.460 (as recodified by this act)	RCW 46.68.070
(e) Nonresident temporary snowmobile	\$5.00	Section 229 of this act	Section 823 of this act
(f) Special fuel trip	\$25.00	RCW 82.38.100	Section 817 of this act
(g) Temporary ORV use	\$7.00	Section 219 of this act	Section 822 of this act
(h) Vehicle trip	\$25.00	RCW 46.16.160 (as recodified by this act)	Section 815 of this act

(2) Permit fees as provided in subsection (1) of this section are in addition to the filing fee required under section 501 of this act, except an additional filing fee may not be charged for:

- (a) Dealer temporary permits;
- (b) Special fuel trip permits; and
- (c) Vehicle trip permits.

(3) Five dollars of the fifteen dollar dealer temporary permit fee provided in subsection (1)(a) of this section must be credited to the payment of vehicle license fees at the time application for registration is made. The remainder must be deposited to the state patrol highway account created in RCW 46.68.030.

(4) A surcharge of five dollars must be collected when issuing a special fuel trip permit or vehicle trip permit as provided in subsection (1) of this section and must be distributed as follows:

- (a) Under section 817 of this act for special fuel trip permits; and
- (b) Under section 815 of this act for vehicle trip permits.

NEW SECTION. Sec. 536. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a transfer of an off-road vehicle registration as required under RCW 46.09.070 (as recodified by this act), the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a five dollar off-road vehicle registration transfer fee. The five dollar off-road vehicle registration transfer fee must be distributed under RCW 46.68.020.

NEW SECTION. Sec. 537. A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a transfer of a snowmobile registration as required under RCW 46.10.040 (as recodified by this act), the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a five dollar snowmobile registration transfer fee. The five dollar snowmobile registration transfer fee must be distributed under RCW 46.10.075 (as recodified by this act).

PART VI. SPECIAL LICENSE PLATES

A. REVIEW BOARD

Sec. 601. RCW 46.16.700 and 2003 c 196 s 1 are each amended to read as follows:

The legislature has seen an increase in the demand from constituent groups seeking recognition and funding through the establishment of commemorative or special license plates. The high cost of implementing a new special license plate series coupled with the uncertainty of the state's ability to recoup its costs has led the legislature to delay the implementation of new special license plates. In order to address these issues, it is the intent of the legislature to create a mechanism that will allow for the evaluation of special license plate requests and establish a funding policy that will alleviate the financial burden currently placed on the state. Using these two strategies, the legislature will be better equipped to efficiently process special license plate legislation.

Sec. 602. RCW 46.16.705 and 2005 c 319 s 117 are each amended to read as follows:

(1) The special license plate review board is created.

(2) The board will consist of seven members: One member appointed by the governor (and) who will serve as chair of the board; four members of the legislature, one from each caucus of the house of representatives and the senate; a department of licensing representative appointed by the director; and a Washington state patrol representative appointed by the chief.

(3) Members shall serve terms of four years, except that four of the members initially appointed will be appointed for terms of two years. ~~(No)~~ A member may not be appointed for more than three consecutive terms.

(4) The respective appointing authority may remove members from the board before the expiration of their terms only for cause based upon a determination of incapacity, incompetence, neglect of

duty, or malfeasance in office as ordered by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

Sec. 603. RCW 46.16.715 and 2005 c 319 s 118 are each amended to read as follows:

(1) The board shall meet periodically at the call of the chair, but must meet at least ~~((one time))~~ once each year within ninety days before an upcoming regular session of the legislature. The board may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members, and it must have a quorum present to take a vote on a special license plate application.

(2) The board will be compensated from the general appropriation for the department ~~((of licensing))~~ in accordance with RCW 43.03.250. Each board member will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, ~~((in no event may))~~ a board member may not be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

(3) The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

(4) The department ~~((of licensing))~~ shall provide administrative support to the board, which must include at least the following:

(a) Provide general staffing to meet the administrative needs of the board;

(b) Report to the board on the reimbursement status of any new special license plate series for which the state had to pay the start-up costs;

(c) Process special license plate applications and confirm that the sponsoring organization has submitted all required documentation. If an incomplete application is received, the department must return it to the sponsoring organization; and

(d) Compile the annual financial reports submitted by sponsoring organizations with active special license plate series and present those reports to the board for review and approval.

Sec. 604. RCW 46.16.725 and 2009 c 470 s 710 are each amended to read as follows:

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

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

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

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

(b) Report annually to the senate and house of representatives transportation committees on the special license plate applications that were considered by the board;

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

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special plate series to the

chairs of the senate and house of representatives transportation committees; and

(e) Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates ~~((that))~~ for which an organization or a governmental entity may apply ~~((for))~~.

(4) Except as provided in ~~((chapter 72, Laws of 2008))~~ section 621 of this act, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, 2011. During this period of time, the special license plate review board created in RCW 46.16.705 (as recodified by this act) and the department ~~((of licensing))~~ are prohibited from accepting, reviewing, processing, or approving any applications. Additionally, ~~((no))~~ a special license plate may not be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.

B. REQUIREMENTS AND PROCEDURES

Sec. 605. RCW 46.16.735 and 2004 c 222 s 3 are each amended to read as follows:

(1) For an organization to qualify for a special license plate under the special license plate approval program created in ~~((RCW 46.16.705 through 46.16.765))~~ this chapter, the sponsoring organization must submit documentation in conjunction with the application to the department that verifies ~~((~~ that the organization is:

~~((a))~~ (a) A nonprofit organization, as defined in 26 U.S.C. Sec. 501(c)(3). The department may request a copy of an Internal Revenue Service ruling to verify an organization's nonprofit status; and

(b) ~~((That the organization is))~~ Located in Washington state and has registered as a charitable organization with the secretary of state's office as required by law.

(2) For a governmental body to qualify for a special license plate under the special license plate approval program created in ~~((RCW 46.16.705 through 46.16.765))~~ this chapter, a governmental body must be:

(a) A political subdivision ~~((;))~~ including, but not limited to, any county, city, town, municipal corporation, or special purpose taxing district that has the express permission of the political subdivision's executive body to sponsor a special license plate;

(b) A federally recognized tribal government that has received the approval of the executive body of that government to sponsor a special license plate;

(c) A state agency that has received approval from the director of the agency or the department head; or

(d) A community or technical college that has the express permission of the college's board of trustees to sponsor a special license plate.

Sec. 606. RCW 46.16.745 and 2005 c 210 s 8 are each amended to read as follows:

(1) A sponsoring organization meeting the requirements of RCW 46.16.735 (as recodified by this act), applying for the creation of a special license plate to the special license plate review board must, on an application supplied by the department, provide the minimum application requirements in subsection (2) of this section.

(2) The sponsoring organization shall:

(a) Submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The department shall place this money into the special license plate applicant trust account created under ~~((RCW 46.16.755(4)))~~ section 808 of this act;

(b) Provide a proposed license plate design;

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

outlining the anticipated revenue and the planned expenditures of the revenues derived from the sale of the special license plate;

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

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

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

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

Sec. 607. RCW 46.16.755 and 2004 c 222 s 4 are each amended to read as follows:

~~(1)((a))~~ (1) ~~Revenues generated from the sale of special license plates for those sponsoring organizations who used the application process in RCW 46.16.745((a)) (as recodified by this act) must be deposited into the motor vehicle ((account)) fund created in RCW 46.68.070 until the department determines that the state's implementation costs have been fully reimbursed. ((The department shall apply the application fee required under RCW 46.16.745(3)(a) towards those costs.~~

~~((b))~~ (2) When it is determined that the state has been fully reimbursed the department must notify the house of representatives and senate transportation committees, the sponsoring organization, and the state treasurer, and ~~((commence the distribution of))~~ begin distributing the revenue as otherwise provided by law.

~~((2))~~ (3) If reimbursement does not occur within two years from the date the special license plate is first offered for sale to the public, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the special license plate series must be discontinued immediately. Special license plates issued before discontinuation are valid until replaced under ~~((RCW 46.16.233))~~ section 422(10) of this act.

~~((3))~~ (4) The special license plate applicant trust account is created in the custody of the state treasurer. All receipts from special license plate applicants ~~((, except the application fee as provided in RCW 46.16.745(3),))~~ must be deposited into the account. Only the director of the department or the director's designee may authorize disbursements from the account. The account is not subject to the allotment procedures under chapter 43.88 RCW, nor is an appropriation required for disbursements.

~~((4))~~ (5) The department shall:

(a) Provide the special license plate applicant with a written receipt for the payment~~((:~~

~~((5) The department shall)); and~~

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

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

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

~~((b))~~ fund created in RCW 46.68.070.

(7) After the department receives written notice that the special license plate applicant's application has been denied by the special license plate review board or the legislature, the director shall provide a refund to the applicant within thirty days~~((;~~

~~((e)).~~

(8) After the department receives written notice that the special license plate applicant's application has been withdrawn by the special

license plate applicant, the director shall provide a refund to the applicant within thirty days.

Sec. 608. RCW 46.16.765 and 2003 c 196 s 303 are each amended to read as follows:

(1) Within thirty days of legislative enactment of a new special license plate series for a qualifying organization meeting the requirements of RCW 46.16.735(1) (as recodified by this act), the department shall enter into a written agreement with the organization that sponsored the special license plate. The agreement must identify the services to be performed by the sponsoring organization. The agreement must be consistent with all applicable state law and include the following provision:

"No portion of any funds disbursed under the agreement may be used, directly or indirectly, for any of the following purposes:

(a) Attempting to influence: (i) The passage or defeat of legislation by the legislature of the state of Washington, by a county, city, town, or other political subdivision of the state of Washington, or by the Congress; or (ii) the adoption or rejection of a rule, standard, rate, or other legislative enactment of a state agency;

(b) Making contributions reportable under chapter 42.17 RCW; or

(c) Providing a: (i) Gift; (ii) honoraria; or (iii) travel, lodging, meals, or entertainment to a public officer or employee."

(2) The sponsoring organization must submit an annual financial report by September 30th of each year to the department detailing actual revenues and expenditures of the revenues received from sales of the special license plate. Consistent with the agreement under subsection (1) of this section, the sponsoring organization must expend the revenues generated from the sale of the special license plate series for the benefit of the public, and it must be spent within this state. Disbursement of the revenue generated from the sale of the special license plate to the sponsoring organization is contingent upon the organization meeting all reporting and review requirements as required by the department.

(3) If the sponsoring organization ceases to exist or the purpose of the special license plate series ceases to exist, revenues generated from the sale of the special license plates must be deposited into the motor vehicle ~~((account))~~ fund created in RCW 46.68.070.

(4) A sponsoring organization may not seek to redesign its special license plate series until ~~((all of))~~ the entire inventory is sold or purchased by the organization itself. All costs for the redesign of a special license plate series must be paid by the sponsoring organization.

Sec. 609. RCW 46.16.775 and 2003 c 196 s 304 are each amended to read as follows:

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

(a) The organization sponsoring the license plate series shall, within thirty days of enactment of the legislation creating the special license plate series, submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The prepayment will be credited to the motor vehicle fund created in RCW 46.68.070. The creation and implementation of the special license plate series may not ~~((commence))~~ begin until payment is received by the department.

(b) If the sponsoring organization is not able to meet the prepayment requirements in (a) of this subsection and can demonstrate this fact to the satisfaction of the department, the revenues generated from the sale of the special license plates must be deposited in the motor vehicle ~~((account))~~ fund created in RCW 46.68.070 until the department determines that the state's portion of the implementation costs have been fully reimbursed. When it ~~((is))~~

has determined that the state has been fully reimbursed, the department must notify the treasurer to commence distribution of the revenue according to statutory provisions.

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

(2) The state must be reimbursed for its portion of the implementation costs within two years from the date the new special license plate series goes on sale to the public. If the reimbursement does not occur within the two-year time frame, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the special license plate series must be discontinued immediately. Those special license plate series issued before discontinuation are valid until replaced under (RCW 46.16.233) section 422(10) of this act.

(3) If the sponsoring organization ceases to exist or the purpose of the special license plate series ceases to exist, revenues generated from the sale of the special license plates must be deposited into the motor vehicle (account) fund created in RCW 46.68.070.

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

Sec. 610. RCW 46.16.690 and 2005 c 210 s 6 are each amended to read as follows:

The department shall offer special license plate design services to organizations that are sponsoring a new special license plate series (or are) and organizations seeking to redesign the appearance of an existing special license plate series that they sponsored. In providing this service, the department must work with the requesting organization in determining the specific qualities of the new special license plate design and must provide full design services to the organization. The department shall collect from the requesting organization a fee of two hundred dollars for providing special license plate design services. This fee includes one original special license plate design and up to five additional renditions of the original design. If the organization requests the department to provide further renditions, in addition to the five renditions provided for under the original fee, the department shall collect an additional fee of one hundred dollars per rendition. All revenue collected under this section must be deposited into the multimodal transportation account created in RCW 47.66.070.

C. PLATE TYPES, DECALS, AND EMBLEMS

NEW SECTION. Sec. 611. (1) The legislature recognizes that the special license plate review board established in RCW 46.16.705 (as recodified by this act) reviews and approves applications for special license plate series.

(2) Special license plate series reviewed and approved by the special license plate review board:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the special license plate review board.

(3) The special license plate review board approves, and the department shall issue, the following special license plates:

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
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Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.
Endangered wildlife	Displays a symbol or artwork, approved by the special license plate review board and the legislature.
Gonzaga University alumni	Recognizes the Gonzaga University alumni association.
Helping kids speak	Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.
Keep kids safe	Recognizes efforts to prevent child abuse and neglect.
Law enforcement memorial	Honors law enforcement officers in Washington killed in the line of duty.
Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.
Share the road	Recognizes an organization that promotes bicycle safety and awareness education.
Ski & ride Washington	Recognizes the Washington snowsports industry.
Washington lighthouses	Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.
Washington state parks	Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.
Washington's national park fund	Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks.
Washington's wildlife collection	Recognizes Washington's wildlife.
We love our pets	Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform

Wild on Washington
 spay/neuter surgery on Washington state pets to reduce pet overpopulation. Symbolizes wildlife viewing in Washington state.

(4) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof eligibility by providing a certificate of current membership from the Washington state council of firefighters.

NEW SECTION. Sec. 612. (1) A registered owner may apply to the department for special armed forces license plates for motor vehicles representing the following:

- (a) Air force;
- (b) Army;
- (c) Coast guard;
- (d) Marine corps;
- (e) National guard; or
- (f) Navy.

(2) Armed forces license plates may be purchased by:

- (a) Active duty military personnel;
- (b) Families of veterans and service members;
- (c) Members of the national guard;
- (d) Reservists; or
- (e) Veterans, as defined in RCW 41.04.007.

(3) A person who applies for special armed forces license plates shall provide:

- (a) DD-214 or discharge papers if the applicant is a veteran;
- (b) A military identification card or retired military identification card; or
- (c) A declaration of fact attesting to the applicant's eligibility as required under this section.

(4) For the purposes of this section:

- (a) "Child" includes stepchild, adopted child, foster child, grandchild, or son or daughter-in-law.
- (b) "Family" or "families" includes an individual's spouse, child, parent, sibling, aunt, uncle, or cousin.
- (c) "Parent" includes stepparent, grandparent, or in-laws.
- (d) "Sibling" includes brother, half brother, stepbrother, sister, half sister, stepsister, or brother or sister-in-law.

(5) Armed forces license plates are not free of charge to disabled veterans, former prisoners of war, or spouses or domestic partners of deceased former prisoners of war under section 619 of this act.

NEW SECTION. Sec. 613. (1) The department must make available, upon request by a purchaser of special armed forces license plates, at no additional cost, a decal indicating the purchaser's military status. The list of available decals must include, but is not limited to:

- (a) Active duty;
- (b) Disabled veteran;
- (c) Reservist;
- (d) Retiree;
- (e) Veteran; or
- (f) Other decals established in cooperation with the department of veterans affairs.

(2) Armed forces decals must be made available only for standard six-inch by twelve-inch license plates. The department may specify where the decal may be placed on the license plate.

(3) The department of veterans affairs must enter into an agreement with the department to reimburse the department for the costs associated with providing military status decals described in this section.

Sec. 614. RCW 46.16.301 and 1997 c 291 s 5 are each amended to read as follows:

The department shall create, design, and issue a special baseball stadium license plate that may be used in lieu of ~~((regular))~~ standard issue or personalized license plates for motor vehicles required to

display two ~~((motor vehicle))~~ license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special license plates ~~((shall))~~ commemorate the construction of a baseball stadium, as defined in RCW 82.14.0485. The department shall also issue to each recipient of a special baseball stadium license plate a certificate of participation in the construction of the baseball stadium.

Sec. 615. RCW 46.16.324 and 1994 c 194 s 3 are each amended to read as follows:

~~((Effective January 1, 1995,))~~ A state university, regional university, or state college as defined in RCW 28B.10.016 may apply to the department, in a form ~~((prescribed))~~ approved by the department~~((s))~~ and request the department to issue a series of collegiate license plates, for display on motor vehicles, depicting the name and mascot or symbol of the college or university, as submitted and approved for use by the requesting institution.

NEW SECTION. Sec. 616. (1) A registered owner may apply to the department for special license plates showing the official amateur radio call letters assigned by the federal communications commission. The amateur radio operator must:

- (a) Provide a copy of the current valid federal communications commission amateur radio license;
- (b) Pay the amateur radio license plate fee required under section 521(1)(a) of this act, in addition to any other fees and taxes due; and
- (c) Be recorded as the registered owner of the vehicle on which the amateur radio license plates will be displayed.

(2) Amateur radio license plates must be issued only for motor vehicles owned by persons who have a valid official radio operator license issued by the federal communications commission.

(3) The department shall not issue or may refuse to issue amateur radio license plates that display the consecutive letters "WSP."

(4) A person who has been issued amateur radio operator license plates as provided in this section must:

- (a) Notify the department within thirty days after the federal communications commission license assigned is canceled or expires, and return the amateur radio license plates; and
 - (b) Provide a copy of the renewed federal communications commission license to the department after it is renewed.
- (5) Amateur radio license plates may be transferred from one motor vehicle to another motor vehicle owned by the amateur radio operator upon application to the department, county auditor or other agent, or subagent appointed by the director.

(6) Facilities of official amateur radio stations may be utilized to the fullest extent in the work of governmental agencies. The director shall furnish the state military department, the department of commerce, the Washington state patrol, and all county sheriffs a list of the names, addresses, and license plate or official amateur radio call letters of each person possessing the amateur radio license plates.

(7) Failure to return the amateur radio license plates as required under subsection (4) of this section is a traffic infraction.

NEW SECTION. Sec. 617. (1) A registered owner may apply to the department, county auditor or other agent, or subagent appointed by the director for a collector vehicle license plate for a motor vehicle that is at least thirty years old. The motor vehicle must be operated primarily as a collector vehicle and be in good running order. The applicant for the collector vehicle license plate shall:

- (a) Purchase a registration for the motor vehicle as required under chapters 46.16 and 46.17 RCW; and
- (b) Pay the special license plate fee established under section 521(1)(d) of this act, in addition to any other fees or taxes required by law.

(2) A person applying for a collector vehicle license plate may:

- (a) Receive a collector vehicle license plate assigned by the department; or
- (b) Provide a Washington state issued license plate designated for general use in the year of the vehicle's manufacture.

(3) Collector vehicle license plates:

- (a) Are valid for the life of the motor vehicle;
- (b) Are not required to be renewed; and
- (c) Must be displayed on the rear of the motor vehicle.

(4) A collector vehicle registered under this section may only be used for participation in club activities, exhibitions, tours, parades, and occasional pleasure driving.

(5) Collector vehicle license plates may be transferred from one motor vehicle to another motor vehicle described in subsection (1) of this section upon application to the department, county auditor or other agent, or subagent appointed by the director.

NEW SECTION. Sec. 618. (1) A registered owner who has been awarded the Congressional Medal of Honor may apply to the department for special license plates for use on a passenger vehicle. The Congressional Medal of Honor recipient must:

- (a) Provide proof from the Washington state department of veterans affairs showing receipt of the medal; and
 - (b) Be recorded as the registered owner of the vehicle on which the Congressional Medal of Honor license plates will be displayed.
- (2) Congressional Medal of Honor license plates must be issued:
- (a) Only for a personal passenger motor vehicle owned by persons who have received the Congressional Medal of Honor; and
 - (b) Without payment of vehicle license fees, license plate fees, and motor vehicle excise taxes.
- (3) Congressional Medal of Honor license plates must be replaced, free of charge, if the license plates become lost, stolen, damaged, defaced, or destroyed.
- (4) Congressional Medal of Honor license plates may be transferred, free of charge, from one motor vehicle to another motor vehicle owned by the Congressional Medal of Honor recipient upon application to the department, county auditor or other agent, or subagent appointed by the director.

NEW SECTION. Sec. 619. (1) A registered owner who is a veteran, as defined in RCW 41.04.007, may apply to the department for disabled American veteran or former prisoner of war license plates, for use on one personal use motor vehicle. The veteran must be recorded as the registered owner of the vehicle on which the disabled American veteran or former prisoner of war license plates will be displayed and:

- (a) Provide certification from the veterans administration or the military service from which the veteran was discharged that the veteran has a service-connected disability rating;
- (b) Have lost the use of both hands or one foot;
- (c) Have been captured and incarcerated by an enemy of the United States during a period of war with the United States and have received a prisoner of war medal;
- (d) Have become blind in both eyes as the result of military service; or
- (e) Be rated by the veterans administration or the military service from which the veteran was discharged and be receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year.

(2) The special license plates under this section must:

- (a) Display distinguishing marks, letters, or numerals indicating that the registered owner is a disabled American veteran or former prisoner of war; and
- (b) Be issued for one personal use vehicle without the payment of any vehicle license fees, license plate fees, or excise taxes.

(3) A registered owner who is a veteran, as defined in RCW 41.04.007, may, in lieu of applying for the special license plates under this section, apply for regular issue or any qualifying special license plate and receive the full benefit of the vehicle license fee and excise tax exemption provided in subsection (2)(b) of this section.

(4) The department may periodically verify the one hundred percent rate as described in subsection (1)(e) of this section.

(5) A veteran who has been issued disabled American veteran or former prisoner of war license plates under this section before July 1, 1983, continues to be eligible for the vehicle license fee and excise tax exemption described in subsection (2)(b) of this section.

(6) Disabled American veteran and former prisoner of war license plates may be transferred from one motor vehicle to another motor vehicle owned by the veteran upon application to the department, county auditor or other agent, or subagent appointed by the director.

(7) For the purposes of this section:

(a) "Blind" means the definition of "blind" used by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW; and

(b) "Special license plates" does not include any plate from the armed forces license plate collection established in section 611(3) of this act.

(8) Any unauthorized use of a special license plate under this section is a gross misdemeanor.

NEW SECTION. Sec. 620. (1) A registered owner who is an officer of the Taipei economic and cultural office may apply to the department for special license plates for a motor vehicle owned or leased by the officer. The special license plates must:

- (a) Be issued for passenger vehicles having a manufacturer's rated carrying capacity of one ton or less;
- (b) Show the words "Foreign Organization";
- (c) Be in a distinguishing color and a separate numerical series;
- (d) Be returned to the department when no longer in use or when the owner or lessee is relieved of his or her duties as a representative of the recognized foreign organization; and
- (e) Be removed from the vehicle when the officer of the Taipei economic and cultural office transfers or assigns the interest or certificate of title in the motor vehicle for which the special license plates were issued.

(2) Motor vehicles described in subsection (1) of this section are exempt from the vehicle license fees under section 531 of this act.

(3) Foreign organization license plates may be transferred from one motor vehicle to another motor vehicle owned by the officer as described in subsection (1) of this section upon application to the department, county auditor or other agent, or subagent appointed by the director.

(4) The Taipei economic and cultural office shall bear the entire cost of production of the special license plates described in subsection (1) of this section.

NEW SECTION. Sec. 621. (1) A registered owner who is the mother or father of a member of the United States armed forces who died while in service to his or her country, or as a result of his or her service, may apply to the department for special gold star license plates for use on a motor vehicle. The registered owner must:

- (a) Be a resident of this state;
- (b) Provide certification from the Washington state department of veterans affairs that the registered owner qualifies for the special license plate under this section;
- (c) Be recorded as the registered owner of the motor vehicle on which the gold star license plates will be displayed; and
- (d) Pay all fees and taxes required by law for registering the motor vehicle.

(2) Gold star license plates must be issued:

- (a) Only for motor vehicles owned by qualifying applicants; and
 - (b) Without payment of any license plate fee.
- (3) Gold star license plates must be replaced, free of charge, if the license plates become lost, stolen, damaged, defaced, or destroyed.

(4) Gold star license plates may be transferred from one motor vehicle to another motor vehicle owned by the mother or father, as described in subsection (1) of this section, upon application to the department, county auditor or other agent, or subagent appointed by the director.

NEW SECTION. Sec. 622. (1) A registered owner who is an honorary consul or official representative of any foreign government may apply to the department for special license plates for a motor vehicle owned or leased by the honorary consul or official representative. The honorary consul or official representative must be a citizen of the United States, pay all required vehicle license fees and taxes, and either (a) provide a copy of the honorary consul identification card or (b) show the exequatur issued by the United States department of state.

(2) The special honorary consul license plates must be:

(a) A distinguishing color and separate numerical series;

(b) Returned to the department when no longer in use or when the honorary consul or official representative is relieved of his or her official duties; and

(c) Removed from the vehicle when the honorary consul or official representative transfers or assigns the interest or certificate of title in the motor vehicle for which the special license plates were issued.

(3) The special honorary consul license plates may be transferred to a replacement vehicle. The honorary consul or official representative shall immediately notify the department of the transfer of the special license plates.

NEW SECTION. Sec. 623. (1) A registered owner may apply to the department, county auditor or other agent, or subagent appointed by the director for a horseless carriage license plate for a motor vehicle that is at least forty years old. The motor vehicle must be operated primarily as a collector vehicle and be in good running order. The applicant for the horseless carriage license plate shall:

(a) Purchase a registration for the motor vehicle as required under chapters 46.16 and 46.17 RCW; and

(b) Pay the special license plate fee established under section 521(1)(i) of this act, in addition to any other fees or taxes required by law.

(2) Horseless carriage license plates:

(a) Are valid for the life of the motor vehicle;

(b) Are not required to be renewed;

(c) Are not transferrable to any other motor vehicle; and

(d) Must be displayed on the rear of the motor vehicle.

NEW SECTION. Sec. 624. (1) A registered owner who has a valid military affiliate radio system station license may apply to the department for special license plates for use on only one motor vehicle owned by the qualified applicant. The applicant must:

(a) Be a resident of this state;

(b) Provide a copy of the current official military affiliate radio system station license authorized by the department of defense and issued by the United States army, air force, navy, or marine corps;

(c) Be recorded as the registered owner of the motor vehicle on which the military affiliate radio system license plates will be displayed; and

(d) Pay the military affiliate radio system license plate fee required under section 521(1)(l) of this act, in addition to any other fees or taxes required by law.

(2) A person who has been issued military affiliate radio system license plates as provided in this section must:

(a) Notify the department if the military affiliate radio system station license assigned is canceled or expires; and

(b) Provide a copy of the renewed military affiliate radio system station license to the department when it is renewed.

(3) Military affiliate radio system license plates:

(a) Are not available for motorcycles; and

(b) May be transferred from one motor vehicle to another motor vehicle owned by the military affiliate radio system operator upon application to the department, county auditor or other agent, or subagent appointed by the director.

NEW SECTION. Sec. 625. (1) A registered owner who has survived the attack on Pearl Harbor on December 7, 1941, may apply

to the department for special license plates for use on only one motor vehicle owned by the qualified applicant. The applicant must:

(a) Be a resident of this state;

(b) Have been a member of the United States armed forces on December 7, 1941;

(c) Have been on station on December 7, 1941, between the hours of 7:55 a.m. and 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;

(d) Have received an honorable discharge from the United States armed forces;

(e) Provide certification by a Washington state chapter of the Pearl Harbor survivors association showing that qualifications in (c) of this subsection have been met;

(f) Be recorded as the registered owner of the vehicle on which the Pearl Harbor survivor license plates will be displayed; and

(g) Pay all fees and taxes required by law for registering the motor vehicle.

(2) Pearl Harbor survivor license plates must be issued without the payment of any license plate fee.

(3) Pearl Harbor survivor license plates must be replaced, free of charge, if the license plates have become lost, stolen, damaged, defaced, or destroyed.

(4) Pearl Harbor survivor license plates may be issued to the surviving spouse or domestic partner of a Pearl Harbor survivor who met the requirements in subsection (1) of this section. The surviving spouse or domestic partner must be a resident of this state. If the surviving spouse remarries or the surviving domestic partner marries or enters into a new domestic partnership, he or she must return the special plates to the department within fifteen days and apply for regular license plates or another type of special license plate.

(5) Pearl Harbor survivor license plates may be transferred from one motor vehicle to another motor vehicle owned by the Pearl Harbor survivor or the surviving spouse or domestic partner as described in subsection (4) of this section upon application to the department, county auditor or other agent, or subagent appointed by the director.

NEW SECTION. Sec. 626. (1) A registered owner may apply to the department for a personalized license plate for any vehicle required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The application for personalized license plates must contain the combination of letters or numbers, or both, requested by the registered owner.

(2) Personalized license plates must:

(a) Be the same design as standard issue license plates;

(b) Consist of numbers or letters or any combination of numbers or letters;

(c) Not exceed seven positions unless proposed by the department and approved by the Washington state patrol; and

(d) Not contain less than one character.

(3) A person who purchased personalized license plates containing three letters and three digits on or between the dates of August 9, 1971, and November 6, 1973, is not required to pay the additional annual renewal fee described in section 520 of this act.

(4) The department shall not issue or may refuse to issue personalized license plates that:

(a) Duplicate or conflict with an existing or projected vehicle license plate series or other numbering systems for records kept by the department; or

(b) May carry connotations offensive to good taste and decency or which would be misleading.

(5) Personalized license plates must be issued only to the registered owner of the vehicle on which they are to be displayed. The registered owner must:

(a) Pay the personalized license plate fee required under section 520 of this act, in addition to any other fee or taxes due;

(b) Renew personalized license plates annually, regardless of whether or not the vehicle on which the personalized license plates are displayed will be driven on the public highways;

(c) Surrender personalized license plates that have not been renewed to the department. The failure to surrender expired personalized license plates is a traffic infraction; and

(d) Immediately report to the department when personalized license plates have been transferred to another vehicle or another owner.

(6) The department may establish rules as necessary to carry out this section including, but not limited to, identifying the maximum number of positions on personalized license plates for motorcycles.

NEW SECTION. Sec. 627. (1) A registered owner may purchase personalized license plates with a special license plate background for any vehicle required to display one or two vehicle license plates, excluding:

- (a) Amateur radio license plates;
- (b) Collector vehicle license plates;
- (c) Disabled American veteran license plates;
- (d) Former prisoner of war license plates;
- (e) Horseless carriage license plates;
- (f) Congressional Medal of Honor license plates;
- (g) Military affiliate radio system license plates;
- (h) Pearl Harbor survivor license plates;
- (i) Restored license plates; and
- (j) Vehicles registered under chapter 46.87 RCW.

(2) Personalized special license plates issued under this section must:

(a) Consist of numbers or letters or any combination of numbers or letters;

(b) Not exceed seven characters; and

(c) Not contain less than one character.

(3) The department may not issue or may refuse to issue personalized special license plates that:

(a) Duplicate or conflict with existing or projected vehicle license plate series or other numbering systems for records kept by the department; or

(b) May carry connotations offensive to good taste and decency or which would be misleading.

(4) Personalized special license plates must be issued only to the registered owner of the vehicle on which they are to be displayed.

The registered owner must:

(a) Pay both the personalized license plate fee required under section 520 of this act and the special license plate fee required under the applicable special license plate provision, in addition to any other fee or taxes due. License plate fees must be distributed as provided in chapter 46.68 RCW;

(b) Renew personalized special license plates annually, regardless of whether or not the vehicle on which the personalized special license plates are displayed will be driven on the public highways;

(c) Surrender personalized special license plates that have not been renewed to the department. The failure to surrender expired personalized special license plates is a traffic infraction; and

(d) Immediately report to the department when personalized special license plates have been transferred to another vehicle or another owner.

(5) The department may establish rules as necessary to carry out this section including, but not limited to, identifying the maximum number of positions on personalized special license plates for motorcycles.

NEW SECTION. Sec. 628. (1) A registered owner who has been awarded a Purple Heart medal by any branch of the United States armed forces, including the merchant marines and the women's air forces service pilots may apply to the department for special license plates for use on only one motor vehicle owned by the qualified applicant. The applicant must:

(a) Be a resident of this state;

(b) Have been wounded during one of this nation's wars or conflicts identified in RCW 41.04.005;

(c) Have received an honorable discharge from the United States armed forces;

(d) Provide a copy of the armed forces document showing the recipient was awarded the Purple Heart medal;

(e) Be recorded as the registered owner of the vehicle on which the Purple Heart survivor license plates will be displayed; and

(f) Pay all fees and taxes required by law for registering the motor vehicle.

(2) Purple Heart license plates must be issued without the payment of any special license plate fee.

(3) Purple Heart license plates may be issued to the surviving spouse or domestic partner of a Purple Heart recipient who met the requirements in subsection (1) of this section. The surviving spouse or domestic partner must be a resident of this state. If the surviving spouse remarries or the surviving domestic partner marries or enters into a new domestic partnership, he or she must return the special plates to the department within fifteen days and apply for regular license plates or another type of special license plate.

(4) Purple Heart license plates may be transferred from one motor vehicle to another motor vehicle owned by the Purple Heart recipient or the surviving spouse or domestic partner as described in subsection (3) of this section upon application to the department, county auditor or other agent, or subagent appointed by the director.

NEW SECTION. Sec. 629. A registered owner who uses a passenger motor vehicle for commuter ride sharing or ride sharing for persons with special transportation needs, as defined in RCW 46.74.010, shall apply to the director, county auditor or other agent, or subagent appointed by the director for special ride share license plates. The registered owner must qualify for the tax exemptions provided in RCW 82.08.0287, 82.12.0282, or 82.44.015, and pay the special ride share license plate fee required under section 521(1)(n) of this act when the special ride share license plates are initially issued.

(2) The special ride share license plates:

(a) Must be of a distinguishing separate numerical series or design as defined by the department;

(b) Must be returned to the department when no longer in use or when the registered owner no longer qualifies for the tax exemptions provided in subsection (1) of this section; and

(c) Are not required to be renewed annually for motor vehicles described in RCW 46.16.020 (as recodified by this act).

(3) Special ride share license plates may be transferred from one motor vehicle to another motor vehicle as described in subsection (1) of this section upon application to the department, county auditor or other agent, or subagent appointed by the director.

(4) Any person who knowingly makes a false statement of a material fact in the application for a special license plate under subsection (1) of this section is guilty of a gross misdemeanor.

NEW SECTION. Sec. 630. A registered owner may apply to the department, county auditor or other agent, or subagent appointed by the director for a square dancer license plate. The registered owner shall pay the special license plate fee required under section 521(1)(q) of this act, in addition to any other fee or tax required by law. The square dancer license plate may be issued in lieu of standard issue or personalized license plates for vehicles required to display two license plates, but may not be issued for vehicles registered under chapter 46.87 RCW.

D. MISCELLANEOUS

Sec. 631. RCW 46.16.335 and 1990 c 250 s 10 are each amended to read as follows:

The director shall adopt rules to implement (~~RCW 46.16.301 through 46.16.332~~) chapter 46. RCW (the new chapter created in section 1224 of this act), including setting of fees.

PART VII.**SPECIAL PARKING PRIVILEGES FOR PERSONS WITH DISABILITIES**

NEW SECTION. Sec. 701. (1) A natural person who has a disability that meets one of the following criteria may apply for special parking privileges:

- (a) Cannot walk two hundred feet without stopping to rest;
 - (b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;
 - (c) Has such a severe disability that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;
 - (d) Uses portable oxygen;
 - (e) Is restricted by lung disease to an extent that forced expiratory respiratory volume, when measured by spirometry, is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
 - (f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American heart association;
 - (g) Has a disability resulting from an acute sensitivity to automobile emissions that limits or impairs the ability to walk. The personal physician, advanced registered nurse practitioner, or physician assistant of the applicant shall document that the disability is comparable in severity to the others listed in this subsection;
 - (h) Has limited mobility and has no vision or whose vision with corrective lenses is so limited that the person requires alternative methods or skills to do efficiently those things that are ordinarily done with sight by persons with normal vision;
 - (i) Has an eye condition of a progressive nature that may lead to blindness; or
 - (j) Is restricted by a form of porphyria to the extent that the applicant would significantly benefit from a decrease in exposure to light.
- (2) The disability must be determined by either:
- (a) A licensed physician;
 - (b) An advanced registered nurse practitioner licensed under chapter 18.79 RCW; or
 - (c) A physician assistant licensed under chapter 18.71A or 18.57A RCW.

(3) The application for special parking privileges for persons with disabilities must contain:

(a) The following statement immediately below the physician's, advanced registered nurse practitioner's, or physician assistant's signature: "A parking permit for a person with disabilities may be issued only for a medical necessity that severely affects mobility or involves acute sensitivity to light (section 701 of this act). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both"; and

(b) Other information as required by the department.

(4) A natural person who has a disability described in subsection (1) of this section and is expected to improve within six months may be issued a temporary placard for a period not to exceed six months. If the disability exists after six months, a new temporary placard must be issued upon receipt of a new application with certification from the person's physician. Special license plates for persons with disabilities may not be issued to a person with a temporary disability.

(5) A natural person who qualifies for special parking privileges under this section must receive an identification card showing the name and date of birth of the person to whom the parking privilege has been issued and the serial number of the placard.

(6) A natural person who qualifies for permanent special parking privileges under this section may receive one of the following:

- (a) Up to two parking placards;

(b) One set of special license plates for persons with disabilities if the person with the disability is the registered owner of the vehicle on which the license plates will be displayed;

(c) One parking placard and one set of special license plates for persons with disabilities if the person with the disability is the registered owner of the vehicle on which the license plates will be displayed; or

(d) One special parking year tab for persons with disabilities and one parking placard.

(7) Parking placards and identification cards described in this section must be issued free of charge.

(8) The parking placard and identification card must be immediately returned to the department upon the placard holder's death.

NEW SECTION. Sec. 702. (1) The following organizations may apply for special parking privileges:

- (a) Public transportation authorities;
- (b) Nursing homes licensed under chapter 18.51 RCW;
- (c) Boarding homes licensed under chapter 18.20 RCW;
- (d) Senior citizen centers;
- (e) Private nonprofit corporations, as defined in RCW 24.03.005; and

(f) Cabulance companies that regularly transport persons with disabilities who have been determined eligible for special parking privileges under this section and who are registered with the department under chapter 46.72 RCW.

(2) An organization that qualifies for special parking privileges may receive, upon application, parking license plates or placards, or both, for persons with disabilities as defined by the department.

(3) Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit corporations, and cabulance services are responsible for ensuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(4) The department shall adopt rules to determine organization eligibility.

NEW SECTION. Sec. 703. (1) Parking privileges for persons with disabilities must be renewed at least every five years, as required by the director, by satisfactory proof of the right to continued use of the privileges.

(2) The department shall match and purge its database of parking permits issued to persons with disabilities with available death record information at least every twelve months.

(3) The department shall adopt rules to administer the parking privileges for persons with disabilities program.

NEW SECTION. Sec. 704. (1) The department shall design special license plates for persons with disabilities, parking placards, and year tabs displaying the international symbol of access.

(2) Special license plates for persons with disabilities must be displayed on the motor vehicle as standard issue license plates as described in section 422 of this act.

(3) Parking placards must be displayed when the motor vehicle is parked by suspending it from the rearview mirror. In the absence of a rearview mirror, the parking placard must be displayed on the dashboard.

(4) Special year tabs for persons with disabilities must be displayed on license plates as defined by the department.

(5) Persons who have been issued special license plates for persons with disabilities, parking placards, or special license plates with a special year tab for persons with disabilities may park in places reserved for persons with physical disabilities.

NEW SECTION. Sec. 705. (1) An additional fee may not be charged for special license plates for persons with disabilities except for any other fees and taxes required to be paid upon registration of a motor vehicle.

(2) A registered owner who qualifies for special parking privileges as described in section 701 of this act may apply to the department for special license plates for persons with disabilities or special license plates with a special year tab for persons with disabilities. Special license plates with a special year tab for persons with disabilities are available on the following special license plate designs:

PLATE TYPE	ISSUED UNDER
Armed forces collection	Section 612 of this act
Baseball stadium	RCW 46.16.301 (as recodified by this act)
Collegiate	RCW 46.16.324 (as recodified by this act)
Disabled American veteran	Section 619 of this act
Endangered wildlife	Section 611 of this act
Former prisoner of war	Section 619 of this act
Helping kids speak	Section 611 of this act
Keep kids safe	Section 611 of this act
Law enforcement memorial	Section 611 of this act
Pearl Harbor survivor	Section 625 of this act
Personalized	Section 626 of this act
Professional firefighters and paramedics	Section 611 of this act
Purple Heart	Section 628 of this act
Share the road	Section 611 of this act
Ski & ride Washington	Section 611 of this act
Square dancer	Section 630 of this act
Washington lighthouses	Section 611 of this act
Washington's national park fund	Section 611 of this act
Washington state parks	Section 611 of this act
Washington's wildlife collection	Section 611 of this act
We love our pets	Section 611 of this act
Wild on Washington	Section 611 of this act

(3) A registered owner who chooses to purchase special license plates as described in subsection (2) of this section shall pay the applicable special license plate fee, in addition to any other fees or taxes required for registering a motor vehicle.

(4) Special license plates for persons with disabilities or special license plates with a special year tab for persons with disabilities must be renewed in the same manner and at the time required for the renewal of standard motor vehicle license plates under chapter 46.16 RCW.

(5) Special license plates for persons with disabilities or special license plates with a special year tab for persons with disabilities may

be transferred from one motor vehicle to another motor vehicle owned by the person with the parking privilege upon application to the department, county auditor or other agent, or subagent appointed by the director.

(6) Special license plates for persons with disabilities or special license plates with a special year tab for persons with disabilities must be removed from the motor vehicle when the person with disabilities transfers or assigns his or her interest in the motor vehicle.

NEW SECTION. Sec. 706. (1) False information. Knowingly providing false information in conjunction with the application for special parking privileges for persons with disabilities is a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) **Unauthorized use.** Any unauthorized use of the special placard, special license, or identification card issued under this chapter is a traffic infraction with a monetary penalty of two hundred fifty dollars.

(3) **Inaccessible access.** It is a parking infraction, with a monetary penalty of two hundred fifty dollars, for a person to make inaccessible the access aisle located next to a space reserved for persons with physical disabilities. The clerk of the court shall report all violations related to this subsection to the department.

(4) **Parking without placard/plate.** It is a parking infraction, with a monetary penalty of two hundred fifty dollars, for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for persons with physical disabilities without a placard or special license plate issued under this chapter. If a person is charged with a violation, the person will not be determined to have committed an infraction if the person produces in court or before the court appearance the placard or special license plate issued under this chapter as required under this chapter. A local jurisdiction providing nonmetered, on-street parking places reserved for persons with physical disabilities may impose by ordinance time restrictions of no less than four hours on the use of these parking places.

(5) **Time restrictions.** A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards or special license plates issued under this chapter. All time restrictions must be clearly posted.

(6) **Use of funds - reimbursement.** Funds from the penalties imposed under subsections (3) and (4) of this section must be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs that it may have incurred in the removal and storage of the improperly parked vehicle.

(7) **Illegal attainment.** Except as provided in subsection (1) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate, placard, or identification card issued under this chapter in a manner other than that established under this chapter.

(8) **Volunteer appointment.** A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of sections 701 and 704 of this act or RCW 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications that the agency deems desirable.

(a) An agency appointing volunteers under this section must provide training to the volunteers before authorizing them to issue notices of infractions.

(b) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(c) A police officer or a volunteer may request a person to show the person's identification card or special parking placard when investigating the possibility of a violation of this section. If the

request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

(9) **Community restitution.** For second or subsequent violations of this section, in addition to a monetary penalty, the violator must complete a minimum of forty hours of:

(a) Community restitution for a nonprofit organization that serves persons with disabilities or disabling diseases; or

(b) Any other community restitution that may sensitize the violator to the needs and obstacles faced by persons with disabilities.

(10) **Fine suspension.** The court may not suspend more than one-half of any fine imposed under subsection (2), (3), (4), or (7) of this section.

Sec. 707. RCW 46.16.390 and 2005 c 390 s 4 are each amended to read as follows:

A special license plate or card issued by another state or country that indicates that an occupant of ~~((the))~~ a vehicle has disabilities~~((s))~~ entitles the vehicle on or in which it is displayed and being used to transport the person with disabilities to lawfully park in a parking place reserved for persons with physical disabilities pursuant to chapter 70.92 RCW ~~((or authority implemental thereof)).~~

PART VIII. FEE DISTRIBUTION

Sec. 801. RCW 46.68.010 and 2003 c 53 s 248 are each amended to read as follows:

((1) Whenever any license fee, paid under the provisions of this title, has been erroneously paid, either wholly or in part, the payor is entitled to have refunded the amount so erroneously paid.

(2) A license fee is refundable in one or more of the following circumstances: (a) If the vehicle for which the renewal license was purchased was destroyed before the beginning date of the registration period for which the renewal fee was paid; (b) if the vehicle for which the renewal license was purchased was permanently removed from the state before the beginning date of the registration period for which the renewal fee was paid; (c) if the vehicle license was purchased after the owner has sold the vehicle; (d) if the vehicle is currently licensed in Washington and is subsequently licensed in another jurisdiction, in which case any full months of Washington fees between the date of license application in the other jurisdiction and the expiration of the Washington license are refundable; or (e) if the vehicle for which the renewal license was purchased is sold before the beginning date of the registration period for which the renewal fee was paid, and the payor returns the new, unused, never affixed license renewal tabs to the department before the beginning of the registration period for which the registration was purchased.

(3) Upon the refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto. No claim for refund shall be allowed for such erroneous payments unless filed with the director within three years after such claimed erroneous payment was made.

(4) If due to error a person has been required to pay a vehicle license fee under this title and an excise tax under Title 82 RCW that amounts to an overpayment of ten dollars or more, that person shall be entitled to a refund of the entire amount of the overpayment, regardless of whether a refund of the overpayment has been requested.

(5) If due to error the department or its agent has failed to collect the full amount of the license fee and excise tax due and the underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax and fees.

(6) Any person who makes a false statement under which he or she obtains a refund to which he or she is not entitled under this section is guilty of a gross misdemeanor.)

(1) A person who has paid all or part of a vehicle license fee under this title is entitled to a refund if the amount was paid in error or if the

vehicle:

(a) Was destroyed before the new registration period began;

(b) Was permanently removed from Washington state before the new registration period began;

(c) Registration was purchased after the owner sold the vehicle;

(d) Was registered in another jurisdiction after the Washington state registration had been purchased. Any full months of Washington vehicle license fees remaining after application for out-of-state registration was made are refundable; or

(e) Registration was purchased before the vehicle was sold and before the new registration period began. The person who paid the fees must return the unused, never-affixed license tabs to the department before the new registration period begins.

(2) The department shall refund overpayments of vehicle license fees and motor vehicle excise taxes under Title 82 RCW that are ten dollars or more. A request for a refund is not required.

(3) The department shall certify refunds to the state treasurer as correct and being claimed in the time required by law. The state treasurer shall mail or deliver the amount of each refund to the person who is entitled to the refund. The department shall not authorize refunds of fees paid in error unless the request is made within three years after the fees were paid.

(4) If due to error the department, county auditor or other agent, or subagent appointed by the director has failed to collect the full amount of the vehicle license fee and excise tax due and the underpayment is in the amount of ten dollars or more, the department shall charge and collect the additional amount to constitute full payment of the tax and fees.

(5) Any person who makes a false statement under which he or she obtains a refund that he or she is not entitled to under this section is guilty of a gross misdemeanor.

Sec. 802. RCW 46.68.020 and 2004 c 200 s 3 are each amended to read as follows:

((The director shall forward all fees for certificates of ownership or other moneys accruing under the provisions of chapter 46.12 RCW to the state treasurer, together with a proper identifying detailed report. The state treasurer shall credit such moneys as follows:

(1) The fees collected under RCW 46.12.040(1) and 46.12.101(6) shall be credited to the multimodal transportation account in RCW 47.66.070.

(2)(a) Beginning July 27, 2003, and until July 1, 2008, the fees collected under RCW 46.12.080, 46.12.101(3), 46.12.170, and 46.12.181 shall be credited as follows:

(i) 58.12 percent shall be credited to a segregated subaccount of the air pollution control account in RCW 70.94.015;

(ii) 16.60 percent shall be credited to the vessel response account created in RCW 90.56.335; and

(iii) The remainder shall be credited into the transportation 2003 account (nickel account).

(b) Beginning July 1, 2008, and thereafter, the fees collected under RCW 46.12.080, 46.12.101(3), 46.12.170, and 46.12.181 shall be credited to the transportation 2003 account (nickel account).

(3) The fees collected under RCW 46.12.040(3) and 46.12.060 shall be credited to the motor vehicle account.)

(1) The director shall forward all fees for certificates of title or other moneys accruing under chapters 46.12 and 46.17 RCW to the state treasurer, together with a proper identifying detailed report. The state treasurer shall credit these moneys as follows:

<u>FEE</u>	<u>REQUIRE</u>	<u>ESTABLISHE</u>	<u>DISTRIBUTIO</u>
	<u>D IN</u>	<u>D IN</u>	<u>N</u>
<u>ORV</u>	<u>Section 214</u>	<u>Section 508 of</u>	<u>RCW 47.66.070</u>
<u>registration</u>	<u>of this act</u>	<u>this act</u>	
<u>fee</u>			
<u>Original</u>	<u>RCW</u>	<u>Section 508 of</u>	<u>RCW 47.66.070</u>
<u>certificate of</u>	<u>46.12.030</u>	<u>this act</u>	

<u>title</u>	(as <u>recodified by this act</u>)		
<u>Penalty for late transfer</u>	<u>RCW 46.12.101</u>	<u>Section 512 of this act</u>	<u>RCW 47.66.070</u>
	(as <u>recodified by this act</u>)		
<u>Motor change</u>	<u>RCW 46.12.080</u>	<u>Section 508 of this act</u>	<u>RCW 46.68.280</u>
	(as <u>recodified by this act</u>)		
<u>Transfer certificate of title</u>	<u>RCW 46.12.101</u>	<u>Section 508 of this act</u>	<u>RCW 46.68.280</u>
	(as <u>recodified by this act</u>)		
<u>Security interest changes</u>	<u>RCW 46.12.170</u>	<u>Section 508 of this act</u>	<u>RCW 46.68.280</u>
	(as <u>recodified by this act</u>)		
<u>Duplicate certificate of title</u>	<u>RCW 46.12.181</u>	<u>Section 508 of this act</u>	<u>RCW 46.68.280</u>
	(as <u>recodified by this act</u>)		
<u>Stolen vehicle check</u>	<u>RCW 46.12.047</u>	<u>Section 513 of this act</u>	<u>RCW 46.68.070</u>
	(as <u>recodified by this act</u>)		
<u>Vehicle identification number assignment</u>	<u>Section 303 of this act</u>	<u>Section 515 of this act</u>	<u>RCW 46.68.070</u>

(2) The vehicle identification number inspection fee created in section 514 of this act must be credited as follows:

(a) Fifteen dollars to the state patrol highway account created in RCW 46.68.030; and

(b) Fifty dollars to the motor vehicle fund created in RCW 46.68.070.

Sec. 803. RCW 46.68.030 and 2002 c 352 s 22 are each amended to read as follows:

(Except for proceeds from fees for vehicle licensing for vehicles paying such fees under RCW 46.16.070 and 46.16.085, and as otherwise provided for in chapter 46.16 RCW, all fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be deposited to the credit of the motor vehicle fund, except that the proceeds from the vehicle license fee and renewal license fee shall be deposited by the state treasurer as hereinafter provided. After July 1, 2002,) (1) The director shall forward all fees for vehicle registrations under chapters 46.16 and 46.17 RCW, unless otherwise specified by law, to the state treasurer with a proper identifying detailed report. The state treasurer shall credit these moneys to the motor vehicle fund created in RCW 46.68.070.

(2) Proceeds from vehicle license fees and renewal vehicle license fees must be deposited by the state treasurer as follows:

(a) \$20.35 of each ((original)) initial or renewal vehicle license fee must be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal vehicle

license fees, and all other funds in the state patrol highway account ((shall)) must be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations ((therefor)).

(b) \$2.02 of each ((original)) initial vehicle license fee and \$0.93 of each renewal vehicle license fee ((shall)) must be deposited each biennium in the Puget Sound ferry operations account.

(c) Any remaining amounts of vehicle license fees and renewal vehicle license fees that are not distributed otherwise under this section must be deposited in the motor vehicle fund.

Sec. 804. RCW 46.68.035 and 2006 c 337 s 1 are each amended to read as follows:

The director shall forward all proceeds from ((combined)) vehicle ((licensing)) license fees received by the director for vehicles ((licensed)) registered under ((RCW 46.16.070 and 46.16.085 shall be forwarded)) sections 530, 531(1) (c) and (k), and 535(1)(c) of this act to the state treasurer to be distributed into accounts according to the following method:

(1) ((The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder and the proceeds from the license fee under RCW 46.16.086 and the farm vehicle trip permit under RCW 46.16.162 shall be distributed as follows:

(a)) 22.36 percent ((shall)) must be deposited into the state patrol highway account of the motor vehicle fund;

((b)) (2) 1.375 percent ((shall)) must be deposited into the Puget Sound ferry operations account of the motor vehicle fund;

((c)) (3) 5.237 percent ((shall)) must be deposited into the transportation 2003 account (nickel account);

((d)) (4) 11.533 percent ((shall)) must be deposited into the transportation partnership account created in RCW 46.68.290; and

((e)) (5) The remaining proceeds ((shall)) must be deposited into the motor vehicle fund.

NEW SECTION. Sec. 805. A new section is added to chapter 46.68 RCW to read as follows:

At least quarterly, the department shall transmit donations made to the organ and tissue donation awareness account under RCW 46.16.076(2) (as recodified by this act) to the foundation established for organ and tissue donation awareness purposes by the Washington state organ procurement organizations. All Washington state organ procurement organizations have proportional access to these funds to conduct public education in their service areas.

NEW SECTION. Sec. 806. A new section is added to chapter 46.68 RCW to read as follows:

All receipts from the voluntary donation received under RCW 46.16.076(3) (as recodified by this act) must be deposited in the state parks renewal and stewardship account established in RCW 79A.05.215 to be used for the operation and maintenance of state parks.

Sec. 807. RCW 46.68.220 and 2009 c 470 s 712 are each amended to read as follows:

The department of licensing services account is created in the motor vehicle fund. All receipts from service fees received under ((RCW 46.01.140(4)(b) shall)) section 503 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for;

(1) Information and service delivery systems for the department((, and for));

(2) Reimbursement of county licensing activities; and

(3) County auditor or other agent and subagent support including, but not limited to, the replacement of department-owned equipment in the possession of county auditors or other agents and subagents

appointed by the director. During the 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the department of licensing services account such amounts as reflect the excess fund balance of the account.

NEW SECTION. Sec. 808. A new section is added to chapter 46.68 RCW to read as follows:

(1) The special license plate applicant trust account is created in the custody of the state treasurer. All receipts from special license plate applicants must be deposited into the account. Only the director or the director's designee may authorize disbursements from the account. The account is not subject to the allotment procedures under chapter 43.88 RCW, and an appropriation is not required for disbursements.

(2)(a) Revenues generated from the sale of special license plates for those sponsoring organizations that used the application process in section 606 of this act must be deposited into the motor vehicle fund until the department determines that the state's implementation costs have been fully reimbursed.

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

(3) If reimbursement does not occur within two years from the date the plate is first offered for sale to the public, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the plate series must be discontinued immediately. Special license plates issued before discontinuation are valid until replaced under section 422(10) of this act.

NEW SECTION. Sec. 809. A new section is added to chapter 46.68 RCW to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under section 521 of this act that were approved by the special license plate review board under section 611 of this act;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fee amounts for each special license plate to the following appropriate account:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
Gonzaga university alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga university
Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development
Law enforcement memorial	Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance,

Lighthouse environmental programs

Share the road

Ski & ride Washington

Washington state council of firefighters benevolent fund

Washington's national park fund

We love our pets

fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers
 Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents
 Promote bicycle safety and awareness education in communities throughout Washington
 Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs
 Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need
 Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks
 Support and enable the Washington federation of animal welfare and control agencies to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population

(3) Only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in

Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.16.735(1) (as recodified by this act).

NEW SECTION. Sec. 810. A new section is added to chapter 46.68 RCW to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under section 521 of this act that were approved by the special license plate review board under section 611 of this act;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle fund until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fees to the following accounts by special license plate type:

SPECIAL LICENSE PLATE TYPE	ACCOUNT	CONDITIONS FOR USE OF FUNDS
Armed forces	RCW 43.60A.140	N/A
Endangered wildlife	RCW 77.12.170	Must be used only for the department of fish and wildlife's endangered wildlife program activities
Keep kids safe	RCW 43.121.100	As specified in RCW 43.121.050
Washington state parks	RCW 79A.05.059	Provide public educational opportunities and enhancement of Washington state parks
Washington's wildlife collection	RCW 77.12.170	Only for the department of fish and wildlife's game species management activities
Wild on Washington	RCW 77.12.170	Dedicated to the department of fish and wildlife's watchable wildlife activities, as defined in RCW 77.32.560

NEW SECTION. Sec. 811. A new section is added to chapter 46.68 RCW to read as follows:

(1) The department shall:

(a) Collect special license plates fees established under section 521(1) (c) and (e) of this act;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the remaining special license plate fees to the following accounts by special license plate type:

SPECIAL LICENSE PLATE TYPE	ACCOUNT	PURPOSE
Baseball stadium	A county	To pay the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After the principal and interest payments on bonds have been made, the state treasurer shall credit the funds to the state general fund
Collegiate	RCW 28B.10.890	Student scholarships

NEW SECTION. Sec. 812. A new section is added to chapter 46.68 RCW to read as follows:

The vehicle identification number inspection fee collected under section 514 of this act must be distributed as follows:

(1) Fifteen dollars to the state patrol highway account created in RCW 46.68.030; and

(2) Fifty dollars to the motor vehicle fund created in RCW 46.68.070.

NEW SECTION. Sec. 813. A new section is added to chapter 46.68 RCW to read as follows:

(1) The motor vehicle weight fee imposed under section 533(1) of this act must be deposited every July 1st as follows:

(a) Three million dollars to the freight mobility multimodal account created in RCW 46.68.310; and

(b) The remainder to the multimodal transportation account created in RCW 47.66.070.

(2) The motor vehicle weight fee:

(a) Must be used for transportation purposes;

(b) May not be used for the general support of state government; and

(c) Is imposed to provide funds to mitigate the impact of vehicle loads on the state roads and highways and is separate and distinct from other vehicle license fees. Proceeds from the fee may be used for transportation purposes, or for facilities and activities that reduce the number of vehicles or load weights on the state roads and highways.

(3) The motor home vehicle weight fee imposed under section 533(2) of this act must be deposited in the multimodal transportation account created in RCW 47.66.070.

NEW SECTION. Sec. 814. A new section is added to chapter 46.68 RCW to read as follows:

The department temporary permit fee imposed under section 535(1)(b) of this act must be distributed as follows:

(1) If collected by the department, the fee must be distributed under RCW 46.68.030; and

(2) If collected by the county auditor or other agent or subagent, the fee must be distributed to the county current expense fund.

NEW SECTION. Sec. 815. A new section is added to chapter 46.68 RCW to read as follows:

(1) The vehicle trip permit fee imposed under section 535(1)(h) of this act must be distributed as follows:

(a) Five dollars to the state patrol highway account for commercial motor vehicle inspections;

(b) A one dollar excise tax to the state general fund;

(c) The amount of the filing fee imposed under section 501(1)(a) of this act to be credited as required under section 819 of this act; and

(d) The remainder to the credit of the motor vehicle fund created in RCW 46.68.070 as an administrative fee.

(2) The administrative fee under subsection (1)(d) of this section must be increased or decreased in an equal amount if the amount of the filing fee imposed under section 501(1)(a) of this act increases or decreases, so that the total trip permit fee is adjusted equally to compensate.

(3) The vehicle trip permit surcharge imposed under section 535(4) of this act must be distributed as follows:

(a) The portion of the surcharge paid by motor carriers to the motor vehicle fund created in RCW 46.68.070 for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program; and

(b) The remainder to the motor vehicle fund created in RCW 46.68.070 for the purpose of supporting congestion relief programs.

NEW SECTION. Sec. 816. A new section is added to chapter 46.68 RCW to read as follows:

The parking ticket surcharge imposed under section 504 of this act must be distributed as follows:

(1) Ten dollars to the motor vehicle fund created in RCW 46.68.070 to be used exclusively for the administrative costs of the department; and

(2) Five dollars to be retained by the department, county auditor or other agent, or subagent appointed by the director handling the renewal application to be used for the administration of the parking ticket program.

NEW SECTION. Sec. 817. A new section is added to chapter 46.68 RCW to read as follows:

The special fuel trip permit fee imposed under section 535(1)(f) of this act for special fuel trip permits issued under RCW 82.38.100 must be distributed as follows:

(1) One dollar to be retained by the county auditor or businesses appointed by the department to defray expenses incurred in handling and selling special fuel trip permits;

(2) Five dollars to the state patrol highway account to be used for commercial motor vehicle inspections;

(3) Five dollars to the motor vehicle fund to be distributed as follows:

(a) If paid by motor carriers, to be used for supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program;

(b) If paid by a person other than a motor carrier, to be used for supporting congestion relief programs; and

(4) Nineteen dollars to the credit of the motor vehicle fund created in RCW 46.68.070.

Sec. 818. RCW 46.16.685 and 2009 c 470 s 704 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under (~~RCW 46.01.140(4)(c)(ii)~~) section 502 of this act must be deposited into this account.

Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2009-2011 fiscal biennium, the legislature may transfer

from the license plate technology account to the highway safety account such amounts as reflect the excess fund balance of the license plate technology account.

NEW SECTION. Sec. 819. A new section is added to chapter 46.68 RCW to read as follows:

A filing fee established in section 501 of this act must be distributed as follows:

(1) If paid to the county auditor or other agent or subagent appointed by the director, the fee must be distributed to the county treasurer and credited to the county current expense fund.

(2) If the fee is paid to another agent of the director, the fee must be used by the agent to defray his or her expenses in handling the application.

(3) If the fee is collected by the state patrol as agent for the director, the fee must be certified to the state treasurer and deposited to the credit of the state patrol highway account.

(4) If the fee is collected by the department of transportation as agent for the director, the fee must be certified to the state treasurer and deposited to the credit of the motor vehicle fund created in RCW 46.68.070.

(5) If the fee is collected by the director or branches of the department, the fee must be certified to the state treasurer and deposited to the credit of the highway safety fund, except that two dollars of the fee must be deposited into the multimodal transportation account if the fee is collected in conjunction with section 530 or 531(1) (c) or (k).

NEW SECTION. Sec. 820. A new section is added to chapter 46.68 RCW to read as follows:

The emergency medical services fee imposed under section 509 of this act must be distributed as follows:

(1) If collected by a vehicle dealer, the vehicle dealer must keep two dollars and fifty cents as an administrative fee and the remainder must be deposited in the emergency medical services and trauma care system trust account created in RCW 70.168.040; and

(2) If not collected by a vehicle dealer, the fee must be deposited in the emergency medical services and trauma care system trust account created in RCW 70.168.040.

NEW SECTION. Sec. 821. A new section is added to chapter 46.68 RCW to read as follows:

(1) All revenue derived from personalized license plate fees provided for in section 520 of this act must be forwarded to the state treasurer and deposited as follows:

(a) Ten dollars to the state wildlife account and used for the management of resources associated with the nonconsumptive use of wildlife;

(b) Two dollars to the wildlife rehabilitation account created under RCW 77.12.471; and

(c) The remainder to the state wildlife account to be used for the preservation, protection, perpetuation, and enhancement of nongame species of wildlife including, but not limited to, song birds, raptors, protected wildlife, rare and endangered wildlife, aquatic life, and specialized-habitat types, both terrestrial and aquatic, as well as all unclassified marine fish, shellfish, and marine invertebrates.

(2) Administrative costs incurred by the department as a direct result of administering the personalized license plate program must be appropriated by the legislature from the state wildlife account from those funds deposited in the account resulting from the sale of personalized license plates. If the actual costs incurred by the department are less than that which has been appropriated by the legislature, the remainder must revert to the state wildlife account.

Sec. 822. RCW 46.09.110 and 2007 c 241 s 14 are each amended to read as follows:

The moneys collected by the department for ORV registrations, temporary ORV use permits, decals, and tabs under this chapter (~~shall~~) and chapter 46.17 RCW must be distributed from time to time, but at least once a year, in the following manner:

(1) The department shall retain enough money to cover expenses incurred in the administration of this chapter (~~(= PROVIDED, That such retention shall)~~). The amount kept by the department must never exceed eighteen percent of fees collected.

(2) The remaining moneys (~~(shall)~~) must be distributed for ((ORV) off-road vehicle recreation facilities by the board in accordance with RCW 46.09.170(2)(d)(ii)(A) (as recodified by this act).

Sec. 823. RCW 46.10.075 and 1991 sp.s. c 13 s 9 are each amended to read as follows:

~~((There is created a))~~ (1) The snowmobile account is created within the state treasury. Snowmobile registration fees, monetary civil penalties from snowmobile dealers, and snowmobile fuel tax moneys collected under this chapter and chapter 46.17 RCW and in excess of the amounts fixed for the administration of the registration and fuel tax provisions of this chapter ((shall)) must be deposited ((in)) into the ((snowmobile)) account and ((shall)) must be appropriated only to the state parks and recreation commission for the administration and coordination of this chapter.

(2) The moneys collected by the department as snowmobile registration fees, monetary civil penalties from snowmobile dealers, and fuel tax moneys placed into the account must be distributed in the following manner:

(a) Actual expenses not to exceed three percent for each year must be retained by the department to cover expenses incurred in the administration of the registration and fuel tax provisions of this chapter; and

(b) The remainder of funds each year must be remitted to the state treasurer to be deposited into the snowmobile account of the general fund and must be appropriated only to the commission to be expended for snowmobile purposes. Purposes may include, but not necessarily be limited to, the administration, acquisition, development, operation, and maintenance of snowmobile facilities and development and implementation of snowmobile safety, enforcement, and education programs.

(3) This section is not intended to discourage any public agency in this state from developing and implementing snowmobile programs. The commission may award grants to public agencies and contract with any public or private agency or person for the purpose of developing and implementing snowmobile programs, as long as the programs are not inconsistent with the rules adopted by the commission.

PART IX. TAXES

Sec. 901. RCW 35.95A.090 and 2002 c 248 s 10 are each amended to read as follows:

(1) Every authority has the power to fix and impose a fee, not to exceed one hundred dollars per vehicle, for each vehicle that is subject to relicensing tab fees under ~~((RCW 46.16.0621))~~ section 531(1) (a), (c), (d), (e), (g), (h), (j), or (n) through (q) of this act and for each vehicle that is subject to ~~((RCW 46.16.070))~~ section 530 of this act with ((an unladen)) a scale weight of six thousand pounds or less, and that is determined by the department of licensing to be registered within the boundaries of the authority area. The department of licensing must provide an exemption from the fee for any vehicle the owner of which demonstrates is not operated within the authority area.

(2) The department of licensing will administer and collect the fee. The department will deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by it. The remaining proceeds will be remitted to the custody of the state treasurer for monthly distribution to the authority.

(3) The authority imposing this fee will delay the effective date at least six months from the date the fee is approved by the qualified voters of the authority area to allow the department of licensing to implement administration and collection of the fee.

(4) Before any authority may impose any of the fees authorized under this section, the authorization for imposition of the fees must be approved by a majority of the qualified electors of the authority area voting.

Sec. 902. RCW 35.95A.130 and 2002 c 248 s 14 are each amended to read as follows:

The special excise tax imposed under RCW 35.95A.080(1) will be collected at the same time and in the same manner as relicensing tab fees under ~~((RCW 46.16.0621))~~ section 531(1) (a), (c), (d), (e), (g), (h), (j), and (n) through (q) of this act and RCW 35.95A.090. Every year on January 1st, April 1st, July 1st, and October 1st the department of licensing shall remit special excise taxes collected on behalf of an authority, back to the authority, at no cost to the authority. Valuation of motor vehicles for purposes of the special excise tax imposed under RCW 35.95A.080(1) must be consistent with chapter 82.44 RCW.

Sec. 903. RCW 81.104.160 and 2009 c 280 s 4 are each amended to read as follows:

An agency and high capacity transportation corridor area may impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the applicable jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax shall not exceed 2.172 percent. The base of the tax shall be the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

Any motor vehicle excise tax previously imposed under the provisions of RCW 81.104.160(1) shall be repealed, terminated, and expire on December 5, 2002, except for a motor vehicle excise tax for which revenues have been contractually pledged to repay a bonded debt issued before December 5, 2002, as determined by *Pierce County et al. v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds that were previously issued, the motor vehicle excise tax must comply with chapter 82.44 RCW as it existed on January 1, 1996.

Sec. 904. RCW 82.12.045 and 2003 c 361 s 303 are each amended to read as follows:

(1) In the collection of the use tax on ~~((motor))~~ vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for ~~((the registration of, and))~~ transfer of certificate of title to ~~((s))~~ the ~~((motor))~~ vehicle, except ~~((in the following instances))~~ when the applicant:

(a) ~~((Where the applicant))~~ Exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer;

(b) ~~((Where the application is for the renewal of registration;~~

~~((e) Where the applicant))~~ Presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or

~~((d) Where the applicant))~~ (c) Presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by the applicant on the vehicle in question.

(2) ((The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses)) As used in this section, "vehicle" has the same meaning as in RCW 46.04.670.

(3) It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon the application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor.

(4) Each county auditor who acts as agent of the department of revenue shall at the time of remitting vehicle license fee receipts on ~~((motor))~~ vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as a collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

(5) Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he or she has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050~~((3))~~ (4). Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180, and 82.32.190.

(6) The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 ~~((#))~~ through 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

(7) The use tax revenue collected on the rate provided in RCW 82.08.020(3) shall be deposited in the multimodal transportation account under RCW 47.66.070.

Sec. 905. RCW 82.12.0254 and 2009 c 503 s 2 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of:

(a) Any airplane used primarily in (i) conducting interstate or foreign commerce or (ii) providing intrastate air transportation by a commuter air carrier as defined in RCW 82.08.0262;

(b) Any locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state;

(c) Tangible personal property that becomes a component part of any such airplane, locomotive, railroad car, or watercraft in the course of repairing, cleaning, altering, or improving the same; and

(d) Labor and services rendered in respect to such repairing, cleaning, altering, or improving.

(2) The provisions of this chapter do not apply in respect to the use by a nonresident of this state of any ~~((motor))~~ vehicle ~~((or trailer))~~ used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such ~~((motor))~~ vehicle ~~((or trailer))~~ is registered ~~((and licensed))~~ in a foreign state and in respect to the use by a nonresident of this state of any ~~((motor))~~ vehicle ~~((or trailer))~~ so registered ~~((and licensed))~~ and used within this state for a period not exceeding fifteen consecutive days under such rules as the department must adopt. However, under circumstances determined to be justifiable by the department a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein includes a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents applies only

to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state.

(3) The provisions of this chapter do not apply in respect to the use by the holder of a carrier permit issued by the interstate commerce commission or its successor agency of any ~~((motor))~~ vehicle ~~((or trailer))~~ whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state; and in respect to the use of any ~~((motor))~~ vehicle ~~((or trailer))~~ while being operated under the authority of a ~~((one-transit))~~ trip permit issued by the director of licensing pursuant to RCW 46.16.160 (as recodified by this act) and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any ~~((motor))~~ vehicle ~~((or trailer))~~ used by the holder of a carrier permit issued by the interstate commerce commission or its successor agency authorizing transportation by motor vehicle across the boundaries of this state whether such ~~((motor))~~ vehicle ~~((or trailer))~~ is owned by or leased with or without driver to the permit holder, in the course of repairing, cleaning, altering, or improving the same; also the use of labor and services rendered in respect to such repairing, cleaning, altering, or improving.

Sec. 906. RCW 82.36.280 and 1998 c 176 s 36 are each amended to read as follows:

Any person who uses any motor vehicle fuel for the purpose of operating any internal combustion engine not used on or in conjunction with any motor vehicle ~~((licensed))~~ registered to be operated ~~((over and along))~~ on any of the public highways, and as the motive power thereof, upon which motor vehicle fuel excise tax has been paid, shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel. No refund shall be made for motor vehicle fuel consumed by any motor vehicle as herein defined that is required to be registered ~~((and licensed))~~ as provided in chapter 46.16 RCW; and is operated ~~((over and along))~~ on any public highway except that a refund shall be allowed for motor vehicle fuel consumed:

(1) In a motor vehicle owned by the United States that is operated off the public highways for official use; and

(2) By auxiliary equipment not used for motive power, provided such consumption is accurately measured by a metering device that has been specifically approved by the department or is established by either of the following formulae:

(a) For fuel used in pumping fuel or heating oils by a power take-off unit on a delivery truck, refund shall be allowed claimant for tax paid on fuel purchased at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered: PROVIDED, That claimant when presenting his or her claim to the department in accordance with the provisions of this chapter, shall provide to said claim, invoices of fuel oil delivered, or such other appropriate information as may be required by the department to substantiate his or her claim; or

(b) For fuel used in operating a power take-off unit on a cement mixer truck or load compactor on a garbage truck, claimant shall be allowed a refund of twenty-five percent of the tax paid on all fuel used in such a truck; and

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

Sec. 907. RCW 82.38.100 and 2007 c 515 s 25 and 2007 c 419 s 17 are each reenacted and amended to read as follows:

(1) Any special fuel user operating a motor vehicle ~~((inte))~~ in this state for commercial purposes may ~~((make application))~~ apply for a special fuel trip permit ~~((that shall be))~~. The permit:

(a) Is good for a period of three consecutive days beginning and ending on the dates ~~((specified))~~ shown on the face of the permit issued~~((and))~~;

(b) Is valid only for the vehicle for which it is issued~~((and))~~;

~~((2) Every permit shall);~~

(c) Must identify, as the department may require, the vehicle for which it is issued; and ~~((shall))~~

(d) Must be completed in its entirety, signed, and dated by the operator before operation of the vehicle on the public highways of this state.

(2) Correction of data on the permit such as dates, vehicle license number, or vehicle identification number invalidates the permit. A violation of, or a failure to comply with, this subsection is a gross misdemeanor.

(3) ~~((For each permit issued, there shall be collected a filing fee of one dollar, an administrative fee of fifteen dollars, and an excise tax of nine dollars. Such fees and tax shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state, and no report of mileage shall be required with respect to such vehicle. Trip permits will not be issued if the applicant has outstanding fuel taxes, penalties, or interest owing to the state or has had a special fuel license revoked for cause and the cause has not been removed. Five dollars from every fifteen-dollar administration fee shall be deposited into the state patrol highway account and must be used for commercial motor vehicle inspections.~~

(4)) Blank special fuel trip permits may be obtained from field offices of the department of transportation, department of licensing, county auditors or other agents, or subagents appointed by the department for the fee provided in section 535 (1)(f) and (4) of this act. ((The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(5) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief programs. All other fees and excise taxes collected by the department for trip permits shall be credited and deposited in the same manner as the special fuel tax collected under this chapter and shall not be subject to exchange, refund, or credit.) The fee is in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state. A report of mileage may not be required with respect to the motor vehicle. Special fuel trip permits may not be issued if the applicant has outstanding fuel taxes, penalties, or interest owing to the state or has had a special fuel license revoked for cause and the cause has not been removed.

(4) Special fuel trip permits are not subject to exchange, refund, or credit.

NEW SECTION. Sec. 908. A new section is added to chapter 82.44 RCW to read as follows:

(1) The motor vehicle excise tax authorized under this chapter applies to the following vehicles:

(a) Commercial trailers, as defined in section 110 of this act;

(b) Farm trucks registered under RCW 46.16.090 (as recodified by this act);

(c) Fixed load vehicles, as defined in section 116 of this act;

(d) Motor homes, as defined in RCW 46.04.305;

(e) Motor trucks, as defined in RCW 46.04.310, with a scale weight greater than six thousand pounds;

(f) Motor vehicles, as defined in RCW 46.04.320; and

(g) Trailers, as defined in RCW 46.04.620.

(2) The motor vehicle excise tax authorized under this chapter does not apply to the following vehicles:

(a) Campers, as defined in RCW 46.04.085;

(b) Dock and warehouse tractors and their cars or trailers;

(c) Equipment not designed primarily for use on public highways;

(d) Exempt registered vehicles;

(e) Lumber carriers of the type known as spiders;

(f) Mobile homes, as defined in RCW 46.04.302;

(g) Passenger motor vehicles, as described in RCW 82.44.015;

(h) Travel trailers, as defined in RCW 46.04.623;

(i) Vehicles not used on the public highways; and

(j) Vehicles owned by nonresident military personnel of the armed forces of the United States stationed in the state of Washington if the nonresident military member was a nonresident of this state when enlisted into military service.

Sec. 909. RCW 82.44.015 and 1996 c 244 s 7 are each amended to read as follows:

~~((For the purposes of this chapter, in addition to the exclusions under RCW 82.44.010, "motor vehicle" shall not include))~~

(1) Passenger motor vehicles used primarily for commuter ride sharing and ride sharing for persons with special transportation needs, as defined in RCW 46.74.010~~((The registered owner of one of these vehicles shall notify the department of licensing upon termination of primary use of the vehicle in commuter ride sharing or ride sharing for persons with special transportation needs and shall be liable for the tax imposed by this chapter, prorated on the remaining months for which the vehicle is licensed)), are not subject to the motor vehicle excise tax authorized under this chapter.~~

(2) To qualify for the motor vehicle excise tax exemption, ((those)) passenger motor vehicles ((with)) must:

(a) Have a seating capacity of five or six passengers, including the driver((;));

(b) Be used for commuter ride-sharing~~((must));~~

(c) Be operated either within:

(i) The state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70.94 RCW; or

(ii) In other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan~~((Additionally)); and~~

(d) Meet at least one of the following conditions ~~((must apply))~~: (((4)) (i) T

(ii) The vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or ~~((3))~~

(iii) The vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.

(3) The registered owner of a passenger motor vehicle described in subsection (2) of this section:

(a) Shall notify the department upon the termination of the primary use of the vehicle in commuter ride sharing or ride sharing for persons with special transportation needs; and

(b) Is liable for the motor vehicle excise tax imposed under this chapter, prorated on the remaining months for which the vehicle is registered.

Sec. 910. RCW 82.44.035 and 2006 c 318 s 1 are each amended to read as follows:

(1) For the purpose of determining any locally imposed motor vehicle excise tax, the value of a truck(~~(type power or trailing unit)) or trailer~~ shall be the latest purchase price of the vehicle, excluding applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the following percentage based on year of service of the vehicle since last sale. The latest purchase year shall be considered the first year of service.

YEAR OF SERVICE	PERCENTAGE
1	100
2	81
3	67
4	55
5	45
6	37
7	30
8	25
9	20
10	16
11	13
12	11
13	9
14	7
15	3
16 or older	0

(2) The reissuance of a certificate of title and registration certificate for a truck(~~(type power or trailing unit)) or trailer~~ because of the installation of body or special equipment shall be treated as a sale, and the value of the truck(~~(type power or trailing unit)) or trailer~~ at that time, as determined by the department from such information as may be available, shall be considered the latest purchase price.

(3) For the purpose of determining any locally imposed motor vehicle excise tax, the value of a (~~motor~~) vehicle other than a truck(~~(type power or trailing unit)) or trailer~~ shall be eighty-five percent of the manufacturer's base suggested retail price of the vehicle when first offered for sale as a new vehicle, excluding any optional equipment, applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the applicable percentage listed in this subsection (3) based on year of service of the vehicle.

If the manufacturer's base suggested retail price is unavailable or otherwise unascertainable at the time of initial registration in this

state, the department shall determine a value equivalent to a manufacturer's base suggested retail price as follows:

(a) The department shall determine a value using any information that may be available, including any guidebook, report, or compendium of recognized standing in the automotive industry or the selling price and year of sale of the vehicle. The department may use an appraisal by the county assessor. In valuing a vehicle for which the current value or selling price is not indicative of the value of similar vehicles of the same year and model, the department shall establish a value that more closely represents the average value of similar vehicles of the same year and model. The value determined in this subsection (3)(a) shall be divided by the applicable percentage listed in (b) of this subsection (3) to establish a value equivalent to a manufacturer's base suggested retail price and this value shall be multiplied by eighty-five percent.

(b) The year the vehicle is offered for sale as a new vehicle shall be considered the first year of service.

YEAR OF SERVICE	PERCENTAGE
1	100
2	81
3	72
4	63
5	55
6	47
7	41
8	36
9	32
10	27
11	26
12	24
13	23
14	21
15	16
16 or older	10

(4) For purposes of this chapter, value shall exclude value attributable to modifications of a (~~motor~~) vehicle and equipment that are designed to facilitate the use or operation of the (~~motor~~) vehicle by a person with a disability.

Sec. 911. RCW 82.44.060 and 2006 c 318 s 3 are each amended to read as follows:

(1) Any locally imposed excise tax ((shall be));

(a) Is due ((and payable to the department or its agents)) at the time of registration of a ((motor)) vehicle((. Whenever an application is made to the department or its agents for a license for a motor vehicle there shall be collected.));

(b) Must be paid in full before any registration certificate or license tab may be issued;

(c) Is in addition to ((the amount of the license fee or renewal license fee, the amount of any locally imposed excise tax, and no dealer's license or license plates, and no license or license plates for a motor vehicle shall be issued unless such tax is paid in full. Locally imposed excise taxes shall)) any other vehicle license fees required by law;

(d) Must be collected by the department, county auditor or other agent, or subagent appointed by the director of licensing before issuing the registration certificate;

(e) Must be collected for each registration year((. Any locally imposed excise tax upon a motor vehicle licensed for the first time in this state shall)); and

(f) Must be levied for one full registration year ((commencing)) beginning on the date of the calendar year designated by the department and ending on the same date of the next succeeding calendar year. For vehicles registered under chapter 46.87 RCW, proportional registration, and for vehicle dealer plates issued under chapter 46.70 RCW, the registration year is the period provided in those chapters. However, the tax shall in no case be less than two dollars except for proportionally registered vehicles.

(2) A ((motor)) vehicle ((shall be)) is deemed ((licensed)) registered for the first time in this state when ((such)) the vehicle was not previously ((licensed)) registered by this state for the registration year immediately preceding the registration year in which the application for ((license)) registration is made or when the vehicle has been registered in another jurisdiction subsequent to any prior registration in this state.

((No)) (3) An additional tax ((shall)) may not be imposed under this chapter ((upon)) on any vehicle ((upon the transfer of ownership thereof)) when the certificate of title is being transferred if the tax ((imposed with respect to such vehicle)) has already been paid for the registration year or fraction of a registration year in which transfer of ownership occurs.

Sec. 912. RCW 82.44.065 and 2006 c 318 s 5 are each amended to read as follows:

If the department determines a value for a ((motor)) vehicle equivalent to a manufacturer's base suggested retail price or the value of a truck((type power or trailing unit)) or trailer under RCW 82.44.035, any person who pays a locally imposed tax for that vehicle may appeal the valuation to the department under chapter 34.05 RCW. If the taxpayer is successful on appeal, the department shall refund the excess tax in the manner provided in RCW 82.44.120.

Sec. 913. RCW 82.44.090 and 2006 c 318 s 6 are each amended to read as follows:

It ((shall be)) is unlawful for the county auditor or any other person to issue a dealer's license or dealer's license plates or a ((license)) registration or identification plates with respect to any motor vehicle without collecting, with the required vehicle license fee, the amount of any locally imposed motor vehicle excise tax due. Any violation of this section shall constitute a gross misdemeanor.

Sec. 914. RCW 82.44.100 and 2006 c 318 s 7 are each amended to read as follows:

The department, county auditor or other agent, or subagent appointed by the director of licensing shall give to each person paying a locally imposed motor vehicle excise tax a receipt ((therefor which shall sufficiently designate and identify)) identifying the vehicle ((with respect to)) for which the tax is paid. The receipt may be incorporated in the receipt given for the ((motor)) vehicle license fee or dealer's license fee paid.

Sec. 915. RCW 82.44.120 and 2006 c 318 s 8 are each amended to read as follows:

(((1) Whenever any person has paid a motor vehicle license fee, and together therewith has paid a locally imposed excise tax, and the director determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then the payor shall also be entitled to a refund of the entire excise tax collected under the

provisions of this chapter. In case the director determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected.

(2) In case no claim is to be made for the refund of the license fee or any part thereof, but claim is made by any person that he or she has paid an erroneously excessive amount of excise tax, the department shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.

(3) In any case where due to error, a person has been required to pay an excise tax pursuant to this chapter and a vehicle license fee pursuant to Title 46 RCW which amounts to an overpayment of ten dollars or more, such person shall be entitled to a refund of the entire amount of such overpayment, regardless of whether or not a refund of the overpayment has been requested. Conversely, if due to error, the department or its agents has failed to collect the full amount of the license fee and excise tax due, which underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax.

(4) Any claim for refund of an erroneously excessive amount of excise tax or overpayment of excise tax with a motor vehicle license fee must be filed with the director within three years after the claimed erroneous payment was made.

(5) If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds from the general fund and shall mail or deliver the same to the person entitled thereto.

(6) Any person making any false statement under which he or she obtains any amount of refund to which he or she is not entitled under the provisions of this section is guilty of a gross misdemeanor.

(7)) (1) Refunds of locally imposed motor vehicle excise taxes must be handled in the same manner and under the same terms and conditions as provided in RCW 46.68.010.

(2) A claim for a refund may be made by a person who:

(a) Is not seeking a full refund; and

(b) Believes the amount of the locally imposed motor vehicle excise tax paid was incorrect or too much.

(3) When a claim for a refund is made as provided in subsection (2) of this section, the department shall:

(a) Determine the amount of the locally imposed motor vehicle excise tax that had been greater than the amount actually due, if any; and

(b) Certify to the state treasurer the amount of the partial refund due.

(4) Before a local government subject to this chapter may impose a motor vehicle excise tax, the local government shall contract with the department for reimbursement for any refunds paid to a person by the treasurer.

Sec. 916. RCW 82.80.130 and 2006 c 318 s 4 are each amended to read as follows:

(1) Public transportation benefit areas authorized to implement passenger-only ferry service under RCW 36.57A.200 whose boundaries (a) are on the Puget Sound, but (b) do not include an area where a regional transit authority has been formed, may submit an authorizing proposition to the voters and, if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding four-tenths of one percent on the value of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing passenger-only ferry service. The tax must be collected only at the time of vehicle ((license)) registration renewal under chapter 46.16 RCW. The tax will be imposed on vehicles previously registered in another state or nation when they are initially registered in this state. The tax will not be imposed at the time of sale

by a licensed vehicle dealer. In a county imposing a motor vehicle excise tax surcharge under RCW 81.100.060, the maximum tax rate under this section must be reduced to a rate equal to four-tenths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed under RCW 81.100.060. This rate does not apply to vehicles (~~licensed~~) registered under RCW 46.16.070 (as recodified by this act) with (~~an unladen~~) a scale weight more than six thousand pounds, or to vehicles (~~licensed~~) registered under (~~RCW 46.16.079, 46.16.085, or~~) section 528 of this act, section 531(1)(c) of this act, or RCW 46.16.090 (as recodified by this act).

(2) The department of licensing shall administer and collect the tax in accordance with chapter 82.44 RCW. The department shall deduct a percentage amount, as provided by contract, not to exceed one percent of the taxes collected, for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer for monthly distribution to the public transportation benefit area.

(3) The public transportation benefit area imposing this tax shall delay the effective date at least six months from the date the fee is approved by the qualified voters of the authority area to allow the department of licensing to implement administration and collection of the tax.

(4) Before an authority may impose a tax authorized under this section, the authorization for imposition of the tax must be approved by a majority of the qualified electors of the authority area voting on that issue.

Sec. 917. RCW 82.80.140 and 2007 c 329 s 2 are each amended to read as follows:

(1) Subject to the provisions of RCW 36.73.065, a transportation benefit district under chapter 36.73 RCW may fix and impose an annual vehicle fee, not to exceed one hundred dollars per vehicle registered in the district, for each vehicle subject to vehicle license (~~tab~~) fees under (~~RCW 46.16.0621~~) section 531(1) (a), (c), (d), (e), (g), (h), (j), or (n) through (q) of this act and for each vehicle subject to gross weight license fees under (~~RCW 46.16.070~~) section 530 of this act with (~~an unladen~~) a scale weight of six thousand pounds or less.

(2)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may impose by a majority vote of the governing board of the district up to twenty dollars of the vehicle fee authorized in subsection (1) of this section. If the district is countywide, the revenues of the fee shall be distributed to each city within the county by interlocal agreement. The interlocal agreement is effective when approved by the county and sixty percent of the cities representing seventy-five percent of the population of the cities within the county in which the countywide fee is collected.

(b) A district may not impose a fee under this subsection (2):

(i) For a passenger-only ferry transportation improvement unless the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district; or

(ii) That, if combined with the fees previously imposed by another district within its boundaries under RCW 36.73.065(4)(a)(i), exceeds twenty dollars.

If a district imposes or increases a fee under this subsection (2) that, if combined with the fees previously imposed by another district within its boundaries, exceeds twenty dollars, the district shall provide a credit for the previously imposed fees so that the combined vehicle fee does not exceed twenty dollars.

(3) The department of licensing shall administer and collect the fee. The department shall deduct a percentage amount, as provided by contract, not to exceed one percent of the fees collected, for administration and collection expenses incurred by it. The department shall remit remaining proceeds to the custody of the state treasurer. The state treasurer shall distribute the proceeds to the district on a monthly basis.

(4) No fee under this section may be collected until six months after approval under RCW 36.73.065.

(5) The vehicle fee under this section applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(6) The following vehicles are exempt from the fee under this section:

(a) Campers, as defined in RCW 46.04.085;

(b) Farm tractors or farm vehicles, as defined in RCW 46.04.180 and 46.04.181;

~~((b))~~ (c) Mopeds, as defined in RCW 46.04.304;

(d) Off-road and nonhighway vehicles, as defined in (~~RCW 46.09.020~~) section 127 of this act;

~~((e))~~ (e) Private use single-axle trailer, as defined in section 132 of this act;

(f) Snowmobiles, as defined in section 145 of this act; and

(g) Vehicles registered under chapter 46.87 RCW and the international registration plan(~~;~~ ~~and~~

~~(d) Snowmobiles as defined in RCW 46.10.010~~)).

PART X. VESSELS

A. GENERAL PROVISIONS

Sec. 1001. RCW 88.02.010 and 1983 c 7 s 14 are each amended to read as follows:

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

(1) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(2) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest, and means registered owner where the reference to owner may be construed as either to registered or legal owner.

(3) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling vessels at wholesale or retail in this state.

(4) "Department" means the department of licensing.

(5) "Director" means the director of the department of licensing.

(6) "Person" has the same meaning as in RCW 46.04.405.

(7) "Waters of this state" means any waters within the territorial limits of this state as described in 43 U.S.C. Sec. 1312.

NEW SECTION. Sec. 1002. A new section is added to chapter 88.02 RCW under the subchapter heading "general provisions" to read as follows:

The department:

(1) Shall provide for the issuance of vessel certificates of title and registration certificates;

(2) May appoint county auditors or other agents or subagents under chapter 46.01 RCW for collecting fees and issuing vessel registration certificates, numbers, and decals; and

(3) May adopt rules under chapter 34.05 RCW to implement this chapter.

Sec. 1003. RCW 88.02.035 and 1991 c 339 s 32 are each amended to read as follows:

(1) The department may issue confidential vessel registrations (~~for law enforcement purposes only~~) to units of local government and to agencies of the federal government for law enforcement purposes only.

(2) The department shall limit confidential vessel registrations owned or operated by the state of Washington or by any officer or employee (~~thereof~~) of the state, to confidential, investigative, or undercover work of state law enforcement agencies.

(3) The director may adopt rules governing applications for and the use of confidential vessel registrations (~~by law enforcement and other public agencies~~).

NEW SECTION. Sec. 1004. A new section is added to chapter 88.02 RCW under the subchapter heading "general provisions" to read as follows:

(1) Any person charged with the enforcement of this chapter may inspect the registration certificate of a vessel to ascertain the legal and registered ownership of the vessel. A vessel owner or operator who fails to provide the registration certificate for inspection upon the request of any person charged with enforcement of this chapter is a class 2 civil infraction.

(2) The department may require the inspection of vessels that are brought into this state from another state and for which a certificate of title has not been issued and for any other vessel if the department determines that inspection of the vessel will help to verify the accuracy of the information set forth on the application.

Sec. 1005. RCW 88.02.055 and 2003 c 53 s 413 are each amended to read as follows:

((1) Whenever any license fee paid under this chapter has been erroneously paid, in whole or in part, the person paying the fee, upon satisfactory proof to the director of licensing, is entitled to a refund of the amount erroneously paid.

(2) A license fee is refundable in one or more of the following circumstances: (a) If the vessel for which the renewal license was purchased was destroyed before the beginning date of the registration period for which the renewal fee was paid; (b) if the vessel for which the renewal license was purchased was permanently removed from the state before the beginning date of the registration period for which the renewal fee was paid; (c) if the vessel license was purchased after the owner has sold the vessel; (d) if the vessel is currently licensed in Washington and is subsequently licensed in another jurisdiction, in which case any full months of Washington fees between the date of license application in the other jurisdiction and the expiration of the Washington license are refundable; or (e) if the vessel for which the renewal license was purchased is sold before the beginning date of the registration period for which the renewal fee was paid, and the payor returns the new, unused, never affixed license renewal decal to the department before the beginning of the registration period for which the registration was purchased.

(3) Upon the refund being certified as correct to the state treasurer by the director and being claimed in the time required by law, the state treasurer shall mail or deliver the amount of each refund to the person entitled to the refund.

(4) A claim for refund shall not be allowed for erroneous payments unless the claim is filed with the director within three years after such payment was made.

(5) If due to error a person has been required to pay a license fee under this chapter and excise tax which amounts to an overpayment of ten dollars or more, the person is entitled to a refund of the entire amount of the overpayment, regardless of whether a refund of the overpayment has been requested. If due to error the department or its agents has failed to collect the full amount of the license fee and excise tax due, which underpayment is in the amount of ten dollars or more, the department shall charge and collect the additional amount as will constitute full payment of the tax and fees.)

(1) A person who has paid all or part of a vessel registration fee under this chapter is entitled to a refund if the amount was paid in error or if the vessel:

(a) Was destroyed before the new registration period began;

(b) Was permanently removed from Washington state before the new registration period began;

(c) Registration was purchased after the owner sold the vessel;

(d) Was registered in another jurisdiction after the Washington state registration had been purchased. Any full months of Washington state registration fees remaining after the application for out-of-state registration was made are refundable; or

(e) Registration was purchased before the vessel was sold and before the new registration period began. The person who paid the

fee must return the unused, never-affixed decals to the department before the new registration period begins.

(2) The department shall refund overpayments of registration fees and watercraft excise tax under chapter 82.49 RCW that are ten dollars or more. A request for a refund is not required.

(3) The department shall certify refunds to the state treasurer as correct and being claimed in the time required by law. The state treasurer shall mail or deliver the amount of each refund to the person who is entitled to the refund.

(4) The department shall not authorize refunds of fees paid in error unless the claim is filed with the director within three years after the fees were paid.

(5) If, due to error, the department, county auditor or other agent, or subagent appointed by the director has failed to collect the full amount of the registration fee and watercraft excise tax due, and the underpayment is in the amount of ten dollars or more, the department shall charge and collect the additional amount to constitute full payment of the tax and fee.

(6) Any person who makes a false statement under which he or she obtains a refund to which he or she is not entitled under this section is guilty of a gross misdemeanor.

Sec. 1006. RCW 88.02.110 and 2006 c 29 s 3 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a violation of this chapter and the rules adopted by the department (~~(pursuant to these statutes)~~) is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(a) For the second violation, a fine of two hundred dollars per vessel;

(b) For the third and successive violations, a fine of four hundred dollars per vessel.

(2) A violation designated in this chapter as a civil infraction (~~(shall)~~ must be punished accordingly pursuant to chapter 7.80 RCW.

(3) After the subtraction of court costs and administrative collection fees, moneys collected under this section (~~(shall)~~ must be credited to the current expense fund of the arresting jurisdiction.

(4) All law enforcement officers (~~(shall have the authority to)~~ may enforce this chapter(~~(,)~~) and the rules adopted by the department (~~(pursuant to these statutes)~~) within their respective jurisdictions(~~(, PROVIDED, That)~~). A city, town, or county may contract with a fire protection district for (~~(such)~~) enforcement of this chapter, and fire protection districts (~~(are authorized to)~~ may engage in (~~(such)~~) enforcement activities.

Sec. 1007. RCW 88.02.118 and 2003 c 53 s 414 are each amended to read as follows:

(1) It is a gross misdemeanor punishable as provided under chapter 9A.20 RCW for any person owning a vessel subject to taxation under chapter 82.49 RCW to:

(a) Register a vessel in another state to avoid Washington state vessel excise tax required under chapter 82.49 RCW; or (~~(to)~~)

(b) Obtain a vessel dealer's (~~(registration)~~) license for the purpose of evading excise tax on vessels under chapter 82.49 RCW.

(2) For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, (~~(no part of)~~) which may not be suspended or deferred.

(3) Excise taxes owed and fines assessed (~~(will)~~ must be deposited in the manner provided under RCW 46.16.010(~~(4)~~) (6).

Sec. 1008. RCW 88.02.200 and 1985 c 258 s 11 are each amended to read as follows:

(~~(No)~~) A suit or action (~~(shall ever)~~) may not be commenced or prosecuted against the department (~~(of licensing)~~) or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the department under this chapter (~~(88.02 RCW)~~).

B. CERTIFICATES OF TITLE

Sec. 1009. RCW 88.02.120 and 1985 c 258 s 1 are each amended to read as follows:

It is the intention of the legislature:

~~(1) To establish a system of certificates of title for vessels (and watercraft) similar to that in existence for motor vehicles (- It is the goal of this legislation that the title) under chapter 46.12 RCW;~~
~~(2) That certificates of title become ((prima facie)) sufficient evidence of ownership of the vessel it describes so that persons may rely upon that certificate; and~~
~~(3) That security interest in vessels be perfected solely by notation of a secured party upon the ((title)) certificate of title. ((However, there are title certificates issued prior to June 30, 1985, which may not indicate security interests in the certificated vessel. The establishment of a more reliable system will require implementation over several years, as the existing security interests are either satisfied or their perfection is not continued. During this interim period of five years from June 30, 1985, two different classes, class A and class B, of title certificates will be in existence and issued by the department of licensing. The establishment and operation of the system for watercraft and vessels should be patterned upon the system established and operating for motor vehicles and the department of licensing is hereby authorized and directed to adopt the regulations and procedures necessary and desirable to establish such a similar system, excepting only as the same may be inconsistent with this chapter.))~~

Sec. 1010. RCW 88.02.070 and 1996 c 315 s 5 are each amended to read as follows:

(1) ((The department shall provide for the issuance of vessel certificates of title. Applications for certificates may be made through the agents appointed under RCW 88.02.040. The fee for a vessel certificate of title is five dollars. Fees required for licensing agents under RCW 46.01.140 are in addition to the vessel certificate of title fee. Fees for vessel certificates of title shall be deposited in the general fund.)) Security interests in vessels subject to the requirements of this chapter ((and attaching after July 1, 1983, shall)) must be perfected only by indication upon the vessel's ((title)) certificate of title. The provisions of chapters 46.12 and 46.16 RCW relating to ((motor)) vehicle ((certificates of)) registration certificates, certificates of title((s)), certificate issuance, ownership transfer, and perfection of security interests, and other provisions ((which)) that may be applied to vessels subject to this chapter, may be so applied by rule of the department if they are not inconsistent with this chapter.

(2) ((Whenever a vessel is to be registered for the first time as required by this chapter, except for a vessel having a valid marine document as a vessel of the United States, application shall be made at the same time for a certificate of title. Any person who purchases or otherwise obtains majority ownership of any vessel subject to the provisions of this chapter, except for a vessel having a valid marine document as a vessel of the United States, shall within fifteen days thereof apply for a new certificate of title which shows the vessel's change of ownership.

(3)) Security interests may be released or acted upon as provided by the law under which they arose or were perfected. ((No)) A new security interest or renewal or extension of an existing security interest is not affected except as provided under the terms of this chapter and RCW 46.12.095.

((4)) Notice shall be given to the issuing authority by the owner indicated on the certificate of registration within fifteen days of the occurrence of any of the following: Any change of address of owner; destruction, loss, abandonment, theft, or recovery of the vessel; or loss or destruction of a valid certificate of registration on the vessel.

(5) Within five days, excluding Saturdays, Sundays, and state and federal holidays, the owner shall notify the department in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, and such description of the

vessel, including the hull identification number, the vessel decal number, or both, as may be required by the department.))

NEW SECTION. Sec. 1011. A new section is added to chapter 88.02 RCW under the subchapter heading "certificates of title" to read as follows:

(1) An application for a certificate of title must be made at the same time when a vessel is registered for the first time as required under this chapter.

(2) A person who purchases or otherwise obtains majority ownership of any vessel subject to this chapter shall, within fifteen days of purchase or obtainment, apply for a new certificate of title that shows the vessel's change of ownership.

(3) This section does not apply to a vessel that has a valid marine document as a vessel of the United States.

Sec. 1012. RCW 88.02.180 and 1985 c 258 s 6 are each amended to read as follows:

((Each)) (1) The application for a ((title)) certificate ((shall require)) of title of a vessel must be made by the owner or the owner's representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department and must contain:

(a) A description of the vessel, including make, model, hull identification number, and type of body;

(b) The name and address of the person who is to be the registered owner of the vessel and, if the vessel is subject to a security interest, the name and address of the secured party; and

(c) Other information the department may require.

(2) The application for a certificate of title must be signed by the person applying to be ((designated as)) the registered owner ((to swear)) and be sworn to by that person under penalty of the perjury laws of this state that ((he)):

(a) The applicant is the owner or an authorized agent of the owner of the vessel((-and that it)); and

(b) The vessel is free of any claim of lien, mortgage, conditional sale, or other security interest of any person except the person or persons ((set forth in)) on the application as secured parties.

(3) The application for a certificate of title must be accompanied by:

(a) A draft, money order, certified bank check, or cash for all fees and taxes due for the application for the certificate of title; and

(b) The most recent certificate of title or other satisfactory evidence of ownership.

NEW SECTION. Sec. 1013. A new section is added to chapter 88.02 RCW under the subchapter heading "certificates of title" to read as follows:

A vessel owner shall notify the department within fifteen days of any of the following:

(1) A change of address of the owner;

(2) Destruction, loss, abandonment, theft, or recovery of the vessel; or

(3) Loss or destruction of a valid registration certificate issued for the vessel.

NEW SECTION. Sec. 1014. A new section is added to chapter 88.02 RCW under the subchapter heading "certificates of title" to read as follows:

(1) A vessel owner shall notify the department in writing within five business days after a vessel is or has been:

(a) Sold;

(b) Given as a gift to another person;

(c) Traded, either privately or to a vessel dealer;

(d) Donated to charity;

(e) Turned over to an insurance company or wrecking yard; or

(f) Disposed of.

(2) A report of sale is properly filed if it is received by the department within five business days after the date of sale or transfer and it includes:

(a) The date of sale or transfer;

- (b) The owner's name and address;
- (c) The name and address of the person acquiring the vessel;
- (d) The vessel hull identification number and vessel registration number; and
- (e) A date stamp by the department showing it was received on or before the fifth business day after the date of sale or transfer.

Sec. 1015. RCW 88.02.075 and 1997 c 241 s 12 are each amended to read as follows:

((1) If a certificate of ownership, a certificate of registration, or a pair of decals is lost, stolen, mutilated, or destroyed or becomes illegible, the first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly apply for and may obtain a duplicate certificate or replacement decals upon payment of one dollar and twenty-five cents and furnishing information satisfactory to the department.

(a) An application for a duplicate certificate of title shall be accompanied by an affidavit of loss or destruction in a form approved by the department and signed by the first secured party or, if none, the owner or legal representative of the owner.

(b) An application for a duplicate certificate of registration or replacement decals shall be accompanied by an affidavit of loss or destruction in a form approved by the department and signed by the registered owner or legal representative of the owner.

(2) The duplicate certificate of ownership or registration shall contain the legend, "duplicate." It shall be mailed to the first priority secured party named in it or, if none, to the owner.

(3) A person recovering an original certificate of ownership, certificate of registration, or decal for which a duplicate or replacement has been issued shall promptly surrender the original to the department.)

(1) A legal owner or the legal owner's authorized representative shall promptly apply for a duplicate certificate of title if a certificate of title is lost, stolen, mutilated, or destroyed, or becomes illegible. The application for a duplicate certificate of title must:

- (a) Include information required by the department;
- (b) Be accompanied by an affidavit of loss or destruction;
- (c) Be accompanied by the fee required in section 1028(1)(j) of this act.

(2) The duplicate certificate of title must contain the word "duplicate." It must be mailed to the first priority secured party named in it or, if none, to the registered owner.

(3) A person recovering a certificate of title for which a duplicate has been issued shall promptly return the certificate of title that has been issued to the department.

NEW SECTION. Sec. 1016. A new section is added to chapter 88.02 RCW under subchapter heading "certificates of title" to read as follows:

(1) A local health officer may notify the department that a vessel has been:

(a) Declared unfit and prohibited from use as authorized in chapter 64.44 RCW if the vessel has become contaminated as defined in RCW 64.44.010;

(b) Satisfactorily decontaminated and the vessel has been retested according to the written work plan approved by the local health officer.

(2) The department shall brand vessel records and certificates of title when it receives the notification from a local health officer as provided in subsection (1) of this section.

(3) A person is guilty of a gross misdemeanor if he or she advertises for sale or sells a vessel that has been declared unfit and prohibited from use by a local health officer if:

(a) The person has knowledge that the local health officer has issued an order declaring the vessel unfit and prohibiting its use; or

(b) A notification has been placed on the certificate of title under subsection (2) of this section that the vessel has been declared unfit and prohibited from use.

(4) A person may advertise or sell a vessel if a release for reuse document has been issued by a local health officer under chapter 64.44 RCW or a notification has been placed on the certificate of title under subsection (2) of this section that the vessel has been decontaminated and released for reuse.

C. REGISTRATION CERTIFICATES

Sec. 1017. RCW 88.02.020 and 2006 c 29 s 1 are each amended to read as follows:

(1) Except as provided in this chapter, ~~((a))~~ a person may not own or operate any vessel, including a rented vessel, on the waters of this state unless the vessel has been registered and displays a registration number and a valid decal in accordance with this chapter ~~((-except that))~~. A vessel ((which)) that has or is required to have a valid marine document as a vessel of the United States is only required to display a valid decal. A violation of this section is a class 2 civil infraction.

(2) A vessel numbered in this state under the federal boat safety act of 1971 (85 Stat. 213, 46 U.S.C. 4301 et seq.) is not required to be registered under this chapter until the certificate of number issued for the vessel under the federal boat safety act expires. When registering under this chapter, this type of vessel is subject to the amount of excise tax due under chapter 82.49 RCW that would have been due under chapter 82.49 RCW if the vessel had been registered at the time otherwise required under this chapter.

Sec. 1018. RCW 88.02.030 and 2007 c 22 s 3 are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

(1) A military ~~((or public))~~ vessel ~~((s of))~~ owned by the United States ~~((-except recreational type public vessels; --(2) Vessels))~~ government;

(2) A public vessel owned by the United States government, unless the vessel is a type used for recreation;

(3) A vessel clearly identified as being:

(a) Owned by a state ~~((or subdivision thereof))~~, county, or city; and

(b) Used ~~((principally))~~ primarily for governmental purposes ~~((and clearly identifiable as such))~~;

~~((3))~~ (4) A vessel ~~((s))~~ either (a) registered or numbered under the laws of a country other than the United States ~~((;))~~ or (b) having a valid United States customs service cruising license issued pursuant to 19 C.F.R. Sec. 4.94. Either vessel is exempt from registration only for the first sixty days of use on Washington state waters. On or before the sixty-first day of use ((in the)) on Washington state waters, any vessel in the state under this subsection ((shall)) must obtain ((an identification document from the department of licensing, its agents, or subagents indicating when the vessel first came into the state. At the time of any issuance of an identification document, a thirty dollar identification document fee shall be paid by the vessel owner to the department of licensing for the cost of providing the identification document by the department of licensing. Five dollars from each such transaction must be deposited in the derelict vessel removal account created in RCW 79.100.100. Any moneys remaining from the fee after the payment of costs and the deposit to the derelict vessel removal account shall be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.045. The department of licensing shall adopt rules to implement its duties under this subsection, including issuing and displaying the identification document and collecting the thirty dollar fee)) a vessel visitor permit as required under section 1026 of this act;

~~((4))~~ (5) A vessel ~~((s))~~ that ~~((have been issued))~~ is currently registered or numbered under the laws of the state of principal operation or that has been issued a valid number under federal law

~~((or by an approved issuing authority of the state of principal operation. However, a vessel that is validly registered in another state but that is removed to this state for principal use is subject to registration under this chapter. The issuing authority for this state shall recognize the validity of the numbers previously issued for a period of sixty days after arrival in this state)). However, either vessel must be registered in Washington state if the state of principal operation changes to Washington state by the sixty-first day after the vessel arrives in Washington state;~~

~~((5)) (6) A vessel(s) owned by a nonresident if:~~

~~(a) The vessel is located upon the waters of this state exclusively for repairs, alteration, or reconstruction, or any testing related to ((the repair, alteration, or reconstruction conducted in this state if)) these services;~~

~~(b) An employee of the ((repair, alteration, or construction)) facility providing these services is on board the vessel during any testing((. However, any vessel owned by a nonresident is located upon the waters of this state exclusively for repairs, alteration, reconstruction, or testing for a period longer than sixty days, that)); and~~

~~(c) The nonresident ((shall)) files an affidavit with the department of revenue by the sixty-first day verifying that the vessel is located upon the waters of this state for ((repair, alteration, reconstruction, or testing and)) these services.~~

~~The nonresident shall continue to file ((such)) an affidavit every sixty days thereafter, ((while)) as long as the vessel is located upon the waters of this state exclusively for repairs, alteration, reconstruction, or testing;~~

~~((6)) (7) A vessel(s) equipped with propulsion machinery of less than ten horsepower that:~~

~~(a) ((Are)) is owned by the owner of a vessel for which a valid vessel number has been issued;~~

~~(b) Displays the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and~~

~~(c) ((Are)) is used as a tender for direct transportation between ((that)) the numbered vessel and the shore and for no other purpose;~~

~~((7)) (8) A vessel(s) under sixteen feet in overall length ((which have)) that has no propulsion machinery of any type or ((which are)) that is not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;~~

~~((8)) (9) A vessel(s) with no propulsion machinery of any type for which the primary mode of propulsion is human power;~~

~~((9)) (10) A vessel(s) primarily engaged in commerce ((which have or are)) that has or is required to have a valid marine document as a vessel of the United States. A commercial vessel((s which)) that the department of revenue determines ((have)) has the external appearance of a vessel((s which)) that would otherwise be required to register under this chapter, must display decals issued annually by the department of revenue that indicate the vessel's exempt status;~~

~~((10)) (11) A vessel(s) primarily engaged in commerce ((which are)) that is owned by a resident of a country other than the United States;~~

~~((11)) (12) A vessel(s) owned by a nonresident ((individual)) natural person brought into the state for ((his or her)) use or enjoyment while temporarily within the state for not more than six months in any continuous twelve-month period((, unless the vessel is used in conducting a nontransitory business activity within the state. However, the vessel must have)) that (a) is currently registered or numbered under the laws of the state of principal use or (b) has been issued a valid number under federal law ((or by an approved issuing authority of the state of principal operation)). This type of vessel is exempt from registration only for the first sixty days of use on Washington state waters. On or before the sixty-first day of use ((in the)) on Washington state waters, any vessel ((temporarily in the~~

state)) under this subsection ((shall)) must obtain ((an identification document from the department of licensing, its agents, or subagents indicating when the vessel first came into the state. An identification document shall be valid for a period of two months. At the time of any issuance of an identification document, a twenty-five dollar identification document fee shall be paid by the vessel owner to the department of licensing for the cost of providing the identification document by the department of licensing. Any moneys remaining from the fee after payment of costs shall be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.045. The department of licensing shall adopt rules to implement its duties under this subsection, including issuing and displaying the identification document and collecting the twenty-five dollar fee)) a nonresident vessel permit as required under section 1027 of this act; ((and

~~((12)) (13) A vessel(s) used in this state by a nonresident individual possessing a valid use permit issued under RCW 82.08.700 or 82.12.700; and~~

~~(14) A vessel held for sale by any licensed dealer.~~

Sec. 1019. RCW 88.02.050 and 2007 c 342 s 5 are each amended to read as follows:

(1) An application for ((a)) vessel registration ((shall)) must be made by the owner or the owner's authorized representative to the department ((or its authorized agent in the manner and upon forms prescribed)), county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department. The application ((shall state)) must contain:

~~(a) The name and address of each owner of the vessel ((and such));~~

~~(b) Other information ((as may be required by)) the department((, shall be signed by)) may require; and~~

~~(c) The signature of at least one owner((, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW.~~

~~(2) Five additional dollars must be collected annually from every vessel registration application. These moneys must be distributed in the following manner:~~

~~(a) Two dollars must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under RCW 88.02.270, reaches one million dollars as of March 1st of any year, the collection of the two-dollar fee must be suspended for the following fiscal year.~~

~~(b) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879.~~

~~(c) One dollar must be deposited into the freshwater aquatic algae control account created in RCW 43.21A.667.~~

~~(d) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400.~~

~~(3) Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten-dollar and fifty-cent annual registration fee and the five-dollar fee created in subsection (2) of this section).~~

~~((4)) (2) The application for vessel registration must be accompanied by the:~~

~~(a) Vessel registration fee required under section 1028(1)(h) of this act;~~

~~(b) Derelict vessel and invasive species removal fee and derelict vessel removal surcharge required under section 1028(3)(a) of this act;~~

~~(c) Filing fee required under section 1028(1)(d) of this act;~~

~~(d) License plate technology fee required under section 1028(1)(e) of this act;~~

~~(e) License service fee required under section 1028(1)(f) of this act; and~~

(f) Watercraft excise tax required under chapter 82.49 RCW.

(3) Upon receipt of ~~((the))~~ an application for vessel registration and the ~~((registration))~~ required fees and taxes, the department shall assign a registration number and issue a decal for ~~((each))~~ the vessel. The registration number and decal ~~((shall))~~ must be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels ~~((set forth in volume 33, part 174, of the code of federal regulations))~~ required in 33 C.F.R. Part 174. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

~~((5-The))~~ (4) Vessel registrations and decals are valid for a period of one year, except that the director ~~((of licensing))~~ may extend or diminish vessel registration periods~~((s))~~ and ~~((the))~~ vessel decals ~~((therefor,))~~ for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period.

(5) Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the ~~((vessel registration fee, excise tax, and the derelict vessel fee))~~ fees and taxes described in subsection (2) of this section. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

(6) When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form ~~((will))~~ must be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

(7) A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department ~~((or its authorized agent)), county auditor or other agent, or subagent appointed by the director~~ for transfer of the vessel registration, and the application ~~((shall))~~ must be accompanied by a transfer fee ~~((of one dollar))~~ as required in section 1028(1)(k) of this act.

Sec. 1020. RCW 88.02.050 and 2007 c 342 s 6 are each amended to read as follows:

(1) An application for a vessel registration ~~((shall))~~ must be made by the owner or the owner's authorized representative to the department ~~((or its authorized agent in the manner and upon forms prescribed)), county auditor or other agent, or subagent appointed by the director on a form furnished or approved~~ by the department. The application ~~((shall state))~~ must contain:

(a) The name and address of each owner of the vessel ((and such));

(b) Other information ((as may be required by)) the department ((and shall be signed by)) may require; and

(c) The signature of at least one owner ((and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW. In addition, two additional dollars must be collected annually from every vessel registration application. These moneys must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under RCW 88.02.270, reaches one million dollars as of March 1st of any year, the collection of the two dollar fee must be suspended for the following fiscal year. Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten

dollar and fifty cent annual registration fee and the two dollar derelict vessel fee).

(2) The application for vessel registration must be accompanied by the:

(a) Vessel registration fee required under section 1028(1)(h) of this act;

(b) Derelict vessel and invasive species removal fee and derelict vessel removal surcharge required under section 1028(3)(b) of this act;

(c) Filing fee required under section 1028(1)(d) of this act;

(d) License plate technology fee required under section 1028(1)(e) of this act;

(e) License service fee required under section 1028(1)(f) of this act; and

(f) Watercraft excise tax required under chapter 82.49 RCW.

(3) Upon receipt of ~~((the))~~ an application ~~((and the))~~ for vessel registration and the required fees and taxes, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal ~~((shall))~~ must be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels ~~((set forth in volume 33, part 174, of the code of federal regulations))~~ required in 33 C.F.R. Part 174. A valid decal affixed as prescribed ~~((shall))~~ must indicate compliance with the annual registration requirements of this chapter.

~~((The))~~ (4) Vessel registrations and decals are valid for a period of one year, except that the director ~~((of licensing))~~ may extend or diminish vessel registration periods~~((s))~~ and ~~((the))~~ vessel decals ~~((therefor,))~~ for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period.

(5) Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the ~~((vessel registration fee, excise tax, and the derelict vessel fee))~~ fees and taxes described in subsection (2) of this section. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

(6) When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information ~~((will))~~ must be provided to the department by the state parks and recreation commission in a form ready for distribution. The form ~~((will))~~ must be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

(7) A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department ~~((or its authorized agent)), county auditor or other agent, or subagent appointed by the director~~ for transfer of the vessel registration, and the application ~~((shall))~~ must be accompanied by a transfer fee ~~((of one dollar))~~ as required in section 1028(1)(k) of this act.

NEW SECTION. Sec. 1021. A new section is added to chapter 88.02 RCW under the subchapter heading "registration certificates" to read as follows:

(1) A registered owner or the registered owner's authorized representative shall promptly apply for a duplicate registration certificate when a registration certificate is lost, stolen, mutilated, or destroyed, or becomes illegible. The application for a duplicate registration certificate must:

(a) Be accompanied by an affidavit of loss or destruction;

(b) Include information required by the department; and

(c) Be accompanied by the fee required in section 1028(1)(c) of this act, in addition to any other fees or taxes required for the transaction.

(2) A person recovering a registration certificate for which a duplicate has been issued shall promptly return the registration certificate that has been recovered to the department.

NEW SECTION. Sec. 1022. A new section is added to chapter 88.02 RCW under the subchapter heading "registration certificates" to read as follows:

(1) A registered owner or the registered owner's authorized representative shall promptly apply for a pair of replacement decals when the decals are lost, stolen, mutilated, or destroyed, or become illegible. The application for replacement decals must:

(a) Be accompanied by an affidavit of loss or destruction;

(b) Include information required by the department;

(c) Be accompanied by the fee required in section 1028(1)(i) of this act, in addition to any other fees or taxes required for the transaction.

(2) A person recovering decals for which a replacement has been issued shall promptly return the decals that have been recovered to the department.

Sec. 1023. RCW 88.02.052 and 1996 c 3 s 1 are each amended to read as follows:

~~((In conjunction with the registration of vessels under this chapter.))~~ The department shall provide an opportunity for each person registering a vessel under this chapter to make a voluntary donation to support the maritime historic restoration and preservation activities of the Grays Harbor Historical Seaport and the Steamer Virginia V Foundation. All voluntary donations collected under this section ~~((shall))~~ must be deposited in the maritime historic restoration and preservation account created under RCW 88.02.053 (as recodified by this act).

Sec. 1024. RCW 88.02.250 and 2006 c 140 s 2 are each amended to read as follows:

((1) Any new or used motor driven boat or vessel, as that term is defined in RCW 79A.60.010, other than a personal watercraft, sold within this state must display a carbon monoxide warning sticker developed by the department on the interior of the vessel.

(2) For vessels sold by a dealer, the dealer shall ensure that the warning sticker has been affixed prior to completing a transaction.

(3) For a vessel sold by an individual, the department shall include the sticker in the registration materials provided to the new owner, and the department shall notify the new owner that the sticker must be affixed as described in subsection (1) of this section.

(4) A warning sticker already developed by a vessel manufacturer may satisfy the requirements of this section if it has been approved by the department. The department shall approve a carbon monoxide warning sticker that has been approved by the United States coast guard for similar uses in other states.))

(1) The department shall:

(a) Develop and approve a carbon monoxide warning sticker;

(b) Approve a carbon monoxide warning sticker that has been approved by the United States coast guard for similar uses in other states;

(c) Provide the carbon monoxide warning sticker when an application for a certificate of title is made and the ownership of the vessel is transferred between natural persons; and

(d) Notify the new vessel owner described in (c) of this subsection that the carbon monoxide sticker must be affixed to the vessel as described in subsection (2) of this section.

(2) A new or used motor driven vessel, as defined in RCW 79A.60.010, other than a personal watercraft, as defined in RCW 79A.60.010, sold within this state must display a carbon monoxide warning sticker as provided in subsection (1) of this section.

(3) A vessel dealer shall ensure that a carbon monoxide warning sticker has been affixed to any vessel sold by the dealer before

completing the sale.

(4) A carbon monoxide warning sticker already developed by a vessel manufacturer satisfies the requirements of this section if it has been approved by the department.

Sec. 1025. RCW 88.02.260 and 2006 c 140 s 3 are each amended to read as follows:

The department shall include an informational brochure about the dangers of carbon monoxide poisoning and vessels and the warning stickers required ~~((by))~~ under RCW 88.02.250 (as recodified by this act) as part of the registration materials mailed by the department for two consecutive years for registrations that are due or become due on or after January 1, 2007, ~~((and thereafter))~~ upon recommendation by the director ~~((of the department))~~. The materials ~~((shall))~~ must instruct the vessel owner to affix the stickers as required ~~((by))~~ under RCW 88.02.250 (as recodified by this act).

D. PERMITS

NEW SECTION. Sec. 1026. A new section is added to chapter 88.02 RCW under the subchapter heading "permits" to read as follows:

(1) A vessel owner shall apply for a vessel visitor permit if the vessel is:

(a) Currently registered or numbered under the laws of a country other than the United States or has a valid United States customs service cruising license issued under 19 C.F.R. Sec. 4.94; and

(b) Being used on Washington state waters for the personal use of the owner for more than sixty days.

(2) A vessel visitor permit:

(a) May be obtained from the department, county auditor or other agent, or subagent appointed by the director;

(b) Must show the date the vessel first came into Washington state; and

(c) Is valid as long as the vessel remains currently registered or numbered under the laws of a country other than the United States or the United States customs service cruising license remains valid.

(3) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required in section 1028(1)(l) of this act when issuing a vessel visitor permit.

(4) The department shall adopt rules to implement this section, including rules on issuing and displaying the vessel visitor permit.

NEW SECTION. Sec. 1027. A new section is added to chapter 88.02 RCW under the subchapter heading "permits" to read as follows:

(1) A vessel owner who is a nonresident natural person shall apply for a nonresident vessel permit on or before the sixty-first day of use in Washington state if the vessel:

(a) Is currently registered or numbered under the laws of the state of principal operation or has been issued a valid number under federal law; and

(b) Has been brought into Washington state for personal use for not more than six months in any continuous twelve-month period.

(2) A nonresident vessel permit:

(a) May be obtained from the department, county auditor or other agent, or subagent appointed by the director;

(b) Must show the date the vessel first came into Washington state; and

(c) Is valid for two months.

(3) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required in section 1028(1)(g) of this act when issuing nonresident vessel permits.

(4) A nonresident vessel permit is not required under this section if the vessel is used in conducting temporary business activity within Washington state.

(5) The department shall adopt rules to implement this section, including rules on issuing and displaying the nonresident vessel permit.

E. TITLE/REGISTRATION FEES AND DISTRIBUTION

NEW SECTION. Sec. 1028. A new section is added to chapter 88.02 RCW under the subchapter heading "title/registration fees and distribution" to read as follows:

(1) In addition to any other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge the following vessel fees:

FEE	AMOUNT	AUTHORITY	DISTRIBUTION
(a) Dealer temporary permit	\$5.00	RCW 88.02.184(2) (as recodified by this act)	General fund
(b) Derelict vessel and invasive species removal	Subsection (3) of this section	Subsections (3) and (4) of this section	Subsection (3) of this section
(c) Duplicate registration	\$1.25	Section 1021(1)(c) of this act	General fund
(d) Filing	Section 501 of this act	Section 501 of this act	Section 820 of this act
(e) License plate technology	Section 502 of this act	Section 502 of this act	Section 819 of this act
(f) License service	Section 503 of this act	Section 503 of this act	RCW 46.68.220
(g) Nonresident vessel permit	\$25.00	Section 1027(3) of this act	Subsection (6) of this section
(h) Registration	\$10.50	RCW 88.02.050(2) (as recodified by this act)	General fund
(i) Replacement decal	\$1.25	Section 1022(1)(c) of this act	General fund
(j) Title application	\$5.00	RCW 88.02.180 (as recodified by this act)	General fund
(k) Transfer	\$1.00	RCW 88.02.050(7) (as recodified by this act)	General fund
(l) Vessel visitor permit	\$30.00	Section 1026(3) of this act	General fund

(2) The five dollar dealer temporary permit fee required in subsection (1) of this section must be credited to the payment of registration fees at the time application for registration is made.

(3)(a) Until June 30, 2012, the derelict vessel and invasive species removal fee required in subsection (1) of this section is five dollars and must be distributed as follows:

(i) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879;

(ii) One dollar must be deposited into the freshwater aquatic algae control account created in RCW 43.21A.667;

(iii) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400; and

(iv) Two dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100.

(b) On and after June 30, 2012, the derelict vessel and invasive species removal fee is two dollars and must be deposited into the derelict vessel removal account created in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under subsection (5) of this section reaches one million dollars as of March 1st of any year, the collection of the two dollar derelict vessel and invasive species removal fee must be suspended for the following fiscal year.

(4) Until January 1, 2014, an annual derelict vessel removal surcharge of one dollar must be charged with each vessel registration. The surcharge:

(a) Is to address the significant backlog of derelict vessels accumulated in Washington state waters that pose a threat to the health and safety of the people and to the environment;

(b) Is to be used only for the removal of vessels that are less than seventy-five feet in length; and

(c) Must be deposited into the derelict vessel removal account created in RCW 79.100.100.

(5) The twenty-five dollar nonresident vessel permit fee must be paid by the vessel owner to the department for the cost of providing the identification document by the department. Any moneys remaining from the fee after the payment of costs must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.045 (as recodified by this act).

(6) The thirty dollar vessel visitor permit fee must be distributed as follows:

(a) Five dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100;

(b) The department may keep an amount to cover costs for providing the vessel visitor permit;

(c) Any moneys remaining must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.045 (as recodified by this act); and

(d) Any fees required for licensing agents under section 501 of this act are in addition to any other fee or tax due for the titling and registration of vessels.

Sec. 1029. RCW 88.02.040 and 2002 c 286 s 14 are each amended to read as follows:

((The department shall provide for the issuance of vessel registrations and may appoint agents for collecting fees and issuing registration numbers and decals.)) General fees for vessel registrations collected by the director ((shall)) must be deposited in the general fund((: PROVIDED, That)), Any amount above one million one hundred thousand dollars per fiscal year ((shall)) must be allocated to counties by the state treasurer for boating safety/education and law enforcement programs ((and the fee collected specifically for the removal and disposal of derelict vessels must be deposited in the derelict vessel removal account created in RCW 79.100.100)). Eligibility for boating safety/education and law enforcement program allocations ((shall be)) is contingent upon approval of the local boating safety program by the state parks and recreation commission. Fund allocation ((shall)) must be based on the numbers of registered vessels by county of moorage. Each benefitting county ((shall be)) is responsible for equitable distribution of such allocation to other jurisdictions with approved boating safety programs within ((said)) the county. Any fees not allocated to counties due to the absence of an approved boating safety program((, shall)) must be allocated to the state parks and recreation commission for awards to local governments to offset law enforcement and

boating safety impacts of boaters recreating in jurisdictions other than where registered.

Sec. 1030. RCW 88.02.045 and 1993 c 244 s 40 are each amended to read as follows:

Jurisdictions receiving funds under RCW 88.02.040 (as recodified by this act) shall deposit ~~((such))~~ the funds into an account dedicated solely for supporting the jurisdiction's boating safety programs. These funds ~~((shall))~~ may not ~~((supplant))~~ replace existing local funds used for boating safety programs.

Sec. 1031. RCW 88.02.053 and 1996 c 3 s 2 are each amended to read as follows:

(1) The maritime historic restoration and preservation account is created in the custody of the state treasurer. All receipts from the voluntary donations made simultaneously with the registration of vessels under this chapter ~~((88.02 RCW shall))~~ must be deposited into this account. These deposits are not public funds and are not subject to allotment procedures under chapter 43.88 RCW.

(2) At the end of each fiscal year, the state treasurer shall pay from this account to the department ~~((of licensing))~~ an amount equal to the reasonable administrative expenses of that agency for that fiscal year for collecting the voluntary donations and transmitting them to the state treasurer and shall pay to the state treasurer an amount equal to the reasonable administrative expenses of that agency for that fiscal year for maintaining the account and disbursing funds from the account.

(3) At the end of each fiscal year, the state treasurer shall pay one-half of the balance of the funds in the account after payment of the administrative costs provided in subsection (2) of this section, to the Grays Harbor historical seaport or its corporate successor and the remainder to the Steamer Virginia V foundation or its corporate successor.

(4) If either the Grays Harbor historical seaport and its corporate successors or the Steamer Virginia V foundation and its corporate successors legally ceases to exist, the state treasurer shall, at the end of each fiscal year, pay the balance of the funds in the account to the remaining organization.

(5) If both the Grays Harbor historical seaport and its corporate successors and the Steamer Virginia V foundation and its corporate successors legally cease to exist, the department ~~((of licensing))~~ shall discontinue the collection of the voluntary donations in conjunction with the registration of vessels under RCW 88.02.052 (as recodified by this act), and the balance of the funds in the account escheat to the state. If funds in the account escheat to the state, one-half of the fund balance ~~((shall))~~ must be provided to the ~~((office))~~ department of archaeology and historic preservation, and the remainder ~~((shall))~~ must be deposited into the parks renewal and stewardship account.

(6) The secretary of state, the directors of the state historical societies, the director of the ~~((office))~~ department of archaeology and historic preservation within the department of ~~((community, trade, and economic development))~~ commerce, and two members representing the recreational boating community appointed by the secretary of state, shall review the success of the voluntary donation program for maritime historic restoration and preservation established under RCW 88.02.052 ~~((and report their findings to the appropriate legislative committees by January 31, 1998. The findings must include the progress of the program and the potential to expand the voluntary funding to other historic vessels))~~ (as recodified by this act).

F. DEALER REGISTRATION

Sec. 1032. RCW 88.02.060 and 1987 c 149 s 1 are each amended to read as follows:

~~((1))~~ Each vessel dealer in this state shall register with the department in the manner and upon forms prescribed by the department, in accordance with rules adopted under chapter 34.05 RCW. After the completed vessel dealer application has been satisfactorily filed and the applicant is eligible as determined by the

department's rules, the department shall, if no denial proceeding is in effect, issue the vessel dealer's registration on the basis of staggered annual expiration dates.

(2) Before issuing a vessel dealer's registration, the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars, running to the state of Washington, and executed by a surety company authorized to do business in the state of Washington. The bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any vessel consignor or purchaser who has suffered any loss or damage by reason of any act or omission by a dealer that constitutes a violation of this chapter may institute an action for recovery against the dealer and the surety upon the bond. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. Upon exhaustion of the penalty of the bond or cancellation of the bond by the surety, the vessel dealer registration shall automatically be deemed canceled.

(3) Vessel dealers selling fifteen vessels or fewer per year having a retail value of no more than two thousand dollars each shall not be subject to the provisions of subsection (2).

(4) For the fiscal biennium from July 1, 1987, through June 30, 1989, the registration fee for dealers shall be fifty dollars per year for an original registration, and twenty-five dollars for any subsequent renewal. In addition, a fee of twenty-five dollars shall be collected for the first decal, fifteen dollars for each additional decal, and fifteen dollars for each vessel dealer display decal replacement. In ensuing biennia, the director shall establish the amount of such fees at a sufficient level to defray the costs of administering the vessel dealer registration program. All such fees shall be fixed by rule adopted by the director in accordance with the Administrative Procedure Act, chapter 34.05 RCW. All fees collected under this section shall be deposited with the state treasurer and credited to the general fund.)

(1) Each vessel dealer in this state shall:

(a) Obtain a vessel dealer license from the department in a manner prescribed by the department in accordance with rules adopted under chapter 34.05 RCW;

(b) File a surety bond in the amount of five thousand dollars, running to the state of Washington. The surety bond must be:

(i) Issued by a surety company authorized to do business in the state of Washington;

(ii) Approved by the attorney general as to form; and

(iii) Conditioned that the vessel dealer shall conduct business as required under this chapter; and

(c) Pay the vessel dealer license and vessel dealer display decal fees as provided by rules adopted by the department. All vessel dealer license and vessel dealer display decal fees collected under this section must be deposited with the state treasurer and credited to the general fund.

(2) A vessel dealer selling fewer than sixteen vessels per year having a retail value of no more than two thousand dollars each is not required to file a bond as provided in subsection (1)(b) of this section.

(3) The director shall establish by rule vessel dealer license and vessel dealer display decal fees at a sufficient level to defray the costs of administering the vessel dealer license program.

(4) The department shall issue vessel dealer licenses with staggered annual expiration dates when:

(a) The completed vessel dealer application has been satisfactorily filed;

(b) The department determines that the applicant is eligible as determined by department rules; and

(c) No denial proceeding is in effect.

(5) A vessel consignor or purchaser who has suffered any loss or damage by reason of an act or omission by a vessel dealer that constitutes a violation of this chapter may institute an action for

recovery against the vessel dealer and the surety upon the bond. Successive recoveries against the bond are permitted, but the aggregate liability of the surety to all persons may not exceed the amount of the bond. Upon exhaustion of the penalty of the bond or cancellation of the bond by the surety, the vessel dealer license must automatically be deemed canceled.

(6) Vessel dealer license numbers are not transferable.

Sec. 1033. RCW 88.02.230 and 2007 c 378 s 1 are each amended to read as follows:

(1) The department may exempt from compliance with the vessel dealer requirements of this chapter, any person who is engaged in the business of selling in this state at wholesale or retail, human-powered watercraft (~~(which)~~ that is: (a) Under sixteen feet in length; (b) unable to be powered by propulsion machinery or wind propulsion as designed by the manufacturer; and (c) not designed for use on commonly-used navigable waters.

(2) Any person engaged in the business of selling at wholesale or retail, exempt and nonexempt watercraft under this section (~~(shall)~~ is only (~~(be)~~ required) to comply with (~~(the provisions of)~~ this chapter in regard to the sale of nonexempt watercraft.

(3) An auction company licensed under chapter 18.11 RCW and licensed as a motor vehicle dealer under chapter 46.70 RCW may sell at auction, without (~~(registering)~~ being licensed) as a vessel dealer, all vessels that a vessel dealer is authorized to sell, so long as the sale of vessels is incidental to the auction company's primary source of business and the length of any vessel being sold is no greater than twenty-five feet. The auction company shall comply with all other vessel dealer requirements of this chapter and rules adopted (~~(under this chapter)~~ by the department if the (~~(registration)~~ vessel dealer license fees and surety bond requirements in RCW 88.02.060 (~~(as recodified by this act)~~ are) (~~(waived)~~ determined to not be due.

Sec. 1034. RCW 88.02.078 and 1987 c 149 s 2 are each amended to read as follows:

(1) A vessel dealer (~~(shall)~~ must have and maintain an office in which to conduct business at the business address of the dealer.

(2) The vessel dealer's place of business (~~(shall)~~ must be identified by an exterior sign with the business name. In the absence of other identifiers that the business conducted is a marine business, the sign must identify the nature of the business, such as marine sales, service, repair, or manufacturing.

Sec. 1035. RCW 88.02.188 and 1987 c 149 s 12 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the director may by order deny, suspend, or revoke (~~(the registration of any)~~ a vessel dealer license, or in lieu (~~(there)~~ of) or in addition (~~(there)~~ to), may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if the director finds that the applicant or (~~(registrant)~~ licensee:

- ~~((1))~~ (a) Is applying for a dealer's (~~(registration)~~ license) or has obtained a dealer's (~~(registration)~~ license) for the purpose of evading excise taxes on vessels; (~~(or~~
 - ~~(2))~~ (b) Has been adjudged guilty of a felony that directly relates to marine trade and the time elapsed since the adjudication is less than ten years. For purposes of this section, "adjudged guilty" means, in addition to a final conviction in court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended; (~~(or~~
 - ~~(3))~~ (c) Has failed to comply with the trust account requirements of this chapter; (~~(or~~
 - ~~(4))~~ (d) Has failed to transfer a certificate of title to a purchaser as required in this chapter; (~~(or~~
 - ~~(5))~~ (e) Has misrepresented the facts at the time of application for registration or renewal; or
 - ~~((6))~~ (f) Has failed to comply with applicable provisions of this chapter or any rules adopted under it.

(2) The director may deny a vessel dealer license under this chapter if the application is a subterfuge that conceals the real person in interest whose vessel dealer license has been denied, suspended, or revoked for cause under this chapter and (a) the terms have not been fulfilled or a civil penalty has not been paid or (b) the director finds that the application was not filed in good faith. This subsection does not prevent the department from taking an action against a current vessel dealer licensee.

Sec. 1036. RCW 88.02.112 and 1987 c 149 s 3 are each amended to read as follows:

Any person engaging in vessel dealer activities without first obtaining a (~~(registration certificate)~~ vessel dealer license) is guilty of a gross misdemeanor.

Sec. 1037. RCW 88.02.115 and 1987 c 149 s 6 are each amended to read as follows:

(1) In addition to other penalties imposed (~~(by)~~ under) this chapter for unauthorized or personal use of vessel dealer display decals, the director may:

(a) Confiscate all vessel dealer display decals for (~~(such)~~ a period (~~(as)~~ that the director deems appropriate (~~(, and in addition, or in lieu of other sanctions, the director may)~~); and

(b) Impose a monetary penalty not exceeding twice the amount of excise tax that should have been paid to properly register each vessel (properly). (~~(A)~~ The monetary penalty (assessment);

(i) May be in addition to or in lieu of other sanctions; and

(ii) Is in addition to any fees owing to properly register each vessel (properly).

(2) Any monetary penalty imposed or vessel dealer display decals confiscated (~~(shall)~~ must be done in accordance with chapter 34.05 RCW. Any monetary penalty imposed by the director and the delinquent excise taxes collected (~~(shall)~~ must be deposited in the general fund.

Sec. 1038. RCW 88.02.189 and 1997 c 58 s 863 are each amended to read as follows:

The department shall immediately suspend the vessel registration or vessel dealer's (~~(registration)~~ license) of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order (~~(or a residential or visitation order)~~). If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the registration (~~(shall)~~ must be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

Sec. 1039. RCW 88.02.220 and 1991 c 339 s 33 are each amended to read as follows:

(1) A vessel dealer who receives cash or a negotiable instrument of deposit in excess of one thousand dollars, or a deposit of any amount that will be held for more than fourteen calendar days, shall place the funds in a separate trust account.

~~((1))~~ The cash or negotiable instrument must be:

(a) Set aside immediately upon receipt for the trust account, or endorsed to (~~(such a)~~ the trust account immediately upon receipt (~~(, or~~

- ~~(2) The cash or negotiable instrument must be); and~~

(b) Deposited in the trust account by the close of banking hours on the day following the receipt.

~~((3))~~ (2) After delivery of the purchaser's vessel, the vessel dealer shall remove the deposited funds from the trust account.

~~((4))~~ (3) The dealer shall not commingle the purchaser's funds with any other funds at any time.

~~((5))~~ (4) The funds (~~(shall)~~ must remain in the trust account until the delivery of the purchased vessel. However, upon written agreement from the purchaser, the vessel dealer may remove and release trust funds before delivery.

Sec. 1040. RCW 88.02.210 and 1987 c 149 s 10 are each amended to read as follows:

(1) A vessel dealer shall complete and maintain for a period of at least three years a record of the purchase and sale of all vessels purchased or consigned and sold by the vessel dealer. Records ~~((shall))~~ must be made available for inspection by the department during normal business hours.

(2) Before renewal of the vessel dealer ~~((registration))~~ license, the department shall require, on the forms prescribed, a record of the number of vessels sold during the ~~((registration))~~ license year. Vessel dealers who assert that they qualify for the exemption provided in RCW 88.02.060~~((3))~~ (2) (as recodified by this act) shall also record, on forms prescribed, the highest retail value of any vessel sold in the ~~((registration))~~ license year.

Sec. 1041. RCW 88.02.023 and 1987 c 149 s 4 are each amended to read as follows:

(1) Vessel dealer display decals ~~((shall))~~ must only be used:

~~((4))~~ (a) To demonstrate vessels held for sale when operated by a prospective customer holding a dated demonstration permit~~((and shall))~~, The demonstration permit must be carried in the vessel at all times when it is being operated by ~~((such individual))~~ a prospective customer;

~~((2))~~ (b) On vessels owned or consigned for sale that are ~~((in fact))~~ available for sale and being used only for vessel dealer business purposes by an officer of the corporation, a partner, a proprietor, or by a bona fide employee of the firm ~~((if))~~, A card ~~((so))~~ identifying ~~((any such))~~ the individual ~~((is))~~ as described in this section must be carried in the vessel at all times it is ~~((so))~~ being operated.

(2) A vessel held for sale by a licensed vessel dealer is not required to be registered and display a registration number and a valid vessel decal.

Sec. 1042. RCW 88.02.184 and 1987 c 149 s 9 are each amended to read as follows:

(1) The department may authorize vessel dealers properly ~~((registered pursuant to))~~ licensed under this chapter to issue temporary permits to operate vessels under ~~((such))~~ rules ~~((as))~~ adopted by the department ~~((adoption))~~.

(2) The ~~((fee))~~ department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under section 1028(1)(a) of this act for each temporary permit application ~~((distributed))~~ sold to an authorized vessel dealer ~~((shall be five dollars, which shall be credited to the payment of registration fees at the time application for registration is made))~~.

Sec. 1043. RCW 88.02.125 and 1994 c 262 s 27 are each amended to read as follows:

(1) A vessel dealer~~((s))~~ shall possess a certificate of ~~((ownership))~~ title, a manufacturer's statement of origin, a carpenter's certificate, or a factory invoice or other evidence of ownership approved by the department for each vessel in the vessel dealer's inventory unless the vessel for sale is consigned or subject to an inventory security agreement. Evidence of ownership ~~((shall))~~ must be either in the name of the dealer or in the name of the dealer's immediate vendor properly assigned.

(2) A vessel dealer may display and sell consigned vessels or vessels subject to an inventory security agreement if there is a written and signed consignment agreement for each vessel or an inventory security agreement covering all inventory vessels. The consignment agreement ~~((shall))~~ must include verification by the vessel dealer that evidence of ownership by the consignor exists and its location, the name and address of the registered owner, and the legal owner, if any. Vessels that are subject to an inventory security interest ~~((shall))~~ must be supported with evidence of ownership that is in the dealer's possession or the possession of the inventory security party. Upon payment of the debt secured for that vessel, the secured party shall deliver the ownership document, appropriately released, to the dealer. It is the vessel dealer's responsibility to ensure that ownership documents are available for ownership transfer upon the sale of the vessel.

(3) Following the retail sale of any vessel, the dealer shall promptly make application and execute the assignment and warranty of the certificate of ~~((ownership))~~ title. ~~((Such))~~ The assignment ~~((shall))~~ must show any secured party holding a security interest created at the time of sale. The dealer shall deliver the certificate of ~~((ownership))~~ of title and application for registration to the department, county auditor or other agent, or subagent appointed by the director.

G. WATERCRAFT EXCISE TAX

Sec. 1044. RCW 82.49.010 and 2000 c 229 s 5 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using a vessel upon the waters of this state, except vessels exempt under RCW 82.49.020. The annual amount of the excise tax is one-half of one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater. Violation of this subsection is a misdemeanor.

(2) Persons who are required under chapter 88.02 RCW to register a vessel in this state and who register the vessel in another state or foreign country and avoid the Washington watercraft excise tax are guilty of a gross misdemeanor and are liable for such unpaid excise tax. The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalties and interest provided in chapter 82.32 RCW.

(3) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.050 (as recodified by this act). A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. ~~((The excise tax on vessels required to be registered in this state on June 30, 1983, shall be paid by June 30, 1983.))~~

Sec. 1045. RCW 82.49.030 and 2000 c 103 s 18 are each amended to read as follows:

(1) The excise tax imposed under this chapter is due and payable to the department of licensing ~~((or its agents))~~, county auditor or other agent, or subagent appointed by the director of the department of licensing at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until the tax is paid in full.

(2) The excise tax collected under this chapter ~~((shall))~~ must be deposited in the general fund.

Sec. 1046. RCW 82.49.065 and 2003 c 53 s 405 are each amended to read as follows:

~~((1))~~ Whenever any person has paid a vessel license fee, and with the fee has paid an excise tax imposed under this chapter, and the director of licensing determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then the payor shall also be entitled to a refund of the entire excise tax collected under this chapter together with interest at the rate specified in RCW 82.32.060. If the director determines that any person is entitled to a refund of only a part of the license fee paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected together with interest at the rate specified in RCW 82.32.060. The state treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the department of revenue in cooperation with the department of licensing.

(2) If no claim is to be made for the refund of the license fee, or any part of the fee, but claim is made by any person that he or she has paid an erroneously excessive amount of excise tax, the department of licensing shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall

certify to the state treasurer that the person is entitled to a refund in that amount together with interest at the rate specified in RCW 82.32.060.

(3) If due to error a person has been required to pay an excise tax pursuant to this chapter and a license fee under chapter 88.02 RCW which amounts to an overpayment of ten dollars or more, such person shall be entitled to a refund of the entire amount of such overpayment, together with interest at the rate specified in RCW 82.32.060, regardless of whether a refund of the overpayment has been requested. If due to error the department or its agents has failed to collect the full amount of the license fee and excise tax due, which underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax and any penalties or interest at the rate specified in RCW 82.32.050.

(4) If the department approves the claim, it shall notify the state treasurer to that effect and the treasurer shall make such approved refunds and the other refunds provided for in this section from the general fund and shall mail or deliver the same to the person entitled to the refund.

(5) Any person who makes a false statement under which he or she obtains a refund to which he or she is not entitled under this section is guilty of a gross misdemeanor.)

(1) Refunds of the excise tax imposed under this chapter must be handled in the same manner and under the same terms and conditions as provided in RCW 88.02.055 (as recodified by this act).

(2) The excise tax imposed under this chapter may be refunded to the person who paid the excise tax at the same time the registration fee under chapter 88.02 RCW was paid. The amount of the excise tax that may be refunded includes:

(a) The entire amount of the excise tax, if the entire amount of the registration fee is also refunded; or

(b) Any amount that was greater than the amount due.

(3) Excise tax refunds include interest at the rate specified in RCW 82.32.060.

H. MISCELLANEOUS

NEW SECTION. Sec. 1047. The following acts or parts of acts are each repealed:

(1) RCW 88.02.025 (Registration of vessels numbered under the federal boat safety act) and 1984 c 250 s 3;

(2) RCW 88.02.028 (Registration of rented vessels--Dealer's vessels--Dealer registration numbers not transferable) and 1987 c 149 s 5;

(3) RCW 88.02.090 (Inspection of registration--Violation of chapter--Penalty) and 2006 c 29 s 2 & 1983 c 7 s 21;

(4) RCW 88.02.100 (Rule-making authority) and 1983 c 7 s 20;

(5) RCW 88.02.130 (Class A title certificates) and 1985 c 258 s 7;

(6) RCW 88.02.140 (Issuance of class A title certificates--Required evidence) and 1985 c 258 s 8;

(7) RCW 88.02.150 (Issuance of class A title certificates--Limitation) and 1985 c 258 s 9;

(8) RCW 88.02.160 (Class B title certificates) and 1985 c 258 s 2;

(9) RCW 88.02.170 (Class A and class B title certificates to have apparent distinctions--Class B certificate to bear legend) and 1985 c 258 s 5;

(10) RCW 88.02.190 (Inspection of vessels) and 1985 c 258 s 10;

(11) RCW 88.02.235 (Denial of license) and 1997 c 432 s 3; and

(12) RCW 88.02.270 (Derelict vessel removal surcharge) and 2007 c 342 s 7.

PART XI. MISCELLANEOUS I

Sec. 1101. RCW 19.116.050 and 2000 c 171 s 71 are each amended to read as follows:

A dealer engages in an act of unlawful transfer of ownership interest in motor vehicles when all of the following circumstances are met:

(1) The dealer does not pay off any balance due to the secured party on a vehicle acquired by the dealer, no later than the close of the second business day after the acquisition date of the vehicle; and

(2) The dealer does not obtain a certificate of ~~((ownership))~~ title under RCW 46.70.124 for each used vehicle kept in his or her possession unless that certificate is in the possession of the person holding a security interest in the dealer's inventory; and

(3) The dealer does not transfer the certificate of ~~((ownership))~~ title after the transferee has taken possession of the motor vehicle.

Sec. 1102. RCW 28B.10.890 and 1994 c 194 s 7 are each amended to read as follows:

A collegiate license plate fund is established in the custody of the state treasurer for each college or university with a collegiate license plate program approved by the department ~~((of licensing))~~ of licensing under RCW 46.16.324 ~~(as recodified by this act)~~. All receipts from collegiate license plates authorized under ~~((RCW 46.16.301--shall))~~ section 521 of this act must be deposited in the appropriate local college or university nonappropriated, nonallotted fund. Expenditures from the funds may be used only for student scholarships. Only the president of the college or university or the president's designee may authorize expenditures from the fund.

Sec. 1103. RCW 29A.04.037 and 2003 c 111 s 107 are each amended to read as follows:

"Disabled voter" means any registered voter who qualifies for special parking privileges under ~~((RCW 46.16.384))~~ section 701 of this act, or who is defined as blind under RCW 74.18.020, or who qualifies to require assistance with voting under RCW 29A.44.240.

Sec. 1104. RCW 35A.46.010 and 1967 ex.s. c 119 s 35A.46.010 are each amended to read as follows:

The provisions of Title 46 ~~((of the Revised Code of Washington))~~ RCW relating to regulation of motor vehicles shall be applicable to code cities~~((;))~~ and its officers and employees to the same extent as such provisions grant powers and impose duties upon cities of any class~~((;))~~ and their officers and agents, including without limitation the following: (1) Authority to provide for angle parking on certain city streets designated as forming a route of a primary state highway as authorized in RCW 46.61.575; (2) application of city police regulations to port districts as authorized by RCW 53.08.230; (3) authority to establish local regulations relating to city streets forming a part of the state highway system as authorized by RCW 46.44.080; (4) ~~((authority to install and operate a station for the inspection of vehicle equipment in conformity with rules, regulations, procedure and standards prescribed by the Washington state patrol as authorized under RCW 46.32.030; (5)))~~ exemption from the payment of vehicle license fees for city owned vehicles as authorized by RCW 46.16.020 (as recodified by this act) and ((46.16.290)) section 422(8) of this act; ((6)) (5) authority to establish traffic schools as provided by chapter 46.83 RCW; and ((7)) (6) authority to enforce the provisions of RCW 81.48.050 relating to railroad crossings.

Sec. 1105. RCW 41.04.007 and 2007 c 448 s 1 are each amended to read as follows:

"Veteran" includes every person, who at the time he or she seeks the benefits of section 613 of this act, section 619 of this act, or RCW ((46.16.30920,)) 72.36.030, 41.04.010, 73.04.090, ((73.04.110,)) 73.08.010, 73.08.070, 73.08.080, or 43.180.250 has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:

(1) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;

(2) As a member of the women's air forces service pilots;

(3) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;

(4) As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946;

(5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or

(6) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation.

Sec. 1106. RCW 43.60A.140 and 2008 c 183 s 3 are each amended to read as follows:

(1) The veterans stewardship account is created in the custody of the state treasurer. Disbursements of funds must be on the authorization of the director or the director's designee, and only for the purposes stated in subsection (4) of this section. In order to maintain an effective expenditure and revenue control, funds are subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditure of the funds.

(2) The department may request and accept nondedicated contributions, grants, or gifts in cash or otherwise, including funds generated by the issuance of the armed forces license plate collection under chapter ~~((46.16))~~ 46. RCW (the new chapter created in section 1224 of this act).

(3) All receipts ~~((, except as provided in RCW 46.16.313(20) (a) and (b).))~~ from the sale of armed forces license plates as required under section 521(1)(b) of this act must be deposited into the veterans stewardship account.

(4) All moneys deposited into the veterans stewardship account must be used by the department for activities that benefit veterans or their families, including but not limited to, providing programs and services for homeless veterans; establishing memorials honoring veterans; and maintaining a future state veterans' cemetery. Funds from the account may not be used to supplant existing funds received by the department.

Sec. 1107. RCW 46.01.030 and 1990 c 250 s 14 are each amended to read as follows:

The department ~~((shall be))~~ is responsible for administering and recommending the improvement of the motor vehicle laws of this state relating to:

- (1) Driver examining and licensing;
- (2) Driver improvement;
- (3) Driver records;
- (4) Financial responsibility;
- (5) Certificates of ((ownership)) title;
- (6) ~~((certificates of license))~~ Vehicle registration certificates and license plates;
- (7) Proration and reciprocity;
- (8) Liquid fuel tax collections;
- (9) Licensing of dealers, motor vehicle transporters, motor vehicle wreckers, for hire vehicles, and drivers' schools;
- (10) General highway safety promotion in cooperation with the Washington state patrol and traffic safety commission; and
- (11) Such other activities as the legislature may provide.

Sec. 1108. RCW 46.01.040 and 1983 c 3 s 117 are each amended to read as follows:

The department ~~((of licensing))~~ is vested with all powers, functions, and duties with respect to and including the following:

- (1) The motor vehicle fuel excise tax as provided in chapter 82.36 RCW;
- (2) The special fuel tax as provided in chapter 82.38 RCW;
- (3) The motor vehicle excise tax as provided in chapter 82.44 RCW;

(4) The ~~((house-trailer))~~ travel trailers and campers excise tax as provided in chapter 82.50 RCW;

(5) All general powers and duties relating to motor vehicles as provided in chapter 46.08 RCW;

(6) Certificates of ~~((ownership))~~ title and registration certificates as provided in chapters 46.12 and 46.16 RCW;

(7) The registration ~~((and licensing))~~ of motor vehicles as provided in chapter ~~((s 46.12 and))~~ 46.16 RCW;

(8) Dealers' licenses as provided in chapter 46.70 RCW;

(9) The licensing of motor vehicle transporters as provided in chapter 46.76 RCW;

(10) The licensing of ~~((motor))~~ vehicle wreckers as provided in chapter 46.80 RCW;

(11) The administration of the laws relating to reciprocal or proportional registration of motor vehicles as provided in chapter 46.85 RCW;

(12) The licensing of passenger vehicles for hire as provided in chapter 46.72 RCW;

(13) ~~((Operators'))~~ Drivers' licenses as provided in chapter 46.20 RCW;

(14) Commercial driver training schools as provided in chapter 46.82 RCW;

(15) Financial responsibility as provided in chapter 46.29 RCW;

(16) Accident reporting as provided in chapter 46.52 RCW;

(17) Disposition of revenues as provided in chapter 46.68 RCW; and

(18) The administration of all other laws relating to motor vehicles vested in the director of licenses on June 30, 1965.

Sec. 1109. RCW 46.01.160 and 1965 c 156 s 16 are each amended to read as follows:

The director shall prescribe and provide suitable forms of applications, certificates of ~~((ownership))~~ title and registration certificates, drivers' licenses, and all other forms and licenses requisite or deemed necessary to carry out the provisions of this title ~~((46 RCW))~~ and any other laws the enforcement and administration of which are vested in the department.

Sec. 1110. RCW 46.01.320 and 2005 c 319 s 115 are each amended to read as follows:

The title and registration advisory committee is created within the department. The committee consists of the director or a designee, who shall serve as chair, the assistant director for vehicle services, the administrator of title and registration services, two members from each of the house and senate transportation committees, two county auditors nominated by the Washington association of county officials, and two representatives of subagents nominated by an association of vehicle subagents. The committee shall meet at least twice a year, and may meet as often as is necessary.

The committee's purpose is to foster communication between the legislature, the department, county auditors, and subagents. The committee shall make recommendations about revisions to fee structures, implications of fee revisions on cost sharing, and the development of standard contracts provided for in RCW 46.01.140 ~~((((3)))~~ (1)(a) and (4)(a).

Sec. 1111. RCW 46.08.010 and 1990 c 42 s 207 are each amended to read as follows:

The provisions of this title relating to ~~((the))~~ certificates of ~~((ownership))~~ title, ~~((certificate of license))~~ registration certificates, vehicle licenses, vehicle license plates, and ~~((vehicle operator's))~~ drivers' licenses shall be exclusive and no political subdivision of the state of Washington shall require or issue any licenses or certificates for the same or a similar purpose ~~((except as provided in RCW 82.80.020))~~, nor shall any city or town in this state impose a tax, license, or other fee upon vehicles operating exclusively between points outside of such city or town limits, and to points therein.

Sec. 1112. RCW 46.08.150 and 1995 c 384 s 2 are each amended to read as follows:

The director of general administration shall have power to devise and promulgate rules and regulations for the control of vehicular and pedestrian traffic and the parking of motor vehicles on the state capitol grounds. However, the monetary penalty for parking a motor vehicle without a valid special license plate or placard in a parking place reserved for ~~((physically disabled))~~ persons with physical disabilities shall be the same as provided in ~~((RCW 46.16.384))~~ section 706 of this act. Such rules and regulations shall be promulgated by publication in one issue of a newspaper published at the state capitol and shall be given such further publicity as the director may deem proper.

Sec. 1113. RCW 46.20.025 and 1999 c 6 s 6 are each amended to read as follows:

The following persons may operate a motor vehicle on a Washington highway without a valid Washington driver's license:

(1) A member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or in the service of the National Guard of this state or any other state, if licensed by the military to operate an official motor vehicle in such service;

(2) A nonresident driver who is at least:

(a) Sixteen years of age and has immediate possession of a valid driver's license issued to the driver by his or her home state; or

(b) Fifteen years of age with:

(i) A valid instruction permit issued to the driver by his or her home state; and

(ii) A licensed driver who has had at least five years of driving experience occupying a seat beside the driver; or

(c) Sixteen years of age and has immediate possession of a valid driver's license issued to the driver by his or her home country. A nonresident driver may operate a motor vehicle in this state under this subsection (2)(c) for up to one year;

(3) Any person operating special highway construction equipment as defined in ~~((RCW 46.16.010))~~ section 144 of this act;

(4) Any person while driving or operating any farm tractor or implement of husbandry that is only incidentally operated or moved over a highway; or

(5) An operator of a locomotive upon rails, including a railroad crossing over a public highway. A locomotive operator is not required to display a driver's license to any law enforcement officer in connection with the operation of a locomotive or train within this state.

Sec. 1114. RCW 46.29.605 and 1981 c 309 s 6 are each amended to read as follows:

(1) Whenever the involvement in a motor vehicle accident in this state results in the driving privilege of a person being suspended for failure to pay a judgment or deposit security, the department shall suspend the Washington registration of the motor vehicle if the person driving at the time of the accident was also the registered owner of the motor vehicle.

(2) A notice of suspension shall be mailed by first-class mail to the owner's last known address of record in the department and shall be effective notwithstanding the owner's failure to receive the notice.

(3) Upon suspension of the registration of a motor vehicle, the registered owner shall surrender all vehicle license plates registered to the vehicle. The department shall destroy the license plates and, upon reinstatement of the registration, shall issue new vehicle license plates as provided in ~~((RCW 46.16.270))~~ section 422(9) of this act.

(4) Failure to surrender license plates under subsection (3) of this section is a misdemeanor punishable by imprisonment for not less than one day nor more than five days and by a fine of not less than fifty dollars nor more than two hundred fifty dollars.

(5) No vehicle license plates ~~((or))~~, certificate of ~~((ownership))~~ title, or registration certificate for a motor vehicle may be issued, and no vehicle ~~((license))~~ registration may be renewed during the time the registration of the motor vehicle is suspended.

(6) Any person who operates a vehicle in this state while the registration of the vehicle is suspended is guilty of a gross misdemeanor and upon conviction thereof shall be imprisoned for not less than two days nor more than five days and fined not less than one hundred dollars nor more than five hundred dollars.

Sec. 1115. RCW 46.30.020 and 2003 c 221 s 1 are each amended to read as follows:

(1)(a) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer in the format specified under RCW 46.30.030.

(b) A person who drives a motor vehicle that is required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(c) When asked to do so by a law enforcement officer, failure to display an insurance identification card as specified under RCW 46.30.030 creates a presumption that the person does not have motor vehicle insurance.

(d) Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties as set by the supreme court under RCW 46.63.110 or community restitution.

(2) If a person cited for a violation of subsection (1) of this section appears in person before the court or a violations bureau and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, the citation shall be dismissed and the court or violations bureau may assess court administrative costs of twenty-five dollars at the time of dismissal. In lieu of personal appearance, a person cited for a violation of subsection (1) of this section may, before the date scheduled for the person's appearance before the court or violations bureau, submit by mail to the court or violations bureau written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, in which case the citation shall be dismissed without cost, except that the court or violations bureau may assess court administrative costs of twenty-five dollars at the time of dismissal.

(3) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under ~~((RCW 46.16.305(4))~~ section 623 of this act, governed by RCW 46.16.020 (as recodified by this act), or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(4) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

Sec. 1116. RCW 46.32.100 and 2009 c 46 s 4 are each amended to read as follows:

(1)(a) In addition to all other penalties provided by law, and except as provided otherwise in (a)(i), (ii), or (iii) of this subsection, a commercial motor vehicle that is subject to compliance reviews under this chapter and an officer, agent, or employee of a company operating a commercial motor vehicle who violates or who procures, aids, or abets in the violation of this title or any order or rule of the

state patrol is liable for a penalty of one hundred dollars for each violation.

(i) It is a violation of this chapter for a person operating a commercial motor vehicle to fail to comply with the requirements of 49 C.F.R. Pt. 382, controlled substances and alcohol use and testing, 49 C.F.R. Sec. 391.15, disqualification of drivers, and 49 C.F.R. Sec. 396.9(c)(2), moving a vehicle placed out of service before the out of service defects have been satisfactorily repaired. For each violation the person is liable for a penalty of five hundred dollars.

(ii) The driver of a commercial motor vehicle who violates an out-of-service order is liable for a penalty of at least one thousand one hundred dollars but not more than two thousand seven hundred fifty dollars for each violation.

(iii) An employer who allows a driver to operate a commercial motor vehicle when there is an out-of-service order is liable for a penalty of at least two thousand seven hundred fifty dollars but not more than eleven thousand dollars for each violation.

(iv) Each violation under this subsection (1)(a) is a separate and distinct offense, and in case of a continuing violation every day's continuance is a separate and distinct violation.

(b) In addition to all other penalties provided by law, any motor carrier, company, or any officer or agent of a motor carrier or company operating a commercial motor vehicle subject to compliance reviews under this chapter who refuses entry or to make the required records, documents, and vehicles available to a duly authorized agent of the state patrol is liable for a penalty of at least five thousand dollars as well as an out-of-service order being placed on the department of transportation number, as defined in RCW 46.16.004 (as recodified by this act), and vehicle registration to operate. Each violation is a separate and distinct offense, and in case of a continuing violation every day's continuance is a separate and distinct violation.

(c) A motor carrier operating a commercial motor vehicle after receiving a final unsatisfactory rating or being placed out of service is liable for a penalty of not more than eleven thousand dollars for each violation. Each violation is a separate and distinct offense, and in case of a continuing violation every day's continuance is a separate and distinct violation.

(d) A high-risk carrier is liable for double the amount of the penalty of a prior violation if the high-risk carrier repeats the same violation during a follow-up compliance review. Each repeat violation is a separate and distinct offense, and in case of a repeat continuing violation every day's continuance is a separate and distinct violation.

(2) The Washington state patrol may place an out-of-service order on a department of transportation number, as defined in RCW 46.16.004 (as recodified by this act), for violations of this chapter or for nonpayment of any monetary penalties assessed by the state patrol or the utilities and transportation commission, as a result of compliance reviews, or for violations of cease and desist orders issued by the utilities and transportation commission. The state patrol shall notify the department of licensing when an out-of-service order has been placed on a motor carrier's department of transportation number. The state patrol shall notify the motor carrier when there has been an out-of-service order placed on the motor carrier's department of transportation number and the vehicle registrations have been revoked by sending a notice by first-class mail using the last known address for the registered or legal owner or owners, and recording the transmittal on an affidavit of first-class mail. Notices under this section fulfill the requirements of RCW 46.12.160 (as recodified by this act). Motor carriers may not be eligible for a new department of transportation number, vehicle registration, or temporary permits to operate unless the violations that resulted in the out-of-service order have been corrected.

(3) Any penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the state

patrol describing the violation and advising the person that the penalty is due.

(a)(i) Any motor carrier who incurs a penalty as provided in this section, except for a high-risk carrier that incurs a penalty for a repeat violation during a follow-up compliance review, may, upon written application, request that the state patrol mitigate the penalty. An application for mitigation must be received by the state patrol within twenty days of the receipt of notice.

(ii) The state patrol may decline to consider any application for mitigation.

(b) Any motor carrier who incurs a penalty as provided in this section has a right to an administrative hearing under chapter 34.05 RCW to contest the violation or the penalty imposed, or both. In all such hearings, the procedure and rules of evidence are as specified in chapter 34.05 RCW except as otherwise provided in this chapter. Any request for an administrative hearing must be made in writing and must be received by the state patrol within twenty days after the later of (i) receipt of the notice imposing the penalty, or (ii) disposition of a request for mitigation, or the right to a hearing is waived.

(c) All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund.

Sec. 1117. RCW 46.44.0941 and 2004 c 109 s 1 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected, except the amount retained by authorized agents of the department as provided in RCW 46.44.096, shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

- All overlegal loads, except overweight, single trip \$ 10.00
- Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days \$ 20.00
- Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days \$ 10.00
- Continuous operation of a combination of vehicles having one trailing unit that exceeds fifty-three feet and is not more than fifty-six feet in length, for a period of one year \$ 100.00
- Continuous operation of a combination of vehicles having two trailing units which together exceed sixty-one feet and are not more than sixty-eight feet in length, for a period of one year \$ 100.00
- Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days \$ 70.00
- Continuous operation of a four-axle fixed load vehicle meeting the requirements of RCW 46.44.091(1) and weighing less than 86,000 pounds gross weight, not to exceed thirty days \$ 90.00
- Continuous movement of a mobile home or manufactured home having nonreducible features not to exceed eighty-five feet in total length and fourteen feet in width, for a period of one year \$ 150.00
- Continuous operation of a class C tow truck or a

class E tow truck with a class C rating while performing emergency and nonemergency tows of	35,000-39,999 pounds	\$.63
oversize or overweight, or both, vehicles and	40,000-44,999 pounds	\$.79
vehicle combinations, under rules adopted by the transportation commission, for a period of	45,000-49,999 pounds	\$.93
one year \$ 150.00		
Continuous operation of a class B tow truck or a class E tow truck with a class B rating while performing emergency and nonemergency tows of	50,000-54,999 pounds	\$ 1.14
oversize or overweight, or both, vehicles and	55,000-59,999 pounds	\$ 1.35
vehicle combinations, under rules adopted by the transportation commission, for a period of	60,000-64,999 pounds	\$ 1.56
one year \$ 75.00	65,000-69,999 pounds	\$ 1.77
Continuous operation of a two or three-axle collection truck, actually engaged in the collection of solid waste or recyclables, or both, under chapter 81.77 or 35.21 RCW or by contract under RCW 36.58.090, for one year with an additional six thousand pounds more than the weight authorized in RCW 46.16.070 (as recodified by this act) on the rear axle of a two-axle truck or eight thousand pounds for the tandem axles of a three-axle truck. RCW 46.44.041 and 46.44.091 notwithstanding, the tire limits specified in RCW 46.44.042 apply, but none of the excess weight is valid or may be permitted on any part of the federal interstate highway system \$ 42.00 per thousand pounds	70,000-74,999 pounds	\$ 2.12
	75,000-79,999 pounds	\$ 2.47
	80,000-84,999 pounds	\$ 2.82
	85,000-89,999 pounds	\$ 3.17
	90,000-94,999 pounds	\$ 3.52
	95,000-99,999 pounds	\$ 3.87
	100,000 pounds	\$ 4.25

The fee for weights in excess of 100,000 pounds is \$4.25 plus fifty cents for each 5,000 pound increment or portion thereof exceeding 100,000 pounds.

The department may issue any of the above-listed permits that involve height, length, or width for an expanded period of consecutive months, not to exceed one year.

Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:

- (1) Farmers in the course of farming activities, for any three-month period \$ 10.00
- (2) Farmers in the course of farming activities, for a period not to exceed one year \$ 25.00
- (3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period \$ 25.00
- (4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year \$ 100.00

Overweight Fee Schedule

Excess weight over legal capacity, as provided in RCW 46.44.041.	Cost per mile.
0- 9,999 pounds	\$.07
10,000-14,999 pounds	\$.14
15,000-19,999 pounds	\$.21
20,000-24,999 pounds	\$.28
25,000-29,999 pounds	\$.35
30,000-34,999 pounds	\$.49

PROVIDED: (a) The minimum fee for any overweight permit shall be \$14.00, (b) the fee for issuance of a duplicate permit shall be \$14.00, (c) when computing overweight fees prescribed in this section or in RCW 46.44.095 that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

The fees levied in this section and RCW 46.44.095 do not apply to vehicles owned and operated by the state of Washington, a county within the state, a city or town or metropolitan municipal corporation within the state, or the federal government.

Sec. 1118. RCW 46.44.170 and 2005 c 399 s 1 are each amended to read as follows:

(1) Any person moving a mobile home as defined in RCW 46.04.302 or a park model trailer as defined in RCW 46.04.622 upon public highways of the state must obtain:

(a) A special permit from the department of transportation and local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay the proper fee as prescribed by RCW 46.44.0941 and 46.44.096; and

(b) For mobile homes constructed before June 15, 1976, and already situated in the state: (i) A certification from the department of labor and industries that the mobile home was inspected for fire safety; or (ii) an affidavit in the form prescribed by the department of ~~((community, trade, and economic development))~~ commerce signed by the owner at the county treasurer's office at the time of the application for the movement permit stating that the mobile home is being moved by the owner for his or her continued occupation or use; or (iii) a copy of the certificate of ~~((ownership or))~~ title together with an affidavit signed under penalty of perjury by the certified owner stating that the mobile home is being transferred to a wrecking yard or similar facility for disposal. In addition, the destroyed mobile home must be removed from the assessment rolls of the county and any

outstanding taxes on the destroyed mobile home must be removed by the county treasurer.

(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home or a park model trailer that is assessed for purposes of property taxes shall not be valid until the county treasurer of the county in which the mobile home or park model trailer is located shall endorse or attach his or her certificate that all property taxes which are a lien or which are delinquent, or both, upon the mobile home or park model trailer being moved have been satisfied. Further, any mobile home or park model trailer required to have a special movement permit under this section shall display an easily recognizable decal. However, endorsement or certification by the county treasurer and the display of the decal is not required:

(a) When a mobile home or park model trailer is to enter the state or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets;

(b) When a signed affidavit of destruction is filed with the county assessor and the mobile home or park model trailer is being moved to a disposal site by a landlord as defined in RCW 59.20.030 after (i) the mobile home or park model trailer has been abandoned as defined in RCW 59.20.030; or (ii) a final judgment for restitution of the premises under RCW 59.18.410 has been executed in favor of the landlord with regard to the mobile home or park model trailer. The mobile home or park model trailer will be removed from the tax rolls and, upon notification by the assessor, any outstanding taxes on the destroyed mobile home or park model trailer will be removed by the county treasurer; or

(c) When a signed affidavit of destruction is filed with the county assessor by any mobile home or park model trailer owner or any property owner with an abandoned mobile home or park model trailer, the same shall be removed from the tax rolls and upon notification by the assessor, any outstanding taxes on the destroyed mobile home or park model trailer shall be removed by the county treasurer.

(3) If the landlord of a mobile home park takes ownership of a mobile home or park model trailer with the intent to resell or rent the same under RCW 59.20.030 after (a) the mobile home or park model trailer has been abandoned as defined in RCW 59.20.030; or (b) a final judgment for restitution of the premises under RCW 59.18.410 has been executed in favor of the landlord with regard to the mobile home or park model trailer, the outstanding taxes become the responsibility of the landlord.

(4) It is the responsibility of the owner of the mobile home or park model trailer subject to property taxes or the agent to obtain the endorsement and decal from the county treasurer before a mobile home or park model trailer is moved.

(5) This section does not prohibit the issuance of vehicle license plates for a mobile home or park model trailer subject to property taxes, but plates shall not be issued unless the mobile home or park model trailer subject to property taxes for which plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for the license has been paid.

(6) The department of transportation, the department of labor and industries, and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section. The department of transportation shall adopt rules specifying the design, reflective characteristics, annual coloration, and for the uniform implementation of the decal required by this section. ~~((By January 1, 2006,))~~ The department of labor and industries shall ~~((also))~~ adopt procedures for notifying destination local jurisdictions concerning the arrival of mobile homes that failed safety inspections.

Sec. 1119. RCW 46.55.105 and 2002 c 279 s 10 are each amended to read as follows:

(1) The abandonment of any vehicle creates a prima facie presumption that the last registered owner of record is responsible for the abandonment and is liable for costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(2) If an unauthorized vehicle is found abandoned under subsection (1) of this section and removed at the direction of law enforcement, the last registered owner of record is guilty of the traffic infraction of "littering--abandoned vehicle," unless the vehicle is redeemed as provided in RCW 46.55.120. In addition to any other monetary penalty payable under chapter 46.63 RCW, the court shall not consider all monetary penalties as having been paid until the court is satisfied that the person found to have committed the infraction has made restitution in the amount of the deficiency remaining after disposal of the vehicle under RCW 46.55.140.

(3) A vehicle theft report filed with a law enforcement agency relieves the last registered owner of liability under subsection (2) of this section for failure to redeem the vehicle. However, the last registered owner remains liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle under subsection (1) of this section. Nothing in this section limits in any way the registered owner's rights in a civil action or as restitution in a criminal action against a person responsible for the theft of the vehicle.

(4) Properly filing a report of sale or transfer regarding the vehicle involved in accordance with RCW 46.12.101 (1) through (3) (as recodified by this act) relieves the last registered owner of liability under subsections (1) and (2) of this section. If the date of sale as indicated on the report of sale is on or before the date of impoundment, the buyer identified on the latest properly filed report of sale with the department is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction. If the date of sale is after the date of impoundment, the previous registered owner is assumed to be liable for such costs. A licensed vehicle dealer is not liable under subsections (1) and (2) of this section if the dealer, as transferee or assignee of the last registered owner of the vehicle involved, has complied with the requirements of RCW 46.70.122 upon selling or otherwise disposing of the vehicle, or if the dealer has timely filed a transitional ownership record or report of sale under RCW 46.12.103 (as recodified by this act). In that case the person to whom the licensed vehicle dealer has sold or transferred the vehicle is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(5) For the purposes of reporting notices of traffic infraction to the department under RCW 46.20.270 and 46.52.101, and for purposes of reporting notices of failure to appear, respond, or comply regarding a notice of traffic infraction to the department under RCW 46.63.070(6), a traffic infraction under subsection (2) of this section is not considered to be a standing, stopping, or parking violation.

(6) A notice of infraction for a violation of this section may be filed with a court of limited jurisdiction organized under Title 3, 35, or 35A RCW, or with a violations bureau subject to the court's jurisdiction.

Sec. 1120. RCW 46.55.113 and 2007 c 242 s 1 and 2007 c 86 s 1 are each reenacted and amended to read as follows:

(1) Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502, 46.61.504, 46.20.342, or 46.20.345, the vehicle is subject to summary impoundment, pursuant to the terms and conditions of an applicable local ordinance or state agency rule at the direction of a law enforcement officer.

(2) In addition, a police officer may take custody of a vehicle, at his or her discretion, and provide for its prompt removal to a place of safety under any of the following circumstances:

(a) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the

driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(b) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(c) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

(d) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;

(e) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(f) Whenever a vehicle without a special license plate, placard, or decal indicating that the vehicle is being used to transport a person with disabilities under ~~((RCW 46.16.384))~~ section 701 of this act is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;

(g) Upon determining that a person is operating a motor vehicle without a valid and, if required, a specially endorsed driver's license or with a license that has been expired for ninety days or more;

(h) When a vehicle is illegally occupying a truck, commercial loading zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the director of transportation or chiefs of police or fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone;

(i) When a vehicle with an expired registration of more than forty-five days is parked on a public street.

(3) When an arrest is made for a violation of RCW 46.20.342, if the vehicle is a commercial vehicle and the driver of the vehicle is not the owner of the vehicle, before the summary impoundment directed under subsection (1) of this section, the police officer shall attempt in a reasonable and timely manner to contact the owner of the vehicle and may release the vehicle to the owner if the owner is reasonably available, as long as the owner was not in the vehicle at the time of the stop and arrest and the owner has not received a prior release under this subsection or RCW 46.55.120(1)(a)(ii).

(4) Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

Sec. 1121. RCW 46.55.140 and 1995 c 360 s 8 are each amended to read as follows:

(1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the impounded vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle except for items of personal property registered or titled with the department. The registered tow truck operator also has a deficiency claim against the registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of five hundred dollars after deduction of the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars after deduction of the amount bid at auction, unless the impound is determined to be invalid. The limitation on towing and storage deficiency claims does not apply to an impound directed by a law enforcement officer. In no case may the cost of the auction or a buyer's fee be added to the

amount charged for the vehicle at the auction, the vehicle's lien, or the overage due. A registered owner who has completed and filed with the department the ~~((seller's))~~ report of sale as provided for ~~((by))~~ in RCW 46.12.101 (as recodified by this act) and has timely and properly filed the ~~((seller's))~~ report of sale is relieved of liability under this section. The person named as the new owner of the vehicle on the timely and properly filed ~~((seller's))~~ report of sale shall assume liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner or operator of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the vehicle which does not comply with the requirements of this chapter.

Sec. 1122. RCW 46.55.240 and 1994 c 176 s 2 are each amended to read as follows:

(1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(A) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(B) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(C) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of junk vehicles or parts thereof from private property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101 (as recodified by this act), or the costs may be assessed against the owner of the property on which the vehicle is stored. A city, town, or county may also provide for the payment to the tow truck operator or wrecker as a part of a neighborhood revitalization program.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or

private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposal of vehicles.

Sec. 1123. RCW 46.61.581 and 2005 c 390 s 1 are each amended to read as follows:

A parking space or stall for a person with a disability shall be indicated by a vertical sign with the international symbol of access, whose colors are white on a blue background, described under RCW 70.92.120. The sign may include additional language such as, but not limited to, an indication of the amount of the monetary penalty defined in (~~RCW 46.16.381~~) section 706 of this act for parking in the space without a valid permit.

Failure of the person owning or controlling the property where required parking spaces are located to erect and maintain the sign is a class 2 civil infraction under chapter 7.80 RCW for each parking space that should be so designated. The person owning or controlling the property where the required parking spaces are located shall ensure that the parking spaces are not blocked or made inaccessible, and failure to do so is a class 2 civil infraction.

Sec. 1124. RCW 46.61.582 and 1991 c 339 s 25 are each amended to read as follows:

Any person who meets the criteria for special parking privileges under (~~RCW 46.16.381~~) section 701 of this act shall be allowed free of charge to park a vehicle being used to transport that person for unlimited periods of time in parking zones or areas including zones or areas with parking meters which are otherwise restricted as to the length of time parking is permitted. This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special placard or license plate under (~~RCW 46.16.381~~) section 701 of this act to be eligible for the privileges under this section.

Sec. 1125. RCW 46.63.020 and 2009 c 485 s 6 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following

provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) (as recodified by this act) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 (as recodified by this act) relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) (as recodified by this act) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 (as recodified by this act) relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of (~~ownership and~~) title, registration certificates, and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 (as recodified by this act) and section 405(3) of this act relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(7) RCW 46.16.011 (as recodified by this act) relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 (as recodified by this act) relating to vehicle trip permits;

(9) (~~RCW 46.16.381(2)~~) Section 706 of this act relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to circumventing an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

(19) Chapter 46.29 RCW relating to financial responsibility;

(20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(21) RCW 46.35.030 relating to recording device information;

(~~22~~) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(~~22~~) (~~23~~) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

(~~23~~) (~~24~~) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

(~~24~~) (~~25~~) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(~~25~~) (~~26~~) RCW 46.48.175 relating to the transportation of dangerous articles;

(~~26~~) (~~27~~) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(~~27~~) (~~28~~) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((28))~~ (29) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((29))~~ (30) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

~~((30))~~ (31) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((31))~~ (32) RCW 46.55.035 relating to prohibited practices by tow truck operators;

~~((32))~~ (33) RCW 46.55.300 relating to vehicle immobilization;

~~((33))~~ (34) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

~~((34))~~ (35) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((35))~~ (36) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((36))~~ (37) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((37))~~ (38) RCW 46.61.500 relating to reckless driving;

~~((38))~~ (39) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((39))~~ (40) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

~~((40))~~ (41) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((41))~~ (42) RCW 46.61.522 relating to vehicular assault;

~~((42))~~ (43) RCW 46.61.5249 relating to first degree negligent driving;

~~((43))~~ (44) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

~~((44))~~ (45) RCW 46.61.530 relating to racing of vehicles on highways;

~~((45))~~ (46) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

~~((46))~~ (47) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((47))~~ (48) RCW 46.61.740 relating to theft of motor vehicle fuel;

~~((48))~~ (49) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((49))~~ (50) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((50))~~ (51) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((51))~~ (52) RCW 46.68.010 relating to false statements made to obtain a refund;

((52) RCW 46.35.030 relating to recording device information;)

(53) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(54) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(55) RCW 46.72A.060 relating to limousine carrier insurance;

(56) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

(57) RCW 46.72A.080 relating to false advertising by a limousine carrier;

(58) Chapter 46.80 RCW relating to motor vehicle wreckers;

(59) Chapter 46.82 RCW relating to driver's training schools;

(60) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

(61) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 1126. RCW 46.63.160 and 2009 c 272 s 1 are each amended to read as follows:

(1) This section applies only to infractions issued under RCW 46.61.690 for toll collection evasion.

(2) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(3) Toll collection systems include manual cash collection, electronic toll collection, and photo enforcement systems.

(4) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the toll patron the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the patron's account.

(5) "Photo enforcement system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle operated in violation of an infraction under this chapter.

(6) The use of a toll collection system is subject to the following requirements:

(a) The department of transportation shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits.

(b) The department of transportation may not sell, distribute, or make available in any way, the names and addresses of electronic toll collection system account holders.

(7) The use of a photo enforcement system for issuance of notices of infraction is subject to the following requirements:

(a) Photo enforcement systems may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) A notice of infraction must be mailed to the registered owner of the vehicle or to the renter of a vehicle within sixty days of the violation. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a photo enforcement system, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, digital photographs, microphotographs, videotape, or other recorded images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

(c) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, or other recorded images prepared under this chapter are for the exclusive use of the tolling agency and law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, digital photograph, microphotograph, videotape, or other recorded image may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter or verify that tolls are paid.

(d) All locations where a photo enforcement system is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by a photo enforcement system.

(8) Infractions detected through the use of photo enforcement systems are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of photo enforcement systems under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16.216 (as recodified by this act), and 46.20.270(3).

(9) The penalty for an infraction detected through the use of a photo enforcement system shall be forty dollars plus an additional toll penalty. The toll penalty is equal to three times the cash toll for a standard passenger car during peak hours. The toll penalty may not be reduced. The court shall remit the toll penalty to the department of transportation or a private entity under contract with the department of transportation for deposit in the statewide account in which tolls are deposited for the tolling facility at which the violation occurred. If the driver is found not to have committed an infraction under this section, the driver shall pay the toll due at the time the photograph was taken, unless the toll has already been paid.

(10) If the registered owner of the vehicle is a rental car business the department of transportation or a law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of the mailing of the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable toll and fee.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

Sec. 1127. RCW 46.63.170 and 2009 c 470 s 714 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must first enact an ordinance allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance.

(b) Use of automated traffic safety cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only.

(c) During the 2009-2011 fiscal biennium, automated traffic safety cameras may be used to detect speed violations for the purposes of section 201(2), chapter 470, Laws of 2009 if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement

officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

(i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16.216 (as recodified by this act), and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the 2009-2011 fiscal biennium, an automated traffic safety camera includes a camera used to detect speed violations for the purposes of section 201(2), chapter 470, Laws of 2009.

(6) During the 2009-2011 fiscal biennium, this section does not apply to automated traffic safety cameras for the purposes of section 218(2), chapter 470, Laws of 2009.

Sec. 1128. RCW 46.68.080 and 2006 c 337 s 12 are each amended to read as follows:

(1) (~~Motor~~) Vehicle license fees collected under (~~RCW 46.16.0621 and 46.16.070~~) sections 530 and 531 of this act and fuel taxes collected under RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by the residents of those counties composed entirely of islands and which have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such vehicle fuel tax, be paid to the county treasurer of each such county to be by him or her disbursed as hereinafter provided.

(2) One-half of the (~~motor~~) vehicle license fees collected under (~~RCW 46.16.0621 and 46.16.070~~) sections 530 and 531 of this act and one-half of the fuel taxes collected under RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by the residents of those counties composed entirely of islands and which have either a fixed physical connection with the mainland or state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him or her disbursed as hereinafter provided.

(3) All funds paid to the county treasurer of the counties of either class referred to in subsections (1) and (2) of this section, shall be by such county treasurer distributed and credited to the several road districts of each such county and paid to the city treasurer of each incorporated city and town within each such county, in the direct proportion that the assessed valuation of each such road district and incorporated city and town shall bear to the total assessed valuation of each such county.

(4) The amount of motor vehicle fuel tax paid by the residents of those counties composed entirely of islands shall, for the purposes of this section, be that percentage of the total amount of motor vehicle fuel tax collected in the state that the (~~motor~~) vehicle license fees paid by the residents of counties composed entirely of islands bears to the total (~~motor~~) vehicle license fees paid by the residents of the state.

(5)(a) An amount of fuel taxes shall be deposited into the Puget Sound ferry operations account. This amount shall equal the

difference between the total amount of fuel taxes collected in the state under RCW 82.36.020 and 82.38.030 less the total amount of fuel taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied by a fraction. The fraction shall equal the amount of (~~motor~~) vehicle license fees collected under (~~RCW 46.16.0621 and 46.16.070~~) sections 530 and 531 of this act from counties described in subsection (1) of this section divided by the total amount of (~~motor~~) vehicle license fees collected in the state under (~~RCW 46.16.0621 and 46.16.070~~) sections 530 and 531 of this act.

(b) An additional amount of fuel taxes shall be deposited into the Puget Sound ferry operations account. This amount shall equal the difference between the total amount of fuel taxes collected in the state under RCW 82.36.020 and 82.38.030 less the total amount of fuel taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied by a fraction. The fraction shall equal the amount of (~~motor~~) vehicle license fees collected under (~~RCW 46.16.0621 and 46.16.070~~) sections 530 and 531 of this act from counties described in subsection (2) of this section divided by the total amount of (~~motor~~) vehicle license fees collected in the state under (~~RCW 46.16.0621 and 46.16.070~~) sections 530 and 531 of this act, and this shall be multiplied by one-half.

Sec. 1129. RCW 46.68.250 and 1996 c 184 s 6 are each amended to read as follows:

The vehicle licensing fraud account is created in the state treasury. From penalties and fines imposed under RCW 46.16.010 (as recodified by this act), 47.68.255, and 88.02.118 (as recodified by this act), an amount equal to the taxes and fees owed shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for vehicle license fraud enforcement and collections by the Washington state patrol and the department of revenue.

Sec. 1130. RCW 46.70.011 and 2006 c 364 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under this title (~~(46 RCW, Motor Vehicles)~~).

(3) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot.

(4) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (5) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others, a sale, purchase, or exchange of an interest in new or used motor vehicles, irrespective of whether the motor vehicles are owned by that person. Vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" is a vehicle dealer that deals in new or used motor vehicles, or both;

(b) A "mobile home and travel trailer dealer" is a vehicle dealer that deals in mobile homes, park trailers, or travel trailers, or more than one type of these vehicles;

(c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals in motorcycles or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles;

(d) A "recreational vehicle dealer" is a vehicle dealer that deals in travel trailers, motor homes, truck campers, or camping trailers that are primarily designed and used as temporary living quarters, are either self-propelled or mounted on or drawn by another vehicle, are transient, are not occupied as a primary residence, and are not immobilized or permanently affixed to a mobile home lot.

(5) ~~(The term)~~ "Vehicle dealer" does not include, nor do the licensing requirements of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which that person is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or an affiliated licensee, who, on behalf of another negotiates the purchase, sale, lease, or exchange of a manufactured or mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the manufactured or mobile home is, or will be, located; or

(g) Owners who are also operators of ~~(the)~~ special highway construction equipment, as defined in section 144 of this act, or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required ~~((as defined in RCW 46.16.010))~~; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association, credit union, and any parent, subsidiary, or affiliate thereof, authorized to do business in this state under state or federal law with respect to the sale or other disposition of a motor vehicle owned and used in their business; or with respect to the acquisition and sale or other disposition of a motor vehicle in which the entity has acquired an interest as a lessor, lessee, or secured party; or

(i) Any person who is regularly engaged in the business of acquiring leases or installment contracts by assignment, with respect to the acquisition and sale or other disposition of a motor vehicle in which the person has acquired an interest as a result of the business.

(6) "Vehicle salesperson" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(7) "Department" means the department of licensing, which shall administer and enforce the provisions of this chapter.

(8) "Director" means the director of licensing.

(9) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and further includes the terms:

(a) "Distributor," which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch," which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and further includes any sales promotion organization, whether a person, firm, or corporation, which is engaged in promoting the sale

of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative," which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of their vehicles or for supervising or contracting with their dealers or prospective dealers.

(10) "Established place of business" means a location meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer conducts business in this state.

(11) "Principal place of business" means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(12) "Subagency" means any place of business of a vehicle dealer within the state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the state, at which place the firm does business using a name other than the principal name of the firm, or both.

(13) "Temporary subagency" means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, shopping center promotions, tent sales, exhibitions, or similar merchandising ventures. No more than six temporary subagency licenses may be issued to a licensee in any twelve-month period.

(14) "Wholesale vehicle dealer" means a vehicle dealer who buys and sells other than at retail.

(15) "Retail vehicle dealer" means a vehicle dealer who may buy and sell at both wholesale and retail.

(16) "Listing dealer" means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

(17) "Auction" means a transaction conducted by means of exchanges between an auctioneer and the members of the audience, constituting a series of oral invitations for offers for the purchase of vehicles made by the auctioneer, offers to purchase by members of the audience, and the acceptance of the highest or most favorable offer to purchase.

(18) "Auction company" means a sole proprietorship, partnership, corporation, or other legal or commercial entity licensed under chapter 18.11 RCW that only sells or offers to sell vehicles at auction or only arranges or sponsors auctions.

(19) "Buyer's agent" means any person, firm, partnership, association, limited liability company, limited liability partnership, or corporation retained or employed by a consumer to arrange for or to negotiate, or both, the purchase or lease of a new motor vehicle on behalf of the consumer, and who is paid a fee or receives other compensation from the consumer for its services.

(20) "New motor vehicle" means any motor vehicle that is self-propelled and is required to be registered and titled under this title ~~((46 RCW))~~, has not been previously titled to a retail purchaser or lessee, and is not a "used vehicle" as defined under RCW 46.04.660.

Sec. 1131. RCW 46.70.051 and 2001 c 272 s 4 are each amended to read as follows:

(1) After the application has been filed, the fee paid, and bond posted, if required, the department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.101, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer. Nothing prohibits a vehicle dealer from obtaining licenses for more than one classification, and nothing prevents any vehicle dealer from dealing in other classes of vehicles on an isolated basis.

(2) An auction company licensed under chapter 18.11 RCW may sell at auction all classifications of vehicles under a motor vehicle

dealer's license issued under this chapter including motor vehicles, miscellaneous type vehicles, and mobile homes and travel trailers.

(3) At the time the department issues a vehicle dealer license, the department shall provide to the dealer a current, up-to-date vehicle dealer manual that may be provided electronically setting forth the various statutes and rules applicable to vehicle dealers. In addition, at the time any such license is renewed under RCW 46.70.083, the department shall provide the dealer with any updates or current revisions to the vehicle dealer manual. These updates or current revisions may be provided electronically.

(4) The department may contract with responsible private parties to provide them elements of the vehicle database on a regular basis. The private parties may only disseminate this information to licensed vehicle dealers.

(a) Subject to the disclosure agreement provisions of RCW 46.12.380 (as recodified by this act) and the requirements of Executive Order 97-01, the department may provide to the contracted private parties the following information:

(i) All vehicle and title data necessary to accurately disclose known title defects, brands, or flags and odometer discrepancies;

(ii) All registered and legal owner information necessary to determine true ownership of the vehicle and the existence of any recorded liens, including but not limited to liens of the department of social and health services or its successor; and

(iii) Any data in the department's possession necessary to calculate the motor vehicle excise tax, license, and registration fees including information necessary to determine the applicability of regional transit authority excise and use tax surcharges.

(b) The department may provide this information in any form the contracted private party and the department agree upon, but if the data is to be transmitted over the Internet or similar public network from the department to the contracted private party, it must be encrypted.

(c) The department shall give these contracted private parties advance written notice of any change in the information referred to in (a)(i), (ii), or (iii) of this subsection, including information pertaining to the calculation of motor vehicle excise taxes.

(d) The department shall revoke a contract made under this subsection (4) with a private party who disseminates information from the vehicle database to anyone other than a licensed vehicle dealer. A private party who obtains information from the vehicle database under a contract with the department and disseminates any of that information to anyone other than a licensed vehicle dealer is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(e) Nothing in this subsection (4) authorizes a vehicle dealer or any other organization or entity not otherwise appointed as a vehicle licensing subagent under RCW 46.01.140 to perform any of the functions of a vehicle licensing subagent so appointed.

Sec. 1132. RCW 46.70.101 and 2001 c 272 s 6 are each amended to read as follows:

The director may by order deny, suspend, or revoke the license of any vehicle dealer or vehicle manufacturer or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if the director finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the

adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, "adjudged guilty" (~~shall~~) means in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his or her application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Has knowingly, or with reason to know, provided the department with false information relating to the number of vehicle sales transacted during the past one year in order to obtain a vehicle dealer license plate;

(v) Does not have an established place of business as required in this chapter;

(vi) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

(vii) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same, except for sales by wholesale motor vehicle auction dealers to franchise motor vehicle dealers of the same make licensed under this title (~~(46 RCW)~~) or franchise motor vehicle dealers of the same make licensed by any other state;

(viii) Is insolvent, either in the sense that their liabilities exceed their assets, or in the sense that they cannot meet their obligations as they mature;

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(x) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183;

(xi) Knowingly, or with reason to know, allows a salesperson employed by the dealer, or acting as their agent, to commit any of the prohibited practices set forth in subsection (1)(a) of this section and RCW 46.70.180;

(xii) Fails to have a current certificate or registration with the department of revenue.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale, lease, or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his or her possession any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has willfully failed to deliver to a purchaser or owner a certificate of (~~ownership~~) title to a vehicle which he or she has sold or leased;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates or manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles, except for sales by wholesale motor vehicle auction dealers to motor vehicle dealers and vehicle wreckers licensed under this title ((46 RCW)) or motor vehicle dealers licensed by any other state;

(ix) Has aided or assisted an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, allowing use of facilities, dealer license number, or by any other means;

(x) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of the property or funds; or

(xi) Has sold any vehicle with actual knowledge that:

(A) It has any of the following brands on the title:

"SALVAGE/REBUILT," "JUNK," or "DESTROYED"; or

(B) It has been declared totaled out by an insurance carrier and then rebuilt; or

(C) The vehicle title contains the specific comment that the vehicle is "rebuilt";

without clearly disclosing that brand or comment in writing.

(c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his or her application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale, lease, or transfer of a vehicle;

(e) Has purchased, sold, leased, disposed of, or has in his or her possession, any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale or for lease, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale or for lease unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached

to any new or unused vehicle sold, leased, or distributed in this state or transferred into this state for resale or for lease by any such manufacturer;

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including, but not limited to, failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;

(l) Is insolvent either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature;

(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

Sec. 1133. RCW 46.70.122 and 2001 c 272 s 8 are each amended to read as follows:

(1) If the purchaser or transferee is a dealer he or she shall, on selling, leasing, or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe.

(2) The assignment and warranty shall show any secured party holding a security interest created or reserved at the time of resale or lease, to which shall be attached the assigned certificate((s)) of ((ownership)) title and ((license)) registration certificate received by the dealer. The dealer shall mail or deliver them to the department with the transferee's application for the issuance of new certificate((s)) of ((ownership)) title and ((license)) registration certificate. The ((title)) certificate of title issued for a vehicle possessed by a dealer and subject to a security interest shall be delivered to the secured party who upon request of the dealer's transferee shall, unless the transfer was a breach of the security agreement, either deliver the certificate to the transferee for transmission to the department, or upon receipt from the transferee of the owner's bill of sale or sale document, the transferee's application for a new certificate and the required fee, mail or deliver to the department. Failure of a dealer to deliver the ((title)) certificate of title to the secured party does not affect perfection of the security interest.

Sec. 1134. RCW 46.70.124 and 1994 c 262 s 11 are each amended to read as follows:

A vehicle dealer((s)) shall possess a separate certificate of ((ownership)) title or other evidence of ownership approved by the department for each used vehicle kept in the dealer's possession. Evidence of ownership shall be either in the name of the dealer or in the name of the dealer's immediate vendor properly assigned. In the case of consigned vehicles, the vehicle dealer may possess a completed consignment contract that includes a guaranteed title from the seller in lieu of the required certificate of ((ownership)) title.

Sec. 1135. RCW 46.70.135 and 1994 c 284 s 11 are each amended to read as follows:

Mobile home manufacturers and mobile home dealers who sell mobile homes to be assembled on site and used as residences in this state shall conform to the following requirements:

(1) No new manufactured home may be sold unless the purchaser is provided with a manufacturer's written warranty for construction of the home in compliance with the Magnuson-Moss Warranty Act (88 Stat. 2183; 15 U.S.C. Sec. 47 et seq.; 15 U.S.C. Sec. 2301 et seq.).

(2) No new manufactured home may be sold unless the purchaser is provided with a dealer's written warranty for all installation services performed by the dealer.

(3) The warranties required by subsections (1) and (2) of this section shall be valid for a minimum of one year measured from the date of delivery and shall not be invalidated by resale by the original purchaser to a subsequent purchaser or by the certificate of ((ownership)) title being eliminated or not issued as described in chapter 65.20 RCW. Copies of the warranties shall be given to the purchaser upon signing a purchase agreement and shall include an explanation of remedies available to the purchaser under state and

federal law for breach of warranty, the name and address of the federal department of housing and urban development and the state departments of licensing and labor and industries, and a brief description of the duties of these agencies concerning mobile homes.

(4) Warranty service shall be completed within forty-five days after the owner gives written notice of the defect unless there is a bona fide dispute between the parties. Warranty service for a defect affecting health or safety shall be completed within seventy-two hours of receipt of written notice. Warranty service shall be performed on site and a written work order describing labor performed and parts used shall be completed and signed by the service agent and the owner. If the owner's signature cannot be obtained, the reasons shall be described on the work order. Work orders shall be retained by the dealer or manufacturer for a period of three years.

(5) Before delivery of possession of the home to the purchaser, an inspection shall be performed by the dealer or his or her agent and by the purchaser or his or her agent which shall include a test of all systems of the home to insure proper operation, unless such systems test is delayed pursuant to this subsection. At the time of the inspection, the purchaser shall be given copies of all documents required by state or federal agencies to be supplied by the manufacturer with the home which have not previously been provided as required under subsection (3) of this section, and the dealer shall complete any required purchaser information card and forward the card to the manufacturer. A purchaser is deemed to have taken delivery of the manufactured home when all three of the following events have occurred: (a) The contractual obligations between the purchaser and the seller have been met; (b) the inspection of the home is completed; and (c) the systems test of the home has been completed subsequent to the installation of the home, or fifteen days has elapsed since the transport of the home to the site where it will be installed, whichever is earlier. Occupancy of the manufactured home shall only occur after the systems test has occurred and all required utility connections have been approved after inspection.

(6) Manufacturer and dealer advertising which states the dimensions of a home shall not include the length of the draw bar assembly in a listed dimension, and shall state the square footage of the actual floor area.

Sec. 1136. RCW 46.70.180 and 2009 c 123 s 1 and 2009 c 49 s 1 are each reenacted and amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2)(a)(i) To incorporate within the terms of any purchase and sale or lease agreement any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or

misleading, including but not limited to terms that include as an added cost to the selling price or capitalized cost of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(ii) However, an amount not to exceed the applicable amount provided in (iii)(A) and (B) of this subsection (2)(a) per vehicle sale or lease may be charged by a dealer to recover administrative costs for collecting motor vehicle excise taxes, licensing and registration fees and other agency fees, verifying and clearing titles, transferring titles, perfecting, releasing, or satisfying liens or other security interests, and other administrative and documentary services rendered by a dealer in connection with the sale or lease of a vehicle and in carrying out the requirements of this chapter or any other provisions of state law.

(iii) A dealer may charge under (a)(ii) of this subsection:

(A) As of July 26, 2009, through June 30, 2014, an amount not to exceed one hundred fifty dollars; and

(B) As of July 1, 2014, an amount not to exceed fifty dollars.

(b) A dealer may charge the documentary service fee in (a) of this subsection under the following conditions:

(i) The documentary service fee is disclosed in writing to a prospective purchaser or lessee before the execution of a purchase and sale or lease agreement;

(ii) The dealer discloses to the purchaser or lessee in writing that the documentary service fee is a negotiable fee. The disclosure must be written in a typeface that is at least as large as the typeface used in the standard text of the document that contains the disclosure and that is bold faced, capitalized, underlined, or otherwise set out from the surrounding material so as to be conspicuous. The dealer shall not represent to the purchaser or lessee that the fee or charge is required by the state to be paid by either the dealer or prospective purchaser or lessee;

(iii) The documentary service fee is separately designated from the selling price or capitalized cost of the vehicle and from any other taxes, fees, or charges; and

(iv) Dealers disclose in any advertisement that a documentary service fee in an amount provided in (iv)(A) and (B) of this subsection (2)(b) may be added to the sale price or the capitalized cost:

(A) As of July 26, 2009, through June 30, 2014, an amount up to one hundred fifty dollars; and

(B) As of July 1, 2014, an amount up to fifty dollars.

For the purposes of this subsection (2), the term "documentary service fee" means the optional amount charged by a dealer to provide the services specified in (a) of this subsection.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold or leased to a person for a consideration and upon further consideration that the purchaser or lessee agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser or lessee being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Entering into a written contract, written purchase order or agreement, retail installment sales agreement, note and security agreement, or written lease agreement, hereinafter collectively referred to as contract or lease, signed by the prospective buyer or lessee of a vehicle, which:

(a) Is subject to any conditions or the dealer's or his or her authorized representative's future acceptance, and the dealer fails or refuses within four calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer or lessee to inform the buyer or lessee either: (i) That the dealer unconditionally accepts the contract or lease, having satisfied,

removed, or waived all conditions to acceptance or performance, including, but not limited to, financing, assignment, or lease approval; or (ii) that the dealer rejects the contract or lease, thereby automatically voiding the contract or lease, as long as such voiding does not negate commercially reasonable contract or lease provisions pertaining to the return of the subject vehicle and any physical damage, excessive mileage after the demand for return of the vehicle, and attorneys' fees authorized by law, and tenders the refund of any initial payment or security made or given by the buyer or lessee, including, but not limited to, any down payment, and tenders return of the trade-in vehicle, key, other trade-in, or certificate of title to a trade-in. Tender may be conditioned on return of the subject vehicle if previously delivered to the buyer or lessee.

The provisions of this subsection (4)(a) do not impair, prejudice, or abrogate the rights of a dealer to assert a claim against the buyer or lessee for misrepresentation or breach of contract and to exercise all remedies available at law or in equity, including those under chapter 62A.9A RCW, if the dealer, bank, or other lender or leasing company discovers that approval of the contract or financing or approval of the lease was based upon material misrepresentations made by the buyer or lessee, including, but not limited to, misrepresentations regarding income, employment, or debt of the buyer or lessee, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or indirectly, in the misrepresentation. A dealer shall not be in violation of this subsection (4)(a) if the buyer or lessee made a material misrepresentation to the dealer, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or indirectly, in the misrepresentation.

When a dealer informs a buyer or lessee under this subsection (4)(a) regarding the unconditional acceptance or rejection of the contract, lease, or financing by an electronic mail message, the dealer must also transmit the communication by any additional means;

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer or lessee as part of the purchase price or lease, for any reason except:

(i) Failure to disclose that the vehicle's certificate of ~~((ownership))~~ title has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.050 (as recodified by this act) and ~~((46.12.075))~~ section 303 of this act; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser or lessee, for vehicles

previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesperson, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser or lessee prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesperson, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser or lessee has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser or lessee, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales or lease agreement signed by the seller and buyer or lessee.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contracts, leases, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, lease, or title; or

(c) Signing any other documentation relating to the purchase, sale, lease, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, lease, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. This subsection also applies to leased vehicles. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.93 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith;

(c) Encourage, aid, abet, or teach a vehicle dealer to sell or lease vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale or lease of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser or lessee of any new or unused vehicle that has been sold or leased, distributed for sale or lease, or transferred into this state for resale or lease by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter 62A.9A RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

(17)(a) For a dealer to enter into a new motor vehicle sales contract without disclosing in writing to a buyer of the new motor vehicle, or to a dealer in the case of an unregistered motor vehicle, any known damage and repair to the new motor vehicle if the damage exceeds five percent of the manufacturer's suggested retail price as calculated at the dealer's authorized warranty rate for labor and parts, or one thousand dollars, whichever amount is greater. A manufacturer or new motor vehicle dealer is not required to disclose to a dealer or buyer that glass, tires, bumpers, or cosmetic parts of a new motor vehicle were damaged at any time if the damaged item has been replaced with original or comparable equipment. A replaced part is not part of the cumulative damage required to be disclosed under this subsection.

(b) A manufacturer is required to provide the same disclosure to a dealer of any known damage or repair as required in (a) of this subsection.

(c) If disclosure of any known damage or repair is not required under this section, a buyer may not revoke or rescind a sales contract due to the fact that the new motor vehicle was damaged and repaired before completion of the sale.

(d) As used in this section:

(i) "Cosmetic parts" means parts that are attached by and can be replaced in total through the use of screws, bolts, or other fasteners without the use of welding or thermal cutting, and includes windshields, bumpers, hoods, or trim panels.

(ii) "Manufacturer's suggested retail price" means the retail price of the new motor vehicle suggested by the manufacturer, and includes the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to the new motor vehicle at the time of delivery to the new motor vehicle dealer that is not included within the retail price suggested by the manufacturer for the new motor vehicle.

Sec. 1137. RCW 46.72.060 and 1961 c 12 s 46.72.060 are each amended to read as follows:

Every person having a cause of action for damages against any person, firm, or corporation receiving a permit under the provisions of this chapter, for injury, damages or wrongful death caused by any careless, negligent or unlawful act of any such person, firm, or corporation or his, their, or its agents or employees in conducting or carrying on said business or in operating any motor propelled vehicle for the carrying and transporting of passengers (~~over and along~~) on

any public street, road or highway shall have a cause of action against the principal and surety upon the bond or the insurance company and the insured for all damages sustained, and in any such action the full amount of damages sustained may be recovered against the principal, but the recovery against the surety shall be limited to the amount of the bond.

Sec. 1138. RCW 46.80.010 and 1999 c 278 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Vehicle wrecker" means every person, firm, partnership, association, or corporation engaged in the business of buying, selling, or dealing in vehicles of a type required to be ~~((licensed))~~ registered under the laws of this state, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of a vehicle, or who buys or sells integral secondhand parts of component material thereof, in whole or in part, or who deals in secondhand vehicle parts.

(2) "Core" means a major component part received by a vehicle wrecker in exchange for a like part sold by the vehicle wrecker, is not resold as a major component part except for scrap metal value or for remanufacture, and the vehicle wrecker maintains records for three years from the date of acquisition to identify the name of the person from whom the core was received.

(3) "Established place of business" means a building or enclosure which the vehicle wrecker occupies either continuously or at regular periods and where his books and records are kept and business is transacted and which must conform with zoning regulations.

(4) "Interim owner" means the owner of a vehicle who has the original certificate of ~~((ownership))~~ title for the vehicle, which certificate has been released by the person named on the certificate and assigned to the person offering to sell the vehicle to the wrecker.

(5) "Major component part" includes at least each of the following vehicle parts: (a) Engines and short blocks; (b) frame; (c) transmission and/or transfer case; (d) cab; (e) door; (f) front or rear differential; (g) front or rear clip; (h) quarter panel; (i) truck bed or box; (j) seat; (k) hood; (l) bumper; (m) fender; and (n) airbag. The director may supplement this list by rule.

(6) "Wrecked vehicle" means a vehicle which is disassembled or dismantled or a vehicle which is acquired with the intent to dismantle or disassemble and never again to operate as a vehicle, or a vehicle which has sustained such damage that its cost to repair exceeds the fair market value of a like vehicle which has not sustained such damage, or a damaged vehicle whose salvage value plus cost to repair equals or exceeds its fair market value, if repaired, or a vehicle which has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state for which the salvage value plus cost to repair exceeds its fair market value, if repaired; further, it is presumed that a vehicle is a wreck if it has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state.

Sec. 1139. RCW 46.80.090 and 1999 c 278 s 3 are each amended to read as follows:

Within thirty days after acquiring a vehicle, the vehicle wrecker shall furnish a written report to the department. This report shall be in such form as the department shall prescribe and shall be accompanied by evidence of ownership as determined by the department. No vehicle wrecker may acquire a vehicle, including a vehicle from an interim owner, without first obtaining evidence of ownership as determined by the department. For a vehicle from an interim owner, the evidence of ownership may not require that a title be issued in the name of the interim owner as required by RCW 46.12.101 ~~(as recodified by this act)~~. The vehicle wrecker shall furnish a monthly report of all acquired vehicles. This report shall be made on forms prescribed by the department and contain such information as the department may require. This statement shall be signed by the vehicle wrecker or an authorized representative and the facts therein

sworn to before a notary public, or before an officer or employee of the department designated by the director to administer oaths or acknowledge signatures, pursuant to RCW 46.01.180.

Sec. 1140. RCW 46.87.010 and 2005 c 194 s 1 are each amended to read as follows:

This chapter applies to proportional registration and reciprocity granted under the provisions of the International Registration Plan (IRP). This chapter shall become effective and be implemented beginning with the 1988 registration year.

(1) Provisions and terms of the IRP prevail unless given a different meaning in chapter 46.04 RCW, this chapter, or in rules adopted under the authority of this chapter.

(2) The director may adopt and enforce rules deemed necessary to implement and administer this chapter.

(3) Owners having a fleet of apportionable vehicles operating in two or more IRP member jurisdictions may elect to proportionally register the vehicles of the fleet under the provisions of the IRP and this chapter in lieu of full or temporary registration as provided for in chapter~~(s)~~ 46.16 ~~((or 46.88))~~ RCW.

(4) If a due date or an expiration date established under authority of this chapter falls on a Saturday, Sunday, or a state legal holiday, such period is automatically extended through the end of the next business day.

Sec. 1141. RCW 46.87.020 and 2005 c 194 s 2 are each amended to read as follows:

Terms used in this chapter have the meaning given to them in the International Registration Plan (IRP), in chapter 46.04 RCW, or as otherwise defined in this section. Definitions given to terms by the IRP prevail unless given a different meaning in this chapter or in rules adopted under authority of this chapter.

(1) "Apportionable vehicle" has the meaning given by the IRP, except that it does not include vehicles with a declared gross weight of twelve thousand pounds or less. Apportionable vehicles include trucks, tractors, truck tractors, road tractors, and buses, each as separate and licensable vehicles.

(2) "Cab card" is a certificate of registration issued for a vehicle upon which is disclosed the jurisdictions and registered gross weights in such jurisdictions for which the vehicle is registered.

(3) "Credentials" means cab cards, apportioned plates (for Washington-based fleets), and validation tabs issued for proportionally registered vehicles.

(4) "Declared combined gross weight" means the total unladen weight of any combination of vehicles plus the weight of the maximum load to be carried on the combination of vehicles as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid.

(5) "Declared gross weight" means the total unladen weight of any vehicle plus the weight of the maximum load to be carried on the vehicle as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid. In the case of a bus, auto stage, or a passenger-carrying for hire vehicle with a seating capacity of more than six, the declared gross weight shall be determined by multiplying the average load factor of one hundred and fifty pounds by the number of seats in the vehicle, including the driver's seat, and add this amount to the unladen weight of the vehicle. If the resultant gross weight is not listed in ~~((RCW 46.16.070))~~ section 530 of this act, it will be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

(6) "Department" means the department of licensing.

(7) "Fleet" means one or more apportionable vehicles in the IRP.

(8) "In-jurisdiction miles" means the total miles accumulated in a jurisdiction during the preceding year by vehicles of the fleet while they were a part of the fleet.

(9) "IRP" means the International Registration Plan.

(10) "Jurisdiction" means and includes a state, territory or possession of the United States, the District of Columbia, the

Commonwealth of Puerto Rico, a foreign country, and a state or province of a foreign country.

(11) "Motor carrier" means an entity engaged in the transportation of goods or persons. The term includes a for-hire motor carrier, private motor carrier, contract motor carrier, or exempt motor carrier. The term includes a registrant licensed under this chapter, a motor vehicle lessor, and a motor vehicle lessee.

(12) "Owner" means a person or business firm who holds the legal title to a vehicle, or if a vehicle is the subject of an agreement for its conditional sale with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or if a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or if a mortgagor of a vehicle is entitled to possession, then the owner is deemed to be the person or business firm in whom is vested right of possession or control.

(13) "Preceding year" means the period of twelve consecutive months immediately before July 1st of the year immediately before the commencement of the registration or license year for which apportioned registration is sought.

(14) "Prorate percentage" is the factor that is applied to the total proratable fees and taxes to determine the apportionable or prorate fees required for registration in a particular jurisdiction. It is determined by dividing the in-jurisdiction miles for a particular jurisdiction by the total miles. This term is synonymous with the term "mileage percentage."

(15) "Registrant" means a person, business firm, or corporation in whose name or names a vehicle or fleet of vehicles is registered.

(16) "Registration year" means the twelve-month period during which the registration plates issued by the base jurisdiction are valid according to the laws of the base jurisdiction.

(17) "Total miles" means the total number of miles accumulated in all jurisdictions during the preceding year by all vehicles of the fleet while they were a part of the fleet. Mileage accumulated by vehicles of the fleet that did not engage in interstate operations is not included in the fleet miles.

Sec. 1142. RCW 46.87.030 and 2005 c 194 s 3 are each amended to read as follows:

(1) When application to register an apportionable vehicle is made, the Washington prorated fees may be reduced by one-twelfth for each full registration month that has elapsed at the time a temporary authorization permit (TAP) was issued or if no TAP was issued, at such time as an application for registration is received in the department. If a vehicle is being added to a currently registered fleet, the prorate percentage previously established for the fleet for such registration year shall be used in the computation of the proportional fees and taxes due.

(2) If any vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered under this chapter, the registrant of the fleet shall notify the department on appropriate forms prescribed by the department. The department may require the registrant to surrender credentials that were issued to the vehicle. If a motor vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold, or otherwise completely removed from the service of the fleet registrant, the unused portion of the ((licensing)) license fee paid under ((RCW 46.16.070)) section 530 of this act with respect to the vehicle reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first day of the month of the current registration year in which the vehicle was registered and the date the notice of withdrawal, accompanied by such credentials as may be required, is received in the department, shall be credited to the fleet proportional registration account of the registrant. Credit shall be applied against the ((licensing)) license fee liability for subsequent additions of motor vehicles to be proportionally registered in the fleet during such

registration year or for additional ((licensing)) license fees due under ((RCW 46.16.070)) section 530 of this act or to be due upon audit under RCW 46.87.310. If any credit is less than fifteen dollars, no credit will be entered. In lieu of credit, the registrant may choose to transfer the unused portion of the ((licensing)) license fee for the motor vehicle to the new owner, in which case it shall remain with the motor vehicle for which it was originally paid. In no event may any amount be credited against fees other than those for the registration year from which the credit was obtained nor is any amount subject to refund.

Sec. 1143. RCW 46.87.140 and 2005 c 194 s 9 are each amended to read as follows:

(1) Any owner engaged in interstate operations of one or more fleets of apportionable vehicles may, in lieu of registration of the vehicles under chapter 46.16 RCW, register and license the vehicles of each fleet under this chapter by filing a proportional registration application for each fleet with the department. The application shall contain the following information and such other information pertinent to vehicle registration as the department may require:

- (a) A description and identification of each vehicle of the fleet.
- (b) The member jurisdictions in which registration is desired and such other information as member jurisdictions require.
- (c) An original or renewal application shall also be accompanied by a mileage schedule for each fleet.
- (d) The USDOT number issued to the registrant and the USDOT number of the motor carrier responsible for the safety of the vehicle, if different.

(e) A completed Motor Carrier Identification Report (MCS-150) at the time of fleet renewal or at the time of vehicle registration, if required by the department.

(f) The Taxpayer Identification Number of the registrant and the motor carrier responsible for the safety of the vehicle, if different.

(2) Each application shall, at the time and in the manner required by the department, be supported by payment of a fee computed as follows:

(a) Divide the in-jurisdiction miles by the total miles and carry the answer to the nearest thousandth of a percent (three places beyond the decimal, e.g. 10.543%). This factor is known as the prorate percentage.

(b) Determine the total proratable fees and taxes required for each vehicle in the fleet for which registration is requested, based on the regular annual fees and taxes or applicable fees and taxes for the unexpired portion of the registration year under the laws of each jurisdiction for which fees or taxes are to be calculated.

Applicable fees and taxes for vehicles of Washington-based fleets are those prescribed under ((RCW 46.16.070)) section 530 of this act, ((46.16.085)) section 531(1)(c) of this act, and RCW 82.38.075, as applicable. If, during the registration period, the lessor of an apportioned vehicle changes and the vehicle remains in the fleet of the registrant, the department shall only charge those fees prescribed for the issuance of new apportioned license plates, validation tabs, and cab card.

(c) Multiply the total, proratable fees or taxes for each motor vehicle by the prorate percentage applicable to the desired jurisdiction and round the results to the nearest cent.

(d) Add the total fees and taxes determined in (c) of this subsection for each vehicle to the nonproratable fees required under the laws of the jurisdiction for which fees are being calculated. Nonproratable fees required for vehicles of Washington-based fleets are the administrative fee required by RCW 82.38.075, if applicable, and the vehicle transaction fee pursuant to the provisions of RCW 46.87.130.

(e) The amount due and payable for the application is the sum of the fees and taxes calculated for each member jurisdiction in which registration of the fleet is desired.

(3) All assessments for proportional registration fees are due and payable in United States funds on the date presented or mailed to the registrant at the address listed in the proportional registration records of the department. The registrant may petition for reassessment of the fees or taxes due under this section within thirty days of the date of original service as provided for in this chapter.

Sec. 1144. RCW 46.87.220 and 1987 c 244 s 35 are each amended to read as follows:

The gross weight in the case of a motor truck, tractor, or truck tractor is the scale weight of the motor truck, tractor, or truck tractor, plus the scale weight of any trailer, semitrailer, converter gear, or pole trailer to be towed by it, to which shall be added the weight of the maximum load to be carried on it or towed by it as set forth by the licensee in the application providing it does not exceed the weight limitations prescribed by chapter 46.44 RCW.

The gross weight in the case of a bus, auto stage, or for hire vehicle, except a taxicab, with a seating capacity over six, is the scale weight of the bus, auto stage, or for hire vehicle plus the seating capacity, including the operator's seat, computed at one hundred and fifty pounds per seat.

If the resultant gross weight, according to this section, is not listed in (~~RCW 46.16.070~~) section 530 of this act, it will be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

A motor vehicle or combination of vehicles found to be loaded beyond the licensed gross weight of the motor vehicle registered under this chapter shall be cited and handled under RCW 46.16.140 and 46.16.145 (as recodified by this act).

NEW SECTION. Sec. 1145. A new section is added to chapter 47.06 RCW to read as follows:

(1) The department of transportation may increase the recreational vehicle sanitary disposal fee charged under section 534 of this act as authorized in RCW 43.135.055 by a percentage that exceeds the fiscal growth factor. After consultation with citizen representatives of the recreational vehicle user community, the department of transportation may implement RV account fee adjustments no more than once every four years. RV account fee adjustments must be preceded by an evaluation of the following factors:

- (a) Maintenance of a self-supporting program;
- (b) Levels of service at existing recreational vehicle sanitary disposal facilities;
- (c) Identified needs for improved recreational vehicle service at safety rest areas statewide;
- (d) Sewage treatment costs; and
- (e) Inflation.

(2) If the department of transportation chooses to adjust the RV account fee, it shall notify the department of licensing six months before implementation of the fee increase. Adjustments in the RV account fee must be in increments of no more than fifty cents per biennium.

Sec. 1146. RCW 47.10.704 and 1961 c 13 s 47.10.704 are each amended to read as follows:

In order to facilitate vehicular traffic through and between the cities of Tacoma, Seattle, and Everett and to remove the present handicaps and hazards (~~over and along~~) on primary state highway No. 1 as presently established, the state highway commission is authorized to realign, redesign, and reconstruct primary state highway No. 1 upon a newly located right-of-way or upon portions of existing right-of-way through and between the cities of Tacoma, Seattle, and Everett and as an additional alternate route bypassing Seattle east of Lake Washington. The route of the proposed project is established as follows: Beginning in the vicinity of Ponders Corner, thence in a general northeasterly and northerly direction through the cities of Tacoma and Seattle to a point in the vicinity of the city of Everett and as an additional alternate route bypassing Seattle east of Lake Washington.

Sec. 1147. RCW 47.68.255 and 2003 c 53 s 266 are each amended to read as follows:

A person who is required to register an aircraft under this chapter and who registers an aircraft in another state or foreign country evading the Washington aircraft excise tax is guilty of a gross misdemeanor. For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, no part of which may be suspended or deferred. Excise taxes owed and fines assessed will be deposited in the manner provided under RCW 46.16.010(~~(4)~~) (6) (as recodified by this act).

Sec. 1148. RCW 48.22.110 and 2003 c 248 s 10 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this section and RCW 48.22.115 through 48.22.135.

(1) "Borrower" means a person who receives a loan or enters into a retail installment contract under chapter 63.14 RCW to purchase a motor vehicle or vessel in which the secured party holds an interest.

(2) "Motor vehicle" means a motor vehicle in this state subject to registration under chapter 46.16 RCW, except motor vehicles governed by RCW 46.16.020 (as recodified by this act) or registered with the Washington utilities and transportation commission as common or contract carriers.

(3) "Secured party" means a person, corporation, association, partnership, or venture that possesses a bona fide security interest in a motor vehicle or vessel.

(4) "Vendor single-interest" or "collateral protection coverage" means insurance coverage insuring primarily or solely the interest of a secured party but which may include the interest of the borrower in a motor vehicle or vessel serving as collateral and obtained by the secured party or its agent after the borrower has failed to obtain or maintain insurance coverage required by the financing agreement for the motor vehicle or vessel. Vendor single-interest or collateral protection coverage does not include insurance coverage purchased by a secured party for which the borrower is not charged.

(5) "Vessel" means a vessel as defined in RCW 88.02.010 (as recodified by this act) and includes personal watercraft as defined in RCW 79A.60.010.

Sec. 1149. RCW 59.21.050 and 2002 c 257 s 4 are each amended to read as follows:

(1) The existence of the mobile home park relocation fund in the custody of the state treasurer is affirmed. Expenditures from the fund may be used only for relocation assistance awarded under this chapter. Only the director or the director's designee may authorize expenditures from the fund. All relocation payments to tenants shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) A park tenant is eligible for assistance under this chapter only after an application is submitted by that tenant or an organization acting on the tenant's account under RCW 59.21.021(4) on a form approved by the director which shall include:

(a) For those persons who maintained ownership of and relocated their homes or removed their homes from the park: (i) A copy of the notice from the park-owner, or other adequate proof, that the tenancy is terminated due to closure of the park or its conversion to another use; (ii) a copy of the rental agreement then in force, or other proof that the applicant was a tenant at the time of notice of closure; (iii) a copy of the contract for relocating the home which includes the date of relocation, or other proof of actual relocation expenses incurred on a date certain; and (iv) a statement of any other available assistance;

(b) For those persons who sold their homes and incurred no relocation expenses: (i) A copy of the notice from the park-owner, or other adequate proof, that the tenancy is terminated due to closure of the park or its conversion to another use; (ii) a copy of the rental

agreement then in force, or other proof that the applicant was a tenant at the time of notice of closure; and (iii) a copy of the record of title transfer issued by the department of licensing when the tenant sold the home rather than relocate it due to park closure or conversion.

(3) The department may deduct a percentage amount of the fee collected under (~~RCW 59.21.055~~) section 511 of this act, not to exceed five percent of the fees received, for administration expenses incurred by the department.

Sec. 1150. RCW 59.22.020 and 2009 c 565 s 48 are each reenacted and amended to read as follows:

The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) "Account" means the manufactured housing account created under RCW 59.22.070.

(2) "Affordable" means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

(3) "Conversion costs" includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

(4) "Department" means the department of commerce.

(5) "Fee" means the mobile home title transfer fee imposed under (~~RCW 59.22.080~~) section 510 of this act.

(6) "Fund" or "park purchase account" means the mobile home park purchase account created pursuant to RCW 59.22.030.

(7) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

(8) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

(9) "Landlord" shall have the same meaning as it does in RCW 59.20.030.

(10) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/home which is used as their primary residence.

(11) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

(12) "Manufactured housing" means residences constructed on one or more chassis for transportation, and which bear an insignia issued by a state or federal regulatory agency indication compliance with all applicable construction standards of the United States department of housing and urban development.

(13) "Mobile home" shall have the same meaning as it does in RCW 46.04.302.

(14) "Mobile home lot" shall have the same meaning as it does in RCW 59.20.030.

(15) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030(10), or a manufactured home park subdivision as defined by RCW 59.20.030(12) created by the conversion to resident ownership of a mobile home park.

(16) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

(17) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.

(18) "Tenant" means a person who rents a mobile home lot for a term of one month or longer and owns the mobile home on the lot.

Sec. 1151. RCW 62A.9A-311 and 2001 c 32 s 25 are each amended to read as follows:

(a) **Security interest subject to other law.** Except as otherwise provided in subsection (d) of this section, the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) A statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt RCW 62A.9A-310(a);

(2) RCW (~~46.12.095~~) 46.12.170 or 88.02.070 (as recodified by this act), or chapter 65.12 RCW; or

(3) A certificate-of-title statute of another jurisdiction which provides for a security interest to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) **Compliance with other law.** Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) of this section for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this Article. Except as otherwise provided in subsection (d) of this section, RCW 62A.9A-313, and 62A.9A-316 (d) and (e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) of this section may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) **Duration and renewal of perfection.** Except as otherwise provided in subsection (d) of this section and RCW 62A.9A-316 (d) and (e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) of this section are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to this Article.

(d) **Inapplicability to certain inventory.** During any period in which collateral subject to RCW 46.12.095 or 88.02.070 (as recodified by this act), or chapter 65.12 RCW is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person.

Sec. 1152. RCW 63.14.010 and 2009 c 334 s 11 are each reenacted and amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Financial institution" means any bank or trust company, mutual savings bank, credit union, or savings and loan association organized pursuant to the laws of any one of the United States of America or the United States of America, or the laws of a foreign country if also qualified to conduct business in any one of the United

States of America or pursuant to the laws of the United States of America;

(2) "Goods" means all chattels personal when purchased primarily for personal, family, or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(3) "Lender credit card" means a card or device under a lender credit card agreement pursuant to which the issuer gives to a cardholder residing in this state the privilege of obtaining credit from the issuer or other persons in purchasing or leasing property or services, obtaining loans, or otherwise, and the issuer of which is not: (a) Principally engaged in the business of selling goods; or (b) a financial institution;

(4) "Lender credit card agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions pursuant to which the issuer may, with the buyer's consent, purchase or acquire one or more retail sellers' indebtedness of the buyer under a sales slip or memorandum evidencing the purchase, lease, loan, or otherwise to be paid in accordance with the agreement. The issuer of a lender credit card agreement shall not be principally engaged in the business of selling goods or be a financial institution;

(5) "Official fees" means the amount of the fees prescribed by law and payable to the state, county, or other governmental agency for filing, recording, or otherwise perfecting, and releasing or satisfying, a retained title, lien, or other security interest created by a retail installment transaction;

(6) "Person" means an individual, partnership, joint venture, corporation, association, or any other group, however organized;

(7) "Principal balance" means the sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and official fees; and the amount actually paid or to be paid by the retail seller pursuant to an agreement with the buyer to discharge a security interest or lien on like-kind goods traded in or lease interest in the circumstance of a lease for like goods being terminated in conjunction with the sale pursuant to a retail installment contract;

(8) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period;

(9) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

(10) "Retail charge agreement," "revolving charge agreement," or "charge agreement" means an agreement between a retail buyer and a retail seller that is entered into or performed in this state and that prescribes the terms of retail installment transactions with one or more sellers which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(11) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement, a lender credit card agreement, or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract, and a contract in the form of a bailment or a

lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease. The term "retail installment contract" does not include: (a) A "consumer lease," heretofore or hereafter entered into, as defined in RCW 63.10.020; (b) a lease which would constitute such "consumer lease" but for the fact that: (i) It was entered into before April 29, 1983; (ii) the lessee was not a natural person; (iii) the lease was not primarily for personal, family, or household purposes; or (iv) the total contractual obligations exceeded twenty-five thousand dollars; or (c) a lease-purchase agreement under chapter 63.19 RCW;

(12) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract, a retail charge agreement, or a lender credit card agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid principal balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

(13) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(14) "Sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction. The sale price may include any taxes, registration and vehicle license fees, the cost of a guaranteed asset protection waiver, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations, or improvements;

(15) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs, any vehicle dealer administrative fee under (~~RCW 46.12.042~~) section 820(1) of this act, any vehicle dealer documentary service fee under RCW 46.70.180(2), or official fees;

(16) "Services" means work, labor, or services of any kind when purchased primarily for personal, family, or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair, or improvement of goods and includes repairs, alterations, or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer, or official of either as in the case of transportation services;

(17) "Time balance" means the principal balance plus the service charge.

Sec. 1153. RCW 63.14.130 and 2003 c 368 s 3 are each amended to read as follows:

The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved, or contracted therefor from the buyer, except for any vehicle dealer administrative fee under (~~RCW 46.12.042~~) section 820(1) of this act or for any vehicle dealer documentary service fee under RCW 46.70.180(2).

(1) The service charge, in a retail installment contract, shall not exceed the dollar amount or rate agreed to by contract and disclosed under RCW 63.14.040(1)(h).

(2) The service charge in a retail charge agreement, revolving charge agreement, lender credit card agreement, or charge agreement, shall not exceed the schedule or rate agreed to by contract and disclosed under RCW 63.14.120(1). If the service charge so computed is less than one dollar for any month, then one dollar may be charged.

Sec. 1154. RCW 65.20.020 and 1989 c 343 s 2 are each amended to read as follows:

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

(1) "Affixed" means that the manufactured home is installed in accordance with the installation standards in state law.

(2) "Department" means the department of licensing.

(3) "Eliminating the title" means to cancel an existing certificate of title issued by this state or a foreign jurisdiction or to waive the certificate of ~~((ownership))~~ title required ~~((by))~~ in chapter 46.12 RCW and recording the appropriate documents in the county real property records pursuant to this chapter.

(4) "Homeowner" means the owner of a manufactured home.

(5) "Land" means real property excluding the manufactured home.

(6) "Manufactured home" or "mobile home" means a structure, designed and constructed to be transportable in one or more sections and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the national mobile home construction and safety standards act of 1974 as adopted by chapter 43.22 RCW if applicable. "Manufactured home" does not include a modular home. A structure which met the definition of a "manufactured home" at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable.

(7) "Owner" means, when referring to a manufactured home that is titled, the person who is the registered owner. When referring to a mobile home that is untitled pursuant to this chapter, the owner is the person who owns the land. When referring to land, the person may have fee simple title, have a leasehold estate of thirty-five years or more, or be purchasing the property on a real estate contract. Owners include joint tenants, tenants in common, holders of legal life estates, and holders of remainder interests.

(8) "Person" means any individual, trustee, partnership, corporation, or other legal entity. "Person" may refer to more than one individual or entity.

(9) "Secured party" means the legal owner when referring to a titled mobile home, or the lender securing a loan through a mortgage, deed of trust, or real estate contract when referring to land or land containing an untitled manufactured home pursuant to this chapter.

(10) "Security interest" means an interest in property to secure payment of a loan made by a secured party to a borrower.

(11) "Title" or "titled" means a certificate of ~~((ownership))~~ title issued pursuant to chapter 46.12 RCW.

Sec. 1155. RCW 65.20.040 and 1989 c 343 s 4 are each amended to read as follows:

If a manufactured home is affixed to land that is owned by the homeowner, the homeowner may apply to the department to have the title to the manufactured home eliminated. The application package shall consist of the following:

(1) An affidavit, in the form prescribed by the department, signed by all the owners of the manufactured home and containing:

(a) The date;

(b) The names of all of the owners of record of the manufactured home;

(c) The legal description of the real property;

(d) A description of the manufactured home including model year, make, width, length, and vehicle identification number;

(e) The names of all secured parties in the manufactured home; and

(f) A statement that the owner of the manufactured home owns the real property to which it is affixed;

(2) Certificate of ~~((ownership))~~ title for the manufactured home, or the manufacturer's statement of origin in the case of a new manufactured home. Where title is held by the secured party as legal owner, the consent of the secured party must be indicated by the legal owner releasing his or her security interest;

(3) A certification by the local government indicating that the manufactured home is affixed to the land;

(4) Payment of all ~~((licensing))~~ vehicle license fees, excise tax, use tax, real estate tax, recording fees, and proof of payment of all property taxes then due; and

(5) Any other information the department may require.

Sec. 1156. RCW 68.64.010 and 2008 c 139 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adult" means an individual who is at least eighteen years old.

(2) "Agent" means an individual:

(a) Authorized to make health care decisions on the principal's behalf by a power of attorney for health care; or

(b) Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

(4) "Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift.

(5) "Disinterested witness" means a witness other than the spouse or state registered domestic partner, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift. The term does not include a person to which an anatomical gift could pass under RCW 68.64.100.

(6) "Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver's license, identification card, or donor registry.

(7) "Donor" means an individual whose body or part is the subject of an anatomical gift.

(8) "Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(9) "Driver's license" means a license or permit issued by the department of licensing to operate a vehicle, whether or not conditions are attached to the license or permit.

(10) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(11) "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

(12) "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(13) "Identification card" means an identification card issued by the department of licensing.

(14) "Know" means to have actual knowledge.

(15) "Minor" means an individual who is less than eighteen years old.

(16) "Organ procurement organization" means a person designated by the secretary of the United States department of health and human services as an organ procurement organization.

(17) "Parent" means a parent whose parental rights have not been terminated.

(18) "Part" means an organ, an eye, or tissue of a human being. The term does not include the whole body.

(19) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(20) "Physician" means an individual licensed or otherwise authorized to practice medicine and surgery or osteopathic medicine and surgery under the law of any state.

(21) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

(22) "Prospective donor" means an individual whose death is imminent and has been determined by a procurement organization to have a part that could be medically suitable for transplantation, therapy, research, or education. "Prospective donor" does not include an individual who has made a refusal.

(23) "Reasonable costs" include: (a) Programming and software installation and upgrades; (b) employee training that is specific to the organ and tissue donor registry or the donation program created in RCW ((46.12.510)) 46.16.076(2) (as recodified by this act); (c) literature that is specific to the organ and tissue donor registry or the donation program created in RCW ((46.12.510)) 46.16.076(2) (as recodified by this act); and (d) hardware upgrades or other issues important to the organ and tissue donor registry or the donation program created in RCW ((46.12.510)) 46.16.076(2) (as recodified by this act) that have been mutually agreed upon in advance by the department of licensing and the Washington state organ procurement organizations.

(24) "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(25) "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.

(26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(27) "Refusal" means a record created under RCW 68.64.060 that expressly states an intent to bar other persons from making an anatomical gift of an individual's body or part.

(28) "Sign" means, with the present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(29) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(30) "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an enucleator.

(31) "Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

(32) "Tissue bank" means a person that is licensed to conduct business in this state, accredited, and regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

(33) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

(34) "Washington state organ procurement organization" means an organ procurement organization that has been designated by the United States department of health and human services to coordinate organ procurement activities for any portion of Washington state.

Sec. 1157. RCW 68.64.210 and 2003 c 94 s 7 are each amended to read as follows:

(1) The organ and tissue donation awareness account is created in the custody of the state treasurer. All receipts from donations made under RCW ((46.12.510)) 46.16.076(2) (as recodified by this act), and other contributions and appropriations specifically made for the purposes of organ and tissue donor awareness, shall be deposited into the account. Except as provided in subsection (2) of this section, expenditures from the account may be authorized by the director of the department of licensing or the director's designee and do not require an appropriation.

(2) The department of licensing shall submit a funding request to the legislature covering the reasonable costs associated with the ongoing maintenance associated with the electronic transfer of the donor information to the organ and tissue donor registry and the donation program established in RCW ((46.12.510)) 46.16.076(2) (as recodified by this act). The legislature shall appropriate to the department of licensing an amount it deems reasonable from the organ and tissue donation awareness account to the department of licensing for these purposes.

(3) At least quarterly, the department of licensing shall transmit any remaining moneys in the organ and tissue donation awareness account to the foundation established in RCW ((46.12.510)) 46.16.076(2) (as recodified by this act) for the costs associated with educating the public about the organ and tissue donor registry and related organ and tissue donation education programs.

(4) Funding for donation awareness programs must be proportional across the state regardless of which Washington state organ procurement organization may be designated by the United States department of health and human services to serve a particular geographic area. No funds from the account may be used to fund activities outside Washington state.

Sec. 1158. RCW 70.168.040 and 2002 c 371 s 922 are each amended to read as follows:

The emergency medical services and trauma care system trust account is hereby created in the state treasury. Moneys shall be transferred to the emergency medical services and trauma care system trust account from the public safety education account or other sources as appropriated, and as collected under RCW 46.63.110((~~6~~)) (7) and ((46.12.042)) section 820 of this act. Disbursements shall be made by the department subject to legislative appropriation. Expenditures may be made only for the purposes of the state trauma care system under this chapter, including emergency medical services, trauma care services, rehabilitative services, and the planning and development of related services under this chapter and for reimbursement by the department of social and health services for trauma care services provided by designated trauma centers. ((~~During the 2001-2003 fiscal biennium, the legislature may transfer from the emergency medical services and trauma care system trust account to the state general fund such amounts as reflect the excess fund balance of the account.~~))

Sec. 1159. RCW 73.04.115 and 2008 c 6 s 511 are each amended to read as follows:

(1) The department shall issue to the surviving spouse or surviving domestic partner of any deceased former prisoner of war described in ((~~RCW 73.04.110(1)(b))~~) section 619(1)(c) of this act, one set of regular or special license plates for use on a personal passenger vehicle registered to that person.

(2) The plates shall be issued without the payment of any license fees or excise tax on the vehicle. Whenever any person who has been issued license plates under this section applies to the department for transfer of the plates to a subsequently acquired motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. If the surviving spouse remarries or the surviving domestic partner registers in a new domestic partnership, he or she shall return the special plates to the department within fifteen days and apply for regular license plates.

(3) For purposes of this section, the term "special license plates" does not include any plate from the armed forces license plate collection established in (~~RCW 46.16.30920~~) section 611(3) of this act.

Sec. 1160. RCW 77.12.471 and 2007 c 246 s 3 are each amended to read as follows:

The wildlife rehabilitation account is created in the state treasury. All receipts from moneys directed to the account from (~~RCW 46.16.606~~) section 821 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the support of the wildlife rehabilitation program created under RCW 77.12.467.

Sec. 1161. RCW 79.100.100 and 2007 c 342 s 4 are each amended to read as follows:

(1) The derelict vessel removal account is created in the state treasury. All receipts from RCW 79.100.050 and 79.100.060 and those moneys specified in (~~RCW 88.02.030 and 88.02.050~~) section 1028 of this act must be deposited into the account. The account is authorized to receive fund transfers and appropriations from the general fund, deposits from the derelict vessel removal surcharge under (~~RCW 88.02.270~~) section 1028(4) of this act, as well as gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this chapter. Moneys in the account may only be spent after appropriation. Expenditures from the account (~~shall~~) must be used by the department to reimburse authorized public entities for up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. Reimbursement (~~shall~~) may not be made unless the department determines that the public entity has made reasonable efforts to identify and locate the party responsible for the vessel, regardless of the title of owner of the vessel. Funds in the account resulting from transfers from the general fund or from the deposit of funds from the watercraft excise tax as provided for under RCW 82.49.030 (~~shall~~) must be used to reimburse one hundred percent of these costs and should be prioritized for the removal of large vessels. Costs associated with removal and disposal of an abandoned or derelict vessel under the authority granted in RCW 53.08.320 also qualify for reimbursement from the derelict vessel removal account. In each biennium, up to twenty percent of the expenditures from the account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) If the balance of the account reaches one million dollars as of March 1st of any year, exclusive of any transfer or appropriation of funds into the account or funds deposited into the account collected under (~~RCW 88.02.270~~) section 1028(5) of this act, the department must notify the department of licensing and the collection of any fees associated with this account must be suspended for the following fiscal year.

(3) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

(4) The department must keep all authorized public entities apprized of the balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection (4) must be satisfied by utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

(5) An authorized public entity may contribute its ten percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

(6) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

Sec. 1162. RCW 79A.05.059 and 2005 c 44 s 4 are each amended to read as follows:

The state parks education and enhancement account is created in the custody of the state treasurer. All receipts from the sale of Washington state parks and recreation commission special license plates, after the deductions permitted by (~~RCW 46.16.313(13)~~) section 810 of this act, must be deposited into the account. Expenditures from the account may only be used to provide public educational opportunities and enhancement of Washington state parks. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 1163. RCW 79A.05.065 and 2008 c 238 s 1 are each amended to read as follows:

(1)(a) The commission shall grant to any person who meets the eligibility requirements specified in this section a senior citizen's pass which shall: (i) Entitle such a person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission; and (ii) entitle such a person to free admission to any state park.

(b) The commission shall grant a senior citizen's pass to any person who applies for the senior citizen's pass and who meets the following requirements:

(i) The person is at least sixty-two years of age;

(ii) The person is a domiciliary of the state of Washington and meets reasonable residency requirements prescribed by the commission; and

(iii) The person and his or her spouse have a combined income that would qualify the person for a property tax exemption pursuant to RCW 84.36.381. The financial eligibility requirements of this subsection (1)(b)(iii) apply regardless of whether the applicant for a senior citizen's pass owns taxable property or has obtained or applied for such property tax exemption.

(c) Each senior citizen's pass granted pursuant to this section is valid as long as the senior citizen meets the requirements of (b)(ii) of this subsection. A senior citizen meeting the eligibility requirements of this section may make a voluntary donation for the upkeep and maintenance of state parks.

(d) A holder of a senior citizen's pass shall surrender the pass upon request of a commission employee when the employee has reason to believe the holder fails to meet the criteria in (b) of this subsection. The holder shall have the pass returned upon providing proof to the satisfaction of the director that the holder meets the eligibility criteria for obtaining the senior citizen's pass.

(2)(a) Any resident of Washington who is disabled as defined by the social security administration and who receives social security benefits for that disability, or any other benefits for that disability from any other governmental or nongovernmental source, or who is entitled to benefits for permanent disability under RCW 71A.10.020(3) due to unemployability full time at the minimum wage, or who is legally blind or profoundly deaf, or who has been issued a card, decal, or special license plate for a permanent disability under RCW 46.16.381 shall be entitled to receive, regardless of age and upon making application therefor, a disability pass at no cost to the holder. The pass shall: (i) Entitle such a person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission; and (ii) entitle such a person to free admission to any state park.

(b) A card, decal, or special license plate issued for a permanent disability under (~~RCW 46.16.381~~) section 701 of this act may serve as a pass for the holder to entitle that person and members of the person's camping unit to a fifty percent reduction in the campsite rental fee prescribed by the commission, and to allow the holder free admission to state parks.

(3) Any resident of Washington who is a veteran and has a service-connected disability of at least thirty percent shall be entitled to receive a lifetime veteran's disability pass at no cost to the holder. The pass shall: (a) Entitle such a person, and members of his or her camping unit, to free use of any campsite within any state park; (b) entitle such a person to free admission to any state park; and (c) entitle such a person to an exemption from any reservation fees.

(4)(a) Any Washington state resident who provides out-of-home care to a child, as either a licensed foster-family home or a person related to the child, is entitled to a foster home pass.

(b) An applicant for a foster home pass must request a pass in the manner required by the commission. Upon receipt of a properly submitted request, the commission shall verify with the department of social and health services that the applicant qualifies under (a) of this subsection. Once issued, a foster home pass is valid for the period, which may not be less than one year, designated by the commission.

(c) When accompanied by a child receiving out-of-home care from the pass holder, a foster home pass: (i) Entitles such a person, and members of his or her camping unit, to free use of any campsite within any state park; and (ii) entitles such a person to free admission to any state park.

(d) For the purposes of this subsection (4):

(i) "Out-of-home care" means placement in a foster-family home or with a person related to the child under the authority of chapter 13.32A, 13.34, or 74.13 RCW;

(ii) "Foster-family home" has the same meaning as defined in RCW 74.15.020; and

(iii) "Person related to the child" means those persons referred to in RCW 74.15.020(2)(a) (i) through (vi).

(5) All passes issued pursuant to this section are valid at all parks any time during the year. However, the pass is not valid for admission to concessionaire operated facilities.

(6) The commission shall negotiate payment and costs, to allow holders of a foster home pass free access and usage of park campsites, with the following nonoperated, nonstate-owned parks: Central

Ferry, Chief Timothy, Crow Butte, and Lyons Ferry. The commission shall seek state general fund reimbursement on a biennial basis.

(7) The commission may deny or revoke any Washington state park pass issued under this section for cause, including but not limited to the following:

(a) Residency outside the state of Washington;

(b) Violation of laws or state park rules resulting in eviction from a state park;

(c) Intimidating, obstructing, or assaulting a park employee or park volunteer who is engaged in the performance of official duties;

(d) Fraudulent use of a pass;

(e) Providing false information or documentation in the application for a state parks pass;

(f) Refusing to display or show the pass to park employees when requested; or

(g) Failing to provide current eligibility information upon request by the agency or when eligibility ceases or changes.

(8) This section shall not affect or otherwise impair the power of the commission to continue or discontinue any other programs it has adopted for senior citizens.

(9) The commission may engage in a mutually agreed upon reciprocal or discounted program for all or specific pass programs with other outdoor recreation agencies.

(10) The commission shall adopt those rules as it finds appropriate for the administration of this section. Among other things, the rules shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a pass to stay at the campsite rented by such a person, a minimum Washington residency requirement for applicants for a senior citizen's pass, and an application form to be completed by applicants for a senior citizen's pass.

Sec. 1164. RCW 79A.05.215 and 2007 c 340 s 2 are each amended to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, donations collected under RCW 46.16.076(3) (as recodified by this act), and other state park-based activities shall be deposited into the account. Expenditures from the account may be used for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature.

Sec. 1165. RCW 82.08.0264 and 2007 c 135 s 1 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of motor vehicles, trailers, or campers to nonresidents of this state for use outside of this state, even when delivery is made within this state, but only if:

(a) The motor vehicles, trailers, or campers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a vehicle trip permit issued by the department of licensing pursuant to (~~the provisions of~~) RCW 46.16.160 (as recodified by this act), or any agency of another state that has authority to issue similar permits; or

(b) The motor vehicles, trailers, or campers will be registered and licensed immediately under the laws of the state of the buyer's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state.

(2) For the purposes of this section, the seller of a motor vehicle, trailer, or camper is not required to collect and shall not be found liable for the tax levied by RCW 82.08.020 on the sale if the tax is not collected and the seller retains the following documents, which must be made available upon request of the department:

(a) A copy of the buyer's currently valid out-of-state driver's license or other official picture identification issued by a jurisdiction other than Washington state;

(b) A copy of any one of the following documents, on which there is an out-of-state address for the buyer:

- (i) A current residential rental agreement;
- (ii) A property tax statement from the current or previous year;
- (iii) A utility bill, dated within the previous two months;
- (iv) A state income tax return from the previous year;
- (v) A voter registration card;
- (vi) A current credit report; or
- (vii) Any other document determined by the department to be acceptable;

(c) A witnessed declaration in the form designated by the department, signed by the buyer, and stating that the buyer's purchase meets the requirements of this section; and

(d) A seller's certification, in the form designated by the department, that either a vehicle trip permit was issued or the vehicle was immediately registered and licensed in another state as required under subsection (1) of this section.

(3) If the department has information indicating the buyer is a Washington resident, or if the addresses for the buyer shown on the documentation provided under subsection (2) of this section are not the same, the department may contact the buyer to verify the buyer's eligibility for the exemption provided under this section. This subsection does not prevent the department from contacting a buyer as a result of information obtained from a source other than the seller's records.

(4)(a) Any person making fraudulent statements, which includes the offer of fraudulent identification or fraudulently procured identification to a seller, in order to purchase a motor vehicle, trailer, or camper without paying retail sales tax is guilty of perjury under chapter 9A.72 RCW.

(b) Any person making tax exempt purchases under this section by displaying proof of identification not his or her own, or counterfeit identification, with intent to violate the provisions of this section, is guilty of a misdemeanor and, in addition, is liable for the tax and subject to a penalty equal to the greater of one hundred dollars or the tax due on such purchases.

(5)(a) Any seller that makes sales without collecting the tax to a person who does not provide the documents required under subsection (2) of this section, and any seller who fails to retain the documents required under subsection (2) of this section for the period prescribed by RCW 82.32.070, is personally liable for the amount of tax due.

(b) Any seller that makes sales without collecting the retail sales tax under this section and who has actual knowledge that the buyer's documentation required by subsection (2) of this section is fraudulent is guilty of a misdemeanor and, in addition, is liable for the tax and subject to a penalty equal to the greater of one thousand dollars or the tax due on such sales. In addition, both the buyer and the seller are liable for any penalties and interest assessable under chapter 82.32 RCW.

(6) For purposes of this section, ~~(the term)~~ "buyer" does not include cosigners or financial guarantors, unless those parties are listed as a registered owner on the vehicle title.

Sec. 1166. RCW 82.44.010 and 1990 c 42 s 301 are each amended to read as follows:

For the purposes of this chapter, unless ~~(the)~~ the context otherwise requires:

(1) "Department" means the department of licensing.

(2) "Motor vehicle" means all motor vehicles, trailers and semitrailers used, or of the type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads and facilities for human habitation; but

shall not include (a) vehicles carrying exempt licenses, (b) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other automotive equipment not designed primarily for use upon public streets, or highways, (c) motor vehicles or their trailers used entirely upon private property, (d) mobile homes and travel trailers as defined in RCW 82.50.010, or (e) motor vehicles owned by nonresident military personnel of the armed forces of the United States stationed in the state of Washington provided personnel were also nonresident at the time of their entry into military service.

(3) "Truck-type power or trailing unit" means any vehicle that is subject to the fees under ~~(RCW 46.16.070)~~ section 530 of this act, except vehicles with an unladen weight of six thousand pounds or less, ~~(RCW 46.16.079, 46.16.080, 46.16.085)~~ section 528 of this act, section 531(1)(c) of this act, or RCW 46.16.090 (as recodified by this act).

Sec. 1167. RCW 84.37.070 and 2007 sp.s. c 2 s 7 are each amended to read as follows:

Whenever a person's special assessment or real property tax obligation, or both, is deferred under ~~(the provisions of)~~ this chapter, the amount deferred and required to be paid pursuant to RCW 84.38.120 shall become a lien in favor of the state upon his or her property and shall have priority as provided in chapters 35.50 and 84.60 RCW: PROVIDED, That the interest of a mortgage or purchase contract holder who requires an accumulation of reserves out of which real estate taxes are paid shall have priority to said deferred lien. This lien may accumulate up to forty percent of the amount of the claimant's equity value in said property and the rate of interest shall be an average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. The rate set for each new year shall be computed by taking an arithmetical average to the nearest percentage point of the federal short-term rate, compounded annually. That average shall be calculated using the rates from four months: January, April, and July of the calendar year immediately preceding the new year, and October of the previous preceding year. The interest shall be calculated from the time it could have been paid before delinquency until said obligation is paid. In the case of a mobile home, the department of licensing shall show the state's lien on the certificate of ~~(ownership)~~ title for the mobile home. In the case of all other property, the department of revenue shall file a notice of the deferral with the county recorder or auditor.

Sec. 1168. RCW 84.38.100 and 2006 c 275 s 1 are each amended to read as follows:

Whenever a person's special assessment and/or real property tax obligation is deferred under the provisions of this chapter, the amount deferred and required to be paid pursuant to RCW 84.38.120 shall become a lien in favor of the state upon his or her property and shall have priority as provided in chapters 35.50 and 84.60 RCW: PROVIDED, That the interest of a mortgage or purchase contract holder who is required to cosign a declaration of deferral under RCW 84.38.090, shall have priority to said deferred lien. This lien may accumulate up to eighty percent of the amount of the claimant's equity value in said property and shall bear interest at the rate of five percent per year from the time it could have been paid before delinquency until said obligation is paid: PROVIDED, That when taxes are deferred as provided in RCW 84.64.050, the amount shall bear interest at the rate of five percent per year from the date the declaration is filed until the obligation is paid. In the case of a mobile home, the department of licensing shall show the state's lien on the certificate of ~~(ownership)~~ title for the mobile home. In the case of all other property, the department of revenue shall file a notice of the deferral with the county recorder or auditor.

NEW SECTION. Sec. 1169. The following acts or parts of acts are each repealed:

(1) RCW 46.04.144 (Cooper Jones Act license plate emblems) and 2002 c 264 s 2;

(2) RCW 46.32.090 (Fees) and 2009 c 46 s 3, 2007 c 419 s 11, 1996 c 86 s 1, & 1995 c 272 s 2;

(3) RCW 46.88.010 (Commercial vehicles registered in another state--Permits for intrastate operations) and 1986 c 18 s 25, 1979 c 158 s 202, & 1969 ex.s. c 281 s 32;

(4) RCW 59.21.055 (Fee imposed on transfer of title--Circumstances--Deposit--Rules) and 2002 c 257 s 3;

(5) RCW 59.22.080 (Transfer of title--Fee--Department of licensing--Rules) and 1991 c 327 s 1;

(6) RCW 59.22.085 (Transfer of title--Fee supersedes other fee) and 1991 c 327 s 7;

(7) RCW 64.44.045 (Vehicle and vessel titles--Notice of contamination or decontamination--Penalty) and 2008 c 201 s 2; and

(8) RCW 73.04.110 (Free license plates for veterans with disabilities, prisoners of war--Penalty) and 2008 c 183 s 4 & 2005 c 216 s 6.

PART XII. MISCELLANEOUS II

NEW SECTION. Sec. 1201. The senate and house of representatives transportation committees, in consultation with the office of the code reviser, shall prepare legislation for the 2011 regular legislative session that reconciles and conforms amendments made during the 2010 legislative session in this act.

NEW SECTION. Sec. 1202. RCW 46.09.010, 46.09.020, 46.09.080, 46.09.140, 46.09.180, 46.09.200, 46.09.250, and 46.09.280 are each recodified as sections in chapter 46.09 RCW with the subchapter heading of "general provisions."

NEW SECTION. Sec. 1203. RCW 46.09.030, 46.09.040, 46.09.050, and 46.09.070 are each recodified as sections in chapter 46.09 RCW with the subchapter heading of "registrations."

NEW SECTION. Sec. 1204. RCW 46.09.115, 46.09.117, 46.09.120, 46.09.130 and 46.09.190 are each recodified as sections in chapter 46.09 RCW with the subchapter heading of "violations."

NEW SECTION. Sec. 1205. RCW 46.09.150, 46.09.165, 46.09.170, and 46.09.240 are each recodified as sections in chapter 46.09 RCW with the subchapter heading of "revenue."

NEW SECTION. Sec. 1206. RCW 46.10.010, 46.10.020, 46.10.140, 46.10.180, 46.10.185, 46.10.200, 46.10.210, and 46.10.220 are each recodified as sections in chapter 46.10 RCW with the subchapter heading of "general provisions."

NEW SECTION. Sec. 1207. RCW 46.10.030, 46.10.040, 46.10.043, 46.10.050, 46.10.060, and 46.10.070 are each recodified as sections in chapter 46.10 RCW with the subchapter heading of "registration and permits."

NEW SECTION. Sec. 1208. RCW 46.10.055, 46.10.090, 46.10.100, 46.10.110, 46.10.120, 46.10.130, and 46.10.190 are each recodified as sections in chapter 46.10 RCW with the subchapter heading of "violations and uses."

NEW SECTION. Sec. 1209. RCW 46.10.150, 46.10.160, and 46.10.170 are each recodified as sections in chapter 46.10 RCW with the subchapter heading of "revenue."

NEW SECTION. Sec. 1210. RCW 46.12.010, 46.12.030, 46.12.047, 46.12.050, 46.12.070, 46.12.080, 46.12.160, 46.12.181, 46.12.190, 46.12.370, 46.12.380, and 46.12.390 are each recodified as sections in chapter 46.12 RCW with the subchapter heading of "general provisions."

NEW SECTION. Sec. 1211. RCW 46.12.101, 46.12.102, 46.12.103, 46.12.124, 46.12.130, 46.12.151, and 46.12.170 are each recodified as sections in chapter 46.12 RCW with the subchapter heading of "vehicle sales, transfers, and security interests."

NEW SECTION. Sec. 1212. RCW 46.12.280, 46.12.290, 46.12.420, 46.12.430, and 46.12.440 are each recodified as sections in chapter 46.12 RCW with the subchapter heading of "specific vehicles."

NEW SECTION. Sec. 1213. RCW 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, and 46.12.350 are each recodified as

sections in chapter 46.12 RCW with the subchapter heading of "serial numbers."

NEW SECTION. Sec. 1214. RCW 46.12.210 and 46.12.250 are each recodified as sections in chapter 46.12 RCW with the subchapter heading of "violations."

NEW SECTION. Sec. 1215. RCW 46.16.004, 46.16.006, 46.16.010, 46.16.015, 46.16.020, 46.16.022, 46.16.028, 46.16.029, 46.16.030, 46.16.040, 46.16.073, 46.16.076, 46.16.210, 46.16.212, 46.16.216, 46.16.225, 46.16.260, 46.16.265, 46.16.276, 46.16.280, 46.16.295, 46.16.327, and 46.16.332 are each recodified as sections in chapter 46.16 RCW with the subchapter heading of "general provisions."

NEW SECTION. Sec. 1216. RCW 46.16.045, 46.16.047, 46.16.048, 46.16.160, 46.16.162, and 46.16.460 are each recodified as sections in chapter 46.16 RCW with the subchapter heading of "permits and uses."

NEW SECTION. Sec. 1217. RCW 46.16.025, 46.16.068, 46.16.070, 46.16.086, 46.16.090, and 46.16.615 are each recodified as sections in chapter 46.16 RCW with the subchapter heading of "specific vehicles."

NEW SECTION. Sec. 1218. RCW 46.16.011, 46.16.012, 46.16.140, 46.16.145, 46.16.180, and 46.16.500 are each recodified as sections in chapter 46.16 RCW with the subchapter heading of "liability and violations."

NEW SECTION. Sec. 1219. Sections 501 through 507 of this act are each added to chapter 46.17 RCW and codified with the subchapter heading of "filing and service fees."

NEW SECTION. Sec. 1220. Sections 508 through 515 of this act are each added to chapter 46.17 RCW and codified with the subchapter heading of "certificate of title fees."

NEW SECTION. Sec. 1221. Sections 516 through 521 of this act are each added to chapter 46.17 RCW and codified with the subchapter heading of "license plate fees."

NEW SECTION. Sec. 1222. Sections 522 through 534 of this act are each added to chapter 46.17 RCW and codified with the subchapter heading of "vehicle license fees."

NEW SECTION. Sec. 1223. Sections 535 through 537 of this act are each added to chapter 46.17 RCW and codified with the subchapter heading of "permit and transfer fees."

NEW SECTION. Sec. 1224. Sections 611 through 613 and 616 through 630 of this act constitute a new chapter in Title 46 RCW and are codified under the subchapter heading "plate types, decals, and emblems."

NEW SECTION. Sec. 1225. RCW 46.16.309, 46.16.314, 46.16.335, and 46.16.390 are each recodified as sections in the new chapter created under section 1224 of this act with the subchapter heading of "general provisions."

NEW SECTION. Sec. 1226. RCW 46.16.700, 46.16.705, 46.16.715, and 46.16.725 are each recodified as sections in the new chapter created under section 1224 of this act with the subchapter heading of "review board."

NEW SECTION. Sec. 1227. RCW 46.16.690, 46.16.735, 46.16.745, 46.16.755, 46.16.765, and 46.16.775 are each recodified as sections in the new chapter created under section 1224 of this act with the subchapter heading of "requirements and procedures."

NEW SECTION. Sec. 1228. RCW 46.16.301, 46.16.319, and 46.16.324 are each recodified as sections in the new chapter created under section 1224 of this act with the subchapter heading of "plate types, decals, and emblems."

NEW SECTION. Sec. 1229. Sections 701 through 706 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 1230. RCW 46.09.110, 46.10.075, and 46.16.685 are each recodified as sections in chapter 46.68 RCW.

NEW SECTION. Sec. 1231. RCW 88.02.010, 88.02.035, 88.02.055, 88.02.110, 88.02.118, and 88.02.200 are each recodified as

sections in chapter 88.02 RCW with the subchapter heading of "general provisions."

NEW SECTION. Sec. 1232. RCW 88.02.070, 88.02.075, 88.02.120, and 88.02.180 are each recodified as sections in chapter 88.02 RCW with the subchapter heading of "certificates of title."

NEW SECTION. Sec. 1233. RCW 88.02.020, 88.02.030, 88.02.050, 88.02.052, 88.02.250, and 88.02.260 are each recodified as sections in chapter 88.02 RCW with the subchapter heading of "registration certificates."

NEW SECTION. Sec. 1234. RCW 88.02.040, 88.02.045, and 88.02.053 are each recodified as sections in chapter 88.02 RCW with the subchapter heading of "title/registration fees and distribution."

NEW SECTION. Sec. 1235. RCW 88.02.023, 88.02.060, 88.02.078, 88.02.112, 88.02.115, 88.02.125, 88.02.184, 88.02.188, 88.02.189, 88.02.210, 88.02.220, and 88.02.230 are each recodified as sections in chapter 88.02 RCW with the subchapter heading of "dealer registration."

NEW SECTION. Sec. 1236. RCW 46.16.125 is recodified as a section in chapter 81.24 RCW.

NEW SECTION. Sec. 1237. RCW 46.16.450 is decodified.

NEW SECTION. Sec. 1238. Except for section 1020 of this act, this act takes effect July 1, 2011.

NEW SECTION. Sec. 1239. Section 1020 of this act takes effect June 30, 2012.

NEW SECTION. Sec. 1240. Section 1019 of this act expires June 30, 2012."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 24, 2010

ESSB 6392 Prime Sponsor, Committee on Transportation:
Clarifying the use of revenue generated from
tolling the state route number 520 corridor.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that during the 2009 legislative session tolling was authorized on the state route number 520 corridor. As such, it is the intent of the legislature that tolling commences in the spring of 2011 on the existing state route number 520 bridge.

The legislature further recognizes that tolling of the state route number 520 corridor is integrally related to the issuance of a final project design resulting from the supplemental draft environmental impact statement for the state route number 520 bridge replacement and HOV program released in January 2010. It is the intent of the legislature that the department of transportation work with affected neighborhoods and local governments, including the mayor of the city of Seattle and the Seattle city council, to refine the preferred alternative design in the supplemental draft environmental impact statement so that the final design of the state route number 520 bridge replacement and HOV program will, to the extent required by state and federal law, include reasonable assurance that project impacts will be mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality. Within the

cost constraints identified in section 1, chapter 472, Laws of 2009, and consistent with an opening date to vehicular traffic of 2014, it is further the intent of the legislature that any final design of the state route number 520 bridge replacement and HOV program accommodate effective connections for transit, including high capacity transit, including, but not limited to, effective connections for transit to the university link light rail line, consistent with the requirements of RCW 47.01.408, and ensure the effective, efficient, and feasible coordination of bus services and light rail services throughout the state route number 520 corridor, consistent with the requirements of RCW 47.01.410. The legislature further intends that any cost savings applicable to the state route number 520 bridge replacement and HOV program stay within the program.

Sec. 2. RCW 47.56.870 and 2009 c 472 s 2 are each amended to read as follows:

(1) The initial imposition of tolls on the state route number 520 corridor is authorized, the state route number 520 corridor is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) The state route number 520 corridor consists of that portion of state route number 520 between the junctions of Interstate 5 and state route number 202. The toll imposed by this section shall be charged only for travel on the floating bridge portion of the state route number 520 corridor.

(3)(a) In setting the toll rates for the corridor pursuant to RCW 47.56.850, the tolling authority shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on the corridor and generate the necessary revenue as required under (b) of this subsection.

(b) The tolling authority shall initially set the variable schedule of toll rates, which the tolling authority may adjust at least annually to reflect inflation as measured by the consumer price index or as necessary to meet the redemption of bonds and interest payments on the bonds, to generate revenue sufficient to provide for:

(i) The issuance of general obligation bonds, authorized in RCW 47.10.879, first payable from toll revenue and then excise taxes on motor vehicle and special fuels pledged for the payment of those bonds in the amount necessary to fund the ((replacement state route number 520 floating bridge and necessary landings)) state route number 520 bridge replacement and HOV program, subject to subsection (4) of this section; and

(ii) Costs associated with the project designated in subsection (4) of this section that are eligible under RCW 47.56.820.

(4)(a) The proceeds of the bonds designated in subsection (3)(b)(i) of this section ((, which together with other appropriated and identified state and federal funds is sufficient to pay for the replacement of the floating bridge segment and necessary landings of state route number 520,)) must be used only to fund the ((construction of the replacement state route number 520 floating bridge and necessary landings)) state route number 520 bridge replacement and HOV program; however, two hundred million dollars of bond proceeds, in excess of the proceeds necessary to complete the floating bridge segment and necessary landings, must be used only to fund the state route number 520, Interstate 5 to Medina bridge replacement and HOV project segment of the program, as identified in applicable environmental impact statements, and may be used to fund effective connections for high occupancy vehicles and transit for state route number 520, but only to the extent those connections benefit or improve the operation of state route number 520.

(b) The program must include the following elements within the cost constraints identified in section 1, chapter 472, Laws of 2009, consistent with the legislature's intent that cost savings applicable to the program stay within the program and that the bridge open to vehicular traffic in 2014:

(i) A project design, consistent with RCW 47.01.408, that includes high occupancy vehicle lanes with a minimum carpool

occupancy requirement of three-plus persons on state route number 520;

(ii) High occupancy vehicle lane performance standards for the state route number 520 corridor established by the department. The department shall report to the transportation committees of the legislature when average transit speeds in the two lanes that are for high occupancy vehicle travel fall below forty-five miles per hour at least ten percent of the time during peak hours;

(iii) A work group convened by the mayor and city council of the city of Seattle to include sound transit, King county metro, the Seattle department of transportation, the department, the University of Washington, and other persons or organizations as designated by the mayor or city council to study and make recommendations of alternative connections for transit, including bus routes and high capacity transit, to the university link light rail line. The work group must consider such techniques as grade separation, additional stations, and pedestrian lids to effect these connections. The recommendations must be alternatives to the transit connections identified in the supplemental draft environmental impact statement for the state route number 520 bridge replacement and HOV program released in January 2010, and must meet the requirements under RCW 47.01.408, including accommodating effective connections for transit. The recommendations must be within the scope of the supplemental draft environmental impact statement. For the purposes of this section, "effective connections for transit" means a connection that connects transit stops, including high capacity transit stops, that serve the state route number 520/Montlake interchange vicinity to the university link light rail line, with a connection distance of less than one thousand two hundred feet between the stops and the light rail station. The city of Seattle shall submit the recommendations by October 1, 2010, to the governor and the transportation committees of the legislature. However, if the city of Seattle does not convene the work group required under this subsection before July 1, 2010, or does not submit recommendations to the governor and the transportation committees of the legislature by October 1, 2010, the department must convene the work group required under this subsection and meet all the requirements of this subsection that are described as requirements of the city of Seattle by November 30, 2010;

(iv) A work group convened by the department to include sound transit and King county metro to study and make recommendations regarding options for planning and financing high capacity transit through the state route number 520 corridor. The department shall submit the recommendations by January 1, 2011, to the governor and the transportation committees of the legislature;

(v) A plan to address mitigation as a result of the state route number 520 bridge replacement and HOV program at the Washington park arboretum. As part of its process, the department shall consult with the governing board of the Washington park arboretum, the Seattle city council and mayor, and the University of Washington to identify all mitigation required by state and federal law resulting from the state route number 520 bridge replacement and HOV program's impact on the arboretum, and to develop a project mitigation plan to address these impacts. The department shall submit the mitigation plan by December 31, 2010, to the governor and the transportation committees of the legislature. Wetland mitigation required by state and federal law as a result of the state route number 520 bridge replacement and HOV program's impacts on the arboretum must, to the greatest extent practicable, include on-site wetland mitigation at the Washington park arboretum, and must enhance the Washington park arboretum. This subsection (4)(b)(v) does not preclude any other mitigation planned for the Washington park arboretum as a result of the state route number 520 bridge replacement and HOV program;

(vi) A work group convened by the department to include the mayor of the city of Seattle, the Seattle city council, the Seattle

department of transportation, and other persons or organizations as designated by the Seattle city council and mayor to study and make recommendations regarding design refinements to the preferred alternative selected by the department in the supplemental draft environmental impact statement process for the state route number 520 bridge replacement and HOV program. To accommodate a timely progression of the state route number 520 bridge replacement and HOV program, the design refinements recommended by the work group must be consistent with the current environmental documents prepared by the department for the supplemental draft environmental impact statement. The department shall submit the recommendations to the legislature and governor by December 31, 2010, and the recommendations must inform the final environmental impact statement prepared by the department; and

(vii) An account, created in section 5 of this act, into which civil penalties generated from the nonpayment of tolls on the state route number 520 corridor are deposited to be used to fund any project within the program, including mitigation. However, this subsection (4)(b)(vii) is contingent on the enactment by June 30, 2010, of either chapter . . . (Engrossed Substitute Senate Bill No. 6499), Laws of 2010 or chapter . . . (Substitute House Bill No. 2897), Laws of 2010, but if the enacted bill does not designate the department as the toll penalty adjudicating agency, this subsection (4)(b)(vii) is null and void.

(5) The department may carry out the ~~((construction and))~~ improvements designated in subsection (4) of this section and administer the tolling program on the state route number 520 corridor.

Sec. 3. RCW 47.01.408 and 2008 c 270 s 2 are each amended to read as follows:

(1) The state route number 520 bridge replacement and HOV project shall be designed to provide six total lanes, with two lanes that are for transit and high-occupancy vehicle travel, and four general purpose lanes.

(2) The state route number 520 bridge replacement and HOV project shall be designed to accommodate effective connections for transit, including high capacity transit, to the light rail station at the University of Washington.

(3) The state route number 520 bridge replacement and HOV project shall be designed to provide a total height from the water to the top of the bridge rail on the floating bridge portion of the project of no more than twenty feet if any portion of the project is funded by revenue generated from tolling the state route number 520 corridor.

Sec. 4. RCW 47.56.875 and 2009 c 472 s 4 are each amended to read as follows:

A special account to be known as the state route number 520 corridor account is created in the state treasury.

(1) Deposits to the account must include:

(a) All proceeds of bonds issued for ~~((construction of the replacement state route number 520 floating bridge and necessary landings))~~ the state route number 520 bridge replacement and HOV program, including any capitalized interest;

(b) Except as provided in RCW 47.56.870(4)(b)(vii), all of the tolls and other revenues received from the operation of the state route number 520 corridor as a toll facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for the ~~((purpose of building the replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program; and

(e) All damages, liquidated or otherwise, collected under any contract involving the ~~((construction of the replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program.

(2) Subject to the covenants made by the state in the bond proceedings authorizing the issuance and sale of bonds for the ~~((replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program, toll charges, other revenues, and interest received from the operation of the state route number 520 corridor as a toll facility may be used to:

- (a) Pay any required costs allowed under RCW 47.56.820; and
- (b) Repay amounts to the motor vehicle fund as required.

(3) When repaying the motor vehicle fund, the state treasurer shall transfer funds from the state route number 520 corridor account to the motor vehicle fund on or before each debt service date for bonds issued for the ~~((replacement state route number 520 floating bridge project and necessary landings))~~ state route number 520 bridge replacement and HOV program in an amount sufficient to repay the motor vehicle fund for amounts transferred from that fund to the highway bond retirement fund to provide for any bond principal and interest due on that date. The state treasurer may establish subaccounts for the purpose of segregating toll charges, bond sale proceeds, and other revenues.

NEW SECTION. Sec. 5. A new section is added to chapter 47.56 RCW to read as follows:

(1) A special account to be known as the state route number 520 civil penalties account is created in the state treasury. All state route number 520 bridge replacement and HOV program civil penalties generated from the nonpayment of tolls on the state route number 520 corridor must be deposited into the account, as provided under RCW 47.56.870(4)(b)(vii). Moneys in the account may be spent only after appropriation. Expenditures from the account may be used to fund any project within the state route number 520 bridge replacement and HOV program, including mitigation.

(2) This section is contingent on the enactment by June 30, 2010, of either chapter . . . (Engrossed Substitute Senate Bill No. 6499), Laws of 2010 or chapter . . . (Substitute House Bill No. 2897), Laws of 2010, but if the enacted bill does not designate the department as the toll penalty adjudicating agency, this section is null and void."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Armstrong; Campbell; Dickerson; Eddy; Finn; Flannigan; Johnson; Moeller; Nealey; Sells; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Driscoll; Ericksen; Herrera; Klippert; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

February 24, 2010

SSB 6558 Prime Sponsor, Committee on Transportation: Concerning petitions for administrative review of railroad crossing closures. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 24, 2010

ESSB 6774 Prime Sponsor, Committee on Transportation: Concerning transportation benefit districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.73.020 and 2009 c 515 s 14 are each amended to read as follows:

(1) The legislative authority of a county or city may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, ~~((and))~~ or local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent practicable, the district shall consider the following criteria when selecting transportation improvements:

- (a) Reduced risk of transportation facility failure and improved safety;
- (b) Improved travel time;
- (c) Improved air quality;
- (d) Increases in daily and peak period trip capacity;
- (e) Improved modal connectivity;
- (f) Improved freight mobility;
- (g) Cost-effectiveness of the investment;
- (h) Optimal performance of the system through time;
- (i) Improved accessibility for, or other benefits to, persons with special transportation needs as defined in RCW 47.06B.012; and
- (j) Other criteria, as adopted by the governing body.

(2) Subject to subsection (6) of this section, the district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district need not include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the legislative authority proposing to establish the district, acting ex officio and independently, shall constitute the governing body of the district: PROVIDED, That where a district includes area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW (~~However~~), with the governing body ((shall be)) being composed of (a) at least five members including at least one elected official from the legislative authority of each participating jurisdiction or (b) the governing body of the metropolitan planning organization serving the district, but only if the district boundaries are identical to the boundaries of the metropolitan planning organization serving the district. However, only those members of the governing body of a metropolitan planning organization that are elected officials may determine whether the district will impose or seek voter approval of

any authorized taxes, charges, or fees. Members that are not elected officials are ex officio. nonvoting members of the district's governing body for purposes of making decisions to impose or seek approval of taxes, charges, or fees.

(4) The treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district.

(6) Prior to December 1, 2007, the authority under this section, regarding the establishment of or the participation in a district, shall not apply to:

(a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;

(b) Cities with any area within the counties under (a) of this subsection; and

(c) Other jurisdictions with any area within the counties under (a) of this subsection."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Armstrong; Dickerson; Driscoll; Eddy; Finn; Flannigan; Johnson; Moeller; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Ericksen; Herrera; Klippert; Kristiansen; Nealey and Shea.

Passed to Committee on Rules for second reading.

February 24, 2010

SB 6826 Prime Sponsor, Senator Swecker: Increasing certain fees of licensing subagents. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Johnson; Klippert; Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Assistant Ranking Minority Member; Armstrong and Herrera.

Passed to Committee on Rules for second reading.

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

The Speaker (Representative Moeller presiding) called upon Representative Hudgins to preside.

SECOND READING SUSPENSION

SUBSTITUTE SENATE BILL NO. 5295, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kline, Oemig, Rockefeller, Holmquist, King, Hatfield and Hobbs)

Implementing unanimous recommendations of the public records exemptions accountability committee.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was adopted. (For Committee amendment, see Journal, Day 40, February 19, 2010.)

The bill was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5295, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5295, and the bill, as amended by the House, passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 5295, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5297, by Senators Kline and Delvin

Concerning the procedure for filing a declaration of completion of probate.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 43, February 22, 2010.)

The bill was placed on final passage.

Representative Pedersen spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5297, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5297, and the bill, as amended by the House, passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

ENGROSSED SENATE BILL NO. 5297, as amended by the House, having received the necessary constitutional majority, was declared passed.

**SECOND ENGROSSED SENATE BILL NO. 5617, by
Senators Kauffman and McAuliffe**

Changing early learning advisory council provisions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Second Engrossed Senate Bill No. 5617.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 5617, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SECOND ENGROSSED SENATE BILL NO. 5617, having received the necessary constitutional majority, was declared passed.

**SENATE BILL NO. 6227, by Senators Becker, Marr,
Parlette and Keiser**

Concerning the practice of opticianry.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Driscoll spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Senate Bill No. 6227.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6227, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SENATE BILL NO. 6227, having received the necessary constitutional majority, was declared passed.

**SUBSTITUTE SENATE BILL NO. 6239, by Senate
Committee on Labor, Commerce & Consumer Protection
(originally sponsored by Senators Kohl-Welles, Gordon and
Fraser)**

Making technical corrections to gender-based terms.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunt, Armstrong and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6239.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6239, and the bill passed the House by the following vote: Yeas, 85; Nays, 10; Absent, 1; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Wood.

Voting nay: Representatives Chandler, Condotta, Crouse, Hinkle, Klippert, Kretz, McCune, Shea, Short and Taylor.

Excused: Representatives DeBolt and Hurst.

Absent: Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6239, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6243, by Senators Fairley, Oemig, Swecker and McDermott

Eliminating provisions for filings at locations other than the public disclosure commission.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010.)

The bill was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Senate Bill No. 6243, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6243, and the bill, as amended by the House, passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall,

Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Ericksen.

Excused: Representatives DeBolt and Hurst.

SENATE BILL NO. 6243, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6251, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senator Benton)

Concerning nonresident surplus line brokers and insurance producers.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6251.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6251, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6251, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6275, by Senator Jacobsen

Regarding harbor lines.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Senate Bill No. 6275.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6275, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SENATE BILL NO. 6275, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6287, by Senators Fraser and Fairley

Concerning annexation of a city, partial city, or town to a fire protection district.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6287.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6287, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia,

Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

ENGROSSED SENATE BILL NO. 6287, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6288, by Senators Pridemore, Fairley, Kohl-Welles and Kline

Authorizing counties, cities, and towns to request background checks for certain license applicants and licensees.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Senate Bill No. 6288.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6288, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SENATE BILL NO. 6288, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6297, by Senator Franklin

Regarding certification of speech-language pathology assistants.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Driscoll spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Senate Bill No. 6297.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6297, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SENATE BILL NO. 6297, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6337, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Carrell, Hargrove and Brandland)

Concerning inmate savings accounts.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6337.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6337, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia,

Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6337, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6365, by Senators Swecker and Roach

Exempting the motor vehicles of certain residents who are members of the armed services from the provisions of chapter 70.120A RCW.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Rolfes and Short spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Senate Bill No. 6365.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6365, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SENATE BILL NO. 6365, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6395, by Senate Committee on Judiciary (originally sponsored by Senators Kline, Kauffman and Kohl-Welles)

Addressing lawsuits aimed at chilling the valid exercise of the constitutional rights of speech and petition.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6395.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6395, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6395, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6398, by Senate Committee on Judiciary (originally sponsored by Senators Kline, McDermott, Keiser, Hobbs, Murray, Jacobsen, Kohl-Welles and Gordon)

Adding the definition of threat to malicious harassment provisions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6398.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6398, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler,

Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6398, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6450, by Senators Eide, Kauffman and Shin

Requiring the department of licensing to establish continuing education requirements for court reporters.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Senate Bill No. 6450.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6450, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SENATE BILL NO. 6450, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Rules Committee was relieved of SUBSTITUTE SENATE BILL NO. 6470 and the bill was placed on the second reading calendar.

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

SECOND READING SUSPENSION

SUBSTITUTE SENATE BILL NO. 6524, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators King, Kohl-Welles, Kastama, Holmquist, Keiser, Honeyford, Regala, Franklin, McDermott, Hewitt and Kline)

Addressing unemployment insurance penalties and contribution rates for employers who are not "qualified employers."

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Kenney and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6524.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6524, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6524, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6543, by Senators Hatfield, Schoesler and Shin

Modifying the powers of the Washington tree fruit research commission.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Blake and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Senate Bill No. 6543.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6543, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SENATE BILL NO. 6543, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6591, by Senate Committee on Judiciary (originally sponsored by Senators Kline, Berkey, Gordon, Keiser and Prentice)

Revising the procedure for complaints filed with the human rights commission.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6591.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6591, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt,

Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6591, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6647, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Honeyford, Swecker and Morton)

Addressing the employment status of members of the civil air patrol while acting in an emergency service operation. Revised for 1st Substitute: Protecting jobs of members of the civil air patrol while acting in an emergency service operation.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010.)

The bill was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6647, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6647, and the bill, as amended by the House, passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6647, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6674, by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin and Hargrove)

Regulating indemnification agreements involving motor carrier transportation contracts.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6674.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6674, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6674, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6749, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Fraser and Honeyford)

Concerning the transfer of commercial real estate.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6749.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6749, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SUBSTITUTE SENATE BILL NO. 6749, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8026, by Senators Regala, Hargrove, Brandland, Kohl-Welles, Stevens, Shin, Carrell, Hatfield, Jacobsen, Ranker, Oemig, Eide, Marr, McDermott, Haugen, Hobbs, Kilmer, Kline, Berkey, Kauffman, Prentice, Tom, Gordon, Fraser, McAuliffe, Franklin and Keiser

Requesting the Interstate Commission for Adult Offender Supervision immediately initiate its emergency rule-making process.

The joint memorial was read the second time.

There being no objection, the committee recommendation was adopted.

The joint memorial was placed on final passage.

Representatives Orwall and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Hudgins presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8026.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8026, and the joint memorial passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Hurst.

SENATE JOINT MEMORIAL NO. 8026, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Hudgins presiding) called upon Representative Moeller to preside.

SECOND READING

HOUSE BILL NO. 2630, by Representatives Probst, Kenney, Conway, Maxwell, Jacks, White, Simpson, Seaquist, Sells, Goodman, Ormsby and Santos

Creating the opportunity express program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2630 was substituted for House Bill No. 2630 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2630 was read the second time.

With the consent of the House, amendments (1098) and (1183) were withdrawn.

Representative Sells moved the adoption of amendment (1255).

On page 3, line 24, after "construction," insert "and"

On page 3, line 24, after "industries" strike ";" and insert ";

On page 3, line 28, after "28C.18.150" strike ", or" and insert "and"

On page 4, line 25, after "includes" strike "three" and insert "the following"

On page 4, line 26, after "retraining" strike "," and insert "for unemployed adults;"

On page 4, line 28, after "partnerships" strike "for unemployed adults" and insert ", and training programs prioritized by industry, for unemployed adults and incumbent workers"

Representatives Sells and Anderson spoke in favor of the adoption of the amendment.

Amendment (1255) was adopted.

With the consent of the House, amendment (1246) was withdrawn.

Representative Probst moved the adoption of amendment (1254).

On page 4, after line 33, insert the following:

"**Sec. 4.** RCW 28C.18.164 and 2009 c 238 s 4 are each amended to read as follows:

(1) Opportunity internship consortia may apply to the board to offer an opportunity internship program.

(a) The board, in consultation with the Washington state apprenticeship and training council, may select those consortia that demonstrate the strongest commitment and readiness to implement a high quality opportunity internship program for low-income high school students. The board shall place a priority on consortia with demonstrated experience working with similar populations of students and demonstrated capacity to assist a large number of students through the progression of internship or preapprenticeship,

high school graduation, postsecondary education, and retention in a high-demand occupation. The board shall place a priority on programs that emphasize secondary career and technical education and nonbaccalaureate postsecondary education; however, programs that target four-year postsecondary degrees are eligible to participate.

(b)(i) Except as provided in (ii) of this subsection (1)(b), the board shall enter into a contract with each consortium selected to participate in the program. No more than ten consortia per year shall be selected to participate in the program, and to the extent possible, the board shall assure a geographic distribution of consortia in regions across the state emphasizing a variety of targeted industries. Each consortium may select no more than one hundred low-income high school students per year to participate in the program.

(ii) For fiscal years 2011 through 2013, the board shall enter into a contract with each consortium selected to participate in the program. No more than twelve consortia per year shall be selected to participate in the program, and to the extent possible, the board shall assure a geographic distribution of consortia in regions across the state emphasizing a variety of targeted industries. No more than five thousand low-income high school students per year may be selected to participate in the program.

(2) Under the terms of an opportunity internship program contract, an opportunity internship consortium shall commit to the following activities which shall be conducted using existing federal, state, local, or private funds available to the consortium:

(a) Identify high-demand occupations in targeted industries for which opportunity internships or preapprenticeships shall be developed and provided;

(b) Develop and implement the components of opportunity internships, including paid or unpaid internships or preapprenticeships of at least ninety hours in length in high-demand occupations with employers in the consortium, mentoring and guidance for students who participate in the program, assistance with applications for postsecondary programs and financial aid, and a guarantee of a job interview with a participating employer for all opportunity internship graduates who successfully complete a postsecondary program of study;

(c) Once the internship or preapprenticeship components have been developed, conduct outreach efforts to inform low-income high school students about high-demand occupations, the opportunity internship program, options for postsecondary programs of study, and the incentives and opportunities provided to students who participate in the program;

(d) Obtain appropriate documentation of the low-income status of students who participate in the program;

(e) Maintain communication with opportunity internship graduates of the consortium who enroll in postsecondary programs of study; and

(f) Submit an annual report to the board on the progress of and participation in the opportunity internship program of the consortium.

(3) Opportunity internship consortia are encouraged to:

(a) Provide paid opportunity internships or preapprenticeships, including during the summer months to encourage students to stay enrolled in high school;

(b) Work with high schools to offer opportunity internships as approved worksite learning experiences where students can earn high school credit;

(c) Designate the local workforce development council as fiscal agent for the opportunity internship program contract;

(d) Work with area high schools to incorporate the opportunity internship program into comprehensive guidance and counseling programs such as the navigation 101 program; and

(e) Coordinate the opportunity internship program with other workforce development and postsecondary education programs, including opportunity grants, the college bound scholarship program,

federal workforce investment act initiatives, and college access challenge grants.

(4) The board shall seek federal funds that may be used to support the opportunity internship program, including providing the incentive payments under RCW 28C.18.168."

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

Correct the title.

On page 4, beginning on line 34, strike all of sections 4 through 10 and insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 50.24 RCW to read as follows:

A separate and identifiable account, which shall be known as the opportunity express account, is established. Moneys in the account may be spent only after appropriation. Moneys in the account shall be used only for the worker retraining program, training programs approved by the commissioner of the employment security department, training programs administered by labor and management partnerships, industry-prioritized training programs, training programs that facilitate career progression in healthcare occupations, the opportunity internship program, and the opportunity grant program, and for administrative costs related to these programs and collection of voluntary contributions under this section. Moneys in the account shall be used to supplement, not supplant, existing funding for the opportunity grant program."

Renumber the remaining section consecutively and correct any internal references accordingly.

Correct the title.

Expands the Opportunity Internship Program in FY 2011 through 2013 from 10 consortia to 12 consortia, and from 1,000 students per year (100 per year per consortia) to 5,000 students per year (statewide).

Strikes sections relating to voluntary contributions and tax vouchers, but retains provision establishing the Opportunity Express Account and specifying that moneys in the account must be used only for certain training programs.

Representatives Probst and Anderson spoke in favor of the adoption of the amendment.

Amendment (1254) was adopted.

Representative Bailey moved the adoption of amendment (1091).

On page 11, beginning on line 3, strike all of section 11
Correct the title.

Representatives Bailey, Anderson and Ericksen spoke in favor of the adoption of the amendment.

Representatives Wallace, Simpson and Conway spoke against the adoption of the amendment.

Amendment (1091) was not adopted.

The bill was ordered engrossed.

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

Representatives Probst, Anderson, Condotta and Seaquist spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2630.

MOTION

On motion of Representative Santos, Representatives Morris and Hunter were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2630, and the bill passed the House by the following vote: Yeas, 92; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler and Hinkle.

Excused: Representatives DeBolt, Hunter, Hurst and Morris.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2630, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5041, by Senators Kilmer, Swecker, Hobbs, Shin, Kauffman, Franklin, Marr, Rockefeller, Haugen, Eide, Kastama and McAuliffe

Increasing state contracts with veteran-owned businesses. (REVISED FOR ENGROSSED: Encouraging state contracts with veteran-owned businesses.)

The bill was read the second time.

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

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5041.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5041, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen,

Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt, Hunter, Hurst and Morris.

ENGROSSED SENATE BILL NO. 5041, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6271, by Senate Committee on Transportation (originally sponsored by Senators Murray and Haugen)

Concerning annexations by cities and code cities located within the boundaries of a regional transit authority.

The bill was read the second time.

Representative Roach moved the adoption of amendment (1261).

On page 1, beginning on line 6, strike sections 1 and 2 and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.13 RCW to read as follows:

(1) Territory annexed under this chapter to a city located within the boundaries of a regional transit authority established under chapter 81.112 RCW is, from the effective date of the annexation, automatically included within the boundaries of the authority and subject to all authority taxes and other authority liabilities and obligations applicable within the city only if the city:

(a) Provides proposed annexation materials to the property owners or registered voters residing within the area proposed to be annexed that includes conspicuous notice that the annexed area will be subject to the transit authority taxes and obligations, and identifies the transportation services to be provided to the area, the specific transit authority taxes to be paid, and any other obligations to be assumed upon annexation; and

(b) Publishes conspicuous notice of the annexation on its website at least two consecutive weeks prior to the annexation and once a week for two consecutive weeks in a newspaper of general circulation in the area proposed to be annexed. The publication must provide conspicuous notice that the annexed area will be subject to regional transit authority taxes and obligations, and identify the transportation services to be provided to the area, the specific transit authority taxes to be paid, and any other obligations to be assumed upon annexation.

(2) Territory annexed under this chapter to a city located within the boundaries of a regional transit authority that is annexed by a method not in compliance with the provisions described in subsection (1) of this section is not automatically included in the boundaries of the authority and is not subject to authority taxes and other authority liabilities and obligations.

(3) Cities may seek reimbursement from the regional transit authority for the cost of publication required under subsection (1) of this section.

(4) Cities that annex territory as described under subsection (1) of this section must notify the regional transit authority of the annexation.

NEW SECTION. Sec. 2. A new section is added to chapter 35A.14 RCW to read as follows:

(1) Territory annexed under this chapter to a code city located within the boundaries of a regional transit authority established under chapter 81.112 RCW is, from the effective date of the annexation, automatically included within the boundaries of the authority and subject to all authority taxes and other authority liabilities and obligations applicable within the code city only if the code city:

(a) Provides annexation materials to the property owners or registered voters residing within the area proposed to be annexed that includes conspicuous notice that the annexed area will be subject to the transit authority taxes and obligations, and identifies the transportation services to be provided to the area, the specific transit authority taxes to be paid, and any other obligations to be assumed upon annexation; and

(b) Publishes conspicuous notice of the annexation on its website at least two consecutive weeks prior to the annexation and once a week for two consecutive weeks in a newspaper of general circulation in the area proposed to be annexed. The publication must provide conspicuous notice that the annexed area will be subject to regional transit authority taxes and obligations, and identify the transportation services to be provided to the area, the specific transit authority taxes to be paid, and any other obligations to be assumed upon annexation.

(2) Territory annexed under this chapter to a code city located within the boundaries of a regional transit authority that is annexed by a method not in compliance with the provisions described in subsection (1) of this section is not automatically included in the boundaries of the authority and is not subject to authority taxes and other authority liabilities and obligations.

(3) Code cities may seek reimbursement from the regional transit authority for the cost of publication required under subsection (1) of this section.

(4) Code cities that annex territory as described under subsection (1) of this section must notify the regional transit authority of the annexation."

On page 2, beginning on line 18, strike all material through "law." on line 23

On page 2, line 24, after "(2)" insert "(a)"

On page 2, after line 36, insert the following:

"(b) Subsequent to formation, when territory is annexed to a city or code city within the boundaries of the authority and the annexation method satisfies the requirements of sections 1 or 2 of this act, the territory is automatically included within the boundaries of the authority and subject to all taxes and other liabilities and obligations applicable within the city with respect to the authority. If a city or code city seeks reimbursement from the authority for the costs of publishing notice as provided under sections 1(3) or 2(3) of this act, the authority must reimburse the city or code city for those direct costs."

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

Representative Simpson spoke against the adoption of the amendment.

Amendment (1261) was not adopted.

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

Representative White spoke in favor of the passage of the bill.

Representative Angel spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6271.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6271, and the bill passed the House by the following vote: Yeas, 57; Nays, 37; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Ericksen, Fagan, Herrera, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace and Walsh.

Excused: Representatives DeBolt, Hunter, Hurst and Morris.

SUBSTITUTE SENATE BILL NO. 6271, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5704, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Swecker, Becker, Stevens and Roach)

Concerning creation of a flood district by three or more counties.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was adopted. (For Committee amendment, see Journal, Day 43, February 22, 2010).

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5704, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5704, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker,

Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt, Hunter, Hurst and Morris.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5704, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6273, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Swecker, Fairley, Keiser, Hatfield, Pflug, Stevens, Shin and McCaslin)

Concerning insurance coverage of the sales tax for prescribed durable medical equipment and mobility enhancing equipment. Revised for 1st Substitute: Regarding insurance coverage of the sales tax for prescribed durable medical equipment and mobility enhancing equipment.

The bill was read the second time.

Representative Ericksen moved the adoption of amendment (1270).

On page 1, line 15, after "equipment;" strike "and"

On page 1, line 16, after "(b)" strike "Separately" and insert "Unless specifically disclosed by the carrier in written notification to the provider that the payment includes the tax calculation for the equipment, separately"

On page 1, line 19, after "tax" insert "; and"

(c) Be subject to all other terms and conditions of the health benefit plan, including but not limited to, any applicable coinsurances, deductibles, and copayments"

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

Representative Driscoll spoke against the adoption of the amendment.

Amendment (1270) was not adopted.

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

Representative Driscoll spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6273.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6273, and the bill passed the House by the following vote: Yeas, 68; Nays, 26; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn,

Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, Ericksen, Fagan, Haler, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Parker, Pearson, Ross, Schmick, Shea, Short, Smith, Taylor and Walsh.

Excused: Representatives DeBolt, Hunter, Hurst and Morris.

SUBSTITUTE SENATE BILL NO. 6273, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6481, by Senators Morton, Schoesler, Holmquist, Hewitt, King, Delvin and Swecker

Clarifying which local governments have jurisdiction over conversion-related forest practices.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For Committee amendment, see Journal, Day 40, February 19, 2010).

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

Representatives Blake and Chandler spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6481, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6481, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Orcutt.

Excused: Representatives DeBolt, Hunter, Hurst and Morris.

SENATE BILL NO. 6481, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6538, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser and Pflug)

Defining small groups for insurance purposes.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

Representative Bailey moved the adoption of amendment (1266).

On page 9, after line 28, insert the following:

"NEW SECTION. Sec. 4. If federal legislation that includes guaranteed issue for individuals who purchase health coverage through the individual or small group market has not been signed by the president of the United States by December 31, 2010, this act is null and void."

Correct the title.

Representatives Bailey and Driscoll spoke in favor of the adoption of the amendment.

Amendment (1266) was adopted.

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

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

Representatives Ericksen and Hinkle spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6538, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6538, as amended by the House, and the bill passed the House by the following vote: Yeas, 58; Nays, 36; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt,

Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives DeBolt, Hunter, Hurst and Morris.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6538, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute Senate Bill No. 6538.

Mike Hope, 44th District.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6548, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Carrell, Stevens, Kauffman and Roach)

Suspending the parole or probation of an offender who is charged with a new felony offense in certain conditions.

The bill was read the second time.

Representative Kelley moved the adoption of amendment (1271).

On page 2, line 35, after "**Sec. 2.**" strike "This" and insert "Section 1 of this"

On page 3, line 1, after "date of" insert "section 1 of"

On page 3, after line 2, insert the following:

"NEW SECTION. Sec. 3. The legislature has determined that it is necessary to examine patterns related to the exchange of out-of-state offenders needing supervision. The examination must assess the past action and behavior of other states that send offenders to the state of Washington for supervision to assure that the interstate compact for adult offender supervision operates to protect the safety of the people and communities of Washington and other individual states.

NEW SECTION. Sec. 4. A new section is added to chapter 9.94A RCW to read as follows:

(1) The department shall identify the states from which it receives adult offenders who need supervision and examine the feasibility and cost of establishing memoranda of understanding with the states that send the highest number of offenders for supervision to Washington state with the goal of achieving more balanced and equitable obligations under the interstate compact for adult offender supervision.

(2) At the next meeting of the interstate compact commission, Washington's representatives on the commission shall seek a resolution by the commission regarding:

(a) Any inequitable distribution of costs, benefits, and obligations affecting Washington under the interstate compact; and

(b) The scope of the mandatory acceptance policy and the authority of the receiving state to determine when it is no longer able to supervise an offender.

(3) The department shall examine the feasibility and cost of withdrawal from the interstate compact for adult offender supervision.

(4) The department shall report to the legislature no later than December 1, 2010, regarding:

(a) The development of memoranda of understanding with states that send the highest numbers of offenders to Washington state for supervision;

(b) The outcome of the resolution process with the interstate commission; and

(c) The feasibility and cost of withdrawal from the interstate compact for adult offender supervision.

NEW SECTION. Sec. 5. RCW 9.94A.745 (Interstate compact for adult offender supervision) and 2001 c 35 s 2 are each repealed.

NEW SECTION. Sec. 6. Sections 3 and 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 1, 2010.

NEW SECTION. Sec. 7. Section 5 of this act takes effect July 1, 2011."

Correct the title.

Representatives Kelley and Dammeier spoke in favor of the adoption of the amendment.

Amendment (1271) was adopted.

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

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6548, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6548, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt, Hunter, Hurst and Morris.

SUBSTITUTE SENATE BILL NO. 6548, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6590, by Senate Committee on Judiciary (originally sponsored by Senators Kline, Delvin, Brandland and Hargrove)

Requiring law enforcement officers to be honest and truthful. Revised for 1st Substitute: Stating the policy that law enforcement personnel be truthful and honest in the conduct of official business.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety & Emergency Preparedness was

adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6590, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6590, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt, Hunter, Hurst and Morris.

SUBSTITUTE SENATE BILL NO. 6590, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., March 1, 2010, the 50th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

FIFTIETH DAY

House Chamber, Olympia, Monday, March 1, 2010

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

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

INTRODUCTIONS AND FIRST READING

HB 3201 by Representatives Pettigrew, Linville, Sullivan and Ericks

AN ACT Relating to fees for treatment services and outreach for children with heritable disorders; and amending RCW 70.83.023.

Referred to Committee on Ways & Means.

HB 3202 by Representative Cody

AN ACT Relating to revising the medicaid nursing facility payment system by moving rebasing to even years, changing the case mix adjustment cycle to six months, establishing pay for performance, adjusting rates based upon rates of direct care staff turnover, and modifying components related to variable return, operations, property, and finance; amending RCW 74.46.431, 74.46.435, 74.46.437, 74.46.439, 74.46.496, 74.46.501, 74.46.506, and 74.46.521; adding a new section to chapter 74.46 RCW; repealing RCW 74.46.433; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 3203 by Representatives Seaquist and Alexander

AN ACT Relating to the authority of the health care authority to offer health coverage plans to nonsubsidized enrollees; and amending RCW 70.47.060.

Referred to Committee on Ways & Means.

HB 3204 by Representatives Cody, Pettigrew, Kenney and Hunt

AN ACT Relating to modifying Washington state excise tax laws; amending RCW 82.04.220, 82.04.2907, 82.04.460, 82.32.090, 82.12.020, 82.45.033, 82.45.070, 82.45.080, 82.45.100, 82.45.220, 43.07.390, 82.04.4292, 82.04.423, 82.04.4266, 82.04.250, 82.04.250, 82.04.298, 82.04.334, 82.04.4463, 82.08.806, 82.32.545, 82.32.550, 82.32.630, 82.32.632, 82.45.195, 35.102.150, 48.14.080, 82.08.890, 82.12.890, 82.48.010, 82.48.020, 82.48.030, 82.48.070, 82.48.080, 82.48.110, 82.16.050, 82.12.0254, 82.45.010, 82.45.080, 82.32.145, 82.08.0293, 82.12.0293, 82.04.060, 82.04.190, 82.04.215, 82.08.02088, 82.12.010, 82.12.020, 82.24.020, 82.24.026, 82.26.010, 82.26.020, 82.26.030, 82.21.030, 82.64.010, 82.64.020, 82.64.030, and 82.64.040; reenacting and amending RCW 82.45.010, 82.04.260,

82.04.261, 82.04.440, 82.04.360, 82.04.050, 82.04.050, and 82.04.050; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.48 RCW; adding a new section to chapter 82.16 RCW; adding new sections to chapter 82.26 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding new sections to chapter 90.48 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 90.71 RCW; creating new sections; repealing RCW 82.08.0273, 82.04.44525, 82.04.29001, 82.24.027, 82.24.028, 82.08.811, 82.12.811, and 82.04.062; providing effective dates; providing contingent effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 3205 by Representative Dunshee

AN ACT Relating to creating jobs by funding construction of energy cost saving improvements to schools and public facilities.

Referred to Committee on Capital Budget.

HB 3206 by Representative Hunter

AN ACT Relating to creating the restoring vital state programs act of 2010.

Referred to Committee on Finance.

HB 3207 by Representative Hunter

AN ACT Relating to creating the state revenues act of 2010.

Referred to Committee on Finance.

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

REPORTS OF STANDING COMMITTEES

February 26, 2010

ESSB 6468 Prime Sponsor, Committee on Environment, Water & Energy: Coordinating the weatherization and structural rehabilitation of residential structures. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Blake; Chase; Hope; Jacks; Maxwell; McCune; Morrell; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

Vice Chair; Cody; Conway; Darneille; Haigh; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

February 24, 2010

ESSB 6499 Prime Sponsor, Committee on Transportation: Concerning the administration, collection, use, and enforcement of tolls. Reported by Committee on Transportation

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Hunt; Hunter; Priest; Ross and Schmick.

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Dickerson; Eddy; Finn; Flannigan; Moeller; Rolfes; Sells; Simpson; Springer; Takko; Uptegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 27, 2010

HB 2956 Prime Sponsor, Representative Pettigrew: Concerning hospital safety net assessment. Reported by Committee on Ways & Means

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Ericksen; Herrera; Johnson; Klippert; Kristiansen; Nealey and Shea.

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health & Human Services Appropriations. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross and Seaquist.

Passed to Committee on Rules for second reading.

February 26, 2010

SSB 6831 Prime Sponsor, Committee on Ways & Means: Concerning estates and trusts. Reported by Committee on Finance

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Hunter and Schmick.

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 27, 2010

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

ESB 6263 Prime Sponsor, Senator Keiser: Establishing the Washington vaccine association. Reported by Committee on Ways & Means

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

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

The Speaker (Representative Van De Wege presiding) called upon Representative Moeller to preside.

Passed to Committee on Rules for second reading.

The Clerk called the roll and a quorum was present.

February 27, 2010

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Keana Elliot and Jake Steiner. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Brian Wiele, River Ridge Covenant Church, Lacey.

E2SSB 6267 Prime Sponsor, Committee on Ways & Means: Regarding water right processing improvements. Reported by Committee on Ways & Means

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

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources and without amendment by Committee on General Government Appropriations. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 26, 2010

HB 2824 Prime Sponsor, Representative Linville: Making 2010 operating supplemental appropriations. Reported by Committee on Ways & Means

Passed to Committee on Rules for second reading.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan,

February 26, 2010
SB 6401 Prime Sponsor, Senator Brandland: Concerning an alternative process for selecting an electrical contractor or a mechanical contractor, or both, for general contractor/construction manager projects. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Blake; Hope; Jacks; Maxwell; McCune; Morrell; Orwall; Smith and White.

MINORITY recommendation: Do not pass. Signed by Representative Chase.

Passed to Committee on Rules for second reading.

February 27, 2010
SSB 6414 Prime Sponsor, Committee on Human Services & Corrections: Improving the administration and efficiency of sex and kidnapping offender registration. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 27, 2010
E2SSB 6504 Prime Sponsor, Committee on Ways & Means: Modifying provisions of the crime victims' compensation program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Public Safety & Emergency Preparedness. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Ross; Schmick and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Dammeier, Assistant Ranking Minority Member and Priest.

Passed to Committee on Rules for second reading.

February 27, 2010
SB 6593 Prime Sponsor, Senator Gordon: Transferring the administration of the infant and toddler early intervention program from the department of social and health services to the department of early learning. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & Children's Services. Signed by Representatives Linville, Chair; Ericks, Vice Chair;

Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 27, 2010
SSB 6611 Prime Sponsor, Committee on Government Operations & Elections: Extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for three years and addressing the timing for adopting certain subarea plans. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 27, 2010
SSB 6639 Prime Sponsor, Committee on Human Services & Corrections: Creating alternatives to total confinement for nonviolent offenders with minor children. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Human Services.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.030 and 2009 c 375 s 4 are each amended to read as follows:

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

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited

to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW

46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(29) "Minor child" means a biological or adopted child of the offender who is under age eighteen at the time of the offender's current offense.

(30) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense

that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

~~((30))~~ (31) "Nonviolent offense" means an offense which is not a violent offense.

~~((34))~~ (32) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer convicted of an offense included in RCW 9.94A.501(1) and ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((32))~~ (33) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

~~((33))~~ (34) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

~~((34))~~ (35) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection ~~((34))~~ (35)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((35))~~ (36) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the

perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

~~((36))~~ (37) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((37))~~ (38) "Public school" has the same meaning as in RCW 28A.150.010.

~~((38))~~ (39) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((39))~~ (40) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

~~((40))~~ (41) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((41))~~ (42) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((42))~~ (43) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((43))~~ (44) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((44))~~ (45) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((45))~~ (46) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((46))~~ (47) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~((47))~~ (48) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((48))~~ (49) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((49))~~ (50) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((50))~~ (51) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((51))~~ (52) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((52))~~ (53) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and

vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((53))~~ (54) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

NEW SECTION. Sec. 2. A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender is eligible for the parenting sentencing alternative if:

(a) The high end of the standard sentence range for the current offense is greater than one year;

(b) The offender has no prior or current conviction for a felony that is a sex offense or a violent offense;

(c) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(d) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court; and

(e) The offender has physical custody of his or her minor child or is a legal guardian or custodian with physical custody of a child under the age of eighteen at the time of the current offense.

(2) To assist the court in making its determination, the court may order the department to complete either a risk assessment report or a chemical dependency screening report as provided in RCW 9.94A.500, or both reports prior to sentencing.

(3) If the court is considering this alternative, the court shall request that the department contact the children's administration of the Washington state department of social and health services to determine if the agency has an open child welfare case or prior substantiated referral of abuse or neglect involving the offender or if the agency is aware of any substantiated case of abuse or neglect with a tribal child welfare agency involving the offender.

(a) If the offender has an open child welfare case, the department will provide the release of information waiver and request that the children's administration or the tribal child welfare agency provide a report to the court. The children's administration shall provide a report within seven business days of the request that includes, at the minimum, the following:

(i) Legal status of the child welfare case;

(ii) Length of time the children's administration has been involved with the offender;

(iii) Legal status of the case and permanent plan;

(iv) Any special needs of the child;

(v) Whether or not the offender has been cooperative with services ordered by a juvenile court under a child welfare case; and

(vi) If the offender has been convicted of a crime against a child.

(b) If a report is required from a tribal child welfare agency, the department shall attempt to obtain information that is similar to what is required for the report provided by the children's administration in a timely manner.

(c) If the offender does not have an open child welfare case with the children's administration or with a tribal child welfare agency but has prior involvement, the department will obtain information from the children's administration on the number and type of past substantiated referrals of abuse or neglect and report that information to the court. If the children's administration has never had any substantiated referrals or an open case with the offender, the department will inform the court.

(4) If the sentencing court determines that the offender is eligible for a sentencing alternative under this section and that the sentencing alternative is appropriate and should be imposed, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of twelve months of community

custody. The court shall consider the offender's criminal history when determining if the alternative is appropriate.

(5) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate.

(b) The department may impose conditions as authorized in RCW 9.94A.704 that may include, but are not limited to:

- (i) Parenting classes;
- (ii) Chemical dependency treatment;
- (iii) Mental health treatment;
- (iv) Vocational training;
- (v) Offender change programs;
- (vi) Life skills classes.

(c) The department shall report to the court if the offender commits any violations of his or her sentence conditions.

(6) The department shall provide the court with quarterly progress reports regarding the offender's progress in required programming, treatment, and other supervision conditions. When an offender has an open child welfare case, the department will seek to coordinate services with the children's administration.

(7)(a) The court may bring any offender sentenced under this section back into court at any time during the period of community custody on its own initiative to evaluate the offender's progress in treatment, or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody, if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served in confinement under this section.

Sec. 3. RCW 9.94A.501 and 2009 c 376 s 2 are each amended to read as follows:

(1) The department shall supervise every offender convicted of a misdemeanor or gross misdemeanor offense who is sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, for an offense included in (a) and (b) of this subsection. The superior court shall order probation for:

(a) Offenders convicted of fourth degree assault, violation of a domestic violence court order pursuant to RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145, and who also have a prior conviction for one or more of the following:

- (i) A violent offense;
- (ii) A sex offense;
- (iii) A crime against a person as provided in RCW 9.94A.411;
- (iv) Fourth degree assault; or
- (v) Violation of a domestic violence court order; and

(b) Offenders convicted of:

- (i) Sexual misconduct with a minor second degree;
- (ii) Custodial sexual misconduct second degree;
- (iii) Communication with a minor for immoral purposes; and
- (iv) Failure to register pursuant to RCW 9A.44.130.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody whose risk assessment, conducted

pursuant to subsection (6) of this section, classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense as defined in RCW 9.94A.030;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Was sentenced under RCW 9.94A.650, 9.94A.660, section 2 of this act, or 9.94A.670; or

(e) Is subject to supervision pursuant to RCW 9.94A.745.

(5) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under subsection (1), (2), (3), or (4) of this section.

(6) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section.

Sec. 4. RCW 9.94A.505 and 2009 c 389 s 1 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(viii) Section 2 of this act, relating to the parenting sentencing alternative;

~~(ix)~~ RCW 9.94A.507, relating to certain sex offenses;

~~((ix))~~ ~~(x)~~ RCW 9.94A.535, relating to exceptional sentences;

~~((x))~~ ~~(xi)~~ RCW 9.94A.589, relating to consecutive and concurrent sentences;

~~((xi))~~ ~~(xii)~~ RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

Sec. 5. RCW 9.94A.701 and 2009 c 375 s 5 are each amended to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody for three years:

(a) A sex offense not sentenced under RCW 9.94A.507;

(b) A serious violent offense; or

(c) A violation of RCW 9A.44.130(11)(a) committed on or after June 7, 2006, when a court sentences the person to a term of confinement of one year or less.

(2) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for eighteen months when the court sentences the person to the custody of the department for a violent offense that is not considered a serious violent offense.

(3) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for one year when the court sentences the person to the custody of the department for:

(a) Any crime against persons under RCW 9.94A.411(2);

(b) An offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate; or

(c) A felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000.

(4) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.660.

(5) If an offender is sentenced under the special ~~((sexual-sex))~~ sex offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.

(6) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.

(7) If an offender is sentenced under the parenting sentencing alternative, the court shall impose a term of community custody as provided in section 2 of this act.

(8) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.507, the court shall impose community custody as provided in that section.

~~((8))~~ (9) The term of community custody specified by this section shall be reduced by the court whenever an offender's standard range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime as provided in RCW 9A.20.021.

Sec. 6. RCW 9.94A.728 and 2009 c 455 s 2, 2009 c 441 s 1, and 2009 c 399 s 1 are each reenacted and amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) An offender may earn early release time as authorized by RCW 9.94A.729;

(2) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(3)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious and is expected to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and

(iii) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time.

(e) Persistent offenders are not eligible for extraordinary medical placement;

(4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(5) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community or no more than the final twelve months of the offender's term of confinement may be served in partial confinement as part of the parenting program in section 8 of this act. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to RCW 9.94A.729(5)(d);

(6) The governor may pardon any offender;

(7) The department may release an offender from confinement any time within ten days before a release date calculated under this section;

(8) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870; and

(9) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540.

Sec. 7. RCW 9.94A.729 and 2009 c 455 s 3 are each amended to read as follows:

(1)(a) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be

for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits.

(b) Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. The department may approve a jail certification from a correctional agency that calculates earned release time based on the actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence.

(2) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(c) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (c)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(d) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(c) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(c) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who is convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2),

or a felony offense under chapter 69.50 or 69.52 RCW, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(5);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan. The voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) For each offender who is the recipient of a rental voucher, the department shall include, concurrent with the data that the department otherwise obtains and records, the housing status of the offender for the duration of the offender's supervision.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

NEW SECTION. Sec. 8. A new section is added to chapter 9.94A RCW to read as follows:

For offenders not sentenced under section 2 of this act, but otherwise eligible under this section, no more than the final twelve months of the offender's term of confinement may be served in partial confinement as home detention as part of the parenting program developed by the department.

(1) The secretary may transfer an offender from a correctional facility to home detention in the community if it is determined that the parenting program is an appropriate placement and when all of the following conditions exist:

(a) The offender is serving a sentence in which the high end of the range is greater than one year;

(b) The offender has no current conviction for a felony that is a sex offense or a violent offense;

(c) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(d) The offender signs any release of information waivers required to allow information regarding current or prior child welfare cases to be shared with the department and the court;

(e) The offender:

(i) Has physical or legal custody of a minor child;

- (ii) Has a proven, established, ongoing, and substantial relationship with his or her minor child that existed prior to the commission of the current offense; or
- (iii) Is a legal guardian of a child that was under the age of eighteen at the time of the current offense; and
- (f) The department determines that such a placement is in the best interests of the child.

(2) When the department is considering partial confinement as part of the parenting program for an offender, the department shall inquire of the individual and the children's administration with the Washington state department of social and health services whether the agency has an open child welfare case or prior substantiated referral for abuse or neglect involving the offender. If the children's administration or a tribal jurisdiction has an open child welfare case, the department will seek input from the children's administration or the involved tribal jurisdiction as to: (a) The status of the child welfare case; and (b) recommendations regarding placement of the offender and services required of the department and the court governing the individual's child welfare case. The department and its officers, agents, and employees are not liable for the acts of offenders participating in the parenting program unless the department or its officers, agents, and employees acted with willful and wanton disregard.

(3) All offenders placed on home detention as part of the parenting program shall provide an approved residence and living arrangement prior to transfer to home detention.

(4) While in the community on home detention as part of the parenting program, the department shall:

- (a) Require the offender to be placed on electronic home monitoring;
- (b) Require the offender to participate in programming and treatment that the department determines is needed;
- (c) Assign a community corrections officer who will monitor the offender's compliance with conditions of partial confinement and programming requirements; and
- (d) If the offender has an open child welfare case with the children's administration, collaborate and communicate with the identified social worker in the provision of services.

(5) The department has the authority to return any offender serving partial confinement in the parenting program to total confinement if the offender is not complying with sentence requirements.

Sec. 9. RCW 9.94A.734 and 2007 c 199 s 9 are each amended to read as follows:

(1) Home detention may not be imposed for offenders convicted of the following offenses, unless imposed as partial confinement in the department's parenting program under section 8 of this act:

- (a) A violent offense;
- (b) Any sex offense;
- (c) Any drug offense;
- (d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;
- (e) Assault in the third degree as defined in RCW 9A.36.031;
- (f) Assault of a child in the third degree;
- (g) Unlawful imprisonment as defined in RCW 9A.40.040; or
- (h) Harassment as defined in RCW 9A.46.020.

Home detention may be imposed for offenders convicted of possession of a controlled substance under RCW 69.50.4013 or forged prescription for a controlled substance under RCW 69.50.403 if the offender fulfills the participation conditions set forth in this section and is monitored for drug use by a treatment alternatives to street crime program or a comparable court or agency-referred program.

(2) Home detention may be imposed for offenders convicted of burglary in the second degree as defined in RCW 9A.52.030 or residential burglary conditioned upon the offender:

- (a) Successfully completing twenty-one days in a work release program;
 - (b) Having no convictions for burglary in the second degree or residential burglary during the preceding two years and not more than two prior convictions for burglary or residential burglary;
 - (c) Having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense;
 - (d) Having no prior charges of escape; and
 - (e) Fulfilling the other conditions of the home detention program.
- (3) Home detention may be imposed for offenders convicted of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, theft of a motor vehicle as defined under RCW 9A.56.065, or possession of a stolen motor vehicle as defined under RCW 9A.56.068 conditioned upon the offender:
- (a) Having no convictions for taking a motor vehicle without permission, theft of a motor vehicle or possession of a stolen motor vehicle during the preceding five years and not more than two prior convictions for taking a motor vehicle without permission, theft of a motor vehicle or possession of a stolen motor vehicle;
 - (b) Having no convictions for a violent felony offense during the preceding two years and not more than two prior convictions for a violent felony offense;
 - (c) Having no prior charges of escape; and
 - (d) Fulfilling the other conditions of the home detention program.
- (4) Participation in a home detention program shall be conditioned upon:

- (a) The offender obtaining or maintaining current employment or attending a regular course of school study at regularly defined hours, or the offender performing parental duties to offspring or minors normally in the custody of the offender;
- (b) Abiding by the rules of the home detention program; and
- (c) Compliance with court-ordered legal financial obligations.

The home detention program may also be made available to offenders whose charges and convictions do not otherwise disqualify them if medical or health-related conditions, concerns or treatment would be better addressed under the home detention program, or where the health and welfare of the offender, other inmates, or staff would be jeopardized by the offender's incarceration. Participation in the home detention program for medical or health-related reasons is conditioned on the offender abiding by the rules of the home detention program and complying with court-ordered restitution.

Sec. 10. RCW 9.94A.190 and 2009 c 28 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state, or in home detention pursuant to section 8 of this act. Except as provided in subsection (3) or (5) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the offender or a member of the offender's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.589.

(4) Notwithstanding any other provision of this section, a sentence imposed pursuant to RCW 9.94A.660 which has a standard sentence range of over one year, regardless of length, shall be served in a facility or institution operated, or utilized under contract, by the state.

(5) Sentences imposed pursuant to RCW 9.94A.507 shall be served in a facility or institution operated, or utilized under contract, by the state.

Sec. 11. RCW 9.94A.6332 and 2009 c 375 s 14 are each amended to read as follows:

The procedure for imposing sanctions for violations of sentence conditions or requirements is as follows:

(1) If the offender was sentenced under the drug offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.660.

(2) If the offender was sentenced under the special ~~((sexual {sex}))~~ sex offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.670.

(3) If the offender was sentenced under the parenting sentencing alternative, any sanctions shall be imposed by the department or by the court pursuant to section 2 of this act.

~~(4)~~ (4) If a sex offender was sentenced pursuant to RCW 9.94A.507, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

~~((4))~~ (5) In any other case, if the offender is being supervised by the department, any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, upon receipt of a violation hearing report from the department, the court retains any authority that those statutes provide to respond to a probationer's violation of conditions.

~~((5))~~ (6) If the offender is not being supervised by the department, any sanctions shall be imposed by the court pursuant to RCW 9.94A.6333.

Sec. 12. RCW 9.94A.633 and 2009 c 375 s 12 are each amended to read as follows:

(1)(a) An offender who violates any condition or requirement of a sentence may be sanctioned with up to sixty days' confinement for each violation.

(b) In lieu of confinement, an offender may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728(2), the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the offender was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the offender may be sanctioned in accordance with that section.

(c) If the offender was sentenced under the parenting sentencing alternative set out in section 2 of this act, the offender may be sanctioned in accordance with that section.

~~(d)~~ (d) If the offender was sentenced under the special ~~((sexual {sex}))~~ sex offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the offender committed to serve the original sentence of confinement.

~~((d))~~ (e) If the offender was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the offender may be reclassified to serve the unexpired term of his or her sentence in total confinement.

~~((e))~~ (f) If a sex offender was sentenced pursuant to RCW 9.94A.507, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. The department shall provide a copy of the violation hearing report to the sentencing court in a timely manner. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

NEW SECTION. **Sec. 13.** The department of corrections in coordination with the department of social and health services and the administrator for the courts shall, within available resources, identify the offenders and the children of offenders who participate in the parenting sentencing alternative and the parenting program and track recidivism, involvement in the juvenile justice system, and the utilization of services including, but not limited to, foster care placement, dependency actions, and mental health and substance abuse counseling. The department of corrections shall make a preliminary report to the legislature by November 1, 2012, and shall make a final report no later than November 1, 2014."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2010

2SSB 6702 Prime Sponsor, Committee on Ways & Means: Providing education programs for juveniles in adult jails. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier,

Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

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

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

The Speaker (Representative Moeller presiding) called upon Representative Santos to preside.

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

HB 3208 by Representatives Haigh and Dammeier

AN ACT Relating to indemnification agreements involving design professionals; and amending RCW 4.24.115.

Referred to Committee on Judiciary.

HB 3209 by Representatives Clibborn, Rolfes and Seaquist

AN ACT Relating to managing costs of the ferry system; and creating a new section.

Referred to Committee on Transportation.

HB 3210 by Representatives Walsh and Armstrong

AN ACT Relating to delaying the implementation dates for long-term care worker training and certification; and amending RCW 74.39A.073, 74.39A.075, 74.39A.085, 74.39A.340, 18.88B.020, 18.88B.040, 18.88B.050, and 18.88A.115.

Referred to Committee on Ways & Means.

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

SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 26, 2010

SSB 6217 Prime Sponsor, Committee on Transportation: Retroactively applying certain intermediate license law amendments made during the 2009 legislative session. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 26, 2010

SB 6330

Prime Sponsor, Senator Kohl-Welles: Permitting the placement of human trafficking informational posters in rest areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 27, 2010

SSB 6350

Prime Sponsor, Committee on Natural Resources, Ocean & Recreation: Concerning marine waters management that includes marine spatial planning. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 14.** (1) The legislature finds that:

(a) Native American tribes have depended on the state's marine waters and its resources for countless generations and continue to do so for cultural, spiritual, economic, and subsistence purposes.

(b) The state has long demonstrated a strong commitment to protecting the state's marine waters, which are abundant in natural resources, contain a treasure of biological diversity, and are a source of multiple uses by the public supporting the economies of nearby communities as well as the entire state. These multiple uses include, but are not limited to: Marine-based industries and activities such as cargo, fuel, and passenger transportation; commercial, recreational, and tribal fishing; shellfish aquaculture; telecommunications and energy infrastructure; seafood processing; tourism; scientific research; and many related goods and services. These multiple uses as well as new emerging uses, such as renewable ocean energy, constitute a management challenge for sustaining resources and coordinating state decision making in a proactive, comprehensive and ecosystem-based manner.

(c) Washington's marine waters are part of a west coast-wide large marine ecosystem known as the California current, and the Puget Sound and Columbia river estuaries constitute two of the three largest estuaries that are part of this large marine ecosystem. Puget Sound and the Columbia river are estuaries of national significance under the national estuary program, and the outer coast includes the Olympic national marine sanctuary.

(d) Washington is working in cooperation with the states of Oregon and California and federal agencies on ocean and ocean health management issues through the west coast governors' agreement on ocean health, and with the government of British Columbia on shared waters management issues through the British Columbia-Washington coastal and ocean task force.

(e) Washington has initiated comprehensive management programs to protect and promote compatible uses of these waters. These include: The development of a comprehensive ecosystem-based management plan known as the Puget Sound action agenda; shoreline plans for shorelines around the state; management plans for state-owned aquatic lands and their associated waters statewide; and watershed and salmon recovery management plans in the upland areas of Puget Sound, the coast, and the Columbia river. Data and

data management tools have also been developed to support these management and planning activities, such as the coastal atlas managed by the department of ecology and the shore zone database managed by the department of natural resources.

(f) For marine waters specifically, Washington has formed several mechanisms to improve coordination and management. A legislatively authorized task force formed by the governor identified priority recommendations for improving state management of ocean resources through Washington's ocean action plan in 2006. The governor further formed an ongoing interagency team that assists the department of ecology in implementing these recommendations. There is an extensive network of marine resources committees within Puget Sound and on the outer coast and the Columbia river to promote and support local involvement identifying and conducting local priority marine projects and some have been involved in local planning and management. Through the Olympic coast intergovernmental policy council, the state has also formalized its working relationship with coastal tribes and the federal government in the management of the Olympic coast national marine sanctuary.

(g) Reports by the United States commission on oceans policy, the Pew oceans commission, and the joint oceans commission initiative recommend the adoption of a national ocean policy under which states and coastal communities would have a principal role in developing and implementing ecosystem-based management of marine waters. Acting on these recommendations, the president of the United States recently formed an interagency ocean policy task force charged with developing a national ocean policy and a framework for marine spatial planning that involves all governmental levels, including state, tribal, and local governments. To further develop and implement such a planning framework, it is anticipated that federal cooperation and support will be available to coastal states that are engaged in marine and coastal resource management and planning, including marine spatial planning.

(2) The purpose of this chapter is to build upon existing statewide Puget Sound, coastal, and Columbia river efforts. When resources become available, the state intends to augment the marine spatial component of existing plans and to improve the coordination among state agencies in the development and implementation of marine management plans.

(3) It is also the purpose of this chapter to establish policies to guide state agencies and local governments when exercising jurisdiction over proposed uses and activities in these waters. Specifically, in conducting marine spatial planning, and in augmenting existing marine management plans with marine spatial planning components, the state must:

(a) Continue to recognize the rights of native American tribes regarding marine natural resources;

(b) Base all planning on best available science. This includes identifying gaps in existing information, recommend a strategy for acquiring science needed to strengthen marine spatial plans, and create a process to adjust plans once additional scientific information is available;

(c) Coordinate with all stakeholders, including marine resources committees and nongovernmental organizations, that are significantly involved in the collection of scientific information, ecosystem protection and restoration, or other activities related to marine spatial planning;

(d) Recognize that marine ecosystems span tribal, state, and international boundaries and that planning has to be coordinated with all entities with jurisdiction or authority in order to be effective;

(e) Establish or further promote an ecosystem-based management approach including linking marine spatial plans to adjacent nearshore and upland spatial or ecosystem-based plans;

(f) Ensure that all marine spatial plans are linked to measurable environmental outcomes;

(g) Establish a performance management system to monitor implementation of any new marine spatial plan;

(h) Establish an ocean stewardship policy that takes into account the existing natural, social, cultural, historic, and economic uses;

(i) Recognize that commercial, tribal, and recreational fisheries, and shellfish aquaculture are an integral part of our state's culture and contribute substantial economic benefits;

(j) Value biodiversity and ecosystem health, and protect special, sensitive, or unique estuarine and marine life and habitats, including important spawning, rearing, and migration areas for finfish, marine mammals, and productive shellfish habitats;

(k) Integrate this planning with existing plans and ongoing planning in the same marine waters and provide additional mechanisms for improving coordination and aligning management;

(l) Promote recovery of listed species under state and federal endangered species acts plans pursuant to those plans; and

(m) Fulfill the state's public trust and tribal treaty trust responsibilities in managing the state's ocean waters in a sustainable manner for current and future generations.

NEW SECTION. Sec. 15. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aquatic lands" includes all tidelands, shorelands, harbor areas, and the beds of navigable waters, and must be construed to be coextensive with the term "aquatic lands" as defined in RCW 79.105.060.

(2) "Exclusive economic zone waters" means marine waters from the offshore state boundary to the boundary of the exclusive economic zone, over which the United States government has primary jurisdiction.

(3) "Marine counties" includes Clallam, Jefferson, Grays Harbor, Wahkiakum, San Juan, Whatcom, Skagit, Island, Snohomish, King, Pierce, Thurston, Mason, Kitsap, and Pacific counties.

(4) "Marine ecosystem" means the physical, biological, and chemical components and processes and their interactions in marine waters and aquatic lands, including humans.

(5) "Marine interagency team" or "team" means the marine interagency team created under section 3 of this act.

(6) "Marine management plan" and "marine waters management plan" means any plan guiding activities on and uses of the state's marine waters, and may include a marine spatial plan or element.

(7) "Marine resources committees" means those committees organized under RCW 36.125.020 or by counties within the Northwest straits marine conservation initiative.

(8) "Marine spatial planning" means a public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives. Often this type of planning is done to reduce conflicts among uses, to reduce environmental impacts, to facilitate compatible uses, to align management decisions, and to meet other objectives determined by the planning process.

(9) "Marine waters" means aquatic lands and waters under tidal influence, including saltwaters and estuaries to the ordinary high water mark lying within the boundaries of the state. This definition also includes the portion of the Columbia river bordering Pacific and Wahkiakum counties, Willapa Bay, Grays Harbor, the Strait of Juan de Fuca, and the entire Puget Sound.

NEW SECTION. Sec. 16. (1) The office of the governor shall chair a marine interagency team that is composed of representatives of each of the agencies in the governor's natural resources cabinet with management responsibilities for marine waters, including the independent agencies. A representative from a federal agency with lead responsibility for marine spatial planning must be invited to serve as a liaison to the team to help ensure consistency with federal actions and policy. The team must conduct the assessment authorized in section 4 of this act, assist state agencies under section 5 of this act with the review and coordination of such planning with their existing

and ongoing planning, and conduct the marine management planning authorized in section 6 of this act.

(2) The team may not commence any activities authorized under sections 5 and 6 of this act until federal, private, or other nonstate funding is secured specifically for these activities.

NEW SECTION. Sec. 17. (1) The marine interagency team created in section 3 of this act must assess and recommend a framework for conducting marine spatial planning and integrating the planning into existing management plans. The assessment must include, but not be limited to, recommendations for:

- (a) Including a marine spatial component into the Puget Sound action agenda;
- (b) Integrating marine spatial planning into management efforts for the Columbia river estuary, working with the state of Oregon; and
- (c) Developing a marine management plan containing a marine spatial component for the outer coast, to be incorporated within the comprehensive marine management plan authorized under section 6 of this act.

(2) The assessment authorized under subsection (1) of this section must also:

- (a) Summarize existing goals and objectives for: Plans in Puget Sound, the Columbia river estuary, and the outer coast, including the Puget Sound action agenda; shoreline plans for shorelines around the state; management plans for state-owned aquatic lands and their associated waters statewide; and watershed and salmon recovery management plans;
- (b) Develop recommended goals and objectives for marine spatial planning that integrate with existing policies and regulations, and recommend a schedule to develop marine ecosystem health indicators, considering the views and recommendations of affected stakeholders and governmental agencies;
- (c) Summarize how the existing goals and objectives as well as recommended goals and objectives are consistent or inconsistent with those adopted by other states for the west coast large marine ecosystem, and with those goals and objectives articulated in relevant national oceans policies and the national framework for marine spatial planning;
- (d) Identify the existing management activities and spatial data related to these priorities and objectives and the key needs for incorporating marine spatial planning into existing statewide plans; and
- (e) Provide recommendations on achieving a unified approach to database management and delivery that would support marine spatial planning throughout the state.

(3) The results of this assessment must be provided to the appropriate legislative committees by December 15, 2010.

(4) This section expires June 30, 2011.

NEW SECTION. Sec. 18. (1) Concurrently or prior to the assessment and planning activities provided in sections 4 and 6 of this act, and subject to available federal, private, or other nonstate funding for this purpose, all state agencies with marine waters planning and management responsibilities are authorized to include marine spatial data and marine spatial planning elements into their existing plans and ongoing planning.

(2) The director of the Puget Sound partnership under the direction of the leadership council created in RCW 90.71.220 must integrate marine spatial information and planning provisions into the action agenda. The information should be used to address gaps or improve the effectiveness of the spatial planning component of the action agenda, such as in addressing potential new uses such as renewable energy projects.

(3) The governor and the commissioner of public lands, working with appropriate marine management and planning agencies, should work cooperatively with the applicable west coast states, Canadian provinces, and with federal agencies, through existing cooperative entities such as the west coast governor's agreement on ocean health,

the coastal and oceans task force, the Pacific coast collaborative, the Puget Sound federal caucus, and the United States and Canada cooperative agreement working group, to explore the benefits of developing joint marine spatial plans or planning frameworks in the shared waters of the Salish Sea, the Columbia river estuary, and in the exclusive economic zone waters. The governor and commissioner may approve the adoption of shared marine spatial plans or planning frameworks where they determine it would further policies of this chapter and chapter 43.143 RCW.

(4) On an ongoing basis, the director of the department of ecology shall work with other state agencies with marine management responsibilities, tribal governments, marine resources committees, local and federal agencies, and marine waters stakeholders to compile marine spatial information and to incorporate this information into ongoing plans. This work may be integrated with the comprehensive marine management plan authorized under section 6 of this act when that planning process is initiated.

(5) All actions taken to implement this section must be consistent with section 8 of this act.

NEW SECTION. Sec. 19. (1) Upon the receipt of federal, private, or other nonstate funding for this purpose, together with any required match of state funding that may be specifically provided for this purpose, the marine interagency team shall coordinate the development of a comprehensive marine management plan for the state's marine waters. The marine management plan must include marine spatial planning, as well as recommendations to the appropriate federal agencies regarding the exclusive economic zone waters. The plan may be developed in geographic segments, and may incorporate or be developed as an element of existing marine plans, such as the Puget Sound action agenda. The chair of the team may designate a state agency with marine management responsibilities to take the lead in developing and recommending to the team particular segments or elements of the comprehensive marine management plan.

(2) The marine management plan must be developed and implemented in a manner that:

- (a) Recognizes and respects existing uses and tribal treaty rights;
- (b) Promotes protection and restoration of ecosystem processes to a level that will enable long-term sustainable production of ecosystem goods and services;
- (c) Addresses potential impacts of climate change and sea level rise upon current and projected marine waters uses and shoreline and coastal impacts;
- (d) Fosters and encourages sustainable uses that provide economic opportunity without significant adverse environmental impacts;
- (e) Preserves and enhances public access;
- (f) Protects and encourages working waterfronts and supports the infrastructure necessary to sustain marine industry, commercial shipping, shellfish aquaculture, and other water-dependent uses;
- (g) Fosters public participation in decision making and significant involvement of communities adjacent to the state's marine waters; and
- (h) Integrates existing management plans and authorities and makes recommendations for aligning plans to the extent practicable.

(3) To ensure the effective stewardship of the state's marine waters held in trust for the benefit of the people, the marine management plan must rely upon existing data and resources, but also identify data gaps and, as possible, procure missing data necessary for planning.

(4) The marine management plan must include but not be limited to:

- (a) An ecosystem assessment that analyzes the health and status of Washington marine waters including key social, economic, and ecological characteristics and incorporates the best available scientific information, including relevant marine data. This assessment should seek to identify key threats to plan goals, analyze risk and management scenarios, and develop key ecosystem indicators. In

addition, the plan should incorporate existing adaptive management strategies underway by local, state, or federal entities and provide an adaptive management element to incorporate new information and consider revisions to the plan based upon research, monitoring, and evaluation;

(b) Using and relying upon existing plans and processes and additional management measures to guide decisions among uses proposed for specific geographic areas of the state's marine and estuarine waters consistent with applicable state laws and programs that control or address developments in the state's marine waters;

(c) A series of maps that, at a minimum, summarize available data on: The key ecological aspects of the marine ecosystem, including physical and biological characteristics, as well as areas that are environmentally sensitive or contain unique or sensitive species or biological communities that must be conserved and warrant protective measures; human uses of marine waters, particularly areas with high value for fishing, shellfish aquaculture, recreation, and maritime commerce; and appropriate locations with high potential for renewable energy production with minimal potential for conflicts with other existing uses or sensitive environments;

(d) An element that sets forth the state's recommendations to the federal government for use priorities and limitations, siting criteria, and protection of unique and sensitive biota and ocean floor features within the exclusive economic zone waters consistent with the policies and management criteria contained in this chapter and chapter 43.143 RCW;

(e) An implementation strategy describing how the plan's management measures and other provisions will be considered and implemented through existing state and local authorities; and

(f) A framework for coordinating state agency and local government review of proposed renewable energy development uses requiring multiple permits and other approvals that provide for the timely review and action upon renewable energy development proposals while ensuring protection of sensitive resources and minimizing impacts to other existing or projected uses in the area.

(5) If the director of the department of fish and wildlife determines that a fisheries management element is appropriate for inclusion in the marine management plan, this element may include the incorporation of existing management plans and procedures and standards for consideration in adopting and revising fisheries management plans in cooperation with the appropriate federal agencies and tribal governments.

(6) Any provision of the marine management plan that does not have as its primary purpose the management of commercial or recreational fishing but that has an impact on this fishing must minimize the negative impacts on the fishing. The team must accord substantial weight to recommendations from the director of the department of fish and wildlife for plan revisions to minimize the negative impacts.

(7) The marine management plan must recognize and value existing uses. All actions taken to implement this section must be consistent with section 8 of this act.

(8) The marine management plan must identify any provisions of existing management plans that are substantially inconsistent with the plan.

(9)(a) In developing the marine management plan, the team shall implement a strong public participation strategy that seeks input from throughout the state and particularly from communities adjacent to marine waters. Public review and comment must be sought and incorporated with regard to planning the scope of work as well as in regard to significant drafts of the plan and plan elements.

(b) The team must engage tribes and marine resources committees in its activities throughout the planning process. In particular, prior to finalizing the plan, the team must provide each tribe and marine resources committee with a draft of the plan and invite them to review and comment on the plan.

(10) The team must complete the plan within twenty-four months of the initiation of planning under this section.

(11) The director of the department of ecology shall submit the completed marine management plan to the appropriate federal agency for its review and approval for incorporation into the state's federally approved coastal zone management program.

(12) Subsequent to the adoption of the marine management plan, the team may periodically review and adopt revisions to the plan to incorporate new information and to recognize and incorporate provisions in other marine management plans. The team must afford the public an opportunity to review and comment upon significant proposed revisions to the marine management plan.

NEW SECTION. Sec. 20. (1) Upon the adoption of the marine management plan under section 6 of this act, each state agency and local government must make decisions in a manner that ensures consistency with applicable legal authorities and conformance with the applicable provisions of the marine management plan to the greatest extent possible.

(2) The director of the department of ecology, in coordination with the team, shall periodically review existing management plans maintained by state agencies and local governments that cover the same marine waters as the marine management plan under section 6 of this act, and for any substantial inconsistency with the marine management plan the director shall make recommendations to the agency or to the local government for revisions to eliminate the inconsistency.

(3) Not later than four years following adoption of the marine management plan under section 6 of this act, the department of ecology, in coordination with the team, shall report to the appropriate marine waters committees in the senate and house of representatives describing provisions of existing management plans that are substantially inconsistent with the marine management plan under section 6 of this act, and making recommendations for eliminating the inconsistency.

(4) All actions taken to implement this section must be consistent with section 8 of this act. In the event of a conflict between the marine management plan and local ordinances and regulations, local ordinances and regulations shall control.

NEW SECTION. Sec. 21. No authority is created under this chapter to affect in any way any project, use, or activity in the state's marine waters existing prior to or during the development and review of the marine management plan. No authority is created under this chapter to supersede the current authority of any state agency or local government.

NEW SECTION. Sec. 22. A new section is added to chapter 43.21F RCW to read as follows:

(1) In addition to the duties prescribed in RCW 43.21F.045, the department must develop guidance applicable to all state agencies for achieving a unified state position upon matters involving the siting and operation of renewable energy facilities in the state's coastal and estuarine marine waters. The guidance must provide procedures for coordinating the views and responsibilities of any state agency with jurisdiction or expertise over the matter under consideration, which may include federal policy proposals, activities, permits, licenses, or the extension of funding for activities in or affecting the state's marine waters. In developing the guidance, the director must consult with agencies with primary responsibilities for permitting and management of marine waters and bedlands, including the departments of natural resources, ecology, transportation, and fish and wildlife, and the state parks and recreation commission, the Puget Sound partnership, and the energy facility site evaluation council. The director must also consult and incorporate relevant information from the regional activities related to renewable energy siting in marine waters, including those under the west coast governors' agreement on ocean health.

(2) The director may not commence development of the guidance until federal, private, or other nonstate funding is secured for this activity. The director must adopt the guidance within one year of securing such funds.

(3) This section is intended to promote consistency and multiple agency coordination in developing positions and exercising jurisdiction in matters involving the siting and operation of renewable energy facilities and does not diminish or abrogate the authority or jurisdiction of any state agency over such matters established under any other law.

NEW SECTION. Sec. 23. (1) The marine resources stewardship trust account is created in the state treasury. All receipts from income derived from the investment of amounts credited to the account, any grants, gifts, or donations to the state for the purposes of marine management planning, marine spatial planning, data compilation, research, or monitoring, and any appropriations made to the account must be deposited in the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may only be used for the purposes of marine management planning, marine spatial planning, research, monitoring, implementation of the marine management plan, and for the restoration or enhancement of marine habitat or resources.

Sec. 24. RCW 43.84.092 and 2009 c 479 s 31, 2009 c 472 s 5, and 2009 c 451 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account,

the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express

account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 25. Sections 1 through 8 and 10 of this act constitute a new chapter in Title 43 RCW."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Bailey, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 26, 2010
SB 6555 Prime Sponsor, Senator Tom: Removing state route number 908 from the state highway system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 26, 2010
SSB 6577 Prime Sponsor, Committee on Transportation: Modifying the transportation system policy goals. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 26, 2010
SSB 6580 Prime Sponsor, Committee on Transportation: Creating the local bridge restoration and replacement account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

February 26, 2010
SSB 6816 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Concerning special permitting for certain farm implements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove and Wood.

Passed to Committee on Rules for second reading.

THIRD SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 27, 2010
HB 2576 Prime Sponsor, Representative Kenney: Restructuring fees for the division of corporations and affirming authority to establish fees for the charities program of the office of the secretary of state. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

March 1, 2010
HB 3027 Prime Sponsor, Representative Ormsby: Regarding the governance and financing of the Washington state convention and trade center. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

February 27, 2010

HB 3178 Prime Sponsor, Representative Carlyle: Creating efficiencies in the use of technology in state government. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representative Bailey, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 1, 2010

HB 3181 Prime Sponsor, Representative Ormsby: Concerning the clean water act of 2010 funding cleanup of water pollution and other programs necessary for the health and well-being of Washington citizens through an increase in the tax on hazardous substances. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Capital Budget. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

February 27, 2010

HB 3182 Prime Sponsor, Representative Alexander: Making unfunded mandates optional on local governments. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

March 1, 2010

HB 3186 Prime Sponsor, Representative Pettigrew: Concerning the taxation of community residential services. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

February 27, 2010

ESSB 5902 Prime Sponsor, Committee on Ways & Means: Promoting accessible communities for persons with disabilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Human Services. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

March 1, 2010

ESSB 6051 Prime Sponsor, Committee on Ways & Means: Removing an expiration date applicable to heritage and arts program funding. (REVISED FOR ENGROSSED: Concerning lodging taxes.) Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 1, 2010

SB 6206 Prime Sponsor, Senator Haugen: Authorizing extensions of the due dates for filing tax incentive accountability reports and surveys with the department of revenue. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

Passed to Committee on Rules for second reading.

February 26, 2010
SSB 6207 Prime Sponsor, Committee on Transportation:
 Allowing local governments to create golf cart
 zones. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed
 by Representatives Clibborn, Chair; Liias, Vice Chair; Roach,
 Ranking Minority Member; Rodne, Assistant Ranking
 Minority Member; Armstrong; Campbell; Driscoll; Eddy;
 Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert;
 Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea;
 Simpson; Springer; Takko; Uptegrove and Wood.

Passed to Committee on Rules for second reading.

February 27, 2010
SSB 6374 Prime Sponsor, Committee on Ways & Means:
 Regarding fiscal note instructions. Reported by
 Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by
 Representatives Linville, Chair; Ericks, Vice Chair; Sullivan,
 Vice Chair; Dammeier, Assistant Ranking Minority Member;
 Conway; Darneille; Haigh; Hunt; Kagi; Kenney; Kessler;
 Pettigrew; Priest and Seaquist.

MINORITY recommendation: Do not pass. Signed by
 Representatives Alexander, Ranking Minority Member;
 Bailey, Assistant Ranking Minority Member; Chandler; Cody;
 Hinkle; Hunter; Ross and Schmick.

Passed to Committee on Rules for second reading.

March 1, 2010
ESSB 6424 Prime Sponsor, Committee on Ways & Means:
 Concerning local excise tax authorities for
 counties and cities. Reported by Committee on
 Finance

MAJORITY recommendation: Do pass. Signed by
 Representatives Hunter, Chair; Hasegawa, Vice Chair;
 Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by
 Representatives Orcutt, Ranking Minority Member; Parker,
 Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

February 27, 2010
SB 6453 Prime Sponsor, Senator Hobbs: Addressing
 shared leave for members of the law enforcement
 officers' and firefighters' retirement system, plan
 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by
 Representatives Linville, Chair; Ericks, Vice Chair; Sullivan,
 Vice Chair; Alexander, Ranking Minority Member; Bailey,
 Assistant Ranking Minority Member; Dammeier, Assistant
 Ranking Minority Member; Chandler; Cody; Conway;
 Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney;
 Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

February 27, 2010
ESSB 6476 Prime Sponsor, Committee on Human Services &
 Corrections: Revising provisions relating to sex
 crimes involving minors. Reported by Committee
 on Ways & Means

MAJORITY recommendation: Do pass as amended by
 Committee on Ways & Means and without amendment by
 Committee on Human Services. Signed by Representatives
 Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair;
 Alexander, Ranking Minority Member; Bailey, Assistant
 Ranking Minority Member; Dammeier, Assistant Ranking
 Minority Member; Chandler; Cody; Conway; Darneille;
 Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler;
 Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 27, 2010
2SSB 6515 Prime Sponsor, Committee on Ways & Means:
 Refocusing the department of commerce,
 including transferring programs. Reported by
 Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by
 Committee on Ways & Means and without amendment by
 Committee on Community & Economic Development &
 Trade. Signed by Representatives Linville, Chair; Ericks, Vice
 Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh;
 Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by
 Representatives Alexander, Ranking Minority Member;
 Bailey, Assistant Ranking Minority Member; Dammeier,
 Assistant Ranking Minority Member; Chandler; Hinkle; Priest;
 Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2010
2SSB 6575 Prime Sponsor, Committee on Ways & Means:
 Concerning the recommendations of the joint
 legislative task force on the underground
 economy. Reported by Committee on Ways &
 Means

MAJORITY recommendation: Do pass as amended by
 Committee on Ways & Means and without amendment by
 Committee on Commerce & Labor. Signed by Representatives
 Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair;
 Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi;
 Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by
 Representatives Alexander, Ranking Minority Member;
 Bailey, Assistant Ranking Minority Member; Dammeier,
 Assistant Ranking Minority Member; Chandler; Hinkle; Priest;
 Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2010

2SSB 6667 Prime Sponsor, Committee on Ways & Means:
Concerning business assistance programs.
Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Community & Economic Development & Trade. Signed by Representatives Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler and Pettigrew.

MINORITY recommendation: Do not pass. Signed by Representatives Linville, Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 27, 2010

E2SSB 6696 Prime Sponsor, Committee on Ways & Means:
Regarding education reform. Reported by
Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Education. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2010

ESSB 6724 Prime Sponsor, Committee on Government
Operations & Elections: Allowing employees of a
school district or educational service district to
share leave with employees in another agency.
(REVISED FOR ENGROSSED: Addressing the
shared leave program.) Reported by Committee
on Ways & Means

MAJORITY recommendation: Do pass as amended. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

February 27, 2010

ESSB 6726 Prime Sponsor, Committee on Labor, Commerce
& Consumer Protection: Making the governor the
public employer of language access providers.
Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor. Signed by Representatives

Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Linville, Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

March 1, 2010

ESSB 6737 Prime Sponsor, Committee on Ways & Means:
Providing an exemption from property tax for
aircraft used to provide air ambulance services for
nonprofits. (REVISED FOR ENGROSSED:
Providing an exemption from property tax for
aircraft used to provide air ambulance services.)
Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta.

Passed to Committee on Rules for second reading.

February 27, 2010

2SSB 6760 Prime Sponsor, Committee on Ways & Means:
Regarding the basic education instructional
allocation distribution formula. Reported by
Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Education Appropriations. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

FOURTH SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 1, 2010

SSB 6363 Prime Sponsor, Committee on Transportation:
Concerning the enforcement of certain school or
playground crosswalk violations. Reported by
Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert;

Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

March 1, 2010

SSB 6380 Prime Sponsor, Committee on Transportation: Concerning the purchase of wetland mitigation bank credits by the department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Dickerson; Driscoll; Eddy; Finn; Flannigan; Moeller; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Erickson; Herrera; Johnson; Klippert; Kristiansen; Nealey and Shea.

Passed to Committee on Rules for second reading.

March 1, 2010

SB 6487 Prime Sponsor, Senator Franklin: Repealing the expiration of the fair payment for chiropractic services requirement. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

March 1, 2010

2ESSB 6508 Prime Sponsor, Committee on Government Operations & Elections: Changing the class of persons entitled to recoveries under a wrongful death action or survival action. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Judiciary. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

March 1, 2010

SSB 6510 Prime Sponsor, Committee on Transportation: Extending state route number 166. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Finn; Flannigan; Johnson; Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Erickson and Herrera.

Passed to Committee on Rules for second reading.

March 1, 2010

SSB 6649 Prime Sponsor, Committee on Transportation: Streamlining the content and release requirements of driving record abstracts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Driscoll; Eddy; Erickson; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

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

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

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- HOUSE BILL NO. 2956
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5543
- SUBSTITUTE SENATE BILL NO. 5668
- SUBSTITUTE SENATE BILL NO. 5798
- SUBSTITUTE SENATE BILL NO. 6192
- SUBSTITUTE SENATE BILL NO. 6208
- SUBSTITUTE SENATE BILL NO. 6214
- SENATE BILL NO. 6218
- SENATE BILL NO. 6219
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6241
- SUBSTITUTE SENATE BILL NO. 6346
- SUBSTITUTE SENATE BILL NO. 6357
- SUBSTITUTE SENATE BILL NO. 6248
- ENGROSSED SENATE BILL NO. 6261
- SUBSTITUTE SENATE BILL NO. 6293
- SUBSTITUTE SENATE BILL NO. 6345
- SUBSTITUTE SENATE BILL NO. 6349
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6359
- SENATE BILL NO. 6379
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6392
- SUBSTITUTE SENATE BILL NO. 6414
- SUBSTITUTE SENATE BILL NO. 6416
- SENATE BILL NO. 6418
- SUBSTITUTE SENATE BILL NO. 6459
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6499

ENGROSSED SUBSTITUTE SENATE BILL NO. 6522
SUBSTITUTE SENATE BILL NO. 6556
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6561
SENATE BILL NO. 6593
ENGROSSED SENATE BILL NO. 6610
SUBSTITUTE SENATE BILL NO. 6611
SENATE BILL NO. 6627
ENGROSSED SUBSTITUTE SENATE BILL NO. 6658
SUBSTITUTE SENATE BILL NO. 6730
SENATE BILL NO. 6745
SUBSTITUTE SENATE BILL NO. 6747
ENGROSSED SENATE BILL NO. 6764
ENGROSSED SUBSTITUTE SENATE BILL NO. 6774
ENGROSSED SUBSTITUTE SENATE BILL NO. 6805
SENATE BILL NO. 6826
SUBSTITUTE SENATE BILL NO. 6831
ENGROSSED SUBSTITUTE SENATE BILL NO. 6468
SENATE JOINT RESOLUTION NO. 8225

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

There being no objection, the House adjourned until 12:00 p.m., March 2, 2010, the 51st Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - REGULAR SESSION

FIFTY FIRST DAY

House Chamber, Olympia, Tuesday, March 2, 2010

The House was called to order at 12:00 p.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by The US Navy/Marine Corps Security Force Battalion Color Guard. The National Anthem was sung by Musician Third Class Sarah Reasner of Navy Band Northwest. The Navy Band Northwest Brass Quintet played "Anchors Away". The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chaplain James Puttler, Navy Regional Northwest Chaplain.

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

RESOLUTION

HOUSE RESOLUTION NO. 4677, by Representatives Bailey, Smith, Seaquist, Upthegrove, Klippert, Ross, Kenney, Fagan, Nealey, Chandler, Warnick, Maxwell, Hinkle, Walsh, Cody, Van De Wege, Takko, Hunt, Finn, Schmick, Haler, Orcutt, Crouse, Kristiansen, Ormsby, Eddy, Carlyle, Alexander, Angel, Dammeier, Ericksen, Short, Campbell, Jacks, Pearson, Hope, and Liias

WHEREAS, Navy personnel have volunteered for many worthwhile causes in Washington State that include blood drives, Relay for Life, Toys for Tots, cleaning beaches, supporting the Special Olympics, building houses with Habitat for Humanity, and a plethora of other services to our community; and

WHEREAS, The Navy has continued construction projects through the economic recession by maintaining a job base in Washington, including American Recovery and Reinvestment Act projects totaling more than 70 million dollars; and

WHEREAS, The Navy has deployed Washington servicemen and women to support the tsunami relief effort in American Samoa; and

WHEREAS, Navy hospital personnel have rapidly deployed to Haiti in response to the tragic earthquake of January 12th; and

WHEREAS, The Navy has deployed ships, squadrons, and individuals to support the mission of Operation Enduring Freedom in Afghanistan; and

WHEREAS, The Navy is at the forefront in exploring alternative energy solutions such as kinetic hydropower and biofuels; and

WHEREAS, The Navy has once again partnered with the State of Washington in providing emergency management training; and

WHEREAS, The Navy continues to partner with our local communities in volunteering for activities such as the high school Remotely Operated Vehicle Challenge, Personal Excellence Partnership, Campaign Drug Free, and Project Good Neighbor; and

WHEREAS, The Navy carries on the tradition of providing leadership in environmental stewardship, as well as education in health, safety, and fitness; and

WHEREAS, By a score of 17 to 3, the Navy Midshipmen football team once again trounced the Army Black Knights;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and express appreciation for all those who have ever served in the United States Navy, and all the family members and friends who shared their sacrifices with them; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize all the many contributions the Navy and its personnel make for everyone living in the United States and the entire global community, and encourage the citizens of Washington State to observe Navy Day which is celebrated on March 2, 2010.

Representative Bailey moved adoption of House Resolution No. 4677.

Representatives Bailey and Seaquist spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4677 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced Rear Admiral James Symonds, Rear Admiral Joe Aucoin, Commander John C. Stennis and Rear Admiral Mark Guadagnini and asked the Chamber to acknowledge them.

MESSAGE FROM THE SENATE

March 1, 2010

Mr. Speaker:

The Senate has passed:

SECOND ENGROSSED HOUSE BILL 1876
HOUSE BILL 2465
SUBSTITUTE HOUSE BILL 2828

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5543, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Pridemore, Oemig, Rockefeller, Fairley, Murray, Kline, Keiser, Shin, Regala, Franklin, McAuliffe, Fraser, Ranker and Kohl-Welles)

**Establishing the product stewardship recycling act for mercury-containing lights. Revised for 1st Substitute:
Reducing the release of mercury into the environment.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environmental Health was adopted. (For Committee amendment, see Journal, Day 38, February 17, 2010).

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

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

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5543, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5543, as amended by the House, and the bill passed the House by the following vote: Yeas, 71; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Chandler, Condotta, Crouse, Dammeier, DeBolt, Fagan, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5543, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6192, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Marr and Brandland)

Providing for modification of the disposition concerning restitution in juvenile cases.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services was adopted. (For Committee amendment, see Journal, Day 43, February 22, 2010).

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

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

Representative Roberts spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6192, as amended by the House.

MOTION

On motion of Representative Hinkle, Representative Walsh was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6192, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Appleton, Chase, Dunshee, Kagi, Liias, Moeller and Roberts.

Excused: Representative Walsh.

SUBSTITUTE SENATE BILL NO. 6192, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6192.
Bob Hasegawa, 11th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6192.
Brad Klippert, 8th District

SECOND READING

SUBSTITUTE SENATE BILL NO. 6208, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Hatfield and Shin)

Concerning temporary agricultural directional signs on state highway rights-of-way. Revised for 1st Substitute: Concerning temporary agricultural directional signs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2010).

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6208, as amended by the House.

MOTION

On motion of Representative Santos, Representative Wallace was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6208, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6208, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6214, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Haugen, Morton, Swecker, Shin, McCaslin, Ranker, Rockefeller, Fairley, Pridemore, Kline, Parlette, Jacobsen, Schoesler, Sheldon, McDermott and Fraser)

Restructuring three growth management hearings boards into one board.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 43, February 22, 2010).

Representative Taylor moved the adoption of amendment (1274) to the committee amendment:

On page 10, beginning on line 29 of the striking amendment, after "created," strike all material through "retirement" on page 11, line 20, and insert "The board shall be comprised of seven members representing specified areas. The members shall hold seats for the represented areas as follows:

(a) Seat 1: Whatcom, Skagit, San Juan, Island, and Snohomish counties;

(b) Seat 2: King, Pierce, Thurston, Kitsap, and Mason counties;
(c) Seat 3: Clallam, Jefferson, Grays Harbor, Pacific, Lewis, Wahkiakum, Cowlitz, and Clark counties;
(d) Seat 4: Okanogan, Chelan, Douglas, Adams, and Grant counties;

(e) Seat 5: Kittitas, Yakima, Benton, Klickitat, and Skamania counties;

(f) Seat 6: Franklin, Walla Walla, Columbia, Garfield, Whitman, and Asotin counties; and

(g) Seat 7: Ferry, Stevens, Pend Oreille, Lincoln, and Spokane counties.

(2) Board members shall be appointed by the county commissioners within the jurisdictional boundary of the seat they represent. The county commissioners of the counties to be represented by the board member shall convene in a joint public meeting to select the board member. The appointment shall occur through a majority vote of the county commissioners. Each county individually must have the quorum required to pass an ordinance in the county in order for the appointment vote to be official. Proxy voting is not allowed.

(3) Three members of the growth management hearings board or the full board shall hear matters subject to board review, with one member being from the county where the matter in question occurred and one member being from a county located on the same side of the state where the matter occurred as determined by the crest of the Cascade mountain range"

On page 11, after line 22 of the striking amendment, strike all material through "reasons" on page 12, line 38, and insert the following:

"(1) (~~Each~~) The growth management hearings board shall consist of (~~three~~) seven members qualified by experience or training in matters pertaining to land use planning and (~~residing within the jurisdictional boundaries of the applicable board. At least one member of each board must be admitted to practice law in this state and at least one member must have been a city or county elected official. Each board shall be appointed by the governor and not more than two members at the time of appointment or during their term shall be members of the same political party~~) as appointed in RCW 36.70A.250. No more than two members at the time of appointment or during their term shall reside in the same county.

(2) Each member of a board shall be appointed for a term of six years and shall not serve more than two terms. A vacancy shall be filled (~~by appointment by the governor for the unexpired portion of the term in which the vacancy occurs. The terms of the first three members of a board shall be staggered so that one member is appointed to serve until July 1, 1994, one member until July 1, 1996, and one member until July 1, 1998~~) in accordance with RCW 36.70A.250(2)"

On page 14, line 18 of the striking amendment, after "~~Each~~" strike "The" and insert "Three-member panels or the full"

On page 14, line 21 of the striking amendment, after "~~board~~" strike "regional" and insert "three-member"

On page 14, line 30 of the striking amendment, after "cases to" strike "regional" and insert "three-member"

Representatives Taylor, Taylor (again) and Hinkle spoke in favor of the adoption of the amendment to the committee amendment.

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

Amendment (1274) to the committee amendment was not adopted.

Representative Taylor moved the adoption of amendment (1276) to the committee amendment.

On page 11, line 11 of the striking amendment, after "years" insert ", and no member may serve more than two terms"

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

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

Amendment (1276) to the committee amendment was not adopted.

Representative Taylor moved the adoption of amendment (1275) to the committee amendment.

On page 14, beginning on line 3 of the striking amendment, after "(5)" strike all material through "~~((Each))~~" on line 18 and insert "~~((The board may appoint one or more hearing examiners to assist the board in its hearing function, to make conclusions of law and findings of fact and, if requested by the board, to make recommendations to the board for decisions in cases before the board. Such hearing examiners must have demonstrated knowledge of land use planning and law. The boards shall specify in their joint rules of practice and procedure, as required by subsection (7) of this section, the procedure and criteria to be employed for designating hearing examiners as a presiding officer. Hearing examiners selected by a board shall meet the requirements of subsection (3) of this section. The findings and conclusions of the hearing examiner shall not become final until they have been formally approved by the board. This authorization to use hearing examiners does not waive the requirement of RCW 36.70A.300 that final orders be issued within one hundred eighty days of board receipt of a petition.~~)"

(6) Each))"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 14, beginning on line 24 of the striking amendment, after "board" strike ", any of its members, or a hearing examiner appointed by the board" and insert "~~((, any of its members, or a hearing examiner appointed by the board))~~"

On page 15, line 1 of the striking amendment, after "member" strike "or hearing examiner" and insert "~~((or hearing examiner))~~"

On page 15, at the beginning of line 6 of the striking amendment, strike "or hearing examiner" and insert "~~((or hearing examiner))~~"

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

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

Amendment (1275) to the committee amendment was not adopted.

Representative Taylor moved the adoption of amendment (1273) to the committee amendment.

On page 14, line 18 of the striking amendment, after "~~((Each))~~" strike "The" and insert "Three-member panels or the full"

On page 14, line 21 of the striking amendment, after "~~((board))~~" strike "regional" and insert "three-member"

On page 14, line 30 of the striking amendment, after "cases" strike "regional" and insert "three-member"

On page 23, after line 11 of the striking amendment, insert the following:

"NEW SECTION. Sec. 14. A new section is added to chapter 36.70A RCW to read as follows, to be codified between RCW 36.70A.250 and 36.70A.300:

A party may petition for a hearing or rehearing of a decision by all of the members of the growth management hearings board.

(1) The petition must begin with a statement that either: (a) The panel decision conflicts with a prior hearing board decision, appellate court decision, or Washington state supreme court decision, and consideration by the full board is necessary to secure and maintain uniformity in the board's decisions; or (b) the case involves one or more questions of exceptional importance, each of which must be concisely stated.

(2) A petition that a case be heard initially by the full board must be filed with the party's initial filing. A petition for a rehearing of the full board must be filed within ten days of the issuance of a final decision.

(3) The board must give all parties an opportunity to express their views as to whether a hearing by the full board is appropriate.

(4) Nothing in this section interferes with the right of a party to appeal a final decision to the superior court in accordance with RCW 36.70A.300(5). If a party files a case in superior court on the issue requested for rehearing, the full board does not have jurisdiction to rehear the case."

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

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

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

Amendment (1273) to the committee amendment was not adopted.

The committee amendment by the Committee on Local Government & Housing was adopted.

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

Representative Simpson spoke in favor of the passage of the bill.

Representatives Taylor and Angel spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6214, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6214, as amended by the House, and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell,

Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Ericksen, Fagan, Haler, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Smith and Taylor.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6214, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6379, by Senators Swecker, Hatfield, Marr, Haugen, Berkey, Ranker, Sheldon and Kauffman

Streamlining and making technical corrections to vehicle and vessel registration and title provisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2010).

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

Representative Lias spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6379, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6379, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SENATE BILL NO. 6379, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6414, by Senate Committee on Human Services & Corrections (originally sponsored by Senator Regala)

Modifying sex offender registration provisions. Revised for 1st Substitute: Improving the administration and efficiency of sex and kidnapping offender registration.

The bill was read the second time.

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

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6414.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6414, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6414, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6459, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Hobbs, Berkey, Marr and Schoesler)

Concerning the inspection of rental properties.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For Committee amendment, see Journal, Day 43, February 22, 2010).

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

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6459, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6459, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6459, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6556, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield and Schoesler)

Changing the fees for certain types of agricultural burning.

The bill was read the second time.

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

Representatives Ormsby and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6556.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6556, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson and Seaquist.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6556, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6556.

Kirk Pearson, 39th District

SECOND READING

SENATE BILL NO. 6593, by Senators Gordon, Kauffman, Prentice, Oemig, Tom, Kline and Parlette

Transferring the administration of the infant and toddler early intervention program from the department of social and health services to the department of early learning.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Children's Services was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

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

Representatives Dickerson and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6593, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6593, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SENATE BILL NO. 6593, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6611, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Pridemore, Swecker and Shin)

Extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for

three years. Revised for 1st Substitute: Extending the deadlines for the review and evaluation of comprehensive land use plan and development regulations for three years and addressing the timing for adopting certain subarea plans.

The bill was read the second time.

Representative Simpson moved the adoption of amendment (1341).

On page 2, line 30, after "plan" strike all material through "subarea" on line 31 and insert "~~((that does not modify the comprehensive plan policies and designations applicable to the subarea))~~. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW"

Representatives Simpson and Alexander spoke in favor of the adoption of the amendment.

Amendment (1341) was adopted.

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

Representatives Simpson, Alexander and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6611, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6611, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Simpson and Williams.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6611, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6627, by Senators Marr, Pflug, Keiser, Benton, Franklin, Fairley, Schoesler, Pridemore, Roach and Parlette

Authorizing Washington pharmacies to fill prescriptions written by advanced registered nurse practitioners in other states or in certain provinces of Canada.

The bill was read the second time.

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

Representatives Driscoll and Parker spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6627.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6627, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SENATE BILL NO. 6627, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6730, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Becker, Hargrove, Stevens and Roach)

Concerning child welfare.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health & Human Services Appropriations, was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2010).

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

Representatives Roberts and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6730, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6730, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6730, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6745, by Senator Sheldon

Concerning veterinary technician licenses.

The bill was read the second time.

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

Representatives Haigh and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6745.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6745, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SENATE BILL NO. 6745, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6805, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kastama, Zarelli, Shin and Delvin)

Concerning the Washington state economic development commission.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Community & Economic Development & Trade, was adopted. (For Committee amendment, see Journal, Day 43, February 22, 2010).

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

Representatives Kenney and Smith spoke in favor of the passage of the bill.

Representative Seaquist spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6805, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6805, as amended by the House, and the bill passed the House by the following vote: Yeas, 76; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Fagan, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hunter, Hurst, Jacks, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Morrell, Morris, Nealey, Nelson, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Carlyle, Condotta, Crouse, Eddy, Ericksen, Finn, Herrera, Hudgins, Hunt, Johnson, Kagi, Klippert, Moeller, O'Brien, Orcutt, Roberts, Schmick, Seaquist and Shea.

Excused: Representatives Wallace and Walsh.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6805, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute Senate Bill No. 6805.

Norm Johnson, 14th District

SECOND READING

SUBSTITUTE SENATE BILL NO. 6831, by Senate Committee on Ways & Means (originally sponsored by Senator Parlette)

Concerning estates and trusts.

The bill was read the second time.

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

Representatives Pedersen and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6831.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6831, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Wallace and Walsh.

SUBSTITUTE SENATE BILL NO. 6831, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6355, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Becker, Rockefeller and Shin)

Expanding the higher education system upon proven demand.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education, was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

With the consent of the House, amendments (1260) and (1272) were withdrawn.

Representative White moved the adoption of amendment (1349).

On page 5, line 4, beginning with "significant" strike all material through "centers" and insert "conversion of existing campuses, branches, or centers that would result in a mission change"

On page 5, line 12, after "institutions." insert "Board recommendations regarding proposed major expansion shall be limited to determinations of whether the major expansion is within the scope indicated in the most recent strategic master plan for higher education or most recent system design plan. Recommendations regarding existing capital prioritization processes are not within the scope of the evaluation of major expansion."

Representatives White and Anderson spoke in favor of the adoption of the amendment.

Amendment (1349) was adopted.

Representative Sells moved the adoption of amendment (1299).

On page 8, line 33, after "period." strike all material through "~~commitment.~~)" on line 35 and insert "Strong priority will be given to proposals that involve more than one sector of education (~~and to proposals that show substantive institutional commitment.~~)".

Representatives Sells and Anderson spoke in favor of the adoption of the amendment.

Amendment (1299) was adopted.

Representative Dunshee moved the adoption of amendment (1267).

On page 10, after line 18, insert the following:

"Sec. 9. RCW 43.88D.010 and 2008 c 205 s 2 are each amended to read as follows:

(1) By October 15th of each even-numbered year, the office of financial management shall complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions of higher education and submit the results of the scoring process to the legislative fiscal committees, the higher education coordinating board, and the four-year institutions (~~except that, for 2008, the office of financial management shall complete the objective analysis and scoring by November 1st~~). Each project must be reviewed and scored within one of the following categories, according to the project's principal purpose. Each project may be scored in only one category. The categories are:

(a) Access-related projects to accommodate enrollment growth at main and branch campuses, at existing or new university centers, or through distance learning. Growth projects should provide significant additional student capacity. Proposed projects must demonstrate that they are based on solid enrollment demand projections, more cost-effectively provide enrollment access than alternatives such as university centers and distance learning, and make cost-effective use of existing and proposed new space;

(b) Projects that replace failing permanent buildings (~~or renovate facilities to restore building life and upgrade space to meet current program requirements~~). Facilities that cannot be economically renovated are considered replacement projects. (~~Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life.~~) New space may be programmed for the same or a different use than the space being replaced or renovated and may include additions to improve access and enhance the relationship of program or support space;

(c) Projects that renovate facilities to restore building life and upgrade space to meet current program requirements. Renovation projects should represent a complete renovation of a total facility or

an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life. New space may be programmed for the same or a different use than the space being renovated and may include additions to improve access and enhance the relationship of program or support space;

(d) Major stand-alone campus infrastructure projects;

~~((d))~~(e) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

~~((e))~~(f) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees ~~((and the joint legislative audit and review committee))~~, shall establish a scoring system and process for each four-year project category that is based on the framework used in the community and technical college system of prioritization. Staff from the state board for community and technical colleges, the higher education coordinating board, and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in the scoring of four-year institution project proposals, and may also solicit participation by ~~((the joint legislative audit and review committee and))~~ independent experts.

(a) For each four-year project category, the scoring system must, at a minimum, include an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance specific strategic master plan goals, age and condition of the facility if applicable, and impact on space utilization.

(b) Each four-year project category may include projects at the pre-design, design, or construction funding phase.

(c) To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(4) In evaluating and scoring four-year institution projects, the office of financial management shall take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(5) The office of financial management shall distribute common definitions, the scoring system, and other information required for the project proposal and scoring process as part of its biennial budget instructions ~~((, except that, for the 2009-2011 budget development cycle, this information must be distributed by July 1, 2008))~~. The office of financial management, in consultation with the legislative fiscal committees ~~((and the joint legislative audit and review committee))~~, shall develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

(6) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management;

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions; and

(c) Shall have full access to all data maintained by the higher education coordinating board and the joint legislative audit and

review committee concerning the condition of higher education facilities.

(7) By August 15th of each even-numbered year ~~((, beginning in 2008,))~~ each public four-year higher education institution shall prepare and submit prioritized lists of the individual projects proposed by the institution for the ensuing six-year period in each category. ~~((On a pilot basis, the office of financial management shall require one research university to prepare two separate prioritized lists for each category, one for the main campus, and one covering all of the institution's branch campuses. The office of financial management shall report to the legislative fiscal committees by December 1, 2009, on the effect of this pilot project on capital project financing for all branch campuses.))~~ The lists must be submitted to the office of financial management and the legislative fiscal committees. The four-year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided to the office of financial management and the legislative fiscal committees.

(8) The office of financial management shall convene a group by August 15th of each even-numbered year to rank projects in priority order in a single list to be submitted to the legislature for the ensuing biennium. The group shall consist of one representative of the higher education coordinating board, two representatives of the council of presidents, two representatives of the office of financial management, and one representative of the Washington state economic development commission. The council of presidents' representatives must rotate every two years, with each four-year public baccalaureate research institution representing the council of presidents once every two biennia and each four-year public baccalaureate nonresearch institution representing the council of presidents once every four biennia. The Washington state economic development representative shall be appointed by the governor and will change every two years. The governor or a designee may participate in determining the prioritized list.

(9) The priorities set by the group shall consider policies for the state's higher education system to achieve growth and manage existing assets in a responsible manner, biennial budget projections for capital expenditures, and biennial budget projections for student full-time equivalent growth."

Correct the title.

Representatives Dunshee and Anderson spoke in favor of the adoption of the amendment.

Amendment (1267) was adopted.

Representative White moved the adoption of amendment (1268).

On page 10, after line 18, insert the following:

"NEW SECTION. Sec. 9. A new section is added to chapter 28B.20 RCW to read as follows:

(1) This section provides an alternative process for awarding contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of university buildings and facilities in which critical patient care or highly specialized medical research is located. These provisions may be used, in lieu of other procedures to award contracts for such work, when the estimated cost of the work is equal to or less than five million dollars and the project involves construction, renovation, remodeling, or alteration of improvements within a building that is used directly for critical patient care or highly specialized medical research.

(2) The university may create a single critical patient care or specialized medical research facilities roster or may create multiple

critical patient care or specialized medical research facilities rosters for different trade specialties or categories of anticipated work. At least once a year, the university shall publish in a newspaper of general circulation a notice of the existence of the roster or rosters and solicit a statement of qualifications from contractors who wish to be on the roster or rosters of prime contractors. In addition, qualified contractors shall be added to the roster or rosters at any time they submit a written request, necessary records, and meet the qualifications established by the university. The university may require eligible contractors desiring to be placed on a roster to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the university as a condition of being placed on a roster or rosters. Placement on a roster shall be on the basis of qualifications.

(3) The public solicitation of qualifications shall include but not be limited to:

- (a) A description of the types of projects to be completed and where possible may include programmatic, performance, and technical requirements and specifications;
- (b) The reasons for using the critical patient care and specialized medical research roster process;
- (c) A description of the qualifications to be required of a contractor, including submission of an accident prevention program;
- (d) A description of the process the university will use to evaluate qualifications, including evaluation factors and the relative weight of factors;
- (e) The form of the contract to be awarded;
- (f) A description of the administrative process by which the required qualifications, evaluation process, and project types may be appealed; and
- (g) A description of the administrative process by which decisions of the university may be appealed.

(4) The university shall establish a committee to evaluate the contractors submitting qualifications. Evaluation criteria for selection of the contractor or contractors to be included on a roster shall include, but not be limited to:

- (a) Ability of a contractor's professional personnel;
- (b) A contractor's past performance on similar projects, including but not limited to medical facilities, and involving either negotiated work or other public works contracts;
- (c) The contractor's ability to meet time and budget requirements;
- (d) The contractor's ability to provide preconstruction services, as appropriate;
- (e) The contractor's capacity to successfully complete the project;
- (f) The contractor's approach to executing projects;
- (g) The contractor's approach to safety and the contractor's safety history; and
- (h) The contractor's record of performance, integrity, judgment, and skills.

(5) Contractors meeting the evaluation committee's criteria for selection must be placed on the applicable roster or rosters.

(6) When a project is selected for delivery through this roster process, the university must establish a procedure for securing written quotations from all contractors on a roster to assure that a competitive price is established. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. Plans and specifications must be included in the invitation but may not be detailed. Award of a project must be made to the responsible bidder submitting the lowest responsive bid.

(7) The university shall make an effort to solicit proposals from certified minority or certified woman-owned contractors to the extent permitted by the Washington state civil rights act, RCW 49.60.400.

(8) Beginning in September 2010 and every other year thereafter, the university shall provide a report to the capital projects advisory review board which must, at a minimum, include a list of rosters used,

contracts awarded, and a description of outreach to and participation by women and minority-owned businesses.

NEW SECTION. **Sec. 10.** A new section is added to chapter 43.131 RCW to read as follows:

The alternative process for awarding contracts established in section 9 of this act terminates June 30, 2015, as provided in section 3 of this act.

NEW SECTION. **Sec. 11.** A new section is added to chapter 43.131 RCW to read as follows:

Section 9 of this act, as now existing or hereinafter amended, is repealed, effective June 30, 2016."

Correct the title

Representatives White and Anderson spoke in favor of the adoption of the amendment.

Amendment (1268) was adopted.

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

Representatives Wallace and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6355, as amended by the House.

MOTIONS

On motion of Representative Santos, Representative Flannigan was excused. On motion of Representative Hinkle, Representative Alexander was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6355, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Alexander and Flannigan.

SUBSTITUTE SENATE BILL NO. 6355, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6392, by Senate Committee on Transportation (originally sponsored by Senators Tom, Swecker, Oemig, Holmquist, Jacobsen, Haugen and Marr)

Clarifying the use of revenue generated from tolling the state route number 520 corridor.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 46, February 25, 2010).

Representative Roach moved the adoption of amendment (1357) to the committee amendment:

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the 2009 state route number 520 legislative workgroup recommended a design and finance plan to move forward with final design and construction of the state route number 520 corridor. The design option for the westside, known as Option A+, is declared consistent with the design requirements outlined in RCW 47.01.408, which calls for six total lanes, with two lanes that are for transit and high-occupancy vehicle travel, and four general purpose lanes for the state route number 520 bridge replacement and HOV project.

The legislature further recognizes that time is of the essence and further study or refinement of the design of the state route number 520 bridge replacement and HOV project will only delay the project. Construction must move forward once the supplemental draft environmental impact statement process is complete, consistent with the department of transportation's plan to open the new state route number 520 bridge to vehicular traffic in 2014.

The legislature further intends that any cost savings applicable to the state route number 520 bridge replacement and HOV program stay within the program.

Sec. 2. RCW 47.56.870 and 2009 c 472 s 2 are each amended to read as follows:

(1) The initial imposition of tolls on the state route number 520 corridor is authorized, the state route number 520 corridor is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) The state route number 520 corridor consists of that portion of state route number 520 between the junctions of Interstate 5 and state route number 202. The toll imposed by this section shall be charged only for travel on the floating bridge portion of the state route number 520 corridor.

(3)(a) In setting the toll rates for the corridor pursuant to RCW 47.56.850, the tolling authority shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on the corridor and generate the necessary revenue as required under (b) of this subsection.

(b) The tolling authority shall initially set the variable schedule of toll rates, which the tolling authority may adjust at least annually to reflect inflation as measured by the consumer price index or as necessary to meet the redemption of bonds and interest payments on the bonds, to generate revenue sufficient to provide for:

(i) The issuance of general obligation bonds, authorized in RCW 47.10.879, first payable from toll revenue and then excise taxes on motor vehicle and special fuels pledged for the payment of those bonds in the amount necessary to fund the ~~((replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program, subject to subsection (4) of this section; and

(ii) Costs associated with the project designated in subsection (4) of this section that are eligible under RCW 47.56.820.

(4) The proceeds of the bonds designated in subsection (3)(b)(i) of this section, which together with other appropriated and identified

state and federal funds is sufficient to pay for the replacement of the floating bridge segment and necessary landings of state route number 520,) must be used only to fund the ~~((construction of the replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program in the following order of priority:

(a) To pay for the replacement of the floating bridge segment and necessary landings of state route number 520;

(b) Bond proceeds in excess of the proceeds necessary to complete the floating bridge segment and necessary landings must be used first to construct the state route number 520, Medina to state route number 202 eastside transit and HOV project; and

(c) Bond proceeds in excess of the proceeds necessary to complete the projects specified in (4)(a) and (4)(b) of this subsection must be used to fund the state route number 520, Interstate 5 to Medina bridge replacement and HOV project segment of the program and may be used to fund effective connections for high occupancy vehicles and transit for state route number 520, but only to the extent those connections benefit or improve the operation of state route number 520.

(5) The department may carry out the ~~((construction and))~~ improvements designated in subsection (4) of this section and administer the tolling program on the state route number 520 corridor.

Sec. 3. RCW 47.56.875 and 2009 c 472 s 4 are each amended to read as follows:

A special account to be known as the state route number 520 corridor account is created in the state treasury.

(1) Deposits to the account must include:

(a) All proceeds of bonds issued for ~~((construction of the replacement state route number 520 floating bridge and necessary landings))~~ the state route number 520 bridge replacement and HOV program, including any capitalized interest;

(b) All of the tolls and other revenues received from the operation of the state route number 520 corridor as a toll facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for the ~~((purpose of building the replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program; and

(e) All damages, liquidated or otherwise, collected under any contract involving the ~~((construction of the replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program.

(2) Subject to the covenants made by the state in the bond proceedings authorizing the issuance and sale of bonds for the ~~((replacement state route number 520 floating bridge and necessary landings))~~ state route number 520 bridge replacement and HOV program, toll charges, other revenues, and interest received from the operation of the state route number 520 corridor as a toll facility may be used to:

(a) Pay any required costs allowed under RCW 47.56.820; and

(b) Repay amounts to the motor vehicle fund as required.

(3) When repaying the motor vehicle fund, the state treasurer shall transfer funds from the state route number 520 corridor account to the motor vehicle fund on or before each debt service date for bonds issued for the ~~((replacement state route number 520 floating bridge project and necessary landings))~~ state route number 520 bridge replacement and HOV program in an amount sufficient to repay the motor vehicle fund for amounts transferred from that fund to the highway bond retirement fund to provide for any bond principal and interest due on that date. The state treasurer may establish subaccounts for the purpose of segregating toll charges, bond sale proceeds, and other revenues.

(4) The first use of toll charges must be for repayment of bond principal and interest and must be the highest priority of the tolling authority in establishing toll rates.

NEW SECTION. Sec. 4. A new section is added to chapter 47.56 RCW to read as follows:

All revenue from tolling the current and replacement state route number 520 floating bridges must be used only on state route number 520 between state route 5 and state route 202 for highway purposes consistent with Article II, section 40 of the state Constitution."

Correct the title.

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

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

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1357) to the committee amendment

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

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

ROLL CALL

The Clerk called the roll on the adoption of amendment (1357) to the committee amendment to Engrossed Substitute Senate Bill No. 6392 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 52; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Chase, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Dunshee, Ericksen, Fagan, Haigh, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Roberts, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Clibborn, Cody, Conway, Darneille, Dickerson, Eddy, Ericks, Finn, Goodman, Green, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Alexander and Flannigan.

Amendment (1357) to the committee amendment was not adopted.

Representative Eddy moved the adoption of amendment (1269) to the committee amendment.

On page 7, after line 33 of the amendment, insert the following:
"Sec. 6. RCW 43.84.092 and 2009 c 479 s 31, 2009 c 472 s 5, and 2009 c 451 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park

relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 civil penalties account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Correct the title.

Representatives Eddy and Roach spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1269) to the committee amendment was adopted.

The committee amendment by the Committee on Transportation was adopted as amended.

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

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

Representatives Roach and Pedersen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6392, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6392, as amended by the House, and the bill passed the House by the following vote: Yeas, 78; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Wood.

Voting nay: Representatives Condotta, Crouse, Driscoll, Haler, Hasegawa, Herrera, Hurst, Kelley, Klippert, Orcutt, Parker, Pearson, Pedersen, Probst, Roach, Schmick, Shea, Taylor and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6392, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6499, by Senate Committee on Transportation (originally sponsored by Senators Murray and Haugen)

Concerning the administration, collection, use, and enforcement of tolls.

The bill was read the second time.

Representative Roach moved the adoption of amendment (1356).

On page 17, after line 27, insert the following:

"**Sec. 12.** RCW 47.56.820 and 2008 c 122 s 4 are each amended to read as follows:

(1) Unless otherwise delegated, only the legislature may authorize the imposition of tolls on eligible toll facilities.

(2) All revenue from an eligible toll facility must be used only to construct, improve, preserve, maintain, manage, or operate the eligible toll facility on or in which the revenue is collected. Expenditures of toll revenues are subject to appropriation, must be

used only for highway purposes consistent with Article II, section 40 of the state Constitution, and must be made only:

(a) To cover the operating costs of the eligible toll facility, including necessary maintenance, preservation, administration, and toll enforcement by public law enforcement within the boundaries of the facility;

(b) To meet obligations for the repayment of debt and interest on the eligible toll facilities, and any other associated financing costs including, but not limited to, required reserves and insurance;

(c) To meet any other obligations to provide funding contributions for any projects or operations on the eligible toll facilities; or

(d) ~~((To provide for the operations of conveyances of people or goods; or~~

~~(e)))~~For any other improvements to the eligible toll facilities." Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

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

Representative Clibborn spoke against the adoption of the amendment.

Amendment (1356) was not adopted.

Representative Williams moved the adoption of amendment (1365).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.56.010 and 2002 c 114 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Toll bridge" means a bridge constructed or acquired under this chapter, upon which tolls are charged, together with all appurtenances, additions, alterations, improvements, and replacements thereof, and the approaches thereto, and all lands and interests used therefor, and buildings and improvements thereon.

(2) "Toll road" means any express highway, superhighway, or motorway at such locations and between such termini as may be established by law, and constructed or to be constructed as a limited access highway under the provisions of this chapter by the department, and shall include, but not be limited to, all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service facilities, communications facilities, and administration, storage, and other buildings that the department may deem necessary for the operation of the project, together with all property, rights, easements, and interests that may be acquired by the department for the construction or the operation of the project, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the department, insofar as those procedures are reasonably consistent and applicable.

(3) "1950 Tacoma Narrows bridge" means the bridge crossing the Tacoma Narrows that was opened to vehicle travel in 1950.

(4) "Electronic toll collection system" means a system that collects tolls by crediting or debiting funds from a customer's unique prepaid tolling account.

(5) "Photo toll" means a toll charge associated with a particular vehicle that is identified by its license plate. A photo toll may be paid through one of the following methods:

(a) A customer-initiated account that is prepaid or postpaid.

(b) In response to a toll bill that is sent to the registered owner of the vehicle incurring the photo toll charge. The toll bill may designate a toll payment due date for the photo toll assessed.

(6) "Photo toll system" means a camera-based imaging system that uses digital video or still image formats to record license plate images of vehicles using toll lanes for the purpose of collecting a photo toll.

(7) "Toll payment due date" means the date when a toll must be paid to avoid a toll violation. The toll payment due date is eighty days from the date the vehicle uses the toll facility and incurs the toll charge.

Sec. 2. RCW 47.46.020 and 1993 c 370 s 2 are each amended to read as follows:

As used in this chapter(;;):

(1) "Electronic toll collection system" means a system that collects tolls by crediting or debiting funds from a customer's unique prepaid tolling account.

(2) "Photo toll" means a charge associated with a particular vehicle that can only be identified by its license plate. A photo toll may be paid through one of the following methods:

(a) A customer-initiated account that is prepaid or postpaid.

(b) In response to a toll bill that is sent to the registered owner of the vehicle incurring the photo toll charge. The toll bill may designate a toll payment due date for the photo toll assessed.

(3) "Photo toll system" means a camera-based imaging system that uses digital video or still image formats to record license plate images of vehicles using toll lanes for the purpose of collecting a photo toll.

(4) "Toll payment due date" means the date when a toll must be paid to avoid a toll violation. The toll payment due date is eighty days from the date the vehicle uses the toll facility and incurs the toll charge.

(5) "Transportation systems and facilities" means capital-related improvements and additions to the state's transportation infrastructure, including but not limited to highways, roads, bridges, vehicles, and equipment, marine-related facilities, vehicles, and equipment, park and ride lots, transit stations and equipment, transportation management systems, and other transportation-related investments.

NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW to read as follows:

(1) A toll collection system may include, but is not limited to, electronic toll collection and photo tolling.

(2)(a) A photo toll system may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, other recorded images, or other records identifying a specific instance of travel prepared under this chapter are for the exclusive use of the tolling agency for toll collection and enforcement purposes and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a notice of infraction under RCW 46.63.160. No photograph, digital photograph, microphotograph, videotape, other recorded image, or other record identifying a specific instance of travel may be used for any purpose other than toll collection or enforcement of notices of infraction under RCW 46.63.160. Records identifying a specific instance of travel by a specific person or vehicle must be retained only as required to ensure payment and enforcement of tolls and to comply with state records retention policies as previously determined for toll facilities. Aggregate records that do not identify an individual, vehicle, or account may be maintained.

(3) The department and its agents shall only use electronic toll collection system technology for toll collection purposes.

(4) Tolls may be collected and paid by the following methods:

(a) A customer may pay an electronic toll through an electronic toll collection account;

(b) A customer may pay a photo toll either through a customer-initiated payment or in response to a toll bill; or

(c) A customer may pay with cash on toll facilities that have a manual cash collection system.

(5) To the extent practicable, the department shall adopt electronic toll collection options, which allow for anonymous customer accounts and anonymous accounts that are not linked to a specific vehicle.

(6) The transportation commission shall adopt rules, in accordance with chapter 34.05 RCW, to assess administrative fees as appropriate for toll collection processes. Administrative fees must not exceed toll collection costs. All administrative fees collected under this section must be deposited into the toll facility account of the facility on which the toll was assessed.

(7) Failure to pay a photo toll by the toll payment due date is a violation under RCW 46.63.160 for which a notice of infraction may be issued under RCW 46.63.030 and 46.63.160.

Sec. 4. RCW 47.46.105 and 2004 c 230 s 2 are each amended to read as follows:

((1) Tolls may be collected by any system that identifies the correct toll and collects the payment. Systems may include manual cash collection, electronic toll collection, and photo monitoring systems.

(a) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the toll patron the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the patron's account. The department shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits.

(b) "Photo monitoring system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system in a toll facility that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated within a toll facility.

(c) No photograph, digital photograph, microphotograph, videotape, or other recorded image may be used for any purpose other than toll enforcement, nor retained longer than necessary to verify that tolls are paid, or to enforce toll evasion violations.

(2) The department shall adopt rules to govern toll collection.))

(1) A toll collection system may include, but is not limited to, electronic toll collection and photo tolling.

(2)(a) A photo toll system may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, other recorded images, or other records identifying a specific instance of travel prepared under this chapter are for the exclusive use of the tolling agency for toll collection and enforcement purposes and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a notice of infraction under RCW 46.63.160. No photograph, digital photograph, microphotograph, videotape, other recorded image, or other record identifying a specific instance of travel may be used for any purpose other than toll collection or enforcement of notices of infraction under RCW 46.63.160. Records identifying a specific instance of travel by a specific person or vehicle must be retained only as required to

ensure payment and enforcement of tolls and to comply with state records retention policies as previously determined for toll facilities. Aggregate records that do not identify an individual, vehicle, or account may be maintained.

(3) The department and its agents shall only use electronic toll collection system technology for toll collection purposes.

(4) Tolls may be collected and paid by the following methods:

(a) A customer may pay an electronic toll through an electronic toll collection account;

(b) A customer who does not have an electronic toll collection account may pay a photo toll either through a customer-initiated payment or in response to a toll bill; or

(c) A customer who does not have an electronic toll collection account may pay with cash on toll facilities that have a manual cash collection system.

(5) To the extent practicable, the department shall adopt electronic toll collection options, which allow for anonymous customer accounts and anonymous accounts that are not linked to a specific vehicle.

(6) The transportation commission shall adopt rules, in accordance with chapter 34.05 RCW, to assess administrative fees as appropriate for toll collection processes. Administrative fees must not exceed toll collection costs. All administrative fees collected under this section must be deposited into the toll facility account of the facility on which the toll was assessed.

(7) Failure to pay a photo toll by the toll payment due date is a violation under RCW 46.63.160 for which a notice of infraction may be issued under RCW 46.63.030 and 46.63.160.

Sec. 5. RCW 46.63.030 and 2007 c 101 s 1 are each amended to read as follows:

(1) A law enforcement officer has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed;

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction;

(d) When the infraction is detected through the use of a photo ((enforcement)) toll system under RCW 46.63.160; or

(e) When the infraction is detected through the use of an automated traffic safety camera under RCW 46.63.170.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the person responsible under RCW 46.55.105. The notice must be entitled "Littering--Abandoned Vehicle" and give notice of the monetary penalty. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the

infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

Sec. 6. RCW 46.63.160 and 2009 c 272 s 1 are each amended to read as follows:

(1) This section applies only to infractions issued under ~~((RCW 46.61.690 for toll collection evasion))~~ section 3 of this act and RCW 47.46.105 for toll violations detected through the use of photo toll systems.

(2) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(3) (Toll collection systems include manual cash collection, electronic toll collection, and photo enforcement systems.

(4) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the toll patron the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the patron's account.

(5) "Photo enforcement system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle operated in violation of an infraction under this chapter.

(6) The use of a toll collection system is subject to the following requirements:

(a) The department of transportation shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits.

(b) The department of transportation may not sell, distribute, or make available in any way, the names and addresses of electronic toll collection system account holders.

~~—(7))~~ A notice of infraction may be issued when a toll is assessed through the use of a photo toll system and the toll is not paid by the toll payment due date, which is eighty days from the date the toll was assessed.

(4) A notice of infraction may be issued by a limited authority Washington peace officer as defined in RCW 10.93.020. The agency responsible for detecting toll violations may determine who serves as the limited authority Washington peace officer.

~~—(5)~~ The use of a photo ~~((enforcement))~~ toll system ~~((for issuance of notices of infraction))~~ is subject to the following requirements:

(a) Photo ~~((enforcement))~~ toll systems may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) ~~((A notice of infraction must be mailed to the registered owner of the vehicle or to the renter of a vehicle within sixty days of the violation. The law enforcement))~~ The officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a photo ~~((enforcement))~~ toll system, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, digital photographs, microphotographs, videotape, or other recorded images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

(c) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, ~~((or))~~ other recorded images, or other records identifying a specific instance of travel prepared under this chapter are for the exclusive use of the tolling agency for toll collection purposes and law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, digital photograph, microphotograph, videotape, ~~((or))~~ other recorded image, or other record identifying a specific instance of travel may be used for any purpose other than toll collection or enforcement of violations under this chapter ~~((or retained longer than necessary to enforce this chapter or verify that tolls are paid))~~. Records identifying a specific instance of travel by a specific person or vehicle must be retained only as required to ensure payment and enforcement of tolls and to comply with state records retention policies as previously determined for toll facilities. Aggregate records that do not identify an individual, vehicle, or account may be maintained.

(d) All locations where a photo ~~((enforcement))~~ toll system is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where ~~((traffic laws are))~~ tolls are assessed and enforced by a photo ~~((enforcement))~~ toll system.

~~((8))~~ (6) Infractions for toll nonpayment detected through the use of photo ~~((enforcement))~~ toll systems must be issued to the registered owner of the vehicle identified by the photo toll system, but are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of photo enforcement systems under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3).

~~((9))~~ (7) The penalty for ~~((an infraction))~~ toll nonpayment detected through the use of a photo ~~((enforcement))~~ toll system ~~((shall be))~~ is forty dollars plus an additional toll penalty ~~((The toll penalty is equal to three times the cash toll for a standard passenger car during peak hours. The toll penalty may not be reduced. The court shall remit the toll penalty to the department of transportation or a private entity under contract with the department of transportation for deposit in the statewide account in which tolls are deposited for the tolling facility at which the violation occurred. If the driver is found not to have committed an infraction under this section, the driver shall pay the toll due at the time the photograph was taken, unless the toll has already been paid))~~ of twelve dollars. Two dollars of the infraction amount that is not remitted to the department of transportation under this subsection must be forwarded to the state treasurer for deposit in the judicial information system account established in RCW 2.68.020 to be used for costs associated with the development and maintenance of judicial information system products and services. The court may not waive, reduce, or suspend the two dollars that are allocated to the judicial information system account. The toll penalty may not be reduced. The court shall remit one-half of the toll penalty and one-half of the forty-dollar penalty for toll nonpayment to the department of transportation or a private entity under contract with the department of transportation for deposit in the statewide account in which tolls are deposited for the tolling facility at which the violation occurred. However, beginning on July 1, 2011, toll penalties and penalties for toll nonpayment deposited into the Tacoma Narrows toll bridge account created under RCW 47.56.165 must first be allocated toward repayment of operating loans and reserve payments provided to the account from the motor vehicle account under section 1005(15), chapter 518, Laws of 2007. Additionally, the one-half of the toll penalty and one-half of the forty-dollar penalty for toll nonpayment remitted by the courts to the department of transportation, resulting from the nonpayment of tolls on the state route number 520 corridor, must be deposited into the state route

number 520 civil penalties account created under section 4, chapter . . . (Engrossed Substitute Senate Bill No. 6392), Laws of 2010, but only if chapter . . . (Engrossed Substitute Senate Bill No. 6392), Laws of 2010 is enacted by June 30, 2010.

(8) Any court system adjudicating infractions for toll nonpayment must annually provide to the transportation committees of the legislature a complete accounting of all the court system's costs associated with such adjudication.

(9) If the driver is found not to have committed an infraction under this section, the driver shall pay the toll due at the time the photograph was taken, unless the toll has already been paid.

(10) If the registered owner of the vehicle is a rental car business, the department of transportation or a law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of the mailing of the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable toll and fee.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

Sec. 7. RCW 46.63.075 and 2005 c 167 s 3 are each amended to read as follows:

(1) In a traffic infraction case involving an infraction detected through the use of ~~((a photo enforcement system under RCW 46.63.160, or detected through the use of))~~ an automated traffic safety camera under RCW 46.63.170, proof that the particular vehicle described in the notice of traffic infraction was in violation of any such provision of RCW ~~((46.63.160 or))~~ 46.63.170, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

(2) This presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

Sec. 8. RCW 10.93.020 and 2006 c 284 s 16 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "General authority Washington law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, as distinguished from a limited authority Washington law enforcement agency, and any other unit of government expressly designated by statute as a general authority Washington law enforcement agency. The Washington state patrol and the department of fish and wildlife are general authority Washington law enforcement agencies.

(2) "Limited authority Washington law enforcement agency" means any agency, political subdivision, or unit of local government of this state, and any agency, department, or division of state government, having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources ~~((and))~~, social and health services, and transportation, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control board, the office of the insurance commissioner, and the state department of corrections.

(3) "General authority Washington peace officer" means any full-time, fully compensated and elected, appointed, or employed officer of a general authority Washington law enforcement agency who is commissioned to enforce the criminal laws of the state of Washington generally.

(4) "Limited authority Washington peace officer" means any full-time, fully compensated officer of a limited authority Washington law enforcement agency empowered by that agency to detect or apprehend violators of the laws in some or all of the limited subject areas for which that agency is responsible. A limited authority Washington peace officer may be a specially commissioned Washington peace officer if otherwise qualified for such status under this chapter.

(5) "Specially commissioned Washington peace officer", for the purposes of this chapter, means any officer, whether part-time or full-time, compensated or not, commissioned by a general authority Washington law enforcement agency to enforce some or all of the criminal laws of the state of Washington, who does not qualify under this chapter as a general authority Washington peace officer for that commissioning agency, specifically including reserve peace officers, and specially commissioned full-time, fully compensated peace officers duly commissioned by the states of Oregon or Idaho or any such peace officer commissioned by a unit of local government of Oregon or Idaho. A reserve peace officer is an individual who is an officer of a Washington law enforcement agency who does not serve such agency on a full-time basis but who, when called by the agency into active service, is fully commissioned on the same basis as full-time peace officers to enforce the criminal laws of the state.

(6) "Federal peace officer" means any employee or agent of the United States government who has the authority to carry firearms and make warrantless arrests and whose duties involve the enforcement of criminal laws of the United States.

(7) "Agency with primary territorial jurisdiction" means a city or town police agency which has responsibility for police activity within its boundaries; or a county police or sheriff's department which has responsibility with regard to police activity in the unincorporated areas within the county boundaries; or a statutorily authorized port district police agency or four-year state college or university police agency which has responsibility for police activity within the statutorily authorized enforcement boundaries of the port district, state college, or university.

(8) "Primary commissioning agency" means (a) the employing agency in the case of a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer, and (b) the commissioning agency in the case of a specially commissioned Washington peace officer (i) who is performing functions within the course and scope of the special commission and (ii) who is not also a general authority Washington peace officer, a limited authority Washington peace officer, an Indian tribal peace officer, or a federal peace officer.

(9) "Primary function of an agency" means that function to which greater than fifty percent of the agency's resources are allocated.

(10) "Mutual law enforcement assistance" includes, but is not limited to, one or more law enforcement agencies aiding or assisting

one or more other such agencies through loans or exchanges of personnel or of material resources, for law enforcement purposes.

Sec. 9. RCW 47.56.167 and 2008 c 122 s 23 are each amended to read as follows:

- (1) The central toll (~~(collection)~~) account is created in the custody of the state treasurer for the deposit of prepaid customer tolls and clearing activities benefiting multiple toll facilities.
- (2) All receipts from prepaid customer tolls must be deposited into the account. (~~(Distributions from the account)~~) Prepaid customer tolls may be used only to refund customer(~~(s)~~) prepaid tolls or for distributions (~~(into)~~) to the appropriate toll facility account(~~(- Distributions into the appropriate toll facility account shall be based on charges incurred at each toll facility and shall include a proportionate share of interest earned from amounts deposited into the account)~~) based on an equitable methodology to be determined by the department in consultation with the office of financial management. For purposes of accounting, distributions from the account constitute earned toll revenues in the receiving toll facility account at the time of distribution.
- (3) Operations that benefit multiple toll facilities may be recorded in the account. At least monthly, operating activities must be distributed to the benefiting toll facility accounts.
- (4) On a monthly basis, interest earnings on deposits in the account must be distributed to the toll facility accounts based on an equitable methodology to be determined by the department in consultation with the office of financial management.
- (5) Only the secretary of transportation or the secretary's designee may authorize distributions from the account. Distributions of revenue and refunds from this account are not subject to the allotment procedures under chapter 43.88 RCW and an appropriation is not required.

Sec. 10. RCW 46.61.690 and 2004 c 231 s 1 are each amended to read as follows:

- (1) Any person who uses a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the department of transportation, a political subdivision or municipal corporation empowered to operate toll facilities, or an entity operating a toll facility under a contract with the department of transportation, a political subdivision, or municipal corporation, at the entrance to which appropriate signs have been erected to notify both pedestrian and vehicular traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, commits a traffic infraction if:
- ~~((1))~~ (a) The person does not pay, refuses to pay, evades, or attempts to evade the payment of such tolls, or uses or attempts to use any spurious, counterfeit, or stolen ticket, coupon, token, or electronic device for payment of any such tolls(~~(-or)~~);
- ~~((2))~~ (b) The person turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach, or toll plaza where signs have been erected forbidding such turns(~~(-or)~~);
- ~~((3))~~ (c) The person refuses to move a vehicle through the toll facility after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll facility for the purpose of collecting tolls; or
- (d) The driver of the vehicle displays any vehicle license number plate or plates that have been, in any manner, changed, altered, obscured, or disfigured, or have become illegible.
- (2) Subsection (1)(a) of this section does not apply to toll nonpayment detected through the use of photo toll systems under RCW 46.63.160.

NEW SECTION. Sec. 11. This act takes effect January 15, 2011."

Correct the title.

Representative Roach moved the adoption of amendment (1366) to amendment (1365).

On page 16, after line 12, insert the following:

"**Sec. 11.** RCW 47.56.820 and 2008 c 122 s 4 are each amended to read as follows:

- (1) Unless otherwise delegated, only the legislature may authorize the imposition of tolls on eligible toll facilities.
- (2) All revenue from an eligible toll facility must be used only to construct, improve, preserve, maintain, manage, or operate the eligible toll facility on or in which the revenue is collected. Expenditures of toll revenues are subject to appropriation, must be used only for highway purposes consistent with Article II, section 40 of the state Constitution, and must be made only:
- (a) To cover the operating costs of the eligible toll facility, including necessary maintenance, preservation, administration, and toll enforcement by public law enforcement within the boundaries of the facility;
- (b) To meet obligations for the repayment of debt and interest on the eligible toll facilities, and any other associated financing costs including, but not limited to, required reserves and insurance;
- (c) To meet any other obligations to provide funding contributions for any projects or operations on the eligible toll facilities; or
- (d) (~~To provide for the operations of conveyances of people or goods; or~~) For any other improvements to the eligible toll facilities."
- Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representative Roach spoke in favor of the adoption of the amendment to the amendment.

Amendment (1366) to amendment (1365) was not adopted.

Representatives Williams and Anderson spoke in favor of the adoption of amendment (1365).

Representative Liias spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 44 - YEAS; 53 - NAYS.

Amendment (1365) was not adopted.

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

Representative Rolfes spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6499.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6499, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy,

Ericks, Finn, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Goodman, Haler, Hasegawa, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6499, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6604, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hobbs, King, McAuliffe, Oemig, Tom, Brandland, Holmquist, McDermott and Kline)

Providing flexibility in the education system.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 44, February 23, 2010).

Representative Carlyle moved the adoption of amendment (1293) to the committee amendment:

On page 4, beginning on line 33 of the striking amendment, strike all material through "~~28B.50.535~~." on page 5, line 34 and insert the following:

"(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (~~(12)~~).

~~((a))~~ Student learning plans are required for eighth ~~((through twelfth))~~ grade students who were not successful on any or all of the content areas of the ~~((Washington))~~ state assessment ~~((for student learning))~~ during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

~~((a))~~(a) The student's results on the ~~((Washington))~~ state assessment ~~((of student learning))~~;

~~((b))~~(b) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;

~~((c))~~(c) Any credit deficiencies;

~~((d))~~(d) The student's attendance rates over the previous two years;

~~((e))~~(e) The student's progress toward meeting state and local graduation requirements;

~~((f))~~(f) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;

~~((g))~~(g) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;

~~((h))~~(h) The alternative assessment options available to students under this section and RCW 28A.655.065;

~~((i))~~(i) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

~~((j))~~(j) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

("

Representatives Carlyle, Priest and Maxwell spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1293) to the committee amendment was adopted.

Representative Ross moved the adoption of amendment (1265) to the committee amendment.

On page 6, line 9 of the striking amendment, after "~~necessary~~." insert the following:

"Sec. 2. RCW 28A.225.015 and 1999 c 319 s 6 are each amended to read as follows:

(1) If a parent enrolls a child who is six or seven years of age in a public school, the child is required to attend and that parent has the responsibility to ensure the child attends for the full time that school is in session. An exception shall be made to this requirement for children whose parents formally remove them from enrollment if the child is less than eight years old and a petition has not been filed against the parent under subsection (3) of this section. The requirement to attend school under this subsection does not apply to a child enrolled in a public school part-time for the purpose of receiving ancillary services. A child required to attend school under this subsection may be temporarily excused upon the request of his or her parent for purposes agreed upon by the school district and parent.

(2) If a six or seven year-old child is required to attend public school under subsection (1) of this section and that child has unexcused absences, the public school in which the child is enrolled ~~((shall))~~ may:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing, by e-mail, or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year;

(b) Request a conference or conferences to be conducted by telephone or in person with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day; and

(c) Take steps to eliminate or reduce the child's absences. These steps ~~((shall))~~ may include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, offering assistance in enrolling the child in available alternative schools or programs, or assisting the parent or child to obtain supplementary services that may help

eliminate or ameliorate the cause or causes for the absence from school.

(3) If a child required to attend public school under subsection (1) of this section has seven unexcused absences in a month or ten unexcused absences in a school year, the school district ~~((shall))~~ may file a petition for civil action as provided in RCW 28A.225.035 against the parent of the child.

(4) This section does not require a six or seven year old child to enroll in a public or private school or to receive home-based instruction. This section only applies to six or seven year old children whose parents enroll them full time in public school and do not formally remove them from enrollment as provided in subsection (1) of this section.

Sec. 3. RCW 28A.225.020 and 2009 c 266 s 1 are each amended to read as follows:

(1) If a child required to attend school under RCW 28A.225.010 fails to attend school without valid justification, the public school in which the child is enrolled shall take the following actions if the child is enrolled in the sixth grade or above, and may take the following actions if the child is enrolled in the fifth grade or below:

(a) Inform the child's custodial parent, parents, or guardian by a notice in writing, by e-mail, or by telephone whenever the child has failed to attend school after one unexcused absence within any month during the current school year. School officials shall inform the parent of the potential consequences of additional unexcused absences. If the custodial parent, parents, or guardian is not fluent in English, the preferred practice is to provide this information in a language in which the custodial parent, parents, or guardian is fluent; and

(b) Schedule a conference or conferences to be conducted by telephone or in person with the custodial parent, parents, or guardian and child at a time reasonably convenient for all persons included for the purpose of analyzing the causes of the child's absences after two unexcused absences within any month during the current school year. If a regularly scheduled parent-teacher conference day is to take place within thirty days of the second unexcused absence, then the school district may schedule this conference on that day~~((and))~~.

~~((2))~~ (2) The school may also take steps to eliminate or reduce the child's absences. These steps ~~((shall))~~ may include, where appropriate, adjusting the child's school program or school or course assignment, providing more individualized or remedial instruction, providing appropriate vocational courses or work experience, referring the child to a community truancy board, if available, requiring the child to attend an alternative school or program, or assisting the parent or child to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school. If the child's parent does not attend the scheduled conference, the conference may be conducted with the student and school official. However, the parent shall be notified of the steps to be taken to eliminate or reduce the child's absence.

~~((3))~~ (3) For purposes of this chapter, an "unexcused absence" means that a child:

(a) Has failed to attend the majority of hours or periods in an average school day or has failed to comply with a more restrictive school district policy; and

(b) Has failed to meet the school district's policy for excused absences.

~~((4))~~ (4) If a child transfers from one school district to another during the school year, the receiving school or school district shall include the unexcused absences accumulated at the previous school or from the previous school district for purposes of this section, RCW 28A.225.030, and 28A.225.015.

Sec. 4. RCW 28A.225.025 and 2009 c 266 s 2 are each amended to read as follows:

(1) For purposes of this chapter, "community truancy board" means a board composed of members of the local community in

which the child attends school. Juvenile courts may establish and operate community truancy boards. If the juvenile court and the school district agree, a school district may establish and operate a community truancy board under the jurisdiction of the juvenile court. Juvenile courts may create a community truancy board or may use other entities that exist or are created, such as diversion units. However, a diversion unit or other existing entity must agree before it is used as a truancy board. Duties of a community truancy board shall include, but not be limited to, recommending methods for improving school attendance such as assisting the parent or the child to obtain supplementary services that might eliminate or ameliorate the causes for the absences or suggesting to the school district that the child enroll in another school, an alternative education program, an education center, a skill center, a dropout prevention program, or another public or private educational program.

(2) The legislature finds that utilization of community truancy boards, or other diversion units that fulfill a similar function, is the preferred means of intervention when preliminary methods of notice and parent conferences and taking appropriate steps to eliminate or reduce unexcused absences have not been effective in securing the child's attendance at school. The legislature intends to encourage and support the development and expansion of community truancy boards and other diversion programs which are effective in promoting school attendance and preventing the need for more intrusive intervention by the court. ~~((Operation of a school truancy board does not excuse a district from the obligation of filing a petition within the requirements of RCW 28A.225.015(3).))~~

Sec. 5. RCW 28A.225.030 and 1999 c 319 s 2 are each amended to read as follows:

(1) If a child is required to attend school under RCW 28A.225.010 and ~~((if the actions taken by a))~~ the school district takes actions under RCW 28A.225.020 that are not successful in substantially reducing an enrolled student's absences from public school, not later than the seventh unexcused absence by a child within any month during the current school year or not later than the tenth unexcused absence during the current school year, the school district ~~((shall))~~ may file a petition and supporting affidavit for a civil action with the juvenile court alleging a violation of RCW 28A.225.010: (a) By the parent; (b) by the child; or (c) by the parent and the child. Except as provided in this subsection, no additional documents need be filed with the petition.

(2) The district ~~((shall not later than))~~ may, after the fifth unexcused absence in a month:

(a) Enter into an agreement with a student and parent that establishes school attendance requirements;

(b) Refer a student to a community truancy board, if available, as defined in RCW 28A.225.025. The community truancy board shall enter into an agreement with the student and parent that establishes school attendance requirements and take other appropriate actions to reduce the child's absences; or

(c) File a petition under subsection (1) of this section.

(3) The petition may be filed by a school district employee who is not an attorney.

(4) If the school district ~~((fails to))~~ does not file a petition under this section, the parent of a child with five or more unexcused absences in any month during the current school year or upon the tenth unexcused absence during the current school year may file a petition with the juvenile court alleging a violation of RCW 28A.225.010.

(5) Petitions filed under this section may be served by certified mail, return receipt requested. If such service is unsuccessful, or the return receipt is not signed by the addressee, personal service is required.

Sec. 6. RCW 28A.225.151 and 1996 c 134 s 5 are each amended to read as follows:

(1) As required under subsection (2) of this section, (~~each school~~) if a school takes additional actions provided in RCW 28A.225.030, it shall document the actions taken (~~under RCW 28A.225.030~~) and report this information to the school district superintendent who shall compile the data for all the schools in the district and prepare an annual school district report for each school year and submit the report to the superintendent of public instruction. The reports shall be made upon forms furnished by the superintendent of public instruction and shall be transmitted as determined by the superintendent of public instruction.

(2) The reports under subsection (1) of this section shall include:

(a) The number of enrolled students and the number of unexcused absences;

(b) Documentation of the steps taken by the school district under each subsection of RCW 28A.225.020 at the request of the superintendent of public instruction. Each year, by May 1st, the superintendent of public instruction shall select ten school districts to submit the report at the end of the following school year. The ten districts shall represent different areas of the state and be of varied sizes. In addition, the superintendent of public instruction shall require any district that fails to keep appropriate records to submit a full report to the superintendent of public instruction under this subsection. All school districts shall document steps taken under RCW 28A.225.020 in each student's record, and make those records available upon request consistent with the laws governing student records;

(c) The number of enrolled students with ten or more unexcused absences in a school year or five or more unexcused absences in a month during a school year;

(d) A description of any programs or schools developed to serve students who have had five or more unexcused absences in a month or ten in a year including information about the number of students in the program or school and the number of unexcused absences of students during and after participation in the program. The school district shall also describe any placements in an approved private nonsectarian school or program or certified program under a court order under RCW 28A.225.090; and

(e) The number of petitions filed by a school district with the juvenile court.

(3) A report required under this section shall not disclose the name or other identification of a child or parent.

(4) The superintendent of public instruction shall collect these reports from all school districts and prepare an annual report for each school year to be submitted to the legislature no later than December 15th of each year.

NEW SECTION. Sec. 7. Sections 2 through 6 of this act take effect July 1, 2010."

Representatives Ross and Pedersen spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Dickerson and Kessler spoke against the adoption of the amendment to the committee amendment.

Amendment (1265) to the committee amendment was adopted.

Representative Liias moved the adoption of amendment (1342) to the committee amendment.

On page 6, after line 9 of the striking amendment, insert the following:

"Sec. 2. RCW 28A.210.080 and 2007 c 276 s 1 are each amended to read as follows:

(1) The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation before or on each child's first day of attendance

at a particular school or center, of proof of either (a) full immunization, (b) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (c) a certificate of exemption as provided for in RCW 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

(2)(a) Beginning with sixth grade entry, every public and private school in the state shall provide parents and guardians with access to information about meningococcal disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about meningococcal disease shall include:

(i) Its causes and symptoms, how meningococcal disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide meningococcal vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of superintendent of public instruction.

(d) This subsection does not create a private right of action.

(3)(a) Beginning with sixth grade entry, every public school in the state shall provide parents and guardians with access to information about human papillomavirus disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about human papillomavirus disease shall include:

(i) Its causes and symptoms, how human papillomavirus disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for human papillomavirus disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide human papillomavirus vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of the superintendent of public instruction.

(d) This subsection does not create a private right of action.

(4) Private schools are required by state law to notify parents that information on the human papillomavirus disease prepared by the department of health is available.

Sec. 3. RCW 28A.300.150 and 2006 c 263 s 705 are each amended to read as follows:

The superintendent of public instruction shall collect and disseminate to school districts information on child abuse and neglect prevention curriculum and shall adopt rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools. The superintendent of public instruction and the departments of social and health services and (~~community, trade, and economic development~~) commerce shall share relevant information.

Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 4. RCW 28A.320.160 and 2005 c 274 s 244 are each amended to read as follows:

School districts must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the misconduct. ~~((School districts shall provide parents with))~~ The notification shall include information regarding ((their)) parents' rights under the public records act, chapter 42.56 RCW, to request the public records regarding school employee discipline. This information shall be provided to all parents on an annual basis. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form."

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

Representatives Maxwell and Priest spoke against the adoption of the amendment to the committee amendment.

Amendment (1342) to the committee amendment was not adopted.

The committee amendment by the Committee on Education was adopted as amended.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6604, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6604, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Dickerson, Hasegawa and Moeller.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6604, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6241, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kilmer and Delvin)

Creating community facilities districts.

The bill was read the second time.

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

Representative Maxwell spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6241.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6241, and the bill passed the House by the following vote: Yeas, 75; Nays, 22; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Bailey, Chandler, Condotta, Crouse, Ericksen, Fagan, Haler, Herrera, Klippert, Kretz, Kristiansen, Orcutt, Pearson, Roach, Rodne, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6241, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6357, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Becker, Shin, Rockefeller, McAuliffe and Roach)

Requiring policies for academic recognition of certain life and learning experiences. Revised for 1st Substitute: Requiring policies for academic recognition of certain formal and informal learning experiences.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6357.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6357, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 6357, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6468, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Kauffman, Rockefeller, Pridemore, Berkey and Kline)

Coordinating the weatherization and structural rehabilitation of residential structures.

The bill was read the second time.

Representative Fagan moved the adoption of amendment (1285).

On page 7, line 11, after "home." insert "The policies must ensure that no more than six thousand five hundred dollars from state provided funds from the low-income weatherization and structural rehabilitation assistance account are expended per housing unit."

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

Representative Simpson spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 37 - YEAS; 60 - NAYS.

Amendment (1285) was not adopted.

Representative Short moved the adoption of amendment (1317).

On page 8, line 3, after "frequency." insert "the project costs, and"

Representatives Short and Simpson spoke in favor of the adoption of the amendment.

Amendment (1317) was adopted.

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

Representative Simpson spoke in favor of the passage of the bill.

Representative Angel spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6468, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6468 as amended by the House, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Walsh.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6468, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6522, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Pflug, Keiser, Swecker, Murray, Honeyford, Kline, Hewitt and Shin)

Establishing the accountable care organization pilot projects.

The bill was read the second time.

With the consent of the House amendment (1354) was withdrawn.

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

Representatives Driscoll and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6522.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6522, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Chandler, Condotta, Hinkle, Klippert, Kristiansen, Orcutt, Parker, Shea, Taylor and Warnick.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6522, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6561, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, McCaslin, Regala and Stevens)

Restricting access to juvenile offender records.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 44, February 23, 2010).

Representative Dammeier moved the adoption of amendment (1352) to the committee amendment:

On page 1, beginning on line 3 of the striking amendment, strike all of section 1

Re-number the remaining sections consecutively and correct any internal references accordingly.

Representatives Dammeier and Dickerson spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1352) to the committee amendment was adopted.

Representative Dickerson moved the adoption of amendment (1300) to the committee amendment.

On page 4, beginning on line 17 of the striking amendment, after "diversions" strike all material through "offenses," on line 18

On page 4, line 27 of the striking amendment, after "person," strike "and"

On page 4, line 28 of the striking amendment, after "(iv)" insert the following:

"The person has not been convicted of a sex offense; and (v)"

Representatives Dickerson and Dammeier spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1300) to the committee amendment was adopted.

The committee amendment by the Committee on Human Services was adopted as amended.

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

Representative Dickerson spoke in favor of the passage of the bill.

Representative Dammeier spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6561, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6561, as amended by the House, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6561, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6610, by Senators Hargrove and McAuliffe

Concerning the assessment and treatment of certain persons with mental illnesses. (REVISED FOR ENGROSSED: Improving procedures relating to the commitment of persons found not guilty by reason of insanity.)

The bill was read the second time.

With the consent of the House, the committee amendment by the Committee on Human Services was not adopted. (For Committee amendment, see Journal, Day 43, February 22, 2010).

Representative Dickerson moved the adoption of amendment (1358).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The Washington state institute for public policy shall, in collaboration with the department of social and health services and other applicable entities, undertake a search for validated mental health assessment tools in each of the following areas:

(a) An assessment tool or combination of tools to be used by individuals performing court-ordered competency assessments and level of risk assessments of defendants pursuant to chapter 10.77 RCW; and

(b) An assessment tool or combination of tools to be used by individuals developing recommendations to courts as to the appropriateness of conditional release from inpatient treatment of criminally insane patients pursuant to chapter 10.77 RCW.

(2) This section expires June 30, 2011.

Sec. 2. RCW 10.77.120 and 2000 c 94 s 15 are each amended to read as follows:

(1) The secretary shall ~~((forthwith))~~ provide adequate care and individualized treatment ~~to persons found criminally insane~~ at one or several of the state institutions or facilities under ~~((his or her))~~ the direction and control ~~((wherein persons committed as criminally insane may be confined. Such persons shall be under the custody and control of the secretary to the same extent as are other persons who are committed to the secretary's custody, but such provision shall be made for their control, care, and treatment as is proper in view of their condition))~~ of the secretary. In order that the secretary may adequately determine the nature of the mental illness or developmental disability of the person committed ~~((to him or her))~~ as criminally insane, ~~((and in order for the secretary to place such individuals in a proper facility,))~~ all persons who are committed to the secretary as criminally insane shall be promptly examined by qualified personnel in ~~((such a manner as))~~ order to provide a proper evaluation and diagnosis of such individual. The examinations of all ~~((developmentally disabled))~~ persons with developmental disabilities committed under this chapter shall be performed by developmental disabilities professionals. Any person so committed shall not be released from the control of the secretary ~~((save upon the))~~ except by order of a court of competent jurisdiction made after a hearing and judgment of release.

(2) Whenever there is a hearing which the committed person is entitled to attend, the secretary shall send ~~((him or her))~~ the person in the custody of one or more department employees to the county ~~((where))~~ in which the hearing is to be held at the time the case is called for trial. During the time the person is absent from the facility, ~~((he or she shall))~~ the person may be confined in a facility designated by and arranged for by the department, ~~((and))~~ but shall at all times be deemed to be in the custody of the department employee and provided necessary treatment. If the decision of the hearing remits the person to custody, the department employee shall ~~((forthwith))~~ return the person to such institution or facility designated by the secretary. If the state appeals an order of release, such appeal shall operate as a stay, and the person shall remain in custody ~~((shall so remain))~~ and be ~~((forthwith))~~ returned to the institution or facility designated by the secretary until a final decision has been rendered in the cause.

Sec. 3. RCW 10.77.150 and 1998 c 297 s 41 are each amended to read as follows:

(1) Persons examined pursuant to RCW 10.77.140 may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court of the county which ordered the person's commitment the person's application for conditional release as well as the secretary's recommendations concerning the application and any proposed terms and conditions upon which the secretary reasonably believes the person can be conditionally released. Conditional release may also contemplate partial release for work, training, or educational purposes.

(2) In instances in which persons examined pursuant to RCW 10.77.140 have not made application to the secretary for conditional release, but the secretary, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, reasonably believes the person may be conditionally released, the secretary may submit a recommendation for release to the court of the county which ordered the person's commitment. The secretary's recommendation must include any proposed terms and conditions upon which the secretary reasonably believes the person may be conditionally released. Conditional release may also include partial release for work, training, or educational purposes. Notice of the secretary's recommendation under this subsection must be provided to the person for whom the secretary has made the recommendation for release and to his or her attorney.

(3)(a) The court of the county which ordered the person's commitment, upon receipt of an application or recommendation for conditional release with the secretary's recommendation for conditional release terms and conditions, shall within thirty days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary.

(b) The prosecuting attorney shall represent the state at such hearings and shall have the right to have the patient examined by an expert or professional person of the prosecuting attorney's choice. If the committed person is indigent, and he or she so requests, the court shall appoint a qualified expert or professional person to examine the person on his or her behalf.

(c) The issue to be determined at such a hearing is whether or not the person may be released conditionally without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security.

(d) The court, after the hearing, shall rule on the secretary's recommendations, and if it disapproves of conditional release, may do so only on the basis of substantial evidence. The court may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary. If the order of conditional release includes a requirement for the committed person to report to a community corrections officer, the order shall also specify that the conditionally released person shall be under the supervision of the secretary of corrections or such person as the secretary of corrections may designate and shall follow explicitly the instructions of the secretary of corrections including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer prior to making any change in the offender's address or employment. If the order of conditional release includes a requirement for the committed person to report to a community corrections officer, the community corrections officer shall notify the secretary or the secretary's designee, if the person is not in compliance with the court-ordered conditions of release.

(3)(4) If the court determines that receiving regular or periodic medication or other medical treatment shall be a condition of the committed person's release, then the court shall require him or her to

report to a physician or other medical or mental health practitioner for the medication or treatment. In addition to submitting any report required by RCW 10.77.160, the physician or other medical or mental health practitioner shall immediately upon the released person's failure to appear for the medication or treatment or upon a change in mental health condition that renders the patient a potential risk to the public report ~~((the failure))~~ to the court, to the prosecuting attorney of the county in which the released person was committed, to the secretary, and to the supervising community corrections officer.

~~((4))~~ (5) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial.

Sec. 4. RCW 10.77.160 and 1993 c 31 s 7 are each amended to read as follows:

When a conditionally released person is required by the terms of his or her conditional release to report to a physician, department of corrections community corrections officer, or medical or mental health practitioner on a regular or periodic basis, the physician, department of corrections community corrections officer, medical or mental health practitioner, or other such person shall monthly, for the first six months after release and semiannually thereafter, or as otherwise directed by the court, submit to the court, the secretary, the institution from which released, and to the prosecuting attorney of the county in which the person was committed, a report stating whether the person is adhering to the terms and conditions of his or her conditional release, and detailing any arrests or criminal charges filed and any significant change in the person's mental health condition or other circumstances.

Sec. 5. RCW 10.77.190 and 1998 c 297 s 43 are each amended to read as follows:

(1) Any person submitting reports pursuant to RCW 10.77.160, the secretary, or the prosecuting attorney may petition the court to, or the court on its own motion may schedule an immediate hearing for the purpose of modifying the terms of conditional release if the petitioner or the court believes the released person is failing to adhere to the terms and conditions of his or her conditional release or is in need of additional care and treatment.

(2) If the prosecuting attorney, the secretary of social and health services, the secretary of corrections, or the court, after examining the report filed with them pursuant to RCW 10.77.160, or based on other information received by them, reasonably believes that a conditionally released person is failing to adhere to the terms and conditions of his or her conditional release the court or secretary of social and health services or the secretary of corrections may order that the conditionally released person be apprehended and taken into custody ~~((until such time as a hearing can be scheduled to determine the facts and whether or not the person's conditional release should be revoked or modified))~~. The court shall be notified of the apprehension before the close of the next judicial day ~~((of the apprehension))~~. The court shall schedule a hearing within thirty days to determine whether or not the person's conditional release should be modified or revoked. Both the prosecuting attorney and the conditionally released person shall have the right to request an immediate mental examination of the conditionally released person. If the conditionally released person is indigent, the court or secretary of social and health services or the secretary of corrections or their designees shall, upon request, assist him or her in obtaining a qualified expert or professional person to conduct the examination.

(3) If the hospital or facility designated to provide outpatient care determines that a conditionally released person presents a threat to public safety, the hospital or facility shall immediately notify the secretary of social and health services or the secretary of corrections or their designees. The secretary shall order that the conditionally released person be apprehended and taken into custody.

(4) The court, upon receiving notification of the apprehension, shall promptly schedule a hearing. The issue to be determined is

whether the conditionally released person did or did not adhere to the terms and conditions of his or her release, or whether the person presents a threat to public safety. Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or his or her conditional release shall be revoked and he or she shall be committed subject to release only in accordance with provisions of this chapter.

Sec. 6. RCW 10.77.200 and 2000 c 94 s 16 are each amended to read as follows:

(1) Upon application by the committed or conditionally released person, the secretary shall determine whether or not reasonable grounds exist for release. In making this determination, the secretary may consider the reports filed under RCW 10.77.060, 10.77.110, 10.77.140, and 10.77.160, and other reports and evaluations provided by professionals familiar with the case. If the secretary approves the release he or she then shall authorize the person to petition the court.

(2) In instances in which persons have not made application for release, but the secretary believes, after consideration of the reports filed under RCW 10.77.060, 10.77.110, 10.77.140, and 10.77.160, and other reports and evaluations provided by professionals familiar with the case, that reasonable grounds exist for release, the secretary may petition the court. If the secretary petitions the court for release under this subsection, notice of the petition must be provided to the person who is the subject of the petition and to his or her attorney.

(3) The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for release, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of the prosecuting attorney's choice. If the petitioner is indigent, and the person so requests, the court shall appoint a qualified expert or professional person to examine him or her. If the petitioner ~~((is developmentally disabled))~~ has a developmental disability, the examination shall be performed by a developmental disabilities professional. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney. The burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the petitioner no longer presents, as a result of a mental disease or defect, a substantial danger to other persons, or a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

~~((3))~~ (4) For purposes of this section, a person affected by a mental disease or defect in a state of remission is considered to have a mental disease or defect requiring supervision when the disease may, with reasonable medical probability, occasionally become active and, when active, render the person a danger to others. Upon a finding that the petitioner has a mental disease or defect in a state of remission under this subsection, the court may deny release, or place or continue such a person on conditional release.

(5) Nothing contained in this chapter shall prohibit the patient from petitioning the court for release or conditional release from the institution in which he or she is committed. The issue to be determined on such proceeding is whether the petitioner, as a result of a mental disease or defect, is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

(6) Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

NEW SECTION. **Sec. 7.** A new section is added to chapter 10.77 RCW to read as follows:

(1) The department shall review the costs of the operation of each of the following boards and the rates of recidivism and treatment outcomes for the populations under their jurisdiction as follows:

(a) The Oregon psychiatric security review board's administration of cases involving: (i) Persons judged to be guilty except for insanity; (ii) persons who would have been guilty of a felony or misdemeanor that caused or risked physical injury to another except for insanity; and (iii) persons affected by mental illness and determined to be a substantial danger to others; and

(b) The Virginia community services boards' administration of cases involving persons found not guilty by reason of insanity.

(2) The department shall report the results of its review to the appropriate committees of the legislature by December 15, 2010.

NEW SECTION. Sec. 8. A new section is added to chapter 10.77 RCW to read as follows:

For persons who have received court approval for conditional release, the secretary or the secretary's designee shall supervise the person's compliance with the court-ordered conditions of release. The level of supervision provided by the secretary shall correspond to the level of the person's public safety risk. In undertaking supervision of persons under this section, the secretary shall coordinate with any treatment providers designated pursuant to RCW 10.77.150(3), any department of corrections staff designated pursuant to RCW 10.77.150(2), and local law enforcement, if appropriate. The secretary shall adopt rules to implement this section."

Correct the title.

Representatives Dickerson and Dammeier spoke in favor of the adoption of the amendment.

Amendment (1358) was adopted.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6610, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6610, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SENATE BILL NO. 6610, as amended by the House, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

- HOUSE BILL NO. 3132
- HOUSE BILL NO. 3178
- HOUSE BILL NO. 3182
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5529
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5902
- SENATE BILL NO. 6206
- SUBSTITUTE SENATE BILL NO. 6207
- SENATE BILL NO. 6209
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6267
- SENATE BILL NO. 6279
- SENATE BILL NO. 6330
- SUBSTITUTE SENATE BILL NO. 6341
- SUBSTITUTE SENATE BILL NO. 6342
- SUBSTITUTE SENATE BILL NO. 6350
- SUBSTITUTE SENATE BILL NO. 6356
- SUBSTITUTE SENATE BILL NO. 6373
- SUBSTITUTE SENATE BILL NO. 6380
- SENATE BILL NO. 6453
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6476
- SUBSTITUTE SENATE BILL NO. 6485
- SENATE BILL NO. 6487
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6504
- SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6508
- SUBSTITUTE SENATE BILL NO. 6510
- SENATE BILL NO. 6555
- SUBSTITUTE SENATE BILL NO. 6557
- SUBSTITUTE SENATE BILL NO. 6558
- SECOND SUBSTITUTE SENATE BILL NO. 6575
- SUBSTITUTE SENATE BILL NO. 6577
- SUBSTITUTE SENATE BILL NO. 6639
- SUBSTITUTE SENATE BILL NO. 6649
- SECOND SUBSTITUTE SENATE BILL NO. 6667
- SECOND SUBSTITUTE SENATE BILL NO. 6679
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6696
- SECOND SUBSTITUTE SENATE BILL NO. 6702
- SUBSTITUTE SENATE BILL NO. 6759
- SECOND SUBSTITUTE SENATE BILL NO. 6760
- SECOND SUBSTITUTE SENATE BILL NO. 6790
- SUBSTITUTE SENATE BILL NO. 6816

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

There being no objection, the House adjourned until 10:00 a.m., March 3, 2010, the 52nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

FIFTY SECOND DAY

House Chamber, Olympia, Wednesday, March 3, 2010

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

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Maddie Sullivan and Jenna Orwall. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Jeff McClain, River Ridge Covenant Church, Lacey.

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

MESSAGES FROM THE SENATE

March 2, 2010

Mr. Speaker:

The Senate has passed:

- SUBSTITUTE HOUSE BILL 1913
- SECOND SUBSTITUTE HOUSE BILL 2396
- SUBSTITUTE HOUSE BILL 2487
- SUBSTITUTE HOUSE BILL 2555
- HOUSE BILL 2608
- SUBSTITUTE HOUSE BILL 2789
- ENGROSSED SUBSTITUTE HOUSE BILL 2842
- HOUSE BILL 2861
- ENGROSSED SUBSTITUTE HOUSE BILL 3032
- SUBSTITUTE HOUSE JOINT MEMORIAL 4004

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 2, 2010

Mr. Speaker:

The Senate has passed:

- ENGROSSED HOUSE BILL 1653
- SUBSTITUTE HOUSE BILL 2226
- ENGROSSED SUBSTITUTE HOUSE BILL 2560
- SUBSTITUTE HOUSE BILL 2585
- SUBSTITUTE HOUSE BILL 2651
- SUBSTITUTE HOUSE BILL 2704

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 2, 2010

Mr. Speaker:

The President has signed:

- ENGROSSED SENATE BILL 5041
- SUBSTITUTE SENATE BILL 5046
- ENGROSSED SENATE BILL 5516
- SENATE BILL 5582
- SECOND ENGROSSED SENATE BILL 5617

- SUBSTITUTE SENATE BILL 6197
- SUBSTITUTE SENATE BILL 6211
- SUBSTITUTE SENATE BILL 6213
- SENATE BILL 6227
- SENATE BILL 6229
- SUBSTITUTE SENATE BILL 6239
- SUBSTITUTE SENATE BILL 6251
- SUBSTITUTE SENATE BILL 6271
- SUBSTITUTE SENATE BILL 6273
- SENATE BILL 6275
- ENGROSSED SUBSTITUTE SENATE BILL 6286
- ENGROSSED SENATE BILL 6287
- SENATE BILL 6288
- SENATE BILL 6297
- SUBSTITUTE SENATE BILL 6298
- SUBSTITUTE SENATE BILL 6299
- ENGROSSED SUBSTITUTE SENATE BILL 6306
- SUBSTITUTE SENATE BILL 6337
- SENATE BILL 6365
- SUBSTITUTE SENATE BILL 6367
- SUBSTITUTE SENATE BILL 6371
- SUBSTITUTE SENATE BILL 6395
- SUBSTITUTE SENATE BILL 6398
- SENATE BILL 6450
- SENATE BILL 6467
- SUBSTITUTE SENATE BILL 6524
- SENATE BILL 6543
- SUBSTITUTE SENATE BILL 6544
- SENATE BILL 6546
- SUBSTITUTE SENATE BILL 6584
- SUBSTITUTE SENATE BILL 6591
- SUBSTITUTE SENATE BILL 6634
- SUBSTITUTE SENATE BILL 6674
- SUBSTITUTE SENATE BILL 6749
- SENATE JOINT MEMORIAL 8026

and the same are herewith transmitted.

Thomas Hoemann, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 4676, by Representatives Chandler, Hasegawa, Kenney, Taylor, Johnson, Dammeier, and Ross

WHEREAS, The earliest documented proof of Filipino presence in the continental United States was the date of October 18, 1587, when the first "Luzones Indios" set foot in Morro Bay, California, as published by Lorraine Crouchett in her book, *Filipinos in California* from 1982, which annotated John Walton Caughey's book, *California* from 1953; and

WHEREAS, The Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo Parrish, Louisiana, which set in motion the focus on the story of our nation's past from a new perspective by concentrating on the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the United States history; and

WHEREAS, The Filipino American National Historical Society recognizes that the 1888 documents of Port Blakely on Bainbridge

Island, Washington - at the time the largest lumber mill in the world - as listing a "Manilla," the first known employee from the Philippines in the Pacific Northwest; and

WHEREAS, It is good that efforts are continuing to promote the study of Filipino American history and culture, as recognized in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color have been overlooked in the writing, teaching, and learning of United States history; and

WHEREAS, It is important for Filipino American youth to have positive role models to instill in them the importance of education, complemented with the richness of their ethnicity and the value of their legacy; and

WHEREAS, Washington State is home to Filipinos, the largest Asian/Pacific Islander ethnic population in the state, and has the fourth largest population of Filipino Americans in the United States, and includes the locations of historic Filipino communities such as Wapato, Bainbridge Island, Seattle, Tacoma, Auburn, and Bremerton, among others; and

WHEREAS, The 13th Biennial National Conference of the Filipino American National Historical Society returns, in July 2010, to Seattle, the site of the first National Conference;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives acknowledges that October 2010 is the 423rd anniversary of the presence of Filipinos in the United States, as a significant time to study the advancement of Filipino Americans in the history of Washington and the United States; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Filipino American National Historical Society.

Representative Chandler moved adoption of House Resolution No. 4676

Representatives Chandler, Hasegawa, Johnson, Santos, Taylor and O'Brien spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4676 was adopted.

The Speaker (Representative Morris presiding) introduced representatives from the Filipino American National Historic Society, The Commission on Asian Pacific American Affairs, The Filipino American Chamber of Commerce, Filipino American Community of Seattle, The Philippine Scout Heritage Society, The Yakima Valley Filipino Community, Asian Pacific Islander Coalition and former Representative Velma Veloria and asked the Chamber to acknowledge them.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 6202, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Holmquist, Franklin, Honeyford, McCaslin, Regala, Morton, Keiser, Delvin, Swecker, Rockefeller, Tom, Kline, McAuliffe and Kilmer)

Expanding provisions relating to vulnerable adults.

The bill was read the second time.

With the consent of the House, amendment (1258) was withdrawn.

Representative Hurst moved the adoption of amendment (1296).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 30.22.210 and 1981 c 192 s 21 are each amended to read as follows:

(1) Nothing contained in this chapter shall be deemed to require any financial institution to make any payment from an account to a depositor, or any trust or P.O.D. account beneficiary, or any other person claiming an interest in any funds deposited in the account, if the financial institution has actual knowledge of the existence of a dispute between the depositors, beneficiaries, or other persons concerning their respective rights of ownerships to the funds contained in, or proposed to be withdrawn, or previously withdrawn from the account, or in the event the financial institution is otherwise uncertain as to who is entitled to the funds pursuant to the contract of deposit. In any such case, the financial institution may, without liability, notify, in writing, all depositors, beneficiaries, or other persons claiming an interest in the account of either its uncertainty as to who is entitled to the distributions or the existence of any dispute, and may also, without liability, refuse to disburse any funds contained in the account to any depositor, and/or trust or P.O.D. account beneficiary thereof, and/or other persons claiming an interest therein, until such time as either:

((4)) (a) All such depositors and/or beneficiaries have consented, in writing, to the requested payment; or

((2)) (b) The payment is authorized or directed by a court of proper jurisdiction.

(2) If a financial institution reasonably believes that financial exploitation of a vulnerable adult, as defined in RCW 74.34.020, may have occurred, may have been attempted, or is being attempted, the financial institution may refuse a transaction as permitted under section 3 of this act.

Sec. 2. RCW 74.34.020 and 2007 c 312 s 1 are each amended to read as follows:

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

(1) "Abandonment" means action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the vulnerable person without the means or ability to obtain necessary food, clothing, shelter, or health care.

(2) "Abuse" means the willful action or inaction that inflicts injury, unreasonable confinement, intimidation, or punishment on a vulnerable adult. In instances of abuse of a vulnerable adult who is unable to express or demonstrate physical harm, pain, or mental anguish, the abuse is presumed to cause physical harm, pain, or mental anguish. Abuse includes sexual abuse, mental abuse, physical abuse, and exploitation of a vulnerable adult, which have the following meanings:

(a) "Sexual abuse" means any form of nonconsensual sexual contact, including but not limited to unwanted or inappropriate touching, rape, sodomy, sexual coercion, sexually explicit photographing, and sexual harassment. Sexual abuse includes any sexual contact between a staff person, who is not also a resident or client, of a facility or a staff person of a program authorized under chapter 71A.12 RCW, and a vulnerable adult living in that facility or receiving service from a program authorized under chapter 71A.12 RCW, whether or not it is consensual.

(b) "Physical abuse" means the willful action of inflicting bodily injury or physical mistreatment. Physical abuse includes, but is not limited to, striking with or without an object, slapping, pinching, choking, kicking, shoving, prodding, or the use of chemical restraints or physical restraints unless the restraints are consistent with licensing requirements, and includes restraints that are otherwise being used inappropriately.

(c) "Mental abuse" means any willful action or inaction of mental or verbal abuse. Mental abuse includes, but is not limited to, coercion, harassment, inappropriately isolating a vulnerable adult from family, friends, or regular activity, and verbal assault that includes ridiculing, intimidating, yelling, or swearing.

(d) "Exploitation" means an act of forcing, compelling, or exerting undue influence over a vulnerable adult causing the vulnerable adult to act in a way that is inconsistent with relevant past behavior, or causing the vulnerable adult to perform services for the benefit of another.

(3) "Consent" means express written consent granted after the vulnerable adult or his or her legal representative has been fully informed of the nature of the services to be offered and that the receipt of services is voluntary.

(4) "Department" means the department of social and health services.

(5) "Facility" means a residence licensed or required to be licensed under chapter 18.20 RCW, boarding homes; chapter 18.51 RCW, nursing homes; chapter 70.128 RCW, adult family homes; chapter 72.36 RCW, soldiers' homes; or chapter 71A.20 RCW, residential habilitation centers; or any other facility licensed by the department.

(6) "Financial exploitation" means the illegal or improper use of the property, income, resources, or trust funds of the vulnerable adult by any person for any person's profit or advantage other than for the vulnerable adult's profit or advantage.

(7) "Financial institution" has the same meaning as in RCW 30.22.040 and 30.22.041. For purposes of this chapter only, "financial institution" also means a "broker-dealer" or "investment adviser" as defined in RCW 21.20.005.

~~(8)~~ (8) "Incapacitated person" means a person who is at a significant risk of personal or financial harm under RCW 11.88.010(1) (a), (b), (c), or (d).

~~((8))~~ (9) "Individual provider" means a person under contract with the department to provide services in the home under chapter 74.09 or 74.39A RCW.

~~((9))~~ (10) "Interested person" means a person who demonstrates to the court's satisfaction that the person is interested in the welfare of the vulnerable adult, that the person has a good faith belief that the court's intervention is necessary, and that the vulnerable adult is unable, due to incapacity, undue influence, or duress at the time the petition is filed, to protect his or her own interests.

~~((40))~~ (11) "Mandated reporter" is an employee of the department; law enforcement officer; social worker; professional school personnel; individual provider; an employee of a facility; an operator of a facility; an employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency; county coroner or medical examiner; Christian Science practitioner; or health care provider subject to chapter 18.130 RCW.

~~((11))~~ (12) "Neglect" means (a) a pattern of conduct or inaction by a person or entity with a duty of care that fails to provide the goods and services that maintain physical or mental health of a vulnerable adult, or that fails to avoid or prevent physical or mental harm or pain to a vulnerable adult; or (b) an act or omission that demonstrates a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to the vulnerable adult's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100.

~~((12))~~ (13) "Permissive reporter" means any person, including, but not limited to, an employee of a financial institution, attorney, or volunteer in a facility or program providing services for vulnerable adults.

~~((13))~~ (14) "Protective services" means any services provided by the department to a vulnerable adult with the consent of the vulnerable adult, or the legal representative of the vulnerable adult,

who has been abandoned, abused, financially exploited, neglected, or in a state of self-neglect. These services may include, but are not limited to case management, social casework, home care, placement, arranging for medical evaluations, psychological evaluations, day care, or referral for legal assistance.

~~((14))~~ (15) "Self-neglect" means the failure of a vulnerable adult, not living in a facility, to provide for himself or herself the goods and services necessary for the vulnerable adult's physical or mental health, and the absence of which impairs or threatens the vulnerable adult's well-being. This definition may include a vulnerable adult who is receiving services through home health, hospice, or a home care agency, or an individual provider when the neglect is not a result of inaction by that agency or individual provider.

~~((15))~~ (16) "Vulnerable adult" includes a person:

(a) Sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself; or

(b) Found incapacitated under chapter 11.88 RCW; or

(c) Who has a developmental disability as defined under RCW 71A.10.020; or

(d) Admitted to any facility; or

(e) Receiving services from home health, hospice, or home care agencies licensed or required to be licensed under chapter 70.127 RCW; or

(f) Receiving services from an individual provider.

NEW SECTION. Sec. 3. A new section is added to chapter 74.34 RCW to read as follows:

(1) Pending an investigation by the financial institution, the department, or law enforcement, if a financial institution reasonably believes that financial exploitation of a vulnerable adult may have occurred, may have been attempted, or is being attempted, the financial institution may, but is not required to, refuse a transaction requiring disbursement of funds contained in the account:

(a) Of the vulnerable adult;

(b) On which the vulnerable adult is a beneficiary, including a trust or guardianship account; or

(c) Of a person suspected of perpetrating financial exploitation of a vulnerable adult.

(2) A financial institution may also refuse to disburse funds under this section if the department, law enforcement, or the prosecuting attorney's office provides information to the financial institution demonstrating that it is reasonable to believe that financial exploitation of a vulnerable adult may have occurred, may have been attempted, or is being attempted.

(3) A financial institution is not required to refuse to disburse funds when provided with information alleging that financial exploitation may have occurred, may have been attempted, or is being attempted, but may use its discretion to determine whether or not to refuse to disburse funds based on the information available to the financial institution.

(4) A financial institution that refuses to disburse funds based on a reasonable belief that financial exploitation of a vulnerable adult may have occurred, may have been attempted, or is being attempted shall:

(a) Make a reasonable effort to notify all parties authorized to transact business on the account orally or in writing; and

(b) Report the incident to the adult protective services division of the department and local law enforcement.

(5) Any refusal to disburse funds as authorized by this section based on the reasonable belief of a financial institution that financial exploitation of a vulnerable adult may have occurred, may have been attempted, or is being attempted will expire upon the sooner of:

(a) Ten business days after the date on which the financial institution first refused to disburse the funds if the transaction involved the sale of a security or offer to sell a security, as defined in

RCW 21.20.005, unless sooner terminated by an order of a court of competent jurisdiction;

(b) Five business days after the date on which the financial institution first refused to disburse the funds if the transaction did not involve the sale of a security or offer to sell a security, as defined in RCW 21.20.005, unless sooner terminated by an order of a court of competent jurisdiction; or

(c) The time when the financial institution is satisfied that the disbursement will not result in financial exploitation of a vulnerable adult.

(6) A court of competent jurisdiction may enter an order extending the refusal by the financial institution to disburse funds based on a reasonable belief that financial exploitation of a vulnerable adult may have occurred, may have been attempted, or is being attempted. A court of competent jurisdiction may also order other protective relief as authorized by RCW 7.40.010 and 74.34.130.

(7) A financial institution or an employee of a financial institution is immune from criminal, civil, and administrative liability for refusing to disburse funds or disbursing funds under this section and for actions taken in furtherance of that determination if the determination of whether or not to disburse funds was made in good faith.

Sec. 4. RCW 74.34.035 and 2003 c 230 s 2 are each amended to read as follows:

(1) When there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred, mandated reporters shall immediately report to the department.

(2) When there is reason to suspect that sexual assault has occurred, mandated reporters shall immediately report to the appropriate law enforcement agency and to the department.

(3) When there is reason to suspect that physical assault has occurred or there is reasonable cause to believe that an act has caused fear of imminent harm:

(a) Mandated reporters shall immediately report to the department; and

(b) Mandated reporters shall immediately report to the appropriate law enforcement agency, except as provided in subsection (4) of this section.

(4) A mandated reporter is not required to report to a law enforcement agency, unless requested by the injured vulnerable adult or his or her legal representative or family member, an incident of physical assault between vulnerable adults that causes minor bodily injury and does not require more than basic first aid, unless:

(a) The injury appears on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal area;

(b) There is a fracture;

(c) There is a pattern of physical assault between the same vulnerable adults or involving the same vulnerable adults; or

(d) There is an attempt to choke a vulnerable adult.

(5) When there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect, or abandonment by another person, mandated reporters shall, pursuant to RCW 68.50.020, report the death to the medical examiner or coroner having jurisdiction, as well as the department and local law enforcement, in the most expeditious manner possible. A mandated reporter is not relieved from the reporting requirement provisions of this subsection by the existence of a previously signed death certificate. If abuse, neglect, or abandonment caused or contributed to the death of a vulnerable adult, the death is a death caused by unnatural or unlawful means, and the body shall be the jurisdiction of the coroner or medical examiner pursuant to RCW 68.50.010.

(6) Permissive reporters may report to the department or a law enforcement agency when there is reasonable cause to believe that a vulnerable adult is being or has been abandoned, abused, financially exploited, or neglected.

~~((6))~~ (7) No facility, as defined by this chapter, agency licensed or required to be licensed under chapter 70.127 RCW, or facility or agency under contract with the department to provide care for vulnerable adults may develop policies or procedures that interfere with the reporting requirements of this chapter.

~~((7))~~ (8) Each report, oral or written, must contain as much as possible of the following information:

(a) The name and address of the person making the report;

(b) The name and address of the vulnerable adult and the name of the facility or agency providing care for the vulnerable adult;

(c) The name and address of the legal guardian or alternate decision maker;

(d) The nature and extent of the abandonment, abuse, financial exploitation, neglect, or self-neglect;

(e) Any history of previous abandonment, abuse, financial exploitation, neglect, or self-neglect;

(f) The identity of the alleged perpetrator, if known; and

(g) Other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect, or the cause of death of the deceased vulnerable adult.

~~((8))~~ (9) Unless there is a judicial proceeding or the person consents, the identity of the person making the report under this section is confidential.

NEW SECTION. **Sec. 5.** A new section is added to chapter 74.34 RCW to read as follows:

(1) A financial institution shall provide training concerning the financial exploitation of vulnerable adults to the employees specified in subsection (2) of this section within one year of the effective date of this act and shall thereafter provide such training to the new employees specified in subsection (2) of this section within the first three months of their employment.

(2) A financial institution that is a broker-dealer or investment adviser as defined in RCW 21.20.005 shall provide training concerning the financial exploitation of vulnerable adults to employees who are required to be registered in the state of Washington as salespersons or investment adviser representatives under RCW 21.20.040 and who have contact with customers and access to account information on a regular basis and as part of their job. All other financial institutions shall provide training concerning the financial exploitation of vulnerable adults to employees who have contact with customers and access to account information on a regular basis and as part of their job.

(3) The training must include recognition of indicators of financial exploitation of a vulnerable adult, the manner in which employees may report suspected financial exploitation to the department and law enforcement as permissive reporters, and steps employees may take to prevent suspected financial exploitation of a vulnerable adult as authorized by law or agreements between the financial institution and customers of the financial institution. The office of the attorney general and the department shall develop a standardized training that financial institutions may offer, or the financial institution may develop its own training.

(4) A financial institution may provide access to or copies of records that are relevant to suspected financial exploitation or attempted financial exploitation of a vulnerable adult to the department, law enforcement, or the prosecuting attorney's office, either as part of a referral to the department, law enforcement, or the prosecuting attorney's office, or upon request of the department, law enforcement, or the prosecuting attorney's office pursuant to an investigation. The records may include historical records as well as records relating to the most recent transaction or transactions that may comprise financial exploitation.

(5) A financial institution or employee of a financial institution participating in good faith in making a report or providing documentation or access to information to the department, law

enforcement, or the prosecuting attorney's office under this chapter shall be immune from criminal, civil, or administrative liability."

Correct the title.

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

Amendment (1296) was adopted.

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

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

MOTION

On motion of Representative Van De Wege, Representative Clibborn was excused.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6202, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6202, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Clibborn.

SUBSTITUTE SENATE BILL NO. 6202, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6403, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Kauffman, McAuliffe, Hargrove, Hobbs, Regala, Oemig, McDermott and Shin)

Regarding accountability and support for vulnerable students and dropouts.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 44, February 23, 2010).

Representative Miloscia moved the adoption of amendment (1290) to the committee amendment:

On page 4, line 32 of the amendment, after "barriers." insert "The annual report must identify the top six root causes of dropouts and performance measures to track and monitor these root causes."

On page 5, line 32 of the amendment, after "performance-based" strike "management system" and insert "quality management system using the Baldrige education criteria for performance excellence"

On page 5, line 34 of the amendment, after "accountability" insert "in all school districts"

Representatives Miloscia and Armstrong spoke in favor of the adoption of the amendment to the committee amendment.

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

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 47 - YEAS; 50 - NAYS.

Amendment (1290) to the committee amendment was not adopted.

The committee amendment by the Committee on Education was adopted.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6403, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6403, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Miloscia.

Excused: Representative Clibborn.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6403, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6804, by Senator Kohl-Welles**Allowing the department of social and health services to adopt rules establishing standards for the review and certification of treatment facilities under the problem and pathological gambling treatment program.**

The bill was read the second time.

Representative Green moved the adoption of amendment (1282).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.20A.890 and 2005 c 369 s 2 are each amended to read as follows:

(1) A program for (a) the prevention and treatment of problem and pathological gambling; and (b) the training of professionals in the identification and treatment of problem and pathological gambling is established within the department of social and health services, to be administered by a qualified person who has training and experience in problem gambling or the organization and administration of treatment services for persons suffering from problem gambling. The department may certify and contract with treatment facilities for any services provided under the program. The department shall track program participation and client outcomes.

(2) To receive treatment under subsection (1) of this section, a person must:

(a) Need treatment for problem or pathological gambling, or because of the problem or pathological gambling of a family member, but be unable to afford treatment; and

(b) Be targeted by the department of social and health services as being most amenable to treatment.

(3) Treatment under this section is available only to the extent of the funds appropriated or otherwise made available to the department of social and health services for this purpose. The department may solicit and accept for use any gift of money or property made by will or otherwise, and any grant of money, services, or property from the federal government, any tribal government, the state, or any political subdivision thereof or any private source, and do all things necessary to cooperate with the federal government or any of its agencies or any tribal government in making an application for any grant.

(4) The department may adopt rules establishing standards for the review and certification of treatment facilities under this program.

(5) The department of social and health services shall establish an advisory committee to assist it in designing, managing, and evaluating the effectiveness of the program established in this section. The advisory committee shall give due consideration in the design and management of the program that persons who hold licenses or contracts issued by the gambling commission, horse racing commission, and lottery commission are not excluded from, or discouraged from, applying to participate in the program. The committee shall include, at a minimum, persons knowledgeable in the field of problem and pathological gambling and persons representing tribal gambling, privately owned nontribal gambling, and the state lottery.

~~((5))~~ (6) For purposes of this section, "pathological gambling" is a mental disorder characterized by loss of control over gambling, progression in preoccupation with gambling and in obtaining money to gamble, and continuation of gambling despite adverse consequences. "Problem gambling" is an earlier stage of pathological gambling which compromises, disrupts, or damages family or personal relationships or vocational pursuits.

NEW SECTION. Sec. 2. (1) The department of health shall develop recommendations regarding the credentialing of problem and pathological gambling treatment providers who were, prior to July 1,

2010, providing problem and pathological gambling treatment services as registered counselors under chapter 18.19 RCW.

(2) When developing its recommendations, the department shall:

(a) Consider, to the extent practicable, the criteria for sunrise review under RCW 18.120.010(2) and (3); and

(b) Solicit input from stakeholders, including, but not limited to, the department of social and health services, problem and pathological gambling treatment providers, chemical dependency professionals, and any other affected health professions.

(3) The department's recommendations shall, at a minimum, include:

(a) A determination of whether the scope of practice of an existing credential should be expanded to include problem and pathological gambling treatment services or whether a new credential for problem and pathological gambling treatment providers should be created; and

(b) Appropriate training, education, or examination requirements for problem and pathological gambling treatment providers.

(3) The department shall report its recommendations to the appropriate committees of the legislature no later than December 1, 2010.

NEW SECTION. Sec. 3. Section 1 of this act expires December 31, 2012."

Correct the title.

Representatives Green and Dammeier spoke in favor of the adoption of the amendment.

Amendment (1282) was adopted.

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

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6804, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6804, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Clibborn.

SENATE BILL NO. 6804, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6248, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Fairley, Rockefeller, Kohl-Welles, Kline and Ranker)

Concerning the use of bisphenol A.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environmental Health, was adopted. (For Committee amendment, see Journal, Day 38, February 17, 2010).

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

Representatives Dickerson and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6248, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6248, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Chandler.

Excused: Representative Clibborn.

SUBSTITUTE SENATE BILL NO. 6248, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6346, by Senate Committee on Transportation (originally sponsored by Senators Ranker, Haugen, Regala, Rockefeller, Pridemore, Marr, King, Fraser, Swecker, Kilmer, Shin, Tom, Kohl-Welles and Kline)

Expanding the use of certain electric vehicles.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation, was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Lias and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6346, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6346, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives DeBolt, Kretz, Orcutt, Short and Taylor.

Excused: Representative Clibborn.

SUBSTITUTE SENATE BILL NO. 6346, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6764, by Senators Gordon, Pflug, Oemig, McCaslin, Kline and Hargrove

Regarding accrual of interest on judgments founded on tortious conduct.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary, was adopted. (For Committee amendment, see Journal, Day 43, February 22, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Pedersen spoke in favor of the passage of the bill.

Representative Rodne spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6764, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6764, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Carlyle, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Erickson, Fagan, Goodman, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Clibborn.

ENGROSSED SENATE BILL NO. 6764, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Senate Bill No. 6764.

Barbara Bailey, 10th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Senate Bill No. 6764.

Troy X. Kelley, 28th District

SECOND READING

SENATE BILL NO. 6826, by Senator Swecker

Increasing certain fees of licensing subagents.

The bill was read the second time.

Representative Carlyle moved the adoption of amendment (1382).

On page 5, after line 7, insert the following:

"**NEW SECTION. Sec. 2.** A new section is added to chapter 46.01 RCW to read as follows:

The department must implement a fair, equitable, and objective rotation of public and private entity listings on the department's vehicle licensing and registration web site. The entities to be listed on the rotation are the vehicle licensing subagents and county auditors to assist the public and businesses in locating vehicle licensing offices."

Correct the title.

Representative Carlyle spoke in favor of the adoption of the amendment.

Amendment (1382) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Liias and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6826, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6826, as amended by the House, and the bill passed the House by the following vote: Yeas, 88; Nays, 9; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Cody, Condotta, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Crouse, DeBolt, Erickson, Herrera, Hinkle, Orcutt, Parker and Shea.

Excused: Representative Clibborn.

SENATE BILL NO. 6826, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6453, by Senators Hobbs, Delvin, Shin and Roach

Addressing shared leave for members of the law enforcement officers' and firefighters' retirement system, plan 2.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Van De Wege spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6453.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6453, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew,

Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Clibborn.

SENATE BILL NO. 6453, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6349, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Ranker, Holmquist, Haugen, Hobbs, Becker, Shin and Roach)

Establishing a farm internship program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 44, February 23, 2010).

With the consent of the House, amendment (1343) was withdrawn.

Representative Conway moved the adoption of amendment (1355) to the committee amendment:

On page 4, beginning on line 27 of the striking amendment, after "(10)" strike all material through "(11)" on line 30

Representative Conway spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1355) to the committee amendment was adopted.

Representative Pettigrew moved the adoption of amendment (1291) to the committee amendment.

On page 8, after line 29, insert the following:

"(d) Appropriations made for purposes of this act must be from the state general fund."

Representatives Pettigrew and Condotta spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1291) to the committee amendment was adopted.

The committee amendment by the Committee on Commerce & Labor was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wood, Condotta and Conway spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6349, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6349, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chase and Roberts.

Excused: Representative Clibborn.

SUBSTITUTE SENATE BILL NO. 6349, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

MESSAGE FROM THE SENATE

March 3, 2010

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL 6241
SUBSTITUTE SENATE BILL 6357
SUBSTITUTE SENATE BILL 6414
ENGROSSED SUBSTITUTE SENATE BILL 6499
ENGROSSED SUBSTITUTE SENATE BILL 6522
SUBSTITUTE SENATE BILL 6556
SENATE BILL 6627
SENATE BILL 6745
SUBSTITUTE SENATE BILL 6831

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 3178, by Representatives Carlyle, Anderson, Hunter, Rolfes, Eddy, Takko, Probst, Wallace, Maxwell, Van De Wege, Kelley, Green, Sullivan, Hudgins, Hope, Morrell, Springer, Ericks, Hunt, Goodman, Jacks and Finn

Creating efficiencies in the use of technology in state government.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3178 was substituted for House Bill No. 3178 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3178 was read the second time.

Representative Carlyle moved the adoption of amendment (1297).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.105 RCW to read as follows:

(1) The legislature finds that the provision of information technology in state government lacks strategic coordination, transparency, and meaningful enterprise-wide direction and oversight. It is no longer economically sustainable or technically feasible for state agencies to obtain and provide large-scale, commonly utilized information technology products and services on an individual, agency- by-agency basis without coordination. Instead, the state needs a strong, enterprise-based information technology strategy to ensure the public's needs are being met and the state is receiving the highest quality information technology products and services at the best price from public or private providers. Developing a strong enterprise-wide strategy also includes establishing clear lines of authority and accountability within state agencies so that those services unique to individual agencies receive the support required to effectively and efficiently provide services to citizens. To accomplish these objectives, the state needs to develop an open, transparent process for determining the total cost of ownership for the information technology products and services it provides, and to provide such information in an easily accessible, public fashion. It is in the state's interest to ensure that the wide range of disparate networks, systems, services, and structures across state government become more closely coordinated, organized, and structured. This type of coordinating effort is already underway in the area of higher education through the efforts of the higher education technology transformation task force and informally within other areas. When more transparent technical and financial information is readily available, the state can make sound policy decisions about what information technology services should be provided centrally on a shared services basis, and what products and services may be best suited for either contracting with private providers or for maintenance at the agency level. Furthermore, if attractive pricing models and service level agreements are developed for enterprise-based information technology services, the legislative and judicial branches will have an incentive to participate in those services as well.

(2) It is the intent of the legislature to organize, consolidate, and, where appropriate, contract with private providers for technology systems and resources in a strategic fashion that is based upon sound, objective, nonpolitical, and independent technical and financial criteria. The state needs to develop a clear, enterprise-based statewide strategy for information technology to ensure that there is transparency and accountability regarding how information technology resources are being allocated, how decisions are being made, and who is accountable for on-time, on-budget delivery.

NEW SECTION. Sec. 2. A new section is added to chapter 43.105 RCW to read as follows:

(1) State agencies that are purchasing wireless devices or services must make such purchases through the state master contract, unless the state agency provides to the office of financial management evidence that the state agency is securing its wireless devices or services from another source for a lower cost than through participation in the state master contract.

(2) For the purposes of this section, "state agency" means any office, department, board, commission, or other unit of state government, but does not include a unit of state government headed by a statewide elected official, an institution of higher education as defined in RCW 28B.10.016, or agencies of the legislative or judicial branches of state government.

Sec. 3. RCW 43.105.190 and 2005 c 319 s 111 are each amended to read as follows:

(1) The department, with the approval of the board, shall establish standards and policies governing the planning, implementation, and evaluation of major information technology projects, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or statewide or regional providers of K-12 education information technology services. The standards and policies shall:

(a) Establish criteria to identify projects which are subject to this section. Such criteria shall include, but not be limited to, significant anticipated cost, complexity, or statewide significance of the project; and

(b) Establish a model process and procedures which agencies shall follow in developing and implementing projects within their information technology portfolios. Agencies may propose, for approval by the department, a process and procedures unique to the agency. The department may accept or require modification of such agency proposals or the department may reject such agency proposals and require use of the model process and procedures established under this subsection. Any process and procedures developed under this subsection shall require (i) distinct and identifiable phases upon which funding may be based, (ii) user validation of products through system demonstrations and testing of prototypes and deliverables, and (iii) other elements identified by the board.

The director may terminate a major project if the director determines that the project is not meeting or is not expected to meet anticipated performance standards.

(2) The office of financial management shall establish policies and standards consistent with portfolio-based information technology management to govern the funding of projects developed under this section. The policies and standards shall provide for:

(a) Funding of a project under terms and conditions mutually agreed to by the director, the director of financial management, and the head of the agency proposing the project. However, the office of financial management may require incremental funding of a project on a phase-by- phase basis whereby funds for a given phase of a project may be released only when the office of financial management determines, with the advice of the department, that the previous phase is satisfactorily completed;

(b) Acceptance testing of products to assure that products perform satisfactorily before they are accepted and final payment is made; and

(c) Other elements deemed necessary by the office of financial management.

(3)(a) The department shall evaluate projects based on the demonstrated business needs and benefits; cost; technology scope and feasibility; impact on the agency's information technology portfolio and on the statewide infrastructure; and final project implementation plan based upon available funding.

(b) Copies of project evaluations conducted under this subsection shall be submitted to the office of financial management and the chairs, ranking minority members, and staff coordinators of the appropriations committees of the senate and house of representatives.

(c) If there are projects that receive funding from a transportation fund or account, copies of those projects' evaluations conducted under this subsection must be submitted to the chairs and ranking minority members of the transportation committees of the senate and the house of representatives.

(4) For the 2009-2011 biennium, the following limitations are established upon information technology procurement:

(a) Except as provided in (c) of this subsection, state agencies are not permitted to purchase or implement new information technology projects without securing prior authorization from the office of financial management. The office of financial management may only approve information technology projects that contribute towards an

enterprise strategy or meet a critical, localized need of the requesting agency.

(b) Except as provided in (c) of this subsection, state agencies are not permitted to purchase servers, virtualization software, data storage, or related software through their operational funds or through a separate information technology budget item without securing prior authorization from the office of financial management. The office of financial management shall grant approval only if the purchase is consistent with the state's overall migration strategy to the state data center and critical to the operation of the agency.

(c) State agencies may purchase new information technology projects or servers without securing prior authorization from the office of financial management if the purchase by the agency is needed to address an immediate and compelling threat to public safety.

(d) For the purposes of this subsection (4), "state agency" means any office, department, board, commission, or other unit of state government, but does not include a unit of state government headed by a statewide elected official, an institution of higher education as defined in RCW 28B.10.016, or agencies of the legislative or judicial branches of state government.

NEW SECTION. Sec. 4. A new section is added to chapter 43.88 RCW to read as follows:

(1) As part of the biennial budget process, the office of financial management shall collect from agencies, and agencies shall provide, information to produce reports, summaries, and budget detail sufficient to allow review, analysis, and documentation of all current and proposed expenditures for information technology by state agencies. Information technology budget detail must be included as part of the budget submittal documentation required pursuant to RCW 43.88.030.

(2) The office of financial management must collect, and present as part of the biennial budget documentation, information for all existing information technology projects as defined by information services board policy. The office of financial management must work with the department of information services to maximize the ability to draw this information from the information technology portfolio management data collected by the department of information services pursuant to RCW 43.105.170. Connecting project information collected through the portfolio management process with financial data developed under subsection (1) of this section provides transparency regarding expenditure data for existing technology projects.

(3) The biennial budget documentation submitted by the office of financial management pursuant to RCW 43.88.030 must include an information technology plan identifying proposed large information technology projects. This plan must be presented using a method similar to the capital budget, identifying project costs through stages of the project and across fiscal periods and biennia from project initiation to implementation. This information must be submitted electronically, in a format to be determined by the office of financial management and the legislative evaluation and accountability program committee.

(4) The office of financial management shall also institute a method of accounting for information technology-related expenditures, including creating common definitions for what constitutes an information technology investment.

Sec. 5. RCW 43.88.560 and 1992 c 20 s 7 are each amended to read as follows:

The director of financial management shall establish policies and standards governing the funding of major information technology projects as required under RCW 43.105.190(2). The director of financial management shall also direct the collection of additional information on information technology projects and submit an information technology plan as required under section 4 of this act.

Sec. 6. RCW 43.105.041 and 2009 c 486 s 13 are each amended to read as follows:

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards and procedures governing the acquisition and disposition of equipment, proprietary software and purchased services, licensing of the radio spectrum by or on behalf of state agencies, and confidentiality of computerized data. The board shall coordinate with the office of financial management to develop contracting standards for information technology acquisition and purchased services and must work with state agencies to ensure deployment of standardized contracts;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200, except that the board, the department, and state agencies, as delegated, must post notices of technology procurement bids on the state's common vendor registration and bid notification system. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop statewide or interagency technical policies, standards, and procedures;

(d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a statewide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director;

(i) To review and approve that portion of the ((department's) budget ((requests)) that ((provides for)) may provide independent, technical staff support to the board; and

(j) To develop procurement policies and procedures, such as unbundled contracting and subcontracting, that encourage and facilitate the purchase of products and services by state agencies and institutions from Washington small businesses to the maximum extent

practicable and consistent with international trade agreement commitments.

(2) Statewide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board, in consultation with the K-20 board, has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall delegate general operational and technical oversight to the K-20 network technical steering committee as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

(4) The board shall review all information technology efforts under its purview based on independent technical and financial information, regardless of whether the projects or services are being provided by public or private providers. This review must be conducted by independent, technical staff support, subject to funds appropriated for this specific purpose.

(5) In reviewing these efforts, the board, in consultation with the office of financial management, shall review state agency information technology budgets. The board may acquire project management assistance to assist in its efforts under this act.

Sec. 7. RCW 43.105.180 and 1999 c 80 s 11 are each amended to read as follows:

~~((Upon request of the office of financial management,))~~ (1) The department, in coordination with the information services board and the office of financial management, shall evaluate agency budget requests for major information technology projects identified under RCW 43.105.190, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or statewide or regional providers of K-12 education information technology services. The department shall submit recommendations for funding all or part of such requests to the office of financial management and to the chairs, ranking minority members, and staff coordinators of the appropriations committees of the senate and house of representatives. The department shall also submit recommendations regarding consolidation of similar proposals or other efficiencies it finds in reviewing proposals.

(2) The department, with the advice and approval of the office of financial management and the information services board, shall establish criteria, consistent with portfolio-based information technology management, for the evaluation of agency budget requests under this section. These budget requests shall be made in the context of an agency's information technology portfolio; technology initiatives underlying budget requests are subject to board review. Criteria shall include, but not be limited to: Feasibility of the proposed projects, consistency with the state strategic information

technology plan, consistency with information technology portfolios, appropriate provision for public electronic access to information, evidence of business process streamlining and gathering of business and technical requirements, and services, costs, and benefits.

(3) For the purposes of this section, "state agency" includes every state office, department, division, bureau, board, commission, or other state agency, including offices headed by a statewide elected official, and offices in the legislative and judicial branches of state government, notwithstanding the provisions of RCW 44.68.105.

Sec. 8. RCW 43.105.160 and 2005 c 319 s 110 are each amended to read as follows:

(1) The department shall prepare a state strategic information technology plan which shall establish a statewide mission, goals, and objectives for the use of information technology, including goals for electronic access to government records, information, and services. The plan shall be developed in accordance with the standards and policies established by the board and shall be submitted to the board for review, modification as necessary, and approval. The department shall seek the advice of the board in the development of this plan.

The plan approved under this section shall be updated as necessary and submitted to the governor and the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives.

(2) The department shall prepare a biennial state performance report on information technology based on agency performance reports required under RCW 43.105.170 and other information deemed appropriate by the department. The report shall include, but not be limited to:

(a) An analysis, based upon agency portfolios, of the state's information technology infrastructure, including its value, condition, and capacity;

(b) An evaluation of performance relating to information technology;

(c) An assessment of progress made toward implementing the state strategic information technology plan, including progress toward electronic access to public information and enabling citizens to have two-way access to public records, information, and services;

(d) An analysis of the success or failure, feasibility, progress, costs, and timeliness of implementation of major information technology projects under RCW 43.105.190. At a minimum, the portion of the report regarding major technology projects must include:

(i) Final total cost of ownership budget data for the entire life-cycle of the project, including capital and operational costs, broken down by staffing costs, contracted service, hardware purchase or lease, software purchase or lease, travel, and training. The original budget must also be shown for comparison;

(ii) The original proposed project schedule and the final actual project schedule;

(iii) Data regarding progress towards meeting the original goals and performance measures of the project, particularly as it relates to operating budget savings;

(iv) Discussion of lessons learned on the project, performance of any contractors used, and reasons for project delays or cost increases; and

~~((e))~~ (v) Identification of benefits, cost avoidance, and cost savings generated by major information technology projects developed under RCW 43.105.190; and

~~((f))~~ (e) An inventory of state information services, equipment, and proprietary software.

Copies of the report shall be distributed biennially to the governor and the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives. The major technology section of the report must examine major information technology projects completed in the previous biennium to determine the performance of the implementing agency, cost and value

effectiveness, and timeliness and other performance metrics necessary to assess the quality and value of the investment. The report must also examine projects two years after completion for progress toward meeting performance goals and operating budget savings. The first report is due December 15, 2011, and every two years thereafter.

(3) The legislative and judicial branches are encouraged to develop information technology portfolios consistent with the provisions of RCW 43.105.172 and to prepare and submit to the department a biennial performance report consistent with the provisions of RCW 43.105.170.

NEW SECTION. Sec. 9. A new section is added to chapter 43.105 RCW to read as follows:

(1) The board, in consultation with the department and the office of financial management, shall develop an enterprise-based strategy for information technology in state government informed by information technology expenditure information collected from state agencies pursuant to section 4 of this act.

(2) In developing an enterprise-based strategy for the state, the board is encouraged to consider the following strategies as possible opportunities for achieving greater efficiency:

(a) Developing personal computer replacement policies for the state, with consideration given to alternative models of personal computer use for state government use, such as thin client, software as a service, browser-based functionality, mobile computing, and other models that are less dependent upon traditional computing;

(b) Pursuing shared services initiatives across functional areas, which may include services such as e-mail, telephony, and data storage;

(c) Pursuing pilot programs, such as a pilot to demonstrate the value of application management services, to identify opportunities to achieve operational efficiencies;

(d) Developing data storage policies and record retention requirements and schedules for state agencies, in consultation with the office of the secretary of state, the state archivist, and the state records committee, where appropriate;

(e) Reviewing existing software maintenance contracts to identify opportunities to renegotiate the price of those contracts or the level of service; and

(f) Partnering with private providers for commonly utilized information technology products and services.

(3) The legislative and judicial branches are encouraged to coordinate with, and participate in, shared services initiatives, pilot programs, and development of the enterprise-based strategy, where appropriate.

NEW SECTION. Sec. 10. (1) The office of financial management, with the assistance of the department of information services, must identify areas of potential savings that will achieve the savings identified in the omnibus appropriations act. These areas shall include, but not be limited to, wireless service, telephony, desktop computers, electronic mail services, and data storage.

(2) The office of financial management shall work with the appropriate state agencies, including the department of information services, to generate savings that arise pursuant to this act from the improved acquisition and delivery of information technology products and services. To accomplish this objective, state agencies must provide timely, accurate total cost of ownership data to the office of financial management upon request regarding information technology products and services. The savings must be at least equal to those specified in the omnibus appropriations act. The office of financial management shall reduce agency allotments by the amounts specified in the omnibus appropriations act to reflect these savings. The allotment reductions shall be placed in unallotted status and remain unexpended.

(3) For the purposes of this section, "state agency" means any office, department, board, commission, or other unit of state government, but does not include a unit of state government headed

by a statewide elected official, an institution of higher education as defined in RCW 28B.10.016, or agencies of the legislative or judicial branches of state government.

(4) This section expires June 30, 2011.

NEW SECTION. Sec. 11. A new section is added to chapter 43.105 RCW to read as follows:

(1) The department, in collaboration with state agencies, shall conduct an inventory from existing data sets of information technology assets owned or leased by state agencies. This inventory must be used to inform the development of a state information technology asset management process. Prior to implementation of any state information technology asset management process, the department must submit its recommended approach, including an estimate of the associated implementation costs, to the board for approval.

(2) For the purposes of this section, "state agency" includes every state office, department, division, bureau, board, commission, or other state agency, including offices headed by a statewide elected official, and offices in the legislative and judicial branches of state government, notwithstanding the provisions of RCW 44.68.105.

NEW SECTION. Sec. 12. (1) The office of financial management, in consultation with the department of information services and the information services board, shall develop and execute a pilot program to contract with one or more private providers for the delivery, support, maintenance, and operation of information technology through application managed services or other similar programs across one or more functional areas of information technology, or for the information technology needs of one or more state agencies. In selecting a private provider for the pilot program, the office of financial management must engage in a competitive bid process or request for proposals process.

(2) The objective of the pilot program will be to assess: (a) Each agency's information technology application portfolio; (b) opportunities to use best practices and tools; and (c) whether the agency should proceed with application managed services or other similar programs based on the results of the assessment.

(3) The department of information services and the office of financial management shall prepare a report of the findings of the pilot assessments by September 1, 2010, and a final report of the pilot results by June 30, 2011. The final report must include the following: Identification of short and long-term costs, risks, benefits, and other organizational impacts of implementing application managed services or other similar programs within the pilot agencies. The final report must also identify opportunities for other state agencies to benefit from application managed services or other similar programs. The results of the pilot program must be provided to the information services board, the governor, the senate committee on ways and means, and the house of representatives committee on ways and means.

NEW SECTION. Sec. 13. The department of information services shall, by November 1, 2010, report on the efforts to develop a centralized information project management office pursuant to section 142, chapter 522, Laws of 2007. The report shall address the current status of the effort, lessons learned, and recommended changes to the program.

Sec. 14. RCW 43.105.080 and 1999 c 80 s 8 are each amended to read as follows:

There is created a revolving fund to be known as the data processing revolving fund in the ~~((custody of the))~~ state ~~((treasurer))~~ treasury. Moneys in the fund may be spent only after appropriation. The revolving fund shall be used for the acquisition of equipment, software, supplies, and services and the payment of salaries, wages, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies and equipment, including the payment of principal and interest on bonds issued for capital projects, by the

department, (~~Washington State University's computer services center,~~) the department of personnel's personnel information systems division, the office of financial management's financial systems management group, and other users as jointly determined by the department and the office of financial management. (~~The revolving fund is subject to the allotment procedure provided under chapter 43.88 RCW. Disbursements from the revolving fund for the services component of the department are not subject to appropriation. Disbursements for the strategic planning and policy component of the department are subject to appropriation. All disbursements from the fund are subject to the allotment procedures provided under chapter 43.88 RCW.~~) The department shall establish and implement a billing structure to assure all agencies pay an equitable share of the costs.

As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and 43.19.200.

NEW SECTION. Sec. 15. (1) The office of financial management shall contract with an independent consultant to:

- (a) Conduct a technical and financial analysis of the state's plan for the consolidated state data center and office building; and
 - (b) Develop a strategic business plan outlining the various options for use of the site that maximize taxpayer value consistent with the terms of the finance lease and related agreements.
- (2) The analysis must consist of, at a minimum, an assessment of the following issues:
- (a) The total capital and operational costs for the proposed data center and office building;
 - (b) The occupancy rate for the consolidated state data center, as compared to total capacity, that will result in revenue exceeding total capital and operating expenses;
 - (c) The potential reallocation of resources that could result from the consolidation of state data centers and office space; and
 - (d) The potential return on investment for the consolidated state data center and office building that may be realized without impairing any existing contractual rights under the terms of the financing lease and related agreements.
- (3) This review must build upon the analysis and migration strategy for the consolidated state data center being prepared for the department of information services.
- (4) The strategic plan must be submitted to the governor and the legislature by December 1, 2010.

NEW SECTION. Sec. 16. (1) The department of information services and the office of financial management shall review existing statutes, procedures, data, and organizational structures to identify opportunities to increase efficiency, customer service, and transparency in information technology. This effort shall include:

- (a) Identifying and addressing financial data needed to comprehensively evaluate information technology spending from an enterprise perspective;
- (b) A review of best practices in information technology governance, including private sector practices and lessons learned from other states; and
- (c) A review of existing statutes regarding information technology governance, standards, and financing to identify inconsistencies between current law and best practices.

(2) The department of information services and the office of financial management shall report findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2010.

NEW SECTION. Sec. 17. RCW 43.105.017 (Legislative intent) and 1992 c 20 s 6, 1990 c 208 s 2, & 1987 c 504 s 2 are each repealed."

Correct the title.

Representative McCoy moved the adoption of amendment (1394) to amendment (1297).

On page 14, beginning on line 24 of the striking amendment, strike all of section 14

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives McCoy and Carlyle spoke in favor of the adoption of the amendment to the amendment.

Amendment (1394) to amendment (1297) was adopted.

Representative Carlyle moved the adoption of amendment (1402) to amendment (1297).

On page 2, line 29 of the striking amendment, after "28B.10.016," insert "the state board for community and technical colleges,"

On page 5, line 2 of the striking amendment, after "28B.10.016," insert "the state board for community and technical colleges."

On page 13, line 9 of the striking amendment, after "28B.10.016," insert "the state board for community and technical colleges,"

Representative Carlyle spoke in favor of the adoption of the amendment to the amendment.

Amendment (1402) to amendment (1297) was adopted.

Representative Carlyle spoke in favor of the adoption of amendment (1297).

Amendment (1297) was adopted as amended.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Carlyle, Anderson, McCoy, Alexander, Linville and Ross spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3178.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3178, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representative Williams.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3178, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5529, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Jarrett and King)

Regarding architects.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5529, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5529, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5529, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6206, by Senators Haugen and Kilmer

Authorizing extensions of the due dates for filing tax incentive accountability reports and surveys with the department of revenue.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance, was adopted. (For Committee amendment, see Journal, Day 50, March 1, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hasegawa and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6206, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6206, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 6206, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6209, by Senators Haugen, Berkey, Marr, Shin and Sheldon

Allowing moneys paid to county road funds to be used for park and ride lots.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Lias spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6209.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6209, and the bill passed the House by the following vote: Yeas, 71; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne,

Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Fagan, Haler, Hinkle, Johnson, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

SENATE BILL NO. 6209, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6279, by Senators Kline, Murray and Haugen

Clarifying regional transit authority facilities as essential public facilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Simpson spoke in favor of the passage of the bill.

Representative Angel spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6279.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6279, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Upthegrove, Walsh and Warnick.

SENATE BILL NO. 6279, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6330, by Senators Kohl-Welles, Delvin, Haugen, Swecker, Kline, Fraser, Shin, Fairley and Roach

Permitting the placement of human trafficking informational posters in rest areas.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Parker spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6330.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6330, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 6330, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6341, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield, Haugen, Schoesler, Prentice, Shin and Fairley)

Transferring emergency food assistance programs to the department of agriculture. Revised for 1st Substitute: Transferring food assistance programs to the department of agriculture.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van De Wege and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6341.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6341, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier,

Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6341, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6342, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Swecker, Hobbs, Franklin, Carrell, McDermott, Pridemore, Marr, Shin and Fairley)

Concerning the Washington soldiers' home.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs, was adopted. (For Committee amendment, see Journal, Day 40, February 19, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6342, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6342, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6342, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6356, by Senate Committee on Transportation (originally sponsored by Senators Kilmer, Swecker, Rockefeller and Kastama)

Limiting access to law enforcement and emergency equipment and vehicles.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation, was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6356, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6356, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6356, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6373, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Ranker, Rockefeller, Swecker, Pridemore, Marr, Kline and Fraser)

Directing the department of ecology to adopt rules requiring entities to report the emissions of greenhouse gases.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ecology and Parks, was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

With the consent of the House, amendment (1393) was withdrawn. Amendment (1416) to amendment (1393) was ruled out of order.

Representative Upthegrove moved the adoption of amendment (1420).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.235.010 and 2008 c 14 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carbon dioxide equivalents" means a metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

(2) "Climate advisory team" means the stakeholder group formed in response to executive order 07-02.

(3) "Climate impacts group" means the University of Washington's climate impacts group.

(4) "Department" means the department of ecology.

(5) ("Direct emissions" means emissions of greenhouse gases from sources of emissions, including stationary combustion sources, mobile combustion emissions, process emissions, and fugitive emissions.

~~—(6))~~ "Director" means the director of the department.

~~((7))~~ (6) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, ~~((and))~~ sulfur hexafluoride, and any other gas or gases designated by the department by rule.

~~((8))~~ "Indirect emissions" means emissions of greenhouse gases associated with the purchase of electricity, heating, cooling, or steam.

~~—(9))~~ (7) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of the state.

~~((10))~~ (8) "Program" means the department's climate change program.

~~((11))~~ "Total emissions of greenhouse gases" means all direct emissions and all indirect emissions.

~~—(12))~~ (9) "Western climate initiative" means the collaboration of states, Canadian provinces, Mexican states, and tribes to design a multisector market-based mechanism as directed under the western regional climate action initiative signed by the governor on February 22, 2007.

Sec. 2. RCW 70.94.151 and 2008 c 14 s 5 are each amended to read as follows:

(1) The board of any activated authority or the department, may classify air contaminant sources, by ordinance, resolution, rule or regulation, which in its judgment may cause or contribute to air pollution, according to levels and types of emissions and other characteristics which cause or contribute to air pollution, and may require registration or reporting or both for any such class or classes. Classifications made pursuant to this section may be for application to the area of jurisdiction of such authority, or the state as a whole or to any designated area within the jurisdiction, and shall be made with special reference to effects on health, economic and social factors, and physical effects on property.

(2) Except as provided in subsection (3) of this section, any person operating or responsible for the operation of air contaminant sources of any class for which the ordinances, resolutions, rules or regulations of the department or board of the authority, require registration or reporting shall register therewith and make reports containing information as may be required by such department or board concerning location, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. In the case of emissions of greenhouse gases as defined in RCW 70.235.010 the department shall adopt rules requiring reporting of those emissions. The department or

board may require that such registration or reporting be accompanied by a fee, and may determine the amount of such fee for such class or classes: PROVIDED, That the amount of the fee shall only be to compensate for the costs of administering such registration or reporting program which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering or other reliable analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and administrative support provided in directly carrying out the registration program: PROVIDED FURTHER, That any such registration made with either the board or the department shall preclude a further registration and reporting with any other board or the department, except that emissions of greenhouse gases as defined in RCW 70.235.010 must be reported as required under subsection (5) of this section.

All registration program and reporting fees collected by the department shall be deposited in the air pollution control account. All registration program fees collected by the local air authorities shall be deposited in their respective treasuries.

(3) If a registration or report has been filed for a grain warehouse or grain elevator as required under this section, registration, reporting, or a registration program fee shall not, after January 1, 1997, again be required under this section for the warehouse or elevator unless the capacity of the warehouse or elevator as listed as part of the license issued for the facility has been increased since the date the registration or reporting was last made. If the capacity of the warehouse or elevator listed as part of the license is increased, any registration or reporting required for the warehouse or elevator under this section must be made by the date the warehouse or elevator receives grain from the first harvest season that occurs after the increase in its capacity is listed in the license.

This subsection does not apply to a grain warehouse or grain elevator if the warehouse or elevator handles more than ten million bushels of grain annually.

(4) For the purposes of subsection (3) of this section:

(a) A "grain warehouse" or "grain elevator" is an establishment classified in standard industrial classification (SIC) code 5153 for wholesale trade for which a license is required and includes, but is not limited to, such a licensed facility that also conducts cleaning operations for grain;

(b) A "license" is a license issued by the department of agriculture licensing a facility as a grain warehouse or grain elevator under chapter 22.09 RCW or a license issued by the federal government licensing a facility as a grain warehouse or grain elevator for purposes similar to those of licensure for the facility under chapter 22.09 RCW; and

(c) "Grain" means a grain or a pulse.

(5)(a) The department shall adopt rules requiring ~~((the reporting of))~~ persons to report emissions of greenhouse gases as defined in RCW 70.235.010 ~~((The rules must include a de minimis amount of emissions below which reporting will not be required for both indirect and direct emissions. The rules must require that emissions of greenhouse gases resulting from the burning of fossil fuels be reported separately from emissions of greenhouse gases resulting from the burning of biomass. Except as provided in (b) of this subsection, the department shall, under the authority granted in subsection (1) of this section, adopt rules requiring any owner or operator: (i) Of a fleet of on road motor vehicles that as a fleet emit at least twenty five hundred metric tons of greenhouse gas annually in~~

~~the state to report the emissions of greenhouse gases generated from or emitted by that fleet; or (ii) of a source or combination of sources that emit at least ten thousand metric tons of greenhouse gas annually in the state to report their total annual emissions of greenhouse gases. In calculating emissions of greenhouse gases for purposes of determining whether or not reporting is required, only direct emissions shall be included. For purposes of reporting emissions of greenhouse gases in chapter 14, Laws of 2008, "source" means any stationary source as defined in RCW 70.94.030, or mobile source used for transportation of people or cargo. The emissions of greenhouse gases must be reported as carbon dioxide equivalents. The rules must require that persons report 2009 emissions starting in 2010. The rules must establish an annual reporting schedule that takes into account the time needed to allow the owner or operator reporting emissions of greenhouse gases to gather the information needed and to verify the emissions being reported. However, in no event may reports be submitted later than October 31st of the year in which the report is due. The department may phase in the reporting requirements for sources or combinations of sources under (a)(ii) of this subsection until the reporting threshold is met, which must be met by January 1, 2012. The department may from time to time amend the rules to include other persons that emit less than the annual greenhouse gas emissions levels set out in this subsection if necessary to comply with any federal reporting requirements for emissions of greenhouse gases.~~

(b) In its rules, the department may defer the reporting requirement under (a) of this subsection for emissions associated with interstate and international commercial aircraft, rail, truck, or marine vessels until (i) there is a federal requirement to report these emissions; or (ii) the department finds that there is a generally accepted reporting protocol for determining interstate emissions from these sources.) where those emissions from a single facility, source, or site, or from fossil fuels sold in Washington by a single supplier meet or exceed ten thousand metric tons of carbon dioxide equivalent annually. The department may phase in the requirement to report greenhouse gas emissions until the reporting threshold in this subsection is met, which must occur by January 1, 2012. In addition, the rules must require that:

(i) Emissions of greenhouse gases resulting from the combustion of fossil fuels be reported separately from emissions of greenhouse gases resulting from the combustion of biomass;

(ii) Reporting will start in 2010 for 2009 emissions. Each annual report must include emissions data for the preceding calendar year and must be submitted to the department by October 31st of the year in which the report is due. However, starting in 2011, a person who is required to report greenhouse gas emissions to the United States environmental protection agency under 40 C.F.R. Part 98, as adopted on September 22, 2009, must submit the report required under this section to the department concurrent with the submission to the United States environmental protection agency. Except as otherwise provided in this section, the data for emissions in Washington and any corrections thereto that are reported to the United States environmental protection agency must be the emissions data reported to the department; and

(iii) Emissions of carbon dioxide associated with the complete combustion or oxidation of liquid motor vehicle fuel, special fuel, or aircraft fuel that is sold in Washington where the annual emissions associated with that combustion or oxidation equal or exceed ten thousand metric tons be reported to the department. Each person who is required to file periodic tax reports of motor vehicle fuel sales under RCW 82.36.031 or special fuel sales under RCW 82.38.150, or each distributor of aircraft fuel required to file periodic tax reports under RCW 82.42.040 must report to the department the annual emissions of carbon dioxide from the complete combustion or oxidation of the fuels listed in those reports as sold in the state of Washington. The department shall not require suppliers to use

additional data to calculate greenhouse gas emissions other than the data the suppliers report to the department of licensing. The rules may allow this information to be aggregated when reported to the department. The department and the department of licensing shall enter into an interagency agreement to ensure proprietary and confidential information is protected if the departments share reported information. Any proprietary or confidential information exempt from disclosure when reported to the department of licensing is exempt from disclosure when shared by the department of licensing with the department under this provision.

(b)(i) Except as otherwise provided in this subsection, the rules adopted by the department under (a) of this subsection must be consistent with the regulations adopted by the United States environmental protection agency in 40 C.F.R. Part 98 on September 22, 2009.

(ii) The department may by rule include additional gases to the definition of "greenhouse gas" in RCW 70.235.010 only if the gas has been designated as a greenhouse gas by the United States congress or by the United States environmental protection agency. Prior to including additional gases to the definition of "greenhouse gas" in RCW 70.235.010, the department shall notify the appropriate committees of the legislature. Decisions to amend the rule to include additional gases must be made prior to December 1st of any year and the amended rule may not take effect before the end of the regular legislative session in the next year.

(iii) The department may by rule exempt persons who are required to report greenhouse gas emissions to the United States environmental protection agency and who emit less than ten thousand metric tons carbon dioxide equivalent annually.

(iv) The department must establish a methodology for persons who are not required to report under this section to voluntarily report their greenhouse gas emissions.

(c) The department shall review and if necessary update its rules whenever the United States environmental protection agency adopts final amendments to 40 C.F.R. Part 98 to ensure consistency with federal reporting requirements for emissions of greenhouse gases. However, the department shall not amend its rules in a manner that conflicts with (a) of this subsection.

~~(d)~~ (d) The department shall share any reporting information reported to it with the local air authority in which the ((owner or operator)) person reporting under the rules adopted by the department operates.

~~((e))~~ (e) The fee provisions in subsection (2) of this section apply to reporting of emissions of greenhouse gases. ((Owners and operators)) Persons required to report under (a) of this subsection who fail to report or pay the fee required in subsection (2) of this section are subject to enforcement penalties under this chapter. The department shall enforce the reporting rule requirements unless it approves a local air authority's request to enforce the requirements for ((sources)) persons operating within the authority's jurisdiction. However, neither the department nor a local air authority approved under this section are authorized to assess enforcement penalties on persons required to report under (a) of this subsection until six months after the department adopts its reporting rule in 2010.

~~((f))~~ (f) The energy facility site evaluation council shall, simultaneously with the department, adopt rules that impose greenhouse gas reporting requirements in site certifications on owners or operators of a facility permitted by the energy facility site evaluation council. The greenhouse gas reporting requirements imposed by the energy facility site evaluation council must be the same as the greenhouse gas reporting requirements imposed by the department. The department shall share any information reported to it from facilities permitted by the energy facility site evaluation council with the council, including notice of a facility that has failed to report as required. The energy facility site evaluation council shall contract with the department to monitor the reporting requirements adopted under this section.

((f) In developing its rules, the department shall, with the assistance of the department of transportation, identify a mechanism to report an aggregate estimate of the annual emissions of greenhouse gases generated from or emitted by otherwise unreported on-road motor vehicles.))

(g) The inclusion or failure to include any person, source, classes of persons or sources, or types of emissions of greenhouse gases into the department's rules for reporting under this section does not indicate whether such a person, source, or category is appropriate for inclusion in ~~((the multisector market-based system designed under RCW 70.235.020))~~ state, regional, or national greenhouse gas reduction programs or strategies. Furthermore, aircraft fuel purchased in the state may not be considered equivalent to aircraft fuel combusted in the state.

(h) ((Should the federal government adopt rules sufficient to track progress toward the emissions reductions required by chapter 14, Laws of 2008 governing the reporting of greenhouse gases, the department shall amend its rules, as necessary, to seek consistency with the federal rules to ensure duplicate reporting is not required. Nothing in this section requires the department to increase the reporting threshold established in (a) of this subsection or otherwise require the department's rules be identical to the federal rules in scope.)) (i) The definitions in RCW 70.235.010 apply throughout this subsection (5) unless the context clearly requires otherwise. (ii) For the purpose of this subsection (5), the term "supplier" includes: (A) A motor vehicle fuel supplier or a motor vehicle fuel importer, as those terms are defined in RCW 82.36.010; (B) a special fuel supplier or a special fuel importer, as those terms are defined in RCW 82.38.020; and (C) a distributor of aircraft fuel, as those terms are defined in RCW 82.42.010.

(iii) For the purpose of this subsection (5), the term "person" includes: (A) An owner or operator, as those terms are defined by the United States environmental protection agency in its mandatory greenhouse gas reporting regulation in 40 C.F.R. Part 98, as adopted on September 22, 2009; and (B) a supplier."

Correct the title.

Representatives Upthegrove and Short spoke in favor of the adoption of the amendment.

Amendment (1420) was adopted.

Representative Orcutt moved the adoption of amendment (1423).

On page 7, line 16 of the amendment, after "gases" insert ", except a person who is required to report greenhouse gas emissions to the United States environmental protection agency under 40 C.F.R. Part 98, as adopted on September 22, 2009, does not have to pay the fee provisions in subsection (2) of this section when providing the department a copy of the federal submission as required in (a)(ii) of this subsection"

Representative Orcutt and Orcutt (again) spoke in favor of the adoption of the amendment.

Representative Upthegrove spoke against the adoption of the amendment.

Amendment (1423) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Upthegrove and Short spoke in favor of the passage of the bill.

Representative Rodne spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6373, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6373, as amended by the House, and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Armstrong, Chandler, Condotta, DeBolt, Ericksen, Haler, Herrera, Hinkle, Johnson, Klippert, Kristiansen, O'Brien, Pearson, Rodne, Ross, Taylor, Wallace and Warnick.

SUBSTITUTE SENATE BILL NO. 6373, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6476, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Fraser, Swecker, Delvin, Brandland, Holmquist, Becker, Parlette, Carrell, Hewitt, Schoesler, King, Roach and Kohl-Welles)

Revising provisions relating to sex crimes involving minors.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means, was adopted. (For Committee amendment, see Journal, Day 49, February 28, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dickerson, Dammeier, Parker, O'Brien and Herrera spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6476, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6476, as amended by the House, and the

bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6476, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6485, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Marr, King, Kohl-Welles, Hewitt, Hatfield, Delvin, Hobbs and Rockefeller)

Modifying craft distillery provisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor, was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

Representative Conway moved the adoption of amendment (1385).

On page 3, line 35, after "spirits" strike "distilled"

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

Amendment (1385) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6485, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6485, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler,

Hasegawa, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hudgins.

SUBSTITUTE SENATE BILL NO. 6485, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Substitute Senate Bill No. 6485.

Brad Klippert, 8th District

SECOND READING

SENATE BILL NO. 6487, by Senators Franklin, Pridemore, Keiser, Carrell, Pflug, Schoesler, Delvin and Kline

Repealing the expiration of the fair payment for chiropractic services requirement.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6487.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6487, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Ericksen.

SENATE BILL NO. 6487, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6207, by Senate Committee on Transportation (originally sponsored by Senator Haugen)

Allowing local governments to create golf cart zones.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 47, February 26, 2010).

With the consent of the House, amendment (1388) was withdrawn.

Representative Klippert moved the adoption of amendment (1350) to the committee amendment:

On page 3, line 4 of the amendment, after "zone." insert "The signage must designate the authorizing local ordinance for public information and law enforcement purposes."

Representatives Klippert, Klippert (again) and Haler spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Simpson and Liias spoke against the adoption of the amendment to the committee amendment.

Amendment (1350) to the committee amendment was not adopted.

The committee amendment by the Committee on Transportation was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6207, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6207, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko,

Taylor, Uptegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Goodman and Orcutt.

SUBSTITUTE SENATE BILL NO. 6207, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6345, by Senate Committee on Transportation (originally sponsored by Senators Eide, Regala, Delvin, Haugen, Kohl-Welles, Rockefeller, Keiser, Fairley, Kline, Tom and Fraser)

Addressing the use of wireless communications devices while driving.

The bill was read the second time.

Representative Anderson moved the adoption of amendment (1442).

On page 3, line 10, after "years," strike "and" and insert "~~(and)~~"

On page 3, line 12, after "license" insert ", and (iii) that the ability of the applicant's wireless communication device to send or receive a text message has been blocked."

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Liias spoke against the adoption of the amendment.

Amendment (1442) was not adopted.

Representative Roach moved the adoption of amendment (1368).

On page 4, beginning on line 23, strike all of section 3 Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Roach and Clibborn spoke in favor of the adoption of the amendment.

Amendment (1368) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Carlyle and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6345, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6345, as amended by the House, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Haigh, Haler, Hasegawa, Herrera, Hope, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Goodman, Green, Hinkle, Hudgins, Hunt, Kirby, Kristiansen, Morris, Pearson, Schmick and Taylor.

SUBSTITUTE SENATE BILL NO. 6345, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5798, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl-Welles, McCaslin, Keiser, Pflug and Kline)

Concerning medical marijuana.

The bill was read the second time.

With the consent of the House, amendment (1348) was withdrawn.

Representative Cody moved the adoption of amendment (1444).

On page 3, line 30, after "(6)" insert "For an authorization of marijuana use written on or after the effective date of this act."

Representative Cody spoke in favor of the adoption of the amendment.

Amendment (1444) was adopted.

Representative Ericksen moved the adoption of amendment (1441).

On page 3, beginning on line 32, after "professional," strike all material through "records" on line 33 and insert "~~((or a copy of the qualifying patient's pertinent medical records))~~ written on a tamper-resistant paper approved by the Board of Pharmacy pursuant to RCW 18.64.500"

On page 3, line 35, after "marijuana;" insert "and"

On page 3, beginning on line 37, after "RCW 46.20.035" strike all material through "original" on page 4, line 3 and insert "~~((and (e) A copy of the physician statement described in (a) of this subsection shall have the same force and effect as the signed original))~~"

Representatives Ericksen and Cody spoke in favor of the adoption of the amendment.

Amendment (1441) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5798, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5798, as amended by the House, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hudgins, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

SUBSTITUTE SENATE BILL NO. 5798, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 5798.

Tim Probst, 17th District

SECOND READING

SUBSTITUTE SENATE BILL NO. 6470, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, Hargrove, Prentice, Gordon, Regala, Keiser, McAuliffe, Stevens and Kline)

Addressing the burdens of proof required in dependency matters affecting Indian children.

The bill was read the second time.

Representative Pedersen moved the adoption of amendment (1286).

On page 5, beginning on line 25, after "relationship" strike all material through "child" on line 31 and insert "of an Indian child as defined in 25 U.S.C. Sec. 1903, no termination of parental rights may be ordered in such proceeding in the absence of a determination, supported by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is

likely to result in serious emotional or physical damage to the child"

Representatives Pedersen and Rodne spoke in favor of the adoption of the amendment.

Amendment (1286) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6470, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6470, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6470, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5668, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Schoesler, McCaslin, Benton and Marr)

Restricting the use of consignment contracts in the sale of used manufactured/mobile homes.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 44, February 23, 2010).

With the consent of the House, amendment (1367) was withdrawn.

Representative Condotta moved the adoption of amendment (1422) to the committee amendment:

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that adding requirements to the use of consignment contracts and listing dealer agreements for the sale of manufactured/mobile homes is necessary to protect the interests of homeowners, especially those who are elderly.

The legislature intends this act to ensure a transparent transaction between the parties involved in the sale of a used manufactured/mobile home.

NEW SECTION. Sec. 2. A new section is added to chapter 46.70 RCW to read as follows:

(1) As used in this section:

(a) "Consignment" means an arrangement where a vehicle dealer accepts delivery or entrustment of a used manufactured/mobile home and agrees to sell the used manufactured/mobile home on behalf of another.

(b) "Listing agreement" means a contract between a seller of a used manufactured/mobile home and a listing dealer to locate a willing buyer for the used manufactured/mobile home.

(2) The consignment contract used under this section must state the minimum agreed upon amount which will be paid to the consignor and the maximum percentage or dollar value of commission to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home. The listing dealer or other vehicle dealer shall remit to the consignor any monies received above and beyond the agreed upon maximum percentage or dollar value of commission.

(3) The listing agreement used under this section must state the maximum percentage or dollar value of commission to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home.

(4) The listing dealer or other vehicle dealer shall negotiate the purchase agreement between the seller and buyer of the used manufactured/mobile home, which must include the following procedure:

(a) All written purchase offers bearing the buyer's signature must immediately be delivered to the seller for acceptance or refusal.

(b) The seller accepts the purchase agreement by signing the offer. A copy of the purchase agreement must be delivered to the buyer immediately following the seller signing and accepting the offer as proof that the buyer's purchase offer was accepted.

(c) Any counteroffers or amendments to the purchase agreement must also bear the signatures of both the buyer and seller, and copies of the counteroffers or amendments must be delivered to each party.

(5) The listing dealer or other vehicle dealer must follow all other requirements under this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 46.70 RCW to read as follows:

A listing dealer or other vehicle dealer of manufactured/mobile homes acting on behalf of a seller for the sale and transfer of a used manufactured/mobile home shall complete and attach to any listing agreement the following notice:

NOTICE

The description and physical
location of the used
manufactured/mobile home to be sold
under this listing agreement is

The commission to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home is

Any changes to the commission to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home must be

Sec. 4. RCW 46.70.028 and 2000 c 131 s 2 are each amended to read as follows:

Dealers who transact dealer business by consignment shall obtain a consignment contract for sale and shall comply with applicable provisions of this chapter (~~(46.70 RCW)~~). The dealer shall place all funds received from the sale of the consigned vehicle in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the vehicle from these funds. Where title has been delivered to the purchaser, the dealer shall pay the amount due a consignor within ten days after the sale. However, in the case of a consignment from a licensed vehicle dealer from any state, the wholesale auto auction shall pay the consignor within twenty days. Dealers are also subject to the requirements of sections 2 and 3 of this act when engaged in the consignment of a used manufactured/mobile home.

Sec. 5. RCW 46.70.029 and 2001 c 64 s 8 are each amended to read as follows: Listing dealers shall transact dealer business by obtaining a listing agreement for sale, and the buyer's purchase of the mobile home shall be handled as dealer inventory. All funds from the purchaser shall be placed in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the mobile home from these funds. Where title has been delivered to the purchaser, the listing dealer shall pay the amount due a seller within ten days after the sale of a listed mobile home. A complete account of all funds received and disbursed shall be given to the seller or consignor after the sale is completed. The sale of listed mobile homes imposes the same duty under RCW 46.70.122 on the listing dealer as any other sale. Listing dealers are also subject to the requirements of sections 2 and 3 of this act."

Correct the title.

Representatives Condotta and Wood spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1422) to the committee amendment was adopted.

The committee amendment by the committee on Commerce & Labor was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wood, Condotta and Conway spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5668, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5668, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5668, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6510, by Senate Committee on Transportation (originally sponsored by Senators Kilmer and Sheldon)

Extending state route number 166.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Seaquist, Roach and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6510.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6510, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Flannigan, Hudgins, Klippert, Orcutt and Takko.

SUBSTITUTE SENATE BILL NO. 6510, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6555, by Senators Tom and Haugen

Removing state route number 908 from the state highway system.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eddy, Roach and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6555.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6555, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 6555, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6558, by Senate Committee on Transportation (originally sponsored by Senator Haugen)

Addressing timelines for the issuance of final orders applicable to railroad crossing petitions. Revised for 1st Substitute: Concerning petitions for administrative review of railroad crossing closures.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6558.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6558, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6558, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6577, by Senate Committee on Transportation (originally sponsored by Senators Kastama, Berkey, Swecker, Haugen, Kilmer and Shin)

Modifying the statewide transportation system policy goals. Revised for 1st Substitute: Modifying the transportation system policy goals.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6577.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6577, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6577, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6639, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Brown, Stevens, Gordon and Shin)

Creating alternatives to total confinement for nonviolent offenders with minor children.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means, was adopted. (For Committee amendment, see Journal, Day 49, February 28, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dammeier, Roberts and Linville spoke in favor of the passage of the bill.

Representative Short spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6639, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6639, as amended by the House, and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Armstrong, Chandler, Condotta, Crouse, Fagan, Haler, Johnson, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Parker, Pearson, Ross, Schmick, Shea, Short and Taylor.

SUBSTITUTE SENATE BILL NO. 6639, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6649, by Senate Committee on Transportation (originally sponsored by Senators King, Marr, Swecker, Haugen, Tom and Shin)

Streamlining the content and release requirements of driving record abstracts.

The bill was read the second time.

Representative Dammeier moved the adoption of amendment (1389).

On page 7, after line 17, insert the following:

"(iii) Upon request of the person named in the abstract provided under this subsection, and upon that same person furnishing copies of all records indicating that the person was not at fault in a motor vehicle accident, the department must indicate on any abstract provided under this subsection that the person was not at fault in the motor vehicle accident according to the authority indicating that the person was not at fault."

Representatives Shea and Liias spoke in favor of the adoption of the amendment.

Amendment (1389) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Liias and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6649, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6649, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6649, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6679, by Senate Committee on Ways & Means (originally sponsored by Senators Kauffman, Kastama and Shin)

Concerning the small business export finance assistance center.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations, was adopted.

(For Committee amendment, see Journal, Day 46, February 25, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Maxwell and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6679, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6679, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Chandler.

SECOND SUBSTITUTE SENATE BILL NO. 6679, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6816, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senator Schoesler)

Concerning special permitting for certain farm implements.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Liias and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6816.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6816, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6816, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE SENATE BILL NO. 5798 passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5798, on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5798, on reconsideration, and the bill passed the House by the following vote: Yeas: 59 Nays: 39 Absent: 0 Excused: 0

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hunt, Hunter, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood, and Mr. Speaker

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hudgins, Hurst, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, and Warnick

SUBSTITUTE SENATE BILL NO. 5798, on reconsideration, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE SENATE BILL NO. 6639 passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6639, on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 6639, on reconsideration, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Armstrong, Chandler, Condotta, Crouse, Ericksen, Fagan, Halder, Herrera, Johnson, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Parker, Pearson, Ross, Schmick, Shea, Short and Taylor.

SUBSTITUTE SENATE BILL NO. 6639, on reconsideration, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE SENATE BILL NO. 5798 passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5798, on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5798, on reconsideration, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Halder, Herrera, Hinkle, Hope, Hudgins, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE SENATE BILL NO. 6349 passed the House.

There being no objection, the rules were suspended and SUBSTITUTE SENATE BILL NO. 6349 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6349, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Ranker, Holmquist, Haugen, Hobbs, Becker, Shin and Roach)

Establishing a farm internship program.

There being no objection, the committee amendment by the Committee on Commerce & Labor was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 44, February 23, 2010).

With the consent of the House, amendment (1291) was not adopted and amendment (1343) was withdrawn.

Representative Conway moved the adoption of amendment (1355) to the committee amendment:

On page 4, beginning on line 27 of the striking amendment, after "(10)" strike all material through "(11)" on line 30

Representatives Conway and Condotta spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1355) to the committee amendment was adopted.

Representative Pettigrew moved the adoption of amendment (1446) to the committee amendment.

On page 8, after line 29 of the striking amendment, insert the following:

"NEW SECTION, Sec. 5. Appropriations made for purposes of this act must be from the state general fund."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Pettigrew and Condotta spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1446) to the committee amendment was adopted.

The committee amendment by the Committee on Commerce & Labor was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6349, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6349, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Halder, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst,

Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chase and Roberts.

SUBSTITUTE SENATE BILL NO. 6349, as amended by the House, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE SENATE BILL NO. 6485 passed the House.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6485, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Marr, King, Kohl-Welles, Hewitt, Hatfield, Delvin, Hobbs and Rockefeller)

Modifying craft distillery provisions.

There being no objection, the committee amendment by the Committee on Commerce & Labor was not adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6485.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6485 and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Hudgins and Klippert.

SUBSTITUTE SENATE BILL NO. 6485, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 2, 2010

HB 3191 Prime Sponsor, Representative Hunter: Relating to modifying Washington state excise tax laws to create jobs and to preserve funding for education, public safety, health care, and safety net services for elderly, disabled, and vulnerable people. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

There being no objection, HOUSE BILL NO. 3191 listed on the day's standing committee report under the fifth order of business was placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills under a leadership pull and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2576
 HOUSE BILL NO. 3147
 HOUSE BILL NO. 3181
 HOUSE BILL NO. 3186
 SUBSTITUTE SENATE BILL NO. 6329
 SUBSTITUTE SENATE BILL NO. 6363
 SUBSTITUTE SENATE BILL NO. 6374
 SENATE BILL NO. 6401
 SENATE BILL NO. 6540
 SUBSTITUTE SENATE BILL NO. 6673
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6724
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6726
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6737
 SENATE JOINT MEMORIAL NO. 8025

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 4, 2010, the 53rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - REGULAR SESSION

FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 4, 2010

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Mendez and Sophie DeBolt. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Carrie McClain, River Ridge Covenant Church, Lacey.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTIONS**HOUSE RESOLUTION NO. 4694, by Representatives Miloscia and Priest**

WHEREAS, The heroic achievements of Apolo Anton Ohno and J.R. Celski will inspire generations of Americans and sports lovers around the world, and will live forever in the annals of the Olympic Games; and

WHEREAS, Before they became champions on ice, Apolo Anton Ohno and J.R. Celski learned in-line skating in Federal Way at Pattison's West Skating Center, which the New York Times has named "Washington State's Rink of Dreams"; and

WHEREAS, Apolo Anton Ohno decided to become a world champion skater in Copalis Beach, Washington, and went on to become the reigning eight-time United States Short Track Speedskating Champion, and the most decorated American in the history of the Olympic Winter Games, with three Olympics and eight Olympic medals to his name, including two gold, two silver, and four bronze medals; and

WHEREAS, Apolo Anton Ohno united his physical gifts with a strong and determined character and a winning personality that is a tribute not only to him and his coaches, but also to his proud father, Yuki Ohno, who owns the Seattle hair salon Yuki's Diffusions, and who raised Apolo Anton Ohno as a single parent; and

WHEREAS, Apolo Anton Ohno and his dance partner, Julianne Hough, won the Dancing with the Stars championship in 2007, which added to his glory far beyond the short track, and helped him to achieve his current ranking as America's all-time favorite Winter Olympian by the online Smithsonian Magazine poll; and

WHEREAS, John Robert Celski is blessed with a strong family and was inspired to excel by his father, Bob Celski, his mother, Sue Celski, and his two older brothers, Chris and David Celski. He is known the world over as J.R. Celski because that name honors his father and his mother's late brother, Al Mendoza Sabado, Jr.; and

WHEREAS, J.R. Celski got his first skates on his third birthday in Federal Way and was later inspired by Apolo Anton Ohno's 2002 Olympic victories to become a speedskating champion. He won his first short track medal at age 12 and went on to earn medals at the U.S. Junior Championships, World Junior Championships, and U.S. Championships before astounding the speedskating world by becoming a five-time medalist at the 2009 World Championships; and

WHEREAS, J.R. Celski sliced his leg to the bone just five months before the 2010 Olympic Winter Games and thought for a moment that his Olympic dream was over, but his mother ran onto the ice and told him, "No, it's not over, J.R. you're going to be fine." He didn't give up; he healed and trained and worked hard every day and rejoined Team USA; he competed against the best in the world in the men's 1,500 meter race and 5,000 meter relay race; and he won two bronze medals for himself and for our country; and

WHEREAS, Apolo Anton Ohno and J.R. Celski became athletic champions while continuing to pursue their education, which should be an inspiration to the dreams of young men and women everywhere;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize Apolo Anton Ohno and J.R. Celski for being true champions who have brought honor to their sport, to Team USA, to their families, to their home towns of Federal Way and Seattle, to Washington state, and to the United States of America; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the International Olympic Committee, United States Olympic Committee, United States Speedskating, Pattison's West Skating Center, Yuki Ohno, Apolo Anton Ohno, Bob and Sue Celski, and J.R. Celski.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of House Resolution No. 4694.

HOUSE RESOLUTION NO. 4694 was adopted.

HOUSE RESOLUTION NO. 4692, by Representatives Wallace and Sells

WHEREAS, Ann Daley has a long and distinguished career of public service at the federal level for eight years and in Washington State for thirty-one years; and

WHEREAS, Ann Daley has served on the staff of United States Senator Alan Cranston, and in the administration of four governors of the State of Washington, including the Honorable Booth Gardner, the Honorable Mike Lowry, the Honorable Gary Locke, and the Honorable Christine O. Gregoire; and

WHEREAS, Ann Daley has served as staff to both the House of Representatives and the Senate of the State of Washington, including staff to Speaker Joe King; and

WHEREAS, Ann Daley served as assistant treasurer for Washington State; and

WHEREAS, Ann Daley was appointed to the board of regents at the University of Washington in 1995; and

WHEREAS, Ann Daley has served on numerous other boards and commissions, including both the pollution control and the shoreline hearings boards; and

WHEREAS, Ann Daley served as vice president for business and finance at The Evergreen State College; and

WHEREAS, Ann Daley has been a strong advocate for education at all levels as fundamentally important to a civil society; and

WHEREAS, Ann Daley was lead staff for Governor Gregoire's Washington Learns; and

WHEREAS, Ann Daley served as the executive director of the higher education coordinating board twice, and produced two fundamentally important strategic master plans for higher education; and

WHEREAS, Ann Daley is regarded as among the best in Washington at bringing diverse interest groups to consensus around sound public policy; and

WHEREAS, Ann Daley has always served the public with the utmost integrity, and has earned a reputation as being an intelligent, fair-minded, and even-handed leader; and

WHEREAS, Ann Daley will leave public service at the end of March 2010 to devote full time in her role as Gram Gram to Alyssa, Koby, and James;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Ann Daley for nearly forty years of dedicated service to the people of Washington State; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Ann Daley.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of House Resolution No. 4692.

HOUSE RESOLUTION NO. 4692 was adopted.

MESSAGE FROM THE SENATE

March 3, 2010

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1541
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1560
 SECOND SUBSTITUTE HOUSE BILL NO. 1591
 HOUSE BILL NO. 2419
 SUBSTITUTE HOUSE BILL NO. 2649
 HOUSE BILL NO. 2740
 ENGROSSED HOUSE BILL NO. 2830
 ENGROSSED HOUSE BILL NO. 2831
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2913
 SUBSTITUTE HOUSE BILL NO. 2962

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2488, by Representatives Moeller, Morrell and Hasegawa

Concerning vehicle and vessel quick title.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2488 was substituted for House Bill No. 2488 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2488 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Moeller spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2488.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2488, and the bill passed the House by the following vote: Yeas, 65; Nays, 33; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Short, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Probst, Roach, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 2488, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6359, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Becker, Shin and Tom)

Promoting efficiencies including institutional coordination and partnerships in the community and technical college system.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education Appropriations was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2010).

With the consent of the House, amendment (1360) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Carlyle, Anderson, Roach, Ross and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6359, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6359, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Uptegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Lias and Miloscia.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6359, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6418, by Senators Marr and Brown

Regarding cities and towns annexed to fire protection districts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson, Angel and Parker spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6418.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6418, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells,

Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Uptegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Herrera, Orcutt, Ormsby and Taylor.

SENATE BILL NO. 6418, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3132, by Representative Van De Wege

Eliminating the Columbia River Gorge Compact.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3132 was substituted for House Bill No. 3132 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3132 was read the second time.

Representative Van De Wege moved the adoption of amendment (1386).

Beginning on page 1, line 14, strike all of section 2 and insert the following:

"**NEW SECTION. Sec. 2.** A new section is added to chapter 43.97 RCW to read as follows:

(1) The governor's office shall work with the state of Oregon to initiate dissolution of the Columbia River Gorge Compact. If the governor's office determines that the Columbia River Gorge Compact cannot be dissolved, the governor's office shall work to renegotiate with the state of Oregon terms of the Columbia River Gorge Compact that reflects accomplishments made since the first agreement in 1987 and reflects the approved Columbia River Gorge scenic area management plan as of June 2007.

(2) The governor may also pursue discussions with Klickitat, Skamania, and Clark counties on developing a source of funding to address the costs of local planning and permitting, and to identify local options for implementing the Columbia River Gorge Compact.

(3) The governor's office shall report to the legislature by December 31, 2010, on the status of dissolving or renegotiating the Columbia River Gorge Compact."

Correct the title.

Representatives Van De Wege and McCune spoke in favor of the adoption of the amendment.

Amendment (1386) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van De Wege, McCune and Moeller spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3132.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3132, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Chandler, Hasegawa, Orcutt and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3132, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3182, by Representatives Alexander, DeBolt, Armstrong, Kristiansen, Pearson, Bailey, Rodne, Johnson, Short, Dammeier, Taylor, Crouse, Nealey, Walsh, Roach, Warnick, Klippert, Parker, Ross, Haler, Fagan, Orcutt, Schmick, Angel, Smith, Shea, Ericksen and Kretz

Making unfunded mandates optional on local governments. Revised for 1st Substitute: Making certain unfunded mandates optional for school districts and other political subdivisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3182 was substituted for House Bill No. 3182 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3182 was read the second time.

Representative Alexander moved the adoption of amendment (1404).

On page 13, after line 11, insert the following:

"Sec. 11. LOCAL GOVERNMENTS: REPORT TO DEPARTMENT OF COMMERCE ON BONDS. RCW 39.44.210 and 1995 c 399 s 54 are each amended to read as follows:

For each state or local government bond issued, the underwriter of the issue shall supply the department of ~~((community, trade, and economic development))~~ commerce with information on the bond issue within twenty days of its issuance. In cases where the issuer of the bond makes a direct or private sale to a purchaser without benefit of an underwriter, the issuer shall supply the required information. The bond issue information shall be provided on a form prescribed by the department of ~~((community, trade, and economic development))~~ commerce and shall include but is not limited to: (1) The par value of the bond issue; (2) the effective interest rates; (3) a schedule of maturities; (4) the purposes of the bond issue; (5) cost of issuance information; and (6) the type of bonds that are issued. A copy of the bond covenants shall be supplied with this information.

For each state or local government bond issued, the issuer's bond counsel promptly shall provide to the underwriter or to the department of ~~((community, trade, and economic development))~~ commerce information on the amount of any fees charged for services rendered with regard to the bond issue.

Each local government that issues any type of bond ~~((shall))~~ may make a report annually to the department of ~~((community, trade, and economic development))~~ commerce that includes a summary of all the outstanding bonds of the local government as of the first day of January in that year. Such report ~~((shall))~~ may distinguish the outstanding bond issues on the basis of the type of bond, as defined in RCW 39.44.200, and ~~((shall))~~ may report the local government's outstanding indebtedness compared to any applicable limitations on indebtedness, including RCW 35.42.200, 39.30.010, and 39.36.020."

Re-number remaining sections consecutively and correct title and internal references accordingly.

On page 14, after line 30, insert the following:

"NEW SECTION. Sec. 13. MUNICIPALITIES: REPORTING ON ENERGY CONSERVATION MEASURES. RCW 43.19.691 and 2005 c 299 s 5 are each repealed."

Re-number remaining sections consecutively and correct title and internal references accordingly.

Representatives Alexander and Kenney spoke in favor of the adoption of the amendment.

Amendment (1404) was adopted.

Representative Alexander moved the adoption of amendment (1428).

On page 14, beginning on line 13, strike all of section 12 and insert the following:

"Sec. 12. RCW 84.40.175 and 1994 c 124 s 24 are each amended to read as follows:

COUNTIES: VALUATION OF TAX-EXEMPT PUBLIC PROPERTY. At the time of making the assessment of real property, the assessor shall enter each description of property exempt under the provisions of chapter 84.36 RCW, and ~~((value and))~~ list the same in the manner and subject to the same rule as the assessor is required to assess all other property, designating in each case to whom such property belongs. Except as otherwise provided in law, the assessor is not required to value property exempt under the provisions of RCW 84.36.010. However, with respect to publicly owned property exempt from taxation under provisions of RCW 84.36.010, the assessor shall value only such property as is leased to or occupied by a private person under an agreement allowing such person to occupy or use such property for a private purpose when a request for such valuation is received from the department of revenue or the lessee of such property for use in determining the taxable rent as provided for in chapter 82.29A RCW: **PROVIDED FURTHER,** That this section shall not prohibit any assessor from valuing any public property leased to or occupied by a private person for private purposes."

Representative Alexander spoke in favor of the adoption of the amendment.

Amendment (1428) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Linville spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3182.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3182, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chase and Hasegawa.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3182, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6557, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Ranker, Swecker, Rockefeller, Brandland, Brown, Kohl-Welles, Shin, Fraser and Kline)

Limiting the use of copper and other substances in vehicle brake pads. Revised for 1st Substitute: Limiting the use of certain substances in brake friction material.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 46, February 25, 2010).

Representative Chase moved the adoption of amendment (1383) to the committee amendment:

On page 1, line 26 of the amendment, after "at" insert "or above"

On page 3, at the beginning of line 34 of the amendment, strike "analysis" and insert "analyses"

On page 5, line 30 of the amendment, after "demonstrate" strike "it is not feasible to comply with the requirements of this chapter, is necessary to comply" and insert "that complying with the requirements of this chapter is not feasible, does not allow compliance"

On page 6, line 27 of the amendment, after "from" strike "this chapter" and insert "public disclosure"

Representatives Chase and Shea spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1383) to the committee amendment was adopted.

Representative Shea moved the adoption of amendment (1447) to the committee amendment.

On page 3, line 27, after "contract" insert "or that meets the same specifications but is not part of an original equipment service contract"

On page 3, line 30, after "contract" insert "or that meets the same specifications but is not part of an original equipment service contract"

Representative Shea spoke in favor of the adoption of the amendment to the committee amendment.

Representative Chase spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1447) to the committee amendment to Substitute Senate Bill No. 6557.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1447) to the committee amendment to Substitute Senate Bill No. 6557 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 58; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Conway, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Warnick and Williams.

Voting nay: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Wood and Mr. Speaker.

Amendment (1447) to the committee amendment was not adopted.

The committee amendment by the Committee on General Government Appropriations was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Chase spoke in favor of the passage of the bill.

COLLOQUY

Representative Shea: "Section 6 of Substitute Senate Bill No. 6557 relates to the process that a motor vehicle manufacturer or brake friction material manufacturer can apply for an exemption from the provisions of this legislation. This exemption may be particularly important for small volume motor vehicle manufacturers, who are defined in the bill as those manufacturers that do not sell more than 1,000 vehicles into the state. Upon

qualifying for the exemption, is it the Legislature's intent that the department automatically renew the exemption for small volume vehicle manufacturers if the low copper brake pad specified in this bill is not available due to safety, feasibility, or financial hardship concerns, and that the manufacturer does not sell more than 1,000 vehicles into the state?"

Representative Chase: "Yes, it is the Legislature's intent that the department administers the exemption as follows: if the small volume vehicle manufacturer demonstrates that they cannot comply with the restrictions in this legislation due to safety concerns, feasibility or financial hardship, that the department will automatically renew the exemption for manufacturers that do not sell more than 1,000 vehicles in the state."

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6557, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6557, as amended by the House, and the bill passed the House by the following vote: Yeas, 86; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Crouse, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Pearson, Shea, Short and Taylor.

SUBSTITUTE SENATE BILL NO. 6557, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6557.

Jim McCune, 2nd District

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6724, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kilmer, Kauffman, Eide, Berkey, Murray, Shin and Keiser)

Allowing employees of a school district or educational service district to share leave with employees in another agency. Revised for 1st Substitute: Allowing employees of a school district or educational service district to share leave with employees in another agency. (REVISED FOR ENGROSSED: Addressing the shared leave program.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means, was adopted. (For Committee amendment, see Journal, Day 49, February 28, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Armstrong and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6724, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6724, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6724, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8025, by Senators Prentice, Haugen, Fraser, Shin and Roach

Requesting that a retired space shuttle orbiter be transferred to Washington's museum of flight.

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Hasegawa, Orcutt and Linville spoke in favor of the passage of the joint memorial.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8025.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8025, and the joint memorial passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Dunshee and Ormsby.

SENATE JOINT MEMORIAL NO. 8025, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6267, by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller and Honeyford)

Regarding water right processing improvements.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 46, February 25, 2010).

With the consent of the House, amendments (1280) and (1430) to the committee amendment were withdrawn.

Representative Blake moved the adoption of amendment (1421) to the committee amendment:

On page 2, line 25 of the amendment, after "department" insert "under this section"

On page 2, line 26 of the amendment, after "application" insert "under this section"

On page 2, line 30 of the amendment, after "denial" insert "made"

On page 2, line 31 of the amendment, after "department" insert "under this section"

On page 4, line 6 of the amendment, after "of a" strike "contractor" and insert "consultant"

On page 4, line 16 of the amendment, after "subsection" strike "(2)" and insert "(3)"

On page 4, line 26 of the amendment, after "work" strike "performed by" and insert "that would otherwise be assigned to"

On page 4, line 37 of the amendment, after "documentation," insert "review for conflict of interest."

On page 5, beginning on line 35 of the amendment, after "processed" strike "in the future"

On page 5, line 36 of the amendment, after "regular processing," insert "priority processing."

On page 7, line 32 of the amendment, after "regular processing," insert "priority processing,"

On page 8, line 12 of the amendment, before "electronic" insert "additional"

On page 9, line 23 of the amendment, after "shall" strike "make" and insert "take"

On page 10, line 7 of the amendment, after "applicant" insert "or returned for correction by the department. The department may return an initial proof of examination for correction within thirty days of the department's receipt of such initial proof from a certified water right examiner. Such proof must be returned to both the certified water right examiner and the applicant. Within thirty days of the department's receipt of such returned proof from the certified water right examiner, the department shall make its final decision under RCW 90.03.330, unless otherwise requested by the applicant"

On page 10, line 19 of the amendment, after "department" strike "deems" and insert "has already conducted a final proof of examination or finds"

On page 16, line 25 of the amendment, after "regular processing," insert "priority processing,"

On page 17, after line 2 of the amendment, insert the following: "NEW SECTION. Sec. 13. A new section is added to chapter 90.03 RCW to read as follows:

Nothing in this act affects or diminishes the processing of water right applications under any other existing authority, including but not limited to existing authority for the priority processing of applications by the department."

Renummer the remaining sections consecutively and correct any internal references accordingly.

Representatives Blake and Chandler spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1421) to the committee amendment was adopted.

Representative Dunshee moved the adoption of amendment (1450) to the committee amendment.

On page 17, after line 2 of the amendment, insert the following: "NEW SECTION. Sec. 13. It is the intent of the legislature to recover the actual cost of processing applications for water right permits and to stop subsidizing the processing of water right permits out of general tax revenues. The legislature recognizes that the largest beneficiary of receiving a water permit is the person receiving the water permit.

It is further the intent of the legislature that the backlog of applications be eliminated within five years of the effective date of this section and that thereafter water right permit applications be processed to a conclusion within twelve months of an application being made to the department of ecology.

NEW SECTION. Sec. 14. A new section is added to chapter 90.03 RCW to read as follows:

The water rights processing and dam safety account is created in the state treasury. All receipts from the fees collected under RCW 90.03.470 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to support the processing of water right applications and change applications as provided in this chapter and chapters 90.38, 90.42, and 90.44 RCW and the safety inspection of hydraulic works and plans and specifications for such works.

Sec. 15. RCW 90.03.470 and 2005 c 412 s 2 are each amended to read as follows:

The fees specified in this section shall be collected by the department in advance of the requested action.

(1) ((For the examination of an application for a permit to appropriate water, a minimum fee of fifty dollars must be remitted with the application.

For an amount of water exceeding one-half cubic foot per second, the examination fee shall be assessed at the rate of one dollar per one hundredth cubic foot per second. In no case will the examination fee be less than fifty dollars or more than twenty-five thousand dollars. No fee is required under this subsection (1) for an application filed by a party to a cost-reimbursement agreement made under RCW 90.03.265.)) For the examination of an application for a permit to appropriate water or for an application to change, transfer, or amend an existing water right, an examination fee equal to one hundred dollars for each one-hundredth of a cubic foot per second must be remitted with the application, but in no case may the examination fee be less than one thousand dollars or more than fifty thousand dollars.

(2) The following fees apply for the examination of an application to store water(, a fee of two dollars for each acre foot of storage proposed shall be charged, but a minimum fee of fifty dollars must be remitted with the application. In no case will the examination fee for a storage project be less than fifty dollars or more than twenty-five thousand dollars. No fee is required under this subsection (2) for an application filed by a party to a cost-reimbursement agreement made under RCW 90.03.265)) and for an application to change a storage right:

(a) For storage of less than one hundred acre feet of water, an examination fee of one thousand dollars must be remitted with the application.

(b) For storage of more than one hundred acre feet of water but less than or equal to one thousand acre feet of water, an examination fee of two thousand dollars must be remitted with the application.

(c) For storage of more than one thousand acre feet of water but less than or equal to ten thousand acre feet of water, an examination fee of seven thousand five hundred dollars must be remitted with the application.

(d) For storage of more than ten thousand acre feet of water, an examination fee of fifteen thousand dollars must be remitted with the application.

(3)(a) ((For the examination of an application to transfer, change, or amend a water right certificate, permit, or claim as authorized by RCW 90.44.100, 90.44.105, or 90.03.380, a minimum fee of fifty dollars must be remitted with the application. For an application for change involving an amount of water exceeding one cubic foot per second, the total examination fee shall be assessed at the rate of fifty cents per one hundredth cubic foot per second. For an application for change of a storage water right, the total examination fee shall be assessed at the rate of one dollar for each acre foot of water involved in the change. The fee shall be based on the amount of water subject to change as proposed in the application, not on the total amount of water reflected in the water right certificate, permit, or claim. In no case will the examination fee charged for a change application be less than fifty dollars or more than twelve thousand five hundred dollars.

~~(b))~~ (i) The fee paid to the department for an application for change filed with a water conservancy board under chapter 90.80 RCW must be one-fifth of the amounts provided in subsections (1) and (2) of this section. A conservancy board may charge its own processing fees in accordance with RCW 90.80.060.

(ii) The fees in subsections (1) and (2) of this section do not apply to applicants that have entered into a cost-reimbursement agreement with the department under RCW 90.03.265.

~~(b))~~ (b) The examination fee for a temporary or seasonal change under RCW 90.03.390 is ~~((fifty))~~ two hundred dollars and must be remitted with the application.

(c) No fee is required under this subsection (3) for:

(i) An application to process a change relating to donation of a trust water right to the state; or

(ii) An application to process a change when the department otherwise acquires a trust water right for purposes of improving instream flows or for other public purposes(~~;~~

(iii) An application filed with a water conservancy board according to chapter 90.80 RCW or for the review of a water conservancy board's record of decision submitted to the department according to chapter 90.80 RCW; or

(iv) An application filed by a party to a cost-reimbursement agreement made under RCW 90.03.265)).

(d) For a change, transfer, or amendment involving a single project operating under more than one water right, including related secondary diversion rights, or involving the consolidation of multiple water rights, only one examination fee and one certificate fee are required to be paid.

(4) ((The fifty-dollar minimum fee payable with the application shall be a credit to the total amount whenever the examination fee totals more than fifty dollars under the schedule specified in subsections (1) through (3) of this section and in such case the further fee due shall be the total computed amount, less the amount previously paid. Within five working days from receipt of an application, the department shall notify the applicant by registered mail of any additional fees due under subsections (1) through (3) of this section.)) (a) The fee amounts specified in this section apply to applications received after the effective date of this section and to all applications that have not been acted on by the department by issuance of a report of examination as of the effective date of this section. For pending applications that were filed prior to the effective date of this section, any fees that were paid under a previous fee schedule must be credited to the amounts required by subsections (1), (2), and (3) of this section. When the department is prepared to take action on an application that was filed prior to the effective date of this section, the department shall notify the applicant that additional fees are due and give the applicant sixty days to remit the additional fees. If the applicant fails to remit the additional fees within the time provided, the department shall cancel the application and inform the applicant of the cancellation.

(b) If the department receives a water right, change, transfer, amendment, or storage application that does not include remittance of the fee amounts required by this section, the department shall return the application to the applicant with instructions on the proper fee amount to be remitted. An application does not establish a priority date until the proper fee is remitted.

(5) The ~~((fees specified in subsections (1) through (3) of this section do not apply to any filings))~~ fee for filing an emergency withdrawal authorization((s)) or temporary drought-related water right change((s)) authorized under RCW 43.83B.410 that ~~((are))~~ is received by the department while a drought condition order issued under RCW 43.83B.405 is in effect is one hundred dollars.

(6) For applying for each extension of time for beginning construction work under a permit to appropriate water, for completion of construction work, or for completing application of water to a beneficial use, a fee of two hundred fifty dollars is required. These fees also apply to similar extensions of time requested under a change or transfer authorization.

(7) For the inspection of any hydraulic works to ~~((insure))~~ ensure safety to life and property, a fee based on the actual cost of the inspection, including the expense incident thereto, is required ~~((except as follows: (a) For any hydraulic works less than ten years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, there shall be no fee charged; or (b) for any hydraulic works more than ten years old, but less than twenty years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, the fee charged shall not exceed the fee for a significant hazard dam)).~~

(8) For the examination of plans and specifications as to safety of controlling works for storage of ten acre feet or more of water, a minimum fee of ~~((ten))~~ five hundred dollars, or a fee equal to the actual cost, is required.

(9) For recording an assignment either of a permit to appropriate water or of an application for such a permit, a fee of ~~((fifty))~~ two hundred dollars is required.

(10) For preparing and issuing all water right certificates, a fee of ~~((fifty))~~ two hundred dollars is required.

(11) For filing and recording a formal protest against granting any application, a fee of fifty dollars is required. No fee is required to submit a comment, by mail or otherwise, regarding an application.

(12) For filing an application to amend a water right claim filed under chapter 90.14 RCW, a fee of ~~((fifty))~~ two hundred dollars is required.

(13) For the registration of a new permit exempt groundwater withdrawal as required by RCW 90.44.050, a fee of three hundred dollars must be remitted.

(14)(a) Each person who holds a water right permit application, a reservoir permit application, or a change, transfer, or amendment application that is pending at any time between the effective date of this section and June 30, 2011, must remit a one-time fee of two hundred dollars to the department to retain an application in good standing. The department shall provide written notice by certified mail to each holder of an application for the fees that are due under this section. The notice must require that the fees be paid within sixty days of the date of receipt, but in no case may payment be due later than June 30, 2011. For ease of administration, the department may distribute the issuance of the notices by geographic area. The surcharge paid under this subsection is a credit against the application fees required in this section.

(b) Applications not in good standing must be canceled. The department shall issue an order to any holder of an application who fails to pay the fee within the prescribed time. The order must state that the application is canceled unless payment is received within thirty days.

(c) The department shall advise an applicant and provide an opportunity for an applicant to withdraw their application without further payment of fees if the department determines that the application would not likely be approved. The department shall summarize the basis for its conclusion to the applicant. The department shall further advise that the applicant has the option of providing an amended application that could include storage or other resource management technique that might make it approvable under RCW 90.03.255 or 90.44.055. The department's advice is not subject to appeal. If the applicant decides to retain the application on file and pays the fee required in this subsection, the department shall maintain the application in good standing until it is able to render a final decision on the application. The final decision is subject to appeal to the pollution control hearings board as provided under chapter 43.21B RCW.

(15) An application or request for an action as provided for under this section is incomplete unless accompanied by the fee or the minimum fee. If no fee or an amount less than the minimum fee accompanies an application or other request for an action as provided under this section, the department shall return the application or request to the applicant with advice as to the fee that must be remitted with the application or request for it to be accepted for processing. If additional fees are due, the department shall provide timely notification by certified mail with return receipt requested to the applicant. No action may be taken by the department until the fee is paid in full. Failure to remit fees within sixty days of the department's notification is grounds for rejecting the application or request or canceling the permit. Cash shall not be accepted. Fees must be paid by check or money order and are nonrefundable.

~~((14))~~ (16) For purposes of calculating fees for groundwater filings, one cubic foot per second shall be regarded as equivalent to four hundred fifty gallons per minute.

~~((15))~~ Eighty percent of the fees collected by the department under this section shall be deposited in the state general fund. Twenty percent of the fees collected by the department under this section shall be deposited in the water rights tracking system account established in RCW 90.14.240.

(16) Except for the fees relating to the inspection of hydraulic works and the examination of plans and specifications of controlling works provided for in subsections (7) and (8) of this section, nothing in this section is intended to grant authority to the department to amend the fees in this section by adoption of rules or otherwise.) (17) The fees collected by the department under this section must be deposited in the water rights processing and dam safety account created in section 14 of this act.

(18)(a) The fees specified in this section are effective until the department adopts rules that modify them in accordance with section 18 of this act, except that the fees required in subsections (7) and (8) of this section may be modified at any time.

(b) When information has been previously obtained that directly relates to the processing of an application in subsections (1) and (2) of this section, the department must proportionately reduce the fees associated with that application as a result of the reduced workload of the department.

NEW SECTION. Sec. 16. A new section is added to chapter 90.03 RCW to read as follows:

Within existing appropriations, the department must provide grant funds to assist applicants in the payment of fees required in RCW 90.03.470. The department shall give priority in the distribution of grant money to applicants who designate on their application that the water will be used for agricultural purposes.

Sec. 17. RCW 90.44.050 and 2003 c 307 s 1 are each amended to read as follows:

(1) After June 6, 1945, no withdrawal of public groundwaters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the department and a permit has been granted by it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public groundwaters for stock-watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding five thousand gallons a day, or as provided in RCW 90.44.052, or for an industrial purpose in an amount not exceeding five thousand gallons a day, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter: PROVIDED, HOWEVER, That the department from time to time may require the person or agency making any such small withdrawal to furnish information as to the means for and the quantity of that withdrawal: PROVIDED, FURTHER, That at the option of the party making withdrawals of groundwaters of the state not exceeding five thousand gallons per day, applications under this section or declarations under RCW 90.44.090 may be filed and permits and certificates obtained in the same manner and under the same requirements as is in this chapter provided in the case of withdrawals in excess of five thousand gallons a day.

(2)(a) The owner of a permit exempt withdrawal established under this section, the beneficial use of which is commenced on or after the effective date of this section, must register the withdrawal with the department on a registration form provided by the department. The registration must include information regarding the ownership and intended purpose of the withdrawal, the amounts withdrawn or proposed to be withdrawn, and the location, size, depth, and other particulars regarding the well. The department shall make the

registration form available on its internet site and shall accept the filing of registration forms electronically as well as by conventional mail or personal delivery.

(b) For each permit exempt withdrawal the beneficial use of which is commenced on or after the effective date of this section, the registration form must be accompanied by a fee of three hundred dollars. Upon receiving a completed registration form and fee, the department shall make a record of the registration form and shall return a copy of the registration marked as having been received and registered.

(c) The well or wells being registered must be tagged in accordance with RCW 18.104.040(6). The department shall provide an identification tag for each well and shall instruct the owner to affix the tags to the wells used to withdraw water.

(d) Whenever the owner of a permit exempt withdrawal adds dwelling units or additional purposes for the use of the withdrawal or otherwise increases the amount of water to be withdrawn by more than twenty percent, a new registration form and fee of one hundred dollars must be filed.

(e) All fees collected under this section must be deposited into the water rights processing and dam safety account created in section 14 of this act.

(3) The department may issue either an order under RCW 43.27A.190 or a civil penalty under RCW 90.03.600, or both, to the owner of a new permit exempt withdrawal who fails to file the registration form and fee required in subsection (2) of this section. Before issuing an order or penalty, the department shall inform the owner in writing by registered mail with return receipt that the registration form and fee must be remitted within thirty days. An order issued under this subsection may require the owner to cease withdrawing and using water until the form and fee have been filed. If the owner continues to refuse to file the form and fee, the department may issue an order requiring that the subject well or wells be decommissioned.

(4) A permit exempt withdrawal, the beneficial use of which is commenced on or after the effective date of this section, that has not been registered shall not be recognized as a water right under a general adjudication of water rights held under chapter 90.03 RCW.

NEW SECTION. Sec. 18. A new section is added to chapter 90.03 RCW to read as follows:

To effectuate the purpose of fully recovering the direct administrative costs incurred by the state to process water right and storage applications under this chapter and RCW 90.44.050 and to inspect and approve hydraulic works under this chapter, the department may periodically adopt rules to adjust the fees established in RCW 90.03.470. Any subsequent fees adopted by rule supersede those provided in RCW 90.03.470. Before proposing to adopt any changes to the fees, the department shall consult with the policy committees of the legislature that review water resources legislation.

NEW SECTION. Sec. 19. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall submit a report to the legislature prior to December 31, 2012, and biennially thereafter until December 31, 2020, on the status of the backlog of applications for water right permits, the effectiveness of processing water right permit applications to a conclusion within twelve months, and the appropriateness of the fee amounts.

(2) This section expires January 1, 2021.

NEW SECTION. Sec. 20. A new section is added to chapter 90.44 RCW to read as follows:

(1) The department may not require withdrawals of groundwater to be metered or measured for wells authorized under the provisions of RCW 90.44.050 constructed prior to the effective date of this section for single or group domestic uses that do not exceed withdrawing five thousand gallons a day.

(2) This section does not apply to wells the department has required to be metered or measured as of the effective date of this section."

Representatives Dunshee, Simpson, Van De Wege Dunshee (again), Morris, Morris (again) and Van De Wege (again) spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Taylor, Armstrong, McCoy, Chandler, Shea, Warnick, Ericksen, Haler, Taylor (again), Armstrong (again), Ericksen (again), Shea (again) and Klippert spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (1450) to the committee amendment to Engrossed Second Substitute Senate Bill No. 6267.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1450) to the committee amendment to Engrossed Second Substitute Senate Bill No. 6267 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 54; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kirby, Lias, Maxwell, Miloscia, Moeller, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Seaquist, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Finn, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, Linville, McCoy, McCune, Morrell, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Shea, Short, Smith, Springer, Taylor, Wallace, Walsh, Warnick and Wood.

Amendment (1450) to the committee amendment was not adopted.

Representative Morris moved the adoption of amendment (1449) to the committee amendment.

On page 17, after line 10 of the amendment, insert the following: **"NEW SECTION. Sec. 16.** A new section is added to chapter 90.03 RCW to read as follows:

The water rights processing and dam safety account is created in the state treasury. All receipts from the fees collected under RCW 90.03.470 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to support the processing of water right applications and change applications as provided in this chapter and chapters 90.38, 90.42, and 90.44 RCW and the safety inspection of hydraulic works and plans and specifications for such works.

Sec. 17. RCW 90.03.470 and 2005 c 412 s 2 are each amended to read as follows:

The fees specified in this section shall be collected by the department in advance of the requested action.

(1) ((For the examination of an application for a permit to appropriate water, a minimum fee of fifty dollars must be remitted with the application.

For an amount of water exceeding one-half cubic foot per second, the examination fee shall be assessed at the rate of one dollar per one hundredth cubic foot per second. In no case will the examination fee be less than fifty dollars or more than twenty-five thousand dollars. No fee is required under this subsection (1) for an application filed by a party to a cost-reimbursement agreement made under RCW 90.03.265.)) For the examination of an application for a permit to appropriate water or for an application to change, transfer, or amend an existing water right, an examination fee equal to thirty-five dollars for each one-hundredth of a cubic foot per second must be remitted with the application, but in no case may the examination fee be less than one thousand dollars or more than thirty-five thousand dollars.

(2) The following fees apply for the examination of an application to store water(, a fee of two dollars for each acre foot of storage proposed shall be charged, but a minimum fee of fifty dollars must be remitted with the application. In no case will the examination fee for a storage project be less than fifty dollars or more than twenty-five thousand dollars. No fee is required under this subsection (2) for an application filed by a party to a cost-reimbursement agreement made under RCW 90.03.265) and for an application to change a storage right:

(a) For storage of less than one hundred acre feet of water, an examination fee of one thousand dollars must be remitted with the application.

(b) For storage of more than one hundred acre feet of water but less than or equal to one thousand acre feet of water, an examination fee of two thousand dollars must be remitted with the application.

(c) For storage of more than one thousand acre feet of water but less than or equal to ten thousand acre feet of water, an examination fee of seven thousand five hundred dollars must be remitted with the application.

(d) For storage of more than ten thousand acre feet of water, an examination fee of fifteen thousand dollars must be remitted with the application.

(3)(a) ((For the examination of an application to transfer, change, or amend a water right certificate, permit, or claim as authorized by RCW 90.44.100, 90.44.105, or 90.03.380, a minimum fee of fifty dollars must be remitted with the application. For an application for change involving an amount of water exceeding one cubic foot per second, the total examination fee shall be assessed at the rate of fifty cents per one hundredth cubic foot per second. For an application for change of a storage water right, the total examination fee shall be assessed at the rate of one dollar for each acre foot of water involved in the change. The fee shall be based on the amount of water subject to change as proposed in the application, not on the total amount of water reflected in the water right certificate, permit, or claim. In no case will the examination fee charged for a change application be less than fifty dollars or more than twelve thousand five hundred dollars.

~~(b))~~ (i) The fee paid to the department for an application for change filed with a water conservancy board under chapter 90.80 RCW must be one-fifth of the amounts provided in subsections (1) and (2) of this section. A conservancy board may charge its own processing fees in accordance with RCW 90.80.060.

(ii) The fees in subsections (1) and (2) of this section do not apply to applicants that have entered into a cost-reimbursement agreement with the department under RCW 90.03.265.

~~(b))~~ (b) The examination fee for a temporary or seasonal change under RCW 90.03.390 is ~~((fifty))~~ two hundred dollars and must be remitted with the application.

(c) No fee is required under this subsection (3) for:

(i) An application to process a change relating to donation of a trust water right to the state; or

(ii) An application to process a change when the department otherwise acquires a trust water right for purposes of improving instream flows or for other public purposes(~~(;~~

(iii) An application filed with a water conservancy board according to chapter 90.80 RCW or for the review of a water conservancy board's record of decision submitted to the department according to chapter 90.80 RCW; or

(iv) An application filed by a party to a cost-reimbursement agreement made under RCW 90.03.265)).

(d) For a change, transfer, or amendment involving a single project operating under more than one water right, including related secondary diversion rights, or involving the consolidation of multiple water rights, only one examination fee and one certificate fee are required to be paid.

(4) ((The fifty-dollar minimum fee payable with the application shall be a credit to the total amount whenever the examination fee totals more than fifty dollars under the schedule specified in subsections (1) through (3) of this section and in such case the further fee due shall be the total computed amount, less the amount previously paid. Within five working days from receipt of an application, the department shall notify the applicant by registered mail of any additional fees due under subsections (1) through (3) of this section.)) (a) The fee amounts specified in this section apply to applications received after the effective date of this section and to all applications that have not been acted on by the department by issuance of a report of examination as of the effective date of this section. For pending applications that were filed prior to the effective date of this section, any fees that were paid under a previous fee schedule must be credited to the amounts required by subsections (1), (2), and (3) of this section. When the department is prepared to take action on an application that was filed prior to the effective date of this section, the department shall notify the applicant that additional fees are due and give the applicant sixty days to remit the additional fees. If the applicant fails to remit the additional fees within the time provided, the department shall cancel the application and inform the applicant of the cancellation.

(b) If the department receives a water right, change, transfer, amendment, or storage application that does not include remittance of the fee amounts required by this section, the department shall return the application to the applicant with instructions on the proper fee amount to be remitted. An application does not establish a priority date until the proper fee is remitted.

(5) The ~~((fees specified in subsections (1) through (3) of this section do not apply to any filings))~~ fee for filing an emergency withdrawal authorization((s)) or temporary drought-related water right change((s)) authorized under RCW 43.83B.410 that ~~((are))~~ is received by the department while a drought condition order issued under RCW 43.83B.405 is in effect is one hundred dollars.

(6) For applying for each extension of time for beginning construction work under a permit to appropriate water, for completion of construction work, or for completing application of water to a beneficial use, a fee of two hundred fifty dollars is required. These fees also apply to similar extensions of time requested under a change or transfer authorization.

(7) For the inspection of any hydraulic works to ~~((insure))~~ ensure safety to life and property, a fee based on the actual cost of the inspection, including the expense incident thereto, is required ~~((except as follows: (a) For any hydraulic works less than ten years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, there shall be no fee charged; or (b) for any hydraulic works more than ten years old, but less than twenty years old, that the department examined and approved the construction plans and specifications as to its safety when required under RCW 90.03.350, the fee charged shall not exceed the fee for a significant hazard dam)).~~

(8) For the examination of plans and specifications as to safety of controlling works for storage of ten acre feet or more of water, a minimum fee of ~~((ten))~~ five hundred dollars, or a fee equal to the actual cost, is required.

(9) For recording an assignment either of a permit to appropriate water or of an application for such a permit, a fee of ~~((fifty))~~ two hundred dollars is required.

(10) For preparing and issuing all water right certificates, a fee of ~~((fifty))~~ two hundred dollars is required.

(11) For filing and recording a formal protest against granting any application, a fee of fifty dollars is required. No fee is required to submit a comment, by mail or otherwise, regarding an application.

(12) For filing an application to amend a water right claim filed under chapter 90.14 RCW, a fee of ~~((fifty))~~ two hundred dollars is required.

(13)(a) Each person who holds a water right permit application, a reservoir permit application, or a change, transfer, or amendment application that is pending at any time between the effective date of this section and June 30, 2011, must remit a one-time fee of two hundred dollars to the department to retain an application in good standing. The department shall provide written notice by certified mail to each holder of an application for the fees that are due under this section. The notice must require that the fees be paid within sixty days of the date of receipt, but in no case may payment be due later than June 30, 2011. For ease of administration, the department may distribute the issuance of the notices by geographic area. The surcharge paid under this subsection is a credit against the application fees required in this section.

(b) Applications not in good standing must be canceled. The department shall issue an order to any holder of an application who fails to pay the fee within the prescribed time. The order must state that the application is canceled unless payment is received within thirty days.

(c) The department shall advise an applicant and provide an opportunity for an applicant to withdraw their application without further payment of fees if the department determines that the application would not likely be approved. The department shall summarize the basis for its conclusion to the applicant. The department shall further advise that the applicant has the option of providing an amended application that could include storage or other resource management technique that might make it approvable under RCW 90.03.255 or 90.44.055. The department's advice is not subject to appeal. If the applicant decides to retain the application on file and pays the fee required in this subsection, the department shall maintain the application in good standing until it is able to render a final decision on the application. The final decision is subject to appeal to the pollution control hearings board as provided under chapter 43.21B RCW.

(14) An application or request for an action as provided for under this section is incomplete unless accompanied by the fee or the minimum fee. If no fee or an amount less than the minimum fee accompanies an application or other request for an action as provided under this section, the department shall return the application or request to the applicant with advice as to the fee that must be remitted with the application or request for it to be accepted for processing. If additional fees are due, the department shall provide timely notification by certified mail with return receipt requested to the applicant. No action may be taken by the department until the fee is paid in full. Failure to remit fees within sixty days of the department's notification is grounds for rejecting the application or request or canceling the permit. Cash shall not be accepted. Fees must be paid by check or money order and are nonrefundable.

~~((14))~~ (15) For purposes of calculating fees for groundwater filings, one cubic foot per second shall be regarded as equivalent to four hundred fifty gallons per minute.

~~((15))~~ Eighty percent of the fees collected by the department under this section shall be deposited in the state general fund. Twenty percent of the fees collected by the department under this section shall be deposited in the water rights tracking system account established in RCW 90.14.240.

(16) Except for the fees relating to the inspection of hydraulic works and the examination of plans and specifications of controlling works provided for in subsections (7) and (8) of this section, nothing in this section is intended to grant authority to the department to amend the fees in this section by adoption of rules or otherwise.) (16) The fees collected by the department under this section must be deposited in the water rights processing and dam safety account created in section 16 of this act.

(17)(a) The fees specified in this section are effective until the department adopts rules that modify them in accordance with section 19 of this act, except that the fees required in subsections (7) and (8) of this section may be modified at any time.

(b) When information has been previously obtained that directly relates to the processing of an application in subsections (1) and (2) of this section, the department must proportionately reduce the fees associated with that application as a result of the reduced workload of the department.

NEW SECTION. Sec. 18. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department must establish by rule a program for the distribution of hardship grant money to assist applicants in the payment of fees required in RCW 90.03.470.

(2) The department shall submit the list of hardship applicants that meet the qualifications established by the department in this section along with the applicant's requested grant amount to the office of financial management for consideration in the governor's budget request.

(3) The department shall also provide the list of hardship applicants that meet the qualifications established by the department in this section along with the applicant's requested grant amount to the legislature by October 1st of each year.

NEW SECTION. Sec. 19. A new section is added to chapter 90.03 RCW to read as follows:

The department may periodically adopt rules to adjust the fees established in RCW 90.03.470. Any subsequent fees adopted by rule supersede those provided in RCW 90.03.470. Before proposing to adopt any changes to the fees, the department shall consult with the policy committees of the legislature that review water resources legislation.

NEW SECTION. Sec. 20. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall submit a report to the legislature prior to December 31, 2012, and biennially thereafter until December 31, 2020, on the status of the backlog of applications for water right permits, the effectiveness of processing water right permit applications to a conclusion within twelve months, and the appropriateness of the fee amounts.

(2) This section expires January 1, 2021.

NEW SECTION. Sec. 21. A new section is added to chapter 90.44 RCW to read as follows:

(1) The department may not require withdrawals of groundwater to be metered or measured for wells authorized under the provisions of RCW 90.44.050 constructed prior to the effective date of this section for single or group domestic uses that do not exceed withdrawing five thousand gallons a day.

(2) This section does not apply to wells the department has required to be metered or measured as of the effective date of this section."

Renummer the remaining sections consecutively and correct any internal references accordingly.

Representatives Morris, Simpson, Blake, Rolfes and Hudgins spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Chandler, McCoy, Shea, Walsh, Armstrong, Hinkle, Armstrong (again), Haler, Johnson, Schmick, Orcutt, Taylor, Short, Anderson and Schmick (again) spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (1449) to the committee amendment to Engrossed Second Substitute Senate Bill No. 6267.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1449) to the committee amendment to Engrossed Second Substitute Senate Bill No. 6267 and the amendment was adopted by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, Miloscia, Moeller, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Flannigan, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCoy, McCune, Morrell, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Santos, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh, Warnick and Wood.

Amendment (1449) to the committee amendment was adopted.

The committee amendment by the Committee on Agriculture & Natural Resources was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Blake spoke in favor of the passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6267, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6267, as amended by the House, and the bill passed the House by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell,

Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Flannigan, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCoy, McCune, Miloscia, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6267, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6416, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Roach, Hargrove and Stevens)

Concerning relatives in dependency proceedings.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations, was adopted. (For Committee amendment, see Journal, Day 46, February 25, 2010).

With the consent of the House, amendment (1376) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6416, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6416, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos,

Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6416, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6401, by Senator Brandland

Concerning an alternative process for selecting an electrical contractor or a mechanical contractor, or both, for general contractor/construction manager projects.

The bill was read the second time.

With the consent of the House, amendment (1454) was withdrawn.

Representative Haigh moved the adoption of amendment (1493).

On page 2, line 27, after "proposals." insert "Notice of the public solicitation of proposals must be provided to the office of minority and women's business enterprises."

On page 3, after line 11, insert "(e) The firm's plan for outreach to minority and women-owned businesses;"

Re-number the subsections consecutively and correct any internal references accordingly.

Representatives Haigh, Dammeier and Hasegawa spoke in favor of the adoption of the amendment.

Amendment (1493) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Haigh, Dammeier, Hasegawa and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6401, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6401, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 6401, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6293, by Senate Committee on Judiciary (originally sponsored by Senators Brandland and Carrell)

Changing provisions relating to rendering criminal assistance in the first degree.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety and Emergency Preparedness was not adopted.

With the consent of the House, amendments (1345), (1361) and (1331) were withdrawn.

Representative Hurst moved the adoption of amendment (1448).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.76.060 and 1975 1st ex.s. c 260 s 9A.76.060 are each amended to read as follows:

As used in RCW 9A.76.070 and 9A.76.080, "juvenile relative" means a person:

(1) Who was under the age of eighteen at the time of the offense;

(2) Who is related as husband or wife, brother or sister, parent or grandparent, child or grandchild, stepchild or stepparent to the person to whom criminal assistance is rendered; and

~~((2))~~ (3) Who does not render criminal assistance to another person in one or more of the means defined in ~~((subsections (4), (5), or (6) of)~~ RCW 9A.76.050 (4), (5), or (6).

Sec. 2. RCW 9A.76.070 and 2003 c 53 s 83 are each amended to read as follows:

(1) A person is guilty of rendering criminal assistance in the first degree if he or she renders criminal assistance to a person who has committed or is being sought for murder in the first degree or any class A felony or equivalent juvenile offense.

(2)(a) Except as provided in (b) of this subsection, rendering criminal assistance in the first degree is a class C felony.

(b) Rendering criminal assistance in the first degree is a gross misdemeanor if it is established by a preponderance of the evidence that the actor is a juvenile relative as defined in RCW 9A.76.060.

Sec. 3. RCW 9A.76.080 and 2003 c 53 s 84 are each amended to read as follows:

(1) A person is guilty of rendering criminal assistance in the second degree if he or she renders criminal assistance to a person who has committed or is being sought for a class B or class C felony or an equivalent juvenile offense or to someone being sought for violation of parole, probation, or community supervision.

(2)(a) Except as provided in (b) of this subsection, rendering criminal assistance in the second degree is a gross misdemeanor.

(b) Rendering criminal assistance in the second degree is a misdemeanor if it is established by a preponderance of the evidence that the actor is a juvenile relative as defined in RCW 9A.76.060.

NEW SECTION. Sec. 4. This act may be known and cited as Randy's law."

Correct the title.

Representative Appleton moved the adoption of amendment (1481) to amendment (1448).

On page 2, after line 10 of the striking amendment, insert the following:

"Sec. 5. RCW 9.94A.515 and 2008 c 108 s 23 are each amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH
SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
- Malicious explosion 1 (RCW 70.74.280(1))
- Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- Trafficking 1 (RCW 9A.40.100(1))
- XIII Malicious explosion 2 (RCW 70.74.280(2))
- Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
- Assault of a Child 1 (RCW 9A.36.120)
- Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- Rape 1 (RCW 9A.44.040)
- Rape of a Child 1 (RCW 9A.44.073)
- Trafficking 2 (RCW 9A.40.100(2))
- XI Manslaughter 1 (RCW 9A.32.060)
- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)
- X Child Molestation 1 (RCW 9A.44.083)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))
- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run--Death (RCW 46.52.020(4)(a))

- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
- Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)

Incest 1 (RCW 9A.64.020(1))	IV Arson 2 (RCW 9A.48.030)
Intimidating a Judge (RCW 9A.72.160)	Assault 2 (RCW 9A.36.021)
Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)	Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))	Assault by Watercraft (RCW 79A.60.060)
Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct (RCW 9.68A.070)	Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
Rape of a Child 3 (RCW 9A.44.079)	Cheating 1 (RCW 9.46.1961)
Theft of a Firearm (RCW 9A.56.300)	Commercial Bribery (RCW 9A.68.060)
Unlawful Storage of Ammonia (RCW 69.55.020)	Counterfeiting (RCW 9.16.035(4))
V Abandonment of Dependent Person 2 (RCW 9A.42.070)	Endangerment with a Controlled Substance (RCW 9A.42.100)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)	Escape 1 (RCW 9A.76.110)
Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))	Hit and Run--Injury (RCW 46.52.020(4)(b))
Child Molestation 3 (RCW 9A.44.089)	Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
Criminal Mistreatment 2 (RCW 9A.42.030)	Identity Theft 1 (RCW 9.35.020(2))
Custodial Sexual Misconduct 1 (RCW 9A.44.160)	Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)	Influencing Outcome of Sporting Event (RCW 9A.82.070)
Driving While Under the Influence (RCW 46.61.502(6))	Malicious Harassment (RCW 9A.36.080)
Extortion 1 (RCW 9A.56.120)	Residential Burglary (RCW 9A.52.025)
Extortionate Extension of Credit (RCW 9A.82.020)	Robbery 2 (RCW 9A.56.210)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)	Theft of Livestock 1 (RCW 9A.56.080)
Incest 2 (RCW 9A.64.020(2))	Threats to Bomb (RCW 9.61.160)
Kidnapping 2 (RCW 9A.40.030)	Trafficking in Stolen Property 1 (RCW 9A.82.050)
Perjury 1 (RCW 9A.72.020)	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
Persistent prison misbehavior (RCW 9.94.070)	Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))	Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
Possession of a Stolen Firearm (RCW 9A.56.310)	Unlawful transaction of insurance business (RCW 48.15.023(3))
Rape 3 (RCW 9A.44.060)	Unlicensed practice as an insurance professional (*RCW 48.17.063(3))
((Rendering Criminal Assistance 1 (RCW 9A.76.070)))	Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Sexual Misconduct with a Minor 1 (RCW 9A.44.093)	Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
Sexually Violating Human Remains (RCW 9A.44.105)	Willful Failure to Return from Furlough (**RCW 72.66.060)
Stalking (RCW 9A.46.110)	
Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)	

- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (**RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)
- Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(11)(a))
- Health Care False Claims (RCW 48.80.030)
- Identity Theft 2 (RCW 9.35.020(3))
- Improperly Obtaining Financial Information (RCW 9.35.010)
- Malicious Mischief 1 (RCW 9A.48.070)
- Organized Retail Theft 2 (RCW 9A.56.350(3))
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Possession of a Stolen Vehicle (RCW 9A.56.068)
- Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))
- Theft 1 (RCW 9A.56.030)
- Theft of a Motor Vehicle (RCW 9A.56.065)
- Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))
- Theft with the Intent to Resell 2 (RCW 9A.56.340(3))
- Trafficking in Insurance Claims (RCW 48.30A.015)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))
- Unlawful Practice of Law (RCW 2.48.180)
- Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
- Voyeurism (RCW 9A.44.115)
- I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- False Verification for Welfare (RCW 74.08.055)
- Forgery (RCW 9A.60.020)
- Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)
- Malicious Mischief 2 (RCW 9A.48.080)

Mineral Trespass (RCW 78.44.330)

Possession of Stolen Property 2 (RCW 9A.56.160)

Reckless Burning 1 (RCW 9A.48.040)

Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)

Theft 2 (RCW 9A.56.040)

Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))

Transaction of insurance business beyond the scope of licensure (**RCW 48.17.063(4))

Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)

Unlawful Possession of Fictitious Identification (RCW 9A.56.320)

Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)

Unlawful Possession of Payment Instruments (RCW 9A.56.320)

Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)

Unlawful Production of Payment Instruments (RCW 9A.56.320)

Unlawful Trafficking in Food Stamps (RCW 9.91.142)

Unlawful Use of Food Stamps (RCW 9.91.144)

Vehicle Prowl 1 (RCW 9A.52.095)"

Representative Appleton spoke in favor of the adoption of the amendment to the amendment.

Representatives Pearson and Hurst spoke against the adoption of the amendment to the amendment.

Amendment (1481) to amendment (1448) was not adopted.

Representatives Hurst and Pearson spoke in favor of the adoption of amendment (1448).

Amendment (1448) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hurst and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6293, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6293, as amended by the House, and the bill

passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6293, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6350, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Ranker, Hargrove, Jacobsen, Rockefeller, Swecker, Marr, Fraser, Murray and Kline)

Concerning marine waters management that includes marine spatial planning.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means, was adopted. (For Committee amendment, see Journal, Day 49, February 28, 2010).

With the consent of the House, amendments (1440), (1432) and (1439) were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Blake spoke in favor of the passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6350, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6350, as amended by the House, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer,

Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCoy, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

SUBSTITUTE SENATE BILL NO. 6350, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6261, by Senators Marr, Schoesler, Berkey, Zarelli and Hobbs

Addressing utility services collections against rental property.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing, was before the House for purpose of amendment.. (For Committee amendment, see Journal, Day 44, February 23, 2010).

Representative Williams moved the adoption of amendment (1486) to the committee amendment.

On page 1, line 15 of the striking amendment, before "rental" insert "residential"

On page 1, line 18 of the striking amendment, before "tenant's" insert "residential"

On page 1, line 23 of the striking amendment, after "duplicates of" insert "residential"

On page 2, line 2 of the striking amendment, after "for the" insert "residential"

On page 2, beginning on line 15 of the striking amendment, strike all of subsection (5) and insert the following:

"(5)(a) If an occupied multiple residential rental unit receives utility service through a single utility account, if the utility account's billing address is not the same as the service address of a residential rental property, or if the city or town has been notified that a tenant resides at the service address, the city or town shall make a good faith and reasonable effort to provide written notice to the service address of pending disconnection of electric power and light or water service for nonpayment at least seven calendar days prior to disconnection. The purpose of this notice is to provide any affected tenant an opportunity to resolve the delinquency with his or her landlord or to arrange for continued service. If requested, a city or town shall provide electric power and light or water services to an affected tenant on the same terms and conditions as other residential utility customers, without requiring that he or she pay delinquent amounts for services billed directly to the property owner or a previous tenant except as otherwise allowed by law and only where the city or town offers the opportunity for the affected tenant to set up a reasonable payment plan for the delinquent amounts legally due. If a landlord fails to pay for electric power and light or water services, any tenant who requests that the services be placed in his or her name may deduct from the rent due all reasonable charges paid by the tenant to the city or town for such services. A landlord may not take or threaten to take reprisals or retaliatory action as defined in RCW 59.18.240 against a tenant who deducts from his or her rent payments made to a city or town as provided in this subsection.

(b) Nothing in this subsection (5) affects the validity of any lien authorized by RCW 35.21.290 or 35.67.200. Furthermore, a city or

town that provides electric power and light or water services to a residential tenant in these circumstances shall retain the right to collect from the property owner, previous tenant, or both, any delinquent amounts due for service previously provided to the service address if the city or town has complied with the notification requirements of subsection (3) of this section when applicable."

Representatives Williams and Angel spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1486) to the committee amendment was adopted.

The committee amendment by the Committee on Local Government & Housing was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Williams and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6261, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6261, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SENATE BILL NO. 6261, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6702, by Senate Committee on Ways & Means (originally sponsored by Senators Kline, McAuliffe, Gordon, McDermott, Fraser, Shin and Kohl-Welles)

Providing education programs for juveniles in adult jails.

The bill was read the second time.

Representative Dammeier moved the adoption of amendment (1437).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. The legislature intends to provide for the operation of education programs for juvenile inmates incarcerated in adult jails.

The legislature finds that this chapter fully satisfies any constitutional duty to provide education programs for juvenile inmates in adult jails. The legislature further finds that biennial appropriations for education programs under this chapter amply provide for any constitutional duty to educate juvenile inmates in adult jails.

NEW SECTION. Sec. 2. EDUCATION PROGRAMS FOR JUVENILES IN ADULT JAILS. A program of education shall be made available for juvenile inmates by adult jail facilities and the several school districts of the state for persons under the age of eighteen years who have been incarcerated in any adult jail facilities operated under the authority of chapter 70.48 RCW. Each school district within which there is located an adult jail facility shall, singly or in concert with another school district pursuant to RCW 28A.335.160 and 28A.225.250 or chapter 39.34 RCW, conduct a program of education, including related student activities for inmates in adult jail facilities. School districts are not precluded from contracting with educational service districts, community and technical colleges, four-year institutions of higher education, or other qualified entities to provide all or part of these education programs. The division of duties, authority, and liabilities of the adult jail facilities and the several school districts of the state respecting the educational programs shall be as provided for in this chapter with regard to programs for juveniles in adult jail facilities.

NEW SECTION. Sec. 3. "ADULT JAIL FACILITY"--DEFINED. As used in this chapter, "adult jail facility" means an adult jail operated under the authority of chapter 70.48 RCW.

NEW SECTION. Sec. 4. DUTIES, AUTHORITY, AND RESPONSIBILITIES OF EDUCATION PROVIDER. (1) Except as otherwise provided for by contract under section 7 of this act, the duties and authority of a school district, educational service district, institution of higher education, or private contractor to provide for education programs under this chapter include:

(a) Employing, supervising, and controlling administrators, teachers, specialized personnel, and other persons necessary to conduct education programs, subject to security clearance by the adult jail facilities;

(b) Purchasing, leasing, renting, or providing textbooks, maps, audiovisual equipment paper, writing instruments, physical education equipment, and other instructional equipment, materials, and supplies deemed necessary by the provider of the education programs;

(c) Conducting education programs for inmates under the age of eighteen in accordance with program standards established by the superintendent of public instruction;

(d) Expending funds for the direct and indirect costs of maintaining and operating the program of education that are appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating education programs for juvenile inmates incarcerated in adult jail facilities, in addition to funds from federal and private grants, and bequests, and gifts made for the purpose of maintaining and operating the program of education; and

(e) Providing educational services to juvenile inmates within five school days of receiving notification from an adult jail facility within the district's boundaries that an individual under the age of eighteen has been incarcerated.

(2) The school district, educational service district, institution of higher education, or private contractor shall develop the curricula, instruction methods, and educational objectives of the education programs, subject to applicable requirements of state and federal law. For inmates who are under the age of eighteen when they commence the program and who have not met high school graduation requirements, such courses of instruction and school-related student

activities as are provided by the school district for students outside of adult jail facilities shall be provided by the school district for students in adult jail facilities, to the extent that it is practical and judged appropriate by the school district and the administrator of the adult jail facility.

NEW SECTION. Sec. 5. SCHOOL DISTRICTS--ADDITIONAL AUTHORITY AND LIMITATION. School districts providing an education program to juvenile inmates in an adult jail facility, may:

(1) Award appropriate diplomas or certificates to juvenile inmates who successfully complete graduation requirements;

(2) Allow students eighteen years of age who have participated in an education program under this chapter to continue in the program, under rules adopted by the superintendent of public instruction; and

(3) Spend only funds appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating education programs under this chapter, including direct and indirect costs of maintaining and operating the education programs, and funds from federal and private grants, bequests, and gifts made for that purpose. School districts may not expend excess tax levy proceeds authorized for school district purposes to pay costs incurred under this chapter.

NEW SECTION. Sec. 6. SUPPORT OF EDUCATION PROGRAMS. To support each education program under this chapter, the adult jail facility and each superintendent or chief administrator of an adult jail facility shall:

(1) Provide necessary access to existing instructional and exercise spaces for the education program that are safe and secure;

(2) Provide equipment deemed necessary by the adult jail facility to conduct the education program;

(3) Maintain a clean and appropriate classroom environment that is sufficient to meet the program requirements and consistent with security conditions;

(4) Provide appropriate supervision of juvenile inmates consistent with security conditions to safeguard agents of the education providers and juvenile inmates while engaged in educational and related activities conducted under this chapter;

(5) Provide such other support services and facilities deemed necessary by the adult jail facilities to conduct the education program;

(6) Provide the available medical and mental health records necessary to a determination by the school district of the educational needs of the juvenile inmate; and

(7) Notify the school district within which the adult jail facility resides within five school days that an eligible juvenile inmate has been incarcerated in the adult jail facility.

NEW SECTION. Sec. 7. CONTRACT BETWEEN SCHOOL DISTRICTS AND ADULT JAIL FACILITIES. Each education provider under this chapter and the adult jail facility shall negotiate and execute a written contract for each school year, or such longer period as may be agreed to, that delineates the manner in which their respective duties and authority will be cooperatively performed and exercised, and any disputes and grievances resolved through mediation, and if necessary, arbitration. Any such contract may provide for the performance of duties by an education provider in addition to those in this chapter, including duties imposed upon the adult jail facility and its agents under section 6 of this act, if supplemental funding is available to fully pay the direct and indirect costs of these additional duties.

NEW SECTION. Sec. 8. EDUCATION SITE CLOSURES OR REDUCTION IN SERVICES--NOTICE. (1) By September 30, 2010, districts must, in coordination with adult jail facilities residing within their boundaries, submit an instructional service plan to the office of the superintendent of public instruction. Service plans must meet requirements stipulated in the rules developed in accordance with section 9 of this act, provided that (a) the rules shall not govern requirements regarding security within the jail facility nor the

physical facility of the adult jail, including but not limited to, the classroom space chosen for instruction, and (b) any excess costs to the jails associated with implementing rules shall be negotiated pursuant to the contractual agreements between the education provider and adult jail facility.

(2) Once districts have submitted a plan to the office of the superintendent of public instruction, districts are not required to resubmit their plans unless either districts or adult jail facilities initiate a significant change to their plans.

(3) An adult jail facility shall notify the office of the superintendent of public instruction as soon as practicable upon the closure of any adult jail facility or upon the adoption of a policy that no juvenile shall be held in the adult jail facility.

NEW SECTION. Sec. 9. ALLOCATION OF MONEY--ACCOUNTABILITY REQUIREMENTS--RULES. The superintendent of public instruction shall:

(1) Allocate money appropriated by the legislature to administer and provide education programs under this chapter to school districts that have assumed the primary responsibility to administer and provide education programs under this chapter or to the educational service district operating the program under contract; and

(2) Adopt rules that apply to school districts and educational providers in accordance with chapter 34.05 RCW that establish reporting, program compliance, audit, and such other accountability requirements as are reasonably necessary to implement this chapter and related provisions of the omnibus appropriations act effectively. In adopting the rules pursuant to this subsection, the superintendent of public instruction shall collaborate with representatives from the Washington association of sheriffs and police chiefs and shall attempt to negotiate rules that deliver the educational program in the most cost-effective manner while, to the extent practicable, not imposing additional costs on local jail facilities.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Dammeier and Maxwell spoke in favor of the adoption of the amendment.

Amendment (1437) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Maxwell, Dammeier and Quall spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6702, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6702, as amended by the House, and the bill passed the House by the following vote: Yeas, 72; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Representatives Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody,

Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Chandler, Condotta, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short, Taylor and Warnick.

SECOND SUBSTITUTE SENATE BILL NO. 6702, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6329, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, King, Franklin, Hewitt, Keiser, Kline and Delvin)

Creating a beer and wine tasting endorsement to the grocery store liquor license.

The bill was read the second time.

With the consent of the House, amendment (1482) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood, Condotta and Conway spoke in favor of the passage of the bill.

Representative Goodman spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6329.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6329, and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Fagan, Finn, Flannigan, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nealey, Nelson, O'Brien, Parker, Pettigrew, Probst, Quall, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Crouse, Dammeier, Darneille, Eddy, Goodman, Hasegawa, Hudgins, Hunt, Klippert, Kristiansen, McCune, Morrell, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Priest, Roach, Roberts and Van De Wege.

SUBSTITUTE SENATE BILL NO. 6329, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 6329.
Mark Miloscia, 30th District

SECOND READING

SUBSTITUTE SENATE BILL NO. 6363, by Senate Committee on Transportation (originally sponsored by Senators Marr, King, Haugen, Brandland, Kauffman, Delvin, Eide, Shin and McAuliffe)

Concerning the enforcement of certain school or playground crosswalk violations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson, Armstrong, Pearson, Orcutt and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6363.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6363, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6363, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6219, by Senator Berkey

Funding sources for time certificate of deposit investments.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6219.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6219, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 6219, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6218, by Senators Fraser and Brandland

Authorizing use of voter approved local excess tax levies to pay financing contracts under the local option capital asset lending program and clarifying which "other agencies" may participate in the program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6218.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6218, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 6218, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 4, 2010

HB 3209 Prime Sponsor, Representative Clibborn: Managing costs of the ferry system. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Armstrong; Dickerson; Driscoll; Eddy; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Nealey; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen.

There being no objection, HOUSE BILL NO. 3209 listed on the day's committee reports under the fifth order of business was placed on the second reading calendar.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

- HOUSE BILL NO. 1080
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1560
- HOUSE BILL NO. 1541
- SECOND SUBSTITUTE HOUSE BILL NO. 1591
- ENGROSSED HOUSE BILL NO. 1653
- SECOND ENGROSSED HOUSE BILL NO. 1876
- SUBSTITUTE HOUSE BILL NO. 1913
- SUBSTITUTE HOUSE BILL NO. 2226
- SECOND SUBSTITUTE HOUSE BILL NO. 2396
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2399
- SUBSTITUTE HOUSE BILL NO. 2430
- HOUSE BILL NO. 2419
- HOUSE BILL NO. 2465
- SUBSTITUTE HOUSE BILL NO. 2487
- HOUSE BILL NO. 2490
- SUBSTITUTE HOUSE BILL NO. 2515
- HOUSE BILL NO. 2510
- HOUSE BILL NO. 2521
- SUBSTITUTE HOUSE BILL NO. 2555
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2560
- SUBSTITUTE HOUSE BILL NO. 2585
- HOUSE BILL NO. 2598
- HOUSE BILL NO. 2608
- SUBSTITUTE HOUSE BILL NO. 2649
- SUBSTITUTE HOUSE BILL NO. 2651
- SUBSTITUTE HOUSE BILL NO. 2661
- ENGROSSED HOUSE BILL NO. 2667
- SUBSTITUTE HOUSE BILL NO. 2704
- HOUSE BILL NO. 2740

- SUBSTITUTE HOUSE BILL NO. 2789
- SUBSTITUTE HOUSE BILL NO. 2828
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2842
- ENGROSSED HOUSE BILL NO. 2830
- ENGROSSED HOUSE BILL NO. 2831
- HOUSE BILL NO. 2858
- HOUSE BILL NO. 2861
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2913
- SUBSTITUTE HOUSE BILL NO. 2962
- HOUSE BILL NO. 2996
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 3032
- SUBSTITUTE HOUSE BILL NO. 3066
- SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004
- SUBSTITUTE SENATE BILL NO. 5046
- ENGROSSED SENATE BILL NO. 5041
- ENGROSSED SENATE BILL NO. 5516
- SENATE BILL NO. 5582
- SECOND ENGROSSED SENATE BILL NO. 5617
- SUBSTITUTE SENATE BILL NO. 6197
- SUBSTITUTE SENATE BILL NO. 6211
- SUBSTITUTE SENATE BILL NO. 6213
- SUBSTITUTE SENATE BILL NO. 6239
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6241
- SENATE BILL NO. 6227
- SENATE BILL NO. 6229
- SUBSTITUTE SENATE BILL NO. 6251
- SUBSTITUTE SENATE BILL NO. 6271
- SUBSTITUTE SENATE BILL NO. 6273
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6286
- SENATE BILL NO. 6275
- SUBSTITUTE SENATE BILL NO. 6298
- SUBSTITUTE SENATE BILL NO. 6299
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6306
- ENGROSSED SENATE BILL NO. 6287
- SENATE BILL NO. 6288
- SENATE BILL NO. 6297
- SUBSTITUTE SENATE BILL NO. 6337
- SUBSTITUTE SENATE BILL NO. 6357
- SUBSTITUTE SENATE BILL NO. 6367
- SUBSTITUTE SENATE BILL NO. 6371
- SENATE BILL NO. 6365
- SUBSTITUTE SENATE BILL NO. 6395
- SUBSTITUTE SENATE BILL NO. 6398
- SUBSTITUTE SENATE BILL NO. 6414
- SENATE BILL NO. 6450
- SENATE BILL NO. 6467
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6499
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6522
- SUBSTITUTE SENATE BILL NO. 6524
- SUBSTITUTE SENATE BILL NO. 6544
- SUBSTITUTE SENATE BILL NO. 6556
- SENATE BILL NO. 6543
- SENATE BILL NO. 6546
- SUBSTITUTE SENATE BILL NO. 6584
- SUBSTITUTE SENATE BILL NO. 6591
- SUBSTITUTE SENATE BILL NO. 6634
- SENATE BILL NO. 6627
- SUBSTITUTE SENATE BILL NO. 6674
- SUBSTITUTE SENATE BILL NO. 6749
- SENATE BILL NO. 6745
- SUBSTITUTE SENATE BILL NO. 6831
- SENATE JOINT MEMORIAL NO. 8026

The Speaker called upon Representative Morris to preside.

MESSAGES FROM THE SENATE

March 4, 2010

Mr. Speaker:

The President has signed:

- SENATE BILL NO. 6209
- SENATE BILL NO. 6279
- SENATE BILL NO. 6330
- SUBSTITUTE SENATE BILL NO. 6341
- SENATE BILL NO. 6453
- SENATE BILL NO. 6487
- SUBSTITUTE SENATE BILL NO. 6510
- SENATE BILL NO. 6555
- SUBSTITUTE SENATE BILL NO. 6558
- SUBSTITUTE SENATE BILL NO. 6577
- SUBSTITUTE SENATE BILL NO. 6816

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 4, 2010

Mr. Speaker:

The Senate has passed:

- HOUSE BILL NO. 2428
- SUBSTITUTE HOUSE BILL NO. 2429
- HOUSE BILL NO. 2592

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 4, 2010

Mr. Speaker:

The Senate has passed:

- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418
- SUBSTITUTE HOUSE BILL NO. 1545
- HOUSE BILL NO. 1576
- SUBSTITUTE HOUSE BILL NO. 2422
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2496
- HOUSE BILL NO. 2575
- SUBSTITUTE HOUSE BILL NO. 2620
- SUBSTITUTE HOUSE BILL NO. 2678
- SUBSTITUTE HOUSE BILL NO. 2684
- SUBSTITUTE HOUSE BILL NO. 3145

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Prentice, Pridemore, Kline, Rockefeller, Ranker, Tom, McDermott, Gordon and Keiser)

Changing the class of persons entitled to recoveries under a wrongful death action or survival action.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means, was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 50, March 1, 2010).

With the consent of the House, amendments (1468), (1473) and (1462) to the committee amendment were withdrawn.

Representative Ross moved the adoption of amendment (1471) to the committee amendment.

On page 1, at the beginning of line 3 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that it is only fair and just that persons found liable for damages in actions as expanded under this act that are based on a parent's significant involvement in a child's life should be responsible only for their proportionate share of fault."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 that is based on a parent's significant involvement in an adult child's life, the liability of each defendant against whom judgment is entered is several and not joint."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section that is based on a parent's significant involvement in a child's life, the liability of each defendant against whom judgment is entered is several and not joint."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section that is based on a parent's significant involvement in a child's life, the liability of each defendant against whom judgment is entered is several and not joint"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section that is based on a parent's significant involvement in a child's life, the liability of defendant against whom judgment is entered is several and not joint."

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the

~~((claimants))~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representative Ross and Ross (again) spoke in favor of the adoption of the amendment to the committee amendment.

Representative Pedersen spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1471) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of (1471) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 54; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Clibborn, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hudgins, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1471) to the committee amendment was not adopted.

Representative Rodne moved the adoption of amendment (1466) to the committee amendment.

On page 1, beginning on line 14 of the striking amendment, after "support" strike all material through "life" on line 16

Beginning on page 1, line 23 of the striking amendment, after "section" strike all material through "death" on page 2, line 6 and insert ", "financially dependent for support" means substantial dependence based on the receipt of services that have an economic or

monetary value, or substantial dependence based on actual monetary payments or contributions"

On page 3, beginning on line 26 of the striking amendment, after "support" strike all material through "life" on line 27

Beginning on page 3, line 38 of the striking amendment, after "section" strike all material through "death" on page 4, line 8 and insert ", "financially dependent for support" means substantial dependence based on the receipt of services that have an economic or monetary value, or substantial dependence based on actual monetary payments or contributions"

On page 4, beginning on line 14 of the striking amendment, after "support" strike all material through "life" on line 15

On page 5, beginning on line 4 of the striking amendment, after "section" strike all material through "death" on line 12 and insert ", "financially dependent for support" means substantial dependence based on the receipt of services that have an economic or monetary value, or substantial dependence based on actual monetary payments or contributions"

Representatives Rodne, Shea and Ross spoke in favor of the adoption of the amendment to the committee amendment.

Representative Roberts spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1466) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1466) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Campbell, Carlyle, Chandler, Clibborn, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Lias, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Angel, Appleton, Blake, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1466) to the committee amendment was not adopted.

Representative Shea moved the adoption of amendment (1480) to the committee amendment.

On page 1, line 14 of the striking amendment, after "or" insert "the parents of an adult child under the age of twenty-six"

On page 3, line 26 of the striking amendment, after "or if" insert "the decedent is under the age of twenty-six and"

Representatives Shea and Rodne spoke in favor of the adoption of the amendment to the committee amendment.

Representative Roberts spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1480) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1480) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1480) to the committee amendment was not adopted.

Representative Shea moved the adoption of amendment (1469) to the committee amendment.

On page 1, line 22 of the striking amendment, after "just." insert "In an action under RCW 4.20.010 that is based on a parent's significant involvement in an adult child's life, economic damages include any student loan balance that the parent may be obligated to repay as a result of acting as a co-signor or guarantor on the decedent's student loans, except for student loan balances that, under the terms of the loan, are eligible for a complete discharge upon the death of the borrower."

Representatives Shea and Pedersen spoke in favor of the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1469) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1469) to the committee amendment to Second Engrossed Substitute

Senate Bill No. 6508 and the amendment was adopted by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Amendment (1469) to the committee amendment was adopted.

Representative Ross moved the adoption of amendment (1472) to the committee amendment.

On page 1, line 22 of the striking amendment, after "just" insert ", except that in an action against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, the claimant may recover only economic damages and may not recover noneconomic damages"

On page 2, line 18 of the striking amendment, after "case" insert ", except that in an action against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, the personal representative is not entitled to recover the decedent's noneconomic damages on behalf of the specified beneficiaries"

On page 3, line 37 of the striking amendment, after "case" insert ", except that in an action against the state or a political subdivision of the state that is based on a parent's significant involvement in the decedent's life, the personal representative is not entitled to recover the decedent's noneconomic damages on behalf of the specified beneficiaries"

Representatives Ross, Rodne, Ross (again), Orcutt, Ericksen and Rodne (again) spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Williams, Simpson, Williams (again) and Simpson (again) spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1472) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1472) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson,

Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1472) to the committee amendment was not adopted.

Representative Rodne moved the adoption of amendment (1470) to the committee amendment.

Beginning on page 1, line 28 of the striking amendment, after "(b)" strike all material through "death" on page 2, line 2 and insert "Significant involvement" means objective evidence of personal verbal, written, electronic, or in-person contact with an adult child on a frequent basis. The court shall consider any objective evidence of weekly, biweekly, or monthly personal verbal, written, or electronic contact, and annual in-person interactions on holidays, birthdays, and other events as evidence of such involvement"

On page 4, beginning on line 5 of the striking amendment, after "(b)" strike all material through "death" on line 8 and insert "Significant involvement" means objective evidence of personal, verbal, written, electronic, or in-person contact with an adult child on a frequent basis. The court shall consider any objective evidence of weekly, biweekly, or monthly personal verbal, written, or electronic contact, and annual in-person interactions on holidays, birthdays, and other events as evidence of such involvement"

On page 5, beginning on line 9 of the striking amendment, after "(b)" strike all material through "death" on line 12 and insert "Significant involvement" means objective evidence of personal, verbal, written, electronic, or in-person contact with a child on a frequent basis. The court shall consider any objective evidence of weekly, biweekly, or monthly personal verbal, written, or electronic contact, and annual in-person interactions on holidays, birthdays, and other events as evidence of such involvement"

Representatives Rodne, Smith and Rodne (again) spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Goodman, Simpson and Goodman (again) spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1470) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1470) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta,

Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1470) to the committee amendment was not adopted.

Representative Rodne moved the adoption of amendment (1457) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, the liability of the state or political subdivision is several and not joint for acts or omissions related to the provision of law enforcement or fire protection services."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in a child's life, the liability of the state or political subdivision is several and not joint for acts or omissions related to the provision of law enforcement or fire protection services."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in a child's life, the liability of the state or political subdivision is several and not joint for acts or omissions related to the provision of law enforcement or fire protection services"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in a child's life, the liability of the state or political subdivision is several and not joint for acts or omissions related to the provision of law enforcement or fire protection services."

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an

amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants))~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Klippert, Rodne, Orcutt and Ross spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Williams and Simpson spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1457) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1457) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Erickson, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1457) to the committee amendment was not adopted.

Representative Rodne moved the adoption of amendment (1458) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 against a nonprofit corporation as defined in RCW 24.03.005 that is based on a parent's significant involvement in an adult child's life, the liability of the nonprofit corporation is several and not joint."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section against a nonprofit corporation as defined in RCW 24.03.005 that is based on a parent's significant involvement in a child's life, the liability of the nonprofit corporation is several and not joint."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section against a nonprofit corporation as defined in RCW 24.03.005 that is based on a parent's significant involvement in a child's life, the liability of the nonprofit corporation is several and not joint"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section against a nonprofit corporation as defined in RCW 24.03.005 that is based on a parent's significant involvement in a child's life, the liability of the nonprofit corporation is several and not joint.

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants))~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Re-number the remaining sections consecutively and correct internal references accordingly.

Representatives Rodne and Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

Representative Pedersen spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1458) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1458) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1458) to the committee amendment was not adopted.

Representative Ross moved the adoption of amendment (1459) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 against an employer that is based on a parent's significant involvement in an adult child's life, the liability of the employer is several and not joint if the claim against the employer arises from the criminal acts or omissions of an employee who is under the supervision of the department of corrections or a local probation department."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section against an employer that is based on a parent's significant involvement in a child's life, the liability of the employer is several and not joint if the claim against the employer arises from the criminal acts or omissions of an

employee who is under the supervision of the department of corrections or a local probation department."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section against an employer that is based on a parent's significant involvement in a child's life, the liability of the employer is several and not joint if the claim against the employer arises from the criminal acts or omissions of an employee who is under the supervision of the department of corrections or a local probation department"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section against an employer that is based on a parent's significant involvement in a child's life, the liability of the employer is several and not joint if the claim against the employer arises from the criminal acts or omissions of an employee who is under the supervision of the department of corrections or a local probation department.

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants))~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Re-number the remaining sections consecutively and correct internal references accordingly.

Representatives Ross, Ross (again) and Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

Representative Goodman spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1459) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1459) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1459) to the committee amendment was not adopted.

Representative Ross moved the adoption of amendment (1460) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 against a small business as defined in RCW 19.85.020 that is based on a parent's significant involvement in an adult child's life, the liability of the small business is several and not joint."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section against a small business as defined in RCW 19.85.020 that is based on a parent's significant involvement in a child's life, the liability of the small business is several and not joint."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section against a small business as defined in RCW 19.85.020 that is based on a parent's significant involvement in a child's life, the liability of the small business is several and not joint"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section against a small business as defined in RCW 19.85.020 that is based on a parent's significant

involvement in a child's life, the liability of the small business is several and not joint.

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants))~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Ross, Rodne, Shea, Smith, Ericksen, Shea (again) and Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Williams and Goodman spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1460) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1460) to the committee amendment to Second Engrossed Substitute

Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1460) to the committee amendment was not adopted.

Representative Ross moved the adoption of amendment (1461) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 that is based on a parent's significant involvement in an adult child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.37.530(1)(c) contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section that is based on a parent's significant involvement in a child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.37.530(1)(c) contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section that is based on a parent's significant involvement in a child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.37.530(1)(c) contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section that is based on a parent's significant involvement in a child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.37.530(1)(c) contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint.

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering

personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants))~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Ross and Klippert spoke in favor of the adoption of the amendment to the committee amendment.

Representative Pedersen spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment 1461) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1461) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 59; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Angel, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney,

Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1461) to the committee amendment was not adopted.

Representative Alexander moved the adoption of amendment (1464) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, a claimant may not recover a judgment in excess of two hundred fifty thousand dollars for noneconomic damages as defined in RCW 4.56.250(1)(a)."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, a claimant may not recover a judgment in excess of two hundred fifty thousand dollars for noneconomic damages as defined in RCW 4.56.250(1)(a)."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, a claimant may not recover a judgment in excess of two hundred fifty thousand dollars for noneconomic damages as defined in RCW 4.56.250(1)(a)"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, a claimant may not recover a judgment in excess of two hundred fifty thousand dollars for noneconomic damages as defined in RCW 4.56.250(1)(a)."

Representatives Alexander and Rodne spoke in favor of the adoption of the amendment to the committee amendment.

Representative Goodman spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1464) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1464) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 58; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1464) to the committee amendment was not adopted.

Representative Shea moved the adoption of amendment (1467) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 that is based on a parent's significant involvement in an adult child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.61.687 or 46.61.688 contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section that is based on a parent's significant involvement in a child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.61.687 or 46.61.688 contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section that is based on a parent's significant involvement in a child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.61.687 or 46.61.688 contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section that is based on a parent's significant involvement in a child's life, if a defendant establishes by a preponderance of the evidence that a violation of RCW 46.61.687 or 46.61.688 contributed to the decedent's death, the liability of any defendants against whom judgment is entered is several and not joint."

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be

several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants))~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

Sec. 6. RCW 46.61.687 and 2007 c 510 s 4 are each amended to read as follows:

(1) Whenever a child who is less than sixteen years of age is being transported in a motor vehicle that is in operation and that is required by RCW 46.37.510 to be equipped with a safety belt system in a passenger seating position, or is being transported in a neighborhood electric vehicle or medium-speed electric vehicle that is in operation, the driver of the vehicle shall keep the child properly restrained as follows:

(a) A child must be restrained in a child restraint system, if the passenger seating position equipped with a safety belt system allows sufficient space for installation, until the child is eight years old, unless the child is four feet nine inches or taller. The child restraint system must comply with standards of the United States department of transportation and must be secured in the vehicle in accordance with instructions of the vehicle manufacturer and the child restraint system manufacturer.

(b) A child who is eight years of age or older or four feet nine inches or taller shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body or an appropriately fitting child restraint system.

(c) The driver of a vehicle transporting a child who is under thirteen years old shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(2) Enforcement of subsection (1) of this section is subject to a visual inspection by law enforcement to determine if the child restraint system in use is appropriate for the child's individual height, weight, and age. The visual inspection for usage of a child restraint system must ensure that the child restraint system is being used in accordance with the instruction of the vehicle and the child restraint system manufacturers. The driver of a vehicle transporting a child who is under thirteen years old shall transport the child in the back seat positions in the vehicle where it is practical to do so.

(3) A person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system or a child booster seat, as appropriate, within seven days to the jurisdiction issuing the notice and the person has not previously had a violation of this section dismissed, the jurisdiction shall dismiss the notice of traffic infraction.

(4) Except as provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010, failure to comply with the requirements of this section shall

not constitute negligence by a parent or legal guardian(-), and failure to use a child restraint system shall not be admissible as evidence of negligence in any civil action.

(5) This section does not apply to: (a) For hire vehicles, (b) vehicles designed to transport sixteen or less passengers, including the driver, operated by auto transportation companies, as defined in RCW 81.68.010, (c) vehicles providing customer shuttle service between parking, convention, and hotel facilities, and airport terminals, and (d) school buses.

(6) As used in this section, "child restraint system" means a child passenger restraint system that meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213.

(7) The requirements of subsection (1) of this section do not apply in any seating position where there is only a lap belt available and the child weighs more than forty pounds.

(8)(a) Except as provided in (b) of this subsection, a person who has a current national certification as a child passenger safety technician and who in good faith provides inspection, adjustment, or educational services regarding child passenger restraint systems is not liable for civil damages resulting from any act or omission in providing the services, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

(b) The immunity provided in this subsection does not apply to a certified child passenger safety technician who is employed by a retailer of child passenger restraint systems and who, during his or her hours of employment and while being compensated, provides inspection, adjustment, or educational services regarding child passenger restraint systems.

Sec. 7. RCW 46.61.688 and 2009 c 275 s 8 are each amended to read as follows:

(1) For the purposes of this section, "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Medium-speed electric vehicle" meaning a self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than thirty miles per hour but not more than thirty-five miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500;

(c) "Motorcycle," meaning a three-wheeled motor vehicle that is designed (i) so that the driver rides on a seat in a partially or completely enclosed seating area that is equipped with safety belts and (ii) to be steered with a steering wheel;

(d) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(e) "Neighborhood electric vehicle," meaning a self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour and conforms to federal regulations under 49 C.F.R. Sec. 571.500;

(f) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(g) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2)(a) This section only applies to:

(i) Motor vehicles that meet the manual seat belt safety standards as set forth in 49 C.F.R. Sec. 571.208;

(ii) Motorcycles, when equipped with safety belts that meet the standards set forth in 49 C.F.R. Part 571; and

(iii) Neighborhood electric vehicles and medium-speed electric vehicles that meet the seat belt standards as set forth in 49 C.F.R. Sec. 571.500.

(b) This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required under 49 C.F.R. Part 571 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all child passengers under the age of sixteen years are either: (a) Wearing a safety belt assembly or (b) are securely fastened into an approved child restraint device.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Except as provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010, failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

(7) This section does not apply to an operator or passenger who possesses written verification from a licensed physician that the operator or passenger is unable to wear a safety belt for physical or medical reasons.

(8) The state patrol may adopt rules exempting operators or occupants of farm vehicles, construction equipment, and vehicles that are required to make frequent stops from the requirement of wearing safety belts."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the committee amendment.

Representative Williams spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1467) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1467) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liiias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1467) to the committee amendment was not adopted.

Representative Ross moved the adoption of amendment (1474) to the committee amendment.

On page 2, after line 2 of the striking amendment, insert the following:

"(3) In an action under RCW 4.20.010 against the state or a political subdivision of the state that is based on a parent's significant involvement in an adult child's life, the liability of the state or political subdivision is several and not joint."

On page 2, after line 36 of the striking amendment, insert the following:

"(5) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in a child's life, the liability of the state or political subdivision is several and not joint."

On page 4, line 8 of the striking amendment, after "death" insert "

(5) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in a child's life, the liability of the state or political subdivision is several and not joint"

On page 5, after line 12 of the striking amendment, insert the following:

"(6) In an action under this section against the state or a political subdivision of the state that is based on a parent's significant involvement in a child's life, the liability of the state or political subdivision is several and not joint.

Sec. 5. RCW 4.22.070 and 1993 c 496 s 1 are each amended to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages except entities immune from liability to the claimant under Title 51 RCW. The sum of the percentages of the total fault attributed to at-fault entities shall equal one hundred percent. The entities whose fault shall be determined include the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities with any other individual defense against the claimant, and entities immune from liability to the claimant, but shall not include those entities immune from liability to the claimant under Title 51 RCW. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except in the following circumstances:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the ~~((claimants))~~ claimant's total damages, except as otherwise provided in RCW 4.20.020, 4.20.046, 4.20.060, and 4.24.010.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking."

Remember the remaining sections consecutively and correct internal references accordingly.

Representatives Ross, Shea, Ross (again) and Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Representative Williams spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1474) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1474) to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1474) to the committee amendment was not adopted.

Representative Shea moved the adoption of amendment (1490) to the committee amendment.

On page 2, line 2 of the striking amendment, after "death." insert "When determining if the parents have had significant involvement in the adult child's life, the court shall consider, but not be limited to, objective evidence of personal, verbal, written, or electronic contact with the adult child, and in-person interaction with the adult child during holidays, birthdays, and other events."

On page 4, line 8 of the striking amendment, after "death" insert ". When determining if the parents have had significant involvement in the child's life, the court shall consider, but not be limited to, objective evidence of personal, verbal, written, or electronic contact with the child, and in-person interaction with the child during holidays, birthdays, and other events"

On page 5, line 12 of the striking amendment, after "death." insert "When determining if the parents have had significant involvement in the child's life, the court shall consider, but not be limited to, objective evidence of personal, verbal, written, or electronic contact with the child, and in-person interaction with the child during holidays, birthdays, and other events."

Representatives Shea and Pedersen spoke in favor of the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1490) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1490) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was adopted by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Appleton, Flannigan, Liias and Pettigrew.

Amendment (1490) to the committee amendment was adopted.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

Representative Priest moved the adoption of amendment (1483) to the committee amendment.

On page 5, after line 12 of the striking amendment, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 4.20 RCW to read as follows:

The definitions in this section apply throughout sections 6 through 11 of this act unless the context clearly requires otherwise.

(1) "Allegedly responsible party" means a person or entity alleged by the claimant to be responsible for damages in an action under RCW 4.20.010, 4.20.020, 4.20.046, or 4.20.060, that is based on a parent's significant involvement in a child's life.

(2) "Amount recovered" means the total compensation, including the reasonable value of nonmonetary compensation, that an attorney has obtained on behalf of a claimant through settlement, arbitration, or judgment, minus the reasonable costs and expenses incurred by the attorney in prosecuting or settling the claim.

(3) "Claimant" means any natural person who, in his or her own right, or vicariously, is seeking compensation in connection with a

claim under RCW 4.20.010, 4.20.020, 4.20.046, or 4.20.060, that is based on a parent's significant involvement in a child's life.

(4) "Collateral source" means compensation or benefits paid or payable to the claimant or on the claimant's behalf, to compensate the claimant for the injury complained of, regardless of the right of recoupment of any other entity, through subrogation, trust agreement, lien, or otherwise.

(5) "Contingent fee" means compensation, however calculated, that is payable only if an amount is recovered.

(6) "Early settlement offer" means a settlement offer made in accordance with section 6 of this act.

(7) "Economic damages" has the meaning provided in RCW 4.56.250.

(8) "Entity" includes an individual or person.

(9) "Noneconomic damages" has the meaning provided in RCW 4.56.250.

NEW SECTION. Sec. 6. A new section is added to chapter 4.20 RCW to read as follows:

(1) In any civil action for damages brought under RCW 4.20.010, 4.20.020, 4.20.046, or 4.20.060, that is based on a parent's significant involvement in a child's life, an allegedly responsible party may make an early settlement offer at any time prior to one hundred twenty days after the claim is filed with a court. To qualify as an early settlement offer, the offer must include a good faith offer to compensate the claimant for the claimant's current and future economic damages suffered as a result of the allegedly responsible party's act or omission, less collateral source benefits available to the claimant, and for reasonable hourly attorneys' fees for the claimant. The early settlement offer must be in writing and communicated to the claimant by certified mail. The offer must remain open for acceptance for a minimum of thirty days from the date the offer is received by the claimant.

(2) An allegedly responsible party may amend or issue an additional early settlement offer prior to one hundred twenty days after the action is commenced. The claimant may extend the time for receiving the offer beyond this period.

(3) An attorney who receives an early settlement offer shall provide a true and complete copy of the offer to his or her client.

(4) A claimant who agrees in writing to an early settlement offer may not bring or continue a civil action, based on the same alleged negligence, against the allegedly responsible party who made the early settlement offer or any other allegedly responsible parties who joined in the early settlement offer under subsection (5) of this section.

(5) An offer under subsection (1) of this section may include other allegedly responsible parties who were involved in the events that gave rise to the civil action, regardless of the theory of liability on which the claim is based, with their consent. If, after an early settlement offer is made and accepted, the participants in the offer dispute their relative contributions to the payments to be made to the claimant, such disputes shall be resolved through binding arbitration in accordance with chapter 7.04 RCW.

(6) The claimant may reject an offer of compensation made under subsection (1) of this section and elect to bring or maintain a civil action for damages. Upon rejection of an offer of compensation that complies with the requirements of subsection (1) of this section, the claimant may recover damages in the civil action only if the claimant proves by clear and convincing evidence that the allegedly responsible party caused the injury by reckless, willful, or wanton conduct.

NEW SECTION. Sec. 7. A new section is added to chapter 4.20 RCW to read as follows:

(1) An attorney who represents a person in an action under RCW 4.20.010, 4.20.020, 4.20.046, or 4.20.060, that is based on a parent's significant involvement in a child's life, and who represents the person on a contingent-fee basis, shall send a demand for

compensation by certified mail to each allegedly responsible party prior to commencing a court action. In the event that multiple allegedly responsible parties are known to the attorney, a demand must be sent on the same date to each party. The demand must specify the amount of compensation sought and must set forth the material facts, documentary evidence, and other information relevant to the demand, including:

(a) The name and address of the claimant or of the person on whose behalf the claim is being made;

(b) A brief description of how the injury or loss occurred;

(c) The names and, if known, the addresses and telephone numbers of all known witnesses to the injury or loss;

(d) Copies of photographs in the claimant's possession which relate to the injury or loss;

(e) The basis for claiming that the party to whom the demand is addressed is responsible or partially responsible for the injury or loss;

(f) A description of the nature of the injury or loss, including the dates and nature of the care or services provided, and the names and addresses of all physicians and other health care providers that provided medical care or services to the claimant or injured party;

(g) Medical records relating to the injury, including those involving a prior injury or preexisting medical condition which would be discoverable by the allegedly responsible party during the course of litigation or, in lieu thereof, executed releases authorizing the allegedly responsible party to obtain the records directly from those health care providers who provided treatment to the claimant; and

(h) Documentation of any medical expenses, lost wages, personal losses, and other economic and noneconomic damages suffered as a consequence of the injury or loss.

(2) The attorney shall mail copies of each demand to the claimant and to each allegedly responsible party.

(3) A claimant's attorney who learns of an additional allegedly responsible party after making a demand for compensation under subsection (1) of this section shall send a demand for compensation to the newly discovered allegedly responsible party and simultaneously mail a copy of the demand to each of the other allegedly responsible parties and to the claimant.

(4) In the event that a claimant's attorney learns of an additional allegedly responsible party more than ninety days after making a demand for compensation under subsection (1) of this section, the attorney shall not be required to send a demand to that party nor do the fee limitations imposed under section 510 (1) and (2) of this act apply with regard to an amount recovered from that party, except as provided by this subsection. An attorney who fails as a result of a breach of the standard of care to learn of an additional allegedly responsible party within ninety days of sending a demand for compensation to another allegedly responsible party shall not collect a fee in excess of that allowed under section 9 of this act with respect to an amount recovered from the additional allegedly responsible party.

NEW SECTION. Sec. 8. A new section is added to chapter 4.20 RCW to read as follows:

An allegedly responsible party is under no obligation to issue a response to a demand for compensation made under section 7 of this act. The fact that a demand for compensation was or was not made, the fact that an early settlement offer was or was not made, and the amount of any demand or settlement offer made are inadmissible at a trial arising from the injury or loss.

NEW SECTION. Sec. 9. A new section is added to chapter 4.20 RCW to read as follows:

(1) An attorney who represents a claimant who has accepted an early settlement offer under section 6 of this act shall not collect an amount as compensation for the attorney's services that is more than the attorney's reasonable hourly fees for the services performed.

(2) An attorney who represents a claimant who has rejected or failed to accept an early settlement offer shall not collect a contingent fee that is greater than twenty percent of the amount of the early

settlement offer plus the percentage of the amount recovered in excess of the early settlement offer as was agreed to by the claimant and the attorney.

(3) A claimant's attorney who has failed to make a demand for compensation under section 7 of this act, or who has omitted from the demand any information required under section 7 of this act of a material nature which the attorney had in his or her possession, or which was readily available to him or her, or of which the attorney had knowledge, shall not collect a contingent fee greater than twenty percent of the amount recovered.

(4) A claimant's attorney who has failed to provide his or her client a true and complete copy of an early settlement offer received by the attorney, as required under section 6 of this act, shall not collect a contingent fee greater than twenty percent of the amount recovered.

(5) An attorney shall disclose, plainly and in writing, to claimants whom the attorney proposes to represent on a contingent-fee basis:

(a) The fee limitations imposed by this section; and (b) the fact that such limitations are maximum limits and that the attorney and claimant may negotiate a lower fee.

The attorney shall also provide to each claimant a copy of sections 5 through 11 of this act.

(6) The fee limitations imposed by this section may not be waived.

(7) This section applies to all attorneys practicing in this state, including attorneys prosecuting claims filed in federal court, to the maximum extent permitted by federal law.

NEW SECTION. Sec. 10. A new section is added to chapter 4.20 RCW to read as follows:

A fiduciary relationship applies with respect to a fee agreement between an attorney and a claimant in an action under RCW 4.20.010, 4.20.020, 4.20.046, or 4.20.060, that is based on a parent's significant involvement in a child's life.

NEW SECTION. Sec. 11. A new section is added to chapter 4.20 RCW to read as follows:

(1) The court shall, in any action under RCW 4.20.010, 4.20.020, 4.20.046, or 4.20.060, that is based on a parent's significant involvement in a child's life, determine the reasonableness of each party's attorneys fees. The court shall take into consideration the following:

(a) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(b) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

(c) The fee customarily charged in the locality for similar legal services;

(d) The amount involved and the results obtained;

(e) The time limitations imposed by the client or by the circumstances;

(f) The nature and length of the professional relationship with the client;

(g) The experience, reputation, and ability of the lawyer or lawyers performing the services;

(h) Whether the fee is fixed or contingent.

(2) An attorney's contingency fee is limited to the maximum permissible fee allowed under section 9 of this act."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Priest, Priest (again), Ross and Rodne spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Williams and Simpson spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1483) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1483) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 58; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1483) to the committee amendment was not adopted.

Representative Ericks moved the adoption of amendment (1496) to the committee amendment.

On page 14 of the striking amendment, beginning on line 21, strike all of section 10

Renumber remaining sections consecutively and correct title and internal references accordingly.

Representative Ericks spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Rodne, Ross and Priest spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1496) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1496) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was adopted by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh,

Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Amendment (1496) to the committee amendment was adopted.

Representative Rodne moved the adoption of amendment (1465) to the committee amendment.

On page 14, at the beginning of line 26 of the striking amendment, strike all material through "2011" and insert "that are based on deaths occurring on or after the effective date of this act"

Representatives Rodne and Pederson spoke in favor of the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1465) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1465) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was adopted by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Amendment (1465) to the committee amendment was adopted.

Representative Priest moved the adoption of amendment (1456) to the committee amendment.

On page 15, after line 4 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 13.** A new section is added to 2009 c 564 (uncodified) to read as follows:
FOR THE OFFICE OF FINANCIAL MANAGEMENT--
LIABILITY ACCOUNT
General Fund--State Appropriation (FY 2010) . . . \$2,280,000
General Fund--State Appropriation (FY 2011) . . . \$2,280,000

TOTAL APPROPRIATION \$4,560,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the liability account under RCW 4.92.130 for indemnity and defense costs attributable to Second Engrossed Substitute Senate Bill No. 6508 (wrongful death). If the bill is not enacted by June 30, 2010, the amounts provided in this section shall lapse."

Renumber remaining sections consecutively and correct title and internal references accordingly.

Representative Priest spoke in favor of the adoption of the amendment to the committee amendment.

Representative Ericks spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1456) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1456) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 38; Nays, 60; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Angel, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Kristiansen, Liias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1456) to the committee amendment was not adopted.

Representative Priest moved the adoption of amendment (1463) to the committee amendment.

On page 15, after line 4 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 13.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2010, in the omnibus appropriations act, this act is null and void."

Renumber the remaining section consecutively.

Representative Priest spoke in favor of the adoption of the amendment to the committee amendment.

Representative Ericks spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1463) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1463) to the committee amendment to Second Engrossed Substitute Senate Bill No. 6508 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Green, Halder, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1463) to the committee amendment was not adopted.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the committee amendment as amended.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 60 - YEAS; 38 - NAYS.

The committee amendment by the Committee on Ways & Means was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ormsby, Santos, Seaquist, Eddy, Kirby and Lias spoke in favor of the passage of the bill.

Representatives Rodne, Shea, Warnick, Hinkle, Dammeier, Nealey, Johnson and Ross spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Engrossed Substitute Senate Bill No. 6508, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 6508, as amended by the House, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Halder, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Wood.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, as amended by the House, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 2488 passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2488, on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 2488, on reconsideration, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Green, Halder, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 2488, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

SUBSTITUTE SENATE BILL NO. 6706
SUBSTITUTE SENATE BILL NO. 6361
ENGROSSED SUBSTITUTE SENATE BILL NO. 6424

There being no objection, the House advanced to the eleventh order of business.

BARBARA BAKER, Chief Clerk

There being no objection, the House adjourned until 10:00 a.m., March 5, 2010, the 54th Day of the Regular Session.

FRANK CHOPP, Speaker

FIFTY FOURTH DAY

House Chamber, Olympia, Friday, March 5, 2010

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Marta Nelson and Benjamin Pratt. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Dan Roach, 31st District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1418
SUBSTITUTE HOUSE BILL NO. 1545
HOUSE BILL NO. 1576
SUBSTITUTE HOUSE BILL NO. 2403
HOUSE BILL NO. 2406
SUBSTITUTE HOUSE BILL NO. 2422
SUBSTITUTE HOUSE BILL NO. 2429
HOUSE BILL NO. 2428
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2496
SUBSTITUTE HOUSE BILL NO. 2546
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2564
HOUSE BILL NO. 2575
HOUSE BILL NO. 2592
SUBSTITUTE HOUSE BILL NO. 2620
SUBSTITUTE HOUSE BILL NO. 2678
SUBSTITUTE HOUSE BILL NO. 2684
HOUSE BILL NO. 2707
HOUSE BILL NO. 2823
HOUSE BILL NO. 2877
SUBSTITUTE HOUSE BILL NO. 3145
SENATE BILL NO. 6209
SENATE BILL NO. 6279
SENATE BILL NO. 6330
SUBSTITUTE SENATE BILL NO. 6341
SENATE BILL NO. 6453
SENATE BILL NO. 6487
SUBSTITUTE SENATE BILL NO. 6510
SUBSTITUTE SENATE BILL NO. 6558
SUBSTITUTE SENATE BILL NO. 6577
SUBSTITUTE SENATE BILL NO. 6816

The Speaker called upon Representative Moeller to preside.

MESSAGE FROM THE SENATE

March 4, 2010

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL 2403
HOUSE BILL 2406
SUBSTITUTE HOUSE BILL 2546
ENGROSSED SUBSTITUTE HOUSE BILL 2564
HOUSE BILL 2707
HOUSE BILL 2823
HOUSE BILL 2877

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6696, by Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, King, Gordon, Oemig, Hobbs, Kauffman, McDermott, Roach, Berkey, Murray, Tom, Prentice, Haugen, Fairley, Kline, Rockefeller, Keiser, Marr, Ranker, Regala, Eide, Kilmer, Hargrove, Franklin, Shin and Kohl-Welles)

Regarding education reform.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 48, February 27, 2010).

With the consent of the House, amendment (1406) was withdrawn.

Representative Ericksen moved the adoption of amendment (1403) to the committee amendment.

On page 5, line 32 of the striking amendment, after "models," insert "School districts are encouraged to implement an innovation school as provided in sections 402 through 409 of this act in a persistently lowest-achieving school, as long as the innovation school plan under section 404 of this act also meets requirements of a federal intervention model."

On page 34, after line 5 of the striking amendment, insert the following:

"NEW SECTION. Sec. 402. (1) The legislature finds that:

(a) To further the goals of high quality public education throughout the state, each school district board of directors should have the authority to grant public schools of the district the maximum degree of flexibility possible to meet the needs of individual students and the communities in which they live; and

(b) Particularly in schools and communities that are struggling to improve student academic outcomes and close the achievement gap among groups of students, there is a critical need for innovative models of public education that are tailored to the unique circumstances and needs of the students in those schools and communities and implement evidence-based practices proven to be effective in reducing demographic disparities in student achievement.

(2) Therefore, the legislature intends to:

(a) Grant school districts and public schools greater ability to meet the educational needs of a diverse student population;

(b) Improve educational performance through greater individual school autonomy and managerial flexibility;

(c) Encourage innovation in education by providing local school communities and principals with greater control over levels of staffing, personnel selection and evaluation, scheduling, and educational programming with the goal of improving student achievement and closing the achievement gap; and

(d) Hold public schools that receive greater autonomy under this chapter accountable for student academic achievement as measured by the statewide assessments of student learning and other accountability measures.

(3) The legislature encourages school districts identified for required action under section 103 of this act to establish innovation schools as an intervention model under section 105 of this act in any persistently lowest-performing schools identified in the District

NEW SECTION. Sec. 403. Any school district board of directors may establish one or more innovation schools or innovation school zones within the district as provided in this section.

(1)(a) Any public school within a school district may submit to the board of directors of the district an innovation school plan as described under section 404 of this act. A group of public schools within a school district that share common interests, such as geographical location or educational focus, or that sequentially serve classes of students as they progress through elementary and secondary education may jointly submit to the board of directors of the district a plan to create an innovation school zone as described under section 404 of this act. An innovation school zone may include all public schools within a school District

(b) A school district board of directors that receives an innovation school plan or innovation school zone plan shall either approve or disapprove the plan within sixty days of receiving the plan. If the board of directors rejects the plan, the board must provide a written explanation of the reasons for the rejection. The public school or group of public schools may resubmit an amended plan any time after a plan is rejected.

(2) Any school district board of directors may initiate and collaborate with one or more public schools in the district to create one or more innovation schools through an innovation school plan or one or more innovation school zones through an innovation school zone plan. In creating an innovation school plan or an innovation school zone plan, the board of directors must ensure that each public school affected by the plan has substantial opportunity to participate in development of the plan.

(3) If a school district board of directors approves or creates an innovation school or an innovation school zone within the district, the board of directors may seek designation of the district as an innovation school district under section 406 of this act.

NEW SECTION. Sec. 404. (1) An innovation school plan shall include the following information:

(a) A statement of the mission of the public school and why designation as an innovation school would enhance the ability of the school to achieve its mission;

(b) A description of the innovations to be implemented by the public school, which may include but are not limited to innovations in school staffing, curriculum and assessment, class scheduling, use of

financial and other resources, and recruitment, employment, evaluation, and compensation of school employees;

(c) A listing of the programs, policies, or other operational aspects of the public school that would be affected by the innovations identified in the plan and the manner in which they would be affected, including but not limited to:

(i) The research-based educational program to be implemented by the school;

(ii) Unique learning opportunities for students to be implemented by the school;

(iii) The student promotion and graduation policies to be implemented at the school;

(iv) The student assessment plan at the school;

(v) The length of school day and school year at the school;

(vi) The proposed budget for the school; and

(vii) The proposed staffing plan for the school;

(d) Identification of the improvements in academic performance that the public school expects to achieve in implementing the innovations;

(e) A statement of the level of support for designation as an innovation school demonstrated by the personnel employed at the school, the students and parents of students enrolled in the school, and the community surrounding the school;

(f) An estimate of the cost savings and increased efficiencies, if any, the public school expects to achieve in implementing the identified innovations;

(g) A listing and description of any waivers of state rules or laws and state or school district policies that are necessary for the public school to implement the identified innovations and why the waivers are necessary; and

(h) Any additional information required by the school district board of directors to be included in an innovation school plan.

(2) An innovation school zone plan must include all of the information under subsection (1) of this section, plus the following additional information:

(a) A description of how innovations in the public schools within the innovation school zone would be integrated to achieve results that would be less likely to be accomplished by each school working alone;

(b) An estimate of any economies of scale that would be achieved by innovations implemented jointly by the public schools within the innovation school zone; and

(c) A statement of the level of support for creating an innovation school zone demonstrated by the personnel employed at each public school that would be included in the zone, the students and parents of students enrolled in each of the schools, and the community surrounding the innovation school zone. In determining the level of support, each public school shall specifically solicit input concerning the selection of schools included in the innovation school zone and the strategies and procedures that would be used in implementing and integrating the innovations within the schools in the zone.

(3) In considering or creating an innovation school plan or an innovation school zone plan, each public school involved in the plan and each school district board of directors is strongly encouraged to consider innovations in the following areas:

(a) Curriculum and assessments;

(b) Expanded accountability measures, including the use of a variety of accountability measures to more accurately present a complete measure of student learning and accomplishment, such as:

(i) Use of graduation or exit examinations, end-of-course examinations, student portfolio reviews, or national and international accountability measures;

(ii) Measuring the percentage of students continuing on to postsecondary education; and

(iii) Measuring the percentage of students concurrently obtaining a high school diploma and an associate degree or career and technical education certificate;

(c) Provision of services, including special education services, services for highly capable students, services for English language learner students, and educational and support services for students at risk of academic failure, suspension, or expulsion;

(d) Implementation of programs, services, and strategies specifically intended to close the achievement gap and increase graduation rates across all groups of students in the school;

(e) Teacher recruitment, training, and professional development;

(f) Employment and assignment policies;

(g) Performance expectations and evaluation procedures for teachers and principals;

(h) Compensation for teachers, principals, and other school building personnel, including but not limited to performance-based pay, total compensation plans, and other innovations;

(i) School governance and the roles, responsibilities, and expectations of principals in innovation schools or schools in an innovation school zone;

(j) School-based budgeting, hiring and assignment of school staff, and other management responsibilities; and

(k) Preparation and counseling of students for transition to postsecondary education and employment.

NEW SECTION. Sec. 405. Each school district board of directors is authorized and encouraged to seek and accept public and private gifts, grants, and donations to offset the costs of developing and implementing innovation school plans and innovation school zone plans.

NEW SECTION. Sec. 406. A school district board of directors that has approved or created an innovation school or an innovation school zone under section 403 of this act may seek designation by the state board of education as an innovation school district under this section.

(1) A school district board of directors that seeks designation as an innovation school district shall submit its innovation school plans or innovation school zone plans to the state board of education and the superintendent of public instruction for review and comment. Within sixty days after receiving such a plan, the state board of education and the superintendent of public instruction shall respond to the school district board of directors with any suggested changes or additions to the plan, including suggestions for further innovations or measures to increase the likelihood that the innovations will result in greater academic achievement within the innovation schools or innovation school zones. Based on the comments of the state board of education and the superintendent of public instruction, a school district board of directors may withdraw and resubmit the innovation school plan or innovation school zone plan.

(2) Within ten days of providing comment on an innovation school plan or innovation school zone plan under subsection (1) of this section, unless the school district board of directors withdraws the plan for purposes of revision, the state board of education shall designate the school district as an innovation school district unless the state board concludes that the plan:

(a) Is likely to result in a decrease in academic achievement in the innovation school or innovation school zone;

(b) Is not financially feasible to implement; or

(c) Would violate state or federal laws or rules that are not authorized to be waived under section 407 or 408 of this act.

(3) If the state board of education does not designate a school district as an innovation school district, the board shall provide a written explanation of the basis for the rejection to the school district board of directors. The school district board of directors may resubmit a revised innovation school plan or innovation school zone plan and seek designation as an innovation school district at any time after the designation is rejected.

NEW SECTION. Sec. 407. The superintendent of public instruction and the state board of education, within the scope of their statutory authority, shall waive the application of rules, policies, and procedures for an innovation school district designated under section 406 of this act to the extent the waiver of the rules, policies, and procedures are included in an approved innovation school plan or innovation school zone plan. The superintendent of public instruction and the state board of education shall not waive rules, policies, and procedures that jeopardize the receipt of state or federal funds that the innovation school district would otherwise be eligible to receive unless the innovation school district submits a written authorization for the waiver acknowledging that receipt of these funds could be jeopardized. A waiver of rules, policies, and procedures under this section applies only to the approved innovation schools or innovation school zones in the designated innovation school district and only as specified in the approved plan.

NEW SECTION. Sec. 408. (1) The superintendent of public instruction shall waive the statutory requirements and any related rules of the chapters of law specified under this section for an innovation school district designated under section 406 of this act to the extent the waiver is included in an approved innovation school plan or innovation school zone plan. A waiver of statutory requirements and any related rules under this section applies only to the approved innovation schools or innovation school zones in the designated innovation school district and only as specified in the approved plan.

(2) The following laws are subject to waiver under this section, except as provided under subsection (3) of this section:

(a) Chapter 28A.150 RCW, general provisions;

(b) Chapter 28A.165 RCW, learning assistance program;

(c) Chapter 28A.170 RCW, substance abuse awareness program;

(d) Chapter 28A.175 RCW, dropout prevention, intervention, and retrieval system;

(e) Chapter 28A.180 RCW, transitional bilingual instruction program;

(f) Chapter 28A.185 RCW, highly capable students;

(g) Chapter 28A.210 RCW, health screening and requirements;

(h) Chapter 28A.215 RCW, early childhood, preschools, and before-and-after school care;

(i) Chapter 28A.220 RCW, traffic safety;

(j) Chapter 28A.225 RCW, compulsory school attendance and admission;

(k) Chapter 28A.230 RCW, compulsory course work and activities;

(l) Chapter 28A.245 RCW, skill centers;

(m) Chapter 28A.250 RCW, online learning;

(n) Chapter 28A.300 RCW, superintendent of public instruction;

(o) Chapter 28A.320 RCW, provisions applicable to all districts;

(p) Chapter 28A.400 RCW, employees;

(q) Chapter 28A.405 RCW, certificated employees;

(r) Chapter 28A.410 RCW, certification;

(s) Chapter 28A.600 RCW, students;

(t) Chapter 28A.620 RCW, community education programs;

(u) Chapter 28A.650 RCW, education technology; and

(v) Chapter 28A.700 RCW, secondary career and technical education.

(3) The following laws may not be waived:

(a) State and federal laws and regulations pertaining to health, safety, civil rights, privacy, and nondiscrimination;

(b) The provisions of the basic education act relating to the basic education goals under RCW 28A.150.210 and funding allocations, formulas, and definitions under RCW 28A.150.250, 28A.150.260, 28A.150.390, and 28A.150.392, except for waivers provided in accordance with RCW 28A.150.250;

(c) Laws regarding financial examinations and audits as determined by the state auditor and the office of the superintendent of public instruction, including audits for legal and fiscal compliance;

(d) Laws pertaining to the election of school district boards of directors and to the organization and reorganization of school districts;

(e) Employee background and record check requirements under RCW 28A.400.301 and 28A.400.303 and mandatory termination for crimes against children under RCW 28A.400.320 through 28A.400.330; and

(f) All other applicable laws and rules not specifically waived under subsection (2) of this section or section 407 of this act.

NEW SECTION. Sec. 409. (1) An innovation school district designated under section 406 of this act shall permit but not require employees assigned to an innovation school or a school within an innovation school zone to elect to be removed from collective bargaining units and collective bargaining agreements as provided under sections 410 and 411 of this act.

(2) If the employees assigned to a school within an innovation school zone do not elect to be removed from the collective bargaining unit, the school district board of directors may revise the innovation school zone plan to remove that school from the innovation school zone plan.

(3) Any employee who is assigned to an innovation school or a school within an innovation school zone may request a transfer to another school within the school District. The superintendent and school district board of directors shall make every reasonable effort to accommodate the employee's request for a transfer.

NEW SECTION. Sec. 410. A new section is added to chapter 41.56 RCW to read as follows:

(1) Any collective bargaining agreement entered into, extended, amended, or renewed after the effective date of this section between a school district employer and employees under this chapter must contain a provision that allows employees of an innovation school district designated under section 406 of this act who are assigned to an innovation school or a school within an innovation school zone to elect to be removed from the bargaining unit and the collective bargaining agreement as provided under this section.

(2) Employees assigned to an innovation school or a school within an innovation school zone may elect, by means of a secret ballot approved by a majority of the employees under this chapter assigned to the school, to be removed from their bargaining unit and collective bargaining agreement. In the case of schools within an innovation school zone, the election shall be conducted separately for each school within the zone.

(3) Removal of employees of an innovation school or a school within an innovation school zone from bargaining units and collective bargaining agreements under this section shall continue so long as the school remains an innovation school or within an innovation school zone.

NEW SECTION. Sec. 411. A new section is added to chapter 41.59 RCW to read as follows:

(1) Any collective bargaining agreement entered into, extended, amended, or renewed after the effective date of this section between an employer and employees under this chapter must contain a provision that allows employees of an innovation school district designated under section 406 of this act who are assigned to an innovation school or a school within an innovation school zone to elect to be removed from the bargaining unit and the collective bargaining agreement as provided under this section.

(2) Employees assigned to an innovation school or a school within an innovation school zone may elect, by means of a secret ballot approved by a majority of the employees under this chapter assigned to the school, to be removed from their bargaining unit and collective bargaining agreement. In the case of schools within an

innovation school zone, the election shall be conducted separately for each school within the zone.

(3) Removal of employees of an innovation school or a school within an innovation school zone from bargaining units and collective bargaining agreements under this section shall continue so long as the school remains an innovation school or within an innovation school zone.

NEW SECTION. Sec. 412. A new section is added to chapter 28A.150 RCW to read as follows:

An innovation school district designated under section 406 of this act shall be subject to the requirements of this chapter and related rules unless a waiver is included in an approved innovation school plan or innovation school zone plan of the District. A waiver as provided under section 407 or 408 of this act from the requirements of this chapter and related rules applies only to the approved innovation schools or innovation school zones in the designated innovation school district and only as specified in the approved plan.

NEW SECTION. Sec. 413. A new section is added to chapter 28A.165 RCW to read as follows:

An innovation school district designated under section 406 of this act shall be subject to the requirements of this chapter and related rules unless a waiver is included in an approved innovation school plan or innovation school zone plan of the District. A waiver as provided under section 407 or 408 of this act from the requirements of this chapter and related rules applies only to the approved innovation schools or innovation school zones in the designated innovation school district and only as specified in the approved plan.

NEW SECTION. Sec. 414. A new section is added to chapter 28A.170 RCW to read as follows:

An innovation school district designated under section 406 of this act shall be subject to the requirements of this chapter and related rules unless a waiver is included in an approved innovation school plan or innovation school zone plan of the District. A waiver as provided under section 407 or 408 of this act from the requirements of this chapter and related rules applies only to the approved innovation schools or innovation school zones in the designated innovation school district and only as specified in the approved plan.

NEW SECTION. Sec. 415. A new section is added to chapter 28A.175 RCW to read as follows:

An innovation school district designated under section 406 of this act shall be subject to the requirements of this chapter and related rules unless a waiver is included in an approved innovation school plan or innovation school zone plan of the District. A waiver as provided under section 407 or 408 of this act from the requirements of this chapter and related rules applies only to the approved innovation schools or innovation school zones in the designated innovation school district and only as specified in the approved plan.

NEW SECTION. Sec. 416. A new section is added to chapter 28A.180 RCW to read as follows:

An innovation school district designated under section 406 of this act shall be subject to the requirements of this chapter and related rules unless a waiver is included in an approved innovation school plan or innovation school zone plan of the District. A waiver as provided under section 407 or 408 of this act from the requirements of this chapter and related rules applies only to the approved innovation schools or innovation school zones in the designated innovation school district and only as specified in the approved plan.

NEW SECTION. Sec. 417. A new section is added to chapter 28A.185 RCW to read as follows:

An innovation school district designated under section 406 of this act shall be subject to the requirements of this chapter and related rules unless a waiver is included in an approved innovation school plan or innovation school zone plan of the District. A waiver as provided under section 407 or 408 of this act from the requirements of this chapter and related rules applies only to the approved innovation

NEW SECTION. Sec. 431. A new section is added to chapter 28A.620 RCW to read as follows:

An innovation school district designated under section 406 of this act shall be subject to the requirements of this chapter and related rules unless a waiver is included in an approved innovation school plan or innovation school zone plan of the District. A waiver as provided under section 407 or 408 of this act from the requirements of this chapter and related rules applies only to the approved innovation schools or innovation school zones in the designated innovation school district and only as specified in the approved plan.

NEW SECTION. Sec. 432. A new section is added to chapter 28A.650 RCW to read as follows:

An innovation school district designated under section 406 of this act shall be subject to the requirements of this chapter and related rules unless a waiver is included in an approved innovation school plan or innovation school zone plan of the District. A waiver as provided under section 407 or 408 of this act from the requirements of this chapter and related rules applies only to the approved innovation schools or innovation school zones in the designated innovation school district and only as specified in the approved plan.

NEW SECTION. Sec. 433. A new section is added to chapter 28A.700 RCW to read as follows:

An innovation school district designated under section 406 of this act shall be subject to the requirements of this chapter and related rules unless a waiver is included in an approved innovation school plan or innovation school zone plan of the District. A waiver as provided under section 407 or 408 of this act from the requirements of this chapter and related rules applies only to the approved innovation schools or innovation school zones in the designated innovation school district and only as specified in the approved plan."

On page 78, after line 29 of the striking amendment, insert the following:

"NEW SECTION. Sec. 1105. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 1106. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1107. Sections 402 through 409 of this act constitute a new chapter in Title 28A RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

Representative Sullivan spoke against the adoption of the amendment to the committee amendment.

Amendment (1403) to the committee amendment was not adopted.

Representative Priest moved the adoption of amendment (1401) to the committee amendment.

On page 35, beginning on line 21 of the striking amendment, strike all of subsection (4)

On page 45, beginning on line 9 of the striking amendment, strike all of section 509 and insert the following:

"NEW SECTION. Sec. 509. In conjunction with the regional needs assessments in sections 506 through 508 of this act, the council of presidents shall convene an interinstitutional work group to implement the plans developed under section 601 of chapter 564, Laws of 2009 to increase the number of mathematics and science teacher endorsements and certificates. The work group must collaborate in evaluating regional needs and identifying strategies to meet those needs. The council of presidents shall report to the education and higher education committees of the legislature on demonstrated progress toward achieving outcomes identified in the plans no later than December 31, 2011."

Representatives Priest and Sullivan spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1401) to the committee amendment was adopted.

Representative Sullivan moved the adoption of amendment (1426) to the committee amendment.

On page 60, line 19 of the striking amendment, after "more than" strike "15.0" and insert "17.0"

On page 63, line 16 of the striking amendment, after "in the" strike "2013-14" and insert "2014-15"

Representatives Sullivan and Priest spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1426) to the committee amendment was adopted.

Representative Sullivan moved the adoption of amendment (1427) to the committee amendment.

On page 62, line 20 of the striking amendment, after "be" strike "5.45" and insert "5.30"

Representatives Sullivan and Priest spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1427) to the committee amendment was adopted.

Representative Bailey moved the adoption of amendment (1398) to the committee amendment.

On page 70, line 11 of the amendment, after "Beginning" strike "~~(July)~~ April" and insert "July"

On page 79, beginning on line 1 of the amendment, strike all of section 1106

Representative Bailey spoke in favor of the adoption of the amendment to the committee amendment.

Representative Sullivan spoke against the adoption of the amendment to the committee amendment.

Amendment (1398) to the committee amendment was not adopted.

The committee amendment by the Committee on Ways & Means was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sullivan, Priest, Maxwell, Dammeier, Probst, Carlyle, Angel and Probst (again) spoke in favor of the passage of the bill.

Representatives Miloscia and Alexander spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6696, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6696, as amended by the House, and the bill passed the House by the following vote: Yeas, 76; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Uptegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Bailey, Chandler, Crouse, DeBolt, Ericksen, Fagan, Herrera, Johnson, Klippert, Kretz, Kristiansen, Miloscia, Nealey, Orcutt, Pearson, Roach, Ross, Schmick, Shea, Short and Taylor.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6696, as amended by the House, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Morris congratulated Representative Quall on the passage of his last piece of major legislation through the House, and asked the Chamber to acknowledge his accomplishments.

SECOND READING

HOUSE BILL NO. 3209, by Representatives Clibborn, Rolfes, Seaquist and Morris

Managing costs of the ferry system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3209 was substituted for House Bill No. 3209 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3209 was read the second time.

Representative Clibborn moved the adoption of amendment (1511).

On page 1, line 18, after "ferry" strike "labor unions" and insert "workforce"

On page 2, beginning on line 1, strike all of section 2
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 6, line 2, after "those of" insert ":(i)"

On page 6, line 7, after "involved" strike "or with" and insert ", or (ii)"

On page 6, line 7, after "employees" insert "doing directly comparable but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved"

Correct the title.

Representative Clibborn spoke in favor of the adoption of the amendment.

Representative Roach spoke against the adoption of the amendment.

Amendment (1511) was adopted.

Representative Ericksen moved the adoption of amendment (1510).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.60 RCW to read as follows:

(1) By July 1, 2011, the department must transfer all management aspects of the Washington state ferries system, including vessels, terminals, docks, and facilities other than Eagle Harbor, to a private vendor, according to the following requirements:

(a) Notwithstanding the provisions of collective bargaining agreements and laws and rules governing vendor agreements, the private management firm must be allowed to negotiate food and vendor contracts;

(b) Within one year after the transfer of management to a private firm, and upon consultation with the legislature, the management firm must provide a strategy for employee collective bargaining and labor procedures; and

(c) The new management firm must allow private passenger-only ferry operators approved by the utilities and transportation commission access to docks and terminals where feasible.

(2) The department must contract for the design, construction and maintenance of new vessels using a design-build-maintain procedure.

(3) By July 1, 2011, the department must sell to the highest bidder the Eagle Harbor maintenance facility. Following the sale, all maintenance and preservation work must be performed by privately-owned shipyards."

Correct the title.

Representatives Ericksen, Ericksen (again), Hinkle, Ross, Orcutt, Parker and Rodne spoke in favor of the adoption of the amendment.

Representatives Liias, Simpson, Rolfes and Morris spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of (1510) to Engrossed Substitute House Bill No. 3209.

ROLL CALL

The Clerk called the roll on the adoption of (1510) to Engrossed Substitute House Bill No. 3209 and the amendment was

not adopted by the following vote: Yeas, 32; Nays, 66; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Armstrong, Campbell, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Walsh and Warnick.

Voting nay: Representatives Angel, Appleton, Bailey, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1510) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn, Seaquist and Lias spoke in favor of the passage of the bill.

Representatives Roach and Ericksen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3209.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3209, and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Crouse, Ericksen, Haler, Klippert, Roach, Schmick, Shea and Simpson.

SUBSTITUTE HOUSE BILL NO. 3209, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6726, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Marr, Kohl-Welles, Ranker, Murray, McDermott, Keiser, Prentice, Kauffman, Kline, Kilmer, Fraser and Pridemore)

Making the governor the public employer of language access providers.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor, was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

Representative Condotta moved the adoption of amendment (1498).

On page 1, beginning on line 9, strike all of subsection (2) and insert the following:

"(2) The working group shall include members that have experience and knowledge of language access services in Washington state, including representatives of: (a) A statewide association representing hospitals; (b) community health centers and providers for underserved and immigrant populations; (c) statewide associations representing physicians; (d) other health care providers who serve medicaid patients; (e) statewide professional interpreter associations; (f) community-based organizations that advocate for persons with limited English proficiency; (g) language access providers; (h) language access agencies; (i) brokers; and (j) the department of social and health services."

On page 2, beginning on line 7, after "costs" strike all material through "agencies," on line 8

On page 2, line 12, after "than" strike "September 30, 2010" and insert "December 1, 2010"

On page 2, beginning on line 13, strike all of sections 2 through 9

Correct the title.

Representatives Condotta and Chandler spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

Amendment (1498) was not adopted.

Representative Conway moved the adoption of amendment (1453).

On page 2, line 9, after "improved;" insert "access to services is maintained or improved;"

On page 3, beginning on line 3, after "to:" strike all material through "procedures" on line 7 and insert "(i) Economic compensation, such as the manner and rate of payments; (ii) professional development and training; (iii) labor-management committees; and (iv) grievance procedures"

On page 7, line 36, after "broker," strike "foreign language" and insert "language access"

On page 8, beginning on line 1, strike all of section 4 and insert the following:

"**Sec. 4.** RCW 41.56.113 and 2007 c 184 s 3 are each amended to read as follows:

(1) This subsection (1) applies only if the state makes the payments directly to a provider.

(a) Upon the written authorization of an individual provider, a family child care provider, ~~((or))~~ an adult family home provider, or a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to (c) of this subsection ~~((3) of this section)),~~ deduct from the payments to an individual provider, a family child care

provider, ~~((#))~~ an adult family home provider, or a language access provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

~~((2))~~(b) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers, family child care providers, ~~((#))~~ adult family home providers, or language access providers enter into a collective bargaining agreement that:

~~((#))~~(i) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to (c) of this subsection ~~((3) of this section)~~, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

~~((#))~~(ii) Includes requirements for deductions of payments other than the deduction under (a)(i) of this subsection, the state, as payor, but not as the employer, shall, subject to (c) of this subsection ~~((3) of this section)~~, make such deductions upon written authorization of the individual provider, family child care provider, ~~((#))~~ adult family home provider, or language access provider.

~~((3))~~(c)(i) The initial additional costs to the state in making deductions from the payments to individual providers, family child care providers, ~~(and)~~ adult family home providers, and language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

~~((#))~~(ii) The allocation of ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, ~~((#))~~ adult family home providers, or language access providers under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, 41.56.028, ~~((#))~~ 41.56.029, or section 2 of this act, as applicable, the ongoing additional costs to the state in making deductions from the payments to individual providers, family child care providers, ~~((#))~~ adult family home providers, or language access providers under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

~~((4))~~(d) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license-exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.

(2) This subsection (2) applies only if the state does not make the payments directly to a provider.

(a) Upon the written authorization of a language access provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state shall require through its contracts with third parties that:

(i) The monthly amount of dues as certified by the secretary of the exclusive bargaining representative be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and

(ii) A record showing that dues have been deducted as specified in (a)(i) of this subsection be provided to the state.

(b) If the governor and the exclusive bargaining representative of the bargaining unit of language access providers enter into a

collective bargaining agreement that includes a union security provision authorized in RCW 41.56.122, the state shall enforce the agreement by requiring through its contracts with third parties that:

(i) The monthly amount of dues required for membership in the exclusive bargaining representative as certified by the secretary of the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues, be deducted from the payments to the language access provider and transmitted to the treasurer of the exclusive bargaining representative; and

(ii) A record showing that dues or fees have been deducted as specified in (a)(i) of this subsection be provided to the state."

On page 10, beginning on line 18, after "with" strike all material through "providers" on line 19 and insert "~~((interpreters))~~ language access providers, local agencies, or other community resources"

On page 10, beginning on line 21, after "providers" strike all material through "providers" on line 23 and insert "as needed to maintain an adequate pool of providers"

On page 10, line 24, after "(5)" insert the following: "The department shall require compliance with RCW 41.56.113(2) through its contracts with third parties.

(6)"

On page 10, line 28, after "~~((5))~~" strike "(6)" and insert "(7)"

On page 11, line 1, after "~~((6))~~" strike "(7)" and insert "(8)"

On page 11, line 6, after "broker," strike "foreign language" and insert "language access"

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

Amendment (1453) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Wood and Conway spoke in favor of the passage of the bill.

Representatives Chandler and Condotta spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6726, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6726, as amended by the House, and the bill passed the House by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kirby, Lias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Chandler, Condotta, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kessler, Klippert, Kretz, Kristiansen, Linville, McCune, Morris, Nealey, Orcutt, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short, Smith, Takko, Taylor, Walsh and Warnick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6726, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of SENATE BILL NO. 6308 and the bill was placed on the second reading calendar.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL 2443
HOUSE BILL 2748
HOUSE BILL 2973
HOUSE BILL 3007

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6504, by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)

Reducing crime victims' compensation benefits and eligibility. Revised for 2nd Substitute: Modifying provisions of the crime victims' compensation program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 49, February 28, 2010).

Representative Ross moved the adoption of amendment (1497) to the committee amendment:

On page 3, line 8 of the striking amendment, after "of the" strike "worker's death" and insert "date upon which the death of the victim is officially recognized as a homicide. If there is a delay in the recovery of remains or the release of remains for burial, application for benefits must be received within twelve months of the date of the release of the remains for burial"

Representatives Ross and Hurst spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1497) to the committee amendment was adopted.

Representative Cody moved the adoption of amendment (1484) to the committee amendment.

On page 6, after line 13 of the striking amendment, insert the following:

"(19) A victim is not eligible for benefits under this act if such victim:

(a) Has been convicted of a felony offense within five years preceding the criminal act for which they are applying where the felony offense is a violent offense under RCW 9.94A.030 or a crime against persons under 9.94A.411, or is convicted of such a felony offense after applying; and

(b) Has not completely satisfied all legal financial obligations owed prior to applying for benefits."

Representatives Cody and Pearson spoke in favor of the amendment to the committee amendment.

Amendment (1484) to the committee amendment was adopted.

The committee amendment by the Committee on Ways & Means was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hurst and Ross spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6504, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6504, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Appleton, Dammeier and Pearson.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6504, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6361, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Brandland, Hargrove, Carrell, Roach and Marr)

Exempting a person's identifying information from public disclosure when submitted in the course of using the sex offender notification and registration program for the purpose of receiving notification regarding registered sex offenders.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6361.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6361, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6361, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5902, by Senate Committee on Ways & Means (originally sponsored by Senators Pridemore, Fraser, McAuliffe, Kline, Kohl-Welles and McDermott)

Promoting accessible communities for persons with disabilities.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 43, February 22, 2010).

With the consent of the House, amendments (1438), (1443), (1445) and (1494) were withdrawn.

Representative Liias moved the adoption of amendment (1505) to the committee amendment:

On page 1, beginning on line 13 of the striking amendment, after "treasurer." strike all material through "penalty" on line 14 and insert "One hundred dollars of the assessment"

On page 1, beginning on line 15 of the striking amendment, after "account." strike all material through "proportionally" on line 17 and insert "Any reduction in the penalty or fine and assessment imposed under section 6 of this act shall be applied proportionally between the penalty or fine and the assessment"

On page 8, at the beginning of line 14 of the striking amendment, strike "~~(two)~~ four" and insert "two"

On page 8, line 14 of the striking amendment, after "dollars." insert "In addition to any penalty or fine imposed under this subsection, two hundred dollars shall be assessed."

On page 8, beginning on line 15 of the striking amendment, after "of" strike "~~(two)~~ four" and insert "two"

On page 8, line 18 of the striking amendment, after "disabilities." insert "In addition to any penalty or fine imposed under this subsection, two hundred dollars shall be assessed."

On page 8, beginning on line 20 of the striking amendment, after "of" strike "~~(two)~~ four" and insert "two"

On page 8, line 25 of the striking amendment, after "46.16.385." insert "In addition to any penalty or fine imposed under this subsection, two hundred dollars shall be assessed."

On page 9, beginning on line 1 of the striking amendment, strike all of subsection (10) and insert the following:

"(10) (~~The penalties~~) (a) The assessment imposed under subsections (7), (8), and (9) of this section shall be allocated as follows:

(i) One hundred dollars shall be deposited in the accessible communities account created in section 2 of this act; and

(ii) One hundred dollars shall be deposited in the multimodal account under RCW 47.66.070 for the sole purpose of supplementing a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation that is administered by the department of transportation.

(b) Any reduction in any penalty or fine and assessment imposed under subsections (7), (8), and (9) of this section shall be applied proportionally between the penalty or fine and the assessment. When a reduced penalty or fine and assessment are imposed, the amount deposited in the accounts identified in subsection (a) of this subsection shall be reduced equally and proportionally.

(c) The penalty or fine amounts shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle."

Representatives Liias and Dammeier spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1505) to the committee amendment was adopted.

Representative Alexander moved the adoption of amendment (1506) to the committee amendment.

On page 1, line 13 of the striking amendment, after "treasurer." strike "Two" and insert "One"

On page 9, beginning on line 1 of the striking amendment, strike all of subsection (10) and insert the following:

"(10) (~~The penalties~~) (a) Two hundred dollars from each full penalty imposed under subsections (7), (8), and (9) of this section shall be allocated as follows:

(i) One hundred dollars shall be deposited in the accessible communities account created in section 2 of this act; and

(ii) One hundred dollars shall be deposited in the multimodal account under RCW 47.66.070 for the sole purpose of supplementing a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation that is administered by the department of transportation.

(b) When a reduced penalty is imposed under subsections (7),(8), or (9) of this section, the amount deposited in the accounts identified in subsection (a) of this subsection shall be reduced equally and proportionally. The remaining penalty amounts shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local

jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle."

Representatives Alexander, Dickerson and Parker spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1506) to the committee amendment was adopted.

The committee amendment by the Committee on Human Services was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dickerson, Dammeier, Wallace, Angel and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5902, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5902, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Carlyle, Hudgins and Springer.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5902, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

SECOND READING

SENATE BILL NO. 6308, by Senators Carrell, King, Marr, Stevens, Becker and Roach

Controlling computer access by residents of the special commitment center.

The bill was read the second time.

With the consent of the House, amendments (1513) and (1519) were withdrawn.

Representative Kirby moved the adoption of amendment (1520).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there have been ongoing, egregious examples of certain residents of the special commitment center having illegal child pornography, other prohibited pornography, and other banned materials on their computers. The legislature also finds that activities at the special commitment center must be designed and implemented to meet the treatment goals of the special commitment center, and proper and appropriate computer usage is one such activity. The legislature also finds that by linking computer usage to treatment plans, residents are less likely to have prohibited materials on their computers and are more likely to successfully complete their treatment plans. Therefore, the legislature finds that residents' computer usage in compliance with conditions placed on computer usage is essential to achieving their therapeutic goals. If residents' usage of computers is not in compliance or is not related to meeting their treatment goals, computer usage will be limited in order to prevent or reduce residents' access to prohibited materials.

Sec. 2. RCW 71.09.080 and 2009 c 409 s 7 are each amended to read as follows:

(1) Any person subjected to restricted liberty as a sexually violent predator pursuant to this chapter shall not forfeit any legal right or suffer any legal disability as a consequence of any actions taken or orders made, other than as specifically provided in this chapter, or as otherwise authorized by law.

(2) (a) Any person committed or detained pursuant to this chapter shall be prohibited from possessing or accessing a personal computer if the resident's individualized treatment plan states that access to a computer is harmful to bringing about a positive response to a specific and certain phase or course of treatment.

(b) A person who is prohibited from possessing or accessing a personal computer under (a) of this subsection (2) shall be permitted to access a limited functioning personal computer capable of word processing and limited data storage on the computer only that does not have: (i) Internet access capability; (ii) an optical drive, external drive, universal serial bus port, or similar drive capability; or (iii) the capability to display photographs, images, videos, or motion pictures, or similar display capability from any drive or port capability listed under (ii) of this subsection (2)(b).

(3) Any person committed pursuant to this chapter has the right to adequate care and individualized treatment. The department of social and health services shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations made pursuant to this chapter. All such records and reports shall be made available upon request only to: The committed person, his or her attorney, the prosecuting attorney, the court, the protection and advocacy agency, or another expert or professional person who, upon proper showing, demonstrates a need for access to such records.

~~((3))~~(4) At the time a person is taken into custody or transferred into a facility pursuant to a petition under this chapter, the professional person in charge of such facility or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the persons detained or transferred. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and shall, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For purposes of this subsection, "responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without consent of the patient or order of the court.

((4))(5) Nothing in this chapter prohibits a person presently committed from exercising a right presently available to him or her for the purpose of obtaining release from confinement, including the right to petition for a writ of habeas corpus.

((5))(6) No indigent person may be conditionally released or unconditionally discharged under this chapter without suitable clothing, and the secretary shall furnish the person with such sum of money as is required by RCW 72.02.100 for persons without ample funds who are released from correctional institutions. As funds are available, the secretary may provide payment to the indigent persons conditionally released pursuant to this chapter consistent with the optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules to do so.

((6))(7) If a civil commitment petition is dismissed, or a trier of fact determines that a person does not meet civil commitment criteria, the person shall be released within twenty-four hours of service of the release order on the superintendent of the special commitment center, or later by agreement of the person who is the subject of the petition.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Kirby, Pearson, Hurst and Klippert spoke in favor of the adoption of the amendment.

Representative Appleton spoke against the adoption of the amendment.

Amendment (1520) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hurst, Klippert and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6308, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6308, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Appleton.

SENATE BILL NO. 6308, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6673, by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Carrell, Kohl-Welles, Gordon, Regala, Roach, Hargrove and Tom)

Appointing a task force to study bail practices and procedures.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety & Emergency Preparedness was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 44, February 23, 2010).

Representative Hurst moved the adoption of amendment (1485) to the committee amendment:

On page 1, line 28 of the striking amendment, after "(viii)" insert the following:

"The director of the Washington state department of licensing or the director's designee;

(ix) The Washington state insurance commissioner or the commissioner's designee;"

Remember the remaining subsections consecutively and correct any internal references accordingly.

Representatives Hurst and Pearson spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1485) to the committee amendment was adopted.

The committee amendment by the Committee on Public Safety & Emergency Preparedness was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6673, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6673, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest,

Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Klippert.

SUBSTITUTE SENATE BILL NO. 6673, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6759, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Kauffman, Oemig, Prentice and Kline)

**Requiring a plan for a voluntary program of early learning as a part of basic education. Revised for 1st Substitute:
Requiring a plan for a voluntary program of early learning.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Children's Services was not adopted.

Representative Goodman moved the adoption of amendment (1518).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a critical factor in the eventual successful outcome of a K-12 education is for students to begin school ready, both intellectually and socially, to learn. The legislature also finds that, due to a variety of factors, some young children need supplemental instruction in preschool to assure that they have the opportunity to participate meaningfully and reach the necessary levels of achievement in the regular program of basic education. The legislature further finds that children who participate in high quality preschool programs have improved educational and life outcomes and are more likely to graduate from high school and pursue higher education, experience successful employment opportunities, and have increased earnings. Therefore the legislature intends to create a program of early learning that, when fully implemented, shall be an entitlement program for eligible children.

The legislature also finds that the state early childhood education and assistance program was established to help children from low-income families be prepared for kindergarten, and that the program has been a successful model for achieving that goal. Therefore, the legislature intends that the first phase of implementing the entitlement program of early learning shall be accomplished by utilizing the program standards and eligibility criteria in the early childhood education and assistance program. The legislature also intends that the implementation of subsequent phases of the program established by the ready for school act of 2010 will be aligned with the implementation of the state's all-day kindergarten program in order to maximize the gains resulting from investments in the two programs.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community-based early learning providers" includes for-profit and nonprofit licensed providers of child care and preschool programs.

(2) "Program" means the program of early learning established in section 3 of this act for eligible children who are three and four years of age.

NEW SECTION. Sec. 3. PROGRAM STANDARDS. (1) Beginning September 1, 2011, an early learning program to provide

voluntary preschool opportunities for children three and four years of age shall be implemented according to the funding and implementation plan in section 5 of this act. The program must be a comprehensive program providing early childhood education and family support, options for parental involvement, and health information, screening, and referral services, as family need is determined. Participation in the program is voluntary. On a space available basis, the program may allow enrollment of children who are not otherwise eligible by assessing a fee.

(2) The first phase of the program shall be implemented by utilizing the program standards and eligibility criteria in the early childhood education and assistance program.

(3) Subsequent phases of the program including, but not limited to, program standards and eligibility criteria, shall be defined by the legislature after receiving the recommendations from the director required in section 8 of this act.

(4) The director shall adopt rules for the following program components, as appropriate and necessary during the phased implementation of the program:

(a) Minimum program standards, including lead teacher, assistant teacher, and staff qualifications;

(b) Approval of program providers;

(c) Accountability and adherence to performance standards; and

(d) A method for allowing, on a space available basis, enrollment of children who are not otherwise eligible by assessing fees or copayments.

(5) The department has administrative responsibility for:

(a) Approving and contracting with providers according to rules developed by the director under this section;

(b) In partnership with school districts, monitoring program quality and assuring the program is responsive to the needs of eligible children;

(c) Assuring that program providers work cooperatively with school districts to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and

(d) Providing technical assistance to contracted providers.

NEW SECTION. Sec. 4. ELIGIBILITY. (1)(a) During the initial phase of implementation, the standards in RCW 43.215.405(3) used for eligibility determinations in the early childhood education and assistance program shall be used to determine eligibility for the program.

(b) During subsequent phases of implementation, eligibility determinations shall be based on factors adopted by the legislature after receiving recommendations required in subsection (2) of this section.

(2) The director shall develop recommendations for legislative approval regarding eligibility criteria for subsequent phases of implementation of the program.

(3) The director shall report the recommendations required under subsection (2) of this section to the appropriate committees of the legislature not later than December 1, 2010.

NEW SECTION. Sec. 5. FUNDING AND STATEWIDE IMPLEMENTATION. (1) Funding for the program of early learning established under this chapter must be appropriated to the department. Allocations must be made on the basis of eligible children enrolled with eligible providers.

(2) The program shall be implemented in phases, so that full implementation is achieved in the 2017-18 school year.

(3) For the initial phase of the early learning program in school years 2011-12 and 2012-13, the legislature shall appropriate funding to the department for implementation of the program in an amount not less than the 2009-2011 enacted budget for the early childhood education and assistance program. The appropriation shall be sufficient to fund an equivalent number of slots as funded in the 2009-2011 enacted budget.

(4) Beginning in the 2013-14 school year, additional funding for the program must be phased in beginning in school districts providing all-day kindergarten programs under RCW 28A.150.315.

(5) Funding shall continue to be phased in incrementally each year until full statewide implementation of the early learning program is achieved in the 2017-18 school year, at which time any eligible child shall be entitled to be enrolled in the program.

(6) The department and the office of financial management shall annually review the caseload forecasts for the program and, beginning December 1, 2012, and annually thereafter, report to the governor and the appropriate committees of the legislature with recommendations for phasing in additional funding necessary to achieve statewide implementation in the 2017-18 school year.

(7) School districts and approved community-based early learning providers may contract with the department to provide services under the program. The department shall collaborate with school districts, community-based providers, and educational service districts to promote an adequate supply of approved providers.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.320 RCW to read as follows:

For the program of early learning established in section 3 of this act, school districts:

(1) Shall work cooperatively with program providers to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and

(2) May contract with the department of early learning to deliver services under the program.

Sec. 7. RCW 43.215.020 and 2007 c 394 s 5 are each amended to read as follows:

(1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private-public partnership;

(d) To administer child care and early learning programs;

(e) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

(f) To support the implementation of the nongovernmental private- public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(g) To work cooperatively and in coordination with the early learning council;

(h) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs; ~~((and))~~

(i) To develop and adopt rules for administration of the program of early learning established in section 3 of this act; and

 (j) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information through the internet and other means.

(3) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

NEW SECTION. Sec. 8. REPORT AND RECOMMENDATIONS. The director of the department of early learning shall develop recommendations, including proposed legislation as appropriate and necessary, to achieve statewide implementation of the program of early learning established in section 3 of this act for children three and four years of age. The director shall report to the appropriate committees of the legislature by January 1, 2011 regarding:

(1) Program standards for a developmentally appropriate curriculum;

(2) Service standards for family support and health-related services;

(3) A plan for providing technical assistance necessary to support providers delivering services in early childhood education and assistance programs and head start programs in becoming approved providers of the program;

(4) A strategy to optimize phased implementation of the program on a schedule substantially similar to the implementation of full day kindergarten after a review of the locations where early childhood education and assistance programs are operating;

(5) Options for developing socioeconomically diverse, mixed classrooms; and

(6) Recommendations for naming the program.

Sec. 9. RCW 43.215.405 and 2006 c 265 s 210 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.215.400 through 43.215.450 and 43.215.900 through 43.215.903.

(1) "Advisory committee" means the advisory committee under RCW 43.215.420.

(2) "Department" means the department of early learning.

(3) "Eligible child" means a child not eligible for kindergarten whose family income is at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a child whose family is eligible for public assistance, and who is not a participant in a federal or state program providing comprehensive services; a child eligible for special education due to disability under RCW 28A.155.020; and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Priority for enrollment shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

(4) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department as meeting the minimum program rules adopted by the department to qualify under RCW 43.215.400 through 43.215.450 and 43.215.900 through 43.215.903 and are designated as eligible for funding by the department under RCW 43.215.430 and 43.215.440.

(5) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(6) "Family support services" means providing opportunities for parents to:

(a) Actively participate in their child's early childhood program;

(b) Increase their knowledge of child development and parenting skills;

(c) Further their education and training;

(d) Increase their ability to use needed services in the community;

(e) Increase their self-reliance.

Sec. 10. **RCW 43.215.405 and 2006 c 265 s 210 are each amended to read as follows:**

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.215.400 through 43.215.450 and 43.215.900 through 43.215.903.

(1) "Advisory committee" means the advisory committee under RCW 43.215.420.

(2) "Department" means the department of early learning.

(3) "Eligible child" means a child not eligible for kindergarten whose family income is at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a child whose family is eligible for public assistance, and who is not a participant in a federal or state program providing comprehensive services, and ~~(may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program))~~ a child eligible for special education due to disability under RCW 28A.155.020. Priority for enrollment shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

(4) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department as meeting the minimum program rules adopted by the department to qualify under RCW 43.215.400 through 43.215.450 and 43.215.900 through 43.215.903 and are designated as eligible for funding by the department under RCW 43.215.430 and 43.215.440.

(5) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(6) "Family support services" means providing opportunities for parents to:

(a) Actively participate in their child's early childhood program;

(b) Increase their knowledge of child development and parenting skills;

(c) Further their education and training;

(d) Increase their ability to use needed services in the community;

(e) Increase their self-reliance.

NEW SECTION. Sec. 11. The joint recommendations from the department of early learning, the superintendent of public instruction, and thrive by five, Washington, to the governor in December 2009, and the recommendations from the quality education council to the legislature in January 2010, both supported implementation of a voluntary program of early learning within the overall program of basic education. The legislature intends to direct further examination of these recommendations and Attorney General Opinion Number 8 (2009) through the convening of a working group to prepare a comprehensive plan for implementation of a voluntary, universal preschool program.

NEW SECTION. Sec. 12. (1) Beginning April 1, 2010, the department of early learning, in collaboration with the office of the superintendent of public instruction, shall convene a working group to develop recommendations for implementing a voluntary, universal preschool program for children ages three and four. Recognizing the program of early learning established in section 3 of this act, the working group shall prepare a proposal for implementing a voluntary universal prekindergarten program accessible to all three and four year olds in Washington. The working group also shall examine the opportunities and barriers of establishing a program of early learning under the program of basic education.

(2) The working group shall develop recommendations for the phased implementation of a voluntary, universal prekindergarten program, including recommendations relating to the following elements:

(a) Criteria for eligible children;

(b) Program standards for a developmentally appropriate curriculum to include:

(i) Physical well-being, health, and motor development;

(ii) Social and emotional development;

(iii) Cognition and general knowledge; and

(iv) Language, literacy, numeracy, and communication;

(c) Service standards for family support and health-related services to include:

(i) Working with parents to access appropriate medical, dental, and other health screenings for children;

(ii) Providing opportunities for parental involvement, education, and leadership development; and

(iii) Family contact designed to assist the child's family in:

(A) Assessing family strengths and needs;

(B) Setting family goals and reviewing progress;

(C) Accessing community resources; and

(D) Coordinating transitions between the program, child care, home, and kindergarten;

(d) Criteria for eligible providers;

(e) Governance responsibilities for the superintendent of public instruction and the department of early learning;

(f) Funding necessary for implementation, including professional development, facilities, and technical assistance;

(g) An implementation timeline;

(h) The need for transportation services for the program based on an analysis of the transportation services and arrangements being used in early childhood education and assistance programs and the need to address future transportation services;

(i) Options for developing socioeconomically diverse classrooms; and

(j) One or more sliding scale fee structures for possible use in the program of early learning established in section 3 of this act, and in the voluntary, universal preschool program for which a comprehensive plan is required under this section.

(3) While developing the plan, the working group shall review early learning programs in Washington, including the early childhood education and assistance program and the federal head start program, as well as voluntary, universal programs in other states.

(4) Membership of the working group shall include:

(a) One or more representatives from the following: The department of early learning; the office of the superintendent of public instruction; the nongovernmental private-public partnership created in RCW 43.215.070; and the office of the attorney general;

(b) Two members of the early learning advisory council established in RCW 43.215.090, to be appointed by the council; and

(c) Additional stakeholders with expertise in early learning to be appointed by the early learning advisory council.

(5) The working group shall consult with the achievement gap oversight and accountability committee established in RCW 28A.300.136, and may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall submit a brief progress report by July 1, 2011, and final report with the comprehensive plan by October 1, 2011, to the legislature, the governor, the early learning advisory council, and the quality education council established in RCW 28A.290.010.

NEW SECTION. Sec. 13. The superintendent of public instruction, the director of the department of early learning, and the director of the office of financial management, or their respective designees, shall report to the appropriate committees of the legislature by January 1, 2012, with recommendations for a budgeting and funding allocation method consistent with the recommendations developed under section 12 of this act.

Sec. 14. **RCW 43.215.090 and 2007 c 394 s 3 are each amended to read as follows:**

(1) The early learning advisory council is established to advise the department on statewide early learning (~~(community needs and progress)~~) issues that would build a comprehensive system of quality early learning programs and services for Washington's children and families by assessing needs and the availability of services, aligning resources, developing plans for data collection and professional development of early childhood educators, and establishing key performance measures.

(2) The council shall work in conjunction with the department to develop a statewide early learning plan that (~~(crosses systems and sectors to promote)~~) guides the department in promoting alignment of private and public sector actions, objectives, and resources, and (~~(to ensure)~~) ensuring school readiness.

(3) The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(4) Council members shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

(5) The council shall consist of not more than (~~(twenty-five)~~) twenty-three members, as follows:

(a) The governor shall appoint at least one representative from each of the following: The department, the office of financial management, the department of social and health services, the department of health, the higher education coordinating board, and the state board for community and technical colleges;

(b) One representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction;

(c) The governor shall appoint (~~(at least)~~) seven leaders in early childhood education, with at least one representative with experience or expertise in each of the areas such as the following (~~(areas)~~): Children with disabilities, the K-12 system, family day care providers, and child care centers;

(d) Two members of the house of representatives, one from each caucus, and two members of the senate, one from each caucus, to be appointed by the speaker of the house of representatives and the president of the senate, respectively;

(e) Two parents, one of whom serves on the department's parent advisory council, to be appointed by the governor;

(f) (~~(Two)~~) One representative(s) of the private-public partnership created in RCW 43.215.070, to be appointed by the partnership board;

(g) One representative designated by sovereign tribal governments; and

(h) One representative from the Washington federation of independent schools.

(6) The council shall be cochaired by one representative of a state agency and one nongovernmental member, to be elected by the council for two-year terms.

(7) The council shall appoint two members and stakeholders with expertise in early learning to serve on the working group created in section 12, chapter . . . , Laws of 2010 (section 12 of this act).

(8) Each member of the board shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

(~~(8)~~) (9) The department shall provide staff support to the council.

Sec. 15. **RCW 28A.290.010 and 2009 c 548 s 114 are each amended to read as follows:**

(1) The quality education council is created to recommend and inform the ongoing implementation by the legislature of an evolving program of basic education and the financing necessary to support such program. The council shall develop strategic recommendations on the program of basic education for the common schools. The council shall take into consideration the capacity report produced under RCW 28A.300.172 and the availability of data and progress of implementing the data systems required under RCW 28A.655.210. Any recommendations for modifications to the program of basic education shall be based on evidence that the programs effectively support student learning. The council shall update the statewide strategic recommendations every four years. The recommendations of the council are intended to:

(a) Inform future educational policy and funding decisions of the legislature and governor;

(b) Identify measurable goals and priorities for the educational system in Washington state for a ten-year time period, including the goals of basic education and ongoing strategies for coordinating statewide efforts to eliminate the achievement gap and reduce student dropout rates; and

(c) Enable the state of Washington to continue to implement an evolving program of basic education.

(2) The council may request updates and progress reports from the office of the superintendent of public instruction, the state board of education, the professional educator standards board, and the department of early learning on the work of the agencies as well as educational working groups established by the legislature.

(3) The chair of the council shall be selected from the councilmembers. The council shall be composed of the following members:

(a) Four members of the house of representatives, with two members representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Four members of the senate, with two members representing each of the major caucuses and appointed by the president of the senate; and

(c) One representative each from the office of the governor, office of the superintendent of public instruction, state board of education, professional educator standards board, and department of early learning.

(4) In the 2009 fiscal year, the council shall meet as often as necessary as determined by the chair. In subsequent years, the council shall meet no more than four times a year.

(5)(a) The council shall submit an initial report to the governor and the legislature by January 1, 2010, detailing its recommendations, including recommendations for resolving issues or decisions requiring legislative action during the 2010 legislative session, and recommendations for any funding necessary to continue development and implementation of chapter 548, Laws of 2009.

(b) The initial report shall, at a minimum, include:

(i) Consideration of how to establish a statewide beginning teacher mentoring and support system;

(ii) Recommendations for a program of early learning for at-risk children;

(iii) A recommended schedule for the concurrent phase-in of the changes to the instructional program of basic education and the implementation of the funding formulas and allocations to support the new instructional program of basic education as established under chapter 548, Laws of 2009. The phase-in schedule shall have full implementation completed by September 1, 2018; and

(iv) A recommended schedule for phased-in implementation of the new distribution formula for allocating state funds to school districts for the transportation of students to and from school, with phase-in beginning no later than September 1, 2013.

(6) After receiving the comprehensive plan required under section 12, chapter . . . , Laws of 2010 (section 12 of this act), the council shall

develop recommendations for incorporating the plan into the strategic recommendations required under subsection (1) of this section and submit a report to the legislature by January 1, 2011.

~~(7)~~ (7) The council shall be staffed by the office of the superintendent of public instruction and the office of financial management. Additional staff support shall be provided by the state entities with representatives on the ~~(committee)~~ council. Senate committee services and the house of representatives office of program research may provide additional staff support.

~~((7))~~ (8) Legislative members of the council shall serve without additional compensation but may be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 16. Sections 2 through 5 and 19 of this act are each added to chapter 43.215 RCW.

NEW SECTION. Sec. 17. Section 9 of this act expires September 1, 2011.

NEW SECTION. Sec. 18. Section 10 of this act takes effect September 1, 2011.

NEW SECTION. Sec. 19. Sections 1 through 5 of this act may be known as the ready for school act of 2010."

Correct the title.

Representatives Goodman and Haler spoke in favor of the adoption of the amendment.

Amendment (1518) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman, Haler, Goodman (again), Kagi and Priest spoke in favor of the passage of the bill.

Representative Bailey spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6759, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6759, as amended by the House, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, DeBolt, Ericksen, Fagan, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

SUBSTITUTE SENATE BILL NO. 6759, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6667, by Senate Committee on Ways & Means (originally sponsored by Senators Kauffman and Kastama)

Concerning business assistance programs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Community & Economic Development & Trade was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 43, February 22, 2010).

Representative Kenney moved the adoption of amendment (1514) to the committee amendment:

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that small businesses and entrepreneurs are a fundamental source of economic and community vitality for our state. They employ state residents, pay state taxes, purchase goods and services from local and regional companies, and contribute to our communities in many other ways. The legislature finds that small businesses and entrepreneurs need increased access to capital and technical assistance in order to maximize their potential. The legislature intends that the department of commerce and the small business development center each build upon their existing relevant statutory missions and authorities by collaborating on a specific plan to expand services to small businesses and entrepreneurs beginning in the 2011-2013 biennium.

Sec. 2. RCW 43.330.060 and 2005 c 136 s 13 are each amended to read as follows:

(1) The department shall (a) assist in expanding the state's role as an international center of trade, culture, and finance; (b) promote and market the state's products and services both nationally and internationally; (c) work in close cooperation with other private and public international trade efforts; (d) act as a centralized location for the assimilation and distribution of trade information; and (e) establish and operate foreign offices promoting overseas trade and commerce.

(2) The department shall identify and work with Washington businesses that can use local, state, and federal assistance to increase domestic and foreign exports of goods and services.

(3) The department shall work generally with small businesses and other employers to facilitate resolution of siting, regulatory, expansion, and retention problems. This assistance shall include but not be limited to assisting in workforce training and infrastructure needs, identifying and locating suitable business sites, and resolving problems with government licensing and regulatory requirements. The department shall identify gaps in needed services and develop steps to address them including private sector support and purchase of these services.

(4) The department shall work to increase the availability of capital to small businesses by developing new and flexible investment tools; by assisting in targeting and improving the efficiency of existing investment mechanisms; and by assisting in the procurement of managerial and technical assistance necessary to attract potential investors.

(5) The department shall assist women and minority-owned businesses in overcoming barriers to entrepreneurial success. The department shall contract with public and private agencies, institutions, and organizations to conduct entrepreneurial training

courses for minority and women-owned businesses. The instruction shall be intensive, practical training courses in financing, marketing, managing, accounting, and recordkeeping for a small business, with an emphasis on federal, state, local, or private programs available to assist small businesses. Instruction shall be offered in major population centers throughout the state at times and locations that are convenient for minority and women small business owners.

(6)(a) Subject to the availability of amounts appropriated for this specific purpose, by December 1, 2010, the department, in conjunction with the small business development center, must prepare and present to the governor and appropriate legislative committees a specific, actionable plan to increase access to capital and technical assistance to small businesses and entrepreneurs beginning with the 2011-2013 biennium. In developing the plan, the department and the center may consult with the Washington state microenterprise association, and with other government, nonprofit, and private organizations as necessary. The plan must identify:

- (i) Existing sources of capital and technical assistance for small businesses and entrepreneurs;
 - (ii) Critical gaps and barriers to availability of capital and delivery of technical assistance to small businesses and entrepreneurs;
 - (iii) Workable solutions to filling the gaps and removing barriers identified in (a)(ii) of this subsection; and
 - (iv) The financial resources and statutory changes necessary to put the plan into effect beginning with the 2011-2013 biennium.
- (b) With respect to increasing access to capital, the plan must identify specific, feasible sources of capital and practical mechanisms for expanding access to it.

(c) The department and the center must include, within the analysis and recommendations in (a) of this subsection, any specific gaps, barriers, and solutions related to rural and low-income communities and small manufacturers interested in exporting.

Sec. 3. RCW 28B.30.530 and 2009 c 486 s 1 are each amended to read as follows:

(1) The board of regents of Washington State University shall establish the Washington State University small business development center.

(2) The center shall provide management and technical assistance including but not limited to training, counseling, and research services to small businesses throughout the state. The center shall work with the department of ~~((community, trade, and economic development))~~ commerce, the state board for community and technical colleges, the higher education coordinating board, the workforce training and education coordinating board, the employment security department, the Washington state economic development commission, associate development organizations, and workforce development councils to:

- (a) Integrate small business development centers with other state and local economic development and workforce development programs;
 - (b) Target the centers' services to small businesses;
 - (c) Tailor outreach and services at each center to the needs and demographics of entrepreneurs and small businesses located within the service area;
 - (d) Establish and expand small business development center satellite offices when financially feasible; and
 - (e) Coordinate delivery of services to avoid duplication.
- (3) The administrator of the center may contract with other public or private entities for the provision of specialized services.

(4) The small business development center may accept and disburse federal grants or federal matching funds or other funds or donations from any source when made, granted, or donated to carry out the center's purposes. When drawing on funds from the business assistance account created in RCW ~~((30.60.010))~~ 28B.30.531, the center must first use the funds to make increased management and technical assistance available to existing small businesses and start-up businesses at satellite offices. The funds may also be used to develop

and expand assistance programs such as small business planning workshops and small business counseling.

(5) By ~~((December 1, 2009, and))~~ December 1, 2010, ~~((respectively,))~~ the center shall provide a written progress report and a final report to the appropriate committees of the legislature with respect to the requirements in subsection (2) of this section and the amount and use of funding received through the business assistance account. The reports must also include data on the number, location, staffing, and budget levels of satellite offices; affiliations with community colleges, associate development organizations or other local organizations; the number, size, and type of small businesses assisted; and the types of services provided. The reports must also include information on the outcomes achieved, such as jobs created or retained, private capital invested, and return on the investment of state and federal dollars.

(6)(a) Subject to the availability of amounts appropriated for this specific purpose, by December 1, 2010, the center, in conjunction with the department of commerce, must prepare and present to the governor and appropriate legislative committees a specific, actionable plan to increase access to capital and technical assistance to small businesses and entrepreneurs beginning with the 2011-2013 biennium. In developing the plan, the center and the department may consult with the Washington state microenterprise association, and with other government, nonprofit, and private organizations as necessary. The plan must identify:

- (i) Existing sources of capital and technical assistance for small businesses and entrepreneurs;
 - (ii) Critical gaps and barriers to availability of capital and delivery of technical assistance to small businesses and entrepreneurs;
 - (iii) Workable solutions to filling the gaps and removing barriers identified in (a)(ii) of this subsection; and
 - (iv) The financial resources and statutory changes necessary to put the plan into effect beginning with the 2011-2013 biennium.
- (b) With respect to increasing access to capital, the plan must identify specific, feasible sources of capital and practical mechanisms for expanding access to it.

(c) The center and the department must include, within the analysis and recommendations in (a) of this subsection, any specific gaps, barriers, and solutions related to rural and low-income communities and small manufacturers interested in exporting."

Correct the title.

Representative Kenney spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1514) to the committee amendment was adopted.

The committee amendment by the Committee on Community & Economic Development & Trade was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kenney and Maxwell spoke in favor of the passage of the bill.

Representative Parker spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6667, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6667, as amended by the House, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 1; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Wood.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Absent: Mr. Speaker.

SECOND SUBSTITUTE SENATE BILL NO. 6667, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Second Substitute Senate Bill No. 6667.

Frank Chopp, 43rd District

SECOND READING

SENATE BILL NO. 6540, by Senators Fairley, Swecker, King, Parlette, Fraser, Pridemore, Shin and Roach

Transferring the combined fund drive from the department of personnel to the secretary of state.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6540.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6540, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune,

Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 6540, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the committee on State Government & Tribal Affairs was relieved of ENGROSSED SENATE BILL NO. 6430 and the bill was placed on the second reading calendar.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6774, by Senate Committee on Transportation (originally sponsored by Senator Marr)

Addressing transportation benefit district governance. Revised for 1st Substitute: Concerning transportation benefit districts.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 45, February 24, 2010).

With the consent of the House, amendment (1400) was withdrawn.

Representative Lias moved the adoption of amendment (1347) to the committee amendment:

On page 1, line 5 of the striking amendment, after "city" insert ", or a public transportation benefit area as provided under subsection (2) of this section,"

On page 2, line 6 of the striking amendment, after "(2)" strike all material through "the" on line 6 and insert "~~(Subject to subsection (6) of this section,)~~(a) The legislative authority of a public transportation benefit area under chapter 36.57A with boundaries that encompass all or part of a county having a population of more than six hundred thousand may establish a transportation benefit district within the full boundaries of the public transportation benefit area. An authorized public transportation benefit area must, except as otherwise provided in subsection (2) of this section, comply with all requirements of this chapter. A district may be formed by majority vote of the public transportation benefit area's governing body, and the governing body of the benefit area is not required to obtain agreement of the jurisdictions having territory within the boundaries of the public transportation benefit area.

(b) The transportation improvements shall be owned by the public transportation benefit area unless otherwise agreed to or prohibited by law.

(c) The authority of a public transportation benefit area to establish a transportation benefit district or to impose or collect an authorized tax, charge, or fee under this chapter or under RCW

82.80.140 expires on June 30, 2015. Any contract entered into by the transportation benefit district for the collection of taxes, charges, or fees on its behalf must include a provision establishing that the collection of any such taxes, charges, or fees is not authorized after June 30, 2015. The benefit district shall dissolve itself and cease to exist no later than July 31, 2015.

(3) Except as otherwise provided in subsection (2) of this section, a"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 2, line 16 of the striking amendment, after "That" insert "except as otherwise provided in subsection (2) of this section."

On page 3, beginning on line 1 of the striking amendment, strike all of subsection (6) and insert "(((6) Prior to December 1, 2007, the authority under this section, regarding the establishment of or the participation in a district, shall not apply to:

(a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;

(b) Cities with any area within the counties under (a) of this subsection; and

(c) Other jurisdictions with any area within the counties under (a) of this subsection.))"

Representative Liias spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Roach and Shea spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of (1347) to the committee amendment to Engrossed Substitute Senate Bill No. 6774.

ROLL CALL

The Clerk called the roll on the adoption of (1347) to the committee amendment to Engrossed Substitute Senate Bill No. 6774 and the amendment was adopted by the following vote: Yeas, 54; Nays, 44; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Goodman, Haigh, Hasegawa, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Finn, Green, Haler, Herrera, Hinkle, Hope, Hudgins, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Amendment (1347) to the committee amendment was adopted.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the committee amendment as amended.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 61 - YEAS; 37 - NAYS.

The committee amendment was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Liias, Simpson and Darneille spoke in favor of the passage of the bill.

Representatives Roach, Shea, Armstrong and Roach (again) spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6774, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6774, as amended by the House, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Goodman, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Finn, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6774, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute Senate Bill No. 6774.

John Driscoll, 6th District

SECOND READING

SUBSTITUTE SENATE BILL NO. 6343, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Jacobsen, Kohl-Welles, Swecker, Haugen, Hatfield and Keiser)

Establishing the Washington food policy council. Revised for 1st Substitute: Establishing the Washington food policy forum.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 44, February 23, 2010).

With the consent of the House, amendments (1298), (1281), (1292), (1284) and (1278) were withdrawn.

Representative Blake moved the adoption of amendment (1387) to the committee amendment:

On page 4, line 26 of the amendment, after "appointed by the" strike "governor" and insert "director of the department of agriculture"

On page 4, line 28 of the amendment, after "The" strike "governor" and insert "director of the department of agriculture"

On page 5, line 15 of the amendment, after "fourteen" strike "governor-"

On page 5, line 27 of the amendment, after "The" strike "governor" and insert "director of the state conservation commission"

Representatives Blake and Chandler spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1387) to the committee amendment was adopted.

Representative McCune moved the adoption of amendment (1277) to the committee amendment.

On page 5, line 13 of the amendment, after "association;" strike "and"

On page 5, line 14 of the amendment, after "sector" insert "; and (l) One representative from the commercial fishing sector"

Representatives McCune and Blake spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1277) to the committee amendment was adopted.

The committee amendment by the Committee on Agriculture & Natural Resources was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Blake and Smith spoke in favor of the passage of the bill.

Representatives Taylor and Kretz spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6343, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6343, as amended by the House, and the bill passed the House by the following vote: Yeas, 72; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope,

Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Nealey, Orcutt, Parker, Ross, Schmick, Seaquist, Shea, Short, Taylor, Walsh and Warnick.

SUBSTITUTE SENATE BILL NO. 6343, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6575, by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Keiser, Kline, Franklin and McDermott)

Concerning the recommendations of the joint legislative task force on the underground economy.

The bill was read the second time.

With the consent of the House, the committee amendments by the Committee on Ways & Means and the Committee on Commerce & Labor were not adopted.

Amendments (1417) and (1418), to the committee amendments, were ruled out of order.

Representative Conway moved the adoption of amendment (1488).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 18.27.340 and 1997 c 314 s 17 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, a contractor found to have committed an infraction under RCW 18.27.200 shall be assessed a monetary penalty of not less than two hundred dollars and not more than five thousand dollars.

(2) The director may waive collection in favor of payment of restitution to a consumer complainant.

(3) A contractor found to have committed an infraction under RCW 18.27.200 for failure to register shall be assessed a fine of not less than one thousand dollars, nor more than five thousand dollars. For a first offense, the director may reduce the penalty for failure to register, but in no case below five hundred dollars, if the person: Becomes registered within ten days of receiving a notice of infraction ((and the notice of infraction is for a first offense)); and registers for a department-approved contractor training class under section 2 of this act within ten days of receiving a notice of infraction, completes the class within one hundred twenty days of receiving the notice of infraction, and pays any required class fees upon class registration.

(4) Until July 1, 2011, monetary penalties collected under this chapter shall be deposited in the general fund. Beginning July 1, 2011, monetary penalties and class fees collected under this chapter shall be deposited in the contractor registration account created in section 4 of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 18.27 RCW to read as follows:

The department will approve or conduct contractor training classes and charge a fee, payable upon class registration, that covers

the costs of administering the class. The department may adopt rules relating to the number of classes to be offered by the department, the locations of these classes, class fees, and curriculum. In determining the locations of these classes, the department may consider offering online classes and ensure that classes are reasonably accessible in eastern and western Washington. The department shall deposit all fees in the contractor registration account created in section 4 of this act.

Sec. 3. RCW 18.27.070 and 1997 c 314 s 7 are each amended to read as follows:

- (1) The department shall charge fees for issuance, renewal, and reinstatement of certificates of registration; and changes of name, address, or business structure. The department shall set the fees by rule.
- (2) The entire amount of the fees are to be used solely to cover the full cost of issuing certificates, filing papers and notices, and administering and enforcing this chapter. The costs shall include reproduction, travel, per diem, and administrative and legal support costs.
- (3) The department shall deposit all fees in the contractor registration account created in section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 18.27 RCW to read as follows:

The contractor registration account is created in the state treasury. The department shall deposit in the account all moneys from registrations, renewals, or civil penalties assessed and collected under this chapter. Appropriations from the account may be made only for the purposes of administration and enforcement of this chapter, including conducting contractor training classes under section 2 of this act.

Sec. 5. RCW 60.28.040 and 2009 c 432 s 7 and 2009 c 219 s 7 are each reenacted and amended to read as follows:

- (1) Subject to subsection (5) of this section, the amount of all taxes, increases, and penalties due or to become due under Title 82 RCW, from a contractor or the contractor's successors or assignees with respect to a public improvement contract wherein the contract price is thirty-five thousand dollars or more, shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract.
- (2) Subject to subsection (5) of this section, after payment of all taxes, increases, and penalties due or to become due under Title 82 RCW, from a contractor or the contractor's successors or assignees with respect to a public improvement contract wherein the contract price is ~~((twenty))~~ thirty-five thousand dollars or more, the amount of all other taxes, increases, and penalties under Title 82 RCW, due and owing from the contractor, shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract.
- (3) Subject to subsection (5) of this section, after payment of all taxes, increases, and penalties due or to become due under Title 82 RCW, the amount of all taxes, increases, and penalties due or to become due under Titles 50 and 51 RCW from the contractor or the contractor's successors or assignees with respect to a public improvement contract wherein the contract price is ~~((twenty))~~ thirty-five thousand dollars or more, shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract.
- (4) Subject to subsection (5) of this section, the amount of all other taxes, increases, and penalties due and owing from the contractor shall be a lien upon the balance of such retained percentage remaining in the possession of the disbursing officer after all other statutory lien claims have been paid.
- (5) The employees of a contractor or the contractor's successors or assignees who have not been paid the prevailing wage under such a public improvement contract shall have a first priority lien against the bond or retainage prior to all other liens.

Sec. 6. RCW 18.27.020 and 2007 c 436 s 2 are each amended to read as follows:

- (1) Every contractor shall register with the department.
- (2) It is a gross misdemeanor for any contractor to:
- (a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;
- (b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked;
- (c) Use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required;
- (d) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor; or
- (e) Subcontract to or use an unregistered contractor.
- (3) It is not unlawful for a registered contractor to employ an unregistered contractor who was registered at the time he or she entered into a contract with the registered contractor, unless the registered contractor or his or her representative has been notified in writing by the department of labor and industries that the contractor has become unregistered.
- (4) All gross misdemeanor actions under this chapter shall be prosecuted in the county where the infraction occurs.
- (5) A person is guilty of a separate gross misdemeanor for each day worked if, after the person receives a ~~((citation))~~ notice of infraction from the department, the person works while unregistered, or while his or her registration is suspended or revoked, or works under a registration issued to another contractor. A person is guilty of a separate gross misdemeanor for each worksite on which he or she violates subsection (2) of this section. Nothing in this subsection applies to a registered contractor.
- (6) A person is guilty of a class C felony if, after receiving a third or subsequent final infraction for working as a contractor while unregistered, while his or her registration is suspended or revoked, or under a registration issued to another contractor, he or she works as a contractor while unregistered, while his or her registration is suspended or revoked, or under a registration issued to another contractor.
- (7) The director by rule shall establish a two-year audit and monitoring program for a contractor not registered under this chapter who becomes registered after receiving an infraction or conviction under this chapter as an unregistered contractor. The director shall notify the departments of revenue and employment security of the infractions or convictions and shall cooperate with these departments to determine whether any taxes or registration, license, or other fees or penalties are owed the state.

NEW SECTION. Sec. 7. The legislature finds that the state loses over one hundred million dollars a year in taxes due to underground economy construction activity, causing great inequity to law-abiding businesses and taxpayers. The legislature further finds that an employer in construction is required to pay industrial insurance and unemployment taxes for a worker unless a seven-part independent contractor test is met, which test includes that the worker is free from direction and control and has his or her own books and records. The legislature finds that some contractors avoid taxes by engaging multiple contractors to work together on the same task and treating the contractors as independent contractors rather than hiring and paying taxes on these persons as covered workers. The legislature finds, however, that if multiple contractors are working together on the same task on a job site, the contractors must be working under direction and control such that they are not independent contractors but are, in fact, covered workers.

The legislature finds that the seven-part test is and should continue to be applied in investigations of underground economy

activity. However, the legislature also finds that prohibiting up front certain contracting which by its nature creates a situation in which taxes due are not paid will provide clarity to contractors and provide an additional cost-effective means to reduce the underground economy. By enacting section 8 of this act, the legislature intends to define the prohibited contracting narrowly to assure no legitimate contracting is prohibited. The legislature further intends to exempt work on single-family residences. The legislature intends that nothing in section 8 of this act prohibits a contractor from engaging other contractors to assist with tasks so long as those contractors are treated as covered workers.

NEW SECTION. Sec. 8. A new section is added to chapter 18.27 RCW to read as follows:

(1) A contractor commits a violation under this chapter and is subject to an infraction if on a single job site, work is performed together on the same task by more than two contractors who bring no workers to that job site who are subject to the mandatory coverage of Title 51 RCW.

(2) If contractors are working in the same trade or craft on a single job site, the contractors have the burden of proof to show that they are not working together on the same task.

(3) The violation under subsection (1) of this section is committed by all parties to the contract.

(4) A contractor found to have committed an infraction under this section shall be assessed a fine of not less than one thousand dollars, nor more than five thousand dollars. For a first offense, the director may reduce the penalty to no less than five hundred dollars if the contractor registers for a department-approved training class under section 2 of this act within ten days of receiving a notice of infraction, completes the class within one hundred twenty days of receiving the notice of infraction, and pays any required class fees upon class registration. For a second or subsequent offense under this section, the director may suspend the registration of the contractor.

(5) For purposes of this section, a "job site" is a single physical address.

(6) This section does not apply to work performed on a single-family residence.

Sec. 9. 2009 c 432 s 13 (uncodified) is amended to read as follows:

The department of labor and industries, the employment security department, and the department of revenue shall coordinate and report to the appropriate committees of the legislature by December 1st of each year on the effectiveness of efforts implemented since July 1, 2008, to address the underground economy. The agencies shall use benchmarks and measures established by the institute for public policy and other measures it determines appropriate. The department of labor and industries must include in its report measures of the effectiveness of section 8 of this act.

NEW SECTION. Sec. 10. Section 9 of this act is codified as a new section in chapter 43.22 RCW.

NEW SECTION. Sec. 11. Sections 3 and 4 of this act take effect July 1, 2011."

Correct the title.

Representative Condotta moved the adoption of amendment (1504) to amendment (1488).

On page 3, beginning on line 33 of the striking amendment, strike all of section 6

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Condotta, Chandler, Darneille, Anderson, Orcutt and Ross spoke in favor of the adoption of the amendment to the amendment.

Representatives Conway, Simpson, Sells and Green spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1504) to amendment (1488) to Second Substitute Senate Bill No. 6575.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1504) to amendment (1488) to Second Substitute Senate Bill No. 6575 and the amendment was adopted by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Condotta, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Kagi, Kelley, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCune, Morris, Nealey, O'Brien, Orcutt, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Springer, Takko, Taylor, Wallace, Walsh and Warrick.

Voting nay: Representatives Angel, Appleton, Chase, Cody, Conway, Dickerson, Dunshee, Flannigan, Green, Hasegawa, Hudgins, Hunt, Jacks, Kenney, Kirby, Lias, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pettigrew, Roberts, Rolfes, Santos, Sells, Simpson, Sullivan, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Amendment (1504) to amendment (1488) was adopted.

Representative Clibborn moved the adoption of amendment (1503) to amendment (1488).

On page 5, beginning on line 6 of the striking amendment, strike all of sections 7 through 10

Renumber the remaining section consecutively and correct any internal references accordingly.

Representatives Clibborn and Condotta spoke in favor of the adoption of the amendment to the amendment.

Representatives Conway and Simpson spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1503) to amendment (1488) to Second Substitute Senate Bill No. 6575.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1503) to amendment (1488) to Second Substitute Senate Bill No. 6575 and the amendment was adopted by the following vote: Yeas, 58; Nays, 40; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Clibborn, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Fagan, Finn, Goodman, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Kagi, Kessler, Klippert, Kretz, Kristiansen, Lias, Maxwell, McCune, Morris, Nealey, O'Brien, Orcutt, Parker, Pearson, Pedersen, Priest, Quall, Roach, Rodne,

Ross, Schmick, Seaquist, Shea, Short, Smith, Springer, Takko, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Flannigan, Green, Hasegawa, Hudgins, Hunt, Jacks, Kelley, Kenney, Kirby, Linville, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pettigrew, Probst, Roberts, Rolfes, Santos, Sells, Simpson, Sullivan, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Amendment (1503) to amendment (1488) was adopted.

Amendment (1488) was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway, Condotta and Hasegawa spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6575, as amended by the House.

ROLL CALL

The clerk called the roll on the final passage of Second Substitute Senate Bill No. 6575, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE SENATE BILL NO. 6575, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL 6409 and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 5, 2010

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL 2518
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2539

HOUSE BILL 2540
HOUSE BILL 2659
HOUSE BILL 2697
HOUSE BILL 2735
SUBSTITUTE HOUSE BILL 2990
SUBSTITUTE HOUSE BILL 3036

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 5, 2010

Mr. Speaker:

The President has signed:

SENATE BILL 6218
SENATE BILL 6219
SUBSTITUTE SENATE BILL 6329
SUBSTITUTE SENATE BILL 6363
SENATE BILL 6418
SENATE JOINT MEMORIAL 8025

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 5, 2010

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1418
SUBSTITUTE HOUSE BILL 1545
HOUSE BILL 1576
SUBSTITUTE HOUSE BILL 2403
HOUSE BILL 2406
SUBSTITUTE HOUSE BILL 2422
HOUSE BILL 2428
SUBSTITUTE HOUSE BILL 2429
ENGROSSED SUBSTITUTE HOUSE BILL 2496
SUBSTITUTE HOUSE BILL 2546
ENGROSSED SUBSTITUTE HOUSE BILL 2564
HOUSE BILL 2575
HOUSE BILL 2592
SUBSTITUTE HOUSE BILL 2620
SUBSTITUTE HOUSE BILL 2678
SUBSTITUTE HOUSE BILL 2684
HOUSE BILL 2707
HOUSE BILL 2823
HOUSE BILL 2877
SUBSTITUTE HOUSE BILL 3145

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 5, 2010

Mr. Speaker:

The President has signed:

HOUSE BILL 1080
HOUSE BILL 1541
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1560
SECOND SUBSTITUTE HOUSE BILL 1591
ENGROSSED HOUSE BILL 1653
SECOND ENGROSSED HOUSE BILL 1876
SUBSTITUTE HOUSE BILL 1913
SUBSTITUTE HOUSE BILL 2226
SECOND SUBSTITUTE HOUSE BILL 2396
ENGROSSED SUBSTITUTE HOUSE BILL 2399
HOUSE BILL 2419
SUBSTITUTE HOUSE BILL 2430
HOUSE BILL 2465
SUBSTITUTE HOUSE BILL 2487
HOUSE BILL 2490
HOUSE BILL 2510
SUBSTITUTE HOUSE BILL 2515
HOUSE BILL 2521

SUBSTITUTE HOUSE BILL 2555
 ENGROSSED SUBSTITUTE HOUSE BILL 2560
 SUBSTITUTE HOUSE BILL 2585
 HOUSE BILL 2598
 HOUSE BILL 2608
 SUBSTITUTE HOUSE BILL 2649
 SUBSTITUTE HOUSE BILL 2651
 SUBSTITUTE HOUSE BILL 2661
 ENGROSSED HOUSE BILL 2667
 SUBSTITUTE HOUSE BILL 2704
 HOUSE BILL 2740
 SUBSTITUTE HOUSE BILL 2789
 SUBSTITUTE HOUSE BILL 2828
 ENGROSSED HOUSE BILL 2830
 ENGROSSED HOUSE BILL 2831
 ENGROSSED SUBSTITUTE HOUSE BILL 2842
 HOUSE BILL 2858
 HOUSE BILL 2861
 ENGROSSED SUBSTITUTE HOUSE BILL 2913
 SUBSTITUTE HOUSE BILL 2962
 HOUSE BILL 2996
 ENGROSSED SUBSTITUTE HOUSE BILL 3032
 SUBSTITUTE HOUSE BILL 3066
 SUBSTITUTE HOUSE JOINT MEMORIAL 4004

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6444, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice and Tom)

Making 2010 operating supplemental appropriations. Revised for 1st Substitute: Making 2010 supplemental operating appropriations.

The bill was read the second time.

With the consent of the House, amendments (1301), (1310), (1311), (1324), (1325), (1323), (1326), (1327), (1328), (1329), (1312), (1314), (1330), (1332), (1333), (1334), (1335), (1336), (1337), (1339), (1344), (1451) and (1747) were withdrawn.

Representative Linville moved the adoption of amendment (1295).

Strike everything after the enacting clause and insert the following:

Format changed to accommodate amendment.

**"PART I
GENERAL GOVERNMENT**

Sec. 101. 2009 c 564 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2010) (~~(\$33,500,000)~~)

\$33,505,000

General Fund--State Appropriation (FY 2011) (~~(\$33,379,000)~~)

\$31,794,000

TOTAL APPROPRIATION (~~(\$66,879,000)~~)

\$65,299,000

Sec. 102. 2009 c 564 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2010) (~~(\$24,957,000)~~)

\$24,960,000

General Fund--State Appropriation (FY 2011) (~~(\$27,182,000)~~)

\$25,409,000

TOTAL APPROPRIATION (~~(\$52,139,000)~~)

\$50,369,000

Sec. 103. 2009 c 564 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2010) (~~(\$2,874,000)~~)

\$2,774,000

General Fund--State Appropriation (FY 2011) \$2,884,000

TOTAL APPROPRIATION (~~(\$5,758,000)~~)

\$5,658,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2009-11 work plan as necessary to efficiently manage workload.

(2) Within the amounts appropriated in this section, the committee shall conduct a review of the effect of risk management practices on tort payouts. This review shall include an analysis of the state's laws, policies, procedures, and practices as they relate to the conduct of post-incident reviews and the impact of such reviews on the state's conduct and liability.

(3) Within the amounts appropriated in this section, the committee shall conduct a review of the state's workplace safety and health program. The review shall examine workplace safety inspection, enforcement, training, and outreach efforts compared to other states and federal programs; analyze workplace injury and illness rates and trends in Washington; identify factors that may influence workplace safety and health; and identify practices that may improve workplace safety and health and/or impact insurance costs.

(4) Within the amounts appropriated in this section, the committee shall prepare an evaluation of the implementation of legislation designed to improve communication, collaboration, and expedited medicaid attainment with regard to persons released from confinement who have mental health or chemical dependency disorders. The review shall evaluate the implementation of: (a) Chapter 166, Laws of 2004 (E2SSB 6358); (b) sections 507 and 508 of chapter 504, Laws of 2005 (E2SSB 5763); (c) sections 12 and 13 of chapter 503, Laws of 2005 (E2SHB 1290); and (d) section 8 of chapter 359, Laws of 2007 (2SHB 1088). The departments of corrections and social and health services, the administrative office of the courts, institutions for mental disease, city and county jails, city and county courts, county clerks, and mental health and chemical dependency treatment providers shall provide the committee with information necessary for the study.

(5) Within the amount appropriated in this section, the joint legislative audit and review committee shall conduct a review of the state's recreational boating programs. This review shall include examination of the following:

(a) Revenue sources for state recreational boating programs;

(b) Expenditures for state boating programs;

(c) Methods of administering state recreational boating programs, including the roles of both state and local government entities; and

(d) Approaches other states have taken to funding and administering their recreational boating programs.

The committee shall complete the review by October 31, 2010.

~~((7))~~ (6) Within the amount appropriated in this section, the joint legislative audit and review committee shall examine the operations of employment and day services as provided by the department of social and health services, division of developmental disabilities and administered by the counties. The examination shall include a thorough review of the contracts for all services including, but not limited to, employment services, day services, child development services and other uses of state dollars for county administration of services to the developmentally disabled. In its final report, due to the legislature by September 1, 2010, the joint legislative audit and review committee shall provide: A description of how funds are used and the rates paid to vendors, and a recommendation on best practices the agency may use for the development of a consistent, outcome-based contract for services provided under contract with the counties.

~~((8))~~ (7) Within the amount appropriated in this section, the joint legislative audit and review committee shall conduct a study of the relationship between the cost of school districts and their enrollment size. The study shall be completed by June 2010 and shall include:

(a) An analysis of how categories of costs vary related to size, including but not limited to facility costs, transportation costs, educational costs, and administrative costs;

(b) A review of other factors that may impact costs, such as revenues available from local levies and other sources, geographic dispersion, demographics, level of services received from educational service districts, and whether districts operate a high school;

(c) Case studies on the change in cost patterns occurring after school district consolidations and for school districts operating under state oversight condition specified in RCW 28A.505.110; and

(d) A review of available research on nonfinancial benefits and impacts associated with school and school district size.

(8) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct a review of the special education safety net and provide a report to the relevant fiscal and policy committees of the legislature in December 2010. The review shall focus on: (a) A review of the administrative and procedural changes to the safety net award process since its inception, and the impact of those changes on program implementation; (b) an analysis of safety net spending over time, including an analysis of the primary factors explaining changes in safety net expenditures over time, and; (c) a comparison of Washington's safety net program with programs with a similar purpose, in other states, including an analysis of eligibility thresholds, application procedures and timelines, and auditing practices.

Sec. 104. **2009 c 564 s 105 (uncodified) is amended to read as follows:**

FOR THE OFFICE OF THE STATE ACTUARY

General Fund--State Appropriation (FY 2010)	\$200,000
General Fund--State Appropriation (FY 2011)	\$25,000
((Health Care Authority Administrative Account--State Appropriation \$735,000))	
Department of Retirement Systems Expense	
Account--State Appropriation	(\$3,309,000)
\$3,319,000	
TOTAL APPROPRIATION	(\$4,269,000)
\$3,544,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000 of the department of retirement systems--state appropriation is provided solely for the continued study of local government liabilities for postretirement medical benefits for members of plan 1 of the law enforcement officers' and firefighters' retirement system.

(2) \$51,000 of the department of retirement systems expense account--state appropriation is provided solely for the state actuary to contract with the Washington state institute for public policy for a study of the disability benefits provided to the plan 2 and plan 3 members of the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system. Among the options the institute shall examine include statutory changes to the retirement systems and insurance products. The institute shall report its findings and recommendations to the select committee on pension policy by November 1, 2009.

(3) \$30,000 of the department of retirement systems expense account--state appropriation is provided solely for the state actuary to contract with the Washington state institute for public policy to continue the study of long-term disability benefits for public employees as authorized by subsection (2) of this section during the 2010 legislative interim. The purpose of the study is to develop the options identified in the 2009 legislative interim disability benefit study, including options related to the public employees' benefits board programs, other long-term disability insurance programs, and public employee retirement system benefits. The institute shall report no later than November 17, 2010, new findings and any additional recommendations on the options to the select committee on pension policy, the senate committee on ways and means, and the house committee on ways and means. The Washington state institute for public policy shall work with the health care authority to coordinate analysis and recommendations with its contracted disability vendor and appropriate stakeholders.

(4) \$175,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the office of the state actuary to conduct an independent assessment of alternatives for assuring the long-term financial solvency of the guaranteed education tuition program including suspension of the program. In conducting this review, the office may contract for assistance, and shall consult with the higher education coordinating board, the operating budget committees of the legislature, the office of financial management, and the state's public colleges and universities. The office shall report findings, an assessment of the major alternatives, and suggested actions to the governor and to the relevant legislative committees by November 15, 2009.

Sec. 105. **2009 c 564 s 106 (uncodified) is amended to read as follows:**

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2010)	(\$8,651,000)
\$8,652,000	
General Fund--State Appropriation (FY 2011)	(\$8,519,000)
\$8,564,000	
TOTAL APPROPRIATION	(\$17,170,000)
\$17,216,000	

Sec. 106. **2009 c 564 s 107 (uncodified) is amended to read as follows:**

FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2010)	(\$4,610,000)
\$4,611,000	
General Fund--State Appropriation (FY 2011)	(\$5,029,000)
\$4,893,000	
TOTAL APPROPRIATION	(\$9,639,000)
\$9,504,000	

Sec. 107. **2009 c 564 s 108 (uncodified) is amended to read as follows:**

FOR THE REDISTRICTING COMMISSION

General Fund--State Appropriation (FY 2011)	(\$610,000)
\$1,115,000	

The appropriations in this section are subject to the following conditions and limitations: \$505,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the support of legislative redistricting efforts. Prior to the appointment of the redistricting commission, the secretary of the senate and chief clerk of the house of representatives may jointly authorize the expenditure of these funds to facilitate

preparations for the 2012 redistricting effort. Following the appointment of the commission the house of representatives and senate shall enter into an interagency agreement with the commission authorizing the continued expenditure of these funds for legislative redistricting support.

Sec. 108. 2009 c 564 s 110 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2010)	((6,912,000))
\$6,931,000	
General Fund--State Appropriation (FY 2011)	((6,948,000))
\$6,848,000	
TOTAL APPROPRIATION	((13,860,000))
\$13,779,000	

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

Sec. 109. 2009 c 564 s 111 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2010)	((1,924,000))
\$1,925,000	
General Fund--State Appropriation (FY 2011)	((1,922,000))
\$1,923,000	
TOTAL APPROPRIATION	((3,846,000))
\$3,848,000	

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

Sec. 110. 2009 c 564 s 112 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2010)	((15,793,000))
\$15,832,000	
General Fund--State Appropriation (FY 2011)	((15,895,000))
\$15,667,000	
TOTAL APPROPRIATION	((31,688,000))
\$31,499,000	

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

Sec. 111. 2009 c 564 s 113 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2010)	((1,032,000))
\$1,043,000	
General Fund--State Appropriation (FY 2011)	((1,082,000))
\$1,093,000	
TOTAL APPROPRIATION	((2,114,000))
\$2,136,000	

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

Sec. 112. 2009 c 564 s 114 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2010)	((53,607,000))
\$52,644,000	
General Fund--State Appropriation (FY 2011)	((51,812,000))
\$52,411,000	
General Fund--Federal Appropriation	\$979,000
Judicial Information Systems Account--State	
Appropriation	((29,676,000))
\$29,722,000	
Judicial Stabilization Trust Account--State	
Appropriation	\$6,598,000

TOTAL APPROPRIATION (~~(\$141,693,000)~~)
 \$142,354,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$1,800,000~~) of the general fund--state appropriation for fiscal year 2010 and \$1,800,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(2)(a) \$8,252,000 of the general fund--state appropriation for fiscal year 2010 and \$8,253,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2009-11 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.
~~(3))~~ No funding may be expended for modernization of judicial information system applications, including the district and municipal court information system and the superior court management information system, until the administrative office of the courts provides a report to the legislature and the information services board that includes an evaluation of existing systems that have been developed by local jurisdictions that could be implemented statewide, such as in Pierce county, to ensure that existing systems are maximized, and so that any modernization efforts are implemented with the least disruption, and maintain continuity of critical systems.

~~(2)~~ The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

~~(4))~~ ~~(3)~~ \$5,700,000 of the judicial information systems account--state appropriation is provided solely for modernization and integration of the judicial information system.

(a) Of this amount, \$1,700,000 is for the development of a comprehensive enterprise-level information technology strategy and detailed business and operational plans in support of that strategy, and \$4,000,000 is to continue to modernize and integrate current systems and enhance case management functionality on an incremental basis.

(b) The amount provided in this subsection may not be expended without prior approval by the judicial information system committee in consultation with the information services board. The administrator shall regularly submit project plan updates for approval to the judicial information system committee and the information services board.

(c) The judicial information system committee and the information services board shall review project progress on a regular basis and may require quality assurance plans. The judicial information systems committee and the information services board shall provide a report to the appropriate committees of the legislature no later than November 1, 2011, on the status of the judicial information system modernization and integration, and the consistency of the project with the state's architecture, infrastructure and statewide enterprise view of service delivery.

~~(5))~~ ~~(4)~~ \$3,000,000 of the judicial information systems account--state appropriation is provided solely for replacing computer equipment at state courts, and at state judicial agencies. The administrator for the courts shall prioritize equipment replacement purchasing and shall fund those items that are most essential or critical. By October 1, 2010, the administrative office of the courts shall report to the appropriate legislative fiscal committees on expenditures for equipment under this subsection.

~~(6))~~ ~~(5)~~ \$12,000 of the judicial information systems account-- state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1954 (sealing juvenile records). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

~~(7))~~ ~~(6)~~ \$106,000 of the general fund--state appropriation for fiscal year 2010 and \$106,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the twenty-third superior court judge position in Pierce county. The funds appropriated in this subsection shall be expended only if the judge is appointed and serving on the bench.

~~(8))~~ ~~(7)~~ It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

(8) \$44,000 of the judicial information systems account--state appropriation is provided solely to implement Substitute House Bill No. 2680 (guardianship program). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(9) \$274,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the office of public guardianship to provide guardianship services for low-income incapacitated persons.

Sec. 113. **2009 c 564 s 117 (uncodified) is amended to read as follows:**

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2010) (~~(\$5,880,000)~~)
 \$5,787,000

General Fund--State Appropriation (FY 2011) (~~(\$5,876,000)~~)
 \$5,642,000

Economic Development Strategic Reserve Account--State
 Appropriation \$1,500,000

TOTAL APPROPRIATION (~~(\$13,256,000)~~)
 \$12,929,000

The appropriations in this section are subject to the following conditions and limitations: ~~((+))~~ \$1,500,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.

Sec. 114. 2009 c 564 s 118 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2010) ~~(((\$770,000))~~
 \$743,000
 General Fund--State Appropriation (FY 2011) ~~(((\$788,000))~~
 \$755,000
 General Fund--Private/Local Appropriation \$90,000
 TOTAL APPROPRIATION ~~(((\$1,648,000))~~
 \$1,588,000

Sec. 115. 2010 c 3 s 101 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2010) ~~(((\$20,649,000))~~
 \$21,269,000
 General Fund--State Appropriation (FY 2011) ~~(((\$17,733,000))~~
 \$15,275,000
 General Fund--Federal Appropriation \$8,121,000
 Archives and Records Management Account--State
 Appropriation ~~(((\$8,863,000))~~
 \$9,019,000
 Charitable Organization Education Account--State
 Appropriation \$76,000
 Department of Personnel Service Account--State
 Appropriation \$760,000
 Election Account--State Appropriation \$77,000
 Local Government Archives Account--State
 Appropriation ~~(((\$11,777,000))~~
 \$11,550,000
 Election Account--Federal Appropriation ~~(((\$29,715,000))~~
 \$31,179,000
 TOTAL APPROPRIATION ~~(((\$97,618,000))~~
 \$97,326,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,101,000 of the general fund--state appropriation for fiscal year 2010 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$1,897,000 of the general fund--state appropriation for fiscal year 2010 and \$2,076,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2009-2011 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) The appropriations in this section are based upon savings assumed from the implementation of Senate Bill No. 6122 (election costs).

(4) The secretary of state shall not reduce the services provided by the talking book and Braille library below the service level provided in fiscal year 2008.

(5) In implementing budget reductions, the office of the secretary of state must make its first priority to maintain funding for the elections division.

Sec. 116. 2009 c 564 s 121 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2010) ~~(((\$266,000))~~
 \$275,000

General Fund--State Appropriation (FY 2011) (~~(\$276,000)~~)
 \$257,000
 TOTAL APPROPRIATION (~~(\$542,000)~~)
 \$532,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 117. 2009 c 564 s 122 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2010) (~~(\$236,000)~~)
 \$213,000

General Fund--State Appropriation (FY 2011) (~~(\$224,000)~~)
 \$239,000

TOTAL APPROPRIATION (~~(\$460,000)~~)

\$452,000

Sec. 118. 2009 c 564 s 123 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State

Appropriation (~~(\$14,802,000)~~)

\$14,804,000

Sec. 119. 2009 c 564 s 124 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2010) (~~(\$722,000)~~)
 \$642,000

General Fund--State Appropriation (FY 2011) (~~(\$729,000)~~)
 \$446,000

State Auditing Services Revolving

Account--State Appropriation (~~(\$12,061,000)~~)

\$10,857,000

TOTAL APPROPRIATION (~~(\$13,512,000)~~)

\$11,945,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) (~~(\$722,000)~~) \$642,000 of the general fund--state appropriation for fiscal year 2010 and (~~(\$729,000)~~) \$446,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) Within the amounts appropriated in this section, the state auditor shall continue to complete the annual audit of the state's comprehensive annual financial report and the annual federal single audit consistent with the auditing standards generally accepted in the United States and the standards applicable to financial audits contained in government auditing standards, issued by the comptroller general of the United States, and OMB circular A-133, audits of states, local governments, and nonprofit organizations.

(4) The legislature finds that the major changes in personnel funding in this budget and the long term effects of the ongoing economic recession combine with structural changes in the nature of work and employment in many state agencies to require a continuing review of the workforce examination begun under chapter 534, Laws of 2009 (exempt employment practices). The legislature notes the ongoing management reforms of the Washington management service being undertaken by the department of personnel, and anticipates a continuing legislative committee examination of the architecture and cost of the state's career and executive workforce. To that end, the office of state auditor is invited to provide by September 1, 2010, a general survey of new and best practices for executive and career workforce management now in use by other states and relevant industries.

Sec. 120. 2010 c 3 s 102 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2010) (~~(\$168,000)~~)
 \$165,000

General Fund--State Appropriation (FY 2011) (~~(\$209,000)~~)
 \$206,000

TOTAL APPROPRIATION (~~(\$377,000)~~)

\$371,000

Sec. 121. 2010 c 3 s 103 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2010) (~~(\$5,285,000)~~)

\$5,732,000
 General Fund--State Appropriation (FY 2011) (~~(\$5,614,000)~~)
 \$5,763,000
 General Fund--Federal Appropriation \$4,026,000
 New Motor Vehicle Arbitration Account--State
 Appropriation \$1,346,000
 Legal Services Revolving Account--State
 Appropriation (~~(\$221,515,000)~~)
 \$219,263,000
 Tobacco Prevention and Control Account--State
 Appropriation \$270,000
 TOTAL APPROPRIATION (~~(\$238,056,000)~~)
 \$236,400,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on ways and means.

(3) The office of the attorney general is authorized to expend \$2,100,000 from the Zyprexa and other cy pres awards towards consumer protection costs in accordance with uses authorized in the court orders.

(4) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

Sec. 122. **2010 c 3 s 105 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF COMMERCE

General Fund--State Appropriation (FY 2010) (~~(\$51,015,000)~~)
 \$50,139,000
 General Fund--State Appropriation (FY 2011) (~~(\$51,813,000)~~)
 \$39,792,000
 General Fund--Federal Appropriation (~~(\$384,540,000)~~)
 \$381,915,000
 General Fund--Private/Local Appropriation \$16,266,000
 Public Works Assistance Account--State Appropriation \$2,990,000
 Tourism Development and Promotion Account--State
 Appropriation \$1,003,000
 State Building Construction Account--State
 Appropriation \$295,000
 Drinking Water Assistance Administrative
 Account--State Appropriation \$439,000
 Lead Paint Account--State Appropriation (~~(\$18,000)~~)
 \$35,000
 Building Code Council Account--State Appropriation \$1,286,000
 Home Security Fund Account--State Appropriation (~~(\$23,498,000)~~)
 \$27,298,000
 Affordable Housing for All Account--State Appropriation \$11,900,000
 Washington Auto Theft Prevention Authority
 Account--State Appropriation \$300,000
 Independent Youth Housing Account--State
 Appropriation (~~(\$80,000)~~)
 \$220,000
 County Research Services Account--State Appropriation \$469,000
 Community Preservation and Development Authority
 Account--State Appropriation \$350,000
 Financial Fraud and Identity Theft Crimes Investigation
 and Prosecution Account--State Appropriation \$1,166,000
 Low-Income Weatherization Assistance Account--State
 Appropriation (~~(\$8,382,000)~~)
 \$6,883,000
 City and Town Research Services Account--State
 Appropriation \$2,257,000

Manufacturing Innovation and Modernization

Account--State Appropriation (~~(\$246,000)~~)
\$230,000

Community and Economic Development Fee

Account--State Appropriation (~~(\$1,833,000)~~)
\$6,935,000

Minority and Women's Enterprises Account--State

Appropriation \$1,804,000

Washington Housing Trust Account--State Appropriation \$15,372,000

Prostitution Prevention and Intervention Account--

State Appropriation \$125,000

Public Facility Construction Loan Revolving

Account--State Appropriation \$755,000

TOTAL APPROPRIATION (~~(\$573,252,000)~~)

\$570,224,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,520,000 of the general fund--state appropriation for fiscal year 2010 and (~~(\$2,521,000)~~) \$2,445,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities.

(2) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement section 2(7) of Engrossed Substitute House Bill No. 1959 (land use and transportation planning for marine container ports).

(4) \$102,000 of the building code council account--state appropriation is provided solely for the implementation of sections 3 and 7 of Engrossed Second Substitute Senate Bill No. 5854 (built environment pollution). If sections 3 and 7 of the bill are not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(5)(a) \$10,500,000 of the general fund--federal appropriation is provided for training and technical assistance associated with low income weatherization programs. Subject to federal requirements, the department shall provide: (i) Up to \$4,000,000 to the state board for community and technical colleges to provide workforce training related to weatherization and energy efficiency; (ii) up to \$3,000,000 to the Bellingham opportunity council to provide workforce training related to energy efficiency and weatherization; and (iii) up to \$3,500,000 to community-based organizations and to community action agencies consistent with the provisions of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). Any funding remaining shall be expended in project 91000013, weatherization, in the omnibus capital appropriations act, Substitute House Bill No. 1216 (capital budget).

(b) \$6,787,000 of the general fund--federal appropriation is provided solely for the state energy program, including not less than \$5,000,000 to provide credit enhancements consistent with the provisions of Engrossed Second Substitute Senate Bill No. 5649 (energy efficiency in buildings).

(c) Of the general fund--federal appropriation the department shall provide: \$14,500,000 to the Washington State University for the purpose of making grants for pilot projects providing community-wide urban, residential, and commercial energy efficiency upgrades consistent with the provisions of Engrossed Second Substitute Senate Bill No. 5649 (energy efficiency in buildings); \$500,000 to Washington State University to conduct farm energy assessments. In contracting with the Washington State University for the provision of these services, the total administration of Washington State University and the department shall not exceed 3 percent of the amounts provided.

(d) \$38,500,000 of the general fund--federal appropriation is provided for deposit in the energy recovery act account to establish a revolving loan program, consistent with the provisions of Engrossed Substitute House Bill No. 2289 (expanding energy freedom program).

(e) \$10,646,000 of the general fund--federal appropriation is provided pursuant to the energy efficiency and conservation block grant under the American reinvestment and recovery act. The department may use up to \$3,000,000 of the amount provided in this subsection to provide technical assistance for energy programs administered by the agency under the American reinvestment and recovery act.

(6) \$14,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5560 (state agency climate leadership). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) \$22,400,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program and is contingent upon the department transferring: \$1,200,000 to the department of corrections for security threat mitigation, \$2,336,000 to the department of corrections for offender reentry, \$1,960,000 to the Washington state patrol for law enforcement activities, \$2,087,000 to the department of social and health services, division of alcohol and substance abuse for drug courts, and \$428,000 to the department of social and health services for sex abuse recognition training. The remaining funds shall be distributed by the department to local jurisdictions.

(8) \$20,000 of the general fund--state appropriation for fiscal year 2010 and \$20,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant to KCTS public television to support Spanish language programming and the V-me Spanish language channel.

(9) \$500,000 of the general fund--state appropriation for fiscal year 2010 and \$500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(10) \$30,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6015 (commercialization of technology). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(11) By June 30, 2011, the department shall request information that describes what jurisdictions have adopted, or are in the process of adopting, plans that address RCW 36.70A.020 and helps achieve the greenhouse gas emission reductions established in RCW 70.235.020. This information request in this subsection applies to jurisdictions that are required to review and if necessary revise their comprehensive plans by December 1, 2011, in accordance with RCW 36.70A.130.

(12) During the 2009-11 fiscal biennium, the department shall allot all of its appropriations subject to allotment by object, account, and expenditure authority code to conform with the office of financial management's definition of an option 2 allotment. For those funds subject to allotment but not appropriation, the agency shall submit option 2 allotments to the office of financial management.

(13) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant for the state's participation in the Pacific Northwest economic region.

(14) \$712,000 of the general fund--state appropriation for fiscal year 2010 and \$712,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the office of crime victims advocacy. These funds shall be contracted with the 39 county prosecuting attorneys' offices to support victim-witness services. The funds must be prioritized to ensure a full-time victim-witness coordinator in each county. The office may retain only the amount currently allocated for this activity for administrative costs.

(15) \$306,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$306,000)~~ \$275,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant to the retired senior volunteer program.

(16) ~~(\$65,000)~~ of the general fund--state appropriation for fiscal year 2010 and \$65,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

~~(17)~~ \$371,000 of the general fund--state appropriation for fiscal year 2010 and \$371,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the northwest agriculture business center.

~~(18)~~ (17) The department shall administer its growth management act technical assistance so that smaller cities receive proportionately more assistance than larger cities or counties. ~~(Pass-through grants shall continue to be funded under 2007-09 policy.)~~

~~(19)~~ (18) \$212,000 of the general fund--federal appropriation is provided solely for implementation of Second Substitute House Bill No. 1172 (development rights transfer). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

~~(20)~~ (19) \$69,000 of the general fund--state appropriation for fiscal year 2010 and \$66,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

~~(21)~~ (20) \$350,000 of the community development and preservation authority account--state appropriation is provided solely for a grant to a community development authority established under chapter 43.167 RCW. The community preservation and development's board of directors may contract with nonprofit community organizations to aid in mitigating the effects of increased public impact on urban neighborhoods due to events in stadia that have a capacity of over 50,000 spectators.

~~(22)~~ (21) \$300,000 of the Washington auto theft prevention authority account--state appropriation is provided solely for a contract with a community group to build local community capacity and economic development within the state by strengthening political relationships between economically distressed communities and governmental institutions. The community group shall identify opportunities for collaboration and initiate activities and events that bring community organizations, local governments, and state agencies together to address the impacts of poverty, political disenfranchisement, and economic inequality on communities of color. These funds must be matched by other nonstate sources on an equal basis.

~~(23)~~ (22) \$1,800,000 of the home security fund--state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.

~~(24)~~ (23) \$5,000,000 of the home security fund--state appropriation is provided solely for the operation, repair, and staffing of shelters in the homeless family shelter program.

(24) \$265,000 of the general fund--state appropriation for fiscal year 2010 and \$306,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington new Americans program.

(25) \$453,000 of the general fund--state appropriation for fiscal year 2010 and \$522,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington asset building coalitions.

(26) Funding provided to microenterprise development organizations for fiscal year 2011 shall not be reduced by more than ten percent from funding levels in the 2009-11 operating budget.

(27) Within existing resources, the department of commerce shall convene a work group that includes a representative designated by each of the following: The department, the economic development commission, the Washington technology center, the Spokane intercollegiate research and technology institute, the University of Washington center for commercialization and Washington State University's office of economic development and global engagement. To better align the missions of state supported entities conducting commercialization, the work group shall prepare and submit a report to the legislature no later than December 1, 2010, that identifies gaps and overlaps in programs, evaluates strategies to reduce administrative overhead expenses, and recommends changes which would amplify and accelerate innovation-driver job creation in the state.

(28) \$3,555,000 of the general fund--state appropriation for fiscal year 2010 and \$3,555,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for associate development organizations.

(29) \$469,000 of the county research services account--state appropriation and \$2,246,000 of the city and town research services-- state appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 2658 (refocusing department of commerce). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(30) \$1,804,000 of the minority and women's business enterprises account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 3175 (minority and women's business). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(31) \$295,000 of the state building construction account--state appropriation is provided solely for implementation of Third Substitute House Bill No. 1618 (community and surplus schools). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(32) \$5,400,000 of the community and economic development fee account is provided as follows: \$1,000,000 is provided solely for the department of commerce for services for homeless families through the Washington families fund; \$2,600,000 is provided solely for housing trust fund operations and maintenance; \$800,000 is provided solely for housing trust fund portfolio management; \$500,000 is provided solely for foreclosure counseling and support; and \$500,000 is provided solely for use as a reserve in the account.

Sec. 123. **2010 c 3 s 107 (uncodified) is amended to read as follows:**

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2010)	((\$21,599,000))
\$21,609,000	
General Fund--State Appropriation (FY 2011)	((\$20,670,000))
\$20,555,000	
General Fund--Federal Appropriation	((\$23,597,000))
\$27,109,000	
General Fund--Private/Local Appropriation	\$1,270,000
State Auditing Services Revolving	
Account--State Appropriation	\$25,000
Economic Development Strategic Reserve Account--	
State Appropriation	\$280,000
TOTAL APPROPRIATION	((\$67,441,000))
\$70,848,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$188,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Second Substitute Senate Bill No. 5945 (Washington health partnership plan). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(2) The office of financial management shall conduct a study on alternatives for consolidating or transferring activities and responsibilities of the state lottery commission, state horse racing commission, state liquor control board, and the state gambling commission to achieve cost savings and regulatory efficiencies. In conducting the study, the office of financial management shall consult with the legislative fiscal committees. Further, the office of financial management shall establish an advisory group to include, but not be limited to, representatives of affected businesses, state agencies or entities, local governments, and stakeholder groups. The office of financial management shall submit a final report to the governor and the legislative fiscal committees by November 15, 2009.

(3) (\$500,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for a study of the feasibility of closing state institutional facilities and a plan on eliminating beds in the state institutional facility inventory. The office of financial management shall contract with consultants with expertise related to the subject matters included in this study. The office of financial management and the consultants shall consult with the department of social and health services, the department of corrections, stakeholder groups that represent the people served in these institutions, labor organizations that represent employees who work in these institutions and other persons or entities with expertise in the areas being studied.

(a) For the purposes of this study, "state institutional facilities" means facilities operated by the department of corrections to house persons convicted of a criminal offense, Green Hill school and Maple Lane school operated by the department of social and health services juvenile rehabilitation administration, and residential habilitation centers operated by the department of social and health services.

(b) In conducting this study, the consultants shall consider the following factors as appropriate:

(i) The availability of alternate facilities including alternatives and opportunities for consolidation with other facilities, impacts on those alternate facilities, and any related capital costs;

(ii) The cost of operating the facility, including the cost of providing services and the cost of maintaining or improving the physical plant of the facility;

(iii) The geographic factors associated with the facility, including the impact of the facility on the local economy and the economic impact of its closure, and alternative uses for a facility recommended for closure;

(iv) The costs associated with closing the facility, including the continuing costs following the closure of the facility;

(v) Number and type of staff and the impact on the facility staff including other employment opportunities if the facility is closed;

(vi) The savings that will accrue to the state from closure or consolidation of a facility and the impact any closure would have on funding the associated services; and

(vii) For the residential habilitation centers, the impact on clients in the facility being recommended for closure and their families, including ability to get alternate services and impact on being moved to another facility.

(c) The office of financial management shall submit a final report to the governor and the ways and means committees of the house of representatives and senate by November 1, 2009. The report shall provide a recommendation and a plan to eliminate 1,580 beds in the department of corrections facilities, 235 beds from juvenile rehabilitation facilities, and 250 funded beds in the residential habilitation centers through closure or consolidation of facilities. The report shall include an assessment of each facility studied, where and how the services should be provided, and any costs or savings associated with each recommendation. In considering the recommendations of the report, the governor and the legislature shall not consider closure of any state institutional facility unless the report recommended the facility for closure.) \$25,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the office to contract with the Washington state quality award program to provide training for state managers and employees.

(4) \$374,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the policy functions of the sentencing guidelines commission that are transitioned into the office of financial management. If legislation directing this transfer is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(5) \$50,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for implementation of Substitute House Bill No. 1329 (child care center collective bargaining). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for implementation of Second Substitute House Bill No. 3062 (language access providers). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(7) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the office of financial management to hire an independent consultant to conduct an assessment. The consultant shall be agreed upon by a wide range of interested stakeholders including organization leaders representing residents of residential habilitation centers. The assessment shall include interviews with all residential habilitation center residents or guardians of residents to determine the optimum setting for these individuals and shall include the option and choice to remain in a residential habilitation center. The assessment shall note when the recommendation of the consultant differs from the choice of the individual. The assessment shall also determine service and placements that are underfunded or underserved in community settings and determine resources and options for funding sources necessary to adequately fund community-based services for people with developmental disabilities. The resulting report will be due to the legislature on December 1, 2010.

Sec. 124. **2009 c 564 s 131 (uncodified) is amended to read as follows:**

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving

Account--State Appropriation ((~~\$33,473,000~~))
\$33,494,000

Sec. 125. **2009 c 564 s 132 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State

Appropriation ((~~\$22,025,000~~))
\$20,262,000

Higher Education Personnel Services Account--State

Appropriation ((~~\$1,716,000~~))
\$1,578,000

TOTAL APPROPRIATION ((~~\$23,741,000~~))
\$21,840,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) In coordination with efforts under section 119(4) of this act, the department of personnel shall provide, by September 1, 2010, a synopsis of current and recent survey data regarding employee satisfaction and the department's overall assessment of career and executive workforce management concerns.

Sec. 126. **2009 c 564 s 133 (uncodified) is amended to read as follows:**

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State

Appropriation ((~~\$27,776,000~~))
\$26,674,000

Sec. 127. **2009 c 564 s 134 (uncodified) is amended to read as follows:**

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2010) ((~~\$253,000~~))
\$249,000

General Fund--State Appropriation (FY 2011) ((~~\$260,000~~))
\$255,000

TOTAL APPROPRIATION ((~~\$513,000~~))
\$504,000

Sec. 128. **2009 c 564 s 135 (uncodified) is amended to read as follows:**

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2010) \$243,000

General Fund--State Appropriation (FY 2011) ((~~\$244,000~~))
\$235,000

TOTAL APPROPRIATION ((~~\$487,000~~))
\$478,000

Sec. 129. **2009 c 564 s 136 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense

Account--State Appropriation ((~~\$49,504,000~~))
\$48,600,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$148,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5303 (transferring members of retirement systems). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(2) \$66,000 of the department of retirement systems expense account--state appropriation is provided for the department of retirement systems to make revisions to various administrative processes as necessary to implement Engrossed Second Substitute Senate Bill No. 5688 (registered domestic partners). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(3) \$12,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5542 or House Bill No. 1678 (minimum disability benefits). If neither bill is enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(4) \$45,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1445 (Washington state patrol retirement system domestic partners). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(5) \$45,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed House Bill No. 1616 (law enforcement officers' and firefighters' retirement system plan 2 domestic partners). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(6) \$56,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1548 (military service credit purchases). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) \$35,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1953 (department of fish and wildlife enforcement officers' past service credit). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(8) \$58,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1541 (plan 2/3 half-time educational employee service credit). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(9) \$32,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed House Bill No. 2519 (public safety death benefits). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 130. 2010 c 3 s 108 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2010) ((~~\$108,215,000~~))

\$108,228,000

General Fund--State Appropriation (FY 2011) ((~~\$106,995,000~~))

\$107,054,000

Timber Tax Distribution Account--State

Appropriation \$5,904,000

Waste Reduction/Recycling/Litter

Control--State Appropriation \$130,000

Waste Tire Removal Account--State Appropriation \$2,000

Real Estate Excise Tax Grant Account--State

Appropriation ((~~\$1,050,000~~))

\$3,429,000

State Toxics Control Account--State Appropriation \$87,000

Oil Spill Prevention Account--State Appropriation \$19,000

Vehicle License Fraud Account--State Appropriation \$72,000

TOTAL APPROPRIATION ((~~\$222,402,000~~))

\$224,925,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$469,000 of the general fund--state appropriation for fiscal year 2010 and \$374,000 of the general fund--state appropriation for fiscal year 2011 are for the implementation of Substitute Senate Bill No. 5368 (annual property revaluation). If the bill is not enacted by June 30, 2009, the amounts in this subsection shall lapse.

(2) \$4,653,000 of the general fund--state appropriation for fiscal year 2010 and ((~~\$4,424,000~~)) \$4,242,000 of the general fund--state appropriation for fiscal year 2011 are for the implementation of revenue enhancement strategies. The strategies must include increased out-of-state auditing and compliance, the purchase of third party data sources for enhanced audit selection, and increased traditional auditing and compliance efforts.

(3) \$3,127,000 of the general fund--state appropriation for fiscal year 2010 and \$1,737,000 of the general fund--state appropriation for fiscal year 2011 are for the implementation of Senate Bill No. 6173 (sales tax compliance). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(4) \$72,000 of the vehicle license fraud account appropriation is provided to implement Second Substitute House Bill No. 2436 (vehicle license fraud). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(5) \$96,000 of the fiscal year 2011 general fund--state appropriation is provided to implement Engrossed Second Substitute House Bill No. 1597 (administration of tax programs). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 131. 2009 c 564 s 138 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State

Appropriation ((~~\$29,581,000~~))

\$29,585,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,471,000 of the state investment board expense account--state appropriation is provided solely for development of a risk management information system, with the intent that further expenditures for this project be made only by appropriation.

(2) The state investment board shall include funding for any future salary increases authorized under RCW 43.33A.100 in the agency's budget request submitted in accordance with chapter 43.88 RCW in advance of granting related salary increases. The biennial salary survey required under RCW 43.33A.100 shall also be provided to the office of financial management and to the fiscal committees of the legislature as part of the state investment board's biennial budget submittal, and shall include the total amount of compensation increases proposed, as well as recommended salary ranges.

Sec. 132. **2010 c 3 s 109 (uncodified) is amended to read as follows:**

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2010)	((\$1,342,000))
\$1,346,000	
General Fund--State Appropriation (FY 2011)	((\$1,346,000))
\$1,342,000	
TOTAL APPROPRIATION	\$2,688,000

Sec. 133. **2009 c 564 s 140 (uncodified) is amended to read as follows:**

FOR THE MUNICIPAL RESEARCH COUNCIL

County Research Services Account--State Appropriation	((\$940,000))
\$471,000	
City and Town Research Services--State Appropriation	((\$4,515,000))
\$2,258,000	
TOTAL APPROPRIATION	((\$5,455,000))
\$2,729,000	

Sec. 134. **2009 c 564 s 141 (uncodified) is amended to read as follows:**

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation	((\$3,622,000))
\$1,808,000	

Sec. 135. **2009 c 564 s 142 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2010)	\$815,000
General Fund--State Appropriation (FY 2011)	((\$811,000))
\$3,817,000	
General Fund--Federal Appropriation	((\$5,738,000))
\$2,956,000	
General Administration Service Account--State Appropriation	((\$35,044,000))
\$31,550,000	
TOTAL APPROPRIATION	((\$42,408,000))
\$39,138,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,000 of the general fund--state appropriation for fiscal year 2010 and \$28,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the purposes of section 8 of Engrossed Second Substitute Senate Bill No. 5854 (built environment pollution). If section 8 of the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) \$3,545,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall enter into an interagency agreement with these agencies by July 1, 2010, to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The agencies named in this subsection shall continue to enjoy all of the same rights of occupancy, support, and space use on the capitol campus as historically established.

Sec. 136. **2010 c 3 s 110 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund--State Appropriation (FY 2010)	\$1,086,000
General Fund--State Appropriation (FY 2011)	\$1,086,000
General Fund--Federal Appropriation	\$701,000
General Fund--Private/Local Appropriation	\$178,000
Data Processing Revolving Account--State Appropriation	((\$7,824,000))
\$7,635,000	
TOTAL APPROPRIATION	((\$10,697,000))
\$10,686,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the purposes of Engrossed Second Substitute House Bill No. 1701 (high-speed internet), including expenditure for deposit to the community technology opportunity account. If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) The department shall implement some or all of the following strategies to achieve savings on information technology expenditures through: (a) Holistic virtualization strategies; (b) wide-area network optimization strategies; (c) replacement of traditional telephone communications systems with alternatives; and (d) migration of external voice mail systems to internal voice mail systems coordinated by the department. The department shall report to the office of financial management and the fiscal committees of the legislature semiannually on progress made towards the implementation of savings strategies and the savings realized to date. No later than June 30, 2011, the department shall submit a final report on its findings and savings realized to the office of financial management and the fiscal committees of the legislature.

(3) \$178,000 of the general fund--private/local appropriation is provided solely for the implementation of the opportunity portal under Second Substitute House Bill No. 2782 (security lifeline act). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 137. 2009 c 564 s 144 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation	\$1,943,000
Insurance Commissioners Regulatory Account--State	
Appropriation	(\$47,978,000)
	\$48,008,000
TOTAL APPROPRIATION	(\$49,921,000)
	\$49,951,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$410,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 5480 (discount health plans). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(2) \$598,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 5195 (life settlements model act). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(3) \$551,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Second Substitute Senate Bill No. 5346 (health care administration simplification). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(4) \$40,000 of the insurance commissioners regulatory account appropriation is provided to implement Engrossed Substitute House Bill No. 2560 (joint underwriting associations). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 138. 2009 c 564 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State	
Appropriation	(\$3,016,000)
	\$3,666,000

Sec. 139. 2009 c 564 s 147 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State	
Appropriation	(\$5,123,000)
	\$4,846,000

The appropriation in this section is subject to the following conditions and limitations: Pursuant to RCW 43.135.055, the commission is authorized to increase licensing fees during the 2009-2011 fiscal biennium as necessary to support the appropriation in this section.

Sec. 140. 2009 c 564 s 148 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

Liquor Control Board Construction and Maintenance	
Account--State Appropriation	\$8,817,000
Liquor Revolving Account--State Appropriation	(\$200,506,000)
	\$153,763,000
TOTAL APPROPRIATION	(\$209,323,000)
	\$162,580,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,306,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to open five new state stores.

(2) \$40,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to open ten new contract stores.

(3) \$3,059,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to increase state and local revenues from new retail strategies including opening nine state stores on Sunday, opening state liquor stores on seven holidays, opening six mall locations during the holiday season, and increasing lottery sales.

(4) \$173,000 of the liquor revolving account--state appropriation is provided solely for the Engrossed House Bill No. 2040 (beer and wine regulation commission). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(5) \$130,000 of the liquor revolving account appropriation is provided to implement Substitute House Bill No. 2688 (beer and wine tasting). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(6) Within the amounts appropriated in this section, the liquor control board shall monitor the tasting endorsement authorized by Substitute House Bill No. 2688 (beer and wine tasting) and report to the appropriate committees of the legislature by June 30, 2011, on the enforcement of the endorsement. The report must include the number of compliance checks conducted by the liquor board during tasting activities, whether the checks were conducted with the knowledge of the licensee, the number of compliance checks passed, the number and type of notices of violation issued, the penalties imposed for the violations, the number of complaints received about tasting activities, and other information related to the enforcement of the endorsement. If the bill is not enacted by June 30, 2010, the requirements of this subsection shall be null and void.

Sec. 141. 2009 c 564 s 150 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund--Federal Appropriation	\$267,000
Public Service Revolving Account--State	
Appropriation	(\$31,306,000)
	\$31,479,000
Pipeline Safety Account--State Appropriation	\$3,194,000
Pipeline Safety Account--Federal Appropriation	\$1,536,000
TOTAL APPROPRIATION	(\$36,036,000)
	\$36,476,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the commission is authorized to increase solid waste regulatory fees to the extent necessary to raise \$100,000 in fiscal year 2011 for enforcement activities under RCW 81.77.080.

(2) \$69,000 of the public service revolving account appropriation is provided to implement Substitute House Bill No. 2471 (net metering of electricity). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 142. 2010 c 3 s 111 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2010)	(\$10,084,000)
	\$9,128,000
General Fund--State Appropriation (FY 2011)	(\$10,190,000)
	\$8,698,000
General Fund--Federal Appropriation	(\$149,101,000)
	\$168,586,000
Enhanced 911 Account--State Appropriation	(\$39,598,000)
	\$45,998,000
Disaster Response Account--State Appropriation	(\$28,194,000)
	\$28,326,000
Disaster Response Account--Federal Appropriation	(\$91,263,000)
	\$114,496,000
Military Department Rent and Lease Account--State	
Appropriation	\$615,000
Military Department Active State Service Account--Federal	
Appropriation	(\$200,000)
	\$592,000
Worker and Community Right-to-Know Account--State	
Appropriation	\$341,000
Nisqually Earthquake Account--State Appropriation	(\$144,000)
	\$307,000
Nisqually Earthquake Account--Federal Appropriation	(\$856,000)
	\$1,067,000
TOTAL APPROPRIATION	(\$330,586,000)
	\$378,154,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$28,194,000)~~ \$28,326,000 of the disaster response account-- state appropriation and ~~(\$91,263,000)~~ \$114,496,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report (~~quarterly~~) to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2009-2011 biennium based on current revenue and expenditure patterns.

(2) ~~(\$144,000)~~ \$307,000 of the Nisqually earthquake account-- state appropriation and ~~(\$856,000)~~ \$1,067,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report (~~quarterly~~) to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund

balance as of the reporting date; and (c) the projected fund balance at the end of the 2009-2011 biennium based on current revenue and expenditure patterns.

(3) \$85,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee; and

(b) The department shall submit ~~((a quarterly))~~ an annual report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; and incremental changes from the previous estimate ~~((planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and~~

(c) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district).

(4) \$500,000 of the general fund--state appropriation for fiscal year 2010 ~~((and \$500,000 of the general fund--state appropriation for fiscal year 2011 are))~~ is provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department ~~((shall))~~ may not provide the entire amount for 2-1-1 and shall use any of the funds for administrative purposes.

Sec. 143. **2009 c 564 s 152 (uncodified) is amended to read as follows:**

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2010) ~~(((\$1,128,000))~~

\$2,667,000

General Fund--State Appropriation (FY 2011) ~~(((\$3,130,000))~~

\$2,734,000

Higher Education Personnel Services Account--State

Appropriation \$250,000

Department of Personnel Service Account--State

Appropriation \$3,290,000

TOTAL APPROPRIATION ~~(((\$9,548,000))~~

\$8,941,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for implementation of Substitute House Bill No. 1329 (child care center bargaining). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(2) \$50,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for implementation of Second Substitute House Bill No. 3062 (language access provider bargaining). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

Sec. 144. **2010 c 3 s 112 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2010) \$1,371,000

General Fund--State Appropriation (FY 2011) ~~(((\$1,349,000))~~

\$1,149,000

General Fund--Federal Appropriation ~~(((\$1,653,000))~~

\$2,303,000

General Fund--Private/Local Appropriation \$14,000

Historical and Archaeological Geographic System

Account--State Appropriation \$167,000

TOTAL APPROPRIATION ~~(((\$4,387,000))~~

\$5,004,000

The appropriations in this section are subject to the following conditions and limitations: \$44,000 of the general fund--state appropriation for fiscal year 2011 is provided for implementation of Substitute House Bill No. 2704 (Washington main street program). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 145. **2010 c 3 s 113 (uncodified) is amended to read as follows:**

FOR THE GROWTH MANAGEMENT HEARINGS BOARD

General Fund--State Appropriation (FY 2010) ~~(((\$1,623,000))~~

\$1,642,000

General Fund--State Appropriation (FY 2011) ~~(((\$1,549,000))~~

\$1,439,000

TOTAL APPROPRIATION ~~(((\$3,172,000))~~

\$3,081,000

The appropriations in this section are subject to the following conditions and limitations: \$19,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for Substitute House Bill No. 2442 (growth management hearings boards). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(End of part)

PART II HUMAN SERVICES

Sec. 201. **2009 c 564 s 201 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys

between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP), the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county, during the 2009-2011 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot project, times the number of clients enrolled in the pilot project. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(5) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2010, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2010 among programs after approval by the director of financial management. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(6) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

Sec. 202. 2010 c 3 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2010)	(\$314,698,000)
\$314,520,000	
General Fund--State Appropriation (FY 2011)	(\$316,181,000)
\$307,336,000	
General Fund--Federal Appropriation	(\$494,889,000)
\$506,148,000	
General Fund--Private/Local Appropriation	(\$828,000)
\$3,324,000	
Home Security Fund Appropriation	\$8,389,000
Domestic Violence Prevention Account--State	
Appropriation	\$1,154,000
Education Legacy Trust Account--State Appropriation	\$725,000
TOTAL APPROPRIATION	(\$1,136,864,000)
\$1,141,596,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$5,563,000)~~ of the general fund--state appropriation for fiscal year 2010 and \$5,563,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for intensive family preservation services as defined in RCW 74.14C.010 and for evidence-based services that prevent out-of-home placement and reduce length of stay in the child welfare system.

~~(\$993,000)~~ \$976,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$993,000)~~ \$799,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to ~~(seventeen)~~ fourteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

~~(\$375,000)~~ (2) \$369,000 of the general fund--state appropriation for fiscal year 2010, ~~(\$375,000)~~ \$366,000 of the general fund--state appropriation for fiscal year 2011, and ~~(\$322,000)~~ \$316,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through

age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

((4) \$2,500,000 of the general fund--state appropriation for fiscal year 2010 and \$2,500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for secure crisis residential centers. Within appropriated amounts, the department shall collaborate with providers to maintain no less than forty-five beds that are geographically representative of the state. The department shall examine current secure crisis residential staffing requirements, flexible payment options, center specific waivers, and other appropriate methods to accomplish this outcome.

—((5)) (3) A maximum of ~~((76,831,000))~~ \$70,084,000 of the general fund--state appropriations and ~~((56,901,000))~~ \$53,485,000 of the general fund--federal appropriations for the 2009-11 biennium shall be expended for behavioral rehabilitative services and these amounts are provided solely for this purpose. The department shall work with behavioral rehabilitative service providers to safely keep youth with emotional, behavioral, or medical needs at home, with relatives, or with other permanent placement resources and decrease the length of ~~((stay))~~ service through improved emotional, behavioral, or medical outcomes for children in behavioral rehabilitative services in order to achieve the appropriated levels.

(a) Contracted providers shall act in good faith and accept the hardest to ~~((place))~~ serve children, to the greatest extent possible, in order to improve their emotional, behavioral, or medical conditions.

(b) The department and the contracted provider shall mutually agree and establish an exit date for when the child is to exit the behavioral rehabilitative service provider. The department and the contracted provider should mutually agree, to the greatest extent possible, on a viable placement for the child to go to once the child's treatment process has been completed. The child shall exit only when the emotional, behavioral, or medical condition has improved or if the provider has not shown progress toward the outcomes specified in the signed contract at the time of exit. This subsection (b) does not prevent or eliminate the department's responsibility for removing the child from the provider if the child's emotional, behavioral, or medical condition worsens or is threatened.

(c) The department is encouraged to use performance-based contracts with incentives directly tied to outcomes described in this section. The contracts should incentivize contracted providers to accept the hardest to ~~((place))~~ serve children and incentivize improvement in children's emotional, mental, and medical well-being within the established exit date. The department is further encouraged to increase the use of behavioral rehabilitative service group homes, wrap around services to facilitate and support placement of youth at home with relatives, or other permanent resources, and other means to control expenditures.

(d) The total foster care per capita amount shall not increase more than four percent in the 2009-11 biennium and shall not include behavioral rehabilitative service.

~~((6))~~ (4) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

~~((7) Within amounts appropriated in this section,))~~ (5) \$14,843,000 of the general fund--state appropriation for fiscal year 2011 and \$6,368,000 of the general fund--federal appropriation are provided solely for the department to provide contracted prevention and early intervention services. The legislature recognizes the need for flexibility as the department transitions to performance-based contracts. The following services are included in the prevention and early intervention block grant: Crisis family intervention services, family preservation services, intensive family preservation services, evidence-based programs, public health nurses, and early family support services. The legislature intends for the department to maintain and build on existing evidence-based and research-based programs with the goal of utilizing contracted prevention and intervention services to keep children safe at home and to safely reunify families. Priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts and shall provide the legislature and governor a report regarding the allocation of resources in this subsection by September 30, 2010. The department shall expend federal funds under this subsection in compliance with federal regulations.

~~((8) \$37,000))~~ (6) \$36,000 of the general fund--state appropriation for fiscal year 2010, ~~((37,000))~~ \$36,000 of the general fund--state appropriation for fiscal year 2011, and ~~((32,000))~~ \$31,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 465, Laws of 2007 (child welfare).

((9) \$125,000 of the general fund--state appropriation for fiscal year 2010 and \$125,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for continuum of care services. \$100,000 of this amount is for Casey family partners and \$25,000 of this amount is for volunteers of America crosswalk in fiscal year 2010. \$100,000 of this amount is for Casey family partners and \$25,000 of this amount is for volunteers of America crosswalk in fiscal year 2011.

—~~((10) \$616,000))~~ (7) \$1,904,000 of the general fund--state appropriation for fiscal year 2010, ~~((616,000))~~ \$1,832,000 of the general fund--state appropriation for fiscal year 2011, and ~~((368,000))~~ \$357,000 of the general fund--federal appropriation are provided solely to contract with medical professionals for comprehensive safety assessments of high-risk families and for foster care assessments. The safety assessments will use validated assessment tools to guide intervention decisions through the identification of additional safety and risk factors. ~~((800,000 of this amount is for))~~ The department will maintain the availability of comprehensive foster care assessments and follow up services for children in out-of-home care who do not have permanent plans, comprehensive safety assessments for families receiving in-home child protective services or family voluntary services ~~((800,000 of this amount is for))~~, and comprehensive safety assessments ~~((of))~~ for families with an infant age birth to fifteen days where the infant was, at birth, diagnosed as substance exposed and the department received an intake referral related to the infant due to the substance exposure. The department must consolidate contracts, streamline administration, and explore efficiencies to achieve savings.

~~((11) \$7,970,000))~~ (8) \$7,833,000 of the general fund--state appropriation for fiscal year 2010, ~~((7,711,000))~~ \$6,521,000 of the general fund--state appropriation for fiscal year 2011, and ~~((5,177,000))~~ \$4,820,000 of the general fund--federal appropriation are provided solely for court-ordered supervised visits between parents and dependent children and for sibling visits. The department shall work collaboratively with the juvenile dependency courts and revise the supervised visit reimbursement procedures to stay within appropriations without impeding reunification outcomes between parents and dependent children. The department shall report to the legislative fiscal committees ~~((quarterly))~~ on

September 30, 2010, and December 30, 2010, the number of children in foster care who receive supervised visits, their frequency, length of time of each visit, and whether reunification is attained.

~~((12) \$1,789,000))~~ (9) \$1,753,000 of the home security fund--state appropriation is provided solely for street youth program services.

~~((13) \$1,584,000))~~ (10) \$1,557,000 of the general fund--state appropriation for fiscal year 2010, ~~((1,584,000))~~ \$1,548,000 of the general fund--state appropriation for fiscal year 2011, and ~~((1,586,000))~~ \$1,554,000 of the general fund--federal appropriation are provided solely for the department to recruit foster parents. The recruitment efforts shall include collaborating with community-based organizations and current or former foster parents to recruit foster parents.

~~((14))~~ (11) \$493,000 of the general fund--state appropriation for fiscal year 2010, \$303,000 of the general fund--state appropriation for fiscal year 2011, \$466,000 of the general fund--private/local appropriation, and \$725,000 of the education legacy trust account-- state appropriation ~~((is))~~ are provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. Funding is provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist. The department shall utilize private matching funds to maintain educational advocacy services.

~~((15))~~ \$1,300,000 of the home security fund account--state appropriation is provided solely for HOPE beds.

(16) \$5,300,000 of the home security fund account--state appropriation is provided solely for the crisis residential centers.

~~((17))~~ (12) The appropriations in this section reflect reductions in the appropriations for the children's administration administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

~~((18))~~ (13) Within the amounts appropriated in this section, the department shall contract for a pilot project with family and community networks in Whatcom county and up to four additional counties to provide services. The pilot project shall be designed to provide a continuum of services that reduce out-of-home placements and the lengths of stay for children in out-of-home placement. The department and the community networks shall collaboratively select the additional counties for the pilot project and shall collaboratively design the contract. Within the framework of the pilot project, the contract shall seek to maximize federal funds. The pilot project in each county shall include the creation of advisory and management teams which include members from neighborhood-based family advisory committees, residents, parents, youth, providers, and local and regional department staff. The Whatcom county team shall facilitate the development of outcome-based protocols and policies for the pilot project and develop a structure to oversee, monitor, and evaluate the results of the pilot projects. The department shall report the costs and savings of the pilot project to the appropriate committees of the legislature by November 1 of each year.

~~((19))~~ (14) \$157,000 of the general fund--state appropriation for fiscal year 2010 and \$157,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to contract with a nonprofit entity for a reunification pilot project in Whatcom and Skagit counties. The contract for the reunification pilot project shall include a rate of \$46.16 per hour for evidence-based interventions, in combination with supervised visits, to provide 3,564 hours of services to reduce the length of stay for children in the child welfare system. The contract shall also include evidence-based intensive parenting skills building services and family support case management services for 38 families participating in the reunification pilot project. The contract shall include the flexibility for the nonprofit entity to subcontract with trained providers.

~~((20))~~ (15) \$303,000 of the general fund--state appropriation for fiscal year 2010, \$418,000 of the general fund--state appropriation for fiscal year 2011, and \$257,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1961 (increasing adoptions act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

~~((21) \$100,000))~~ (16) \$98,000 of the general fund--state appropriation for fiscal year 2010 and ~~((100,000))~~ \$98,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to contract with an agency that is working in partnership with, and has been evaluated by, the University of Washington school of social work to implement promising practice constellation hub models of foster care support.

~~((22))~~ (17) The legislature intends for the department to reduce the time a child remains in the child welfare system. The department shall establish a measurable goal and report progress toward meeting that goal to the legislature by January 15 of each fiscal year of the 2009- 11 fiscal biennium. To the extent that actual caseloads exceed those assumed in this section, it is the intent of the legislature to address those issues in a manner similar to all other caseload programs.

(18) \$715,000 of the general fund--state appropriation for fiscal year 2010 and \$715,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for services provided through children's advocacy centers.

(19) \$11,000 of the general fund--state appropriation for fiscal year 2011 and \$3,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 3045 (confinement alternatives). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(20) \$1,855,000 of the general fund--state appropriation for fiscal year 2010, \$1,743,000 of the general fund--state appropriation for fiscal year 2011, and \$4,599,000 of the general fund--federal appropriation are provided solely for the department to contract for medicaid treatment child care (MTCC) services. Children's administration case workers, local public health nurses and case workers from the temporary assistance for needy families program shall refer children to MTCC services, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC services.

(21) \$3,069,000 of the general fund--state appropriation for fiscal year 2011, \$191,000 of the general fund--federal appropriation, and \$3,300,000 of the home security fund--state appropriation are provided solely for the following adolescent services: Secure crisis residential centers, crisis residential centers, hope beds, and responsible living skills program. The department shall work with adolescent service providers to maintain availability of adolescent services and maintain the delivery of services in a geographically representative manner. The department shall examine current staffing requirements, flexible payment options, center-specific licensing waivers, and other appropriate methods to achieve savings and streamline the delivery of services. The legislature intends to provide flexibility to the department to improve outcomes and to achieve more efficient utilization of existing resources, while meeting the statutory goals of the adolescent service programs.

Sec. 203. 2010 c 3 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2010) ~~((104,185,000))~~

\$103,025,000	
General Fund--State Appropriation (FY 2011)	((92,392,000))
\$100,696,000	
General Fund--Federal Appropriation	((6,565,000))
\$1,790,000	
General Fund--Private/Local Appropriation	\$1,900,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$3,896,000
Juvenile Accountability Incentive Account--Federal	
Appropriation	\$2,801,000
TOTAL APPROPRIATION	((211,739,000))
\$214,108,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the general fund--state appropriation for fiscal year 2010 and \$353,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) ~~((3,578,000))~~ \$3,408,000 of the general fund--state appropriation for fiscal year 2010 and ~~((3,578,000))~~ \$2,898,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,716,000 of the general fund--state appropriation for fiscal year 2010 and \$3,716,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) ~~((1,506,000))~~ \$1,427,000 of the general fund--state appropriation for fiscal year 2010 and ~~((1,506,000))~~ \$1,206,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,066,000 of the general fund--state appropriation for fiscal year 2010 and \$3,066,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2010 and \$1,287,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) For the fiscal year ending June 30, 2010, the juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the special sex offender disposition alternative funds, the mental health disposition alternative, sentencing disposition alternative, and evidence-based program expansion grants to juvenile courts for the purpose of serving youth adjudicated in the juvenile justice system. Evidence-based programs, based on the criteria established by the Washington state institute for public policy, and disposition alternatives will be funding priorities. Funds may be used for promising practices when approved by juvenile rehabilitation administration, based on criteria established in consultation with Washington state institute for public policy and the juvenile courts.

By September 1, 2009, a committee with four members, in consultation with Washington state institute for public policy, shall develop a funding formula that takes into account the juvenile courts average daily population of program eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative. The committee shall have one representative from the juvenile rehabilitation administration, one representative from the office of financial management, one representative from the office of the administrator of the courts, and one representative from the juvenile courts. Decision making will be by majority rule.

By September 1, 2010, the Washington state institute for public policy shall provide a report to the office of financial management and the legislature on the administration of the block grant authorized in this subsection. The report shall include the criteria used for allocating the funding as a block grant and the participation targets and actual participation in the programs subject to the block grant.

(b) By December 1, 2009, the committee established in (a) of this subsection, in consultation with Washington state institute for public policy, shall propose to the office of financial management and the legislature changes in the process of funding and managing, including accountability and information collection and dissemination, grants to juvenile courts for serving youth adjudicated in the juvenile court system use in the fiscal year ending June 30, 2011. The proposal shall include, but is not limited to: A process of making a block grant of funds consistent with (a) of this subsection; a program of data collection and measurement criteria for receiving the funds which will include targets of the number of youth served in identified evidence-based programs and disposition alternatives in which the juvenile courts and office of the

administrator of the courts will have responsibility for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data; and necessary changes to the Washington administrative code.

(c) Within the funds provided for criminal justice analysis in section 610(4) of this act, the Washington state institute for public policy shall conduct an analysis of the costs per participant of evidence-based programs by the juvenile courts and by December 1, 2009, shall report the results of this analysis to the juvenile rehabilitation administration, the juvenile courts, office of the administrator of the courts, the office of financial management, and the fiscal committees of the legislature.

(8) \$3,700,000 of the Washington auto theft prevention authority account--state appropriation is provided solely for competitive grants to community-based organizations to provide at-risk youth intervention services, including but not limited to, case management, employment services, educational services, and street outreach intervention programs. Projects funded should focus on preventing, intervening, and suppressing behavioral problems and violence while linking at-risk youth to pro-social activities. The department may not expend more than \$1,850,000 per fiscal year. The costs of administration must not exceed four percent of appropriated funding for each grant recipient. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services upon the youth and the community.

Sec. 204. **2010 c 3 s 203 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2010)	((\$266,677,000))
\$273,648,000	
General Fund--State Appropriation (FY 2011)	((\$296,619,000))
\$280,421,000	
General Fund--Federal Appropriation	((\$463,180,000))
\$518,344,000	
General Fund--Private/Local Appropriation	((\$14,868,000))
\$20,091,000	
TOTAL APPROPRIATION	((\$1,041,344,000))
\$1,092,504,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,689,000 of the general fund--state appropriation for fiscal year 2010 and ((~~\$113,689,000~~)) \$114,158,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for persons and services not covered by the medicaid program. This is a reduction of \$11,606,000 each fiscal year from the nonmedicaid funding that was allocated for expenditure by regional support networks during fiscal year 2009 prior to supplemental budget reductions. This \$11,606,000 reduction shall be distributed among regional support networks proportional to each network's share of the total state population. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) \$16,900,000 of the general fund--state appropriation for fiscal year 2010 and \$16,900,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department and regional support networks to contract for implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches that the department concurs will enable the regional support network to achieve significant reductions in the number of beds the regional support network would otherwise need to use at the state hospitals.

(c) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 617 per day during the first quarter of fiscal year 2010, and 587 per day thereafter. Beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. The department shall separately charge regional support networks for persons served in the PALS program.

(d) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(e) \$4,582,000 of the general fund--state appropriation for fiscal year 2010 and \$4,582,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(f) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(g) \$750,000 of the general fund--state appropriation for fiscal year 2010 and \$750,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(h) (\$1,500,000 of the general fund--state appropriation for fiscal year 2010 and \$1,500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

~~(h))~~ The department shall return to the Spokane regional support network fifty percent of the amounts assessed against the network during the last six months of calendar year 2009 for state hospital utilization in excess of its contractual limit. The regional support network shall use these funds for operation during its initial months of a new sixteen-bed evaluation and treatment facility that will enable the network to reduce its use of the state hospital, and for diversion and community support services for persons with dementia who would likely otherwise require care at the state hospital.

~~(h))~~ (i) The department is directed to identify and implement program efficiencies and benefit changes in its delivery of medicaid managed-care services that are sufficient to operate within the state and federal appropriations in this section. Such actions may include but are not limited to methods such as adjusting the care access standards; improved utilization management of ongoing, recurring, and high-intensity services; and increased uniformity in provider payment rates. The department shall ensure that the capitation rate adjustments necessary to accomplish these efficiencies and changes are distributed uniformly and equitably across all regional support networks statewide. The department is directed to report to the relevant legislative fiscal and policy committees at least thirty days prior to implementing rate adjustments reflecting these changes.

~~(h))~~ (j) In developing the new medicaid managed care rates under which the public mental health managed care system will operate during the five years beginning in fiscal year 2011, the department should seek to estimate the reasonable and necessary cost of efficiently and effectively providing a comparable set of medically necessary mental health benefits to persons of different acuity levels regardless of where in the state they live. Actual prior period spending in a regional administrative area shall not be a key determinant of future payment rates. The department shall report to the office of financial management and to the relevant fiscal and policy committees of the legislature on its proposed new waiver and mental health managed care rate-setting approach by October 1, 2009, and again at least sixty days prior to implementation of new capitation rates.

~~(h))~~ (k) \$1,529,000 of the general fund--state appropriation for fiscal year 2010 and \$1,529,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

~~(h))~~ (l) The legislature intends and expects that regional support networks and contracted community mental health agencies shall make all possible efforts to, at a minimum, maintain current compensation levels of direct care staff. Such efforts shall include, but not be limited to, identifying local funding that can preserve client services and staff compensation, achieving administrative reductions at the regional support network level, and engaging stakeholders on cost-savings ideas that maintain client services and staff compensation. For purposes of this section, "direct care staff" means persons employed by community mental health agencies whose primary responsibility is providing direct treatment and support to people with mental illness, or whose primary responsibility is providing direct support to such staff in areas such as client scheduling, client intake, client reception, client records-keeping, and facilities maintenance.

(m) \$952,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the north central regional support network (NCRSN) to improve the utilization of medicaid services in that region. During the actuarial rate rebase, the actuaries determined that north central's productivity was too low for funding to be certified at the fiscal year 2010 rate ranges. The department shall enter into a performance-based contract with NCRSN and shall contract with an expert in the delivery of mental health services in a frontier setting to provide technical assistance to NCRSN. Improvements in utilization and cost effectiveness must be demonstrated by NCRSN on or before June 30, 2011, or contracts for state medicaid and nonmedicaid services may be subject to termination. The department shall submit the following reports to the legislature:

(i) On or before June 30, 2010, a written plan of improvement for NCRSN shall be submitted to the legislature. The plan must be collaboratively developed by the department and NCRSN and must be acknowledged by signatures from NCRSN, the providers in the network, and the secretary of the department of social and health services. In the plan, the department shall identify the contracting source for technical assistance and shall include the implementation strategy and schedule for providing technical assistance to the RSN. The plan must also include a strategy for restructuring services, a process for improving community outreach, and an outline on the methods for collecting data and monitoring outcomes.

(ii) On or before August 15, 2010, the department shall submit to the legislature a progress report. The report shall identify best practices and areas of recommended changes to service delivery with a detailed strategy for implementation. A timeline shall be included. The report shall provide a progress update on tracking and monitoring outcomes.

(iii) On or before January 10, 2011, the department shall provide a progress report to include outcomes from July 1, 2010, through November 30, 2010.

(n) \$179,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the Chelan Douglas regional support network to improve the utilization of medicaid services in that region. During the actuarial rate rebase, the actuaries determined that the Chelan Douglas regional support network's productivity was too low for funding to be certified at the fiscal year 2010 rate ranges. Funding provided in this subsection is sufficient to hold the RSN at the fiscal year 2010 rate.

(o) \$5,223,000 of the general fund--private/local appropriation and \$8,870,000 of the general fund--federal appropriation are provided solely for services to medicaid eligible clients. County legislative authorities may authorize a one-tenth of one percent sales tax and may choose to use this funding for the delivery of either medicaid or nonmedicaid chemical dependency or mental health treatment programs as specified in RCW 82.14.460. Local funding that is authorized to serve medicaid clients is matched with federal funding and becomes part of the overall medicaid expenditures. When medicaid rates are rebased, the increased level of medicaid expenditures due to local match becomes the state's responsibility. An individual regional support network will be allowed to leverage local funding into the medicaid rates on a one-time basis only.

(p) \$1,287,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for either Second Substitute House Bill No. 3076 (involuntary treatment act evaluations), or Second Substitute House Bill No. 2882 (detaining persons with mental illness), or both. Funding provided in this subsection shall be used for increases in 72-hour detentions for persons with mental disorders and 14-day involuntary commitments that result from modifications to the involuntary treatment act, chapter 71.05 RCW. If neither bill is enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2010)	((120,637,000))
\$119,637,000	
General Fund--State Appropriation (FY 2011)	((124,995,000))
\$121,094,000	
General Fund--Federal Appropriation	((151,160,000))
\$153,112,000	
General Fund--Private/Local Appropriation	((65,868,000))
\$64,806,000	
TOTAL APPROPRIATION	((462,660,000))
\$458,649,000	

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.
- (b) \$231,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.
- (c) \$45,000 of the general fund--state appropriation for fiscal year 2010 and \$45,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2010)	\$1,819,000
General Fund--State Appropriation (FY 2011)	((1,812,000))
\$2,087,000	
General Fund--Federal Appropriation	((2,142,000))
\$2,184,000	
TOTAL APPROPRIATION	((5,773,000))
\$6,090,000	

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) \$1,511,000 of the general fund--state appropriation for fiscal year 2010 and \$1,511,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for children's evidence based mental health services. Funding is sufficient to continue serving children at the same levels as fiscal year 2009.
- (b) \$150,000 of the general fund--state appropriation for fiscal year 2011 and \$30,000 of the general fund--federal appropriation are provided solely for the department to implement a performance-based contract with north central regional support network per subsection (1)(m) of this section. Funding provided in this subsection is sufficient to purchase technical assistance for the RSN from a contracted expert in the delivery of mental health services in a frontier setting.
- (c) \$125,000 of the general fund--state appropriation for fiscal year 2011 and \$12,000 of the general fund--federal appropriation are provided solely for Second Substitute House Bill No. 3076 (involuntary treatment act evaluations). Funding provided in this subsection is sufficient to provide training on new policies and protocols that result from modifications to the involuntary treatment act, chapter 71.05 RCW. In addition, funding is provided for the department to collaborate with the Washington institute of public policy in a search for a validated mental health assessment tool. If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2010)	((4,077,000))
\$4,078,000	
General Fund--State Appropriation (FY 2011)	((4,094,000))
\$4,027,000	
General Fund--Federal Appropriation	((7,227,000))
\$7,185,000	
TOTAL APPROPRIATION	((15,398,000))
\$15,290,000	

The department is authorized and encouraged to continue its contract with the Washington state institute for public policy to provide a longitudinal analysis of long-term mental health outcomes as directed in chapter 334, Laws of 2001 (mental health performance audit); to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders); and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

Sec. 205. **2010 c 3 s 204 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2010)	((311,589,000))
\$307,384,000	
General Fund--State Appropriation (FY 2011)	((366,489,000))
\$337,890,000	

General Fund--Federal Appropriation	(\$849,263,000)
\$904,919,000	
General Fund--Private/Local Appropriation	\$102,000
TOTAL APPROPRIATION	(\$1,527,341,000)
\$1,550,295,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients. In doing so, the department shall comply with all maintenance of effort requirements contained in the American reinvestment and recovery act.

(c) Amounts appropriated in this section are sufficient to develop and implement the use of a consistent, statewide outcome-based vendor contract for employment and day services by April 1, 2011. The rates paid to vendors under this contract shall also be made consistent. In its description of activities the agency shall include activity listings and dollars appropriated for: Employment services, day services, child development services and county administration of services to the developmentally disabled. The department shall begin reporting to the office of financial management on these activities beginning in fiscal year 2010.

(d) (~~(\$5,593,000)~~) \$5,773,000 of the general fund--state appropriation for fiscal year 2010, (~~(\$4,002,000)~~) \$4,797,000 of the general fund--state appropriation for fiscal year 2011, and (~~(\$14,701,000)~~) \$16,159,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. First priority shall be given to children who are at risk of institutionalization. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e)(i) (~~(\$493,000)~~) \$679,000 of the general fund--state appropriation for fiscal year 2010, (~~(\$1,463,000)~~) \$2,146,000 of the general fund--state appropriation for fiscal year 2011, and (~~(\$2,741,000)~~) \$4,057,000 of the general fund--federal appropriation are provided solely for community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (A) clients being diverted or discharged from the state psychiatric hospitals; (B) clients participating in the dangerous mentally ill offender program; (C) clients participating in the community protection program; and (D) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 per day in fiscal year 2010 and \$356 per day in fiscal year 2011. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated.

(ii) The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(f) \$302,000 of the general fund--state appropriation for fiscal year 2010, \$831,000 of the general fund--state appropriation for fiscal year 2011, and \$1,592,000 of the general fund--federal appropriation are provided solely for health care benefits pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(g)(i) \$682,000 of the general fund--state appropriation for fiscal year 2010, \$1,651,000 of the general fund--state appropriation for fiscal year 2011, and \$1,678,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(ii) The federal portion of the amounts in this subsection (g) is contingent upon federal approval of participation in contributions to the trust and shall remain unallotted and placed in reserve status until the office of financial management and the department of social and health services receive federal approval.

(iii) Expenditures for the purposes specified in this subsection (g) shall not exceed the amounts provided in this subsection.

(h) Within the amounts appropriated in this subsection (1), the department shall implement all necessary rules to facilitate the transfer to a department home and community-based services (HCBS) waiver of all eligible individuals who (i) currently receive services under the existing state-only employment and day program or the existing state-only residential program, and (ii) otherwise meet the waiver eligibility requirements. The amounts appropriated are sufficient to ensure that all individuals currently receiving services under the state-only employment and day and state-only residential programs who are not transferred to a department HCBS waiver will continue to receive services.

(i) (Adult day health services shall only be authorized for in-home clients.

—(j)) In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

~~((j))~~ (i) The department shall not pay a home care agency licensed under chapter 70.127 RCW for personal care services provided by a family member, pursuant to Substitute House Bill No. 2361 (modifying state payments for in-home care).

~~((k))~~ (k) Within the appropriations of this section, the department shall reduce all seventeen payment levels of the seventeen-level payment system from the fiscal year 2009 levels for boarding homes, boarding homes contracted as assisted living, and adult family homes. Excluded from the reductions are exceptional care rate add-ons. The long-term care program may develop add-ons to pay exceptional care rates to adult family homes and boarding homes with specialty contracts to provide support for the following specifically eligible clients:

- (i) Persons with AIDS or HIV-related diseases who might otherwise require nursing home or hospital care;
- (ii) Persons with Alzheimer's disease and related dementia who might otherwise require nursing home care; and
- (iii) Persons with co-occurring mental illness and long-term care needs who are eligible for expanded community services and who might otherwise require state and local psychiatric hospital care.

Within amounts appropriated, exceptional add-on rates for AIDS/HIV, dementia specialty care, and expanded community services may be standardized within each program.

~~((l))~~ (l) The amounts appropriated in this subsection reflect a reduction in funds available for employment and day services. In administering this reduction the department shall negotiate with counties and their vendors so that this reduction, to the greatest extent possible, is achieved by reducing vendor rates and allowable contract administrative charges (overhead) and not through reductions to direct client services or direct service delivery or programs.

((n)) Within the amounts allotted for employment and day services in this section, the department shall prioritize the funding of employment services for students graduating from high school during fiscal years 2010 and 2011. However, nothing in this subsection is intended to displace services for other recipients of employment services.

~~((o))~~ (m) As part of the needs assessment instrument, the department may collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department may ensure that this information is collected as part of the client assessment process.

(n) \$116,000 of the general fund--state appropriation for fiscal year 2010, \$2,689,000 of the general fund--state appropriation for fiscal year 2011, and \$1,772,000 of the general fund--federal appropriation are provided solely for employment services and required waiver services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients. Fifty percent of the general fund appropriation shall be utilized for graduates who are on a waiver and fifty percent of the general fund appropriation shall be used for nonwaiver clients.

(o) Upon the effective date of this section, the department shall no longer hold funded residential vacancies to achieve savings.

(p) The division of developmental disabilities shall not reduce funding for county employment contracts. Funding for this purpose shall be maintained at the amount appropriated for this purpose in chapter 564, Laws of 2009.

(q) The department shall, by September 30, 2010, provide a report to the legislature on the implementation of chapter 571, Laws of 2009 (Substitute House Bill No. 2361). The report shall provide an analysis of the savings and/or costs to the agency associated with the implementation of the bill. Additionally, the report shall provide a full accounting of the relative hourly costs of agency providers and individual providers.

(r) Pursuant to RCW 43.135.055 and Substitute House Bill No. 2954, the department is authorized to establish the following fees for fiscal year 2011:

(i) The annual licensing renewal fee for boarding homes is \$112.00 per licensed bed.

(ii) The annual licensing renewal fee for adult family homes is \$220.00 per licensed bed. The renewal fee may be paid in two installments over the course of the licensed period as defined by the department in rule.

(iii) The initial processing fee for adult family home licenses is \$1,800.00 per home and shall be paid in full at the time of the licensing application. The department shall refund all initial processing fees, with the exception of \$100.00, paid between July 1, 2009, and June 30, 2010, for any adult family home that remains in active status on or after July 1, 2010.

(s) The department shall establish a working group with representatives of the home care industry to identify and eliminate or mitigate administrative burdens. The make-up of this working group shall be limited to:

(i) The state unit on aging chief of the aging and disabilities service administration (ADSA);

(ii) Other ADSA representatives as the state unit on aging chief deems necessary;

(iii) A representative from the department of health facility services licensing;

(iv) No more than seven representatives of the home care industry, to include:

(A) A representative of each of the three home care associations;

(B) A for-profit agency with at least seven area agency on aging contracts;

(C) A nonprofit with at least seven area agency on aging contracts;

(D) An agency that serves persons with developmental disabilities; and

(E) An agency that is a community action program;

(v) No more than two area agency on aging directors; and

(vi) Representatives from each of the two labor unions which represent home care workers.

The department is authorized to assign work group members consistent with this subsection (1)(s). The working group shall hold its first meeting no later than May 1, 2010, and shall meet at least monthly or as needed until the group has accomplished its goals. The work group shall provide a report on its findings to the legislative fiscal committees by January 1, 2011.

(t) No employer, provider, or entity receiving state funds to provide long-term care services or services to the developmentally disabled may use these funds to assist, promote, or deter union organization.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2010) ~~((61,612,000))~~

\$61,264,000

General Fund--State Appropriation (FY 2011) ~~((74,185,000))~~

\$63,495,000	
General Fund--Federal Appropriation	((202,160,000))
\$207,522,000	
General Fund--Private/Local Appropriation	\$22,441,000
TOTAL APPROPRIATION	((360,398,000))
\$354,722,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) The developmental disabilities program is authorized to use funds appropriated in this subsection to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(c) \$721,000 of the general fund--state appropriation for fiscal year 2010 and \$721,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(d) In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2010)	((1,420,000))
\$1,407,000	
General Fund--State Appropriation (FY 2011)	((1,372,000))
\$1,360,000	
General Fund--Federal Appropriation	((1,360,000))
\$1,305,000	
TOTAL APPROPRIATION	((4,152,000))
\$4,072,000	

The appropriations in this subsection are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(4) SPECIAL PROJECTS

(General Fund--State Appropriation (FY 2010)	\$15,000
General Fund--State Appropriation (FY 2011)	\$15,000))
General Fund--Federal Appropriation	((21,066,000))
\$9,617,000	
TOTAL APPROPRIATION	((21,096,000))
\$9,617,000	

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations in this subsection are available solely for the infant toddler early intervention program.

Sec. 206. **2010 c 3 s 205 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2010)	((584,741,000))
\$616,996,000	
General Fund--State Appropriation (FY 2011)	((693,325,000))
\$634,234,000	
General Fund--Federal Appropriation	((1,805,958,000))
\$1,953,725,000	
General Fund--Private/Local Appropriation	((19,973,000))
\$21,491,000	
Traumatic Brain Injury Account--State Appropriation	((1,816,000))
\$3,816,000	
TOTAL APPROPRIATION	((3,105,813,000))
\$3,230,262,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed ~~((156.37))~~ \$169.85 for fiscal year 2010 and shall not exceed ~~((158.74))~~ \$168.17 for fiscal year 2011, including the rate add-on described in subsection (12) of this section. ~~((There will be no adjustments for economic trends and conditions in fiscal years 2010 and 2011.))~~ The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with

chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(2) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2010 and no new certificates of capital authorization for fiscal year 2011.

(3) The long-term care program may develop and pay enhanced rates for exceptional care to nursing homes for persons with traumatic brain injuries who are transitioning from hospital care. The cost per patient day for caring for these clients in a nursing home setting may be equal to or less than the cost of caring for these clients in a hospital setting.

(4) Within the appropriations of this section, the department shall reduce all seventeen payment levels of the seventeen-level payment system from the fiscal year 2009 levels for boarding homes, boarding homes contracted as assisted living, and adult family homes. Excluded from the reductions are exceptional care rate add-ons. The long-term care program may develop add-ons to pay exceptional care rates to adult family homes and boarding homes with specialty contracts to provide support for the following specifically eligible clients:

(a) Persons with AIDS or HIV-related diseases who might otherwise require nursing home or hospital care;

(b) Persons with Alzheimer's disease and related dementia who might otherwise require nursing home care; and

(c) Persons with co-occurring mental illness and long-term care needs who are eligible for expanded community services and who might otherwise require state and local psychiatric hospital care.

Within amounts appropriated, exceptional add-on rates for AIDS/HIV, dementia specialty care, and expanded community services may be standardized within each program.

(5) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients. In doing so, the department shall comply with all maintenance of effort requirements contained in the American reinvestment and recovery act.

(6) \$536,000 of the general fund--state appropriation for fiscal year 2010, \$1,477,000 of the general fund--state appropriation for fiscal year 2011, and \$2,830,000 of the general fund--federal appropriation are provided solely for health care benefits pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(7)(a) \$1,212,000 of the general fund--state appropriation for fiscal year 2010, \$2,934,000 of the general fund--state appropriation for fiscal year 2011, and \$2,982,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(b) \$330,000 of the general fund--state appropriation for fiscal year 2010, \$660,000 of the general fund-state appropriation for fiscal year 2011, and \$810,000 of the general fund--federal appropriation are provided solely for transfer from the department to the training partnership, as provided in RCW 74.39A.360, for infrastructure and instructional costs associated with training of individual providers, pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(c) The federal portion of the amounts in this subsection is contingent upon federal approval of participation in contributions to the trust and shall remain unallotted and placed in reserve status until the office of financial management and the department of social and health services receive federal approval.

(d) Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection.

(8) Within the amounts appropriated in this section, the department may expand the new freedom waiver program to accommodate new waiver recipients throughout the state. As possible, and in compliance with current state and federal laws, the department shall allow current waiver recipients to transfer to the new freedom waiver.

(9) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

~~((10))~~ Adult day health services shall only be authorized for in-home clients.

~~---~~ ~~((10))~~ \$3,955,000 of the general fund--state appropriation for fiscal year 2010, \$4,239,000 of the general fund--state appropriation for fiscal year 2011, and \$10,190,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

~~((12))~~ ~~((11))~~ Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars- per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection. The department shall adopt rules to implement the terms of this subsection.

~~((13))~~ ~~((12))~~ \$1,840,000 of the general fund--state appropriation for fiscal year 2010 and \$1,877,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for operation of the volunteer ~~((chore))~~ services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with developmental disabilities.

~~((14))~~ ~~((13))~~ In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

~~((14))~~ (14) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

~~((15))~~ (15) The department shall contract for housing with service models, such as cluster care, to create efficiencies in service delivery and responsiveness to unscheduled personal care needs by clustering hours for clients that live in close proximity to each other.

~~((16))~~ (16) The department shall not pay a home care agency licensed under chapter 70.127 RCW for personal care services provided by a family member, pursuant to Substitute House Bill No. 2361 (modifying state payments for in-home care).

~~((17))~~ (17) ~~\$204,000~~ \$209,000 of the general fund--state appropriation for fiscal year 2010, ~~(\$1,099,000)~~ \$781,000 of the general fund--state appropriation for fiscal year 2011, and ~~(\$1,697,000)~~ \$1,293,000 of the general fund--federal appropriation are provided solely to implement Engrossed House Bill No. 2194 (extraordinary medical placement for offenders). The department shall work in partnership with the department of corrections to identify services and find placements for offenders who are released through the extraordinary medical placement program. The department shall collaborate with the department of corrections to identify and track cost savings to the department of corrections, including medical cost savings and to identify and track expenditures incurred by the aging and disability services program for community services and by the medical assistance program for medical expenses. A joint report regarding the identified savings and expenditures shall be provided to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010. If this bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

~~((19))~~ Sufficient funding is provided in this section for the department to implement Engrossed Second Substitute House Bill No. 1935 (adult family homes). During the 2009-11 biennium, the initial licensing fee for an adult family home shall be set at \$900.00. During the 2009-11 biennium, the annual licensing renewal fee shall be set at \$100.00. (18) Pursuant to RCW 43.135.055 and Substitute House Bill No. 2954, the department is authorized to establish the following fees for fiscal year 2011:

(a) The annual licensing renewal fee for nursing facilities is \$327.00 per licensed bed.

(b) The annual licensing renewal fee for boarding homes is \$112.00 per licensed bed.

(c) The annual licensing renewal fee for adult family homes is \$220.00 per licensed bed. The renewal fee may be paid in two installments over the course of the licensed period as defined by the department in rule.

(d) The initial processing fee for adult family home licenses is \$1,800.00 per home and shall be paid in full at the time of the licensing application. The department shall refund all initial processing fees, with the exception of \$100.00, paid between July 1, 2009, and June 30, 2010, for any adult family home that remains in active status on or after July 1, 2010.

(19) The department shall, by September 30, 2010, provide a report to the legislature on the implementation of chapter 571, Laws of 2009 (Substitute House Bill No. 2361). The report shall provide an analysis of the savings and/or costs to the agency associated with the implementation of the bill. Additionally, the report shall provide a full accounting of the relative hourly costs of agency providers and individual providers.

(20) The department shall establish a working group with representatives of the home care industry to identify and eliminate or mitigate administrative burdens. The make-up of this working group shall be limited to:

(a) The state unit on aging chief of the aging and disabilities service administration (ADSA);

(b) Other ADSA representatives as the state unit on aging chief deems necessary;

(c) A representative from the department of health facility services licensing;

(d) No more than seven representatives of the home care industry, to include:

(i) A representative of each of the three home care associations;

(ii) A for-profit agency with at least seven area agency on aging contracts;

(iii) A nonprofit with at least seven area agency on aging contracts;

(iv) An agency that serves persons with developmental disabilities; and

(v) An agency that is a community action program;

(e) No more than two area agency on aging directors; and

(f) Representatives from each of the two labor unions which represent home care workers.

The department is authorized to assign work group members consistent with this subsection. The working group shall hold its first meeting no later than May 1, 2010, and shall meet at least monthly or as needed until the group has accomplished its goals. The work group shall provide a report on its findings to the legislative fiscal committees by January 1, 2011.

(21) \$1,816,000 of the traumatic brain injury account--state appropriation is provided solely to continue services for persons with traumatic brain injury (TBI) as defined in RCW 74.31.020 through 74.31.050. The TBI advisory council shall provide a report to the legislature by December 1, 2010, on the effectiveness of the functions overseen by the council and shall provide recommendations on the development of critical services for individuals with traumatic brain injury.

(22) No employer, provider, or entity receiving state funds to provide long-term care services or services to the developmentally disabled may use these funds to assist, promote, or deter union organization.

Sec. 207. **2010 c 3 s 206 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2010) ~~(\$557,452,000)~~

\$568,732,000

General Fund--State Appropriation (FY 2011) ~~(\$587,973,000)~~

\$540,758,000

General Fund--Federal Appropriation ~~(\$1,139,899,000)~~

\$1,151,351,000

General Fund--Private/Local Appropriation ~~(\$27,920,000)~~

\$30,827,000
 Administrative Contingency Account--State
 Appropriation ((~~\$29,136,000~~)
 \$24,336,000
 TOTAL APPROPRIATION ((~~\$2,342,380,000~~)
 \$2,316,004,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$303,196,000)~~) \$303,393,000 of the general fund--state appropriation for fiscal year 2010, (~~(\$309,755,000)~~) \$256,292,000 of the general fund--state appropriation for fiscal year 2011, (~~(\$29,136,000)~~) \$24,336,000 of the administrative contingency account-- state appropriation, and \$778,606,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. The department shall use moneys from the administrative contingency account for WorkFirst job placement services provided by the employment security department. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. In addition, within the amounts provided for WorkFirst the department shall:

- (a) Establish a career services work transition program;
- (b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;
- (c) Submit a report electronically by October 1, 2009, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2009-2011 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;
- (d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund-- federal by activity;
- (e) Maintain the fiscal year 2009 grant standard for the temporary assistance for needy families grant;
- (f) Suspend funding for all community works programs, except community jobs in fiscal year 2011;
- (g) Reduce funding for WorkFirst job search activities by \$2,363,000 from levels budgeted for those activities as of February 1, 2010, for fiscal year 2011;
- (h) Use savings from (f) and (g) of this subsection (1) to increase availability of child care services, and implement a 12 month authorization for working connections child care pursuant to Engrossed Second Substitute House Bill No. 3141 (delivery of temporary assistance to needy families);
- (i) Allow single parents of children under the age of six years to meet the work participation requirements with twenty hours per week of qualifying activities in conformance with standards established by the federal government.

(2) The department and the office of financial management shall electronically report quarterly the expenditures, maintenance of effort allotments, expenditure amounts, and caseloads for the WorkFirst program to the legislative fiscal committees.

(3) The WorkFirst subcabinet, in partnership with the department of social and health services, shall review and prepare a report on services provided and accessed by both general population clients and limited English proficiency clients. The review shall include information on efficiencies and outcomes related to client services for each client population. The report should identify services and expenditures related to client outcomes in fiscal year 2010. The report on these programs and client outcomes shall be reported to the appropriate committees of the legislature no later than December 15, 2010.

~~(\$84,856,000)~~ \$73,326,000 of the general fund--state appropriation for fiscal year 2010 and (~~(\$95,173,000)~~) \$75,621,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for cash assistance and other services to recipients in the (~~general assistance-unemployable~~) disability lifeline program. Within these amounts:

(a) The department shall aggressively pursue opportunities to transfer (~~general assistance-unemployable~~) disability lifeline clients to general assistance expedited coverage and to facilitate client applications for federal supplemental security income when the client's incapacities indicate that he or she would be likely to meet the federal disability criteria for supplemental security income. The department shall initiate and file the federal supplemental security income interim agreement as quickly as possible in order to maximize the recovery of federal funds;

(b) The department shall review the (~~general assistance~~) disability lifeline caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

(c) The department shall actively coordinate with local workforce development councils to expedite access to worker retraining programs for (~~general assistance-unemployable~~) disability lifeline clients in those regions of the state with the greatest number of such clients;

(d) By July 1, 2009, the department shall enter into an interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veteran's services. This agreement must include outstationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services; and

(e) In addition to any earlier evaluation that may have been conducted, the department shall intensively evaluate those clients who have been receiving (~~general assistance-unemployable~~) disability lifeline benefits for twelve months or more as of July 1, 2009, or thereafter, if the available medical and incapacity related evidence indicates that the client is unlikely to meet the disability standard for federal supplemental security income benefits. The evaluation shall identify services necessary to eliminate or minimize barriers to employment, including mental health treatment, substance abuse treatment and vocational rehabilitation services. The department shall expedite referrals to chemical dependency treatment, mental health and vocational rehabilitation services for these clients.

(f) The appropriations in this subsection reflect a change in the earned income disregard policy for (~~general assistance-unemployable~~) disability lifeline clients. It is the intent of the legislature that the department shall adopt the temporary assistance for needy families earned income policy for (~~general assistance-unemployable~~) disability lifeline.

~~((4))~~ (5) \$750,000 of the general fund--state appropriation for fiscal year 2010 and \$750,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for naturalization services.

~~((5))~~ (6)(a) \$3,550,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for refugee employment services, of which \$2,650,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services; and \$3,550,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for refugee employment services, of which \$2,650,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services.

(b) The legislature intends that the appropriation in this subsection for the 2009-11 fiscal biennium will maintain funding for refugee programs at a level at least equal to expenditures on these programs in the 2007-09 fiscal biennium.

~~((6))~~ (7) The appropriations in this section reflect reductions in the appropriations for the economic services administration's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

(8) \$855,000 of the general fund--state appropriation for fiscal year 2011, \$719,000 of the general fund--federal appropriation, and \$2,907,000 of the general fund--private/local appropriation are provided solely for the implementation of the opportunity portal, the food stamp employment and training program, and the disability lifeline program under Second Substitute House Bill No. 2782 (security lifeline act). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(9) \$200,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the department to award grants to small mutual assistance or small community-based organizations that contract with the department for immigrant and refugee assistance services. The funds shall be awarded to provide funding for community groups to provide transitional assistance, language skills, and other resources to improve refugees' economic self-sufficiency through the effective use of social services, financial services, and medical assistance.

(10) \$60,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the department to contract with the city of Tukwila to provide funding for basic human services programs that include food, shelter, and clothing.

Sec. 208. 2010 c 3 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2010) ~~((82,028,000))~~

\$81,941,000

General Fund--State Appropriation (FY 2011) ~~((84,682,000))~~

\$81,959,000

General Fund--Federal Appropriation ~~((145,604,000))~~

\$148,050,000

General Fund--Private/Local Appropriation \$2,719,000

Criminal Justice Treatment Account--State

Appropriation \$17,747,000

Problem Gambling Account--State Appropriation \$1,459,000

TOTAL APPROPRIATION ~~((334,239,000))~~

\$333,875,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable patients.

(3) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(4) \$3,786,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the implementation of the disability lifeline program under Second Substitute House Bill No. 2782 (security lifeline act). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 209. 2010 c 3 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2010) ~~((1,598,043,000))~~

\$1,702,180,000

General Fund--State Appropriation (FY 2011) ~~((1,985,797,000))~~

\$1,814,103,000

General Fund--Federal Appropriation ~~((5,212,855,000))~~

\$6,040,909,000

General Fund--Private/Local Appropriation ~~((12,903,000))~~

\$37,259,000

Emergency Medical Services and Trauma Care Systems

Trust Account--State Appropriation \$15,076,000

Tobacco Prevention and Control Account--

State Appropriation ~~((3,766,000))~~

\$4,094,000

Hospital Safety Net Assessment Fund--State

Appropriation \$230,933,000

TOTAL APPROPRIATION ~~(((\$8,828,440,000))~~
 \$9,844,554,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(4) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate- setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the department's discretion. During either the interim cost settlement or the final cost settlement, the department shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The department shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(6) ((\$1,110,000 of the general fund--federal appropriation and \$1,105,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$9,818,000 of the general fund--state appropriation for fiscal year 2011, and \$9,865,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

~~—(8))~~ The department shall continue the inpatient hospital certified public expenditures program for the 2009-11 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit reports to the governor and legislature by November 1, 2009, and by November 1, 2010, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2010 and fiscal year 2011, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program, (b) one half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2009-11 biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$26,396,000 of the general fund--state appropriation for fiscal year 2010, of which \$6,570,000 ((of the general fund--state appropriation for fiscal year 2010, which)) is appropriated in section 204(1) of this act, and \$45,398,000 of the general fund--state appropriation for fiscal year 2011, of which \$1,500,000 ((of the general fund--state appropriation for fiscal year 2011, which)) is appropriated in section 204(1) of this act, are provided solely for state grants for the participating hospitals. ~~((Sufficient amounts are appropriated in this section for the remaining state grants for the participating hospitals.~~

~~—(9))~~ (8) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

~~((40))~~ (9) \$93,000 of the general fund--state appropriation for fiscal year 2010 and \$93,000 of the general fund--federal appropriation are provided solely for the department to pursue a federal Medicaid waiver pursuant to Second Substitute Senate Bill No. 5945 (Washington health partnership plan). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

~~((11))~~ (10) The department shall require managed health care systems that have contracts with the department to serve medical assistance clients to limit any reimbursements or payments the systems make to providers not employed by or under contract with the systems to no more

than the medical assistance rates paid by the department to providers for comparable services rendered to clients in the fee-for-service delivery system.

~~((12))~~ (11) A maximum of ~~(((\$166,875,000))~~ \$179,643,000 of the general fund--state appropriation and ~~(((\$38,389,000))~~ \$59,758,000 of the general fund--federal appropriation may be expended in the fiscal biennium for the ~~((general assistance unemployable))~~ disability lifeline medical program, and these amounts are provided solely for this program. Of these amounts, \$10,749,000 of the general fund--state appropriation for fiscal year 2010 ~~((and \$10,892,000)),~~ \$5,233,000 of the general fund--state appropriation for fiscal year 2011, and \$16,125,000 of the general fund--federal appropriation are provided solely for payments to hospitals for providing outpatient services to low income patients who are recipients of ~~((general assistance unemployable))~~ disability lifeline benefits. Pursuant to RCW 74.09.035, the department shall not expend for the general assistance medical care services program any amounts in excess of the amounts provided in this subsection.

~~((13))~~ (12) If the department determines that it is feasible within the amounts provided in subsection (16) of this section, and without the loss of federal disproportionate share hospital funds, the department shall contract with the carrier currently operating a managed care pilot project for the provision of medical care services to ~~((general assistance unemployable))~~ disability lifeline clients. Mental health services shall be included in the services provided through the managed care system. If the department determines that it is feasible, effective October 1, 2009, in addition to serving clients in the pilot counties, the carrier shall expand managed care services to clients residing in at least the following counties: Spokane, Yakima, Chelan, Kitsap, and Cowlitz. If the department determines that it is feasible, the carrier shall complete implementation into the remaining counties. ~~((Total per person costs to the state, including outpatient and inpatient services and any additional costs due to stop loss agreements, shall not exceed the per capita payments projected for the general assistance unemployable eligibility category, by fiscal year, in the February 2009 medical assistance expenditures forecast.))~~ The department, in collaboration with the carrier, shall seek to improve the transition rate of ~~((general assistance))~~ disability lifeline clients to the federal supplemental security income program.

~~((14))~~ (13) The department shall evaluate the impact of the use of a managed care delivery and financing system on state costs, savings, and outcomes for ~~((general assistance))~~ disability lifeline medical clients. Outcomes measured shall include state costs, utilization, changes in mental health status and symptoms, and involvement in the criminal justice system. The department shall provide a report on these outcomes to the relevant policy and fiscal committees of the legislature by November 15, 2010.

~~((15))~~ (14) The department shall report to the governor and the fiscal committees of the legislature by June 1, 2010, on its progress toward achieving a twenty percentage point increase in the generic prescription drug utilization rate.

~~((16))~~ (15) State funds shall not be used by hospitals for advertising purposes.

~~((17))~~ (16) \$24,293,000 of the general fund--private/local appropriation and \$35,707,000 of the general fund--federal appropriation are provided solely for the implementation of professional services supplemental payment programs. The department shall seek a medicaid state plan amendment to create a professional services supplemental payment program for University of Washington medicine professional providers no later than July 1, 2009. The department shall apply federal rules for identifying the shortfall between current fee-for-service medicaid payments to participating providers and the applicable federal upper payment limit. Participating providers shall be solely responsible for providing the local funds required to obtain federal matching funds. Any incremental costs incurred by the department in the development, implementation, and maintenance of this program will be the responsibility of the participating providers. Participating providers will retain the full amount of supplemental payments provided under this program, net of any potential costs for any related audits or litigation brought against the state. The department shall report to the governor and the legislative fiscal committees on the prospects for expansion of the program to other qualifying providers as soon as feasibility is determined but no later than December 31, 2009. The report will outline estimated impacts on the participating providers, the procedures necessary to comply with federal guidelines, and the administrative resource requirements necessary to implement the program. The department will create a process for expansion of the program to other qualifying providers as soon as it is determined feasible by both the department and providers but no later than June 30, 2010.

~~((18))~~ ~~(\$9,350,000)~~ (17) \$9,075,000 of the general fund--state appropriation for fiscal year 2010, ~~(((\$8,313,000))~~ \$8,588,000 of the general fund--state appropriation for fiscal year 2011, and ~~(((\$20,371,000))~~ \$39,747,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of section 902 of this act.

~~((19))~~ (18) \$506,000 of the general fund--state appropriation for fiscal year 2011 and \$657,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1373 (children's mental health). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

~~((20))~~ (19) Pursuant to 42 U.S.C. Sec. 1396(a)(25), the department shall pursue insurance claims on behalf of medicaid children served through its in-home medically intensive child program under WAC 388-551-3000. The department shall report to the Legislature by December 31, 2009, on the results of its efforts to recover such claims.

~~((21))~~ (20) The department may, on a case-by-case basis and in the best interests of the child, set payment rates for medically intensive home care services to promote access to home care as an alternative to hospitalization. Expenditures related to these increased payments shall not exceed the amount the department would otherwise pay for hospitalization for the child receiving medically intensive home care services.

~~((22))~~ (21) \$425,000 of the general fund--state appropriation for fiscal year 2010, \$425,000 of the general fund--state appropriation for fiscal year 2011, and \$1,580,000 of the general fund--federal appropriation are provided solely to continue children's health coverage outreach and education efforts under RCW 74.09.470. These efforts shall rely on existing relationships and systems developed with local public health agencies, health care providers, public schools, the women, infants, and children program, the early childhood education and assistance program, child care providers, newborn visiting nurses, and other community-based organizations. The department shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

~~((23))~~ (22) The department, in conjunction with the office of financial management, shall reduce outpatient and inpatient hospital rates and implement a prorated inpatient payment policy. In determining the level of reductions needed, the department shall include in its calculations services paid under fee-for-service, managed care, and certified public expenditure payment methods; but reductions shall not apply to payments for psychiatric inpatient services or payments to critical access hospitals.

~~((24))~~ (23) The department will pursue a competitive procurement process for antihemophilic products, emphasizing evidence-based medicine and protection of patient access without significant disruption in treatment.

~~((25))~~ (24) The department will pursue several strategies towards reducing pharmacy expenditures including but not limited to increasing generic prescription drug utilization by 20 percentage points and promoting increased utilization of the existing mail-order pharmacy program.

~~((26))~~ (25) The department shall reduce reimbursement for over-the-counter medications while maintaining reimbursement for those over-the-counter medications that can replace more costly prescription medications.

~~((27))~~ (26) The department shall seek public-private partnerships and federal funds that are or may become available to implement health information technology projects under the federal American recovery and reinvestment act of 2009.

~~((28))~~ (27) The department shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race.

~~((29))~~ (28) \$230,933,000 of the hospital safety net assessment fund--state appropriation and \$221,415,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 2956 (hospital safety net assessment). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(29) \$79,000 of the general fund--state appropriation for fiscal year 2010 and \$53,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1845 (medical support obligations).

(30) \$63,000 of the general fund--state appropriation for fiscal year 2010, \$583,000 of the general fund--state appropriation for fiscal year 2011, and \$864,000 of the general fund--federal appropriation are provided solely to implement Engrossed House Bill No. 2194 (extraordinary medical placement for offenders). The department shall work in partnership with the department of corrections to identify services and find placements for offenders who are released through the extraordinary medical placement program. The department shall collaborate with the department of corrections to identify and track cost savings to the department of corrections, including medical cost savings, and to identify and track expenditures incurred by the aging and disability services program for community services and by the medical assistance program for medical expenses. A joint report regarding the identified savings and expenditures shall be provided to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010. If this bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(31) Sufficient amounts are provided in this section to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with RCW 74.09.520.

(32) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect providers, direct client services, or direct service delivery or programs.

(33) The department shall contract with an organization that provides medication therapy management services to increase the use of lower cost alternative medications, improve patient compliance with prescribed regimens, reduce harmful side effects from medication, and ensure that medications achieve their desired therapeutic results. The department shall not contract for these services unless the contractor guarantees that the services will generate savings, as measured by the department's actual experience after implementation, that are greater than the cost of the contracted services.

(34) \$120,000 of the general fund--state appropriation for fiscal year 2010, \$280,000 of the general fund--state appropriation for fiscal year 2011, and \$745,000 of the general fund--federal appropriation are provided solely for the department to support the activities of the Washington poison center. The department shall seek federal authority to receive matching funds from the federal government through the children's health insurance program.

(35) The department in consultation with Washington's federally recognized tribes shall develop a plan for a new behavioral health service delivery system design for American Indians and Alaska natives in the medicaid and apple health for kids programs. The system must be designed to integrate behavioral health and primary care. The system shall be developed with input from urban tribal programs, regional support networks, and community mental health agencies. The department shall report to the governor and legislature on the plan for the new system design by December 1, 2010. Sufficient amounts are provided in this section to develop the plan.

(36) With the objective of improving and enhancing the efficiency and effectiveness of the audit and oversight program, the department shall identify streamlining opportunities in the areas described in (a) through (d) of this subsection. The goals of these activities are to leverage department resources to better fulfill the obligations of all aspects of audit and oversight programs in an era of resource constraints and to assure that the burden of audits and other oversight activities on the state's businesses, organizations, and individuals is as minimal as practical.

(a) The department shall complete an assessment of expanding the use of technology and automated data matches for identification and recovery of third party resources, including data matches with pharmacy benefit managers (PBM). The department shall submit a report to the governor and the relevant fiscal and policy committees of the legislature by September 1, 2010, that identifies resources needed to implement the enhanced data matching capability and the actions and timelines necessary for implementation of automated production data matching capability.

(b) The department shall complete a comprehensive review of multiple licensing and certification reviews, onsite surveys, and contract oversight obligations that require provider site visits or require provider response. The department shall identify all related oversight and review activities and identify opportunities for consolidation of multiple clinical and business management review activities as appropriate with a view to minimizing the cost of both conducting and receiving the audits or other review or oversight activities.

(c) The department shall expand its provider audit capacity through its provider one payment system. The department shall identify medicaid payment system enhancements that will maximize new technical capabilities. The department shall explore new technical capabilities of its fraud and abuse detection system to identify more efficient ways to correlate audit efforts to the levels of risk and materiality. Results of focused audits must be used to enhance educational materials. The department shall report to the governor and legislature by December 1, 2010, on the status of developing this audit capacity.

(d) The department shall conduct a review and assessment of audit processes and timeframes. The department shall review audit outcomes from the past three fiscal years and will concentrate on identifying opportunities to shorten timeframes between the various stages of an audit, including the letter of intent to audit, records collection to issuance of the draft audit, dispute resolution activities, issuance of the final audit, and administrative hearings. The department shall initiate a provider outreach and education program to include communication materials that clearly identify expectations of the department and the provider being audited. The department must develop and publish an orientation to medicaid audits publication by October 1, 2010, that includes audit requirements, expectations of providers and the department, and associated timelines.

The department shall report to the governor and relevant policy and fiscal committees of the legislature by December 1, 2010, on the status of these activities.

(37) \$528,000 of the general fund--state appropriation and \$5,910,000 of the general fund--federal appropriation are provided solely for the implementation of the disability lifeline program under Second Substitute House Bill No. 2782 (security lifeline act). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(38) If the cost of a brand name drug, after receiving discounted prices and rebates, is less than the cost of the generic version of the drug for the medical assistance program, the brand name drug shall be purchased.

Sec. 210. 2010 c 3 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2010)	((10,451,000))
\$10,243,000	
General Fund--State Appropriation (FY 2011)	((10,125,000))
\$9,899,000	
General Fund--Federal Appropriation	((83,534,000))
\$107,570,000	
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	((1,979,000))
\$5,979,000	
TOTAL APPROPRIATION	((106,089,000))
\$133,691,000	

The appropriations in this section are subject to the following conditions and limitations: The vocational rehabilitation program shall coordinate closely with the economic services program to serve general assistance unemployable clients who are referred for eligibility determination and vocational rehabilitation services, and shall make every effort, within the requirements of the federal rehabilitation act of 1973, to serve these clients.

Sec. 211. 2010 c 3 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2010)	((49,818,000))
\$48,849,000	
General Fund--State Appropriation (FY 2011)	((47,259,000))
\$46,965,000	
TOTAL APPROPRIATION	((97,077,000))
\$95,814,000	

Sec. 212. 2010 c 3 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2010)	((34,425,000))
\$33,094,000	
General Fund--State Appropriation (FY 2011)	((34,627,000))
\$31,909,000	
General Fund--Federal Appropriation	((55,169,000))
\$53,672,000	
General Fund--Private/Local Appropriation	\$1,526,000
Institutional Impact Account--State Appropriation	\$22,000
TOTAL APPROPRIATION	((125,747,000))
\$120,223,000	

The appropriations in this section are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(1) ~~((150,000))~~ \$333,000 of the general fund--state appropriation for fiscal year 2010 and ~~((150,000))~~ \$300,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$445,000 of the general fund--state appropriation for fiscal year 2010 and \$445,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(3) \$178,000 of the general fund--state appropriation for fiscal year 2010 and \$178,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the juvenile detention alternatives initiative.

(4) Amounts appropriated in this section reflect a reduction to the family policy council. The family policy council shall reevaluate staffing levels and administrative costs to ensure to the extent possible a maximum ratio of grant moneys provided and administrative costs.

(5) Amounts appropriated in this section reflect a reduction to the council on children and families. The council on children and families shall reevaluate staffing levels and administrative costs to ensure to the extent possible a maximum ratio of grant moneys provided and administrative costs.

(6) The department shall not reduce funding to the governor's juvenile justice advisory committee from the amounts appropriated for this purpose in chapter 564, Laws of 2009.

Sec. 213. 2009 c 564 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2010) ((~~\$53,431,000~~)
 \$60,697,000
 General Fund--State Appropriation (FY 2011) ((~~\$53,472,000~~)
 \$60,173,000
 General Fund--Federal Appropriation ((~~\$49,494,000~~)
 \$55,842,000
 TOTAL APPROPRIATION ((~~\$156,397,000~~)
 \$176,712,000

Sec. 214. **2009 c 564 s 214 (uncodified) is amended to read as follows:**

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2010) ((~~\$206,295,000~~)
 \$208,288,000
 General Fund--State Appropriation (FY 2011) ((~~\$182,138,000~~)
 \$132,194,000
 General Fund--Federal Appropriation ((~~\$6,302,000~~)
 \$8,849,000
 State Health Care Authority Administration Account--
 State Appropriation ((~~\$35,261,000~~)
 \$35,033,000
 Medical Aid Account--State Appropriation \$529,000
 TOTAL APPROPRIATION ((~~\$430,525,000~~)
 \$384,893,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) In order to maximize the funding appropriated for the basic health plan, the health care authority is directed to make modifications that will reduce the total number of subsidized enrollees to approximately 65,000 by January 1, 2010. In addition to the reduced enrollment, other modifications may include changes in enrollee premium obligations, changes in benefits, enrollee cost-sharing, and termination of the enrollment of individuals concurrently enrolled in a medical assistance program as provided in Substitute House Bill No. 2341. The health care authority shall seek federal matching funds for enrollees. If federal matching funds are not available for enrollees below one hundred thirty-three percent of the federal poverty level by January 1, 2011, then the basic health plan program shall be discontinued as of April 1, 2011.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2010 and \$250,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute Senate Bill No. 5360 (community collaboratives). If the bill is not enacted by June 30, 2009, the amounts provided in this section shall lapse.

(6) The ~~(department)~~ authority shall seek public-private partnerships and federal funds that are or may become available to implement health information technology projects under the federal American recovery and reinvestment act of 2009.

(7) \$92,000 of the general fund--state appropriation for fiscal year 2011 and \$8,000 of the general fund--federal appropriation are provided solely for the implementation of the disability lifeline program under Second Substitute House Bill No. 2782 (security lifeline act). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(8) All health care authority contracts with managed health care systems to serve basic health plan enrollees shall require that the managed health care systems limit any reimbursements or payments by the systems to health care providers who are not employed or under contract with the systems, but are delivering services at or in affiliation with a facility contracted with the systems to no more than the medical assistance rates paid by the department of social and health services for comparable services rendered to medical assistance clients in the fee-for-service delivery program.

(9)(a) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$5,814,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the health care authority to conduct three pilot projects to determine the feasibility of providing low-income adults at or below two hundred percent of the federal poverty level, who are neither enrolled in the basic health plan, nor eligible for medical assistance programs or federal medicare programs, with a set of health services that includes a primary care component provided through a community delivery system combined with select specialty care services and catastrophic insurance coverage provided through the health care authority. Each pilot project site shall develop a set of health services that includes a benefit package and payment mechanism that allows it to

enroll one thousand individuals in the primary care and limited specialty services components. The health care authority shall be responsible for enrolling the individuals covered by the primary care component in a catastrophic insurance plan. Enrollees shall be required to pay a premium toward the cost of the plan. The pilot projects shall be based in Spokane, Thurston, and Whatcom counties. The pilot project shall be in operation from July 1, 2010, through July 1, 2012.

(b) The health care authority shall submit a study to the legislature by December 1, 2011 that:

(i) Considers the impact of offering the set of health services as:

(A) A basic health coverage option in addition to the current benefit package and payment mechanism; and

(B) A replacement of the current basic health plan benefit package and payment mechanism; and

(ii) Identifies the most effective strategy for providing such a set of health services that would provide meaningful coverage to low-income individuals, the number of enrollees that would be required to attain a stable risk pool to realize a cost-effective program, the estimated cost per individual for providing such a set of health services, the extent to which such a set could be offered statewide, and recommendations on implementation of such a set of health services.

Sec. 215. **2010 c 3 s 212 (uncodified) is amended to read as follows:**

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2010) \$2,638,000

General Fund--State Appropriation (FY 2011) \$2,533,000

General Fund--Federal Appropriation ((~~\$1,299,000~~))

\$1,596,000

TOTAL APPROPRIATION ((~~\$6,470,000~~))

\$6,767,000

Sec. 216. **2009 c 564 s 216 (uncodified) is amended to read as follows:**

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--

State Appropriation \$20,000

Accident Account--State Appropriation ((~~\$18,453,000~~))

\$18,272,000

Medical Aid Account--State Appropriation ((~~\$18,453,000~~))

\$18,272,000

TOTAL APPROPRIATION ((~~\$36,926,000~~))

\$36,564,000

Sec. 217. **2009 c 564 s 217 (uncodified) is amended to read as follows:**

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--State Appropriation (FY 2010) ((~~\$19,146,000~~))

\$17,343,000

General Fund--State Appropriation (FY 2011) ((~~\$19,176,000~~))

\$18,530,000

General Fund--Federal Appropriation \$228,000

General Fund--Private/Local Appropriation((~~\$200,000~~))

\$1,321,000

Death Investigations Account--State Appropriation \$148,000

Municipal Criminal Justice Assistance Account--

State Appropriation \$460,000

Washington Auto Theft Prevention Authority Account--

State Appropriation \$5,844,000

TOTAL APPROPRIATION ((~~\$44,974,000~~))

\$43,874,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$1,874,000~~)) \$169,000 of the general fund--state appropriation for fiscal year 2010 and ((~~\$1,922,000~~)) \$1,339,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for ((~~40~~)) 1 additional basic law enforcement ((~~academies~~)) academy in fiscal year 2010 and ((~~40~~)) 7 additional basic law enforcement academies in fiscal year 2011.

(2) \$1,191,000 of the general fund--state appropriation for fiscal year 2010 and \$1,191,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington association of sheriffs and police chiefs to continue to develop, maintain, and operate the jail booking and reporting system (JBRS) and the statewide automated victim information and notification system (SAVIN).

(3) \$5,000,000 of the general fund--state appropriation for fiscal year 2010 and \$5,000,000 of the general fund--state appropriation for fiscal year 2011, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130. The Washington association of sheriffs and police chiefs shall:

(a) Enter into performance-based agreements with units of local government to ensure that registered offender address and residency are verified:

(i) For level I offenders, every twelve months;

(ii) For level II offenders, every six months; and

(iii) For level III offenders, every three months.

For the purposes of this subsection, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.

(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program; and

(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by December 31, each year.

The Washington association of sheriffs and police chiefs may retain up to three percent of the amount provided in this subsection for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing-to-register offenses.

(4) \$30,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Second Substitute House Bill No. 2078 (persons with developmental disabilities in correctional facilities or jails). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(5) \$171,000 of the general fund--local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions with one hundred or more full-time commissioned officers shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(6) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

Sec. 218. **2009 c 564 s 218 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2010)	(\$24,224,000)
\$24,944,000	
General Fund--State Appropriation (FY 2011)	(\$25,237,000)
\$21,630,000	
((General Fund--Federal Appropriation	\$100,000))
General Fund--Federal Appropriation	(\$10,000,000)
\$10,100,000	
Asbestos Account--State Appropriation	(\$924,000)
\$918,000	
Electrical License Account--State Appropriation	(\$43,162,000)
\$36,908,000	
Farm Labor Revolving Account--Private/Local Appropriation	\$28,000
Worker and Community Right-to-Know Account--	
State Appropriation	(\$1,979,000)
\$1,977,000	
Public Works Administration Account--State	
Appropriation	(\$5,764,000)
\$5,862,000	
Manufactured Home Installation Training Account--	
State Appropriation	(\$138,000)
\$144,000	
Accident Account--State Appropriation	(\$248,281,000)
\$249,805,000	
Accident Account--Federal Appropriation	\$13,622,000
Medical Aid Account--State Appropriation	(\$249,537,000)
\$248,559,000	
Medical Aid Account--Federal Appropriation	\$3,186,000
Plumbing Certificate Account--State Appropriation	(\$1,693,000)
\$1,700,000	
Pressure Systems Safety Account--State Appropriation	(\$3,775,000)
\$4,141,000	
TOTAL APPROPRIATION	(\$631,650,000)
\$623,524,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase fees related to factory assembled structures, contractor registration, electricians, plumbers, asbestos removal, boilers, elevators, and manufactured home installers. These increases are necessary to support expenditures authorized in this section, consistent with chapters 43.22, 18.27, 19.28, and 18.106 RCW, RCW 49.26.130, and chapters 70.79, 70.87, and 43.22A RCW.

(2) \$424,000 of the accident account--state appropriation and \$76,000 of the medical aid account--state appropriation are provided solely for implementation of a community agricultural worker safety grant at the department of agriculture. The department shall enter into an interagency agreement with the department of agriculture to implement the grant.

(3) \$4,850,000 of the medical aid account--state appropriation is provided solely to continue the program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(4) \$150,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(5) The department shall continue to conduct utilization reviews of physical and occupational therapy cases at the 24th visit. The department shall continue to report performance measures and targets for these reviews on the agency web site. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(6) The appropriations in this section reflect reductions in the appropriations for the department of labor and industries' administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing administrative costs only.

(7) \$500,000 of the accident account--state appropriation is provided solely for the department to contract with one or more independent experts to oversee and assist the department's implementation of improvements to the rating plan under chapter 51.18 RCW, in collaboration with the department and with the department's work group of retrospective rating and workers' compensation stakeholders. The independent experts will validate the impact of recommended changes on retrospective rating participants and nonparticipants, confirm implementation technology changes, and provide other implementation assistance as determined by the department.

(8) \$194,000 of the accident account--state appropriation and \$192,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5346 (health care administrative procedures). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(9) \$131,000 of the accident account--state appropriation and \$128,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5613 (stop work orders). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(10) \$68,000 of the accident account--state appropriation and \$68,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5688 (registered domestic partners). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(11) \$320,000 of the accident account--state appropriation and \$147,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5873 (apprenticeship utilization). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

~~((15))~~ (12) \$73,000 of the general fund--state appropriation for fiscal year 2010, \$66,000 of the general fund--state appropriation for fiscal year 2011, \$606,000 of the accident account--state appropriation, and \$600,000 of the medical aid account--state appropriation are provided solely for the implementation of House Bill No. 1555 (underground economy). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

~~((16))~~ (13) \$574,000 of the accident account--state appropriation and \$579,000 of the medical aid account--state appropriation are provided solely for the implementation of House Bill No. 1402 (industrial insurance appeals). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(14) Within statutory guidelines, the boiler program shall explore opportunities to increase program efficiency. Strategies may include the consolidation of routine multiple inspections to the same site and trip planning to ensure the least number of miles traveled.

(15) \$16,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the crime victims compensation program to pay claims for mental health services for crime victim compensation program clients who have an established relationship with a mental health provider and subsequently obtain coverage under the medicaid program or the medical care services program under chapter 74.09 RCW. Prior to making such payment, the program must have determined that payment for the specific treatment or provider is not available under the medicaid or medical care services program. In addition, the program shall make efforts to contact any healthy options or medical care services health plan in which the client may be enrolled to help the client obtain authorization to pay the claim on an out-of-network basis.

(16) \$48,000 of the accident account--state appropriation and \$48,000 of the medical aid account--state appropriation are provided solely for the implementation of Substitute House Bill No. 2789 (issuance of subpoenas for purposes of agency investigations of underground economic activity). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 219. 2010 c 3 s 213 (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD	
General Fund--State Appropriation (FY 2010)	\$1,882,000
((General Fund--State Appropriation (FY 2011)	\$1,886,000))
TOTAL APPROPRIATION	((3,768,000))
\$1,882,000	

The appropriations in this section are subject to the following conditions and limitations: Beginning July 1, 2010, the functions of the indeterminate sentence review board are transferred to the department of corrections. Funding for these activities for fiscal year 2011 is appropriated to the department of corrections.

Sec. 220. 2009 c 564 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2010)	\$1,913,000
General Fund--State Appropriation (FY 2011)	\$1,899,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
TOTAL APPROPRIATION	\$3,822,000

The appropriations in this subsection are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2010)	\$4,885,000
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General Fund--State Appropriation (FY 2011) \$4,943,000
 General Fund--Federal Appropriation ((~~\$1,842,000~~))
 \$2,385,000
 General Fund--Private/Local Appropriation((~~\$3,491,000~~))
 \$4,512,000
 Veterans Innovations Program Account--State
 Appropriation ((~~\$648,000~~))
 \$898,000
 Veteran Estate Management Account--Private/Local
 Appropriation \$1,069,000
 TOTAL APPROPRIATION ((~~\$16,878,000~~))
 \$18,692,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall collaborate with the department of social and health services to identify and assist eligible general assistance unemployable clients to access the federal department of veterans affairs benefits.

(b) \$648,000 of the veterans innovations program account--state appropriation is provided solely for the department to continue support for returning combat veterans through the veterans innovation program, including emergency financial assistance through the defenders' fund and long-term financial assistance through the competitive grant program.

(c) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2010) ((~~\$3,638,000~~))
 \$3,318,000
 General Fund--State Appropriation (FY 2011) ((~~\$2,845,000~~))
 \$2,287,000
 General Fund--Federal Appropriation ((~~\$50,791,000~~))
 \$50,224,000
 General Fund--Private/Local Appropriation((~~\$31,734,000~~))
 \$34,070,000
 TOTAL APPROPRIATION ((~~\$89,008,000~~))
 \$89,899,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(b) The reductions in this subsection shall be achieved through savings from contract revisions and shall not impact the availability of goods and services for residents of the three state veterans homes.

Sec. 221. **2010 c 3 s 214 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2010) ((~~\$107,413,000~~))
 \$97,685,000
 General Fund--State Appropriation (FY 2011) ((~~\$82,806,000~~))
 \$79,898,000
 General Fund--Federal Appropriation ((~~\$480,871,000~~))
 \$564,709,000
 General Fund--Private/Local Appropriation((~~\$138,846,000~~))
 \$162,206,000
 Hospital Data Collection Account--State Appropriation ((~~\$326,000~~))
 \$213,000
 Health Professions Account--State Appropriation ((~~\$76,218,000~~))
 \$82,378,000
 Aquatic Lands Enhancement Account--State Appropriation \$603,000
 Emergency Medical Services and Trauma Care Systems
 Trust Account--State Appropriation ((~~\$13,531,000~~))
 \$13,212,000
 Safe Drinking Water Account--State Appropriation \$2,723,000
 Drinking Water Assistance Account--Federal
 Appropriation ((~~\$22,817,000~~))
 \$22,819,000
 Waterworks Operator Certification--State Appropriation \$1,519,000
 Drinking Water Assistance Administrative Account--
 State Appropriation \$326,000

State Toxics Control Account--State Appropriation	\$3,600,000
Medical Test Site Licensure Account--State Appropriation ((\$2,117,000))	\$2,270,000
Youth Tobacco Prevention Account--State Appropriation	\$1,512,000
Public Health Supplemental Account--Private/Local Appropriation ((\$3,525,000))	\$3,805,000
Community and Economic Development Fee Account--State Appropriation	\$298,000
Accident Account--State Appropriation	\$295,000
Medical Aid Account--State Appropriation	\$48,000
Tobacco Prevention and Control Account-- State Appropriation ((\$46,852,000))	\$44,203,000
Biotoxin Account--State Appropriation	\$1,165,000
TOTAL APPROPRIATION ((\$987,113,000))	\$1,085,487,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) Pursuant to RCW 43.135.055 and RCW 43.70.250, the department is authorized to establish fees by the amount necessary to fully support the cost of activities related to the administration of long-term care worker certification. The department is further authorized to increase fees by the amount necessary to implement the regulatory requirements of the following bills: House Bill No. 1414 (health care assistants), House Bill No. 1740 (dental residency licenses), and House Bill No. 1899 (retired active physician licenses).

(3) \$764,000 of the health professions account--state appropriation is provided solely for the medical quality assurance commission to maintain disciplinary staff and associated costs sufficient to reduce the backlog of disciplinary cases and to continue to manage the disciplinary caseload of the commission.

(4) \$57,000 of the general fund--state appropriation for fiscal year 2010 and \$58,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

(5) Funding for the human papillomavirus vaccine shall not be included in the department's universal vaccine purchase program in fiscal year 2010. Remaining funds for the universal vaccine purchase program shall be used to continue the purchase of all other vaccines included in the program until May 1, 2010, ~~((or until state funds are exhausted))~~ at which point state funding for the universal vaccine purchase program shall be discontinued. ~~((Funds from section 317 of the federal public health services act direct assistance shall not be used in lieu of state funds.))~~

(6) Beginning July 1, 2010, the department, in collaboration with the department of social and health services, shall maximize the use of existing federal funds, including section 317 of the federal public health services act direct assistance as well as federal funds that may become available under the American recovery and reinvestment act, in order to continue to provide immunizations for low-income, nonmedicaid eligible children up to three hundred percent of the federal poverty level in state-sponsored health programs.

(7) The department shall eliminate outreach activities for the health care directives registry and use the remaining amounts to maintain the contract for the registry and minimal staffing necessary to administer the basic entry functions for the registry.

(8) Funding in this section reflects a temporary reduction of resources for the 2009-11 fiscal biennium for the state board of health to conduct health impact reviews.

(9) Pursuant to RCW 43.135.055 and 43.70.125, the department is authorized to adopt rules to establish a fee schedule to apply to applicants for initial certification surveys of health care facilities for purposes of receiving federal health care program reimbursement. The fees shall only apply when the department has determined that federal funding is not sufficient to compensate the department for the cost of conducting initial certification surveys. The fees for initial certification surveys may be established as follows: Up to \$1,815 for ambulatory surgery centers, up to \$2,015 for critical access hospitals, up to \$980 for end stage renal disease facilities, up to \$2,285 for home health agencies, up to \$2,285 for hospice agencies, up to \$2,285 for hospitals, up to \$520 for rehabilitation facilities, up to \$690 for rural health clinics, and up to \$7,000 for transplant hospitals.

(10) Funding for family planning grants for fiscal year 2011 is reduced in the expectation that federal funding shall become available to expand coverage of services for individuals through programs at the department of social and health services. In the event that such funding is not provided, the legislature intends to continue funding through a supplemental appropriation at fiscal year 2010 levels.

(11) \$16,000,000 of the tobacco prevention and control account-- state appropriation is provided solely for local health jurisdictions to conduct core public health functions as defined in RCW 43.70.514.

- (12) \$100,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1414 (health care assistants). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (13) \$42,000 of the health professions account--state appropriation is provided solely to implement Substitute House Bill No. 1740 (dentistry license issuance). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.
- (14) \$23,000 of the health professions account--state appropriation is provided solely to implement Second Substitute House Bill No. 1899 (retired active physician licenses). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.
- (15) \$12,000 of the general fund--state appropriation for fiscal year 2010 and \$67,000 of the general fund--private/local appropriation are provided solely to implement House Bill No. 1510 (birth certificates). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.
- (16) \$31,000 of the health professions account is provided for the implementation of Second Substitute Senate Bill No. 5850 (human trafficking). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.
- (17) \$282,000 of the health professions account is provided for the implementation of Substitute Senate Bill No. 5752 (dentists cost recovery). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.
- (18) \$106,000 of the health professions account is provided for the implementation of Substitute Senate Bill No. 5601 (speech language assistants). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.
- (19) Subject to existing resources, the department of health is encouraged to examine, in the ordinary course of business, current and prospective programs, treatments, education, and awareness of cardiovascular disease that are needed for a thriving and healthy Washington.
- (20) \$10,000 of the general fund--state appropriation for fiscal year 2010 and \$40,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to study cost effective options for collecting demographic data related to the health care professions workforce to be submitted to the legislature by December 1, 2010.
- (21) \$4,500,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for department of health-funded family planning clinics to increase the capacity of the clinics to provide family planning and reproductive health services to low-income men and women who are not otherwise eligible for services through the department of social and health services medical assistance program and for clinical or other health services associated with sexually transmitted disease testing through the infertility prevention project. Funds appropriated and expended through this subsection shall be distributed in a manner that allocates funding to department of health-funded family planning clinics based upon the percentage of medical assistance family planning waiver clients in calendar year 2005 who received services from a provider located in the geographic area served by the department of health-funded clinic.
- (22) In accordance with RCW 43.70.250 and 43.135.055, the department is authorized to establish or raise fees in fiscal year 2011 as necessary to meet the actual costs of conducting business and the appropriation levels in this section. This authorization applies to fees for the review of sewage tank designs, and fees associated with the following professions: Acupuncture, dental, dentist, mental health counselor, nursing, nursing assistant, optometry, radiologic technologist, recreational therapy, respiratory therapy, cardiovascular invasive specialist, and social worker.
- (23) \$66,000 of the health professions account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2876 (pain management). If the bill is not enacted by June 30, 2010, the amount provided in this section shall lapse.
- (24) \$12,000 of the health professions account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 3072 (occupational therapy wound care). If the bill is not enacted by June 30, 2010, the amount provided in this section shall lapse.
- (25) \$18,000 of the health professions account--state appropriation is provided solely to implement House Bill No. 2888 (pharmacy technician continuing education). If the bill is not enacted by June 30, 2010, the amount provided in this section shall lapse.
- (26) \$10,000 of the health professions account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 2430 (cardiovascular invasive specialists). If the bill is not enacted by June 30, 2010, the amount provided in this section shall lapse.
- (27) \$23,000 of the general fund--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 2961 (tracking ephedrine, etc.). If the bill is not enacted by June 30, 2010, the amount provided in this section shall lapse.
- (28) \$58,000 of the general fund--state appropriation is provided solely to implement Second Substitute House Bill No. 2793 (registered domestic partnerships). If the bill is not enacted by June 30, 2010, the amount provided in this section shall lapse.
- (29) \$100,000 of the general fund--state appropriation is provided solely to implement Second Substitute House Bill No. 2551 (Washington vaccine association). If the bill is not enacted by June 30, 2010, the amount provided in this section shall lapse.
- (30) The department is authorized to coordinate a tobacco cessation media campaign using all appropriate media with the purpose of maximizing the use of quit-line services and youth smoking prevention.

NEW SECTION. Sec. 222. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS. The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2010, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2010 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 223. 2010 c 3 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2010)	((\$55,622,000))
\$55,772,000	
General Fund--State Appropriation (FY 2011)	((\$56,318,000))
\$57,089,000	
TOTAL APPROPRIATION	((\$111,940,000))
\$112,861,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Within funds appropriated in this section, the department shall seek contracts for chemical dependency vendors to provide chemical dependency treatment of offenders in corrections facilities, including corrections centers and community supervision facilities, which have demonstrated effectiveness in treatment of offenders and are able to provide data to show a successful treatment rate.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2010 and \$35,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(c) \$1,323,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the functions of the indeterminate sentence review board, pursuant to Substitute House Bill No. 2957 (indeterminate sentence review board). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2010)	(\$456,657,000))
\$457,940,000	
General Fund--State Appropriation (FY 2011)	(\$626,303,000))
\$624,963,000	
General Fund--Federal Appropriation	(\$185,131,000))
\$186,043,000	
((General Fund--Private/Local Appropriation	\$3,536,000))
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$5,960,000
TOTAL APPROPRIATION	(\$1,277,587,000))
\$1,274,906,000	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(c) During the 2009-11 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(d) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(e) A political subdivision which is applying for funding to mitigate one-time impacts associated with construction or expansion of a correctional institution, consistent with WAC 137-12A-030, may apply for the mitigation funds in the fiscal biennium in which the impacts occur or in the immediately succeeding fiscal biennium.

(f) Within amounts provided in this subsection, the department, jointly with the department of social and health services, shall identify the number of offenders released through the extraordinary medical placement program, the cost savings to the department of corrections, including estimated medical cost savings, and the costs for medical services in the community incurred by the department of social and health services. The department and the department of social and health services shall jointly report to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010.

(g) \$11,863,000 of the general fund--state appropriation for fiscal year 2010, \$11,864,000 of the general fund--state appropriation for fiscal year 2011, and \$2,336,000 of the general fund-private/local appropriation are provided solely for in-prison evidence-based programs and for the reception diagnostic center program as part of the offender re-entry initiative.

(h) The department shall appropriately transition offenders from custody as close as possible to the offender's earned release date without adversely affecting public safety. The number of offenders held beyond their earned release date should not exceed the number of offenders held beyond their earned release date in fiscal year 2008. By June 1, 2010, the department shall provide a report on its offender population to the office of financial management and the legislative fiscal committees. The report shall include (i) an explanation for the increase in the adult inmate population between the November 2009 forecast and the February 2010 forecast; (ii) an explanation for the increase in the number of offenders held beyond their earned release date between fiscal year 2008 and calendar year 2009; and (iii) a description of the department's actions to reduce and maintain the number of offenders held beyond their earned release date to the population level from fiscal year 2008, and a timetable for achieving that goal.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2010)	(\$151,249,000))
\$152,812,000	
General Fund--State Appropriation (FY 2011)	(\$141,785,000))
\$141,644,000	

TOTAL APPROPRIATION (~~(\$293,034,000)~~)
 \$294,456,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.
- (b) \$2,083,000 of the general fund--state appropriation for fiscal year 2010 and \$2,083,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Senate Bill No. 5525 (state institutions/release). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.
- (c) The appropriations in this subsection are based upon savings assumed from the implementation of Engrossed Substitute Senate Bill No. 5288 (supervision of offenders).
- (d) \$2,791,000 of the general fund--state appropriation for fiscal year 2010 and \$3,166,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for evidence-based community programs and for community justice centers as part of the offender re- entry initiative.
- (e) \$984,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for supplemental services that will be provided to offenders in lieu of a prison sentence, pursuant to Second Substitute House Bill No. 3045 (confinement alternatives). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2010) \$2,574,000
 General Fund--State Appropriation (FY 2011) \$2,565,000
 TOTAL APPROPRIATION \$5,139,000

The appropriations in this subsection are subject to the following conditions and limitations: \$132,000 of the general fund--state appropriation for fiscal year 2010 and \$132,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2010) (~~(\$40,455,000)~~)
 \$40,728,000
 General Fund--State Appropriation (FY 2011) (~~(\$40,450,000)~~)
 \$40,084,000
 TOTAL APPROPRIATION (~~(\$80,905,000)~~)
 \$80,812,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The state prison institutions may use funds appropriated in this subsection to rent uniforms from correctional industries in accordance with existing legislative mandates.
- (b) The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

Sec. 224. **2009 c 564 s 224 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND
 General Fund--State Appropriation (FY 2010) (~~(\$2,544,000)~~)
 \$2,504,000
 General Fund--State Appropriation (FY 2011) (~~(\$2,550,000)~~)
 \$2,509,000
 General Fund--Federal Appropriation (~~(\$18,125,000)~~)
 \$18,208,000
 General Fund--Private/Local Appropriation(~~(\$20,000)~~)
 \$30,000
 TOTAL APPROPRIATION (~~(\$23,239,000)~~)
 \$23,251,000

The amounts appropriated in this section are subject to the following conditions and limitations: Sufficient amounts are appropriated in this section to support contracts for services that provide employment support and help with life activities for deaf and blind individuals in King county.

Sec. 225. **2010 c 3 s 216 (uncodified) is amended to read as follows:**

FOR THE SENTENCING GUIDELINES COMMISSION
 General Fund--State Appropriation (FY 2010) \$962,000
 General Fund--State Appropriation (FY 2011) (~~(\$960,000)~~)
 \$942,000
 TOTAL APPROPRIATION (~~(\$1,922,000)~~)
 \$1,910,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the sentencing guidelines commission, in partnership with the courts, shall develop a plan to implement an evidence-based system of community custody for adult felons that will include the consistent use of evidence-based risk and needs assessment tools, programs, supervision modalities, and monitoring of program integrity. The plan for the evidence-based system of community custody shall include provisions for identifying cost-effective rehabilitative programs; identifying offenders for whom such programs would be cost-effective; monitoring the system for cost-effectiveness; and reporting annually to the legislature. In developing the plan, the sentencing guidelines shall consult with: The Washington state institute for public policy; the legislature; the department of corrections; local governments; prosecutors; defense attorneys; victim advocate groups; law enforcement; the Washington federation of state employees; and other interested entities. The sentencing guidelines commission shall report its recommendations to the governor and the legislature by December 1, 2009.

(2)(a) Except as provided in subsection (b), during the 2009-11 biennium, the reports required by RCW 9.94A.480(2) and 9.94A.850(2) (d) and (h) shall be prepared within the available funds and may be delayed or suspended at the discretion of the commission.

(b) The commission shall submit the analysis described in section 15 of Engrossed Substitute Senate Bill No. 5288 no later than December 1, 2011.

Sec. 226. **2009 c 564 s 226 (uncodified) is amended to read as follows:**

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2010) ((~~\$7,054,000~~))

\$5,054,000

General Fund--State Appropriation (FY 2011) ((~~\$53,000~~))

\$2,053,000

General Fund--Federal Appropriation ((~~\$320,561,000~~))

\$324,245,000

General Fund--Private/Local Appropriation \$33,825,000

Unemployment Compensation Administration

Account--Federal Appropriation ((~~\$332,904,000~~))

\$361,467,000

Administrative Contingency Account--State

Appropriation ((~~\$293,000~~))

\$295,000

Employment Service Administrative Account--

State Appropriation ((~~\$37,195,000~~))

\$37,669,000

TOTAL APPROPRIATION ((~~\$731,885,000~~))

\$764,608,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$55,029,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) and (f) of the social security act (Reed act). This amount is authorized to continue current unemployment insurance functions and department services to employers and job seekers.

(2) \$32,067,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) and (f) of the social security act (Reed act). This amount is authorized to fund the replacement of the unemployment insurance tax information system (TAXIS) for the employment security department. This section is subject to section 902 of this act.

(3) \$110,000 of the unemployment compensation administration account--federal appropriation is provided solely for implementation of Senate Bill No. 5804 (leaving part time work voluntarily). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(4) \$1,263,000 of the unemployment compensation administration account--federal appropriation is provided solely for implementation of Senate Bill No. 5963 (unemployment insurance). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(5) \$159,000 of the unemployment compensation account--federal appropriation is provided solely for the implementation of House Bill No. 1555 (underground economy) from funds made available to the state by section 903(d) of the social security act (Reed act).

(6) \$293,000 of the administrative contingency--state appropriation for fiscal year 2010 is provided solely for the implementation of House Bill No. 2227 (evergreen jobs act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(7) \$7,000,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Senate Bill No. 5809 (WorkForce employment and training). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(8) \$444,000 of the unemployment compensation administration account--federal appropriation from funds made available to the state by section 903(d) or (f) of the social security act (Reed act) is provided solely for the implementation of Substitute House Bill No. 2648 (unemployment insurance penalties and contribution rates). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(9) \$232,000 of the unemployment compensation administration account--federal appropriation from funds made available to the state by section 903(c) or (f) of the social security act (Reed act) is provided solely for the implementation of Substitute House Bill No. 2789 (underground economic activity). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(End of part)

**PART III
NATURAL RESOURCES**

Sec. 301. **2009 c 564 s 301 (uncodified) is amended to read as follows:**

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2010) ((~~\$441,000~~))

\$533,000
 General Fund--State Appropriation (FY 2011) ((~~\$445,000~~))
 \$53,000
 General Fund--Federal Appropriation ((~~\$30,000~~))
 \$15,000
 General Fund--Private/Local Appropriation((~~\$864,000~~))
 \$574,000
 TOTAL APPROPRIATION ((~~\$1,780,000~~))
 \$1,175,000

The appropriations in the section are subject to the following conditions and limitations: \$92,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for implementation of Substitute House Bill No. 3132 (Columbia river gorge compact). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 302. **2010 c 3 s 301 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2010) ((~~\$59,991,000~~))
 \$58,676,000
 General Fund--State Appropriation (FY 2011) ((~~\$58,047,000~~))
 \$51,681,000
 General Fund--Federal Appropriation ((~~\$82,452,000~~))
 \$82,270,000
 General Fund--Private/Local Appropriation((~~\$16,668,000~~))
 \$16,900,000
 Special Grass Seed Burning Research Account--State
 Appropriation \$14,000
 Reclamation Account--State Appropriation ((~~\$3,679,000~~))
 \$3,665,000
 Flood Control Assistance Account--State
 Appropriation ((~~\$1,965,000~~))
 \$1,959,000
 Waste Reduction/Recycling/Litter Control--State
 Appropriation ((~~\$14,554,000~~))
 \$12,473,000
 State and Local Improvements Revolving Account
 (Water Supply Facilities)--State Appropriation ((~~\$426,000~~))
 \$424,000
 Freshwater Aquatic Algae Control Account--State
 Appropriation \$509,000
 ((Water Rights Tracking System Account--State
 Appropriation \$116,000))
 Site Closure Account--State Appropriation ((~~\$706,000~~))
 \$924,000
 Wood Stove Education and Enforcement Account--
 State Appropriation \$612,000
 Worker and Community Right-to-Know Account--
 State Appropriation ((~~\$1,670,000~~))
 \$1,664,000
 State Toxics Control Account--State
 Appropriation ((~~\$101,705,000~~))
 \$97,407,000
 State Toxics Control Account--Private/Local
 Appropriation ((~~\$383,000~~))
 \$380,000
 Local Toxics Control Account--State Appropriation ((~~\$24,730,000~~))
 \$24,698,000
 Water Quality Permit Account--State Appropriation ((~~\$37,433,000~~))
 \$37,252,000
 Underground Storage Tank Account--State
 Appropriation ((~~\$3,298,000~~))
 \$3,277,000
 Biosolids Permit Account--State Appropriation ((~~\$1,413,000~~))
 \$1,807,000
 Hazardous Waste Assistance Account--State
 Appropriation ((~~\$5,930,000~~))
 \$5,899,000
 Air Pollution Control Account--State Appropriation ((~~\$2,030,000~~))
 \$2,135,000

Oil Spill Prevention Account--State Appropriation	(\$10,688,000)
\$10,633,000	
Air Operating Permit Account--State Appropriation	(\$2,783,000)
\$2,766,000	
Freshwater Aquatic Weeds Account--State Appropriation	(\$1,699,000)
\$1,698,000	
Oil Spill Response Account--State Appropriation	(\$7,078,000)
\$7,077,000	
Metals Mining Account--State Appropriation	\$14,000
Pollution Liability Insurance Program Trust Account--State Appropriation	\$314,000
Water Pollution Control Revolving Account--State Appropriation	(\$465,000)
\$535,000	
Water Pollution Control Revolving Account--Federal Appropriation	(\$1,940,000)
\$2,222,000	
Water Rights Processing and Dam Safety Account-- State Appropriation	\$2,500,000
TOTAL APPROPRIATION	(\$442,998,000)
\$432,385,000	

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.
- (2) \$240,000 of the woodstove education and enforcement account-- state appropriation is provided solely for citizen outreach efforts to improve understanding of burn curtailments, the proper use of wood heating devices, and public awareness of the adverse health effects of woodsmoke pollution.
- (3) \$3,000,000 of the general fund--private/local appropriation is provided solely for contracted toxic-site cleanup actions at sites where multiple potentially liable parties agree to provide funding.
- (4) \$3,600,000 of the local toxics account--state appropriation is provided solely for the standby emergency rescue tug stationed at Neah Bay.
- (5) \$811,000 of the state toxics account--state appropriation is provided solely for oversight of toxic cleanup at facilities that treat, store, and dispose of hazardous wastes.
- (6) \$1,456,000 of the state toxics account--state appropriation is provided solely for toxic cleanup at sites where willing parties negotiate prepayment agreements with the department and provide necessary funding.
- (7) \$558,000 of the state toxics account--state appropriation and \$3,000,000 of the local toxics account--state appropriation are provided solely for grants and technical assistance to Puget Sound-area local governments engaged in updating shoreline master programs.
- (8) \$950,000 of the state toxics control account--state appropriation is provided solely for measuring water and habitat quality to determine watershed health and assist salmon recovery, beginning in fiscal year 2011.
- (9) RCW 70.105.280 authorizes the department to assess reasonable service charges against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that involves both a nonradioactive hazardous component and a radioactive component. Service charges may not exceed the costs to the department in carrying out the duties in RCW 70.105.280. The current service charges do not meet the costs of the department to carry out its duties. Pursuant to RCW 43.135.055 and 70.105.280, the department is authorized to increase the service charges no greater than 18 percent for fiscal year 2010 and no greater than 15 percent for fiscal year 2011. Such service charges shall include all costs of public participation grants awarded to qualified entities by the department pursuant to RCW 70.105D.070(5) for facilities at which such grants are recognized as a component of a community relations or public participation plan authorized or required as an element of a consent order, federal facility agreement or agreed order entered into or issued by the department pursuant to any federal or state law governing investigation and remediation of releases of hazardous substances. Public participation grants funded by such service charges shall be in addition to, and not in place of, any other grants made pursuant to RCW 70.105D.070(5). Costs for the public participation grants shall be billed individually to the mixed waste facility associated with the grant.
- (10) The department is authorized to increase the following fees in the 2009-2011 biennium as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Environmental lab accreditation, dam safety and inspection, biosolids permitting, air emissions new source review, and manufacturer registration and renewal.
- (11) \$63,000 of the state toxics control account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 5797 (solid waste handling permits). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (12) \$225,000 of the general fund--state appropriation for fiscal year 2010 and \$193,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.
- (13) \$150,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$150,000)~~ \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for watershed planning implementation grants to continue ongoing efforts to develop and implement water agreements in the Nooksack Basin and the Bertrand watershed. These amounts are intended to support project administration; monitoring; negotiations in the Nooksack watershed between tribes, the department, and affected water users; continued implementation of a flow augmentation project; plan implementation in the Fishtrap watershed; and the development of a water bank.

(14) \$215,000 of the general fund--state appropriation for fiscal year 2010 and \$235,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to provide watershed planning implementation grants for WRIA 32 to implement Substitute House Bill No. 1580 (pilot local water management program). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(15) \$200,000 of the general fund--state appropriation for fiscal year 2010 and \$200,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the purpose of supporting the trust water rights program and processing trust water right transfer applications that improve instream flow.

(16)(a) The department shall convene a stock water working group that includes: Legislators, four members representing agricultural interests, three members representing environmental interests, the attorney general or designee, the director of the department of ecology or designee, the director of the department of agriculture or designee, and affected federally recognized tribes shall be invited to send participants.

(b) The group shall review issues surrounding the use of permit- exempt wells for stock-watering purposes and may develop recommendations for legislative action.

(c) The working group shall meet periodically and report its activities and recommendations to the governor and the appropriate legislative committees by December 1, 2009.

(17) \$73,000 of the water quality permit account--state appropriation is provided solely to implement Substitute House Bill No. 1413 (water discharge fees). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(18) The department shall continue to work with the Columbia Snake River irrigators' association to determine how seasonal water operation and maintenance conservation can be utilized. In implementing this proviso, the department shall also consult with the Columbia River policy advisory group as appropriate.

(19) The department shall track any changes in costs, wages, and benefits that would have resulted if House Bill No. 1716 (public contract living wages), as introduced in the 2009 regular session of the legislature, were enacted and made applicable to contracts and related subcontracts entered into, renewed, or extended during the 2009-11 biennium. The department shall submit a report to the house of representatives commerce and labor committee and the senate labor, commerce, and consumer protection committee by December 1, 2011. The report shall include data on any aggregate changes in wages and benefits that would have resulted during the 2009-11 biennium.

(20) Within amounts appropriated in this section the department shall develop recommendations by December 1, 2009, for a convenient and effective mercury-containing light recycling program for residents, small businesses, and small school districts throughout the state. The department shall consider options including but not limited to, a producer-funded program, a recycler-supported or recycle fee program, a consumer fee at the time of purchase, general fund appropriations, or a currently existing dedicated account. The department shall involve and consult with stakeholders including persons who represent retailers, waste haulers, recyclers, mercury-containing light manufacturers or wholesalers, cities, counties, environmental organizations and other interested parties. The department shall report its findings and recommendations for a recycling program for mercury-containing lights to the appropriate committees of the legislature by December 1, 2009.

(21) During the 2009-11 biennium, the department shall implement its cost reimbursement authority for processing water right applications using a competitive bidding process. For each cost reimbursement application, the department shall obtain cost proposals and other necessary information from at least three prequalified costs reimbursement consultants and shall select the lowest responsive bidder.

(22) \$140,000 of the freshwater aquatic algae control account-- state appropriation is provided solely for grants to cities, counties, tribes, special purpose districts, and state agencies for capital and operational expenses used to manage and study excessive saltwater algae with an emphasis on the periodic accumulation of sea lettuce on Puget Sound beaches.

(23) By December 1, 2009, the department in consultation with local governments shall conduct a remedial action grant financing alternatives report. The report shall address options for financing the remedial action grants identified in the department's report, entitled "House Bill 1761, Model Toxics Control Accounts Ten-Year Financing Plan" and shall include but not be limited to the following: (a) Capitalizing cleanup costs using debt insurance; (b) capitalizing cleanup costs using prefunded cost-cap insurance; (c) other contractual instruments with local governments; and (d) an assessment of overall economic benefits of the remedial action grants funded using the instruments identified in this section.

(24) \$220,000 of the site closure account--state appropriation is provided solely for litigation expenses associated with the lawsuit filed by energy solutions, inc., against the northwest interstate compact on low-level radioactive waste management, and its executive director.

(25) \$300,000 of the state toxics control account--state appropriation is provided solely for piloting and evaluating two coordinated, multijurisdictional permitting teams for nontransportation projects.

(26) \$48,000 of the state toxics control account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 1180 (bisphenol A use). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(27) \$2,500,000 of the water rights processing and dam safety account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 2591 (water rights permits). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(28) \$314,000 of the pollution liability insurance trust account-- state appropriation is provided solely for Engrossed House Bill No. 3023 (pollution liability agency). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 303. 2010 c 3 s 302 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2010)	(\$23,326,000)
\$23,176,000	
General Fund--State Appropriation (FY 2011)	(\$22,729,000)
\$20,337,000	
General Fund--Federal Appropriation	(\$5,902,000)
\$6,902,000	
General Fund--Private/Local Appropriation	\$73,000
Winter Recreation Program Account--State Appropriation	\$1,558,000
Off Road Vehicle Account--State Appropriation	\$239,000
Snowmobile Account--State Appropriation	\$4,842,000
Aquatic Lands Enhancement Account--State Appropriation	\$363,000

Recreation Resources Account--State Appropriation \$9,802,000
 NOVA Program Account--State Appropriation \$9,560,000
 Parks Renewal and Stewardship Account--State
 Appropriation ~~((\\$71,778,000))~~
 \$72,978,000
 Parks Renewal and Stewardship Account--
 Private/Local Appropriation \$300,000
 TOTAL APPROPRIATION ~~((\\$150,472,000))~~
 \$150,130,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$79,000 of the general fund--state appropriation for fiscal year 2010 and \$79,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant for the operation of the Northwest avalanche center.

(2) Proceeds received from voluntary donations given by motor vehicle registration applicants shall be used solely for the operation and maintenance of state parks.

(3) With the passage of Substitute House Bill No. 2339 (state parks system donation), the legislature finds that it has provided sufficient funds to ensure that all state parks remain open during the 2009-11 biennium. The commission shall not close state parks unless the bill is not enacted by June 30, 2009, or revenue collections are insufficient to fund the ongoing operation of state parks. By January 10, 2010, the commission shall provide a report to the legislature on their budget and resources related to operating parks for the remainder of the biennium.

(4) The commission shall work with the department of general administration to evaluate the commission's existing leases with the intention of increasing net revenue to state parks. The commission shall provide to the office of financial management and the legislative fiscal committees no later than September 30, 2009, a list of leases the commission proposes be managed by the department of general administration.

Sec. 304. **2009 c 564 s 304 (uncodified) is amended to read as follows:**

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund--State Appropriation (FY 2010) ~~((\\$1,511,000))~~
 \$1,486,000
 General Fund--State Appropriation (FY 2011) ~~((\\$1,558,000))~~
 \$1,331,000
 General Fund--Federal Appropriation ~~((\\$10,431,000))~~
 \$10,322,000
 General Fund--Private/Local Appropriation \$250,000
 Aquatic Lands Enhancement Account--State Appropriation \$278,000
 Firearms Range Account--State Appropriation \$39,000
 Recreation Resources Account--State Appropriation ~~((\\$2,805,000))~~
 \$2,776,000
 NOVA Program Account--State Appropriation ~~((\\$1,062,000))~~
 \$1,052,000
 TOTAL APPROPRIATION ~~((\\$17,934,000))~~
 \$17,534,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$204,000 of the general fund--state appropriation for fiscal year 2010 and \$244,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute House Bill No. 2157 (salmon recovery). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) The recreation and conservation office, under the direction of the salmon recovery funding board, shall assess watershed and regional-scale capacity issues relating to the support and implementation of salmon recovery. The assessment shall examine priority setting and incentives to further promote coordination to ensure that effective and efficient mechanisms for delivery of salmon recovery funding board funds are being utilized. The salmon recovery funding board shall distribute its operational funding to the appropriate entities based on this assessment.

(3) The recreation and conservation office shall negotiate an agreement with the Puget Sound partnership to consolidate or share certain administrative functions currently performed by each agency independently. They shall proportionately share the costs of such shared functions. Examples of shared functions may include, but are not limited to, support for personnel, information technology, grant and contract management, invasive species work, legislative coordination, and policy and administrative support of various boards and councils.

Sec. 305. **2009 c 564 s 305 (uncodified) is amended to read as follows:**

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2010) ~~((\\$1,079,000))~~
 \$1,062,000
 General Fund--State Appropriation (FY 2011) ~~((\\$1,074,000))~~
 \$1,167,000
 TOTAL APPROPRIATION ~~((\\$2,153,000))~~
 \$2,229,000

The appropriations in this section are subject to the following conditions and limitations: \$46,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for tenant improvement costs associated with moving the office to a new location.

Sec. 306. **2010 c 3 s 303 (uncodified) is amended to read as follows:**

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2010) \$7,575,000

General Fund--State Appropriation (FY 2011) (~~(\$7,590,000)~~)
 \$7,340,000
 General Fund--Federal Appropriation \$1,179,000
 TOTAL APPROPRIATION(~~(\$16,344,000)~~)
 \$16,094,000

The appropriations in this section are subject to the following conditions and limitations: The commission is not required to utilize the office of financial management small agency client services under section 903 of this act for contracts and financial support to conservation districts. The commission shall continue to utilize small agency client services for personnel and payroll processing.

Sec. 307. 2010 c 3 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2010) (~~(\$40,686,000)~~)
 \$41,319,000
 General Fund--State Appropriation (FY 2011) (~~(\$38,891,000)~~)
 \$35,350,000
 General Fund--Federal Appropriation (~~(\$86,330,000)~~)
 \$86,336,000
 General Fund--Private/Local Appropriation(~~(\$47,490,000)~~)
 \$47,492,000
 Off Road Vehicle Account--State Appropriation \$415,000
 Aquatic Lands Enhancement Account--State
 Appropriation \$6,757,000
 Recreational Fisheries Enhancement--State
 Appropriation (~~(\$3,640,000)~~)
 \$3,482,000
 Warm Water Game Fish Account--State Appropriation \$2,877,000
 Eastern Washington Pheasant Enhancement Account--
 State Appropriation \$848,000
 Aquatic Invasive Species Enforcement Account--
 State Appropriation \$207,000
 Aquatic Invasive Species Prevention Account--
 State Appropriation \$844,000
 Wildlife Account--State Appropriation (~~(\$76,178,000)~~)
 \$83,784,000
 Game Special Wildlife Account--State Appropriation \$2,381,000
 Game Special Wildlife Account--Federal
 Appropriation (~~(\$8,928,000)~~)
 \$3,428,000
 Game Special Wildlife Account--Private/Local
 Appropriation \$487,000
 Wildlife Rehabilitation Account--State Appropriation \$270,000
 Regional Fisheries Salmonid Recovery Account--
 Federal Appropriation \$5,001,000
 Oil Spill Prevention Account--State Appropriation \$884,000
 Oyster Reserve Land Account--State Appropriation \$918,000
 Hydraulic Project Approval Account--State Appropriation \$3,407,000
 TOTAL APPROPRIATION (~~(\$324,032,000)~~)
 \$326,487,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$294,000 of the aquatic lands enhancement account--state appropriation is provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.
- (2) \$355,000 of the general fund--state appropriation for fiscal year 2010 and \$422,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to implement a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program. For the purposes of the pilot project:
 - (a) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;
 - (b) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;
 - (c) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;
 - (d) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(e) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(3) Prior to submitting its 2011-2013 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.

(4) Within existing funds, the department shall continue implementing its capital program action plan dated September 1, 2007, including the purchase of the necessary maintenance and support costs for the capital programs and engineering tools. The department shall report to the office of financial management and the appropriate committees of the legislature, its progress in implementing the plan, including improvements instituted in its capital program, by September 30, 2011.

(5) \$1,232,000 of the state wildlife account--state appropriation is provided solely to implement Substitute House Bill No. 1778 (fish and wildlife). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(6) \$400,000 of the general fund--state appropriation for fiscal year 2010 and \$400,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(7) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for removal of derelict gear in Washington waters.

(8) The department of fish and wildlife shall dispose of all (~~fixed-wing~~) Cessna aircraft it currently owns. The proceeds from the aircraft shall be deposited into the state wildlife account. Disposal of the aircraft must occur no later than June 30, 2010. The department shall coordinate with the department of natural resources on the installation of fire surveillance equipment into its Partenavia aircraft. The department shall make its Partenavia aircraft available to the department of natural resources on a cost-reimbursement basis for its use in coordinating fire suppression efforts. The two agencies shall develop an interagency agreement that defines how they will share access to the plane.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for an electron project fish passage study consistent with the recommendations and protocols contained in the 2008 electron project downstream fish passage final report.

(10) \$60,000 of the general fund--state appropriation for fiscal year 2010 and \$60,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(11) If sufficient new revenues are not identified to continue hatchery operations, within the constraints of legally binding tribal agreements, the department shall dispose of, by removal, sale, lease, reversion, or transfer of ownership, the following hatcheries: McKernan, Colville, Omak, Bellingham, Arlington, and Mossyrock. Disposal of the hatcheries must occur by June 30, 2011, and any proceeds received from disposal shall be deposited in the state wildlife account. Within available funds, the department shall provide quarterly reports on the progress of disposal to the office of financial management and the appropriate fiscal committees of the legislature. The first report shall be submitted no later than September 30, 2009.

(12) \$100,000 of the eastern Washington pheasant enhancement account--state appropriation is provided solely for the department to support efforts to enhance permanent and temporary pheasant habitat on public and private lands in Grant, Franklin, and Adams counties. The department may support efforts by entities including conservation districts, nonprofit organizations, and landowners, and must require such entities to provide significant nonstate matching resources, which may be in the form of funds, material, or labor.

(13) Within the amounts appropriated in this section, the department of fish and wildlife shall develop a method for allocating its administrative and overhead costs proportionate to program fund use. As part of its 2011-2013 biennial operating budget, the department shall submit a decision package that rebalances expenditure authority for all agency funds based upon proportionate contributions.

(14) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(15) Within the amounts appropriated in this section, the department shall work with stakeholders to develop a long-term funding model that sustains the department's work of conserving species and habitat, providing sustainable recreational and commercial opportunities and using sound business practices. The funding model analysis shall assess the appropriate uses of each fund source and whether the department's current and projected revenue levels are adequate to sustain its current programs. The department shall report its recommended funding model including supporting analysis and stakeholder participation summary to the office of financial management and the appropriate committees of the legislature by October 1, 2010.

(16) By October 1, 2010, the department shall enter into an interagency agreement with the department of natural resources for land management services for the department's wildlife conservation and recreation lands. Land management services may include but are not limited to records management, real estate services such as surveying, and land acquisition and disposal services. The interagency agreement shall describe business processes, service delivery expectations, cost, and timing. In the agreement, the department shall define its roles and responsibilities. A draft agreement shall be submitted to the office of financial management and the appropriate fiscal committees of the legislature by July 1, 2010.

(17) \$56,000 of the state wildlife account--state appropriation is provided solely for implementation of Substitute House Bill No. 1838 (Spirit Lake trout fishery). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(18) \$123,000 of the state wildlife account--state appropriation is provided solely for implementation of Substitute House Bill No. 2569 (outdoor recreation information). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(19) \$3,407,000 of the hydraulic project approval account--state appropriation is provided solely for implementation of House Bill No. 3037 (hydraulic project permitting). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(20) \$50,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for increased fish production at Voight Creek hatchery.

Sec. 308. 2009 c 564 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2010)	(\$40,275,000))
\$48,822,000	
General Fund--State Appropriation (FY 2011)	(\$40,857,000))
\$37,262,000	
General Fund--Federal Appropriation	(\$26,731,000))
\$27,231,000	
General Fund--Private/Local Appropriation	(\$1,371,000))
\$2,371,000	
Forest Development Account--State Appropriation	(\$41,765,000))
\$41,812,000	
Off Road Vehicle Account--State Appropriation	(\$4,236,000))
\$4,436,000	
Surveys and Maps Account--State Appropriation	(\$2,543,000))
\$2,343,000	
Aquatic Lands Enhancement Account--State Appropriation	(\$7,217,000))
\$8,247,000	
Resources Management Cost Account--State Appropriation	(\$78,951,000))
\$79,006,000	
Surface Mining Reclamation Account--State Appropriation	\$3,490,000
Disaster Response Account--State Appropriation	\$5,000,000
Forest and Fish Support Account--State Appropriation	\$8,000,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation	\$1,336,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation	(\$34,000))
\$177,000	
State Toxics Control Account--State Appropriation	(\$80,000))
\$720,000	
Air Pollution Control Account--State Appropriation	\$569,000
NOVA Program Account--State Appropriation	\$982,000
Derelict Vessel Removal Account--State Appropriation	\$1,754,000
Agricultural College Trust Management Account-- State Appropriation	(\$2,643,000))
\$1,945,000	
TOTAL APPROPRIATION	(\$267,834,000))
\$275,503,000	

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,355,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$1,299,000))~~ \$349,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.
- (2) \$11,128,000 of the general fund--state appropriation for fiscal year 2010, ~~(\$11,128,000))~~ \$22,670,000 of the general fund--state appropriation for fiscal year 2011, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.
- (3) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.
- (4) \$600,000 of the derelict vessel removal account--state appropriation is provided solely for removal of derelict and abandoned vessels that have the potential to contaminate Puget Sound.
- (5) \$666,000 of the general fund--federal appropriation is provided solely to implement House Bill No. 2165 (forest biomass energy project). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (6) \$5,000 of the general fund--state appropriation for fiscal year 2010 and \$5,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Substitute House Bill No. 1038 (specialized forest products). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.
- (7) \$440,000 of the state general fund--state appropriation for fiscal year 2010 and \$440,000 of the state general fund--state appropriation for fiscal year 2011 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp at the level provided in fiscal year 2008. The department shall consider using up to \$2,000,000 of the general fund--federal

appropriation to support and utilize correctional camp crews to implement natural resource projects approved by the federal government for federal stimulus funding.

(8) The department of natural resources shall dispose of the King Air aircraft it currently owns. Before disposal and within existing funds, the department shall transfer specialized equipment for fire surveillance to the department of fish and wildlife's Partenavia aircraft. Disposal of the aircraft must occur no later than June 30, 2010, and the proceeds from the sale of the aircraft shall be deposited into the natural resources equipment revolving fund. At the expiration of current leases, the department shall lease facilities in eastern Washington sufficient to house the necessary aircraft, mechanics, and pilots used for forest fire prevention and suppression.

(9) \$30,000 of the general fund--state appropriation for fiscal year 2010 and \$30,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(10) The department may not include shellfish growers in its aquatic habitat conservation plan if those growers have been issued a federal nationwide permit by the United States army corps of engineers, in consultation with the United States fish and wildlife service and the national marine fisheries service, which concludes that existing shellfish cultivation activities on department-managed aquatic lands will not pose jeopardy to threatened or endangered species under the federal endangered species act.

(11) \$1,030,000 of the aquatic lands enhancement account--state appropriation for fiscal year 2011 is provided solely for continuing scientific studies already underway as part of the adaptive management process. Funds may not be used to initiate new studies unless the department secures new federal funding for the adaptive management process.

(12) By October 1, 2010, the department shall enter into an interagency agreement with the department of fish and wildlife for providing land management services on the department of fish and wildlife's wildlife conservation and recreation lands. Land management services may include but are not limited to records management, real estate services such as surveying, and land acquisition and disposal services. The interagency agreement shall describe business processes, service delivery expectations, cost, and timing. A draft agreement shall be submitted to the office of financial management and the appropriate fiscal committees of the legislature by July 1, 2010.

(13) \$143,000 of the natural resources conservation areas stewardship account--state appropriation is provided solely for implementation of House Bill No. 3122 (natural heritage program/DNR). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(14) \$41,000 of the forest development account--state appropriation, \$44,000 of the resources management cost account--state appropriation, and \$2,000 of the agricultural college trust management account--state appropriation are provided solely for the implementation of Second Substitute House Bill No. 2481 (DNR forest biomass agreements). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(15) \$56,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2480 (sustainable recreation work group). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 309. 2010 c 3 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2010)	(\$12,329,000)
\$12,331,000	
General Fund--State Appropriation (FY 2011)	(\$11,271,000)
\$16,122,000	
General Fund--Federal Appropriation	(\$11,565,000)
\$21,008,000	
General Fund--Private/Local Appropriation	\$194,000
Aquatic Lands Enhancement Account--State	
Appropriation	\$2,559,000
State Toxics Control Account--State Appropriation	(\$4,298,000)
\$4,714,000	
Water Quality Permit Account--State Appropriation	\$61,000
TOTAL APPROPRIATION	(\$42,277,000)
\$56,989,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the aquatic lands enhancement account appropriation is provided solely for funding to the Pacific county noxious weed control board to eradicate remaining spartina in Willapa Bay.

(2) \$19,000 of the general fund--state appropriation for fiscal year 2010 and \$6,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Substitute Senate Bill No. 5797 (solid waste handling permits). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(3) The department is authorized to establish or increase the following fees in the 2009-11 biennium as necessary to meet the actual costs of conducting business: Christmas tree grower licensing, nursery dealer licensing, plant pest inspection and testing, and commission merchant licensing.

(4) Fair account allocations to youth shows for each fiscal year of the 2009-2011 biennium must be at a minimum equal to those in the previous biennium.

(5) \$5,420,000 of the general fund--state appropriation for fiscal year 2011 and \$2,782,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 2863 (food assistance/ag dept). Within amounts appropriated in this subsection, \$65,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to this contract. If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(6) The department shall, if public or private funds are available, partner with eligible public and private entities with experience in food collection and distribution to review funding sources for eight full-time volunteers in the AmeriCorps VISTA program to conduct outreach to local growers, agricultural donors, and community volunteers. Public and private partners shall also be utilized to coordinate gleaning unharvested tree fruits and fresh produce for distribution to individuals throughout Washington state.

Sec. 310. **2009 c 564 s 310 (uncodified) is amended to read as follows:**

FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust Account--State Appropriation ~~((638,000))~~
 \$324,000

The appropriation in this section is subject to the following conditions and limitations: Beginning July 1, 2010, the functions of the pollution liability insurance agency set forth in chapters 70.148 and 70.149 RCW are transferred to the department of ecology. Funding for these activities for fiscal year 2011 is appropriated to the department of ecology.

Sec. 311. **2010 c 3 s 306 (uncodified) is amended to read as follows:**

FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2010) ~~((3,172,000))~~
 \$3,181,000

General Fund--State Appropriation (FY 2011) ~~((3,143,000))~~
 \$3,000,000

General Fund--Federal Appropriation ~~((3,623,000))~~
 \$7,236,000

Aquatic Lands Enhancement Account--State
 Appropriation ~~((500,000))~~
 \$496,000

State Toxics Control Account--State Appropriation ~~((896,000))~~
 \$817,000

TOTAL APPROPRIATION ~~((11,334,000))~~
 \$14,730,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$305,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for measuring water and habitat quality to determine watershed health and assist salmon recovery.

(2) \$896,000 of the state toxics control account--state appropriation is provided solely for activities that contribute to Puget Sound protection and recovery, including provision of independent advice and assessment of the state's oil spill prevention, preparedness, and response programs, including review of existing activities and recommendations for any necessary improvements. The partnership may carry out this function through an existing committee, such as the ecosystem coordination board or the leadership council, or may appoint a special advisory council. Because this is a unique statewide program, the partnership may invite participation from outside the Puget Sound region.

(3) Within the amounts appropriated in this section, the Puget Sound partnership shall facilitate an ongoing monitoring consortium to integrate monitoring efforts for storm water, water quality, watershed health, and other indicators to enhance monitoring efforts in Puget Sound.

(4) The Puget Sound partnership shall work with Washington State University and the environmental protection agency to secure funding for the beach watchers program.

(5) \$877,000 of the general fund--state appropriation for fiscal year 2010 and \$877,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to support public education and volunteer programs. The partnership is directed to distribute the majority of funding as grants to local organizations, local governments, and education, communication, and outreach network partners. The partnership shall track progress for this activity through the accountability system of the Puget Sound partnership.

(6) The Puget Sound partnership shall negotiate an agreement with the recreation and conservation office to consolidate or share certain administrative functions currently performed by each agency independently. They shall proportionately share the costs of such shared functions. Examples of shared functions may include, but are not limited to, support for personnel, information technology, grant and contract management, invasive species work, legislative coordination, and policy and administrative support of various boards and councils.

(End of part)

**PART IV
 TRANSPORTATION**

Sec. 401. **2010 c 3 s 401 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2010) \$1,436,000

General Fund--State Appropriation (FY 2011) \$1,535,000

Architects' License Account--State Appropriation \$767,000

Professional Engineers' Account--State
 Appropriation ~~((3,586,000))~~
 \$3,580,000

Real Estate Commission Account--State Appropriation \$10,047,000

Master License Account--State Appropriation ~~((15,718,000))~~
 \$16,014,000

Uniform Commercial Code Account--State Appropriation \$3,100,000

Real Estate Education Account--State Appropriation \$276,000

Real Estate Appraiser Commission Account--State
 Appropriation \$1,692,000

Business and Professions Account--State

Appropriation	(\$15,270,000)
\$15,272,000	
Real Estate Research Account--State Appropriation	(\$320,000)
\$471,000	
Geologists' Account--State Appropriation	\$53,000
Derelict Vessel Removal Account--State Appropriation	\$31,000
TOTAL APPROPRIATION	(\$53,831,000)
\$54,274,000	

The appropriations in this section are subject to the following conditions and limitations:

- (1) Pursuant to RCW 43.135.055, the department is authorized to increase fees for cosmetologists, funeral directors, cemeteries, court reporters and appraisers. These increases are necessary to support the expenditures authorized in this section, consistent with RCW 43.24.086.
- (2) \$1,352,000 of the business and professions account--state appropriation is provided solely to implement Substitute Senate Bill No. 5391 (tattoo and body piercing). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (3) \$358,000 of the business and professions account--state appropriation is provided solely to implement Senate Bill No. 6126 (professional athletics). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (4) \$151,000 of the real estate research account appropriation is provided solely to implement House Bill No. 2697 (real estate broker licensure fees). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.
- (5) \$294,000 of the master license account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1775 (limousine carriers). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 402. **2010 c 3 s 402 (uncodified) is amended to read as follows:**

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2010)	(\$40,668,000)
\$37,996,000	
General Fund--State Appropriation (FY 2011)	(\$39,566,000)
\$34,888,000	
General Fund--Federal Appropriation	(\$11,401,000)
\$15,769,000	
General Fund--Private/Local Appropriation	(\$3,568,000)
\$4,981,000	
Death Investigations Account--State Appropriation	(\$6,022,000)
\$5,561,000	
Enhanced 911 Account--State Appropriation	\$589,000
County Criminal Justice Assistance Account--State	
Appropriation	\$3,122,000
Municipal Criminal Justice Assistance Account--State	
Appropriation	\$1,245,000
Fire Service Trust Account--State Appropriation	\$131,000
Vehicle License Fraud Account--State Appropriation	\$270,000
Disaster Response Account--State Appropriation	\$8,002,000
Fire Service Training Account--State Appropriation	(\$8,717,000)
\$8,807,000	
Aquatic Invasive Species Enforcement Account--State	
Appropriation	\$54,000
State Toxics Control Account--State Appropriation	\$504,000
Fingerprint Identification Account--State	
Appropriation	(\$7,371,000)
\$10,411,000	
TOTAL APPROPRIATION	(\$130,960,000)
\$132,330,000	

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
- (2) \$8,000,000 of the disaster response account--state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.
- (3) The 2010 legislature will review the use of king air planes by the executive branch and the adequacy of funding in this budget regarding maintaining and operating the planes to successfully accomplish their mission.
- (4) The appropriations in this section reflect reductions in the appropriations for the agency's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.
- (5) \$400,000 of the fire service training account--state appropriation is provided solely for the firefighter apprenticeship training program.

(6) \$48,000 of the fingerprint identification account--state appropriation is provided solely to implement Substitute House Bill No. 1621 (consumer loan companies). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(7) In accordance with RCW 43.43.942, 46.52.085, and 43.135.055, the state patrol is authorized to increase the following fees in fiscal year 2011 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Collision records requests; fire training academy courses; and fire training academy dorm accommodations.

(8) \$270,000 of the vehicle license fraud account--state appropriation is provided solely to implement Second Substitute House Bill No. 2436 (vehicle license fraud). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(9) \$24,000 of the fingerprint identification account--state appropriation is provided solely to implement House Bill No. 2437 (criminal background checks). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(End of part)

**PART V
EDUCATION**

Sec. 501. **2009 c 564 s 501 (uncodified) is amended to read as follows:**

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation (FY 2010) ~~(\$34,798,000)~~

\$35,219,000

General Fund--State Appropriation (FY 2011) ~~(\$32,969,000)~~

\$29,468,000

General Fund--Federal Appropriation ~~(\$86,571,000)~~

\$87,433,000

TOTAL APPROPRIATION ~~(\$154,338,000)~~

\$152,120,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of ~~(\$22,532,000)~~ \$22,900,000 of the general fund-- state appropriation for fiscal year 2010 and ~~(\$21,023,000)~~ \$20,678,000 of the general fund--state appropriation for fiscal year 2011 is for state agency operations.

(a) ~~(\$11,792,000)~~ \$11,226,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$11,325,000)~~ \$10,563,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Within amounts appropriated in this subsection (1)(a), the office of the superintendent of public instruction, consistent with WAC 392-121-182 (alternative learning experience requirements) which requires documentation of alternative learning experience student headcount and full-time equivalent (FTE) enrollment claimed for basic education funding, shall provide, via the monthly report of school district enrollment, accurate monthly headcount and FTE enrollments for students in internet alternative learning experience (ALE) programs as well as information about resident and serving districts.

(iii) ~~(\$927,000)~~ \$920,000 of the general fund--state appropriation for fiscal year 2010 and \$941,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for research and development activities associated with the development of options for new school finance systems, including technical staff, reprogramming, and analysis of alternative student funding formulae. Within this amount is \$150,000 for the state board of education for further development of accountability systems, and \$150,000 for the professional educator standards board for continued development of teacher certification and evaluation systems.

(b) \$965,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$965,000)~~ \$946,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$5,366,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$5,264,000)~~ \$3,049,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the professional educator standards board for the following:

(i) \$1,070,000 in fiscal year 2010 and ~~(\$1,070,000)~~ \$1,058,000 in fiscal year 2011 are for the operation and expenses of the Washington professional educator standards board, including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program;

(ii) \$3,431,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$3,431,000)~~ \$1,378,000 of the general fund--state appropriation for fiscal year 2011 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board. ~~(Of these amounts:~~

(A) \$500,000 each year is for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;

(B) \$2,372,000 for fiscal year 2010 and \$2,372,000 for fiscal year 2011 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special education or bilingual education;

(C) Any remaining amounts in this subsection (c) shall be used to continue existing alternative routes to certification programs; and

~~—(D) Candidates seeking math and science endorsements under (A) and (B) of this subsection shall receive priority for funding.)~~ Of the amounts provided, a minimum of eighty-five percent of endorsements supported in scholarship grants shall be in special education, math, science, or bilingual education;

(iii) \$231,000 of the general fund--state appropriation for fiscal year 2010 and \$231,000 of the general fund--state appropriation for fiscal year 2011 are for the recruiting Washington teachers program;

(iv) \$200,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$200,000)~~ \$50,000 of the general fund--state appropriation for fiscal year 2011 provided in this subsection are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators program;

(v) \$244,000 of the general fund--state appropriation for fiscal year 2010 and \$244,000 of the general fund--state appropriation for fiscal year 2011 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program. The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework; and

(vi) \$102,000 of the general fund--state appropriation for fiscal year 2010 is provided for the implementation of Second Substitute Senate Bill No. 5973 (student achievement gap). The professional educator standards board (PESB) will convene a workgroup to identify a list of model standards for cultural competency and make recommendations to the education committees of the legislature on the strengths and weaknesses of those standards. Funding is also included here in the amount of \$10,000 for the PESB to develop an interagency agreement with the center for the improvement of student learning to participate.

(d) (~~(\$1,099,000)~~) \$1,349,000 of the general fund--state appropriation for fiscal year 2010 and \$144,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(e) (~~(\$1,227,000)~~) \$1,140,000 of the general fund--state appropriation for fiscal year 2010 and \$1,227,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

(f) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial education public-private partnership.

(g) To the maximum extent possible, in adopting new agency rules or making any changes to existing rules or policies related to the fiscal provisions in the administration of part V of this act, the office of the superintendent of public instruction shall attempt to request approval through the normal legislative budget process.

(h) \$44,000 of the general fund--state appropriation for fiscal year 2010 and \$45,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute Senate Bill No. 5248 (enacting the interstate compact on educational opportunity for military children).

(i) \$700,000 of the general fund--state appropriation for fiscal year 2010 and \$700,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute Senate Bill No. 5410 (online learning).

(j) \$25,000 of the general fund--state appropriation for fiscal year 2010 and \$25,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(k) \$2,518,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the implementation of Substitute House Bill No. 2776 (K-12 education funding). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(l) \$133,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 3026 (state and federal civil rights laws). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(m) The state superintendent of public instruction shall analyze the feasibility of increasing efficiencies and economies of scale in school district administrative and noninstructional operations through shared-service arrangements and school district cooperatives. The analysis shall include an examination of administrative efficiencies achieved through school district cooperatives currently, and strategies for replicating best practices. The report is to be submitted to the fiscal committees of the legislature by December 15, 2010.

(n) Beginning in the 2010-11 school year, the superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives.

(2) (~~(\$12,836,000)~~) \$12,320,000 of the general fund--state appropriation for fiscal year 2010, (~~(\$12,407,000)~~) \$8,791,000 of the general fund--state appropriation for fiscal year 2011, and \$55,890,000 of the general fund--federal appropriation are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2010 and \$2,541,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iii) \$9,670,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(iv) \$96,000 of the general fund--state appropriation for fiscal year 2010 and \$96,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(v) \$70,000 of the general fund--state appropriation for fiscal year 2010 and \$70,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the youth suicide prevention program.

(vi) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(b) TECHNOLOGY

(i) ~~(\$1,939,000)~~ \$1,842,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$1,939,000)~~ \$1,163,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(ii) \$1,475,000 of the general fund--state appropriation for fiscal year 2010, \$1,045,000 of the general fund--state appropriation for fiscal year 2011, and \$435,000 of the general fund--federal appropriation are provided solely for implementing a comprehensive data system to include financial, student, and educator data. The office of the superintendent of public instruction will convene a data governance group to create a comprehensive needs-requirement document, conduct a gap analysis, and define operating rules and a governance structure for K-12 data collections. ~~((A preliminary report shall be submitted to the fiscal committees and the education policy committees of the house of representatives and senate by November 2009.))~~

(iii) ~~(\$1,656,000)~~ \$4,139,000 of the general fund--federal appropriation for ~~(fiscal year 2010 and \$2,483,000 of the general fund--federal appropriation for fiscal year 2011 of)~~ the American recovery and reinvestment act (ARRA) ~~((2009))~~ funds for education technology are provided solely for distribution to school districts, by formula, as provided in the ARRA and related federal guidelines. ~~(\$4,139,000 of the general fund--federal appropriation of the American recovery and reinvestment act (ARRA) 2009 funds for education technology shall be awarded to local education agencies through a competitive grant process.))~~

(c) GRANTS AND ALLOCATIONS

(i) \$1,329,000 of the general fund--state appropriation for fiscal year 2010 and \$1,329,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the special services pilot project to include up to seven participating districts. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.016.

(ii) \$750,000 of the general fund--state appropriation for fiscal year 2010 and \$750,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(iii) \$25,000 of the general fund--state appropriation for fiscal year 2010 ~~((and \$25,000 of the general fund--state appropriation for fiscal year 2011 are))~~ is provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(iv) \$175,000 of the general fund--state appropriation for fiscal year 2010 and \$175,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for incentive grants for districts and pilot projects to develop preapprenticeship programs. Incentive grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(v) ~~(\$3,219,000)~~ \$2,898,000 of the general fund--state appropriation for fiscal year 2010 ~~((and \$3,220,000 of the general fund--state appropriation for fiscal year 2011 are))~~ is provided solely for the dissemination of the navigation 101 curriculum to all districts. The funding shall support electronic student planning tools and software for analyzing the impact of navigation 101 on student performance, as well as grants to a maximum of one hundred school districts each year, based on progress and need for the implementation of the navigation 101 program. The implementation grants shall be awarded to a cross-section of school districts reflecting a balance of geographic and demographic characteristics. Within the amounts provided, the office of the superintendent of public instruction will create a navigation 101 accountability model to analyze the impact of the program.

(vi) ~~(\$675,000)~~ \$627,000 of the general fund--state appropriation for fiscal year 2010 and \$675,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of a statewide program for comprehensive dropout prevention, intervention, and retrieval.

(vii) ~~(\$50,000)~~ \$40,000 of the general fund--state appropriation for fiscal year 2010 ~~((and \$50,000 of the general fund--state appropriation for fiscal year 2011 are))~~ is provided solely for program initiatives to address the educational needs of Latino students and families. Using the full amounts of the appropriations under this subsection (2)(c)(vii), the office of the superintendent of public instruction shall contract with the Seattle community coalition of compaña quetzal to provide for three initiatives: (A) Early childhood education; (B) parent leadership training; and (C) high school success and college preparation programs.

(viii) ~~(\$75,000)~~ \$60,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a pilot project to encourage bilingual high school students to pursue public school teaching as a profession. Using the full amounts of the appropriation under this subsection, the office of the superintendent of public instruction shall contract with the Latino/a educational achievement project (LEAP) to work with school districts to identify and mentor not fewer than fifty bilingual students in their junior year of high school, encouraging them to become bilingual instructors in schools with high English language learner populations. Students shall be mentored by bilingual teachers and complete a curriculum developed and approved by the participating districts.

(ix) \$145,000 of the general fund--state appropriation for fiscal year 2010 ~~((and \$145,000 of the general fund--state appropriation for fiscal year 2011 are))~~ is provided solely to the office of the superintendent of public instruction to enhance the reading skills of students with dyslexia by implementing the findings of the dyslexia pilot program. Funds shall be used to provide information and training to classroom teachers and reading specialists, for development of a dyslexia handbook, and to take other statewide actions to improve the reading skills of students with dyslexia. The training program shall be delivered regionally through the educational service districts.

(x) \$97,000 of the general fund--state appropriation for fiscal year 2010 and \$97,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to support vocational student leadership organizations.

(xi) ~~(\$25,000 of the general--state appropriation for fiscal year 2010 and \$25,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the communities in school program in Pierce county))~~ \$125,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the implementation of House Bill No. 2731 (at-risk children program). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(xii) \$500,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for drop-out prevention and reengagement programs developed by the office of the superintendent of public instruction.

Sec. 502. **2009 c 564 s 502 (uncodified) is amended to read as follows:**

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2010)	((\$5,083,217,000))
\$5,126,108,000	
General Fund--State Appropriation (FY 2011)	((\$5,103,543,000))
\$5,178,606,000	
TOTAL APPROPRIATION	((\$10,186,760,000))
\$10,304,714,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2009-10 and 2010-11 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii)(A) For the 2009-10 school year, fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades K-4 for districts that enroll fewer than 25 percent of their total full-time equivalent student enrollment in grades K-4 in digital or online learning programs defined in WAC 392- 121-182.

(B) For the 2009-10 school year, all other districts shall be allocated a minimum of forty-nine certificated instructional staff units per 1,000 full-time-equivalent (FTE) students in grades K through four, and shall be allocated additional certificated instructional staff units to equal the documented staffing level in grades K through four, up to a maximum of fifty-three and two-tenths certificated instructional staff units per 1,000 FTE students.

(C) ((Certificated instructional staff allocations in this subsection (2)(a)(ii) exceeding the statutory minimums established in RCW 28A.150.260 shall not be considered part of basic education.)) For the 2010-11 school year, fifty-two and sixty-nine one-hundredths certificated instructional staff units per thousand full-time equivalent students in grades K-4 for districts that enroll fewer than 25 percent of their total full-time equivalent student enrollment in grades K-4 in digital or online learning programs defined in WAC 392- 121-182.

(D) For the 2010-11 school year, all other districts shall be allocated a minimum of forty-nine certificated instructional staff units per 1,000 FTE students in grades K-3, and forty-six certificated instructional staff units per 1,000 FTE students in grade 4, and shall be allocated additional certificated instructional staff units to equal the documented staffing level in grades K-4, up to a maximum of fifty- two and sixty-nine one-hundredths certificated instructional staff units per 1,000 FTE students;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 5-12;

(iv) Certificated staff allocations in this subsection (2)(a) exceeding the statutory minimums established in RCW 28A.150.260 shall not be considered part of basic education;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2010-11 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational- secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2009-10 and 2010-11 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (h) of this section, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each 58.75 average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 14.43 percent in the 2009-10 school year and 14.43 percent in the 2010- 11 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 16.58 percent in the 2009-10 school year and 16.58 percent in the 2010-11 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (g) of this section, there shall be provided a maximum of \$10,179 per certificated staff unit in the 2009-10 school year and a maximum of ~~(\$10,445)~~ \$10,424 per certificated staff unit in the 2010- 11 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$24,999 per certificated staff unit in the 2009-10 school year and a maximum of ~~(\$25,449)~~ \$25,399 per certificated staff unit in the 2010-11 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$19,395 per certificated staff unit in the 2009-10 school year and a maximum of ~~(\$19,744)~~ \$19,705 per certificated staff unit in the 2010-11 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$607.44 for the 2009-10 and 2010-11 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) Funding in this section is sufficient to provide additional service year credits to educational staff associates pursuant to chapter 403, Laws of 2007.

(10)(a) The superintendent may distribute a maximum of ~~(\$7,288,000)~~ \$7,536,000 outside the basic education formula during fiscal years 2010 and 2011 as follows:

(i) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$567,000 may be expended in fiscal year 2010 and a maximum of ~~(\$577,000)~~ \$576,000 may be expended in fiscal year 2011;

(ii) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2010 fiscal year and a maximum of \$2,385,000 for the 2011 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(iii) A maximum of ~~(\$404,000)~~ \$403,000 may be expended for school district emergencies; and

(iv) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(b) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(c) \$250,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for implementation of Substitute House Bill No. 2852 (college-level learning). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(11) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 4.0 percent from the 2008-09 school year to the 2009-10 school year and 4.0 percent from the 2009-10 school year to the 2010-11 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (g) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

Sec. 503. 2009 c 564 s 503 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 22, 2009, at 08:22 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 22, 2009, at 08:22 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 14.43 percent for school year 2009-10 and 14.43 percent for school year 2010-11 for certificated staff and for classified staff 16.58 percent for school year 2009-10 and 16.58 percent for the 2010-11 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

Table Of Total Base Salaries For Certificated Instructional Staff

For School Year 2009-10

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	34,237	35,162	36,120	37,080	40,161	42,145	41,047	44,128	46,115
1	34,698	35,635	36,606	37,608	40,721	42,695	41,503	44,617	46,589
2	35,137	36,083	37,064	38,144	41,248	43,242	41,963	45,067	47,061
3	35,589	36,545	37,536	38,650	41,749	43,791	42,398	45,494	47,538
4	36,033	37,031	38,028	39,180	42,297	44,354	42,855	45,971	48,030
5	36,492	37,494	38,501	39,718	42,823	44,921	43,319	46,425	48,523
6	36,963	37,943	38,984	40,262	43,352	45,462	43,794	46,885	48,993
7	37,790	38,786	39,841	41,187	44,324	46,491	44,685	47,820	49,989
8	39,002	40,052	41,132	42,590	45,768	48,016	46,086	49,266	51,512
9		41,363	42,497	44,008	47,260	49,584	47,503	50,757	53,081
10			43,877	45,498	48,794	51,195	48,995	52,291	54,692
11				47,032	50,399	52,849	50,528	53,897	56,345
12				48,517	52,048	54,571	52,122	55,545	58,068

FIFTY FOURTH DAY, MARCH 5, 2010

1059

13	53,737	56,335	53,773	57,234	59,831
14	55,434	58,165	55,471	59,042	61,663
15	56,877	59,679	56,913	60,577	63,266
16 or more	58,014	60,871	58,051	61,788	64,531

((Table Of Total Base Salaries For Certificated Instructional Staff

For School Year 2010-11

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	34,237	35,162	36,120	37,080	40,161	42,145	41,047	44,128	46,115
1	34,698	35,635	36,606	37,608	40,721	42,695	41,503	44,617	46,589
2	35,137	36,083	37,064	38,144	41,248	43,242	41,963	45,067	47,061
3	35,589	36,545	37,536	38,650	41,749	43,791	42,398	45,494	47,538
4	36,033	37,031	38,028	39,180	42,297	44,354	42,855	45,971	48,030
5	36,492	37,494	38,501	39,718	42,823	44,921	43,319	46,425	48,523
6	36,963	37,943	38,984	40,262	43,352	45,462	43,794	46,885	48,993
7	37,790	38,786	39,841	41,187	44,324	46,491	44,685	47,820	49,989
8	39,002	40,052	41,132	42,590	45,768	48,016	46,086	49,266	51,512
9		41,363	42,497	44,008	47,260	49,584	47,503	50,757	53,081
10			43,877	45,498	48,794	51,195	48,995	52,291	54,692
11				47,032	50,399	52,849	50,528	53,897	56,345
12				48,517	52,048	54,571	52,122	55,545	58,068
13					53,737	56,335	53,773	57,234	59,831
14					55,434	58,165	55,471	59,042	61,663
15					56,877	59,679	56,913	60,577	63,266
16 or more					58,014	60,871	58,051	61,788	64,531))

Table Of Total Base Salaries For Certificated Instructional Staff

For School Year 2010-11

<u>Years of Service</u>	<u>BA</u>	<u>BA+15</u>	<u>BA+30</u>	<u>BA+45</u>	<u>BA+90</u>	<u>BA+135</u>	<u>MA</u>	<u>MA+45</u>	<u>MA+90 OR Ph.D.</u>
<u>0</u>	<u>34,048</u>	<u>34,968</u>	<u>35,920</u>	<u>36,875</u>	<u>39,939</u>	<u>41,913</u>	<u>40,820</u>	<u>43,885</u>	<u>45,860</u>
<u>1</u>	<u>34,506</u>	<u>35,439</u>	<u>36,403</u>	<u>37,400</u>	<u>40,496</u>	<u>42,459</u>	<u>41,274</u>	<u>44,370</u>	<u>46,332</u>
<u>2</u>	<u>34,943</u>	<u>35,884</u>	<u>36,859</u>	<u>37,933</u>	<u>41,020</u>	<u>43,004</u>	<u>41,731</u>	<u>44,818</u>	<u>46,802</u>
<u>3</u>	<u>35,393</u>	<u>36,343</u>	<u>37,329</u>	<u>38,437</u>	<u>41,518</u>	<u>43,549</u>	<u>42,164</u>	<u>45,243</u>	<u>47,276</u>
<u>4</u>	<u>35,834</u>	<u>36,826</u>	<u>37,818</u>	<u>38,964</u>	<u>42,064</u>	<u>44,110</u>	<u>42,618</u>	<u>45,718</u>	<u>47,765</u>

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<u>5</u>	<u>36,290</u>	<u>37,287</u>	<u>38,288</u>	<u>39,498</u>	<u>42,586</u>	<u>44,673</u>	<u>43,080</u>	<u>46,169</u>	<u>48,256</u>
<u>6</u>	<u>36,759</u>	<u>37,734</u>	<u>38,769</u>	<u>40,039</u>	<u>43,113</u>	<u>45,211</u>	<u>43,552</u>	<u>46,626</u>	<u>48,723</u>
<u>7</u>	<u>37,582</u>	<u>38,572</u>	<u>39,621</u>	<u>40,960</u>	<u>44,079</u>	<u>46,235</u>	<u>44,438</u>	<u>47,556</u>	<u>49,713</u>
<u>8</u>	<u>38,787</u>	<u>39,831</u>	<u>40,905</u>	<u>42,355</u>	<u>45,516</u>	<u>47,751</u>	<u>45,832</u>	<u>48,994</u>	<u>51,228</u>
<u>9</u>		<u>41,135</u>	<u>42,262</u>	<u>43,765</u>	<u>46,999</u>	<u>49,310</u>	<u>47,241</u>	<u>50,477</u>	<u>52,788</u>
<u>10</u>			<u>43,635</u>	<u>45,247</u>	<u>48,524</u>	<u>50,913</u>	<u>48,724</u>	<u>52,003</u>	<u>54,390</u>
<u>11</u>				<u>46,772</u>	<u>50,121</u>	<u>52,557</u>	<u>50,249</u>	<u>53,599</u>	<u>56,034</u>
<u>12</u>				<u>48,249</u>	<u>51,761</u>	<u>54,269</u>	<u>51,835</u>	<u>55,238</u>	<u>57,748</u>
<u>13</u>					<u>53,440</u>	<u>56,024</u>	<u>53,476</u>	<u>56,918</u>	<u>59,501</u>
<u>14</u>					<u>55,128</u>	<u>57,844</u>	<u>55,165</u>	<u>58,716</u>	<u>61,322</u>
<u>15</u>					<u>56,563</u>	<u>59,349</u>	<u>56,599</u>	<u>60,242</u>	<u>62,917</u>
<u>16 or more</u>					<u>57,693</u>	<u>60,535</u>	<u>57,731</u>	<u>61,447</u>	<u>64,174</u>

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

(i) Credits earned since receiving the masters degree; and

(ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

(a) "BA" means a baccalaureate degree.

(b) "MA" means a masters degree.

(c) "PHD" means a doctorate degree.

(d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.

(e) "Credits" means college quarter hour credits and equivalent in- service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 2 and the salary schedules in subsection (4)(a) of this section include one learning improvement day for the 2009-10 school year and zero learning improvement days for the 2010-11 school year. A school district is eligible for the learning improvement day funds only if the learning improvement day has been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional day shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school-wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

Sec. 504. **2009 c 564 s 504 (uncodified) is amended to read as follows:**

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2010) ((~~\$4,215,000~~))
(\$4,414,000)

General Fund--State Appropriation (FY 2011) ((~~\$14,172,000~~))
(\$1,862,000)

General Fund--Federal Appropriation ((~~\$6,000~~))
(\$1,000)

TOTAL APPROPRIATION ((~~\$9,963,000~~))
(\$6,277,000)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary adjustments shall be provided to all districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

(b) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These adjustments shall ensure a minimum salary allocation for certificated administrative staff of \$57,986 in the 2009-10 school year and \$57,986 in the 2010-11 school year.

(c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These salary adjustments ensure a minimum salary allocation for classified staff of \$31,865 in the 2009- 10 school year and \$31,865 in the 2010-11 school year.

(d) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at rates 13.79 percent for the 2009-10 school year and 13.79 percent for the 2010-11 school year for certificated staff and 13.08 percent for the 2009-10 school year and 13.08 percent for the 2010-11 school year for classified staff.

(e) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act. The appropriations in this section provide incremental fringe benefit alterations based on formula adjustments as follows:

	School Year	
	2009-10	2010-11
Pupil Transportation (per weighted pupil mile)	\$0	\$0
Highly Capable (per formula student)	(\$1.49)	(\$1.49) (\$2.98)
Transitional Bilingual Education (per eligible bilingual student)	(\$3.93)	(\$3.93) (\$7.86)
Learning Assistance (per formula student)	(\$1.18)	(\$1.18) (\$2.36)

(f) The appropriations in this section include no salary adjustments for substitute teachers.

(2) ~~(\$44,188,000)~~ \$44,281,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$732.00 per month for the 2009-10 and 2010-11 school years. The appropriations in this section provide for a rate increase to \$745.00 per month for the 2009-10 school year and \$768.00 per month for the 2010-11 school year. The adjustments to health insurance benefits are at the following rates:

	School Year	
	2009-10	2010-11
Pupil Transportation (per weighted pupil mile)	\$0.12	\$0.33
Highly Capable (per formula student)	\$0.82	\$2.22
Transitional Bilingual Education (per eligible bilingual student)	\$2.10	\$5.83
Learning Assistance (per formula student)	\$0.54	\$1.49

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505. **2009 c 564 s 505 (uncodified) is amended to read as follows:**

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2010)	(\$307,357,000)
\$317,105,000	
General Fund--State Appropriation (FY 2011)	(\$307,070,000)
\$296,741,000	
TOTAL APPROPRIATION	(\$614,427,000)
\$613,846,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$878,000 of this fiscal year 2010 appropriation and a maximum of ~~(\$894,000)~~ \$892,000 of the fiscal year 2011 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each District

(3) Allocations for transportation of students shall be based on reimbursement rates of \$48.15 per weighted mile in the 2009-10 school year and ~~(\$48.40)~~ \$48.37 per weighted mile in the 2010-11 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(4) The office of the superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(5) The superintendent of public instruction shall base depreciation payments for school district buses on the pre-sales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(6) Funding levels in this section reflect reductions from the implementation of Substitute House Bill No. 1292 (authorizing waivers from the one hundred eighty-day school year requirement in order to allow four-day school weeks).

Sec. 506. 2009 c 564 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2010)	\$3,159,000
General Fund--State Appropriation (FY 2011)	\$3,159,000
General Fund--Federal Appropriation	(\$281,988,000)
\$391,988,000	
TOTAL APPROPRIATION	(\$288,306,000)
\$398,306,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2010 and \$3,000,000 of the general fund--state appropriation for fiscal year 2011 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the 2011 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$59,000 of the general fund--state appropriation for fiscal year 2010 and \$59,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to chapter 287, Laws of 2005 (requiring school breakfast programs in certain schools).

(4) \$1,588,000 of the general fund--federal appropriation of American recovery and reinvestment act of 2009 (ARRA) funds is provided solely for equipment assistance to school food authorities (SFAs) participating in the national school lunch program (NSLP). ~~((Local SFAs may apply to the office of the superintendent of public instruction to receive grants in accordance with provisions of the ARRA. As stipulated in the ARRA, priority will be given to SFAs for equipment for schools in which at least 50 percent of the students are eligible for free or reduced priced meals.))~~

Sec. 507. 2009 c 564 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2010)	(\$640,959,000)
\$632,131,000	
General Fund--State Appropriation (FY 2011)	(\$652,388,000)
\$651,254,000	
General Fund--Federal Appropriation	(\$656,052,000)
\$664,601,000	
Education Legacy Trust Account--State Appropriation	\$756,000
TOTAL APPROPRIATION	(\$1,950,155,000)
\$1,948,742,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: (a) The first category includes (i) children birth through age two who are eligible for the optional program for special education eligible developmentally delayed infants and toddlers, and (ii) students eligible for the mandatory special education program and who are age three or four, or five and not yet enrolled in kindergarten; and (b) the second category includes students who are eligible for the mandatory special education program and who are age five and enrolled in kindergarten and students age six through 21.

(5)(a) For the 2009-10 and 2010-11 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten, as defined in subsection (4) of this section, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age four enrollment and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, (~~(\$73,668,000)~~) \$44,269,000 of the general fund--state appropriation and \$29,574,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (8) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for special education-eligible students. Awards associated with (b) and (c) of this subsection shall not exceed the total of a district's specific determination of need.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services. The safety net awards to school districts shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999. The state safety net oversight committee shall ensure that safety net documentation and awards are based on current medicaid revenue amounts.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) The office of the superintendent of public instruction shall review and streamline the application process to access safety net funds, provide technical assistance to school districts, and annually survey school districts regarding improvement to the process.

(12) A maximum of \$678,000 may be expended from the general fund-- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high- cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(15) \$262,000 of the general fund--state appropriation for fiscal year 2010 and \$251,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(16) (~~(\$221,357,000)~~) \$229,833,000 of the general fund--federal appropriation of American recovery and reinvestment act of 2009 funds is provided solely for the individuals with disabilities education act (IDEA), Part B, for distribution to school districts. The funds' use is to be consistent with the current IDEA, Part B statutory and regulatory requirements.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2010, \$50,000 of the general fund--state appropriation for fiscal 2011, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction.

Sec. 508. **2009 c 564 s 508 (uncodified) is amended to read as follows:**

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2010)	\$8,394,000
General Fund--State Appropriation (FY 2011)	((\$8,395,000))
\$8,319,000	
TOTAL APPROPRIATION	((\$16,789,000))
\$16,713,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$3,355,000 of the general fund--state appropriation for fiscal year 2010 and \$3,355,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for regional professional development related to mathematics and science curriculum and instructional strategies. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support. The office of superintendent of public instruction shall also allocate to each educational service district additional amounts provided in section 504 of this act for compensation increases associated with the salary amounts and staffing provided in this subsection (2).

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. **2009 c 564 s 509 (uncodified) is amended to read as follows:**

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2010)	((\$42,921,000))
\$73,900,000	
General Fund--State Appropriation (FY 2011)	((\$209,997,000))
\$289,691,000	
General Fund--Federal Appropriation	\$176,284,000
TOTAL APPROPRIATION	((\$429,202,000))
\$539,875,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$176,284,000 of the general fund--federal appropriation for fiscal year 2010 is provided solely for American recovery and reinvestment act of 2009 (ARRA) fiscal stabilization funds to restore state reductions for local effort assistance payments.

(2) \$25,331,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for implementation of Substitute House Bill No. 2893 (changing school levy provisions). If Substitute House Bill No. 2893 is not enacted by June 30, 2010, \$22,857,000 of the amount provided shall lapse, and the remaining amount is provided solely for implementation of Substitute House Bill No. 2670 (school levies). If neither bill is enacted by June 30, 2010, the total amount provided in this subsection shall lapse.

Sec. 510. **2009 c 564 s 510 (uncodified) is amended to read as follows:**

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2010)	((\$18,943,000))
\$18,059,000	
General Fund--State Appropriation (FY 2011)	((\$17,992,000))
\$17,264,000	
TOTAL APPROPRIATION	((\$36,935,000))
\$35,323,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) ~~(\$329,000)~~ \$228,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$329,000)~~ \$228,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2009 c 564 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2010)	(\$9,430,000)
\$9,189,000	
General Fund--State Appropriation (FY 2011)	(\$9,437,000)
\$9,188,000	
TOTAL APPROPRIATION	(\$18,867,000)
\$18,377,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$401.08 per funded student for the 2009-10 school year and \$401.08 per funded student for the 2010-11 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of 2.314 percent of each district's full-time equivalent basic education enrollment.

(3) \$90,000 of the fiscal year 2010 appropriation and \$90,000 of the fiscal year 2011 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

(4) \$170,000 of the fiscal year 2010 appropriation and \$170,000 of the fiscal year 2011 appropriation are provided for the centrum program at Fort Worden state park.

Sec. 512. 2009 c 564 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation	(\$43,450,000)
\$43,886,000	
Sec. 513. 2010 c 3 s 501 (uncodified) is amended to read as follows:	
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS	
General Fund--State Appropriation (FY 2010)	(\$93,681,000)
\$93,033,000	
General Fund--State Appropriation (FY 2011)	(\$102,512,000)
\$90,318,000	

General Fund--Federal Appropriation	\$152,626,000
Education Legacy Trust Account--State	
Appropriation	(\$95,112,000)
\$103,002,000	
TOTAL APPROPRIATION	(\$443,931,000)
\$438,979,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$36,806,000)~~ \$35,804,000 of the general fund--state appropriation for fiscal year 2010, \$34,516,000 of the general fund-- state appropriation for fiscal year 2011, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,868,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington ~~(assessments of student learning (WASL))~~ state assessment system, including: (i) Development and implementation of retake assessments for high school students who are not successful in one or more content areas ~~(of the WASL)~~; and (ii) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student ~~(WASL)~~ assessment results, on or around June 10th of each year.

(2) \$3,249,000 of the general fund--state appropriation for fiscal year 2010 and \$3,249,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the design of the state assessment system and the implementation of end of course assessments for high school math.

(3) Within amounts provided in subsections (1) and (2) of this section, the superintendent of public instruction, in consultation with the state board of education, shall develop a statewide high school end-of-course assessment measuring student achievement of the state science standards

in biology to be implemented statewide in the 2011-12 school year. By December 1, 2010, the superintendent of public instruction shall recommend whether additional end-of-course assessments in science should be developed and in which content areas. Any recommendation for additional assessments must include an implementation timeline and the projected cost to develop and administer the assessments.

~~(4)~~ (4) \$1,014,000 of the education legacy trust account appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of two additional professional development days for fourth and fifth grade teachers during the 2008-2009 school year. The allocations shall be made based on the calculations of certificated instructional staff units for fourth and fifth grade provided in section 502 of this act and on the calculations of compensation provided in sections 503 and 504 of this act. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

~~((4))~~ (5) \$3,241,000 of the education legacy trust fund appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of three additional professional development days for middle and high school math and science teachers during the 2008-2009 school year, as well as specialized training for one math and science teacher in each middle school and high school during the 2008-2009 school year. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

~~((5) \$3,850,000)~~ (6) \$3,773,000 of the education legacy trust account--state appropriation is provided solely for a math and science instructional coaches program pursuant to chapter 396, Laws of 2007. Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities for up to twenty-five instructional coaches in middle and high school math and twenty-five instructional coaches in middle and high school science in each year of the biennium; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program.

~~((6) \$1,781,000)~~ (7) \$1,740,000 of the general fund--state appropriation for fiscal year 2010 ~~(and \$1,943,000 of the general fund--state appropriation for fiscal year 2011 are)~~ is provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding. The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. If Second Substitute Senate Bill No. 5676 is enacted the allocations are formula-driven, otherwise the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

~~((7))~~ (8) \$139,000 of the general fund--state appropriation for fiscal year 2010 and \$139,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

~~((8) \$1,579,000)~~ (9) \$1,473,000 of the general fund--state appropriation for fiscal year 2010 and \$1,579,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events. Funding shall be distributed to the various LASER activities in a manner proportional to LASER program spending during the 2007-2009 biennium.

~~((9) \$81,010,000)~~ (10) \$88,981,000 of the education legacy trust account--state appropriation is provided solely for grants for voluntary full-day kindergarten at the highest poverty schools, as provided in chapter 400, Laws of 2007. The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who enrolls for the voluntary full-day program in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide full-day kindergarten programs for 20 percent of kindergarten enrollment. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced priced lunch eligibility rates in each school. Additionally, as a condition of funding, school districts must agree to provide the full-day program to the children of parents who request it in each eligible school. For the purposes of calculating a school district levy base, funding provided in this subsection shall be considered a state block grant program under RCW 84.52.0531.

(a) Of the amounts provided in this subsection, a maximum of \$272,000 may be used for administrative support of the full-day kindergarten program within the office of the superintendent of public instruction.

(b) Student enrollment pursuant to this program shall not be included in the determination of a school district's overall K-12 FTE for the allocation of student achievement programs and other funding formulas unless specifically stated.

~~((40))~~ (11) \$700,000 of the general fund--state appropriation for fiscal year 2010 and \$900,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

~~((41))~~ (12) \$105,754,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

~~((42) \$1,546,000)~~ (13) \$1,960,000 of the general fund--state appropriation for fiscal year 2010 ~~(and \$3,046,000 of the general fund--state appropriation for fiscal year 2011 are)~~ is provided solely to the office of the superintendent of public instruction for focused assistance activities to improve student learning, reduce drop-outs, and close the achievement gap. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Funding in this subsection may be used for focused assistance programs for individual schools as well as school districts. The superintendent is also authorized to use resources under this subsection for analysis of student learning.

((13) \$30,702,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.))

(14) \$1,667,000 of the general fund--state appropriation for fiscal year 2010 and \$1,667,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to eliminate the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.

(15) \$5,285,000 of the general fund--state appropriation for fiscal year 2010 and \$5,285,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

(16) ~~((1,056,000))~~ \$1,003,000 of the general fund--state appropriation for fiscal year 2010 and \$1,056,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2009 through August 31, 2011.

(17) ~~((3,594,000))~~ \$3,269,000 of the general fund--state appropriation for fiscal year 2010 and \$3,594,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(18) ~~((1,959,000))~~ \$1,861,000 of the general fund--state appropriation for fiscal year 2010 and \$1,959,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(19) \$225,000 of the general fund--state appropriation for fiscal year 2010 and \$225,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

(20) ~~((250,000))~~ \$246,000 of the education legacy trust account-- state appropriation is provided solely for costs associated with the office of the superintendent of public instruction's statewide director of technology position.

(21)(a) ~~((28,270,000))~~ \$26,017,000 of the general fund--state appropriation for fiscal year 2010 and ~~((36,513,000))~~ \$31,506,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,000 per teacher ((beginning in the 2007-08 school year and adjusted for inflation in each school year thereafter in which Initiative 732 cost of living adjustments are provided. National board certified teachers who become public school principals shall continue to receive this bonus for as long as they are principals and maintain the national board certification)) each school year;

(ii) An additional ~~((5,000))~~ \$2,500 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner; and

(iv) During the 2009-10 and 2010-11 school years, and within the available federal appropriation, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The assessment fee for national certification is provided in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the assessment fee, not including the initial up- front candidacy payment, as set by the national board for professional teaching standards and administered by the office of the superintendent of public instruction. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees.

(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits.

(22) ~~((2,750,000))~~ \$2,475,000 of the general fund--state appropriation for fiscal year 2010 and \$2,750,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008(~~-- This funding may additionally be used to~~), except that \$300,000 of this funding, if equally matched by private donations, shall be used to support FIRST Robotics programs.

(23) \$150,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the implementation of House Bill No. 2621 (K-12 school resource programs). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

~~((23))~~ (24) \$300,000 of the general fund--state appropriation for fiscal year 2010 and \$300,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the local farms-healthy kids program as described in chapter 215, Laws of 2008.

~~((24))~~ (25) \$2,348,000 of the general fund--state appropriation for fiscal year 2010 ~~((and \$2,348,000 of the general fund--state appropriation for fiscal year 2011 are appropriated))~~ is provided solely for a beginning educator support program. School districts and/or regional consortia may apply for grant funding beginning in the 2009-10 school year. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together, and teacher observation time with accomplished peers. \$250,000 may be used to provide state-wide professional development opportunities for mentors and beginning educators. The superintendent of public instruction shall adopt rules to

establish and operate a research-based beginning educator support program no later than August 31, 2009. OSPI must evaluate the program's progress and may contract for this work. A report to the legislature about the beginning educator support program is due November 1, 2010.

~~((25) \$4,400,000)~~ ~~(26) \$4,290,000~~ of the education legacy trust account--state appropriation is provided solely for the development and implementation of diagnostic assessments, consistent with the recommendations of the Washington assessment of student learning work group. ~~((26) \$70,000 of the general fund--state appropriation for fiscal year 2010 is provided solely))~~ (27) Funding within this section is provided for implementation of Engrossed Substitute Senate Bill No. 5414 (statewide assessments and curricula).

~~((27))~~ (28) \$530,000 of the general fund--state appropriation for fiscal year 2010 and \$530,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

Sec. 514. **2009 c 564 s 514 (uncodified) is amended to read as follows:**

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2010) ~~((77,994,000))~~
\$76,419,000

General Fund--State Appropriation (FY 2011) ~~((80,937,000))~~
\$77,672,000

General Fund--Federal Appropriation ~~((45,263,000))~~
\$65,263,000

TOTAL APPROPRIATION ~~((204,194,000))~~
\$219,354,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$901.46 per eligible bilingual student in the 2009-10 school year and \$901.46 in the 2010-11 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to track current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

Sec. 515. **2009 c 564 s 515 (uncodified) is amended to read as follows:**

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2010) ~~((101,067,000))~~
\$103,865,000

General Fund--State Appropriation (FY 2011) ~~((102,237,000))~~
\$110,312,000

General Fund--Federal Appropriation ~~((543,925,000))~~
\$553,925,000

Education Legacy Trust Account--State
Appropriation \$47,980,000

TOTAL APPROPRIATION ~~((795,209,000))~~
\$816,082,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$281.71 per funded student for the 2009-10 school year and ~~((282.63))~~ \$283.00 per funded student for the 2010-11 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to the amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to school districts with high concentrations of poverty and English language learner students, subject to the following rules and conditions:

(i) To qualify for additional funding under this subsection, a district's October headcount enrollment in grades kindergarten through grade twelve must have at least twenty percent enrolled in the transitional bilingual instruction program based on an average of the program headcount taken in October and May of the prior school year; and must also have at least forty percent eligible for free or reduced price lunch based on October headcount enrollment in grades kindergarten through twelve in the prior school year.

(ii) Districts meeting the specifications in (d)(i) of this subsection shall receive additional funded students for the learning assistance program at the rates specified in subsection (1)(b) of this section. The number of additional funded student units shall be calculated by subtracting twenty

percent from the district's percent transitional bilingual instruction program enrollment as defined in (d)(i) of this subsection, and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

~~(3)~~ (3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

~~((3))~~ (4) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

~~((4))~~ (5) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

~~((5))~~ (6) Within amounts appropriated in this section, funding is provided for the implementation of extended learning programs required in chapter 328, Laws of 2008.

~~((6) \$51,970,000)~~ (7) \$129,925,000 of the general fund--federal appropriation for ~~((fiscal year 2010 and \$77,955,000 of the general fund--federal appropriation for fiscal year 2011 of))~~ the American recovery and reinvestment act of 2009 (ARRA) Title I, Part A funds are in addition to regular Title I, Part A allocations solely for allocation to eligible school districts in accordance with the guidelines of ARRA.

~~((7))~~ (8) \$48,981,000 of the general fund--federal appropriation from the American recovery and reinvestment act of 2009 (ARRA) is for school improvement. This consists of 4 percent, or \$5,413,000 of the Title I, Part A recovery funds which must be set aside for school improvement as well as \$43,568,000 in additional school improvement funds.

Sec. 516. 2009 c 564 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

General Fund--State Appropriation (FY 2010)	\$19,260,000
General Fund--State Appropriation (FY 2011)	((104,101,000))
\$25,730,000	
General Fund--Federal Appropriation	((200,295,000))
\$181,054,000	
TOTAL APPROPRIATION	((304,396,000))
\$226,044,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$131.16 per FTE student for the 2009-10 school year and ~~((99.32))~~ \$0 per FTE student for the 2010-11 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

(4) ~~((200,295,000))~~ \$181,054,000 of the general fund--federal appropriation for fiscal year 2010 is provided solely for American recovery and reinvestment act of 2009 (ARRA) fiscal stabilization funds to restore state reductions for the student achievement program.

Sec. 517. 2009 c 564 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2010, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2010 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(End of part)

HIGHER EDUCATION**Sec. 601. 2009 c 564 s 601 (uncodified) is amended to read as follows:**

The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4) The colleges of education for institutions with appropriations in sections 606 through 611 shall develop a plan, by October 30, 2009, to increase the number of math and science teacher endorsements and certificates granted by the institution. The plan shall address the college's math and science teacher endorsement and certification completion goal for each of the next six years, beginning with the 2010-2011 academic year, and shall be reported to the governor, the relevant policy committees of the legislature, the higher education coordinating board (HECB) and the professional educator standards board (PESB). Plan components may address: Student advising practices, increased outreach and recruitment efforts to under-represented populations, linkages with university mathematics and science departments, and implementation of redesigned, innovative endorsement and certification programs. To accomplish this work, enrollments may need to be shifted from low-need endorsement and certificate areas to math and science. A report shall be made each October 30th to the HECB and PESB regarding the degree to which plan goals have been met and activities undertaken to support those outcomes.

(5) In accordance with RCW 28B.10.920 through 28B.10.922, the state performance agreement committee and each public four-year institution of higher education shall develop performance agreements for the period September 1, 2009, through June 30, 2015. The agreements shall reflect the level of state, tuition, and other resources appropriated or authorized for each institution in this act and in the omnibus 2009-11 omnibus capital budget act, as well as reasonably anticipated changes in such resources for the two subsequent biennia as required to accomplish the higher education master plan as adopted by the legislature. The agreements shall build upon each institution's actual performance relative to the 2011 targets previously negotiated between the institution, the higher education coordinating board, and the office of financial management, and shall include measurable performance targets, benchmarks, and goals in areas including but not limited to:

(a) Student enrollment levels, by campus;

(b) Baccalaureate and advanced degree production;

(c) Baccalaureate and advanced degree production in high employer- demand fields;

(d) Undergraduate retention and graduation rates;

(e) Time-to-degree for students entering as freshmen, and as upper- division transfers;

(f) Efficiency to degree; and

(g) Capital investment as required to (i) maintain existing capacity, and (ii) meet enrollment targets in accordance with the master plan as adopted by the legislature.

Each institution shall report progress toward its performance targets during the preceding academic year to the state performance agreement committee prior to November 1, 2010. The higher education coordinating board shall consolidate and summarize the institutional reports, and provide them to the relevant policy and fiscal committees of the legislature by December 1, 2010.

(6) To facilitate transparency and compliance with the American recovery and reinvestment act, the institutions of higher education receiving state and federal appropriations under sections 605 through 611 of this act shall allot anticipated state, federal, and tuition expenditures by budget program and fiscal year. The office of financial management shall notify the legislative ways and means committees of the proposed allotments at least ten days prior to their approval.

(7) To the extent permitted by the applicable personnel system rules, and to the extent collectively bargained with represented employees, institutions of higher education are encouraged to achieve the reductions in full-time-equivalent employment and payroll levels necessary to operate within this budget through strategies that will minimize impacts on employees, their families, their communities, and short- and longer-term accomplishment of institutional mission. Institutions are encouraged to utilize strategies such as reduced work- hours per day or week, voluntary leave without pay, and temporary furloughs that enable employees to maintain permanent employment status. Institutions are further encouraged to implement such strategies in ways that will enable employees to maintain full insurance benefits, full retirement service credit, and a living wage.

(8)(a) For institutions receiving appropriations in section 605 of this act the only allowable salary increases provided are those with normally occurring promotions and increases related to faculty and staff retention, to the extent permitted by Engrossed Substitute Senate Bill No. 5460, and House Bill No. 2328.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) For each institution of higher education receiving appropriations under sections 606 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention, to the extent permitted by Engrossed Substitute Senate Bill No. 5460 (~~and~~), House Bill No. 2328, and Substitute Senate Bill No. 6382; and

(ii) Institutions may provide salary increases from other sources to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015, to the extent permitted by Engrossed Substitute Senate Bill No. 5460 (~~and~~), House Bill No. 2328, and Substitute Senate Bill No. 6382. Any salary increase granted under the authority of this subsection (8)(c)(ii) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that state general fund support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (8)(c)(ii).

Sec. 602. 2009 c 564 s 604 (uncodified) is amended to read as follows:

STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES. In order to operate within the state funds appropriated in this act, the state board for community and technical colleges and the trustees of the state's community and technical colleges are authorized to adopt and adjust tuition and fees for the 2009-10 and 2010-11 academic years as provided in this section:

(1) The state board may increase the tuition fees charged to resident undergraduate students by no more than seven percent over the amounts charged to resident undergraduates during the prior academic year. The board may increase tuition fees under this subsection differentially based on student credit hour load, provided that the overall increase in average tuition revenue per student does not exceed seven percent each year.

(2) The state board may increase the tuition fees charged to resident undergraduates enrolled in upper division applied baccalaureate programs by no more than fourteen percent over the amounts charged during the prior academic year.

(3) The state board may increase the tuition fees charged to nonresident students by amounts judged reasonable and necessary by the board.

(4) The trustees of the technical colleges are authorized to either (a) increase operating fees by no more than the percentage increases authorized for community colleges by the state board; or (b) fully adopt the tuition fee charge schedule adopted by the state board for community colleges.

(5) For the 2009-10 academic year, the trustees of the technical colleges are authorized to increase building fees by four cents per clock hour and by sixty-two cents per credit hour. For the 2010-11 academic year, the trustees are authorized to increase building fees by four cents per clock hour and by sixty-nine cents per credit hour. The purpose of these increases is to progress toward parity with the building fees charged students attending the community colleges.

(6) The state board is authorized to increase the maximum allowable services and activities fee as provided in RCW 28B.15.069. The trustees of the community and technical colleges are authorized to increase services and activities fees up to the maximum level authorized by the state board.

(7) The trustees of the community and technical colleges are authorized to adopt or increase charges for fee-based, self-sustaining programs such as summer session, international student contracts, and special contract courses by amounts judged reasonable and necessary by the trustees.

(8) The trustees of the community and technical colleges are authorized to adopt or increase special course and lab fees to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.

(9) The trustees of the community and technical colleges are authorized to adopt or increase administrative fees such as but not limited to those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the trustees.

(10) In fiscal year 2010 and fiscal year 2011, the state board for community and technical colleges may use salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training.

Sec. 603. 2009 c 564 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2010)		(\$620,071,000))
\$620,404,000		
General Fund--State Appropriation (FY 2011)		(\$642,509,000))
\$625,755,000		
General Fund--Federal Appropriation	\$17,171,000	
Education Legacy Trust Account--State Appropriation		\$95,125,000
TOTAL APPROPRIATION		(\$1,374,876,000))
\$1,358,455,000		

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,761,000 of the general fund--state appropriation for fiscal year 2010 and \$28,761,000 of the general fund--state appropriation for fiscal year 2011 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 6,200 full-time equivalent students in fiscal year 2010 and at least 6,200 full-time equivalent students in fiscal year 2011.

(2) \$2,725,000 of the general fund--state appropriation for fiscal year 2010 and \$2,725,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) Of the amounts appropriated in this section, \$3,500,000 is provided solely for the student achievement initiative.

(4) When implementing the appropriations in this section, the state board and the trustees of the individual community and technical colleges shall minimize impact on academic programs, maximize reductions in administration, and shall at least maintain, and endeavor to increase, enrollment opportunities and degree and certificate production in high employer-demand fields of study at their academic year 2008-09 levels.

(5) Within the board's 2009-11 biennial budget allocation to Bellevue College, and pursuant to RCW 28B.50.810, the college may implement, on a tuition and fee basis, an additional applied baccalaureate degree in interior design. This program is intended to provide students with additional opportunities to earn baccalaureate degrees and to respond to emerging job and economic growth opportunities. The program reviews and approval decisions required by RCW 28B.50.810 (3) and (4) shall be completed by July 31, 2009, so that the degree may be offered during the 2009-10 academic year.

(6) In accordance with the recommendations of the higher education coordinating board's 2008 *Kitsap region higher education center study*, the state board shall facilitate development of university centers by allocating thirty 2-year and 4-year partnership full-time enrollment equivalencies to Olympic College and ten 2-year and 4-year partnership full-time enrollment equivalencies to Peninsula College. The colleges shall use the allocations to establish a partnership with a baccalaureate university or universities for delivery of upper division degree programs in the Kitsap region. The Olympic and Peninsula Community College districts shall additionally work together to ensure coordinated development of these and other future baccalaureate opportunities through coordinated needs assessment, planning, and scheduling.

(7) By September 1, 2009, the state board for community and technical colleges, the higher education coordinating board, and the office of financial management shall review and to the extent necessary revise current 2009-11 performance measures and targets based on the level of

state, tuition, and other resources appropriated or authorized in this act and in the omnibus 2009-11 omnibus capital budget act. The boards and the office of financial management shall additionally develop new performance targets for the 2011-13 and the 2013-15 biennia that will guide and measure the community and technical college system's contributions to achievement of the state's higher education master plan goals.

(8) \$2,250,000 of the general fund--state appropriation for fiscal year 2010 and \$2,250,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the hospital employee education and training program under which labor, management, and college partnerships develop or expand and evaluate training programs for incumbent hospital workers that lead to careers in nursing and other high-demand health care occupations. The board shall report student progress, outcomes, and costs to the relevant fiscal and policy committees of the legislature by November 2009 and November 2010.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) \$1,112,000 of the general fund--state appropriation for fiscal year 2010 and \$1,113,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the state board to enhance online distance learning and open courseware technology. Funds shall be used to support open courseware, open textbooks, open licenses to increase access, affordability and quality of courses in higher education. The state board for community and technical colleges shall select the most appropriate courses to support open courseware based solely upon criteria of maximizing the value of instruction and reducing costs of textbooks and other instructional materials for the greatest number of students in higher education, regardless of the type of institution those students attend.

(11) \$210,000 of the general fund--state appropriation for fiscal year 2011 is provided solely to implement House Bill No. 2694 (B.S. in nursing/university center). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(12)(a) The labor education and research center is transferred from The Evergreen State College to south Seattle community college and shall begin operations on July 1, 2010.

(b) At least \$150,000 of the general fund--state appropriation for fiscal year 2011 shall be expended on the labor education and research center to provide outreach programs and direct educational and research services to labor unions and worker-centered organizations.

Sec. 604. 2009 c 564 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2010)	(\$269,552,000)	
\$269,571,000		
General Fund--State Appropriation (FY 2011)	(\$297,130,000)	
\$266,186,000		
General Fund--Federal Appropriation	(\$24,730,000)	
\$43,971,000		
Education Legacy Trust Account--State Appropriation		\$54,408,000
Accident Account--State Appropriation	\$6,712,000	
Medical Aid Account--State Appropriation	\$6,524,000	
Biotoxin Account--State Appropriation	\$450,000	
TOTAL APPROPRIATION	(\$659,506,000)	
\$647,822,000		

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for forestry research by the Olympic natural resources center.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the William D. Ruckelshaus center for facilitation, support, and analysis to support the nurse staffing steering committee in its work to apply best practices related to patient safety and nurse staffing.

(5) \$54,000 of the general fund--state appropriation for fiscal year 2010 and \$54,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the University of Washington geriatric education center to provide a voluntary adult family home certification program. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program shall complete fifty- two hours of class requirements as established by the University of Washington geriatric education center. Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department of social and health services. The department of social and health services shall adopt rules implementing the provisions of this subsection.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$52,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the center for international trade in forest products in the college of forest resources.

(7)(a) \$183,000 of the general fund--state appropriation for fiscal year 2011 is for the technology law and public policy clinic at the University of Washington school of law to prepare a comprehensive report identifying and analyzing trends in the telecommunications industry and pathways for telecommunications regulatory reform. The report must include, but not be limited to, a review of the following issues: (i) The taxation treatment of all telecommunications services that provide the same or functionally equivalent services; (ii) the character and degree of competition in the telecommunications market; (iii) the regulatory, legal, and economic barriers to adequate competition, actual or perceived, that exist; (iv) what changes could be made in policy, law, or administrative rule to address any actual or perceived barriers to competition; and (v) the role of the utilities and transportation commission in the oversight and regulation of telecommunications services.

(b) The technology law and public policy clinic shall consult with local governments, public utility districts, telecommunications service providers, the utilities and transportation commission, the department of revenue, and other stakeholders in preparing its analysis and report.

(c) By December 1, 2011, the technology law and public policy clinic shall issue a report to the legislature with recommendations on legislative action that may be necessary in order to effectuate telecommunications regulatory reform in Washington.

(8) \$250,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for joint planning to increase the number of residency positions and programs in eastern Washington and Spokane within the existing Washington, Wyoming, Alaska, Montana, Idaho (WWAMI) regional medical education program partnership between the University of Washington school of medicine, Washington State University, and area physicians and hospitals. The joint planning efforts are to include preparation of applications for new residency programs in family medicine, internal medicine, obstetrics, psychiatry and general surgery; business plans for those new programs; and for increasing the number of positions in existing programs among regional academic and hospital partners and networks.

Sec. 605. 2009 c 564 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2010)	(\$178,578,000)
\$178,592,000	
General Fund--State Appropriation (FY 2011)	(\$196,163,000)
\$190,648,000	
General Fund--Federal Appropriation	\$15,772,000
Education Legacy Trust Account--State Appropriation	\$34,696,000
TOTAL APPROPRIATION	(\$425,209,000)
\$419,708,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3) When implementing reductions for fiscal year 2010 and fiscal year 2011, Washington State University shall minimize reductions to extension services and agriculture extension services. Agriculture extension includes:

(a) Faculty with extension appointments working within the following departments in the college of agricultural, human, and natural resource sciences with extension appointments: Animal sciences, crop and soil sciences, entomology, horticulture, and plant pathology;

(b) The portion of county extension educators' appointments assigned to the "agricultural programs" area;

(c) Staff with extension appointments and extension operating allocations located at the irrigated agriculture research and extension center (Prosser), northwest Washington research and extension center (Mt. Vernon), and tree fruit research and extension center (Wenatchee); and

(d) Extension contributions to the center for precision agricultural systems, center for sustaining agriculture and natural resources, and the agriculture weather network.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for research related to honeybee colony collapse disease.

Sec. 606. 2009 c 564 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2010)	(\$34,685,000)
\$34,689,000	
General Fund--State Appropriation (FY 2011)	(\$40,796,000)
\$39,335,000	
General Fund--Federal Appropriation	\$5,522,000
Education Legacy Trust Account--State Appropriation	\$16,087,000
TOTAL APPROPRIATION	(\$97,090,000)
\$95,633,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3) At least \$200,000 of the general fund--state appropriation for fiscal year 2010 and at least \$200,000 of the general fund--state appropriation for fiscal year 2011 shall be expended on the northwest autism center.

Sec. 607. 2009 c 564 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2010)	(\$30,284,000)
\$30,289,000	
General Fund--State Appropriation (FY 2011)	(\$37,580,000)
\$36,171,000	
General Fund--Federal Appropriation	\$6,975,000

Education Legacy Trust Account--State Appropriation	\$19,076,000
TOTAL APPROPRIATION	(\$93,915,000)
	\$92,511,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

Sec. 608. **2009 c 564 s 610 (uncodified) is amended to read as follows:**

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2010)	(\$20,512,000)
	\$20,514,000

General Fund--State Appropriation (FY 2011)	(\$22,865,000)
	\$22,074,000

General Fund--Federal Appropriation	\$2,366,000
Education Legacy Trust Account--State Appropriation	\$5,450,000
TOTAL APPROPRIATION	(\$51,193,000)
	\$50,404,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the college shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3)(a) At least \$100,000 of the general fund--state appropriation for fiscal year 2010 (~~and at least \$100,000 of the general fund--state appropriation for fiscal year 2011~~) shall be expended on the labor education and research center.

(b) In fiscal year 2011 the labor education and research center shall be transferred from The Evergreen State College to south Seattle community college.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state institute for public policy to report to the legislature regarding efficient and effective programs and policies. The report shall calculate the return on investment to taxpayers from evidence-based prevention and intervention programs and policies that influence crime, K-12 education outcomes, child maltreatment, substance abuse, mental health, public health, public assistance, employment, and housing. The institute for public policy shall provide the legislature with a comprehensive list of programs and policies that improve these outcomes for children and adults in Washington and result in more cost-efficient use of public resources. The institute shall submit interim reports by December 15, 2009, and October 1, 2010, and a final report by June 30, 2011. The institute may receive additional funds from a private organization for the purpose of conducting this study.

(5) To the extent federal or private funding is available for this purpose, the Washington state institute for public policy and the center for reinventing public education at the University of Washington shall examine the relationship between participation in pension systems and teacher quality and mobility patterns in the state. The department of retirement systems shall facilitate researchers' access to necessary individual-level data necessary to effectively conduct the study. The researchers shall ensure that no individually identifiable information will be disclosed at any time. An interim report on project findings shall be completed by November 15, 2010, and a final report shall be submitted to the governor and to the relevant committees of the legislature by October 15, 2011.

(6) At least \$200,000 of the general fund--state appropriation for fiscal year 2010 and at least \$200,000 of the general fund--state appropriation for fiscal year 2011 shall be expended on the Washington center for undergraduate education.

(7) \$15,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the Washington state institute for public policy to examine the need for and methods to increase the availability of nonfood items, such as personal hygiene supplies, soaps, paper products, and other items, to needy persons in the state. The study shall examine existing private and public programs that provide such products, and develop recommendations for the most cost-effective incentives for private and public agencies to increase local distribution outlets and local and regional networks of supplies. A final report shall be delivered to the legislature and the governor by December 1, 2009.

(8) \$17,000 of the general fund--state appropriation for fiscal year 2010 and \$42,000 of the general fund--state appropriation for fiscal year 2011 are provided to the Washington state institute for public policy to implement Second Substitute House Bill No. 2106 (child welfare outcomes). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(9) \$54,000 of the general fund--state appropriation for fiscal year 2010 and \$23,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Substitute Senate Bill No. 5882 (racial disproportionality). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the Washington state institute of public policy to evaluate the adequacy of and access to financial aid and independent living programs for youth in foster care. The examination shall include opportunities to improve efficiencies within these programs. The institute shall report its findings by December 1, 2009.

(11) \$75,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the Washington state institute for public policy to conduct an assessment of the general assistance unemployable program and other similar programs. The assessment shall include a

review of programs in other states that provide similar services and will include recommendations on promising approaches that both improve client outcomes and reduce state costs. A report is due by December 1, 2009.

(12) To the extent funds are available, the Washington state institute for public policy is encouraged to continue the longitudinal analysis of long-term mental health outcomes directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders); and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

(13) \$10,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the Washington state institute for public policy to perform an evaluation of state substance abuse treatment programs as provided by the department of social and health services. The examinations shall review whether substance abuse treatment is provided to the appropriate clients in the appropriate settings and the utilization of evidence-based practices that maximize the effective use of limited state resources. The final report shall be delivered to the legislature and the governor by November 15, 2010.

(14) \$55,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the Washington state institute for public policy to conduct a study of K-12 student suspensions and expulsions. The study shall analyze available statewide data in comparison with a sample of school district data, identify alternative education options accessed by suspended and expelled students in a sample of school districts, examine school district suspension and expulsion policies, and include recommendations to improve statewide suspensions and expulsions data. The institute shall report its findings by December 1, 2010.

(15) \$60,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the Washington state institute for public policy to implement Second Substitute House Bill No. 3076 (concerning the involuntary treatment act). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 609. 2009 c 564 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2010)	(\$43,141,000)
\$43,146,000	
General Fund--State Appropriation (FY 2011)	(\$52,752,000)
\$50,990,000	
General Fund--Federal Appropriation	\$8,885,000
Education Legacy Trust Account--State Appropriation	\$13,036,000
TOTAL APPROPRIATION	(\$117,814,000)
\$116,057,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

Sec. 610. 2009 c 564 s 612 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2010)	(\$6,611,000)
\$6,612,000	
General Fund--State Appropriation (FY 2011)	(\$6,203,000)
\$5,819,000	
General Fund--Federal Appropriation	\$4,352,000
TOTAL APPROPRIATION	(\$17,166,000)
\$16,783,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the funds appropriated in this section, the higher education coordinating board shall complete a system design planning project that defines how the current higher education delivery system can be shaped and expanded over the next ten years to best meet the needs of Washington citizens and businesses for high quality and accessible post-secondary education. The board shall propose policies and specific, fiscally feasible implementation recommendations to accomplish the goals established in the *2008 strategic master plan for higher education*. The project shall specifically address the roles, missions, and instructional delivery systems both of the existing and of proposed new components of the higher education system; the extent to which specific academic programs should be expanded, consolidated, or discontinued and how that would be accomplished; the utilization of innovative instructional delivery systems and pedagogies to reach both traditional and nontraditional students; and opportunities to consolidate institutional administrative functions. The study recommendations shall also address the proposed location, role, mission, academic program, and governance of any recommended new campus, institution, or university center. During the planning process, the board shall inform and actively involve the chairs from the senate and house of representatives committees on higher education, or their designees. The board shall report the findings and recommendations of this system design planning project to the governor and the appropriate committees of the legislature by December 1, 2009.

(2) \$146,000 of the general fund--state appropriation for fiscal year 2010 and \$65,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the higher education coordinating board to administer Engrossed Second Substitute House Bill No. 2021 (revitalizing student financial aid). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(3) \$227,000 of the general fund--state appropriation for fiscal year 2010 and \$11,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Engrossed Second Substitute House Bill No. 1946 (regarding higher education online technology). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(4) \$400,000 of the general fund--state appropriation for fiscal year 2010 and \$400,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the higher education coordinating board to contract with the Pacific Northwest university of health sciences to conduct training and education of health care professionals to promote osteopathic physician services in rural and underserved areas of the state.

Sec. 611. **2009 c 564 s 613 (uncodified) is amended to read as follows:**

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2010) (~~(\$204,332,000)~~)

\$192,332,000

General Fund--State Appropriation (FY 2011) (~~(\$229,711,000)~~)

\$202,229,000

General Fund--Federal Appropriation \$13,124,000

Education Legacy Trust Account--State

Appropriation (~~(\$88,062,000)~~)

\$111,236,000

TOTAL APPROPRIATION (~~(\$535,229,000)~~)

\$518,921,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$191,704,000)~~) \$182,599,000 of the general fund--state appropriation for fiscal year 2010, (~~(\$232,929,000)~~) \$194,154,000 of the general fund--state appropriation for fiscal year 2011, (~~(\$80,190,000)~~) \$104,190,000 of the education legacy trust account appropriation, and (~~(\$2,446,000)~~) \$2,545,000 of the general fund-- federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program including up to a four percent administrative allowance; the Washington scholars program; and the Washington award for vocational excellence. State need grant(~~(s)~~) and the Washington award for vocational excellence(~~(-and state work study awards)~~) shall be adjusted to offset the cost of the resident undergraduate tuition increases, limited to those tuition increases authorized under this act. The Washington scholars program shall provide awards sufficient to offset ninety percent of the total tuition and fee award.

(2)(a) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(b) Grant awards for students at private four-year colleges shall be set at the same level as the student would receive if attending one of the public research universities.

(3) \$1,000,000 of the education legacy trust account--state appropriation is provided solely to encourage more students to teach secondary mathematics and science. \$500,000 of this amount is for the future teacher scholarship and conditional loan program. \$500,000 of this amount is provided to support state work study positions for students to intern in secondary schools and classrooms.

(4) \$3,872,000 of the education legacy trust account--state appropriation is provided solely for the passport to college scholarship program pursuant to chapter 28B.117 RCW. The higher education coordinating board shall contract with a college scholarship organization with expertise in managing scholarships for low-income, high-potential students and foster care children and young adults to administer the program. Of the amount in this subsection, \$39,000 is provided solely for the higher education coordinating board for administration of the contract and the remaining shall be contracted out to the organization for the following purposes:

(a) \$384,000 is provided solely for program administration, and

(b) \$3,449,000 is provided solely for student financial aid for up to 151 students and to fund student support services. Funds are provided for student scholarships, provider training, and for incentive payments to the colleges they attend for individualized student support services which may include, but are not limited to, college and career advising, counseling, tutoring, costs incurred for students while school is not in session, personal expenses, health insurance, and emergency services.

(5) \$1,250,000 of the general fund--state appropriation for fiscal year 2010 (~~and \$1,250,000 of the general fund--state appropriation for fiscal year 2011 are~~) is provided solely for the health professional scholarship and loan program. The funds provided in this subsection shall be: (a) Prioritized for health care deliver sites demonstrating a commitment to serving the uninsured; and (b) allocated between loan repayments and scholarships proportional to current program allocations.

(6) For fiscal year 2010 and fiscal year 2011, the board shall defer loan or conditional scholarship repayments to the future teachers conditional scholarship and loan repayment program for up to one year for each participant if the participant has shown evidence of efforts to find a teaching job but has been unable to secure a teaching job per the requirements of the program.

(7) \$246,000 of the general fund--state appropriation for fiscal year 2010 and (~~(\$246,000)~~) \$165,000 of the general fund--state appropriation for fiscal year 2011 are for community scholarship matching grants and its administration. To be eligible for the matching grant, nonprofit groups organized under section 501(c)(3) of the federal internal revenue code must demonstrate they have raised at least \$2,000 in new moneys for college scholarships after the effective date of this section. Groups may receive no more than one \$2,000 matching grant per year and preference shall be given to groups affiliated with scholarship America. Up to a total of \$46,000 per year of the amount appropriated in this section may be awarded to a nonprofit community organization to administer scholarship matching grants, with preference given to an organization affiliated with scholarship America.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2010 and \$500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for state need grants provided to students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Total state expenditures on this program shall not exceed the amounts provided in this subsection.

(9) (~~(\$3,000,000)~~) \$2,500,000 of the education legacy trust account--state appropriation is provided solely for the gaining early awareness and readiness for undergraduate programs project.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2011 is provided for the opportunity internship program as specified in RCW 28C.18.160.

Sec. 612. 2009 c 564 s 614 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2010)	(\$1,587,000)
\$1,562,000	
General Fund--State Appropriation (FY 2011)	(\$1,556,000)
\$1,306,000	
General Fund--Federal Appropriation	(\$54,262,000)
\$54,032,000	
TOTAL APPROPRIATION	(\$57,405,000)
\$56,900,000	

The appropriations in this section are subject to the following conditions and limitations: ~~((€))~~ \$60,000 of the general fund--state appropriation for fiscal year 2010 and \$60,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

Sec. 613. 2009 c 564 s 615 (uncodified) is amended to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2010)	\$1,598,000
General Fund--State Appropriation (FY 2011)	(\$1,611,000)
\$1,511,000	
TOTAL APPROPRIATION	(\$3,209,000)
\$3,109,000	

The appropriations in this section are subject to the following conditions and limitations: Within existing resources, the Spokane intercollegiate research and technology institute shall coordinate with the Washington technology center to identify gaps and overlaps in programs and evaluate strategies to reduce administrative overhead expenses per section 123(29) of this act.

Sec. 614. 2009 c 564 s 616 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2010)	(\$60,478,000)
\$60,379,000	
General Fund--State Appropriation (FY 2011)	(\$61,045,000)
\$62,144,000	
General Fund--Federal Appropriation	(\$244,859,000)
\$265,598,000	
TOTAL APPROPRIATION	(\$366,382,000)
\$388,121,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$55,696,000)~~ \$54,878,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$55,696,000)~~ \$54,878,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for early childhood education and assistance program services. This appropriation temporarily reduces the number of slots for the 2009-11 fiscal biennium for the early childhood education and assistance program. The department shall reduce slots where providers serve both federal headstart and early childhood education and assistance program children, to the greatest extent possible, in order to achieve no reduction of slots across the state. The amounts in this subsection also reflect reductions to the administrative expenditures for the early childhood education and assistance program. The department shall reduce administrative expenditures, to the greatest extent possible, prior to reducing early childhood education and assistance program slots. Of these amounts, \$10,284,000 is a portion of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(2) \$1,000,000 of the general fund--federal appropriation is provided to the department to contract with Thrive by Five, Washington for a pilot project for a quality rating and improvement system to provide parents with information they need to choose quality child care and education programs and to improve the quality of early care and education programs. The department in collaboration with Thrive by Five shall operate the pilot projects in King, Yakima, Clark, Spokane, and Kitsap counties. The department shall use child care development fund quality money for this purpose.

(3) \$425,000 of the general fund--state appropriation for fiscal year 2010, ~~(\$425,000)~~ \$325,000 of the general fund--state appropriation for fiscal year 2011, and \$850,000 of the general fund-- federal appropriation are provided solely for child care resource and referral network services. The general fund--federal funding represents moneys from the American recovery and reinvestment act of 2009 (child care development block grant).

(4) \$750,000 of the general fund--state appropriation for fiscal year 2010, \$750,000 of the general fund--state appropriation for fiscal year 2011, and \$1,500,000 of the general fund--federal appropriation are provided solely for the career and wage ladder program created by chapter 507, Laws of 2005. The general fund--federal funding represents moneys from the American recovery and reinvestment act of 2009 (child care development block grant).

(5) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to work with stakeholders and the office of the superintendent of public instruction to identify and test a kindergarten assessment process and tools in geographically diverse school districts. School districts may participate in testing the

kindergarten assessment process on a voluntary basis. The department shall report to the legislature on the kindergarten assessment process not later than January 15, 2011. Expenditure of amounts provided in this subsection is contingent on receipt of an equal match from private sources. As matching funds are made available, the department may expend the amounts provided in this subsection.

(6) \$1,600,000 of the general fund--federal appropriation is provided solely for the department to fund programs to improve the quality of infant and toddler child care through training, technical assistance, and child care consultation.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2010 and \$200,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(8) \$98,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for implementation of Second Substitute House Bill No. 2731 (creating an early learning program for educationally at-risk children). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(9) \$8,425,000 of the general fund--federal appropriation for fiscal year 2011 and \$8,370,000 of the American recovery and reinvestment act grant are provided to implement Substitute House Bill No. 2741 (transferring the infant and toddler early intervention program from the department of social and health services to the department of early learning). Effective July 1, 2010, the infant and toddler early intervention program is moved from the department of social and health services to the department of early learning and renamed the early support program.

(10) The legislature notes that the department of early learning is developing a plan for improving child care licensing and is consulting, as practicable, with parents, licensed child care providers, and stakeholders from the child care community. The plan shall outline the processes and specify the resources necessary to implement improvements such as, but not limited to, continuing licenses, child care licensing technology, weighted child care regulation, including risk based decision making models, and inclusive and evidence based rule making. The department shall submit to the appropriate committees of the legislature a draft plan by January 15, 2011.

~~((9))~~ (11) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

~~((10))~~ (12) The department shall use child care development fund money to satisfy the federal audit requirement of the improper payments act (IPIA) of 2002. In accordance with the IPIA's rules, the money spent on the audits will not count against the five percent state limit on administrative expenditures.

~~((11))~~ (13) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care.

~~((12))~~ (14) The appropriations in this section reflect reductions in the appropriations for the department's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

(15) \$1,100,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for expenditure into the home visiting services account created in section 918 of this act. Of the amount deposited in the home visiting services account pursuant to this subsection, \$100,000 is appropriated from the home visiting services account to the department solely for administering services funded from the account.

Sec. 615. **2009 c 564 s 617 (uncodified) is amended to read as follows:**

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2010)	\$5,902,000
General Fund--State Appropriation (FY 2011)	(\$5,908,000)
	\$5,844,000
General Fund--Private/Local Appropriation	\$1,928,000
TOTAL APPROPRIATION	(\$13,738,000)
	\$13,674,000

The appropriations in this section are subject to the following conditions and limitations: \$271,000 of the general fund-- private/local appropriation is provided solely for the school for the blind to offer short course programs, allowing students the opportunity to leave their home schools for short periods and receive intensive training. The school for the blind shall provide this service to the extent that it is funded by contracts with school districts and educational services districts.

Sec. 616. **2009 c 564 s 618 (uncodified) is amended to read as follows:**

FOR THE ~~((STATE SCHOOL FOR THE DEAF))~~ WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund--State Appropriation (FY 2010)	(\$8,592,000)
	\$8,593,000
General Fund--State Appropriation (FY 2011)	(\$8,656,000)
	\$8,610,000
General Fund--Private/Local Appropriation	\$526,000
TOTAL APPROPRIATION	(\$17,774,000)
	\$17,729,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund--private/local appropriation is provided solely for the operation of the shared reading video outreach program. The school for the deaf shall provide this service to the extent it is funded by contracts with school districts and educational service districts.

(2) \$25,000 of the general fund--state appropriation for fiscal year 2010 and \$25,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1879 (deaf and hard of hearing). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

Sec. 617. 2009 c 564 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2010)	(\$1,876,000)
\$1,844,000	
General Fund--State Appropriation (FY 2011)	(\$1,883,000)
\$1,359,000	
General Fund--Federal Appropriation	(\$1,923,000)
\$1,944,000	
General Fund--Private/Local Appropriation	\$1,054,000
TOTAL APPROPRIATION	(\$6,736,000)
\$6,201,000	

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

Sec. 618. 2009 c 564 s 620 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2010)	\$2,592,000
General Fund--State Appropriation (FY 2011)	(\$2,636,000)
\$2,390,000	
TOTAL APPROPRIATION	(\$5,228,000)
\$4,982,000	

The appropriations in this section are subject to the following conditions and limitations:

- (1) It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.
- (2) The Washington state historical society shall negotiate and enter into an interagency agreement with the eastern Washington state historical society to consolidate or share certain administrative and programmatic functions currently being performed by each agency independently and shall proportionately share the costs of such shared functions. Examples of shared functions may include, but are not limited to, exhibit planning and display, educational programming, financial services, information technology, and digital archives.

Sec. 619. 2009 c 564 s 621 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2010)	\$1,612,000
General Fund--State Appropriation (FY 2011)	(\$1,655,000)
\$1,501,000	
TOTAL APPROPRIATION	(\$3,267,000)
\$3,113,000	

The appropriations in this section are subject to the following conditions and limitations:

- (1) It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.
- (2) The eastern Washington state historical society shall negotiate and enter into an interagency agreement with the Washington state historical society to consolidate or share certain administrative and programmatic functions currently being performed by each agency independently and shall proportionately share the costs of such shared functions. Examples of shared functions may include, but are not limited to, exhibit planning and display, educational programming, financial services, information technology, and digital archives.

(End of part)

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 2009 c 564 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2010)	(\$854,991,000)
\$842,590,000	
General Fund--State Appropriation (FY 2011)	(\$901,265,000)
\$894,284,000	
State Building Construction Account--State Appropriation	\$11,707,000
Columbia River Basin Water Supply Development Account-- State Appropriation	(\$92,000)
\$117,000	

Hood Canal Aquatic Rehabilitation Bond Account--State
 Appropriation \$11,000
 State Taxable Building Construction Account--State
 Appropriation \$1,136,000
 Gardner-Evans Higher Education Construction Account--
 State Appropriation \$260,000
 Debt-Limit Reimbursable Bond Retirement Account--State
 Appropriation ~~(\$2,619,000)~~
 \$2,612,000
 TOTAL APPROPRIATION ~~(\$1,772,081,000)~~
 \$1,752,717,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2010 shall be expended into the debt-limit general fund bond retirement account by June 30, 2010.

Sec. 702. **2009 c 564 s 703 (uncodified) is amended to read as follows:**

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2010) ~~(\$26,463,000)~~
 \$26,436,000
 General Fund--State Appropriation (FY 2011) ~~(\$27,811,000)~~
 \$27,773,000
 School Construction and Skill Centers Building
 Account--State Appropriation \$477,000
 Nondebt-Limit Reimbursable Bond Retirement Account--
 State Appropriation ~~(\$141,507,000)~~
 \$140,872,000
 TOTAL APPROPRIATION ~~(\$196,258,000)~~
 \$195,558,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2010 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2010.

Sec. 703. **2009 c 564 s 704 (uncodified) is amended to read as follows:**

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2010) \$1,357,000
 General Fund--State Appropriation (FY 2011) \$1,357,000
 State Building Construction Account--State
 Appropriation \$1,273,000
 Columbia River Basin Water Supply Development
 Account--State Appropriation ~~(\$6,000)~~
 \$9,000
 Hood Canal Aquatic Rehabilitation Bond Account--
 State Appropriation \$1,000
 State Taxable Building Construction Account--State
 Appropriation \$72,000
 Gardner-Evans Higher Education Construction
 Account--State Appropriation \$18,000
 School Construction and Skill Centers Building
 Account--State Appropriation \$30,000
 TOTAL APPROPRIATION ~~(\$4,114,000)~~
 \$4,117,000

Sec. 704. **2009 c 564 s 708 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF ~~((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT))~~ HEALTH--COUNTY PUBLIC HEALTH ASSISTANCE

General Fund--State Appropriation (FY 2010) \$24,000,000
 General Fund--State Appropriation (FY 2011) \$24,000,000
 TOTAL APPROPRIATION \$48,000,000

The appropriations in this section are subject to the following conditions and limitations: The director of the department of ~~((community, trade, and economic development))~~ health shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District

FY 2010

FY 2011

**FY 2010-11
 Biennium**

FIFTY FOURTH DAY, MARCH 5, 2010

1081

Adams County Health District	\$30,951	\$30,951	\$61,902
Asotin County Health District	\$67,714	\$67,714	\$135,428
Benton-Franklin Health District	\$1,165,612	\$1,165,612	\$2,331,224
Chelan-Douglas Health District	\$184,761	\$184,761	\$369,522
Clallam County Health and Human Services Department	\$141,752	\$141,752	\$283,504
Southwest Washington Health District	\$1,084,473	\$1,084,473	\$2,168,946
Columbia County Health District	\$40,529	\$40,529	\$81,058
Cowlitz County Health Department	\$278,560	\$278,560	\$557,120
Garfield County Health District	\$15,028	\$15,028	\$30,056
Grant County Health District	\$118,595	\$118,596	\$237,191
Grays Harbor Health Department	\$183,870	183,870	\$367,740
Island County Health Department	\$91,892	\$91,892	\$183,784
Jefferson County Health and Human Services	\$85,782	\$85,782	\$171,564
Seattle-King County Department of Public Health	\$9,531,747	\$9,531,747	\$19,063,494
Bremerton-Kitsap County Health District	\$554,669	\$554,669	\$1,109,338
Kittitas County Health Department	\$92,499	\$92,499	\$184,998
Klickitat County Health Department	\$62,402	\$62,402	\$124,804
Lewis County Health Department	\$105,801	\$105,801	\$211,602
Lincoln County Health Department	\$29,705	\$29,705	\$59,410
Mason County Department of Health Services	\$95,988	\$95,988	\$191,976
Okanogan County Health District	\$63,458	\$63,458	\$126,916
Pacific County Health Department	\$77,427	\$77,427	\$154,854
Tacoma-Pierce County Health Department	\$2,820,590	\$2,820,590	\$5,641,180
San Juan County Health and Community Services	\$37,531	\$37,531	\$75,062
Skagit County Health Department	\$223,927	\$223,927	\$447,854
Snohomish Health District	\$2,258,207	\$2,258,207	\$4,516,414
Spokane County Health District	\$2,101,429	\$2,101,429	\$4,202,858
Northeast Tri-County Health District	\$110,454	\$110,454	\$220,908
Thurston County Health Department	\$600,419	\$600,419	\$1,200,838
Wahkiakum County Health Department	\$13,773	\$13,772	\$27,545
Walla Walla County-City Health Department	\$172,062	\$172,062	\$344,124
Whatcom County Health Department	\$855,863	\$855,863	\$1,711,726
Whitman County Health Department	\$78,733	\$78,733	\$157,466

Yakima Health District	\$623,797	\$623,797	\$1,247,594
TOTAL APPROPRIATIONS	\$24,000,000	\$24,000,000	\$48,000,000

Sec. 705. **2009 c 564 s 710 (uncodified) is amended to read as follows:**

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2009, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund--State Appropriation (FY 2010)	\$51,500,000
General Fund--State Appropriation (FY 2011)	(\$54,300,000)
\$55,400,000	
TOTAL APPROPRIATION	(\$105,800,000)
\$106,900,000	

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2010)	\$11,570,000
General Fund--State Appropriation (FY 2011)	(\$12,860,000)
\$10,860,000	
TOTAL APPROPRIATION	(\$24,430,000)
\$22,430,000	

Sec. 706. **2009 c 564 s 717 (uncodified) is amended to read as follows:**

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CAPITOL BUILDING CONSTRUCTION ACCOUNT

General Fund--State Appropriation (FY 2010)	(\$2,312,000)
\$1,912,000	
General Fund--State Appropriation (FY 2011)	\$3,615,000
TOTAL APPROPRIATION	(\$5,927,000)
\$5,527,000	

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the capitol building construction account.

NEW SECTION. Sec. 707. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--TEMPORARY LAYOFF OR AGENCY EQUIVALENT REDUCTIONS.

The appropriations for state agencies, including institutions of higher education, are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect savings resulting from statutory changes to employee compensation made by Substitute Senate Bill No. 6503, as amended (closing state agencies on specified dates). The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP documents TL0- 2010 dated February 24, 2010, at 10:00 a.m. and TL1-2010 dated February 19, 2010, at 4:00 p.m. If the bill is not enacted by June 30, 2010, the appropriation reductions provided in this section shall lapse. To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

(1) The following appropriations are reduced for implementation of the temporary layoff or agency equivalent reduction plans provided in Substitute House Bill No. 6503, as amended (closing state agencies on specified dates):

General Fund--State Appropriation (FY 2010)	(\$2,941,000)
General Fund--State Appropriation (FY 2011)	(\$35,274,000)
Special Account Salary/Insurance Increase Account--State Revolving Account Appropriation	(\$72,681,000)
TOTAL APPROPRIATION	(\$110,896,000)

(2) The following appropriations are reduced for implementation of the Washington management services and exempt management services reductions provided in Substitute House Bill No. 6503, as amended (closing state agencies on specified dates):

General Fund--State Appropriation (FY 2010)	(\$750,000)
General Fund--State Appropriation (FY 2011)	(\$9,250,000)
Special Account Salary/Insurance Increase Account--State Revolving Account Appropriation	(\$19,360,000)
TOTAL APPROPRIATION	(\$29,750,000)

NEW SECTION. Sec. 708. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:

(a) Gerald S. Morrow, claim number 99970006	\$20,567
(b) Darrell R. Baumgart, claim number 99970007	\$4,528
(c) William Davis, claim number 99970008	\$8,093
(d) Gene T. Strader, claim number 99970009	\$33,875
(e) Cecilio Cortez, claim number 99970012	\$17,055

- (f) Alexander D. Coble, claim number 99970013 \$302,110
- (g) James W. Jolly, claim number 99970017 \$28,884
- (h) James Jay Olsen, claim number 99970018 \$97,220
- (i) Todd E. Miller, claim number 99970019 \$6,957
- (j) Sean S. DeHart, claim number 99970021 \$52,062
- (k) Thomas L. Raglin, Jr., claim number 99970022 \$4,360
- (l) Matthew Smitham, claim number 99970016 \$8,100
- (m) John R. Frederick, claim number 99970020 \$7,719
- (n) Justin C. Federmeier, claim number 99970023 \$29,728
- (o) David R. Palmer, claim number 99970024 \$4,250
- (p) Ian K. Berghoffer, claim number 99970026 \$33,455
- (2) Payment of death benefit, pursuant to RCW 41.04.017: Estate of Erik Anderson, claim number 99970014 \$150,000

NEW SECTION. Sec. 709. A new section is added to 2009 c 564 (uncodified) to read as follows:

STRATEGIC PRINTING STRATEGY. (1) The office of financial management shall work with the appropriate state agencies to generate savings of \$6,162,000, of which \$3,081,000 shall be from the state general fund, that can arise from a strategic printing strategy. From appropriations in this act, the office of financial management shall reduce general fund--state allotments by \$3,081,000 for fiscal year 2011 to reflect the savings from the strategic printing strategy. The allotment reductions shall be placed in unallotted status and remain unexpended.

(2) The office of financial management, with the assistance of the department of information services and the department of printing, shall conduct an analysis of the state's printing processes to identify the most reasonable strategies of attaining a statewide savings target of \$6,162,000 without affecting direct program activities. The strategies shall include, but not be limited to, standardizing envelopes, utilizing print management, and streamlining processes. The analysis shall identify savings by agency and fund that will result from the implementation of a strategic printing strategy. The results of this analysis shall then be provided to the director of financial management and appropriate legislative committees by July 1, 2010. The director may use the analysis as the basis to achieve the savings identified in subsection (1) of this section.

NEW SECTION. Sec. 710. A new section is added to 2009 c 564 (uncodified) to read as follows:

INFORMATION TECHNOLOGY. Pursuant to section 15 of Substitute House Bill No. 3178 (state government technology use), the office of financial management shall work with the appropriate state agencies to generate savings of \$60,000,000 from technology efficiencies, of which \$30,000,000 shall be from the state general fund. From appropriations in this act, the office of financial management shall reduce general fund--state allotments by \$30,000,000 for fiscal year 2011. The allotment reductions shall be placed in unallotted status and remain unexpended.

Nothing in this section is intended to impact revenue collection efforts by the department of revenue.

NEW SECTION. Sec. 711. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS
 General Fund--State Appropriation (FY 2010) \$620,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute funds to Jefferson county (\$197,000), Skagit county (\$390,000), and Franklin county (\$33,000) for extraordinary criminal justice costs.

NEW SECTION. Sec. 712. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--HELP AMERICA VOTE ACT
 General Fund--State Appropriation (FY 2010) \$77,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the election account--state.

Sec. 713. 2009 c 564 s 720 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS
 ((General Fund--State Appropriation (FY 2010) \$400,000
 General Fund--State Appropriation (FY 2011) \$400,000
 Special Account Retirement System Contribution
 Increase Revolving Account Appropriation \$1,000,000
 TOTAL APPROPRIATION \$1,800,000

The appropriations in this section are subject to the following conditions and limitations:

~~—(1) The) Appropriations in this (section are provided solely to increase) act include agency and institution appropriations and public school funding allocations to reflect increased employer contribution rates in the public employees' retirement system and the school employees' retirement system as a result of the provisions of Substitute Senate Bill No. 6157 (calculating compensation for public retirement purposes). ((If the bill is not enacted by June 30, 2009, the amounts provided in this section shall lapse.~~

(2) To facilitate the transfer of moneys to dedicated funds and accounts, the state treasurer shall transfer sufficient moneys to each dedicated fund or account from the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.)

NEW SECTION. Sec. 714. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--READING ACHIEVEMENT ACCOUNT
 General Fund--State Appropriation (FY 2011) \$150,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the purpose of providing support to early reading programs operated within medical offices.

(End of part)

PART VIII

OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2009 c 564 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	((\$8,268,000))	
\$7,572,000		
General Fund Appropriation for public utility district excise tax distributions	((\$48,771,000))	
\$47,342,000		
General Fund Appropriation for prosecuting attorney distributions	\$6,281,000	
General Fund Appropriation for boating safety and education distributions	\$4,854,000	
General Fund Appropriation for other tax distributions	\$50,000	
General Fund Appropriation for habitat conservation program distributions	\$3,000,000	
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies		\$2,544,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution		\$170,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	((\$69,288,000))	
\$36,651,000		
County Criminal Justice Assistance Appropriation	((\$66,374,000))	\$68,528,000
Municipal Criminal Justice Assistance Appropriation	((\$25,622,000))	
\$27,175,000		
City-County Assistance Account Appropriation for local government financial assistance distribution		((\$28,564,000))
\$27,366,000		
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	((\$50,950,000))	
\$58,268,000		
Streamlined Sales and Use Tax Mitigation Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes	((\$65,038,000))	
\$50,056,000		
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation		((\$7,308,000))
\$7,374,000		
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians		((\$4,676,000))
\$4,773,000		
Liquor Revolving Account Appropriation for liquor profits distribution	((\$80,435,000))	
\$68,741,000		
Liquor Revolving Account Appropriation for additional liquor profits distribution to local governments		\$18,677,000
TOTAL APPROPRIATION	((\$490,870,000))	
\$439,422,000		

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. **2009 c 564 s 805 (uncodified) is amended to read as follows:**

FOR THE STATE TREASURER--TRANSFERS.

State Treasurer's Service Account: For transfer to the state general fund, ((\$10,400,000))	<u>\$16,400,000</u>	for		fiscal year 2010 and
((\$10,400,000))	<u>\$16,400,000</u>	for fiscal year 2011	((\$20,800,000))	\$32,800,000
Waste Reduction, Recycling and Litter Control Account: For transfer to the state general fund, ((\$2,000,000))	<u>\$3,000,000</u>	for fiscal year 2010		
and ((\$2,000,000))	<u>\$3,000,000</u>	for fiscal year 2011	((\$4,000,000))	
\$6,000,000				
State Toxics Control Account: For transfer to the state general fund, \$15,340,000 for fiscal year 2010 and \$14,400,000 for fiscal year 2011				
\$29,740,000				
Local Toxics Control Account: For transfer to the state general fund, \$37,060,000 for fiscal year 2010 and \$36,000,000 for fiscal year 2011				
\$73,060,000				
Education Construction Account: For transfer to the state general fund, \$93,362,000 for fiscal year		2010 and \$100,401,000 for fiscal year		
2011	\$193,763,000			
Aquatics Lands Enhancement Account: For transfer to the state general fund, \$5,050,000 for fiscal year 2010 and \$5,050,000 for fiscal year		2011		\$10,100,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account			\$28,600,000	
Economic Development Strategic Reserve Account: For transfer to the state general fund, \$2,500,000 for fiscal year 2010 and \$2,500,000 for		fiscal year 2011		\$5,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed by more than \$26,000,000 the actual amount of		the annual payment to the tobacco settlement account		\$204,098,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed \$26,000,000 less than the actual		amount of the strategic contribution supplemental payment to the tobacco settlement account		\$39,170,000
General Fund: For transfer to the streamlined sales and use tax mitigation account, \$31,447,000 for fiscal year 2010 and \$33,591,000 for fiscal		year 2011		\$65,038,000
State Convention and Trade Center Account: For transfer to the state convention and trade center operations		account, \$1,000,000 for		
fiscal year 2010 and \$3,100,000 for fiscal year 2011				\$4,100,000
Tobacco Prevention and Control Account: For transfer to the state general fund for fiscal year 2010			\$1,961,000	
Nisqually Earthquake Account: For transfer to the disaster response account for fiscal year 2010			\$500,000	
Judicial Information Systems Account: For transfer to the state general fund, \$2,500,000 for fiscal		year 2010 and \$2,500,000 for fiscal		
year 2011				\$5,000,000

Department of Retirement Systems Expense Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2010 and \$1,500,000 for fiscal year 2011 (~~(\$1,500,000)~~)
 \$2,500,000

State Emergency Water Projects Account: For transfer to the state general fund, \$390,000 for fiscal year 2011 \$390,000

The Charitable, Educational, Penal, and Reformatory Institutions Account: For transfer to the state general fund, \$5,550,000 for fiscal year 2010 and (~~(\$5,550,000)~~) \$4,082,000 for fiscal year 2011 ((~~\$11,100,000~~))
 \$9,632,000

Energy Freedom Account: For transfer to the state general fund, (~~(\$2,978,000)~~) \$4,038,000 for fiscal year 2010 and \$2,978,000 for fiscal year 2011 (~~(\$5,956,000)~~)
 \$7,016,000

Thurston County Capital Facilities Account: For transfer to the state general fund, (~~(\$4,194,000)~~) \$6,882,000 for fiscal year 2010 and \$4,194,000 for fiscal year 2011 (~~(\$8,388,000)~~)
 \$11,076,000

Public Works Assistance Account: For transfer to the state general fund, (~~(\$184,000,000)~~) \$196,000,000 for fiscal year 2010 and (~~(\$184,000,000)~~) \$196,000,000 for fiscal year 2011 (~~(\$368,000,000)~~)
 \$392,000,000

Budget Stabilization Account: For transfer to the state general fund for fiscal year 2010 \$45,130,000

Liquor Revolving Account: For transfer to the state general fund, \$31,000,000 for fiscal year 2010 and \$31,000,000 for fiscal year 2011 \$62,000,000

Public Works Assistance Account: For transfer to the city-county assistance account, \$5,000,000 on July 1, 2009, and \$5,000,000 on July 1, 2010 \$10,000,000

Public Works Assistance Account: For transfer to the drinking water assistance account, (~~(\$4,000,000)~~) \$5,465,000 for fiscal year 2010 and (~~(\$4,000,000)~~) \$5,465,000 for fiscal year 2011 (~~(\$8,000,000)~~)
 \$10,930,000

Performance Audits of Government Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2010 and \$5,000,000 for fiscal year 2011 \$15,000,000

Water Quality Capital Account: For transfer to the state general fund, \$278,000 for fiscal year 2011 \$278,000

Savings Incentive Account: For transfer to the state general fund, \$10,117,000 for fiscal year 2010 \$10,117,000

University of Washington Building Account: For transfer to the state general fund, \$18,339,000 for fiscal year 2011 (for university purposes) \$18,339,000

Eastern Washington University Capital Projects Account: For transfer to the state general fund, \$3,408,000 for fiscal year 2011 (for university purposes) \$3,408,000

Central Washington University Capital Projects Account: For transfer to the state general fund, \$4,931,000 for fiscal year 2011 (for university purposes) \$4,931,000

The Evergreen State College Capital Projects Account: For transfer to the state general fund, \$5,839,000 for fiscal year 2011 (for college purposes) \$5,839,000

Western Washington University Capital Projects Account: For transfer to the state general fund, \$2,307,000 for fiscal year 2011 (for university purposes) \$2,307,000

Community and Technical College Capital Construction Account, 1975: For transfer to the state general fund, \$3,135,000 for fiscal year 2011 (for college purposes) \$3,135,000

GET Ready for Math and Science Account: For transfer to the state general fund, \$1,650,000 for fiscal year 2010 \$1,650,000

Future Teachers Conditional Scholarship Account: For transfer to the state general fund, \$2,100,000 for fiscal year 2010 \$2,100,000

Education Savings Account: For transfer to the state general fund, \$100,767,000 for fiscal year 2010 \$100,767,000

Financial Services Regulation Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2010 and \$2,000,000 for fiscal year 2011 \$4,000,000

Public Service Revolving Account: For transfer to the state general fund, \$6,000,000 for fiscal year 2010 and \$5,000,000 for fiscal year 2011 \$11,000,000

Shared Game Lottery Account: For transfer to the education legacy trust account, \$3,600,000 for fiscal year 2010 and \$2,400,000 for fiscal year 2011 \$6,000,000

State Lottery Account: For transfer to the education legacy trust account, \$8,400,000 for fiscal year 2010 and \$5,600,000 for fiscal year 2011 \$14,000,000

Streamlined Sales and Use Tax Mitigation Account: For transfer to the state general fund, \$5,000,000 for fiscal year 2010 and \$5,000,000 for fiscal year 2011 \$10,000,000

(End of part)

PART IX MISCELLANEOUS

Sec. 901. **2010 c 3 s 601 (uncodified) is amended to read as follows:**

NEW HIRES. (1) From the effective date of this section until July 1, 2011, state agencies of the legislative, executive, and judicial branches shall not establish new staff positions or fill vacant existing staff positions except as specifically authorized by this section.

(2) The following activities of state agencies are exempt from subsection (1) of this section:

- (a) Direct custody, supervision, and patient care in corrections, juvenile rehabilitation, institutional care of veterans, the mentally ill, developmentally disabled, state hospitals, the special commitment center, and the schools for the blind and the deaf;
- (b) Direct protective services to children and other vulnerable populations in the department of social and health services;
- (c) Washington state patrol investigative services and field enforcement;
- (d) Hazardous materials response and emergency cleanup;
- (e) Emergency public health and patient safety response and the public health laboratory;
- (f) Military operations and emergency management within the military department;

- (g) Firefighting;
 - (h) Enforcement officers in the department of fish and wildlife, the liquor control board, the gambling commission, and the department of natural resources;
 - (i) Park rangers at the parks and recreation commission;
 - (j) Seasonal employment by natural resources agencies to the extent that employment levels do not exceed the prior fiscal year;
 - (k) Seasonal employment in the department of transportation maintenance programs to the extent that employment levels do not exceed the prior fiscal year;
 - (l) Employees hired on a seasonal basis by the department of agriculture for inspection and certification of agricultural products and for insect detection;
 - (m) Activities directly related to tax and fee collection, revenue generation, auditing, and recovery;
 - (n) In institutions of higher education, any positions directly related to academic programs, as well as positions not funded from state funds or tuition, positions that are filled by enrolled students at their own institution as student workers, positions in campus police and security, positions related to emergency management and response, and positions related to student health care and counseling;
 - (o) Operations of the state lottery and liquor control board business enterprises;
 - (p) The unemployment insurance program of the employment security department; and
 - (q) Activities that are necessary to receive or maintain federal funds by the state.
- (3) The exemptions specified in subsection (2) of this section do not require the establishment of new staff positions or the filling of vacant staff positions in the activities specified.
- (4) Exceptions to this section may be granted under section 605 of this act.
- (5) Also exempted from this section are positions related to facility realignments in the department of corrections, positions related to the transfer of programs between state agencies assumed in this act, disability determination staff funded solely by federal funds, and positions necessary to implement legislation passed in the 2010 legislative session.

NEW SECTION. Sec. 902. A new section is added to 2009 c 564 (uncodified) to read as follows:

AGENCY STAFFING. (1) By July 1, 2010, all state agencies must prepare and submit to the office of financial management staffing plans for fiscal year 2011. The first plan must list, by month and by job class, the number of budgeted FTEs, salaries, and benefits for the state general fund. The second plan must list, by month and by job class, the number of budgeted FTEs, salaries, and benefits for the total of all other allotted funds. The plans must be submitted at the same organizational level of detail as funds are appropriated to the agency. Agency allotments and staffing plans submitted to the office of financial management must be consistent.

(2) Agencies may only allot FTEs to the extent that the funding allotment contains sufficient funding to fully support those positions. To the extent that allotted FTEs would exceed available funding to support those positions, agencies shall request that the office of financial management revise their full-time equivalent staff allotment to the funded level; legislative and judicial agencies shall report the revised level to the office of financial management. The office of financial management shall summarize, by agency, the changes made under this subsection and provide that information to the appropriate fiscal committees of the legislature by October 1, 2010.

(3) Each agency shall report to the office of financial management the number of FTEs filled, by job class, as of July 1, 2010. The information must be provided at the same level of detail as is contained in the staffing plan. For any positions that are vacant on that date, the agency shall list the date that position was last filled. The office of financial management shall summarize information provided under this subsection and report to the appropriate fiscal committees of the legislature by October 1, 2010.

NEW SECTION. Sec. 903. A new section is added to 2009 c 564 (uncodified) to read as follows:

SMALL AGENCY CLIENT SERVICES. All small agencies with less than 176 FTE shall utilize the office of financial management small agency client services for budget, accounting and payroll services. The director of the office of financial management shall define the transition process and specific agency requirements.

NEW SECTION. Sec. 904. A new section is added to 2009 c 564 (uncodified) to read as follows:

For purposes of RCW 43.88.110(7), any cash deficit in existence at the close of fiscal year 2010 shall be liquidated over the remainder of the 2009-2011 fiscal biennium.

NEW SECTION. Sec. 905. A new section is added to 2009 c 564 (uncodified) to read as follows:

CORE FUNCTIONS OF GOVERNMENT REVIEW. (1) The legislature intends to evaluate whether the state agencies and activities are performing in the most efficient manner.

(2) By August 1, 2010, the joint legislative audit and review committee must select one of the priorities of government results and determine the relative priority of each activity based on the activity's contribution to the overall objectives of the priorities of government results area.

(3) The state auditor must select at least one but not more than four of the highest priority activities identified under subsection (2) of this section to be the subject of performance audits. The activities must be selected for performance audits under this subsection based on the evidence that the program or activity would likely benefit from the evaluation or review. The performance audit shall be conducted using generally accepted government auditing standards and may include an evaluation of: (a) Ways to improve performance, streamline operations, and provide cost-effective service to citizens; (b) programs and services that can be eliminated, reduced, consolidated, or enhanced; and (c) gaps and overlaps in the programs and services and recommendations for improving, eliminating, blending, or separating functions to correct gaps or overlaps.

(4) The state auditor must select at least one of the lowest priority activities identified in subsection (2) of this section to be the subject of an activity assessment. The assessment must address the following questions:

- (a) Does the activity continue to serve the purpose for which it was created?
- (b) In comparison to other programs and priorities, does this purpose continue to merit the use of the state's limited resources?
- (c) Does this activity continue to contribute to the priorities of government identified?
- (d) Are there better alternatives for the use of these resources or to accomplish the objective of the activity?

(5) The performance audits conducted under subsection (3) of this section and the assessments under subsection (4) of this section must be completed by June 30, 2011.

(6) The state auditor must reimburse the joint legislative audit and review committee for reasonable costs incurred in completing the requirements under this section.

Sec. 906. RCW 15.76.115 and 2001 2nd sp.s. c 16 s 1 are each amended to read as follows:

The fair fund is created in the custody of the state treasury. All moneys received by the department of agriculture for the purposes of this fund and from RCW 67.16.105(4) shall be deposited into the fund. ~~((At the beginning of fiscal year 2002 and))~~ Except for fiscal year 2011, each fiscal year ~~((hereafter,))~~ the state treasurer shall transfer into the fair fund from the general fund the sum of two million dollars. Expenditures from the fund may be used only for assisting fairs in the manner provided in this chapter. Only the director of agriculture or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 907. RCW 28B.35.370 and 2009 c 499 s 5 are each amended to read as follows:

Within thirty-five days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The amounts deposited in the respective capital projects accounts shall be used to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All normal school fund revenue pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law. During the 2009-2011 biennium, sums in the respective capital accounts shall also be used for routine facility maintenance and utility costs. In addition, the legislature may transfer from the respective capital projects accounts to the state general fund such amounts as reflect the excess fund balance of the account for university purposes.

(3) Funds available in the respective capital projects accounts may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 908. RCW 28B.57.050 and 1991 sp.s. c 13 s 51 are each amended to read as follows:

The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds, and all other moneys which the state finance committee or the college board may direct the state treasurer to deposit therein, shall be deposited in the 1975 community college capital construction account, hereby created in the state treasury. In the 2009-2011 fiscal biennium, the legislature may transfer from the community college capital construction account to the state general fund such amounts as reflect the excess fund balance of the account for college purposes.

Sec. 909. RCW 28B.102.080 and 2007 c 396 s 9 are each amended to read as follows:

(1) The future teachers conditional scholarship account is created in the custody of the state treasurer. An appropriation is not required for expenditures of funds from the account. The account is not subject to allotment procedures under chapter 43.88 RCW except for moneys used for program administration.

(2) The board shall deposit in the account all moneys received for the future teachers conditional scholarship and loan repayment program and for conditional loan programs under chapter 28A.660 RCW. The account shall be self-sustaining and consist of funds appropriated by the legislature for the future teachers conditional scholarship and loan repayment program, private contributions to the program, receipts from participant repayments from the future teachers conditional scholarship and loan repayment program, and conditional loan programs established under chapter 28A.660 RCW. Beginning July 1, 2004, the board shall also deposit into the account: (a) All funds from the institution of higher education loan account that are traceable to any conditional scholarship program for teachers or prospective teachers established by the legislature before June 10, 2004; and (b) all amounts repaid by individuals under any such program.

(3) Expenditures from the account may be used solely for conditional loans and loan repayments to participants in the future teachers conditional scholarship and loan repayment program established by this chapter, conditional scholarships for participants in programs established in chapter 28A.660 RCW, and costs associated with program administration by the board.

(4) Disbursements from the account may be made only on the authorization of the board.

(5) In the 2009-2011 fiscal biennium, the legislature may transfer from the future teachers conditional scholarship account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 910. RCW 28B.105.110 and 2009 c 564 s 1807 and 2009 c 564 s 920 are each reenacted and amended to read as follows:

(1) The GET ready for math and science scholarship account is created in the custody of the state treasurer.

(2) The board shall deposit into the account all money received for the GET ready for math and science scholarship program from appropriations and private sources. The account shall be self-sustaining.

(3) Expenditures from the account shall be used for scholarships to eligible students and for purchases of GET units. Purchased GET units shall be owned and held in trust by the board. Expenditures from the account shall be an equal match of state appropriations and private funds raised by the program administrator. During the 2009-2011 fiscal biennium, expenditures from the account not to exceed five percent may be used by the program administrator to carry out the provisions of RCW 28B.105.090.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the board.

(7) During the 2007-2009 fiscal biennium, the legislature may transfer state appropriations to the GET ready for math and science scholarship account that have not been matched by private contributions to the state general fund.

(8) During the 2009-2011 fiscal biennium, the legislature may transfer from the GET ready for math and science scholarship account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 911. RCW 43.09.475 and 2009 c 564 s 929 are each amended to read as follows:

The performance audits of government account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2009-2011 fiscal biennium, the legislature may transfer from the performance audits of government account to the state general fund such amounts as deemed to be appropriate or necessary. Additionally during the 2009-2011 fiscal biennium, the account may be used to conduct performance audits and assessments and to reimburse the joint legislative audit and review committee for reasonable costs as described in section 905 of this act.

Sec. 912. RCW 43.20A.725 and 2004 c 254 s 1 are each amended to read as follows:

(1) The department, through the sole authority of the office or its successor organization, shall maintain a program whereby an individual of school age or older who possesses a hearing or speech impairment is provided with telecommunications equipment, software, and/or peripheral devices, digital or otherwise, that is determined by the office to be necessary for such a person to access and use telecommunications transmission services effectively.

(2) The department, through the sole authority of the office or its successor organization, shall maintain a program where telecommunications relay services of a human or electronic nature will be provided to connect hearing impaired, deaf-blind, or speech impaired persons with persons who do not have a hearing or speech impairment. Such telecommunications relay services shall provide the ability for an individual who has a hearing or speech impairment to engage in voice, tactile, or visual communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech impairment to communicate using voice or visual communication services by wire or radio subject to subsection (4)(b) of this section.

(3) The telecommunications relay service and equipment distribution program may operate in such a manner as to provide communications transmission opportunities that are capable of incorporating new technologies that have demonstrated benefits consistent with the intent of this chapter and are in the best interests of the citizens of this state.

(4) The office shall administer and control the award of money to all parties incurring costs in implementing and maintaining telecommunications services, programs, equipment, and technical support services according to this section. The relay service contract shall be awarded to an individual company registered as a telecommunications company by the utilities and transportation commission, to a group of registered telecommunications companies, or to any other company or organization determined by the office as qualified to provide relay services, contingent upon that company or organization being approved as a registered telecommunications company prior to final contract approval. The relay system providers and telecommunications equipment vendors shall be selected on the basis of cost-effectiveness and utility to the greatest extent possible under the program and technical specifications established by the office.

(a) To the extent funds are available under the then-current rate and not otherwise held in reserve or required for other purposes authorized by this chapter, the office may award contracts for communications and related services and equipment for hearing impaired or speech impaired individuals accessing or receiving services provided by, or contracted for, the department to meet access obligations under Title 2 of the federal Americans with disabilities act or related federal regulations.

(b) The office shall perform its duties under this section with the goal of achieving functional equivalency of access to and use of telecommunications services similar to the enjoyment of access to and use of such services experienced by an individual who does not have a hearing or speech impairment only to the extent that funds are available under the then-current rate and not otherwise held in reserve or required for other purposes authorized by this chapter.

(5) The program shall be funded by a telecommunications relay service (TRS) excise tax applied to each switched access line provided by the local exchange companies. The office shall determine, in consultation with the office's program advisory committee, the budget needed to fund the program on an annual basis, including both operational costs and a reasonable amount for capital improvements such as equipment upgrade and replacement. The budget proposed by the office, together with documentation and supporting materials, shall be submitted to the office of financial management for review and approval. The approved budget shall be given by the department in an annual budget to the department of revenue no later than March 1st prior to the beginning of the fiscal year. The department of revenue shall then determine the amount of telecommunications relay service excise tax to be placed on each switched access line and shall inform local exchange companies and the utilities and transportation commission of this amount no later than May 1st. The department of revenue shall determine the amount of telecommunications relay service excise tax to be collected in the following fiscal year by dividing the total of the program budget, as submitted by the office, by the total number of switched access lines in the prior calendar year, as reported to the department of revenue under chapter 82.14B RCW, and shall not exercise any further oversight of the program under this subsection other than administering the collection of the telecommunications relay service excise tax as provided in RCW 82.72.010 through 82.72.090. The telecommunications relay service excise tax shall not exceed nineteen cents per month per access line. The telecommunications relay service excise tax shall be separately identified on each ratepayer's bill with the following statement: "Funds federal ADA requirements." All proceeds from the telecommunications relay service excise tax shall be put into a fund to be administered by the office through the department. During the 2009-2011 fiscal biennium, the funds may also be used to provide individualized employment services and employment-related counseling to people with disabilities, and technical assistance to employers about the employment of people with disabilities. "Switched access line" has the meaning provided in RCW 82.14B.020.

(6) The telecommunications relay service program and equipment vendors shall provide services and equipment consistent with the requirements of federal law for the operation of both interstate and intrastate telecommunications services for the hearing impaired or speech

impaired. The department and the utilities and transportation commission shall be responsible for ensuring compliance with federal requirements and shall provide timely notice to the legislature of any legislation that may be required to accomplish compliance.

(7) The department shall adopt rules establishing eligibility criteria, ownership obligations, financial contributions, and a program for distribution to individuals requesting and receiving such telecommunications devices distributed by the office, and other rules necessary to administer programs and services consistent with this chapter.

Sec. 913. RCW 43.43.944 and 2007 c 520 s 6034 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

- (a) All fees received by the Washington state patrol for fire service training;
- (b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940;
- (c) Twenty percent of all moneys received by the state on fire insurance premiums; and
- (d) General fund--state moneys appropriated into the account by the legislature.

(2) Moneys in the account may be appropriated only for fire service training. The state patrol may use amounts appropriated from the fire service training account under this section to contract with the Washington state firefighters apprenticeship trust for the operation of the firefighter joint apprenticeship training program. The contract may call for payments on a monthly basis. During the ~~((2007-2009))~~ 2009-2011 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol ~~((and additional sanitary wastewater treatment capacity at the state fire service training center)).~~

(3) Any general fund--state moneys appropriated into the account shall be allocated solely to the firefighter joint apprenticeship training program. The Washington state patrol may contract with outside entities for the administration and delivery of the firefighter joint apprenticeship training program.

Sec. 914. RCW 43.60A.185 and 2006 c 343 s 8 are each amended to read as follows:

The veterans innovations program account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for purposes of the veterans innovations program. During the 2009-2011 fiscal biennium, the funds may be used for contracting for veterans claims assistance services.

Sec. 915. RCW 43.79.080 and 1985 c 57 s 36 are each amended to read as follows:

There shall be in the state treasury a fund known and designated as the "University of Washington building account". In the 2009-2011 fiscal biennium, the legislature may transfer from the University of Washington building account to the state general fund such amounts as reflect the excess fund balance of the account for university purposes.

Sec. 916. RCW 43.79.460 and 2009 c 518 s 21 are each amended to read as follows:

(1) The savings incentive account is created in the custody of the state treasurer. The account shall consist of all moneys appropriated to the account by the legislature. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account.

(2) Within the savings incentive account, the state treasurer may create subaccounts to be credited with incentive savings attributable to individual state agencies, as determined by the office of financial management in consultation with the legislative fiscal committees. Moneys deposited in the subaccounts may be expended only on the authorization of the agency's executive head or designee and only for the purpose of one-time expenditures to improve the quality, efficiency, and effectiveness of services to customers of the state, such as one-time expenditures for employee training, employee incentives, technology improvements, new work processes, or performance measurement. Funds may not be expended from the account to establish new programs or services, expand existing programs or services, or incur ongoing costs that would require future expenditures.

(3) For purposes of this section, "incentive savings" means state general fund appropriations that are unspent as of June 30th of a fiscal year, excluding any amounts included in across-the-board reductions under RCW 43.88.110 and excluding unspent appropriations for:

- (a) Caseload and enrollment in entitlement programs, except to the extent that an agency has clearly demonstrated that efficiencies have been achieved in the administration of the entitlement program. "Entitlement program," as used in this section, includes programs for which specific sums of money are appropriated for pass-through to third parties or other entities;
- (b) Enrollments in state institutions of higher education;
- (c) A specific amount contained in a condition or limitation to an appropriation in the biennial appropriations act, if the agency did not achieve the specific purpose or objective of the condition or limitation;
- (d) Debt service on state obligations; and
- (e) State retirement system obligations.

(4) The office of financial management, after consulting with the legislative fiscal committees, shall report the amount of savings incentives achieved.

(5) For fiscal year 2009, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2008.

(6) For fiscal year 2010, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2009.

Sec. 917. RCW 43.79.465 and 2009 c 4 s 903 are each amended to read as follows:

The education savings account is created in the state treasury. The account shall consist of all moneys appropriated to the account by the legislature.

(1) Ten percent of legislative appropriations to the education savings account shall be distributed as follows: (a) Fifty percent to the distinguished professorship trust fund under RCW 28B.76.565; (b) seventeen percent to the graduate fellowship trust fund under RCW 28B.76.610; and (c) thirty-three percent to the college faculty awards trust fund under RCW 28B.50.837.

(2) The remaining moneys in the education savings account may be appropriated solely for (a) common school construction projects that are eligible for funding from the common school construction account, (b) technology improvements in the common schools, (c) during the 2001- 03 fiscal biennium, technology improvements in public higher education institutions, ~~((and))~~ (d) during the 2007-2009 fiscal biennium, the legislature may transfer from the education savings account to the state general fund such amounts as reflect the excess fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2008, and (e) during the 2009-2011 fiscal biennium, the

legislature may transfer from the education savings account to the state general fund such amounts as reflect the excess fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2009.

NEW SECTION. Sec. 918. A new section is added to chapter 43.215 RCW to read as follows:

(1)(a) The home visiting services account is created in the custody of the state treasurer. Revenues to the account shall consist of appropriations by the legislature and all other sources deposited in the account.

(b) Expenditures from the account shall be used for state matching funds for the purposes of the program established in this section including administrative expenses. Only the director, or the director's designee, may authorize expenditures from the account. Authorizations for expenditures may be given only after private funds are committed and available.

(c) Expenditures from the account are exempt from the appropriations and allotment provisions of chapter 43.88 RCW. However, amounts used for program administration by the department are subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.

(2) The department must expend moneys from the account to provide state matching funds for partnership activities to implement home visiting services and administer the infrastructure necessary to develop, support, and evaluate evidence-based, research-based, and promising home visiting programs.

(3) Activities eligible for funding through the account include, but are not limited to:

(a) Home visiting services that achieve one or more of the following: (i) Enhancing child development and well-being by alleviating the effects on child development of poverty and other known risk factors; (ii) reducing the incidence of child abuse and neglect; or (iii) promoting school readiness for young children and their families; and

(b) Development and maintenance of the infrastructure for home visiting programs, including training, quality improvement, and evaluation.

(4) Beginning July 1, 2010, the department shall contract with the nongovernmental private-public partnership designated in RCW 43.215.070 to administer programs funded through the home visiting services account. The department shall monitor performance and provide periodic reports on the use outcomes of the home visiting services account.

(5) The nongovernmental private-public partnership shall, in the administration of the programs:

(a) Fund programs through a competitive bid process; and

(b) Convene an advisory committee of early learning and home visiting experts, including one representative from the department, to advise the partnership regarding research and the distribution of funds from the account to eligible programs.

(6) To promote continuity for families receiving home visiting services through programs funded on the effective date of this section, those programs funded under chapter 43.121 RCW shall be funded through June 30, 2012, based on availability of funds and the achievement of stated performance goals. This section does not require any program to receive continuous funding beyond June 30, 2012. Organizations that may receive program funding include local health departments; nonprofit, neighborhood-based, community, regional, or statewide organizations; and federally recognized Indian tribes located in the state.

Sec. 919. RCW 43.320.110 and 2005 c 518 s 932 are each amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, except as provided in RCW 43.320.115, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

During the ((2005-2007)) 2009-2011 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 920. RCW 46.09.170 and 2009 c 564 s 944 and 2009 c 187 s 2 are each reenacted and amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty- three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

(a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the board for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the board receives under RCW 46.09.110, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The board may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the board's project evaluation. Funds remaining after such a waiver must be allocated in accordance with board policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the 2009-2011 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to the department of natural resources to install consistent off-road vehicle signage at department-managed recreation sites, and to implement the recreation opportunities on department-managed lands in the Reiter block and Ahtanum state forest, and to the state parks and recreation commission. The legislature finds that the appropriation of funds from the NOVA account during the 2009-2011 fiscal biennium for maintenance and operation of state parks (~~and~~) or to improve accessibility for boaters and off-road vehicle users (~~(-This)) at state parks will benefit boaters and off-road vehicle users and others who use nonhighway and nonmotorized recreational facilities. The appropriations ((#))~~ under this subsection are not required to follow the specific distribution specified in subsection (2) of this section.

Sec. 921. RCW 66.08.170 and 2009 c 564 s 947 are each amended to read as follows:

There shall be a fund, known as the "liquor revolving fund", which shall consist of all license fees, permit fees, penalties, forfeitures, and all other moneys, income, or revenue received by the board. The state treasurer shall be custodian of the fund. All moneys received by the board or any employee thereof, except for change funds and an amount of petty cash as fixed by the board within the authority of law shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the liquor revolving fund. During the 2009-2011 fiscal biennium, the legislature may transfer funds from the liquor revolving (~~(account fund)) fund~~ to the state general fund and may direct an additional amount of liquor profits to be distributed to local governments. Neither the transfer of funds nor the additional distribution of liquor profits to local governments during the 2009-2011 fiscal biennium may reduce the excess fund distributions that otherwise would occur under RCW 66.08.190. Licensee sales are exempt from any increases to the price of liquor made by the board during the 2009-2011 fiscal biennium for the purpose of implementing any transfers to the state general fund or additional distribution of liquor profits. This exemption includes price increases implemented for such purposes during the 2009-2011 fiscal biennium prior to the effective date of this section but applies only to sales made on or after July 1, 2010. Disbursements from the revolving fund shall be on authorization of the board or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the liquor revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund.

Sec. 922. RCW 67.70.044 and 2009 c 576 s 1 are each amended to read as follows:

(1) Pursuant to RCW 67.70.040(1)(a), the commission may enter into the multistate agreement establishing a shared game lottery known as "The Big Game," that was entered into by party state lotteries in August 1996 and subsequently amended and a shared game lottery known as "Powerball."

(2) The shared game lottery account is created as a separate account outside the state treasury. The account is managed, maintained, and controlled by the commission and consists of all revenues received from the sale of shared game lottery tickets or shares, and all other moneys credited or transferred to it from any other fund or source under law. The account is allotted according to chapter 43.88 RCW. During the 2009-2011 fiscal biennium, the legislature may transfer from the shared game lottery account to the education legacy trust account such amounts as reflect the excess fund balance of the account.

Sec. 923. RCW 67.70.230 and 1985 c 375 s 4 are each amended to read as follows:

There is hereby created and established a separate account, to be known as the state lottery account. Such account shall be managed, maintained, and controlled by the commission and shall consist of all revenues received from the sale of lottery tickets or shares, and all other moneys credited or transferred thereto from any other fund or source pursuant to law. The account shall be a separate account outside the state treasury. No appropriation is required to permit expenditures and payment of obligations from the account. During the 2009-2011 fiscal biennium, the legislature may transfer from the state lottery account to the education legacy trust account such amounts as reflect the excess fund balance of the account.

Sec. 924. RCW 70.93.180 and 2009 c 564 s 950 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the "waste reduction, recycling, and litter control account". Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Fifty percent to the department of ecology, for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for use in litter collection programs, to be distributed under RCW 70.93.220. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide, for the biennial litter survey under RCW 70.93.200(8), and for statewide public awareness programs under RCW 70.93.200(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, and recycling, so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b) Twenty percent to the department for local government funding programs for waste reduction, litter control, and recycling activities by cities and counties under RCW 70.93.250, to be administered by the department of ecology; and

(c) Thirty percent to the department of ecology for waste reduction and recycling efforts.

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70.93.220 for the remainder of the funds, so that the most effective waste reduction, litter control, and recycling programs receive the most

funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) During the 2009-2011 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. ~~((For purposes of subsection (1) of this section, this transfer shall be treated as an expenditure for litter collection.))~~ Additionally, during the 2009-2011 fiscal biennium, subsection (1) of this section is suspended.

Sec. 925. **RCW 70.105D.070 and 2009 c 564 s 951 are each amended to read as follows:**

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship;

(xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150; ~~(and)~~

(xiii) During the 2009-2011 fiscal biennium, shoreline update technical assistance; and

(xiv) During the 2009-2011 fiscal biennium, multijurisdictional permitting teams.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(c) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) Except during the 2009-2011 fiscal biennium, one percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the local toxics control account to either the state general fund or the oil spill prevention account, or both such amounts as reflect excess fund balance in the account.

(9) During the 2009-2011 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay, local government shoreline update grants, private and public sector diesel equipment retrofit, and oil spill prevention, preparedness, and response activities.

(10) During the 2009-2011 fiscal biennium, the legislature may transfer from the state toxics control account to the state general fund such amounts as reflect the excess fund balance in the account.

Sec. 926. RCW 70.146.100 and 2007 c 233 s 1 are each amended to read as follows:

(1) The water quality capital account is created in the state treasury. Moneys in the water quality capital account may be spent only after appropriation.

(2) Expenditures from the water quality capital account may only be used: (a) To make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other moneys are made available on a cost-sharing basis, for the capital component of water pollution control facilities and activities; (b) for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities; or (c) to defray any part of the capital component of the payments made by a public body to a service provider under a service agreement entered into under RCW 70.150.060. During the 2009-2011 fiscal biennium, the legislature may transfer from the water quality capital account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 927. RCW 74.31.060 and 2007 c 356 s 7 are each amended to read as follows:

The traumatic brain injury account is created in the state treasury. Two dollars of the fee imposed under RCW 46.63.110(7)(c) must be deposited into the account. Moneys in the account may be spent only after appropriation, and may be used only to provide a public awareness campaign and services relating to traumatic brain injury under RCW 74.31.040 and 74.31.050, for information and referral services, and for costs of required department staff who are providing support for the council and information and referral services under RCW 74.31.020 and 74.31.030. During the 2009-2011 fiscal biennium, money in the account may also be spent on the long-term care services. The secretary of the department of social and health services has the authority to administer the funds.

Sec. 928. RCW 79.105.150 and 2009 c 564 s 959 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2009-2011 fiscal biennium, the aquatic lands enhancement account may also be used for scientific research as part of the adaptive management process. During the 2009-11 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the state general fund such amounts as reflect excess fund balance of the account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 929. RCW 80.01.080 and 2006 c 3 s 2 are each amended to read as follows:

There is created in the state treasury a public service revolving fund. Regulatory fees payable by all types of public service companies shall be deposited to the credit of the public service revolving fund. Except for expenses payable out of the pipeline safety account, all expense of operation of the Washington utilities and transportation commission shall be payable out of the public service revolving fund.

During the ~~((2003-2005))~~ 2009-2011 fiscal biennium, the legislature may transfer from the public service revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Due to the extraordinarily high winter energy costs, during the 2005-2007 fiscal biennium, no more than seven million six hundred thousand dollars, as appropriated in section 1, chapter 3, Laws of 2006, shall be payable out of the public service revolving fund to provide energy assistance to customers in accordance with the low-income energy assistance program.

Sec. 930. RCW 82.14.495 and 2009 c 4 s 907 are each amended to read as follows:

(1) The streamlined sales and use tax mitigation account is created in the state treasury. The state treasurer shall transfer into the account from the general fund amounts as directed in RCW 82.14.500. Expenditures from the account may be used only for the purpose of mitigating the negative fiscal impacts to local taxing jurisdictions as a result of RCW 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020. During the ((2007-2009)) 2009-2011 fiscal biennium, the legislature may transfer from the streamlined sales and use tax mitigation account to the state general fund such amounts as reflect the excess fund balance of the account.

(2) Beginning July 1, 2008, the state treasurer, as directed by the department, shall distribute the funds in the streamlined sales and use tax mitigation account to local taxing jurisdictions in accordance with RCW 82.14.500.

(3) The definitions in this subsection apply throughout this section and RCW 82.14.390 and 82.14.500.

(a) "Agreement" means the same as in RCW 82.32.020.

(b) "Local taxing jurisdiction" means counties, cities, transportation authorities under RCW 82.14.045, public facilities districts under chapters 36.100 and 35.57 RCW, public transportation benefit areas under RCW 82.14.440, and regional transit authorities under chapter 81.112 RCW, that impose a sales and use tax.

(c) "Loss" or "losses" means the local sales and use tax revenue reduction to a local taxing jurisdiction resulting from the sourcing provisions in RCW 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020.

(d) "Net loss" or "net losses" means a loss offset by any voluntary compliance revenue.

(e) "Voluntary compliance revenue" means the local sales tax revenue gain to each local taxing jurisdiction reported to the department from persons registering through the central registration system authorized under the agreement.

(f) "Working day" has the same meaning as in RCW 82.45.180.

NEW SECTION. Sec. 931. A new section is added to 2009 c 564 (uncodified) to read as follows:

COLLECTIVE BARGAINING AGREEMENT--WSRCC ADULT FAMILY HOME PROVIDERS. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Washington state residential care council of adult family homes under the provisions of chapter 41.56 RCW.

NEW SECTION. Sec. 932. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 933. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Correct the title.

Representative Miloscia moved the adoption of amendment (1314) to amendment (1295).

On page 17, line 32, increase the Legal Services Revolving Account--State appropriation by \$492,000

On page 17, line 36, correct the total

On page 18, after line 28, insert the following:

"(5) The executive ethics board must produce a report by the end of the calendar year for the legislature regarding performance measures on the efficiency and effectiveness of the board, as well as on performance measures to measure and monitor the ethics and integrity of all state agencies."

Representatives Miloscia, Darneille and Linville spoke in favor of the adoption of the amendment to the amendment.

Representative Seaquist spoke against the adoption of the amendment to the amendment.

Amendment (1314) to amendment (1295) was adopted.

Representative Pettigrew moved the adoption of amendment (1319) to amendment (1295).

On page 18, line 33, decrease the general fund--state appropriation for fiscal year 2010 by \$250,000

On page 20, line 6, correct the total

On page 20, line 9, after "(1)" strike "\$2,520,000" and insert "~~(\$2,520,000)~~\$2,270,000"

On page 82, line 8, increase the general fund--state appropriation for fiscal year 2010 by \$250,000

On page 82, line 19, correct the total

On page 86, after line 25, insert "(11) \$250,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for increased funding for limited English proficiency pathway programs."

Representative Pettigrew spoke in favor of the adoption of the amendment to the amendment.

Representative Hinkle spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 59 - YEAS; 38 - NAYS.

Amendment (1319) to amendment (1295) was adopted.

Representative Anderson moved the adoption of amendment (1308) to amendment (1295).

On page 18, line 35, increase the General Fund--State appropriation for fiscal year 2011 by \$225,000

On page 20, line 6, correct the total

On page 26, after line 11, insert the following:

"(33) \$225,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for a contract between the department of commerce and the King county sexual assault resource center to develop a proprietary client tracking system. This tracking system will respond to two data needs: It will track open cases of sexual assault victims that the agency is working on at any given time in order to provide reports to funding sources; and it will provide an integrated system of case management, ensuring that all therapists and advocates working with a victim

and family know the treatment plan, legal status, and mental health needs and issues. "

On page 123, line 9, decrease the general fund--state appropriation for fiscal year 2011 by \$225,000

On page 123, line 11, correct the total

On page 123, line 28, after "and" strike "\$3,166,000" and insert "~~(\$3,166,000)~~ \$2,941,000"

Representatives Anderson, Priest and Maxwell spoke in favor of the adoption of the amendment to the amendment.

Representative Roberts spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 44 - YEAS; 54 - NAYS.

Amendment (1308) to amendment (1295) was not adopted.

Representative Upthegrove moved the adoption of amendment (1500) to amendment (1295).

On page 18, line 35, increase the general fund--state appropriation for fiscal year 2011 by \$625,000

On page 20, line 6, correct the total

On page 113, line 24, increase the general fund--state appropriation for fiscal year 2010 by \$200,000

On page 114, line 26, correct the total

On page 129, line 26, increase the general fund--state appropriation for fiscal year 2010 by \$1,230,000

On page 129, line 28, increase the general fund--state appropriation for fiscal year 2011 by \$4,883,000

On page 130, line 25, increase the state toxics control account--state appropriation by \$4,274,000

On page 131, line 26, correct the total

On page 138, line 7, increase the general fund--state appropriation for fiscal year 2011 by \$170,000

On page 138, line 18, correct the total

On page 140, line 5, increase the general fund--state appropriation for fiscal year 2010 by \$214,000

On page 140, line 7, increase the general fund--state appropriation for fiscal year 2011 by \$462,000

On page 141, line 2, correct the total

On page 145, line 10, increase the general fund--state appropriation for fiscal year 2011 by \$75,000

On page 146, line 8, correct the total

Representatives Upthegrove and Simpson spoke in favor of the adoption of the amendment to the amendment.

Representatives Schmick, Hinkle and Taylor spoke against the adoption of the amendment to the amendment.

Amendment (1500) to amendment (1295) was adopted.

Representative Kelley moved the adoption of amendment (1302) to amendment (1295).

On page 28, beginning on line 31, strike all of subsection (4) Renummer the remaining subsections consecutively and correct any internal references accordingly.

On page 125, line 17, increase the general fund--state appropriation for fiscal year 2011 by \$6,000

On page 126, after line 9, insert the following:

"(3) Within the amounts appropriated in this section, the sentencing guidelines commission shall perform an assessment of the effectiveness of requiring offenders who violate any conditions of their community custody to serve a mandatory minimum period of 48 hours in total confinement. In conducting the assessment, the sentencing guidelines commission shall perform a review of the research studies to determine if a mandatory minimum confinement policy is an evidence-based practice, investigate the implementation of such a policy in other states, and estimate the fiscal impacts of implementing such a policy in Washington state. The sentencing guidelines commission shall report its findings to the governor and the legislature by December 1, 2010."

Representative Kelley spoke in favor of the adoption of the amendment to the amendment.

Amendment (1302) to amendment (1295) was adopted.

Representative Ericks moved the adoption of amendment (1316) to amendment (1295).

On page 32, line 36, increase the general fund--state appropriation for fiscal year 2010 by \$1,645,000

On page 33, line 1, increase the general fund--state appropriation for fiscal year 2011 by \$2,735,000

On page 33, line 14, correct the total.

On page 34, after line 5, insert the following:

"(6) \$1,645,000 of the general fund--state appropriation for fiscal year 2010 and \$2,735,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department of revenue to implement revenue legislation enacted in the 2010 legislative session."

Representatives Ericks and Hunter spoke in favor of the adoption of the amendment to the amendment.

Representatives Orcutt and Ericksen spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1316) to amendment (1295) to Engrossed Substitute Senate Bill No. 6444.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1316) to amendment (1295) to Engrossed Substitute Senate Bill No. 6444 and the amendment was adopted by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz,

Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Roberts, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Amendment (1316) to (1295) was adopted.

Representative Green moved the adoption of amendment (1502) to amendment (1295).

On page 64, line 28, increase the general fund--state appropriation for fiscal year 2010 by \$871,000

On page 64, line 30, increase the general fund--state appropriation for fiscal year 2011 by \$1,563,000

On page 64, line 36, correct the total

Representative Green spoke in favor of the adoption of the amendment to the amendment.

Amendment (1502) to amendment (1295) was adopted.

Representative Simpson moved the adoption of amendment (1322) to amendment (1295).

On page 67, line 3, increase the general fund--state appropriation for fiscal year 2011 by \$725,000

On page 67, line 5, increase the general fund--federal appropriation by \$1,900,000

On page 67, line 8, correct the total

On page 67, line 15, after "(b)" insert "(i)"

On page 67, after line 22 insert the following:

"(ii) \$725,000 of the general fund--state appropriation for fiscal year 2011, and \$1,900,000 of the general fund--federal appropriation are provided solely to partially restore the hours reductions to in-home care that are taken in (b)(i) of this subsection."

On page 75, line 6, increase the general fund--state appropriation for fiscal year 2011 by \$4,386,000

On page 75, line 8, increase the general fund--federal appropriation by \$11,500,000

On page 75, line 14, correct the total

On page 76, line 23, after "(5)" insert "(i)"

On page 76, after line 30 insert the following:

"(ii) \$4,775,000 of the general fund--state appropriation for fiscal year 2011, and \$11,500,000 of the general fund federal appropriation are provided solely to partially restore the hours reductions to in-home care that are taken in (i) of this subsection."

Representative Simpson spoke in favor of the adoption of the amendment to the amendment.

Representatives Walsh, Cody and Linville spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1322) to amendment (1295) to Engrossed Substitute Senate Bill No. 6444.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to Engrossed Substitute Senate Bill No. 6444 and the amendment was not adopted by the following vote: Yeas, 10; Nays, 88; Absent, 0; Excused, 0.

Voting yea: Representatives Chase, Conway, Goodman, Hasegawa, Hudgins, Kirby, Priest, Probst, Simpson and Williams.

Voting nay: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Amendment (1322) to amendment (1295) was not adopted.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment (1322) to Engrossed Substitute Senate Bill No. 6444.

Marko Liias, 21st District

SECOND READING

Representative Appleton moved the adoption of amendment (1303) to amendment (1295).

On page 75, line 4, increase the general fund--state appropriation for fiscal year 2010 by \$115,000

On page 75, line 6, increase the general fund--state appropriation for fiscal year 2011 by \$1,600,000

On page 75, line 8, increase the general fund--federal appropriation by \$2,590,000

On page 75, line 14, correct the total

On page 82, after line 2, insert the following:

"(23) \$115,000 of the general fund--state appropriation for fiscal year 2010, \$1,600,000 of the general fund--state appropriation for fiscal year 2011, and \$2,590,000 of the general fund--federal appropriation are provided solely for the department to maintain the total enrollment of the adult day health services program at the January 2010 level of 1,678 clients."

Representatives Appleton and Linville spoke in favor of the adoption of the amendment to the amendment.

Representative Morrell spoke against the adoption of the amendment to the amendment.

Amendment (1303) to amendment (1295) was adopted.

Representative Simpson moved the adoption of amendment (1321) to amendment (1295).

On page 75, line 4, decrease the general fund--state appropriation for fiscal year 2010 by \$18,769,000

On page 75, line 6, decrease the general fund--state appropriation for fiscal year 2011 by \$19,682,000

On page 75, after line 12, insert the following:

"Nursing Facility Quality Assurance Trust Fund--State Appropriation..... \$38,451,000"

On page 82, after line 2, insert the following:

"(23) \$38,451,000 of the nursing facility quality assurance trust fund appropriation is provided solely for House Bill No. 3021 (nursing facility quality assurance). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 207 FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY2010).....\$18,769,000

General Fund--State Appropriation (FY2011).....\$19,682,000

The appropriations in this section are subject to the following conditions and limitations:

Funding is appropriated solely in the event that House Bill No. 3021 (nursing facility quality assurance) does not pass. If House Bill No. 3021 (nursing facility quality assurance) is enacted by May 30, 2010, the amounts provided in this subsection shall lapse."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Simpson, Simpson (again) and Armstrong spoke in favor of the adoption of the amendment to the amendment.

Representatives Linville, Cody and Orcutt spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1321) to amendment (1295) to Engrossed Substitute Senate Bill No. 6444.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1321) to amendment (1295) to Engrossed Substitute Senate Bill No. 6444 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused, 0.

Voting yea: Representatives Angel, Armstrong, Campbell, Chandler, Chase, Condotta, Conway, Crouse, Dammeier, DeBolt, Fagan, Finn, Goodman, Green, Haler, Hasegawa, Hinkle, Hudgins, Johnson, Kirby, Kretz, McCoy, McCune, Nealey, O'Brien, Parker, Priest, Roberts, Rodne, Rolfes, Ross, Schmick, Shea, Short, Simpson, Takko, Taylor, Van De Wege, Walsh, Warnick and Williams.

Voting nay: Representatives Alexander, Anderson, Appleton, Bailey, Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Flannigan, Haigh, Herrera, Hope, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Klippert, Kristiansen, Liias, Linville, Maxwell, Miloscia, Moeller, Morrell, Morris, Nelson, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Probst, Quall, Roach, Santos, Seaquist, Sells, Smith, Springer, Sullivan, Upthegrove, Wallace, White, Wood and Mr. Speaker.

Amendment (1321) to amendment (1295) was not adopted.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment (1321) to Engrossed Substitute Senate Bill No. 6444.

Marko Liias, 21st District

SECOND READING

Representative Flannigan moved the adoption of amendment (1315) to amendment (1295).

On page 75, line 6, increase the general fund--state appropriation for fiscal year 2011 by \$2,000,000

On page 75, line 14, correct the total

On page 81, line 28, after "(21)" strike "\$1,816,000" and insert "\$3,816,000"

On page 276, line 5, after "on the" strike "long-term care services" and insert "services authorized in RCW 74.31.030(4)(c)"

On page 276, after line 7, insert the following:

"**Sec. 928.** RCW 74.31.030 and 2007 c 356 s 4 are

each amended to read as follows:

(1) By July 30, 2007, the department shall designate a staff person who shall be responsible for the following:

(a) Coordinating policies, programs, and services for individuals with traumatic brain injuries; and

(b) Providing staff support to the council created in RCW 74.31.020.

(2) The department shall provide data and information to the council established under RCW 74.31.020 that is requested by the council and is in the possession or control of the department.

(3) By December 1, 2007, the department shall provide a preliminary report to the legislature and the governor, and shall provide a final report by December 1, 2008, containing recommendations for a comprehensive statewide plan to address the needs of individuals with traumatic brain injuries, including the use of public-private partnerships and a public awareness campaign. The comprehensive plan should be created in collaboration with the council and should consider the following:

(a) Building provider capacity and provider training;

(b) Improving the coordination of services;

(c) The feasibility of establishing agreements with private sector agencies to develop services for individuals with traumatic brain injuries; and

(d) Other areas the council deems appropriate.

(4) By December 1, 2007, the department shall:

(a) Provide information and referral services to individuals with traumatic brain injuries until the statewide referral and information network is developed. The referral services may be funded from the traumatic brain injury account established under RCW 74.31.060; (~~and~~)

(b) Encourage and facilitate the following:

(i) Collaboration among state agencies that provide services to individuals with traumatic brain injuries;

(ii) Collaboration among organizations and entities that provide services to individuals with traumatic brain injuries; and

(iii) Community participation in program implementation; and

(c) During the 2009-2011 fiscal biennium:

(i) Secure funding to develop housing specifically for traumatic brain injured individuals by leveraging federal and private fund sources;

(ii) Expand support group services with an emphasis on persons returning from active military duty with traumatic brain injury and their families;

(iii) Establish training and outreach to first responders and emergency medical staff for care related to traumatic brain injury; and

(iv) Improve awareness of health insurance coverage options and promote best practices in private health insurance coverage.

(5) By December 1, 2007, and by December 1st each year thereafter, the department shall issue a report to the governor and the legislature containing the following:

(a) A summary of action taken by the department to meet the needs of individuals with traumatic brain injuries; and

(b) Recommendations for improvements in services to address the needs of individuals with traumatic brain injuries."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Flannigan and Linville spoke in favor of the adoption of the amendment to the amendment.

Amendment (1315) to amendment (1295) was adopted.

Representative Short moved the adoption of amendment (1318) to amendment (1295).

On page 98, after line 37, insert the following:

"(39) The department shall propose a new medicaid prescription drug pricing benchmark to replace the average wholesale price (AWP), and report on the transition plan, the potential impact on stakeholders, and impact on state expenditures for the 2011-13 biennium to the governor and the fiscal committees of the legislature by November 1, 2010. This effort will include collaboration with stakeholders and be consistent with the recommendations of the American medicaid pharmacy administrators association and the national association of medicaid directors working group on post-AWP pricing and reimbursement."

Renumber subsections consecutively and correct internal references accordingly.

Representatives Short and Cody spoke in favor of the adoption of the amendment to the amendment.

Amendment (1318) to amendment (1295) was adopted.

Representative Seaquist moved the adoption of amendment (1287) to amendment (1295).

On page 104, after line 31, insert the following:

"(10) In the event that the authority markets a non-subsidized version of the basic health plan, the authority must also provide information on other health care coverage options to potential clients."

Representatives Seaquist and Linville spoke in favor of the adoption of the amendment to the amendment.

Amendment (1287) to amendment (1295) was adopted.

Representative Cody moved the adoption of amendment (1307) to amendment (1295).

On page 113, line 26, increase the general fund--state appropriation for fiscal year 2011 by \$2,649,000

On page 114, line 26, correct the total

Representative Cody spoke in favor of the adoption of the amendment to the amendment.

Representative Bailey spoke against the adoption of the amendment to the amendment.

Amendment (1307) to amendment (1295) was adopted.

Representative Finn moved the adoption of amendment (1306) to amendment (1295).

On page 145, after line 3, insert the following:

"(21) The department must work with appropriate stakeholders to facilitate the disposition of salmon to best utilize the resource, increase revenues to regional fisheries enhancement groups, and enhance the provision of nutrients to food banks. By November 1, 2010, the department must provide a report to the appropriate committees of the legislature summarizing these discussions, outcomes, and recommendations. After November 1, 2010, the department shall not solicit or award a surplus salmon disposal contract without first giving due consideration to implementing the recommendations developed during the stakeholder process."

Representatives Finn and Ericks spoke in favor of the adoption of the amendment to the amendment.

Amendment (1306) to amendment (1295) was adopted.

Representative Anderson moved the adoption of amendment (1309) to amendment (1295).

On page 208, after line 16, insert the following:

"(9)(a) Within existing resources, a legislative task force on four-year public university access and affordability is established with the following membership:

- (i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate. At least one member shall be a member of the senate higher education and workforce development committee and at least one member shall be a member of the senate ways and means committee;
- (ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives. At least one member shall be a member of the house higher education committee and at least one member shall be a member of the house education appropriations committee; and
- (iii) The governor shall appoint the chair of the committee, who is a non-voting member. The appointee shall not be a current or former trustee, employee, vendor, or contractor to a Washington public four-year institution of higher education.

(b) Staff support for the task force shall be provided by the house office of program research and senate committee services.

(c) The duties of the task force shall include:

- (i) Recommending a ten-year integrated and comprehensive state policy to align state investments in institutional support and financial aid, tuition, and cost management;
- (ii) Reviewing all aspects of the business operations of the public four-year institutions;
- (iii) Issuing recommendations on changes to optimize the use of resources and yield savings that can be redirected so as to maintain academic and research quality, accommodate increasing enrollment demands, and moderate tuition increases; and
- (iv) Conducting an analysis of four-year graduate job placement and retention.

(d) The workgroup shall report to the appropriate committees of the legislature by December 1, 2010, with findings and recommendations regarding long-term, sustainable, integrated, and comprehensive policies regarding tuition, state funding levels, financial aid, and institutional cost management."

Representatives Anderson and Wallace spoke in favor of the adoption of the amendment to the amendment.

Amendment (1309) to amendment (1295) was adopted.

Representative Kenney moved the adoption of amendment (1362) to amendment (1295).

On page 210, line 7, increase the general fund--state appropriation for fiscal year 2011 by \$14,000

On page 210, line 11, correct the total

On page 212, line 31 after "least" strike "\$150,000" and insert "\$164,000"

On page 218, line 11, decrease the general fund--state appropriation for fiscal year 2011 by \$14,000

On page 218, line 17, correct the total

Representatives Kenney and Linville spoke in favor of the adoption of the amendment to the amendment.

Amendment (1362) to amendment (1295) was adopted.

Representative Probst moved the adoption of amendment (1381) to amendment (1295).

On page 210, line 7, decrease the general fund--state appropriation for fiscal year 2011 by \$3,039,000

On page 210, after line 9, insert the following:

"Opportunity Express Account--State Appropriation. . . . \$2,039,000"

On page 210, line 11, correct the total.

On page 210, line 15, after "2010" strike "and" and insert "~~((and))~~,"

On page 210, line 16, after "2011" insert ", and \$1,039,000 of the opportunity express account--state appropriation"

On page 210, line 19, after "at least" strike "6,200" and insert "~~((6,200))~~ 6,425"

On page 212, after line 34, insert the following:

"(13) \$1,000,000 of the opportunity express account--state appropriation is provided solely for the opportunity grant program as specified in RCW 28B.50.271."

On page 227, after line 11, insert the following:

"Opportunity Express Account--State Appropriation. . . . \$1,000,000"

On page 227, line 13, correct the total.

On page 227, on line 15, after "~~((2))~~" insert the following: "(1)"

On page 227, after line 20, insert the following:

"(2) \$1,000,000 of the opportunity express account--state appropriation is provided solely for distribution to local workforce development councils for the development of local business internships for the opportunity internships program as specified in RCW 28B.92.084 and the identification of high demand industries and skills in their local economies."

On page 243, after line 30, insert the following:

"NEW SECTION. Sec. 715. A new section is added to 2009 c 564 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT-
-OPPORTUNITY EXPRESS ACCOUNT**

General Fund--State Appropriation (FY 2011). \$3,039,000

The appropriation in this section is provided solely for expenditure into the opportunity express account--state."

Representatives Probst, Linville, Conway and Wallace spoke in favor of the adoption of the amendment to the amendment.

Representatives Orcutt, Priest and Priest (again), and Angel spoke against the adoption of the amendment to the amendment.

Amendment (1381) to amendment (1295) was adopted.

Representative Sells moved the adoption of amendment (1415) to amendment (1295).

On page 210, line 7, increase the general fund--state appropriation for fiscal year 2011 by \$2,000,000

On page 210, line 11, correct the total

On page 212, after line 34, insert the following:

"\$2,000,000 of the general fund--state appropriation in fiscal year 2011 is provided solely for the state board for community and technical colleges to contract with the aerospace training and research center on paine field in Everett, Washington to support industry-identified training in the aerospace sector."

Representatives Sells and Ericks spoke in favor of the adoption of the amendment to the amendment.

Amendment (1415) to amendment (1295) was adopted.

Representative Driscoll moved the adoption of amendment (1304) to amendment (1295).

On page 215, line 15 of the amendment, after "networks." insert "The results of the joint planning efforts, including the status of the application preparation and business plan, must be reported to the house of representatives committee on higher education and the senate committee on higher education and workforce development by December 1, 2010."

Representatives Driscoll and Linville spoke in favor of the adoption of the amendment to the amendment.

Amendment (1304) to amendment (1295) was adopted.

Representative McCoy moved the adoption of amendment (1384) to amendment (1295).

On page 221, after line 27, insert the following:

"(16) At least \$119,207 of the general fund--state appropriation for fiscal year 2011 shall be expended on the longhouse center.

(17) At least \$103,146 of the general fund--state appropriation for fiscal year 2011 shall be expended on the Northwest Indian applied research institute"

Representatives McCoy and Linville spoke in favor of the adoption of the amendment to the amendment.

Representative Anderson spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 61 - YEAS; 37 - NAYS.

Amendment (1384) to amendment (1295) was adopted.

Representative Kagi moved the adoption of amendment (1313) to amendment (1295).

On page 228, after line 9, insert the following:

"Home Visiting Services Account--State \$100,000"

On page 228, line 11, correct the total

On page 231, beginning on line 14, after "(15)" strike all material through "account" on line 20 and insert "(a) \$1,245,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for expenditure into the home visiting services account created in section 918 of this act; and (b) \$100,000 of the home visiting services account is provided solely for administering services funded from the home visiting services account"

Representatives Kagi and Linville spoke in favor of the adoption of the amendment to the amendment.

Amendment (1313) to amendment (1295) was adopted.

Representative Seaquist moved the adoption of amendment (1305) to amendment (1295).

On page 230, beginning on line 15 of the amendment, strike all of subsection (10) and insert the following:

"(10) The legislature notes that the department of early learning is developing a plan for improving child care licensing and is consulting, as practicable, with parents, licensed child care providers, and stakeholders from the child care community. The plan shall outline the processes and specify the resources necessary for improvements such as continuing licenses, child care licensing technology, and weighted child care regulations, including development of risk-based decision making models and inclusive, evidence-based rule making. The department shall submit to the appropriate committees of the legislature a plan by January 15, 2011."

Representatives Seaquist and Linville spoke in favor of the adoption of the amendment to the amendment.

Amendment (1305) to amendment (1295) was adopted.

Representative Armstrong moved the adoption of amendment (1320) to amendment (1295).

On page 239, beginning on line 22, strike all of section 707 and insert the following:

"NEW SECTION. Sec. 707. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- ONE AND THREE QUARTERS PERCENT ACROSS THE BOARD SALARY REDUCTION.

General Fund--State Appropriation (FY 2010) (\$3,742,000)

General Fund--State Appropriation (FY 2011) (\$44,906,000)

Special Account Salary/Insurance Increase Account--State

Revolving Account Appropriation(\$51,975,000)

TOTAL APPROPRIATION (\$100,623,000)

(1) Beginning June 1, 2010, and until the June 30, 2011, the salaries or wages paid to all employees of all state agencies and institutions of higher education are reduced by one and three quarters percent. In conjunction with this one and three quarters percent reduction in pay, no state employee shall be required to take mandatory days of leave without pay between June 1, 2010 and June 30, 2011.

(2) It is the intent of the Legislature that state elected officials whose salaries are set by the salary commission offer a similar reduction to his or her salaries as called for in subsection (1) of this section, and are thereby strongly encouraged to make a similar one and three quarters percent of salary donation to a worthy charitable cause.

(3) The appropriations for state agencies, including institutions of higher education, are subject to the following conditions and

limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect savings resulting from reducing salaries and wages, and to facilitate the transfer of moneys from dedicated funds and accounts the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

(4) It is the intent of the legislature that the reduction of employee salaries and wages made pursuant to this section be considered as integral to agency spending reduction efforts. Consistent with chapter 430, laws of 2009 (Senate Bill 6157 - calculating compensation for pension purposes), and sections 5 through 8 of Substitute Senate Bill 6503, as amended by the house committee on ways and means, the calculation of final salaries for employee pensions shall not be adversely affected by the across-the-board salary reduction required by this section."

Representatives Armstrong, Ross and Klippert spoke in favor of the adoption of the amendment to the amendment.

Representatives Hunt and Linville spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 42 - YEAS; 57 - NAYS.

Amendment (1320) to amendment (1295) was not adopted.

Representative Orwall moved the adoption of amendment (1507) to amendment (1295).

On page 239, beginning on line 22, strike all of section 707 and insert the following:

"**NEW SECTION. Sec. 707.** A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- STATE AGENCY AND HIGHER EDUCATION EMPLOYEE COMPENSATION REDUCTIONS.

General Fund--State Appropriation (FY 2010) (\$3,742,000)
General Fund--State Appropriation (FY 2011) (\$44,906,000)
Special Account Salary/Insurance Increase Account--State Revolving Account Appropriation (\$51,975,000)
TOTAL APPROPRIATION (\$100,623,000)

(1) State agencies, including institutions of higher education, shall reduce compensation expenditures by the amounts specified in this section. These reductions shall be made proportionately based on each state agency and institution's share of the total compensation of all state employees.

(2) The appropriations for state agencies, including institutions of higher education, are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect savings resulting from reducing compensation. To facilitate the transfer of moneys from dedicated funds and accounts the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management."

Representatives Orwall and Linville spoke in favor of the adoption of the amendment to the amendment.

Amendment (1507) to amendment (1295) was adopted.

Representative Hinkle moved the adoption of amendment (1340) to amendment (1295).

On page 243, after line 30, insert the following:

"**NEW SECTION. Sec. 715.** A new section is added to 2009 c 564 (uncodified) to read as follows:

The legislature finds that the governor's 2010 supplemental operating budget request contains requests for funds to implement the compensation and fringe benefits provisions of the bargaining agreements negotiated with state employees following the conclusion of the 2009 legislative session. As provided for in RCW 41.80.010(3)(b), those requests for funds are hereby rejected as a whole.

NEW SECTION. Sec. 716. A new section is added to 2009 c 564 (uncodified) to read as follows:

The appropriations for state agencies, including institutions of higher education, are subject to the following conditions and limitations: Appropriations are reduced to reflect changes to agency appropriations to reflect savings resulting from changes to employee compensation made by this section. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section:
General Fund--State Appropriation (FY 2011) (\$6,596,000)
Special Account Salary/Insurance Increase Account--State Revolving Account Appropriation (\$9,526,000)

TOTAL APPROPRIATION (\$16,122,000)

(1) From July 1, 2010 through June 30, 2011, a salary or wage increase shall not be granted to any position classified under this chapter, or to employees covered by collective bargaining agreements negotiated under chapters 28B.52, 41.56, 47.64, 41.76 RCW, or collective bargaining agreements negotiated by the nonprofit corporation formed under chapter 67.40 RCW, except that a salary increase may be granted for a position for which the employer has demonstrated difficulty in retaining qualified employees if the following conditions are met:

(a) The salary increase can be paid within existing resources; and

(b) The salary increase will not adversely impact the delivery of client services.

(2) From the effective date of this act through June 30, 2011, a salary or wage increase shall not be granted to any position exempt from classification under this chapter, except that a salary increase may be granted for a position for which the employer has demonstrated difficulty in retaining qualified employees if the following conditions are met:

(a) The salary increase can be paid within existing resources; and

(b) The salary increase will not adversely impact the delivery of client services.

(3) Any agency granting a salary increase from the effective date of this act through June 30, 2011, to a position classified or exempt from classification under this chapter, shall submit a report to the fiscal committees of the legislature no later than July 31, 2011, detailing the positions for which salary increases were granted, the size of the increases, and the reasons for giving the increases.

(4) This section expires July 1, 2011."

Renumber remaining sections consecutively, correct internal references accordingly, and correct the title.

Representatives Hinkle, Ericksen and Alexander spoke in favor of the adoption of the amendment to the amendment.

Representatives Hunt and Linville spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1340) to amendment (1295) to Engrossed Substitute Senate Bill No. 6444.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1340) to amendment (1295) to Engrossed Substitute Senate Bill No. 6444 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 57; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (1340) to amendment (1295) was not adopted.

Representative Ericks moved the adoption of amendment (1501) to amendment (1295).

On page 243, after line 30, insert the following:

"**Sec. 715.** 2009 c 564 s 915 (uncodified) is amended to read as follows:

General Fund--State Appropriation (FY 2011) \$22,340,000
Special Account Salary/Insurance Increase Account--State Revolving Account Appropriation \$111,554,000
TOTAL APPROPRIATION \$133,894,000

Appropriations for state agencies in this act, and as appropriated above, are sufficient for nonrepresented and represented state employee health benefits for state agencies, including institutions of higher education. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section by agency and fund. To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys, in an amount not to exceed \$68,554,000 from each dedicated fund or account to the special salary/insurance increase account in accordance with schedules provided by the office of financial management. ~~((and))~~ The appropriations for health insurance funding rates in state agency appropriations, and those in this section are subject to the following conditions and limitations:

(1) The legislature finds that the monthly employer funding rates in the 2009-2011 operating budget, in combination with the level of state employee premium share collectively bargained following the conclusion of the 2009 legislative session, have produced an inadequate stream of revenue to maintain the state employee health benefits system in a sustainable and stable financial position. The increase to the monthly employer funding rate made in this section is made with the intent that the governor immediately request that the coalition of all the exclusive

bargaining representatives with which health care benefit funding is bargained commence bargaining over a corresponding increase in the employee share of health premiums.

~~(2)~~(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$745 per eligible employee for fiscal year 2010. For fiscal year 2011 the monthly employer funding rate shall not exceed ~~(((\$768)))~~\$863 per eligible employee, nor shall a plan for expenditures on benefits and administration by the public employees' benefits board be adopted that results in projected total reserve funds being less than \$90,000,000 by June 30, 2011.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. During the 2009-11 fiscal biennium, the board may only authorize benefit plans and premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented under the personnel system reform act of 2002.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(d) The conditions in this section apply to benefits for nonrepresented employees, employees represented by the super coalition, and represented employees outside of the super coalition, including employees represented under chapter 47.64 RCW.

~~((2))~~(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2010, through the remainder of the 2009-11 fiscal biennium, the subsidy shall be \$182.89.

~~((3))~~(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$59.59 per month beginning September 1, 2009, and \$64.90 beginning September 1, 2010;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$59.59 each month beginning September 1, 2009, and \$64.90 beginning September 1, 2010, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority."

Correct the title.

On page 249, after line 19, insert the following:

"Data Processing Revolving Account: For transfer to the Salary/Insurance Increase Revolving Account--State for fiscal year 2011. \$30,000,000

Public Works Assistance Account: For transfer to the Salary/Insurance Increase Revolving Account--State for fiscal year 2011. \$13,000,000"

On page 264, after line 20, insert the following:

"**Sec. 918.** RCW 43.105.080 and 1999 c 80 s 8 are each amended to read as follows:

There is created a revolving fund to be known as the data processing revolving fund in the custody of the state treasurer. The revolving fund shall be used for the acquisition of equipment, software, supplies, and services and the payment of salaries, wages, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies and equipment, including the payment of principal and interest on bonds issued for capital projects, by the department, Washington State University's computer services center, the department of personnel's personnel information systems division, the office of financial management's financial systems management group, and other users as jointly determined by the department and the office of financial management, and during the 2009-11 fiscal biennium, the legislature may transfer from the data processing revolving fund to the salary/insurance increase revolving fund such amounts as reflect the excess fund balance of the account. The revolving fund is subject to the allotment procedure provided under chapter 43.88 RCW. Disbursements from the revolving fund for the services component of the department are not subject to appropriation. Disbursements for the strategic planning and policy component of the department are subject to appropriation. All disbursements from the fund are subject to the allotment procedures provided under chapter 43.88 RCW. The department shall establish and implement a billing structure to assure all agencies pay an equitable share of the costs.

As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and 43.19.200.

Sec. 919. RCW 43.155.050 and 2009 c 564 s 940 are each amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. During the 2009-2011 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund, ~~(and)~~ the city-county assistance account, and the salary/insurance increase revolving fund such amounts as reflect the excess fund balance of the account.

(2) The job development fund is hereby established in the state treasury. Moneys in the job development fund may be spent only after appropriation."

Remember the remaining sections consecutively, correct any references accordingly, and correct the title.

Representatives Ericks, Linville and Sullivan spoke in favor of the adoption of the amendment to the amendment.

Representatives Ericksen, Hinkle, Alexander and Rodne spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1501) to amendment (1295) to Engrossed Substitute Senate Bill No. 6444.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1501) to amendment (1295) to Engrossed Substitute Senate Bill No. 6444 and the amendment was adopted by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Amendment (1501) to amendment (1295) was adopted.

Representative Pettigrew moved the adoption of amendment (1391) to amendment (1295).

On page 277, after line 32, insert the following:

"**Sec. 932.** RCW 80.36.430 and 2009 c 564 s 960 are each amended to read as follows:

(1) The Washington telephone assistance program shall be funded by a telephone assistance excise tax on all switched access lines and by funds from any federal government or other programs for this purpose. Switched access lines are defined in RCW 82.14B.020. The telephone assistance excise tax shall be applied equally to all residential and business access lines not to exceed fourteen cents per month. The department shall submit an approved annual budget for the Washington telephone assistance program to the department of revenue no later than March 1st prior to the beginning of each fiscal year. The department of revenue shall then determine the amount of telephone assistance excise tax to be placed on each switched access line and shall inform local exchange companies and the utilities and transportation commission of this amount no later than May 1st. The department of revenue shall determine the amount of telephone assistance excise tax by dividing the total of the program budget funded by the telephone assistance excise tax, as submitted by the department, by the total number of switched access lines in the prior calendar year. The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." All money collected from the telephone assistance excise tax shall be transferred to a telephone assistance fund administered by the department.

(2) Local exchange companies shall bill the fund for their expenses incurred in offering the telephone assistance program,

including administrative and program expenses. The department shall disburse the money to the local exchange companies. The department is exempted from having to conclude a contract with local exchange companies in order to effect this reimbursement. The department shall recover its administrative costs from the fund. The department may specify by rule the range and extent of administrative and program expenses that will be reimbursed to local exchange companies.

(3) The department shall enter into an agreement with the *department of community, trade, and economic development for an amount not to exceed eight percent of the prior fiscal year's total revenue for the administrative and program expenses of providing community service voice mail services. The community service voice mail service may include toll-free lines in community action agencies through which recipients can access their community service voice mailboxes at no charge.

(4) During the 2009-2011 biennium, the department shall enter into an agreement with the ~~((military department))~~ WIN 211 organization for ~~((one million dollars to))~~ operational support ~~((the WIN 211 program))~~."

Renumber the sections consecutively and correct any internal references accordingly. Correct the title.

Representative Pettigrew spoke in favor of the adoption of the amendment to the amendment.

Amendment (1391) to amendment (1295) was adopted.

Amendment (1295) was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Sullivan, Wallace, Pettigrew and Linville spoke in favor of the passage of the bill.

Representatives Hinkle, Alexander, Armstrong, Bailey, Dammeier and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6444, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6444, as amended by the House, and the bill passed the House by the following vote: Yeas, 55; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Simpson, Smith, Taylor, Walsh, Warnick and Williams.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6444, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the following bills listed on the second reading calendar were referred to the Committee on Rules.

HOUSE BILL NO. 2351
 HOUSE BILL NO. 2569
 HOUSE BILL NO. 2897
 HOUSE BILL NO. 2914
 HOUSE BILL NO. 3156
 SUBSTITUTE SENATE BILL NO. 6374
 SUBSTITUTE SENATE BILL NO. 6380
 SUBSTITUTE SENATE BILL NO. 6393
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6402
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6424
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6430
 SUBSTITUTE SENATE BILL NO. 6706
 SUBSTITUTE SENATE BILL NO. 6747
 SECOND SUBSTITUTE SENATE BILL NO. 6760
 SECOND SUBSTITUTE SENATE BILL NO. 6790
 SENATE JOINT RESOLUTION NO. 8225

There being no objection, the House adjourned until 9:30 a.m., March 6, 2010, the 55th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

HOUSE JOURNAL
OF THE
SIXTY FIRST LEGISLATURE
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2010 Regular Session
Convened January 11, 2010
Adjourned Sine Die March 11, 2010
2010 First Special Session
Convened March 15, 2010
Adjourned Sine Die April 12, 2010

VOLUME 2



Frank Chopp, Speaker
Jeff Morris, Speaker Pro Tempore
Barbara Baker, Chief Clerk

Compiled and edited by Mary F. Mackey and Al Audette

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FIFTY FIFTH DAY

House Chamber, Olympia, Saturday, March 6, 2010

The House was called to order at 9:30 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mary Richards and Hanna Dosser. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Al O'Brien, 1st District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

INTRODUCTIONS AND FIRST READING

HB 3211 by Representatives Liias and Miloscia

AN ACT Relating to public records; and adding a new section to chapter 42.56 RCW.

Referred to Committee on State Government & Tribal Affairs.

E2SSB 6409 by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Rockefeller, Shin and Kohl-Welles)

AN ACT Relating to creating the Washington opportunity pathways account; reenacting and amending RCW 67.70.240, 67.70.340, and 43.135.045; adding a new section to chapter 28B.76 RCW; and creating new sections.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the seventh order of business.

MESSAGE FROM THE SENATE

March 2, 2010

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1966 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.84.040 and 1997 c 271 s 20 are each amended to read as follows:

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white in color (with or without a red tip), a totally or partially blind or hearing impaired pedestrian using a dog guide, ~~((or an otherwise physically disabled))~~ a

person with physical disabilities using a service animal, or a person with a disability using a wheelchair or a power wheelchair as defined in RCW 46.04.415 shall take all necessary precautions to avoid injury to such pedestrian or wheelchair user. Any driver who fails to take such precaution shall be liable in damages for any injury caused such pedestrian or wheelchair user. It shall be unlawful for the operator of any vehicle to drive into or upon any crosswalk while there is on such crosswalk ~~((s))~~ such pedestrian ~~((s))~~ or wheelchair user crossing or attempting to cross the roadway, if such pedestrian or wheelchair user is using a white cane, using a dog guide, ~~((or))~~ using a service animal, or using a wheelchair or a power wheelchair as defined in RCW 46.04.415. The failure of any such pedestrian or wheelchair user so to signal shall not deprive him or her of the right-of-way accorded him or her by other laws.

NEW SECTION. **Sec. 2.** This act takes effect August 1, 2010."

On page 1, line 2 of the title, after "precautions;" strike the remainder of the title and insert "amending RCW 70.84.040; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1966 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative McCoy spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1966, as amended by the Senate.

MOTIONS

On motion of Representative Santos, Representatives Dickerson, Hurst and Wood were excused. On motion of Representative Hinkle, Representatives Ericksen and Hope were excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1966, as amended by the Senate, and the bill passed the House by the following vote: Yeas: 93 Nays: 0 Absent: 0 Excused: 5

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler,

Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, and Williams

Excused: Representatives Dickerson, Ericksen, Hope, Hurst, and Wood

HOUSE BILL NO. 1966, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2402 with the following amendment:

On page 2, after line 35, insert the following:

"Sec. 2. RCW 84.36.020 and 1994 c 124 s 16 are each amended to read as follows:

The following real and personal property (~~shall be~~) is exempt from taxation:

(1) All lands, buildings, and personal property required for necessary administration and maintenance, used, or to the extent used, exclusively for public burying grounds or cemeteries without discrimination as to race, color, national origin or ancestry;

(2) All churches, personal property, and the ground, not exceeding five acres in area, upon which a church of any nonprofit recognized religious denomination is or (~~shall~~) will be built, together with a parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property. The area exempted (~~shall~~) in any case includes all ground covered by the church, parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property and the structures and ground necessary for street access, parking, light, and ventilation, but the area of unoccupied ground exempted in such cases, in connection with church, parsonage, convent, and buildings and improvements required for the maintenance and safeguarding of such property, (~~shall~~) does not exceed the equivalent of one hundred twenty by one hundred twenty feet except where additional unoccupied land may be required to conform with state or local codes, zoning, or licensing requirements. The parsonage and convent need not be on land contiguous to the church property. Except as otherwise provided in this subsection, to be exempt the property must be wholly used for church purposes(~~(- PROVIDED, That)~~). The loan or rental of property otherwise exempt under this (~~paragraph~~) subsection to a nonprofit organization, association, or corporation, or school for use for an eleemosynary activity (~~shall~~) or for use for activities related to a farmers market, does not nullify the exemption provided in this (~~paragraph~~) subsection if the rental income, if any, is reasonable and is devoted solely to the operation and maintenance of the property. However, activities related to a farmers market may not occur on the property more than fifty-three days each assessment year. For the purposes of this section, "farmers market" has the same meaning as "qualifying farmers market" as defined in RCW 66.24.170."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "market;" strike the remainder of the title and insert "amending RCW 84.36.037 and 84.36.020; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2402 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative White spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2402, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2402, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Mr. Speaker.

Excused: Representatives Dickerson, Hope, Hurst and Wood.

SUBSTITUTE HOUSE BILL NO. 2402, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2420 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Washington's forest products industry plays a critical economic and environmental role in the state. The industry provides a wide range of services and goods both to Washingtonians and people around the world and is vital to the well-being and lifestyle of the people of the state of Washington; and

(b) It is in the best interest of the state to support and enhance the forest products industry.

(2) The legislature further finds that the state's forest practices are sustainably managed according to some of the most stringent riparian growing and harvest rules of any state in the nation or in the world, and that the state of Washington has received fifty-year assurances from the federal government that the state's forest practices satisfy the requirements of the federal endangered species act for aquatic species. As part of their environmental stewardship, forest landowners in Washington have repaired or removed nearly three thousand fish passage barriers, returned nearly twenty-five hundred miles of forest roads to their natural condition, and opened up nearly fifteen hundred miles of riparian salmonid habitat.

(3) The legislature further finds that Washington's forests naturally create habitat for fish and wildlife, clean water, and carbon storage; all environmental benefits that are lost when land is converted out of working forestry into another use. In recognition of forestry's benefits, the international panel on climate change has reported that a sustainable forest management strategy aimed at maintaining or increasing forest carbon stocks, while producing an annual sustained yield of timber, fiber, wood products, or energy from the forest, will generate the largest sustained carbon mitigation benefit.

(4) The legislature further finds that the forest products industry is a seventeen billion dollar industry, making it Washington's second largest manufacturing industry. The forest products industry alone provides nearly forty-five thousand direct jobs and one hundred sixty-two thousand indirect jobs, many located in rural areas.

(5) The legislature further finds that working forests help generate wealth through recreation and tourism, the retention and creation of green jobs, and through the production of wood products and energy, a finding supported by the United States secretary of agriculture.

Sec. 2. RCW 43.330.310 and 2008 c 14 s 9 are each amended to read as follows:

(1) The legislature establishes a comprehensive green economy jobs growth initiative based on the goal of, by 2020, increasing the number of green economy jobs to twenty-five thousand from the eight thousand four hundred green economy jobs the state had in 2004.

(2) The department, in consultation with the employment security department, the state workforce training and education coordinating board, the state board ~~(of for)~~ for community and technical colleges, and the higher education coordinating board, shall develop a defined list of terms, consistent with current workforce and economic development terms, associated with green economy industries and jobs.

(3)(a) The employment security department, in consultation with the department, the state workforce training and education coordinating board, the state board for community and technical colleges, the higher education coordinating board, Washington State University small business development center, and the Washington State University extension energy program, shall conduct labor market research to analyze the current labor market and projected job growth in the green economy, the current and projected recruitment and skill requirement of green economy industry employers, the wage and benefits ranges of jobs within green economy industries, and the education and training requirements of entry-level and incumbent workers in those industries.

(i) The employment security department shall conduct an analysis of occupations in the forest products industry to: (A) Determine key growth factors and employment projections in the industry; and (B) define the education and skill standards required for current and emerging green occupations in the industry.

(ii) The term "forest products industry" must be given a broad interpretation when implementing (a)(i) of this subsection and includes, but is not limited to, businesses that grow, manage, harvest, transport, and process forest, wood, and paper products.

(b) The University of Washington business and economic development center shall: Analyze the current opportunities for and

participation in the green economy by minority and women-owned business enterprises in Washington; identify existing barriers to their successful participation in the green economy; and develop strategies with specific policy recommendations to improve their successful participation in the green economy. The research may be informed by the research of the Puget Sound regional council prosperity partnership, as well as other entities. The University of Washington business and economic development center shall report to the appropriate committees of the house of representatives and the senate on their research, analysis, and recommendations by December 1, 2008.

(4) Based on the findings from subsection (3) of this section, the employment security department, in consultation with the department and taking into account the requirements and goals of chapter 14, Laws of 2008 and other state clean energy and energy efficiency policies, shall propose which industries will be considered high-demand green industries, based on current and projected job creation and their strategic importance to the development of the state's green economy. The employment security department and the department shall take into account which jobs within green economy industries will be considered high-wage occupations and occupations that are part of career pathways to the same, based on family-sustaining wage and benefits ranges. These designations, and the results of the employment security department's broader labor market research, shall inform the planning and strategic direction of the department, the state workforce training and education coordinating board, the state board for community and technical colleges, and the higher education coordinating board.

(5) The department shall identify emerging technologies and innovations that are likely to contribute to advancements in the green economy, including the activities in designated innovation partnership zones established in RCW 43.330.270.

(6) The department, consistent with the priorities established by the state economic development commission, shall:

(a) Develop targeting criteria for existing investments, and make recommendations for new or expanded financial incentives and comprehensive strategies, to recruit, retain, and expand green economy industries and small businesses; and

(b) Make recommendations for new or expanded financial incentives and comprehensive strategies to stimulate research and development of green technology and innovation, including designating innovation partnership zones linked to the green economy.

(7) For the purposes of this section, "target populations" means (a) entry-level or incumbent workers in high-demand green industries who are in, or are preparing for, high-wage occupations; (b) dislocated workers in declining industries who may be retrained for high-wage occupations in high-demand green industries; (c) dislocated agriculture, timber, or energy sector workers who may be retrained for high-wage occupations in high-demand green industries; (d) eligible veterans or national guard members; (e) disadvantaged populations; or (f) anyone eligible to participate in the state opportunity grant program under RCW 28B.50.271.

(8) The legislature directs the state workforce training and education coordinating board to create and pilot green industry skill panels. These panels shall consist of business representatives from: Green industry sectors (related to clean energy), including but not limited to forest product companies, companies engaged in energy efficiency and renewable energy production, companies engaged in pollution prevention, reduction, and mitigation, and companies engaged in green building work and green transportation; labor unions representing workers in those industries or labor affiliates administering state-approved, joint apprenticeship programs or labor-management partnership programs that train workers for these industries((:)); state and local veterans agencies((:)); employer associations((:)); educational institutions((:)); and local workforce

development councils within the region that the panels propose to operate~~(s)~~; and other key stakeholders as determined by the applicant. Any of these stakeholder organizations are eligible to receive grants under this section and serve as the intermediary that convenes and leads the panel. Panel applicants must provide labor market and industry analysis that demonstrates high demand, or demand of strategic importance to the development of the state's clean energy economy as identified in this section, for high-wage occupations, or occupations that are part of career pathways to the same, within the relevant industry sector. The panel shall:

(a) Conduct labor market and industry analyses, in consultation with the employment security department, and drawing on the findings of its research when available;

(b) Plan strategies to meet the recruitment and training needs of the industry and small businesses; and

(c) Leverage and align other public and private funding sources.

(9) The green industries jobs training account is created in the state treasury. Moneys from the account must be utilized to supplement the state opportunity grant program established under RCW 28B.50.271. All receipts from appropriations directed to the account must be deposited into the account. Expenditures from the account may be used only for the activities identified in this subsection. The state board for community and technical colleges, in consultation with the state workforce training and education coordinating board, informed by the research of the employment security department and the strategies developed in this section, may authorize expenditures from the account. The state board for community and technical colleges must distribute grants from the account on a competitive basis.

(a)(i) Allowable uses of these grant funds, which should be used when other public or private funds are insufficient or unavailable, may include:

(A) Curriculum development;

(B) Transitional jobs strategies for dislocated workers in declining industries who may be retrained for high-wage occupations in green industries;

(C) Workforce education to target populations; and

(D) Adult basic and remedial education as necessary linked to occupation skills training.

(ii) Allowable uses of these grant funds do not include student assistance and support services available through the state opportunity grant program under RCW 28B.50.271.

(b) Applicants eligible to receive these grants may be any organization or a partnership of organizations that has demonstrated expertise in:

(i) Implementing effective education and training programs that meet industry demand; and

(ii) Recruiting and supporting, to successful completion of those training programs carried out under these grants, the target populations of workers.

(c) In awarding grants from the green industries jobs training account, the state board for community and technical colleges shall give priority to applicants that demonstrate the ability to:

(i) Use labor market and industry analysis developed by the employment security department and green industry skill panels in the design and delivery of the relevant education and training program, and otherwise utilize strategies developed by green industry ~~(skills skill)~~ skill panels;

(ii) Leverage and align existing public programs and resources and private resources toward the goal of recruiting, supporting, educating, and training target populations of workers;

(iii) Work collaboratively with other relevant stakeholders in the regional economy;

(iv) Link adult basic and remedial education, where necessary, with occupation skills training;

(v) Involve employers and, where applicable, labor unions in the determination of relevant skills and competencies and, where relevant, the validation of career pathways; and

(vi) Ensure that supportive services, where necessary, are integrated with education and training and are delivered by organizations with direct access to and experience with the targeted population of workers.

Sec. 3. RCW 43.330.375 and 2009 c 536 s 4 are each amended to read as follows:

(1) The department and the workforce board ~~(in consultation with the leadership team,))~~ must:

(a) Coordinate efforts across the state to ensure that federal training and education funds are captured and deployed in a focused and effective manner in order to support green economy projects and accomplish the goals of the evergreen jobs initiative;

(b) Accelerate and coordinate efforts by state and local organizations to identify, apply for, and secure all sources of funds, particularly those created by the 2009 American recovery and reinvestment act, and to ensure that distributions of funding to local organizations are allocated in a manner that is time-efficient and user-friendly for the local organizations. Local organizations eligible to receive support include but are not limited to:

(i) Associate development organizations;

(ii) Workforce development councils;

(iii) Public utility districts; and

(iv) Community action agencies;

(c) Support green economy projects at both the state and local level by developing a process and a framework to provide, at a minimum:

(i) Administrative and technical assistance;

(ii) Assistance with and expediting of permit processes; and

(iii) Priority consideration of opportunities leading to exportable green economy goods and services, including renewable energy technology;

(d) Coordinate local and state implementation of projects using federal funds to ensure implementation is time-efficient and user-friendly for local organizations;

(e) Emphasize through both support and outreach efforts, projects that:

(i) Have a strong and lasting economic or environmental impact;

(ii) Lead to a domestically or internationally exportable good or service, including renewable energy technology;

(iii) Create training programs leading to a credential, certificate, or degree in a green economy field;

(iv) Strengthen the state's competitiveness in a particular sector or cluster of the green economy;

(v) Create employment opportunities for veterans, members of the national guard, and low-income and disadvantaged populations;

(vi) Comply with prevailing wage provisions of chapter 39.12 RCW;

(vii) Ensure that at least fifteen percent of labor hours are performed by apprentices;

(f) Identify emerging technologies and innovations that are likely to contribute to advancements in the green economy, including the activities in designated innovation partnership zones established in RCW 43.330.270;

(g) Identify barriers to the growth of green jobs in traditional industries such as the forest products industry;

(h) Identify statewide performance metrics for projects receiving agency assistance. Such metrics may include:

(i) The number of new green jobs created each year, their wage levels, and, to the extent determinable, the percentage of new green jobs filled by veterans, members of the national guard, and low-income and disadvantaged populations;

(ii) The total amount of new federal funding secured, the respective amounts allocated to the state and local levels, and the

timeliness of deployment of new funding by state agencies to the local level;

(iii) The timeliness of state deployment of funds and support to local organizations; and

(iv) If available, the completion rates, time to completion, and training-related placement rates for green economy postsecondary training programs;

~~((H))~~ (i) Identify strategies to allocate existing and new funding streams for green economy workforce training programs and education to emphasize those leading to a credential, certificate, or degree in a green economy field;

~~((H))~~ (j) Identify and implement strategies to allocate existing and new funding streams for workforce development councils and associate development organizations to increase their effectiveness and efficiency and increase local capacity to respond rapidly and comprehensively to opportunities to attract green jobs to local communities;

~~((H))~~ (k) Develop targeting criteria for existing investments that are consistent with the economic development commission's economic development strategy and the goals of this section and RCW 28C.18.170, 28B.50.281, and 49.04.200; and

~~((H))~~ (l) Make and support outreach efforts so that residents of Washington, particularly members of target populations, become aware of educational and employment opportunities identified and funded through the evergreen jobs act.

(2) The department and the workforce board ~~(in consultation with the leadership team.)~~ must provide semiannual performance reports to the governor and appropriate committees of the legislature on:

(a) Actual statewide performance based on the performance measures identified in subsection (1)~~((G))~~ (h) of this section;

(b) How the state is emphasizing and supporting projects that lead to a domestically or internationally exportable good or service, including renewable energy technology;

(c) A list of projects supported, created, or funded in furtherance of the goals of the evergreen jobs initiative and the actions taken by state and local organizations, including the effectiveness of state agency support provided to local organizations as directed in subsection (1)(b) and (c) of this section;

(d) Recommendations for new or expanded financial incentives and comprehensive strategies to:

(i) Recruit, retain, and expand green economy industries and small businesses; and

(ii) Stimulate research and development of green technology and innovation, which may include designating innovation partnership zones linked to the green economy;

(e) Any information that associate development organizations and workforce development councils choose to provide to appropriate legislative committees regarding the effectiveness, timeliness, and coordination of support provided by state agencies under this section and RCW 28C.18.170, 28B.50.281, and 49.04.200; and

(f) Any recommended statutory changes necessary to increase the effectiveness of the evergreen jobs initiative and state responsiveness to local agencies and organizations.

(3) The definitions, designations, and results of the employment security department's broader labor market research under RCW 43.330.010 shall inform the planning and strategic direction of the department, the state workforce training and education coordinating board, the state board for community and technical colleges, and the higher education coordinating board."

On page 1, line 2 of the title, after "base;" strike the remainder of the title and insert "amending RCW 43.330.310 and 43.330.375; and creating a new section."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2420 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kenney and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2420, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2420, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Mr. Speaker.

Excused: Representatives Dickerson, Hope, Hurst and Wood.

SUBSTITUTE HOUSE BILL NO. 2420, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2464 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.212 and 2007 c 83 s 1 are each amended to read as follows:

(1) The driver of any motor vehicle, upon approaching an emergency zone, which is defined as the adjacent lanes of the roadway two hundred feet before and after (a) a stationary authorized emergency vehicle that is making use of audible and/or visual signals meeting the requirements of RCW 46.37.190, (b) a tow truck that is making use of visual red lights meeting the requirements of RCW 46.37.196, (c) other vehicles providing roadside assistance that are making use of warning lights with three hundred sixty degree visibility, or (d) a police vehicle properly and lawfully displaying a flashing, blinking, or alternating emergency light or lights, shall:

~~((H))~~ (1) On a highway having four or more lanes, at least two of which are intended for traffic proceeding in the same direction as the

approaching vehicle, proceed with caution and, if reasonable, with due regard for safety and traffic conditions, yield the right-of-way by making a lane change or moving away from the lane or shoulder occupied by the stationary authorized emergency vehicle or police vehicle;

~~((2))~~ (ii) On a highway having less than four lanes, proceed with caution, reduce the speed of the vehicle, and, if reasonable, with due regard for safety and traffic conditions, and under the rules of this chapter, yield the right-of-way by passing to the left at a safe distance and simultaneously yield the right-of-way to all vehicles traveling in the proper direction upon the highway; or

~~((3))~~ (iii) If changing lanes or moving away would be unreasonable or unsafe, proceed with due caution and reduce the speed of the vehicle.

(2) A person may not drive a vehicle in an emergency zone at a speed greater than the posted speed limit.

(3) A person found to be in violation of this section, or any infraction relating to speed restrictions in an emergency zone, must be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

(4) A person who drives a vehicle in an emergency zone in such a manner as to endanger or be likely to endanger any emergency zone worker or property is guilty of reckless endangerment of emergency zone workers. A violation of this subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(5) The department shall suspend for sixty days the driver's license, permit to drive, or nonresident driving privilege of a person convicted of reckless endangerment of emergency zone workers.

NEW SECTION. Sec. 2. (1) Within existing resources, the state patrol and the department of transportation shall conduct education and outreach efforts regarding emergency zones, including drivers' obligations in emergency zones and the penalties for violating these obligations, for at least ninety days after the effective date of this act. The education and outreach efforts must include the use of department of transportation variable message signs.

(2) This section expires June 30, 2011.

Sec. 3. RCW 46.63.020 and 2009 c 485 s 6 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to circumventing an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

(19) Chapter 46.29 RCW relating to financial responsibility;

(20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(21) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

(23) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

(24) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(25) RCW 46.48.175 relating to the transportation of dangerous articles;

(26) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(27) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(28) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(29) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(30) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(31) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(32) RCW 46.55.300 relating to vehicle immobilization;

(33) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

(34) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(35) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(36) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(37) RCW 46.61.212(4) relating to reckless endangerment of emergency zone workers;

~~_____~~ (38) RCW 46.61.500 relating to reckless driving;

~~((38))~~ (39) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((39))~~ (40) RCW 46.61.503 relating to a person under age twenty- one driving a motor vehicle after consuming alcohol;

~~((40))~~ (41) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((41))~~ (42) RCW 46.61.522 relating to vehicular assault;
~~((42))~~ (43) RCW 46.61.5249 relating to first degree negligent driving;
~~((43))~~ (44) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;
~~((44))~~ (45) RCW 46.61.530 relating to racing of vehicles on highways;
~~((45))~~ (46) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;
~~((46))~~ (47) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
~~((47))~~ (48) RCW 46.61.740 relating to theft of motor vehicle fuel;
~~((48))~~ (49) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
~~((49))~~ (50) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
~~((50))~~ (51) Chapter 46.65 RCW relating to habitual traffic offenders;
~~((51))~~ (52) RCW 46.68.010 relating to false statements made to obtain a refund;
~~((52))~~ (53) RCW 46.35.030 relating to recording device information;
~~((53))~~ (54) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
~~((54))~~ (55) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
~~((55))~~ (56) RCW 46.72A.060 relating to limousine carrier insurance;
~~((56))~~ (57) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;
~~((57))~~ (58) RCW 46.72A.080 relating to false advertising by a limousine carrier;
~~((58))~~ (59) Chapter 46.80 RCW relating to motor vehicle wreckers;
~~((59))~~ (60) Chapter 46.82 RCW relating to driver's training schools;
~~((60))~~ (61) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
~~((61))~~ (62) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 4. RCW 46.20.342 and 2008 c 282 s 4 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a

person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

(iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license, a temporary restricted driver's license, or an ignition interlock driver's license;

(v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;

(vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;

(viii) A conviction of RCW 46.61.212(4), relating to reckless endangerment of emergency zone workers;

~~((ix))~~ (ix) A conviction of RCW 46.61.500, relating to reckless driving;

~~((ix))~~ (x) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;

~~((ix))~~ (xi) A conviction of RCW 46.61.520, relating to vehicular homicide;

~~((xi))~~ (xii) A conviction of RCW 46.61.522, relating to vehicular assault;

~~((xii))~~ (xiii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;

~~((xiii))~~ (xiv) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;

~~((xiv))~~ (xv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;

~~((xv))~~ (xvi) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;

~~((xvi))~~ (xvii) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((xvii))~~ (xviii) An administrative action taken by the department under chapter 46.20 RCW; or

~~((xviii))~~ (xix) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, (vi) the

person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or any combination of (c)(i) through (vii) of this subsection, is guilty of driving while license suspended or revoked in the third degree, a misdemeanor.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(c) of this section. If the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

Sec. 5. RCW 46.63.110 and 2009 c 479 s 39 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is five hundred dollars for each offense. No penalty assessed under this subsection (2) may be reduced.

(3) The supreme court shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(4) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(5) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(6) Whenever a monetary penalty, fee, cost, assessment, or other monetary obligation is imposed by a court under this chapter it is immediately payable. If the court determines, in its discretion, that a person is not able to pay a monetary obligation in full, and not more

than one year has passed since the later of July 1, 2005, or the date the monetary obligation initially became due and payable, the court shall enter into a payment plan with the person, unless the person has previously been granted a payment plan with respect to the same monetary obligation, or unless the person is in noncompliance of any existing or prior payment plan, in which case the court may, at its discretion, implement a payment plan. If the court has notified the department that the person has failed to pay or comply and the person has subsequently entered into a payment plan and made an initial payment, the court shall notify the department that the infraction has been adjudicated, and the department shall rescind any suspension of the person's driver's license or driver's privilege based on failure to respond to that infraction. "Payment plan," as used in this section, means a plan that requires reasonable payments based on the financial ability of the person to pay. The person may voluntarily pay an amount at any time in addition to the payments required under the payment plan.

(a) If a payment required to be made under the payment plan is delinquent or the person fails to complete a community restitution program on or before the time established under the payment plan, unless the court determines good cause therefor and adjusts the payment plan or the community restitution plan accordingly, the court shall notify the department of the person's failure to meet the conditions of the plan, and the department shall suspend the person's driver's license or driving privilege until all monetary obligations, including those imposed under subsections (3) and (4) of this section, have been paid, and court authorized community restitution has been completed, or until the department has been notified that the court has entered into a new time payment or community restitution agreement with the person.

(b) If a person has not entered into a payment plan with the court and has not paid the monetary obligation in full on or before the time established for payment, the court shall notify the department of the delinquency. The department shall suspend the person's driver's license or driving privilege until all monetary obligations have been paid, including those imposed under subsections (3) and (4) of this section, or until the person has entered into a payment plan under this section.

(c) If the payment plan is to be administered by the court, the court may assess the person a reasonable administrative fee to be wholly retained by the city or county with jurisdiction. The administrative fee shall not exceed ten dollars per infraction or twenty-five dollars per payment plan, whichever is less.

(d) Nothing in this section precludes a court from contracting with outside entities to administer its payment plan system. When outside entities are used for the administration of a payment plan, the court may assess the person a reasonable fee for such administrative services, which fee may be calculated on a periodic, percentage, or other basis.

(e) If a court authorized community restitution program for offenders is available in the jurisdiction, the court may allow conversion of all or part of the monetary obligations due under this section to court authorized community restitution in lieu of time payments if the person is unable to make reasonable time payments.

(7) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction shall be assessed:

(a) A fee of five dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the emergency medical services and trauma care system trust account under RCW 70.168.040;

(b) A fee of ten dollars per infraction. Under no circumstances shall this fee be reduced or waived. Revenue from this fee shall be forwarded to the state treasurer for deposit in the Washington auto theft prevention authority account; and

(c) A fee of two dollars per infraction. Revenue from this fee shall be forwarded to the state treasurer for deposit in the traumatic brain injury account established in RCW 74.31.060.

(8)(a) In addition to any other penalties imposed under this section and not subject to the limitation of subsection (1) of this section, a person found to have committed a traffic infraction other than of RCW 46.61.527 or 46.61.212 shall be assessed an additional penalty of twenty dollars. The court may not reduce, waive, or suspend the additional penalty unless the court finds the offender to be indigent. If a court authorized community restitution program for offenders is available in the jurisdiction, the court shall allow offenders to offset all or a part of the penalty due under this subsection (8) by participation in the court authorized community restitution program.

(b) Eight dollars and fifty cents of the additional penalty under (a) of this subsection shall be remitted to the state treasurer. The remaining revenue from the additional penalty must be remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted under this subsection to the state treasurer must be deposited in the state general fund. The balance of the revenue received by the county or city treasurer under this subsection must be deposited into the county or city current expense fund. Moneys retained by the city or county under this subsection shall constitute reimbursement for any liabilities under RCW 43.135.060.

(9) If a legal proceeding, such as garnishment, has commenced to collect any delinquent amount owed by the person for any penalty imposed by the court under this section, the court may, at its discretion, enter into a payment plan.

(10) The monetary penalty for violating RCW 46.37.395 is: (a) Two hundred fifty dollars for the first violation; (b) five hundred dollars for the second violation; and (c) seven hundred fifty dollars for each violation thereafter.

NEW SECTION. Sec. 6. This act takes effect January 1, 2011."

On page 1, line 2 of the title, after "zones;" strike the remainder of the title and insert "amending RCW 46.61.212, 46.63.020, 46.20.342, and 46.63.110; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2464 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Liias and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2464, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2464, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Mr. Speaker.

Excused: Representatives Dickerson, Hope, Hurst and Wood.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2464, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2503 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.30.205 and 2003 c 334 s 104 are each amended to read as follows:

(1) The board shall consist of six members:

(a) The governor or the governor's designee((-));

(b) The superintendent of public instruction((-));

(c) The commissioner ((of public lands, the dean of the college of forest resources of the University of Washington, the dean of the college of agriculture of Washington State University.));

(d) The director of the University of Washington school of forest resources;

(e) The dean of the Washington State University college of agricultural, human, and natural resource sciences; and

(f) A representative of those counties that contain state forest lands acquired or transferred under RCW 79.22.010, 79.22.040, and 79.22.020.

(2)(a) The county representative on the board shall be selected by the legislative authorities of those counties that contain state forest lands acquired or transferred under RCW 79.22.010, 79.22.040, and 79.22.020. In the selection of the county representative, each participating county shall have one vote. The Washington state association of counties shall ~~((conduct))~~ convene a meeting for the purpose of making the selection and shall notify the board of the selection.

(b) The county representative ~~((shall))~~ must be a duly elected member of a county legislative authority who shall serve a term of four years unless the representative should leave office for any reason. The initial term shall begin on July 1, 1986."

On page 1, line 2 of the title, after "members;" strike the remainder of the title and insert "and amending RCW 43.30.205."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2503 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Blake spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2503, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2503, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmitt, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Mr. Speaker.

Excused: Representatives Dickerson, Hope, Hurst and Wood.

SUBSTITUTE HOUSE BILL NO. 2503, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2538 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to encourage high-density, compact, in-fill development and redevelopment within existing urban areas in order to further existing goals of chapter 36.70A RCW, the growth management act, to promote the use of public transit and encourage further investment in transit systems, and to contribute to the reduction of greenhouse gas emissions by: (1) Encouraging local governments to adopt plans and regulations that authorize compact, high-density urban development as defined in section 2 of this act; (2) providing for the funding and preparation of environmental impact statements that comprehensively examine the impacts of such development at the time that the plans and regulations are adopted; and (3) encouraging development that is consistent with such plans and regulations by precluding appeals under chapter 43.21C RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 43.21C RCW to read as follows:

(1) Cities with a population greater than five thousand, in accordance with their existing comprehensive planning and

development regulation authority under chapter 36.70A RCW, and in accordance with this section, may adopt optional elements of their comprehensive plans and optional development regulations that apply within specified subareas of the cities, that are either:

(a) Areas designated as mixed-use or urban centers in a land use or transportation plan adopted by a regional transportation planning organization; or

(b) Areas within one-half mile of a major transit stop that are zoned to have an average minimum density of fifteen dwelling units or more per gross acre.

(2) Cities located on the east side of the Cascade mountains and located in a county with a population of two hundred thirty thousand or less, in accordance with their existing comprehensive planning and development regulation authority under chapter 36.70A RCW, and in accordance with this section, may adopt optional elements of their comprehensive plans and optional development regulations that apply within the mixed-use or urban centers. The optional elements of their comprehensive plans and optional development regulations must enhance pedestrian, bicycle, transit, or other nonvehicular transportation methods.

(3) A major transit stop is defined as:

(a) A stop on a high capacity transportation service funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems, including transitways;

(d) Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or

(e) Stops for a bus or other transit mode providing fixed route service at intervals of at least thirty minutes during the peak hours of operation.

(4)(a) A city that elects to adopt such an optional comprehensive plan element and optional development regulations shall prepare a nonproject environmental impact statement, pursuant to RCW 43.21C.030, assessing and disclosing the probable significant adverse environmental impacts of the optional comprehensive plan element and development regulations and of future development that is consistent with the plan and regulations.

(b) At least one community meeting must be held on the proposed subarea plan before the scoping notice for such a nonproject environmental impact statement is issued. Notice of scoping for such a nonproject environmental impact statement and notice of the community meeting required by this section must be mailed to all property owners of record within the subarea to be studied, to all property owners within one hundred fifty feet of the boundaries of such a subarea, to all affected federally recognized tribal governments whose ceded area is within one-half mile of the boundaries of the subarea, and to agencies with jurisdiction over the future development anticipated within the subarea.

(c) In cities with over five hundred thousand residents, notice of scoping for such a nonproject environmental impact statement and notice of the community meeting required by this section must be mailed to all small businesses as defined in RCW 19.85.020, and to all community preservation and development authorities established under chapter 43.167 RCW, located within the subarea to be studied or within one hundred fifty feet of the boundaries of such subarea. The process for community involvement must have the goal of fair treatment and meaningful involvement of all people with respect to the development and implementation of the subarea planning process.

(d) The notice of the community meeting must include general illustrations and descriptions of buildings generally representative of the maximum building envelope that will be allowed under the proposed plan and indicate that future appeals of proposed developments that are consistent with the plan will be limited. Notice of the community meeting must include signs located on major travel routes in the subarea. If the building envelope increases during the

process, another notice complying with the requirements of this section must be issued before the next public involvement opportunity.

(e) Any person that has standing to appeal the adoption of this subarea plan or the implementing regulations under RCW 36.70A.280 has standing to bring an appeal of the nonproject environmental impact statement required by this subsection.

(f) Cities with over five hundred thousand residents shall prepare a study that accompanies or is appended to the nonproject environmental impact statement, but must not be part of that statement, that analyzes the extent to which the proposed subarea plan may result in the displacement or fragmentation of existing businesses, existing residents, including people living with poverty, families with children, and intergenerational households, or cultural groups within the proposed subarea plan. The city shall also discuss the results of the analysis at the community meeting.

(g) As an incentive for development authorized under this section, a city shall consider establishing a transfer of development rights program in consultation with the county where the city is located, that conserves county-designated agricultural and forest land of long-term commercial significance. If the city decides not to establish a transfer of development rights program, the city must state in the record the reasons for not adopting the program. The city's decision not to establish a transfer of development rights program is not subject to appeal. Nothing in this subsection (4)(g) may be used as a basis to challenge the optional comprehensive plan or subarea plan policies authorized under this section.

(5)(a) Until July 1, 2018, a proposed development that is consistent with the optional comprehensive plan or subarea plan policies and development regulations adopted under subsection (1) or (2) of this section and that is environmentally reviewed under subsection (4) of this section may not be challenged in administrative or judicial appeals for noncompliance with this chapter as long as a complete application for such a development that vests the application or would later lead to vested status under city or state law is submitted to the city within a time frame established by the city, but not to exceed ten years from the date of issuance of the final environmental impact statement.

(b) After July 1, 2018, the immunity from appeals under this chapter of any application that vests or will vest under this subsection or the ability to vest under this subsection is still valid, provided that the final subarea environmental impact statement is issued by July 1, 2018. After July 1, 2018, a city may continue to collect reimbursement fees under subsection (6) of this section for the proportionate share of a subarea environmental impact statement issued prior to July 1, 2018.

(6) It is recognized that a city that prepares a nonproject environmental impact statement under subsection (4) of this section must endure a substantial financial burden. A city may recover its reasonable expenses of preparation of a nonproject environmental impact statement prepared under subsection (4) of this section through access to financial assistance under RCW 36.70A.490 or funding from private sources. In addition, a city is authorized to recover a portion of its reasonable expenses of preparation of such a nonproject environmental impact statement by the assessment of reasonable and proportionate fees upon subsequent development that is consistent with the plan and development regulations adopted under subsection (5) of this section, as long as the development makes use of and benefits, as described in subsection (5) of this section, from the nonproject environmental impact statement prepared by the city. Any assessment fees collected from subsequent development may be used to reimburse funding received from private sources. In order to collect such fees, the city must enact an ordinance that sets forth objective standards for determining how the fees to be imposed upon each development will be proportionate to the impacts of each development and to the benefits accruing to each development from

the nonproject environmental impact statement. Any disagreement about the reasonableness or amount of the fees imposed upon a development may not be the basis for delay in issuance of a project permit for that development. The fee assessed by the city may be paid with the written stipulation "paid under protest" and if the city provides for an administrative appeal of its decision on the project for which the fees are imposed, any dispute about the amount of the fees must be resolved in the same administrative appeal process.

(7) If a proposed development is inconsistent with the optional comprehensive plan or subarea plan policies and development regulations adopted under subsection (1) of this section, the city shall require additional environmental review in accordance with this chapter.

Sec. 3. RCW 82.02.020 and 2009 c 535 s 1103 are each amended to read as follows:

Except only as expressly provided in chapters 67.28, 81.104, and 82.14 RCW, the state preempts the field of imposing retail sales and use taxes and taxes upon parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 64.34.440 and 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the county and at the same rate applied to tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW, including reasonable fees that are consistent with section 2(6) of this act.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special

assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges. However, no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged. Furthermore, these provisions may not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

Nothing in this section limits the authority of counties, cities, or towns to implement programs consistent with RCW 36.70A.540, nor to enforce agreements made pursuant to such programs.

This section does not apply to special purpose districts formed and acting pursuant to Title 54, 57, or 87 RCW, nor is the authority conferred by these titles affected."

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "amending RCW 82.02.020; adding a new section to chapter 43.21C RCW; and creating a new section."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2538 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Upthegrove and Short spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2538, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2538, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 3; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris,

Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Mr. Speaker.

Voting nay: Representatives Anderson, Angel and Rodne.

Excused: Representatives Dickerson, Hope, Hurst and Wood.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2538, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2657 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 25.15.005 and 2008 c 198 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Certificate of formation" means the certificate referred to in RCW 25.15.070, and the certificate as amended.

(2) "Event of dissociation" means an event that causes a person to cease to be a member as provided in RCW 25.15.130.

(3) "Foreign limited liability company" means an entity that is formed under:

(a) The limited liability company laws of any state other than this state; or

(b) The laws of any foreign country that is: (i) An unincorporated association, (ii) formed under a statute pursuant to which an association may be formed that affords to each of its members limited liability with respect to the liabilities of the entity, and (iii) not required, in order to transact business or conduct affairs in this state, to be registered or qualified under Title 23B or 24 RCW, or any other chapter of the Revised Code of Washington authorizing the formation of a domestic entity and the registration or qualification in this state of similar entities formed under the laws of a jurisdiction other than this state.

(4) "Limited liability company" and "domestic limited liability company" means a limited liability company having one or more members that is organized and existing under this chapter.

(5) "Limited liability company agreement" means any written agreement of the members, or any written statement of the sole member, as to the affairs of a limited liability company and the conduct of its business which is binding upon the member or members.

(6) "Limited liability company interest" means a member's share of the profits and losses of a limited liability company and a member's right to receive distributions of the limited liability company's assets.

(7) "Manager" or "managers" means, with respect to a limited liability company that has set forth in its certificate of formation that it is to be managed by managers, the person, or persons designated in accordance with RCW 25.15.150(2).

(8) "Member" means a person who has been admitted to a limited liability company as a member as provided in RCW 25.15.115 and who has not been dissociated from the limited liability company.

(9) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or

instrumentality, or a separate legal entity comprised of two or more of these entities, or any other legal or commercial entity.

(10) "Professional limited liability company" means a limited liability company which is organized for the purpose of rendering professional service and whose certificate of formation sets forth that it is a professional limited liability company subject to RCW 25.15.045.

(11) "Professional service" means the same as defined under RCW 18.100.030.

(12) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(13) "State" means the District of Columbia or the Commonwealth of Puerto Rico or any state, territory, possession, or other jurisdiction of the United States other than the state of Washington.

Sec. 2. RCW 25.15.070 and 1994 c 211 s 201 are each amended to read as follows:

(1) In order to form a limited liability company, one or more persons must execute a certificate of formation. The certificate of formation shall be filed in the office of the secretary of state and set forth:

- (a) The name of the limited liability company;
- (b) The address of the registered office and the name and address of the registered agent for service of process required to be maintained by RCW 25.15.020;
- (c) The address of the principal place of business of the limited liability company;
- (d) If the limited liability company is to have a specific date of dissolution, the latest date on which the limited liability company is to dissolve;
- (e) If management of the limited liability company is vested in a manager or managers, a statement to that effect;
- (f) Any other matters the members decide to include therein; and
- (g) The name and address of each person executing the certificate of formation.

(2) Effect of filing:

(a) Unless a delayed effective date is specified, a limited liability company is formed when its certificate of formation is filed by the secretary of state. A delayed effective date for a certificate of formation may be no later than the ninetieth day after the date it is filed.

(b) The secretary of state's filing of the certificate of formation is conclusive proof that the persons executing the certificate satisfied all conditions precedent to the formation (~~except in a proceeding by the state to cancel the certificate~~).

(c) A limited liability company formed under this chapter shall be a separate legal entity (, the existence of which as a separate legal entity shall continue until cancellation of the limited liability company's certificate of formation)).

Sec. 3. RCW 25.15.085 and 2002 c 74 s 17 are each amended to read as follows:

(1) Each document required by this chapter to be filed in the office of the secretary of state shall be executed in the following manner, or in compliance with the rules established to facilitate electronic filing under RCW 25.15.007, except as set forth in RCW 25.15.105(4)(b):

- (a) Each original certificate of formation must be signed by the person or persons forming the limited liability company;
- (b) A reservation of name may be signed by any person;
- (c) A transfer of reservation of name must be signed by, or on behalf of, the applicant for the reserved name;
- (d) A registration of name must be signed by any member or manager of the foreign limited liability company;

(e) A certificate of amendment or restatement must be signed by at least one manager, or by a member if management of the limited liability company is reserved to the members;

(f) A certificate of (~~cancelation~~) dissolution must be signed by the person or persons authorized to wind up the limited liability company's affairs pursuant to RCW 25.15.295(~~(4)~~) (3);

(g) If a surviving domestic limited liability company is filing articles of merger, the articles of merger must be signed by at least one manager, or by a member if management of the limited liability company is reserved to the members, or if the articles of merger are being filed by a surviving foreign limited liability company, limited partnership, or corporation, the articles of merger must be signed by a person authorized by such foreign limited liability company, limited partnership, or corporation; and

(h) A foreign limited liability company's application for registration as a foreign limited liability company doing business within the state must be signed by any member or manager of the foreign limited liability company.

(2) Any person may sign a certificate, articles of merger, limited liability company agreement, or other document by an attorney-in-fact or other person acting in a valid representative capacity, so long as each document signed in such manner identifies the capacity in which the signator signed.

(3) The person executing the document shall sign it and state beneath or opposite the signature the name of the person and capacity in which the person signs. The document must be typewritten or printed, and must meet such legibility or other standards as may be prescribed by the secretary of state.

(4) The execution of a certificate or articles of merger by any person constitutes an affirmation under the penalties of perjury that the facts stated therein are true.

Sec. 4. RCW 25.15.095 and 2002 c 74 s 18 are each amended to read as follows:

(1) The original signed copy, together with a duplicate copy that may be either a signed, photocopied, or conformed copy, of the certificate of formation or any other document required to be filed pursuant to this chapter, except as set forth under RCW 25.15.105 or unless a duplicate is not required under rules adopted under RCW 25.15.007, shall be delivered to the secretary of state. If the secretary of state determines that the documents conform to the filing provisions of this chapter, he or she shall, when all required filing fees have been paid:

- (a) Endorse on each signed original and duplicate copy the word "filed" and the date of its acceptance for filing;
- (b) Retain the signed original in the secretary of state's files; and
- (c) Return the duplicate copy to the person who filed it or the person's representative.

(2) If the secretary of state is unable to make the determination required for filing by subsection (1) of this section at the time any documents are delivered for filing, the documents are deemed to have been filed at the time of delivery if the secretary of state subsequently determines that:

(a) The documents as delivered conform to the filing provisions of this chapter; or

(b) Within twenty days after notification of nonconformance is given by the secretary of state to the person who delivered the documents for filing or the person's representative, the documents are brought into conformance.

(3) If the filing and determination requirements of this chapter are not satisfied completely within the time prescribed in subsection (2)(b) of this section, the documents shall not be filed.

(4) Upon the filing of a certificate of amendment (or judicial decree of amendment) or restated certificate in the office of the secretary of state, or upon the future effective date or time of a certificate of amendment (or judicial decree thereof) or restated certificate, as provided for therein, the certificate of formation shall be

amended or restated as set forth therein. (~~Upon the filing of a certificate of cancellation (or a judicial decree thereof), or articles of merger which act as a certificate of cancellation, or upon the future effective date or time of a certificate of cancellation (or a judicial decree thereof) or of articles of merger which act as a certificate of cancellation, as provided for therein, or as specified in RCW 25.15.290, the certificate of formation is canceled.~~)

Sec. 5. RCW 25.15.270 and 2009 c 437 s 1 are each amended to read as follows:

A limited liability company is dissolved and its affairs shall be wound up upon the first to occur of the following:

(1)(a) The dissolution date, if any, specified in the certificate of formation. If a dissolution date is not specified in the certificate of formation, the limited liability company's existence will continue until the first to occur of the events described in subsections (2) through (6) of this section. If a dissolution date is specified in the certificate of formation, the certificate of formation may be amended and the existence of the limited liability company may be extended by vote of all the members.

(b) This subsection does not apply to a limited liability company formed under RCW 30.08.025 or 32.08.025;

(2) The happening of events specified in a limited liability company agreement;

(3) The written consent of all members;

(4) Unless the limited liability company agreement provides otherwise, ninety days following an event of dissociation of the last remaining member, unless those having the rights of assignees in the limited liability company under RCW 25.15.130(1) have, by the ninetieth day, voted to admit one or more members, voting as though they were members, and in the manner set forth in RCW 25.15.120(1);

(5) The entry of a decree of judicial dissolution under RCW 25.15.275; or

(6) The ~~((expiration of five years after the effective date of dissolution under RCW 25.15.285 without the reinstatement))~~ administrative dissolution of the limited liability company by the secretary of state under RCW 25.15.285(2), unless the limited liability company is reinstated by the secretary of state under RCW 25.15.290.

NEW SECTION. Sec. 6. A new section is added to chapter 25.15 RCW to read as follows:

(1) After dissolution occurs under RCW 25.15.270, the limited liability company may deliver to the secretary of state for filing a certificate of dissolution signed in accordance with RCW 25.15.085.

(2) A certificate of dissolution filed under subsection (1) of this section must set forth:

(a) The name of the limited liability company; and

(b) A statement that the limited liability company is dissolved under RCW 25.15.270.

Sec. 7. RCW 25.15.290 and 2009 c 437 s 2 are each amended to read as follows:

(1) A limited liability company that has been administratively dissolved under RCW 25.15.285 may apply to the secretary of state for reinstatement within five years after the effective date of dissolution. The application must be delivered to the secretary of state for filing and state:

(a) ~~((Recite))~~ The name of the limited liability company and the effective date of its administrative dissolution;

(b) ~~((State))~~ That the ground or grounds for dissolution either did not exist or have been eliminated; and

(c) ~~((State))~~ That the limited liability company's name satisfies the requirements of RCW 25.15.010.

(2) If the secretary of state determines that ~~((the))~~ an application contains the information required by subsection (1) of this section and that the name is available, the secretary of state shall reinstate the limited liability company and give the limited liability company written notice, as provided in RCW 25.15.285(1), of the reinstatement

that recites the effective date of reinstatement. If the name is not available, the limited liability company must file with its application for reinstatement an amendment to its certificate of formation reflecting a change of name.

(3) When ~~((the))~~ reinstatement ((is)) becomes effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the limited liability company may resume carrying on its ~~((business))~~ activities as if the administrative dissolution had never occurred.

~~((4))~~ If an application for reinstatement is not made within the five-year period set forth in subsection (1) of this section, or if the application made within this period is not granted, the limited liability company's certificate of formation is deemed canceled.

Sec. 8. RCW 25.15.293 and 2009 c 437 s 3 are each amended to read as follows:

(1) A limited liability company ~~((voluntarily))~~ dissolved under RCW 25.15.270 (2) or (3) that has filed a certificate of dissolution under section 6 of this act may ((apply to the secretary of state for reinstatement)) revoke its dissolution within one hundred twenty days ~~((after the effective date))~~ of filing its certificate of dissolution. ~~((The application must:~~

(a) Recite the name of the limited liability company and the effective date of its voluntary dissolution;

(b) State that the ground or grounds for voluntary dissolution have been eliminated; and

(c) State that the limited liability company's name satisfies the requirements of RCW 25.15.010.

(2) If the secretary of state determines that the application contains the information required by subsection (1) of this section and that the name is available, the secretary of state shall reinstate the limited liability company and give the limited liability company written notice of the reinstatement that recites the effective date of reinstatement. If the name is not available, the limited liability company must file with its application for reinstatement an amendment to its certificate of formation reflecting a change of name.

(3) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the voluntary dissolution and the limited liability company may resume carrying on its business as if the voluntary dissolution had never occurred.

(4) If an application for reinstatement is not made within the one hundred twenty-day period set forth in subsection (1) of this section, or if the application made within this period is not granted, the secretary of state shall cancel the limited liability company's certificate of formation.)

(2)(a) Except as provided in (b) of this subsection, revocation of dissolution must be approved in the same manner as the dissolution was approved unless that approval permitted revocation in some other manner, in which event the dissolution may be revoked in the manner permitted.

(b) If dissolution occurred upon the happening of events specified in the limited liability company agreement, revocation of dissolution must be approved in the manner necessary to amend the provisions of the limited liability company agreement specifying the events of dissolution.

(3) After the revocation of dissolution is approved, the limited liability company may revoke the dissolution and the certificate of dissolution by delivering to the secretary of state for filing a certificate of revocation of dissolution that sets forth:

(a) The name of the limited liability company and a statement that the name satisfies the requirements of RCW 25.15.010; if the name is not available, the limited liability company must file a certificate of amendment changing its name with the certificate of revocation of dissolution;

(b) The effective date of the dissolution that was revoked;

(c) The date that the revocation of dissolution was approved;

(d) If the limited liability company's managers revoked the dissolution, a statement to that effect;

(e) If the limited liability company's managers revoked a dissolution approved by the company's members, a statement that revocation was permitted by action by the managers alone pursuant to that approval; and

(f) If member approval was required to revoke the dissolution, a statement that revocation of the dissolution was duly approved by the members in accordance with subsection (2) of this section.

(4) Revocation of dissolution and revocation of the certificate of dissolution are effective upon the filing of the certificate of revocation of dissolution.

(5) When the revocation of dissolution and revocation of the certificate of dissolution are effective, they relate back to and take effect as of the effective date of the dissolution and the limited liability company resumes carrying on its activities as if the dissolution had never occurred.

Sec. 9. RCW 25.15.295 and 1994 c 211 s 806 are each amended to read as follows:

((1) Unless otherwise provided in a limited liability company agreement, a manager who has not wrongfully dissolved a limited liability company or, if none, the members or a person approved by the members or, if there is more than one class or group of members, then by each class or group of members, in either case, by members contributing, or required to contribute, more than fifty percent of the agreed value (as stated in the records of the limited liability company required to be kept pursuant to RCW 25.15.135) of the contributions made, or required to be made, by all members, or by the members in each class or group, as appropriate, may wind up the limited liability company's affairs. The superior courts, upon cause shown, may wind up the limited liability company's affairs upon application of any member or manager, his or her legal representative or assignee, and in connection therewith, may appoint a receiver.

(2) Upon dissolution of a limited liability company and until the filing of a certificate of cancellation as provided in RCW 25.15.080, the persons winding up the limited liability company's affairs may, in the name of, and for and on behalf of, the limited liability company, prosecute and defend suits, whether civil, criminal, or administrative, gradually settle and close the limited liability company's business, dispose of and convey the limited liability company's property, discharge or make reasonable provision for the limited liability company's liabilities, and distribute to the members any remaining assets of the limited liability company.)

(1) A limited liability company continues after dissolution only for the purpose of winding up its activities.

(2) In winding up its activities, the limited liability company:

(a) May file a certificate of dissolution with the secretary of state to provide notice that the limited liability company is dissolved, preserve the limited liability company's business or property as a going concern for a reasonable time, prosecute and defend actions and proceedings, whether civil, criminal, or administrative, transfer the limited liability company's property, settle disputes, and perform other necessary acts; and

(b) Shall discharge the limited liability company's liabilities, settle and close the limited liability company's activities, and marshal and distribute the assets of the company.

(3) Unless otherwise provided in a limited liability company agreement, the persons responsible for managing the business and affairs of a limited liability company under RCW 25.15.150 are responsible for winding up the activities of a dissolved limited liability company. If a dissolved limited liability company does not have any managers or members, the legal representative of the last person to have been a member may wind up the activities of the dissolved limited liability company, in which event the legal representative is a manager for the purposes of RCW 25.15.155.

(4) If the persons responsible for winding up the activities of a dissolved limited liability company under subsection (3) of this section decline or fail to wind up the limited liability company's activities, a person to wind up the dissolved limited liability company's activities may be appointed by the consent of the transferees owning a majority of the rights to receive distributions as transferees at the time consent is to be effective. A person appointed under this subsection:

(a) Is a manager for the purposes of RCW 25.15.155; and

(b) Shall promptly amend the certificate of formation to state:

(i) The name of the person who has been appointed to wind up the limited liability company; and

(ii) The street and mailing address of the person.

(5) The superior court may order judicial supervision of the winding up, including the appointment of a person to wind up the dissolved limited liability company's activities, if:

(a) On application of a member, the applicant establishes good cause; or

(b) On application of a transferee, a limited liability company does not have any managers or members and within a reasonable time following the dissolution no person has been appointed pursuant to subsection (3) or (4) of this section.

NEW SECTION. Sec. 10. A new section is added to chapter 25.15 RCW to read as follows:

(1) A dissolved limited liability company that has filed a certificate of dissolution with the secretary of state may dispose of the known claims against it by following the procedure described in subsection (2) of this section.

(2) A dissolved limited liability company may notify its known claimants of the dissolution in a record. The notice must:

(a) Specify the information required to be included in a known claim;

(b) Provide a mailing address to which the known claim must be sent;

(c) State the deadline for receipt of the known claim, which may not be fewer than one hundred twenty days after the date the notice is received by the claimant; and

(d) State that the known claim will be barred if not received by the deadline.

(3) A known claim against a dissolved limited liability company is barred if the requirements of subsection (2) of this section are met and:

(a) The known claim is not received by the specified deadline; or

(b) In the case of a known claim that is timely received but rejected by the dissolved limited liability company, the claimant does not commence an action to enforce the known claim against the limited liability company within ninety days after the receipt of the notice of rejection.

(4) For purposes of this section, "known claim" means any claim or liability that either:

(a)(i) Has matured sufficiently, before or after the effective date of the dissolution, to be legally capable of assertion against the dissolved limited liability company, whether or not the amount of the claim or liability is known or determinable; or (ii) is unmatured, conditional, or otherwise contingent but may subsequently arise under any executory contract to which the dissolved limited liability company is a party, other than under an implied or statutory warranty as to any product manufactured, sold, distributed, or handled by the dissolved limited liability company; and

(b) As to which the dissolved limited liability company has knowledge of the identity and the mailing address of the holder of the claim or liability and, in the case of a matured and legally assertable claim or liability, actual knowledge of existing facts that either (i) could be asserted to give rise to, or (ii) indicate an intention by the holder to assert, such a matured claim or liability.

Sec. 11. RCW 25.15.303 and 2006 c 325 s 1 are each amended to read as follows:

Except as provided in section 10 of this act, the dissolution of a limited liability company does not take away or impair any remedy available to or against that limited liability company, its managers, or its members for any right or claim existing, or any liability incurred at any time, whether prior to or after dissolution, unless the limited liability company has filed a certificate of dissolution under section 6 of this act, that has not been revoked under RCW 25.15.293, and an action or other proceeding thereon is not commenced within three years after the ((effective date)) filing of the certificate of dissolution. Such an action or proceeding by or against the limited liability company may be prosecuted or defended by the limited liability company in its own name.

Sec. 12. RCW 25.15.340 and 1994 c 211 s 907 are each amended to read as follows:

(1) A foreign limited liability company doing business in this state may not maintain any action, suit, or proceeding in this state until it has registered in this state, and has paid to this state all fees and penalties for the years or parts thereof, during which it did business in this state without having registered.

(2) Neither the failure of a foreign limited liability company to register in this state (~~((does not impair))~~) nor the issuance of a certificate of cancellation with respect to a foreign limited liability company's registration in this state impairs:

- (a) The validity of any contract or act of the foreign limited liability company;
- (b) The right of any other party to the contract to maintain any action, suit, or proceeding on the contract; or
- (c) ~~((Prevent))~~ The foreign limited liability company from defending any action, suit, or proceeding in any court of this state.

(3) A member or a manager of a foreign limited liability company is not liable for the obligations of the foreign limited liability company solely by reason of the limited liability company's having done business in this state without registration.

Sec. 13. RCW 25.15.805 and 1994 c 211 s 1302 are each amended to read as follows:

(1) The secretary of state shall adopt rules establishing fees which shall be charged and collected for:

- (a) Filing of a certificate of formation for a domestic limited liability company or an application for registration of a foreign limited liability company;
- (b) Filing of a certificate of ~~((cancellation))~~ dissolution for a domestic ~~((or foreign))~~ limited liability company;
- (c) Filing of a certificate of cancellation for a foreign limited liability company;
- (d) Filing of a certificate of amendment or restatement for a domestic or foreign limited liability company;

~~((d))~~ (e) Filing an application to reserve, register, or transfer a limited liability company name;

~~((e))~~ (f) Filing any other certificate, statement, or report authorized or permitted to be filed;

~~((f))~~ (g) Copies, certified copies, certificates, service of process filings, and expedited filings or other special services.

(2) In the establishment of a fee schedule, the secretary of state shall, insofar as is possible and reasonable, be guided by the fee schedule provided for corporations governed by Title 23B RCW. Fees for copies, certified copies, certificates of record, and service of process filings shall be as provided for in RCW 23B.01.220.

(3) All fees collected by the secretary of state shall be deposited with the state treasurer pursuant to law.

NEW SECTION. Sec. 14. RCW 25.15.080 (Cancellation of certificate) and 1994 c 211 s 203 are each repealed.

On page 1, line 1 of the title, after "companies;" strike the remainder of the title and insert "amending RCW 25.15.005, 25.15.070, 25.15.085, 25.15.095, 25.15.270, 25.15.290, 25.15.293,

25.15.295, 25.15.303, 25.15.340, and 25.15.805; adding new sections to chapter 25.15 RCW; and repealing RCW 25.15.080."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2657 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2657, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2657, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Hope and Hurst.

SUBSTITUTE HOUSE BILL NO. 2657, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2734 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.12.063 and 2006 c 17 s 2 are each amended to read as follows:

(1) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section.

(2) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for transportation purposes and that

it is in the public interest to do so, the department may sell the property or exchange it in full or part consideration for land or improvements or for construction of improvements at fair market value to any of the following governmental entities or persons:

- (a) Any other state agency;
 - (b) The city or county in which the property is situated;
 - (c) Any other municipal corporation;
 - (d) Regional transit authorities created under chapter 81.112 RCW;
 - (e) The former owner of the property from whom the state acquired title;
 - (f) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;
 - (g) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within fifteen days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;
 - (h) To any person through the solicitation of written bids through public advertising in the manner prescribed by RCW 47.28.050;
 - (i) To any other owner of real property required for transportation purposes;
 - (j) In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 and is eligible to receive assistance through the Washington housing trust fund created in chapter 43.185 RCW; ~~((e))~~
 - (k) A federally qualified community health center as defined in RCW 82.04.4311; or
 - (l) A federally recognized Indian tribe within whose reservation boundary the property is located.
- (3) Sales to purchasers may at the department's option be for cash, by real estate contract, or exchange of land or improvements. Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.
- (4) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.
- (5) Unless otherwise provided, all moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

NEW SECTION. Sec. 2. Section 1 of this act expires June 30, 2012."

On page 1, line 3 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 47.12.063; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2734 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2734, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2734, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 74; Nays, 21; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Armstrong, Chandler, Condotta, Crouse, DeBolt, Haler, Herrera, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Ross, Schmick, Shea, Short and Taylor.

Excused: Representatives Dickerson, Hope and Hurst.

HOUSE BILL NO. 2734, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which HOUSE BILL NO. 1966, as amended by the Senate, passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1966, as amended by the Senate, on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1966, as amended by the Senate, on reconsideration, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Hope and Hurst.

HOUSE BILL NO. 1966, as amended by the Senate, on reconsideration, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2010

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 3076 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The Washington institute for public policy shall, in collaboration with the department of social and health services and other applicable entities, undertake a search for a validated mental health assessment tool or combination of tools to be used by designated mental health professionals when undertaking assessments of individuals for detention, commitment, and revocation under the involuntary treatment act pursuant to chapter 71.05 RCW.

(2) This section expires June 30, 2011.

NEW SECTION. Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

(1) In determining whether a person is gravely disabled or presents a likelihood of serious harm, the court or evaluating designated mental health professional must consider the symptoms and behavior of the respondent in light of all available evidence or information concerning the respondent's historical behavior, as disclosed by the clinical record or credible witnesses with knowledge of the respondent.

(2) Symptoms or behavior which standing alone would not justify civil commitment may support an inference of grave disability or likelihood of serious harm when: (a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts; (b) these symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and (c) without treatment, the continued deterioration of the respondent is highly probable.

NEW SECTION. Sec. 3. A new section is added to chapter 71.05 RCW to read as follows:

(1) Whenever a person who is the subject of an involuntary commitment order under this chapter is discharged from an evaluation and treatment facility or state hospital, the evaluation and treatment facility or state hospital shall provide notice of the person's discharge to the designated mental health professional office responsible for the initial commitment and the designated mental health professional office that serves the county in which the person is expected to reside. The evaluation and treatment facility or state hospital must also provide these offices with a copy of any less restrictive order or conditional release order entered in conjunction with the discharge of the person, unless the evaluation and treatment facility or state hospital has entered into a memorandum of understanding obligating another entity to provide these documents.

(2) The notice and documents referred to in subsection (1) of this section shall be provided as soon as possible and no later than one business day following the discharge of the person. Notice is not required under this section if the discharge is for the purpose of transferring the person for continued detention and treatment under this chapter at another treatment facility.

(3) The department shall maintain and make available an updated list of contact information for designated mental health professional offices around the state.

NEW SECTION. Sec. 4. Section 2 of this act is effective January 1, 2012.

NEW SECTION. Sec. 5. A new section is added to chapter 9.94A RCW to read as follows:

(1) Before imposing any legal financial obligations upon a defendant who suffers from a mental health condition, other than restitution or the victim penalty assessment under RCW 7.68.035, a judge must first determine that the defendant, under the terms of this section, has the means to pay such additional sums.

(2) For the purposes of this section, a defendant suffers from a mental health condition when the defendant has been diagnosed with a mental disorder that prevents the defendant from participating in gainful employment, as evidenced by a determination of mental disability as the basis for the defendant's enrollment in a public assistance program, a record of involuntary hospitalization, or by competent expert evaluation.

NEW SECTION. Sec. 6. If specific funding for the purposes of sections 1 through 4 of this act, referencing this act by bill or chapter number, is not provided by June 30, 2010, in the omnibus appropriations act, sections 1 through 4 of this act are null and void."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding new sections to chapter 71.05 RCW; adding a new section to chapter 9.94A RCW; creating new sections; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 3076 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 4, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2876 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 18.22 RCW to read as follows:

(1) By June 30, 2011, the board shall repeal its rules on pain management, WAC 246-922-510 through 246-922-540.

(2) By June 30, 2011, the board shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) Dosing criteria, including:

(i) A dosage amount that must not be exceeded unless a podiatric physician and surgeon first consults with a practitioner specializing in pain management, at no additional cost to the patient; and

(ii) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management, including the specific circumstance of a patient requiring a stable and ongoing course of treatment for pain management in which an initial consultation shall suffice for that complete course of treatment.

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids.

(3) The board shall consult with the agency medical directors' group, the department of health, the University of Washington, and

the largest professional association of podiatric physicians and surgeons in the state.

(4) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

NEW SECTION. Sec. 2. A new section is added to chapter 18.32 RCW to read as follows:

(1) By June 30, 2011, the commission shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) Dosing criteria, including:

(i) A dosage amount that must not be exceeded unless a dentist first consults with a practitioner specializing in pain management, at no additional cost to the patient; and

(ii) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management, including the specific circumstance of a patient requiring a stable and ongoing course of treatment for pain management in which an initial consultation shall suffice for that complete course of treatment.

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids.

(2) The commission shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional association of dentists in the state.

(3) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

NEW SECTION. Sec. 3. A new section is added to chapter 18.57 RCW to read as follows:

(1) By June 30, 2011, the board shall repeal its rules on pain management, WAC 246-853-510 through 246-853-540.

(2) By June 30, 2011, the board shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) Dosing criteria, including:

(i) A dosage amount that must not be exceeded unless an osteopathic physician and surgeon first consults with a practitioner specializing in pain management, at no additional cost to the patient; and

(ii) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management, including the specific circumstance of a patient requiring a stable and ongoing course of treatment for pain management in which an initial consultation shall suffice for that complete course of treatment.

(b) Guidance on when to seek specialty consultation, including information on sufficient training and experience to exempt an osteopathic physician and surgeon from the specialty consultation requirement, and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(3) The board shall consult with the agency medical directors' group, the department of health, the University of Washington, and

the largest association of osteopathic physicians and surgeons in the state.

(4) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

NEW SECTION. Sec. 4. A new section is added to chapter 18.57A RCW to read as follows:

(1) By June 30, 2011, the board shall repeal its rules on pain management, WAC 246-854-120 through 246-854-150.

(2) By June 30, 2011, the board shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) Dosing criteria, including:

(i) A dosage amount that must not be exceeded unless an osteopathic physician's assistant first consults with a practitioner specializing in pain management, at no additional cost to the patient; and

(ii) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management, including the specific circumstance of a patient requiring a stable and ongoing course of treatment for pain management in which an initial consultation shall suffice for that complete course of treatment.

(b) Guidance on when to seek specialty consultation, including information on sufficient training and experience to exempt an osteopathic physician's assistant from the specialty consultation requirement, and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(3) The board shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest association of osteopathic physician's assistants in the state.

(4) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

NEW SECTION. Sec. 5. A new section is added to chapter 18.71 RCW to read as follows:

(1) By June 30, 2011, the commission shall repeal its rules on pain management, WAC 246-919-800 through 246-919-830.

(2) By June 30, 2011, the commission shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) Dosing criteria, including:

(i) A dosage amount that must not be exceeded unless a physician first consults with a practitioner specializing in pain management, at no additional cost to the patient; and

(ii) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management, including the specific circumstance of a patient requiring a stable and ongoing course of treatment for pain management in which an initial consultation shall suffice for that complete course of treatment.

(b) Guidance on when to seek specialty consultation, including information on sufficient training and experience to exempt a physician from the specialty consultation requirement, and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(3) The commission shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional association of physicians in the state.

(4) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

NEW SECTION. Sec. 6. A new section is added to chapter 18.71A RCW to read as follows:

(1) By June 30, 2011, the commission shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) Dosing criteria, including:

(i) A dosage amount that must not be exceeded unless a physician assistant first consults with a practitioner specializing in pain management, at no additional cost to the patient; and

(ii) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management, including the specific circumstance of a patient requiring a stable and ongoing course of treatment for pain management in which an initial consultation shall suffice for that complete course of treatment.

(b) Guidance on when to seek specialty consultation, including information on sufficient training and experience to exempt a physician assistant from the specialty consultation requirement, and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(2) The commission shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional association of physician assistants in the state.

(3) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

NEW SECTION. Sec. 7. A new section is added to chapter 18.79 RCW to read as follows:

(1) By June 30, 2011, the commission shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a) Dosing criteria, including:

(i) A dosage amount that must not be exceeded unless an advanced registered nurse practitioner or certified registered nurse anesthetist first consults with a practitioner specializing in pain management, at no additional cost to the patient; and

(ii) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management, including the specific circumstance of a patient requiring a stable and ongoing course of treatment for pain management in which an initial consultation shall suffice for that complete course of treatment.

(b) Guidance on when to seek specialty consultation, including information on sufficient training and experience to exempt an advanced registered nurse practitioner or certified registered nurse anesthetist from the specialty consultation requirement, and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(2) The commission shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional associations for advanced registered nurse practitioners and certified registered nurse anesthetists in the state.

(3) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

NEW SECTION. Sec. 8. (1) The boards and commissions required to adopt rules on pain management under sections 1 through 7 of this act shall work collaboratively to ensure that the rules are as uniform as practicable.

(2) On January 11, 2011, each of the boards and commissions required to adopt rules on pain management under sections 1 through 7 of this act shall submit the proposed rules required by this act to the appropriate committees of the legislature."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.79 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2876 and asked the Senate for a conference thereon. The Speaker (Representative Morris presiding) appointed Representatives Cody, Hinkle and Moeller as conferees.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1149 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that data breaches of credit and debit card information contribute to identity theft and fraud and can be costly to consumers. The legislature also recognizes that when a breach occurs, remedial measures such as reissuance of credit or debit cards affected by the breach can help to reduce the incidence of identity theft and associated costs to consumers. Accordingly, the legislature intends to encourage financial institutions to reissue credit and debit cards to consumers when appropriate, and to permit financial institutions to recoup data breach costs associated with the reissuance from large businesses and card processors who are negligent in maintaining or transmitting card data.

NEW SECTION. Sec. 2. A new section is added to chapter 19.255 RCW to read as follows:

(1) For purposes of this section:

(a) "Account information" means: (i) The full, unencrypted magnetic stripe of a credit card or debit card; (ii) the full, unencrypted account information contained on an identification device as defined under RCW 19.300.010; or (iii) the unencrypted primary account number on a credit card or debit card or identification device, plus any of the following if not encrypted: Cardholder name, expiration date, or service code.

(b) "Breach" has the same meaning as "breach of the security of the system" in RCW 19.255.010.

(c) "Business" means an individual, partnership, corporation, association, organization, government entity, or any other legal or commercial entity that processes more than six million credit card and debit card transactions annually, and who provides, offers, or sells goods or services to persons who are residents of Washington.

(d) "Credit card" has the same meaning as in RCW 9A.56.280.

(e) "Debit card" has the same meaning as in RCW 9A.56.280 and for the purposes of this section, includes a payroll debit card.

(f) "Encrypted" means enciphered or encoded using standards reasonable for the breached business or processor taking into account the business or processor's size and the number of transactions processed annually.

(g) "Financial institution" has the same meaning as in RCW 30.22.040.

(h) "Processor" means an individual, partnership, corporation, association, organization, government entity, or any other legal or commercial entity, other than a business as defined under this section, that directly processes or transmits account information for or on behalf of another person as part of a payment processing service.

(i) "Service code" means the three or four digit number in the magnetic stripe or on a credit card or debit card that is used to specify acceptance requirements or to validate the card.

(j) "Vendor" means an individual, partnership, corporation, association, organization, government entity, or any other legal or commercial entity that manufactures and sells software or equipment that is designed to process, transmit, or store account information or that maintains account information that it does not own.

(2) Processors, businesses, and vendors are not liable under this section if (a) the account information was encrypted at the time of the breach, or (b) the processor, business, or vendor was certified compliant with the payment card industry data security standards adopted by the payment card industry security standards council, and in force at the time of the breach. A processor, business, or vendor will be considered compliant, if its payment card industry data security compliance was validated by an annual security assessment, and if this assessment took place no more than one year prior to the time of the breach. For the purposes of this subsection (2), a processor, business, or vendor's security assessment of compliance is nonrevocable. The nonrevocability of a processor, business, or vendor's security assessment of compliance is only for the purpose of determining a processor, business, or vendor's liability under this subsection (2).

(3)(a) If a processor or business fails to take reasonable care to guard against unauthorized access to account information that is in the possession or under the control of the business or processor, and the failure is found to be the proximate cause of a breach, the processor or business is liable to a financial institution for reimbursement of reasonable actual costs related to the reissuance of credit cards and debit cards that are incurred by the financial institution to mitigate potential current or future damages to its credit card and debit card holders that reside in the state of Washington as a consequence of the breach, even if the financial institution has not suffered a physical injury in connection with the breach. In any legal action brought pursuant to this subsection, the prevailing party is entitled to recover its reasonable attorneys' fees and costs incurred in connection with the legal action.

(b) A vendor, instead of a processor or business, is liable to a financial institution for the damages described in (a) of this subsection to the extent that the damages were proximately caused by the vendor's negligence and if the claim is not limited or foreclosed by another provision of law or by a contract to which the financial institution is a party.

(4) Nothing in this section may be construed as preventing or foreclosing any entity responsible for handling account information on behalf of a business or processor from being made a party to an action under this section.

(5) Nothing in this section may be construed as preventing or foreclosing a processor, business, or vendor from asserting any defense otherwise available to it in an action including, but not limited to, defenses of contract, or of contributory or comparative negligence.

(6) In cases to which this section applies, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which was the proximate cause of the claimant's damages.

(7) The remedies under this section are cumulative and do not restrict any other right or remedy otherwise available under law, however a trier of fact may reduce damages awarded to a financial institution by any amount the financial institution recovers from a credit card company in connection with the breach, for costs associated with access card reissuance.

NEW SECTION. Sec. 3. This act takes effect July 1, 2010.

NEW SECTION. Sec. 4. This act applies prospectively only. This act applies to any breach occurring on or after the effective date of this section."

On page 1, line 1 of the title, after "security;" strike the remainder of the title and insert "adding a new section to chapter 19.255 RCW; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1149 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Williams spoke in favor of the passage of the bill.

Representative Bailey spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1149, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1149, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 65; Nays, 30; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy,

Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Walsh.

Excused: Representatives Dickerson, Hope and Hurst.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1149, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1317 with the following amendment:

On page 2, line 24, after "and", strike "year", and insert "full date"

On page 2, line 24, after "birth", insert the following:

"For the purposes of this subsection, news media does not include any person or organization of persons in the custody of a criminal justice agency as defined in RCW 10.97.030."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1317 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kessler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1317, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1317, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt,

Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Hope and Hurst.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1317, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The insurance commissioner shall prepare and submit a report to the legislature related to the performance of the small group health plan market and the association health plan market. To the extent that the data needed to complete the report are not readily available, the commissioner may require carriers to submit aggregated data for the small group health plans and association health plans underwritten or administered by the carrier, for each calendar year 2005 through 2008. Data submitted shall not identify specific small group plans or association health plans, and the report shall not identify specific small group or association health plans or present data in a manner that allows identification of specific plans. Carriers who underwrite or administer an association health plan that covers fewer than ten thousand lives in any year reported may, at their own expense, contract with a third party to aggregate and report the information required under this section with that of other carriers who qualify for this option. The data must be reported separately for the carrier's small group health plan block of business and association health plan block of business, and must include the following information:

(a) The number of persons residing in Washington state who receive health benefit coverage through each block of business, including the number of persons enrolled in the plans on the first day and last day of each year, the number of persons enrolled in the plans during each year, and the number of persons who terminated enrollment in the plans during each year;

(b) The calendar year-end enrollment of each block of business, by age group using five-year increments beginning with age twenty and ending with age sixty-five, and the average age of persons covered in each block of business;

(c) The calendar year-end enrollment of each block of business by employer size for each year, reporting by groups of two to five, six to ten, eleven to twenty-five, twenty-six to fifty, fifty-one to one hundred, and more than one hundred;

(d) The annual calendar year earned premium and incurred claims for each block of business;

(e) For the association health plan block of business, the number of association health plans that limit eligibility for health plan coverage to employer groups of a minimum size, or that limit eligibility for health plan coverage to a subset of the industries that the association sponsoring the health plan was established to serve, and the percentage of health plan enrollees for whom each of the following elements is used in setting health plan rates:

- (i) Claims experience;
- (ii) Employer group size; or
- (iii) Health status factors.

(2) In fulfilling the requirements of subsection (1) of this section the commissioner may adopt rules necessary to implement the data submission administrative process under this section, including the format, timing of data reporting, data standards, instructions, definitions, and data sources. The commissioner is prohibited from collecting data from carriers if any rules necessary to implement the data submission administrative process have not been adopted.

(3) The commissioner must allow carriers a minimum of ninety days to submit data once carriers have received instructions.

(4) For the purposes of this subsection, the terms "association health plan" and "association plan" shall include all member-governed group health plans and multiple employer welfare arrangements and any other arrangement to which two or more public or private employers, of which at least two are small employers, contribute to provide health care for their employees.

(5) Data, information, and documents provided by a carrier pursuant to this section are exempt from public inspection and copying under RCW 48.02.120 and chapters 42.17 and 42.56 RCW.

(6) The commissioner may enter into a personal services contract with a third-party contractor to assist with the analysis of the data described in subsection (1) of this section without having to comply with the restrictions set forth in sections 602 and 605, chapter 3, Laws of 2010. The third-party experts that prepare the analysis and report for the insurance commissioner shall submit the report directly to the appropriate committees of the legislature and the insurance commissioner. The report shall be submitted to the legislature no later than October 1, 2011.

(7) This section expires September 30, 2011.

Sec. 2. RCW 42.56.400 and 2009 c 104 s 23 are each amended to read as follows:

The following information relating to insurance and financial institutions is exempt from disclosure under this chapter:

(1) Records maintained by the board of industrial insurance appeals that are related to appeals of crime victims' compensation claims filed with the board under RCW 7.68.110;

(2) Information obtained and exempted or withheld from public inspection by the health care authority under RCW 41.05.026, whether retained by the authority, transferred to another state purchased health care program by the authority, or transferred by the authority to a technical review committee created to facilitate the development, acquisition, or implementation of state purchased health care under chapter 41.05 RCW;

(3) The names and individual identification data of either all owners or all insureds, or both, received by the insurance commissioner under chapter 48.102 RCW;

(4) Information provided under RCW 48.30A.045 through 48.30A.060;

(5) Information provided under RCW 48.05.510 through 48.05.535, 48.43.200 through 48.43.225, 48.44.530 through 48.44.555, and 48.46.600 through 48.46.625;

(6) Examination reports and information obtained by the department of financial institutions from banks under RCW 30.04.075, from savings banks under RCW 32.04.220, from savings and loan associations under RCW 33.04.110, from credit unions under RCW 31.12.565, from check cashers and sellers under RCW 31.45.030(3), and from securities brokers and investment advisers under RCW 21.20.100, all of which is confidential and privileged information;

(7) Information provided to the insurance commissioner under RCW 48.110.040(3);

(8) Documents, materials, or information obtained by the insurance commissioner under RCW 48.02.065, all of which are confidential and privileged;

(9) Confidential proprietary and trade secret information provided to the commissioner under RCW 48.31C.020 through 48.31C.050 and 48.31C.070;

(10) Data filed under RCW 48.140.020, 48.140.030, 48.140.050, and 7.70.140 that, alone or in combination with any other data, may reveal the identity of a claimant, health care provider, health care facility, insuring entity, or self-insurer involved in a particular claim or a collection of claims. For the purposes of this subsection:

(a) "Claimant" has the same meaning as in RCW 48.140.010(2).

(b) "Health care facility" has the same meaning as in RCW 48.140.010(6).

(c) "Health care provider" has the same meaning as in RCW 48.140.010(7).

(d) "Insuring entity" has the same meaning as in RCW 48.140.010(8).

(e) "Self-insurer" has the same meaning as in RCW 48.140.010(11);

(11) Documents, materials, or information obtained by the insurance commissioner under RCW 48.135.060;

(12) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.060;

(13) Confidential and privileged documents obtained or produced by the insurance commissioner and identified in RCW 48.37.080;

(14) Documents, materials, or information obtained by the insurance commissioner under RCW 48.37.140;

(15) Documents, materials, or information obtained by the insurance commissioner under RCW 48.17.595; ~~(and)~~

(16) Documents, materials, or information obtained by the insurance commissioner under RCW 48.102.051(1) and 48.102.140 (3) and (7)(a)(ii); and

(17) Data, information, and documents provided by a carrier pursuant to section 1 of this act."

On page 1, line 1 of the title, after "plans;" strike the remainder of the title and insert "amending RCW 42.56.400; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Cody spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1714, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1714, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 60; Nays, 35; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall,

Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Dickerson, Hope and Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 1714.

Ed Orcutt, 18th District.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that there are many homeless persons in our state that are in need of shelter and other services that are not being provided by the state and local governments. The legislature also finds that in many communities, religious organizations play an important role in providing needed services to the homeless, including the provision of shelter upon property owned by the religious organization. By providing such shelter, the religious institutions in our communities perform a valuable public service that, for many, offers a temporary, stop-gap solution to the larger social problem of increasing numbers of homeless persons.

This act provides guidance to cities and counties in regulating homeless encampments within the community, but still leaves those entities with broad discretion to protect the health and safety of its citizens. It is the hope of this legislature that local governments and religious organizations can work together and utilize dispute resolution processes without the need for litigation.

NEW SECTION. Sec. 2. A new section is added to chapter 36.01 RCW to read as follows:

(1) A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A county may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; or

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications.

(3) For the purposes of this section, "religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(4) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

NEW SECTION. Sec. 3. A new section is added to chapter 35.21 RCW to read as follows:

(1) A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A city or town may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; or

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of the required permit applications.

(3) For the purposes of this section, "religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(4) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

NEW SECTION. Sec. 4. A new section is added to chapter 35A.21 RCW to read as follows:

(1) A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A code city may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability; or

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of the excess of the required permit applications.

(3) For the purposes of this section, "religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(4) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

NEW SECTION. Sec. 5. Nothing in this act is intended to change applicable law or be interpreted to prohibit a county, city, town, or code city from applying zoning and land use regulations allowable under established law to real property owned by a religious organization, regardless of whether the property owned by the religious organization is used to provide shelter or housing to homeless persons.

NEW SECTION. Sec. 6. Nothing in this act supersedes a court ordered consent decree or other negotiated settlement between a public agency and religious organization entered into prior to July 1, 2010, for the purposes of establishing a temporary encampment for the homeless as provided in this act."

On page 1, line 2 of the title, after "church;" strike the remainder of the title and insert "adding a new section to chapter 36.01 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and creating new sections."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Williams and Kelley spoke in favor of the passage of the bill.

Representatives Hinkle and Angel spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1956, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1956, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Kirby, Klippert, Kretz, Kristiansen, McCune,

Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Dickerson, Hope and Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2016 with the following amendment:

Strike everything after the enacting clause and insert the following:

"PART 1 GENERAL PROVISIONS

Sec. 101. RCW 42.17.020 and 2008 c 6 s 201 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity.

(2) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(3) "Authorized committee" means the political committee authorized by a candidate, or by the public official against whom recall charges have been filed, to accept contributions or make expenditures on behalf of the candidate or public official.

(4) "Ballot proposition" means any "measure" as defined by RCW 29A.04.091, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of the state or any municipal corporation, political subdivision, or other voting constituency from and after the time when the proposition has been initially filed with the appropriate election officer of that constituency (~~prior to~~) before its circulation for signatures.

(5) "Benefit" means a commercial, proprietary, financial, economic, or monetary advantage, or the avoidance of a commercial, proprietary, financial, economic, or monetary disadvantage.

(6) "Bona fide political party" means:

(a) An organization that has (~~filed a valid certificate of nomination with~~) been recognized as a minor political party by the secretary of state ((under chapter 29A.20 RCW)));

(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.

(7) "Depository" means a bank (~~designated by a candidate or political committee pursuant to RCW 42.17.050~~), mutual savings bank, savings and loan association, or credit union doing business in this state.

(8) "Treasurer" and "deputy treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050 (as recodified by this act), to perform the duties specified in that section.

(9) "Candidate" means any individual who seeks nomination for election or election to public office. An individual seeks nomination or election when he or she first:

- (a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;
- (b) Announces publicly or files for office;
- (c) Purchases commercial advertising space or broadcast time to promote his or her candidacy; or
- (d) Gives his or her consent to another person to take on behalf of the individual any of the actions in (a) or (c) of this subsection.

(10) "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the state senate or state house of representatives.

(11) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(12) "Commission" means the agency established under RCW 42.17.350 (as recodified by this act).

(13) "Compensation" unless the context requires a narrower meaning, includes payment in any form for real or personal property or services of any kind (~~(- PROVIDED, That)~~). For the purpose of compliance with RCW 42.17.241 (as recodified by this act), ~~(the term)~~ "compensation" ~~(shall)~~ does not include per diem allowances or other payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

(14) "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.

(15)(a) "Contribution" includes:

(i) A loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or anything of value, including personal and professional services for less than full consideration;

(ii) An expenditure made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a political committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents;

(iii) The financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent;

(iv) Sums paid for tickets to fund-raising events such as dinners and parties, except for the actual cost of the consumables furnished at the event.

(b) "Contribution" does not include:

(i) Standard interest on money deposited in a political committee's account;

(ii) Ordinary home hospitality;

(iii) A contribution received by a candidate or political committee that is returned to the contributor within five business days of the date on which it is received by the candidate or political committee;

(iv) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is of primary interest to the general public, that is in a news medium controlled by a person whose business is that news medium, and that is not controlled by a candidate or a political committee;

(v) An internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or

stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(vi) The rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this ~~(section)~~ subsection, means services or labor for which the individual is not compensated by any person;

(vii) Messages in the form of reader boards, banners, or yard or window signs displayed on a person's own property or property occupied by a person. However, a facility used for such political advertising for which a rental charge is normally made must be reported as an in-kind contribution and counts towards any applicable contribution limit of the person providing the facility;

(viii) Legal or accounting services rendered to or on behalf of:

(A) A political party or caucus political committee if the person paying for the services is the regular employer of the person rendering such services; or

(B) A candidate or an authorized committee if the person paying for the services is the regular employer of the individual rendering the services and if the services are solely for the purpose of ensuring compliance with state election or public disclosure laws; or

(ix) The performance of ministerial functions by a person on behalf of two or more candidates or political committees either as volunteer services defined in (b)(vi) of this subsection or for payment by the candidate or political committee for whom the services are performed as long as:

(A) The person performs solely ministerial functions;

(B) A person who is paid by two or more candidates or political committees is identified by the candidates and political committees on whose behalf services are performed as part of their respective statements of organization under RCW 42.17.040 (as recodified by this act); and

(C) The person does not disclose, except as required by law, any information regarding a candidate's or committee's plans, projects, activities, or needs, or regarding a candidate's or committee's contributions or expenditures that is not already publicly available from campaign reports filed with the commission, or otherwise engage in activity that constitutes a contribution under (a)(ii) of this subsection.

A person who performs ministerial functions under this subsection (15)(b)(ix) is not considered an agent of the candidate or committee as long as he or she has no authority to authorize expenditures or make decisions on behalf of the candidate or committee.

(c) Contributions other than money or its equivalent are deemed to have a monetary value equivalent to the fair market value of the contribution. Services or property or rights furnished at less than their fair market value for the purpose of assisting any candidate or political committee are deemed a contribution. Such a contribution must be reported as an in-kind contribution at its fair market value and counts towards any applicable contribution limit of the provider.

(16) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(17) "Election" includes any primary, general, or special election for public office and any election in which a ballot proposition is submitted to the voters (~~(- PROVIDED, That)~~). An election in which the qualifications for voting include other than those requirements set forth in Article VI, section 1 (Amendment 63) of the Constitution of the state of Washington shall not be considered an election for purposes of this chapter.

(18) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(19) "Election cycle" means the period beginning on the first day of January after the date of the last previous general election for the office that the candidate seeks and ending on December 31st after the next election for the office. In the case of a special election to fill a vacancy in an office, "election cycle" means the period beginning on the day the vacancy occurs and ending on December 31st after the special election.

(20) "Electioneering communication" means any broadcast, cable, or satellite television or radio transmission, United States postal service mailing, billboard, newspaper, or periodical that:

(a) Clearly identifies a candidate for a state, local, or judicial office either by specifically naming the candidate, or identifying the candidate without using the candidate's name;

(b) Is broadcast, transmitted, mailed, erected, distributed, or otherwise published within sixty days before any election for that office in the jurisdiction in which the candidate is seeking election; and

(c) Either alone, or in combination with one or more communications identifying the candidate by the same sponsor during the sixty days before an election, has a fair market value of five thousand dollars or more.

(21) "Electioneering communication" does not include:

(a) Usual and customary advertising of a business owned by a candidate, even if the candidate is mentioned in the advertising when the candidate has been regularly mentioned in that advertising appearing at least twelve months preceding his or her becoming a candidate;

(b) Advertising for candidate debates or forums when the advertising is paid for by or on behalf of the debate or forum sponsor, so long as two or more candidates for the same position have been invited to participate in the debate or forum;

(c) A news item, feature, commentary, or editorial in a regularly scheduled news medium that is:

(i) Of primary interest to the general public;

(ii) In a news medium controlled by a person whose business is that news medium; and

(iii) Not a medium controlled by a candidate or a political committee;

(d) Slate cards and sample ballots;

(e) Advertising for books, films, dissertations, or similar works (i) written by a candidate when the candidate entered into a contract for such publications or media at least twelve months before becoming a candidate, or (ii) written about a candidate;

(f) Public service announcements;

(g) A mailed internal political communication primarily limited to the members of or contributors to a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization;

(h) An expenditure by or contribution to the authorized committee of a candidate for state, local, or judicial office; or

(i) Any other communication exempted by the commission through rule consistent with the intent of this chapter.

(22) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. ~~(The term)~~ "Expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefiting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. For the purposes of this chapter, agreements to make expenditures, contracts, and promises to pay may be reported as estimated obligations until actual payment is made. ~~(The term)~~ "Expenditure" shall not include the partial or complete repayment by a candidate or political committee

of the principal of a loan, the receipt of which loan has been properly reported.

(23) "Final report" means the report described as a final report in RCW 42.17.080(2) ~~(as recodified by this act)~~.

(24) "General election" for the purposes of RCW 42.17.640 ~~(as recodified by this act)~~ means the election that results in the election of a person to a state or local office. It does not include a primary.

(25) "Gift" ~~(, "is as defined")~~ has the definition in RCW 42.52.010.

(26) "Immediate family" includes the spouse or domestic partner, dependent children, and other dependent relatives, if living in the household. For the purposes of ~~((RCW 42.17.640 through 42.17.790))~~ the definition of "intermediary" in this section, "immediate family" means an individual's spouse or domestic partner, and child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual and the spouse or the domestic partner of any such person and a child, stepchild, grandchild, parent, stepparent, grandparent, brother, half brother, sister, or half sister of the individual's spouse or domestic partner and the spouse or the domestic partner of any such person.

(27) "Incumbent" means a person who is in present possession of an elected office.

(28) "Independent expenditure" means an expenditure that has each of the following elements:

(a) It is made in support of or in opposition to a candidate for office by a person who is not (i) a candidate for that office, (ii) an authorized committee of that candidate for that office, (iii) a person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office, or (iv) a person with whom the candidate has collaborated for the purpose of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office;

(b) The expenditure pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies the candidate without using the candidate's name; and

(c) The expenditure, alone or in conjunction with another expenditure or other expenditures of the same person in support of or opposition to that candidate, has a value of ~~((five))~~ eight hundred dollars or more. A series of expenditures, each of which is under ~~((five))~~ eight hundred dollars, constitutes one independent expenditure if their cumulative value is ~~((five))~~ eight hundred dollars or more.

(29)(a) "Intermediary" means an individual who transmits a contribution to a candidate or committee from another person unless the contribution is from the individual's employer, immediate family ~~((as defined for purposes of RCW 42.17.640 through 42.17.790))~~, or an association to which the individual belongs.

(b) A treasurer or a candidate is not an intermediary for purposes of the committee that the treasurer or candidate serves.

(c) A professional fund-raiser is not an intermediary if the fund-raiser is compensated for fund-raising services at the usual and customary rate.

(d) A volunteer hosting a fund-raising event at the individual's home is not an intermediary for purposes of that event.

(30) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter that may be the subject of action by either house or any committee of the legislature and all bills and resolutions that, having passed both houses, are pending approval by the governor.

(31) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state

of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

(32) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.

(33) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he or she is compensated for acting as a lobbyist.

(34) "Ministerial functions" means an act or duty carried out as part of the duties of an administrative office without exercise of personal judgment or discretion.

(35) "Participate" means that, with respect to a particular election, an entity:

(a) Makes either a monetary or in-kind contribution to a candidate;

(b) Makes an independent expenditure or electioneering communication in support of or opposition to a candidate;

(c) Endorses a candidate ~~((prior to))~~ before contributions ~~((being))~~ are made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent;

(d) Makes a recommendation regarding whether a candidate should be supported or opposed ~~((prior to))~~ before a contribution ~~((being))~~ is made by a subsidiary corporation or local unit with respect to that candidate or that candidate's opponent; or

(e) Directly or indirectly collaborates or consults with a subsidiary corporation or local unit on matters relating to the support of or opposition to a candidate, including, but not limited to, the amount of a contribution, when a contribution should be given, and what assistance, services or independent expenditures, or electioneering communications, if any, will be made or should be made in support of or opposition to a candidate.

(36) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(37) ("Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, the term "person in interest" means and includes the parent or duly appointed legal representative.

~~—((38))~~ "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations, or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support or opposition in any election campaign.

~~(((39)))~~ (38) "Political committee" means any person (except a candidate or an individual dealing with his or her own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

~~(((40)))~~ (39) "Primary" for the purposes of RCW 42.17.640 (as recodified by this act) means the procedure for nominating a candidate to state or local office under chapter 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW.

~~(((41)))~~ (40) "Public office" means any federal, state, judicial, county, city, town, school district, port district, special district, or other state political subdivision elective office.

~~(((42)))~~ (41) "Public record" ((includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or

characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives)) has the definition in RCW 42.56.010.

~~(((43)))~~ (42) "Recall campaign" means the period of time beginning on the date of the filing of recall charges under RCW 29A.56.120 and ending thirty days after the recall election.

~~(((44)))~~ (43) "Sponsor of an electioneering communications, independent expenditures, or political advertising" means the person paying for the electioneering communication, independent expenditure, or political advertising. If a person acts as an agent for another or is reimbursed by another for the payment, the original source of the payment is the sponsor.

~~(((45)—State))~~ (44) "Legislative office" means the office of a member of the state house of representatives or the office of a member of the state senate.

~~(((46)))~~ (45) "State office" means state legislative office or the office of governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

~~(((47)))~~ (46) "State official" means a person who holds a state office.

~~(((48)))~~ (47) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate ~~((prior))~~ with respect to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065 (as recodified by this act).

~~(((49)))~~ "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.))

PART 2

ELECTRONIC ACCESS

Sec. 201. RCW 42.17.367 and 1999 c 401 s 9 are each amended to read as follows:

~~((By February 1, 2000,))~~ The commission shall operate a web site or contract for the operation of a web site that allows access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, ~~((and))~~ 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180 (as recodified by this act). ~~((By January 1, 2001, the web site shall allow access to reports, copies of reports, or copies of data and information submitted in reports, filed with the commission under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180.))~~ In addition, the commission shall attempt to make available via the web site other public records submitted to or generated by the commission that are required by this chapter to be available for public use or inspection.

Sec. 202. RCW 42.17.369 and 2000 c 237 s 3 are each amended to read as follows:

(1) ~~((By July 1, 1999,))~~ The commission shall make available to candidates, public officials, and political committees that are required to file reports under this chapter an electronic filing alternative for submitting financial affairs reports, contribution reports, and expenditure reports ~~((including but not limited to filing by diskette, modem, satellite, or the Internet)).~~

(2) ~~((By January 1, 2002,))~~ The commission shall make available to lobbyists and lobbyists' employers required to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180 (as recodified by this act) an electronic filing alternative for submitting these reports ~~((including but not limited to filing by diskette, modem, satellite, or the Internet)).~~

(3) The commission shall make available to candidates, public officials, political committees, lobbyists, and lobbyists' employers an electronic copy of the appropriate reporting forms at no charge.

Sec. 203. RCW 42.17.461 and 2000 c 237 s 5 are each amended to read as follows:

~~((4))~~ The commission shall establish goals that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180 (as recodified by this act), that are:

~~((a))~~ Submitted using the commission's electronic filing system shall be accessible in the commission's office within two business days of the commission's receipt of the report and shall be accessible on the commission's web site within seven business days of the commission's receipt of the report; and

(b) Submitted in any format or using any method other than as described in (a) of this subsection, shall be accessible in the commission's office within four business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, and shall be accessible on the commission's web site within fourteen business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, as specified in rule adopted by the commission.

(2) On January 1, 2001, or shortly thereafter, the commission shall revise these goals to reflect that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

(a) Submitted using the commission's electronic filing system shall be accessible in the commission's office within two business days of the commission's receipt of the report and on the commission's web site within four business days of the commission's receipt of the report; and

(b) Submitted in any format or using any method other than as described in (a) of this subsection, shall be accessible in the commission's office within four business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, and on the commission's web site within seven business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420, as specified in rule adopted by the commission.

(3) On January 1, 2002, or shortly thereafter, the commission shall revise these goals to reflect that all reports, copies of reports, or copies of the data or information included in reports, filed under RCW 42.17.040, 42.17.065, 42.17.080, 42.17.100, 42.17.105, 42.17.150, 42.17.170, 42.17.175, and 42.17.180, that are:

~~((a))~~ (1) Submitted using the commission's electronic filing system must be accessible in the commission's office and on the commission's web site within two business days of the commission's receipt of the report; and

~~((b))~~ (2) Submitted ~~((in any format or using any method other than as described in (a) of this subsection,))~~ on paper must be

accessible in the commission's office and on the commission's web site within four business days of the actual physical receipt of the report, and not the technical date of filing as provided under RCW 42.17.420 (as recodified by this act), as specified in rule adopted by the commission.

Sec. 204. RCW 42.17.463 and 1999 c 401 s 3 are each amended to read as follows:

By July 1st of each year ~~((beginning in 2000))~~, the commission shall calculate the following performance measures, provide a copy of the performance measures to the governor and appropriate legislative committees, and make the performance measures available to the public:

(1) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.040, 42.17.065, 42.17.080, and 42.17.100 (as recodified by this act) and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(2) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.105 (as recodified by this act) and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(3) The average number of days that elapse between the commission's receipt of reports filed under RCW 42.17.150, 42.17.170, 42.17.175, and 42.17.180 (as recodified by this act) and the time that the report, a copy of the report, or a copy of the data or information included in the report, is first accessible to the general public (a) in the commission's office, and (b) via the commission's web site;

(4) The percentage of candidates, categorized as statewide, ~~((state))~~ legislative, or local, that have used each of the following methods to file reports under RCW 42.17.080 or 42.17.105 (as recodified by this act): (a) Hard copy paper format; ~~((b) electronic format via diskette; (c) electronic format via modem or satellite; (d))~~ or (b) electronic format via the Internet; ((and (e) any other format or method;))

(5) The percentage of continuing political committees that have used each of the following methods to file reports under RCW 42.17.065 or 42.17.105 (as recodified by this act): (a) Hard copy paper format; ~~((b) electronic format via diskette; (c) electronic format via modem or satellite; (d))~~ or (b) electronic format via the Internet; ((and (e) any other format or method;)) and

(6) The percentage of lobbyists and lobbyists' employers that have used each of the following methods to file reports under RCW 42.17.150, 42.17.170, 42.17.175, or 42.17.180 (as recodified by this act): (a) Hard copy paper format; ~~((b) electronic format via diskette; (c) electronic format via modem or satellite; (d))~~ or (b) electronic format via the Internet((; and (e) any other format or method)).

**PART 3
ADMINISTRATION**

Sec. 301. RCW 42.17.350 and 1998 c 30 s 1 are each amended to read as follows:

(1) ~~((There is hereby established a "))~~ The public disclosure commission ~~((" which))~~ is established. The commission shall be composed of five members ~~((who shall be))~~ appointed by the governor, with the consent of the senate. All appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party.

(2) The term of each member shall be five years. No member is eligible for appointment to more than one full term. Any member may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

(3) During his or her tenure, a member of the commission is prohibited from engaging in any of the following activities, either within or outside the state of Washington:

- (a) Holding or campaigning for elective office;
- (b) Serving as an officer of any political party or political committee;
- (c) Permitting his or her name to be used in support of or in opposition to a candidate or proposition;
- (d) Soliciting or making contributions to a candidate or in support of or in opposition to any candidate or proposition;
- (e) Participating in any way in any election campaign; or
- (f) Lobbying, employing, or assisting a lobbyist, except that a member or the staff of the commission may lobby to the limited extent permitted by RCW 42.17.190 (as recodified by this act) on matters directly affecting this chapter.

(4) A vacancy on the commission shall be filled within thirty days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of his or her predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission.

(5) Three members of the commission shall constitute a quorum. The commission shall elect its own chair and adopt its own rules of procedure in the manner provided in chapter 34.05 RCW.

(6) Members shall be compensated in accordance with RCW 43.03.250 and ~~(in addition)~~ shall be reimbursed for travel expenses incurred while engaged in the business of the commission as provided in RCW 43.03.050 and 43.03.060. The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created ~~(pursuant to)~~ under the (general) laws of this state.

Sec. 302. RCW 42.17.360 and 1973 c 1 s 36 are each amended to read as follows:

The commission shall:

- (1) Develop and provide forms for the reports and statements required to be made under this chapter;
- (2) Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;
- (3) Compile and maintain a current list of all filed reports and statements;
- (4) Investigate whether properly completed statements and reports have been filed within the times required by this chapter;
- (5) Upon complaint or upon its own motion, investigate and report apparent violations of this chapter to the appropriate law enforcement authorities;
- (6) Conduct a sufficient number of audits and field investigations to provide a statistically valid finding regarding the degree of compliance with the provisions of this chapter by all required filers. Any documents, records, reports, computer files, papers, or materials provided to the commission for use in conducting audits and investigations must be returned to the candidate, campaign, or political committee from which they were received within one week of the commission's completion of an audit or field investigation;
- ~~(7)~~ (7) Prepare and publish an annual report to the governor as to the effectiveness of this chapter and its enforcement by appropriate law enforcement authorities; ~~(and~~
- ~~(7))~~ (8) Enforce this chapter according to the powers granted it by law;
- (9) Adopt rules governing the arrangement, handling, indexing, and disclosing of those reports required by this chapter to be filed with a county auditor or county elections official. The rules shall:
 - (a) Ensure ease of access by the public to the reports; and
 - (b) Include, but not be limited to, requirements for indexing the reports by the names of candidates or political committees and by the ballot proposition for or against which a political committee is receiving contributions or making expenditures;

(10) Adopt rules to carry out the policies of chapter 348, Laws of 2006. The adoption of these rules is not subject to the time restrictions of RCW 42.17.370(1) (as recodified by this act);

(11) Adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports; and

(12) Maintain and make available to the public and political committees of this state a toll-free telephone number.

Sec. 303. RCW 42.17.370 and 1995 c 397 s 17 are each amended to read as follows:

The commission ~~(is empowered to)~~ may:

(1) Adopt, ~~(promulgate,)~~ amend, and rescind suitable administrative rules to carry out the policies and purposes of this chapter, which rules shall be adopted under chapter 34.05 RCW. Any rule relating to campaign finance, political advertising, or related forms that would otherwise take effect after June 30th of a general election year shall take effect no earlier than the day following the general election in that year;

(2) Appoint an executive director and set, within the limits established by the state committee on agency officials' salaries under RCW 43.03.028, the executive director's compensation ~~(of an executive director who)~~. The executive director shall perform such duties and have such powers as the commission may prescribe and delegate to implement and enforce this chapter efficiently and effectively. The commission shall not delegate its authority to adopt, amend, or rescind rules nor ~~(shall)~~ may it delegate authority to determine whether an actual violation of this chapter has occurred or to assess penalties for such violations;

(3) Prepare and publish ~~(such)~~ reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(4) ~~(Make from time to time, on its own motion)~~ Conduct, as it deems appropriate, audits and field investigations;

(5) Make public the time and date of any formal hearing set to determine whether a violation has occurred, the question or questions to be considered, and the results thereof;

(6) Administer oaths and affirmations, issue subpoenas, and compel attendance, take evidence, and require the production of any ~~(books, papers, correspondence, memorandums, or other)~~ records relevant ~~(or material for the purpose of)~~ to any investigation authorized under this chapter, or any other proceeding under this chapter;

(7) Adopt ~~(and promulgate)~~ a code of fair campaign practices;

(8) ~~(Relieve, by rule,)~~ Adopt rules relieving candidates or political committees of obligations to comply with the election campaign provisions of this chapter ~~(relating to election campaigns)~~, if they have not received contributions nor made expenditures in connection with any election campaign of more than ~~(one)~~ five thousand dollars;

(9) Adopt rules prescribing reasonable requirements for keeping accounts of, and reporting on a quarterly basis, costs incurred by state agencies, counties, cities, and other municipalities and political subdivisions in preparing, publishing, and distributing legislative information. ~~(The term)~~ For the purposes of this subsection, "legislative information~~(-s)~~" ~~(for the purposes of this subsection)~~ means books, pamphlets, reports, and other materials prepared, published, or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his or her regular examination of each agency under chapter 43.09 RCW shall review the rules, accounts, and reports and make appropriate findings, comments, and recommendations ~~(in his or her examination reports)~~ concerning those agencies; and

(10) ~~(After hearing, by order approved and ratified by a majority of the membership of the commission, suspend or modify any of the~~

reporting requirements of this chapter in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that the suspension or modification will not frustrate the purposes of the chapter. The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his or her immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required under this section. Requests for renewals of reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and in accordance with the standards established in this section. No initial request may be heard in a brief adjudicative proceeding and no request for renewal may be heard in a brief adjudicative proceeding if the initial request was granted more than three years previously or if the applicant is holding an office or position of employment different from the office or position held when the initial request was granted. The commission shall adopt administrative rules governing the proceedings. Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order; and

(11) Revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter (reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials), the revisions shall equally affect all thresholds within each category. Revisions shall be adopted as rules under chapter 34.05 RCW. The first revision authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold through December 1985;

~~—(12))~~ Develop and provide to filers a system for certification of reports required under this chapter which are transmitted by facsimile or electronically to the commission. Implementation of the program is contingent on the availability of funds.

NEW SECTION. Sec. 304. SUSPENSION OR MODIFICATION OF REPORTING REQUIREMENTS. (1) The commission may suspend or modify any of the reporting requirements of this chapter if it finds that literal application of this chapter works a manifestly unreasonable hardship in a particular case and the suspension or modification will not frustrate the purposes of this chapter. The commission may suspend or modify reporting requirements only after a hearing is held and the suspension or modification receives approval from a majority of the commission. The commission shall act to suspend or modify any reporting requirements:

(a) Only if it determines that facts exist that are clear and convincing proof of the findings required under this section; and

(b) Only to the extent necessary to substantially relieve the hardship.

(2) A manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under RCW 42.17.241(1)(g)(ii) (as recodified by this act) would be likely to

adversely affect the competitive position of any entity in which the person filing the report, or any member of his or her immediate family, holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more.

(3) Requests for renewals of reporting modifications may be heard in a brief adjudicative proceeding as set forth in RCW 34.05.482 through 34.05.494 and in accordance with the standards established in this section. No initial request may be heard in a brief adjudicative proceeding. No request for renewal may be heard in a brief adjudicative proceeding if the initial request was granted more than three years previously or if the applicant is holding an office or position of employment different from the office or position held when the initial request was granted.

(4) Any citizen has standing to bring an action in Thurston county superior court to contest the propriety of any order entered under this section within one year from the date of the entry of the order.

(5) The commission shall adopt rules governing the proceedings.

Sec. 305. RCW 42.17.690 and 1993 c 2 s 9 are each amended to read as follows:

(1) At the beginning of each even-numbered calendar year, the commission shall increase or decrease ~~((all))~~ the dollar amounts in ~~((this chapter))~~ RCW 42.17.020(28), 42.17.125(3), 42.17.180(1), 42.17.640, 42.17.645, and 42.17.740 (as recodified by this act) based on changes in economic conditions as reflected in the inflationary index ~~((used by the commission under RCW 42.17.370))~~ recommended by the office of financial management. The new dollar amounts established by the commission under this section shall be rounded off ~~((by the commission))~~ to amounts as judged most convenient for public understanding and so as to be within ten percent of the target amount equal to the base amount provided in this chapter multiplied by the increase in the inflationary index since ~~((December 3, 1992))~~ July 2008.

(2) The commission may revise, at least once every five years but no more often than every two years, the monetary reporting thresholds and reporting code values of this chapter. The revisions shall be only for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the period commencing with the month of December preceding the last revision and concluding with the month of December preceding the month the revision is adopted. As to each of the three general categories of this chapter, reports of campaign finance, reports of lobbyist activity, and reports of the financial affairs of elected and appointed officials, the revisions shall equally affect all thresholds within each category. The revisions authorized by this subsection shall reflect economic changes from the time of the last legislative enactment affecting the respective code or threshold.

(3) Revisions made in accordance with subsections (1) and (2) of this section shall be adopted as rules under chapter 34.05 RCW.

Sec. 306. RCW 42.17.380 and 1982 c 35 s 196 are each amended to read as follows:

((1)) The office of the secretary of state shall be designated as a place where the public may file papers or correspond with the commission and receive any form or instruction from the commission.

~~—(2))~~ The attorney general, through his or her office, shall ~~((supply such))~~ provide assistance as ~~((the commission may require in order))~~ required by the commission to carry out its responsibilities under this chapter. The commission may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this chapter.

Sec. 307. RCW 42.17.405 and 2006 c 240 s 2 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (7) of this section, the reporting provisions of this chapter do not apply to:

(a) Candidates, elected officials, and agencies in political subdivisions with less than one thousand registered voters as of the date of the most recent general election in the jurisdiction~~((, to);~~

(b) Political committees formed to support or oppose candidates or ballot propositions in such political subdivisions~~((; or ((to))~~

(c) Persons making independent expenditures in support of or opposition to such ballot propositions.

(2) The reporting provisions of this chapter apply in any exempt political subdivision from which a "petition for disclosure" containing the valid signatures of fifteen percent of the number of registered voters, as of the date of the most recent general election in the political subdivision, is filed with the commission. The commission shall by rule prescribe the form of the petition. After the signatures are gathered, the petition shall be presented to the auditor or elections officer of the county, or counties, in which the political subdivision is located. The auditor or elections officer shall verify the signatures and certify to the commission that the petition contains no less than the required number of valid signatures. The commission, upon receipt of a valid petition, shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

(3) The reporting provisions of this chapter apply in any exempt political subdivision that by ordinance, resolution, or other official action has petitioned the commission to make the provisions applicable to elected officials and candidates of the exempt political subdivision. A copy of the action shall be sent to the commission. If the commission finds the petition to be a valid action of the appropriate governing body or authority, the commission shall order every known affected person in the political subdivision to file the initially required statement and reports within fourteen days of the date of the order.

(4) The commission shall void any order issued by it pursuant to subsection (2) or (3) of this section when, at least four years after issuing the order, the commission is presented a petition or official action so requesting from the affected political subdivision. Such petition or official action shall meet the respective requirements of subsection (2) or (3) of this section.

(5) Any petition for disclosure, ordinance, resolution, or official action of an agency petitioning the commission to void the exemption in RCW 42.17.030(3) (as recodified by this act) shall not be considered unless it has been filed with the commission:

(a) In the case of a ballot measure, at least sixty days before the date of any election in which campaign finance reporting is to be required;

(b) In the case of a candidate, at least sixty days before the first day on which a person may file a declaration of candidacy for any election in which campaign finance reporting is to be required.

(6) Any person exempted from reporting under this chapter may at his or her option file the statement and reports.

(7) The reporting provisions of this chapter apply to a candidate in any political subdivision if the candidate receives or expects to receive five thousand dollars or more in contributions.

Sec. 308. RCW 42.17.420 and 1999 c 401 s 10 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, (when) the date of receipt of any properly addressed application, report, statement, notice, or payment required to be made under the provisions of this chapter (has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that) is the date shown by the post office cancellation mark on the envelope (is the date of mailing) of the submitted material. The provisions of this section do not apply to reports required to be delivered under RCW 42.17.105 and 42.17.175 (as recodified by this act).

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. The

commission shall notify the filer of receipt of the electronically filed report. Such notification may be sent by mail, facsimile, or electronic mail. If the notification of receipt of the electronically filed report is not received by the filer, the filer may offer his or her own proof of sending the report, and such proof shall be treated as if it were a receipt sent by the commission. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17.105 and 42.17.175 (as recodified by this act).

Sec. 309. RCW 42.17.450 and 1973 c 1 s 45 are each amended to read as follows:

(Persons with whom statements or reports or copies of statements or reports are required to be filed under this chapter) (1) County auditors and county elections officials shall preserve (them) filed statements or reports for not less than six years.

(2) The commission (, however,) shall preserve (such) filed statements or reports for not less than ten years.

PART 4

CAMPAIGN FINANCE REPORTING

Sec. 401. RCW 42.17.030 and 2006 c 240 s 1 are each amended to read as follows:

The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (1) for precinct committee officer; (2) for a federal elective office; and (3) for an office of a political subdivision of the state that does not encompass a whole county and that contains fewer than five thousand registered voters as of the date of the most recent general election in the subdivision, unless required by RCW 42.17.405 (2) through (5) and (7) (as recodified by this act).

Sec. 402. RCW 42.17.040 and 2007 c 358 s 2 are each amended to read as follows:

(1) Every political committee (, within two weeks after its organization or, within two weeks after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier,) shall file a statement of organization with the commission and with the county auditor or elections officer of the county in which the candidate resides, or in the case of any other political committee, the county in which the treasurer resides. The statement must be filed within two weeks after organization or within two weeks after the date the committee first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier. A political committee organized within the last three weeks before an election and having the expectation of receiving contributions or making expenditures during and for that election campaign shall file a statement of organization within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

(2) The statement of organization shall include but not be limited to:

(a) The name and address of the committee;

(b) The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses, and titles of its responsible leaders;

(d) The name and address of its treasurer and depository;

(e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made, in accordance with RCW 42.17.095 (as recodified by this act), in the event of dissolution;

(i) The street address of the place and the hours during which the committee will make available for public inspection its books of account and all reports filed in accordance with RCW 42.17.080 (as recodified by this act);

(j) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter;

(k) The name, address, and title of any person who authorizes expenditures or makes decisions on behalf of the candidate or committee; and

(l) The name, address, and title of any person who is paid by or is a volunteer for a candidate or political committee to perform ministerial functions and who performs ministerial functions on behalf of two or more candidates or committees.

(3) Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county elections officer within the ten days following the change.

Sec. 403. RCW 42.17.050 and 1989 c 280 s 3 are each amended to read as follows:

(1) Each candidate, within two weeks after becoming a candidate, and each political committee, at the time it is required to file a statement of organization, shall designate and file with the commission and the appropriate county elections officer the name(s) and address(es) of

~~(a)) one~~ legally competent individual, who may be the candidate, to serve as a treasurer ~~(and~~

(b) A bank, mutual savings bank, savings and loan association, or credit union doing business in this state to serve as depository and the name of the account or accounts maintained in it).

(2) A candidate, a political committee, or a treasurer may appoint as many deputy treasurers as is considered necessary and (may designate not more than one additional depository in each other county in which the campaign is conducted. The candidate or political committee) shall file the names and addresses of the deputy treasurers (and additional depositories) with the commission and the appropriate county elections officer.

(3) (A candidate may not knowingly establish, use, direct, or control more than one political committee for the purpose of supporting that candidate during a particular election campaign. This does not prohibit: (a) In addition to a candidate's having his or her own political committee, the candidate's participation in a political committee established to support a slate of candidates which includes the candidate; or (b) joint fund-raising efforts by candidates when a separate political committee is established for that purpose and all contributions are disbursed to and accounted for on a pro rata basis by the benefiting candidates.

~~(4))~~(a) A candidate or political committee may at any time remove a treasurer or deputy treasurer ~~(or change a designated depository)~~.

(b) In the event of the death, resignation, removal, or change of a treasurer(;) or deputy treasurer, ~~(or depository,)~~ the candidate or political committee shall designate and file with the commission and the appropriate county elections officer the name and address of any successor.

~~(5))~~ (4) No treasurer(;) or deputy treasurer ~~(or depository)~~ may be deemed to be in compliance with the provisions of this chapter until his or her name and address is filed with the commission and the appropriate county elections officer.

NEW SECTION. Sec. 404. DEPOSITORIES. Each candidate and each political committee shall designate and file with the commission and the appropriate county elections officer the name and address of not more than one depository for each county in which the campaign is conducted in which the candidate's or political committee's accounts are maintained and the name of the account or accounts maintained in that depository on behalf of the candidate or political committee. The candidate or political committee may at any

time change the designated depository and shall file with the commission and the appropriate county elections officer the same information for the successor depository as for the original depository. The candidate or political committee may not be deemed in compliance with the provisions of this chapter until the information required for the depository is filed with the commission and the appropriate county elections officer.

Sec. 405. RCW 42.17.060 and 1989 c 280 s 4 are each amended to read as follows:

(1) All monetary contributions received by a candidate or political committee shall be deposited by the treasurer or deputy treasurer in a depository in an account established and designated for that purpose. Such deposits shall be made within five business days of receipt of the contribution.

(2) Political committees ~~(which)~~ that support or oppose more than one candidate or ballot proposition, or exist for more than one purpose, may maintain multiple separate bank accounts within the same designated depository for such purpose ~~(= PROVIDED, That)~~ only if:

~~(a)~~ Each such account ~~(shall)~~ bears the same name;

~~(b)~~ Each such account is followed by an appropriate designation ~~(which)~~ that accurately identifies its separate purpose ~~(= AND PROVIDED FURTHER, That)~~; and

~~(c)~~ Transfers of funds ~~(which)~~ that must be reported under RCW 42.17.090(1) ~~(= (d) may)~~ (e) (as recodified by this act) are not ~~(be)~~ made from more than one such account.

(3) Nothing in this section prohibits a candidate or political committee from investing funds on hand in a depository in bonds, certificates, or tax-exempt securities, or in savings accounts or other similar instruments in financial institutions, or in mutual funds other than the depository ~~(= PROVIDED, That)~~ but only if:

~~(a)~~ The commission and the appropriate county elections officer ~~(=)~~ are notified in writing of the initiation and the termination of the investment ~~(= PROVIDED FURTHER, That)~~; and

~~(b)~~ The principal of such investment, when terminated together with all interest, dividends, and income derived from the investment ~~(=)~~, is deposited in the depository in the account from which the investment was made and properly reported to the commission and the appropriate county elections officer ~~(prior to)~~ before any further disposition or expenditure ~~(thereof)~~.

(4) Accumulated unidentified contributions, other than those made by persons whose names must be maintained on a separate and private list by a political committee's treasurer pursuant to RCW 42.17.090(1)(b) (as recodified by this act), ~~(which total)~~ in excess of one percent of the total accumulated contributions received in the current calendar year, or three hundred dollars ~~(=)~~, whichever is more ~~(=)~~, may not be deposited, used, or expended, but shall be returned to the donor ~~(=)~~ if his or her identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state ~~(=)~~ and shall be paid to the state treasurer for deposit in the state general fund.

~~(5)~~ A contribution of more than fifty dollars in currency may not be accepted unless a receipt, signed by the contributor and by the candidate, treasurer, or deputy treasurer, is prepared and made a part of the campaign's or political committee's financial records.)

Sec. 406. RCW 42.17.065 and 2000 c 237 s 1 are each amended to read as follows:

(1) In addition to the provisions of this section, a continuing political committee shall file and report on the same conditions and at the same times as any other committee in accordance with the provisions of RCW 42.17.040, 42.17.050, and 42.17.060 (as recodified by this act).

(2) A continuing political committee shall file ~~(with the commission and the auditor or elections officer of the county in which the committee maintains its office or headquarters and if there is no such office or headquarters then in the county in which the committee~~

treasurer resides)) a report on the tenth day of ((the)) each month detailing ((its activities)) expenditures made and contributions received for the preceding calendar month ((in which the committee has received a contribution or made an expenditure: PROVIDED, That such)), This report ((shall)) need only be filed if either the total contributions received or total expenditures made since the last such report exceed two hundred dollars((: PROVIDED FURTHER, That after January 1, 2002, if the committee files with the commission electronically, it need not also file with the county auditor or elections officer)). The report must be filed with the commission and the auditor or elections officer of the county in which the committee maintains its office or headquarters. If the committee does not have an office or headquarters, the report must be filed in the county where the committee treasurer resides. However, if the committee files with the commission electronically, it need not also file with the county auditor or elections officer. The report shall be on a form supplied by the commission and shall include the following information:

- (a) The information required by RCW 42.17.090 (as recodified by this act);
 - (b) Each expenditure made to retire previously accumulated debts of the committee((s)) identified by recipient, amount, and date of payments;
 - (c) ((Such)) Other information ((as)) the commission shall prescribe by rule ((prescribe)).
- (3) If a continuing political committee ((shall)) makes a contribution in support of or in opposition to a candidate or ballot proposition within sixty days ((prior to)) before the date ((on which such)) that the candidate or ballot proposition will be voted upon, ((such continuing political)) the committee shall report pursuant to RCW 42.17.080 (as recodified by this act).
- (4) A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the ((campaign)) treasurer shall cease and there shall be no obligation to make any further reports.
- (5) The ((campaign)) treasurer shall maintain books of account, current within five business days, that accurately ((reflecting)) reflect all contributions and expenditures ((on a current basis within five business days of receipt or expenditure)). During the eight days immediately preceding the date of any election((, for which)) that the committee has received any contributions or made any expenditures, the books of account shall be kept current within one business day and shall be open for public inspection in the same manner as provided for candidates and other political committees in RCW 42.17.080(5) (as recodified by this act).
- (6) All reports filed pursuant to this section shall be certified as correct by the ((campaign)) treasurer.
- (7) The ((campaign)) treasurer shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

Sec. 407. RCW 42.17.067 and 1989 c 280 s 6 are each amended to read as follows:

- (1) Fund-raising activities ((which meet)) meeting the standards of subsection (2) of this section may be reported in accordance with the provisions of this section in lieu of reporting in accordance with RCW 42.17.080 (as recodified by this act).
- (2) Standards:
 - (a) The activity consists of one or more of the following:
 - (i) ((The retail)) A sale of goods or services sold at a reasonable approximation of the fair market value of each item or service ((sold at the activity)); or
 - (ii) A gambling operation ((which)) that is licensed, conducted, or operated in accordance with the provisions of chapter 9.46 RCW; or

(iii) A gathering where food and beverages are purchased((; where)) and the price of admission or the per person charge for the food and beverages is no more than twenty-five dollars; or

(iv) A concert, dance, theater performance, or similar entertainment event ((where)) and the price of admission is no more than twenty-five dollars; or

(v) An auction or similar sale ((where)) for which the total fair market value of items donated by any person ((for sale)) is no more than fifty dollars; and

(b) No person responsible for receiving money at ((such)) the fund-raising activity knowingly accepts payments from a single person at or from such an activity to the candidate or committee aggregating more than fifty dollars unless the name and address of the person making ((such)) the payment, together with the amount paid to the candidate or committee, are disclosed in the report filed pursuant to subsection (6) of this section; and

(c) ((Such)) Any other standards ((as shall be)) established by rule of the commission to prevent frustration of the purposes of this chapter.

(3) All funds received from a fund-raising activity ((which)) that conforms with subsection (2) of this section ((shall)) must be deposited in the depository within five business days of receipt by the treasurer or deputy treasurer ((in the depository)).

(4) At the time reports are required under RCW 42.17.080 (as recodified by this act), the treasurer or deputy treasurer making the deposit shall file with the commission and the appropriate county elections officer a report of the fund-raising activity which ((shall)) must contain the following information:

- (a) The date of the activity;
 - (b) A precise description of the fund-raising methods used in the activity; and
 - (c) The total amount of cash receipts from persons, each of whom paid no more than fifty dollars.
- (5) The treasurer or deputy treasurer shall certify the report is correct.

(6) The treasurer shall report pursuant to RCW 42.17.080 and 42.17.090 (as recodified by this act):

(a) The name and address and the amount contributed ((of)) by each person (who contributes)) contributing goods or services with a fair market value of more than fifty dollars to a fund-raising activity reported under subsection (4) of this section((;)) and

(b) The name and address ((of)) and the amount paid by each person whose identity can be ascertained, ((and the amount paid, from whom were knowingly received payments)) who made a contribution to the candidate or committee aggregating more than fifty dollars at or from such a fund-raising activity.

Sec. 408. RCW 42.17.080 and 2008 c 73 s 1 are each amended to read as follows:

(1) In addition to the information required under RCW 42.17.040 and 42.17.050 (as recodified by this act), on the day the treasurer is designated, each candidate or political committee ((shall)) must file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the treasurer resides, ((in addition to any statement of organization required under RCW 42.17.040 or 42.17.050,)) a report of all contributions received and expenditures made prior to that date, if any.

(2) ((At the following intervals)) Each treasurer shall file with the commission and the county auditor or elections officer of the county in which the candidate resides, or in the case of a political committee, the county in which the committee maintains its office or headquarters, ((and if there is no office or headquarters then)) or in the county in which the treasurer resides if there is no office or headquarters, a report containing the information required by RCW 42.17.090 (as recodified by this act) at the following intervals:

(a) On the twenty-first day and the seventh day immediately preceding the date on which the election is held; ~~((and))~~

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed under this section ~~((= PROVIDED, That such report shall only be filed))~~ only if the committee has received a contribution or made an expenditure in the preceding calendar month and either the total contributions received or total expenditures made since the last such report exceed two hundred dollars.

((When there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there shall be no obligation to make any further reports.))

The report filed twenty-one days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. The report filed seven days before the election shall report all contributions received and expenditures made as of the end of the one business day before the date of the report. Reports filed on the tenth day of the month shall report all contributions received and expenditures made from the closing date of the last report filed through the last day of the month preceding the date of the current report.

(3) For the period beginning the first day of the fourth month preceding the date ~~((on which))~~ of the special election ~~((is held))~~, or for the period beginning the first day of the fifth month before the date ~~((on which))~~ of the general election ~~((is held))~~, and ending on the date of that special or general election, each Monday the treasurer shall file with the commission and the appropriate county elections officer a report of each bank deposit made during the previous seven calendar days. The report shall contain the name of each person contributing the funds ~~((so deposited))~~ and the amount contributed by each person. However, ~~((contributions of))~~ persons who contribute no more than twenty-five dollars in the aggregate ~~((from any one person may be deposited without identifying the contributor))~~ are not required to be identified in the report. A copy of the report shall be retained by the treasurer for his or her records. In the event of deposits made by a deputy treasurer, the copy shall be forwarded to the treasurer for his or her records. Each report shall be certified as correct by the treasurer or deputy treasurer making the deposit.

(4) If a city requires that candidates or committees for city offices file reports with a city agency, the candidate or treasurer ~~((so filing need not also))~~ complying with the requirement does not need to file the report with the county auditor or elections officer.

(5) The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the committee's statement of organization filed under RCW 42.17.040 (as recodified by this act), the books of account must be open for public inspection by appointment at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any day from the eighth day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.

(6) (The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(7) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

~~((8)))~~ Copies of all reports filed pursuant to this section shall be readily available for public inspection ~~((for at least two consecutive hours Monday through Friday, excluding legal holidays, between 8:00 a.m. and 8:00 p.m., as specified in the committee's statement of organization filed pursuant to RCW 42.17.040))~~ by appointment, pursuant to subsection (5) of this section, at the principal headquarters or, if there is no headquarters, at the address of the treasurer or such other place as may be authorized by the commission.

~~((9) After January 1, 2002,))~~ (7) A report that is filed with the commission electronically need not also be filed with the county auditor or elections officer.

~~((10))~~ The commission shall adopt administrative rules establishing requirements for filer participation in any system designed and implemented by the commission for the electronic filing of reports.)

(8) The treasurer or candidate shall preserve books of account, bills, receipts, and all other financial records of the campaign or political committee for not less than five calendar years following the year during which the transaction occurred.

(9) All reports filed pursuant to subsection (1) or (2) of this section shall be certified as correct by the candidate and the treasurer.

(10) When there is no outstanding debt or obligation, the campaign fund is closed, and the campaign is concluded in all respects or in the case of a political committee, the committee has ceased to function and has dissolved, the treasurer shall file a final report. Upon submitting a final report, the duties of the treasurer shall cease and there is no obligation to make any further reports.

Sec. 409. RCW 42.17.090 and 2003 c 123 s 1 are each amended to read as follows:

~~((1))~~ Each report required under RCW 42.17.080 (1) and (2) (as recodified by this act) must be certified as correct by the treasurer and the candidate and shall disclose the following:

~~((a))~~ (1) The funds on hand at the beginning of the period;

~~((b))~~ (2) The name and address of each person who has made one or more contributions during the period, together with the money value and date of ~~((such))~~ each contribution ~~((s))~~ and the aggregate value of all contributions received from each ~~((such))~~ person during the campaign, or in the case of a continuing political committee, the current calendar year ~~((= PROVIDED, That))~~, with the following exceptions:

(a) Pledges in the aggregate of less than one hundred dollars from any one person need not be reported ~~((= PROVIDED FURTHER, That the))~~;

(b) Income ~~((which))~~ that results from a fund-raising activity conducted in accordance with RCW 42.17.067 (as recodified by this act) may be reported as one lump sum, with the exception of that portion ~~((of such income which was))~~ received from persons whose names and addresses are required to be included in the report required by RCW 42.17.067 ~~((= PROVIDED FURTHER, That))~~ (as recodified by this act);

(c) Contributions of no more than twenty-five dollars in the aggregate from any one person during the election campaign may be reported as one lump sum ~~((so long as))~~ if the ~~((campaign))~~ treasurer maintains a separate and private list of the name, address, and amount of each such contributor ~~((= PROVIDED FURTHER, That))~~; and

(d) The money value of contributions of postage shall be the face value of ~~((such))~~ the postage;

~~((e))~~ (3) Each loan, promissory note, or security instrument to be used by or for the benefit of the candidate or political committee made by any person, ~~((together with))~~ including the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note, or security instrument;

~~((d))~~ (4) All other contributions not otherwise listed or exempted;

~~((e))~~ (5) The name and address of each candidate or political committee to which any transfer of funds was made, ~~((together with))~~ including the amounts and dates of ~~((such))~~ the transfers;

~~((f))~~ (6) The name and address of each person to whom an expenditure was made in the aggregate amount of more than fifty dollars during the period covered by this report, ~~((and))~~ the amount, date, and purpose of each ~~((such))~~ expenditure. ~~((A candidate for state executive or state legislative office or the political committee of such a candidate shall report this information for an expenditure under one of the following categories, whichever is appropriate: (i) Expenditures for the election of the candidate; (ii) expenditures for nonreimbursed public office related expenses; (iii) expenditures required to be reported under (e) of this subsection; or (iv) expenditures of surplus funds and other expenditures. The report of such a candidate or committee shall contain a separate total of expenditures for each category and a total sum of all expenditures. Other candidates and political committees need not report information regarding expenditures under the categories listed in (i) through (iv) of this subsection or under similar such categories unless required to do so by the commission by rule. The report of such an other candidate or committee shall also contain)), and the total sum of all expenditures;~~

~~((g))~~ (7) The name and address of each person ~~((to whom any expenditure was made directly or indirectly to compensate the person))~~ directly compensated for soliciting or procuring signatures on an initiative or referendum petition, the amount of ~~((such))~~ the compensation to each ~~((such))~~ person, and the total ~~((of the))~~ expenditures made for this purpose. Such expenditures shall be reported under this subsection ~~((1)(g) whether the expenditures are or are not also))~~ in addition to what is required to be reported under ~~((f of this))~~ subsection (6) of this section;

~~((h))~~ (8) The name and address of any person and the amount owed for any debt, obligation, note, unpaid loan, or other liability in the amount of more than two hundred fifty dollars or in the amount of more than fifty dollars that has been outstanding for over thirty days;

~~((i))~~ (9) The surplus or deficit of contributions over expenditures;

~~((j))~~ (10) The disposition made in accordance with RCW 42.17.095 (as recodified by this act) of any surplus funds; and

~~((k) Such))~~ (11) Any other information ~~((as shall be))~~ required by the commission by rule in conformance with the policies and purposes of this chapter.

((2) The treasurer and the candidate shall certify the correctness of each report.)

Sec. 410. RCW 42.17.3691 and 2000 c 237 s 4 are each amended to read as follows:

(1) (Beginning January 1, 2002, each candidate or political committee that expended twenty-five thousand dollars or more in the preceding year or expects to expend twenty-five thousand dollars or more in the current year shall file all contribution reports and expenditure reports required by this chapter by the electronic alternative provided by the commission under RCW 42.17.369. The commission may make exceptions on a case-by-case basis for candidates whose authorized committees lack the technological ability to file reports using the electronic alternative provided by the commission.

—(2) (Beginning January 1, 2004,) Each candidate or political committee that expended ten thousand dollars or more in the preceding year or expects to expend ten thousand dollars or more in the current year shall file all contribution reports and expenditure reports required by this chapter by the electronic alternative provided by the commission under RCW 42.17.369 (as recodified by this act). The commission may make exceptions on a case-by-case basis for candidates whose authorized committees lack the technological

ability to file reports using the electronic alternative provided by the commission.

~~((3))~~ (2) Failure by a candidate or political committee to comply with this section is a violation of this chapter.

Sec. 411. RCW 42.17.093 and 2006 c 348 s 6 are each amended to read as follows:

(1) An out-of-state political committee organized for the purpose of supporting or opposing candidates or ballot propositions in another state that is not otherwise required to report under RCW 42.17.040 through 42.17.090 (as recodified by this act) shall report as required in this section when it makes an expenditure supporting or opposing a Washington state candidate or political committee. The committee shall file with the commission a statement disclosing:

(a) Its name and address;

(b) The purposes of the out-of-state committee;

(c) The names, addresses, and titles of its officers or, if it has no officers, the names, addresses, and the titles of its responsible leaders;

(d) The name, office sought, and party affiliation of each candidate in the state of Washington whom the out-of-state committee is supporting or opposing and, if ~~((such))~~ the committee is supporting or opposing the entire ticket of any party, the name of the party;

(e) The ballot proposition supported or opposed in the state of Washington, if any, and whether ~~((such))~~ the committee is in favor of or opposed to ~~((such))~~ that proposition;

(f) The name and address of each person residing in the state of Washington or corporation ~~((which))~~ that has a place of business in the state of Washington who has made one or more contributions in the aggregate of more than twenty-five dollars to the out-of-state committee during the current calendar year, together with the money value and date of ~~((such))~~ the contributions;

(g) The name, address, and employer of each person or corporation residing outside the state of Washington who has made one or more contributions in the aggregate of more than two thousand five hundred fifty dollars to the out-of-state committee during the current calendar year, together with the money value and date of ~~((such))~~ the contributions. Annually, the commission must modify the two thousand five hundred fifty dollar limit in this subsection based on percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the federal department of commerce;

(h) The name and address of each person in the state of Washington to whom an expenditure was made by the out-of-state committee with respect to a candidate or political committee in the aggregate amount of more than fifty dollars, the amount, date, and purpose of ~~((such))~~ the expenditure, and the total sum of ~~((such))~~ the expenditures; and

(i) ~~((Such))~~ Any other information as the commission may prescribe by rule in keeping with the policies and purposes of this chapter.

(2) Each statement shall be filed no later than the tenth day of the month following any month in which a contribution or other expenditure reportable under subsection (1) of this section is made. An out-of-state committee incurring an obligation to file additional statements in a calendar year may satisfy the obligation by timely filing reports that supplement previously filed information.

Sec. 412. RCW 42.17.100 and 1995 c 397 s 28 are each amended to read as follows:

(1) For the purposes of this section and RCW 42.17.550 ~~((the term))~~ (as recodified by this act), "independent expenditure" means any expenditure that is made in support of or in opposition to any candidate or ballot proposition and is not otherwise required to be reported pursuant to RCW 42.17.060, 42.17.080, or 42.17.090 (as recodified by this act). "Independent expenditure" does not include: An internal political communication primarily limited to the contributors to a political party organization or political action

committee, or the officers, management staff, and stockholders of a corporation or similar enterprise, or the members of a labor organization or other membership organization; or the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. "Volunteer services," for the purposes of this section, means services or labor for which the individual is not compensated by any person.

(2) Within five days after the date of making an independent expenditure that by itself or when added to all other ~~((such))~~ independent expenditures made during the same election campaign by the same person equals one hundred dollars or more, or within five days after the date of making an independent expenditure for which no reasonable estimate of monetary value is practicable, whichever occurs first, the person who made the independent expenditure shall file with the commission and the county elections officer of the county of residence for the candidate supported or opposed by the independent expenditure (or in the case of an expenditure made in support of or in opposition to a local ballot proposition, the county of residence for the person making the expenditure) an initial report of all independent expenditures made during the campaign ~~((prior to))~~ before and including such date.

(3) At the following intervals each person who is required to file an initial report pursuant to subsection (2) of this section shall file with the commission and the county elections officer of the county of residence for the candidate supported or opposed by the independent expenditure (or in the case of an expenditure made in support of or in opposition to a ballot proposition, the county of residence for the person making the expenditure) a further report of the independent expenditures made since the date of the last report:

(a) On the twenty-first day and the seventh day preceding the date on which the election is held; and

(b) On the tenth day of the first month after the election; and

(c) On the tenth day of each month in which no other reports are required to be filed pursuant to this section. However, the further reports required by this subsection (3) shall only be filed if the reporting person has made an independent expenditure since the date of the last previous report filed.

~~((4))~~ (4) The report filed pursuant to ~~((paragraph (a) of this))~~ subsection (3)(a) of this section shall be the final report, and upon submitting such final report the duties of the reporting person shall cease, and there shall be no obligation to make any further reports.

~~((4))~~ (5) All reports filed pursuant to this section shall be certified as correct by the reporting person.

~~((5))~~ (6) Each report required by subsections (2) and (3) of this section shall disclose for the period beginning at the end of the period for the last previous report filed or, in the case of an initial report, beginning at the time of the first independent expenditure, and ending not more than one business day before the date the report is due:

(a) The name and address of the person filing the report;

(b) The name and address of each person to whom an independent expenditure was made in the aggregate amount of more than fifty dollars, and the amount, date, and purpose of each ~~((such))~~ expenditure. If no reasonable estimate of the monetary value of a particular independent expenditure is practicable, it is sufficient to report instead a precise description of services, property, or rights furnished through the expenditure, and where appropriate, to attach a copy of the item produced or distributed by the expenditure;

(c) The total sum of all independent expenditures made during the campaign to date; and

(d) ~~((Such))~~ Any other information ((as shall be required by)) the commission may require by rule ((in conformance with the policies and purposes of this chapter)).

Sec. 413. RCW 42.17.103 and 2005 c 445 s 7 are each amended to read as follows:

(1) The sponsor of political advertising who, within twenty-one days of an election, publishes, mails, or otherwise presents to the public political advertising supporting or opposing a candidate or ballot proposition that qualifies as an independent expenditure with a fair market value of one thousand dollars or more shall deliver, either electronically or in written form, a special report to the commission within twenty-four hours of, or on the first working day after, the date the political advertising is first published, mailed, or otherwise presented to the public.

(2) If a sponsor is required to file a special report under this section, the sponsor shall also deliver to the commission within the delivery period established in subsection (1) of this section a special report for each subsequent independent expenditure of any size supporting or opposing the same candidate who was the subject of the previous independent expenditure, supporting or opposing that candidate's opponent, or supporting or opposing the same ballot proposition that was the subject of the previous independent expenditure.

(3) The special report must include ~~((at least))~~:

(a) The name and address of the person making the expenditure;

(b) The name and address of the person to whom the expenditure was made;

(c) A detailed description of the expenditure;

(d) The date the expenditure was made and the date the political advertising was first published or otherwise presented to the public;

(e) The amount of the expenditure;

(f) The name of the candidate supported or opposed by the expenditure, the office being sought by the candidate, and whether the expenditure supports or opposes the candidate; or the name of the ballot proposition supported or opposed by the expenditure and whether the expenditure supports or opposes the ballot proposition; and

(g) Any other information the commission may require by rule.

(4) All persons required to report under RCW 42.17.065, 42.17.080, 42.17.090, 42.17.100, and 42.17.565 (as recodified by this act) are subject to the requirements of this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17.100 (as recodified by this act).

(5) The sponsor of independent expenditures supporting a candidate or opposing that candidate's opponent required to report under this section shall file with each required report an affidavit or declaration of the person responsible for making the independent expenditure that the expenditure was not made in cooperation, consultation, or concert with, or at the request or suggestion of, the candidate, the candidate's authorized committee, or the candidate's agent, or with the encouragement or approval of the candidate, the candidate's authorized committee, or the candidate's agent.

Sec. 414. RCW 42.17.105 and 2001 c 54 s 2 are each amended to read as follows:

(1) ~~((Campaign))~~ Treasurers shall prepare and deliver to the commission a special report ~~((regarding any))~~ when a contribution or aggregate of contributions ~~((which is))~~ totals one thousand dollars or more ~~((s))~~, is from a single person or entity ~~((s))~~, and is received during a special reporting period.

~~((Any))~~ (2) A political committee ~~((making))~~ shall prepare and deliver to the commission a special report when it makes a contribution or an aggregate of contributions to a single entity ~~((which is))~~ that totals one thousand dollars or more ~~((shall also prepare and deliver to the commission the special report if the contribution or aggregate of contributions is made))~~ during a special reporting period.

(For the purposes of subsections (1) through (7) of this section:

— ~~((a) Each of the following intervals is a)~~ (3) An aggregate of contributions includes only those contributions made to or received from a single entity during any one special reporting period. Any subsequent contribution of any size made to or received from the

same person or entity during the special reporting period must also be reported.

(4) Special reporting periods, for purposes of this section, include:

~~((4))~~

~~(a) The ((interval beginning after the)) period ((covered by)) beginning on the day after the last report required by RCW 42.17.080 and 42.17.090 (as recodified by this act) to be filed before a primary and concluding on the end of the day before that primary; ((and ((ii)))~~

~~(b) The ((interval composed of the)) period twenty-one days preceding a general election; and~~

~~((b)) (c) An aggregate of contributions includes only those contributions received from a single entity during any one special reporting period or made by the contributing political committee to a single entity during any one special reporting period.~~

~~((2)) (5) If a campaign treasurer files a special report under this section for one or more contributions received from a single entity during a special reporting period, the treasurer shall also file a special report under this section for each subsequent contribution of any size which is received from that entity during the special reporting period. If a political committee files a special report under this section for a contribution or contributions made to a single entity during a special reporting period, the political committee shall also file a special report for each subsequent contribution of any size which is made to that entity during the special reporting period.~~

~~((3) Except as provided in subsection (4) of this section, the) (6) Special reports required by this section shall be delivered electronically or in written form, including but not limited to mailgram, telegram, or nightletter. The special report may be transmitted orally by telephone to the commission if the written form of the report is postmarked and mailed to the commission or the electronic filing is transferred to the commission within the delivery periods established in (a) and (b) of this subsection.~~

~~(a) The special report required of a contribution recipient ((by)) under subsection (1) of this section shall be delivered to the commission within forty-eight hours of the time, or on the first working day after: The contribution of one thousand dollars or more is received by the candidate or treasurer; the aggregate received by the candidate or treasurer first equals one thousand dollars or more; or ((the)) any subsequent contribution ((that must be reported under subsection (2) of this section)) from the same source is received by the candidate or treasurer.~~

~~(b) The special report required of a contributor ((by)) under subsection ((4)) (2) of this section or RCW 42.17.175 (as recodified by this act) shall be delivered to the commission, and the candidate or political committee to whom the contribution or contributions are made, within twenty-four hours of the time, or on the first working day after: The contribution is made; the aggregate of contributions made first equals one thousand dollars or more; or ((the)) any subsequent contribution ((that must be reported under subsection (2) of this section)) to the same person or entity is made.~~

~~((4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) of this section if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3) of this section or the file transfer date of the electronic filing is within the delivery period established in subsection (3) of this section.~~

~~((5)) (7) The special report shall include ((at least)):~~

(a) The amount of the contribution or contributions;

(b) The date or dates of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

~~((6)) (8) Contributions reported under this section shall also be reported as required by other provisions of this chapter.~~

~~((7)) (9) The commission shall prepare daily a summary of the special reports made under this section and RCW 42.17.175 (as recodified by this act).~~

~~((8) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars for any campaign for statewide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a bona fide political party as defined in this chapter, excluding the county central committee or legislative district committee.~~

~~((9)) (10) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17.135 (as recodified by this act).~~

Sec. 415. RCW 42.17.550 and 1993 c 2 s 23 are each amended to read as follows:

A person or entity, other than a party organization making an independent expenditure ~~((by)) that consists of mailing one thousand or more identical or nearly identical cumulative pieces of political advertising in a single calendar year shall ((:)) report that activity. The report must be made within two working days after the date of the mailing, ((file a statement)) disclosing the number of pieces in the mailing and an example of the mailed political advertising ~~((with))~~. The report must be sent to the election officer of the county ~~((or)) of~~ residence ~~((for)) of~~ the candidate supported or opposed by the independent campaign expenditure ~~((or))~~. In the case of an expenditure made in support of or in opposition to a ballot proposition, the report must be sent to the county of residence ~~((for)) of~~ the person making the expenditure.~~

Sec. 416. RCW 42.17.135 and 1989 c 280 s 13 are each amended to read as follows:

A ~~((candidate or)) political committee receiving a contribution earmarked for the benefit of ~~((another)) a candidate or another political committee shall:~~~~

(1) Report the contribution as required in RCW 42.17.080 and 42.17.090 (as recodified by this act);

(2) Complete a report, entitled "Earmarked contributions," on a form prescribed by the commission ~~((by rule, which)) that identifies the name and address of the person who made the contribution, the candidate or political committee for whose benefit the contribution is earmarked, the amount of the contribution, and the date ((on which)) that the contribution was received; and~~

(3) ~~((Notify)) Mail or deliver to the commission and the candidate or political committee ((for whose benefit)) benefiting from the contribution ((is earmarked regarding the receipt of the contribution by mailing or delivering to the commission and to the candidate or committee)) a copy of the "Earmarked contributions" report within two working days of receipt of the contribution. ((Such notice shall be given within two working days of receipt of the contribution.))~~

(4) A candidate or political committee receiving notification of an earmarked contribution under subsection (3) of this section shall report the contribution, once notification of the contribution is received by the candidate or committee, in the same manner as ((the receipt of)) any other contribution ((is disclosed in reports)), as required by RCW 42.17.080 and 42.17.090 (as recodified by this act).

PART 5

POLITICAL ADVERTISING AND ELECTIONEERING COMMUNICATIONS

Sec. 501. RCW 42.17.561 and 2005 c 445 s 1 are each amended to read as follows:

(1) The legislature finds that:

~~((1))~~ (a) Timely disclosure to voters of the identity and sources of funding for electioneering communications is vitally important to the integrity of state, local, and judicial elections.

~~((2))~~ (b) Electioneering communications that identify political candidates for state, local, or judicial office and that are distributed sixty days before an election for those offices are intended to influence voters and the outcome of those elections.

~~((3))~~ (c) The state has a compelling interest in providing voters information about electioneering communications in political campaigns concerning candidates for state, local, or judicial office so that voters can be fully informed as to the: ~~((a))~~ (i) Source of support or opposition to those candidates; and ~~((b))~~ (ii) identity of persons attempting to influence the outcome of state, local, and judicial candidate elections.

~~((4))~~ (d) Nondisclosure of financial information about advertising that masquerades as relating only to issues and not to candidate campaigns fosters corruption or the appearance of corruption. These consequences can be substantially avoided by full disclosure of the identity and funding of those persons paying for such advertising.

~~((5))~~ (e) The United States supreme court held in *McConnell et al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003) that speakers seeking to influence elections do not possess an inviolable free speech right to engage in electioneering communications regarding elections, including when issue advocacy is the functional equivalent of express advocacy. Therefore, such election campaign communications can be regulated and the source of funding disclosed.

~~((6))~~ (f) The state ~~(also)~~ has a sufficiently compelling interest in preventing corruption in political campaigns to justify and restore contribution limits and restrictions on the use of soft money in RCW 42.17.640 (as recodified by this act). Those interests include restoring restrictions on the use of such funds for electioneering communications, as well as the laws preventing circumvention of those limits and restrictions.

(2) Based upon the findings in this section, chapter 445, Laws of 2005 is narrowly tailored to accomplish the following and is intended to:

(a) Improve the disclosure to voters of information concerning persons and entities seeking to influence state, local, and judicial campaigns through reasonable and effective mechanisms, including improving disclosure of the source, identity, and funding of electioneering communications concerning state, local, and judicial candidate campaigns;

(b) Regulate electioneering communications that mention state, local, and judicial candidates and that are broadcast, mailed, erected, distributed, or otherwise published right before the election so that the public knows who is paying for such communications;

(c) Reenact and amend the contribution limits in RCW 42.17.640 (7) and (15) (as recodified by this act) and the restrictions on the use of soft money, including as applied to electioneering communications, as those limits and restrictions were in effect following the passage of chapter 2, Laws of 1993 (Initiative Measure No. 134) and before the state supreme court decision in *Washington State Republican Party v. Washington State Public Disclosure Commission*, 141 Wn.2d 245, 4 P.3d 808 (2000). The commission is authorized to fully restore the implementation of the limits and restrictions of RCW 42.17.640 (7) and (15) (as recodified by this act) in light of *McConnell et al. v. Federal Elections Commission*, 540 U.S. 93, 124 S.Ct. 619, 157 L.Ed.2d 491 (2003). The United States supreme court upheld the disclosure and regulation of electioneering communications in political campaigns, including but not limited to issue advocacy that is the functional equivalent of express advocacy; and

(d) Authorize the commission to adopt rules to implement chapter 445, Laws of 2005.

Sec. 502. RCW 42.17.565 and 2005 c 445 s 3 are each amended to read as follows:

(1) A payment for or promise to pay for any electioneering communication shall be reported to the commission by the sponsor on forms the commission shall develop by rule to include, at a minimum, the following information:

(a) Name and address of the sponsor;

(b) Source of funds for the communication, including:

(i) General treasury funds. The name and address of businesses, unions, groups, associations, or other organizations using general treasury funds for the communication, however, if a business, union, group, association, or other organization undertakes a special solicitation of its members or other persons for an electioneering communication, or it otherwise receives funds for an electioneering communication, that entity shall report pursuant to (b)(ii) of this subsection;

(ii) Special solicitations and other funds. The name, address, and, for individuals, occupation and employer, of a person whose funds were used to pay for the electioneering communication, along with the amount, if such funds from the person have exceeded two hundred fifty dollars in the aggregate for the electioneering communication; and

(iii) Any other source information required or exempted by the commission by rule;

(c) Name and address of the person to whom an electioneering communication related expenditure was made;

(d) A detailed description of each expenditure of more than one hundred dollars;

(e) The date the expenditure was made and the date the electioneering communication was first broadcast, transmitted, mailed, erected, distributed, or otherwise published;

(f) The amount of the expenditure;

(g) The name of each candidate clearly identified in the electioneering communication, the office being sought by each candidate, and the amount of the expenditure attributable to each candidate; and

(h) Any other information the commission may require or exempt by rule.

(2) Electioneering communications shall be reported as follows: The sponsor of an electioneering communication shall report to the commission within twenty-four hours of, or on the first working day after, the date the electioneering communication is broadcast, transmitted, mailed, erected, distributed, or otherwise published.

(3) Electioneering communications shall be reported electronically by the sponsor using software provided or approved by the commission. The commission may make exceptions on a case-by-case basis for a sponsor who lacks the technological ability to file reports using the electronic means provided or approved by the commission.

(4) All persons required to report under RCW 42.17.065, 42.17.080, 42.17.090, and 42.17.100 (as recodified by this act) are subject to the requirements of this section, although the commission may determine by rule that persons filing according to those sections may be exempt from reporting some of the information otherwise required by this section. The commission may determine that reports filed pursuant to this section also satisfy the requirements of RCW 42.17.100 and 42.17.103 (as recodified by this act).

(5) Failure of any sponsor to report electronically under this section shall be a violation of this chapter.

Sec. 503. RCW 42.17.570 and 2005 c 445 s 4 are each amended to read as follows:

(1) An electioneering communication made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate's authorized committee, or their agents is a contribution to the candidate.

(2) An electioneering communication made by a person in cooperation, consultation, or concert with, or at the request or suggestion of, a political committee or its agents is a contribution to the political committee.

(3) If an electioneering communication is not a contribution pursuant to subsection (1) or (2) of this section, the sponsor shall file an affidavit or declaration so stating at the time the sponsor is required to report the electioneering communication expense under RCW 42.17.565 (as recodified by this act).

Sec. 504. RCW 42.17.575 and 2005 c 445 s 5 are each amended to read as follows:

(1) The sponsor of an electioneering communication shall preserve all financial records relating to the communication, including books of account, bills, receipts, contributor information, and ledgers, for not less than five calendar years following the year in which the communication was broadcast, transmitted, mailed, erected, or otherwise published.

(2) All reports filed under RCW 42.17.565 (as recodified by this act) shall be certified as correct by the sponsor. If the sponsor is an individual using his or her own funds to pay for the communication, the certification shall be signed by the individual. If the sponsor is a political committee, the certification shall be signed by the committee treasurer. If the sponsor is another entity, the certification shall be signed by the individual responsible for authorizing the expenditure on the entity's behalf.

Sec. 505. RCW 42.17.510 and 2005 c 445 s 9 are each amended to read as follows:

(1) All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name for the sponsor of electioneering communications, independent expenditures, or political advertising shall be unlawful. For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising.

(2) In addition to the ~~((materials))~~ information required by subsection (1) of this section, except as specifically addressed in subsections (4) and (5) of this section, all political advertising undertaken as an independent expenditure or an electioneering communication by a person or entity other than a bona fide political party ~~((organization, and all electioneering communications,))~~ must include as part of the communication:

(a) The ((following)) statement ((as part of the communication "NOTICE TO VOTERS (Required by law): This advertisement is not authorized or approved by any candidate): "No candidate authorized this ad. It is paid for by (name, address, city, state)((.))";
(b) If the ((advertisement undertaken as an independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following notation must also be included)) sponsor is a political committee, the statement: "Top Five Contributors," followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement or communication; and

(c) If the sponsor is a political committee established, maintained, or controlled directly, or indirectly through the formation of one or more political committees, by an individual, corporation, union, association, or other entity, the full name of that individual or entity.

(3) The ~~((statements and listings of contributors))~~ information required by subsections (1) and (2) of this section shall:

(a) Appear on the first page or fold of the written advertisement or communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written advertisement or

communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(b) Not be subject to the half-tone or screening process; and

(c) Be set apart from any other printed matter.

(4) In an independent expenditure or electioneering communication transmitted via television or other medium that includes a visual image, the following statement must either be clearly spoken, or appear in print and be visible for at least four seconds, appear in letters greater than four percent of the visual screen height, and have a reasonable color contrast with the background: "No candidate authorized this ad. Paid for by (name, city, state)." If the advertisement or communication is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement. Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(5) The following statement shall be clearly spoken in an independent expenditure or electioneering communication transmitted by a method that does not include a visual image: "No candidate authorized this ad. Paid for by (name, city, state)." If the independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following statement must also be included: "Top Five Contributors" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement. Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(6) Political yard signs are exempt from the requirement of subsections (1) and (2) of this section that the name and address of the sponsor of political advertising be listed on the advertising. In addition, the public disclosure commission shall, by rule, exempt from the identification requirements of subsections (1) and (2) of this section forms of political advertising such as campaign buttons, balloons, pens, pencils, sky-writing, inscriptions, and other forms of advertising where identification is impractical.

(7) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet.

Sec. 506. RCW 42.17.520 and 1984 c 216 s 2 are each amended to read as follows:

At least one picture of the candidate used in any political advertising shall have been taken within the last five years and shall be no smaller than ~~((the largest))~~ any other picture of the same candidate used in the same advertisement.

Sec. 507. RCW 42.17.540 and 1984 c 216 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the responsibility for compliance with RCW 42.17.510 through 42.17.530 (as recodified by this act) shall ~~((rest))~~ be with the sponsor of the political advertising and not with the broadcasting station or other medium.

(2) If a broadcasting station or other medium changes the content of a political advertisement, the station or medium shall be responsible for any failure of the advertisement to comply with RCW 42.17.510 through 42.17.530 (as recodified by this act) that results from that change.

Sec. 508. RCW 42.17.110 and 2005 c 445 s 8 are each amended to read as follows:

(1) Each commercial advertiser who has accepted or provided political advertising or electioneering communications during the election campaign shall maintain documents and books of account

that shall be open for public inspection during normal business hours during the campaign and for a period of no less than three years after the date of the applicable election (~~(, during normal business hours,)~~). The documents and books of account (~~(which)~~) shall specify:

- (a) The names and addresses of persons from whom it accepted political advertising or electioneering communications;
- (b) The exact nature and extent of the services rendered; and
- (c) The (~~(consideration)~~) total cost and the manner of (~~(paying that consideration for such)~~) payment for the services.

(2) ~~At the request of the commission, each commercial advertiser (which must) required to comply with subsection (1) of this section shall deliver to the commission (, upon its request,)~~ copies of (~~(such)~~) the information (~~(as)~~) that must be maintained and be open for public inspection pursuant to subsection (1) of this section.

PART 6

CAMPAIGN CONTRIBUTION LIMITS AND OTHER RESTRICTIONS

Sec. 601. RCW 42.17.610 and 1993 c 2 s 1 are each amended to read as follows:

(1) The people of the state of Washington find and declare that:

~~((1))~~ (a) The financial strength of certain individuals or organizations should not permit them to exercise a disproportionate or controlling influence on the election of candidates.

~~((2))~~ (b) Rapidly increasing political campaign costs have led many candidates to raise larger percentages of money from special interests with a specific financial stake in matters before state government. This has caused the public perception that decisions of elected officials are being improperly influenced by monetary contributions.

~~((3))~~ (c) Candidates are raising less money in small contributions from individuals and more money from special interests. This has created the public perception that individuals have an insignificant role to play in the political process.

(2) By limiting campaign contributions, the people intend to:

- (a) Ensure that individuals and interest groups have fair and equal opportunity to influence elective and governmental processes;
- (b) Reduce the influence of large organizational contributors; and
- (c) Restore public trust in governmental institutions and the electoral process.

Sec. 602. RCW 42.17.640 and 2006 c 348 s 1 are each amended to read as follows:

(1) The contribution limits in this section apply to:

- (a) Candidates for (~~(state)~~) legislative office;
- (b) Candidates for state office other than (~~(state)~~) legislative office;
- (c) Candidates for county office in a county that has over two hundred thousand registered voters;
- (d) Candidates for special purpose district office if that district is authorized to provide freight and passenger transfer and terminal facilities and that district has over two hundred thousand registered voters;
- (e) Persons holding an office in (a) through (d) of this subsection against whom recall charges have been filed or to a political committee having the expectation of making expenditures in support of the recall of a person holding the office;
- (f) Caucus political committees;
- (g) Bona fide political parties.

(2) No person, other than a bona fide political party or a caucus political committee, may make contributions to a candidate for a (~~(state)~~) legislative office or county office that in the aggregate exceed (~~(seven)~~) eight hundred dollars or to a candidate for a public office in a special purpose district or a state office other than a (~~(state)~~) legislative office that in the aggregate exceed one thousand (~~(four)~~) six hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions to candidates subject to the limits in this section made with respect to a primary

may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions to candidates subject to the limits in this section made with respect to a general election may not be made after the final day of the applicable election cycle.

(3) No person, other than a bona fide political party or a caucus political committee, may make contributions to a state official, a county official, or a public official in a special purpose district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the state official, county official, or public official in a special purpose district during a recall campaign that in the aggregate exceed (~~(seven)~~) eight hundred dollars if for a (~~(state)~~) legislative office or county office or one thousand (~~(four)~~) six hundred dollars if for a special purpose district office or a state office other than a (~~(state)~~) legislative office.

(4)(a) Notwithstanding subsection (2) of this section, no bona fide political party or caucus political committee may make contributions to a candidate during an election cycle that in the aggregate exceed (i) (~~(seventy)~~) eighty cents multiplied by the number of eligible registered voters in the jurisdiction from which the candidate is elected if the contributor is a caucus political committee or the governing body of a state organization, or (ii) (~~(thirty-five)~~) forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No candidate may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed (~~(thirty-five)~~) forty cents times the number of registered voters in the jurisdiction from which the candidate is elected.

(5)(a) Notwithstanding subsection (3) of this section, no bona fide political party or caucus political committee may make contributions to a state official, county official, or a public official in a special purpose district against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the state official, county official, or a public official in a special purpose district during a recall campaign that in the aggregate exceed (i) (~~(seventy)~~) eighty cents multiplied by the number of eligible registered voters in the jurisdiction entitled to recall the state official if the contributor is a caucus political committee or the governing body of a state organization, or (ii) (~~(thirty-five)~~) forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected if the contributor is a county central committee or a legislative district committee.

(b) No official holding an office specified in subsection (1) of this section against whom recall charges have been filed, no authorized committee of the official, and no political committee having the expectation of making expenditures in support of the recall of the official may accept contributions from a county central committee or a legislative district committee during an election cycle that when combined with contributions from other county central committees or legislative district committees would in the aggregate exceed (~~(thirty-five)~~) forty cents multiplied by the number of registered voters in the jurisdiction from which the candidate is elected.

(6) For purposes of determining contribution limits under subsections (4) and (5) of this section, the number of eligible registered voters in a jurisdiction is the number at the time of the most recent general election in the jurisdiction.

(7) Notwithstanding subsections (2) through (5) of this section, no person other than an individual, bona fide political party, or caucus political committee may make contributions reportable under this chapter to a caucus political committee that in the aggregate exceed ~~((seven))~~ eight hundred dollars in a calendar year or to a bona fide political party that in the aggregate exceed ~~((three))~~ four thousand ~~((five hundred))~~ dollars in a calendar year. This subsection does not apply to loans made in the ordinary course of business.

(8) For the purposes of RCW 42.17.640 through 42.17.790 (as recodified by this act), a contribution to the authorized political committee of a candidate or of an official specified in subsection (1) of this section against whom recall charges have been filed is considered to be a contribution to the candidate or official.

(9) A contribution received within the twelve-month period after a recall election concerning an office specified in subsection (1) of this section is considered to be a contribution during that recall campaign if the contribution is used to pay a debt or obligation incurred to influence the outcome of that recall campaign.

(10) The contributions allowed by subsection (3) of this section are in addition to those allowed by subsection (2) of this section, and the contributions allowed by subsection (5) of this section are in addition to those allowed by subsection (4) of this section.

(11) RCW 42.17.640 through 42.17.790 (as recodified by this act) apply to a special election conducted to fill a vacancy in an office specified in subsection (1) of this section. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy shall not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(12) Notwithstanding the other subsections of this section, no corporation or business entity not doing business in Washington state, no labor union with fewer than ten members who reside in Washington state, and no political committee that has not received contributions of ten dollars or more from at least ten persons registered to vote in Washington state during the preceding one hundred eighty days may make contributions reportable under this chapter to a state office candidate, to a state official against whom recall charges have been filed, or to a political committee having the expectation of making expenditures in support of the recall of the official. This subsection does not apply to loans made in the ordinary course of business.

(13) Notwithstanding the other subsections of this section, no county central committee or legislative district committee may make contributions reportable under this chapter to a candidate specified in subsection (1) of this section, or an official specified in subsection (1) of this section against whom recall charges have been filed, or political committee having the expectation of making expenditures in support of the recall of an official specified in subsection (1) of this section if the county central committee or legislative district committee is outside of the jurisdiction entitled to elect the candidate or recall the official.

(14) No person may accept contributions that exceed the contribution limitations provided in this section.

(15) The following contributions are exempt from the contribution limits of this section:

(a) An expenditure or contribution earmarked for voter registration, for absentee ballot information, for precinct caucuses, for get-out-the-vote campaigns, for precinct judges or inspectors, for sample ballots, or for ballot counting, all without promotion of or political advertising for individual candidates; ~~((or))~~

(b) An expenditure by a political committee for its own internal organization or fund-raising without direct association with individual candidates; or

(c) An expenditure or contribution for independent expenditures as defined in RCW 42.17.020 or electioneering communications as defined in RCW 42.17.020.

Sec. 603. RCW 42.17.645 and 2006 c 348 s 2 are each amended to read as follows:

(1) No person may make contributions to a candidate for judicial office that in the aggregate exceed one thousand ~~((four))~~ six hundred dollars for each election in which the candidate is on the ballot or appears as a write-in candidate. Contributions made with respect to a primary may not be made after the date of the primary. However, contributions to a candidate or a candidate's authorized committee may be made with respect to a primary until thirty days after the primary, subject to the following limitations: (a) The candidate lost the primary; (b) the candidate's authorized committee has insufficient funds to pay debts outstanding as of the date of the primary; and (c) the contributions may only be raised and spent to satisfy the outstanding debt. Contributions made with respect to a general election may not be made after the final day of the applicable election cycle.

(2) This section through RCW 42.17.790 (as recodified by this act) apply to a special election conducted to fill a vacancy in an office. However, the contributions made to a candidate or received by a candidate for a primary or special election conducted to fill such a vacancy will not be counted toward any of the limitations that apply to the candidate or to contributions made to the candidate for any other primary or election.

(3) No person may accept contributions that exceed the contribution limitations provided in this section.

(4) The dollar limits in this section must be adjusted according to RCW 42.17.690 (as recodified by this act).

NEW SECTION. Sec. 604. REPORTABLE CONTRIBUTIONS--PREELECTION LIMITATIONS. (1) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 (as recodified by this act) in the aggregate exceeding fifty thousand dollars for any campaign for statewide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a bona fide political party as defined in this chapter, excluding the county central committee or legislative district committee.

(2) Contributions governed by this section include, but are not limited to, contributions made or received indirectly through a third party or entity whether the contributions are or are not reported to the commission as earmarked contributions under RCW 42.17.135 (as recodified by this act).

Sec. 605. RCW 42.17.070 and 2007 c 358 s 3 are each amended to read as follows:

No expenditures may be made or incurred by any candidate or political committee ~~((except on the authority of))~~ unless authorized by the candidate or the person or persons named on the candidate's or committee's registration form ~~((and))~~ . A record of all such expenditures shall be maintained by the treasurer.

No expenditure of more than fifty dollars may be made in currency unless a receipt, signed by the recipient and by the candidate or treasurer, is prepared and made a part of the campaign's or political committee's financial records.

Sec. 606. RCW 42.17.095 and 2005 c 467 s 1 are each amended to read as follows:

The surplus funds of a candidate ~~((;))~~ or ~~((of a political committee supporting or opposing a candidate.))~~ a candidate's authorized committee may only be disposed of in any one or more of the following ways:

(1) Return the surplus to a contributor in an amount not to exceed that contributor's original contribution;

(2) ~~((Transfer the surplus to the candidate's personal account as reimbursement))~~ Using surplus, reimburse the candidate for lost earnings incurred as a result of that candidate's election campaign.

~~((Such))~~ Lost earnings shall be verifiable as unpaid salary or, when the candidate is not salaried, as an amount not to exceed income received by the candidate for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record thereof shall be maintained by the candidate or the candidate's ~~((political))~~ authorized committee. The committee shall ~~((include))~~ maintain a copy of ~~((such))~~ this record ~~((when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090))~~ in accordance with RCW 42.17.080(6) (as recodified by this act);

(3) Transfer the surplus without limit to a political party or to a caucus political committee;

(4) Donate the surplus to a charitable organization registered in accordance with chapter 19.09 RCW;

(5) Transmit the surplus to the state treasurer for deposit in the general fund, the ~~((oral history))~~ Washington state legacy project, state library, and archives account under RCW 43.07.380, or the legislative international trade account under RCW ~~((44.04.270))~~ 43.15.050, as specified by the candidate or political committee; or

(6) Hold the surplus in the ~~((campaign))~~ depository or depositories designated in accordance with ~~((RCW 42.17.050))~~ section 404 of this act for possible use in a future election campaign for the same office last sought by the candidate and report any such disposition in accordance with RCW 42.17.090~~((--PROVIDED, That))~~ (as recodified by this act). If the candidate subsequently announces or publicly files for office, the appropriate information ~~((as appropriate is))~~ must be reported to the commission in accordance with RCW 42.17.040 through 42.17.090 (as recodified by this act). If a subsequent office is not sought the surplus held shall be disposed of in accordance with the requirements of this section.

(7) Hold the surplus campaign funds in a separate account for nonreimbursed public office-related expenses or as provided in this section, and report any such disposition in accordance with RCW 42.17.090 (as recodified by this act). The separate account required under this subsection shall not be used for deposits of campaign funds that are not surplus.

(8) No candidate or authorized committee may transfer funds to any other candidate or other political committee.

The disposal of surplus funds under this section shall not be considered a contribution for purposes of this chapter.

NEW SECTION. Sec. 607. CANDIDATES' POLITICAL COMMITTEES-- LIMITATIONS. A candidate may not knowingly establish, use, direct, or control more than one political committee for the purpose of supporting that candidate during a particular election campaign. This does not prohibit: (1) In addition to a candidate's having his or her own political committee, the candidate's participation in a political committee established to support a slate of candidates that includes the candidate; or (2) joint fund-raising efforts by candidates when a separate political committee is established for that purpose and all contributions are disbursed to and accounted for on a pro rata basis by the benefiting candidates.

Sec. 608. RCW 42.17.125 and 1995 c 397 s 29 are each amended to read as follows:

Contributions received and reported in accordance with RCW 42.17.060 through 42.17.090 (as recodified by this act) may only be ~~((transferred))~~ paid to ~~((the personal account of))~~ a candidate, or ~~((of))~~ a treasurer or other individual or expended for such individual's personal use under the following circumstances:

(1) Reimbursement for or ~~((loans))~~ payments to cover lost earnings incurred as a result of campaigning or services performed for the political committee. ~~((Such))~~ Lost earnings shall be verifiable as unpaid salary, or when the individual is not salaried, as an amount not to exceed income received by the individual for services rendered during an appropriate, corresponding time period. All lost earnings incurred shall be documented and a record ~~((thereof))~~ shall be maintained by the ~~((individual))~~ candidate or the ~~((individual's))~~

~~((political))~~ candidate's authorized committee in accordance with RCW 42.17.080 (as recodified by this act). ~~((The political committee shall include a copy of such record when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090.))~~

(2) Reimbursement for direct out-of-pocket election campaign and postelection campaign related expenses made by the individual. To receive reimbursement from the political committee, the individual shall provide the political committee with written documentation as to the amount, date, and description of each expense, and the political committee shall include a copy of such information when its expenditure for such reimbursement is reported pursuant to RCW 42.17.090 (as recodified by this act).

(3) Repayment of loans made by the individual to political committees~~((, which repayment))~~ shall be reported pursuant to RCW 42.17.090 (as recodified by this act). However, contributions may not be used to reimburse a candidate for loans totaling more than ~~((three))~~ four thousand seven hundred dollars made by the candidate to the candidate's own ~~((political))~~ authorized committee ~~((or campaign))~~.

Sec. 609. RCW 42.17.660 and 2005 c 445 s 12 are each amended to read as follows:

For purposes of this chapter:

(1) A contribution by a political committee with funds that have all been contributed by one person who exercises exclusive control over the distribution of the funds of the political committee is a contribution by the controlling person.

(2) Two or more entities are treated as a single entity if one of the two or more entities is a subsidiary, branch, or department of a corporation that is participating in an election campaign or making contributions, or a local unit or branch of a trade association, labor union, or collective bargaining association that is participating in an election campaign or making contributions. All contributions made by a person or political committee whose contribution or expenditure activity is financed, maintained, or controlled by a trade association, labor union, collective bargaining organization, or the local unit of a trade association, labor union, or collective bargaining organization are considered made by the trade association, labor union, collective bargaining organization, or local unit of a trade association, labor union, or collective bargaining organization.

(3) The commission shall adopt rules to carry out this section and is not subject to the time restrictions of RCW 42.17.370(1) (as recodified by this act).

Sec. 610. RCW 42.17.720 and 1995 c 397 s 22 are each amended to read as follows:

(1) A loan is considered to be a contribution from the lender and any guarantor of the loan and is subject to the contribution limitations of this chapter. The full amount of the loan shall be attributed to the lender and to each guarantor.

(2) A loan to a candidate for public office or the candidate's ~~((political))~~ authorized committee must be by written agreement.

(3) The proceeds of a loan made to a candidate for public office:

(a) By a commercial lending institution;

(b) Made in the regular course of business; and

(c) On the same terms ordinarily available to members of the public, are not subject to the contribution limits of this chapter.

Sec. 611. RCW 42.17.740 and 1995 c 397 s 23 are each amended to read as follows:

(1) A person may not make a contribution of more than ~~((fifty))~~ eighty dollars, other than an in-kind contribution, except by a written instrument containing the name of the donor and the name of the payee.

(2) A political committee may not make a contribution, other than in-kind, except by a written instrument containing the name of the donor and the name of the payee.

Sec. 612. RCW 42.17.790 and 1995 c 397 s 27 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a candidate for public office or the candidate's (~~(political)~~) authorized committee may not use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate (~~(for public office)~~) or the candidate's (~~(political)~~) authorized committee to further the candidacy of the individual for an office other than the office designated on the statement of organization. A contribution solicited for or received on behalf of the candidate (~~(for public office)~~) is considered solicited or received for the candidacy for which the individual is then a candidate if the contribution is solicited or received before the general election(s) for which the candidate (~~(for public office)~~) is a nominee or is unopposed.

(2) With the written approval of the contributor, a candidate (~~(for public office)~~) or the candidate's (~~(political)~~) authorized committee may use or permit the use of contributions, whether or not surplus, solicited for or received by the candidate (~~(for public office)~~) or the candidate's (~~(political)~~) authorized committee from that contributor to further the candidacy of the individual for an office other than the office designated on the statement of organization. If the contributor does not approve the use of his or her contribution to further the candidacy of the individual for an office other than the office designated on the statement of organization at the time of the contribution, the contribution must be considered surplus funds and disposed of in accordance with RCW 42.17.095 (as recodified by this act).

Sec. 613. RCW 42.17.680 and 2002 c 156 s 1 are each amended to read as follows:

(1) No employer or labor organization may increase the salary of an officer or employee, or (~~(give an emolument to)~~) compensate an officer, employee, or other person or entity, with the intention that the increase in salary, or the (~~(emolument)~~) compensation, or a part of it, be contributed or spent to support or oppose a candidate, state official against whom recall charges have been filed, political party, or political committee.

(2) No employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee. At least annually, an employee from whom wages or salary are withheld under subsection (3) of this section shall be notified of the provisions of this subsection.

(3) No employer or other person or entity responsible for the disbursement of funds in payment of wages or salaries may withhold or divert a portion of an employee's wages or salaries for contributions to political committees or for use as political contributions except upon the written request of the employee. The request must be made on a form prescribed by the commission informing the employee of the prohibition against employer and labor organization discrimination described in subsection (2) of this section. The employee may revoke the request at any time. At least annually, the employee shall be notified about the right to revoke the request.

(4) Each person or entity who withholds contributions under subsection (3) of this section shall maintain open for public inspection for a period of no less than three years, during normal business hours, documents and books of accounts that shall include a copy of each employee's request, the amounts and dates funds were actually withheld, and the amounts and dates funds were transferred to a political committee. Copies of such information shall be delivered to the commission upon request.

PART 7

PUBLIC OFFICIALS', EMPLOYEES', AND AGENCIES' CAMPAIGN

RESTRICTIONS, PROHIBITIONS, AND REPORTING

Sec. 701. RCW 42.17.130 and 2006 c 215 s 2 are each amended to read as follows:

No elective official nor any employee of his (~~(for her))~~ or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

(4) This section does not apply to any person who is a state officer or state employee as defined in RCW 42.52.010.

Sec. 702. RCW 42.17.245 and 2005 c 274 s 282 are each amended to read as follows:

After January 1st and before April 15th of each calendar year, the state treasurer, each county, public utility district, and port district treasurer, and each treasurer of an incorporated city or town whose population exceeds one thousand shall file with the commission:

(1) A statement under oath that no public funds under that treasurer's control were invested in any institution where the treasurer or, in the case of a county, a member of the county finance committee, held during the reporting period an office, directorship, partnership interest, or ownership interest; or

(2) A report disclosing for the previous calendar year: (a) The name and address of each financial institution in which the treasurer or, in the case of a county, a member of the county finance committee, held during the reporting period an office, directorship, partnership interest, or ownership interest which holds or has held during the reporting period public accounts of the governmental entity for which the treasurer is responsible; (b) the aggregate sum of time and demand deposits held in each such financial institution on December 31; and (c) the highest balance held at any time during such reporting period (~~(= PROVIDED, That)~~). The state treasurer shall disclose the highest balance information only upon a public records request under chapter 42.56 RCW. The statement or report required by this section shall be filed either with the statement required under RCW 42.17.240 (as recodified by this act) or separately.

NEW SECTION. Sec. 703. No state-elected official or municipal officer may speak or appear in a public service announcement that is broadcast, shown, or distributed in any form whatsoever during the period beginning January 1st and continuing through the general election if that official or officer is a candidate. If the official or officer does not control the broadcast, showing, or distribution of a public service announcement in which he or she speaks or appears, then the official or officer shall contractually limit

the use of the public service announcement to be consistent with this section prior to participating in the public service announcement. This section does not apply to public service announcements that are part of the regular duties of the office that only mention or visually display the office or office seal or logo and do not mention or visually display the name of the official or officer in the announcement.

PART 8

LOBBYING DISCLOSURE AND RESTRICTIONS

Sec. 801. RCW 42.17.150 and 1987 c 201 s 1 are each amended to read as follows:

(1) Before ~~((doing any))~~ lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe, ~~((showing))~~ that includes the following information:

(a) ~~((His))~~ The lobbyist's name, permanent business address, and any temporary residential and business addresses in Thurston county during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of ~~((his))~~ the lobbyist's employment;

(d) ~~((His))~~ The compensation to be received for lobbying~~((how much he is)),~~ the amount to be paid for expenses, and what expenses are to be reimbursed;

(e) Whether the ~~((person from whom he receives said compensation employs him))~~ lobbyist is employed solely as a lobbyist or whether ~~((he))~~ the lobbyist is a regular employee performing services for his or her employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects ~~((of his legislative interest))~~ to be lobbied;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this chapter;

(i) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations, or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments, or other consideration paid to such entity during either of the prior two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments, or other consideration exceeding five hundred dollars to such entity during the current year.

(2) Any lobbyist who receives or is to receive compensation from more than one person for ~~((his services as a lobbyist))~~ lobbying shall file a separate notice of representation ~~((with respect to))~~ for each ~~((such))~~ person~~((; except that where a lobbyist whose fee for acting as such in respect to the same legislation or type of legislation is, or is to be, paid or contributed to by more than one person then such lobbyist may file a single statement, in which he shall detail the name, business address and occupation of each person so paying or contributing, and the amount of the respective payments or contributions made by each such person)).~~ However, if two or more persons are jointly paying or contributing to the payment of the lobbyist, the lobbyist may file a single statement detailing the name, business address, and occupation of each person paying or contributing and the respective amounts to be paid or contributed.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall ~~((;))~~ file with the commission an amended registration statement within one week of ~~((such))~~ the change, modification, or termination~~((; furnish full information regarding the same by filing with the commission an amended registration statement)).~~

(4) Each registered lobbyist ~~((who has registered))~~ shall file a new registration statement, revised as appropriate, on the second Monday in January of each odd-numbered year~~((; and))~~. Failure to do so ~~((shall))~~ terminates ~~((his))~~ the lobbyist's registration.

Sec. 802. RCW 42.17.155 and 1995 c 397 s 6 are each amended to read as follows:

Each lobbyist shall at the time he or she registers submit to the commission a recent photograph of himself or herself of a size and format as determined by rule of the commission, together with the name of the lobbyist's employer, the length of his or her employment as a lobbyist before the legislature, a brief biographical description, and any other information he or she may wish to submit not to exceed fifty words in length. ~~((Such))~~ The photograph and information shall be published by the commission at least biennially in a booklet form ~~((by the commission))~~ for distribution to legislators and the public.

Sec. 803. RCW 42.17.160 and 1998 c 55 s 3 are each amended to read as follows:

The following persons and activities ~~((shall be))~~ are exempt from registration and reporting under RCW 42.17.150, 42.17.170, and 42.17.200 (as recodified by this act):

(1) Persons who limit their lobbying activities to appearing before public sessions of committees of the legislature, or public hearings of state agencies;

(2) Activities by lobbyists or other persons whose participation has been solicited by an agency under RCW 34.05.310(2);

(3) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station;

(4) Persons who lobby without compensation or other consideration for acting as a lobbyist~~((; PROVIDED, Such)),~~ if the person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. The exemption contained in this subsection is intended to permit and encourage citizens of this state to lobby any legislator, public official, or state agency without incurring any registration or reporting obligation provided they do not exceed the limits stated above. Any person exempt under this subsection (4) may at his or her option register and report under this chapter;

(5) Persons who restrict their lobbying activities to no more than four days or parts ~~((thereof))~~ of four days during any three-month period and whose total expenditures during such three-month period for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington in connection with such lobbying do not exceed twenty-five dollars~~((; PROVIDED, That))~~. The commission shall ~~((promulgate regulations))~~ adopt rules to require disclosure by persons exempt under this subsection or their employers or entities which sponsor or coordinate the lobbying activities of such persons if it determines that such regulations are necessary to prevent frustration of the purposes of this chapter. Any person exempt under this subsection (5) may at his or her option register and report under this chapter;

(6) The governor;

(7) The lieutenant governor;

(8) Except as provided by RCW 42.17.190(1) (as recodified by this act), members of the legislature;

(9) Except as provided by RCW 42.17.190(1) (as recodified by this act), persons employed by the legislature for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties;

(10) Elected officials, and officers and employees of any agency reporting under RCW 42.17.190(5) (as recodified by this act).

Sec. 804. RCW 42.17.170 and 1995 c 397 s 33 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 (as recodified by this act) and any person who lobbies shall file with the commission ~~((periodic))~~ monthly reports of his or her lobbying activities ~~((signed by the lobbyist))~~. The reports shall be made in the form and manner prescribed by the commission and must be signed by the lobbyist. ~~((They shall be due monthly and))~~ The monthly report shall be filed within fifteen days after the last day of the calendar month covered by the report.

(2) ~~((Each such))~~ The monthly ~~((periodic))~~ report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by ~~((such))~~ the lobbyist or on behalf of ~~((such))~~ the lobbyist by the lobbyist's employer during the period covered by the report. ~~((Such))~~ Expenditure totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons ~~((in the group partaking in or of such))~~ taking part in the entertainment, along with the dollar amount attributable to each person, including ~~((any portion thereof attributable to))~~ the lobbyist's ~~((participation therein, and shall include amounts actually expended on each person where calculable, or allocating any portion of the expenditure to individual participants.~~

Notwithstanding the foregoing, lobbyists are not required to report the following:

(i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(ii) Any expenses incurred for his or her own living accommodations;

(iii) Any expenses incurred for his or her own travel to and from hearings of the legislature;

(iv) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance)) portion.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of ~~((such))~~ expenditures in each category incurred on behalf of each of ~~((his))~~ the lobbyist's employers.

(c) An itemized listing of each ~~((such expenditure))~~ contribution of money or of tangible or intangible personal property, whether contributed by the lobbyist personally or delivered or transmitted by the lobbyist, ~~((in the nature of a contribution of money or of tangible or intangible personal property))~~ to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or other legislative activity or rule ~~(())~~ making under chapter 34.05 RCW, the state administrative procedure act, and the state agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period, unless exempt under RCW 42.17.160(2) (as recodified by this act).

(e) ~~((Such other information relevant to lobbying activities as the commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the commission.~~

~~(())~~ A listing of each payment for an item specified in RCW 42.52.150(5) in excess of fifty dollars and each item specified in

RCW 42.52.010 ~~(())~~ (10) (d) and (f) made to a state elected official, state officer, or state employee. Each item shall be identified by recipient, date, and approximate value of the item.

~~(())~~ (f) The total expenditures ~~((made))~~ paid or incurred during the reporting period by the lobbyist for lobbying purposes, whether through or on behalf of a lobbyist or otherwise ~~((As used in this subsection, "expenditures" includes amounts paid or incurred during the reporting period))~~, for (i) political advertising as defined in RCW 42.17.020 (as recodified by this act); and (ii) public relations, telemarketing, polling, or similar activities if ~~((such))~~ the activities, directly or indirectly, are intended, designed, or calculated to influence legislation or the adoption or rejection of a rule, standard, or rate by an agency under the administrative procedure act. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity.

(3) (If a state elected official or a member of such an official's immediate family is identified by a lobbyist in such a report as having received from the lobbyist an item specified in RCW 42.52.150(5) or 42.52.010(9) (d) or (f), the lobbyist shall transmit to the official a copy of the completed form used to identify the item in the report at the same time the report is filed with the commission)) Lobbyists are not required to report the following:

(a) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(b) Any expenses incurred for his or her own living accommodations;

(c) Any expenses incurred for his or her own travel to and from hearings of the legislature;

(d) Any expenses incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(4) The commission may adopt rules to vary the content of lobbyist reports to address specific circumstances, consistent with this section. Lobbyist reports are subject to audit by the commission.

Sec. 805. RCW 42.17.172 and 1993 c 2 s 32 are each amended to read as follows:

(1) When a listing or a report of contributions is made to the commission under RCW 42.17.170(2)(c) (as recodified by this act), a copy of the listing or report must be given to the candidate, elected official, professional staff member of the legislature, or officer or employee of an agency, or a political committee supporting or opposing a ballot proposition named in the listing or report.

(2) If a state elected official or a member of the official's immediate family is identified by a lobbyist in a lobbyist report as having received from the lobbyist an item specified in RCW 42.52.150(5) or 42.52.010(10) (d) or (f), the lobbyist shall transmit to the official a copy of the completed form used to identify the item in the report at the same time the report is filed with the commission.

Sec. 806. RCW 42.17.175 and 2001 c 54 s 3 are each amended to read as follows:

Any lobbyist registered under RCW 42.17.150 (as recodified by this act), any person who lobbies, and any lobbyist's employer making a contribution or an aggregate of contributions to a single entity that is one thousand dollars or more during a special reporting period, as specified in RCW 42.17.105 (as recodified by this act), before a primary or general election ~~((as such period is specified in RCW 42.17.105(1)))~~ shall file one or more special reports ~~((for the contribution or aggregate of contributions and for subsequent contributions made during that period under the same circumstances))~~ in the same manner and to the same extent that a contributing political committee must file ((such a report or reports)) under RCW 42.17.105 (as recodified by this act). ~~((Such a special report shall be filed in the same manner provided under RCW 42.17.105 for a special report of a contributing political committee.))~~

Sec. 807. RCW 42.17.180 and 1993 c 2 s 27 are each amended to read as follows:

(1) Every employer of a lobbyist registered under this chapter during the preceding calendar year and every person other than an individual that made contributions aggregating to more than ~~((ten))~~ sixteen thousand dollars or independent expenditures aggregating to more than ~~((five))~~ eight hundred dollars during the preceding calendar year shall file with the commission on or before the last day of February of each year a statement disclosing for the preceding calendar year the following information:

(a) The name of each state elected official and the name of each candidate for state office who was elected to the office and any member of the immediate family of those persons to whom the person reporting has paid any compensation in the amount of ~~((five))~~ eight hundred dollars or more during the preceding calendar year for personal employment or professional services, including professional services rendered by a corporation, partnership, joint venture, association, union, or other entity in which the person holds any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more, the value of the compensation in accordance with the reporting provisions set out in RCW 42.17.241(2) (as recodified by this act), and the consideration given or performed in exchange for the compensation.

(b) The name of each state elected official, successful candidate for state office, or members of his or her immediate family to whom the person reporting made expenditures, directly or indirectly, either through a lobbyist or otherwise, the amount of the expenditures and the purpose for the expenditures. For the purposes of this subsection, ~~((the term))~~ "expenditure" shall not include any expenditure made by the employer in the ordinary course of business if the expenditure is not made for the purpose of influencing, honoring, or benefiting the elected official, successful candidate, or member of his immediate family, as an elected official or candidate.

(c) The total expenditures made by the person reporting for lobbying purposes, whether through or on behalf of a registered lobbyist or otherwise.

(d) All contributions made to a political committee supporting or opposing a candidate for state office, or to a political committee supporting or opposing a statewide ballot proposition. Such contributions shall be identified by the name and the address of the recipient and the aggregate amount contributed to each such recipient.

(e) The name and address of each registered lobbyist employed by the person reporting and the total expenditures made by ~~((such))~~ the person reporting for each ~~((such))~~ lobbyist for lobbying purposes.

(f) The names, offices sought, and party affiliations of candidates for state offices supported or opposed by independent expenditures of the person reporting and the amount of each such expenditure.

(g) The identifying proposition number and a brief description of any statewide ballot proposition supported or opposed by expenditures not reported under (d) of this subsection and the amount of each such expenditure.

(h) ~~((Such))~~ Any other information ~~((as))~~ the commission prescribes by rule.

(2)(a) Except as provided in (b) of this subsection, an employer of a lobbyist registered under this chapter shall file a special report with the commission if the employer makes a contribution or contributions aggregating more than one hundred dollars in a calendar month to any one of the following: A candidate, elected official, officer or employee of an agency, or political committee. The report shall identify the date and amount of each such contribution and the name of the candidate, elected official, agency officer or employee, or political committee receiving the contribution or to be benefited by the contribution. The report shall be filed on a form prescribed by the commission and shall be filed within fifteen days after the last day of the calendar month during which the contribution was made.

(b) The provisions of (a) of this subsection do not apply to a contribution ~~((which))~~ that is made through a registered lobbyist and reportable under RCW 42.17.170 (as recodified by this act).

Sec. 808. RCW 42.17.190 and 1995 c 397 s 7 are each amended to read as follows:

(1) The house of representatives and the senate shall report annually: The total budget; the portion of the total attributed to staff; and the number of full-time and part-time staff positions by assignment, with dollar figures as well as number of positions.

(2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds may be used directly or indirectly for lobbying~~((= PROVIDED))~~. However, this does not prevent officers or employees of an agency from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations ~~((which))~~ that are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties~~((= PROVIDED FURTHER, That))~~. This subsection does not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency~~((= PROVIDED, That))~~. Public funds may not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, ~~((the term))~~ "gift" means a voluntary transfer of any thing of value without consideration of equal or greater value, but does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business. This section does not permit the printing of a state publication ~~((which))~~ that has been otherwise prohibited by law.

(4) No elective official or any employee of his or her office or any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, in any effort to support or oppose an initiative to the legislature. "Facilities of a public office or agency" has the same meaning as in RCW 42.17.130 (as recodified by this act) and 42.52.180. The provisions of this subsection shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose an initiative to the legislature so long as (i) any required notice of the meeting includes the title and number of the initiative to the legislature, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any initiative to the legislature at an open press conference or in response to a specific inquiry;

(c) Activities ~~((which))~~ that are part of the normal and regular conduct of the office or agency;

(d) Activities conducted regarding an initiative to the legislature that would be permitted under RCW 42.17.130 (as recodified by this act) and 42.52.180 if conducted regarding other ballot measures.

(5) Each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district ~~((which))~~ that expends public funds for lobbying shall file with the commission, except as exempted by (d) of this subsection, quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each elected official, officer, or employee who lobbied, a general description of the

nature of the lobbying, and the proportionate amount of time spent on the lobbying;

(c) A listing of expenditures incurred by the agency for lobbying including but not limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;

(d) For purposes of this subsection (~~the term~~), "lobbying" does not include:

(i) Requests for appropriations by a state agency to the office of financial management pursuant to chapter 43.88 RCW nor requests by the office of financial management to the legislature for appropriations other than its own agency budget requests;

(ii) Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject;

(iii) Official reports including recommendations submitted to the legislature on an annual or biennial basis by a state agency as required by law;

(iv) Requests, recommendations, or other communication between or within state agencies or between or within local agencies;

(v) Any other lobbying to the extent that it includes:

(A) Telephone conversations or preparation of written correspondence;

(B) In-person lobbying on behalf of an agency of no more than four days or parts thereof during any three-month period by officers or employees of that agency and in-person lobbying by any elected official of such agency on behalf of such agency or in connection with the powers, duties, or compensation of such official (~~(- PROVIDED, That)~~). The total expenditures of nonpublic funds made in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington (~~do~~) may not exceed fifteen dollars for any three-month period (~~(- PROVIDED FURTHER, That)~~). The exemption under this subsection (5)(d)(v)(B) is in addition to the exemption provided in (d)(v)(A) of this subsection;

(C) Preparation or adoption of policy positions.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within one month after the end of the quarter covered by the report.

(6) In lieu of reporting under subsection (5) of this section, any county, city, town, municipal corporation, quasi municipal corporation, or special purpose district may determine and so notify the public disclosure commission (~~(-)~~) that elected officials, officers, or employees who, on behalf of any such local agency, engage in lobbying reportable under subsection (5) of this section shall register and report such reportable lobbying in the same manner as a lobbyist who is required to register and report under RCW 42.17.150 and 42.17.170 (as recodified by this act). Each such local agency shall report as a lobbyist employer pursuant to RCW 42.17.180 (as recodified by this act).

(7) The provisions of this section do not relieve any elected official or officer or employee of an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

(8) The purpose of this section is to require each state agency and certain local agencies to report the identities of those persons who lobby on behalf of the agency for compensation, together with certain separately identifiable and measurable expenditures of an agency's funds for that purpose. This section shall be reasonably construed to accomplish that purpose and not to require any agency to report any of its general overhead cost or any other costs (~~(which)~~) that relate only indirectly or incidentally to lobbying or (~~(which)~~) that are equally attributable to or inseparable from nonlobbying activities of the agency.

The public disclosure commission may adopt rules clarifying and implementing this legislative interpretation and policy.

Sec. 809. RCW 42.17.200 and 1990 c 139 s 5 are each amended to read as follows:

(1) Any person who has made expenditures, not reported by a registered lobbyist under RCW 42.17.170 (as recodified by this act) or by a candidate or political committee under RCW 42.17.065 or 42.17.080 (as recodified by this act), exceeding (~~(five hundred)~~) one thousand dollars in the aggregate within any three-month period or exceeding (~~(two)~~) five hundred dollars in the aggregate within any one-month period in presenting a program (~~(addressed)~~) to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall (~~(be required to)~~) register and report, as provided in subsection (2) of this section, as a sponsor of a grass roots lobbying campaign.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe, showing:

(a) The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses, and titles of the controlling persons responsible for managing the sponsor's affairs;

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons;

(c) The names and addresses of each person contributing twenty-five dollars or more to the campaign, and the aggregate amount contributed;

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards, or proposals that are the subject matter of the campaign;

(e) The totals of all expenditures made or incurred to date on behalf of the campaign (~~(- which totals shall be)~~) segregated according to financial category, including but not limited to the following: Advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount (~~(thereof)~~) paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission (~~(- which reports shall be filed)~~) by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report (~~(- which notice)~~). The final report shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

Sec. 810. RCW 42.17.210 and 1973 c 1 s 21 are each amended to read as follows:

If any person registered or required to be registered as a lobbyist (~~(under this chapter employs)~~), or (~~(if)~~) any employer of any person registered or required to be registered as a lobbyist (~~(under this chapter)~~), employs (~~(any)~~) a member or an employee of the legislature, (~~(or any)~~) a member of (~~(any)~~) a state board or commission, (~~(or any employee of the legislature)~~) or (~~(any)~~) a full-time state employee, (~~(if such)~~) and that new employee (~~(shall)~~) remains in the partial employ of the state (~~(or any agency thereof, then)~~), the new employer (~~(shall)~~) must file within fifteen days after employment a statement (~~(under oath)~~) with the commission, signed

under oath, setting out the nature of the employment, the name of the person ~~((to be paid thereunder))~~ employed, and the amount of pay or consideration ~~((to be paid thereunder. The statement shall be filed within fifteen days after the commencement of such employment))~~.

Sec. 811. RCW 42.17.220 and 1973 c 1 s 22 are each amended to read as follows:

It ~~((shall be))~~ is a violation of this chapter for any person to employ for pay or any consideration, or pay or agree to pay any consideration to, a person to lobby who is not registered under this chapter except upon the condition that such a person must register as a lobbyist as provided by this chapter ~~((and such person does in fact so register as soon as practicable))~~.

Sec. 812. RCW 42.17.230 and 1987 c 201 s 2 are each amended to read as follows:

(1) A person required to register as a lobbyist under ~~((this chapter shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies, or confirms any such act, to other civil liabilities, as provided by this chapter:~~

~~—(1) Such persons shall obtain and preserve all))~~ RCW 42.17.150 (as recodified by this act) shall substantiate financial reports required to be made under this chapter with accounts, bills, receipts, books, papers, and other necessary documents ~~((necessary to substantiate the financial reports required to be made under this chapter))~~. All such documents must be obtained and preserved for a period of at least five years from the date of ~~((the))~~ filing ~~((of))~~ the statement containing such items ~~((which accounts, bills, receipts, books, papers, and documents))~~ and shall be made available for inspection by the commission at any time ~~((PROVIDED, That if a lobbyist is required under))~~. If the terms of ~~((his))~~ the lobbyist's employment contract ~~((to turn any))~~ require that these records be turned over to his or her employer, responsibility for the preservation and inspection of ~~((such))~~ these records under this subsection shall ~~((rest))~~ be with such employer.

(2) ~~((In addition,))~~ A person required to register as a lobbyist under RCW 42.17.150 (as recodified by this act) shall not:

(a) Engage in any lobbying activity ~~((as a lobbyist))~~ before registering as ~~((such))~~ a lobbyist;

(b) Knowingly deceive or attempt to deceive ~~((any))~~ a legislator ~~((as to any fact))~~ regarding the facts pertaining to any pending or proposed legislation;

(c) Cause or influence the introduction of ~~((any))~~ a bill or amendment ~~((thereto))~~ to that bill for the purpose of ~~((thereafter))~~ later being employed to secure its defeat;

(d) Knowingly represent an interest adverse to ~~((any of))~~ his or her employer ~~((s))~~ without ~~((first))~~ full disclosure of the adverse interest to the employer and obtaining ~~((such))~~ the employer's written consent ~~((thereto after full disclosure to such employer of such adverse interest))~~;

(e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator ~~((by reason of such))~~ due to the legislator's position ~~((with respect to, or his vote upon,))~~ or vote on any pending or proposed legislation;

(f) Enter into any agreement, arrangement, or understanding ~~((according to which his or her))~~ in which any portion of his or her compensation ~~((or any portion thereof))~~ is or will be contingent upon ~~((the))~~ his or her success ~~((of any attempt to influence))~~ in influencing legislation.

(3) A violation by a lobbyist of this section shall be cause for revocation of his or her registration, and may subject the lobbyist and the lobbyist's employer, if the employer aids, abets, ratifies, or confirms the violation, to other civil liabilities as provided by this chapter.

BY CANDIDATES AND PUBLIC OFFICIALS

Sec. 901. RCW 42.17.240 and 1995 c 397 s 8 are each amended to read as follows:

(1) After January 1st and before April 15th of each year, every elected official and every executive state officer shall ~~((after January 1st and before April 15th of each year))~~ file with the commission a statement of financial affairs for the preceding calendar year. However, any local elected official whose term of office ~~((expires immediately after))~~ ends on December 31st shall file the statement required to be filed by this section for the final year ~~((that ended on that December 31st))~~ of his or her term.

(2) Within two weeks of becoming a candidate, every candidate shall ~~((within two weeks of becoming a candidate))~~ file with the commission a statement of financial affairs for the preceding twelve months.

(3) Within two weeks of appointment, every person appointed to a vacancy in an elective office or executive state officer position shall ~~((within two weeks of being so appointed))~~ file with the commission a statement of financial affairs for the preceding twelve months.

(4) A statement of a candidate or appointee filed during the period from January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of the statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year.

(5) No individual may be required to file more than once in any calendar year.

(6) Each statement of financial affairs filed under this section shall be sworn as to its truth and accuracy.

(7) Every elected official and every executive state officer shall file with their statement of financial affairs a statement certifying that they have read and are familiar with RCW 42.17.130 (as recodified by this act) or 42.52.180, whichever is applicable.

(8) For the purposes of this section, the term "executive state officer" includes those listed in RCW 42.17.2401.

(9) This section does not apply to incumbents or candidates for a federal office or the office of precinct committee officer.

Sec. 902. RCW 42.17.2401 and 2009 c 565 s 24 are each amended to read as follows:

For the purposes of RCW 42.17.240 (as recodified by this act), ~~((the term))~~ "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, ~~((the administrator of the Washington basic health plan,))~~ the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of commerce, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of the recreation and conservation office, the director of retirement systems, the director of revenue, the

PART 9

PERSONAL FINANCIAL AFFAIRS REPORTING

secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, the boards of trustees of each community college and each technical college, each member of the state board for community and technical colleges, state convention and trade center board of directors, (~~committee for deferred compensation~~) Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, (~~each member of the Washington health services commission~~) higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, (~~recreation and conservation funding board~~) state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, (~~marine oversight board~~) Pacific Northwest electric power and conservation planning council, parks and recreation commission, board of pilotage commissioners, pollution control hearings board, public disclosure commission, (~~public pension commission~~) shorelines hearings board, public employees' benefits board, recreation and conservation funding board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, (~~Washington state maritime commission~~) Washington personnel resources board, Washington (~~public power supply system~~) energy northwest executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

Sec. 903. RCW 42.17.241 and 2008 c 6 s 202 are each amended to read as follows:

(1) The statement of financial affairs required by RCW 42.17.240 (as recodified by this act) shall disclose the following information for the reporting individual and each member of his or her immediate family:

(a) Occupation, name of employer, and business address; (~~and~~)

(b) Each bank (~~or~~) account, savings account (~~or~~), and insurance policy in which (~~any such person or persons owned~~) a direct financial interest (~~that exceeded five~~) was held that exceeds twenty thousand dollars at any time during the reporting period; each other item of intangible personal property in which (~~any such person or persons owned~~) a direct financial interest (~~the value of which exceeded five hundred~~) was held that exceeds two thousand dollars during the reporting period; the name, address, and nature of the entity; and the nature and highest value of each (~~such~~) direct financial interest during the reporting period; (~~and~~)

(c) The name and address of each creditor to whom the value of (~~five hundred~~) two thousand dollars or more was owed; the original amount of each debt to each (~~such~~) creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each (~~such~~) debt; and the security given, if any, for each such debt (~~PROVIDED, That~~). Debts arising (~~out of~~) from a "retail installment transaction" as defined in chapter 63.14 RCW (retail installment sales act) need not be reported; (~~and~~)

(d) Every public or private office, directorship, and position held as trustee; (~~and~~)

(e) All persons for whom any legislation, rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation (~~PROVIDED, That~~). For the purposes of this subsection, "compensation" does not include payments made to the person reporting by the governmental entity for which (~~such~~) the person serves as an elected official or state executive officer or professional staff member for his or her service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; (~~and~~)

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of (~~five hundred~~) two thousand dollars or more; the value of the compensation; and the consideration given or performed in exchange for the compensation; (~~and~~)

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and (~~with respect to each such entity~~): (i) With respect to a governmental unit in which the official seeks or holds any office or position, if the entity has received compensation in any form during the preceding twelve months from the governmental unit, the value of the compensation and the consideration given or performed in exchange for the compensation; and (ii) the name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which the entity has received compensation in any form in the amount of (~~two thousand five hundred~~) ten thousand dollars or more during the preceding twelve months and the consideration given or performed in exchange for the compensation (~~PROVIDED, That the term~~). As used in (g)(ii) of this subsection, "compensation" (~~for purposes of this subsection (1)(g)(ii))~~ does not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing the service (~~PROVIDED, FURTHER, That~~). With respect to any bank or commercial lending institution in which is held any office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of the bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by the bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by the bank or commercial lending institution if the interest exceeds (~~six~~) two thousand four hundred dollars; (~~and~~)

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds (~~two thousand five hundred~~) ten thousand dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for that interest; (~~and~~)

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds (~~two thousand five hundred~~) ten thousand dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for that interest, and the name and address of the person furnishing the consideration; (~~and~~)

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds (~~two thousand five hundred~~) ten thousand dollars in which a direct financial interest was held (~~(= PROVIDED, That)~~). If a description of the property has been included in a report previously filed, the property may be listed, for purposes of this (~~provision~~) subsection (1)(j), by reference to the previously filed report; (~~and~~)

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds (~~(five)~~) twenty thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm, or enterprise a ten percent or greater ownership interest was held; (~~and~~)

(l) A list of each occasion, specifying date, donor, and amount, at which food and beverage in excess of fifty dollars was accepted under RCW 42.52.150(5); (~~and~~)

(m) A list of each occasion, specifying date, donor, and amount, at which items specified in RCW 42.52.010(10) (d) and (f) were accepted; and

(n) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall prescribe by rule.

(2) Where an amount is required to be reported under subsection (1)(a) through (m) of this section, it shall be sufficient to comply with the requirement to report whether the amount is less than (~~(one)~~) four thousand dollars, at least (~~(one)~~) four thousand dollars but less than (~~(five)~~) twenty thousand dollars, at least (~~(five)~~) twenty thousand dollars but less than (~~(ten)~~) forty thousand dollars, at least (~~(ten)~~) forty thousand dollars but less than (~~(twenty-five)~~) one hundred thousand dollars, or (~~(twenty-five)~~) one hundred thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection may be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Items of value given to an official's or employee's spouse, domestic partner, or family member are attributable to the official or employee, except the item is not attributable if an independent business, family, or social relationship exists between the donor and the spouse, domestic partner, or family member.

Sec. 904. RCW 42.17.242 and 1977 ex.s. c 336 s 4 are each amended to read as follows:

No payment shall be made to any person required to report under RCW 42.17.240 (as recodified by this act) and no payment shall be accepted by any such person, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative, or other person in such a manner as to conceal the identity of the source of the payment or in any other manner so as to effect concealment (~~(except that)~~). The commission may issue categorical and specific exemptions to the reporting of the actual source when there is an undisclosed principal for recognized legitimate business purposes.

PART 10 ENFORCEMENT

Sec. 1001. RCW 42.17.390 and 2006 c 315 s 2 are each amended to read as follows:

One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(1) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of (~~(said)~~) that election may be held void and a special election held within sixty days of (~~(such)~~) the finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this

remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(2) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his or her registration may be revoked or suspended and he or she may be enjoined from receiving compensation or making expenditures for lobbying (~~(= PROVIDED, HOWEVER, That)~~). The imposition of (~~(such)~~) a sanction shall not excuse (~~(said)~~) the lobbyist from filing statements and reports required by this chapter.

(3) (~~(Any)~~) A person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each (~~(such)~~) violation. However, a person or entity who violates RCW 42.17.640 (as recodified by this act) may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

(4) (~~(Any)~~) A person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each (~~(such)~~) delinquency continues.

(5) (~~(Any)~~) A person who fails to report a contribution or expenditure as required by this chapter may be subject to a civil penalty equivalent to the amount not reported as required.

(6) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

Sec. 1002. RCW 42.17.395 and 2006 c 315 s 3 are each amended to read as follows:

(1) The commission may (a) determine whether an actual violation of this chapter has occurred; and (b) issue and enforce an appropriate order following such a determination.

(2) The commission, in cases where it chooses to determine whether an actual violation has occurred, shall hold a hearing pursuant to the administrative procedure act, chapter 34.05 RCW, to make (~~(such)~~) a determination. Any order that the commission issues under this section shall be pursuant to such a hearing.

(3) In lieu of holding a hearing or issuing an order under this section, the commission may refer the matter to the attorney general or other enforcement agency as provided in RCW 42.17.360 (as recodified by this act).

(4) The person against whom an order is directed under this section shall be designated as the respondent. The order may require the respondent to cease and desist from the activity that constitutes a violation and in addition, or alternatively, may impose one or more of the remedies provided in RCW 42.17.390 (2) through (5) (as recodified by this act). No individual penalty assessed by the commission may exceed one thousand seven hundred dollars, and in any case where multiple violations are involved in a single complaint or hearing, the maximum aggregate penalty may not exceed four thousand two hundred dollars.

(5) An order issued by the commission under this section shall be subject to judicial review under the administrative procedure act, chapter 34.05 RCW. If the commission's order is not satisfied and no petition for review is filed within thirty days (~~(as provided in RCW 34.05.542)~~), the commission may petition a court of competent jurisdiction of any county in which a petition for review could be filed under that section, for an order of enforcement. Proceedings in connection with the commission's petition shall be in accordance with RCW 42.17.397 (as recodified by this act).

Sec. 1003. RCW 42.17.397 and 1989 c 175 s 92 are each amended to read as follows:

The following procedure shall apply in all cases where the commission has petitioned a court of competent jurisdiction for enforcement of any order it has issued pursuant to this chapter:

(1) A copy of the petition shall be served by certified mail directed to the respondent at his or her last known address. The court

shall issue an order directing the respondent to appear at a time designated in the order, not less than five days from the date thereof, and show cause why the commission's order should not be enforced according to its terms.

(2) The commission's order shall be enforced by the court if the respondent does not appear, or if the respondent appears and the court finds, pursuant to a hearing held for that purpose:

(a) That the commission's order is unsatisfied; ~~((and))~~

(b) That the order is regular on its face; and

(c) That the respondent's answer discloses no valid reason why the commission's order should not be enforced or that the respondent had an appropriate remedy by review under RCW 34.05.570(3) and failed to avail himself or herself of that remedy without valid excuse.

(3) Upon appropriate application by the respondent, the court may, after hearing and for good cause, alter, amend, revise, suspend, or postpone all or part of the commission's order. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and ~~((such))~~ the action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) The court's order of enforcement, when entered, shall have the same force and effect as a civil judgment.

(5) Notwithstanding RCW 34.05.578 through 34.05.590, this section is the exclusive method for enforcing an order of the commission.

Sec. 1004. RCW 42.17.400 and 2007 c 455 s 1 are each amended to read as follows:

(1) The attorney general and the prosecuting authorities of political subdivisions of this state may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in RCW 42.17.390 (as recodified by this act).

(2) The attorney general and the prosecuting authorities of political subdivisions of this state may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this chapter, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, paper and documents which may be relevant or material to any investigation authorized under this chapter.

(3) When the attorney general or the prosecuting authority of any political subdivision of this state requires the attendance of any person to obtain such information or ~~((the production of))~~ produce the accounts, bills, receipts, books, papers, and documents ~~((which))~~ that may be relevant or material to any investigation authorized under this chapter, he or she shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. ~~((Such))~~ The order shall have the same force and effect as a subpoena, shall be effective statewide, and, upon application of the attorney general or ~~((said))~~ the prosecuting authority, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the order were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and ~~((such))~~ the action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) ~~((Any))~~ A person who has notified the attorney general and the prosecuting attorney in the county in which the violation occurred

in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself or herself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this chapter.

(a) This citizen action may be brought only if:

(i) The attorney general and the prosecuting attorney have failed to commence an action hereunder within forty-five days after ~~((such))~~ the notice;

(ii) ~~((Such))~~ The person has thereafter further notified the attorney general and prosecuting attorney that ~~((said))~~ the person will commence a citizen's action within ten days upon their failure ~~((so))~~ to do so;

(iii) The attorney general and the prosecuting attorney have in fact failed to bring such action within ten days of receipt of said second notice; and

(iv) The citizen's action is filed within two years after the date when the alleged violation occurred.

(b) If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he or she shall be entitled to be reimbursed by the state of Washington for costs and ~~((attorney's))~~ attorneys' fees he or she has incurred ~~((--PROVIDED, That))~~. In the case of a citizen's action ~~((which))~~ that is dismissed and ~~((which))~~ that the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all costs of trial and reasonable ~~((attorney's))~~ attorneys' fees incurred by the defendant.

(5) In any action brought under this section, the court may award to the state all costs of investigation and trial, including ~~((a))~~ reasonable ~~((attorney's))~~ attorneys' fees to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he or she shall be awarded all costs of trial, and may be awarded ~~((a))~~ reasonable ~~((attorney's))~~ attorneys' fees to be fixed by the court to be paid by the state of Washington.

Sec. 1005. RCW 42.56.010 and 2007 c 197 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

(2) "Person in interest" means the person who is the subject of a record or any representative designated by that person, except that if that person is under a legal disability, "person in interest" means and includes the parent or duly appointed legal representative.

(3) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics. For the office of the secretary of the senate and the office of the chief clerk of the house of representatives, public records means legislative records as defined in RCW 40.14.100 and also means the following: All budget and financial records; personnel leave, travel, and payroll records; records of legislative sessions; reports submitted to the legislature; and any other record designated a public record by any official action of the senate or the house of representatives.

((3)) (4) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

PART 11

MISCELLANEOUS PROVISIONS

NEW SECTION. **Sec. 1101.** When RCW 42.17.2401 (as recodified by this act) is codified, the code reviser shall arrange the names of the agencies in each subsection in alphabetical order, arranged according to the first distinctive word of each agency's name.

NEW SECTION. **Sec. 1102.** The following sections are recodified as a new chapter in Title 42 RCW, to be codified as chapter 42.17A RCW, in the following order with the following subchapter headings:

GENERAL PROVISIONS

- RCW 42.17.010
- RCW 42.17.020
- RCW 42.17.035
- RCW 42.17.440

ELECTRONIC ACCESS

- RCW 42.17.367
- RCW 42.17.369
- RCW 42.17.460
- RCW 42.17.461
- RCW 42.17.463

ADMINISTRATION

- RCW 42.17.350
- RCW 42.17.360
- RCW 42.17.370
- Section 304 of this act
- RCW 42.17.690
- RCW 42.17.380
- RCW 42.17.405
- RCW 42.17.420
- RCW 42.17.430
- RCW 42.17.450

CAMPAIGN FINANCE REPORTING

- RCW 42.17.030
- RCW 42.17.040
- RCW 42.17.050
- Section 404 of this act
- RCW 42.17.060
- RCW 42.17.065
- RCW 42.17.067
- RCW 42.17.080
- RCW 42.17.090
- RCW 42.17.3691
- RCW 42.17.093
- RCW 42.17.100
- RCW 42.17.103
- RCW 42.17.105
- RCW 42.17.550
- RCW 42.17.135

POLITICAL ADVERTISING AND ELECTIONEERING COMMUNICATIONS

- RCW 42.17.561
- RCW 42.17.565
- RCW 42.17.570
- RCW 42.17.575
- RCW 42.17.510

- RCW 42.17.520
- RCW 42.17.530
- RCW 42.17.540
- RCW 42.17.110
- CAMPAIGN CONTRIBUTION LIMITS AND OTHER RESTRICTIONS
- RCW 42.17.610
- RCW 42.17.640
- RCW 42.17.645
- RCW 42.17.700
- Section 604 of this act
- RCW 42.17.070
- RCW 42.17.095
- RCW 42.17.120
- Section 607 of this act
- RCW 42.17.125
- RCW 42.17.650
- RCW 42.17.660
- RCW 42.17.670
- RCW 42.17.720
- RCW 42.17.730
- RCW 42.17.740
- RCW 42.17.770
- RCW 42.17.780
- RCW 42.17.790
- RCW 42.17.680
- RCW 42.17.760
- PUBLIC OFFICIALS, EMPLOYEES, AND AGENCIES CAMPAIGN RESTRICTIONS AND PROHIBITIONS--REPORTING
- RCW 42.17.128
- RCW 42.17.130
- RCW 42.17.710
- RCW 42.17.750
- RCW 42.17.245
- Section 703 of this act
- LOBBYING DISCLOSURE AND RESTRICTIONS
- RCW 42.17.150
- RCW 42.17.155
- RCW 42.17.160
- RCW 42.17.170
- RCW 42.17.172
- RCW 42.17.175
- RCW 42.17.180
- RCW 42.17.190
- RCW 42.17.200
- RCW 42.17.210
- RCW 42.17.220
- RCW 42.17.230
- PERSONAL FINANCIAL AFFAIRS REPORTING BY CANDIDATES AND PUBLIC OFFICIALS
- RCW 42.17.240
- RCW 42.17.2401
- RCW 42.17.241
- RCW 42.17.242
- ENFORCEMENT
- RCW 42.17.390
- RCW 42.17.395
- RCW 42.17.397
- RCW 42.17.400
- RCW 42.17.410
- TECHNICAL PROVISIONS
- RCW 42.17.900
- RCW 42.17.910
- RCW 42.17.911
- RCW 42.17.912

RCW 42.17.920
 RCW 42.17.930
 RCW 42.17.940
 RCW 42.17.945
 RCW 42.17.950
 RCW 42.17.955
 RCW 42.17.960
 RCW 42.17.961
 RCW 42.17.962
 RCW 42.17.963
 RCW 42.17.964
 RCW 42.17.965
 RCW 42.17.966

NEW SECTION. Sec. 1103. The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

(1) RCW 42.17.131 (Exemption from RCW 42.17.130) and 1994 c 154 s 317;

(2) RCW 42.17.362 (Toll-free telephone number) and 2000 c 237 s 6;

(3) RCW 42.17.365 (Audits and investigations) and 1999 c 401 s 8 & 1993 c 2 s 29;

(4) RCW 42.17.375 (Reports filed with county elections official--Rules governing) and 1983 c 294 s 1;

(5) RCW 42.17.465 (Information technology plan--Contents) and 1999 c 401 s 4;

(6) RCW 42.17.467 (Information technology plan--Consultation) and 1999 c 401 s 5;

(7) RCW 42.17.469 (Information technology plan--Submission) and 1999 c 401 s 6;

(8) RCW 42.17.471 (Access performance reports) and 1999 c 401 s 7;

(9) RCW 42.17.562 (Intent) and 2005 c 445 s 2;

(10) RCW 42.17.620 (Intent) and 1993 c 2 s 2; and

(11) RCW 42.17.647 (Rules) and 2006 c 348 s 3.

NEW SECTION. Sec. 1104. Sections 505, 602, and 703 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 1105. Sections 101 through 504, 506 through 601, and 603 through 1103 of this act take effect January 1, 2012."

On page 1, line 1 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 42.17.020, 42.17.367, 42.17.369, 42.17.461, 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.380, 42.17.405, 42.17.420, 42.17.450, 42.17.030, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105, 42.17.550, 42.17.135, 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.510, 42.17.520, 42.17.540, 42.17.110, 42.17.610, 42.17.640, 42.17.645, 42.17.070, 42.17.095, 42.17.125, 42.17.660, 42.17.720, 42.17.740, 42.17.790, 42.17.680, 42.17.130, 42.17.245, 42.17.150, 42.17.155, 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180, 42.17.190, 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240, 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397, 42.17.400, and 42.56.010; reenacting and amending RCW 42.17.2401; adding a new chapter to Title 42 RCW; creating new sections; recodifying RCW 42.17.010, 42.17.020, 42.17.035, 42.17.440, 42.17.367, 42.17.369, 42.17.460, 42.17.461, 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.380, 42.17.405, 42.17.420, 42.17.430, 42.17.450, 42.17.030, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105, 42.17.550, 42.17.135, 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.510, 42.17.520, 42.17.530, 42.17.540, 42.17.110, 42.17.610, 42.17.640, 42.17.645, 42.17.700, 42.17.070, 42.17.095, 42.17.120, 42.17.125, 42.17.650, 42.17.660, 42.17.670, 42.17.720, 42.17.730,

42.17.740, 42.17.770, 42.17.780, 42.17.790, 42.17.680, 42.17.760, 42.17.128, 42.17.130, 42.17.710, 42.17.750, 42.17.245, 42.17.150, 42.17.155, 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180, 42.17.190, 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240, 42.17.2401, 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397, 42.17.400, 42.17.410, 42.17.900, 42.17.910, 42.17.911, 42.17.912, 42.17.920, 42.17.930, 42.17.940, 42.17.945, 42.17.950, 42.17.955, 42.17.960, 42.17.961, 42.17.962, 42.17.963, 42.17.964, 42.17.965, and 42.17.966; repealing RCW 42.17.131, 42.17.362, 42.17.365, 42.17.375, 42.17.465, 42.17.467, 42.17.469, 42.17.471, 42.17.562, 42.17.620, and 42.17.647; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2016 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2016, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2016, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 37; Absent, 0; Excused, 3.

Voting yea: Representatives Anderson, Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Green, Haler, Hinkle, Johnson, Kirby, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Dickerson, Hope and Hurst.

SECOND SUBSTITUTE HOUSE BILL NO. 2016, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Second Substitute House Bill No. 2016.

Norma Smith, 10th District.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2460 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 15.86.010 and 2002 c 220 s 1 are each amended to read as follows:

The legislature recognizes a public benefit in:

(1) Establishing standards governing the labeling and advertising of ~~((food))~~ agricultural products and ~~((agricultural))~~ commodities as ~~((organically produced))~~ organic products or transitional products;

(2) Providing certification under the ~~((federal organic food production act of 1990, 7 U.S.C. Sec. 6501 et seq., and the rules adopted thereunder))~~ national organic program for agricultural products marketed and labeled using the term "organic" or a derivative of the term "organic;"

(3) Providing access for Washington producers, processors, and handlers to domestic and international markets for organic ~~((food))~~ products; ~~((and))~~

(4) Establishing a state organic program or obtaining federal accreditation as a certifying agent under the ~~((federal organic food production act of 1990, 7 U.S.C. Sec. 6501 et seq., and the rules adopted thereunder))~~ national organic program; and

(5) Establishing a brand name materials list for registration of inputs that comply with national, international, or other organic standards.

Sec. 2. RCW 15.86.020 and 2002 c 220 s 2 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Director" means the director of the department of agriculture or the director's designee.

(2) "Organic ~~((food))~~ product" means any agricultural product, in whole or in part, including meat, dairy, and beverage, that is marketed using the term organic or any derivative of organic and that is produced, handled, and processed in accordance with this chapter.

(3) "Producer" means any person or organization who or which grows, raises, or produces an agricultural product.

(4) "Handler" means any person who sells, distributes, or packs organic or transitional products.

(5) "Transitional ~~((food))~~ product" means any ~~((food))~~ agricultural product that ~~((satisfies all of the))~~ meets requirements ~~((of))~~ for organic ~~((food))~~ certification, except ~~((the time requirements as defined in rule))~~ that the organic production areas have not been free of prohibited substances for thirty-six months. Use of prohibited substances must have ceased for at least twelve months prior to the harvest of a transitional product.

(6) "Organic certifying agent" means any third-party certification organization that is recognized by the director as being one which imposes, for certification, standards consistent with this chapter.

(7) "Processor" means any person engaged in the canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, or otherwise processing of an organic ~~((food))~~ or transitional product.

(8) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(9) "Department" means the state department of agriculture.

(10) "Represent" means to hold out as or to advertise.

(11) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

(12) "Material" means any substance or mixture of substances that is intended to be used in agricultural production, processing, or handling.

(13) "Fertilizer" means a single or blended substance containing one or more recognized plant nutrients which is used primarily for its plant nutrient content and which is designed for use or claimed to have value in promoting plant growth.

(14) "Label" means a display of written, printed, or graphic material on the immediate container of an agricultural product or any such material affixed to any agricultural product or affixed to a bulk container containing an agricultural product, except for package liners or a display of written, printed, or graphic material which contains only information about the weight of the product.

(15) "Labeling" includes all written, printed, or graphic material accompanying an agricultural product at any time or written, printed, or graphic material about the agricultural product displayed at retail stores about the product.

(16) "National organic program" means the program administered by the United States department of agriculture pursuant to 7 C.F.R. Part 205, which implements the federal organic food production act of 1990 (7 U.S.C. Sec. 6501 et seq.).

(17) "Registrant" means the person registering a material on the brand name materials list under the provisions of this chapter.

(18) "Certification" or "certified" means a determination documented by a certificate of organic operation made by a certifying agent that a production or handling operation is in compliance with the national organic program or with international standards.

(19) "Compost" means the product of a managed process through which microorganisms break down plant and animal materials into more available forms suitable for application to the soil.

(20) "Crop production aid" means any substance, material, structure, or device that is used to aid a producer of an agricultural product except for fertilizers and pesticides.

(21) "Livestock production aid" means any substance, material, structure, or device that is used to aid a producer in the production of livestock such as parasiticides, medicines, and feed additives.

(22) "Organic waste-derived material" means grass clippings, leaves, weeds, bark, plantings, prunings, and other vegetative wastes, uncontaminated wood waste from logging and milling operations, food wastes, food processing wastes, and materials derived from these wastes through composting. "Organic waste-derived material" does not include products that contain biosolids as defined in chapter 70.95J RCW.

(23) "Soil amendment" means any substance that is intended to improve the physical characteristics of the soil, except for fertilizers and pesticides.

(24) "Spray adjuvant" means any product intended to be used with a pesticide as an aid to the application or to the effect of the pesticide and that is in a package or container separate from the pesticide. "Spray adjuvant" includes, but is not limited to, wetting agents, spreading agents, deposit builders, adhesives, emulsifying agents, deflocculating agents, and water modifiers or similar agent with or without toxic properties of its own intended to be used with any other pesticide as an aid to its application or to its effect. "Spray adjuvant" does not include products that are only intended to mark the location where a pesticide is applied.

(25) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life or virus, except a virus on or in a living human being or other animal, which is normally considered to be a pest or which the director may declare to be a pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant;

(c) Any substance or mixture of substances intended to be used as a spray adjuvant; and

(d) Any other substances intended for such use as may be named by the director by rule.

(26) "Postharvest material" means any substance, material, structure, or device that is used in the postharvest handling of agricultural products.

(27) "Processing aid" means a substance that is added to a food:

(a) During processing, but is removed in some manner from the food before it is packaged in its finished form;

(b) During processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; and

(c) For its technical or functional effect in the processing but is present in the finished food at insignificant levels and does not have any technical or functional effect in that food.

(28) "Manufacturer" means a person that compounds, produces, granulates, mixes, blends, repackages, or otherwise alters the composition of materials.

Sec. 3. RCW 15.86.030 and 2002 c 220 s 3 are each amended to read as follows:

(1) To be labeled, sold, or represented as an organic ~~((food))~~ product, a product ~~((shall))~~ must be produced under standards established ~~((under RCW 15.86.060))~~ in this chapter or rules adopted pursuant to this chapter. A producer, processor, or handler shall not represent, sell, or offer for sale any ~~((food))~~ agricultural product with the representation that the product is ~~((an))~~ organic ~~((food))~~ if the producer, processor, or handler knows, or has reason to know, that the ~~((food))~~ product has not been produced, processed, or handled in accordance with standards established ~~((under RCW 15.86.060))~~ in this chapter or rules adopted pursuant to this chapter.

(2) The department may conduct evaluations in retail establishments to verify compliance with organic labeling and advertising requirements of this chapter, rules adopted pursuant to this chapter, and the national organic program.

Sec. 4. RCW 15.86.060 and 2002 c 220 s 4 are each amended to read as follows:

(1) The director shall adopt rules, in conformity with chapter 34.05 RCW, as the director believes are appropriate for the adoption of the national organic program ~~((under the federal organic food production act of 1990, 7 U.S.C. Sec. 6501 et seq., and the rules adopted thereunder))~~ and for the proper administration of this chapter.

(2)(a) The director shall issue orders to producers, processors, or handlers whom ~~((he or she))~~ the director finds are violating ~~((any provision of this chapter,))~~ RCW 15.86.030 or 15.86.090 or rules ~~((or regulations))~~ adopted ~~((under))~~ pursuant to this chapter, to cease their violations and desist from future violations.

(b) Whenever the director finds that a producer, processor, or handler has committed a violation, the director shall impose on and collect from the violator a civil fine not exceeding the total of ~~((the following amounts))~~:

~~((a))~~ (i) The state's estimated costs of investigating and taking appropriate administrative and enforcement actions in respect to the violation; and

~~((b))~~ (ii) One thousand dollars.

((3) The director may deny, suspend, or revoke a certification provided for in this chapter if he or she determines that an applicant or certified person has violated this chapter or rules adopted under it.)

Sec. 5. RCW 15.86.065 and 2002 c 220 s 7 are each amended to read as follows:

(1) The department is authorized to take such actions, conduct proceedings, and enter orders as permitted or contemplated for a state organic program or certifying agent under the ~~((federal organic food~~

~~production act of 1990, 7 U.S.C. Sec. 6501 et seq., and the rules adopted thereunder))~~ national organic program.

(2) The director may deny, suspend, or revoke a certification provided for in this chapter if the director determines that an applicant or certified person has violated this chapter or rules adopted pursuant to this chapter.

~~((3) The ((state organic)) program shall not be inconsistent with the requirements of ((7 U.S.C. Sec. 6501 et seq. and the rules adopted thereunder, including 7 C.F.R. Sec. 205.668))~~ the national organic program.

(4) The department shall adopt rules necessary to implement this section.

Sec. 6. RCW 15.86.070 and 2002 c 220 s 5 are each amended to read as follows:

(1) The director may adopt rules establishing a program for certifying producers, processors, and handlers as meeting state, national, or international standards for organic or transitional ~~((food))~~ products.

(2) The rules:

~~((a))~~ May govern, but are not limited to governing:

(i) The number and scheduling of on-site visits, both announced and unannounced, by certification personnel;

(ii) Recordkeeping requirements; and

(iii) ~~The~~ The submission of product samples for chemical analysis ~~((The rules)); and~~

~~((b))~~ Shall include a fee schedule that will provide for the recovery of the full cost of the ~~((organic food))~~ program.

(3) ~~All~~ All fees collected under this ~~((section))~~ chapter shall be deposited in an account within the agricultural local fund ~~((and))~~. The revenue from such fees shall be used solely for carrying out the provisions of this ~~((section))~~ chapter, and no appropriation is required for disbursement from the fund.

(4) The director may employ such personnel as are necessary to carry out the provisions of this ~~((section))~~ chapter.

((2) The fees established under this section may be increased in excess of the fiscal growth factor as provided in RCW 43.135.055 for the fiscal year ending June 30, 2003.)

Sec. 7. RCW 15.86.090 and 2002 c 220 s 6 are each amended to read as follows:

(1) It is unlawful for any person to sell, offer for sale, or process any agricultural product within this state with an organic label unless that person is certified under this chapter by the department or a recognized organic certifying agent.

(2) Subsection (1) of this section shall not apply to:

(a) Final retailers of organic ~~((food))~~ products that do not process organic ~~((food))~~ products; or

(b) Producers who sell no more than five thousand dollars annually in value of agricultural products directly to consumers.

NEW SECTION. Sec. 8. A new section is added to chapter 15.86 RCW to read as follows:

(1) To be labeled, sold, or represented as transitional products, agricultural products must comply with transitional product standards specified in this chapter and rules adopted pursuant to this chapter, including no application of substances prohibited under the national organic program within one year immediately preceding harvest.

(2) A producer, processor, or handler may not represent, sell, or offer for sale any agricultural product as a transitional product if the producer, processor, or handler knows or has reason to know that the product does not comply with transitional product standards specified in this chapter or rules adopted pursuant to this chapter.

(3)(a) The department may set and collect transitional certification fees, including fees for application for transitional certification, renewal of transitional certification, inspections, and sampling. Collected fees are subject to provisions specified in RCW 15.86.070.

(b) The fee for application for transitional certification is fifty dollars per site in addition to any organic certification application fees established under this chapter. The department may increase this fee by rule as necessary to cover costs of provision of services.

(4) The department may conduct evaluations in retail establishments to verify compliance with transitional labeling and advertising requirements of this chapter, rules adopted pursuant to this chapter, and the national organic program.

NEW SECTION. Sec. 9. A new section is added to chapter 15.86 RCW to read as follows:

(1) The department may establish a brand name materials list of registered materials that are approved for use in organic production, processing, or handling in accordance with the national organic program or international standards. Registration of a material on the brand name materials list is voluntary. While registration is not required for a material to be used or sold in this state, registration is necessary for a material to be included on the brand name materials list.

(2)(a) Manufacturers of materials may submit an application to the department for registration of a material on the brand name materials list. Applications must be made on a form designated by the department, and must include:

- (i) The name and address of the manufacturer;
- (ii) The name and address of the manufacturer's representative making the representations in the application;
- (iii) The brand name that the material is sold under;
- (iv) A copy of the labeling accompanying the material and a statement of all claims to be made for it, including the directions and precautions for use;
- (v) The complete formula of the material, including the active and inert ingredients;
- (vi) A description of the manufacturing process, including all materials used for the extraction and synthesis of the material, if appropriate;
- (vii) The intended uses of the product;
- (viii) The source or supplier of all ingredients;
- (ix) The required fee for registration or renewal; and
- (x) Any additional information required by rule.

(b) If any change to the information provided in an application occurs at any time after an application is submitted, the registrant must immediately submit corrected information to the department for review. Failure by the registrant to provide corrections to information provided in the application may result in suspension or revocation of the registration.

(c) By submitting an application for registration on the brand name materials list, the applicant expressly consents to jurisdiction of the state of Washington in all matters related to the registration.

(d) Applications for registration on the brand name materials list are governed by chapter 34.05 RCW.

(3)(a) By applying for registration on the brand name materials list, the registrant expressly grants to the department or other organic certifying agent or inspection agent approved by the national organic program the right to enter the registrant's premises during normal business hours or at other reasonable times to:

- (i) Inspect the portion of the premises where the material, inputs, or ingredients are stored, produced, manufactured, packaged, or labeled;
- (ii) Inspect records related to the sales, storage, production, manufacture, packaging, or labeling of the material, inputs, or ingredients; and
- (iii) Obtain samples of materials, inputs, and ingredients.

(b) Should the registrant refuse to allow inspection of the premises or records or fail to provide samples, the registration on the brand name materials list is cancelled. The department shall deny applications for registration where the registrant refuses to allow the

inspection of the premises or records or fails to provide samples as provided in this section.

(c) Required inspections may be conducted by department personnel, by an organic certifying agent, or by another inspection agent approved by the national organic program. The department may establish by rule evaluation criteria for review of inspection reports conducted by an organic certifying agent or inspection agent approved by the national organic program.

(4) The director may adopt rules necessary to implement the brand name materials list, including but not limited to:

- (a) Fees related to registration;
 - (b) The number and scheduling of inspections, both announced and unannounced;
 - (c) Recordkeeping requirements;
 - (d) Additional application requirements;
 - (e) Labeling of registered materials; and
 - (f) Chemical analysis of material samples.
- (5)(a) The department may establish a brand name materials list to register materials approved for use under:

- (i) National organic program standards; or
- (ii) International or additional organic standards.

(b) The director may review materials registered on the brand name materials list as approved for use under the national organic program for compliance with specific international or additional organic standards as designated by rule. A registered material that complies with a specific international or additional organic standard may also be registered as approved under that standard.

(6) Registration of a material on the brand name materials list under this chapter does not guarantee acceptance for use in organic production or processing by organic certifying agents other than the department. The department is not liable for any losses or damage that occurs as a result of use of a material registered on the brand name materials list.

(7) The director may deny, suspend, or revoke a registration on the brand name materials list if the director determines that a registrant has:

- (a) Failed to meet the registration criteria established in this chapter or rules adopted pursuant to this chapter; or
- (b) Violated any other provision of this chapter or rules adopted pursuant to this chapter.

NEW SECTION. Sec. 10. A new section is added to chapter 15.86 RCW to read as follows:

(1) The department is authorized to set and collect fees for application for registration, renewal of registration, inspections, and sampling for the brand name materials list. Collected fees are subject to provisions specified in RCW 15.86.070. The department may increase by rule fees established in this section as necessary to cover costs of provision of services.

(2)(a) The application fee for registration of a pesticide, spray adjuvant, processing aid, livestock production aid, or postharvest material is:

- (i) Five hundred dollars per material for an initial registration; and
- (ii) Three hundred dollars per material for renewing a registration.

(b) The application fee for registration of a fertilizer, soil amendment, organic waste-derived material, compost, animal manure, or crop production aid is:

- (i) Four hundred dollars per material for an initial registration; and
- (ii) Two hundred dollars per material for renewing a registration.

(3)(a) Renewal applications postmarked after October 31st must include, in addition to the renewal fee, a late fee of:

- (i) One hundred dollars per material for applications postmarked after October 31st;
- (ii) Two hundred dollars per material for applications postmarked after November 30th; and

(iii) Three hundred dollars per material for applications postmarked after December 31st.

(b) Renewal applications received after February 2nd will not be accepted, and applicants must reapply as new applicants.

(4) Inspections and any additional visit that must be arranged must be billed at forty dollars per hour plus travel costs and mileage, charged at the rate established by the office of financial management.

(5) Chemical analysis of material samples, if required for registration or requested by the applicant, must be billed at a rate established by the laboratory services division of the department of agriculture or at cost for analyses performed by another laboratory.

(6) Requests for expedited reviews may be submitted and, if approved, must be billed at forty dollars per hour.

(7) The department may assess compliance with an international or additional organic standard for materials registered on the brand name materials list as approved for use under the national organic program. Requests for additional assessments of materials approved under the national organic program must be billed at a rate of one hundred dollars per product for each standard."

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "amending RCW 15.86.010, 15.86.020, 15.86.030, 15.86.060, 15.86.065, 15.86.070, and 15.86.090; adding new sections to chapter 15.86 RCW; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2460 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Smith and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2460, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2460, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Hope and Hurst.

HOUSE BILL NO. 2460, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2466 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.04.215 and 2005 c 200 s 1 are each amended to read as follows:

"Ignition interlock device" means breath alcohol analyzing ignition equipment or other biological or technical device certified in conformance with section 2 of this act and rules adopted by the state patrol and designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage. ~~((The state patrol shall by rule provide standards for the certification, installation, repair, and removal of the devices.))~~

NEW SECTION. Sec. 2. A new section is added to chapter 43.43 RCW to read as follows:

(1) The state patrol shall by rule provide standards for the certification, installation, repair, maintenance, monitoring, inspection, and removal of ignition interlock devices, as defined under RCW 46.04.215, and equipment as outlined under this section, and may inspect the records and equipment of manufacturers and vendors during regular business hours for compliance with statutes and rules and may suspend or revoke certification for any noncompliance. The state patrol may only inspect ignition interlock devices in the vehicles of customers for proper installation and functioning when installation is being done at the vendors' place of business.

(2)(a) When a certified service provider or individual installer of ignition interlock devices is found to be out of compliance, the installation privileges of that certified service provider or individual installer may be suspended or revoked until the certified service provider or individual installer comes into compliance. During any suspension or revocation period, the certified service provider or individual installer is responsible for notifying affected customers of any changes in their service agreement.

(b) A certified service provider or individual installer whose certification is suspended or revoked for noncompliance has a right to an administrative hearing under chapter 34.05 RCW to contest the suspension or revocation, or both. For the administrative hearing, the procedure and rules of evidence are as specified in chapter 34.05 RCW, except as otherwise provided in this chapter. Any request for an administrative hearing must be made in writing and must be received by the state patrol within twenty days after the receipt of the notice of suspension or revocation.

(3)(a) An ignition interlock device must employ fuel cell technology. For the purposes of this subsection, "fuel cell technology" consists of the following electrochemical method: An electrolyte designed to oxidize the alcohol and release electrons to be collected by an active electrode; a current flow is generated within the electrode proportional to the amount of alcohol oxidized on the fuel cell surface; and the electrical current is measured and reported as breath alcohol concentration. Fuel cell technology is highly specific for alcohols.

(b) To be certified, an ignition interlock device must:

(i) Meet or exceed the minimum test standards according to rules adopted by the state patrol. Only a notarized statement from a laboratory that is certified by the international organization of standardization and is capable of performing the tests specified will be accepted as proof of meeting or exceeding the standards. The

notarized statement must include the name and signature of the person in charge of the tests under the following statement:

"Two samples of (model name), manufactured by (manufacturer) were tested by (laboratory) certified by the Internal Organization of Standardization. They do meet or exceed all specifications listed in the Federal Register, Volume 71, Number 31 (57 FR 11772), Breath Alcohol Ignition Interlock Devices (BAIID), NHTSA 2005-23470."; and

(ii) Be maintained in accordance with the rules and standards adopted by the state patrol.

NEW SECTION. Sec. 3. A new section is added to chapter 43.43 RCW to read as follows:

For the purposes of section 2 of this act, companies not using ignition interlock devices that employ fuel cell technology as of the effective date of this act shall have five years from the effective date of this act to begin using ignition interlock devices that employ fuel cell technology."

On page 1, line 1 of the title, after "devices;" strike the remainder of the title and insert "amending RCW 46.04.215; and adding new sections to chapter 43.43 RCW."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2466 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2466, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2466, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Hope and Hurst.

SUBSTITUTE HOUSE BILL NO. 2466, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2481 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the utilization of forest biomass materials located on state lands will assist in achieving the purposes of the forest biomass energy demonstration project under RCW 43.30.835, facilitate and support the emerging forest biomass market and clean energy economy, and enable the department to encourage biomass energy development on state trust lands for the trust land's potential long-term benefits to trust beneficiaries. The legislature finds that biomass utilization on state forest lands must be accomplished in a manner that retains organic components of the forest necessary to restore or sustain forest ecological functions.

NEW SECTION. Sec. 2. (1) The department may maintain a list of all potential sources of forest biomass on state lands for the purposes of identifying and making forest biomass, as defined in RCW 79.02.010, available for sale, exploration, collection, processing, storage, stockpiling, and conversion into energy, biofuels, for use in a biorefinery, or any other similar use. Prior to entering an agreement authorized by section 3(1) or 4 of this act, the department shall complete an inventory of the available biomass in the area that will be subject to the agreement, except that no inventory will be required as a prerequisite for demonstration projects authorized pursuant to RCW 43.30.835. The inventory must contain, at a minimum, an estimated amount of the forest biomass available in the area that will be subject to the agreement and a determination of the ecological and operational sustainability of the volumetric limit established by the agreement under section 3(5) of this act.

(2) The data developed for each inventoried area will be compiled for the list authorized by this section. In order to utilize the list to limit or terminate any agreement authorized under this act, the department must determine that the overall supply of forest biomass in a region or watershed has been reduced to a point such that further exploration and collection of forest biomass may not be ecologically or operationally sustainable or might otherwise threaten long-term forest health.

NEW SECTION. Sec. 3. (1) The department is authorized to enter forest biomass supply contracts on terms and conditions acceptable to the department for terms of up to five years, except as provided in subsection (4) of this section, for the purpose of providing a supply of forest biomass during the term of the contract except as the term of the contract may be limited under subsection (2) of this section, provided that such a contract must terminate automatically upon the removal of the agreed volume of biomass and the completion of other conditions of the contract.

(2) The department may authorize the sale of forest biomass in a contract for the sale of valuable materials under chapter 79.15 RCW provided that the department complies with the provisions of this chapter and: (a) Requires a separate bid and selects an apparent highest bidder for the forest biomass separately from the sale of valuable materials; (b) expressly includes forest biomass as an element of the sale of the valuable materials to be sold in the sales contract; or (c) a combination of (a) and (b) of this subsection. The term of the contract for the removal of biomass, if the sale is made in conformance with this subsection, must not exceed the term of the contract for valuable materials sold under chapter 79.15 RCW.

(3) The department may: (a) Enter into direct sales contracts for forest biomass, without public auction, based upon procedures adopted by the board to ensure competitive market prices and

accountability; or (b) enter into contracts for forest biomass at public auction or by sealed bid to the highest bidder in a manner consistent with the sale procedures established for the sale of valuable materials in chapter 79.15 RCW or as may be adopted by the board.

(4) In the event a contracting entity makes a qualifying capital investment of fifty million dollars or more, the department may enter into an agreement for up to fifteen years. Such an agreement must include provisions that are periodically adjusted for market conditions. In addition, the conditions of the contract must include provisions that allow the department, when in the best interest of trust beneficiaries, to maintain the availability of biomass resources on state lands to existing pulp and paper operations or other existing biomass processing operations that are using such resources, in quantities typical for the period of five years preceding the effective date of this section. For the purposes of this section, "qualifying capital investment" means a planned and committed investment at the time the contract is set with the requirement that at least fifty million dollars be invested before the removal of any biomass under the contract.

(5) The department must specify in each contract an annual volumetric limit of the total cubic volume or tons of forest biomass to be supplied from a specific unit, geographically delineated area, or region within a watershed or watersheds on an ecologically and operationally sustainable basis. The department shall adopt general procedures for making the biomass supply availability determinations under this subsection. The procedures must be written to ensure that biomass utilization on forest lands managed by the department is accomplished in a manner that retains organic components of the forest necessary to restore or sustain forest ecological functions. The department shall develop utilization standards and operational methods in recognition of the variability of on-site conditions. The department may unilaterally amend the volume to be supplied by providing the contracting party with a minimum of six months notice prior to reducing the contract volume to be supplied if the department determines, under section 2 of this act, that the available supply has been reduced to a point such that further removal of forest biomass may not be ecologically or operationally sustainable or may adversely affect long-term forest health.

(6) At the expiration of the contract term, the department may renew the contract for up to three additional five year periods on terms and conditions acceptable to the department, if the department finds: (a) An ecologically and operationally sustainable supply of forest biomass is available for the term of the contract; (b) the payment under the contract represents the fair market value at the time of the renewal; and (c) the purchaser agrees to the estimated amount of biomass material available.

(7) Where the department sells forest biomass in a contract for sale of valuable materials under subsection (2) of this section, any valuable material conveyed as timber in such a contract must count toward the achievement of annual or decadal targets developed in the sustainable timber harvest calculation required by RCW 79.10.320, or similar targets for timber harvest volume, even where the purchaser uses that material as a biomass energy feedstock. All other biomass volume conveyed as authorized in this chapter must not be counted toward such sustainable timber harvest targets.

(8) All contractors and their operations authorized under this section shall comply with all applicable state and federal laws and regulations.

NEW SECTION. Sec. 4. The department is authorized to lease state lands for the purpose of the sale, exploration, collection, processing, storage, stockpiling, and conversion of biomass into energy or biofuels, the development of a biorefinery, or for any other resource use derived from biomass if the department is able to obtain a fair market rental return to the state or the appropriate constitutional or statutory trust and if the lease is in the best interest of the state and the affected trust, as follows:

(1) Leases authorized under this chapter may be entered into by public auction, in accordance with the provisions of RCW 79.13.140, or by negotiation.

(2) All leases must contain such terms and conditions as may be prescribed by the department in accordance with the provision of this act and to ensure that removal of forest biomass is ecologically and operationally sustainable. Leases authorized under this act may be for a term of no more than fifty years.

(3) For leases that involve the development of biomass processing, biofuel manufacturing, or biomass energy production facilities, the department may include provisions for reduced rent until an approved plan of development is completed and the facility is operational, provided that provisions are included to require: (a) Adequate assurances to protect the department's interest in a future rental income stream; (b) the demonstration of reasonable progress consistent with an approved plan of development; and (c) a lump sum payment to the department in the amount of the difference between the fair market rent and the reduced rent, if the approved plan of development is not completed in the time required in the plan.

(4) The department may require the payment of production rent or other compensation for the use of the land and biomass materials on the land. If the department is not entering a supply contract under section 3 of this act for any forest biomass to be supplied for the lease purposes from the leased land, then the department must require a royalty payment for the contribution to value of any product created by the lessee that is associated with forest biomass removed from the leased land in an amount fixed by the board.

(5) All lessees and their operations authorized under this section shall comply with all applicable state and federal laws and regulations.

NEW SECTION. Sec. 5. (1) For the purpose of improving forest health on state trust lands, and to better clarify the relationship of forest biomass with the by-products of forest health and fuel reduction treatments that have been traditionally utilized for other products, the department of natural resources shall evaluate how the supply agreements in sections 3 and 4 of this act could be utilized to sustain or create rural jobs and timber manufacturing infrastructure, and to sell state timber to traditional types of timber purchasers. The department shall report its findings to the appropriate committees of the legislature by December 15, 2010, and the evaluation must at a minimum identify how such supply agreements could:

(a) Ensure the department of natural resources meets its fiduciary responsibility to the state's trust beneficiaries;

(b) Restore or sustain a competitive market for state timber sales;

(c) Generate returns for the trust that are commensurate with fluctuating market prices; and

(d) Ensure environmental compliance with all pertinent state and federal laws, and provide for ecologically and operationally sustainable biomass removal.

(2) For the purposes of proving the concepts evaluated in this section, the department may, in addition to the authorities granted in section 3 of this act, establish a five-year forest health and fuel reduction supply agreement demonstration project. Solicitation of private industry partners for such a project must be competitive, must focus on areas where traditional forest products manufacturing infrastructure and rural jobs have been lost, and should consider prioritizing partners utilizing materials for both traditional forest products and biomass energy conversion.

Sec. 6. RCW 79.02.010 and 2004 c 199 s 201 are each amended to read as follows:

The definitions in this section apply throughout this title unless the context clearly requires otherwise.

(1) "Aquatic lands" means all state-owned tidelands, shorelands, harbor areas, and the beds of navigable waters as defined in (~~chapter 79.90~~) RCW 79.105.060 that are administered by the department.

(2) "Board" means the board of natural resources.

(3) "Commissioner" means the commissioner of public lands.

(4) "Community and technical college forest reserve lands" means lands managed under RCW 79.02.420.

(5) "Department" means the department of natural resources.

(6) "Improvements" means anything considered a fixture in law placed upon or attached to lands administered by the department that has changed the value of the lands or any changes in the previous condition of the fixtures that changes the value of the lands.

(7) "Land bank lands" means lands acquired under RCW 79.19.020.

(8) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of a federal, state, or local governmental unit, however designated.

(9) "Public lands" means lands of the state of Washington administered by the department including but not limited to state lands, state forest lands, and aquatic lands.

(10) "State forest lands" means lands acquired under RCW 79.22.010, 79.22.040, and 79.22.020.

(11) "State lands" includes:

(a) School lands, that is, lands held in trust for the support of the common schools;

(b) University lands, that is, lands held in trust for university purposes;

(c) Agricultural college lands, that is, lands held in trust for the use and support of agricultural colleges;

(d) Scientific school lands, that is, lands held in trust for the establishment and maintenance of a scientific school;

(e) Normal school lands, that is, lands held in trust for state normal schools;

(f) Capitol building lands, that is, lands held in trust for the purpose of erecting public buildings at the state capital for legislative, executive, and judicial purposes;

(g) Institutional lands, that is, lands held in trust for state charitable, educational, penal, and reformatory institutions; and

(h) Land bank, escheat, donations, and all other lands, except aquatic lands, administered by the department that are not devoted to or reserved for a particular use by law.

(12) "Valuable materials" means any product or material on the lands, such as forest products, forage or agricultural crops, stone, gravel, sand, peat, and all other materials of value except: (a) Mineral, coal, petroleum, and gas as provided for under chapter 79.14 RCW; and (b) forest biomass as provided for under chapter 79.-- RCW (the new chapter created in section 14 of this act).

(13)(a) "Forest biomass" means the by-products of: Current forest management activities; current forest protection treatments prescribed or permitted under chapter 76.04 RCW; or the by-products of forest health treatment prescribed or permitted under chapter 76.06 RCW.

(b) "Forest biomass" does not include wood pieces that have been treated with chemical preservatives such as: Creosote, pentachlorophenol, or copper-chrome-arsenic; wood from existing old growth forests; wood required to be left on-site under chapter 76.09 RCW, the state forest practices act; and implementing rules, and other legal and contractual requirements; or municipal solid waste.

Sec. 7. RCW 43.30.020 and 2009 c 163 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the department of natural resources.

(2) "Agency" and "state agency" means any branch, department, or unit of the state government, however designated or constituted.

(3) "Board" means the board of natural resources.

(4) "Commissioner" means the commissioner of public lands.

(5) "Department" means the department of natural resources.

(6) ("Forest biomass" means the by-products of: Current forest practices prescribed or permitted under chapter 76.09 RCW; current forest protection treatments prescribed or permitted under chapter 76.04 RCW; or the by-products of forest health treatments prescribed or permitted under chapter 76.06 RCW. "Forest biomass" does not include wood pieces that have been treated with chemical preservatives such as: Creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests, except wood removed for forest health treatments under chapter 76.06 RCW and RCW 79.15.540; wood required by chapter 76.09 RCW for large woody debris recruitment; or municipal solid waste.

~~(7))~~ "Supervisor" means the supervisor of natural resources.

Sec. 8. RCW 76.06.180 and 2007 c 480 s 7 are each amended to read as follows:

(1) Prior to issuing a forest health hazard warning or forest health hazard order, the commissioner shall consider the findings and recommendations of the forest health technical advisory committee and shall consult with county government officials, forest landowners and forest land managers, consulting foresters, and other interested parties to gather information on the threat, opportunities or constraints on treatment options, and other information they may provide. The commissioner, or a designee, shall conduct a public hearing in a county within the geographical area being considered.

(2) The commissioner of public lands may issue a forest health hazard warning when he or she deems such action is necessary to manage the development of a threat to forest health or address an existing threat to forest health. A decision to issue a forest health hazard warning may be based on existing forest stand conditions and:

(a) The presence of an uncharacteristic insect or disease outbreak that has or is likely to (i) spread to multiple forest ownerships and cause extensive damage to forests; or (ii) significantly increase forest fuel that is likely to further the spread of uncharacteristic fire;

(b) When, due to extensive physical damage from wind or ice storm or other cause, there are (i) insect populations building up to large scale levels; or (ii) significantly increased forest fuels that are likely to further the spread of uncharacteristic fire; or

(c) When otherwise determined by the commissioner to be appropriate.

(3) The commissioner of public lands may issue a forest health hazard order when he or she deems such action is necessary to address a significant threat to forest health. A decision to issue a forest health hazard order may be based on existing forest stand conditions and:

(a) The presence of an uncharacteristic insect or disease outbreak that has (i) spread to multiple forest ownerships and has caused and is likely to continue to cause extensive damage to forests; or (ii) significantly increased forest fuels that are likely to further the spread of uncharacteristic fire;

(b) When, due to extensive physical damage from wind or ice storm or other cause (i) insect populations are causing extensive damage to forests; or (ii) significantly increased forest fuels are likely to further the spread of uncharacteristic fire;

(c) Insufficient landowner action under a forest health hazard warning; or

(d) When otherwise determined by the commissioner to be appropriate.

(4) A forest health hazard warning or forest health hazard order shall be issued by use of a commissioner's order. General notice of the commissioner's order shall be published in a newspaper of general circulation in each county within the area covered by the order and on the department's web site. The order shall specify the boundaries of the area affected, including federal and tribal lands, the forest stand conditions that would make a parcel subject to the provisions of the order, and the actions landowners or land managers should take to reduce the hazard. If the forest health hazard warning or order relates to land managed by the department, the warning or order may also

contain provisions for the department's utilization of any forest biomass pursuant to chapter 79.-- RCW (the new chapter created in section 14 of this act).

(5) Written notice of a forest health hazard warning or forest health hazard order shall be provided to forest landowners of specifically affected property.

(a) The notice shall set forth:

(i) The reasons for the action;

(ii) The boundaries of the area affected, including federal and tribal lands;

(iii) Suggested actions that should be taken by the forest landowner under a forest health hazard warning or the actions that must be taken by a forest landowner under a forest health hazard order;

(iv) The time within which such actions should or must be taken;

(v) How to obtain information or technical assistance on forest health conditions and treatment options;

(vi) The right to request mitigation under subsection (6) of this section and appeal under subsection (7) of this section;

(vii) These requirements are advisory only for federal and tribal lands.

(b) The notice shall be served by personal service or by mail to the latest recorded real property owner, as shown by the records of the county recording officer as defined in RCW 65.08.060. Service by mail is effective on the date of mailing. Proof of service shall be by affidavit or declaration under penalty of perjury.

(6) Forest landowners who have been issued a forest health hazard order under subsection (5) of this section may apply to the department for the remission or mitigation of such order. The application shall be made to the department within fifteen days after notice of the order has been served. Upon receipt of the application, the department may remit or mitigate the order upon whatever terms the department in its discretion deems proper, provided the department deems the remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department may ascertain the facts regarding all such applications in such reasonable manner and under such rule as it deems proper.

(7) Forest landowners who have been issued a forest health hazard order under subsection (5) of this section may appeal the order to the forest practices appeals board.

(a) The appeal shall be filed within thirty days after notice of the order has been served, unless application for mitigation has been made to the department. When such an application for mitigation is made, such appeal shall be filed within thirty days after notice of the disposition of the application for mitigation has been served.

(b) The appeal must set forth:

(i) The name and mailing address of the appellant;

(ii) The name and mailing address of the appellant's attorney, if any;

(iii) A duplicate copy of the forest health hazard order;

(iv) A separate and concise statement of each error alleged to have been committed;

(v) A concise statement of facts upon which the appellant relies to sustain the statement of error; and

(vi) A statement of the relief requested.

(8) A forest health hazard order issued under subsection (5) of this section is effective thirty days after date of service unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, the order is effective thirty days after notice setting forth the disposition of the application is served unless an appeal is filed from such disposition. Whenever an appeal of the order is filed, the order shall become effective only upon completion of all administrative and judicial review proceedings and the issuance of a final decision confirming the order in whole or in part.

(9) Upon written request, the department may certify as adequate a forest health management plan developed by a forest landowner, before or in response to a forest health hazard warning or forest health hazard order, if the plan is likely to achieve the desired result and the terms of the plan are being diligently followed by the forest landowner. The certification of adequacy shall be determined by the department in its sole discretion, and be provided to the requestor in writing.

Sec. 9. RCW 79.15.100 and 2004 c 177 s 5 are each amended to read as follows:

(1) Valuable materials may be sold separately from the land as a "lump sum sale" or as a "scale sale."

(a) "Lump sum sale" means any sale offered with a single total price applying to all the material conveyed.

(b) "Scale sale" means any sale offered with per unit prices to be applied to the material conveyed.

(2) Payment for lump sum sales must be made as follows:

(a) Lump sum sales under five thousand dollars appraised value require full payment on the day of sale.

(b) Lump sum sales appraised at over five thousand dollars but under one hundred thousand dollars may require full payment on the day of sale.

(c) Lump sum sales requiring full payment on the day of sale may be paid in cash or by certified check, cashier's check, bank draft, or money order, all payable to the department.

(3) Except for sales paid in full on the day of sale or sales with adequate bid bonds, an initial deposit not to exceed twenty-five percent of the actual or projected purchase price shall be made on the day of sale.

(a) Sales with bid bonds are subject to the day of sale payment and replacement requirements prescribed by RCW 79.15.110.

(b) The initial deposit must be maintained until all contract obligations of the purchaser are satisfied. However, all or a portion of the initial deposit may be applied as the final payment for the valuable materials in the event the department determines that adequate security exists for the performance or fulfillment of any remaining obligations of the purchaser under the sale contract.

(4) Advance payments or other adequate security acceptable to the department is required for valuable materials sold on a scale sale basis or a lump sum sale not requiring full payment on the day of sale.

(a) The purchaser must notify the department before any operation takes place on the sale site.

(b) Upon notification as provided in (a) of this subsection, the department must require advanced payment or may allow purchasers to submit adequate security.

(c) The amount of advanced payments or security must be determined by the department and must at all times equal or exceed the value of timber cut and other valuable materials processed or removed until paid for.

(d) Security may be bank letters of credit, payment bonds, assignments of savings accounts, assignments of certificates of deposit, or other methods acceptable to the department as adequate security.

(5) All valuable material must be removed from the sale area within the period specified in the contract.

(a) The specified period may not exceed five years from date of purchase except for stone, sand, gravel, fill material, or building stone.

(b) The specified period for stone, sand, gravel, fill material, or building stone may not exceed thirty years.

(c) In all cases, any valuable material not removed from the land within the period specified in the contract reverts to the state. The department may utilize any remaining forest biomass in accordance with chapter 79.-- RCW (the new chapter created in section 14 of this act).

(6) The department may extend a contract beyond the normal termination date specified in the sale contract as the time for removal of valuable materials when, in the department's judgment, the purchaser is acting in good faith and endeavoring to remove the materials. The extension is contingent upon payment of the fees specified below.

(a) The extended time for removal shall not exceed:

(i) Forty years from date of purchase for stone, sand, gravel, fill material, or building stone;

(ii) A total of ten years beyond the original termination date for all other valuable materials.

(b) An extension fee fixed by the department will be charged based on the estimated loss of income per acre to the state resulting from the granting of the extension plus interest on the unpaid portion of the contract. The board must periodically fix and adopt by rule the interest rate, which shall not be less than six percent per annum.

(c) The sale contract shall specify:

(i) The applicable rate of interest as fixed at the day of sale and the maximum extension payment; and

(ii) The method for calculating the unpaid portion of the contract upon which interest is paid.

(d) The minimum extension fee is fifty dollars per extension plus interest on the unpaid portion of the contract.

(e) Moneys received for any extension must be credited to the same fund in the state treasury as was credited the original purchase price of the valuable material sold.

(7) The department may, in addition to any other securities, require a performance security to guarantee compliance with all contract requirements. The security is limited to those types listed in subsection (4) of this section. The value of the performance security will, at all times, equal or exceed the value of work performed or to be performed by the purchaser.

(8) The department does not need to comply with the provisions of this chapter for forest biomass except as described in the provisions of chapter 79.-- RCW (the new chapter created in section 14 of this act). Forest biomass may not be included in any sales contract authorized under this chapter unless the department has complied with the provisions of chapter 79.-- RCW (the new chapter created in section 14 of this act).

(9) The provisions of this section apply unless otherwise provided by statute.

Sec. 10. RCW 79.15.220 and 2001 c 250 s 14 are each amended to read as follows:

When the department finds valuable materials on state land that are damaged by fire, wind, flood, or from any other cause, it shall determine if the salvage of the damaged valuable materials is in the best interest of the trust for which the land is held, which may include the salvage of forest biomass under chapter 79.-- RCW (the new chapter created in section 14 of this act). If salvaging the valuable materials is in the best interest of the trust, the department shall proceed to offer the valuable materials for sale. The valuable materials, when offered for sale, must be sold in the most expeditious and efficient manner as determined by the department. In determining if the sale is in the best interest of the trust the department shall consider the net value of the valuable materials and relevant elements of the physical and social environment.

Sec. 11. RCW 79.15.510 and 2009 c 418 s 2 are each amended to read as follows:

(1) The department may establish a contract harvesting program for directly contracting for the removal of timber and other valuable materials from state lands and for conducting silvicultural treatments consistent with RCW 79.15.540.

(2) The contract requirements must be compatible with the office of financial management's guide to public service contracts.

(3) The department may not use contract harvesting for more than twenty percent of the total annual volume of timber offered for sale.

However, volume removed primarily to address an identified forest health issue under RCW 79.15.540 may not be included in calculating the (~~ten~~ ~~twenty~~ percent) annual limit of contract harvesting sales. Forest biomass resulting from harvesting to address an identified forest health issue under RCW 79.15.540 may be utilized in accordance with chapter 79.-- RCW (the new chapter created in section 14 of this act).

Sec. 12. RCW 79.15.510 and 2004 c 218 s 6 are each amended to read as follows:

(1) The department may establish a contract harvesting program for directly contracting for the removal of timber and other valuable materials from state lands and for conducting silvicultural treatments consistent with RCW 79.15.540.

(2) The contract requirements must be compatible with the office of financial management's guide to public service contracts.

(3) The department may not use contract harvesting for more than ten percent of the total annual volume of timber offered for sale. However, volume removed primarily to address an identified forest health issue under RCW 79.15.540 may not be included in calculating the (~~ten percent~~) annual limit of contract harvesting sales. Forest biomass resulting from harvesting to address an identified forest health issue under RCW 79.15.540 may be utilized in accordance with chapter 79.-- RCW (the new chapter created in section 14 of this act).

NEW SECTION. **Sec. 13.** The department of natural resources must conduct a survey of scientific literature regarding the carbon neutrality of forest biomass. The department must submit the survey results with any findings and recommendations to the appropriate committees of the legislature by December 15, 2010.

This section expires January 1, 2011.

NEW SECTION. **Sec. 14.** Sections 1 through 5 of this act constitute a new chapter in Title 79 RCW.

NEW SECTION. **Sec. 15.** Section 11 of this act expires January 1, 2014.

NEW SECTION. **Sec. 16.** Section 12 of this act takes effect January 1, 2014."

On page 1, line 2 of the title, after "agreements;" strike the remainder of the title and insert "amending RCW 79.02.010, 43.30.020, 76.06.180, 79.15.100, 79.15.220, 79.15.510, and 79.15.510; adding a new chapter to Title 79 RCW; creating a new section; providing an effective date; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2481 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2481, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2481, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

Excused: Representatives Dickerson, Hope and Hurst.

SECOND SUBSTITUTE HOUSE BILL NO. 2481, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2541 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The legislature finds that sustainably managed commercial forestry produces jobs and revenue while also providing clean water, clean air, renewable energy, wildlife habitat, open space, and carbon storage, among other ecological values. For these reasons, maintaining a base of forest lands that may be utilized for sustainably managed commercial forestry is of utmost importance to the state.

(2) The legislature finds that the promotion and fostering of the economic success of the forest products industry with the goal of keeping sustainably managed forestry as a priority land use, and helping to secure the timber managing, growing, harvesting, transporting, and manufacturing jobs is made possible by a vibrant working forest land base.

(3) The legislature further finds that maintaining sustainable working forests is important for the quality of life of all Washingtonians, and that sustainable forest practices can help to maintain and restore the vitality of Washington's communities while also helping to preserve Washington's natural landscapes and ecosystems.

(4) The legislature further finds that it is necessary to assist landowners in gaining access to additional sources of revenue, such as emerging ecosystem services markets, and to help landowners diversify their incomes, improve the ecological functions of their lands, and pass their lands and the lands' associated benefits to future generations.

(5) The legislature further finds that the conservation and restoration of forest ecosystems provide services to the residents of the state that help improve water and habitat quality, help avoid carbon emissions, help address impacts associated with climate change, and help natural resources adapt to these impacts.

(6) The legislature further finds that ecosystem services markets can lead to efficient, innovative, and effective conservation and restoration actions and facilitate improved integration of public and private investment.

(7) Therefore, it is the intent of the legislature to develop tools to facilitate small and industrial forest landowners' access to market capital from existing and emerging ecosystem services markets.

(8) The legislature further intends to enable forest landowners who provide ecosystem services access to financing to protect, restore, and maintain the ecological values provided by protection of public resources.

NEW SECTION. Sec. 2. A new section is added to chapter 76.44 RCW to read as follows:

The legislature finds that there are many issues facing the forest sector, such as climate change, forest health and fire, carbon accounting, habitat and diversity, timber and water supplies, economic competitiveness, and the economic health of forest dependent communities. Enhancing the capability to effectively address these forest issues is critical to the state of Washington. To meet this need, the University of Washington school of forest resources will continue to work with the various interests concerned with the state's forest resources, including the legislature, state and federal governments, environmental organizations, local communities, the timber industry, and tribes, to improve these entities' ability to competitively recruit, educate, and train a high quality workforce.

Sec. 3. RCW 76.09.010 and 1999 sp.s. c 4 s 901 are each amended to read as follows:

(1) The legislature hereby finds and declares that the forest land resources are among the most valuable of all resources in the state; that a viable forest products industry is of prime importance to the state's economy; that it is in the public interest for public and private commercial forest lands to be managed consistent with sound policies of natural resource protection; that coincident with maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, air quality, recreation, and scenic beauty.

(2) The legislature further finds and declares it to be in the public interest of this state to create and maintain through the adoption of this chapter a comprehensive statewide system of laws and forest practices rules which will achieve the following purposes and policies:

(a) Afford protection to, promote, foster and encourage timber growth, and require such minimum reforestation of commercial tree species on forest lands as will reasonably utilize the timber growing capacity of the soil following current timber harvest;

(b) Afford protection to forest soils and public resources by utilizing all reasonable methods of technology in conducting forest practices;

(c) Recognize both the public and private interest in the profitable growing and harvesting of timber;

(d) Promote efficiency by permitting maximum operating freedom consistent with the other purposes and policies stated herein;

(e) Provide for regulation of forest practices so as to avoid unnecessary duplication in such rules;

(f) Provide for interagency input and intergovernmental and tribal coordination and cooperation;

(g) Achieve compliance with all applicable requirements of federal and state law with respect to nonpoint sources of water pollution from forest practices;

(h) To consider reasonable land use planning goals and concepts contained in local comprehensive plans and zoning regulations;

(i) Foster cooperation among managers of public resources, forest landowners, Indian tribes and the citizens of the state; ~~(and)~~

(j) Develop a watershed analysis system that addresses the cumulative effect of forest practices on, at a minimum, the public resources of fish, water, and public capital improvements of the state and its political subdivisions; and

(k) Assist forest landowners in accessing market capital and financing for the ecosystem services provided to the public as a result of the protection of public resources.

(3) The legislature further finds and declares that it is also in the public interest of the state to encourage forest landowners to undertake corrective and remedial action to reduce the impact of mass earth movements and fluvial processes.

(4) The legislature further finds and declares that it is in the public interest that the applicants for state forest practices permits should assist in paying for the cost of review and permitting necessary for the environmental protection of these resources.

Sec. 4. RCW 76.09.040 and 2009 c 246 s 1 are each amended to read as follows:

(1)(a) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall adopt forest practices rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that:

((a)) (i) Establish minimum standards for forest practices;

((b)) (ii) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a)(i) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

((c)) (iii) Set forth necessary administrative provisions;

((d)) (iv) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter; and

((e)) (v) Allow for the development of watershed analyses.

(b) Forest practices rules pertaining to water quality protection shall be adopted by the board after reaching agreement with the director of the department of ecology or the director's designee on the board with respect thereto. All other forest practices rules shall be adopted by the board.

(c) Forest practices rules shall be administered and enforced by either the department or the local governmental entity as provided in this chapter. Such rules shall be adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2)(a) The board shall prepare proposed forest practices rules consistent with this section and chapter 34.05 RCW. In addition to any forest practices rules relating to water quality protection proposed by the board, the department of ecology may submit to the board proposed forest practices rules relating to water quality protection.

(b)(i) Prior to initiating the rule-making process, the proposed rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed rules relating to water quality protection.

(ii) After the expiration of ~~((such))~~ the thirty day period, the board and the department of ecology shall jointly hold one or more hearings on the proposed rules pursuant to chapter 34.05 RCW. ~~((At such~~

~~hearing(s))~~ Any county representative may propose specific forest practices rules relating to problems existing within ~~((such))~~ the county at the hearings.

(iii) The board may adopt and the department of ecology may approve such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

(3)(a) The board shall establish by rule a program for the acquisition of riparian open space and critical habitat for threatened or endangered species as designated by the board. Acquisition must be a conservation easement. Lands eligible for acquisition are forest lands within unconfined channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the board. Once acquired, these lands may be held and managed by

the department, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy corporation, as defined in RCW 64.04.130, in fee or transfer of management obligation. The board shall adopt rules governing the acquisition by the state or donation to the state of such interest in lands including the right of refusal if the lands are subject to unacceptable liabilities. The rules shall include definitions of qualifying lands, priorities for acquisition, and provide for the opportunity to transfer such lands with limited warranties and with a description of boundaries that does not require full surveys where the cost of securing the surveys would be unreasonable in relation to the value of the lands conveyed. The rules shall provide for the management of the lands for ecological protection or fisheries enhancement. For the purposes of conservation easements entered into under this section, the following apply:

((a)) (i) For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation must include the timber value component, as determined by the cruised volume of any timber located within the channel migration zone or critical habitat for threatened or endangered species as designated by the board, multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091;

((b)) (ii) For conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation must include the timber value component in (a)(i) of this subsection plus such portion of the land value component as determined just and equitable by the department. The land value component must be the acreage of qualifying channel migration zone or critical habitat for threatened or endangered species as determined by the board, to be conveyed, multiplied by the average per acre value of all commercial forest land in western Washington or the average for eastern Washington, whichever average is applicable to the qualifying lands. The department must determine the western and eastern Washington averages based on the land value tables established by RCW 84.33.140 and revised annually by the department of revenue.

((c)) (b) Subject to appropriations sufficient to cover the cost of such an acquisition program and the related costs of administering the program, the department must establish a conservation easement in land that an owner tenders for purchase; provided that such lands have been taxed as forest lands and are located within an unconfined channel migration zone or contain critical habitat for threatened or endangered species as designated by the board. Lands acquired under this section shall become riparian or habitat open space. These acquisitions shall not be deemed to trigger the compensating tax of chapters 84.33 and 84.34 RCW.

((d)) (c) Instead of offering to sell interests in qualifying lands, owners may elect to donate the interests to the state.

((e)) (d) Any acquired interest in qualifying lands by the state under this section shall be managed as riparian open space or critical habitat.

NEW SECTION. Sec. 5. (1) The department of natural resources shall, to the degree that resources are available, develop, consistent with this section, proposals for the development of appropriate landowner conservation incentives that support forest landowners maintaining their land in forestry. These incentives may include, but are not limited to, incentives that are related to ecosystem service markets, tax incentives, easements, technical assistance, and recognition or certification.

(2) The department of natural resources shall consult with the forest practices board, representatives of federal, state, and local government, Indian tribes, small forest landowners, conservation groups, industrial foresters, and other individuals deemed beneficial by the department in implementing this section.

(3) By December 31, 2011, the department of natural resources must present their research and any proposed incentives to the governor, the appropriate committees of the legislature, the commissioner of public lands, and the forest practices board. The department of natural resources shall also offer to present their findings and recommendations to the Washington congressional delegation, local governments, and any state or federal agency that has as a portion of their mission the support of Washington's working land base and the jobs, products, and ecological values that working lands provide.

(4) Neither the activities nor outcome of the department of natural resources' actions or decisions under this section shall cause, promote, or delay rule making by the forest practices board in the execution of its applicable duties.

(5) The department of natural resources is authorized to seek federal and private funds, and in-kind contributions to complete the work in this act. At the discretion of the department of natural resources, the department must comply with this act only to the degree that existing or acquired nonstate resources permit.

(6) This section expires July 1, 2012.

Sec. 6. RCW 76.09.020 and 2009 c 354 s 5 and 2009 c 246 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the forest practices appeals board created by RCW 76.09.210.

(3) "Application" means the application required pursuant to RCW 76.09.050.

(4) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunnii*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(5) "Board" means the forest practices board created in RCW 76.09.030.

(6) "Commissioner" means the commissioner of public lands.

(7) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right-of-way shall be considered contiguous.

(8) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(9) "Department" means the department of natural resources.

(10) "Fish passage barrier" means any artificial instream structure that impedes the free passage of fish.

(11) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production,

preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

(12) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(13) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction;
- (b) Harvesting, final and intermediate;
- (c) Precommercial thinning;
- (d) Reforestation;
- (e) Fertilization;
- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees; and
- (h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

(14) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

(15) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that crosses land that meets the definition of forest land, but excludes residential access roads.

(16) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(17) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

(18) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

(19) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(20) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

(21) "Small forest landowner" has the same meaning as defined in RCW 76.09.450.

(22) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(23) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

(24) "Unconfined channel migration zone" means the area within which the active channel of an unconfined stream is prone to move and where the movement would result in a potential near-term loss of

riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

(25) "Unconfined stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex floodplain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

(26) "Ecosystem services" means the benefits that the public enjoys as a result of natural processes and biological diversity.

(27) "Ecosystem services market" means a system in which providers of ecosystem services can access financing or market capital to protect, restore, and maintain ecological values, including the full spectrum of regulatory, quasiregulatory, and voluntary markets."

On page 1, line 3 of the title, after "industry;" strike the remainder of the title and insert "amending RCW 76.09.010 and 76.09.040; reenacting and amending RCW 76.09.020; adding a new section to chapter 76.44 RCW; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2541 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Takko and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2541, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2541, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, VanDeWege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Hope and Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2541, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2551 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Association" means the Washington vaccine association.

(2) "Covered lives" means all persons under the age of nineteen in Washington state who are:

(a) Covered under an individual or group health benefit plan issued or delivered in Washington state or an individual or group health benefit plan that otherwise provides benefits to Washington residents; or

(b) Enrolled in a group health benefit plan administered by a third-party administrator. Persons under the age of nineteen for whom federal funding is used to purchase vaccines or who are enrolled in state purchased health care programs covering low-income children including, but not limited to, apple health for kids under RCW 74.09.470 and the basic health plan under chapter 70.47 RCW are not considered "covered lives" under this chapter.

(3) "Estimated vaccine cost" means the estimated cost to the state over the course of a state fiscal year for the purchase and distribution of vaccines purchased at the federal discount rate by the department of health.

(4) "Health benefit plan" has the same meaning as defined in RCW 48.43.005 and also includes health benefit plans administered by a third-party administrator.

(5) "Health carrier" has the same meaning as defined in RCW 48.43.005.

(6) "Secretary" means the secretary of the department of health.

(7) "State supplied vaccine" means vaccine purchased by the state department of health for covered lives for whom the state is purchasing vaccine using state funds raised via assessments on health carriers and third-party administrators as provided in this chapter.

(8) "Third-party administrator" means any person or entity who, on behalf of a health insurer or health care purchaser, receives or collects charges, contributions, or premiums for, or adjusts or settles claims on or for, residents of Washington state or Washington health care providers and facilities.

(9) "Total nonfederal program cost" means the estimated vaccine cost less the amount of federal revenue available to the state for the purchase and distribution of vaccines.

(10) "Vaccine" means a preparation of killed or attenuated living microorganisms, or fraction thereof, that upon administration stimulates immunity that protects against disease and is approved by the federal food and drug administration as safe and effective and recommended by the advisory committee on immunization practices of the centers for disease control and prevention for administration to children under the age of nineteen years.

NEW SECTION. Sec. 2. There is created a nonprofit corporation to be known as the Washington vaccine association. The association is formed for the purpose of collecting and remitting adequate funds from health carriers and third-party administrators for the cost of vaccines provided to certain children in Washington state.

NEW SECTION. Sec. 3. (1) The association is comprised of all health carriers issuing or renewing health benefit plans in Washington state and all third-party administrators conducting business on behalf of residents of Washington state or Washington health care providers and facilities. Third-party administrators are subject to registration under section 9 of this act.

(2) The association is a nonprofit corporation under chapter 24.03 RCW and has the powers granted under that chapter.

(3) The board of directors includes the following voting members:

(a) Four members, selected from health carriers or third-party administrators, excluding health maintenance organizations, that have the most fully insured and self-funded covered lives in Washington state. The count of total covered lives includes enrollment in all companies included in their holding company system. Each health carrier or third-party administrator is entitled to no more than a single position on the board to represent all entities under common ownership or control.

(b) One member selected from the health maintenance organization having the most fully insured and self-insured covered lives in Washington state. The count of total lives includes enrollment in all companies included in its holding company system. Each health maintenance organization is entitled to no more than a single position on the board to represent all entities under common ownership or control.

(c) One member, representing health carriers not otherwise represented on the board under (a) or (b) of this subsection, who is elected from among the health carrier members not designated under (a) or (b) of this subsection.

(d) One member, representing Taft Hartley plans, appointed by the secretary from a list of nominees submitted by the Northwest administrators association.

(e) One member representing Washington state employers offering self-funded health coverage, appointed by the secretary from a list of nominees submitted by the Puget Sound health alliance.

(f) Two physician members appointed by the secretary, including at least one board certified pediatrician.

(g) The secretary, or a designee of the secretary with expertise in childhood immunization purchasing and distribution.

(4) The directors' terms and appointments must be specified in the plan of operation adopted by the association.

(5) The board of directors of the association shall:

(a) Prepare and adopt articles of association and bylaws;

(b) Prepare and adopt a plan of operation;

(c) Submit the plan of operation to the secretary for approval;

(d) Conduct all activities in accordance with the approved plan of operation;

(e) Enter into contracts as necessary or proper to collect and disburse the assessment;

(f) Enter into contracts as necessary or proper to administer the plan of operation;

(g) Sue or be sued, including taking any legal action necessary or proper for the recovery of any assessment for, on behalf of, or against members of the association or other participating person;

(h) Appoint, from among its directors, committees as necessary to provide technical assistance in the operation of the association, including the hiring of independent consultants as necessary;

(i) Obtain such liability and other insurance coverage for the benefit of the association, its directors, officers, employees, and agents as may in the judgment of the board of directors be helpful or necessary for the operation of the association;

(j) By May 1, 2010, establish the estimated amount of the assessment needed for the period of May 1, 2010, through December 31, 2010, based upon the estimate provided to the association under section 4(1) of this act; and notify, in writing, each health carrier and third-party administrator of the health carrier's or third-party administrator's total assessment for this period by May 15, 2010;

(k) On an annual basis, beginning no later than November 1, 2010, and by November 1st of each year thereafter, establish the estimated amount of the assessment;

(l) Notify, in writing, each health carrier and third-party administrator of the health carrier's or third-party administrator's estimated total assessment by November 15th of each year;

(m) Submit a periodic report to the secretary listing those health carriers or third-party administrators that failed to remit their assessments and audit health carrier and third-party administrator books and records for accuracy of assessment payment submission;

(n) Allow each health carrier or third-party administrator no more than ninety days after the notification required by (l) of this subsection to remit any amounts in arrears or submit a payment plan, subject to approval by the association and initial payment under an approved payment plan;

(o) Deposit annual assessments collected by the association, less the association's administrative costs, with the state treasurer to the credit of the universal vaccine purchase account established in RCW 43.70.720;

(p) Borrow and repay such working capital, reserve, or other funds as, in the judgment of the board of directors, may be helpful or necessary for the operation of the association; and

(q) Perform any other functions as may be necessary or proper to carry out the plan of operation and to affect any or all of the purposes for which the association is organized.

(6) The secretary shall convene the initial meeting of the association board of directors.

NEW SECTION. Sec. 4. (1) The secretary shall estimate the total nonfederal program cost for the upcoming calendar year by October 1, 2010, and October 1st of each year thereafter. Additionally, the secretary shall subtract any amounts needed to serve children enrolled in state purchased health care programs covering low-income children for whom federal vaccine funding is not available, and report the final amount to the association. In addition, the secretary shall perform such calculation for the period of May 1st through December 31st, 2010, as soon as feasible but in no event later than April 1, 2010. The estimates shall be timely communicated to the association.

(2) The board of directors of the association shall determine the method and timing of assessment collection in consultation with the department of health. The board shall use a formula designed by the board to ensure the total anticipated nonfederal program cost, minus costs for other children served through state-purchased health care programs covering low-income children, calculated under subsection (1) of this section, is collected and transmitted to the universal vaccine purchase account created in RCW 43.70.720 in order to ensure adequacy of state funds to order state-supplied vaccine from federal centers for disease control and prevention.

(3) Each licensed health carrier and each third-party administrator on behalf of its clients' health benefit plans must be assessed and is required to timely remit payment for its share of the total amount needed to fund nonfederal program costs calculated by the department of health. Such an assessment includes additional funds as determined necessary by the board to cover the reasonable costs for the association's administration. The board shall determine the assessment methodology, with the intent of ensuring that the nonfederal costs are based on actual usage of vaccine for a health carrier or third-party administrator's covered lives. State and local governments and school districts must pay their portion of vaccine expense for covered lives under this chapter.

(4) The board of the association shall develop a mechanism through which the number and cost of doses of vaccine purchased under this chapter that have been administered to children covered by each health carrier, and each third-party administrator's clients health benefit plans, are attributed to each such health carrier and third-party administrator. Except as otherwise permitted by the board, this mechanism must include at least the following: Date of service; patient name; vaccine received; and health benefit plan eligibility. The data must be collected and maintained in a manner consistent

with applicable state and federal health information privacy laws. Beginning November 1, 2011, and each November 1st thereafter, the board shall factor the results of this mechanism for the previous year into the determination of the appropriate assessment amount for each health carrier and third-party administrator for the upcoming year.

(5) For any year in which the total calculated cost to be received from association members through assessments is less than the total nonfederal program cost, the association must pay the difference to the state for deposit into the universal vaccine purchase account established in RCW 43.70.720. The board may assess, and the health carrier and third-party administrators are obligated to pay, their proportionate share of such costs and appropriate reserves as determined by the board.

(6) The aggregate amount to be raised by the association in any year may be reduced by any surpluses remaining from prior years.

(7) In order to generate sufficient start-up funding, the association may accept prepayment from member health carriers and third-party administrators, subject to offset of future amounts otherwise owing or other repayment method as determined by the board. The initial deposit of start-up funding must be deposited into the universal vaccine purchase account on or before April 30, 2010.

NEW SECTION. Sec. 5. (1) The board of the association shall establish a committee for the purposes of developing recommendations to the board regarding selection of vaccines to be purchased in each upcoming year by the department. The committee must be composed of at least five voting board members, including at least three health carrier or third-party administrator members, one physician, and the secretary or the secretary's designee. The committee must also include a representative of vaccine manufacturers, who is a nonvoting member of the committee. The representative of vaccine manufacturers must be chosen by the secretary from a list of three nominees submitted collectively by vaccine manufacturers on an annual basis.

(2) In selecting vaccines to purchase, the following factors should be strongly considered by the committee: Patient safety and clinical efficacy, public health and purchaser value, compliance with RCW 70.95M.115, patient and provider choice, and stability of vaccine supply.

NEW SECTION. Sec. 6. In addition to the duties and powers enumerated elsewhere in this chapter:

(1) The association may, pursuant to either vote of its board of directors or request of the secretary, audit compliance with reporting obligations established under the association's plan of operation. Upon failure of any entity that has been audited to reimburse the costs of such audit as certified by vote of the association's board of directors within forty-five days of notice of such vote, the secretary shall assess a civil penalty of one hundred fifty percent of the amount of such costs.

(2) The association may establish an interest charge for late payment of any assessment under this chapter. The secretary shall assess a civil penalty against any health carrier or third-party administrator that fails to pay an assessment within three months of notification under section 3 of this act. The civil penalty under this subsection is one hundred fifty percent of such assessment.

(3) The secretary and the association are authorized to file liens and seek judgment to recover amounts in arrears and civil penalties, and recover reasonable collection costs, including reasonable attorneys' fees and costs. Civil penalties so levied must be deposited in the universal vaccine purchase account created in RCW 43.70.720.

(4) The secretary may adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this section.

NEW SECTION. Sec. 7. The board of directors of the association shall submit to the secretary, no later than one hundred twenty days after the close of the association's fiscal year, a financial report in a form approved by the secretary.

NEW SECTION. Sec. 8. No liability on the part of, and no cause of action of any nature, shall arise against any member of the board of the association, against an employee or agent of the association, or against any health care provider for any lawful action taken by them in the performance of their duties or required activities under this chapter.

NEW SECTION. Sec. 9. A new section is added to chapter 43.24 RCW to read as follows:

(1)(a) Beginning September 1, 2010, a third-party administrator must register with the department of licensing and renew its registration on an annual basis thereafter prior to December 31st of each year, or within ten days after the registrant changes its name, business name, business address, or business telephone number, whichever occurs sooner.

(b) The registrant shall pay the registration or renewal fee established by the department of licensing as provided in RCW 43.24.086.

(c) Any person or entity that is acting as or holding itself out to be a third-party administrator while failing to have registered under this section is subject to a civil penalty of not less than one thousand dollars nor more than ten thousand dollars for each violation. The civil penalty is in addition to any other penalties that may be imposed for violations of other laws of this state.

(2) For the purposes of this section, "third-party administrator" has the same meaning as defined in section 1 of this act.

(3) The department of licensing may adopt rules under chapter 34.05 RCW as necessary to implement this section.

Sec. 10. RCW 43.70.720 and 2009 c 564 s 934 are each amended to read as follows:

The universal vaccine purchase account is created in the custody of the state treasurer. Receipts from public and private sources for the purpose of increasing access to vaccines for children may be deposited into the account. Expenditures from the account must be used exclusively for the purchase of vaccines, at no cost to health care providers in Washington, to administer to children under nineteen years old who are not eligible to receive vaccines at no cost through federal programs. Only the secretary or the secretary's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 11. Sections 1 through 8 and 12 through 14 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 12. (1) The association board may, on or after June 30, 2015, vote to recommend termination of the association if it finds that the original intent of its formation and operation, which is to ensure more cost-effective purchase and distribution of vaccine than if provided through uncoordinated purchase by health care providers, has not been achieved. The association board shall provide notice of the recommendation to the relevant policy and fiscal committees of the legislature within thirty days of the vote being taken by the association board. If the legislature has not acted by the last day of the next regular legislative session to reject the board's recommendation, the board may vote to permanently dissolve the association.

(2) In the event of a voluntary or involuntary dissolution of the association, funds remaining in the universal purchase vaccine account created in RCW 43.70.720 that were collected under this chapter must be returned to the member health carrier and third-party administrators in proportion to their previous year's contribution, from any balance remaining following the repayment of any prepayments for start-up funding not previously recouped by such member.

NEW SECTION. Sec. 13. Physicians and clinics ordering state supplied vaccine must ensure they have billing mechanisms and practices in place that enable the association to accurately track vaccine delivered to association members' covered lives and must submit documentation in such a form as may be prescribed by the

board in consultation with state physician organizations. Physicians and other persons providing childhood immunization are strongly encouraged to use state supplied vaccine whenever possible. Nothing in this chapter prohibits health carriers and third-party administrators from denying claims for vaccine serum costs when the serum or serums providing similar protection are provided or available via state supplied vaccine.

NEW SECTION. Sec. 14. If the requirement that any segment of health carriers, third-party administrators, or state or local governmental entities provide funding for the program established in this chapter is invalidated by a court of competent jurisdiction, the board of the association may terminate the program one hundred twenty days following a final judicial determination on the matter.

NEW SECTION. Sec. 15. A new section is added to chapter 48.43 RCW to read as follows:

Assessments paid by carriers under section 4 of this act may be considered medical expenses for purposes of rate setting and regulatory filings.

NEW SECTION. Sec. 16. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to assessments described in sections 3 and 4 of this act received by a nonprofit corporation established under section 2 of this act.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2551 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2551, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2551, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Hope and Hurst.

SECOND SUBSTITUTE HOUSE BILL NO. 2551, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2593 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of the unlawful use of shellfish gear for commercial purposes if the person:

(a) Takes, fishes for, or possesses crab, shrimp, or crawfish for commercial purposes with shellfish gear that is constructed or altered in a manner that violates any rule of the commission relating to required gear design specifications; or

(b) Is found in possession of, upon any vessel located on the waters of the state, shellfish gear that is constructed or altered in a manner that violates any rule of the commission relating to required gear design specifications, unless a person holds a valid crab pot removal permit under RCW 77.70.500 and is in the process of transporting removed crab pots as part of the Dungeness crab pot removal program.

(2) The unlawful use of shellfish gear for commercial purposes is a gross misdemeanor.

NEW SECTION. Sec. 2. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of the unlawful use of shellfish gear for personal use purposes if the person:

(a) Takes, fishes for, or possesses crab, shrimp, or crawfish for personal use purposes with shellfish gear that is constructed or altered in a manner that violates any rule of the commission relating to required gear design specifications; or

(b) Is found in possession of, upon any vessel located on the waters of the state, shellfish gear that is constructed or altered in a manner that violates any rule of the commission relating to required gear design specifications, unless a person holds a valid crab pot removal permit under RCW 77.70.500 and is in the process of transporting removed crab pots as part of the Dungeness crab pot removal program.

(2) The unlawful use of shellfish gear for personal use purposes is a misdemeanor.

Sec. 3. RCW 77.70.500 and 2009 c 355 s 1 are each amended to read as follows:

(1)(a) As part of a coastal commercial Dungeness crab pot removal program, the department shall issue a crab pot removal permit that allows the participants in the Dungeness crab-coastal fishery created in RCW 77.70.280 to remove crab pots belonging to state commercial licensed crab fisheries from coastal marine waters after the close of the primary commercial Dungeness crab-coastal harvest season, regardless of whether the crab pot was originally set by the participant or not.

(b) Beginning fifteen days after the close of the primary commercial Dungeness crab-coastal harvest season, any individual with a current commercial Dungeness crab-coastal license and a valid crab pot removal permit issued by the department may remove a crab pot or crab pots used to harvest Dungeness crabs remaining in coastal

marine waters after the close of the primary commercial Dungeness crab-coastal harvest season.

(c) In cooperation with individuals with a current commercial Dungeness crab-coastal license, the department may expand the coastal commercial Dungeness crab pot removal program to those areas closed to commercial Dungeness crab harvest prior to the end of the primary season.

(d) Nothing in this section prohibits the department from exempting certain crab pots from the coastal commercial Dungeness crab pot removal program or from restricting crab pot removal activities to specific geographic areas.

((e) The department may adopt rules to implement this subsection (1).))

(2)(a) The department may expand the crab pot removal program to allow for the removal of shellfish pots belonging to state commercial or recreational licensed shellfish fisheries from Puget Sound waters during shellfish harvest closures, regardless of whether the shellfish pot was originally set by the permittee or not.

(b) If the department expands the program to Puget Sound waters, the department shall limit the program as necessary to streamline implementation, minimize the oversight burden on fish and wildlife enforcement officers, minimize interference with lawful fisheries and other user groups, minimize administrative overhead cost, and avoid the collection of shellfish pots that are not abandoned. The program may be limited as deemed appropriate by the department, including limitations on:

- (i) The number of participants;
- (ii) The eligible geographic areas in Puget Sound where shellfish pots may be recovered;
- (iii) The types of shellfish pots that may be recovered;
- (iv) The maximum or minimum depth where a shellfish pot must be located to be eligible for recovery; and
- (v) The ports through which the vessels collecting the abandoned shellfish pots may operate.

(3) The department may adopt rules to implement subsections (1) and (2) of this section.

(4)(a) The following are exempt from complying with the lost and found property provisions in chapter 63.21 RCW:

(i) An individual participating in permitted crab pot removal activities in coastal marine waters who has a valid crab pot removal permit, and who adheres to the provisions of the permit as they relate to crab pot removal~~((is exempt from complying with the lost and found property provisions in chapter 63.21 RCW.))~~; and

(ii) An individual participating in permitted shellfish pot removal activities in Puget Sound waters who has a valid shellfish pot removal permit and who adheres to the provisions of the permit as they relate to shellfish pot removal.

(b) The individual who removes ((the crab)) a shellfish pot under a valid crab pot removal permit or a valid shellfish pot removal permit takes the property free and clear of all claims of the owner or previous holder and free and clear of all individuals claiming ownership under the previous owner.

((3)(a) A person is guilty of unlawful use of a crab pot removal permit if the person:

- (i) Violates any terms or conditions of the permit issued under this section; or
- (ii) Violates any rule of the department applicable to the requirement for, issuance of, or use of the permit.

(b) Unlawful use of a crab pot removal permit is a misdemeanor.))

(5) A violation of this section, or any rules or permit conditions provided under this section, is punishable as provided in RCW 77.15.750.

(6) Individuals who remove shellfish pots under a valid crab pot removal permit or a valid shellfish pot removal permit in accordance with this section are not subject to permitting under RCW 77.55.021.

Sec. 4. RCW 77.15.520 and 1998 c 190 s 37 are each amended to read as follows:

(1) Except for actions involving shellfish gear punishable under section 1 of this act, a person is guilty of commercial fishing using unlawful gear or methods if the person acts for commercial purposes and takes or fishes for any fish or shellfish using any gear or method in violation of a rule of the ((department)) commission specifying, regulating, or limiting the gear or method for taking, fishing, or harvesting of such fish or shellfish.

(2) Commercial fishing using unlawful gear or methods is a gross misdemeanor.

Sec. 5. RCW 77.15.380 and 2001 c 253 s 39 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for, takes, possesses, or harvests fish or shellfish and:

(a) The person does not have and possess the license or the catch record card required by chapter 77.32 RCW for such activity; or

(b) The action violates any rule of the commission or the director regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing or possession of fish, except for use of a net to take fish as provided for in RCW 77.15.580 and the unlawful use of shellfish gear for personal use as provided in section 2 of this act.

(2) Unlawful recreational fishing in the second degree is a misdemeanor.

Sec. 6. RCW 63.21.080 and 2009 c 355 s 2 are each amended to read as follows:

This chapter shall not apply to:

(1) Motor vehicles under chapter 46.52 RCW;

(2) Unclaimed property in the hands of a bailee under chapter 63.24 RCW;

(3) Uniform disposition of unclaimed property under chapter 63.29 RCW;

(4) Secured vessels under chapter 79A.65 RCW; and

(5) Crab or other shellfish pots in coastal marine or Puget Sound waters under RCW 77.70.500.

Sec. 7. RCW 77.12.865 and 2005 c 146 s 1004 are each amended to read as follows:

(1) As used in this section and RCW 77.12.870, "derelict fishing gear" includes lost or abandoned fishing nets, fishing lines, ~~((crab pots, shrimp pots,))~~ and other commercial and recreational fishing equipment. The term does not include lost or abandoned vessels or shellfish pots.

(2) The department, in partnership with the Northwest straits commission, the department of natural resources, and other interested parties, must publish guidelines for the safe removal and disposal of derelict fishing gear. The guidelines ~~((must be completed by August 31, 2002, and))~~ may be updated as deemed necessary by the department. The guidelines must be made available to any person interested in derelict fishing gear removal.

(3) Derelict fishing gear removal conducted in accordance with the guidelines prepared in subsection (2) of this section is not subject to permitting under RCW 77.55.021.

Sec. 8. RCW 77.12.870 and 2009 c 333 s 21 are each amended to read as follows:

(1) The department, in ~~((consultation with the Northwest straits commission, the department of natural resources, and other interested parties, must create and maintain a database of known derelict fishing gear))~~ partnership with the Northwest straits commission, the department of natural resources, and other interested parties, must create and ensure the maintenance of a database of known derelict fishing gear and shellfish pots, including the type of gear and its location.

(2) A person who loses or abandons commercial fishing gear or shellfish pots within the waters of the state is encouraged to report the location of the loss and the type of gear lost to the department within forty-eight hours of the loss.

Sec. 9. RCW 77.15.750 and 2009 c 333 s 14 are each amended to read as follows:

(1) A person is guilty of unlawful use of a department permit if the person:

- (a) Violates any terms or conditions of the permit issued by the department or the director; or
- (b) Violates any rule of the commission or the director applicable to the requirement for, issuance of, or use of the permit.

(2)(a) Permits covered under subsection (1) of this section include, but are not limited to, master hunter permits, crab pot removal permits and shellfish pot removal permits under RCW 77.70.500, depredation permits, landowner hunting permits, commercial carp license permits, permits to possess or dispense beer or malt liquor pursuant to RCW 66.28.210, and permits to hold, sponsor, or attend an event requiring a banquet permit from the liquor control board.

(b) Permits excluded from subsection (1) of this section include fish and wildlife lands vehicle use permits, commercial use or activity permits, noncommercial use or activity permits, parking permits, experimental fishery permits, trial commercial fishery permits, and scientific collection permits.

(3) Unlawful use of a department permit is a misdemeanor.

(4) A person is guilty of unlawful use of an experimental fishery permit or a trial commercial fishery permit if the person:

- (a) Violates any terms or conditions of the permit issued by the department or the director; or
- (b) Violates any rule of the commission or the director applicable to the issuance or use of the permit.

(5) Unlawful use of an experimental fishery permit or a trial commercial fishery permit is a gross misdemeanor.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Experimental fishery permit" means a permit issued by the director for either:

- (i) An "emerging commercial fishery," defined as a fishery for a newly classified species for which the department has determined that there is a need to limit participation; or
- (ii) An "expanding commercial fishery," defined as a fishery for a previously classified species in a new area, by a new method, or at a new effort level, for which the department has determined that there is a need to limit participation.

(b) "Trial commercial fishery permit" means a permit issued by the department for trial harvest of a newly classified species or harvest of a previously classified species in a new area or by a new means.

Sec. 10. RCW 77.55.041 and 2005 c 146 s 302 are each amended to read as follows:

(1) The removal of derelict fishing gear does not require a permit under this chapter if the gear is removed according to the guidelines described in RCW 77.12.865.

(2) The removal of crab and other shellfish gear does not require a permit under this chapter if the gear is removed under a permit issued pursuant to RCW 77.70.500.

Sec. 11. RCW 77.32.430 and 2009 c 333 s 40 are each amended to read as follows:

(1) Catch record card information is necessary for proper management of the state's food fish and game fish species and shellfish resources. Catch record card administration shall be under rules adopted by the commission. There is no charge for an initial catch record card. Each subsequent or duplicate catch record card costs ten dollars.

(2) A license to take and possess Dungeness crab is only valid in Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has in possession a valid catch record card officially endorsed for Dungeness crab. The endorsement shall cost no more than three dollars, including any or all fees authorized under RCW 77.32.050, when purchased for a personal use saltwater, combination, or shellfish and seaweed license. The endorsement shall cost no more than one dollar, including any or all fees authorized under RCW 77.32.050, when purchased for a temporary combination fishing license authorized under RCW 77.32.470(3)(a).

(3) Catch record cards issued with affixed temporary short-term charter stamp licenses are not subject to the ten-dollar charge nor to the Dungeness crab endorsement fee provided for in this section. Charter boat or guide operators issuing temporary short-term charter stamp licenses shall affix the stamp to each catch record card issued before fishing commences. Catch record cards issued with a temporary short-term charter stamp are valid for one day.

(4) The department shall include provisions for recording marked and unmarked salmon in catch record cards issued after March 31, 2004.

(5)(a) The funds received from the sale of catch record cards and the Dungeness crab endorsement must be deposited into the state wildlife account created in RCW 77.12.170. The funds received from the Dungeness crab endorsement may be used only for the sampling, monitoring, and management of catch associated with the Dungeness crab recreational fisheries. Until June 30, 2011, funds received from the Dungeness crab endorsement may be used for the removal and disposal of derelict shellfish gear either directly by the department or under contract with a third party.

(b) Moneys allocated under this section shall supplement and not supplant other federal, state, and local funds used for Dungeness crab recreational fisheries management.

NEW SECTION. Sec. 12. (1) The department of fish and wildlife shall, in cooperation with stakeholders in the recreational and commercial crab fisheries and other knowledgeable individuals, as deemed appropriate by the director of the department, deliver to the appropriate committees of the legislature findings and recommendations relating to the following topics:

- (a) The scope of the derelict shellfish gear problem in Washington waters, including estimates of the existing quantity of derelict gear and estimates of annual shellfish gear loss;
- (b) The cost of recovering and disposing of derelict shellfish gear;
- (c) Technical and legal barriers to recovering and disposing of derelict shellfish gear;
- (d) Possible public education efforts to prevent future shellfish gear loss and to promote compliance with required gear specifications;
- (e) Possible changes to the current funding structure for derelict shellfish gear removal and Dungeness crab sampling, monitoring, and management, which may include the termination or alteration of the existing Dungeness crab endorsement required under RCW 77.32.430 and the identification of possible new funding sources.

(2) If deemed practicable by the director of the department of fish and wildlife, the findings and recommendations included in the report required in this section should be informed by the actual collection of derelict shellfish pots.

(3) Findings and recommendations required under this section must be submitted consistent with RCW 43.01.036 by December 31, 2010.

(4) This section expires July 31, 2011.

Sec. 13. RCW 77.70.350 and 2006 c 159 s 1 are each amended to read as follows:

(1) The following restrictions apply to vessel designations and substitutions on Dungeness crab-coastal fishery licenses:

- (a) The holder of the license may not:

(i) Designate on the license a vessel the hull length of which exceeds ninety-nine feet; or

(ii) Change vessel designation if the hull length of the vessel proposed to be designated exceeds the hull length designated on the license on June 7, 2006, by more than ten feet. However, if such vessel designation is the result of an emergency transfer, the applicable vessel length would be the most recent permanent vessel designation on the license prior to June 7, 2006;

(b) If the hull length of the vessel proposed to be designated is comparable to or exceeds by up to one foot the hull length of the currently designated vessel, the department may change the vessel designation no more than once in any ~~((two consecutive Washington state coastal crab seasons))~~ one-year period, measured from September 15th to September 15th of the following year, unless the currently designated vessel is lost or in disrepair such that it does not safely operate, in which case the department may allow a change in vessel designation;

(c) If the hull length of the vessel proposed to be designated exceeds by between one and ten feet the hull length of the designated vessel on June 7, 2006, the department may change the vessel designation no more than once on or after June 7, 2006, unless a request is made by the license holder during a Washington state coastal crab season for an emergency change in vessel designation. If such an emergency request is made, the director may allow a temporary change in designation to another vessel, if the hull length of the other vessel does not exceed by more than ten feet the hull length of the currently designated vessel.

(2) For the purposes of this section, "hull length" means the length overall of a vessel's hull as shown by marine survey or by manufacturer's specifications.

(3) By December 31, 2010, the department must, in cooperation with the coastal crab fishing industry, evaluate the effectiveness of this section and, if necessary, recommend any statutory changes to the appropriate committees of the senate and house of representatives.

Sec. 14. RCW 77.70.150 and 2005 c 110 s 1 are each amended to read as follows:

(1) A sea urchin dive fishery license is required to take sea urchins for commercial purposes. A sea urchin dive fishery license authorizes the use of only one diver in the water at any time during sea urchin harvest operations. If the same vessel has been designated on two sea urchin dive fishery licenses, two divers may be in the water. A natural person may not hold more than two sea urchin dive fishery licenses.

(2) Except as provided in subsection (6) of this section, the director shall issue no new sea urchin dive fishery licenses. For licenses issued for the year 2000 and thereafter, the director shall renew existing licenses only to a natural person who held the license at the end of the previous year. If a sea urchin dive fishery license is not held by a natural person as of December 31, 1999, it is not renewable. However, if the license is not held because of revocation or suspension of licensing privileges, the director shall renew the license in the name of a natural person at the end of the revocation or suspension if the license holder applies for renewal of the license before the end of the year in which the revocation or suspension ends.

(3) Where a licensee failed to obtain the license during the previous year because of a license suspension or revocation by the director or the court, the licensee may qualify for a license by establishing that the person held such a license during the last year in which the person was eligible.

(4) Surcharges as provided for in this section shall be collected and deposited into the sea urchin dive fishery account hereby created in the custody of the state treasurer. The collections and deposits must continue, as set forth in (a) and (b) of this subsection, through license year 2013, or until the number of licenses is reduced to twenty, whichever occurs first. Only the director or the director's designee may authorize expenditures from the account. The sea

urchin dive fishery account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. Expenditures from the account shall only be used to retire sea urchin licenses until the number of licenses is reduced to ~~((twenty-five))~~ twenty, and thereafter shall only be used for sea urchin management and enforcement. The director or the director's designee shall notify the department of revenue within thirty days when the number of licenses is reduced to twenty.

(a) A surcharge of one hundred dollars shall be charged with each sea urchin dive fishery license renewal for licenses issued ~~((in))~~ for license years 2000 through ((2010)) 2013, or until the number of licenses is reduced to twenty, whichever occurs first.

(b) For licenses issued for ~~((the year))~~ license years 2000 ((and thereafter)) through 2013, or until the number of licenses is reduced to twenty, whichever occurs first, a surcharge shall be charged on the sea urchin dive fishery license for designating an alternate operator. The surcharge shall be as follows: Five hundred dollars for the first year or each of the first two consecutive years after 1999 that any alternate operator is designated and two thousand five hundred dollars each year thereafter that any alternate operator is designated.

(5) Sea urchin dive fishery licenses are transferable. ~~((After December 31, 1999,))~~ For licenses issued for license years 2000 through 2013, or whenever the number of licenses is reduced to twenty, whichever occurs first, there is a surcharge to transfer a sea urchin dive fishery license. The surcharge is five hundred dollars for the first transfer of a license valid for ~~((calendar))~~ license year 2000, and two thousand five hundred dollars for any subsequent transfer, ((whether)) occurring in the ((year)) license years 2000 ((or thereafter)) through 2013, or whenever the number of licenses is reduced to twenty, whichever occurs first. Notwithstanding this subsection, a one-time transfer exempt from surcharge applies for a transfer from the natural person licensed on January 1, 2000, to that person's spouse or child.

(6) If fewer than ~~((twenty-five))~~ twenty natural persons are eligible for sea urchin dive fishery licenses, the director may accept applications for new licenses. The additional licenses may not cause more than ~~((twenty-five))~~ twenty natural persons to be eligible for a sea urchin dive fishery license. New licenses issued under this section shall be distributed according to rules of the department that recover the value of such licensed privilege.

Sec. 15. RCW 77.70.190 and 2005 c 110 s 2 are each amended to read as follows:

(1) A sea cucumber dive fishery license is required to take sea cucumbers for commercial purposes. A sea cucumber dive fishery license authorizes the use of only one diver in the water at any time during sea cucumber harvest operations. If the same vessel has been designated on two sea cucumber dive fishery licenses, two divers may be in the water. A natural person may not hold more than two sea cucumber dive fishery licenses.

(2) Except as provided in subsection (6) of this section, the director shall issue no new sea cucumber dive fishery licenses. For licenses issued for the year 2000 and thereafter, the director shall renew existing licenses only to a natural person who held the license at the end of the previous year. If a sea cucumber dive fishery license is not held by a natural person as of December 31, 1999, it is not renewable. However, if the license is not held because of revocation or suspension of licensing privileges, the director shall renew the license in the name of a natural person at the end of the revocation or suspension if the license holder applies for renewal of the license before the end of the year in which the revocation or suspension ends.

(3) Where a licensee failed to obtain the license during either of the previous two years because of a license suspension by the director or the court, the licensee may qualify for a license by establishing that the person held such a license during the last year in which the person was eligible.

(4) Surcharges as provided for in this section shall be collected and deposited into the sea cucumber dive fishery account hereby created in the custody of the state treasurer. The collections and deposits must continue, as set forth in (a) and (b) of this subsection, through license year 2013, or until the number of licenses is reduced to twenty, whichever occurs first. Only the director or the director's designee may authorize expenditures from the account. The sea cucumber dive fishery account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures. Expenditures from the account shall only be used to retire sea cucumber licenses until the number of licenses is reduced to ~~((twenty-five))~~ twenty, and thereafter shall only be used for sea cucumber management and enforcement. The director or the director's designee shall notify the department of revenue within thirty days when the number of licenses is reduced to twenty.

(a) A surcharge of one hundred dollars shall be charged with each sea cucumber dive fishery license renewal for licenses issued in 2000 through ~~((2010))~~ 2013, or until the number of licenses is reduced to twenty, whichever occurs first.

(b) For licenses issued for ~~((the year))~~ license years 2000 ((and thereafter,)) through 2013, or until the number of licenses is reduced to twenty, whichever occurs first, a surcharge shall be charged on the sea cucumber dive fishery license for designating an alternate operator. The surcharge shall be as follows: Five hundred dollars for the first year or each of the first two consecutive years after 1999 that any alternate operator is designated and two thousand five hundred dollars each year thereafter that any alternate operator is designated.

(5) Sea cucumber dive fishery licenses are transferable. ~~((After December 31, 1999,))~~ For licenses issued for license years 2000 through 2013, or whenever the number of licenses is reduced to twenty, whichever occurs first, there is a surcharge to transfer a sea cucumber dive fishery license. The surcharge is five hundred dollars for the first transfer of a license valid for ~~((calendar))~~ license year 2000 and two thousand five hundred dollars for any subsequent transfer ~~((whether))~~, occurring in the ~~((year))~~ license years 2000 ~~((or thereafter))~~ through 2013, or whenever the number of licenses is reduced to twenty, whichever occurs first. Notwithstanding this subsection, a one-time transfer exempt from surcharge applies for a transfer from the natural person licensed on January 1, 2000, to that person's spouse or child.

(6) If fewer than ~~((twenty-five))~~ twenty persons are eligible for sea cucumber dive fishery licenses, the director may accept applications for new licenses. The additional licenses may not cause more than ~~((twenty-five))~~ twenty natural persons to be eligible for a sea cucumber dive fishery license. New licenses issued under this section shall be distributed according to rules of the department that recover the value of such licensed privilege.

Sec. 16. RCW 82.27.020 and 2005 c 110 s 3 are each amended to read as follows:

(1) In addition to all other taxes, licenses, or fees provided by law there is established an excise tax on the commercial possession of enhanced food fish as provided in this chapter. The tax is levied upon and shall be collected from the owner of the enhanced food fish whose possession constitutes the taxable event. The taxable event is the first possession in Washington by an owner after the enhanced food fish has been landed. Processing and handling of enhanced food fish by a person who is not the owner is not a taxable event to the processor or handler.

(2) A person in possession of enhanced food fish and liable to this tax may deduct from the price paid to the person from which the enhanced food fish (except oysters) are purchased an amount equal to a tax at one-half the rate levied in this section upon these products.

(3) The measure of the tax is the value of the enhanced food fish at the point of landing.

(4) The tax shall be equal to the measure of the tax multiplied by the rates for enhanced food fish as follows:

(a) Chinook, coho, and chum salmon and anadromous game fish: Five and twenty-five one-hundredths percent;

(b) Pink and sockeye salmon: Three and fifteen one-hundredths percent;

(c) Other food fish and shellfish, except oysters, sea urchins, and sea cucumbers: Two and one-tenth percent;

(d) Oysters: Eight one-hundredths of one percent;

(e) Sea urchins: Four and six-tenths percent through December 31, ~~((2010))~~ 2013, or until the department of fish and wildlife notifies the department that the number of sea urchin licenses has been reduced to twenty licenses, whichever occurs first, and two and one-tenth percent thereafter; and

(f) Sea cucumbers: Four and six-tenths percent through December 31, ~~((2010))~~ 2013, or until the department of fish and wildlife notifies the department that the number of sea cucumber licenses has been reduced to twenty licenses, whichever occurs first, and two and one-tenth percent thereafter.

(5) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (4) of this section.

Sec. 17. RCW 82.27.070 and 2005 c 110 s 4 are each amended to read as follows:

All taxes collected by the department of revenue under this chapter shall be deposited in the state general fund except for the excise tax on anadromous game fish, which shall be deposited in the state wildlife ((fund, and, during the period)) account. From January 1, 2000, to December 31, ((2010)) 2013, or until the department of fish and wildlife notifies the department that the license reduction goals of the sea urchin or sea cucumber fishery have been met, whichever occurs first, twenty-five forty-sixths of the revenues derived from the excise tax on sea urchins collected under RCW 82.27.020 shall be deposited into the sea urchin dive fishery account created in RCW 77.70.150, and twenty-five forty-sixths of the revenues derived from the excise tax on sea cucumbers collected under RCW 82.27.020 shall be deposited into the sea cucumber dive fishery account created in RCW 77.70.190."

On page 1, line 2 of the title, after "resources;" strike the remainder of the title and insert "amending RCW 77.70.500, 77.15.520, 77.15.380, 63.21.080, 77.12.865, 77.12.870, 77.15.750, 77.55.041, 77.32.430, 77.70.350, 77.70.150, 77.70.190, 82.27.020, and 82.27.070; adding new sections to chapter 77.15 RCW; prescribing penalties; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2593 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Rolfes and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2593, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2593, as amended by the Senate, and the bill passed the House by the following vote: Yeas: 95 Nays: 0 Absent: 0 Excused: 3

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, and Wood

Excused: Representatives Dickerson, Hope, and Hurst

SUBSTITUTE HOUSE BILL NO. 2593, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2621 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature has made a commitment to support multiple strategies to improve teaching and learning of science, technology, engineering, and mathematics in Washington's public schools. In recent years, Washington has adopted new technology, mathematics, and science learning standards; initiated funding for middle schools to provide a career and technical program in science, technology, engineering, and mathematics at the same rate as a high school operating a similar program; provided professional development for mathematics and science teachers; created a scholarship program to encourage students to enter mathematics and science degree programs; supported career and technical education in high-demand fields; and authorized alternative ways for teachers to earn certification in the mathematics and science fields.

(2) At the local level, school districts and their communities are also finding new ways to improve teaching and learning of science, technology, engineering, and mathematics. Some districts have combined several best practices into promising learning models for students. For example, Aviation high school in the Highline school district offers a small, highly personalized learning community that is focused on interdisciplinary immersion in science, technology, engineering, and mathematics using a hands-on, project-based curriculum. Delta high school in the Tri-Cities is a collaboration among three school districts, a skill center, two institutions of higher education, a community foundation, and local business leaders. The science and math institute at Point Defiance in Tacoma offers students field-based applied learning using the natural, historical, and community resources of a large metropolitan park. These schools draw students from across regions who are seeking an exciting, rigorous, and nontraditional learning experience. Other schools and communities across the state are seeking to replicate these innovative learning models.

(3) The legislature intends to support continued expansion of the type of innovation and creativity displayed by Aviation, Delta, and the science and math institute by designating so-called "lighthouse" high schools to serve as resources and examples of best practices in science, technology, engineering, and mathematics instruction.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.630 RCW to read as follows:

(1) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate up to three middle schools and up to three high schools to serve as resources and examples of how to combine the following best practices:

(a) A small, highly personalized learning community;

(b) An interdisciplinary curriculum with a strong focus on science, technology, engineering, and mathematics delivered through a project-based instructional approach; and

(c) Active partnerships with businesses and the local community to connect learning beyond the classroom.

(2) The designated middle and high schools shall serve as lighthouse programs and provide technical assistance and advice to other middle and high schools and communities in the initial stages of creating an alternative learning environment focused on science, technology, engineering, and mathematics. The designated middle and high schools must have proven experience and be recognized as model programs.

(3) In addition, the office of the superintendent of public instruction shall work with the designated middle and high schools to publicize the models of best practices in science, technology, engineering, and mathematics instruction used by the designated middle and high schools and shall encourage other middle and high schools and communities to work with the designated middle and high schools to replicate similar models."

On page 1, line 2 of the title, after "schools;" strike the remainder of the title and insert "adding a new section to chapter 28A.630 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2621 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2621, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2621, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz,

Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Hope and Hurst.

HOUSE BILL NO. 2621, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2686 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.20 RCW to read as follows:

(1) Notwithstanding any other provisions of law, no disability insurance policy of any disability insurer as provided in this chapter subject to the jurisdiction of the state of Washington that covers any dental services, and no contract or participating provider agreement with a dentist may:

(a) Require, directly or indirectly, that a dentist who is a participating provider provide services to a subscriber at a fee set by, or at a fee subject to the approval of, the disability insurer unless the dental services are covered services, including services that would be reimbursable but for the application of contractual limitations such as benefit maximums, deductibles, coinsurance, waiting periods, or frequency limitations, under the applicable disability insurance policy; nor

(b) Prohibit, directly or indirectly, a dentist who is a participating provider from offering or providing to a subscriber dental services that are not covered services on any terms or conditions acceptable to the dentist and the subscriber.

(2) For the purposes of this section, "covered services" means dental services that are reimbursable under the applicable insurance policy or subscriber agreement or would be reimbursable but for the application of contractual limitations such as benefit maximums, deductibles, coinsurance, waiting periods or frequency limitations.

NEW SECTION. Sec. 2. A new section is added to chapter 48.21 RCW to read as follows:

(1) Notwithstanding any other provisions of law, no group disability insurance contract or blanket disability insurance contract of any disability insurer as provided for in this chapter subject to the jurisdiction of the state of Washington that covers any dental services, and no contract or participating provider agreement with a dentist may:

(a) Require, directly or indirectly, that a dentist who is a participating provider provide services to a subscriber at a fee set by, or at a fee subject to the approval of, the disability insurer unless the dental services are covered services, including services that would be reimbursable but for the application of contractual limitations such as benefit maximums, deductibles, coinsurance, waiting periods, or frequency limitations, under the applicable group plan or disability insurance policy; nor

(b) Prohibit, directly or indirectly, a dentist who is a participating provider from offering or providing to a subscriber dental services that are not covered services on any terms or conditions acceptable to the dentist and the subscriber.

(2) For the purposes of this section, "covered services" means dental services that are reimbursable under the applicable insurance policy, group plan, or subscriber agreement or would be reimbursable but for the application of contractual limitations such as benefit maximums, deductibles, coinsurance, waiting periods or frequency limitations.

NEW SECTION. Sec. 3. A new section is added to chapter 48.44 RCW to read as follows:

(1) Notwithstanding any other provisions of law, no contract of any health care service contractor subject to the jurisdiction of the state of Washington that covers any dental services, and no contract or participating provider agreement with a dentist may:

(a) Require, directly or indirectly, that a dentist who is a participating provider provide services to an enrolled participant at a fee set by, or at a fee subject to the approval of, the health care service contractor unless the dental services are covered services, including services that would be reimbursable but for the application of contractual limitations such as benefit maximums, deductibles, coinsurance, waiting periods, or frequency limitations, under the applicable group contract or individual contract; nor

(b) Prohibit, directly or indirectly, a dentist who is a participating provider from offering or providing to an enrolled participant dental services that are not covered services on any terms or conditions acceptable to the dentist and the enrolled participant.

(2) For the purposes of this section, "covered services" means dental services that are reimbursable under the applicable subscriber agreement or would be reimbursable but for the application of contractual limitations such as benefit maximums, deductibles, coinsurance, waiting periods or frequency limitations."

On page 1, line 3 of the title, after "contracts;" strike the remainder of the title and insert "adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; and adding a new section to chapter 48.44 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2686 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Driscoll spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2686, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2686, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks,

Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Hope and Hurst.

SUBSTITUTE HOUSE BILL NO. 2686, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2752 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that youth services provide safety to youth on the streets and are a critical pathway to ensuring the youth's return home. Runaway youth are without protection, live under the threat of violence, and fall victim to predators who exploit their vulnerability. The policy of this state is to provide assistance to youth in crisis and to protect and preserve families. In order to effectively serve youth on the streets and promote their safe return home, shelters must have the time to establish and maintain an environment that facilitates open communication and trust.

The legislature also finds that parents of runaway youth have an interest in knowing their sons and daughters are safe in a shelter, rather than on the streets without protection. The legislature further finds that law enforcement and the department can notify a parent that the youth is safe, without disclosing the youth's location or compromising the ability of youth services providers to effectively assist youth in crisis.

Sec. 2. RCW 13.32A.082 and 2000 c 123 s 10 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, any person, including unlicensed youth shelters or runaway and homeless youth programs, who, without legal authorization, provides shelter to a minor and who knows at the time of providing the shelter that the minor is away from the parent's home without the permission of the parent, or other lawfully prescribed residence, shall promptly report the location of the child to the parent, the law enforcement agency of the jurisdiction in which the person lives, or the department. ~~((The report))~~

(b)(i) If a licensed overnight youth shelter, or another licensed organization whose stated mission is to provide services to homeless or runaway youth and their families, provides shelter to a minor and knows at the time of providing the shelter that the minor is away from a lawfully prescribed residence or home without parental permission, it shall contact the youth's parent, preferably within twenty-four hours but within no more than seventy-two hours following the time that the youth is admitted to the shelter or other licensed organization's program. The notification must include the whereabouts of the youth, a description of the youth's physical and emotional condition, and the circumstances surrounding the youth's contact with the shelter or organization. If there are compelling reasons not to notify the parent, the shelter or organization shall instead notify the department.

(ii) At least once every eight hours after learning that a youth receiving services or shelter under this section is away from home

without permission, the shelter or organization staff must consult the information that the Washington state patrol makes publicly available under RCW 43.43.510(2). If the youth is publicly listed as missing, the shelter or organization shall immediately notify the department of its contact with the youth listed as missing. The notification must include a description of the youth's physical and emotional condition and the circumstances surrounding the youth's contact with the shelter or organization.

(c) Reports required under this section may be made by telephone or any other reasonable means.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Shelter" means the person's home or any structure over which the person has any control.

(b) "Promptly report" means to report within eight hours after the person has knowledge that the minor is away from a lawfully prescribed residence or home without parental permission.

(c) "Compelling reasons" include, but are not limited to, circumstances that indicate that notifying the parent or legal guardian will subject the child to abuse or neglect as defined in chapter 26.44 RCW.

(3) When the department receives a report under subsection (1) of this section, it shall make a good faith attempt to notify the parent that a report has been received and offer services designed to resolve the conflict and accomplish a reunification of the family.

(4) Nothing in this section prohibits any person from immediately reporting the identity and location of any minor who is away from a lawfully prescribed residence or home without parental permission more promptly than required under this section.

(5) This section expires on July 1, 2012.

NEW SECTION. Sec. 3. A new section is added to chapter 13.32A RCW to read as follows:

A private right of action or claim on the part of a parent is created against an unlicensed youth shelter or unlicensed runaway and homeless youth program who fails to meet the notification requirements in RCW 13.32A.082(1)(a).

Sec. 4. RCW 43.43.510 and 1998 c 67 s 2 are each amended to read as follows:

(1) As soon as is practical and feasible there shall be established, by means of data processing, files listing stolen and wanted vehicles, outstanding warrants, identifying children whose parents, custodians, or legal guardians have reported as having run away from home or the custodial residence, identifiable stolen property, files maintaining the central registry of sex offenders required to register under chapter 9A.44 RCW, and such other files as may be of general assistance to law enforcement agencies.

(2)(a) At the request of a parent, legal custodian, or guardian who has reported a child as having run away from home or the custodial residence, the Washington state patrol shall make the information about the runaway child as is filed in subsection (1) of this section publicly available.

(b) The information that can be made publicly available under (a) of this subsection is limited to the information that will facilitate the safe return of the child to his or her home or custodial residence and so long as making the information publicly available incurs no additional costs."

On page 1, line 1 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 13.32A.082 and 43.43.510; adding a new section to chapter 13.32A RCW; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2752 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Kagi and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2752, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2752, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, DeBolt, Ericksen and Herrera.

Excused: Representatives Dickerson, Hope and Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2752, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2777 with the following amendment:

Strike everything after the enacting clause and insert the following:

**"PART ONE
INTENT**

NEW SECTION. **Sec. 101.** The legislature intends to improve the lives of persons who suffer from the adverse effects of domestic violence and to require reasonable, coordinated measures to prevent domestic violence from occurring. The legislature intends to give law enforcement and the courts better tools to identify violent perpetrators of domestic violence and hold them accountable. The legislature intends to: Increase the safety afforded to individuals who seek protection of public and private agencies involved in domestic violence prevention; improve the ability of agencies to address the needs of victims and their children and the delivery of services; upgrade the quality of treatment programs; and enhance the ability of the justice system

to respond quickly and fairly to domestic violence. In order to improve the lives of persons who have, or may suffer, the effects of domestic violence the legislature intends to achieve more uniformity in the decision-making processes at public and private agencies that address domestic violence by reducing inconsistencies and duplications allowing domestic violence victims to achieve safety and stability in their lives.

PART TWO

LAW ENFORCEMENT/ARREST PROVISIONS

Sec. 201. RCW 10.31.100 and 2006 c 138 s 23 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (10) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or involving the acquisition, possession, or consumption of alcohol by a person under the age of twenty-one years under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070 or 9A.52.080, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 26.44.063, or chapter 7.90, 10.99, 26.09, 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence, or restraining the person from going onto the grounds of or entering a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location or, in the case of an order issued under RCW 26.44.063, imposing any other restrictions or conditions upon the person; or

(b) A foreign protection order, as defined in RCW 26.52.010, has been issued of which the person under restraint has knowledge and the person under restraint has violated a provision of the foreign protection order prohibiting the person under restraint from contacting or communicating with another person, or excluding the person under restraint from a residence, workplace, school, or day care, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, or a violation of any provision for which the foreign protection order specifically indicates that a violation will be a crime; or

(c) The person is sixteen years or older and within the preceding four hours has assaulted a family or household member as defined in RCW 10.99.020 and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that family or household members have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or

serious threats creating fear of physical injury; and (iii) the history of domestic violence (~~between the~~) of each person(s) involved, including whether the conduct was part of an ongoing pattern of abuse.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.5249, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 79A.60.040 shall have the authority to arrest the person.

(6) An officer may act upon the request of a law enforcement officer in whose presence a traffic infraction was committed, to stop, detain, arrest, or issue a notice of traffic infraction to the driver who is believed to have committed the infraction. The request by the witnessing officer shall give an officer the authority to take appropriate action under the laws of the state of Washington.

(7) Any police officer having probable cause to believe that a person has committed or is committing any act of indecent exposure, as defined in RCW 9A.88.010, may arrest the person.

(8) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.14 RCW and the person has violated the terms of that order.

(9) Any police officer having probable cause to believe that a person has, within twenty-four hours of the alleged violation, committed a violation of RCW 9A.50.020 may arrest such person.

(10) A police officer having probable cause to believe that a person illegally possesses or illegally has possessed a firearm or other dangerous weapon on private or public elementary or secondary school premises shall have the authority to arrest the person.

For purposes of this subsection, the term "firearm" has the meaning defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

(11) Except as specifically provided in subsections (2), (3), (4), and (6) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(12) No police officer may be held criminally or civilly liable for making an arrest pursuant to (~~RCW 10.31.100~~) subsection (2) or (8) of this section if the police officer acts in good faith and without malice.

NEW SECTION. Sec. 202. A new section is added to chapter 36.28A RCW to read as follows:

(1)(a) When funded, the Washington association of sheriffs and police chiefs shall convene a work group to develop a model policy regarding the reporting of domestic violence as defined in RCW 10.99.020 to law enforcement in cases where the victim is unable or

unwilling to make a report in the jurisdiction where the alleged crime occurred.

(b) The model policy must include policies and procedures related to:

(i) Collecting and securing evidence; and

(ii) Creating interlocal agreements between law enforcement agencies.

(2) In developing the model policy under subsection (1)(a) of this section, the association shall consult with appropriate stakeholders and government agencies.

PART THREE

NO-CONTACT AND PROTECTION ORDERS

Sec. 301. RCW 10.99.045 and 2000 c 119 s 19 are each amended to read as follows:

(1) A defendant arrested for an offense involving domestic violence as defined by RCW 10.99.020 shall be required to appear in person before a magistrate within one judicial day after the arrest.

(2) A defendant who is charged by citation, complaint, or information with an offense involving domestic violence as defined by RCW 10.99.020 and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(3)(a) At the time of the appearances provided in subsection (1) or (2) of this section, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. The court may include in the order any conditions authorized under RCW 9.41.800 and 10.99.040.

(b) For the purposes of (a) of this subsection, the prosecutor shall provide for the court's review:

(i) The defendant's criminal history, if any, that occurred in Washington or any other state;

(ii) If available, the defendant's criminal history that occurred in any tribal jurisdiction; and

(iii) The defendant's individual order history.

(c) For the purposes of (b) of this subsection, criminal history includes all previous convictions and orders of deferred prosecution, as reported through the judicial information system or otherwise available to the court or prosecutor, current to within the period specified in (d) of this subsection before the date of the appearance.

(d) The periods applicable to previous convictions and orders of deferred prosecution are:

(i) One working day, in the case of previous actions of courts that fully participate in the state judicial information system; and

(ii) Seven calendar days, in the case of previous actions of courts that do not fully participate in the judicial information system. For the purposes of this subsection, "fully participate" means regularly providing records to and receiving records from the system by electronic means on a daily basis.

(4) Appearances required pursuant to this section are mandatory and cannot be waived.

(5) The no-contact order shall be issued and entered with the appropriate law enforcement agency pursuant to the procedures outlined in RCW 10.99.040 (2) and ~~((4))~~ (6).

Sec. 302. RCW 26.50.020 and 1992 c 111 s 8 are each amended to read as follows:

(1)(a) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by the respondent. The person may petition for relief on behalf of himself or herself and on behalf of minor family or household members.

(b) Any person thirteen years of age or older may seek relief under this chapter by filing a petition with a court alleging that he or she has

been the victim of violence in a dating relationship and the respondent is sixteen years of age or older.

(2)(a) A person under eighteen years of age who is sixteen years of age or older may seek relief under this chapter and is not required to seek relief by a guardian or next friend.

(b) A person under sixteen years of age who is seeking relief under subsection (1)(b) of this section is required to seek relief by a parent, guardian, guardian ad litem, or next friend.

(3) No guardian or guardian ad litem need be appointed on behalf of a respondent to an action under this chapter who is under eighteen years of age if such respondent is sixteen years of age or older.

(4) The court may, if it deems necessary, appoint a guardian ad litem for a petitioner or respondent who is a party to an action under this chapter.

(5) The courts defined in RCW 26.50.010(~~(3)~~) (4) have jurisdiction over proceedings under this chapter. The jurisdiction of district and municipal courts under this chapter shall be limited to enforcement of RCW 26.50.110(1), or the equivalent municipal ordinance, and the issuance and enforcement of temporary orders for protection provided for in RCW 26.50.070 if: (a) A superior court has exercised or is exercising jurisdiction over a proceeding under this title or chapter 13.34 RCW involving the parties; (b) the petition for relief under this chapter presents issues of residential schedule of and contact with children of the parties; or (c) the petition for relief under this chapter requests the court to exclude a party from the dwelling which the parties share. When the jurisdiction of a district or municipal court is limited to the issuance and enforcement of a temporary order, the district or municipal court shall set the full hearing provided for in RCW 26.50.050 in superior court and transfer the case. If the notice and order are not served on the respondent in time for the full hearing, the issuing court shall have concurrent jurisdiction with the superior court to extend the order for protection.

(6) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence.

(7) A person's right to petition for relief under this chapter is not affected by the person leaving the residence or household to avoid abuse.

(8) For the purposes of this section "next friend" means any competent individual, over eighteen years of age, chosen by the minor and who is capable of pursuing the minor's stated interest in the action.

NEW SECTION. Sec. 303. A new section is added to chapter 26.50 RCW to read as follows:

(1) The administrative office of the courts shall update the law enforcement information form which it provides for the use of a petitioner who is seeking an ex parte protection order in such a fashion as to prompt the person to disclose on the form whether the person who the petitioner is seeking to restrain has a disability, brain injury, or impairment requiring special assistance.

(2) Any peace officer who serves a protection order on a respondent with the knowledge that the respondent requires special assistance due to a disability, brain injury, or impairment shall make a reasonable effort to accommodate the needs of the respondent to the extent practicable without compromise to the safety of the petitioner.

Sec. 304. RCW 26.50.060 and 2009 c 439 s 2 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

(f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be protected, including orders or directives to a peace officer, as allowed under this chapter;

(g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees;

(h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(i) Restrain the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260;

~~(j)~~ (j) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

~~((j))~~ (k) Consider the provisions of RCW 9.41.800;

~~((k))~~ (l) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found; and

~~((l))~~ (m) Order use of a vehicle.

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for

renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)(g) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 305. RCW 26.50.070 and 2000 c 119 s 16 are each amended to read as follows:

(1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

- (a) Restraining any party from committing acts of domestic violence;
- (b) Restraining any party from going onto the grounds of or entering the dwelling that the parties share, from the residence, workplace, or school of the other, or from the day care or school of a child until further order of the court;
- (c) Prohibiting any party from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;
- (d) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court;

(e) Restraining any party from having any contact with the victim of domestic violence or the victim's children or members of the victim's household; ~~(and)~~

(f) Considering the provisions of RCW 9.41.800; ~~and~~

(g) Restraining the respondent from harassing, following, keeping under physical or electronic surveillance, cyberstalking as defined in RCW 9.61.260, and using telephonic, audiovisual, or other electronic means to monitor the actions, location, or communication of a victim of domestic violence, the victim's children, or members of the victim's household. For the purposes of this subsection, "communication" includes both "wire communication" and "electronic communication" as defined in RCW 9.73.260.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days or twenty-four days if the court has permitted service by publication under RCW 26.50.085 or by mail under RCW 26.50.123. The ex parte order may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order or not later than twenty-four days if service by publication or by mail is permitted. Except as provided in RCW 26.50.050, 26.50.085, and 26.50.123, the respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(5) Any order issued under this section shall contain the date and time of issuance and the expiration date and shall be entered into a statewide judicial information system by the clerk of the court within one judicial day after issuance.

(6) If the court declines to issue an ex parte temporary order for protection the court shall state the particular reasons for the court's denial. The court's denial of a motion for an ex parte order of protection shall be filed with the court.

NEW SECTION. Sec. 306. A new section is added to chapter 26.50 RCW to read as follows:

(1) In a proceeding in which a petition for an order for protection under this chapter is sought, a court of this state may exercise personal jurisdiction over a nonresident individual if:

- (a) The individual is personally served with a petition within this state;
- (b) The individual submits to the jurisdiction of this state by consent, entering a general appearance, or filing a responsive document having the effect of waiving any objection to consent to personal jurisdiction;
- (c) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of an order for protection occurred within this state;
- (d)(i) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of an order for protection occurred outside this state and are part of an ongoing pattern of domestic violence or stalking that has an adverse effect on the petitioner or a member of the petitioner's family or household and the petitioner resides in this state; or
- (ii) As a result of acts of domestic violence or stalking, the petitioner or a member of the petitioner's family or household has sought safety or protection in this state and currently resides in this state; or

(e) There is any other basis consistent with RCW 4.28.185 or with the Constitutions of this state and the United States.

(2) For jurisdiction to be exercised under subsection (1)(d)(i) or (ii) of this section, the individual must have communicated with the

petitioner or a member of the petitioner's family, directly or indirectly, or made known a threat to the safety of the petitioner or member of the petitioner's family while the petitioner or family member resides in this state. For the purposes of subsection (1)(d)(i) or (ii) of this section, "communicated or made known" includes, but is not limited to, through the mail, telephonically, or a posting on an electronic communication site or medium. Communication on any electronic medium that is generally available to any individual residing in the state shall be sufficient to exercise jurisdiction under subsection (1)(d)(i) or (ii) of this section.

(3) For the purposes of this section, an act or acts that "occurred within this state" includes, but is not limited to, an oral or written statement made or published by a person outside of this state to any person in this state by means of the mail, interstate commerce, or foreign commerce. Oral or written statements sent by electronic mail or the internet are deemed to have "occurred within this state."

NEW SECTION. Sec. 307. A new section is added to chapter 7.90 RCW to read as follows:

(1) In a proceeding in which a petition for a sexual assault protection order is sought under this chapter, a court of this state may exercise personal jurisdiction over a nonresident individual if:

(a) The individual is personally served with a petition within this state;

(b) The individual submits to the jurisdiction of this state by consent, entering a general appearance, or filing a responsive document having the effect of waiving any objection to consent to personal jurisdiction;

(c) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of a sexual assault protection order occurred within this state;

(d)(i) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of a sexual assault protection order occurred outside this state and are part of an ongoing pattern of sexual assaults or stalking that has an adverse effect on the petitioner or a member of the petitioner's family or household and the petitioner resides in this state; or

(ii) As a result of acts of stalking or a sexual assault, the petitioner or a member of the petitioner's family or household has sought safety or protection in this state and currently resides in this state; or

(e) There is any other basis consistent with RCW 4.28.185 or with the constitutions of this state and the United States.

(2) For jurisdiction to be exercised under subsection (1)(d)(i) or (ii) of this section, the individual must have communicated with the petitioner or a member of the petitioner's family, directly or indirectly, or made known a threat to the safety of the petitioner or member of the petitioner's family while the petitioner or family member resides in this state. For the purposes of subsection (1)(d)(i) or (ii) of this section, "communicated or made known" includes, but is not limited to, through the mail, telephonically, or a posting on an electronic communication site or medium. Communication on any electronic medium that is generally available to any individual residing in the state shall be sufficient to exercise jurisdiction under subsection (1)(d)(i) or (ii) of this section.

(3) For the purposes of this section, an act or acts that "occurred within this state" includes, but is not limited to, an oral or written statement made or published by a person outside of this state to any person in this state by means of the mail, interstate commerce, or foreign commerce. Oral or written statements sent by electronic mail or the internet are deemed to have "occurred within this state."

NEW SECTION. Sec. 308. A new section is added to chapter 10.14 RCW to read as follows:

(1) In a proceeding in which a petition for an order for protection under this chapter is sought, a court of this state may exercise personal jurisdiction over a nonresident individual if:

(a) The individual is personally served with a petition within this state;

(b) The individual submits to the jurisdiction of this state by consent, entering a general appearance, or filing a responsive document having the effect of waiving any objection to consent to personal jurisdiction;

(c) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of an order for protection occurred within this state;

(d)(i) The act or acts of the individual or the individual's agent giving rise to the petition or enforcement of an order for protection occurred outside this state and are part of an ongoing pattern of harassment that has an adverse effect on the petitioner or a member of the petitioner's family or household and the petitioner resides in this state; or

(ii) As a result of acts of harassment, the petitioner or a member of the petitioner's family or household has sought safety or protection in this state and currently resides in this state; or

(e) There is any other basis consistent with RCW 4.28.185 or with the constitutions of this state and the United States.

(2) For jurisdiction to be exercised under subsection (1)(d)(i) or (ii) of this section, the individual must have communicated with the petitioner or a member of the petitioner's family, directly or indirectly, or made known a threat to the safety of the petitioner or member of the petitioner's family while the petitioner or family member resides in this state. For the purposes of subsection (1)(d)(i) or (ii) of this section, "communicated or made known" includes, but is not limited to, through the mail, telephonically, or a posting on an electronic communication site or medium. Communication on any electronic medium that is generally available to any individual residing in the state shall be sufficient to exercise jurisdiction under subsection (1)(d)(i) or (ii) of this section.

(3) For the purposes of this section, an act or acts that "occurred within this state" includes, but is not limited to, an oral or written statement made or published by a person outside of this state to any person in this state by means of the mail, interstate commerce, or foreign commerce. Oral or written statements sent by electronic mail or the internet are deemed to have "occurred within this state."

Sec. 309. RCW 10.99.040 and 2000 c 119 s 18 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his or her client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2)(a) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any person charged with or arrested for a crime involving domestic violence is released from custody before arraignment or trial on bail or personal recognizance, the court authorizing the release may prohibit that person from having any contact with the victim. The jurisdiction authorizing the release shall determine whether that person should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting that person from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the person charged or arrested from having contact with the victim or from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(b) In issuing the order, the court shall consider the provisions of RCW 9.41.800.

(c) The no-contact order shall also be issued in writing as soon as possible. By January 1, 2011, the administrative office of the courts shall develop a pattern form for all no-contact orders issued under this chapter. A no-contact order issued under this chapter must substantially comply with the pattern form developed by the administrative office of the courts.

(3) At the time of arraignment the court shall determine whether a no-contact order shall be issued or extended. The no-contact order shall terminate if the defendant is acquitted or the charges are dismissed. If a no-contact order is issued or extended, the court may also include in the conditions of release a requirement that the defendant submit to electronic monitoring. If electronic monitoring is ordered, the court shall specify who shall provide the monitoring services, and the terms under which the monitoring shall be performed. Upon conviction, the court may require as a condition of the sentence that the defendant reimburse the providing agency for the costs of the electronic monitoring.

(4)(a) Willful violation of a court order issued under subsection (2) or (3) of this section is punishable under RCW 26.50.110.

(b) The written order releasing the person charged or arrested shall contain the court's directives and shall bear the legend: "Violation of this order is a criminal offense under chapter 26.50 RCW and will subject a violator to arrest; any assault, drive-by shooting, or reckless endangerment that is a violation of this order is a felony. You can be arrested even if any person protected by the order invites or allows you to violate the order's prohibitions. You have the sole responsibility to avoid or refrain from violating the order's provisions. Only the court can change the order."

(c) A certified copy of the order shall be provided to the victim.

(5) If a no-contact order has been issued prior to charging, that order shall expire at arraignment or within seventy-two hours if charges are not filed. Such orders need not be entered into the computer-based criminal intelligence information system in this state which is used by law enforcement agencies to list outstanding warrants.

(6) Whenever a no-contact order is issued, modified, or terminated under subsection (2) or (3) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall enter the order for one year or until the expiration date specified on the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state. Upon receipt of notice that an order has been terminated under subsection (3) of this section, the law enforcement agency shall remove the order from the computer-based criminal intelligence information system.

(7) All courts shall develop policies and procedures by January 1, 2011, to grant victims a process to modify or rescind a no-contact order issued under this chapter. The administrative office of the courts shall develop a model policy to assist the courts in implementing the requirements of this subsection.

NEW SECTION. Sec. 310. A new section is added to chapter 2.56 RCW to read as follows:

(1) The administrative office of the courts shall develop guidelines by December 1, 2011, for all courts to establish a process to reconcile duplicate or conflicting no-contact or protection orders issued by courts in this state.

(2) The guidelines developed under subsection (1) of this section must include:

(a) A process to allow any party named in a no-contact or protection order to petition for the purpose of reconciling duplicate or conflicting orders; and

(b) A procedure to address no-contact and protection order data sharing between court jurisdictions in this state.

(3) By January 1, 2011, the administrative office of the courts shall provide a report back to the legislature concerning the progress made to develop the guidelines required by this section.

PART FOUR

SENTENCING REFORMS

Sec. 401. RCW 9.94A.030 and 2009 c 375 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that

was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

- (a) To gain admission, prestige, or promotion within the gang;
- (b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;
- (c) To exact revenge or retribution for the gang or any member of the gang;
- (d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;
- (e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or
- (f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial

obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Domestic violence" has the same meaning as defined in RCW 10.99.020 and 26.50.010.

~~(21)~~ (21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

~~((24))~~ (22) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((22))~~ (23) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

~~((23))~~ (24) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((24))~~ (25) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((25))~~ (26) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

~~((26))~~ (27) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

~~((27))~~ (28) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

~~((28))~~ (29) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

~~((29))~~ (30) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

- (a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;
 - (b) Assault in the second degree;
 - (c) Assault of a child in the second degree;
 - (d) Child molestation in the second degree;
 - (e) Controlled substance homicide;
 - (f) Extortion in the first degree;
 - (g) Incest when committed against a child under age fourteen;
 - (h) Indecent liberties;
 - (i) Kidnapping in the second degree;
 - (j) Leading organized crime;
 - (k) Manslaughter in the first degree;
 - (l) Manslaughter in the second degree;
 - (m) Promoting prostitution in the first degree;
 - (n) Rape in the third degree;
 - (o) Robbery in the second degree;
 - (p) Sexual exploitation;
 - (q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;
 - (r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;
 - (s) Any other class B felony offense with a finding of sexual motivation;
 - (t) Any other felony with a deadly weapon verdict under RCW 9.94A.825;
 - (u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;
 - (v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;
 - (ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;
 - (w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.
- ~~((30))~~ (31) "Nonviolent offense" means an offense which is not a violent offense.
- ~~((31))~~ (32) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a

misdemeanor or gross misdemeanor probationer convicted of an offense included in RCW 9.94A.501(1) and ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((32))~~ (33) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

~~((33))~~ (34) "Pattern of criminal street gang activity" means:

- (a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:
 - (i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);
 - (ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);
 - (iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);
 - (iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);
 - (v) Theft of a Firearm (RCW 9A.56.300);
 - (vi) Possession of a Stolen Firearm (RCW 9A.56.310);
 - (vii) Malicious Harassment (RCW 9A.36.080);
 - (viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));
 - (ix) Criminal Gang Intimidation (RCW 9A.46.120);
 - (x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;
 - (xi) Residential Burglary (RCW 9A.52.025);
 - (xii) Burglary 2 (RCW 9A.52.030);
 - (xiii) Malicious Mischief 1 (RCW 9A.48.070);
 - (xiv) Malicious Mischief 2 (RCW 9A.48.080);
 - (xv) Theft of a Motor Vehicle (RCW 9A.56.065);
 - (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);
 - (xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);
 - (xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);
 - (xix) Extortion 1 (RCW 9A.56.120);
 - (xx) Extortion 2 (RCW 9A.56.130);
 - (xxi) Intimidating a Witness (RCW 9A.72.110);
 - (xxii) Tampering with a Witness (RCW 9A.72.120);
 - (xxiii) Reckless Endangerment (RCW 9A.36.050);
 - (xxiv) Coercion (RCW 9A.36.070);
 - (xxv) Harassment (RCW 9A.46.020); or
 - (xxvi) Malicious Mischief 3 (RCW 9A.48.090);
 - (b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;
 - (c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and
 - (d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.
- ~~((34))~~ (35) "Persistent offender" is an offender who:
- (a)(i) Has been convicted in this state of any felony considered a most serious offense; and
 - (ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate

occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection ~~((34))~~ (35)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((35))~~ (36) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

~~((36))~~ (37) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((37))~~ (38) "Public school" has the same meaning as in RCW 28A.150.010.

~~((38))~~ (39) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

~~(40)~~ "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((39))~~ (41) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

~~((40))~~ (42) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((41))~~ (43) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((42))~~ (44) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((43))~~ (45) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((44))~~ (46) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((45))~~ (47) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((46))~~ (48) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~((47))~~ (49) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty- four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((48))~~ (50) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((49))~~ (51) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((50))~~ (52) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((51))~~ (53) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((52))~~ (54) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((53))~~ (55) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 402. RCW 9.94A.535 and 2008 c 276 s 303 and 2008 c 233 s 9 are each reenacted and amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent premeditation to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(i) The current offense involved domestic violence, as defined in RCW 10.99.020, and the defendant suffered a continuing pattern of coercion, control, or abuse by the victim of the offense and the offense is a response to that coercion, control, or abuse.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered by a Jury -Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can

support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of ~~((the))~~ a victim or multiple victims manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z)(i)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property, private metal property, or nonferrous metal property, as defined in RCW 19.290.010.

(aa) The defendant committed the offense with the intent to directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage to or for a criminal street gang as defined in RCW 9.94A.030, its reputation, influence, or membership.

Sec. 403. RCW 9.94A.525 and 2008 c 231 s 3 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release

from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), prior convictions of felony driving while under the influence of intoxicating liquor or any drug, felony physical control of a vehicle while under the influence of intoxicating liquor or any drug, and serious traffic offenses shall be included in the offender score if: (i) The prior convictions were committed within five years since the last date of release from confinement (including full-time residential treatment) or entry of judgment and sentence; or (ii) the prior convictions would be considered "prior offenses within ten years" as defined in RCW 46.61.5055.

(f) This subsection applies to both adult and juvenile prior convictions.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one

offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult and juvenile convictions for crimes in this category, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior adult Burglary 2 or residential burglary conviction, and one point for each prior juvenile Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each adult or juvenile prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult or juvenile prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult and 1/2 point for each juvenile prior conviction; count one point for each adult and 1/2 point for each juvenile prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction and two points for each juvenile manufacture of methamphetamine offense. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction and two points for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is

violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 or residential burglary conviction, and one point for each juvenile prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130(11), count priors as in subsections (7) through (11) and (13) through (16) of this section; however count three points for each adult and juvenile prior sex offense conviction, excluding prior convictions for failure to register as a sex offender under RCW 9A.44.130(11), which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult and juvenile prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was plead and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was plead and proven after August 1, 2011, for the following offenses: A violation of a no contact order that is a felony offense, a violation of a protection order that is a felony offense, a felony domestic violence harassment offense, a felony domestic violence stalking offense, a domestic violence Burglary 1 offense, a domestic violence Kidnapping 1 offense, a domestic violence Kidnapping 2 offense, a domestic violence unlawful imprisonment offense, a domestic violence Robbery 1 offense, a domestic violence Robbery 2 offense, a domestic violence Assault 1 offense, a domestic violence Assault 2 offense, a domestic violence Assault 3 offense, a domestic violence Arson 1 offense, or a domestic violence Arson 2 offense; and

(b) Count one point for each second and subsequent juvenile conviction where domestic violence as defined in RCW 9.94A.030 was plead and proven after August 1, 2011, for the offenses listed in (a) of this subsection.

(c) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was plead and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

NEW SECTION. Sec. 404. A new section is added to chapter 10.99 RCW to read as follows:

(1) In sentencing for a crime of domestic violence as defined in this chapter, courts of limited jurisdiction shall consider, among other factors, whether:

(a) The defendant suffered a continuing pattern of coercion, control, or abuse by the victim of the offense and the offense is a response to that coercion, control, or abuse;

(b) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of a victim or multiple victims manifested by multiple incidents over a prolonged period of time; and

(c) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years.

(2)(a) In sentencing for a crime of domestic violence as defined in this chapter, the prosecutor shall provide for the court's review:

(i) The defendant's criminal history, if any, that occurred in Washington or any other state;

(ii) If available, the defendant's prior criminal history that occurred in any tribal jurisdiction; and

(iii) The defendant's individual order history.

(b) For the purposes of (a) of this subsection, criminal history includes all previous convictions and orders of deferred prosecution, as reported through the judicial information system or otherwise available to the court or prosecutor, current to within the period specified in (c) of this subsection before the date of sentencing.

(c) The periods applicable to previous convictions and orders of deferred prosecution are:

(i) One working day, in the case of previous actions of courts that fully participate in the state judicial information system; and

(ii) Seven calendar days, in the case of previous actions of courts that do not fully participate in the judicial information system. For the purposes of this subsection, "fully participate" means regularly providing records to and receiving records from the system by electronic means on a daily basis.

Sec. 405. RCW 3.66.068 and 2001 c 94 s 2 are each amended to read as follows:

For a period not to exceed five years after imposition of sentence for a defendant sentenced for a domestic violence offense or under RCW 46.61.5055 and two years after imposition of sentence for all other offenses, the court has continuing jurisdiction and authority to suspend or defer the execution of all or any part of its sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. However, the jurisdiction period in this section does not apply to the enforcement of orders issued under RCW 46.20.720. For the purposes of this section, "domestic violence offense" means a crime listed in RCW 10.99.020 that is not a felony offense.

Sec. 406. RCW 3.50.330 and 2001 c 94 s 5 are each amended to read as follows:

For a period not to exceed five years after imposition of sentence for a defendant sentenced for a domestic violence offense or under

RCW 46.61.5055 and two years after imposition of sentence for all other offenses, the court shall have continuing jurisdiction and authority to suspend or defer the execution of all or any part of the sentence upon stated terms, including installment payment of fines. A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. However, the jurisdiction period in this section does not apply to the enforcement of orders issued under RCW 46.20.720. Any time before entering an order terminating probation, the court may modify or revoke its order suspending or deferring the imposition or execution of the sentence. For the purposes of this section, "domestic violence offense" means a crime listed in RCW 10.99.020 that is not a felony offense.

Sec. 407. RCW 35.20.255 and 2005 c 400 s 5 are each amended to read as follows:

(1) Judges of the municipal court, in their discretion, shall have the power in all criminal proceedings within their jurisdiction including violations of city ordinances, to defer imposition of any sentence, suspend all or part of any sentence including installment payment of fines, fix the terms of any such deferral or suspension, and provide for such probation as in their opinion is reasonable and necessary under the circumstances of the case, but in no case shall it extend for more than five years from the date of conviction for a defendant to be sentenced for a domestic violence offense or under RCW 46.61.5055 and two years from the date of conviction for all other offenses. A defendant who has been sentenced, or whose sentence has been deferred, and who then fails to appear for any hearing to address the defendant's compliance with the terms of probation when ordered to do so by the court, shall have the term of probation tolled until such time as the defendant makes his or her presence known to the court on the record. However, the jurisdiction period in this section does not apply to the enforcement of orders issued under RCW 46.20.720. Any time before entering an order terminating probation, the court may modify or revoke its order suspending or deferring the imposition or execution of the sentence. For the purposes of this subsection, "domestic violence offense" means a crime listed in RCW 10.99.020 that is not a felony offense.

(2)(a) If a defendant whose sentence has been deferred requests permission to travel or transfer to another state, the director of probation services or a designee thereof shall determine whether such request is subject to RCW 9.94A.745, the interstate compact for adult offender supervision. If such request is subject to the compact, the director or designee shall:

- (i) Notify the department of corrections of the defendant's request;
- (ii) Provide the department of corrections with the supporting documentation it requests for processing an application for transfer;
- (iii) Notify the defendant of the fee due to the department of corrections for processing an application under the compact;
- (iv) Cease supervision of the defendant while another state supervises the defendant pursuant to the compact;
- (v) Resume supervision if the defendant returns to this state before the period of deferral expires.

(b) The defendant shall receive credit for time served while being supervised by another state.

(c) If the probationer is returned to the state at the request of the receiving state under rules of the interstate compact for adult offender supervision, the department of corrections is responsible for the cost of returning the probationer.

(d) The state of Washington, the department of corrections and its employees, and any city and its employees are not liable for civil damages resulting from any act or omission authorized or required under this section unless the act or omission constitutes gross negligence.

**PART FIVE
TREATMENT/SERVICES FOR PERPETRATORS AND VICTIMS**

Sec. 501. RCW 26.50.150 and 1999 c 147 s 1 are each amended to read as follows:

Any program that provides domestic violence treatment to perpetrators of domestic violence must be certified by the department of social and health services and meet minimum standards for domestic violence treatment purposes. The department of social and health services shall adopt rules for standards of approval of domestic violence perpetrator programs ~~((that accept perpetrators of domestic violence into treatment to satisfy court orders or that represent the programs as ones that treat domestic violence perpetrators))~~. The treatment must meet the following minimum qualifications:

(1) All treatment must be based upon a full, complete clinical intake including but not limited to: Current and past violence history; a lethality risk assessment; history of treatment from past domestic violence perpetrator treatment programs; a complete diagnostic evaluation; a substance abuse assessment; criminal history; assessment of cultural issues, learning disabilities, literacy, and special language needs; and a treatment plan that adequately and appropriately addresses the treatment needs of the individual.

(2) To facilitate communication necessary for periodic safety checks and case monitoring, the program must require the perpetrator to sign the following releases:

(a) A release for the program to inform the victim and victim's community and legal advocates that the perpetrator is in treatment with the program, and to provide information, for safety purposes, to the victim and victim's community and legal advocates;

(b) A release to prior and current treatment agencies to provide information on the perpetrator to the program; and

(c) A release for the program to provide information on the perpetrator to relevant legal entities including: Lawyers, courts, parole, probation, child protective services, and child welfare services.

(3) Treatment must be for a minimum treatment period defined by the secretary of the department by rule. The weekly treatment sessions must be in a group unless there is a documented, clinical reason for another modality. Any other therapies, such as individual, marital, or family therapy, substance abuse evaluations or therapy, medication reviews, or psychiatric interviews, may be concomitant with the weekly group treatment sessions described in this section but not a substitute for it.

(4) The treatment must focus primarily on ending the violence, holding the perpetrator accountable for his or her violence, and changing his or her behavior. The treatment must be based on nonvictim-blaming strategies and philosophies and shall include education about the individual, family, and cultural dynamics of domestic violence. If the perpetrator or the victim has a minor child, treatment must specifically include education regarding the effects of domestic violence on children, such as the emotional impacts of domestic violence on children and the long-term consequences that exposure to incidents of domestic violence may have on children.

(5) Satisfactory completion of treatment must be contingent upon the perpetrator meeting specific criteria, defined by rule by the secretary of the department, and not just upon the end of a certain period of time or a certain number of sessions.

(6) The program must have policies and procedures for dealing with reoffenses and noncompliance.

(7) All evaluation and treatment services must be provided by, or under the supervision of, qualified personnel.

(8) The secretary of the department may adopt rules and establish fees as necessary to implement this section.

(9) The department may conduct on-site monitoring visits as part of its plan for certifying domestic violence perpetrator programs and monitoring implementation of the rules adopted by the secretary of the department to determine compliance with the minimum

qualifications for domestic violence perpetrator programs. The applicant or certified domestic violence perpetrator program shall cooperate fully with the department in the monitoring visit and provide all program and management records requested by the department to determine the program's compliance with the minimum certification qualifications and rules adopted by the department.

**PART SIX
MISCELLANEOUS PROVISIONS**

NEW SECTION. Sec. 601. A new section is added to chapter 2.56 RCW to read as follows:

(1)(a) The administrative office of the courts shall, within existing resources, convene a work group to address the issue of transmitting information regarding revocation of concealed pistol licenses, upon the entry of orders issued under chapter 10.99, 26.50, or 26.52 RCW.

(b) The work group must include a superior court judge, a district court judge, a municipal court judge, an attorney whose practice includes a significant amount of time representing defendants in criminal trials, and representatives from the following entities: The Washington state patrol, the Washington association of sheriffs and police chiefs, the prosecuting attorneys association, the department of licensing, and the county clerks. Other members may be added as deemed appropriate by the work group.

(2) The work group shall review the methods currently used to transfer information between the courts, the county clerks, the prosecutors, the department of licensing, the Washington state patrol, and local law enforcement agencies regarding the suspension and revocation of concealed pistol licenses.

(3) The goal of the work group is to identify methods to expedite the transfer of information to enhance the safety of law enforcement and the public.

(4) The work group shall report its recommendations to the affected entities and the legislature not later than December 1, 2010. All agency representatives shall cooperate fully with the work group's efforts.

Sec. 602. RCW 68.50.160 and 2007 c 156 s 24 are each amended to read as follows:

(1) A person has the right to control the disposition of his or her own remains without the predeath or postdeath consent of another person. A valid written document expressing the decedent's wishes regarding the place or method of disposition of his or her remains, signed by the decedent in the presence of a witness, is sufficient legal authorization for the procedures to be accomplished.

(2) Prearrangements that are prepaid, or filed with a licensed funeral establishment or cemetery authority, under RCW 18.39.280 through 18.39.345 and chapter 68.46 RCW are not subject to cancellation or substantial revision by survivors. Absent actual knowledge of contrary legal authorization under this section, a licensed funeral establishment or cemetery authority shall not be held criminally nor civilly liable for acting upon such prearrangements.

(3) If the decedent has not made a prearrangement as set forth in subsection (2) of this section or the costs of executing the decedent's wishes regarding the disposition of the decedent's remains exceeds a reasonable amount or directions have not been given by the decedent, the right to control the disposition of the remains of a deceased person vests in, and the duty of disposition and the liability for the reasonable cost of preparation, care, and disposition of such remains devolves upon the following in the order named:

- (a) The surviving spouse or state registered domestic partner.
- (b) The surviving adult children of the decedent.
- (c) The surviving parents of the decedent.
- (d) The surviving siblings of the decedent.
- (e) A person acting as a representative of the decedent under the signed authorization of the decedent.

(4) If any person to whom the right of control has vested pursuant to subsection (3) of this section has been arrested or charged with first or second degree murder or first degree manslaughter in connection

with the decedent's death, the right of control is relinquished and passed on in accordance with subsection (3) of this section.

~~(5)~~ (5) If a cemetery authority as defined in RCW 68.04.190 or a funeral establishment licensed under chapter 18.39 RCW has made a good faith effort to locate the person cited in subsection (3)(a) through (e) of this section or the legal representative of the decedent's estate, the cemetery authority or funeral establishment shall have the right to rely on an authority to bury or cremate the human remains, executed by the most responsible party available, and the cemetery authority or funeral establishment may not be held criminally or civilly liable for burying or cremating the human remains. In the event any government agency provides the funds for the disposition of any human remains and the government agency elects to provide funds for cremation only, the cemetery authority or funeral establishment may not be held criminally or civilly liable for cremating the human remains.

~~((5))~~ (6) The liability for the reasonable cost of preparation, care, and disposition devolves jointly and severally upon all kin of the decedent in the same degree of kindred, in the order listed in subsection (3) of this section, and upon the estate of the decedent."

On page 1, line 1 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 10.31.100, 10.99.045, 26.50.020, 26.50.060, 26.50.070, 10.99.040, 9.94A.030, 9.94A.525, 3.66.068, 3.50.330, 35.20.255, 26.50.150, and 68.50.160; reenacting and amending RCW 9.94A.535; adding a new section to chapter 36.28A RCW; adding new sections to chapter 26.50 RCW; adding a new section to chapter 7.90 RCW; adding a new section to chapter 10.14 RCW; adding new sections to chapter 2.56 RCW; adding a new section to chapter 10.99 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2777 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Goodman and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2777, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2777, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt,

Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Hope and Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2777, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2841 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.43.018 and 2009 c 42 s 1 are each amended to read as follows:

(1) Except as provided in (a) through (g) of this subsection, a health carrier may require any person applying for an individual health benefit plan and the health care authority shall require any person applying for nonsubsidized enrollment in the basic health plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's or a basic health plan managed care system's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage or for basic health plan nonsubsidized enrollment is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

(d) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to

a change in employment status that would qualify him or her to purchase continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., but the person's employer is exempt under federal law from the requirement to offer such coverage, completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.

(e) If a person is seeking an individual health benefit plan, completion of the standard health questionnaire shall not be a condition of coverage if: (i) The person had at least twenty-four months of continuous basic health plan coverage under chapter 70.47 RCW immediately prior to disenrollment; and (ii) application for coverage is made within ninety days of disenrollment from the basic health plan. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous basic health plan coverage if application is made no more than ninety days prior to the date of disenrollment and the effective date of the individual coverage applied for is the date of disenrollment, or within ninety days thereafter.

(f) If a person is seeking an individual health benefit plan due to a change in employment status that would qualify him or her to purchase continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire is not a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.

(g) If a person is seeking an individual health benefit plan due to their terminating continuation coverage under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of terminating the continuation coverage; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the termination. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of termination of the continuation coverage and the effective date of the individual coverage applied for is the date the continuation coverage is terminated, or within ninety days thereafter.

(h) If a person is seeking an individual health benefit plan because his or her employer, or former employer, discontinues group coverage due to the closure of the business, completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of the employer discontinuing group coverage due to closure of the business; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the termination. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of discontinuation of group coverage, and the effective date of the

individual coverage applied for is the date the group coverage is discontinued, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan and the health care authority, as administrator of basic health plan nonsubsidized coverage, shall not accept the person's application for enrollment as a nonsubsidized enrollee; and

(b) Within fifteen business days of receipt of a completed application, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage, whichever entity administered the standard health questionnaire, shall accept the person for enrollment if he or she resides within the carrier's or the basic health plan's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals."

On page 1, line 1 of the title, after "questionnaire;" strike the remainder of the title and insert "and amending RCW 48.43.018."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2841 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2841, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2841, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Erickson, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Hope and Hurst.

SUBSTITUTE HOUSE BILL NO. 2841, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2986 with the following amendments:

On page 2, line 29, after "years." insert "The nonvoting member shall comply with all governing bylaws and policies of the commission."

On page 3, line 22, after "authority." insert "The nonvoting member shall comply with all governing bylaws and policies of the authority."

On page 4, line 32, after "system." insert "The nonvoting member shall comply with all governing bylaws and policies of the authority."

On page 2, line 27, after "representing" strike all material through "of"

On page 2, line 28, after "system." insert "If the public transportation employees are represented by more than one labor organization, all such labor organizations shall select the nonvoting member by majority vote."

On page 3, line 20, after "representing" strike all material through "of"

On page 3, beginning on line 21, after "authority." strike all material through "authority." on line 22 and insert "If the public transportation employees are represented by more than one labor organization, all such labor organizations shall select the nonvoting member by majority vote."

On page 4, line 31, after "representing" strike all material through "of"

On page 4, line 32, after "system." insert "If the public transportation employees are represented by more than one labor organization, all such labor organizations shall select the nonvoting member by majority vote."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2986 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2986, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2986, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 63; Nays, 32; Absent, 0; Excused, 3.

Voting yea: Representatives Angel, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeyer, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Dickerson, Hope and Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2986, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3141 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.08A RCW to read as follows:

(1) The legislature finds that the goal of the Washington WorkFirst program is economic self-sufficiency for families through unsubsidized work. The legislature also finds that matching available resources with families' needs and developing a comprehensive plan assists families in attaining lasting self-sufficiency through work.

(2) The legislature also finds that the primary purposes of the temporary assistance for needy families program are: (a) To help job ready participants secure gainful employment; (b) to assist parents to prepare for and obtain sustainable employment that will lift the family out of poverty and lead to economic self-sufficiency; and (c) to provide basic income assistance and support to parents who are disabled or otherwise exempt from work activity requirements under federal law.

(3) The legislature further finds that parents who have adequate job skills and experiences should be referred to job search activities that will lead to employment.

(4) The legislature also finds that completion of appropriate educational and training programs is necessary for some families to achieve economic self-sufficiency through work because research demonstrates that without adequate levels of education or training, job search activities alone have no measurable impact on a family's ability to obtain and maintain paid work.

(5) The legislature further finds that while many families have been successful in permanently leaving the program of temporary assistance for needy families, statistics indicate that families continue to return to the program in the absence of adequate education and training.

(6) In order to provide work opportunities for parents with significant barriers to employment, the legislature intends to build upon the successes of the community jobs program and to provide subsidized work opportunities to parents who are unable to find employment after earnest efforts at job search or education and training activities.

(7) The legislature intends to reform components of Washington's subsidized childcare program by redesigning the eligibility determination process to promote: (a) Stability for children and (b) predictability for parents who are either working or preparing and searching for work and the childcare providers who are serving low-income families.

NEW SECTION. Sec. 2. A new section is added to chapter 43.215 RCW to read as follows:

(1) The department shall establish and implement policies in the working connections child care program to promote stability and quality of care for children from low-income households. Policies for the expenditure of funds constituting the working connections child care program must be consistent with the outcome measures defined in RCW 74.08A.410 and the standards established in this section intended to promote continuity of care for children.

(2) Beginning in fiscal year 2011, for families with children enrolled in an early childhood education and assistance program, a head start program, or an early head start program, authorizations for the working connections child care subsidy shall be effective for twelve months unless a change in circumstances necessitates reauthorization sooner than twelve months.

(3) The department, in consultation with the department of social and health services, shall report to the legislature by September 1, 2011, with:

(a) An analysis of the impact of the twelve-month authorization period on the stability of child care, program costs, and administrative savings; and

(b) Recommendations for expanding the application of the twelve-month authorization period to additional populations of children in care.

NEW SECTION. Sec. 3. A new section is added to chapter 74.08A RCW to read as follows:

The Washington WorkFirst subcabinet, in consultation with the governor, shall:

(1) Reevaluate the structure and policies of the WorkFirst program in the context of legislative intent expressed in section 1 of this act, and in consideration of the relevant research relating to family economic self-sufficiency and the completion of training and

education programs shown to be correlated with increased earnings and career growth;

(2) Develop a proposal for redesigning the state's use of temporary assistance for needy families funds in a manner that makes optimum use of all funds available in the state to promote more families moving out of poverty to sustainable self-sufficiency. The subcommittee must report the proposal to the appropriate committees of the legislature by December 1, 2010. The proposal must include the following elements:

(a) A process for conducting a reassessment for persons who have been unable to achieve sustainable self-sufficiency through employment after receiving WorkFirst assistance for fifty-four months. The reassessment must be designed to determine if referral to community jobs or other services, including education and training opportunities, is appropriate or necessary to assist the person in attaining self-sufficiency for the family;

(b) A plan for referring persons who have been unsuccessful in finding sustainable employment to the community jobs program or other wage-subsidized employment program established under RCW 74.08A.320. Referrals should complement other activities that might be identified in a reassessment under (a) of this subsection; and

(c) A schedule for the development and implementation of three pathways to family self-sufficiency that will guide case management and engage parents early in developing a comprehensive plan to achieve self-sufficiency while addressing families' current basic needs. The pathways must address appropriate referrals for:

(i) Persons who have: (A) Marketable job skills, adequate education, or experience and attachment to the job force, (B) transportation, (C) safe child care arrangements in place, and (D) no unaddressed barriers to employment;

(ii) Persons who have: (A) Few or no marketable job skills, (B) little experience or attachment to the job force, (C) no high school diploma or equivalent, or (D) a need to complete adult basic education or other activities to remove barriers to employment; and

(iii) Persons who are: (A) Incapacitated and unemployable, (B) caring for a child with a disability, or (C) the primary caregiver for a family member with a disability; and

(3)(a) Adopt the goal of increasing the percentage of households receiving temporary assistance for needy families that move into the middle-income bracket or higher, and delineate specific program strategies within the proposal required in subsection (2) of this section to reach that goal.

(b) The proposal developed under subsection (2) of this section shall also include an estimate by the office of financial management, in consultation with other state agencies, of the percentage of Washington residents with incomes in the middle-income bracket or higher, and the percentage of WorkFirst clients who have historically moved into the middle-income bracket or higher. The office of financial management shall continue, by December 1 of every year thereafter, to estimate and report the percentage of Washington residents with incomes in the middle-income bracket or higher to the governor and the appropriate committees of the legislature.

(c) For purposes of this section, "middle-income bracket" means family incomes between two hundred and five hundred percent of the 2009 federal poverty level, as determined by the United States department of health and human services for a family of four, adjusted annually for inflation.

Sec. 4. RCW 74.08A.285 and 2003 c 383 s 3 are each amended to read as follows:

The WorkFirst program operated by the department to meet the federal work requirements specified in P.L. 104-193 shall contain a job search component. The component shall consist of instruction on how to secure a job and assisted job search activities to locate and retain employment. Nonexempt recipients of temporary assistance for needy families shall participate in an initial job search for no more than twelve consecutive weeks, when appropriate, given the

recipient's marketable job skills, attachment to the labor force, and level of education or training. Each recipient shall receive a work skills assessment upon referral to the job search program. The work skills assessment shall include but not be limited to education, employment history, employment strengths, and job skills. The recipient's ability to obtain employment will be reviewed periodically thereafter and, if it is clear at any time that further participation in a job search will not be productive, the department shall assess the recipient pursuant to RCW 74.08A.260. The department shall refer recipients unable to find employment through the initial job search period to ~~((work))~~ activities that will develop their skills or knowledge to make them more employable, including additional job search and job readiness assistance.

Sec. 5. RCW 74.08A.320 and 1997 c 58 s 325 are each amended to read as follows:

The department shall establish a wage subsidy program to be known as the community jobs program for recipients of temporary assistance for needy families who have barriers to employment, lack experience and attachment to the job force, or have been unsuccessful in securing employment leading to family self-sufficiency. The department shall give preference in job placements to private sector employers that have agreed to participate in the wage subsidy program. The department shall identify characteristics of employers who can meet the employment goals stated in RCW 74.08A.410. The department shall use these characteristics in identifying which employers may participate in the program. The department shall adopt rules for the participation of recipients of temporary assistance for needy families in the wage subsidy program. Participants in the program established under this section may not be employed if: (1) The employer has terminated the employment of any current employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with the participant; or (2) the participant displaces or partially displaces current employees. Employers providing positions created under this section shall meet the requirements of chapter 49.46 RCW. This section shall not diminish or result in the infringement of obligations or rights under chapters 41.06, 41.56, and 49.36 RCW and the national labor relations act, 29 U.S.C. Ch. 7. The department shall establish such local and statewide advisory boards, including business and labor representatives, as it deems appropriate to assist in the implementation of the wage subsidy program. Once the recipient is hired, the wage subsidy shall be authorized for up to nine months.

NEW SECTION. **Sec. 6.** RCW 74.08A.200 (Intent-- Washington WorkFirst) and 1997 c 58 s 301 are each repealed.

NEW SECTION. **Sec. 7.** It is the intent of the legislature that this act be implemented within the funding appropriated in the 2009-11 biennial budget. No additional appropriations will be provided for its implementation."

On page 1, line 2 of the title, after "families;" strike the remainder of the title and insert "amending RCW 74.08A.285 and 74.08A.320; adding new sections to chapter 74.08A RCW; adding a new section to chapter 43.215 RCW; creating a new section; and repealing RCW 74.08A.200."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3141 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Thomas Hoemann, Secretary

Representative Kagi spoke in favor of the passage of the bill.

Representative Dammeier spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 3141, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 3141, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 38; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloschia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Dickerson, Hope and Hurst.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3141, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

MESSAGE FROM THE SENATE

March 4, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2416 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 19.260 RCW to read as follows:

The department shall monitor television energy efficiency standards proposed in California and Oregon. After either state adopts proposed standards and the department determines that uniform standards among west coast states would promote consistency and provide market influence in achieving greater energy efficiency, the department shall, by December 1st of the year in which it makes the determination, provide recommendations regarding adoption of television energy efficiency standards to the appropriate committees of the legislature."

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "and adding a new section to chapter 19.260 RCW."

and the same is herewith transmitted.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2416 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2527 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.50.020 and 2007 c 325 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any person who makes application for a site certification pursuant to the provisions of this chapter.

(2) "Application" means any request for approval of a particular site or sites filed in accordance with the procedures established pursuant to this chapter, unless the context otherwise requires.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(4) "Site" means any proposed or approved location of an energy facility, alternative energy resource, or electrical transmission facility.

(5) "Certification" means a binding agreement between an applicant and the state which shall embody compliance to the siting guidelines, in effect as of the date of certification, which have been adopted pursuant to RCW 80.50.040 as now or hereafter amended as conditions to be met prior to or concurrent with the construction or operation of any energy facility.

(6) "Associated facilities" means storage, transmission, handling, or other related and supporting facilities connecting an energy plant with the existing energy supply, processing, or distribution system, including, but not limited to, communications, controls, mobilizing or maintenance equipment, instrumentation, and other types of ancillary transmission equipment, off-line storage or venting required for efficient operation or safety of the transmission system and overhead, and surface or subsurface lines of physical access for the inspection, maintenance, and safe operations of the transmission facility and new transmission lines constructed to operate at nominal voltages of at least 115,000 volts to connect a thermal power plant or alternative energy facilities to the northwest power grid. However, common carrier railroads or motor vehicles shall not be included.

(7) "Transmission facility" means any of the following together with their associated facilities:

(a) Crude or refined petroleum or liquid petroleum product transmission pipeline of the following dimensions: A pipeline larger than six inches minimum inside diameter between valves for the transmission of these products with a total length of at least fifteen miles;

(b) Natural gas, synthetic fuel gas, or liquefied petroleum gas transmission pipeline of the following dimensions: A pipeline larger than fourteen inches minimum inside diameter between valves, for the transmission of these products, with a total length of at least fifteen miles for the purpose of delivering gas to a distribution facility,

except an interstate natural gas pipeline regulated by the United States federal power commission.

(8) "Electrical transmission facilities" means electrical power lines and related equipment.

(9) "Independent consultants" means those persons who have no financial interest in the applicant's proposals and who are retained by the council to evaluate the applicant's proposals, supporting studies, or to conduct additional studies.

(10) "Thermal power plant" means, for the purpose of certification, any electrical generating facility using any fuel (~~(, including nuclear materials,))~~ for distribution of electricity by electric utilities.

(11) "Energy facility" means an energy plant or transmission facilities: PROVIDED, That the following are excluded from the provisions of this chapter:

(a) Facilities for the extraction, conversion, transmission or storage of water, other than water specifically consumed or discharged by energy production or conversion for energy purposes; and

(b) Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense.

(12) "Council" means the energy facility site evaluation council created by RCW 80.50.030.

(13) "Counsel for the environment" means an assistant attorney general or a special assistant attorney general who shall represent the public in accordance with RCW 80.50.080.

(14) "Construction" means on-site improvements, excluding exploratory work, which cost in excess of two hundred fifty thousand dollars.

(15) "Energy plant" means the following facilities together with their associated facilities:

(a) Any nuclear power facility where the primary purpose is to produce and sell electricity;

~~(b) Any nonnuclear stationary thermal power plant with generating capacity of three hundred fifty thousand kilowatts or more, measured using maximum continuous electric generating capacity, less minimum auxiliary load, at average ambient temperature and pressure, and floating thermal power plants of one hundred thousand kilowatts or more (, including associated facilities. For the purposes of this subsection, "floating thermal power plants" means a thermal power plant that is))~~ suspended on the surface of water by means of a barge, vessel, or other floating platform;

~~((b))~~ (c) Facilities which will have the capacity to receive liquefied natural gas in the equivalent of more than one hundred million standard cubic feet of natural gas per day, which has been transported over marine waters;

~~((e))~~ (d) Facilities which will have the capacity to receive more than an average of fifty thousand barrels per day of crude or refined petroleum or liquefied petroleum gas which has been or will be transported over marine waters, except that the provisions of this chapter shall not apply to storage facilities unless occasioned by such new facility construction;

~~((d))~~ (e) Any underground reservoir for receipt and storage of natural gas as defined in RCW 80.40.010 capable of delivering an average of more than one hundred million standard cubic feet of natural gas per day; and

~~((e))~~ (f) Facilities capable of processing more than twenty-five thousand barrels per day of petroleum or biofuel into refined products except where such biofuel production is undertaken at existing industrial facilities.

(16) "Land use plan" means a comprehensive plan or land use element thereof adopted by a unit of local government pursuant to chapter 35.63, 35A.63, 36.70, or 36.70A RCW, or as otherwise designated by chapter 325, Laws of 2007.

(17) "Zoning ordinance" means an ordinance of a unit of local government regulating the use of land and adopted pursuant to

chapter 35.63, 35A.63, 36.70, or 36.70A RCW or Article XI of the state Constitution, or as otherwise designated by chapter 325, Laws of 2007.

(18) "Alternative energy resource" (~~(means))~~ includes energy facilities of the following types: (a) Wind; (b) solar energy; (c) geothermal energy; (d) landfill gas; (e) wave or tidal action; or (f) biomass energy based on solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic.

(19) "Secretary" means the secretary of the United States department of energy.

(20) "Preapplication process" means the process which is initiated by written correspondence from the preapplicant to the council, and includes the process adopted by the council for consulting with the preapplicant and with cities, towns, and counties prior to accepting applications for all transmission facilities.

(21) "Preapplicant" means a person considering applying for a site certificate agreement for any transmission facility.

(22) "Biofuel" has the same meaning as defined in RCW 43.325.010.

Sec. 2. RCW 80.50.030 and 2001 c 214 s 4 are each amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2)(a) The chair of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chair may designate a member of the council to serve as acting chair in the event of the chair's absence. The salary of the chair shall be determined under RCW 43.03.040. The chair is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.250.

(b) The chair or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington state department of community, trade, and economic development shall provide all administrative and staff support for the council. The director of the department of community, trade, and economic development has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW.

(3)(a) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

(i) Department of ecology;

(ii) Department of fish and wildlife;

(iii) Department of community, trade, and economic development;

(iv) Utilities and transportation commission; and

(v) Department of natural resources.

(b) The directors, administrators, or their designees, of the following departments, agencies, and commissions, or their statutory successors, may participate as councilmembers at their own discretion provided they elect to participate no later than sixty days after an application is filed:

(i) Department of agriculture;

(ii) Department of health;

(iii) Military department; and

(iv) Department of transportation.

(c) Council membership is discretionary for agencies that choose to participate under (b) of this subsection only for applications that are filed with the council on or after May 8, 2001. For applications filed

before May 8, 2001, council membership is mandatory for those agencies listed in (b) of this subsection.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(5) The city legislative authority of every city within whose corporate limits an energy (~~(plant)~~) facility is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

Sec. 3. RCW 80.50.071 and 2006 c 196 s 5 are each amended to read as follows:

(1) The council shall receive all applications for energy facility site certification. ~~((The following fees or charges for application processing or certification monitoring shall be paid by the applicant or certificate holder:))~~ Each applicant shall pay such reasonable costs as are actually and necessarily incurred by the council in processing an application.

(a) ~~((A fee of twenty-five thousand dollars for each proposed site, to be applied toward the cost of the independent consultant study authorized in this subsection, shall accompany the application and shall be a condition precedent to any further consideration or action on the application by the council))~~ Each applicant shall, at the time of application submission, deposit fifty thousand dollars, or such greater amount as may be specified by the council after consultation with the applicant. Costs that may be charged against the deposit include, but are not limited to, independent consultants' costs, councilmember's wages, employee benefits, costs of a hearing examiner, costs of a court reporter, staff salaries, wages and employee benefits, goods and services, travel expenses, and miscellaneous direct expenses as arise directly from processing an application.

~~((The council shall commission its own independent consultant study to measure the consequences of the proposed energy facility on the environment for each site application. The council shall direct the consultant to study any matter which it deems essential to an adequate appraisal of the site. The full cost of the study shall be paid by the applicant: PROVIDED, That said costs exceeding a total of the twenty-five thousand dollars paid pursuant to subsection (1)(a) of this section shall be payable subject to the applicant giving prior approval to such excess amount.))~~

(b) ~~((Each applicant shall, in addition to the costs of the independent consultant provided by subsection (1)(a) of this section, pay such reasonable costs as are actually and necessarily incurred by the council and its members as designated in RCW 80.50.030 in processing the application. Such costs shall include, but are not limited to, council member's wages, employee benefits, costs of a hearing examiner, a court reporter, additional staff salaries, wages and employee benefits, goods and services, travel expenses within the state and miscellaneous expenses, as arise directly from processing~~

~~such application))~~ The council may commission its own independent consultant study to measure the consequences of the proposed energy facility on the environment or any matter that it deems essential to an adequate appraisal of the site. The council shall provide an estimate of the cost of the study to the applicant and consider applicant comments.

~~((Each applicant shall, at the time of application submission, deposit twenty thousand dollars, or such lesser amount as may be specified by council rule, to cover costs provided for by subsection (1)(b) of this section. Reasonable and necessary costs of the council directly attributable to application processing shall be charged against such deposit.))~~

~~(c) The council shall submit to each applicant a statement of such expenditures ((actually)) made during the preceding calendar quarter which shall be in sufficient detail to explain such expenditures. The applicant shall pay the state treasurer the amount of such statement to restore the total amount on deposit to the originally established level: PROVIDED, That such applicant may, at the request of the council, increase the amount of funds on deposit to cover anticipated expenses during peak periods of application processing. Any funds remaining unexpended at the conclusion of application processing shall be refunded to the applicant, or at the applicant's option, credited against required deposits of certificate holders.~~

~~((~~(e)~~)) (2) Each certificate holder shall pay such reasonable costs as are actually and necessarily incurred by the council for inspection and determination of compliance by the certificate holder with the terms of the certification relative to monitoring the effects of construction ((and)), operation, and site restoration of the facility.~~

~~(a) Each certificate holder, within thirty days of execution of the site certification agreement, shall have on deposit ((twenty)) fifty thousand dollars, or such ((other)) greater amount as may be specified by the council ((rule, to cover costs provided for by subsection (1)(e) of this section)) after consultation with the certificate holder.~~

~~((Reasonable and necessary costs of the council directly attributable to)) Costs that may be charged against the deposit include, but are not limited to, those specified in subsection (1)(a) of this section as arise from inspection and determination of compliance by the certificate holder with the terms of the certification ~~((relative to monitoring the effects of construction and operation of the facility shall be charged against such deposit)).~~~~

~~(b) The council shall submit to each certificate holder a statement of such expenditures actually made during the preceding calendar quarter which shall be in sufficient detail to explain such expenditures. The certificate holder shall pay the state treasurer the amount of such statement to restore the total amount on deposit to the originally established level: PROVIDED, That if the actual((; reasonable, and necessary)) expenditures for inspection and determination of compliance in the preceding calendar quarter have exceeded the amount of funds on deposit, such excess costs shall be paid by the certificate holder.~~

~~((~~(2)~~)) (3) If an applicant or certificate holder fails to provide the initial deposit, or if subsequently required payments are not received within thirty days following receipt of the statement from the council, the council may (a) in the case of the applicant, suspend processing of the application until payment is received; or (b) in the case of a certificate holder, suspend the certification.~~

~~((~~(3)~~)) (4) All payments required of the applicant or certificate holder under this section are to be made to the state treasurer who shall make payments as instructed by the council from the funds submitted. All such funds shall be subject to state auditing procedures. Any unexpended portions thereof shall be returned to the applicant or certificate holder.~~

NEW SECTION. Sec. 4. Rule-making costs incurred by the energy facility site evaluation council in implementing and administering this act shall be proportionately divided among the certificate holders and applicants directly affected by this act."

On page 1, line 1 of the title, after "council;" strike the remainder of the title and insert "amending RCW 80.50.020, 80.50.030, and 80.50.071; and creating a new section."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2527 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Morris and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2527, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2527, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Hope and Hurst.

SUBSTITUTE HOUSE BILL NO. 2527, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

MESSAGE FROM THE SENATE

March 4, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3124 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 46.61 RCW to read as follows:

A law enforcement officer shall promptly notify child protective services whenever a child is present in a vehicle being driven by his or her parent, guardian, or legal custodian and that

person is being arrested for a drug or alcohol-related driving offense. This section does not require law enforcement to take custody of the child unless there is no other responsible person, or an agency having the right to physical custody of the child that can be contacted, or the officer has reasonable grounds to believe the child should be taken into custody pursuant to RCW 13.34.050 or 26.44.050. For purposes of this section, "child" means any person under ten years of age.

NEW SECTION. Sec. 6. A new section is added to chapter 26.44 RCW to read as follows:

A law enforcement officer shall promptly notify child protective services whenever a child is present in a vehicle being driven by his or her parent, guardian, or legal custodian and that person is being arrested for a drug or alcohol-related driving offense. This section does not require law enforcement to take custody of the child unless there is no other responsible person, or an agency having the right to physical custody of the child that can be contacted, or the officer has reasonable grounds to believe the child should be taken into custody pursuant to RCW 13.34.050 or 26.44.050. For purposes of this section, "child" means any person under ten years of age."

On page 1, line 4 of the title, after "drugs;" strike the remainder of the title and insert "adding a new section to chapter 46.61 RCW; and adding a new section to chapter 26.44 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 3124 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1679 with the following amendment:

On page 5, on line 17, after "(medical insurance).", insert "A member who is entitled to medicare must enroll and maintain enrollment in both medicare part A and medicare part B in order to remain eligible for the reimbursement provided in this subsection."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1679 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1679, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1679, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Hope and Hurst.

SUBSTITUTE HOUSE BILL NO. 1679, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2533 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 71.05 RCW to read as follows:

(1) A civil commitment may be initiated under the procedures described in RCW 71.05.150 or 71.05.153 for a person who has been found not guilty by reason of insanity in a state other than Washington and who has fled from detention, commitment, or conditional release in that state, on the basis of a request by the state in which the person was found not guilty by reason of insanity for the person to be detained and transferred back to the custody or care of the requesting state. A finding of likelihood of serious harm or grave disability is not required for a commitment under this section. The detention may occur at either an evaluation and treatment facility or a state hospital. The petition for seventy-two hour detention filed by the designated mental health professional must be accompanied by the following documents:

(a) A copy of an order for detention, commitment, or conditional release of the person in a state other than Washington on the basis of a judgment of not guilty by reason of insanity;

(b) A warrant issued by a magistrate in the state in which the person was found not guilty by reason of insanity indicating that the person has fled from detention, commitment, or conditional release in that state and authorizing the detention of the person within the state in which the person was found not guilty by reason of insanity;

(c) A statement from the executive authority of the state in which the person was found not guilty by reason of insanity requesting that the person be returned to the requesting state and agreeing to facilitate the transfer of the person to the requesting state.

(2) The person shall be entitled to a probable cause hearing within the time limits applicable to other detentions under this chapter and shall be afforded the rights described in this chapter including the

right to counsel. At the probable cause hearing, the court shall determine the identity of the person and whether the other requirements of this section are met. If the court so finds, the court may order continued detention in a treatment facility for up to thirty days for the purpose of the transfer of the person to the custody or care of the requesting state. The court may order a less restrictive alternative to detention only under conditions which ensure the person's safe transfer to the custody or care of the requesting state within thirty days without undue risk to the safety of the person or others.

(3) For the purposes of this section, "not guilty by reason of insanity" shall be construed to include any provision of law which is generally equivalent to a finding of criminal insanity within the state of Washington; and "state" shall be construed to mean any state, district, or territory of the United States."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "the detention and interstate transfer of persons found not guilty by reason of insanity; and adding a new section to chapter 71.05 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2533 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Pearson and Orwall spoke in favor of the passage of the bill.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2533, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2533, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Flannigan, Hope and Hurst.

SUBSTITUTE HOUSE BILL NO. 2533, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2603 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 34.05.110 and 2009 c 358 s 1 are each amended to read as follows:

(1) Agencies must provide to a small business a copy of the state law or agency rule that a small business is violating and a period of at least two business days to correct the violation before the agency may impose any fines, civil penalties, or administrative sanctions for a violation of a state law or agency rule by a small business. If no correction is possible or if an agency is acting in response to a complaint made by a third party and the third party would be disadvantaged by the application of this subsection, the requirements in this subsection do not apply.

~~(2)~~ Except as provided in subsection ~~((3))~~ (4) of this section, agencies shall waive any fines, civil penalties, or administrative sanctions for first-time paperwork violations by a small business.

~~((2))~~ (3) When an agency waives a fine, penalty, or sanction under this section, when possible it shall require the small business to correct the violation within a reasonable period of time, in a manner specified by the agency. If correction is impossible, no correction may be required and failure to correct is not grounds for reinstatement of fines, penalties, or sanctions under subsection ~~((4))~~ (5)(b) of this section.

~~((3))~~ (4) Exceptions to requirements of subsection (1) of this section and the waiver requirement in subsection (2) of this section may be made for any of the following reasons:

(a) The agency head determines that the effect of the violation or waiver presents a direct danger to the public health, results in a loss of income or benefits to an employee, poses a potentially significant threat to human health or the environment, or causes serious harm to the public interest;

(b) The violation involves a ~~((small business knowingly or willfully engaging in conduct that may result in a felony conviction))~~ knowing or willful violation;

(c) The violation is of a requirement concerning the assessment, collection, or administration of any tax, tax program, debt, revenue, receipt, a regulated entity's financial filings, or insurance rate or form filing;

(d) The ~~((waiver is))~~ requirements of this section are in conflict with federal law or program requirements, federal requirements that are a prescribed condition to the allocation of federal funds to the state, or the requirements for eligibility of employers in this state for federal unemployment tax credits, as determined by the agency head;

(e) The small business committing the violation previously violated a substantially similar ~~((paperwork))~~ requirement; or

(f) The owner or operator of the small business committing the violation owns or operates, or owned or operated a different small business which previously violated a substantially similar ~~((paperwork))~~ requirement.

~~((4))~~ (5)(a) Nothing in this section prohibits an agency from waiving fines, civil penalties, or administrative sanctions incurred by a small business for a paperwork violation that is not a first-time offense.

(b) Any fine, civil penalty, or administrative sanction that is waived under this section may be reinstated and imposed in addition to any additional fines, penalties, or administrative sanctions associated with a subsequent violation for noncompliance with a substantially similar paperwork requirement, or failure to correct the previous violation as required by the agency under subsection ~~((2))~~ (3) of this section.

~~((5))~~ (6) Nothing in this section may be construed to diminish the responsibility for any citizen or business to apply for and obtain a permit, license, or authorizing document that is required to engage in a regulated activity, or otherwise comply with state or federal law.

~~((6))~~ (7) Nothing in this section shall be construed to apply to small businesses required to provide accurate and complete information and documentation in relation to any claim for payment of state or federal funds or who are licensed or certified to provide care and services to vulnerable adults or children.

~~((7))~~ (8) Nothing in this section affects the attorney general's authority to impose fines, civil penalties, or administrative sanctions as otherwise authorized by law; nor shall this section affect the attorney general's authority to enforce the consumer protection act, chapter 19.86 RCW.

(9) As used in this section:

(a) "Small business" means a business with two hundred fifty or fewer employees or a gross revenue of less than seven million dollars annually as reported on its most recent federal income tax return or its most recent return filed with the department of revenue.

(b) "Paperwork violation" means the violation of any statutory or regulatory requirement that mandates the collection of information by an agency, or the collection, posting, or retention of information by a small business. This includes but is not limited to requirements in the Revised Code of Washington, the Washington Administrative Code, the Washington State Register, or any other agency directive.

(c) "First-time paperwork violation" means the first instance of a particular or substantially similar paperwork violation."

On page 1, line 2 of the title, after "businesses;" strike the remainder of the title and insert "and amending RCW 34.05.110."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2603 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Hunt and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2603, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2603, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler,

Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Flannigan, Hope and Hurst.

SECOND SUBSTITUTE HOUSE BILL NO. 2603, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2747 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 72.09.015 and 2009 c 521 s 165 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Adult basic education" means education or instruction designed to achieve general competence of skills in reading, writing, and oral communication, including English as a second language and preparation and testing services for obtaining a high school diploma or a general equivalency diploma.

(2) "Base level of correctional services" means the minimum level of field services the department of corrections is required by statute to provide for the supervision and monitoring of offenders.

(3) "Community custody" has the same meaning as that provided in RCW 9.94A.030 and also includes community placement and community supervision as defined in RCW 9.94B.020.

(4) "Contraband" means any object or communication the secretary determines shall not be allowed to be: (a) Brought into; (b) possessed while on the grounds of; or (c) sent from any institution under the control of the secretary.

(5) "Correctional facility" means a facility or institution operated directly or by contract by the secretary for the purposes of incarcerating adults in total or partial confinement, as defined in RCW 9.94A.030.

~~(6)~~ (6) "County" means a county or combination of counties.

~~((6))~~ (7) "Department" means the department of corrections.

~~((7))~~ (8) "Earned early release" means earned release as authorized by RCW 9.94A.728.

~~((8))~~ (9) "Evidence-based" means a program or practice that has had multiple-site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective in reducing recidivism for the population.

~~((9))~~ (10) "Extended family visit" means an authorized visit between an inmate and a member of his or her immediate family that occurs in a private visiting unit located at the correctional facility where the inmate is confined.

~~((10))~~ (11) "Good conduct" means compliance with department rules and policies.

~~((11))~~ (12) "Good performance" means successful completion of a program required by the department, including an education, work, or other program.

~~((12))~~ (13) "Immediate family" means the inmate's children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, and a person legally married to or in a state registered domestic partnership with an inmate. "Immediate family" does not include an inmate adopted by another inmate or the immediate family of the adopted or adopting inmate.

~~((13))~~ (14) "Indigent inmate," "indigent," and "indigency" mean an inmate who has less than a ten-dollar balance of disposable income in his or her institutional account on the day a request is made to utilize funds and during the thirty days previous to the request.

~~((14))~~ (15) "Individual reentry plan" means the plan to prepare an offender for release into the community. It should be developed collaboratively between the department and the offender and based on an assessment of the offender using a standardized and comprehensive tool to identify the offender's risks and needs. The individual reentry plan describes actions that should occur to prepare individual offenders for release from prison or jail, specifies the supervision and services they will experience in the community, and describes an offender's eventual discharge to aftercare upon successful completion of supervision. An individual reentry plan is updated throughout the period of an offender's incarceration and supervision to be relevant to the offender's current needs and risks.

~~((15))~~ (16) "Inmate" means a person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released from such facility on furlough, work release, or community custody, and persons received from another state, state agency, county, or federal jurisdiction.

~~((16))~~ (17) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.

(18) "Physical restraint" means the use of any bodily force or physical intervention to control an offender or limit an offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent an offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive offender who is unwilling to leave the area voluntarily; or

(c) Guide an offender from one location to another.

(19) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the woman or youth leaves the hospital, birthing center, or clinic.

~~(20)~~ (20) "Privilege" means any goods or services, education or work programs, or earned early release days, the receipt of which are directly linked to an inmate's (a) good conduct; and (b) good performance. Privileges do not include any goods or services the department is required to provide under the state or federal Constitution or under state or federal law.

~~((17))~~ (21) "Promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

~~((18))~~ (22) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

~~((19))~~ (23) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons.

~~(24)~~ "Secretary" means the secretary of corrections or his or her designee.

~~((20))~~ (25) "Significant expansion" includes any expansion into a new product line or service to the class I business that results from an increase in benefits provided by the department, including a decrease in labor costs, rent, or utility rates (for water, sewer, electricity, and disposal), an increase in work program space, tax advantages, or other overhead costs.

~~((21))~~ (26) "Superintendent" means the superintendent of a correctional facility under the jurisdiction of the Washington state department of corrections, or his or her designee.

~~((22))~~ (27) "Transportation" means the conveying, by any means, of an incarcerated pregnant woman or youth from the correctional facility to another location from the moment she leaves the correctional facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated woman or youth from the correctional facility to a transport vehicle and from the vehicle to the other location.

~~(28)~~ "Unfair competition" means any net competitive advantage that a business may acquire as a result of a correctional industries contract, including labor costs, rent, tax advantages, utility rates (water, sewer, electricity, and disposal), and other overhead costs. To determine net competitive advantage, the correctional industries board shall review and quantify any expenses unique to operating a for-profit business inside a prison.

~~((23))~~ (29) "Vocational training" or "vocational education" means "vocational education" as defined in RCW 72.62.020.

~~((24))~~ (30) "Washington business" means an in-state manufacturer or service provider subject to chapter 82.04 RCW existing on June 10, 2004.

~~((25))~~ (31) "Work programs" means all classes of correctional industries jobs authorized under RCW 72.09.100.

NEW SECTION. Sec. 2. (1) Except in extraordinary circumstances, no restraints of any kind may be used on any pregnant woman or youth incarcerated in a correctional facility during transportation to and from visits to medical providers and court proceedings during the third trimester of her pregnancy, or during postpartum recovery. For purposes of this section, "extraordinary circumstances" exist where a corrections officer makes an individualized determination that restraints are necessary to prevent an incarcerated pregnant woman or youth from escaping, or from injuring herself, medical or correctional personnel, or others. In the event the corrections officer determines that extraordinary circumstances exist and restraints are used, the corrections officer must fully document in writing the reasons that he or she determined such extraordinary circumstances existed such that restraints were used. As part of this documentation, the corrections officer must also include the kind of restraints used and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances.

(2) While the pregnant woman or youth is in labor or in childbirth no restraints of any kind may be used. Nothing in this section affects the use of hospital restraints requested for the medical safety of a patient by treating physicians licensed under Title 18 RCW.

(3) Anytime restraints are permitted to be used on a pregnant woman or youth, the restraints must be the least restrictive available and the most reasonable under the circumstances, but in no case shall leg irons or waist chains be used on any woman or youth known to be pregnant.

(4) No correctional personnel shall be present in the room during the pregnant woman's or youth's labor or childbirth, unless specifically requested by medical personnel. If the employee's presence is requested by medical personnel, the employee should be female, if practicable.

(5) If the doctor, nurse, or other health professional treating the pregnant woman or youth requests that restraints not be used, the corrections officer accompanying the pregnant woman or youth shall immediately remove all restraints.

NEW SECTION. Sec. 3. (1) The secretary shall provide an informational packet about the requirements of this act to all medical staff and nonmedical staff who are involved in the transportation of women and youth who are pregnant, as well as such other staff as the secretary deems appropriate. The informational packet provided to staff under this section shall be developed as provided in section 13 of this act.

(2) The secretary shall cause the requirements of this act to be provided to all women or youth who are pregnant, at the time the department assumes custody of the person. In addition, the secretary shall cause a notice containing the requirements of this act to be posted in conspicuous locations in the correctional facilities, including but not limited to the locations in which medical care is provided within the facilities.

Sec. 4. RCW 70.48.020 and 2009 c 411 s 3 are each reenacted and amended to read as follows:

As used in this chapter the words and phrases in this section shall have the meanings indicated unless the context clearly requires otherwise.

(1) "Administration" means the direct application of a drug whether by ingestion or inhalation, to the body of an inmate by a practitioner or nonpractitioner jail personnel.

(2) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed, and used for the housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

(3) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of medication whether or not there is an agency relationship.

(4) "Detention facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(5) "Drug" and "legend drug" have the same meanings as provided in RCW 69.41.010.

(6) "Governing unit" means the city and/or county or any combinations of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.

(7) "Health care" means preventive, diagnostic, and rehabilitative services provided by licensed health care professionals and/or facilities; such care to include providing prescription drugs where indicated.

(8) "Holding facility" means a facility operated by a governing unit primarily designed, staffed, and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed thirty days.

(9) "Jail" means any holding, detention, special detention, or correctional facility as defined in this section.

(10) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.

~~(11)~~ (11) "Major urban" means a county or combination of counties which has a city having a population greater than twenty-six thousand based on the 1978 projections of the office of financial management.

~~((11))~~ (12) "Medication" means a drug, legend drug, or controlled substance requiring a prescription or an over-the-counter or nonprescription drug.

~~((12))~~ (13) "Medication assistance" means assistance rendered by nonpractitioner jail personnel to an inmate residing in a jail to facilitate the individual's self-administration of a legend drug or controlled substance or nonprescription medication. "Medication assistance" includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand.

~~((13))~~ (14) "Medium urban" means a county or combination of counties which has a city having a population equal to or greater than ten thousand but less than twenty-six thousand based on the 1978 projections of the office of financial management.

~~((14))~~ (15) "Nonpractitioner jail personnel" means appropriately trained staff who are authorized to manage, deliver, or administer prescription and nonprescription medication under RCW 70.48.490.

~~((15))~~ (16) "Office" means the office of financial management.

~~((16))~~ (17) "Physical restraint" means the use of any bodily force or physical intervention to control an offender or limit an offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent an offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive offender who is unwilling to leave the area voluntarily; or

(c) Guide an offender from one location to another.

(18) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the woman or youth leaves the hospital, birthing center, or clinic.

~~(19)~~ (19) "Practitioner" has the same meaning as provided in RCW 69.41.010.

~~((17))~~ (20) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons.

~~(21)~~ (21) "Rural" means a county or combination of counties which has a city having a population less than ten thousand based on the 1978 projections of the office of financial management.

~~((18))~~ (22) "Special detention facility" means a minimum security facility operated by a governing unit primarily designed, staffed, and used for the housing of special populations of sentenced persons who do not require the level of security normally provided in detention and correctional facilities including, but not necessarily limited to, persons convicted of offenses under RCW 46.61.502 or 46.61.504.

(23) "Transportation" means the conveying, by any means, of an incarcerated pregnant woman or youth from the correctional facility or any facility covered by this chapter to another location from the moment she leaves the correctional facility or any facility covered by this chapter to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated woman or youth from the correctional facility or facility covered by this chapter to a transport vehicle and from the vehicle to the other location.

NEW SECTION. Sec. 5. (1) Except in extraordinary circumstances no restraints of any kind may be used on any pregnant woman or youth incarcerated in a correctional facility or any facility covered by this chapter during transportation to and from visits to medical providers and court proceedings during the third trimester of her pregnancy, or during postpartum recovery. For purposes of this section, "extraordinary circumstances" exist where a corrections officer or employee of the correctional facility or any facility covered by this chapter makes an individualized determination that restraints are necessary to prevent an incarcerated pregnant woman or youth from escaping, or from injuring herself, medical or correctional personnel, or others. In the event the corrections officer or employee of the correctional facility or any facility covered by this chapter determines that extraordinary circumstances exist and restraints are used, the corrections officer or employee must fully document in writing the reasons that he or she determined such extraordinary circumstances existed such that restraints were used. As part of this documentation, the corrections officer or employee must also include the kind of restraints used and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances.

(2) While the pregnant woman or youth is in labor or in childbirth no restraints of any kind may be used. Nothing in this section affects the use of hospital restraints requested for the medical safety of a patient by treating physicians licensed under Title 18 RCW.

(3) Anytime restraints are permitted to be used on a pregnant woman or youth, the restraints must be the least restrictive available and the most reasonable under the circumstances, but in no case shall leg irons or waist chains be used on any woman or youth known to be pregnant.

(4) No correctional personnel or employee of the correctional facility or any facility covered by this chapter shall be present in the room during the pregnant woman's or youth's labor or childbirth, unless specifically requested by medical personnel. If the employee's presence is requested by medical personnel, the employee should be female, if practicable.

(5) If the doctor, nurse, or other health professional treating the pregnant woman or youth requests that restraints not be used, the corrections officer or employee accompanying the pregnant woman or youth shall immediately remove all restraints.

NEW SECTION. Sec. 6. (1) The jail administrator or his or her designee or chief law enforcement executive or his or her designee shall provide notice of the requirements of this act to the appropriate staff at a correctional facility or a facility covered by this chapter. Appropriate staff shall include all medical staff and staff who are involved in the transportation of pregnant women and youth as well as such other staff deemed appropriate.

(2) The jail administrator or his or her designee or chief law enforcement executive or his or her designee shall cause the requirements of this act to be provided to all women and youth of child bearing age at intake. In addition, the jail administrator or his or her designee or chief law enforcement executive or his or her designee shall cause a notice containing the requirements of this act to be posted in locations in which medical care is provided within the facilities.

Sec. 7. RCW 72.05.020 and 1998 c 269 s 2 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise:

(1) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility.

(2) "Department" means the department of social and health services.

(3) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(4) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix.

(5) "Physical restraint" means the use of any bodily force or physical intervention to control an offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another.

(6) "Postpartum recovery" means (a) the entire period a youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic.

(7) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons.

(8) "Service provider" means the entity that operates a community facility.

(9) "Transportation" means the conveying, by any means, of an incarcerated pregnant woman or youth from the institution or community facility to another location from the moment she leaves the institution or community facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated woman or youth from the institution or community facility to a transport vehicle and from the vehicle to the other location.

NEW SECTION. Sec. 8. (1) Except in extraordinary circumstances no restraints of any kind may be used on any pregnant youth in an institution or a community facility covered by this chapter during transportation to and from visits to medical providers and court proceedings during the third trimester of her pregnancy, or during postpartum recovery. For purposes of this section, "extraordinary circumstances" exist where an employee of an institution or community facility covered by this chapter makes an individualized determination that restraints are necessary to prevent an incarcerated pregnant youth from escaping, or from injuring herself, medical or correctional personnel, or others. In the event an employee of an institution or community facility covered by this chapter determines that extraordinary circumstances exist and restraints are used, the corrections officer or employee must fully document in writing the reasons that he or she determined such extraordinary circumstances existed such that restraints were used. As part of this documentation, the employee of an institution or community facility covered by this chapter must also include the kind of restraints used and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances.

(2) While the pregnant youth is in labor or in childbirth no restraints of any kind may be used. Nothing in this section affects the use of hospital restraints requested for the medical safety of a patient by treating physicians licensed under Title 18 RCW.

(3) Anytime restraints are permitted to be used on a pregnant youth, the restraints must be the least restrictive available and the most reasonable under the circumstances, but in no case shall leg irons or waist chains be used on any youth known to be pregnant.

(4) No employee of the institution or community facility shall be present in the room during the pregnant youth's labor or childbirth, unless specifically requested by medical personnel. If the employee's presence is requested by medical personnel, the employee should be female, if practicable.

(5) If the doctor, nurse, or other health professional treating the pregnant youth requests that restraints not be used, the employee accompanying the pregnant youth shall immediately remove all restraints.

NEW SECTION. Sec. 9. (1) The secretary shall provide an informational packet about the requirements of this act to all medical staff and nonmedical staff of the institution or community facility who are involved in the transportation of youth who are pregnant, as well as such other staff as the secretary deems appropriate. The informational packet provided to staff under this section shall be developed as provided in section 13 of this act.

(2) The secretary shall cause the requirements of this act to be provided to all youth who are pregnant, at the time the secretary assumes custody of the person. In addition, the secretary shall cause a notice containing the requirements of this act to be posted in conspicuous locations in the institutions or community facilities, including but not limited to the locations in which medical care is provided within the facilities.

Sec. 10. RCW 13.40.020 and 2009 c 454 s 2 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) "Community-based sanctions" may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(3) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county

may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Labor" means the period of time before a birth during which contractions are of sufficient frequency, intensity, and duration to bring about effacement and progressive dilation of the cervix;

~~(17)~~ (17) "Local sanctions" means one or more of the following: (a) 0- 30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

~~((47))~~ (18) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

~~((48))~~ (19) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

~~((49))~~ (20) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

~~((20))~~ (21) "Physical restraint" means the use of any bodily force or physical intervention to control a juvenile offender or limit a juvenile offender's freedom of movement in a way that does not involve a mechanical restraint. Physical restraint does not include momentary periods of minimal physical restriction by direct person-to-person contact, without the aid of mechanical restraint, accomplished with limited force and designed to:

(a) Prevent a juvenile offender from completing an act that would result in potential bodily harm to self or others or damage property;

(b) Remove a disruptive juvenile offender who is unwilling to leave the area voluntarily; or

(c) Guide a juvenile offender from one location to another.

(22) "Postpartum recovery" means (a) the entire period a woman or youth is in the hospital, birthing center, or clinic after giving birth and (b) an additional time period, if any, a treating physician determines is necessary for healing after the youth leaves the hospital, birthing center, or clinic;

~~(23)~~ (23) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

~~((24))~~ (24) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

~~((22))~~ (25) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

~~((23))~~ (26) "Restraints" means anything used to control the movement of a person's body or limbs and includes:

(a) Physical restraint; or

(b) Mechanical device including but not limited to: Metal handcuffs, plastic ties, ankle restraints, leather cuffs, other hospital-type restraints, tasers, or batons;

~~(27)~~ (27) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

~~((24))~~ (28) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

~~((25))~~ (29) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

~~((26))~~ (30) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

~~((27))~~ (31) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

~~((28))~~ (32) "Transportation" means the conveying, by any means, of an incarcerated pregnant youth from the institution or detention facility to another location from the moment she leaves the institution or detention facility to the time of arrival at the other location, and includes the escorting of the pregnant incarcerated youth from the institution or detention facility to a transport vehicle and from the vehicle to the other location.

~~(33)~~ (33) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

~~((29))~~ (34) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

~~((30))~~ (35) "Youth court" means a diversion unit under the supervision of the juvenile court.

NEW SECTION. Sec. 11. (1) Except in extraordinary circumstances, no restraints of any kind may be used on any pregnant youth in an institution or detention facility covered by this chapter during transportation to and from visits to medical providers and court proceedings during the third trimester of her pregnancy, or during postpartum recovery. For purposes of this section, "extraordinary circumstances" exist where an employee at an institution or detention facility makes an individualized determination that restraints are necessary to prevent an incarcerated pregnant youth from escaping, or from injuring herself, medical or correctional personnel, or others. In the event the employee of the institution or detention facility determines that extraordinary circumstances exist and restraints are used, the employee of the institution or detention facility must fully document in writing the reasons that he or she determined such extraordinary circumstances existed such that restraints were used. As part of this documentation, the employee of the institution or detention facility must also include the kind of restraints used and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances.

(2) While the pregnant youth is in labor or in childbirth no restraints of any kind may be used. Nothing in this section affects the use of hospital restraints requested for the medical safety of a patient by treating physicians licensed under Title 18 RCW.

(3) Anytime restraints are permitted to be used on a pregnant youth, the restraints must be the least restrictive available and the most reasonable under the circumstances, but in no case shall leg irons or waist chains be used on any youth known to be pregnant.

(4) No employee of the institution or detention facility shall be present in the room during the pregnant youth's labor or childbirth, unless specifically requested by medical personnel. If the employee's presence is requested by medical personnel, the employee should be female, if practicable.

(5) If the doctor, nurse, or other health professional treating the pregnant youth requests that restraints not be used, the employee of the institution or detention facility accompanying the pregnant youth shall immediately remove all restraints.

NEW SECTION. Sec. 12. (1) The director of the juvenile detention facility shall provide an informational packet about the requirements of this act to all medical staff and nonmedical staff who are involved in the transportation of youth who are pregnant, as well as such other staff as appropriate. The informational packet provided to staff under this section shall be developed as provided in section 13 of this act.

(2) The director shall cause the requirements of this act to be provided to all youth who are pregnant, at the time the facility assumes custody of the person. In addition, the facility shall cause a notice containing the requirements of this act to be posted in conspicuous locations in the detention facilities, including but not limited to the locations in which medical care is provided within the facilities.

NEW SECTION. Sec. 13. The Washington association of sheriffs and police chiefs, the department of corrections, the department of social and health services, juvenile rehabilitation administration, and the criminal justice training commission shall jointly develop an informational packet on the requirements of this act. The packet shall be ready for distribution no later than September 1, 2010.

NEW SECTION. Sec. 14. No civil liability may be imposed by any court on the county or its jail officers or employees under sections 5 and 6 of this act except upon proof of gross negligence.

NEW SECTION. Sec. 15. Sections 2 and 3 of this act are each added to chapter 72.09 RCW.

NEW SECTION. Sec. 16. Sections 5, 6, and 13 of this act are each added to chapter 70.48 RCW.

NEW SECTION. Sec. 17. Sections 8 and 9 of this act are each added to chapter 72.05 RCW.

NEW SECTION. Sec. 18. Sections 11 and 12 of this act are each added to chapter 13.40 RCW."

On page 1, line 2 of the title, after "youth;" strike the remainder of the title and insert "amending RCW 72.09.015, 72.05.020, and 13.40.020; reenacting and amending RCW 70.48.020; adding new sections to chapter 72.09 RCW; adding new sections to chapter 70.48 RCW; adding new sections to chapter 72.05 RCW; adding new sections to chapter 13.40 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2747 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Darneille and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2747, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2747, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Kessler.

Excused: Representatives Dickerson, Flannigan, Hope and Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2747, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2775 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.27.070 and 1995 c 399 s 8 are each amended to read as follows:

There is hereby established a state building code council, to be appointed by the governor.

(1) The state building code council shall consist of fifteen members(=);

(a) Two ((of whom shall)) members must be county elected legislative body members or elected executives ((and));

(b) Two ((of whom shall)) members must be city elected legislative body members or mayors(=);

(c) One ((of the members shall)) member must be a local government building code enforcement official ((and));

(d) One ((of the members shall)) member must be a local government fire service official((-Of the remaining nine members,));

(e) One member shall represent general construction, specializing in commercial and industrial building construction;

(f) One member shall represent general construction, specializing in residential and multifamily building construction;

(g) One member shall represent the architectural design profession;

(h) One member shall represent the structural engineering profession;

(i) One member shall represent the mechanical engineering profession;

(j) One member shall represent the construction building trades;

(k) One member shall represent manufacturers, installers, or suppliers of building materials and components;

(l) One member ((shall)) must be a person with a physical disability and shall represent the disability community; and

(m) One member shall represent the general public.

(2) At least six of these fifteen members shall reside east of the crest of the Cascade mountains.

(3) The council shall include: Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership.

(4)(a) Terms of office shall be for three years, or for so long as the member remains qualified for the appointment.

(b) The council shall elect a member to serve as chair of the council for one-year terms of office.

(c) Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment.

(d) Any member who is appointed to represent a specific private sector industry must maintain sufficiently similar employment or circumstances throughout the term of office to remain qualified to represent the specified industry. Retirement or unemployment is not cause for termination. However, if a councilmember enters into employment outside of the industry he or she has been appointed to represent, then he or she shall be removed from the council.

(e) Any member who no longer qualifies for appointment under this section may not vote on council actions, but may participate as an ex officio, nonvoting member until a replacement member is appointed. A member must notify the council staff and the governor's office within thirty days of the date the member no longer qualifies for appointment under this section. The governor shall appoint a qualified replacement for the member within sixty days of notice.

(5) Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests ((listed)) identified in this ((subsection)) section. ((Members serving on the council on July 28, 1985, may complete their terms of office. Any vacancy shall be filled by alternating appointments from governmental and nongovernmental entities or interests until the council is constituted as required by this subsection.

~~---(2))~~ (6) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

~~((3))~~ (7) The department of ((community, trade, and economic development)) commerce shall provide administrative and clerical assistance to the building code council."

On page 1, line 1 of the title, after "council;" strike the remainder of the title and insert "and amending RCW 19.27.070."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2775 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dammeier and Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2775, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2775, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Flannigan, Hope and Hurst.

SUBSTITUTE HOUSE BILL NO. 2775, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2801 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that despite a recognized law prohibiting harassment, intimidation, and bullying of students in public schools and despite widespread adoption of antiharassment policies by school districts, harassment of students continues and has not declined since the law was enacted. Furthermore, students and parents continue to seek assistance against harassment, and schools need to disseminate more widely their antiharassment policies and procedures. The legislature intends to expand the tools, information, and strategies that can be used to combat harassment, intimidation, and bullying of students, and increase awareness of the need for respectful learning communities in all public schools.

Sec. 2. RCW 28A.300.285 and 2007 c 407 s 1 are each amended to read as follows:

(1) By August 1, ~~((2003))~~ 2011, each school district shall adopt or amend if necessary a policy ~~((- within the scope of its authority-))~~ and procedure that at a minimum incorporates the revised model policy and procedure provided under subsection (4) of this section that prohibits the harassment, intimidation, or bullying of any student. It is the responsibility of each school district to share this policy with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the superintendent of public instruction. Each school district shall designate one person in the district as the primary contact regarding the antiharassment, intimidation, or bullying policy. The primary contact shall receive copies of all formal and informal complaints, have responsibility for assuring the implementation of the policy and procedure, and serve as the primary contact on the policy and procedures between the school district, the office of the education ombudsman, and the office of the superintendent of public instruction.

(2) "Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by any characteristic in RCW 9A.36.080(3), or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

- (a) Physically harms a student or damages the student's property; or
- (b) Has the effect of substantially interfering with a student's education; or
- (c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- (d) Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.

(3) The policy and procedure should be adopted or amended through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives. It is recommended that each such policy emphasize positive character traits and values, including the importance of civil and respectful speech and conduct, and the responsibility of students to comply with the district's policy prohibiting harassment, intimidation, or bullying.

(4)~~(a)~~ By August 1, ~~((2002))~~ 2010, the superintendent of public instruction, in consultation with representatives of parents, school personnel, the office of the education ombudsman, the Washington state school directors' association, and other interested parties, shall provide to ~~((school districts and educational service districts a))~~ the education committees of the legislature a revised and updated model harassment, intimidation, and bullying prevention policy and procedure. The superintendent of public instruction shall publish on its web site, with a link to the safety center web page, the revised and updated model harassment, intimidation, and bullying prevention policy and procedure, along with training and instructional materials on the components that ((should)) shall be included in any district policy and procedure. The superintendent shall adopt rules regarding school districts' communication of the policy and procedure to parents, students, employees, and volunteers. ((Training materials shall be disseminated in a variety of ways, including workshops and other staff developmental activities, and through the office of the superintendent of public instruction's web site, with a link to the safety center web page. On the web site:

(a) The office of the superintendent of public instruction shall post its model policy, recommended training materials, and instructional materials;))

(b) The office of the superintendent of public instruction has the authority to update with new technologies access to this information in the safety center, to the extent resources are made available~~((and))~~;

(c) ~~((Individual school districts shall have direct access to the safety center web site to post a brief summary of their policies, programs, partnerships, vendors, and instructional and training materials, and to provide a link to the school district's web site for further information.))~~ Each school district shall by August 15, 2011, provide to the superintendent of public instruction a brief summary of its policies, procedures, programs, partnerships, vendors, and instructional and training materials to be posted on the school safety center web site, and shall also provide the superintendent with a link to the school district's web site for further information. The district's primary contact for bullying and harassment issues shall annually by August 15th verify posted information and links and notify the school safety center of any updates or changes.

(5) The Washington state school directors association, with the assistance of the office of the superintendent of public instruction, shall convene an advisory committee to develop a model policy

prohibiting acts of harassment, intimidation, or bullying that are conducted via electronic means by a student while on school grounds and during the school day. The policy shall include a requirement that materials meant to educate parents and students about the seriousness of cyberbullying be disseminated to parents or made available on the school district's web site. The school directors association and the advisory committee shall develop sample materials for school districts to disseminate, which shall also include information on responsible and safe internet use as well as what options are available if a student is being bullied via electronic means, including but not limited to, reporting threats to local police and when to involve school officials, the internet service provider, or phone service provider. The school directors association shall submit the model policy and sample materials, along with a recommendation for local adoption, to the governor and the legislature and shall post the model policy and sample materials on its web site by January 1, 2008. Each school district board of directors shall establish its own policy by August 1, 2008.

(6) As used in this section, "electronic" or "electronic means" means any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means.

NEW SECTION. Sec. 3. A new section is added to chapter 43.06B RCW to read as follows:

In addition to duties assigned under RCW 43.06B.020, the office of the education ombudsman shall serve as the lead agency to provide resources and tools to parents and families about public school antiharassment policies and strategies."

On page 1, line 1 of the title, after "schools;" strike the remainder of the title and insert "amending RCW 28A.300.285; adding a new section to chapter 43.06B RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2801 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Liias and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2801, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2801, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell,

Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Flannigan, Hope and Hurst.

SUBSTITUTE HOUSE BILL NO. 2801, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2805 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 39.04 RCW to read as follows:

(1) For any public work estimated to cost over one million dollars, the contract must contain a provision requiring the submission of certain information about off-site, prefabricated, nonstandard, project specific items produced under the terms of the contract and produced outside Washington. The information must be submitted to the department of labor and industries under subsection (2) of this section. The information that must be provided is:

- (a) The estimated cost of the public works project;
- (b) The name of the awarding agency and the title of the public works project;
- (c) The contract value of the off-site, prefabricated, nonstandard, project specific items produced outside Washington, including labor and materials; and
- (d) The name, address, and federal employer identification number of the contractor that produced the off-site, prefabricated, nonstandard, project specific items.

(2)(a) The required information under this section must be submitted by the contractor or subcontractor as a part of the affidavit of wages paid form filed with the department of labor and industries under RCW 39.12.040. This information is only required to be submitted by the contractor or subcontractor who directly contracted for the off-site, prefabricated, nonstandard, project specific items produced outside Washington.

(b) The department of labor and industries shall include requests for the information about off-site, prefabricated, nonstandard, project specific items produced outside Washington on the affidavit of wages paid form required under RCW 39.12.040.

(c) The department of general administration shall develop standard contract language to meet the requirements of subsection (1) of this section and make the language available on its web site.

(d) Failure to submit the information required in subsection (1) of this section as part of the affidavit of wages paid form does not constitute a violation of RCW 39.12.050.

(3) For the purposes of this section, "off-site, prefabricated, nonstandard, project specific items" means products or items that are: (a) Made primarily of architectural or structural precast concrete, fabricated steel, pipe and pipe systems, or sheet metal and sheet metal duct work; (b) produced specifically for the public work and not considered to be regularly available shelf items; (c) produced or manufactured by labor expended to assemble or modify standard items; and (d) produced at an off-site location.

(4) The department of labor and industries shall transmit information collected under this section to the capital projects advisory review board created in RCW 39.10.220 for review.

(5) This section applies to contracts entered into between September 1, 2010, and December 31, 2013.

(6) This section does not apply to department of transportation public works projects.

(7) This section does not apply to local transportation public works projects.

Sec. 2. RCW 39.04.350 and 2009 c 197 s 2 are each amended to read as follows:

(1) Before award of a public works contract, a bidder must meet the following responsibility criteria to be considered a responsible bidder and qualified to be awarded a public works project. The bidder must:

(a) At the time of bid submittal, have a certificate of registration in compliance with chapter 18.27 RCW;

(b) Have a current state unified business identifier number;

(c) If applicable, have industrial insurance coverage for the bidder's employees working in Washington as required in Title 51 RCW; an employment security department number as required in Title 50 RCW; and a state excise tax registration number as required in Title 82 RCW;

(d) Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065(3); ~~((and))~~

(e) If bidding on a public works project subject to the apprenticeship utilization requirements in RCW 39.04.320, not have been found out of compliance by the Washington state apprenticeship and training council for working apprentices out of ratio, without appropriate supervision, or outside their approved work processes as outlined in their standards of apprenticeship under chapter 49.04 RCW for the one-year period immediately preceding the date of the bid solicitation; and

(f) Until December 31, 2013, not have violated section 1 of this act more than one time as determined by the department of labor and industries.

(2) In addition to the bidder responsibility criteria in subsection (1) of this section, the state or municipality may adopt relevant supplemental criteria for determining bidder responsibility applicable to a particular project which the bidder must meet.

(a) Supplemental criteria for determining bidder responsibility, including the basis for evaluation and the deadline for appealing a determination that a bidder is not responsible, must be provided in the invitation to bid or bidding documents.

(b) In a timely manner before the bid submittal deadline, a potential bidder may request that the state or municipality modify the supplemental criteria. The state or municipality must evaluate the information submitted by the potential bidder and respond before the bid submittal deadline. If the evaluation results in a change of the criteria, the state or municipality must issue an addendum to the bidding documents identifying the new criteria.

(c) If the bidder fails to supply information requested concerning responsibility within the time and manner specified in the bid documents, the state or municipality may base its determination of responsibility upon any available information related to the supplemental criteria or may find the bidder not responsible.

(d) If the state or municipality determines a bidder to be not responsible, the state or municipality must provide, in writing, the reasons for the determination. The bidder may appeal the determination within the time period specified in the bidding documents by presenting additional information to the state or municipality. The state or municipality must consider the additional information before issuing its final determination. If the final determination affirms that the bidder is not responsible, the state or municipality may not execute a contract with any other bidder until

two business days after the bidder determined to be not responsible has received the final determination.

(3) The capital projects advisory review board created in RCW 39.10.220 shall develop suggested guidelines to assist the state and municipalities in developing supplemental bidder responsibility criteria. The guidelines must be posted on the board's web site."

On page 1, line 1 of the title, after "prefabrication;" strike the remainder of the title and insert "amending RCW 39.04.350; and adding a new section to chapter 39.04 RCW."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2805 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Ormsby and Dunshee spoke in favor of the passage of the bill.

Representatives Condotta and Warnick spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2805, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2805, as amended by the Senate, and the bill passed the House by the following vote: Yeas: 53 Nays: 41 Absent: 0 Excused: 4

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Darneille, Driscoll, Dunshee, Ericks, Goodman, Green, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, and Wood

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Fagan, Finn, Haigh, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Morris, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh, and Warnick

Excused: Representatives Dickerson, Flannigan, Hope, and Hurst

ENGROSSED HOUSE BILL NO. 2805, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 3040 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Appraisal" means the act or process of estimating value; an estimate of value; or of pertaining to appraising and related functions.

(2) "Appraisal management company" means an entity that performs appraisal management services, regardless of the use of the term appraisal management company, mortgage technology provider, lender processing services, lender services, loan processor, mortgage services, real estate closing services provider, settlement services provider, or vendor management company, or any other term.

(3) "Appraisal management services" means to perform any or all of the following functions on behalf of a lender, financial institution, mortgage broker, loan originator, or any other person:

(a) Administer an appraiser panel;

(b) Recruit, qualify, verify licensing or certification, and negotiate fees and service level expectations with persons who are part of an appraiser panel;

(c) Receive an order for an appraisal from one person, or entity, and deliver the order for the appraisal to an appraiser that is part of an appraiser panel for completion;

(d) Track and determine the status of appraisal orders;

(e) Conduct quality control of a completed appraisal prior to the delivery of the appraisal to the person that ordered the appraisal; and

(f) Provide a completed appraisal performed by an appraiser to one or more persons that have ordered an appraisal.

(4) "Appraisal review" or "appraisal review services" means developing and communicating an opinion about the quality of another appraiser's work that was performed, or assignment results that were developed, as part of an appraisal assignment.

(5) "Appraiser" means a person who is licensed or certified under chapter 18.140 RCW or under similar laws of another state.

(6) "Appraiser panel" means a network of appraisers who are independent contractors of an appraisal management company that have:

(a) Independently applied to or responded to an invitation, request, or solicitation from an appraisal management company to perform appraisals for persons, or entities, that have ordered appraisals through the appraisal management company, or to perform appraisals for the appraisal management company directly, on a periodic basis, as assigned by the appraisal management company; and

(b) Been selected, and approved, by an appraisal management company to perform appraisals for a person, or entity, that has ordered an appraisal through the appraisal management company, or to perform appraisals for the appraisal management company directly, on a periodic basis, as assigned by the appraisal management company.

(7) "Controlling person" means:

(a) An owner, officer, or director of a corporation, partnership, or other business entity seeking to offer appraisal management services in this state;

(b) An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has the authority to enter into agreements with appraisers for the performance of appraisals;

(c) An individual who possesses the power to direct or cause the direction of the management or policies of an appraisal management company;

(d) Any person who controls a partnership, company, association, or corporation through one or more intermediaries, alone or in concert

with others, or a ten percent or greater interest in a partnership, company, association, or corporation; or

(e) Any person who controls a limited liability company or is the owner of a sole proprietorship.

(8) "Department" means the department of licensing.

(9) "Director" means the director of the department of licensing.

NEW SECTION. Sec. 2. POWERS AND DUTIES OF DIRECTOR. The director shall:

(1) Adopt rules to implement this chapter;

(2) Establish appropriate administrative procedures for the processing of the applications;

(3) Issue licenses to qualified companies under the provisions of this chapter; and

(4) Maintain a roster of the names and addresses of companies licensed under this chapter;

(5) Employ professional, clerical, and technical assistance as may be necessary to properly administer the work of the director;

(6) Establish forms necessary to administer this chapter;

(7) Oversee the performance of any background investigations;

(8) Initiate and oversee investigations and any audits;

(9) Establish grounds for disciplinary actions;

(10) Adopt fees under RCW 43.24.086; and

(11) Do all other things necessary to carry out the provisions of this chapter and comply with the requirements of any pertinent federal laws pertaining to appraisal management companies.

NEW SECTION. Sec. 3. IMMUNITY. The director or individuals acting on behalf of the director are immune from suit in any action, civil or criminal, based on any acts performed in the course of their duties except for their intentional or willful misconduct.

NEW SECTION. Sec. 4. APPLICATIONS--ORIGINAL AND RENEWALS. (1) Applications for licensure must be made to the department on forms approved by the director. A license is valid for two years and must be renewed on or before the expiration date. Applications for original and renewal licenses must include a statement confirming that the company must comply with applicable rules and that the company understands the penalties for misconduct.

(2) The appropriate fees must accompany all applications for original licensure and renewal.

(3) Each applicant shall file and maintain a surety bond, approved by the director, executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety, whose liability as the surety may not exceed in the aggregate the penal sum of the bond. The penal sum of the bond must be a minimum of twenty-five thousand dollars. The bond must run to the state of Washington as obligee for the use and benefit of the state and of any person or persons who may have a cause of action against the obligor under this chapter. The bond must be conditioned that the obligor as licensee will faithfully conform to and abide by this chapter and all the rules adopted under this chapter. The bond will pay to the state and any person or persons having a cause of action against the obligor all moneys that may become due and owing to the state and those persons under and by virtue of this chapter.

NEW SECTION. Sec. 5. OUT OF STATE COMPANIES-- CONSENT FOR SERVICE OF PROCESS. Every company seeking licensure whose headquarters is not based in the state of Washington shall submit, with the application for licensure, an irrevocable consent that service of process upon the controlling person or persons may be made by service on the director if, in an action against the entity in a Washington state court arising out of the entity's activities as an appraisal management company, the plaintiff cannot, in the exercise of due diligence, obtain personal service upon the company.

NEW SECTION. Sec. 6. LICENSURE--REQUIRED USE OF NAME AND LICENSE NUMBER. (1) A license issued under this chapter must bear the signature or facsimile signature of the director and a license number assigned by the director.

(2) Each licensed appraisal management company shall place the name under which it does business and its license number on any appraisal engagement document issued.

NEW SECTION. Sec. 7. LICENSURE REQUIRED. (1) It is unlawful for an entity to engage or attempt to engage in business as an appraisal management company, to engage or attempt to perform appraisal management services, or to advertise or hold itself out as engaging in or conducting business as an appraisal management company without first obtaining a license issued by the department under this chapter.

(2) An application for the issuance or renewal of a license required by subsection (1) of this section must, at a minimum, include the following information:

- (a) Name of the entity seeking licensure;
- (b) Names under which the entity will do business;
- (c) Business address of the entity seeking licensure;
- (d) Phone contact information of the entity seeking licensure;
- (e) If the entity is not a corporation that is domiciled in this state, the name and contact information for the company's agent for service of process in this state;
- (f) The name, address, and contact information for any individual or any corporation, partnership, or other business entity that owns ten percent or more of the appraisal management company;
- (g) The name, address, and contact information for a controlling person;
- (h) A certification that the entity has a system and process in place to verify that a person being added to the appraiser panel of the appraisal management company for work being done in this state holds a license or certificate in good standing under chapter 18.140 RCW;

(i) A certification that the entity has a system in place to review the work of appraisers that are performing real estate appraisal services on a periodic basis and have a policy in place to require that the real estate appraisal services provided by the appraiser are being conducted in accordance with chapter 18.140 RCW and other applicable state and federal laws;

(j) A certification that the entity maintains a detailed record of each service request that it receives and the appraiser that performs the real estate appraisal services under section 13 of this act;

(k) A certification that the entity maintains a complete copy of the completed appraisal report performed as a part of any request, for a minimum period of five years, or at least two years after final disposition of any judicial proceeding related to the assignment, under uniform standards of professional appraisal practice provisions, and that the appraisals must be provided to the department upon demand;

(l) An irrevocable uniform consent to service of process, under section 6 of this act; and

(m) Any other relevant information reasonably required by the department to obtain a license under the requirements of this chapter.

NEW SECTION. Sec. 8. OWNER REQUIREMENTS. (1) Each entity owning more than ten percent of an appraisal management company may not be:

(a) Directly controlled by a person who has had a license or certificate to act as an appraiser refused, denied, canceled, or revoked; or

(b) More than ten percent owned by any person who has had a license or certificate to act as an appraiser refused, denied, canceled, or revoked in any state.

(2) Each person that owns more than ten percent of an appraisal management company must:

(a) Not have had a license or certificate to act as an appraiser refused, denied, canceled, or revoked in any state;

(b) Be of good moral character, as determined by the department; and

(c) Submit to a background investigation under section 15 of this act.

(3) Each appraisal management company must certify to the department that it has reviewed each and every individual or entity that owns more than ten percent of the appraisal management company and that no person or entity that owns more than ten percent of the appraisal management company is prohibited from owning an appraisal management company under this section.

(4) A person under this section may appeal an adjudicative proceeding involving a final decision of the director to deny, suspend, or revoke a license under chapter 18.235 RCW.

NEW SECTION. Sec. 9. CONTROLLING PERSON REQUIREMENTS. (1)(a) An appraisal management company shall designate one controlling person that will be the main contact for all communication between the department and the appraisal management company.

(b) Should the controlling person change, the appraisal management company must notify the director within fourteen business days and provide the name and contact information of the new controlling person.

(2) The controlling person designated under subsection (1) of this section must:

(a) Have never had a license or certificate to act as an appraiser surrendered in lieu of disciplinary action, refused, denied, canceled, or revoked in any state;

(b) Be of good moral character, as determined by the department; and

(c) Submit to a background investigation under section 15 of this act.

NEW SECTION. Sec. 10. APPRAISER REQUIREMENTS.

(1) An appraisal management company may not knowingly contract with or employ as an appraiser:

(a) Any person who has ever had a license or certificate to act as an appraiser in this state, or in any other state, surrendered in lieu of disciplinary action, refused, denied, canceled, or revoked;

(b) Any person who has been convicted of an offense that reflects adversely upon the person's integrity, competence, or fitness to meet the responsibilities of an appraiser or appraisal management company;

(c) Any person who has been convicted of, or who has pled guilty or nolo contendere to, a felony related to participation in the real estate or mortgage loan industry;

(i) During the seven-year period preceding the date of the application for licensing and registration; or

(ii) At any time preceding the date of application, if the felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering;

(d) Any person who is in violation of chapter 19.146 or 31.04 RCW; or

(e) Any person who is in violation of this chapter.

(2) An appraisal management company may not:

(a) Knowingly enter into any independent contractor arrangement for appraisal or appraisal review services with any person who has ever had a license or certificate to act as an appraiser in this state, or in any other state, surrendered in lieu of disciplinary action, refused, denied, canceled, or revoked; and

(b) Knowingly enter into any contract, agreement, or other business relationship for appraisal or appraisal review services with any entity that employs, has entered into an independent contractor arrangement, or has entered into any contract, agreement, or other business relationship with any person who has ever had a license or certificate to act as an appraiser in this state or in any other state surrendered in lieu of disciplinary action, refused, denied, canceled, or revoked.

(3) Any employee of the appraisal management company, or any contractor working in any capacity on behalf of the appraisal management company, that has any involvement in the actual performance of appraisal or appraisal review services, or review and

analysis of completed appraisals must be a state licensed or state certified appraiser in the state in which the property is located, and must have geographic and product competence. This requirement does not apply to any review or examination of the appraisal for grammatical, typographical, or similar errors or general reviews of the appraisal for completeness.

NEW SECTION. Sec. 11. EXEMPTIONS. The provisions of this chapter do not apply to the following:

(1) A department or unit within a financial institution that is subject to direct regulation by an agency of the United States government, or to regulation by an agency of this state, that receives a request for the performance of an appraisal from one employee of the financial institution, and another employee of the same financial institution assigns the request for the appraisal to an appraiser that is part of an appraiser panel; or

(2) An appraiser that enters into an agreement, whether written or otherwise, with another appraiser for the performance of an appraisal, and upon completion of the appraisal, the report of the appraiser performing the appraisal is signed by both the appraiser who completed the appraisal and the appraiser who requested the completion of the appraisal.

NEW SECTION. Sec. 12. RECORDKEEPING. An appraisal management company must certify to the department on initial application and upon renewal, that it maintains a detailed record of each service request that it receives and the appraiser that performs the appraisal for the appraisal management company. This statement must also certify that the appraisal management company maintains a complete copy of the completed appraisal report, for a minimum period of five years after the appraisal is completed, or two years after final disposition of a judicial proceeding related to the assignment, whichever period expires later.

NEW SECTION. Sec. 13. ADJUDICATION OF DISPUTES BETWEEN AN APPRAISAL MANAGEMENT COMPANY AND AN APPRAISER. (1) Except within the first thirty days after an appraiser is first added to the appraiser panel of an appraisal management company, an appraisal management company may not remove an appraiser from its appraiser panel, or otherwise refuse to assign requests for real estate appraisal services to an appraiser without:

(a) Notifying the appraiser in writing of the reasons why the appraiser is being removed from the appraiser panel of the appraisal management company, including if the appraiser is being removed from the panel for illegal conduct, a violation of state licensing standards, substandard performance, or administrative purposes. In addition, if the removal is not for administrative purposes, the nature of the alleged conduct, substandard performance, or violation must be provided; and

(b) Providing an opportunity for the appraiser to respond to the notification of the appraisal management company.

(2) An appraiser that is removed from the appraiser panel of an appraisal management company for alleged illegal conduct or a violation of state licensing standards, may file a complaint with the department for a review of the decision of the appraisal management company, except that in no case will the department make any determination regarding the nature of the business relationship between the appraiser and the appraisal management company which is unrelated to the actions specified in subsection (1) of this section.

(3) If an appraiser files a complaint against an appraisal management company pursuant to subsection (2) of this section, the department may investigate the complaint within one hundred eighty days during which time the appraiser must remain removed from the panel.

(4) If after opportunity for hearing and review, the department determines that an appraiser did not commit a violation of law or a violation of state licensing standards, the department shall order that an appraiser be restored to the appraiser panel of the appraisal

management company that was the subject of the complaint without prejudice.

(5) Following the adjudication of a complaint to the department by an appraiser against an appraisal management company, an appraisal management company may not refuse to make assignments for real estate appraisal services to an appraiser, or reduce the number of assignments, or otherwise penalize the appraiser because of the adjudicated complaint, if the department has found that the appraisal management company acted without reasonable cause in removing the appraiser from the appraiser panel.

NEW SECTION. Sec. 14. DISCIPLINARY ACTIONS-- GROUND. (1) In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action for the following:

(a) Failing to meet the minimum qualifications for licensure established under this chapter;

(b) Failing to pay appraisers no later than forty-five days after completion of the appraisal service unless otherwise agreed or unless the appraiser has been notified in writing that a bona fide dispute exists regarding the performance or quality of the appraisal service;

(c) Failing to pay appraisers even if the appraisal management company is not paid by its client;

(d) Coercing, extorting, colluding, compensating, inducing, intimidating, bribing an appraiser, or in any other manner including:

(i) Withholding or threatening to withhold timely payment for an appraisal;

(ii) Requiring the appraiser to remit a portion of the appraisal fee back to the appraisal management company;

(iii) Withholding or threatening to withhold future business for, or demoting or terminating or threatening to demote or terminate, an appraiser;

(iv) Expressly or impliedly promising future business, promotions, or increased compensation for an appraiser;

(v) Conditioning the request for an appraisal or the payment of an appraisal fee or salary or bonus on the opinion, conclusion, or valuation to be reached, or on a preliminary estimate or opinion requested from an appraiser;

(vi) Requesting that an appraiser provide an estimated, predetermined, or desired valuation in an appraisal report, or provide estimated values or comparable sales at any time prior to the appraiser's completion of an appraisal;

(vii) Providing to an appraiser an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions must be provided to the appraiser;

(viii) Providing to an appraiser, or any entity or person related to the appraiser, stock or other financial or nonfinancial benefits;

(ix) Obtaining, using, or paying for a second or subsequent appraisal or ordering an automated valuation model in connection with a mortgage financing transaction unless there is a reasonable basis to believe that the initial appraisal was flawed or tainted and such basis is clearly and appropriately noted in the loan file, or unless such appraisal or automated valuation model is done pursuant to a bona fide prefunding or postfunding appraisal review or quality control process; or

(x) Any other act or practice that impairs or attempts to impair an appraiser's independence, objectivity, or impartiality, or that violates law;

(e) Altering, modifying, or otherwise changing a completed appraisal report submitted by an appraiser;

(f) Copying and using the appraiser's signature for any purpose or in any other report;

(g) Extracting, copying, or using only a portion of the appraisal report without reference to the entire report;

(h) Prohibiting or attempting to prohibit the appraiser from including or referencing the appraisal fee, the appraisal management company name or identity, or the client's or lender's name or identity in the appraisal report;

(i) Knowingly requiring an appraiser to prepare an appraisal report, engaging an appraiser to perform an appraisal, or accepting an appraisal from an appraiser who has informed the appraisal management company that he or she does not have either the geographic competence or necessary expertise to complete the appraisal;

(j) Knowingly requiring an appraiser to prepare an appraisal report under such a limited time frame when the appraiser, in the appraiser's own professional judgment, has informed the appraisal management company that it does not afford the appraiser the ability to meet all relevant legal and professional obligations or provide a credible opinion of value for the property being appraised. This subsection (1)(j) allows an appraiser to decline an assignment, but is not a basis for complaints against the appraisal management company;

(k) Requiring, or attempting to require, an appraiser to modify an appraisal report except as permitted under subsection (2)(a) or (b) of this section;

(l) Prohibiting, or attempting to prohibit, or inhibiting legal or other allowable communication between the appraiser and:

- (i) The lender;
- (ii) A real estate licensee;
- (iii) A property owner; or

(iv) Any other party or person from whom the appraiser, in the appraiser's own professional judgment, believes information would be relevant or pertinent in completing the appraisal;

(m) Knowingly requiring or attempting to require the appraiser to do anything that violates chapter 18.140 RCW or other applicable state and federal laws or with any allowable assignment conditions or certifications required by the client;

(n) Prohibiting or refusing to allow, or attempting to prohibit or refuse to allow, the transfer of an appraisal from one lender to another lender if the lenders are allowed to transfer an appraisal under applicable federal law; or

(o) Requiring an appraiser to sign any indemnification agreement that would require the appraiser to defend and hold harmless the appraisal management company or any of its agents, employees, or independent contractors for any liability, damage, losses, or claims arising out of the services performed by the appraisal management company or its agents, employees, or independent contractors and not the services performed by the appraiser.

(2) Nothing in subsection (1) of this section may be construed as prohibiting the appraisal management company from requesting that an appraiser:

(a) Provide additional information about the basis for a valuation, including whether or not the appraiser considered other sales and reasons the other sales were either not considered relevant or included in the appraisal; or

(b) Correct objective factual errors in an appraisal report.

NEW SECTION. Sec. 15. BACKGROUND INVESTIGATIONS. Background investigations under this chapter consist of fingerprint-based background checks through the Washington state patrol criminal identification system and through the federal bureau of investigation. The applicant is required to pay the current federal and state fees for fingerprint-based criminal history background checks. The applicant shall submit the fingerprints and required fees for the background checks to the department for submission to the Washington state patrol.

NEW SECTION. Sec. 16. APPRAISAL MANAGEMENT COMPANY ACCOUNT. The appraisal management company account is created in the state treasury. All fees and penalties under this chapter must be paid to the account. Expenditures from the

account may be used only for expenses incurred in carrying out the provisions of this chapter. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 17. UNIFORM REGULATION OF BUSINESS AND PROFESSIONS ACT. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

Sec. 18. RCW 18.235.020 and 2009 c 412 s 22, 2009 c 370 s 20, and 2009 c 102 s 5 are each reenacted and amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

- (i) Auctioneers under chapter 18.11 RCW;
- (ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;
- (iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;
- (iv) Commercial telephone solicitors under chapter 19.158 RCW;
- (v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;
- (vi) Court reporters under chapter 18.145 RCW;
- (vii) Driver training schools and instructors under chapter 46.82 RCW;
- (viii) Employment agencies under chapter 19.31 RCW;
- (ix) For hire vehicle operators under chapter 46.72 RCW;
- (x) Limousines under chapter 46.72A RCW;
- (xi) Notaries public under chapter 42.44 RCW;
- (xii) Private investigators under chapter 18.165 RCW;
- (xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;
- (xiv) Real estate appraisers under chapter 18.140 RCW;
- (xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;
- (xvi) Security guards under chapter 18.170 RCW;
- (xvii) Sellers of travel under chapter 19.138 RCW;
- (xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;
- (xix) Whitewater river outfitters under chapter 79A.60 RCW;

~~(and)~~

(xx) Home inspectors under chapter 18.280 RCW; ~~(and)~~

(xxi) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.300 RCW; and

(xxii) Appraisal management companies under chapter 18.-- RCW (the new chapter created in section 20 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

- (i) The state board of registration for architects established in chapter 18.08 RCW;
- (ii) The Washington state collection agency board established in chapter 19.16 RCW;
- (iii) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;
- (iv) The funeral and cemetery board established in chapter 18.39 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

(v) The state board of licensure for landscape architects established in chapter 18.96 RCW; and

(vi) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

NEW SECTION. Sec. 19. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. Sections 1 through 17 and 19 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 21. This act takes effect July 1, 2011."

On page 1, line 1 of the title, after "companies;" strike the remainder of the title and insert "reenacting and amending RCW 18.235.020; adding a new chapter to Title 18 RCW; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3040 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3040, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3040, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dickerson, Flannigan, Hope and Hurst.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3040, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 2593, as amended by the Senate, passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2593, as amended by the Senate, on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 2593, as amended by the Senate on reconsideration, and the bill passed the House by the following vote: Yeas, 63; Nays, 31; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Bailey, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Darneille, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Campbell, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Walsh and Warnick.

Excused: Representatives Dickerson, Flannigan, Hope and Hurst.

SUBSTITUTE HOUSE BILL NO. 2593, as amended by the Senate, on reconsideration, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which HOUSE BILL NO. 2805, as amended by the Senate, passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2805, on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 2805, as amended by the Senate, on reconsideration, and the bill passed the House by the following vote: Yeas, 52; Nays, 42; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Driscoll, Dunshee, Ericks, Goodman, Green, Hasegawa, Hudgins, Hunt, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos,

Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Fagan, Finn, Haigh, Haler, Herrera, Hinkle, Hunter, Johnson, Klippert, Kretz, Kristiansen, McCune, Morris, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Dickerson, Flannigan, Hope and Hurst.

HOUSE BILL NO. 2805, as amended by the Senate, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 8, 2010, the 57th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - REGULAR SESSION

FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 8, 2010

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Grayson Pennell and David Moore. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Barney Rinkel, Bethany Lutheran Church, Longview.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 7, 2010

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SENATE BILL 6261
SENATE BILL 6364

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 7, 2010

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL 6356
ENGROSSED SUBSTITUTE SENATE BILL 6359

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 7, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL 6874 and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 7, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL 6143 and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 6, 2010

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL 5543
SUBSTITUTE SENATE BILL 6208
SENATE BILL 6379

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTIONS AND FIRST READING

ESSB 6143 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to modifying excise tax laws to preserve funding for public schools, colleges, and universities, as well as other public systems essential for the safety, health, and security of all Washingtonians; amending RCW 82.04.220, 82.04.2907, 82.04.460, 82.04.080, 82.32.090, 82.12.020, 82.45.033, 82.45.070, 82.45.080, 82.45.100, 82.45.220, 43.07.390, 82.04.423, 82.04.4266, 82.04.250, 82.04.250, 82.04.298, 82.04.334, 82.04.4463, 82.08.806, 82.32.545, 82.32.550, 82.32.630, 82.32.632, 82.45.195, 35.102.150, 48.14.080, 82.45.010, 82.45.080, 82.32.145, 82.60.020, 82.62.010, 82.04.4282, 82.08.037, 82.12.037, 82.16.110, 82.08.890, 82.12.890, 54.28.011, 82.08.962, 82.12.962, 82.08.0293, 82.12.0293, 82.04.4451, 82.32.045, 82.08.020, 82.08.020, 44.04.120, 82.08.0206, 36.100.040, 67.28.181, and 82.14.410; reenacting and amending RCW 82.45.010, 82.04.260, 82.04.261, 82.04.440, 82.04.360, and 82.08.064; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; creating new sections; repealing RCW 82.04.44525, 82.08.811, 82.12.811, and 82.04.394; providing effective dates; providing expiration dates; and declaring an emergency.

SSB 6874 by Senate Committee on Ways & Means (originally sponsored by Senators Tom, Keiser and Kohl-Welles)

AN ACT Relating to providing funding for the basic health plan by increasing the taxes on cigarettes and facilitating the funding within the state expenditure limit; amending RCW 82.24.020, 82.24.026, and 43.135.035; adding a new section to chapter 82.24 RCW; adding a new section to chapter 70.47 RCW; repealing RCW 82.24.027 and 82.24.028; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Rules.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of

ENGROSSED SUBSTITUTE SENATE BILL NO. 6143 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

MESSAGE FROM THE SENATE

March 4, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2424 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.68A.001 and 2007 c 368 s 1 are each amended to read as follows:

The legislature finds that the prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance. The care of children is a sacred trust and should not be abused by those who seek commercial gain or personal gratification based on the exploitation of children.

The legislature further finds that the protection of children from sexual exploitation can be accomplished without infringing on a constitutionally protected activity. The definition of "sexually explicit conduct" and other operative definitions demarcate a line between protected and prohibited conduct and should not inhibit legitimate scientific, medical, or educational activities.

The legislature further finds that children engaged in sexual conduct for financial compensation are frequently the victims of sexual abuse. Approximately eighty to ninety percent of children engaged in sexual activity for financial compensation have a history of sexual abuse victimization. It is the intent of the legislature to encourage these children to engage in prevention and intervention services and to hold those who pay to engage in the sexual abuse of children accountable for the trauma they inflict on children. The legislature further finds that due to the changing nature of technology, offenders are now able to access child pornography in different ways and in increasing quantities. By amending current statutes governing depictions of a minor engaged in sexually explicit conduct, it is the intent of the legislature to ensure that intentional viewing of and dealing in child pornography over the internet is subject to a criminal penalty without limiting the scope of existing prohibitions on the possession of or dealing in child pornography, including the possession of electronic depictions of a minor engaged in sexually explicit conduct. It is also the intent of the legislature to clarify, in response to *State v. Sutherby*, 204 P.3d 916 (2009), the unit of prosecution for the statutes governing possession of and dealing in depictions of a minor engaged in sexually explicit conduct. It is the intent of the legislature that the first degree offenses under RCW 9.68A.050, 9.68A.060, and 9.68A.070 have a per depiction or image unit of prosecution, while the second degree offenses under RCW 9.68A.050, 9.68A.060, and 9.68A.070 have a per incident unit of prosecution as established in *State v. Sutherby*, 204 P.3d 916 (2009). Furthermore, it is the intent of the legislature to set a different unit of prosecution for the new offense of viewing of depictions of a minor engaged in sexually explicit conduct such that each separate session of intentionally viewing over the internet of visual depictions or images of a minor engaged in sexually explicit conduct constitutes a separate offense.

NEW SECTION. Sec. 2. A new section is added to chapter 9.68A RCW to read as follows:

This chapter does not apply to lawful conduct between spouses.

Sec. 3. RCW 9.68A.011 and 2002 c 70 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.

(1) An "internet session" means a period of time during which an internet user, using a specific internet protocol address, visits or is logged into an internet site for an uninterrupted period of time.

(2) To "photograph" means to make a print, negative, slide, digital image, motion picture, or videotape. A "photograph" means anything tangible or intangible produced by photographing.

~~((2))~~ (3) "Visual or printed matter" means any photograph or other material that contains a reproduction of a photograph.

~~((3))~~ (4) "Sexually explicit conduct" means actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals;

(b) Penetration of the vagina or rectum by any object;

(c) Masturbation;

(d) Sadomasochistic abuse ((for the purpose of sexual stimulation of the viewer));

(e) ((Exhibition of the genitals or unclothed pubic or rectal areas of any minor, or the unclothed breast of a female minor, for the purpose of sexual stimulation of the viewer;

~~—(f))~~ Defecation or urination for the purpose of sexual stimulation of the viewer;

(f) Depiction of the genitals or unclothed pubic or rectal areas of any minor, or the unclothed breast of a female minor, for the purpose of sexual stimulation of the viewer. For the purposes of this subsection (4)(f), it is not necessary that the minor know that he or she is participating in the described conduct, or any aspect of it; and

(g) Touching of a person's clothed or unclothed genitals, pubic area, buttocks, or breast area for the purpose of sexual stimulation of the viewer.

~~((4))~~ (5) "Minor" means any person under eighteen years of age.

~~((5))~~ (6) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration.

Sec. 4. RCW 9.68A.050 and 1989 c 32 s 3 are each amended to read as follows:

((A person who:))

(1)(a) A person commits the crime of dealing in depictions of a minor engaged in sexually explicit conduct in the first degree when he or she:

(i) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells ((any)) a visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e); or

((2)) (ii) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e).

(b) Dealing in depictions of a minor engaged in sexually explicit conduct in the first degree is ~~((guilty of))~~ a class ~~((C))~~ B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each depiction or image of visual or printed matter constitutes a separate offense.

(2)(a) A person commits the crime of dealing in depictions of a minor engaged in sexually explicit conduct in the second degree when he or she:

(i) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g); or

(ii) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g).

(b) Dealing in depictions of a minor engaged in sexually explicit conduct in the second degree is a class C felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each incident of dealing in one or more depictions or images of visual or printed matter constitutes a separate offense.

Sec. 5. RCW 9.68A.060 and 1989 c 32 s 4 are each amended to read as follows:

(1)(a) A person (~~who~~) commits the crime of sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the first degree when he or she knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, (~~any~~) a visual or printed matter that depicts a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e).

(b) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the first degree is (~~guilty of~~) a class (~~C~~) B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each depiction or image of visual or printed matter constitutes a separate offense.

(2)(a) A person commits the crime of sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the second degree when he or she knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, any visual or printed matter that depicts a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g).

(b) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the second degree is a class C felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each incident of sending or bringing into the state one or more depictions or images of visual or printed matter constitutes a separate offense.

Sec. 6. RCW 9.68A.070 and 2006 c 139 s 3 are each amended to read as follows:

(1)(a) A person (~~who~~) commits the crime of possession of depictions of a minor engaged in sexually explicit conduct in the first degree when he or she knowingly possesses a visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e).

(b) Possession of depictions of a minor engaged in sexually explicit conduct in the first degree is (~~guilty of~~) a class B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each depiction or image of visual or printed matter constitutes a separate offense.

(2)(a) A person commits the crime of possession of depictions of a minor engaged in sexually explicit conduct in the second degree when he or she knowingly possesses any visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g).

(b) Possession of depictions of a minor engaged in sexually explicit conduct in the second degree is a class C felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each incident of possession of one or more depictions or images of visual or printed matter constitutes a separate offense.

NEW SECTION. Sec. 7. A new section is added to chapter 9.68A RCW to read as follows:

(1) A person who intentionally views over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e) is guilty of viewing depictions of a minor engaged in sexually explicit conduct in the first degree, a class B felony punishable under chapter 9A.20 RCW.

(2) A person who intentionally views over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g) is guilty of viewing depictions of a minor engaged in sexually explicit conduct in the second degree, a class C felony punishable under chapter 9A.20 RCW.

(3) For the purposes of determining whether a person intentionally viewed over the internet a visual or printed matter depicting a minor engaged in sexually explicit conduct in subsection (1) or (2) of this section, the trier of fact shall consider the title, text, and content of the visual or printed matter, as well as the internet history, search terms, thumbnail images, downloading activity, expert computer forensic testimony, number of visual or printed matter depicting minors engaged in sexually explicit conduct, defendant's access to and control over the electronic device and its contents upon which the visual or printed matter was found, or any other relevant evidence. The state must prove beyond a reasonable doubt that the viewing was initiated by the user of the computer where the viewing occurred.

(4) For the purposes of this section, each separate internet session of intentionally viewing over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct constitutes a separate offense.

Sec. 8. RCW 9.68A.110 and 2007 c 368 s 3 are each amended to read as follows:

(1) In a prosecution under RCW 9.68A.040, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law enforcement and prosecution agencies shall not employ minors to aid in the investigation of a violation of RCW 9.68A.090 or 9.68A.100. (~~(This chapter does not apply to lawful conduct between spouses.)~~)

(2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or 9.68A.080, it is not a defense that the defendant did not know the age of the child depicted in the visual or printed matter: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant was not in possession of any facts on the basis of which he or she should reasonably have known that the person depicted was a minor.

(3) In a prosecution under RCW 9.68A.040, 9.68A.090, 9.68A.101, or 9.68A.102, it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant made a reasonable bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper and did not rely solely on the oral allegations or apparent age of the minor.

(4) In a prosecution under RCW 9.68A.050, 9.68A.060, (~~(¶)~~) 9.68A.070, or section 7 of this act, it shall be an affirmative defense that the defendant was a law enforcement officer or a person specifically authorized, in writing, to assist a law enforcement officer and acting at the direction of a law enforcement officer in the process of conducting an official investigation of a sex-related crime against a minor, or that the defendant was providing individual case treatment as a recognized medical facility or as a psychiatrist or psychologist licensed under Title 18 RCW. Nothing in this act is intended to in any way affect or diminish the immunity afforded an electronic communication service provider, remote computing service provider, or domain name registrar acting in the performance of its reporting or preservation responsibilities under 18 U.S.C. Secs. 2258a, 2258b, or 2258c.

(5) In a prosecution under RCW 9.68A.050, 9.68A.060, (~~(¶)~~) 9.68A.070, or section 7 of this act, the state is not required to establish the identity of the alleged victim.

(6) In a prosecution under RCW 9.68A.070 or section 7 of this act, it shall be an affirmative defense that:

(a) The defendant was employed at or conducting research in partnership or in cooperation with any institution of higher education as defined in RCW 28B.07.020 or 28B.10.016, and:

(i) He or she was engaged in a research activity;

(ii) The research activity was specifically approved prior to the possession or viewing activity being conducted in writing by a person, or other such entity vested with the authority to grant such approval by the institution of higher learning; and

(iii) Viewing or possessing the visual or printed matter is an essential component of the authorized research; or

(b) The defendant was an employee of the Washington state legislature engaged in research at the request of a member of the legislature and:

(i) The request for research is made prior to the possession or viewing activity being conducted in writing by a member of the legislature;

(ii) The research is directly related to a legislative activity; and

(iii) Viewing or possessing the visual or printed matter is an essential component of the requested research and legislative activity.

(c) Nothing in this section authorizes otherwise unlawful viewing or possession of visual or printed matter depicting a minor engaged in sexually explicit conduct.

Sec. 9. RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are each reenacted and amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XVI Aggravated Murder 1 (RCW 10.95.020)
- XV Homicide by abuse (RCW 9A.32.055)
- Malicious explosion 1 (RCW 70.74.280(1))
- Murder 1 (RCW 9A.32.030)
- XIV Murder 2 (RCW 9A.32.050)
- Trafficking 1 (RCW 9A.40.100(1))
- XIII Malicious explosion 2 (RCW 70.74.280(2))
- Malicious placement of an explosive 1 (RCW 70.74.270(1))
- XII Assault 1 (RCW 9A.36.011)
- Assault of a Child 1 (RCW 9A.36.120)
- Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
- Rape 1 (RCW 9A.44.040)
- Rape of a Child 1 (RCW 9A.44.073)
- Trafficking 2 (RCW 9A.40.100(2))
- XI Manslaughter 1 (RCW 9A.32.060)
- Rape 2 (RCW 9A.44.050)
- Rape of a Child 2 (RCW 9A.44.076)

- X Child Molestation 1 (RCW 9A.44.083)
- Criminal Mistreatment 1 (RCW 9A.42.020)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Kidnapping 1 (RCW 9A.40.020)
- Leading Organized Crime (RCW 9A.82.060(1)(a))
- Malicious explosion 3 (RCW 70.74.280(3))
- Sexually Violent Predator Escape (RCW 9A.76.115)
- IX Abandonment of Dependent Person 1 (RCW 9A.42.060)
- Assault of a Child 2 (RCW 9A.36.130)
- Explosive devices prohibited (RCW 70.74.180)
- Hit and Run--Death (RCW 46.52.020(4)(a))
- Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
- Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
- Malicious placement of an explosive 2 (RCW 70.74.270(2))
- Robbery 1 (RCW 9A.56.200)
- Sexual Exploitation (RCW 9.68A.040)
- Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
- VIII Arson 1 (RCW 9A.48.020)
- Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
- Manslaughter 2 (RCW 9A.32.070)
- Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Theft of Ammonia (RCW 69.55.010)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
- Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
- Drive-by Shooting (RCW 9A.36.045)

- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1)(b) and (c))
- Introducing Contraband 1 (RCW 9A.76.140)
- Malicious placement of an explosive 3 (RCW 70.74.270(3))
- Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
- Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))
- Use of a Machine Gun in Commission of a Felony (RCW 9.41.225)
- Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
- Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
- Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
- Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
- Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
- Custodial Sexual Misconduct 1 (RCW 9A.44.160)
- Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
- Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
- Driving While Under the Influence (RCW 46.61.502(6))
- Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Incest 2 (RCW 9A.64.020(2))
- Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
- Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
- Possession of a Stolen Firearm (RCW 9A.56.310)
- Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
- Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
- Sexually Violating Human Remains (RCW 9A.44.105)
- Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))
- Assault by Watercraft (RCW 79A.60.060)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Cheating 1 (RCW 9.46.1961)
- Commercial Bribery (RCW 9A.68.060)
- Counterfeiting (RCW 9.16.035(4))
- Endangerment with a Controlled Substance (RCW 9A.42.100)
- Escape 1 (RCW 9A.76.110)
- Hit and Run--Injury (RCW 46.52.020(4)(b))
- Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
- Identity Theft 1 (RCW 9.35.020(2))

- Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Malicious Harassment (RCW 9A.36.080)
- Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68.070(2))
- Residential Burglary (RCW 9A.52.025)
- Robbery 2 (RCW 9A.56.210)
- Theft of Livestock 1 (RCW 9A.56.080)
- Threats to Bomb (RCW 9.61.160)
- Trafficking in Stolen Property 1 (RCW 9A.82.050)
- Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
- Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
- Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
- Unlawful transaction of insurance business (RCW 48.15.023(3))
- Unlicensed practice as an insurance professional (RCW 48.17.063((~~3~~)) (2))
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
- Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (section 7(1) of this act)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
- Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
- Assault of a Child 3 (RCW 9A.36.140)
- Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
- Burglary 2 (RCW 9A.52.030)
- Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Criminal Gang Intimidation (RCW 9A.46.120)
- Custodial Assault (RCW 9A.36.100)
- Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
- Escape 2 (RCW 9A.76.120)
- Extortion 2 (RCW 9A.56.130)
- Harassment (RCW 9A.46.020)
- Intimidating a Public Servant (RCW 9A.76.180)
- Introducing Contraband 2 (RCW 9A.76.150)
- Malicious Injury to Railroad Property (RCW 81.60.070)
- Mortgage Fraud (RCW 19.144.080)
- Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
- Organized Retail Theft 1 (RCW 9A.56.350(2))
- Perjury 2 (RCW 9A.72.030)
- Possession of Incendiary Device (RCW 9.40.120)
- Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
- Securities Act violation (RCW 21.20.400)
- Tampering with a Witness (RCW 9A.72.120)
- Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
- Theft of Livestock 2 (RCW 9A.56.083)
- Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
- Trafficking in Stolen Property 2 (RCW 9A.82.055)
- Unlawful Imprisonment (RCW 9A.40.040)
- Unlawful possession of firearm in the second degree (RCW 9.41.040(2))
- Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- II Computer Trespass 1 (RCW 9A.52.110)
- Counterfeiting (RCW 9.16.035(3))
- Escape from Community Custody (RCW 72.09.310)

Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(11)(a))	hundred dollars) (RCW 9A.56.096(5)(b))
Health Care False Claims (RCW 48.80.030)	Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(((4))))
Identity Theft 2 (RCW 9.35.020(3))	Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Improperly Obtaining Financial Information (RCW 9.35.010)	Unlawful Possession of Fictitious Identification (RCW 9A.56.320)
Malicious Mischief 1 (RCW 9A.48.070)	Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)
Organized Retail Theft 2 (RCW 9A.56.350(3))	Unlawful Possession of Payment Instruments (RCW 9A.56.320)
Possession of Stolen Property 1 (RCW 9A.56.150)	Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)
Possession of a Stolen Vehicle (RCW 9A.56.068)	Unlawful Production of Payment Instruments (RCW 9A.56.320)
Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))	Unlawful Trafficking in Food Stamps (RCW 9.91.142)
Theft 1 (RCW 9A.56.030)	Unlawful Use of Food Stamps (RCW 9.91.144)
Theft of a Motor Vehicle (RCW 9A.56.065)	Vehicle Prowl 1 (RCW 9A.52.095)
Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))	
Theft with the Intent to Resell 2 (RCW 9A.56.340(3))	
Trafficking in Insurance Claims (RCW 48.30A.015)	
Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))	
Unlawful Practice of Law (RCW 2.48.180)	
Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))	
Voyeurism (RCW 9A.44.115)	
I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)	
False Verification for Welfare (RCW 74.08.055)	
Forgery (RCW 9A.60.020)	
Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)	
Malicious Mischief 2 (RCW 9A.48.080)	
Mineral Trespass (RCW 78.44.330)	
Possession of Stolen Property 2 (RCW 9A.56.160)	
Reckless Burning 1 (RCW 9A.48.040)	
Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)	
Theft 2 (RCW 9A.56.040)	
Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five	

Sec. 10. RCW 9.94A.535 and 2008 c 276 s 303 and 2008 c 233 s 9 are each reenacted and amended to read as follows:

The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.

Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.

If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).

A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.

(f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

(a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.

(b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.

(d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered by a Jury -Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

(a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

(b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.

(c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(i) The current offense involved multiple victims or multiple incidents per victim;

(ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or

(iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

(i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) The current offense involved the manufacture of controlled substances for use by other parties;

(iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or

(vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

(i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;

(ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or

(iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.

(i) The offense resulted in the pregnancy of a child victim of rape.

(j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

(p) The offense involved an invasion of the victim's privacy.

(q) The defendant demonstrated or displayed an egregious lack of remorse.

(r) The offense involved a destructive and foreseeable impact on persons other than the victim.

(s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.

(t) The defendant committed the current offense shortly after being released from incarceration.

(u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.

(v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.

(w) The defendant committed the offense against a victim who was acting as a good samaritan.

(x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.

(y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).

(z)(i)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.

(ii) For purposes of this subsection, "metal property" means commercial metal property, private metal property, or nonferrous metal property, as defined in RCW 19.290.010.

(aa) The defendant committed the offense with the intent to directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage to or for a criminal street gang as defined in RCW 9.94A.030, its reputation, influence, or membership.

(bb) The current offense involved paying to view, over the internet in violation of section 7 of this act, depictions of a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (g).

On page 1, line 2 of the title, after "abuse;" strike the remainder of the title and insert "amending RCW 9.68A.001, 9.68A.011, 9.68A.050, 9.68A.060, 9.68A.070, and 9.68A.110; reenacting and amending RCW 9.94A.515 and 9.94A.535; adding new sections to chapter 9.68A RCW; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2424 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2731 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that children who participate in high quality preschool programs have improved educational and life outcomes and are more likely to graduate from high school and pursue higher education, experience successful employment opportunities, and have increased earnings. Therefore, the legislature intends to create an entitlement to a program of early learning to protect the current levels of funding for comprehensive preschool programs for three and four-year old children.

The legislature also finds that the state early childhood education and assistance program was established to help children from low-income families be prepared for kindergarten, and that the program has been a successful model for achieving that goal. Therefore, the legislature intends that implementing a program of early learning shall be accomplished by using the program standards and eligibility criteria in the early childhood education and assistance program.

NEW SECTION. Sec. 2. A new section is added to chapter 43.215 RCW to read as follows:

(1) An early learning program is established, beginning September 1, 2011, to provide preschool opportunities for children three and four years of age. The program shall be implemented by using the program standards and eligibility criteria in the early childhood education and assistance program under RCW 43.215.405. Participation in the program is voluntary.

(2)(a) For an initial phase of an early learning program in school years 2011-12 and 2012-13, the number of slots for the early learning program shall not be less than the number of slots for three and four-year old children served in the early childhood education and assistance program during the 2009-2011 biennium.

(b) Funding shall continue to be phased in incrementally each year until full statewide implementation of the early learning program is achieved.

(3) Beginning December 1, 2010, the department shall report annually to the governor and the appropriate committees of the legislature. The first report shall include, but not be limited to:

(a) Recommendations for implementing an early learning program;

(b) A review of relevant early learning programs in Washington and other states; and

(c) Recommendations for renaming the early childhood education and assistance program to reflect the new early learning program.

(4) Beginning December 1, 2012, the department of early learning and the office of financial management shall annually review the caseload forecasts for the early learning program and report to the governor and the appropriate committees of the legislature with recommendations for phasing in additional funding to achieve the goal of full statewide implementation.

Sec. 3. RCW 43.215.405 and 2006 c 265 s 210 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.215.400 through 43.215.450 and 43.215.900 through 43.215.903.

(1) "Advisory committee" means the advisory committee under RCW 43.215.420.

(2) "Department" means the department of early learning.

(3) "Eligible child" means a child at least three years of age and not eligible for kindergarten whose family income is at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a child whose family is eligible for public assistance, and who is not a participant in a federal or state program providing comprehensive services, and ((may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program)) a child with disabilities who qualifies for funds in accordance with part B of the federal individuals with disabilities education act and any other federal or state laws relating to the provision of special education services. Priority for enrollment shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

(4) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department as meeting the minimum program rules adopted by the department to qualify under RCW 43.215.400 through 43.215.450 and 43.215.900 through 43.215.903 and are designated as eligible for funding by the department under RCW 43.215.430 and 43.215.440.

(5) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(6) "Family support services" means providing opportunities for parents to:

(a) Actively participate in their child's early childhood program;

(b) Increase their knowledge of child development and parenting skills;

- (c) Further their education and training;
- (d) Increase their ability to use needed services in the community;
- (e) Increase their self-reliance.

Sec. 4. RCW 43.215.425 and 1994 c 166 s 6 are each amended to read as follows:

The department shall adopt rules under chapter 34.05 RCW for the administration of the early childhood program. Approved early childhood programs shall conduct needs assessments of their service area, identify any targeted groups of children, to include but not be limited to children of seasonal and migrant farmworkers and native American populations living either on or off reservation, and provide to the department a service delivery plan, to the extent practicable, that addresses these targeted populations.

The department in developing rules for the early childhood program shall consult with the advisory committee, and shall consider such factors as coordination with existing head start and other early childhood programs, the preparation necessary for instructors, qualifications of instructors, adequate space and equipment, ~~((and))~~ special transportation needs, and technical assistance to providers. The rules shall specifically require the early childhood programs to provide for parental involvement in participation with their child's program, in local program policy decisions, in development and revision of service delivery systems, and in parent education and training.

Sec. 5. RCW 43.215.020 and 2007 c 394 s 5 are each amended to read as follows:

(1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private-public partnership;

(d) To administer child care and early learning programs;

(e) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

(f) To support the implementation of the nongovernmental private- public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(g) To work cooperatively and in coordination with the early learning council;

(h) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning, including an early learning program established in section 2 of this act, and K-12 programs; ~~((and))~~

(i) To develop and implement an early learning program established in section 2 of this act; and

_____ (j) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information through the internet and other means.

(3) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to

direct the education, development, and upbringing of their children. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.320 RCW to read as follows:

For an early learning program established in section 2 of this act, school districts:

(1) Shall work cooperatively with program providers to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and

(2) May contract with the department of early learning to deliver services under the program."

On page 1, line 1 of the title, after "for" strike the remainder of the title and insert "children; amending RCW 43.215.405, 43.215.425, and 43.215.020; adding a new section to chapter 43.215 RCW; adding a new section to chapter 28A.320 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2731 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2596 with the following amendment:

On page 6, after line 2, insert the following:

NEW SECTION. **Sec. 4.** A new section is added to chapter 9A.44 RCW to read as follows:

While Article I, section 22 of the state Constitution and the sixth amendment of the United States Constitution protect the right of a defendant to represent him or herself in a criminal trial, Article I, section 35 of the state Constitution requires that crime victims be accorded due dignity and respect. Conflicts may arise between these constitutional provisions when a pro se defendant questions a victim in court. Procedures may be employed that preserve the pro se defendant's control over his or her own trial and that limit the trauma experienced by the victim. The legislature commends consideration of these competing constitutional provisions to the supreme court of Washington."

Correct the title.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

POINT OF ORDER

Representative Green requested a scope and object ruling on the Senate amendment to Substitute House Bill No. 2596.

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "Substitute House Bill No. 2596, as passed by the House, added child advocacy centers to the list of entities counties must consult when developing protocols for the investigation of child abuse, neglect, fatality and sexual assault. The Senate amendment added a section

relating to pro se defendants questioning victims in court, a subject wholly unrelated to child advocacy centers and protocols for the investigation of child abuse and neglect. The Senate amendment clearly exceeds the scope and object of the bill as passed by the House. The point of order is well taken."

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2596 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1880 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.40.091 and 2009 c 369 s 39 are each amended to read as follows:

The county auditor shall send each ((absentee)) voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany ((an absentee)) a ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The ((absentee)) voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the ((absentee)) voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and, except as otherwise provided by law, it is illegal to cast a ballot or sign ((an absentee)) a return envelope on behalf of another voter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. It must also contain a space so that the voter may include a telephone number. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope ((must also have a)) may provide secrecy ((flap that the voter may seal that will cover)) for the voter's signature and optional telephone number. For overseas ((voters)) and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first-class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward ((absentee)) ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the

information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "envelopes;" strike the remainder of the title and insert "amending RCW 29A.40.091; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1880 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Armstrong and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1880, as amended by the Senate.

MOTIONS

On motion of Representative Hinkle, Representative Condotta was excused. On motion of Representative Santos, Representative Morris was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1880, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Ericksen and Herrera.

Excused: Representatives Condotta and Morris.

HOUSE BILL NO. 1880, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 3, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2534 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.44.130 and 2008 c 230 s 1 are each amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person.

(b) Any adult or juvenile who is required to register under (a) of this subsection:

(i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

(iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

(iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on September 1, 2006, must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(e)(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection as follows:

(A) If the student who is required to register as a sex offender is classified as a risk level II or III, the principal shall provide the information received to every teacher of any student required to register under (a) of this subsection and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record;

(B) If the student who is required to register as a sex offender is classified as a risk level I, the principal shall provide the information

received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student's record.

(ii) Any information received by a principal or school personnel under this subsection is confidential and may not be further disseminated except as provided in RCW 28A.225.330, other statutes or case law, and the family and educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.550 upon the public safety department of any public or private school or institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) complete residential address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection ((H)) (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the

jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) **OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex offenders and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within three business days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes for offenses committed before, on, or after February 28, 1990, or Washington state for offenses committed before, on, or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed before, on, or after July 27, 1997. Sex offenders and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services

must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody, as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection ~~((4))~~ (10) of this section.

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE.** Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) **OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION.** Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) **OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE.** Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection ~~((4))~~ (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to

register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send signed written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send signed written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send signed written notice within ten days of the change of address in the new county to the county sheriff with whom the person last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide signed written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. ~~((The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days.))~~ The person must keep an accurate accounting of where he or she stays during the week and provide it to the county sheriff upon request. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) (All offenders who are required to register pursuant to this section who have a fixed residence and who are designated as a risk level II or III must report, in person, every ninety days to the sheriff of the county where he or she is registered. Reporting shall be on a day

specified by the county sheriff's office, and shall occur during normal business hours. An offender who complies with the ninety-day reporting requirement with no violations for a period of at least five years in the community may petition the superior court to be relieved of the duty to report every ninety days. The petition shall be made to the superior court in the county where the offender resides or reports under this section. The prosecuting attorney of the county shall be named and served as respondent in any such petition. The court shall relieve the petitioner of the duty to report if the petitioner shows, by a preponderance of the evidence, that the petitioner has complied with the reporting requirement for a period of at least five years and that the offender has not been convicted of a criminal violation of this section for a period of at least five years, and the court determines that the reporting no longer serves a public safety purpose. Failure to report, as specified, constitutes a violation of this section and is punishable as provided in subsection (11) of this section.

~~—(8))~~ A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

~~((9))~~ (8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints. A photograph may be taken at any time to update an individual's file.

~~((10))~~ (9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection ~~((10))~~ (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection ~~((10))~~ (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

~~((44))~~ (10)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class B felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection ~~((40))~~ (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection ~~((40))~~ (9)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

~~((42))~~ (11)(a) A person who knowingly fails to comply with any of the requirements of this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection ~~((40))~~ (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection ~~((40))~~ (9)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

~~((43))~~ (12) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

Sec. 2. RCW 9A.44.135 and 2000 c 91 s 1 are each amended to read as follows:

(1) When an offender registers with the county sheriff pursuant to RCW 9A.44.130, the county sheriff shall notify the police chief or town marshal of the jurisdiction in which the offender has registered to live. If the offender registers to live in an unincorporated area of the county, the sheriff shall make reasonable attempts to verify that the offender is residing at the registered address. If the offender registers to live in an incorporated city or town, the police chief or town marshal shall make reasonable attempts to verify that the offender is residing at the registered address. Reasonable attempts ~~((at verifying an address shall include at a minimum:~~

(a) For offenders who have not been previously designated sexually violent predators under chapter 71.09 RCW or an equivalent procedure in another jurisdiction, each year the chief law enforcement officer of the jurisdiction where the offender is registered to live shall send include verifying an offender's address pursuant to the grant program established under section 3 of this act. If the sheriff or police chief or town marshal does not participate in the grant program established under section 3 of this act, reasonable attempts require a yearly mailing by certified mail, with return receipt requested, a nonforwardable verification form to the offender at the offender's last registered address sent by the chief law enforcement officer of the jurisdiction where the offender is registered to live. ~~((b))~~ For offenders who have been previously designated sexually violent predators under chapter 71.09 RCW or the equivalent procedure in another jurisdiction, even if the designation has subsequently been removed, this mailing must be sent every ninety days ~~((the county sheriff shall send by certified mail, with return receipt requested, a nonforwardable verification form to the offender at the offender's last registered address)).~~

~~((e))~~ The offender must sign the verification form, state on the form whether he or she still resides at the last registered address, and return the form to the chief law enforcement officer of the jurisdiction where the offender is registered to live within ten days after receipt of the form.

(2) The chief law enforcement officer of the jurisdiction where the offender has registered to live shall make reasonable attempts to locate any sex offender who fails to return the verification form or who cannot be located at the registered address.

If the offender fails to return the verification form or the offender is not at the last registered address, the chief law enforcement officer of the jurisdiction where the offender has registered to live shall promptly forward this information to the county sheriff and to the Washington state patrol for inclusion in the central registry of sex offenders.

(3) When an offender notifies the county sheriff of a change to his or her residence address pursuant to RCW 9A.44.130, and the new address is in a different law enforcement jurisdiction, the county sheriff shall notify the police chief or town marshal of the jurisdiction from which the offender has moved.

(4) County sheriffs and police chiefs or town marshals may enter into agreements for the purposes of delegating the authority and obligation to fulfill the requirements of this section.

NEW SECTION. **Sec. 3.** A new section is added to chapter 36.28A RCW to read as follows:

(1) When funded, the Washington association of sheriffs and police chiefs shall administer a grant program to local governments for the purpose of verifying the address and residency of sex offenders and kidnapping offenders registered under RCW 9A.44.130 who reside within the county sheriff's jurisdiction. The Washington association of sheriffs and police chiefs shall:

(a) Enter into performance-based agreements with local governments to ensure that registered offender address and residency are verified:

- (i) For level I offenders, every twelve months;
- (ii) For level II offenders, every six months; and
- (iii) For level III offenders, every three months;

(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program; and

(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by December 31st each year.

(2) The Washington association of sheriffs and police chiefs may retain up to three percent of the amounts provided pursuant to this section for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing to register offenses.

(3) For the purposes of this section, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.

(4) County sheriffs and police chiefs or town marshals may enter into agreements for the purposes of delegating the authority and obligation to fulfill the requirements of this section."

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9A.44.130 and 9A.44.135; and adding a new section to chapter 36.28A RCW."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2534 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL

AS SENATE AMENDED

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2534, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2534, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Condotta and Morris.

SUBSTITUTE HOUSE BILL NO. 2534, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2625 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends by this act to require an individualized determination by a judicial officer of conditions of release for persons in custody for felony. This requirement is consistent with constitutional requirements and court rules regarding the right of a detained person to a prompt determination of probable cause and judicial review of the conditions of release and the requirement that judicial determinations of bail or release be made no later than the preliminary appearance stage.

NEW SECTION. Sec. 2. (1) Bail for the release of a person arrested and detained for a felony offense must be determined on an individualized basis by a judicial officer.

(2) This section expires August 1, 2011.

NEW SECTION. Sec. 3. It is the intent of the legislature to enact a law for the purpose of reasonably assuring public safety in bail determination hearings and hearings pursuant to the proposed amendment to Article I, section 20 of the state Constitution set forth in House Joint Resolution No. 4220. Other provisions of law address matters relating to assuring the appearance of the defendant at trial and preventing interference with the administration of justice.

NEW SECTION. Sec. 4. Upon the appearance before a judicial officer of a person charged with an offense, the judicial officer must issue an order that, pending trial, the person be:

- (1) Released on personal recognizance;
- (2) Released on a condition or combination of conditions ordered under section 5 of this act or other provision of law;
- (3) Temporarily detained as allowed by law; or
- (4) Detained as provided under this act.

NEW SECTION. Sec. 5. (1) The judicial officer may at any time amend the order to impose additional or different conditions of release. The conditions imposed under this chapter supplement but do not supplant provisions of law allowing the imposition of conditions to assure the appearance of the defendant at trial or to prevent interference with the administration of justice.

(2) Appropriate conditions of release under this chapter include, but are not limited to, the following:

- (a) The defendant may be placed in the custody of a designated person or organization agreeing to supervise the defendant;
- (b) The defendant may have restrictions placed upon travel, association, or place of abode during the period of release;
- (c) The defendant may be required to comply with a specified curfew;
- (d) The defendant may be required to return to custody during specified hours or to be placed on electronic monitoring, if available. The defendant, if convicted, may not have the period of incarceration reduced by the number of days spent on electronic monitoring;
- (e) The defendant may be prohibited from approaching or communicating in any manner with particular persons or classes of persons;
- (f) The defendant may be prohibited from going to certain geographical areas or premises;
- (g) The defendant may be prohibited from possessing any dangerous weapons or firearms;
- (h) The defendant may be prohibited from possessing or consuming any intoxicating liquors or drugs not prescribed to the defendant. The defendant may be required to submit to testing to determine the defendant's compliance with this condition;
- (i) The defendant may be prohibited from operating a motor vehicle that is not equipped with an ignition interlock device;
- (j) The defendant may be required to report regularly to and remain under the supervision of an officer of the court or other person or agency; and
- (k) The defendant may be prohibited from committing any violations of criminal law.

NEW SECTION. Sec. 6. If, after a hearing on offenses prescribed in Article I, section 20 of the state Constitution, the judicial officer finds, by clear and convincing evidence, that a person shows a propensity for violence that creates a substantial likelihood of danger to the community or any persons, and finds that no condition or combination of conditions will reasonably assure the safety of any other person and the community, such judicial officer must order the detention of the person before trial. The detainee is entitled to expedited review of the detention order by the court of appeals under the writ provided in RCW 7.36.160.

NEW SECTION. Sec. 7. The judicial officer must, in determining whether there are conditions of release that will reasonably assure the safety of any other person and the community, take into account the available information concerning:

- (1) The nature and circumstances of the offense charged, including whether the offense is a crime of violence;
- (2) The weight of the evidence against the defendant; and
- (3) The history and characteristics of the defendant, including:
 - (a) The person's character, physical and mental condition, family ties, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or

alcohol abuse, criminal history, and record concerning appearance at court proceedings;

(b) Whether, at the time of the current offense or arrest, the defendant was on community supervision, probation, parole, or on other release pending trial, sentencing, appeal, or completion of sentence for an offense under federal, state, or local law; and

(c) The nature and seriousness of the danger to any person or the community that would be posed by the defendant's release.

NEW SECTION. Sec. 8. (1) The judicial officer must hold a hearing in cases involving offenses prescribed in Article 1, section 20, to determine whether any condition or combination of conditions will reasonably assure the safety of any other person and the community upon motion of the attorney for the government.

(2) The hearing must be held immediately upon the defendant's first appearance before the judicial officer unless the defendant, or the attorney for the government, seeks a continuance. Except for good cause, a continuance on motion of such person may not exceed five days (not including any intermediate Saturday, Sunday, or legal holiday), and a continuance on motion of the attorney for the government may not exceed three days (not including any intermediate Saturday, Sunday, or legal holiday). During a continuance, such person must be detained.

(3) At the hearing, such defendant has the right to be represented by counsel, and, if financially unable to obtain representation, to have counsel appointed. The defendant must be afforded an opportunity to testify, to present witnesses, to cross-examine witnesses who appear at the hearing, and to present information by proffer or otherwise. The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of information at the hearing. The facts the judicial officer uses to support a finding that no condition or combination of conditions will reasonably assure the safety of any other person and the community must be supported by clear and convincing evidence of a propensity for violence that creates a substantial likelihood of danger to the community or any persons.

(4) The defendant may be detained pending completion of the hearing. The hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue whether there are conditions of release that will reasonably assure the safety of any other person and the community.

NEW SECTION. Sec. 9. In a release order issued under section 5 of this act the judicial officer must:

(1) Include a written statement that sets forth all the conditions to which the release is subject, in a manner sufficiently clear and specific to serve as a guide for the defendant's conduct; and

(2) Advise the defendant of:

(a) The penalties for violating a condition of release, including the penalties for committing an offense while on pretrial release; and

(b) The consequences of violating a condition of release, including the immediate issuance of a warrant for the defendant's arrest.

NEW SECTION. Sec. 10. (1) In a detention order issued under section 6 of this act, the judicial officer must:

(a) Include written findings of fact and a written statement of the reasons for the detention;

(b) Direct that the person be committed to the custody of the appropriate correctional authorities for confinement separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and

(c) Direct that the person be afforded reasonable opportunity for private consultation with counsel.

(2) The judicial officer may, by subsequent order, permit the temporary release of the person, in the custody of an appropriate law enforcement officer or other appropriate person, to the extent that the

judicial officer determines such release to be necessary for preparation of the person's defense or for another compelling reason.

NEW SECTION. Sec. 11. Nothing in this chapter may be construed as modifying or limiting the presumption of innocence.

NEW SECTION. Sec. 12. Sections 3 through 11 of this act constitute a new chapter in Title 10 RCW.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 1 and 2 take effect January 1, 2011. Sections 3 through 10 take effect January 1, 2011, only if the proposed amendment to Article I, section 20 of the state Constitution proposed in House Joint Resolution No. 4220 is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not approved and ratified, sections 3 through 11 of this act are null and void in their entirety."

On page 1, line 1 of the title, after "offenses;" strike the remainder of the title and insert "adding a new chapter to Title 10 RCW; providing a contingent effective date; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2625 and advanced the joint resolution, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kelley, Pearson and Hurst spoke in favor of the passage of the joint resolution.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2625, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2625, as amended by the Senate, and the joint resolution passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Condotta and Morris.

HOUSE BILL NO. 2625, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4220 with the following amendment:

Beginning on page 1, line 2, strike everything after "ASSEMBLED:" and insert the following:

"THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article I, section 20 of the Constitution of the state of Washington to read as follows:

Article I, section 20. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great. Bail may be denied for offenses punishable by the possibility of life in prison upon a showing by clear and convincing evidence of a propensity for violence that creates a substantial likelihood of danger to the community or any persons, subject to such limitations as shall be determined by the legislature.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4220 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Hope, Hurst, Pearson, Dunshee, Klippert and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Joint Resolution No. 4220, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Joint Resolution No. 4220, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short,

Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Flannigan, Hasegawa, Upthegrove and Williams.

Excused: Representatives Condotta and Morris.

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4220, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2680 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that a guardianship is an appropriate permanent plan for a child who has been found to be dependent under chapter 13.34 RCW and who cannot safely be reunified with his or her parents. The legislature is concerned that parents not be pressured by the department into agreeing to the entry of a guardianship when further services would increase the chances that the child could be reunified with his or her parents. The legislature intends to create a separate guardianship chapter to establish permanency for children in foster care through the appointment of a guardian and dismissal of the dependency.

"NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Child" means any individual under the age of eighteen years.

(2) "Dependent child" means a child who has been found by a court to be dependent in a proceeding under chapter 13.34 RCW.

(3) "Department" means the department of social and health services.

(4) "Guardian" means a person who: (a) Has been appointed by the court as the guardian of a child in a legal proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to court order. The term "guardian" does not include a "dependency guardian" appointed pursuant to a proceeding under chapter 13.34 RCW for the purpose of assisting the court in supervising the dependency.

(5) "Relative" means a person related to the child in the following ways: (a) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great; (b) stepfather, stepmother, stepbrother, and stepsister; (c) a person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; (d) spouses of any persons named in (a), (b), or (c) of this subsection, even after the marriage is terminated; (e) relatives, as named in (a), (b), (c), or (d) of this subsection, of any half sibling of the child; or (f) extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(6) "Suitable person" means a nonrelative with whom the child or the child's family has a preexisting relationship; who has completed all required criminal history background checks and otherwise

appears to be suitable and competent to provide care for the child; and with whom the child has been placed pursuant to RCW 13.34.130.

(7) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190, that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.

NEW SECTION. Sec. 3. GUARDIANSHIP PETITION. (1) Any party to a dependency proceeding under chapter 13.34 RCW may request a guardianship be established for a dependent child by filing a petition in juvenile court under this chapter. All parties to the dependency and the proposed guardian must receive adequate notice of all proceedings under this chapter. For purposes of this chapter, a dependent child age twelve years or older is a party to the proceedings. A proposed guardian has the right to intervene in proceedings under this chapter.

(2) To be designated as a proposed guardian in a petition under this chapter, a person must be age twenty-one or over and must meet the minimum requirements to care for children as established by the department under RCW 74.15.030, including but not limited to licensed foster parents, relatives, and suitable persons.

(3) Every petition filed in proceedings under this chapter shall contain: (a) A statement alleging whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903. If the child is an Indian child as defined under the Indian child welfare act, the provisions of that act shall apply; (b) a statement alleging whether the federal servicemembers civil relief act of 2003, 50 U.S.C. Sec. 501 et seq. applies to the proceeding; and (c) a statement alleging whether the Washington service members' civil relief act, chapter 38.42 RCW, applies to the proceeding.

(4) Every order or decree entered in any proceeding under this chapter shall contain: (a) A finding that the Indian child welfare act does or does not apply. Where there is a finding that the Indian child welfare act does apply, the decree or order must also contain a finding that all notice requirements and evidentiary requirements under the Indian child welfare act have been satisfied; (b) a finding that the federal servicemembers civil relief act of 2003 does or does not apply; and (c) a finding that the Washington service members' civil relief act, chapter 38.42 RCW, does or does not apply.

NEW SECTION. Sec. 4. GUARDIANSHIP HEARING. (1) At the hearing on a guardianship petition, all parties have the right to present evidence and cross-examine witnesses. The rules of evidence apply to the conduct of the hearing. The hearing under this section to establish a guardianship or convert an existing dependency guardianship to a guardianship under this section is a stage of the dependency proceedings for purposes of RCW 13.34.090(2).

(2) A guardianship shall be established if:

(a) The court finds by a preponderance of the evidence that it is in the child's best interests to establish a guardianship, rather than to terminate the parent-child relationship and proceed with adoption, or to continue efforts to return custody of the child to the parent; and

(b) All parties agree to entry of the guardianship order and the proposed guardian is qualified, appropriate, and capable of performing the duties of guardian under section 5 of this act; or

(c)(i) The child has been found to be a dependent child under RCW 13.34.030;

(ii) A dispositional order has been entered pursuant to RCW 13.34.130;

(iii) At the time of the hearing on the guardianship petition, the child has or will have been removed from the custody of the parent for at least six consecutive months following a finding of dependency under RCW 13.34.030;

(iv) The services ordered under RCW 13.34.130 and 13.34.136 have been offered or provided and all necessary services, reasonably

available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided;

(v) There is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and

(vi) The proposed guardian has signed a statement acknowledging the guardian's rights and responsibilities toward the child and affirming the guardian's understanding and acceptance that the guardianship is a commitment to provide care for the child until the child reaches age eighteen.

(3) The court may not establish a guardianship for a child who has no legal parent unless the court, in addition to making the required findings set forth in subsection (2) of this section, finds one or more exceptional circumstances exist and the benefits for the child of establishing the guardianship outweigh any potential disadvantage to the child of having no legal parent. Exceptional circumstances may include but are not limited to:

(a) The child has special needs and a suitable guardian is willing to accept custody and able to meet the needs of the child to an extent unlikely to be achieved through adoption; or

(b) The proposed guardian has demonstrated a commitment to provide for the long-term care of the child and: (i) Is a relative of the child; (ii) has been a long-term caregiver for the child and has acted as a parent figure to the child and is viewed by the child as a parent figure; or (iii) the child's family has identified the proposed guardian as the preferred guardian, and, if the child is age twelve years or older, the child also has identified the proposed guardian as the preferred guardian.

(4) Upon the request of a dependency guardian appointed under chapter 13.34 RCW and the department or supervising agency, the court shall convert a dependency guardianship established under chapter 13.34 RCW to a guardianship under this chapter.

NEW SECTION. Sec. 5. GUARDIANSHIP ORDER. (1) If the court has made the findings required under section 4 of this act, the court shall issue an order establishing a guardianship for the child. If the guardian has not previously intervened, the guardian shall be made a party to the guardianship proceeding upon entry of the guardianship order. The order shall:

(a) Appoint a person to be the guardian for the child;

(b) Specify the guardian's rights and responsibilities concerning the care, custody, control, and nurturing of the child;

(c) Specify the guardian's authority, if any, to receive, invest, and expend funds, benefits, or property belonging to the child;

(d) Specify an appropriate frequency and type of contact between the parent or parents and the child, if applicable, and between the child and his or her siblings, if applicable; and

(e) Specify the need for and scope of continued oversight by the court, if any.

(2) The guardian shall maintain physical and legal custody of the child and have the following rights and duties under the guardianship:

(a) Duty to protect, nurture, discipline, and educate the child;

(b) Duty to provide food, clothing, shelter, education as required by law, and health care for the child, including but not limited to, medical, dental, mental health, psychological, and psychiatric care and treatment;

(c) Right to consent to health care for the child and sign a release authorizing the sharing of health care information with appropriate authorities, in accordance with state law;

(d) Right to consent to the child's participation in social and school activities; and

(e) Duty to notify the court of a change of address of the guardian and the child. Unless specifically ordered by the court, however, the standards and requirements for relocation in chapter 26.09 RCW do not apply to guardianships established under this chapter.

(3) If the child has independent funds or other valuable property under the control of the guardian, the guardian shall provide an annual written accounting, supported with appropriate documentation, to the

court regarding receipt and expenditure by the guardian of any such funds or benefits. This subsection shall not be construed to require a guardian to account for any routine funds or benefits received from a public social service agency on behalf of the child.

(4) The guardianship shall remain in effect until the child reaches the age of eighteen years or until the court terminates the guardianship, whichever occurs sooner.

(5) Once the dependency has been dismissed pursuant to section 7 of this act, the court shall not order the department or other supervising agency to supervise or provide case management services to the guardian or the child as part of the guardianship order.

(6) The court shall issue a letter of guardianship to the guardian upon the entry of the court order establishing the guardianship under this chapter.

NEW SECTION. Sec. 6. GUARDIANSHIP MODIFICATION.

(1) A guardian or a parent of the child may petition the court to modify the visitation provisions of a guardianship order by:

(a) Filing with the court a motion for modification and an affidavit setting forth facts supporting the requested modification; and

(b) Providing notice and a copy of the motion and affidavit to all other parties. The nonmoving parties may file and serve opposing affidavits.

(2) The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested modification should not be granted.

(3) If the court finds that a motion to modify a guardianship order has been brought in bad faith, the court may assess attorney's fees and court costs of the nonmoving party against the moving party.

NEW SECTION. Sec. 7. GUARDIANSHIP TERMINATION.

(1) Any party to a guardianship proceeding may request termination of the guardianship by filing a petition and supporting affidavit alleging a substantial change has occurred in the circumstances of the child or the guardian and that the termination is necessary to serve the best interests of the child. The petition and affidavit must be served on the department or supervising agency and all parties to the guardianship.

(2) Except as provided in subsection (3) of this section, the court shall not terminate a guardianship unless it finds, upon the basis of facts that have arisen since the guardianship was established or that were unknown to the court at the time the guardianship was established, that a substantial change has occurred in the circumstances of the child or the guardian and that termination of the guardianship is necessary to serve the best interests of the child. The effect of a guardian's duties while serving in the military potentially impacting guardianship functions shall not, by itself, be a substantial change of circumstances justifying termination of a guardianship.

(3) The court may terminate a guardianship on the agreement of the guardian, the child, if the child is age twelve years or older, and a parent seeking to regain custody of the child if the court finds by a preponderance of the evidence and on the basis of facts that have arisen since the guardianship was established that:

(a) The parent has successfully corrected the parenting deficiencies identified by the court in the dependency action, and the circumstances of the parent have changed to such a degree that returning the child to the custody of the parent no longer creates a risk of harm to the child's health, welfare, and safety;

(b) The child, if age twelve years or older, agrees to termination of the guardianship and the return of custody to the parent; and

(c) Termination of the guardianship and return of custody of the child to the parent is in the child's best interests.

(4) Upon the entry of an order terminating a guardianship, the court shall enter an order:

(a) Granting the child's parent with legal and physical custody of the child;

(b) Granting a substitute guardian with legal and physical custody of the child; or

(c) Directing the child to be temporarily placed in the custody of the department for placement with a relative or other suitable person as defined in RCW 13.34.130(1)(b), if available, or in an appropriate licensed out-of-home placement, and directing that the department file a dependency petition on behalf of the child.

NEW SECTION. Sec. 8. APPOINTMENT OF GUARDIAN AD LITEM OR ATTORNEY FOR THE CHILD. In all proceedings to establish, modify, or terminate a guardianship order, the court shall appoint a guardian ad litem or attorney for the child. The court may appoint a guardian ad litem or attorney who represented the child in a prior proceeding under this chapter or under chapter 13.34 RCW, or may appoint an attorney to supersede an existing guardian ad litem.

NEW SECTION. Sec. 9. GUARDIANSHIP SUBSIDY. (1) A relative guardian who is a licensed foster parent at the time a guardianship is established under this chapter and who has been the child's foster parent for a minimum of six consecutive months preceding entry of the guardianship order is eligible for a relative guardianship subsidy on behalf of the child. The department may establish rules setting eligibility, application, and program standards consistent with applicable federal guidelines for expenditure of federal funds.

(2) Within amounts appropriated for this specific purpose, a guardian who is a licensed foster parent at the time a guardianship is established under this chapter and who has been the child's foster parent for a minimum of six consecutive months preceding entry of the guardianship order is eligible for a guardianship subsidy on behalf of the child.

Sec. 10. RCW 13.34.030 and 2009 c 520 s 21 and 2009 c 397 s 1 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of social and health services.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

(7) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another

neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

(8) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding (~~(other than a proceeding under this chapter)~~), including a guardian appointed pursuant to chapter 13.-- RCW (the new chapter created in section 17 of this act); and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" (~~(shall)~~) does not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(9) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(10) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(11) "Housing assistance" means appropriate referrals by the department or other supervising agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(12) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty- five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(13) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(14) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out- of-home placement while protecting the child.

(15) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(16) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

(17) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(18) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or (~~(an)~~) licensed by a federally recognized Indian tribe located in this state under RCW 74.15.190 (~~(with whom the department)~~), that has entered into a performance-based contract with the department to provide case management for the delivery and documentation of child welfare services as defined in RCW 74.13.020.

NEW SECTION. Sec. 11. A new section is added to chapter 13.34 RCW to read as follows:

(1) Notwithstanding the provisions of chapter 13.-- RCW (the new chapter created in section 17 of this act), a dependency guardianship established by court order under this chapter and in force on the effective date of this section shall remain subject to the provisions of this chapter unless: (a) The dependency guardianship is modified or terminated under the provisions of this chapter; or (b) the dependency guardianship is converted by court order to a guardianship pursuant to a petition filed under section 3 of this act.

(2) A dependency guardian or the department or supervising agency may request the juvenile court to convert a dependency guardianship established under this chapter to a guardianship under chapter 13.-- RCW (the new chapter created in section 17 of this act) by filing a petition under section 3 of this act. If both the dependency guardian and the department or supervising agency agree that the dependency guardianship should be converted to a guardianship under this chapter, and if the court finds that such conversion is in the child's best interests, the court shall grant the petition and enter an order of guardianship in accordance with section 5 of this act.

(3) The court shall dismiss the dependency established under this chapter upon the entry of a guardianship order under chapter 13.-- RCW (the new chapter created in section 17 of this act).

NEW SECTION. Sec. 12. A new section is added to chapter 74.13 RCW to read as follows:

(1) The department shall adopt rules consistent with federal regulations for the receipt and expenditure of federal funds and implement a subsidy program for eligible relatives appointed by the court as a guardian under section 5 of this act.

(2) For the purpose of licensing a relative seeking to be appointed as a guardian and eligible for a guardianship subsidy under this section, the department shall, on a case-by-case basis, and when determined to be in the best interests of the child:

(a) Waive nonsafety licensing standards; and

(b) Apply the list of disqualifying crimes in the adoption and safe families act, rather than the secretary's list of disqualifying crimes, unless doing so would compromise the child's safety, or would adversely affect the state's ability to continue to obtain federal funding for child welfare related functions.

(3) Relative guardianship subsidy agreements shall be designed to promote long-term permanency for the child, and may include provisions for periodic review of the subsidy amount and the needs of the child.

Sec. 13. RCW 13.34.210 and 2009 c 520 s 35 and 2009 c 152 s 2 are each reenacted and amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department or a supervising agency willing to accept custody for the purpose of placing the child for adoption. If an adoptive home has not been identified, the department or supervising agency shall place the child in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within six months after the date of the order and a guardianship of the child under (~~RCW 13.34.231~~) chapter 13.-- RCW (the new chapter created in section 17 of this act) or chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW, has not been entered by the court, the court shall review the case every six months until a decree of adoption is entered. The supervising agency shall take reasonable steps to ensure that the child maintains relationships with siblings as provided in RCW 13.34.130(3) and shall report to the court the status and extent of such relationships.

Sec. 14. RCW 13.34.232 and 1994 c 288 s 7 are each amended to read as follows:

(1) ((If the court has made a finding under RCW 13.34.231, it shall enter)) An order establishing a dependency guardianship ((for the child. The order)) shall:

(a) Appoint a person or agency to serve as dependency guardian for the limited purpose of assisting the court to supervise the dependency;

(b) Specify the dependency guardian's rights and responsibilities concerning the care, custody, and control of the child. A dependency guardian shall not have the authority to consent to the child's adoption;

(c) Specify the dependency guardian's authority, if any, to receive, invest, and expend funds, benefits, or property belonging to the child;

(d) Specify an appropriate frequency of visitation between the parent and the child; and

(e) Specify the need for any continued involvement of the supervising agency and the nature of that involvement, if any.

(2) Unless the court specifies otherwise in the guardianship order, the dependency guardian shall maintain the physical custody of the child and have the following rights and duties:

(a) Protect, discipline, and educate the child;

(b) Provide food, clothing, shelter, education as required by law, and routine health care for the child;

(c) Consent to necessary health and surgical care and sign a release of health care information to appropriate authorities, pursuant to law;

(d) Consent to social and school activities of the child; and

(e) Provide an annual written accounting to the court regarding receipt by the dependency guardian of any funds, benefits, or property belonging to the child and expenditures made therefrom.

(3) As used in this section, the term "health care" includes, but is not limited to, medical, dental, psychological, and psychiatric care and treatment.

(4) The child shall remain dependent for the duration of the guardianship. While the guardianship remains in effect, the dependency guardian shall be a party to any dependency proceedings pertaining to the child.

(5) The guardianship shall remain in effect only until the child is eighteen years of age or until the court terminates the guardianship order, whichever occurs sooner.

Sec. 15. RCW 13.34.234 and 2009 c 235 s 6 are each amended to read as follows:

A dependency guardian who is a licensed foster parent at the time the guardianship is established under (~~RCW 13.34.231 and 13.34.232~~) this chapter and who has been the child's foster parent for a minimum of six consecutive months preceding entry of the guardianship order ((~~*)~~) may be eligible for a guardianship subsidy on behalf of the child. ((The department may establish rules setting eligibility, application, and program standards consistent with applicable federal guidelines.))

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) RCW 13.34.230 (Guardianship for dependent child--Petition for-- Notice to, intervention by, department or supervising agency) and 2009 c 520 s 37, 1981 c 195 s 1, & 1979 c 155 s 51;

(2) RCW 13.34.231 (Guardianship for dependent child--Hearing-- Rights of parties--Rules of evidence--Guardianship established, when) and 2000 c 122 s 29, 1994 c 288 s 6, & 1981 c 195 s 2;

(3) RCW 13.34.236 (Guardianship for dependent child--Qualifications for dependency guardian--Consideration of preferences of parent) and 1994 c 288 s 10 & 1981 c 195 s 7; and

(4) RCW 13.34.238 (Guardianship for dependent child--Relative guardianship subsidies) and 2009 c 235 s 5.

NEW SECTION. Sec. 17. Sections 2 through 9 of this act constitute a new chapter in Title 13 RCW."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 13.34.232 and 13.34.234; reenacting and amending RCW 13.34.030 and 13.34.210; adding a new section to chapter 13.34 RCW; adding a new section to chapter 74.13 RCW; adding a new chapter to Title 13 RCW; creating a new section; and repealing RCW 13.34.230, 13.34.231, 13.34.236, and 13.34.238."

and the same is herewith transmitted.

Thomas Hoeman, Secretary
SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2680 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Roberts and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2680, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2680, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Condotta and Morris.

SUBSTITUTE HOUSE BILL NO. 2680, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 4, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2717 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 10.77 RCW to read as follows:

(1) No person committed to the custody of the department for the determination of competency to stand trial under RCW 10.77.060, the restoration of competency for trial under RCW 10.77.084, 10.77.086, or 10.77.088, or following an acquittal by reason of insanity shall be authorized to leave the facility where the person is confined, except in the following circumstances:

(a) In accordance with conditional release or furlough authorized by a court;

(b) For necessary medical or legal proceedings not available in the facility where the person is confined;

(c) For visits to the bedside of a member of the person's immediate family who is seriously ill; or

(d) For attendance at the funeral of a member of the person's immediate family.

(2) Unless ordered otherwise by a court, no leave under subsection (1) of this section shall be authorized unless the person who is the subject of the authorization is escorted by a person approved by the secretary. During the authorized leave, the person approved by the secretary must be in visual or auditory contact at all times with the person on authorized leave.

(3) Prior to the authorization of any leave under subsection (1) of this section, the secretary must give notification to any county or city law enforcement agency having jurisdiction in the location of the leave destination.

Sec. 2. RCW 10.77.010 and 2005 c 504 s 106 are each amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(4) A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

(5) "Department" means the state department of social and health services.

(6) "Designated mental health professional" has the same meaning as provided in RCW 71.05.020.

(7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(8) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(9) "Developmental disability" means the condition as defined in RCW 71A.10.020(3).

(10) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(12) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct.

(13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(14) "Immediate family member" means a spouse, child, stepchild, parent, stepparent, grandparent, sibling, or domestic partner.

(15) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

~~((15))~~ (16) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

~~((16))~~ (17) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals

as a team, for an individual with developmental disabilities, which shall state:

- (a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;
- (b) The conditions and strategies necessary to achieve the purposes of habilitation;
- (c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;
- (d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;
- (e) The staff responsible for carrying out the plan;
- (f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and
- (g) The type of residence immediately anticipated for the person and possible future types of residences.

~~((17))~~ (18) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

~~((18))~~ (19) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

~~((19))~~ (20) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

~~((20))~~ (21) "Secretary" means the secretary of the department of social and health services or his or her designee.

~~((21))~~ (22) "Treatment" means any currently standardized medical or mental health procedure including medication.

~~((22))~~ (23) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

~~((23))~~ (24) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110."

On page 1, line 1 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 10.77.010; and adding a new section to chapter 10.77 RCW."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2717 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Shea and Orwall spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2717, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2717, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Condotta and Morris.

SUBSTITUTE HOUSE BILL NO. 2717, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2939 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.52.130 and 2009 c 276 s 1 are each amended to read as follows:

((1) A certified abstract of the driving record shall be furnished only to:

- (a) The individual named in the abstract;
- (b) An employer or prospective employer or an agent acting on behalf of an employer or prospective employer, or a volunteer organization for which the named individual has submitted an application for a position that could require the transportation of children under eighteen years of age, adults over sixty-five years of age, or persons with mental or physical disabilities;

(c) An employee or agent of a transit authority checking prospective volunteer vanpool drivers for insurance and risk management needs;

(d) The insurance carrier that has insurance in effect covering the employer or a prospective employer;

(e) The insurance carrier that has motor vehicle or life insurance in effect covering the named individual;

(f) The insurance carrier to which the named individual has applied;

(g) An alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment;

(h) City and county prosecuting attorneys;

(i) State colleges, universities, or agencies for employment and risk management purposes; or units of local government authorized to self-insure under RCW 48.62.031; or

(j) An employer or prospective employer or volunteer organization, or an agent acting on behalf of an employer or prospective employer or volunteer organization, for employment purposes related to driving by an individual as a condition of that individual's employment or otherwise at the direction of the employer or organization.

(2) Nothing in this section shall be interpreted to prevent a court from providing a copy of the driver's abstract to the individual named in the abstract, provided that the named individual has a pending case in that court for a suspended license violation or an open infraction or criminal case in that court that has resulted in the suspension of the individual's driver's license. A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections. Courts may charge a reasonable fee for production and copying of the abstract for the individual.

(3) City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment.

(4)(a) The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to insurance companies.

(b) The director may enter into a contractual agreement with an insurance company or its agent for the limited purpose of reviewing the driving records of existing policyholders for changes to the record during specified periods of time. The department shall establish a fee for this service, which must be deposited in the highway safety fund. The fee for this service must be set at a level that will not result in a net revenue loss to the state. Any information provided under this subsection must be treated in the same manner and subject to the same restrictions as certified abstracts.

(5) Upon proper request, the director shall furnish a certified abstract covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies, except that the certified abstract shall also include records of alcohol-related offenses as defined in RCW 46.01.260(2) covering a period of not more than the last ten years.

(6) Upon proper request, a certified abstract of the full driving record maintained by the department shall be furnished to a city or county prosecuting attorney, to the individual named in the abstract, to an employer or prospective employer or an agent acting on behalf of an employer or prospective employer of the named individual, or to a volunteer organization for which the named individual has submitted an application for a position that could require the transportation of children under eighteen years of age, adults over sixty-five years of age, or persons with physical or mental disabilities, or to an employee or agent of a transit authority checking prospective volunteer vanpool drivers for insurance and risk management needs.

(7) The abstract, whenever possible, shall include:

(a) An enumeration of motor vehicle accidents in which the person was driving;

(b) The total number of vehicles involved;

(c) Whether the vehicles were legally parked or moving;

(d) Whether the vehicles were occupied at the time of the accident;

(e) Whether the accident resulted in any fatality;

(f) Any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;

(g) The status of the person's driving privilege in this state; and

(h) Any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

(8) Certified abstracts furnished to prosecutors and alcohol/drug assessment or treatment agencies shall also indicate whether a recorded violation is an alcohol-related offense as defined in RCW 46.01.260(2) that was originally charged as one of the alcohol-related offenses designated in RCW 46.01.260(2)(b)(i).

(9) The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or firefighters as defined in RCW 41.26.030, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall include convictions for RCW 46.61.5249 and 46.61.525 except that the abstract shall report them only as negligent driving without reference to whether they are for first or second degree negligent driving. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract shall show the deferred prosecution as well as the removal.

(10) The director shall collect for each abstract the sum of ten dollars, fifty percent of which shall be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038.

(11) Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, denied, or have the rate increased on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

(12) Any employer or prospective employer or an agent acting on behalf of an employer or prospective employer, or a volunteer organization for which the named individual has submitted an application for a position that could require the transportation of children under eighteen years of age, adults over sixty-five years of age, or persons with physical or mental disabilities, receiving the certified abstract shall use it exclusively for his or her own purpose: (a) To determine whether the licensee should be permitted to operate a commercial vehicle or school bus, or operate a vehicle for a volunteer organization for purposes of transporting children under eighteen years of age, adults over sixty-five years of age, or persons with physical or mental disabilities, upon the public highways of this state; or (b) for employment purposes related to driving by an individual as a condition of that individual's employment or otherwise

at the direction of the employer or organization, and shall not divulge any information contained in it to a third party.

(13) Any employee or agent of a transit authority receiving a certified abstract for its vanpool program shall use it exclusively for determining whether the volunteer licensee meets those insurance and risk management requirements necessary to drive a vanpool vehicle. The transit authority may not divulge any information contained in the abstract to a third party.

(14) Any alcohol/drug assessment or treatment agency approved by the department of social and health services receiving the certified abstract shall use it exclusively for the purpose of assisting its employees in making a determination as to what level of treatment, if any, is appropriate. The agency, or any of its employees, shall not divulge any information contained in the abstract to a third party.

(15) Release of a certified abstract of the driving record of an employee, prospective employee, or prospective volunteer requires a statement signed by: (a) The employee, prospective employee, or prospective volunteer that authorizes the release of the record, and (b) the employer or volunteer organization attesting that the information is necessary: (i) To determine whether the licensee should be employed to operate a commercial vehicle or school bus, or operate a vehicle for a volunteer organization for purposes of transporting children under eighteen years of age, adults over sixty-five years of age, or persons with physical or mental disabilities, upon the public highways of this state; or (ii) for employment purposes related to driving by an individual as a condition of that individual's employment or otherwise at the direction of the employer or organization. If the employer or prospective employer authorizes an agent to obtain this information on their behalf, this must be noted in the statement. This subsection does not apply to entities identified in subsection (1)(i) of this section.

(16) Any negligent violation of this section is a gross misdemeanor.

~~(17) Any intentional violation of this section is a class C felony.)~~
Upon a proper request, the department may furnish an abstract of a person's driving record as permitted under this section.

(1) **Contents of abstract of driving record.** An abstract of a person's driving record, whenever possible, must include:

- (a) An enumeration of motor vehicle accidents in which the person was driving, including:
 - (i) The total number of vehicles involved;
 - (ii) Whether the vehicles were legally parked or moving;
 - (iii) Whether the vehicles were occupied at the time of the accident; and
 - (iv) Whether the accident resulted in a fatality;
- (b) Any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;
- (c) The status of the person's driving privilege in this state; and
- (d) Any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

(2) **Release of abstract of driving record.** An abstract of a person's driving record may be furnished to the following persons or entities:

- (a) **Named individuals.** (i) An abstract of the full driving record maintained by the department may be furnished to the individual named in the abstract.
- (ii) Nothing in this section prevents a court from providing a copy of the driver's abstract to the individual named in the abstract, provided that the named individual has a pending or open infraction or criminal case in that court. A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections.

Courts may charge a reasonable fee for the production and copying of the abstract for the individual.

(b) **Employers or prospective employers.** (i) An abstract of the full driving record maintained by the department may be furnished to an employer or prospective employer or an agent acting on behalf of an employer or prospective employer of the named individual for purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer.

(ii) Release of an abstract of the driving record of an employee or prospective employee requires a statement signed by: (A) The employee or prospective employee that authorizes the release of the record; and (B) the employer attesting that the information is necessary for employment purposes related to driving by the individual as a condition of employment or otherwise at the direction of the employer. If the employer or prospective employer authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

(iii) Upon request of the person named in the abstract provided under this subsection, and upon that same person furnishing copies of court records ruling that the person was not at fault in a motor vehicle accident, the department must indicate on any abstract provided under this subsection that the person was not at fault in the motor vehicle accident.

(c) **Volunteer organizations.** (i) An abstract of the full driving record maintained by the department may be furnished to a volunteer organization or an agent for a volunteer organization for which the named individual has submitted an application for a position that would require driving by the individual at the direction of the volunteer organization.

(ii) Release of an abstract of the driving record of a prospective volunteer requires a statement signed by: (A) The prospective volunteer that authorizes the release of the record; and (B) the volunteer organization attesting that the information is necessary for purposes related to driving by the individual at the direction of the volunteer organization. If the volunteer organization authorizes an agent to obtain this information on their behalf, this must be noted in the statement.

(d) **Transit authorities.** An abstract of the full driving record maintained by the department may be furnished to an employee or agent of a transit authority checking prospective volunteer vanpool drivers for insurance and risk management needs.

(e) **Insurance carriers.** (i) An abstract of the driving record maintained by the department covering the period of not more than the last three years may be furnished to an insurance company or its agent:

- (A) That has motor vehicle or life insurance in effect covering the named individual;
- (B) To which the named individual has applied; or
- (C) That has insurance in effect covering the employer or a prospective employer of the named individual.

(ii) The abstract provided to the insurance company must:

(A) Not contain any information related to actions committed by law enforcement officers or firefighters, as both terms are defined in RCW 41.26.030, or by Washington state patrol officers, while driving official vehicles in the performance of their occupational duty. This does not apply to any situation where the vehicle was used in the commission of a misdemeanor or felony;

(B) Include convictions under RCW 46.61.5249 and 46.61.525, except that the abstract must report the convictions only as negligent driving without reference to whether they are for first or second degree negligent driving; and

(C) Exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract must show the deferred prosecution as well as the removal.

(iii) Any policy of insurance may not be canceled, nonrenewed, denied, or have the rate increased on the basis of information regarding an accident included in the abstract of a driving record, unless the policyholder was determined to be at fault.

(iv) Any insurance company or its agent, for underwriting purposes relating to the operation of commercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment. Any insurance company or its agent, for underwriting purposes relating to the operation of noncommercial motor vehicles, may not use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

(v) The director may enter into a contractual agreement with an insurance company or its agent for the limited purpose of reviewing the driving records of existing policyholders for changes to the record during specified periods of time. The department shall establish a fee for this service, which must be deposited in the highway safety fund. The fee for this service must be set at a level that will not result in a net revenue loss to the state. Any information provided under this subsection must be treated in the same manner and is subject to the same restrictions as driving record abstracts.

(f) **Alcohol/drug assessment or treatment agencies.** An abstract of the driving record maintained by the department covering the period of not more than the last five years may be furnished to an alcohol/drug assessment or treatment agency approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment, for purposes of assisting employees in making a determination as to what level of treatment, if any, is appropriate, except that the abstract must:

(i) Also include records of alcohol-related offenses, as defined in RCW 46.01.260(2), covering a period of not more than the last ten years; and

(ii) Indicate whether an alcohol-related offense was originally charged as a violation of either RCW 46.61.502 or 46.61.504.

(g) **City attorneys and county prosecuting attorneys.** An abstract of the full driving record maintained by the department, including whether a recorded violation is an alcohol-related offense, as defined in RCW 46.01.260(2), that was originally charged as a violation of either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys or county prosecuting attorneys. City attorneys and county prosecuting attorneys may provide the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or been assigned for evaluation or treatment.

(h) **State colleges, universities, or agencies, or units of local government.** An abstract of the full driving record maintained by the department may be furnished to (i) state colleges, universities, or agencies for employment and risk management purposes or (ii) units of local government authorized to self-insure under RCW 48.62.031 for employment and risk management purposes.

(i) **Superintendent of public instruction.** An abstract of the full driving record maintained by the department may be furnished to the superintendent of public instruction for review of public school bus driver records. The superintendent or superintendent's designee may discuss information on the driving record with an authorized representative of the employing school district for employment and risk management purposes.

(3) **Release to third parties prohibited.** Any person or entity receiving an abstract of a person's driving record under subsection (2)(b) through (i) of this section shall use the abstract exclusively for his, her, or its own purposes or as otherwise expressly permitted under this section, and shall not divulge any information contained in the abstract to a third party.

(4) **Fee.** The director shall collect a ten-dollar fee for each abstract of a person's driving record furnished by the department.

Fifty percent of the fee must be deposited in the highway safety fund, and fifty percent of the fee must be deposited according to RCW 46.68.038.

(5) **Violation.** (a) Any negligent violation of this section is a gross misdemeanor.

(b) Any intentional violation of this section is a class C felony.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2010, in the omnibus transportation appropriations act, this act is null and void.

NEW SECTION. Sec. 3. This act takes effect October 31, 2010."

On page 1, line 2 of the title, after "accident," strike the remainder of the title and insert "amending RCW 46.52.130; creating a new section; prescribing penalties; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2939 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dammeier and Liias spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2939, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2939, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Condotta and Morris.

SUBSTITUTE HOUSE BILL NO. 2939, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 2010

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL 5295
 ENGROSSED SUBSTITUTE SENATE BILL 5529
 ENGROSSED SUBSTITUTE SENATE BILL 5704
 SUBSTITUTE SENATE BILL 6207
 SUBSTITUTE SENATE BILL 6214
 SUBSTITUTE SENATE BILL 6373
 SUBSTITUTE SENATE BILL 6459
 SUBSTITUTE SENATE BILL 6557

and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1761 with the following amendment:

On page 2, line 25, after "purposes", strike all material through "well" on line 27

Remember the sections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1761 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hunt, Kristiansen and Hasegawa spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1761, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1761, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

SECOND SUBSTITUTE HOUSE BILL NO. 1761, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2179 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

In addition to any other power and authority conferred to a city that is located in a county having a population of more than one million five hundred thousand, a city legislative authority may provide or contract for supplemental transportation improvements to meet mobility needs within the city's boundaries. For purposes of this section, a "supplemental transportation improvement" or "supplemental improvement" means any project, work, or undertaking to provide or contract for public transportation service in addition to any existing or planned public transportation service provided by public transportation agencies and systems serving the city. The supplemental authority provided to the city legislative authority under this section is subject to the following requirements:

(1) Prior to taking any action to provide or contract for supplemental transportation improvements permitted under this section, the legislative authority of the city shall conduct a public hearing at the time and place specified in a notice published at least once, not less than ten days before the hearing, in a newspaper of general circulation within the proposed district. The notice must specify the supplemental facilities or services to be provided or contracted for by the city, and must include estimated capital, operating, and maintenance costs. The legislative authority of the city shall hear objections from any person affected by the proposed supplemental improvements.

(2) Following the hearing held pursuant to subsection (1) of this section, if the city legislative authority finds that the proposed supplemental transportation improvements are in the public interest, the legislative authority shall adopt an ordinance providing for the supplemental improvements and provide or contract for the supplemental improvements.

(3) For purposes of providing or contracting for the proposed supplemental transportation improvements, the legislative authority of the city may contract with private providers and nonprofit organizations, and may form public-private partnerships. Such contracts and partnerships must require that public transportation services be coordinated with other public transportation agencies and systems serving the area and border jurisdictions.

(4) The legislative authorities of cities that are participating jurisdictions in a transportation benefit district, as provided under chapter 36.73 RCW, may petition the transportation benefit district for partial or full funding of supplemental transportation improvements as prescribed under section 3 of this act.

(5) Supplemental transportation improvements must be consistent with the city's comprehensive plan under chapter 36.70A RCW.

Sec. 2. RCW 36.73.015 and 2006 c 311 s 24 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "District" means a transportation benefit district created under this chapter.

(2) "City" means a city or town.

(3) "Transportation improvement" means a project contained in the transportation plan of the state or a regional transportation planning organization. A project may include investment in new or existing highways of statewide significance, principal arterials of regional significance, high capacity transportation, public transportation, and other transportation projects and programs of regional or statewide significance including transportation demand management. Projects may also include the operation, preservation, and maintenance of these facilities or programs.

(4) "Supplemental transportation improvement" or "supplemental improvement" means any project, work, or undertaking to provide public transportation service, in addition to a district's existing or planned voter-approved transportation improvements, proposed by a participating city member of the district under section 3 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 36.73 RCW to read as follows:

(1) In districts comprised of more than one member city, the legislative authorities of any member city that is located in a county having a population of more than one million five hundred thousand may petition the district to provide supplemental transportation improvements.

(2) Upon receipt of a petition as provided in subsection (1) of this section for supplemental transportation improvements that are to be fully funded by the petitioner city, including ongoing operating and maintenance costs, the district must:

(a) Conduct a public hearing, and provide notice and opportunity for public comment consistent with the requirements of RCW 36.73.050(1); and

(b) Following the hearing, if a majority of the district's governing board determines that the proposed supplemental transportation improvements are in the public interest, the district shall adopt an ordinance providing for the incorporation of the supplemental improvements into any existing services. The supplemental transportation improvements must be in addition to existing services provided by the district. The district shall enter into agreements with the petitioner city or identified service providers to coordinate existing services with the supplemental improvements.

(3) Upon receipt of a petition as provided in subsection (1) of this section for supplemental transportation improvements proposed to be partially or fully funded by the district, the district must:

(a) Conduct a public hearing, and provide notice and opportunity for public comment consistent with the requirements of RCW 36.73.050(1); and

(b) Following the hearing, submit a proposition to the voters at the next special or general election for approval by a majority of the voters in the district. The proposition must specify the supplemental transportation improvements to be provided and must estimate the capital, maintenance, and operating costs to be funded by the district.

(4) If a proposition to incorporate supplemental transportation improvements is approved by the voters as provided under subsection (3) of this section, the district shall adopt an ordinance providing for the incorporation of the supplemental improvements into any existing services provided by the district. The supplemental improvements must be in addition to existing services. The district shall enter into agreements with the petitioner city or identified service providers to coordinate existing services with the supplemental improvements.

(5) A supplemental transportation improvement must be consistent with the petitioner city's comprehensive plan under chapter 36.70A RCW.

(6) Unless otherwise agreed to by the petitioner city or by a majority of the district's governing board, upon adoption of an ordinance under subsection (2) or (4) of this section, the district shall

maintain its existing public transportation service levels in locations where supplemental transportation improvements are provided.

NEW SECTION. Sec. 4. A new section is added to chapter 35.58 RCW to read as follows:

If the legislative authority of a city provides or contracts for supplemental transportation improvements, as described in section 1 of this act or under chapter 36.73 RCW, a metropolitan municipal corporation serving the city or border jurisdictions shall coordinate its services with the supplemental transportation improvements to maximize efficiencies in public transportation services within and across service boundaries.

NEW SECTION. Sec. 5. A new section is added to chapter 36.57A RCW to read as follows:

If the legislative authority of a city provides or contracts for supplemental transportation improvements, as described in section 1 of this act or under chapter 36.73 RCW, a public transportation benefit area serving the city or border jurisdictions shall coordinate its services with the supplemental transportation improvements to maximize efficiencies in public transportation services within and across service boundaries.

NEW SECTION. Sec. 6. A new section is added to chapter 81.112 RCW to read as follows:

If the legislative authority of a city provides or contracts for supplemental transportation improvements, as described in section 1 of this act or under chapter 36.73 RCW, a regional transit authority serving the city or border jurisdictions shall coordinate its services with the supplemental transportation improvements to maximize efficiencies in public transportation services within and across service boundaries.

Sec. 7. RCW 35.58.260 and 1965 c 7 s 35.58.260 are each amended to read as follows:

If a metropolitan municipal corporation shall be authorized to perform the metropolitan transportation function, it shall, upon the effective date of the assumption of such power, have and exercise all rights with respect to the construction, acquisition, maintenance, operation, extension, alteration, repair, control and management of passenger transportation which any component city shall have been previously empowered to exercise and, except as provided in sections 1 and 3 of this act, such powers shall not thereafter be exercised by such component cities without the consent of the metropolitan municipal corporation: PROVIDED, That any city owning and operating a public transportation system on such effective date may continue to operate such system within such city until such system shall have been acquired by the metropolitan municipal corporation and a metropolitan municipal corporation may not acquire such system without the consent of the city council of such city.

Sec. 8. RCW 35.58.272 and 1975 1st ex.s. c 270 s 1 are each amended to read as follows:

"Municipality" as used in RCW 35.58.272 through 35.58.279, as now or hereafter amended, and in RCW 36.57.080, 36.57.100, 36.57.110, 35.58.2721, 35.58.2794, and chapter 36.57A RCW, means any metropolitan municipal corporation which shall have been authorized to perform the function of metropolitan public transportation; any county performing the public transportation function as authorized by RCW 36.57.100 and 36.57.110 or which has established a county transportation authority pursuant to chapter 36.57 RCW; any public transportation benefit area established pursuant to chapter 36.57A RCW; and any city, which is not located within the boundaries of a metropolitan municipal corporation unless provided otherwise in sections 1 and 3 of this act, county transportation authority, or public transportation benefit area, and which owns, operates or contracts for the services of a publicly owned or operated system of transportation: PROVIDED, That the term "municipality" shall mean in respect to any county performing the public transportation function pursuant to RCW 36.57.100 and

36.57.110 only that portion of the unincorporated area lying wholly within such unincorporated transportation benefit area.

"Motor vehicle" as used in RCW 35.58.272 through 35.58.279, as now or hereafter amended, shall have the same meaning as in RCW 82.44.010.

"County auditor" shall mean the county auditor of any county or any person designated to perform the duties of a county auditor pursuant to RCW 82.44.140.

"Person" shall mean any individual, corporation, firm, association or other form of business association."

On page 1, line 2 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 36.73.015, 35.58.260, and 35.58.272; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.73 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 36.57A RCW; and adding a new section to chapter 81.112 RCW."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2179 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Eddy spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2179, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2179, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

SUBSTITUTE HOUSE BILL NO. 2179, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 27, 2010

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2681 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 9. RCW 3.34.140 and 1984 c 258 s 20 are each amended to read as follows:

Any district judge may hold a session in any district in the state, at the request of the judge or majority of judges in the district if the visiting judge determines that the state of business in his or her district allows the judge to be absent. The county legislative authority in which the district court is located shall first approve the temporary absence and the judge pro tempore shall not be required to serve during the judge's absence. A visiting judge shall be entitled to reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060 as now or hereafter amended while so acting, to be paid by the visited district. These expenses shall not be paid to the visiting judge unless the legislative authority of the county in which the visited district is located has approved the payment before the visit. In addition a visiting part-time district court judge, when not serving in a judicial capacity in his or her district, shall be entitled to compensation for judicial services so long as the legislative authority of the county in which the visited district is located has approved the payment before the visit."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 3.34.140."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2681 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2681, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2681, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Taylor, Uptegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

HOUSE BILL NO. 2681, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2867 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.215.005 and 2007 c 415 s 1 are each amended to read as follows:

(1) The legislature recognizes that:

(a) Parents are their children's first and most important teachers and decision makers;

(b) Research across disciplines now demonstrates that what happens in the earliest years makes a critical difference in children's readiness to succeed in school and life;

(c) Washington's competitiveness in the global economy requires a world-class education system that starts early and supports life-long learning;

(d) Washington state currently makes substantial investments in voluntary child care and early learning services and supports, but because services are fragmented across multiple state agencies, and early learning providers lack the supports and incentives needed to improve the quality of services they provide, many parents have difficulty accessing high quality early learning services;

(e) A more cohesive and integrated voluntary early learning system would result in greater efficiencies for the state, increased partnership between the state and the private sector, improved access to high quality early learning services, and better employment and early learning outcomes for families and all children.

(2) The legislature finds that:

(a) The early years of a child's life are critical to the child's healthy brain development and that the quality of caregiving during the early years can significantly impact the child's intellectual, social, and emotional development;

(b) A successful outcome for every child obtaining a K-12 education depends on children being prepared from birth for academic and social success in school. For children at risk of school failure, the achievement gap often emerges as early as eighteen months of age;

(c) There currently is a shortage of high quality services and supports for children ages birth to three and their parents and caregivers; and

(d) Increasing the availability of high quality services for children ages birth to three and their parents and caregivers will result in improved school and life outcomes.

(3) Therefore, the legislature intends to establish a robust birth-to-three continuum of services for parents and caregivers of young children in order to provide education and support regarding the importance of early childhood development.

~~((3))~~ (4) The purpose of this chapter is:

(a) To establish the department of early learning;

(b) To coordinate and consolidate state activities relating to child care and early learning programs;

(c) To safeguard and promote the health, safety, and well-being of children receiving child care and early learning assistance, which is paramount over the right of any person to provide care;

(d) To provide tools to promote the hiring of suitable providers of child care by:

(i) Providing parents with access to information regarding child care providers;

(ii) Providing parents with child care licensing action histories regarding child care providers; and

(iii) Requiring background checks of applicants for employment in any child care facility licensed or regulated under current law;

(e) To promote linkages and alignment between early learning programs and elementary schools and support the transition of children and families from prekindergarten environments to kindergarten;

(f) To promote the development of a sufficient number and variety of adequate child care and early learning facilities, both public and private; and

(g) To license agencies and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all child care and early learning facilities.

~~((4))~~ (5) This chapter does not expand the state's authority to license or regulate activities or programs beyond those licensed or regulated under existing law.

Sec. 2. RCW 43.215.020 and 2007 c 394 s 5 are each amended to read as follows:

(1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

(a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;

(b) To make early learning resources available to parents and caregivers;

(c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private-public partnership;

(d) To administer child care and early learning programs;

(e) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;

(f) To support the implementation of the nongovernmental private-public partnership and cooperate with that partnership in pursuing its goals including providing data and support necessary for the successful work of the partnership;

(g) To work cooperatively and in coordination with the early learning council;

(h) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs; ~~((and))~~

(i) To develop a comprehensive birth-to-three plan to provide education and support through a continuum of options including, but not limited to, services such as: Home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers;

~~((j))~~ (j) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information through the internet and other means.

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(3) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children, and that recognizes and honors cultural and linguistic diversity. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

NEW SECTION. Sec. 3. The department of early learning, in collaboration with the early learning nongovernmental private-public partnership and the early learning advisory council, shall develop a birth-to-three plan, including recommended appropriation levels, and report to the appropriate committees of the legislature and the governor by December 1, 2010. The plan and recommendations required under this section shall be developed within existing resources."

On page 1, line 1 of the title, after "learning;" strike the remainder of the title and insert "amending RCW 43.215.005 and 43.215.020; and creating a new section."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2867 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2867, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2867, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Appleton, Armstrong, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Bailey, Campbell, Chandler, Crouse, DeBolt, Ericksen, Fagan, Herrera, Hinkle, Klippert, Kretz, Kristiansen, McCune, Nealey, Pearson, Roach, Ross, Schmick, Shea, Short, Taylor and Warnick.

Excused: Representative Condotta.

SECOND SUBSTITUTE HOUSE BILL NO. 2867, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2961 with the following amendment:

On page 6, line 6, after "hours" insert "in accordance with any rules adopted pursuant to section 3 of this act"

On page 7, line 15, after "officers" insert "in accordance with rules adopted by the board of pharmacy regarding the privacy of the purchaser of products covered by this act and law enforcement access to the records submitted to the tracking system as provided in this section consistent with the federal combat meth act"

On page 7, line 26, after "section." insert "The board of pharmacy shall adopt rules regarding the privacy of the purchaser of products covered by this act, and any public or law enforcement access to the records submitted to the tracking system as provided in subsection (2) (c) of this section consistent with the federal combat meth act."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2961 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Campbell and Morrell spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2961, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2961, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Carlyle, Chandler, Crouse, Fagan, Kretz, Kristiansen, Nealey, Parker, Pearson, Schmick, Shea, Short and Taylor.

Excused: Representative Condotta.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2961, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3016 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.09.170 and 2008 c 6 s 1017 are each amended to read as follows:

(1) Except as otherwise provided in ~~((subsection (7) of))~~ RCW 26.09.070~~(7)~~, the provisions of any decree respecting maintenance or support may be modified: (a) Only as to installments accruing subsequent to the petition for modification or motion for adjustment except motions to compel court-ordered adjustments, which shall be effective as of the first date specified in the decree for implementing the adjustment; and, (b) except as otherwise provided in ~~((subsections (5), (6), (9), and (10) of))~~ this section, only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(2) Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance or registration of a new domestic partnership of the party receiving maintenance.

(3) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child.

(4) Unless expressly provided by an order of the superior court or a court of comparable jurisdiction, provisions for the support ~~((provisions of the order))~~ of a child are terminated upon the marriage or registration of a domestic partnership to each other of parties to a paternity order, or upon the remarriage or registration of a domestic partnership to each other of parties to a decree of dissolution. The remaining provisions of the order, including provisions establishing paternity, remain in effect.

(5)(a) A party to an order of child support may petition for a modification based upon a showing of substantially changed circumstances at any time.

(b) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(6) An order of child support may be modified one year or more after it has been entered without a showing ((a substantial change)) of substantially changed circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child;

(b) If a party requests an adjustment in an order for child support which was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based;

(c) If a child is still in high school, upon a finding that there is a need to extend support beyond the eighteenth birthday to complete high school; or

(d) To add an automatic adjustment of support provision consistent with RCW 26.09.100.

((6) An order or decree entered prior to June 7, 1984, may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require health insurance coverage for a child named therein; or

(b) Modify an existing order for health insurance coverage.

(7) An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.))

(7)(a) If twenty-four months have passed from the date of the entry of the order or the last adjustment or modification, whichever is later, the order may be adjusted without a showing of substantially changed circumstances based upon:

(i) Changes in the income of the parents; or

(ii) Changes in the economic table or standards in chapter 26.19 RCW.

(b) Either party may initiate the adjustment by filing a motion and child support worksheets.

(c) If the court adjusts or modifies a child support obligation pursuant to this subsection by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a motion for another adjustment under this subsection may be filed.

~~(8)(a) The department of social and health services may file an action to modify or adjust an order of child support if public assistance money is being paid to or for the benefit of the child and the child support order is at least twenty-five percent ((or more)) above or below the appropriate child support amount set forth in the standard calculation as defined in RCW 26.19.011 and reasons for the deviation are not set forth in the findings of fact or order. ((The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.~~

(9)(a) All child support decrees may be adjusted once every twenty- four months based upon changes in the income of the parents without a showing of substantially changed circumstances. Either party may initiate the adjustment by filing a motion and child support worksheets.

(b) A party may petition for modification in cases of substantially changed circumstances under subsection (1) of this section at any time. However, if relief is granted under subsection (1) of this section, twenty-four months must pass before a motion for an adjustment under (a) of this subsection may be filed.

(c) If, pursuant to (a) of this subsection or subsection (10) of this section, the court adjusts or modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the court may implement the change in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a motion for an adjustment under (a) of this subsection may be filed.

(d) A parent who is receiving transfer payments who receives a wage or salary increase may not bring a modification action pursuant to subsection (1) of this section alleging that increase constitutes a substantial change of circumstances.

(e) The department of social and health services may file an action at any time to modify an order of child support in cases of substantially changed circumstances if public assistance money is being paid to or for the benefit of the child. The determination of the existence of substantially changed circumstances by the department that lead to the filing of an action to modify the order of child support is not binding upon the court.

(10) An order of child support may be adjusted twenty-four months from the date of the entry of the decree or the last adjustment or modification, whichever is later, based upon changes in the economic table or standards in chapter 26.19 RCW.)

(b) The department of social and health services may file an action to modify or adjust an order of child support in a nonassistance case if:

(i) The child support order is at least twenty-five percent above or below the appropriate child support amount set forth in the standard calculation as defined in RCW 26.19.011;

(ii) The department has determined the case meets the department's review criteria; and

(iii) A party to the order or another state or jurisdiction has requested a review.

(c) The determination of twenty-five percent or more shall be based on the current income of the parties and the department shall not be required to show a substantial change of circumstances if the reasons for the deviations were not set forth in the findings of fact or order.

(9) The department of social and health services may file an action to modify or adjust an order of child support under subsections (5) through (7) of this section if:

(a) Public assistance money is being paid to or for the benefit of the child;

(b) A party to the order in a nonassistance case has requested a review; or

(c) Another state or jurisdiction has requested a modification of the order.

(10) If testimony other than affidavit is required in any proceeding under this section, a court of this state shall permit a party or witness to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means, unless good cause is shown.

Sec. 2. RCW 26.09.175 and 2002 c 199 s 2 are each amended to read as follows:

(1) A proceeding for the modification of an order of child support shall commence with the filing of a petition and worksheets. The petition shall be in the form prescribed by the administrator for the courts. There shall be a fee of twenty dollars for the filing of a petition for modification of dissolution.

(2)(a) The petitioner shall serve upon the other party the summons, a copy of the petition, and the worksheets in the form prescribed by the administrator for the courts. If the modification proceeding is the first action filed in this state, service shall be made by personal service. If the decree to be modified was entered in this state, service shall be by personal service or by any form of mail requiring a return receipt. Proof of service shall be filed with the court.

(b) If the support obligation has been assigned to the state pursuant to RCW 74.20.330 or the state has a subrogated interest under RCW 74.20A.030, the summons, petition, and worksheets shall also be served on the attorney general; except that notice shall be given to the office of the prosecuting attorney for the county in which the action is filed in lieu of the office of the attorney general in those counties and in the types of cases as designated by the office of the attorney general by letter sent to the presiding superior court judge of that county. ~~((Proof of service shall be filed with the court.))~~

(3) ~~((The))~~ As provided for under RCW 26.09.170, the department of social and health services may file an action to modify or adjust an order of child support if:

(a) Public assistance money is being paid to or for the benefit of the child;

(b) A party to the order in a nonassistance case has requested a review; or

(c) Another state or jurisdiction has requested a modification of the order.

~~(4)~~ A responding party's answer and worksheets shall be served and the answer filed within twenty days after service of the petition or sixty days if served out of state. ~~((The))~~ A responding party's failure to file an answer within the time required shall result in entry of a default judgment for the petitioner.

~~((4))~~ (5) At any time after responsive pleadings are filed, ~~((either))~~ any party may schedule the matter for hearing.

~~((5))~~ (6) Unless ~~((both))~~ all parties stipulate to arbitration or the presiding judge authorizes oral testimony pursuant to subsection ~~((6))~~ (7) of this section, a petition for modification of an order of child support shall be heard by the court on affidavits, the petition, answer, and worksheets only.

~~((6))~~ (7) A party seeking authority to present oral testimony on the petition to modify a support order shall file an appropriate motion not later than ten days after the time of notice of hearing. Affidavits and exhibits setting forth the reasons oral testimony is necessary to a just adjudication of the issues shall accompany the petition. The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include, but are not limited to: (a) Substantial questions of credibility on a major issue; (b) insufficient or inconsistent discovery materials not correctable by further discovery; or (c) particularly complex circumstances requiring expert testimony.

(8) If testimony other than affidavit is required in any proceeding under this section, a court of this state shall permit a party or witness to be deposed or to testify under penalty of perjury by telephone, audiovisual means, or other electronic means, unless good cause is shown.

Sec. 3. RCW 26.09.100 and 2008 c 6 s 1013 are each amended to read as follows:

(1) In a proceeding for dissolution of marriage or domestic partnership, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to misconduct, the court shall order either or both parents owing a duty of support to any child of the marriage or the domestic partnership dependent upon either or both spouses or domestic partners to pay an amount determined under chapter 26.19 RCW.

(2) The court may require automatic periodic adjustments or modifications of child support. That portion of any decree that requires periodic adjustments or modifications of child support shall use the provisions in chapter 26.19 RCW as the basis for the adjustment or modification. Provisions in the decree for periodic adjustment or modification shall not conflict with RCW 26.09.170 except that the decree may require periodic adjustments or modifications of support more frequently than the time periods established pursuant to RCW 26.09.170.

(3) Upon motion of a party and without a substantial change of circumstances, the court shall modify the decree to comply with subsection (2) of this section as to installments accruing subsequent to entry of the court's order on the motion for modification.

(4) The adjustment or modification provision may be modified by the court due to economic hardship consistent with the provisions of RCW 26.09.170~~((5))~~ (6)(a)."

On page 1, line 3 of the title, after "requirements;" strike the remainder of the title and insert "and amending RCW 26.09.170, 26.09.175, and 26.09.100."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 3016 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3016, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3016, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

SUBSTITUTE HOUSE BILL NO. 3016, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3026 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that in 1975 legislation was adopted, codified as chapter 28A.640 RCW, recognizing the deleterious effect of discrimination on the basis of sex, specifically prohibiting such discrimination in Washington public schools, and requiring the office of the superintendent of public instruction to monitor and enforce compliance. The legislature further finds that, while numerous state and federal laws prohibit discrimination on other bases in addition to sex, the common school provisions in Title 28A RCW do not include specific acknowledgment of the right to be free from discrimination because of race, creed, color, national origin, honorably discharged veteran or military status, sexual orientation, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, nor do any common school provisions specifically direct the office of the superintendent of public instruction to monitor and enforce compliance with these laws. The legislature finds that one of the recommendations made to the legislature by the achievement gap oversight and accountability committee created in chapter 468, Laws of 2009, was that the office of the superintendent of public instruction should be specifically

authorized to take affirmative steps to ensure that school districts comply with all civil rights laws, similar to what has already been authorized in chapter 28A.640 RCW with respect to discrimination on the basis of sex.

NEW SECTION. Sec. 2. Discrimination in Washington public schools on the basis of race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability is prohibited. The definitions given these terms in chapter 49.60 RCW apply throughout this chapter unless the context clearly requires otherwise.

NEW SECTION. Sec. 3. The superintendent of public instruction shall develop rules and guidelines to eliminate discrimination prohibited in section 2 of this act as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

NEW SECTION. Sec. 4. The office of the superintendent of public instruction shall monitor local school districts' compliance with this chapter, and shall establish a compliance timetable, rules, and guidelines for enforcement of this chapter.

NEW SECTION. Sec. 5. Any person aggrieved by a violation of this chapter, or aggrieved by the violation of any rule or guideline adopted under this chapter, has a right of action in superior court for civil damages and such equitable relief as the court determines.

NEW SECTION. Sec. 6. The superintendent of public instruction has the power to enforce and obtain compliance with the provisions of this chapter and the rules and guidelines adopted under this chapter, by appropriate order made pursuant to chapter 34.05 RCW. The order may include, but is not limited to, termination of all or part of state apportionment or categorical moneys to the offending school district, termination of specified programs in which violations may be flagrant within the offending school district, institution of corrective action, and the placement of the offending school district on probation with appropriate sanctions until compliance is achieved.

NEW SECTION. Sec. 7. This chapter is supplementary to, and does not supersede, existing law and procedures and future amendments to those laws and procedures relating to unlawful discrimination.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2010, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "laws;" strike the remainder of the title and insert "adding a new chapter to Title 28A RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3026 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Santos and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 3026, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 3026, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Roberts, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Condotta.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3026, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3105 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.41.130 and 2009 c 519 s 6 are each amended to read as follows:

(1) The director of financial management, after consultation with other interested or affected state agencies, shall establish overall policies governing the acquisition, operation, management, maintenance, repair, and disposal of ~~(s)~~ all ~~(passenger)~~ motor vehicles owned or operated by any state agency. ~~(Such)~~ These policies shall include but not be limited to a definition of what constitutes authorized use of a state owned or controlled passenger motor vehicle and other motor vehicles on official state business. The definition shall include, but not be limited to, the use of state-owned motor vehicles for commuter ride sharing so long as the entire capital depreciation and operational expense of the commuter ride-sharing arrangement is paid by the commuters. Any use other than such defined use shall be considered as personal use.

(2)(a) By June 15, 2010, the director of the department of general administration, in consultation with the office and other interested or affected state agencies, shall develop strategies to ~~(reduce)~~ assist state agencies in reducing fuel consumption and emissions from all classes of vehicles.

(b) In an effort to achieve lower overall emissions for all classes of vehicles, state agencies should, when financially comparable over the vehicle's useful life, consider purchasing or converting to ultra- low carbon fuel vehicles.

~~(3) State agencies shall (use these strategies to:~~

~~(4))~~ phase in fuel economy standards for motor pools and leased petroleum-based fuel vehicles to achieve an average fuel economy standard of thirty-six miles per gallon for passenger vehicle fleets by 2015(~~;~~

(2) Achieve an average fuel economy of forty miles per gallon for light duty passenger vehicles purchased after June 15, 2010; and

(3) Achieve an average fuel economy standard of twenty-seven miles per gallon for light duty vans and sport utility vehicles purchased after June 15, 2010).

(4) After June 15, 2010, state agencies shall:

(a) When purchasing new petroleum-based fuel vehicles for vehicle fleets: (i) Achieve an average fuel economy of forty miles per gallon for light duty passenger vehicles; and (ii) achieve an average fuel economy of twenty-seven miles per gallon for light duty vans and sports utility vehicles; or

(b) Purchase ultra-low carbon fuel vehicles.

~~(5)~~ State agencies must report annually on the progress made to achieve the goals under subsections ~~((4) through)~~ (3) and (4) of this section beginning October 31, 2011.

(6) The department of general administration, in consultation with the office and other affected or interested agencies, shall develop a separate fleet fuel economy standard for all other classes of petroleum-based fuel vehicles and report the progress made toward meeting the fuel consumption and emissions goals established by this section to the governor and the relevant legislative committees by December 1, 2012.

(For the purposes of this section, light duty vehicles refers to cars, sport utility vehicles, and passenger vans.)

(7) The following vehicles are excluded from the ~~((agency fleet))~~ average fuel economy ~~((calculation))~~ goals established in subsections (3) and (4) of this section: Emergency response vehicles, passenger vans with a gross vehicle weight of eight thousand five hundred pounds or greater, vehicles that are purchased for off-pavement use, ultra-low carbon fuel vehicles, and vehicles that are driven less than two thousand miles per year.

(8) Average fuel economy calculations used under this section for petroleum-based fuel vehicles must be based upon the current United States environmental protection agency composite city and highway mile per gallon rating.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Petroleum-based fuel vehicle" means a vehicle that uses, as a fuel source, more than ten percent gasoline or diesel fuel.

(b) "Ultra-low carbon fuel vehicle" means a vehicle that uses, as a fuel source, at least ninety percent natural gas, hydrogen, biomethane, or electricity."

On page 1, line 3 of the title, after "fleets;" strike the remainder of the title and insert "and amending RCW 43.41.130."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 3105 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Rolfes and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3105, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3105, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

SUBSTITUTE HOUSE BILL NO. 3105, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6381, by Senators Haugen and Marr

Making 2009-11 supplemental transportation appropriations.

The bill was read the second time.

Representative Clibborn moved the adoption of amendment (1527).

Formatting changed to accommodate amendment.

Strike everything after the enacting clause and insert the following:

**"2009-11 FISCAL BIENNIUM
ECONOMIC STIMULUS FUNDING**

Sec. 1. 2009 c 8 s 2 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.
Motor Vehicle Account--Federal Appropriation \$341,400,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire appropriation in this section is (~~provided solely~~) for the projects and amounts listed in ARRA Washington State Project LEAP document 2009, as developed on February 24, 2009. Funds under this section may be reallocated among projects shown in the document to the extent that the department finds it necessary for the purposes of facilitating completion of the projects with the highest priority or to maintain maximum federal funds eligibility.

(2) To achieve the legislative objectives provided in section 1(2) of this act with respect to highway projects, it is the intent of the legislature that the appropriation in this section be used for: Transportation 2003 account (nickel account) projects and transportation partnership account (TPA) projects that would have otherwise been delayed due to decreased revenues, so as to advance project completion dates similar to those envisioned in the enacted 2008 legislative list of projects; projects that preserve or rehabilitate Washington state highways and roads; and projects that modify roadway alignments and conditions to create safer roads for the traveling public.

(3)(a) The department of transportation shall obligate at least fifty percent of the funds no later than one hundred twenty days after surface transportation program funds under the American Recovery and Reinvestment Act of 2009 have been apportioned to the states;

(b) The department shall obligate all funds no later than one year after surface transportation program funds under the American Recovery and Reinvestment Act of 2009 have been apportioned to the states;

(c) The department shall place the first priority for allocating funds on those projects listed as "First Tier" projects on ARRA Washington State Project LEAP document 2009, as developed on February 24, 2009. The department shall place the second priority on projects listed as "Second Tier" projects on the document; and

(d) Within each tier of projects on ARRA Washington State Project LEAP document 2009, as developed on February 24, 2009, the department shall place the highest priority for allocating funds on the transportation 2003 account (nickel account) projects and transportation partnership account (TPA) projects listed to advance their completion. The department shall prioritize funding for other projects within the tier according to how soon the contract for the project could be awarded.

(4) By June 30, 2009, the department of transportation shall report to the legislative standing committees on transportation and the office of financial management on the status of federal stimulus funds including, but not limited to, identifying the projects shown in ARRA Washington State Project LEAP document 2009, as developed on February 24, 2009, for which federal stimulus funding has already been obligated, the amount of federal recovery funds estimated to be obligated to the projects, and the completion status of each project. Subsequent status reports are due to the legislative standing committees on transportation and the office of financial management on August 31, 2009, and December 1, 2009.

GENERAL GOVERNMENT AGENCIES--OPERATING

Sec. 101. 2009 c 470 s 101 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
Motor Vehicle Account--State Appropriation (~~(\$422,000)~~)
\$413,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

Sec. 102. 2009 c 470 s 102 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION
Grade Crossing Protective Account--State
Appropriation (~~(\$705,000)~~)
\$702,000

Sec. 103. 2009 c 470 s 103 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT
Motor Vehicle Account--State Appropriation (~~(\$3,389,000)~~)
\$3,526,000
Puget Sound Ferry Operations Account--State
Appropriation (~~(\$100,000)~~)
\$98,000
TOTAL APPROPRIATION (~~(\$3,489,000)~~)
\$3,624,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,699,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system. Of the amount provided in this subsection, \$502,000 is for two existing FTEs at the department of transportation to maintain and support the system.

(3) \$150,000 of the motor vehicle account--state appropriation is provided solely for the office of financial management to contract with the Washington state association of counties for a pilot program to develop and implement a streamlined process for programmatic hydraulic project approvals for multiple, recurring local transportation and public works projects. The pilot program must include the following: (a) Describing, defining, and documenting classes of local transportation and public works projects appropriate for programmatic hydraulic project approvals permits; (b) developing technical permitting requirements and conditions; (c) administratively adopting and implementing programmatic hydraulic project approvals statewide; and (d) piloting, reviewing, updating, and training throughout all Washington counties. For the purpose of this subsection, the contract with the Washington state association of counties is deemed a revenue generation and auditing activity as that term is construed in section 602(2), chapter 3, Laws of 2010.

Sec. 104. 2009 c 470 s 104 (uncodified) is amended to read as follows:

FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State

Appropriation (~~(\$446,000)~~)
\$440,000

Sec. 105. 2009 c 470 s 105 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account--State Appropriation (~~(\$986,000)~~)
\$985,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

Sec. 106. 2009 c 470 s 106 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation (~~(\$1,507,000)~~)
\$1,493,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

Sec. 107. 2009 c 470 s 107 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account--State Appropriation (~~(\$502,000)~~)
\$491,000

Sec. 108. 2009 c 470 s 108 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

Multimodal Transportation Account--State Appropriation \$50,000

(1) As part of its 2009-11 fiscal biennium work plan, the joint legislative audit and review committee shall audit the capital cost accounting practices of the Washington state ferries. The audit must review the following and provide a report on its findings and any related recommendations to the legislature by January 2011:

(a) Costs assigned to capital accounts to determine whether they are capital costs that meet the statutory requirements for preservation and improvement activities and whether they are within the scope of legislative appropriations;

(b) Implementation of the life-cycle cost model required under RCW 47.60.345 to determine if it was developed as required and is maintained and updated when asset inspections are made; and

(c) Washington state ferries' implementation of the cost allocation methodology evaluated under section 205, chapter 518, Laws of 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training.

(2) The joint legislative audit and review committee shall use existing staff and resources to conduct a review of scoping and cost estimates for transportation highway improvement and preservation projects funded in whole, or in part, by transportation partnership account--state and transportation 2003 account (nickel account)--state funds, excluding mega-projects. The review will examine whether the scoping and cost estimates guidelines used by the department of transportation are consistent with general construction industry practices and other appropriate standards. The review will include an analysis of a sample of scope and cost estimates for future projects. A report on the committee's findings and recommendations must be submitted to the house of representatives and senate transportation committees by December 2009.

(3) As part of its 2009-11 fiscal biennium work plan, the joint legislative audit and review committee shall conduct an analysis of the cost of credit card payment options at the department of transportation. For programs where a credit card payment option is offered, the review must include:

(a) An analysis of the direct and indirect cost per transaction to process customer payments using credit cards;

(b) An analysis of the direct and indirect cost per transaction for other methods of processing customer payments;

(c) An analysis of the historical and projected total aggregate costs for processing all forms of customer payments;

(d) Identification of whether there are customer service, administrative, and revenue collection benefits resulting from credit card usage; and

(e) A review of the use of credit card payment options in other state agencies and in similar transportation programs at other states.

The committee shall provide a report on its findings and any related recommendations to the legislature by January 2010.

(4)(a) As part of its 2009-11 fiscal biennium work plan, the entire appropriation in this section is for the joint legislative audit and review committee to conduct an analysis of the storm water permit requirements issued by the department of ecology in February 2009 to determine the costs and benefits of alternative options for the department of transportation to meet the requirements. However, if the

committee does not include the analysis as part of its 2009-11 fiscal biennium work plan by April 15, 2010, the amount provided in this section lapses. The analysis must include, at a minimum, an analysis of the following:

- (i) The department of transportation performing the functions of the permit in house;
- (ii) The functions of the permit being consolidated within the department of ecology or otherwise centralizing efforts for all state agencies; and
- (iii) The use of an external firm or organization to meet the requirements.
- (b) The entire appropriation is for a consultant contract to assist the committee with its analysis. For the purpose of this subsection, the consultant contract is deemed an auditing activity as that term is construed in section 602(2), chapter 3, Laws of 2010.
- (c) The committee shall provide a report to the legislature by December 2010.

TRANSPORTATION AGENCIES--OPERATING

Sec. 201. 2009 c 470 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation	((\$2,542,000))
\$2,532,000	
Highway Safety Account--Federal Appropriation	((\$16,540,000))
\$34,630,000	
School Zone Safety Account--State Appropriation	\$3,340,000
Highway Safety Account--Local Appropriation	\$50,000
TOTAL APPROPRIATION	((\$22,472,000))
\$40,552,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$2,670,000)~~) \$2,826,000 of the highway safety account--federal appropriation is provided solely for a target zero trooper pilot program, which the commission shall develop and implement in collaboration with the Washington state patrol. The pilot program must demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. If the pilot program is approved for funding by the national highway traffic safety administration, and sufficient federal grants are received, the commission shall provide grants to the Washington state patrol for the purchase of twenty-one fully equipped patrol vehicles in fiscal year 2010, and up to twenty-four months of salaries and benefits for eighteen troopers and three sergeants beginning in fiscal year (~~(2011)~~) 2010. The legislature anticipates that an additional (~~(\$1,830,000)~~) \$1,673,900 will be appropriated from the highway safety account--federal in the 2011-13 fiscal biennium to conclude this pilot program.

(2) The commission may oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over two hundred thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

(a) The commission shall comply with RCW 46.63.170 in administering the projects.

(b) In order to ensure adequate time in the 2009-11 fiscal biennium to evaluate the effectiveness of the pilot projects, any projects authorized by the commission must be authorized by December 31, 2009.

(c) By January 1, 2011, the commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding automated traffic safety cameras demonstrated by the projects.

(3) \$18,000,000 of the highway safety account--federal appropriation is for federal funds that may be received during the 2009-11 fiscal biennium. Upon receipt of the funds, the commission shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

Sec. 202. 2009 c 470 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation	((\$920,000))
\$896,000	
Motor Vehicle Account--State Appropriation	((\$2,129,000))
\$2,084,000	
County Arterial Preservation Account--State	
Appropriation	((\$1,423,000))
\$1,396,000	
TOTAL APPROPRIATION	((\$4,472,000))
\$4,376,000	

Sec. 203. 2009 c 470 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation	((\$1,824,000))
\$1,793,000	
Transportation Improvement Account--State	
Appropriation	((\$1,827,000))
\$1,796,000	
TOTAL APPROPRIATION	((\$3,651,000))
\$3,589,000	

Sec. 204. 2009 c 470 s 204 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation	((\$1,901,000))
\$2,163,000	

Multimodal Transportation Account--State Appropriation	\$400,000
TOTAL APPROPRIATION	\$2,563,000

The appropriations in this section ((is)) are subject to the following conditions and limitations:

(1) \$236,000 of the motor vehicle account--state appropriation is a reappropriation from the 2007-09 fiscal biennium for a comprehensive analysis of mid-term and long-term transportation funding mechanisms and methods. Elements of the study will include existing data and trends, policy objectives, performance and evaluation criteria, incremental transition strategies, and possibly, scaled testing. Baseline data and methods assessment must be concluded by December 31, 2009. Performance criteria must be developed by June 30, 2010, and recommended planning level alternative funding strategies must be completed by December 31, 2010.

(2) \$200,000 of the motor vehicle account--state appropriation is for the joint transportation committee to convene an independent expert review panel to review the assumptions for toll operations costs used by the department to model financial plans for tolled facilities. The joint transportation committee shall work with staff from the senate and the house of representatives transportation committees to identify the scope of the review and to assure that the work performed meets the needs of the house of representatives and the senate. The joint transportation committee shall provide a report to the house of representatives and senate transportation committees by September 1, 2009.

(3) \$300,000 of the motor vehicle account--state appropriation is for an independent analysis of methodologies to value the reversible lanes on Interstate 90 to be used for high capacity transit pursuant to sound transit proposition 1 approved by voters in November 2008. The independent analysis shall be conducted by sound transit and the department of transportation, using consultant resources deemed appropriate by the secretary of the department, the chief executive officer of sound transit, and the cochairs of the joint transportation committee. It shall be conducted in consultation with the federal transit and federal highway administrations and account for applicable federal laws, regulations, and practices. It shall also account for the 1976 Interstate 90 memorandum of agreement and subsequent 2004 amendment and the 1978 federal secretary of transportation's environmental decision on Interstate 90. The department and sound transit must provide periodic reports to the joint transportation committee, the sound transit board of directors, and the governor, and report final recommendations by November 1, 2009.

(4) The joint transportation committee shall perform a review of the fuel tax refunds for nonhighway or off-road use of gasoline and diesel fuels as listed in RCW 46.09.170, 46.10.150, and 79A.25.070. The review must: Provide an overview of the off-road programs; analyze historical funding and expenditures from the respective treasury accounts; outline and provide process documentation on how the funds are distributed to the treasury accounts; and document future identified off-road, snowmobile, and marine funding needs. A report on the joint transportation committee review must be presented to the house of representatives and senate transportation committees by December 31, 2010.

(5)(a) \$350,000 of the multimodal transportation account--state appropriation is for the joint transportation committee to conduct a study to establish a statewide blueprint for public transportation that will serve to guide state investments in public transportation. At a minimum, the study should include an assessment of unmet operating and capital needs of public transportation agencies, the state role in funding those unmet needs, and the priorities for state investments. The report should include efficiency and accountability measures that inform future state investment in public transportation to maximize mobility, social, economic, and environmental benefits provided to the state.

(b) The statewide blueprint for public transportation should serve to guide state investments to support public transportation and address unmet needs to improve service, access to public transportation, and connectivity between public transportation providers across jurisdictional boundaries. The blueprint must be consistent with the state's transportation system policy goals provided in RCW 47.04.280 and the statewide transportation plan provided in RCW 47.01.071(4).

(c) To provide input to the study, the joint transportation committee shall convene a public transit advisory panel. The cochairs of the committee shall appoint and convene the advisory panel to be comprised of members as provided in this subsection:

- (i) One member from each of the two largest caucuses of the senate;
- (ii) One member from each of the two largest caucuses of the house of representatives;
- (iii) One representative of the department of transportation's public transportation division;
- (iv) Two representatives of users of public transportation systems, one of which must represent persons with special needs;
- (v) Three representatives from transit agencies from a list recommended by the Washington state transit association;
- (vi) Two representatives from regional transportation planning organizations, one representing eastern Washington and one representing western Washington;
- (vii) Three representatives of employers at or owners of major work sites in Washington;
- (viii) The chief executive officer, or the chief executive officer's designee, of a regional transit authority;
- (ix) Two representatives of organizations that address primarily environmental issues;
- (x) One member of a collective bargaining organization that primarily represents the interests of transit agency employees; and
- (xi) Other individuals deemed appropriate.

Nonlegislative members of the advisory panel must seek reimbursement for travel and other membership expenses through their respective agencies or organizations. The committee may make exceptions and approve certain expenses for good cause on a case-by-case basis.

(d) The joint transportation committee shall submit a report on the study to the standing transportation committees of the legislature by December 15, 2010.

(6) The joint transportation committee shall work with the department of licensing, the office of the code reviser, staff to the legislative transportation committees, and other stakeholders to evaluate the implementation of Senate Bill No. 6379. At a minimum, the evaluation must identify the unintended impacts of Senate Bill No. 6379 on policy and revenue collection, if any. The joint transportation committee shall issue its evaluation, including corrective draft legislation if needed, by December 1, 2010.

(7) \$125,000 of the motor vehicle account--state appropriation is for the joint transportation committee to evaluate the preparation of state-level transportation plans. The evaluation must include a review of federal planning requirements, the Washington transportation plan and statewide modal plan requirements, and transportation plan requirements for regional and local entities. The evaluation must make recommendations concerning the appropriate responsibilities for preparation of plans, methods to develop plans more efficiently, and the utility of the state-level planning documents. The committee shall issue a report of its evaluation, including draft legislation if required, to the house of representatives and senate transportation committees by December 15, 2010.

(8)(a) \$200,000 of the motor vehicle account--state appropriation is for the joint transportation committee to evaluate funding assistance and services provided by the county road administration board, transportation improvement board, freight mobility strategic investment board, and the department of transportation's highway and local programs division. In 2010, the governor recommended consolidating small transportation

agencies as part of an overall effort to streamline state government, provide economies of scale, and improve customer service. The evaluation may include recommendations on consolidating the agencies within the department of transportation, within another existing agency, or within a newly created agency. The study may also make recommendations on restructuring grant programs to generate efficiencies or other more efficient ways to distribute associated revenues.

(b) The joint transportation committee shall form a policy work group to oversee the evaluation. The work group must consist of legislators appointed by the joint transportation committee and a member of the governor's staff appointed by the governor.

(c) Any evaluation recommendations must be accompanied by a detailed implementation plan. The plan must include details on the recommended governance structure, accounts and program structure, and transition process and associated costs. The plan must include a proposed organization chart and proposed legislation to enact the recommended changes. A preliminary evaluation must be made to the joint transportation committee by November 15, 2010, and a final evaluation is due on December 15, 2010.

(9) The joint transportation committee shall conduct the following studies by December 15, 2010:

(a) A comparison of medical, time-loss, vocational and disability benefits available to injured workers, and costs payable by the state of Washington and employees, under the federal Jones act and Washington's industrial insurance act. The report must include information regarding the experience of the Alaska marine highway system; and

(b) A comparison of the processing time of grievances and hearings at the personnel relations employment commission and the marine employee commission. The review must also investigate whether the necessary expertise exists at the personnel relations employment commission to administer the grievances and hearings currently administered by the marine employee commission.

(10)(a) \$50,000 of the multimodal transportation account--state appropriation is for the joint transportation committee to conduct an analysis of the storm water permit requirements issued by the department of ecology in February 2009 to determine the costs and benefits of alternative options for the department of transportation to meet the requirements. However, if the committee does not include the analysis as part of its 2009-11 fiscal biennium work plan by April 15, 2010, the amount provided in this subsection lapses. The analysis must include, at a minimum, an analysis of the following:

(i) The department of transportation performing the functions of the permit in house;

(ii) The functions of the permit being consolidated within the department of ecology or otherwise centralizing efforts for all state agencies; and

(iii) The use of an external firm or organization to meet the requirements.

(b) The committee shall provide a report to the legislature by December 2010.

Sec. 205. 2009 c 470 s 205 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation	((\$2,237,000))
\$2,328,000	
Multimodal Transportation Account--State Appropriation	\$112,000
TOTAL APPROPRIATION	((\$2,349,000))
\$2,440,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of fares for the Washington state ferry system. The transportation commission may increase ferry fares, except no fare schedule modifications may be made prior to September 1, 2009. For purposes of this subsection, "modify" includes increases or decreases to the schedule. ~~((The commission may only approve ferry fare rate changes that have the same proportionate change for passengers as for vehicles.))~~

(2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify a schedule of toll charges applicable to the state route number 167 high occupancy toll lane pilot project, as required under RCW 47.56.403. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of toll charges applicable to the Tacoma Narrows bridge, taking into consideration the recommendations of the citizen advisory committee created under RCW 47.46.091. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(4) The commission may name state ferry vessels consistent with its authority to name state transportation facilities under RCW 47.01.420. When naming or renaming state ferry vessels, the commission shall investigate selling the naming rights and shall make recommendations to the legislature regarding this option.

(5) \$350,000 of the motor vehicle account--state appropriation is provided solely for consultant support services to assist the commission in updating the statewide transportation plan. The updated plan must be submitted to the legislature by December 1, 2010.

(6) If the commission considers implementing a ferry fuel surcharge, it must first submit an analysis and business plan to the office of financial management and either the joint transportation committee or the transportation committees of the legislature. The commission may impose a ferry fuel surcharge effective July 1, 2011. When implementing a ferry fuel surcharge, the commission must regard ferry fuel surcharges as fare policy changes and thus, ferry fuel surcharges should be included in all public procedures and processes currently used for fare pricing per RCW 47.60.290.

(7) The commission shall work with the department of transportation's economic partnerships (Program K) in conducting a best practices review of nontoll, public-private partnerships. The purpose of this review is to identify the policies and procedures that would be appropriate for application in Washington state. The commission must report its findings and recommendations, including draft legislation if warranted, to the house of representatives and senate transportation committees by January 2011.

(8) As part of its development of the statewide transportation plan, the commission shall review prioritized projects, including preservation and maintenance projects, from regional transportation and metropolitan planning organizations to identify statewide transportation needs. The review should include a brief description and status of each project along with the funding required and associated timeline from start to completion. The commission shall submit the review, along with recommendations, to the house of representatives and senate transportation committees by January 2011.

Sec. 206. 2009 c 470 s 206 (uncodified) is amended to read as follows:

FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation (~~(\$695,000)~~)
 \$688,000

The appropriation in this section is subject to the following conditions and limitations: The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

Sec. 207. 2009 c 470 s 207 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State
 Appropriation (~~(\$228,024,000)~~)
 \$227,958,000

State Patrol Highway Account--Federal
 Appropriation (~~(\$10,602,000)~~)
 \$10,903,000

State Patrol Highway Account--Private/Local
 Appropriation (~~(\$859,000)~~)
 \$867,000

TOTAL APPROPRIATION (~~(\$239,485,000)~~)
 \$239,728,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol, and Cessna pilots funded from the state patrol highway account who are certified to fly the King Airs may pilot those aircraft for general fund purposes with the general fund reimbursing the state patrol highway account an hourly rate to cover the costs incurred during the flights since the aviation section will no longer be part of the Washington state patrol cost allocation system as of July 1, 2009.

(2) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the office of financial management and transportation committees of the legislature by September 30th of each year.

(3) During the 2009-11 fiscal biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston county roads, and shall work with the county to transition the traffic accident investigations on Thurston county roads to the county by July 1, 2011.

(4) Within existing resources, the Washington state patrol shall make every reasonable effort to increase the enrollment in each academy class that commences during the 2009-11 fiscal biennium to fifty-five cadets.

(5) The Washington state patrol shall collaborate with the Washington traffic safety commission to develop and implement the target zero trooper pilot program referenced in section 201 of this act.

(6) (The Washington state patrol shall discuss the implementation of the pilot program described under section 218(2) of this act with any union representing the affected employees.

(7) The Washington state patrol shall assign necessary personnel and equipment to implement and operate the pilot program described under section 218(2) of this act using the portion of the automated traffic safety camera fines deposited into the state patrol highway account, but not to exceed \$370,000. If the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach \$370,000, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program.) \$370,000 of the state patrol highway account--state appropriation is provided solely for costs associated with the pilot program described under section 218(2) of this act. The Washington state patrol may incur costs related only to the assignment of cadets and necessary computer equipment and to the reimbursement of the Washington state department of transportation for contract costs. The appropriation in this subsection must be funded from the portion of the automated traffic safety camera fines deposited into the state patrol highway account; however, if the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach three hundred seventy thousand dollars, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program. The Washington state patrol may not incur overtime as a result of this pilot program. The Washington state patrol shall not assign troopers to operate or deploy the pilot program equipment used in the roadway construction zones.

(7) If, as a result of lower than average rate of attrition among troopers, the Washington state patrol postpones the year 2011 training for trooper cadets beyond June 30, 2011, funding provided in section 207, chapter 470, Laws of 2009 for the class must be used to fund the salaries and benefits associated with the existing commissioned Washington state patrol troopers that are funded within the field operations bureau.

(8) \$2,832,000 of the state patrol highway account--state appropriation is provided solely for the aerial traffic enforcement program. The Washington state patrol shall evaluate the costs associated with aerial traffic highway enforcement to determine if the costs are accurately apportioned between the state patrol highway account and the general fund. It is the intent of the legislature that the state patrol highway account incurs costs that result only from highway enforcement activities and that the general fund incurs costs associated with the King Airs. The Washington state patrol shall report the results of the evaluation to the legislature by June 30, 2010.

(9) For the remainder of the 2009-11 fiscal biennium, the Washington state patrol shall continue to work with Island county on traffic accident investigations.

(10) \$3,601,000 of the state patrol highway account--state appropriation is provided solely for the costs associated with a basic trooper class.

Sec. 208. 2009 c 470 s 208 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU

State Patrol Highway Account--State Appropriation (~~(\$1,557,000)~~)

\$1,648,000

Sec. 209. 2009 c 470 s 209 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU

State Patrol Highway Account--State Appropriation ~~(\$105,680,000)~~

\$108,560,000

State Patrol Highway Account--Private/Local

Appropriation ~~(\$2,008,000)~~

\$2,510,000

TOTAL APPROPRIATION ~~(\$107,688,000)~~

\$111,070,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(2) ~~(\$8,673,000)~~ \$10,425,000 of the total appropriation is provided solely for automobile fuel in the 2009-11 fiscal biennium.

(3) \$7,421,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) ~~(\$6,328,000)~~ \$6,611,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) ~~(\$384,000)~~ \$1,724,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(6) The Washington state patrol may submit information technology-related requests for funding only if the patrol has coordinated with the department of information services as required under section 601 of this act.

(7) \$345,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1445 (domestic partners/Washington state patrol retirement system). If Engrossed Substitute House Bill No. 1445 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

Sec. 210. 2009 c 470 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account--State Appropriation \$32,000

Motorcycle Safety Education Account--State

Appropriation ~~(\$4,373,000)~~

\$4,356,000

Wildlife Account--State Appropriation ~~(\$837,000)~~

\$821,000

Highway Safety Account--State Appropriation ~~(\$145,085,000)~~

\$143,660,000

Highway Safety Account--Federal Appropriation ~~(\$8,000)~~

\$944,000

Motor Vehicle Account--State Appropriation ~~(\$78,805,000)~~

\$77,898,000

Motor Vehicle Account--Private/Local Appropriation \$1,372,000

Motor Vehicle Account--Federal Appropriation \$242,000

Department of Licensing Services Account--State

Appropriation ~~(\$3,867,000)~~

\$4,705,000

Washington State Patrol Highway Account--State

Appropriation ~~(\$738,000)~~

\$737,000

Ignition Interlock Device Revolving Account--State

Appropriation ~~(\$2,490,000)~~

\$1,315,000

TOTAL APPROPRIATION ~~(\$237,849,000)~~

\$236,082,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) By November 1, 2009, the department of licensing, working with the department of revenue, shall analyze and plan for the transfer by July 1, 2010, of the administration of fuel taxes imposed under chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law from the department of licensing to the department of revenue. By November 1, 2009, the departments shall report findings and recommendations to the governor and the transportation and fiscal committees of the legislature.

(b) The analysis and planning directed under this subsection must include, but is not limited to, the following:

(i) Outreach to and solicitation of comment from parties affected by the fuel taxes, including taxpayers, industry associations, state and federal agencies, and Indian tribes, and from the transportation and fiscal committees of the legislature; and

(ii) Identification and analysis of relevant factors including, but not limited to:

(A) Taxpayer reporting and payment processes;

(B) The international fuel tax agreement;

(C) Proportional registration under the provisions of the international registration plan and chapter 46.87 RCW;

(D) Computer systems;

- (E) Best management practices and efficiencies;
- (F) Costs; and
- (G) Personnel matters(;
- (iii) Development of recommended actions to accomplish the transfer; and
- (iv) An implementation plan and schedule.

(c) The report must include draft legislation, which transfers administration of fuel taxes as described under (a) of this subsection to the department of revenue on July 1, 2010, and amends existing law as needed)).

(2) \$55,845,000 of the highway safety account--state appropriation is provided solely for the driver examining program. In order to reduce costs and make the most efficient use of existing resources, the department may consolidate licensing service offices by closing the vehicle services counter at the highways licensing building in Olympia and up to twenty-five licensing service offices.

(a) When closing offices, the department may redistribute staff from consolidated offices to neighboring offices and local community supercenters.

(b) In order to mitigate the effects of office consolidations on customers, the department shall, within existing resources, provide the following enhanced services:

- (i) Extended daily and weekend hours in regional supercenter offices;
- (ii) Staffed greeter stations to improve office work flow; and
- (iii) Self-service stations for online transaction access, including vehicle renewal transactions.

(c) In areas that are not consolidated, the department will work to reduce costs by identifying opportunities to share facilities with subagent offices and state, county, or local government offices and by analyzing hours and days of operation to meet demand.

(d) The department shall work with vehicle licensing subagents regarding potential placement of self-service driver licensing kiosks in communities that will be affected by licensing services offices closures. The department may place kiosks in those subagent offices where both parties agree, and may pay the subagents the fair market value for any space used for kiosks.

(e) The department shall report to the joint transportation committee by November 30, 2009, on the department's consolidation implementation to date and its plan for continued implementation.

(3) \$11,688,000 of the highway safety account--state appropriation is provided solely for costs associated with: Issuing enhanced drivers' licenses and identicards at the enhanced licensing services offices; extended hours at those licensing services offices; cross-border tourism education; and other education campaigns. This is the maximum amount the department may expend for this purpose.

(4) (~~(\$2,490,000)~~) \$1,315,000 of the ignition interlock device revolving account--state appropriation is provided solely for the department to assist indigent persons with the costs of installing, removing, and leasing the device, and applicable licensing pursuant to RCW 46.68.340.

(5) By December 31, 2009, the department shall report to the office of financial management and the transportation committees of the legislature a cost-benefit analysis of leasing versus purchasing field office equipment.

(6) By December 31, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites RCW 46.52.130 (driving record abstracts) in plain language.

(7) The department may seek federal funds to implement a driver's license and identicard biometric matching system pilot program to verify the identity of applicants for, and holders of, drivers' licenses and identicards. If funds are received, the department shall report any benefits or problems identified during the course of the pilot program to the transportation committees of the legislature upon the completion of the program.

(8) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

(9) Consistent with the authority delegated to the director of licensing under RCW 46.01.100, the department may adopt a new organizational structure that includes the following programs: (a) Driver and vehicle services, which must encompass services relating to driver licensing customers, vehicle industry and fuel tax licensees, and vehicle and vessel licensing and registration; and (b) driver policy and programs, which must encompass policy development for all driver-related programs, including driver examining, driver records, commercial driver's license testing and auditing, driver training schools, motorcycle safety, technical services, hearings, driver special investigations, drivers' data management, central issuance contract management, and state and federal initiatives.

(10) The legislature finds that measuring the performance of the department requires the measurement of quality, timeliness, and unit cost of services delivered to customers. Consequently:

(a) The department shall develop a set of metrics that measure that performance and report to the transportation committees of the house of representatives and the senate and to the office of financial management on the development of these measurements along with recommendations to the 2010 legislature on which measurements must become a part of the next omnibus transportation appropriations act;

(b) The department shall study the process in place at the licensing services office and present to the 2010 legislature recommendations for process changes to improve efficiencies for both the department and the customer; and

(c) The department shall, on a quarterly basis, report to the transportation committees of the legislature the following monthly data by licensing service office locations: (i) Lease costs; (ii) salary and benefit costs; (iii) other costs; (iv) actual FTEs; (v) number of transactions completed, by type of transaction; and (vi) office hours.

(11) \$25,000 of the motor vehicle account--state appropriation is provided solely for the department to provide to at least five hundred limousine chauffeurs an overview of the laws and rules governing limousine carriers.

(12) \$938,000 of the highway safety account--federal appropriation is for federal funds that may be received during the 2009-11 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(13) \$869,000 of the department of licensing services account--state appropriation is provided solely for purchasing equipment for the field licensing service offices and subagent offices.

Sec. 211. 2009 c 470 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B
High Occupancy Toll Lanes Operations Account--State

Appropriation (~~(\$2,867,000)~~)

\$2,852,000

Motor Vehicle Account--State Appropriation	(\$585,000)
\$575,000	
Tacoma Narrows Toll Bridge Account--State	
Appropriation	(\$27,358,000)
\$26,543,000	
State Route Number 520 Corridor Account--State	
Appropriation	(\$58,088,000)
\$28,000,000	
State Route Number 520 Civil Penalties	
Account--State Appropriation	\$2,130,000
TOTAL APPROPRIATION	(\$88,898,000)
\$60,100,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of revenue generated by tolls on the Tacoma Narrows bridge and an itemized depiction of the use of that revenue.

(2) The department shall work with the office of financial management to review insurance coverage, deductibles, and limitations on tolled facilities to assure that the assets are well protected at a reasonable cost. Results from this review must be used to negotiate any future new or extended insurance agreements.

(3) ~~(\$58,088,000)~~ \$28,000,000 of the state route number 520 corridor account--state appropriation is provided solely for the costs directly related to tolling the state route number 520 floating bridge. Of this amount, ~~(\$175,000 is for the immediate costs necessary to pursue a request for proposal to implement variable, open road tolling on the state route number 520 floating bridge. The request for proposal must include tolling infrastructure and signage, customer service centers, collection and billing procedures, and, to the extent practicable, the maintenance and dispensing of transponders by the vendor. The remaining \$57,913,000)~~ \$8,000,000 must be retained in unallotted status, and may only be released by the office of financial management after consultation with the joint transportation committee ~~((following the committee's examination of toll operations costs referenced in section 204(2) of this act. The amount provided in this subsection is contingent on the enactment of (a) Engrossed Substitute House Bill No. 2211 and (b) either Engrossed Substitute House Bill No. 2326 or other legislation authorizing bonds for the state route number 520 corridor projects. If the conditions of this subsection are not satisfied, the amount provided in this subsection shall lapse)).~~

(4) The department shall consider transitioning to all electronic tolling on the Tacoma Narrows bridge toll facility and discontinuing a cash toll option.

(5) \$2,130,000 of the state route number 520 civil penalties account--state appropriation and \$140,000 of the Tacoma Narrows toll bridge account--state appropriation are provided solely for expenditures related to the toll adjudication process. The amount provided in this subsection is contingent on the enactment by June 30, 2010, of either Engrossed Substitute Senate Bill No. 6499 or Substitute House Bill No. 2897; however, if the enacted bill does not specify the department as the toll penalty adjudicating agency, the amounts provided in this subsection lapse.

(6) The department shall review, and revise where appropriate, current signage and ingress/egress locations on the state route number 167 high occupancy toll lanes pilot project. The department shall continue to work with the Washington state patrol on educating the public on the rules of the road related to crossing a double white line. The department shall continue to monitor the performance of the high occupancy toll lanes to ensure that driving conditions for high occupancy vehicles that share these lanes are not significantly changed.

Sec. 212. 2009 c 470 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Transportation Partnership Account--State	
Appropriation	\$2,675,000
Motor Vehicle Account--State Appropriation	(\$67,811,000)
\$68,650,000	
Motor Vehicle Account--Federal Appropriation	\$240,000
Multimodal Transportation Account--State	
Appropriation	\$363,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$2,676,000
TOTAL APPROPRIATION	(\$73,765,000)
\$74,604,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of information services to: (a) Ensure that the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) \$1,216,000 of the transportation partnership account--state appropriation and \$1,216,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business work flows and reporting. On a quarterly basis, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. At a minimum, the reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

(3) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

(4) \$573,000 of the motor vehicle account--state appropriation is provided solely for the department to maintain the investment in the electronic fare system at Washington's ferry terminals. Investment in the electronic fare system must include the following: Replacement of critical hardware components that are at risk of failure; implementation of software to allow ORCA cards to be used for vehicles; repair of the turnstiles to ensure that the turnstiles properly record ORCA credit and debit card charges; and dedication of a communication line for transmission of ORCA data to the clearinghouse.

Sec. 213. 2009 c 470 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation ((~~\$25,501,000~~))
 \$25,292,000

Sec. 214. 2009 c 470 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation ((~~\$6,009,000~~))
 \$5,960,000
 Aeronautics Account--Federal Appropriation \$2,150,000
 TOTAL APPROPRIATION ((~~\$8,159,000~~))
 \$8,110,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the aeronautics account--state appropriation is a reappropriation provided solely to pay any outstanding obligations of the aviation planning council, which expires July 1, 2009.

(2) \$150,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

(3) Within the amounts provided in this section, the department shall develop guidelines setting forth consultation procedures and a process to assist counties and cities to identify land uses that may be incompatible with airports and aircraft operations, and to encourage and facilitate the adoption and implementation of comprehensive plan policies and development regulations consistent with RCW 36.70.547 and 36.70A.510.

Sec. 215. 2009 c 470 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation ((~~\$48,032,000~~))
 \$49,331,000
 Motor Vehicle Account--Federal Appropriation \$500,000
 Multimodal Transportation Account--State
 Appropriation \$250,000
 ((Water Pollution Account--State Appropriation \$2,000,000))
 TOTAL APPROPRIATION ((~~\$50,782,000~~))
 \$50,081,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop a plan for all current and future surplus property parcels based on the recommendations from the surplus property legislative work group that were presented to the senate transportation committee on February 26, 2009. The plan must include, at a minimum, strategies for maximizing the number of parcels sold, a schedule that optimizes proceeds, a recommended cash discount, a plan to report to the joint transportation committee, a recommendation for regional incentives, and a recommendation for equivalent value exchanges. This plan must accompany the department's 2010 supplemental budget request. By December 1, 2010, the department shall report to the legislative transportation committees on the individuals and entities eligible to receive surplus property provided in RCW 47.12.063 to determine the frequency with which the department transfers property to those individuals and entities and the implications to the department. It is the intent of the legislature that the list of individuals and entities eligible to receive surplus property be periodically evaluated to determine whether the list is appropriate and provides utility to the department.

((~~3~~)) (2) The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department of transportation, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife for recreational use and fish and wildlife restoration efforts is consistent with the public interest in order to preserve the area for the use of the public and the betterment of the natural environment. The department of transportation shall ((as soon as is practicable,)) work with the department of fish and wildlife, and shall transfer and convey the Dryden pit site to the department of fish and wildlife as is for ((adequate consideration in the amount of no less than \$600,000)) an adjusted fair market value reflecting site conditions, the proceeds of which must be deposited in the motor vehicle fund. ((By July 1, 2009)) The department of transportation is not responsible for any costs associated with the cleanup or transfer of this property. By July 1, 2010, and annually thereafter until the entire Dryden pit property has been transferred, the department shall submit a status report regarding the transaction to the chairs of the legislative transportation committees.

((~~5~~)) ~~\$750,000~~ (3) ~~\$3,175,000~~ of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit. The department's work may include the completion of system development, reporting, and planning to meet deadlines in the current biennium. The appropriation provided in this subsection is contingent on either the joint legislative audit and review committee or the joint transportation committee including the analysis identified in sections 108(4) and 204 of this act in its respective 2009-11 fiscal biennium work plan by April 15, 2010.

((~~6~~)) (4) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

(5) It is the intent of the legislature that the real estate services division of the department will recover the cost of its efforts from future sale proceeds. By January 31, 2011, the department must report to the office of financial management and the legislative transportation committees on the status of surplus property. The report must include: (a) The department's plan for continued disposal of surplus property; (b) a detail of changes from the previous report; and (c) a current list of surplus property by region that includes the acquisition date and price of the property, the status of the surplus property, and estimated value of the property. Except as provided otherwise in this subsection, by June 30, 2010, the department must finalize all pending equal value exchange activity for the construction or improvement of facilities, after which time the department may not pursue any other equal value exchanges for the construction or improvement of facilities. However, the northwest region may pursue an equal value exchange to replace the Mount Baker headquarters office. The exchange may include an exchange for the old Puget Sound energy site, the old Arco site, or any combination of the two.

Sec. 216. 2009 c 470 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation	((615,000))
\$673,000	
Multimodal Transportation Account--State Appropriation	\$200,000
TOTAL APPROPRIATION	((815,000))
\$873,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to develop and implement public private partnerships at high priority terminals as identified in the January 12, 2009, final report on joint development opportunities at Washington state ferries terminals. The department shall first consider a mutually beneficial agreement at the Edmonds terminal.

(2) \$50,000 of the motor vehicle account--state appropriation is provided solely for the department to investigate the potential to generate revenue from web site sponsorships and similar ventures and, if feasible, pursue partnership opportunities.

(3) \$75,000 of the motor vehicle account--state appropriation is provided solely for the implementation of a pilot project allowing advertisements and sponsorships on select web pages. The pilot project must be organized under the partnership model described in the department's web site monetizing feasibility study, which was prepared under subsection (2) of this section. Once operational, the pilot project must operate for at least twelve consecutive months. After twelve months of continuous operation, the department shall provide a report with recommendations on whether to continue project operations to the office of financial management and the chairs of the transportation committees. The department may end the pilot project after less than twelve consecutive months of operation if insufficient bids or proposals are received from potential sponsors or advertisers. For the purpose of this subsection, if a consultant contract is warranted, the consultant contract is deemed a revenue generation activity as that term is construed in section 602(2), chapter 3, Laws of 2010.

Sec. 217. 2009 c 470 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation	((347,637,000))
\$347,645,000	
Motor Vehicle Account--Federal Appropriation	((2,000,000))
\$7,000,000	
Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
((Water Pollution Account--State Appropriation	\$12,500,000))
TOTAL APPROPRIATION	((367,934,000))
\$360,442,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, snow, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) ~~((2,000,000))~~ \$7,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2009-11 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(5) The department may incur costs related to the maintenance of the decorative lights on the Tacoma Narrows bridge only if:

(a) The nonprofit corporation, narrows bridge lights organization, maintains an account balance sufficient to reimburse the department for all costs; and

(b) The department is reimbursed from the narrows bridge lights organization within three months from the date any maintenance work is performed. If the narrows bridge lights organization is unable to reimburse the department for any future costs incurred, the lights must be removed at the expense of the narrows bridge lights organization subject to the terms of the contract.

(6) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(7) \$650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs. ~~((If Senate Bill No. 5976 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.))~~

(8) \$16,800,000 of the motor vehicle account--state appropriation is provided solely for the high priority maintenance backlog. Addressing the maintenance backlog must result in increased levels of service.

~~((40))~~ (9) \$750,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(10) \$317,000 of the motor vehicle account--state appropriation is provided solely for maintaining a new active traffic management system on Interstate 5, Interstate 90, and SR 520. The department shall track the costs associated with these systems on a corridor basis and report to the legislative transportation committees on the cost and benefits of the system.

(11) \$286,000 of the motor vehicle account--state appropriation is provided solely for storm water assessment fees charged by local governments.

Sec. 218. 2009 c 470 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation	((\$51,526,000))
\$51,128,000	
Motor Vehicle Account--Federal Appropriation	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation	\$127,000
TOTAL APPROPRIATION	((\$53,703,000))
\$53,305,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) The department, in consultation with the Washington state patrol, may continue a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways. For the purpose of this pilot program, during the 2009-11 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors are not present but where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on any public roadway pursuant to ongoing construction. The department shall use the following guidelines to administer the program:

(a) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(b) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(c) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(e) For purposes of the 2009-11 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued under this subsection (2) for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

(f) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction must be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use.

(3) The department shall implement a pilot project to evaluate the benefits of using electronic traffic flagging devices. Electronic traffic flagging devices must be tested by the department at multiple sites and reviewed for efficiency and safety. The department shall report to the transportation committees of the legislature on the best use and practices involving electronic traffic flagging devices, including recommendations for future use, by June 30, 2010.

(4) \$173,000 of the motor vehicle account--state appropriation is provided solely for the department to continue a pilot tow truck incentive program and to expand the program to other areas of the state. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks. The department shall report to the office of financial management and the transportation committees of the legislature on the effectiveness of the clearance goals and submit recommendations to improve the pilot program with the department's 2010 supplemental omnibus transportation appropriations act submittal. The tow truck incentive program may continue to provide incentives for quick clearance of traffic incidents involving large vehicles. The department shall make recommendations as part of its biennial budget proposal for expanding the use of the incentive program.

(5) \$92,000 of the motor vehicle account--state appropriation is provided solely for operating a new active traffic management system on Interstate 5, Interstate 90, and SR 520. The department shall track the costs associated with these systems on a corridor basis and report to the legislative transportation committees on the cost and benefits of the system.

(6) To the extent practicable, the department shall synchronize traffic lights on state route number 161 in the vicinity of Puyallup.

(7) During the 2009-11 biennium, the department shall implement a pilot program that expands private transportation providers' access to high occupancy vehicle lanes. Under the pilot program, when the department reserves a portion of a highway based on the number of passengers in a vehicle, the following vehicles must be authorized to use the reserved portion of the highway if the vehicle has the capacity to carry eight or more passengers, regardless of the number of passengers in the vehicle: (a) Auto transportation company vehicles regulated under chapter 81.68 RCW; (b) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department rules; (c) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and

(d) private employer transportation service vehicles. For purposes of this subsection, "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees. By June 30, 2011, the department shall report to the transportation committees of the legislature on whether private transportation provider use of high occupancy vehicle lanes under the pilot program reduces the speeds of high occupancy vehicle lanes.

Sec. 219. 2009 c 470 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation		((29,153,000))
	\$28,468,000	
Motor Vehicle Account--Federal Appropriation	\$30,000	
Multimodal Transportation Account--State		
Appropriation	((973,000))	
	\$971,000	
State Route Number 520 Corridor Account--State		
Appropriation	\$264,000	
TOTAL APPROPRIATION		((30,420,000))
	\$29,733,000	

The appropriations in this section are subject to the following conditions and limitations: \$264,000 of the state route number 520 corridor account--state appropriation is provided solely for the costs directly related to tolling the state route number 520 floating bridge. This amount must be retained in unallotted status, and may only be released by the office of financial management after consultation with the joint transportation committee ~~((following the committee's examination of toll operations costs referenced in section 204(2) of this act. The amount provided in this section is contingent on the enactment of (1) Engrossed Substitute House Bill No. 2211 and (2) either Engrossed Substitute House Bill No. 2326 or other legislation authorizing bonds for the state route number 520 corridor projects. If the conditions of this section are not satisfied, the amount provided in this section shall lapse)).~~

Sec. 220. 2009 c 470 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation		((24,724,000))
	\$25,955,000	
Motor Vehicle Account--Federal Appropriation		((19,116,000))
	\$22,002,000	
Multimodal Transportation Account--State		
Appropriation	((696,000))	
	\$1,090,000	
Multimodal Transportation Account--Federal		
Appropriation	((2,809,000))	
	\$3,287,000	
Multimodal Transportation Account--Private/Local		
Appropriation	((100,000))	
	\$99,000	
TOTAL APPROPRIATION		((47,445,000))
	\$52,433,000	

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.
- (2) \$400,000 of the ~~((motor vehicle account))~~ multimodal transportation account--state appropriation is provided solely for a diesel multiple unit feasibility and initial planning study. The study must evaluate potential service on the Stampede Pass line from Maple Valley to Auburn via Covington. The study must evaluate the potential demand for service, the business model and capital needs for launching and running the line, and the need for improvements in switching, signaling, and tracking. The study must also consider the interconnectivity benefits of, and potential for, future Amtrak Cascades stops in south King county and north Pierce county. As part of its consideration, the department shall conduct a thorough market analysis of the potential for adding or changing stops on the Amtrak Cascades route. The department shall amend the scope, schedule, and budget of the current study process to accommodate the market analysis. A report on the study must be submitted to the legislature by ~~((June))~~ September 30, 2010.
- (3) ~~((243,000))~~ \$365,000 of the motor vehicle account--state appropriation and \$81,000 of the motor vehicle account--federal appropriation are provided solely for the development of a freight database to help guide freight investment decisions and track project effectiveness. The database must be based on truck movement tracked through geographic information system technology. For the remainder of the biennium, the department may expand data collection to any highways that have high truck volumes. TransNow shall contribute additional federal funds that are not appropriated in this act. The department shall work with the freight mobility strategic investment board to implement this database.
- (4) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for scoping unfunded state highway projects to ensure that a well-vetted project list is available for future program funding discussions.
 - (a) It is the intent of the legislature that the funding provided in this subsection support the development of transportation solutions that benefit all state residents, including addressing the impacts of traffic diversion from tolled facilities. It is further the intent of the legislature that the buying power of future revenue packages is maximized.
 - (b) Scoping work must be consistent with achieving transportation system policy goals as stated in RCW 47.04.280.
 - (c) The department shall provide cost-effective design solutions that achieve the desired functional outcomes. This may be achieved by providing one or more design alternatives for legislative consideration, based on a reasonable range of assumptions about traffic volume and speeds.

(d) Prior to the commencement of the 2011 legislative session, the department shall provide a report to the legislative transportation committees and the office of financial management that includes estimated costs and construction time frames.

(5) \$150,000 of the motor vehicle account--state appropriation is provided solely for a corridor study of state route number 516 from the eastern border of Maple Valley to state route number 167 to determine whether improvements are needed and the costs of any needed improvements.

(6) \$500,000 of the multimodal transportation account--federal appropriation is provided solely for continued support of the International Mobility and Trade Corridor project and for the department to work with the Whatcom council of governments to examine potential improvements to international border freight and passenger rail movement and the use of diesel multiple units.

(7) \$80,000 of the motor vehicle account--state appropriation is provided solely to continue existing work regarding feasibility of a new interchange between Rochester and Harrison Avenue on Interstate 5.

Sec. 221. 2009 c 470 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V
Regional Mobility Grant Program Account--State

Appropriation ~~((54,677,000))~~
\$65,274,000

Multimodal Transportation Account--State

Appropriation ~~((65,795,000))~~
\$65,667,000

Multimodal Transportation Account--Federal

Appropriation ~~((2,582,000))~~
\$2,573,000

Multimodal Transportation Account--Private/Local

Appropriation ~~((1,027,000))~~
\$1,025,000

TOTAL APPROPRIATION ~~((124,081,000))~~
\$134,539,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2007 as reported in the "Summary of Public Transportation - 2007" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the "Summary of Public Transportation - 2007" published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. At least \$1,600,000 of this amount must be used for vanpool grants in congested corridors.

(4) \$400,000 of the multimodal transportation account--state appropriation is provided solely for a grant for a flexible carpooling pilot project program to be administered and monitored by the department. Funds are appropriated for one time only. The pilot project program must: Test and implement at least one flexible carpooling system in a high-volume commuter area that enables carpooling without prearrangement; utilize technologies that, among other things, allow for transfer of ride credits between participants; and be a membership system that involves prescreening to ensure safety of the participants. The program must include a pilot project that targets commuter traffic on the state route number 520 bridge. The department shall submit to the legislature by December 2010 a report on the program results and any recommendations for additional flexible carpooling programs.

(5) \$3,318,000 of the multimodal transportation account--state appropriation and \$21,248,000 of the regional mobility grant program account--state appropriation are reappropriated and provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2007-B, as developed April 20, 2007, or the LEAP Transportation Document 2006-D, as developed March 8, 2006. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects on the LEAP Transportation Document 2006-D, as developed March 8, 2006; the LEAP Transportation Document 2007-B, as developed April 20, 2007; or the LEAP Transportation Document 2009-B, as developed April 24, 2009. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule. However, the Chuckanut park and ride project (101100G) is recognized as a crucial investment in the transportation

system. For this reason, the department shall not close out the grant for the Chuckanut park and ride project until Skagit transit has exhausted all other pending opportunities for federal and local funds. If additional funds cannot be secured, the department shall consider this project a priority in the 2011-13 grant process. The department shall make every effort to advance the Chuckanut park and ride project within existing resources.

(6) \$33,429,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2009-B, as developed April 24, 2009. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects identified in LEAP Transportation Document 2009-B, as developed April 24, 2009. The department shall provide annual status reports on December 15, 2009, and December 15, 2010, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(7) \$10,596,768 of the regional mobility grant program account--state appropriation must be obligated no later than December 31, 2010, and is provided solely for the following recommended contingency regional mobility grant projects identified in the 2009-11 omnibus transportation appropriations act, LEAP Transportation Document 2009-B, as developed April 24, 2009, as follows:

(a) \$4,000,000 is provided solely for the Rainier/Jackson transit priority corridor improvements;

(b) \$2,100,000 is provided solely for the state route number 522 west city limits to Northeast 180th stage 2A (91st Ave NE to west of 96th Ave NE) project; and

(c) \$4,496,768 is provided solely for the sound transit express bus expansion - Snohomish to King county project.

(8) \$300,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community-based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

~~((8))~~ (9) \$130,000 of the multimodal transportation account--state appropriation is provided solely to the department to distribute to support Engrossed Substitute House Bill No. 2072 (special needs transportation).

(a) \$80,000 of the amount provided in this subsection is provided solely for implementation of the work group related to federal requirements in section 1, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009.

(b) \$50,000 of the amount provided in this subsection is provided solely to support the pilot project to be developed or implemented by the local coordinating coalition comprised of a single county, described in sections 9, 10, and 11, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009. The department shall assist the local coordinating coalition to seek funding sufficient to fully fund the pilot project from a variety of sources including, but not limited to, the regional transit authority serving the county, the regional transportation planning organization serving the county, and other appropriate state and federal agencies and grants. Development or implementation of the pilot project is contingent on securing funding sufficient to fully fund the pilot project.

(c) If Engrossed Substitute House Bill No. 2072 is not enacted by June 30, 2009, the amount provided in this subsection ~~((8))~~ (9) lapses. If Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009, but a commitment from other sources to fully fund the pilot project described in (b) of this subsection has not been obtained by September 30, 2009, the amount provided in (b) of this subsection lapses.

~~((9))~~ (10) Funds provided for the commute trip reduction program may also be used for the growth and transportation efficiency center program.

~~((10))~~ (11) An affected urban growth area that has not previously implemented a commute trip reduction program is exempt from the requirements in RCW 70.94.527 if a solution to address the state highway deficiency that exceeds the person hours of delay threshold has been funded and is in progress during the 2009-11 fiscal biennium.

~~((11))~~ (12) \$2,309,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(13) During the 2009-11 biennium, the department shall implement a pilot project that expands opportunities for private transportation providers' use of high occupancy vehicle lanes, transit-only lanes, and certain park and ride facilities. The pilot project must establish that to receive grant funding from a program administered by the public transportation office of the department during the 2009-11 biennium, the local jurisdiction in which the applicant is located must be able to show that it has in place an application process for the reasonable use by private transportation providers of high occupancy vehicle lanes, transit-only lanes, and certain park and ride facilities that are regulated by the local jurisdiction. If a private transportation provider clearly demonstrates that the local jurisdiction failed to consider an application in good faith, the department may not award the jurisdiction any grant funding. Reasonable use exists if the private transportation provider has applied for the use of: (a) High occupancy vehicle or transit-only lanes, and such use will not interfere with the safety of public transportation operations and not reduce the speed of the lanes more than five percent during peak hours; and (b) a park and ride lot (i) during peak hours at a lot that is below ninety percent capacity during peak hours or (ii) during off-peak hours only. A transit agency may require that a private transportation provider enter into an agreement for use of the park and ride lot, and may include provisions to recover actual costs for the use of the lot and its related facilities. For purposes of this subsection: A "private transportation provider" means an auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees.

Sec. 222. 2009 c 470 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State

Appropriation ~~((400,592,000))~~

\$425,922,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (~~(\$53,110,560)~~) \$78,754,952 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2009-11 fiscal biennium. This appropriation is contingent upon the enactment of sections 716 and 701 of this act. All fuel purchased by the Washington state ferries at Harbor Island truck terminal for the operation of the Washington state ferries diesel powered vessels must be a minimum of five percent biodiesel blend so long as the per gallon price of diesel containing a five percent biodiesel blend level does not exceed the per gallon price of diesel by more than five percent.

(2) To protect the waters of Puget Sound, the department shall investigate nontoxic alternatives to fuel additives and other commercial products that are used to operate, maintain, and preserve vessels.

(3) If, after the department's review of fares and pricing policies, the department proposes a fuel surcharge, the department must evaluate other cost savings and fuel price stabilization strategies that would be implemented before the imposition of a fuel surcharge. The department shall report to the legislature and transportation commission on its progress of implementing new fuel forecasting and budgeting practices, price hedging contracts for fuel purchases, and fuel conservation strategies by November 30, 2010.

(4) The department shall strive to significantly reduce the number of injuries suffered by Washington state ferries employees. By December 15, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature its implementation plan to reduce such injuries.

(5) The department shall continue to provide service to Sidney, British Columbia. The department may place a Sidney terminal departure surcharge on fares for out of state residents riding the Washington state ferry route that runs between Anacortes, Washington and Sidney, British Columbia, if the cost for landing/license fee, taxes, and additional amounts charged for docking are in excess of \$280,000 CDN. The surcharge must be limited to recovering amounts above \$280,000 CDN.

(6) The department shall analyze operational solutions to enhance service on the Bremerton to Seattle ferry run. The Washington state ferries shall report its analysis to the transportation committees of the legislature by December 1, 2009.

(7) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2011-13 omnibus transportation appropriations act request, as determined jointly by the office of financial management, the Washington state ferries, and the legislative transportation committees.

(8) (~~(\$3,000,000)~~) \$4,794,000 of the Puget Sound ferry operations account--state appropriation is provided solely for commercial insurance for ferry assets. The office of financial management, after consultation with the transportation committees of the legislature, must present a business plan for the Washington state ferry system's insurance coverage to the 2010 legislature. The business plan must include a cost-benefit analysis of Washington state ferries' current commercial insurance purchased for ferry assets and a review of self-insurance for noncatastrophic events.

(9) \$1,100,000 of the Puget Sound ferry operations account--state appropriation is provided solely for a marketing program. The department shall present a marketing program proposal to the transportation committees of the legislature during the 2010 legislative session before implementing this program. Of this amount, \$10,000 is for the city of Port Townsend and \$10,000 is for the town of Coupeville for mitigation expenses related to only one vessel operating on the Port Townsend/Keystone ferry route. The moneys provided to the city of Port Townsend and town of Coupeville are not contingent upon the required marketing proposal.

(10) \$350,000 of the Puget Sound ferry operations account--state appropriation is provided solely for two extra trips per day during the summer of 2009 season, beyond the current schedule, on the Port Townsend/Keystone route.

(11) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

(12) The legislature finds that measuring the performance of Washington state ferries requires the measurement of quality, timeliness, and unit cost of services delivered to customers. Consequently, the department must develop a set of metrics that measure that performance and report to the transportation committees of the legislature and to the office of financial management on the development of these measurements along with recommendations to the 2010 legislature on which measurements must become a part of the next omnibus transportation appropriations act.

(13) As a priority task, the department is directed to propose a comprehensive incident and accident investigation policy and appropriate procedures, and to provide the proposal to the legislature by November 1, 2009, using existing resources and staff expertise. In addition to consulting with ferry system unions and the United States coast guard, the Washington state ferries is encouraged to solicit independent outside expertise on incident and accident investigation best practices as they may be found in other organizations with a similar concern for marine safety. It is the intent of the legislature to enact the policies into law and to publish that law and procedures as a manual for Washington state ferries' accident/incident investigations. Until that time, the Washington state ferry system must exercise particular diligence to assure that any incident or accident investigations are conducted within the spirit of the guidelines of this act. The proposed policy must contain, at a minimum:

- (a) The definition of an incident and an accident and the type of investigation that is required by both types of events;
- (b) The process for appointing an investigating officer or officers and a description of the authorities and responsibilities of the investigating officer or officers. The investigating officer or officers must:
 - (i) Have the appropriate training and experience as determined by the policy;
 - (ii) Not have been involved in the incident or accident so as to avoid any conflict of interest;
 - (iii) Have full access to all persons, records, and relevant organizations that may have information about or may have contributed to, directly or indirectly, the incident or accident under investigation, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW;
 - (iv) Be provided with, if requested by the investigating officer or officers, appropriate outside technical expertise; and
 - (v) Be provided with staff and legal support by the Washington state ferries as may be appropriate to the type of investigation;
- (c) The process of working with the affected employee or employees in accordance with the employee's or employees' respective collective bargaining agreement and the appropriate union officials, within protocols afforded to all public employees;
- (d) The process by which the United States coast guard is kept informed of, interacts with, and reviews the investigation;
- (e) The process for review, approval, and implementation of any approved recommendations within the department; and
- (f) The process for keeping the public informed of the investigation and its outcomes, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW.

(14) \$7,300,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the purposes of travel time associated with Washington state ferries employees. However, if Engrossed Substitute House Bill No. 3209 (managing costs of ferry system) is enacted by June 30, 2010, containing an appropriation for purposes of travel time associated with Washington state ferries employees, the amount provided in this subsection lapses.

(15) \$50,000 of the Puget Sound ferry operations account--state appropriation is provided solely to implement a mechanism to report on-time performance statistics.

(a) The department shall conduct a study to identify process changes that would improve on-time performance on a route-by-route basis. The study must include looking into the slowing down of vessels for fuel economy purposes and touch-and-go sailings on peak runs. The department shall report its findings to the transportation committees of the senate and house of representatives by December 1, 2010.

(b) The department shall, by November 1, 2010, report to the transportation committees of the legislature statistics regarding its on-time arrival and departure status on a route-by-route and month-by-month basis, as well as an annual route-by-route and systemwide basis, weighted by the number of customers on each sailing and distinguishing peak period on-time performance. The statistics must include reasons for any delays over ten minutes from the scheduled time. The statistics must be prominently displayed on the Washington state ferries' web site. Each Washington state ferries vessel and terminal must prominently display the statistics as they relate to their specific route.

(16) The department shall investigate outsourcing the call center functions planned for the ferry reservation system and report its findings to the transportation committees of the senate and house of representatives by December 15, 2010.

(17) By July 1, 2010, the department shall provide to the governor and the transportation committees of the senate and house of representatives a listing of all benefits that Washington state ferries union employees receive that other state employees do not traditionally receive. The listing must include any costs associated with these benefits.

Sec. 223. 2009 c 470 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State

Appropriation ~~((34,933,000))~~
\$37,371,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~((29,091,000))~~ \$31,591,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.

(2) Amtrak Cascade runs may not be eliminated.

(3) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

Sec. 224. 2009 c 470 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING

Motor Vehicle Account--State Appropriation ~~((8,739,000))~~
\$8,621,000

Motor Vehicle Account--Federal Appropriation ~~((2,567,000))~~
\$2,545,000

TOTAL APPROPRIATION ~~((11,306,000))~~

\$11,166,000

TRANSPORTATION AGENCIES--CAPITAL

Sec. 301. 2009 c 470 s 302 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation ~~((51,000,000))~~
\$73,000,000

Motor Vehicle Account--State Appropriation \$1,048,000

County Arterial Preservation Account--State

Appropriation \$31,400,000

TOTAL APPROPRIATION ~~((83,448,000))~~

\$105,448,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,048,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).

(2) The appropriations in this section include funding to counties to assist them in efforts to recover from federally declared emergencies, by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board. The county road administration board shall specifically identify any such selected projects and shall include information concerning such selected projects in its next annual report to the legislature.

(3) \$22,000,000 of the rural arterial trust account--state appropriation is provided solely for additional grants for county road projects as approved by the county road administration board.

Sec. 302. 2009 c 470 s 303 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State

Appropriation ~~((5,779,000))~~
\$3,927,000

Urban Arterial Trust Account--State Appropriation ~~((122,400,000))~~
\$123,900,000

Transportation Improvement Account--State

Appropriation ~~((85,643,000))~~
 \$81,643,000
 TOTAL APPROPRIATION ~~((213,822,000))~~
 \$209,470,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.
- (2) The urban arterial trust account--state appropriation includes up to ~~((15,000,000))~~ \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.420.

Sec. 303. 2009 c 470 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I Multimodal Transportation Account--State

Appropriation ~~((1,000))~~
 \$98,000
 Transportation Partnership Account--State
 Appropriation ~~((1,723,834,000))~~
 \$1,665,644,000
 Motor Vehicle Account--State Appropriation ~~((80,735,000))~~
 \$85,534,000
 Motor Vehicle Account--Federal Appropriation ~~((410,341,000))~~
 \$570,107,000
 Motor Vehicle Account--Private/Local
 Appropriation ~~((65,494,000))~~
 \$70,714,000
 Special Category C Account--State Appropriation ~~((24,549,000))~~
 \$25,221,000
 Transportation 2003 Account (Nickel Account)--State
 Appropriation ~~((703,708,000))~~
 \$713,205,000
 Freight Mobility Multimodal Account--State
 Appropriation ~~((4,422,000))~~
 \$4,574,000
 Tacoma Narrows Toll Bridge Account--State
 Appropriation ~~((788,000))~~
 \$789,000
 State Route Number 520 Corridor Account--State
 Appropriation ~~((106,000,000))~~
 \$231,763,000
 State Route Number 520 Civil Penalties Account--State
 Appropriation \$1,190,000
 TOTAL APPROPRIATION ~~((3,119,872,000))~~
 \$3,368,839,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2009-1))~~ 2010-1 as developed ~~((April 24, 2009))~~ March 8, 2010, Program - Highway Improvement Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) (As a result of economic changes since the initial development of the improvement program budget for the 2009-11 fiscal biennium, the department has received bids on construction contracts over the last several months that are favorable with respect to current estimates of project costs. National economic forecasts indicate that inflationary pressures are likely to remain lower than previously expected for the next several years. As a result, the nominal project cost totals shown in LEAP Transportation Document 2009-1 in aggregate for the 2009-11 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed the likely amount necessary to deliver the projects listed within those biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000 in the 2011-13 fiscal biennium. The appropriations provided in this section for the projects in those biennia are therefore \$63,500,000 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13 fiscal biennium than the aggregate total of project costs listed. It is the intent of the legislature that the department shall deliver the projects listed in LEAP Transportation Document 2009-1 within the time, scope, and budgets identified in that document, provided that the prices of commodities used in transportation projects do not differ significantly from those assumed for the 2009-11 and 2011-13 fiscal biennia in the March 2009 forecast of the economic and revenue forecast council.

~~((3))~~ ~~((162,900,000))~~ \$163,385,000 of the transportation partnership account--state appropriation and ~~((106,000,000))~~ \$231,763,000 of the state route number 520 corridor account--state appropriation are provided solely for the state route number 520 bridge replacement and HOV project. The department shall submit an application for the eastside transit and HOV project to the supplemental discretionary grant program for regionally significant projects as provided in the American Recovery and Reinvestment Act of 2009. ~~((Eastside state route number 520 improvements shall be designed and constructed to accommodate a future full interchange at 124th Avenue Northeast. Concurrent with the eastside transit and HOV project, the department shall conduct engineering design of a full interchange at 124th Avenue Northeast. The amount provided in this subsection from the state route number 520 corridor account--state appropriation is contingent on the enactment of (a) Engrossed~~

~~Substitute House Bill No. 2211 and (b) either Engrossed Substitute House Bill No. 2326 or other legislation authorizing bonds for the state route number 520 corridor projects. If the conditions of this subsection are not satisfied, the state route number 520 corridor account state appropriation shall lapse.~~

~~(4)) (3) As required under section 305(6), chapter 518, Laws of 2007, the department shall report by January 2010 to the transportation committees of the legislature on the findings of the King county noise reduction solutions pilot project.~~

~~((5)) (4) Funding allocated for mitigation costs is provided solely for the purpose of project impact mitigation, and shall not be used to develop or otherwise participate in the environmental assessment process.~~

~~((6)) (5) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P including, but not limited to, the SR 518, SR 520, Columbia river crossing, and Alaskan Way viaduct projects.~~

~~((7)) (6) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. ((The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For) Report formatting and elements must be consistent with the October 2009 quarterly project report. On a representative sample of new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. ((The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS):~~

~~(8)) (7) The transportation 2003 account (nickel account)--state appropriation includes up to ((~~\$628,000,000~~)) \$653,630,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.~~

~~((9)) (8) The transportation partnership account--state appropriation includes up to ((~~\$1,360,528,000~~)) \$1,347,939,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.~~

~~((10)) (9) The special category C account--state appropriation includes up to ((~~\$22,127,000~~)) \$25,221,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.~~

~~((11)) (10) The motor vehicle account--state appropriation includes up to ((~~\$31,500,000~~)) \$43,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.~~

(11) The state route number 520 corridor account--state appropriation includes up to \$231,763,000 in proceeds from the sale of bonds authorized in RCW 47.10.879.

(12) The department must prepare a tolling study for the Columbia river crossing project. While conducting the study, the department must coordinate with the Oregon department of transportation to perform the following activities:

(a) Evaluate the potential diversion of traffic from Interstate 5 to other parts of the transportation system when tolls are implemented on Interstate 5 in the vicinity of the Columbia river;

(b) Evaluate the most advanced tolling technology to maintain travel time speed and reliability for users of the Interstate 5 bridge;

(c) Evaluate available active traffic management technology to determine the most effective options for technology that could maintain travel time speed and reliability on the Interstate 5 bridge;

(d) Confer with the project sponsor's council, as well as local and regional governing bodies adjacent to the Interstate 5 Columbia river crossing corridor and the Interstate 205 corridor regarding the implementation of tolls, the impacts that the implementation of tolls might have on the operation of the corridors, the diversion of traffic to local streets, and potential mitigation measures;

(e) Regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility;

(f) Research and evaluate options for a potential toll-setting framework between the Oregon and Washington transportation commissions;

(g) Conduct public work sessions and open houses to provide information to citizens, including users of the bridge and business and freight interests, regarding implementation of tolls on the Interstate 5 and to solicit citizen views on the following items:

(i) Funding a portion of the Columbia river crossing project with tolls;

(ii) Implementing variable tolling as a way to reduce congestion on the facility; and

(iii) Tolling Interstate 205 separately as a management tool for the broader state and regional transportation system; and

(h) Provide a report to the governor and the legislature by January 2010.

(13)(a) By January 2010, the department must prepare a traffic and revenue study for Interstate 405 in King county and Snohomish county that includes funding for improvements and high occupancy toll lanes, as defined in RCW 47.56.401, for traffic management. The department must develop a plan to operate up to two high occupancy toll lanes in each direction on Interstate 405.

(b) For the facility listed in (a) of this subsection, the department must:

(i) Confer with the mayors and city councils of jurisdictions in the vicinity of the project regarding the implementation of high occupancy toll lanes and the impacts that the implementation of these high occupancy toll lanes might have on the operation of the corridor and adjacent local streets;

(ii) Conduct public work sessions and open houses to provide information to citizens regarding implementation of high occupancy toll lanes and to solicit citizen views;

(iii) Regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's toll setting on the facility; and

(iv) Provide a report to the governor and the legislature by January 2010.

(14)((~~\$9,199,985~~)) \$6,488,000 of the motor vehicle account--state appropriation ((~~is~~)) and \$5,000 of the motor vehicle account--federal appropriation are provided solely for project 100224I, ((~~as identified in the LEAP transportation document in subsection (1) of this section:~~)) US 2 high priority safety project. Expenditure of these funds is for safety projects on state route number 2 between Monroe and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

(15) Expenditures for the state route number 99 Alaskan Way viaduct replacement project must be made in conformance with Engrossed Substitute Senate Bill No. 5768.

(16) The department shall conduct a public outreach process to identify and respond to community concerns regarding the Belfair bypass. The process must include representatives from Mason county, the legislature, area businesses, and community members. The department shall use this process to consider and develop design alternatives that alter the project's scope so that the community's needs are met within the project budget. The department shall provide a report on the process and outcomes to the legislature by June 30, 2010.

(17) The legislature is committed to the timely completion of R8A which supports the construction of sound transit's east link. Following the completion of the independent analysis of the methodologies to value the reversible lanes on Interstate 90 which may be used for high capacity transit as directed in section 204 of this act, the department shall complete the process of negotiations with sound transit. Such agreement shall be completed no later than December 1, 2009.

(18) \$250,000 of the motor vehicle account--state appropriation is provided solely for the design and construction of a right turn lane to improve visibility and traffic flow on state route number 195 and Cheney-Spokane Road (project L1000001).

(19) ~~(\$846,700)~~ \$730,000 of the motor vehicle account--federal appropriation and ~~(\$17,280)~~ \$16,000 of the motor vehicle account--state appropriation are provided solely for the Westview school noise wall (project WESTV).

(20) ~~(\$1,360)~~ \$2,000 of the motor vehicle account--state appropriation and ~~(\$35,786)~~ \$131,000 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A Street and Tank Farm Road (project PASCO).

(21) ~~(\$20,011,125)~~ \$21,566,000 of the transportation partnership account--state appropriation, ~~(\$2,550)~~ \$26,000 of the motor vehicle account--state appropriation, ~~(\$30,003,473)~~ \$30,000,000 of the motor vehicle account--private/local appropriation, and ~~(\$1,482,066)~~ \$4,334,000 of the motor vehicle account--federal appropriation are provided solely for project 400506A, the I-5/Columbia river crossing/Vancouver project. The funding described in this subsection includes a ~~(\$30,003,473)~~ \$30,000,000 contribution from the state of Oregon.

(22) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, the construction of all aspects of the project including, but not limited to, information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore, it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite components of the replacement project, which must include, at a minimum:

- (a) A master schedule of all subprojects included in the full replacement project or program; and
- (b) A single point of contact for the public, media, stakeholders, and other interested parties.

(23) ~~(The state route number 520 corridor account--state appropriation includes up to \$106,000,000 in proceeds from the sale of bonds authorized in Engrossed Substitute House Bill No. 2326 or in legislation authorizing bonds for the state route number 520 corridor projects. If Engrossed Substitute House Bill No. 2326, or legislation authorizing bonds for the state route number 520 corridor projects, is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.~~

~~(24))~~ The department shall evaluate a potential deep bore culvert for the state route number 305/Bjorgen creek fish barrier project identified as project 330514A in LEAP Transportation Document ALL PROJECTS 2009-2, as developed April 24, 2009. The department shall evaluate whether a deep bore culvert will be a less costly alternative than a traditional culvert since a traditional culvert would require extensive road detours during construction.

~~(25))~~ (24) Project number 330215A in the LEAP transportation document described in subsection (1) of this section is expanded to include safety and congestion improvements from the Key Peninsula Highway to the vicinity of Purdy. The department shall consult with the Washington traffic safety commission to ensure that this project includes improvements at intersections and along the roadway to reduce the frequency and severity of collisions related to roadway conditions and traffic congestion.

~~(26) \$10,600,000)~~ (25) \$8,890,000 of the transportation partnership account--state appropriation is provided solely for project 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3 project, as indicated in the LEAP transportation document referenced in subsection (1) of this section. ~~(Funds shall be used solely for preliminary engineering on stages 2 and 3 of this project.~~

~~(27))~~ (26) The department shall continue to work with the local partners in developing transportation solutions necessary for the economic growth in the Red Mountain American Viticulture Area of Benton county.

~~(28))~~ (27) For highway construction projects where the department considers agricultural lands of long-term commercial significance, as defined in RCW 36.70A.030, in reviewing and selecting sites to meet environmental mitigation requirements under the national environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental policy act (chapter 43.21C RCW), the department shall, to the greatest extent possible, consider using public land first. If public lands are not available that meet the required environmental mitigation needs, the department may use other sites while making every effort to avoid any net loss of agricultural lands that have a designation of long-term commercial significance.

~~(29))~~ (28) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

~~(30))~~ (29) Within the amounts provided in this section, \$200,000 of the transportation partnership account--state appropriation is provided solely for the department to prepare a comprehensive tolling study of the state route number 167 corridor to determine the feasibility of administering tolls within the corridor, identified as project number 316718A in the LEAP transportation document described in subsection (1) of this section. The department shall report to the joint transportation committee by September 30, 2010. The department shall regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility. The elements of the study must include, at a minimum:

- (a) The potential for value pricing to generate revenues for needed transportation facilities within the corridor;
- (b) Maximizing the efficient operation of the corridor; and
- (c) Economic considerations for future system investments.

~~(31))~~ (30) Within the amounts provided in this section, \$200,000 of the transportation partnership account--state appropriation is provided solely for the department to prepare a comprehensive tolling study of the state route number 509 corridor to determine the feasibility of administering tolls within the corridor, identified as project number 850901F in the LEAP transportation document described in subsection (1) of this section. The department shall report to the joint transportation committee by September 30, 2010. The department shall regularly report to

the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility. The elements of the study must include, at a minimum:

- (a) The potential for value pricing to generate revenues for needed transportation facilities within the corridor;
- (b) Maximizing the efficient operation of the corridor; and
- (c) Economic considerations for future system investments.

~~((32))~~ (31) Within the amounts provided in this section, \$28,000,000 of the transportation partnership account--state appropriation is for project 600010A, as identified in the LEAP transportation document in subsection (1) of this section: NSC-North Spokane corridor design and right-of-way - new alignment. Expenditure of these funds is for preliminary engineering and right-of-way purchasing to prepare for four lanes to be built from where existing construction ends at Francis Avenue for three miles to the Spokane river. Additionally, any savings realized on project 600001A, as identified in the LEAP transportation document in subsection (1) of this section: US 395/NSC-Francis Avenue to Farwell Road - New Alignment, must be applied to project 600010A.

~~((33))~~ (32) \$400,000 of the motor vehicle account--state appropriation is provided solely for the department to conduct a state route number 2 route development plan (project L2000016) that will identify essential improvements needed between the port of Everett/Naval station and approaching the state route number 9 interchange near the city of Snohomish.

~~((34))~~ (33) If the SR 26 - Intersection and Illumination Improvements are not completed by June 30, 2009, the department shall ensure that the improvements are completed as soon as practicable after June 30, 2009, and shall submit monthly progress reports on the improvements beginning July 1, 2009.

~~((35))~~ (34) \$200,000 of the transportation partnership account--state appropriation, identified on project number 400506A in the LEAP transportation document described in subsection (1) of this section, is provided solely for the department to work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on the Columbia river crossing project. This project must be conducted with active archaeological management and result in one report that spans the single cultural area in Oregon and Washington. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

~~((36))~~ (35) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all mega-highway projects and large ferry terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

~~((37))~~ (36) Within the amounts provided in this section, \$1,500,000 of the motor vehicle account--state appropriation is provided solely for necessary work along the south side of SR 532, identified as project number 053255C in the LEAP transportation document described in subsection (1) of this section.

~~((38))~~ (37) \$10,000,000 of the transportation partnership account--state appropriation is provided solely for the Spokane street viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct - Replacement project as indicated in the LEAP transportation document referenced in subsection (1) of this section.

~~((39))~~ (38) The department shall conduct a public outreach process to identify and respond to community concerns regarding the portion of John's Creek Road that connects state route number 3 and state route number 101. The process must include representatives from Mason county, the legislature, area businesses, and community members. The department shall use this process to consider, develop, and design a project scope so that the community's needs are met for the lowest cost. The department shall provide a report on the process and outcomes to the legislature by June 30, 2010.

~~((40))~~ (39) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the state route number 520 bridge replacement and HOV project and the Columbia river crossing project. The federal funds described in this subsection must not include those federal transit administration funds distributed by formula. The department shall provide a report regarding this effort to the legislature by January 1, 2010.

(40) \$5,500,000 of the motor vehicle account--federal appropriation is provided solely for the Alaskan Way Viaduct - Automatic Shutdown project, identified as project L1000034.

(41) \$2,244,000 of the motor vehicle account--federal appropriation and \$122,000 of the motor vehicle account--state appropriation are provided solely for the US 12/Nine Mile Hill to Woodward Canyon Vic -Build New Highway project, identified as project 501210T.

(42) \$790,000 of the motor vehicle account--federal appropriation is provided solely for the Express Lanes System Concept Study project, identified as project 800020A. As part of this project, the department shall prepare a comprehensive tolling study of the Interstate 5 express lanes to determine the feasibility of administering tolls within the corridor. The department shall regularly report to the Washington transportation commission regarding the progress of the study. The elements of the study must include, at a minimum:

- (i) The potential for value pricing to generate revenues for needed transportation facilities;
- (ii) Maximizing the efficient operation of the corridor;
- (iii) Economic considerations for future system investments; and
- (iv) An analysis of the impacts to the regional transportation system.

(b) The department shall submit a final report on the study to the joint transportation committee by June 30, 2011.

(43) Any redistributed federal funds received by the department must, to the greatest extent possible, be first applied to offset planned expenditures of state funds, and second to offset planned expenditures of federal funds, on projects as identified in the LEAP transportation documents described in this act. If the redistributed federal funds cannot be used in this manner, the department must consult with the joint transportation committee prior to obligating any redistributed federal funds.

(44) \$226,000 of the motor vehicle account--federal appropriation and \$9,000 of the motor vehicle account--state appropriation are provided solely for the SR 16/Rosedale Street NW Vicinity - Frontage Road project (301639C). These funds must not be expended before an agreement stating that the city of Gig Harbor will take ownership of the road has been signed. The frontage road must be built for driving speeds of no more than thirty-five miles per hour.

(45) The department shall work with the Washington state transportation commission, the Oregon state department of transportation, and the Oregon state transportation commission to analyze and review potential options for a bistate, toll setting framework. As part of the analysis, the department shall undertake the following actions: Review statutory provisions and the governance structures of toll facilities in the United States

that are located within two or more states; review relevant federal law regarding transportation facilities that are located within two or more states; consult with the state treasurers in Washington and Oregon regarding the appropriate structure for the issuance of debt for toll facilities that are located within two states; report findings and recommendations to the Columbia river project sponsor's council by October 1, 2010; and provide a final report to the governor and the legislature by June 30, 2011.

(46) \$750,000 of the motor vehicle account--state appropriation is provided solely for improvements from Allan Road to state route number 12 (501207Z).

(47) \$500,000 of the motor vehicle account--state appropriation is provided solely for a traffic signal at the intersection of state route number 7 and state route number 702 (300738A).

(48) \$750,000 of the motor vehicle account--state appropriation is provided solely for environmental work on the Belfair Bypass (project 300344C).

(49) The legislature finds that state route number 522 corridor provides an important link between Interstates 5 and 405 and will be impacted by diversion from tolling elsewhere in the region. State route number 522 must be reviewed as part of the scoping work conducted under section 220(4) of this act. As such, the legislature intends to provide additional funding for the corridor as a priority in the next revenue package. The state will work with the affected cities and the federal government to secure the necessary resources to address the needs of this critical corridor.

(50) \$500,000 of the motor vehicle account--state appropriation is provided solely for the US 12/SR 122/Mossyrock - Intersection project (401212R) for safety improvements.

(51) \$200,000 of the motor vehicle account--federal appropriation is provided solely for project US 97A/North of Wenatchee - Wildlife Fence (209790B), and an offsetting reduction is anticipated in the 2011-13 biennium.

(52) If a planned roundabout in the vicinity of state route number 526 and 40th Avenue West would divert commercial traffic onto neighborhood streets, the department may not proceed with improvements at state route number 526 and 84th Street SW until the traffic impacts in the vicinity of state route number 526 and 40th Avenue West are addressed.

(53) The department shall conduct a collision analysis corridor study on state route number 167 from milepost 0 to milepost 5 and report to the transportation committees of the legislature on the analysis results by December 1, 2010.

(54) \$2,600,000 of the motor vehicle account--federal appropriation is provided solely for the ITS Advanced Traveler Information System project in Whatcom county (100589B).

(55) \$900,000 of the motor vehicle account--federal appropriation is provided solely for the US 97/Cameron Lake Road intersection improvements project in Okanogan county (209700W).

(56) \$400,000 of the motor vehicle account--federal appropriation and \$100,000 of the motor vehicle account--state appropriation are provided solely for the SR 9/SR 204 Intersection Improvement project (L2000040).

(57) The legislature finds that the state route number 12 widening from state route number 124 to Walla Walla is an important east-west corridor in the southeast region of the state. Widening the highway to four lanes will increase safety and improve freight mobility. Therefore, the legislature intends for the department to use up to two million dollars in future redistributed federal obligation authority that may be received by the department for right-of-way purchase for the US 12/Nine Mile Hill to Woodward Canyon Vicinity - Phase 7-A project (501210T).

Sec. 304. 2009 c 470 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Transportation Partnership Account--State

Appropriation ~~((103,077,000))~~

\$75,305,000

Motor Vehicle Account--State Appropriation ~~((88,142,000))~~

\$96,884,000

Motor Vehicle Account--Federal Appropriation ~~((524,954,000))~~

\$556,705,000

Motor Vehicle Account--Private/Local Appropriation ~~((6,417,000))~~

\$18,768,000

Transportation 2003 Account (Nickel Account)--State

Appropriation ~~((7,237,000))~~

\$6,328,000

Puyallup Tribal Settlement Account--State

Appropriation ~~((6,500,000))~~

\$6,636,000

TOTAL APPROPRIATION ~~((736,327,000))~~

\$760,626,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ~~((2009-1)) 2010-1~~ as developed ~~((April 24, 2009)) March 8, 2010~~, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) ~~((544,639)) \$542,000~~ of the motor vehicle account--federal appropriation and ~~((455,364)) \$453,000~~ of the motor vehicle account--state appropriation are provided solely for project 602110F, ~~((as identified in the LEAP transportation document in subsection (1) of this section))~~ SR 21/Keller ferry boat - Preservation. Funds are provided solely for preservation work on the existing vessel, the Martha S.

(3) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P.

(4) ~~((6,500,000)) \$6,636,000~~ of the Puyallup tribal settlement account--state appropriation is provided solely for ~~((mitigation))~~ costs associated with the Murray Morgan/11th Street bridge ~~((demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street bridge to the city. If the city agrees to accept ownership of the bridge, the department))~~

project. The city of Tacoma may use the Puyallup tribal settlement account appropriation and other appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and related mitigation. The department's participation, including prior expenditures, may not exceed ~~(((\$39,953,000))~~ \$40,270,000. ~~((Funds may not be expended unless))~~ The city of Tacoma ~~((agrees to take))~~ has taken ownership of the bridge in its entirety, and ~~((provides that))~~ the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.

(5) The department and the city of Tacoma must present to the legislature an agreement on the timing of the transfer of ownership of the Murray Morgan/11th Street bridge and any additional necessary state funding required to achieve the transfer and rehabilitation of the bridge by January 1, 2010.

(6) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(7) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(8)(a) The department shall conduct an analysis of state highway pavement replacement needs for the next ten years. The report must include:

- (i) The current backlog of asphalt and concrete pavement preservation projects;
- (ii) The level of investment needed to reduce or eliminate the backlog and resume the lowest life-cycle cost;
- (iii) Strategies for addressing the recent rapid escalation of asphalt prices, including alternatives to using hot mix asphalt;
- (iv) Criteria for determining which type of pavement will be used for specific projects, including annualized cost per mile, traffic volume per lane mile, and heavy truck traffic volume per lane mile; and
- (v) The use of recycled asphalt and concrete in state highway construction and the effect on highway pavement replacement needs.

(b) Additionally, the department shall work with the department of ecology, the county road administration board, and the transportation improvement board to explore and explain the potential use of permeable asphalt and concrete pavement in state highway construction as an alternative method of storm water mitigation and the potential effects on highway pavement replacement needs.

(c) The department shall submit the report to the office of financial management and the transportation committees of the legislature by ~~((December))~~ September 1, 2010, in order to inform the development of the 2011-13 omnibus transportation appropriations act.

(9) ~~(((\$1,722))~~ \$299,000 of the motor vehicle account--state appropriation, ~~(((\$9,608,115))~~ \$23,425,000 of the motor vehicle account--federal appropriation, and ~~(((\$272,141))~~ \$373,000 of the transportation partnership account--state appropriation are provided solely for the SR 104/Hood Canal bridge - replace east half project, identified as project 310407B in the LEAP transportation document described in subsection (1) of this section.

(10) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(11) Within the amounts provided in this section, \$1,510,000 of the motor vehicle account--state appropriation is provided solely to complete the rehabilitation of the SR 532/84th Avenue NW bridge deck.

(12) ~~(((\$1,500,000))~~ \$1,440,000 of the motor vehicle account--federal appropriation ~~((is))~~ and \$60,000 of the motor vehicle account--state appropriation are provided solely for the environmental impact statement and preliminary planning for the replacement of the state route number 9 Snohomish river bridge (project L2000018).

(13) \$12,503,000 of the motor vehicle account--federal appropriation and \$497,000 of the motor vehicle account--state appropriation are provided solely for the SR 410/Nile Valley Landslide - Establish Interim Detour project (541002R).

(14) \$4,239,000 of the motor vehicle account--federal appropriation and \$662,000 of the motor vehicle account--state appropriation are provided solely for the SR 410/Nile Valley Landslide - Reconstruct Route project (541002T).

(15) Any redistributed federal funds received by the department must, to the greatest extent possible, be first applied to offset planned expenditures of state funds, and second, to offset planned expenditures of federal funds, on projects as identified in the LEAP transportation documents described in this act. If the redistributed federal funds cannot be used in this manner, the department must consult with the joint transportation committee prior to obligating any redistributed federal funds.

(16) The legislature anticipates a report in September 2010 that will outline the department's recommendation for developing a Keller Ferry replacement at the lowest cost. The legislature supports the request to the federal government for federal aid for a replacement vessel and intends to provide reasonable matching amounts as necessary.

(17) \$2,100,000 of the motor vehicle account--federal appropriation is provided solely for the SR 21/Kettle River to Malo paving project in Ferry county (602117A).

Sec. 305. 2009 c 470 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--CAPITAL

Motor Vehicle Account--State Appropriation	(((\$6,394,000))
\$8,158,000	
Motor Vehicle Account--Federal Appropriation	(((\$9,262,000))
\$18,037,000	
Motor Vehicle Account--Private/Local Appropriation	\$173,000
TOTAL APPROPRIATION	(((\$15,656,000))
\$26,368,000	

Sec. 306. 2009 c 470 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State

Appropriation ~~((\\$118,752,000))~~
\$126,824,000

Puget Sound Capital Construction Account--Federal

Appropriation ~~((\\$38,306,000))~~
\$60,364,000

Puget Sound Capital Construction Account--Local

Appropriation ~~((\\$8,492,000))~~
\$200,000

Transportation 2003 Account (Nickel Account)--State

Appropriation \$51,734,000

Transportation Partnership Account--State

Appropriation ~~((\\$67,234,000))~~
\$66,879,000

Multimodal Transportation Account--State

Appropriation ~~((\\$170,000))~~
\$149,000

TOTAL APPROPRIATION ~~((\\$284,688,000))~~

\$306,150,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((\\$118,752,000))~~ \$126,824,000 of the Puget Sound capital construction account--state appropriation, ~~((\\$38,306,000))~~ \$60,364,000 of the Puget Sound capital construction account--federal appropriation, ~~((\\$8,492,000))~~ \$200,000 of the Puget Sound capital construction account--local appropriation, ~~((\\$67,234,000))~~ \$66,879,000 of the transportation partnership account--state appropriation, \$51,734,000 of the transportation 2003 account (nickel account)--state appropriation, and ~~((\\$170,000))~~ \$149,000 of the multimodal transportation account--state appropriation are provided solely for ferry capital projects, project support, and administration as listed in LEAP Transportation Document ALL PROJECTS ~~((2009-2))~~ 2010-2 as developed ~~((April 24, 2009))~~ March 8, 2010, Program - Ferries Construction Program (W). Of the total appropriation, a maximum of \$10,627,000 may be used for administrative support, a maximum of \$8,184,000 may be used for terminal project support, and a maximum of \$4,497,000 may be used for vessel project support. Of the total appropriation, \$5,851,000 is provided solely for a reservation system and associated communications projects.

(2) \$51,734,000 of the transportation 2003 account (nickel account)--state appropriation ~~((and))~~, \$63,100,000 of the transportation partnership account--state appropriation, and \$10,164,000 of the Puget Sound capital construction account--state appropriation are provided solely for the acquisition of three new Island Home class ferry vessels subject to the conditions of RCW 47.56.780. The department shall pursue a contract for the second and third Island Home class ferry vessels with an option to purchase a fourth Island Home class ferry vessel. However, if sufficient resources are available to build one 144-auto vessel prior to exercising the option to build the fourth Island Home class ferry vessel, procurement of the fourth Island Home class ferry vessel will be postponed and the department shall pursue procurement of a 144-auto vessel.

(a) The first two Island Home class ferry vessels must be placed on the Port Townsend-Keystone route.

(b) The department may add additional passenger capacity to one of the Island Home class ferry vessels to make it more flexible within the system in the future, if doing so does not require additional staffing on the vessel.

(c) Cost savings from the following initiatives will be included in the funding of these vessels: The department's review and update of the vessel life-cycle cost model as required under this section; and the implementation of technology efficiencies as required under section 602 of this act.

(3) ~~((\\$2,450,000 of the Puget Sound capital construction account--state appropriation is provided solely for contingencies associated with closing out the existing contract for the technical design of the 144-auto vessel and the storage and maintenance of vessel owner-furnished equipment already procured. The department shall use as much of the already procured equipment as is practicable on the Island Home class ferry vessel if it is likely to be obsolete before it is used in procured 144-auto vessels.))~~ (a) \$8,450,000 of the Puget Sound capital construction account--state appropriation and \$2,450,000 of the transportation partnership account--state appropriation are provided solely for the following projects related to the design of a 144-vehicle vessel class: (i) \$1,380,000 is provided solely for completion of the contract for owner-furnished equipment; (ii) \$8,320,000 is provided solely for completion of the technical design, detail design, and production drawings, all of which must plan for an aluminum superstructure; (iii) \$480,000 is provided solely for the storage of owner-furnished equipment; and (iv) a maximum of \$720,000 is for construction engineering. In completing the contract for owner-furnished equipment, the department shall use as much of the already procured equipment as is practicable on the Island Home class ferry vessels if it is likely to be obsolete before it is used in procured 144-vehicle vessels.

(b) The department shall conduct a cost-benefit study on alternative furnishings and fittings for the 144-vehicle vessel class. The study must review the proposed interior furnishings and fittings for the long-term maintenance and out-of-service vessel costs and, if appropriate, propose alternative interior furnishings and fittings that will decrease long-term maintenance and out-of-service vessel costs. The study must include a projection of out-of-service time and a life-cycle cost analysis of planned out-of-service time, including the impact on fleet size. The department must submit the study to the joint transportation committee by August 1, 2010.

(c) The department shall identify costs for any additional detail design and production drawings costs related to incorporating the aluminum superstructure and any changes in the proposed furnishings and fittings.

(4) \$6,300,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital costs.

(5) ~~((The Anacortes terminal may be replaced if additional federal funds are sought and received by the department. If federal funds received are not sufficient to replace the terminal, only usable, discrete phases of the project, up to the amount of federal funds received, may be constructed with the funds.))~~ \$3,000,000 of the Puget Sound capital construction account--federal appropriation is provided solely for completing the Anacortes terminal design up to the maximum allowable construction cost phase. Beyond preparing environmental work, these funds may be spent only after the following conditions have been met: (a) A value engineering process is conducted on the existing design and the concept of a

terminal building smaller than preferred alternative; (b) the office of financial management participates in the value engineering process; (c) the office of financial management concurs with the recommendations of the value engineering process; and (d) the office of financial management gives its approval to proceed with the design work.

(6) \$3,965,000 of the Puget Sound capital construction account--state appropriation is provided solely for the following vessel projects: Waste heat recovery pilot project for the Issaquah; jumbo Mark 1 class steering gear ventilation pilot project; and ((a new propulsion system for the MV Yakima)) improvements to the Yakima and Kaleetan propulsion controls to allow for two engine operation. Before beginning these projects, the Washington state ferries must ensure the vessels' out-of-service time does not negatively impact service to the system.

(7) The department shall pursue purchasing a foreign-flagged vessel for service on the Anacortes, Washington to Sidney, British Columbia ferry route.

(8) The department shall provide to the office of financial management and the legislature quarterly reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2009-11 fiscal biennium. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS). The quarterly report regarding the status of projects identified on the list referenced in subsection (1) of this section must be developed according to an earned value method of project monitoring.

(9) The department shall review and adjust its capital program staffing levels to ensure staffing is at the most efficient level necessary to implement the capital program in the omnibus transportation appropriations act. The Washington state ferries shall report this review and adjustment to the office of financial management and the house and senate transportation committees of the legislature by July 2009.

(10) ~~(((\$3,763,000 of the total appropriation is provided solely for the Washington state ferries to develop a reservation system. The department shall complete a predesign study and present the study to the joint transportation committee by November 1, 2009. This analysis must include an evaluation of the compatibility of the Washington state ferries' electronic fare system, proposed reservation system, and the implementation of smart card. The department may not implement a statewide reservation system until the department is authorized to do so in the 2010 supplemental omnibus transportation appropriations act.~~

~~—((11)) \$1,200,000 of the total appropriation is provided solely for improving the toll booth configuration at the Port Townsend and Keystone ferry terminals.~~

~~(((\$2,249,915))~~ (11) \$2,636,000 of the total appropriation is provided solely for continued permitting ~~((and archaeological work in order to determine the feasibility of relocating))~~ work on the Mukilteo ferry terminal. ~~((In order to ensure that the cultural resources investigation is properly conducted in a coordinated fashion, the department shall work with the department of archaeology and historic preservation and shall conduct work with active archaeological management.))~~ The department shall seek additional federal funding for this project.

~~((12))~~ (12) The department shall develop a proposed ferry vessel maintenance, preservation, and improvement program and present it to the transportation committees of the legislature by July 1, 2010. The proposal must:

(a) Improve the basis for budgeting vessel maintenance, preservation, and improvement costs and for projecting those costs into a sixteen-year financial plan;

(b) Limit the amount of planned out-of-service time to the greatest extent possible, including options associated with department staff as well as commercial shipyards. At a minimum, the department shall consider the following:

(i) The costs compared to benefits of Eagle Harbor repair and maintenance facility operations options to include staffing costs and benefits in terms of reduced out-of-service time;

(ii) The maintenance requirements for on-vessel staff, including the benefits of a systemwide standard;

(iii) The costs compared to benefits of staff performing preservation or maintenance work, or both, while the vessel is underway, tied up between sailings, or not deployed;

(iv) A review of the department's vessel maintenance, preservation, and improvement program contracting process and contractual requirements;

(v) The costs compared to benefits of allowing for increased costs associated with expedited delivery;

(vi) A method for comparing the anticipated out-of-service time of proposed projects and other projects planned during the same construction period;

(vii) Coordination with required United States coast guard dry dockings;

(viii) A method for comparing how proposed projects relate to the service requirements of the route on which the vessel normally operates;

and

(ix) A method for evaluating the ongoing maintenance and preservation costs associated with proposed improvement projects; and

(c) Be based on the service plan in the capital plan, recognizing that vessel preservation and improvement needs may vary by route.

~~((13))~~ (13) \$247,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Washington state ferries to review and update its vessel life-cycle cost model and report the results to the house of representatives and senate transportation committees of the legislature by ~~((December 1, 2009))~~ March 15, 2010. This review will evaluate the impact of the planned out-of-service periods scheduled for each vessel on the ability of the overall system to deliver uninterrupted service and will assess the risk of service disruption from unscheduled maintenance or longer than planned maintenance periods.

~~((14))~~ (14) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all large ferry terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

~~((15))~~ (15) The Puget Sound capital construction account--state appropriation includes up to ~~(((\$118,000,000))~~ \$114,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(16) The Puget Sound capital construction account--state appropriation reflects the reduction of three terminal positions due to decreased terminal activity and funding.

Sec. 307. 2009 c 470 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL
Essential Rail Assistance Account--State

Appropriation	((675,000))	
	\$333,000	
Transportation Infrastructure Account--State		
Appropriation	((13,100,000))	
	\$13,184,000	
Multimodal Transportation Account--State		
Appropriation	((68,530,000))	
	\$102,202,000	
Multimodal Transportation Account--Federal		
Appropriation	((16,054,000))	
	\$619,527,000	
Multimodal Transportation Account--Private/Local		
Appropriation	\$81,000	
TOTAL APPROPRIATION	((98,440,000))	
	\$735,327,000	

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by ~~((fund,))~~ project~~(s)~~ and amount in LEAP Transportation Document ALL PROJECTS ~~((2009-2))~~ 2010-2 as developed ~~((April 24, 2009))~~ March 8, 2010, Program - Rail Capital Program (Y). ~~((However, limited transfers of specific line item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.))~~

(b)(i) Within the amounts provided in this section, \$116,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Ephrata (BIN 722710A) for rehabilitation of a rail spur.

(ii) Within the amounts provided in this section, \$1,200,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Everett (BIN 722810A) for a new rail track to connect a cement loading facility to the mainline.

(iii) ~~((Within the amounts provided in this section, \$3,684,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Quincy for construction of a rail loop.~~

~~((iv))~~ The department shall issue the loans referenced in this subsection (1)(b) with a repayment period of no more than ten years, and only so much interest as is necessary to recoup the department's costs to administer the loans.

(c)(i) Within the amounts provided in this section, ~~((1,712,022))~~ \$1,713,000 of the multimodal transportation account--state appropriation and ~~((175,000))~~ \$333,000 of the essential rail assistance account--state appropriation are for statewide - emergent freight rail assistance projects as follows: Port of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A) ~~((362,746))~~ \$363,000; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A) ~~((370,650))~~ \$371,000; ~~((Clark County))~~ Chelatchie Prairie owned railroad/Vancouver - track rehabilitation (BIN 710110A) ~~((366,813))~~ \$367,000; Tacoma Rail/Tacoma - improved locomotive facility (BIN 711010B) ~~((366,813))~~ \$525,000.

(ii) ~~((Within the amounts provided in this section, \$500,000 of the essential rail assistance account--state appropriation and \$25,000 of the multimodal transportation account--state appropriation are for a statewide - emergent freight rail assistance project grant for the Tacoma Rail/Roy - new connection to BNSF and Yelm (BIN 711310A) project, provided that the grantee first executes a written instrument that imposes on the grantee the obligation to repay the grant within thirty days in the event that the grantee discontinues or significantly diminishes service along the line within a period of five years from the date that the grant is awarded.~~

~~((iii))~~ Within the amounts provided in this section, ~~((337,978))~~ \$338,000 of the multimodal transportation account--state appropriation is for a statewide - emergent freight rail assistance project grant for the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project, provided that the grantee first documents to the satisfaction of the department sufficient commitments from the new shipper or shippers to locate in the publicly owned industrial park west of Creston to ensure that the net present value of the public benefits of the project is greater than the grant amount.

(d) Within the amounts provided in this section, ~~((8,100,000))~~ \$8,115,000 of the transportation infrastructure account--state appropriation is for grants to any intergovernmental entity or local rail district to which the department of transportation assigns the management and oversight responsibility for the business and economic development elements of existing operating leases on the Palouse River and Coulee City (PCC) rail lines. \$300,000 of the transportation infrastructure account--state appropriation is provided solely for the fence line replacement project on the CW line. The PCC rail line system is made up of the CW, P&L, and PV Hooper rail lines. Business and economic development elements include such items as levels of service and business operating plans, but must not include the state's oversight of railroad regulatory compliance, rail infrastructure condition, or real property management issues. The PCC rail system must be managed in a self-sustaining manner and best efforts must be used to ensure that it does not require state capital or operating subsidy beyond the level of state funding expended on it to date. The assignment of the stated responsibilities to an intergovernmental entity or rail district must be on terms and conditions as the department of transportation and the intergovernmental entity or rail district mutually agree. The grant funds may be used only to refurbish the rail lines. It is the intent of the legislature to make the funds appropriated in this section available as grants to an intergovernmental entity or local rail district for the purposes stated in this section at least until June 30, 2012, and to reappropriate as necessary any portion of the appropriation in this section that is not used by June 30, 2011.

(2)(a) The department shall issue a call for projects for the freight rail investment bank program and the emergent freight rail assistance program, and shall evaluate the applications according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. By November 1, 2010, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(b) When the department identifies a prospective rail project that may have strategic significance for the state, or at the request of a proponent of a prospective rail project or a member of the legislature, the department shall evaluate the prospective project according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. The department shall report its

cost benefit evaluation of the prospective rail project, as well as the department's best estimate of an appropriate construction schedule and total project costs, to the office of financial management and the transportation committees of the legislature.

(c) The legislative priorities to be used in the cost benefit methodology are, in order of relative importance:

- (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
- (ii) Self-sustaining economic development that creates family-wage jobs;
- (iii) Preservation of transportation corridors that would otherwise be lost;
- (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
- (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
- (vi) Mitigation of impacts of increased rail traffic on communities.

(3) The department is directed to seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in program Y.

(4) At the earliest possible date, the department shall apply, and assist ports and local jurisdictions in applying, for any federal funding that may be available for any projects that may qualify for such federal funding. State projects must be (a) currently identified on the project list referenced in subsection (1)(a) of this section or (b) projects for which no state match is required to complete the project. Local or port projects must not require additional state funding in order to complete the project, with the exception of (c) state funds currently appropriated for such project if currently identified on the project list referenced in subsection (1)(a) of this section or (d) potential grants awarded in the competitive grant process for the essential rail assistance program. If the department receives any federal funding, the department is authorized to obligate and spend the federal funds in accordance with federal law. To the extent permissible by federal law, federal funds may be used (e) in addition to state funds appropriated for projects currently identified on the project list referenced in subsection (1)(a) of this section in order to advance funding from future biennia for such project(s) or (f) in lieu of state funds; however, the state funds must be redirected within the rail capital program to advance funding for other projects currently identified on the project list referenced in subsection (1)(a) of this section. State funds may be redirected only upon consultation with the transportation committees of the legislature and the office of financial management, and approval by the director of the office of financial management. The department shall spend the federal funds before the state funds, and shall consult the office of financial management and the transportation committees of the legislature regarding project scope changes.

(5) The department shall provide quarterly reports to the office of financial management and the transportation committees of the legislature regarding applications that the department submits for federal funds(~~(c)~~) and the status of such applications(~~(c)~~ ~~and the status of projects identified on the list referenced in subsection (1)(a) of this section.~~ ~~The quarterly report regarding the status of projects identified on the list referenced in subsection (1)(a) of this section must be developed according to an earned value method of project monitoring.~~)).

(6) The department shall, on a quarterly basis, provide to the office of financial management and the legislature reports providing the status on active projects identified in the LEAP transportation document described in subsection (1)(a) of this section. Report formatting and elements must be consistent with the October 2009 quarterly project report.

~~(7)~~ (7) The multimodal transportation account--state appropriation includes up to (~~(\$20,000,000)~~) \$48,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

~~((7))~~ (8) When the balance of that portion of the miscellaneous program account apportioned to the department for the grain train program reaches \$1,180,000, the department shall acquire twenty-nine additional grain train railcars.

(9) \$590,000,000 of the multimodal transportation account--federal appropriation is provided solely for high-speed rail projects awarded to Washington state from the high-speed intercity passenger rail program under the American recovery and reinvestment act. Funding will allow for two additional round trips between Seattle and Portland, and other rail improvements.

(10) \$2,200,000 of the multimodal transportation account--state appropriation is provided solely for expenditures related to the capital high-speed passenger rail grant that are not federally reimbursable.

(11) The Burlington Northern Santa Fe Skagit river bridge is an integral part of the rail system. Constructed in 1916, the bridge does not meet current design standards and is at risk during flood events that occur on the Skagit river. The department shall work with Burlington Northern Santa Fe and local jurisdictions to secure federal funding for the Skagit river bridge and to develop an appropriate replacement plan and schedule.

(12) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for additional expenditures along the Chelatchie Prairie railroad (LN2000025).

Sec. 308. 2009 c 470 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Highway Infrastructure Account--State Appropriation \$207,000

Highway Infrastructure Account--Federal

Appropriation \$1,602,000

Freight Mobility Investment Account--State

Appropriation (~~(\$13,548,000)~~)

\$13,848,000

Transportation Partnership Account--State

Appropriation \$8,863,000

Motor Vehicle Account--State Appropriation (~~(\$12,954,000)~~)

\$14,068,000

Motor Vehicle Account--Federal Appropriation (~~(\$39,572,000)~~)

\$43,835,000

Freight Mobility Multimodal Account--State

Appropriation (~~(\$14,920,000)~~)

\$15,620,000

Freight Mobility Multimodal Account--Local

Appropriation (~~(\$3,135,000)~~)

\$3,258,000

Multimodal Transportation Account--Federal
 Appropriation ~~((2,098,000))~~
 \$2,118,000

Multimodal Transportation Account--State
 Appropriation ~~((28,262,000))~~
 \$28,855,000

Transportation 2003 Account (Nickel Account)--State
 Appropriation ~~((709,000))~~
 \$2,709,000

Passenger Ferry Account--State Appropriation \$2,879,000

Puyallup Tribal Settlement Account--State
 Appropriation \$5,895,000

TOTAL APPROPRIATION ~~((128,749,000))~~
 \$143,757,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(2) \$2,729,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

(3) \$150,000 of the passenger ferry account--state appropriation is provided solely for the Port of Kingston for a one-time operating subsidy needed to retain a federal grant.

(4) \$3,000,000 of the motor vehicle account--federal appropriation is provided solely for the Coal Creek parkway project (L1000025).

(5) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(6) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(7) Federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2009, and December 1, 2010.

(8) The city of Winthrop may utilize a design-build process for the Winthrop bike path project. Of the amount appropriated in this section for this project, \$500,000 of the multimodal transportation account--state appropriation is contingent upon the state receiving from the city of Winthrop \$500,000 in federal funds awarded to the city of Winthrop by its local planning organization.

(9) ~~((18,182,113))~~ \$18,289,000 of the multimodal transportation account--state appropriation, ~~((8,753,895))~~ \$8,810,000 of the motor vehicle account--federal appropriation, and \$4,000,000 of the transportation partnership account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in LEAP Transportation Document 2009-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 20, 2007, and LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(10) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by ~~((fund))~~ project~~((s))~~ and amount in LEAP Transportation Document ALL PROJECTS ~~((2009-2))~~ 2010-2 as developed ~~((April 24, 2009))~~ March 8, 2010, Program~~((s))~~ - Local Program (Z).

(11) For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and efficiently deliver all projects in the respective program.

(12) \$913,386 of the motor vehicle account--state appropriation and ~~((2,858,216))~~ \$2,858,000 of the motor vehicle account--federal appropriation are provided solely for completion of the US 101 northeast peninsula safety rest area and associated roadway improvements east of Port Angeles at the Deer Park scenic view point. The department must surplus any right-of-way previously purchased for this project near Sequim. Approval to proceed with construction is contingent on surplus of previously purchased right-of-way. \$865,000 of the motor vehicle account--state appropriation is to be placed into unallotted status until such time as the right-of-way sale is completed.

(13) \$5,894,000 of the Puyallup tribal settlement account--state appropriation is provided solely for costs associated with the Murray Morgan/11th Street bridge project. The city of Tacoma may use the Puyallup tribal settlement account appropriation and other appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and bridge mitigation. The department's participation, including prior expenditures, may not exceed \$40,270,000. The city of Tacoma has taken ownership of the bridge in its entirety, and the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.

(14) Up to \$3,702,000 of the motor vehicle account--federal appropriation and \$75,000 of the motor vehicle account--state appropriation are provided solely to reimburse the cities of Kirkland and Redmond for pavement and bridge deck rehabilitation on state

route number 908 (project 1LP611A). These funds may not be expended unless the cities sign an agreement stating that the cities agree to take ownership of state route number 908 in its entirety and agree that the payment of these funds represents the entire state commitment to the cities for state route number 908 expenditures. The amount provided in this subsection is contingent on the enactment by June 30, 2010, of Senate Bill No. 6555.

(15) The department shall consider the condition of the Broadway bridge in the city of Everett when prioritizing bridge projects.

(16) In order to make the Hood Canal bridge safe for cyclists, the department must work with stakeholders to review bicycle safety needs on the bridge, including consideration of accident data and improvements already made to this project.

(17) \$250,000 of the multimodal transportation account--state appropriation is provided solely for the Shell Valley emergency access road and bicycle/pedestrian path.

(18) \$500,000 of the motor vehicle account--state appropriation is provided solely for improvements to the 150th and Murray Road intersection in the city of Lakewood.

(19) \$250,000 of the motor vehicle account--state appropriation is provided solely for flood reduction solutions on state route number 522 caused by the lower McAleer and Lyon creek basins.

(20) \$200,000 of the motor vehicle account--state appropriation is provided solely for improvements to the intersection of 39th Ave SE and state route number 96 in Snohomish county.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2009 c 470 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	(\$742,400,000)
\$733,667,000	
Ferry Bond Retirement Account Appropriation	\$33,771,000
State Route Number 520 Corridor Account--State	
Appropriation	\$600,000
Transportation Improvement Board Bond Retirement	
Account--State Appropriation	(\$22,541,000)
\$22,962,000	
Nondebt-Limit Reimbursable Account Appropriation	(\$18,400,000)
\$18,451,000	
Transportation Partnership Account--State	
Appropriation	(\$8,318,000)
\$4,722,000	
Motor Vehicle Account--State Appropriation	(\$901,000)
\$732,000	
Transportation 2003 Account (Nickel Account)--State	
Appropriation	(\$4,116,000)
\$2,182,000	
Special Category C Account--State Appropriation	(\$148,000)
\$94,000	
Urban Arterial Trust Account--State Appropriation	\$85,000
Transportation Improvement Account--State Appropriation	\$41,000
Multimodal Transportation Account--State	
Appropriation	(\$283,000)
\$204,000	
TOTAL APPROPRIATION	(\$831,004,000)
\$817,511,000	

Sec. 402. 2009 c 470 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

State Route Number 520 Corridor Account--State	
Appropriation	\$40,000
Transportation Partnership Account--State	
Appropriation	(\$523,000)
\$787,000	
Motor Vehicle Account--State Appropriation	(\$57,000)
\$122,000	
Transportation 2003 Account (Nickel Account)--State	
Appropriation	(\$259,000)
\$364,000	
Special Category C Account--State Appropriation	(\$10,000)
\$15,000	
Urban Arterial Trust Account--State Appropriation	\$5,000
Transportation Improvement Account--State Appropriation	\$3,000
Multimodal Transportation Account--State	

Appropriation ((~~\$18,000~~)
 \$34,000
 TOTAL APPROPRIATION ((~~\$875,000~~)
 \$1,370,000

Sec. 403. 2009 c 470 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound Capital Construction

Account ((~~\$118,000,000~~)

\$114,000,000

The department of transportation is authorized to sell up to ((~~\$118,000,000~~) \$114,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

Sec. 404. 2009 c 470 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for

motor vehicle fuel tax distributions to cities

and counties ((~~\$488,843,000~~)

\$478,753,000

Sec. 405. 2009 c 470 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State

Appropriation: For motor vehicle fuel tax

refunds and statutory transfers ((~~\$1,310,279,000~~)

\$1,247,260,000

Sec. 406. 2009 c 470 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--TRANSFERS

Motor Vehicle Account--State

Appropriation: For motor vehicle fuel tax

refunds and transfers ((~~\$129,178,000~~)

\$120,688,000

Sec. 407. 2009 c 470 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Tacoma Narrows Toll Bridge Account--State

Appropriation: For transfer to the Motor Vehicle

Account--State \$5,288,000

(2) Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound Ferry Operations

Account--State ((~~\$17,000,000~~)

\$54,000,000

(3) Recreational Vehicle Account--State

Appropriation: For transfer to the Motor Vehicle

Account--State \$2,000,000

(4) License Plate Technology Account--State

Appropriation: For transfer to the Highway Safety

Account--State \$2,750,000

(5) Multimodal Transportation Account--State

Appropriation: For transfer to the Puget Sound

Ferry Operations Account--State \$9,000,000

(6) Highway Safety Account--State Appropriation:

For transfer to the Multimodal Transportation

Account--State \$18,750,000

(7) Department of Licensing Services Account--State

Appropriation: For transfer to the Motor Vehicle

Account--State ((~~\$2,000,000~~)

\$1,300,000

(8) Advanced Right-of-Way Account: For transfer to the Motor Vehicle Account--State \$14,000,000

(9) ((Motor Vehicle Account--State Appropriation:

For transfer to the Transportation Partnership

Account--State \$8,000,000))

(10) State Route Number 520 Civil Penalties

Account--State Appropriation: For transfer to the

State Route Number 520 Corridor Account--State \$190,000

(11) Advanced Environmental Mitigation Revolving

Account--State Appropriation: For transfer to the

Motor Vehicle Account--State \$5,000,000

(12) Regional Mobility Grant Program Account--State

Appropriation: For transfer to the Multimodal

Transportation Account--State \$4,000,000

(13) Motor Vehicle Account--State Appropriation:

For transfer to the State Patrol Highway Account--State \$4,000,000

(14) The transfers identified in this section are subject to the following conditions and limitations:

(a) The amount transferred in subsection (1) of this section represents repayment of operating loans and reserve payments provided to the Tacoma Narrows toll bridge account from the motor vehicle account in the 2005-07 fiscal biennium. However, if Engrossed Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the transfer in subsection (1) of this section shall not occur.

(b) Any cash balance in the waste tire removal account in excess of one million dollars must be transferred to the motor vehicle account for the purpose of road wear-related maintenance on state and local public highways.

(c) The transfer in subsection (10) of this section represents toll revenue collected from toll violations.

COMPENSATION

Sec. 501. 2009 c 470 s 501 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT-- REVISED PENSION CONTRIBUTION RATES

((Aeronautics Account--State (\$40,000)

Grade Crossing Protective Account--State (\$2,000)

State Patrol Highway Account--State (\$5,593,000)

Motorcycle Safety Education Account--State (\$18,000)

High Occupancy Toll Lanes Operations Account--State (\$20,000)

Rural Arterial Trust Account--State (\$20,000)

Wildlife Account--State (\$16,000)

Highway Safety Account--State (\$1,869,000)

Highway Safety Account--Federal (\$56,000)

Motor Vehicle Account--State (\$11,348,000)

Puget Sound Ferry Operations Account--State (\$5,019,000)

Urban Arterial Trust Account--State (\$26,000)

Transportation Improvement Account--State (\$26,000)

County Arterial Preservation Account--State (\$22,000)

Department of Licensing Services Account--State (\$36,000)

Multimodal Transportation Account--State (\$220,000)

Tacoma Narrows Toll Bridge Account--State (\$28,000)

Puget Sound Capital Construction Account--State (\$459,000)

Motor Vehicle Account--Federal (\$8,791,000)

Appropriations are adjusted to reflect changes to appropriations to reflect savings resulting from pension funding. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP transportation document Z9R-2009. From the applicable accounts, the office of financial management shall adjust allotments to the respective agencies by an amount that conforms with funding adjustments enacted in the 2009-11 omnibus operating appropriations act. Any allotment reductions under this section shall be placed in reserve status and remain unexpended.)) Appropriations in this act include agency appropriations to reflect increased employer contribution rates in the public employees' retirement system as a result of the provisions in chapter 430, Laws of 2009 (calculating compensation for public retirement purpose).

NEW SECTION. Sec. 502. FOR THE OFFICE OF FINANCIAL MANAGEMENT--REVISED EMPLOYER HEALTH BENEFIT RATES

Aeronautics Account--State \$3,000

State Patrol Highway Account--State \$618,000

Motorcycle Safety Education Account--State \$2,000

High Occupancy Toll Lanes Operations Account--State \$2,000

Rural Arterial Trust Account--State \$2,000

Wildlife Account--State \$2,000

Highway Safety Account--State \$261,000

Highway Safety Account--Federal \$6,000

Motor Vehicle Account--State \$1,076,000

Puget Sound Ferry Operations Account--State \$527,000

Urban Arterial Trust Account--State \$2,000

Transportation Improvement Account--State \$2,000

County Arterial Preservation Account--State \$2,000

Department of Licensing Services Account--State \$3,000

Multimodal Transportation Account--State \$13,000

Tacoma Narrows Toll Bridge Account--State \$3,000

Appropriations are adjusted to reflect changes to appropriations to reflect changes in the employer cost of providing health benefit coverage. The office of financial management shall update agency appropriations schedules to reflect the changes in funding levels in this section as identified by agency and fund in LEAP transportation document GLB-2010. From the applicable accounts, the office of financial management shall adjust allotments to the respective agencies by an amount that conforms with funding adjustments enacted in the 2010 supplemental omnibus operating appropriations act. Any allotment reductions under this section must be placed in reserve status and remain unexpended.

Sec. 503. 2009 c 470 s 503 (uncodified) is amended to read as follows:

COMPENSATION--INSURANCE BENEFITS. Appropriations for state agencies in this act are sufficient for nonrepresented and represented state employee health benefits for state agencies, and are subject to the following conditions and limitations:

(1)(a) ~~Unless otherwise provided in the 2010 supplemental omnibus operating appropriations act, the~~ monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$745 per eligible employee for fiscal year 2010. For fiscal year 2011, the monthly employer funding rate shall not exceed ~~(((\$768))~~ \$795 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments; increases in point-of- service cost sharing; the implementation of managed competition; or make other changes to benefits consistent with RCW 41.05.065. During the 2009-11 fiscal biennium, the board may only authorize benefit plans and premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented under the personnel system reform act of 2002.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(d) The conditions in this section apply to benefits for nonrepresented employees, employees represented by the super coalition, and represented employees outside of the super coalition, including employees represented under chapter 47.64 RCW.

(2) ~~Unless otherwise provided in the 2010 supplemental omnibus operating appropriations act, the~~ health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2010, through December 31, 2010, the subsidy shall be \$182.89. Beginning January 1, 2011, the subsidy shall be \$182.89 per month.

IMPLEMENTING PROVISIONS

Sec. 601. 2009 c 470 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION. As part of its budget submittal (~~for the 2011-13 fiscal biennium~~), the department shall provide an annual update to the report provided to the legislature ~~and the office of financial management~~ in 2008 that:

(1) Compares the original project cost estimates approved in the 2003 and 2005 project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed;

(2) Identifies highway projects that may be reduced in scope and still achieve a functional benefit;

(3) Identifies highway projects that have experienced scope increases and that can be reduced in scope;

(4) Identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and

(5) Identifies contingency amounts allocated to projects.

NEW SECTION. Sec. 602. Any redistributed federal funds received by the department of transportation must, to the greatest extent possible, be first applied to offset planned expenditures of state funds, and second, to offset planned expenditures of federal funds, on projects as identified in the LEAP transportation documents described in this act. If the redistributed federal funds cannot be used in this manner, the department of transportation must consult with the joint transportation committee prior to obligating any redistributed federal funds.

Sec. 603. 2009 c 470 s 603 (uncodified) is amended to read as follows:

FUND TRANSFERS. (1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document ~~((2009-1))~~ 2010-1 as developed ~~((April 24, 2009))~~ March 8, 2010, which consists of a list of specific projects by fund source and amount over a sixteen year period. Current fiscal biennium funding for each project is a line item appropriation, while the outer year funding allocations represent a sixteen year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 (nickel) account projects on the LEAP lists referenced in this act. For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations~~((s))~~ or transportation partnership account appropriations, ~~((or multimodal transportation account appropriations,))~~ in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2010 supplemental budget, any unexpended 2007-09 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects;

(d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;

(e) Transfers may not occur to projects not identified on the applicable project list, except for those projects that were expected to be completed in the 2007-09 fiscal biennium; ~~((and))~~

(f) Transfers may not be made while the legislature is in session; and

(g) Transfers between projects may be made by the department of transportation until the transfer amount by project exceeds two hundred fifty thousand dollars, or ten percent of the project, whichever is less. These transfers must be reported quarterly to the director of financial management and the chairs of the house of representatives and senate transportation committees.

(2) At the time the department submits a request to transfer funds under this section a copy of the request shall be submitted to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers.

(4) The office of financial management shall document approved transfers and/or schedule changes in the transportation executive information system (TEIS), compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP lists adopted in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

MISCELLANEOUS 2009-11 FISCAL BIENNIUM

Sec. 701. RCW 43.19.642 and 2009 c 470 s 716 are each amended to read as follows:

- (1) Effective June 1, 2006, for agencies complying with the ultra-low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.
- (2) Effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.
- (3) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file biannual reports with the department of general administration documenting the use of the fuel and a description of how any problems encountered were resolved.
- (4) For the 2009-2011 fiscal biennium, ((the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel-powered vessels)) all fuel purchased by the Washington state ferries at Harbor Island for the operation of the Washington state ferries diesel powered vessels must be a minimum of five percent biodiesel blend so long as the per gallon price of diesel containing a five percent biodiesel blend level does not exceed the per gallon price of diesel by more than five percent. If the per gallon price of diesel containing a five percent biodiesel blend level exceeds the per gallon price of diesel by more than five percent, the requirements of this section do not apply to vessel fuel purchases by the Washington state ferries.
- (5) By December 1, 2009, the department of general administration shall:
 - (a) Report to the legislature on the average true price differential for biodiesel by blend and location; and
 - (b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

Sec. 702. RCW 46.68.320 and 2006 c 337 s 8 are each amended to read as follows:

- (1) The regional mobility grant program account is hereby created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the grants provided under RCW 47.66.030.
- (2) Beginning with September 2007, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the regional mobility grant program account five million dollars.
- (3) Beginning with September 2015, by the last day of September, December, March, and June of each year, the state treasurer shall transfer from the multimodal transportation account to the regional mobility grant program account six million two hundred fifty thousand dollars.
- (4) During the 2009-2011 fiscal biennium, the legislature may transfer from the regional mobility grant program account to the multimodal transportation account such amounts as reflect the excess fund balance of the regional mobility grant program account.

Sec. 703. RCW 47.12.340 and 1997 c 140 s 3 are each amended to read as follows:

The advanced environmental mitigation revolving account is created in the custody of the treasurer, into which the department shall deposit directly and may expend without appropriation:

- (1) An initial appropriation included in the department of transportation's 1997-99 budget, and deposits from other identified sources;
- (2) All moneys received by the department from internal and external sources for the purposes of conducting advanced environmental mitigation; and
- (3) Interest gained from the management of the advanced environmental mitigation revolving account.
- (4) During the 2009-2011 fiscal biennium, the legislature may transfer from the advanced environmental mitigation revolving account to the motor vehicle account such amounts as reflect the excess fund balance of the advanced environmental mitigation revolving account.

Sec. 704. RCW 70.95.532 and 2009 c 261 s 4 are each amended to read as follows:

- (1) All receipts from tire fees imposed under RCW 70.95.510, except as provided in subsection (2) of this section, must be deposited in the waste tire removal account created under RCW 70.95.521. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles.
- (2) On September 1st of odd-numbered years, the state treasurer must transfer any cash balance in excess of one million dollars from the waste tire removal account created under RCW 70.95.521 to the motor vehicle account for the purpose of road wear related maintenance on state and local public highways.
- (3) During the 2009-2011 fiscal biennium, the legislature may transfer any cash balance in excess of one million dollars from the waste tire removal account to the motor vehicle account for the purpose of road wear-related maintenance on state and local public highways.

NEW SECTION. **Sec. 705.** 2009 c 470 s 502 is repealed.

MISCELLANEOUS

NEW SECTION. **Sec. 801.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 802.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Correct the title.

Representative Shea moved the adoption of amendment (1534) to amendment (1527).

On page 29, line 24 of the striking amendment, after "request." insert "If the department determines that all or a portion of real property or an interest in real property that was acquired through condemnation within the previous ten years is no longer necessary for a transportation purpose, the former owner has a right of repurchase as described in this subsection. For the purposes of this subsection, "former owner" means the person or entity from whom the department acquired title. At least ninety days prior to the date on which the property is intended to be sold by the department, the department must mail notice of the planned sale to the former owner of the property at the former owner's last known address or to a forwarding address if that owner has provided the department with a forwarding address. If the former owner of the property's last known address, or forwarding address if a forwarding address has been provided, is no longer the former owner of the property's address, the right of repurchase is extinguished. If the former owner notifies the department within thirty days of the date of the notice that the former owner intends to repurchase the property, the department shall proceed with the sale of the property to the former owner for fair market value and shall not list the property for sale to other owners. If the former owner does not provide timely written notice to the department of the intent to exercise a repurchase right, or if the sale to the former owner is not completed within seven months of the date of notice that the former owner intends to repurchase the property, the right of repurchase is extinguished."

Representatives Shea and Clibborn spoke in favor of the adoption of the amendment to the amendment.

Amendment (1534) to amendment (1527) was adopted.

Representative Simpson moved the adoption of amendment (1541) to amendment (1527).

On page 37, line 4 of the striking amendment, after "program" insert ", after obtaining certain assurances from the federal transit authority in writing,"

On page 37, line 5 of the striking amendment, after "lanes." insert "Prior to implementing the pilot program, the department must first obtain assurances in writing from the federal transit authority that the pilot program will not threaten or otherwise compromise receipt or use of any federal funding for any state or local transportation agency or provider."

On page 37, line 9 of the striking amendment, after "carry" strike "eight" and insert "sixteen"

Representative Simpson spoke in favor of the adoption of the amendment to the amendment.

Representatives Clibborn and Roach spoke against the adoption of the amendment to the amendment.

Amendment (1541) to amendment (1527) was not adopted.

Representative Simpson moved the adoption of amendment (1540) to amendment (1527).

On page 37, line 23 of the striking amendment, after "lanes." insert "Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to

otherwise create an entitlement or other claim by private users to public infrastructure."

Representatives Simpson and Clibborn spoke in favor of the adoption of the amendment to the amendment.

Amendment (1540) to amendment (1527) was adopted.

Representative Simpson moved the adoption of amendment (1539) to amendment (1527)

On page 37, beginning on line 3 of the striking amendment, strike all of subsection (7) and insert the following:

"(7)(a) The department of transportation shall conduct a pilot project in the central Puget Sound region to assess the impact on the performance of the transportation system of authorizing the following vehicles to use high occupancy vehicle lanes regardless of the number of passengers in the vehicle: (i) Auto transportation company vehicles regulated under chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated under chapter 81.70 RCW, except marked or unmarked stretch limousines and stretch sport utility vehicles as defined under department rules; (iii) private nonprofit transportation provider vehicles regulated under chapter 81.66 RCW; and (iv) private employer transportation service vehicles.

(b) In conducting the pilot project, the department must compare existing speed and reliability of the system during peak and off-peak periods based on current data as compared to system performance six months after the effective date of this act. In making this comparison, the department must evaluate the current and projected capacity and use by public transportation and by vehicles that meet the occupancy requirements; identify the intended non-public transportation users and use by type and size of vehicle and by time of day and frequency of use; and assess whether such use conflicts with public transportation's safe and effective use of the facility.

(c) The department shall report the results of the pilot project to the transportation committees of the legislature by December 15, 2010. The report shall include a system performance rating that compares current speed and reliability of the system prior to and six months after the effective date of this act."

Representatives Simpson and Simpson (again) spoke in favor of the adoption of the amendment to the amendment.

Representatives Clibborn and Wallace spoke against the adoption of the amendment to the amendment.

Amendment (1539) to amendment (1527) was not adopted.

Representative Simpson moved the adoption of amendment (1537) to amendment (1527).

On page 45, line 29 of the striking amendment, after "facilities." insert "Nothing in this subsection is intended to authorize the conversion of public infrastructure to private, for-profit purposes or to otherwise create an entitlement or other claim by private users to public infrastructure."

Representatives Simpson and Clibborn spoke in favor of the adoption of the amendment to the amendment.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (1537) to amendment (1527).

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 57 - YEAS; 40 - NAYS.

Amendment (1537) to amendment (1527) was adopted.

Representative Simpson moved the adoption of amendment (1536) to amendment (1527).

On page 45, beginning on line 26 of the striking amendment, strike all of subsection (13) and insert the following:

"(13) During the 2009-11 biennium, the department shall implement a pilot project that expands opportunities for private transportation providers' use of high occupancy vehicle lanes, transit-only lanes, and certain park and ride facilities. The pilot project must establish that to receive grant funding from a program administered by the public transportation office of the department during the 2009-11 biennium, the local jurisdiction in which the applicant is located must be able to show that it has in place an application process for the reasonable use by private transportation providers of high occupancy vehicle lanes, transit-only lanes, and certain park and ride facilities that are regulated by the local jurisdiction. If a private transportation provider clearly demonstrates that the local jurisdiction failed to consider an application in good faith, the department may not award the jurisdiction any grant funding. Reasonable use exists if the private transportation provider has applied for the use of: (a) High occupancy vehicle or transit-only lanes, and such use will not interfere with safe and efficient public transportation operations and not reduce the speed of the lanes more than five percent during peak hours; or (b) a park and ride lot (i) during peak hours at a lot that is below ninety percent capacity during peak hours or (ii) during off-peak hours only; and (c) the use described under subsections (a) and (b) is consistent with applicable federal requirements. A transit agency may require that a private transportation provider enter into an agreement for use of the park and ride lot as provided in RCW 47.04.290. For purposes of this subsection: A "private transportation provider" means an auto transportation company regulated under chapter 81.68 RCW; a passenger charter carrier regulated under chapter 81.70 RCW; a private nonprofit transportation provider regulated under chapter 81.66 RCW; or a private employer transportation service provider; and "private employer transportation service" means regularly scheduled, fixed-route transportation service that is offered by an employer for the benefit of its employees."

Representative Simpson spoke in favor of the adoption of the amendment to the amendment.

Representative Clibborn spoke against the adoption of the amendment to the amendment.

Amendment (1536) to amendment (1527) was not adopted.

Representative Simpson moved the adoption of amendment (1535) to amendment (1527).

On page 46, line 7 of the striking amendment, after "only." insert "A transit agency need not negotiate reasonable use of such facilities if it has written confirmation from the federal transit authority that such use will conflict with any federal regulation or jeopardize any existing or future federal funding."

On page 46, line 12 of the striking amendment, after "means" insert "vehicles with the capacity to carry sixteen or more passengers that is owned by"

Representatives Simpson and Simpson (again) spoke in favor of the adoption of the amendment to the amendment.

Representative Clibborn spoke against the adoption of the amendment to the amendment.

Amendment (1535) to amendment (1527) was not adopted.

Representative Simpson moved the adoption of amendment (1538) to amendment (1527).

On page 46, line 18 of the striking amendment, after "employees." insert "This pilot project shall be known as "The Legislature Forces Public Transit Providers to Convert Publicly Purchased Infrastructure into Private Property or Risk Losing State Grants and the Gift of Public Funds Pilot Project'."

Representative Simpson spoke in favor of the adoption of the amendment to the amendment.

Representative Clibborn spoke against the adoption of the amendment to the amendment.

Amendment (1538) to amendment (1527) was not adopted.

Representative Liias moved the adoption of amendment (1542) to amendment (1527).

On page 66, line 8 of the striking amendment, after "526 and" strike "40th Avenue West" and insert "84th Street SW"

Representatives Liias and Roach spoke in favor of the adoption of the amendment to the amendment.

Amendment (1542) to amendment (1527) was adopted.

Representative Short moved the adoption of amendment (1533) to amendment (1527).

On page 99, after line 30 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 705.** During the 2009-11 fiscal biennium, highway construction projects are exempt from the requirement to purchase mitigation credits under chapter 47.01 RCW where the department demonstrates the impacts of the construction project have previously been offset by land purchases or projects that used state funds and those projects were located within the same water resource inventory area of the construction project."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Short, Taylor and Walsh spoke in favor of the adoption of the amendment to the amendment.

Representative Liias spoke against the adoption of the amendment to the amendment.

Amendment (1533) to amendment (1527) was not adopted.

Amendment (1527) was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and Engrossed Substitute Senate Bill No. 6381, as amended by the House, was placed on final passage.

Representatives Clibborn, Roach, Rolfes, Armstrong, Liias and Campbell spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6381, as amended by the House.

SUBSTITUTE SENATE BILL 6614
 SENATE BILL 6833
 SUBSTITUTE SENATE BILL 6844
 SENATE BILL 6870

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6381, as amended by the House, and the bill passed the House by the following vote: Yeas, 78; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Carlyle, Chandler, Chase, Crouse, Ericksen, Fagan, Haler, Hasegawa, Herrera, Klippert, Kretz, Orcutt, Parker, Schmick, Shea, Short, Simpson, Taylor and Williams.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6381, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

MESSAGES FROM THE SENATE

March 8, 2010

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SECOND ENGROSSED SUBSTITUTE SENATE BILL 5742
 SUBSTITUTE SENATE BILL 6192
 SUBSTITUTE SENATE BILL 6202
 SENATE BILL 6206
 SUBSTITUTE SENATE BILL 6332
 SUBSTITUTE SENATE BILL 6340
 SUBSTITUTE SENATE BILL 6342
 SUBSTITUTE SENATE BILL 6343
 ENGROSSED SUBSTITUTE SENATE BILL 6392
 SUBSTITUTE SENATE BILL 6590
 SUBSTITUTE SENATE BILL 6673
 ENGROSSED SUBSTITUTE SENATE BILL 6724
 ENGROSSED SENATE BILL 6764

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 8, 2010

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL 6339
 SECOND SUBSTITUTE SENATE BILL 6578

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 8, 2010

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL 5543
 SUBSTITUTE SENATE BILL 6208
 ENGROSSED SENATE BILL 6261
 SUBSTITUTE SENATE BILL 6346
 SUBSTITUTE SENATE BILL 6356
 ENGROSSED SUBSTITUTE SENATE BILL 6359
 SUBSTITUTE SENATE BILL 6361
 SENATE BILL 6379
 SENATE BILL 6540

and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

March 4, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2776 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) It is the legislature's intent to continue implementation of chapter 548, Laws of 2009, by adopting the technical details of a new distribution formula for the instructional program of basic education. The legislature intends to continue to review and revise the formulas and may make revisions as necessary for technical purposes and consistency in the event of mathematical or other technical errors.

(2) The legislature further intends to adjust the timelines for the working groups created under chapter 548, Laws of 2009, so that their expertise and advice can be received as soon as possible and to make adjustments to the composition of the local finance working group. The legislature further intends to clarify the legislature's intent to fully fund all-day kindergarten by the 2018-19 school year.

Sec. 2. RCW 28A.150.315 and 2009 c 548 s 107 are each amended to read as follows:

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. The funding shall continue to be phased-in until full statewide implementation of all-day kindergarten is achieved in the 2018-19 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

- (ii) Developing a variety of communication skills;
- (iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;
- (iv) Acquiring large and small motor skills;
- (v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and
- (vi) Learning through hands-on experiences;
- (c) Establish learning environments that are developmentally appropriate and promote creativity;
- (d) Demonstrate strong connections and communication with early learning community providers; and
- (e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

Sec. 3. 2009 c 548 s 302 (uncodified) is amended to read as follows:

(1) Beginning ~~(July)~~ April 1, 2010, the office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to develop options for a new system of supplemental school funding through local school levies and local effort assistance.

(2) The working group shall consider the impact on overall school district revenues of the new basic education funding system established ~~(under this act)~~ by the legislature based on prototypical schools and shall recommend a phase-in plan that ensures that no school district suffers a decrease in funding from one school year to the next due to implementation of the new system of supplemental funding.

(3) The working group shall also:

- (a) Examine local school district capacity to address facility needs associated with phasing-in full-day kindergarten across the state and reducing class size in kindergarten through third grade;
- (b) Provide technical advice to the quality education council including an analysis on the potential use of local funds that may become available for redeployment and redirection as a result of increased state funding allocations for pupil transportation and maintenance, supplies, and operating costs; and
- (c) Advise the quality education council and the legislature on further development and implementation of the funding formulas under RCW 28A.150.260, as appropriate.

(4) The working group shall be composed of representatives from the department of revenue, the legislative evaluation and accountability program committee, school district and educational service district financial managers, and representatives of the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. When choosing the individuals to serve on the working group, the office of financial management and the office of the superintendent of public instruction are encouraged, as appropriate, to include members of the funding formula technical working group convened in accordance with section 112, chapter 548,

Laws of 2009. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders. In addition to the staff support provided by the office of financial management and the office of the superintendent of public instruction, the department of revenue shall provide technical assistance, including financial and legal analysis, to support the working group's findings and analysis under subsection (3) of this section.

~~((4))~~ (5) The local funding working group shall be monitored and overseen by the legislature and by the quality education council created in ~~(section 114 of this act)~~ RCW 28A.290.010. The working group shall submit an initial report to the legislature ~~(December 4)~~ and the quality education council by November 30, 2010, and a final report by June 30, 2011.

Sec. 4. RCW 43.41.398 and 2009 c 548 s 601 are each amended to read as follows:

(1) The legislature recognizes that providing students with the opportunity to access a world-class educational system depends on our continuing ability to provide students with access to world-class educators. The legislature also understands that continuing to attract and retain the highest quality educators will require increased investments. The legislature intends to enhance the current salary allocation model and recognizes that changes to the current model cannot be imposed without great deliberation and input from teachers, administrators, and classified employees. Therefore, it is the intent of the legislature to begin the process of developing an enhanced salary allocation model that is collaboratively designed to ensure the rationality of any conclusions regarding what constitutes adequate compensation.

(2) Beginning July 1, 2011, the office of financial management in collaboration with the office of the superintendent of public instruction, shall convene a technical working group to recommend the details of an enhanced salary allocation model that aligns state expectations for educator development and certification with the compensation system and establishes recommendations for a concurrent implementation schedule. In addition to any other details the technical working group deems necessary, the technical working group shall make recommendations on the following:

- (a) How to reduce the number of tiers within the existing salary allocation model;
- (b) How to account for labor market adjustments;
- (c) How to account for different geographic regions of the state where districts may encounter difficulty recruiting and retaining teachers;
- (d) The role of and types of bonuses available;
- (e) Ways to accomplish salary equalization over a set number of years; and
- (f) Initial fiscal estimates for implementing the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather in permanently to the existing schedule.

(3) As part of its work, the technical working group shall conduct or contract for a preliminary comparative labor market analysis of salaries and other compensation for school district employees to be conducted and shall include the results in any reports to the legislature. For the purposes of this subsection, "salaries and other compensation" includes average base salaries, average total salaries, average employee basic benefits, and retirement benefits.

(4) The analysis required under subsection (1) of this section must:

- (a) Examine salaries and other compensation for teachers, other certificated instructional staff, principals, and other building-level certificated administrators, and the types of classified employees for whom salaries are allocated;

(b) Be calculated at a statewide level that identifies labor markets in Washington through the use of data from the United States bureau of the census and the bureau of labor statistics; and

(c) Include a comparison of salaries and other compensation to the appropriate labor market for at least the following subgroups of educators: Beginning teachers and types of educational staff associates.

(5) The working group shall include representatives of the department of personnel, the professional educator standards board, the office of the superintendent of public instruction, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with appropriate expertise in compensation related matters. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall be monitored and overseen by the legislature and the quality education council created in RCW 28A.290.010. The working group shall make an initial report to the legislature by December 1, 2012, and shall include in its report recommendations for whether additional further work of the group is necessary.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall implement and maintain an internet-based portal that provides ready public access to the state's prototypical school funding model for basic education under RCW 28A.150.260. The portal must provide citizens the opportunity to view, for each local school building, the staffing levels and other prototypical school funding elements that are assumed under the state funding formula. The portal must also provide a matrix displaying how individual school districts are deploying those same state resources through their allocation of staff and other resources to school buildings, so that citizens are able to compare the state assumptions to district allocation decisions for each local school building.

NEW SECTION. Sec. 6. The legislature intends to continue to refine and provide greater detail to the distribution formula for the basic education instructional allocation, which shall be based on minimum staffing and nonstaff costs that the legislature deems necessary to support instruction and operations in prototypical schools as defined by the legislature. The legislature expects that the detailed prototype school model will bring greater transparency, understanding, and public accountability to the funding system because it displays funding assumptions in understandable terms centered on the operations of school buildings.

Sec. 7. RCW 28A.150.260 and 2009 c 548 s 106 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.155, 28A.165, 28A.180, or ~~((28A.155))~~ 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-

student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

~~((e))~~ (4)(a) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on ~~((a))~~ the following general education average class size ~~((as specified in the omnibus appropriations act.))~~ of full-time equivalent students per teacher:

General education	
average	
class size	
Grades K-3	25.23
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12, except in cases when lower average class sizes are specified for approved career and technical education programs and skill centers	28.74

(b) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical	
education average	
class size	
Approved career and technical education offered at the middle school and high school level	26.57
Skill center programs meeting the standards established by the office of the superintendent of public instruction	22.76

(c) According to an implementation schedule adopted by the legislature, the omnibus appropriations act shall at a minimum specify:

- (i) ((Basic average class size; —(ii) Basic)) A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and
- ~~((iii))~~ (ii) A specialty average class size for ~~((exploratory and preparatory career and technical education,))~~ laboratory science, advanced placement, and international baccalaureate courses ~~((; and~~
- (iv) Average class size in grades kindergarten through three)).
- ~~((4))~~ (5)(a) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:
 - ((i) Principals, including assistant principals, and other certificated building-level administrators;
 - (ii) Teacher librarians, performing functions including information literacy, technology, and media to support school library media programs;
 - (iii) Student health services, a function that includes school nurses, whether certificated instructional or classified employee, and social workers;
 - (iv) Guidance counselors, performing functions including parent outreach and graduation advisor;
 - (v) Professional development coaches;
 - (vi) Teaching assistance, which includes any aspect of educational instructional services provided by classified employees;
 - (vii) Office support, technology support, and other noninstructional aides;
 - (viii) Custodians, warehouse, maintenance, laborer, and professional and technical education support employees; and
 - (ix) Classified staff providing student and staff safety.

	<u>Elemen</u>	<u>Mid</u>	<u>Hig</u>
	<u>ntary</u>	<u>dle</u>	<u>h</u>
	<u>Schoo</u>	<u>Sch</u>	<u>Sch</u>
	<u>l</u>	<u>ool</u>	<u>ool</u>
<u>Principals, assistant principals, and other certificated building-level administrators, except administrators for approved career and technical programs and skill centers</u>	<u>1.253</u>	<u>1.353</u>	<u>1.880</u>
<u>Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs</u>	<u>0.663</u>	<u>0.519</u>	<u>0.523</u>
<u>Health and social services:</u>			
<u>School nurses</u>	<u>0.076</u>	<u>0.060</u>	<u>0.096</u>
<u>Social workers</u>	<u>0.042</u>	<u>0.006</u>	<u>0.015</u>
<u>Psychologists</u>	<u>0.017</u>	<u>0.002</u>	<u>0.007</u>
<u>Guidance counselors, a function that includes parent outreach and graduation advising</u>	<u>0.493</u>	<u>1.116</u>	<u>1.909</u>
<u>Professional development coaches</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>Teaching assistance, including any aspect of educational instructional services provided by classified employees</u>	<u>0.917</u>	<u>0.685</u>	<u>0.638</u>
<u>Office support and other noninstructional aides</u>	<u>1.971</u>	<u>2.277</u>	<u>3.201</u>
<u>Custodians</u>	<u>1.622</u>	<u>1.902</u>	<u>2.903</u>

<u>Classified staff providing student and staff safety</u>	<u>0.077</u>	<u>0.090</u>	<u>0.138</u>
<u>Parent involvement coordinators</u>	<u>0.000</u>	<u>0.000</u>	<u>0.000</u>

(b) For career and technical education programs approved by the superintendent of public instruction, the minimum allocation for administrative staff shall be allocated at 0.410 per one hundred full-time equivalent career and technical education students and for other school-level certificated staff at 0.202 per one hundred full-time equivalent career and technical education students, regardless of the grade level at which the program is delivered, in lieu of the certificated allocations in (a) of this subsection.

(c) For skill center programs meeting the standards for skill center funding established in January 1999 by the superintendent of public instruction, the minimum allocation for administrative staff shall be allocated at 0.490 per one hundred full-time equivalent skill center students and for other school-level certificated staff at 0.236 per one hundred full-time equivalent skill center students in lieu of the certificated allocations in (a) of this subsection.

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand full-time equivalent students in grades K-12 as follows:

Staff per 1,000	
K-12 students	
Technology	0.615
Facilities, maintenance, and grounds	1.776
Warehouse, laborers, and mechanics	0.325

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.39 percent of the staff units generated under subsections (4)(a) and (5)(a) of this section and (a) of this subsection.

~~((7)(a) Except as provided in subsection (8) of this section, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs: ((Student technology; utilities; curriculum, textbooks, library materials, and instructional supplies; instructional professional development for both certificated and classified staff; other building level costs including maintenance, custodial, and security; and central office administration.))~~

Per annual average full-time equivalent student in grades K-12	
Technology	\$54.43
Utilities and insurance	\$147.90
Curriculum and textbooks	\$58.44
Other supplies and library materials	\$124.07
Instructional professional development for certified and classified staff	\$9.04
Facilities maintenance	\$73.27
Security and central office	\$50.76

~~((The annual average full-time equivalent student amounts in (a) of this subsection shall be enhanced))~~ According to an implementation schedule adopted by the legislature and in addition to the amounts provided in (a) of this subsection, the omnibus appropriations act shall provide an amount based on the full-time equivalent student enrollment ~~((#))~~ for each of the following: (i) Exploratory career and technical education courses for students in grades seven through twelve; (ii) laboratory science courses for students in grades nine through twelve; (iii) preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and (iv) preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

~~((5))~~ (8) In addition to the allocations otherwise provided under ((subsections (3) and (4) of)) this section ((shall be enhanced as follows to provide additional allocations for classroom teachers and

maintenance, supplies, and operating costs) amounts shall be provided to support the following programs and services:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the ~~((percent))~~ district percentage of students in ~~((each school))~~ grades K-12 who ((are)) were eligible for free ((and)) or reduced-price meals in the prior school year. The minimum allocation for the ~~((learning assistance))~~ program shall provide ~~((an extended school day and extended school year))~~ for each level of prototypical school ~~((and a per student allocation for maintenance, supplies, and operating costs))~~ resources to provide, on a statewide average, 1.5156 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher and zero hours per week of instruction during vacation periods.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide ~~((for supplemental instruction based on percent of the school day a student is assumed to receive supplemental instruction and a per student allocation for maintenance, supplies, and operating costs))~~ resources to provide, on a statewide average, 4.7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher and zero hours per week of instruction during vacation periods.

~~((6))~~ The allocations provided under subsections (3) and (4) of this section shall be enhanced. (c) To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on two and three hundred fourteen one-thousandths percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide ~~((an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs))~~ resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher and zero hours per week of instruction during vacation periods.

~~((7))~~ (9) The allocations under subsections ~~((3)(b), (e)(i), and (d), (4), and (8)))~~ (4)(a), (5)(a), (6), and (7) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

((8)) The distribution formula shall include allocations to school districts to support certificated and classified staffing of central office administration. The minimum allocation shall be calculated as a percentage, identified in the omnibus appropriations act, of the total allocations for staff under subsections (3) and (6) of this section for all schools in the district.

—(9)) (10)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (3) and ~~((5))~~ (8) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections ~~((3))~~ and (4), (5), and (7) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

~~((40))~~ (11)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 8. RCW 28A.150.390 and 2009 c 548 s 108 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 ~~((3)(b), (e)(i), and (d), (4), and (8))~~ and federal medical assistance and private funds accruing under ~~RCW 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256~~) (4)(a), (5)(a), (6), and (7).

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by 0.9309.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 ~~((3)(b), (e)(i), and (d), (4), and (8)))~~ (4)(a), (5)(a), (6), and (7), to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent.

Sec. 9. RCW 28A.150.410 and 2007 c 403 s 1 are each amended to read as follows:

(1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher librarians, professional development coaches, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.

(2) Salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a master's degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

Sec. 10. RCW 28A.150.100 and 1990 c 33 s 103 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.150.410 and 28A.400.200, "basic education certificated instructional staff" ~~((shall))~~ means all full-time equivalent classroom teachers, teacher librarians, guidance counselors, certificated student health services staff, and other certificated instructional staff in the following programs as defined for statewide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) ~~((In the 1988-89 school year and thereafter,))~~ Each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full time equivalent students.

Sec. 11. 2009 c 548 s 710 (uncodified) is amended to read as follows:

(1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969 ex.s. c 223 s 28A.01.010;

(2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212, 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, & 1973 1st ex.s. c 105 s 1;

(3) ~~((RCW 28A.150.100 (Basic education certificated instructional staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203;~~

~~—(4))~~ RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s 22, & 1969 ex.s. c 223 s 28A.01.020;

~~((5))~~ (4) RCW 28A.150.370 (Additional programs for which legislative appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7; and

~~((6))~~ (5) RCW 28A.155.180 (Safety net funds--Application--Technical assistance--Annual survey) and 2007 c 400 s 8.

Sec. 12. 2009 c 548 s 804 (uncodified) is amended to read as follows:

Sections 101 through 105, 107 through 110, and 701 through 710 of this act take effect September 1, 2011.

NEW SECTION. **Sec. 13.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 15.** Sections 6 through 13 of this act take effect September 1, 2011.

NEW SECTION. **Sec. 16.** Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.150.315, 43.41.398, 28A.150.260, 28A.150.390, 28A.150.410, and 28A.150.100; amending 2009 c 548 s 302 (uncodified); amending 2009 c 548 s 710 (uncodified); amending 2009 c 548 s 804 (uncodified); adding a new section to chapter 28A.300 RCW; creating new sections; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2776 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 8, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SENATE BILL NO. 6221 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its amendment to ENGROSSED SENATE BILL NO. 6221 and asked the Senate to concur therein.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Relating to revenue and taxation. Revised for 1st Substitute: Modifying excise tax laws to preserve funding for public schools, colleges, and universities, as well as other public systems essential for the safety, health, and security of all Washingtonians.

The bill was read the second time.

Representative Hunter moved the adoption of amendment (1531).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In order to preserve funding for education, public safety, health care, environmental protection, and safety net services for children, elderly, disabled, and vulnerable people, it is the intent of the legislature to close obsolete tax preferences, clarify the legislature's intent regarding existing tax policy, and to ensure balanced tax policy while bolstering emerging industries.

PART I

Minimum Nexus Standards

NEW SECTION. Sec. 101. (1) The legislature finds that out-of-state businesses that do not have a physical presence in Washington earn significant income from Washington residents from providing services or collecting royalties on the use of intangible property in this state. The legislature further finds that these businesses receive significant benefits and opportunities provided by the state, such as: Laws providing protection of business interests or regulating consumer credit; access to courts and judicial process to enforce business rights, including debt collection and intellectual property rights; an orderly and regulated marketplace; and police and fire protection and a transportation system benefiting in-state agents and other representatives of out-of-state businesses. Therefore, the legislature intends to extend the state's business and occupation tax to these companies to ensure that they pay their fair share of the cost of services that this state renders and the infrastructure it provides.

(2)(a) The legislature also finds that the current cost apportionment method in RCW 82.04.460(1) for apportioning most service income has been difficult for both taxpayers and the department to apply due in large part (i) to the difficulty in assigning certain costs of doing business inside or outside of this state, and (ii) to its dissimilarity with the apportionment methods used in other states for their business activity taxes.

(b) The legislature further finds that there is a trend among states to adopt a single factor apportionment formula based on sales. The legislature recognizes that adoption of a sales factor only apportionment method has the advantages of simplifying apportionment and making Washington a more attractive place for businesses to expand their property and payroll. For these reasons, the legislature adopts single factor sales apportionment for purposes of apportioning royalty income and certain service income.

(c) Nothing in this act may be construed, however, to authorize apportionment of the gross income or value of products taxable under the following business and occupation tax classifications: Retailing, wholesaling, manufacturing, processing for hire, extracting, extracting for hire, printing, government contracting, public road construction,

the classifications in RCW 82.04.280 (2), (4), (6), and (7), and any other activity not specifically included in the definition of apportionable activities in RCW 82.04.460.

Sec. 102. RCW 82.04.220 and 1961 c 15 s 82.04.220 are each amended to read as follows:

(1) There is levied and ~~((shall be))~~ collected from every person that has substantial nexus with this state a tax for the act or privilege of engaging in business activities. ~~((Such))~~ The tax ~~((shall be))~~ is measured by the application of rates against value of products, gross proceeds of sales, or gross income of the business, as the case may be.

(2) A person who has substantial nexus with this state in any tax year will be deemed to have substantial nexus with this state for the following four tax years.

NEW SECTION. Sec. 103. A new section is added to chapter 82.04 RCW to read as follows:

"Engaging within this state" and "engaging within the state," when used in connection with any apportionable activity as defined in RCW 82.04.460, means that a person generates gross income of the business from sources within this state, such as customers or intangible property located in this state, regardless of whether the person is physically present in this state.

NEW SECTION. Sec. 104. A new section is added to chapter 82.04 RCW to read as follows:

(1) A person engaging in business is deemed to have substantial nexus with this state if the person is:

- (a) An individual and is a resident or domiciliary of this state;
- (b) A business entity and is organized or commercially domiciled in this state; or

(c) A nonresident individual or a business entity that is organized or commercially domiciled outside this state, and in any tax year the person has:

- (i) More than fifty thousand dollars of property in this state;
- (ii) More than fifty thousand dollars of payroll in this state;
- (iii) More than five hundred thousand dollars of receipts from this state; or

(iv) At least twenty-five percent of the person's total property, total payroll, or total receipts in this state.

(2)(a) Property counting toward the thresholds in subsection (1)(c)(i) and (iv) of this section is the average value of the taxpayer's property, including intangible property, owned or rented and used in this state during the tax year.

(b)(i) Property owned by the taxpayer, other than loans and credit card receivables owned by the taxpayer, is valued at its original cost basis. Loans and credit card receivables owned by the taxpayer are valued at their outstanding principal balance, without regard to any reserve for bad debts. However, if a loan or credit card receivable is charged off in whole or in part for federal income tax purposes, the portion of the loan or credit card receivable charged off is deducted from the outstanding principal balance.

(ii) Property rented by the taxpayer is valued at eight times the net annual rental rate. For purposes of this subsection, "net annual rental rate" means the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

(c) The average value of property must be determined by averaging the values at the beginning and ending of the tax year; but the department may require the averaging of monthly values during the tax year if reasonably required to properly reflect the average value of the taxpayer's property.

(d)(i) For purposes of this subsection (2), loans and credit card receivables are deemed owned and used in this state as follows:

(A) Loans secured by real property, personal property, or both real and personal property, are deemed owned and used in the state if the real property or personal property securing the loan is located within this state. If the property securing the loan is located both within this state and one or more other states, the loan is deemed owned and used in this state if more than fifty percent of the fair

market value of the real or personal property is located within this state. If more than fifty percent of the fair market value of the real or personal property is not located within any one state, then the loan is deemed owned and used in this state if the borrower is located in this state. The determination of whether the real or personal property securing a loan is located within this state must be made, as of the time the original agreement was made, and any and all subsequent substitutions of collateral must be disregarded.

(B) Loans not secured by real or personal property are deemed owned and used in this state if the borrower is located in this state.

(C) Credit card receivables are deemed owned and used in this state if the billing address of the cardholder is in this state.

(ii) The definitions in section 106 of this act apply to this subsection.

(e) Notwithstanding anything else to the contrary in this subsection, property counting toward the thresholds in subsection (1)(c)(i) and (iv) of this section does not include a person's ownership of, or rights in, computer software as defined in RCW 82.04.215, including computer software used in providing a digital automated service; master copies of software; and digital goods and digital codes residing on servers located in this state.

(3)(a) Payroll counting toward the thresholds in subsection (1)(c)(ii) and (iv) of this section is the total amount paid by the taxpayer for compensation in this state during the tax year plus nonemployee compensation paid to representative third parties in this state. Nonemployee compensation paid to representative third parties includes the gross amount paid to nonemployees who represent the taxpayer in interactions with the taxpayer's clients and includes sales commissions.

(b) Compensation is paid in this state if the compensation is properly reportable to this state for unemployment compensation tax purposes, regardless of whether the compensation was actually reported to this state.

(c) Nonemployee compensation is paid in this state if the service performed by the representative third party occurs entirely or primarily within this state.

(d) For purposes of this subsection, "compensation" means wages, salaries, commissions, and any other form of remuneration paid to employees or nonemployees and defined as gross income under 26 U.S.C. Sec. 61 of the federal internal revenue code of 1986, as existing on April 1, 2010.

(4) Receipts counting toward the thresholds in subsection (1)(c)(iii) and (iv) of this section are those amounts included in the numerator of the receipts factor under sections 105 and 106 of this act.

(5)(a) Each December, the department must review the cumulative percentage change in the consumer price index. The department must adjust the thresholds in subsection (1)(c)(i) through (iii) of this section if the consumer price index has changed by five percent or more since the later of July 1, 2010, or the date that the thresholds were last adjusted under this subsection. For purposes of determining the cumulative percentage change in the consumer price index, the department must compare the consumer price index available as of December 1st of the current year with the consumer price index as of the later of July 1, 2010, or the date that the thresholds were last adjusted under this subsection. The thresholds must be adjusted to reflect that cumulative percentage change in the consumer price index. The adjusted thresholds must be rounded to the nearest one thousand dollars. Any adjustment will apply to tax periods that begin after the adjustment is made.

(b) As used in this subsection, "consumer price index" means the consumer price index for all urban consumers (CPI-U) available from the bureau of labor statistics of the United States department of labor.

(6) Subsections (1) through (5) of this section only apply with respect to the taxes imposed under this chapter on apportionable activities as defined in RCW 82.04.460. For purposes of the taxes

imposed under this chapter on any activity not included in the definition of apportionable activities in RCW 82.04.460, a person is deemed to have substantial nexus with this state if the person has a physical presence in this state, which need only be demonstrably more than a slightest presence. For purposes of this subsection, a person is physically present in this state if the person has property or employees in this state. A person is also physically present in this state if the person, either directly or through an agent or other representative, engages in activities in this state that are significantly associated with the person's ability to establish or maintain a market for its products in this state.

NEW SECTION. Sec. 105. A new section is added to chapter 82.04 RCW to read as follows:

(1) The apportionable income of a person within the scope of RCW 82.04.460(1) is apportioned to Washington by multiplying its apportionable income by the receipts factor. Persons who are subject to tax under more than one of the tax classifications enumerated in RCW 82.04.460(3)(a) (i) through (ix) must calculate a separate receipts factor for each tax classification that the person is taxable under.

(2) For purposes of subsection (1) of this section, the receipts factor is a fraction and is calculated as provided in subsections (3) and (4) of this section and section 106 of this act.

(3)(a) The numerator of the receipts factor is the total gross income of the business of the taxpayer attributable to this state during the tax year from engaging in an apportionable activity. The denominator of the receipts factor is the total gross income of the business of the taxpayer from engaging in an apportionable activity everywhere in the world during the tax year.

(b) Except as otherwise provided in this section, for purposes of computing the receipts factor, gross income of the business generated from each apportionable activity is attributable to the state:

(i) Where the customer received the benefit of the taxpayer's service or, in the case of gross income from royalties, where the customer used the taxpayer's intangible property.

(ii) If the customer received the benefit of the service or used the intangible property in more than one state, gross income of the business must be attributed to the state in which the benefit of the service was primarily received or in which the intangible property was primarily used.

(iii) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i) or (ii) of this subsection (3), gross income of the business must be attributed to the state from which the customer ordered the service or, in the case of royalties, the office of the customer from which the royalty agreement with the taxpayer was negotiated.

(iv) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i), (ii), or (iii) of this subsection (3), gross income of the business must be attributed to the state to which the billing statements or invoices are sent to the customer by the taxpayer.

(v) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i), (ii), (iii), or (iv) of this subsection (3), gross income of the business must be attributed to the state from which the customer sends payment to the taxpayer.

(vi) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i), (ii), (iii), (iv), or (v) of this subsection (3), gross income of the business must be attributed to the state where the customer is located as indicated by the customer's address: (A) Shown in the taxpayer's business records maintained in the regular course of business; or (B) obtained during consummation of the sale or the negotiation of the contract for services or for the use of the taxpayer's intangible property, including any address of a customer's payment instrument when readily available to the taxpayer and no other address is available.

(vii) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i), (ii), (iii), (iv), (v), or (vi) of this subsection (3), gross income of the business must be attributed to the commercial domicile of the taxpayer.

(viii) For purposes of this subsection (3)(b), "customer" means a person or entity to whom the taxpayer makes a sale or renders services or from whom the taxpayer otherwise receives gross income of the business. "Customer" includes anyone who pays royalties or charges in the nature of royalties for the use of the taxpayer's intangible property.

(c) Gross income of the business from engaging in an apportionable activity must be excluded from the denominator of the receipts factor if, in respect to such activity, at least some of the activity is performed in this state, and the gross income is attributable under (b) of this subsection (3) to a state in which the taxpayer is not taxable. For purposes of this subsection (3)(c), "not taxable" means that the taxpayer is not subject to a business activities tax by that state, except that a taxpayer is taxable in a state in which it would be deemed to have substantial nexus with that state under the standards in section 104(1) of this act regardless of whether that state imposes such a tax. "Business activities tax" means a tax measured by the amount of, or economic results of, business activity conducted in a state. The term includes taxes measured in whole or in part on net income or gross income or receipts. "Business activities tax" does not include a sales tax, use tax, or a similar transaction tax, imposed on the sale or acquisition of goods or services, whether or not denominated a gross receipts tax or a tax imposed on the privilege of doing business.

(d) This subsection (3) does not apply to financial institutions with respect to apportionable income taxable under RCW 82.04.290. Financial institutions must calculate the receipts factor as provided in section 106 of this act and subsection (4) of this section with respect to apportionable income taxable under RCW 82.04.290. For purposes of this subsection, "financial institution" has the same meaning as in section 106 of this act.

(4) A taxpayer may calculate the receipts factor for the current tax year based on the most recent calendar year for which information is available for the full calendar year. If a taxpayer does not calculate the receipts factor for the current tax year based on previous calendar year information as authorized in this subsection, the business must use current year information to calculate the receipts factor for the current tax year. In either case, a taxpayer must correct the reporting for the current tax year when complete information is available to calculate the receipts factor for that year, but not later than October 31st of the following tax year. Interest will apply to any additional tax due on a corrected tax return. Interest must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the original return was due, and will accrue until the additional taxes are paid. Penalties as provided in RCW 82.32.090 will apply to any such additional tax due only if the current tax year reporting is not corrected and the additional tax is not paid by October 31st of the following tax year. Interest as provided in RCW 82.32.060 will apply to any tax paid in excess of that properly due on a return as a result of a taxpayer using previous calendar year data or incomplete current- year data to calculate the receipts factor.

(5) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Apportionable activities" and "apportionable income" have the same meaning as in RCW 82.04.460.

(b) "State" has the same meaning as in section 106 of this act.

NEW SECTION. Sec. 106. A new section is added to chapter 82.04 RCW to read as follows:

(1) A financial institution must, for purposes of apportioning gross income of the business taxable under RCW 82.04.290 using the apportionment method provided in section 105(1) of this act, calculate the receipts factor as provided in this section and section 105(4) of

this act. Financial institutions that are subject to tax under any other tax classification enumerated in RCW 82.04.460(3)(a) (i) through (v) and (vii) through (ix) must calculate a separate receipts factor, as provided in section 105 of this act, for each of the other tax classifications that the financial institution is taxable under.

(2)(a)(i) The numerator of the receipts factor includes gross income from interest, fees, and penalties on loans secured by real property, personal property, or both real and personal property, if the real or personal property is located within this state. If the property securing the loan is located both within this state and one or more other states, the income described in this subsection (2)(a)(i) is included in the numerator of the receipts factor if more than fifty percent of the fair market value of the real or personal property is located within this state. If more than fifty percent of the fair market value of the real or personal property is not located within any one state, then the income described in this subsection (2)(a)(i) is included in the numerator of the receipts factor if the borrower is located in this state.

(ii) The denominator of the receipts factor includes gross income from interest, fees, and penalties on loans secured by real property, personal property, or both real and personal property, wherever the property is located.

(iii) The determination of whether the real or personal property securing a loan is located within this state must be made as of the time the original agreement was made and any and all subsequent substitutions of collateral must be disregarded.

(b) The numerator of the receipts factor includes gross income from interest, fees, and penalties on loans not secured by real or personal property if the borrower is located in this state. The denominator of the receipts factor includes gross income from interest, fees, and penalties on loans that are not secured by real or personal property, regardless of where the borrower is located.

(c) The receipts factor includes gross income from net gains, which may not be less than zero, on the sale of loans. Net gains on the sale of loans includes income recorded under the coupon stripping rules of 26 U.S.C. Sec. 1286 of the federal internal revenue code of 1986, as existing on April 1, 2010.

(i) The amount of net gains, which may not be less than zero, on the sale of loans secured by real property, personal property, or both real and personal property, included in the numerator of the receipts factor is determined by multiplying such net gains by a fraction. The numerator of the fraction is the amount included in the numerator of the receipts factor under (a) of this subsection (2). The denominator of the fraction is the amount included in the denominator of the receipts factor under (a) of this subsection (2).

(ii) The amount of net gains, which may not be less than zero, from the sale of loans not secured by real or personal property included in the numerator of the receipts factor is determined by multiplying such net gains by a fraction. The numerator of the fraction is the amount included in the numerator of the receipts factor under (b) of this subsection (2). The denominator of the fraction is the amount included in the denominator of the receipts factor under (b) of this subsection (2).

(iii) The denominator of the receipts factor includes gross income from net gains, which may not be less than zero, on all sales of loans.

(d) Loan servicing fees are included in the receipts factor as provided in (d)(i) and (ii) of this subsection (2).

(i)(A)(I) The numerator of the receipts factor includes gross income from loan servicing fees derived from loans secured by real property, personal property, or both real and personal property, multiplied by a fraction. The numerator of the fraction is the amount included in the numerator of the receipts factor under (a) of this subsection (2). The denominator of the fraction is the amount included in the denominator of the receipts factor under (a) of this subsection (2).

(II) The denominator of the receipts factor includes gross income from all loan servicing fees derived from loans secured by real property, personal property, or both real and personal property.

(B)(I) The numerator of the receipts factor includes gross income from loan servicing fees derived from loans not secured by real or personal property multiplied by a fraction. The numerator of the fraction is the amount included in the numerator of the receipts factor under (b) of this subsection (2). The denominator of the fraction is the amount included in the denominator of the receipts factor under (b) of this subsection (2).

(II) The denominator of the receipts factor includes gross income from all loan servicing fees derived from loans not secured by real or personal property.

(ii) If the financial institution receives loan servicing fees for servicing either the secured or the unsecured loans of another, the numerator of the receipts factor includes such fees if the borrower is located in this state. The denominator of the receipts factor includes all such fees.

(e)(i) Interest, dividends, net gains (which may not be less than zero), and other income from investment assets and activities and from trading assets and activities, as provided in this subsection (2)(e), are included in the receipts factor. Investment assets and activities and trading assets and activities include but are not limited to: Investment securities; trading account assets; federal funds; securities purchased and sold under agreements to resell or repurchase; options; futures contracts; forward contracts; notional principal contracts such as swaps; equities; and foreign currency transactions.

(ii) The numerator of the receipts factor includes gross income from interest, dividends, net gains (which may not be less than zero), and other receipts from investment assets and activities and from trading assets and activities described in (e)(i) of this subsection (2) that are attributable to this state. The denominator of the receipts factor includes all such gross income wherever earned.

(A) The amount of interest, dividends, net gains (which may not be less than zero), and other income from investment assets and activities in the investment account to be attributed to this state and included in the numerator of the receipts factor is determined by multiplying all such income from such assets and activities by a fraction. The numerator of the fraction is the average value of such assets that are properly assigned to a regular place of business of the financial institution within this state. The denominator of the fraction is the average value of all such assets.

(B)(I) The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to this state and included in the numerator of the receipts factor is determined by multiplying the amount described in (e)(ii)(B)(II) of this subsection (2) from such funds and such securities by a fraction. The numerator of the fraction is the average value of federal funds sold and securities purchased under agreements to resell that are properly assigned to a regular place of business of the financial institution within this state. The denominator of the fraction is the average value of all such funds and such securities.

(II) The amount used for purposes of making the calculation in (e)(ii)(B)(I) of this subsection (2) is the amount by which interest from federal funds sold and securities purchased under resale agreements exceeds interest expense on federal funds purchased and securities sold under repurchase agreements.

(C)(I) The amount of interest, dividends, gains and other income from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book, and foreign currency transactions, but excluding amounts described in (e)(ii)(A) or (B) of this subsection (2), attributable to this state and included in the numerator of the receipts factor is determined by multiplying the amount described in (e)(ii)(C)(II) of this subsection (2) by a fraction.

The numerator of the fraction is the average value of such trading assets that are properly assigned to a regular place of business of the financial institution within this state. The denominator of the fraction is the average value of all such assets.

(II) The amount used for purposes of making the calculation in (e)(ii)(C)(I) of this subsection (2) is the amount by which interest, dividends, gains and other receipts from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book, and foreign currency transactions, exceed amounts paid in lieu of interest, amounts paid in lieu of dividends, and losses from such assets and activities.

(D) For purposes of this subsection (2)(e)(ii), average value must be determined using the rules for determining the average value of property set forth in section 104(2) of this act.

(iii) In lieu of using the method set forth in (e)(ii) of this subsection (2), the financial institution may elect, or the department may require, in order to fairly represent the business activity of the financial institution in this state, the use of the method set forth in this subsection (2)(e)(iii).

(A) The amount of interest, dividends, net gains (which may not be less than zero), and other income from investment assets and activities in the investment account to be attributed to this state and included in the numerator of the receipts factor is determined by multiplying all such income from such assets and activities by a fraction. The numerator of the fraction is the gross income from such assets and activities that are properly assigned to a regular place of business of the financial institution within this state. The denominator of the fraction is the gross income from all such assets and activities.

(B) The amount of interest from federal funds sold and purchased and from securities purchased under resale agreements and securities sold under repurchase agreements attributable to this state and included in the numerator of the receipts factor is determined by multiplying the amount described in (e)(ii)(B)(II) of this subsection (2) from such funds and such securities by a fraction. The numerator of the fraction is the gross income from such funds and such securities that are properly assigned to a regular place of business of the financial institution within this state. The denominator of the fraction is the gross income from all such funds and such securities.

(C) The amount of interest, dividends, gains and other receipts from trading assets and activities, including but not limited to assets and activities in the matched book, in the arbitrage book, and foreign currency transactions, but excluding amounts described in (e)(ii)(A) or (B) of this subsection (2), attributable to this state and included in the numerator of the receipts factor is determined by multiplying the amount described in (e)(ii)(C)(II) of this subsection (2) by a fraction. The numerator of the fraction is the gross income from such trading assets and activities that are properly assigned to a regular place of business of the financial institution within this state. The denominator of the fraction is the gross income from all such assets and activities.

(iv) If the financial institution elects or is required by the department to use the method set forth in (e)(iii) of this subsection (2), it must use this method for subsequent tax returns unless the financial institution receives prior permission from the department to use, or the department requires, a different method.

(v) The financial institution has the burden of proving that an investment asset or activity or trading asset or activity was properly assigned to a regular place of business outside of this state by demonstrating that the day-to-day decisions regarding the asset or activity occurred at a regular place of business outside this state. If the day-to-day decisions regarding an investment asset or activity or trading asset or activity occur at more than one regular place of business and one such regular place of business is in this state and one such regular place of business is outside this state, such asset or activity is considered to be located at the regular place of business of the financial institution where the investment or trading policies or guidelines with respect to the asset or activity are established. Such

policies and guidelines are presumed, subject to rebuttal by preponderance of the evidence, to be established at the commercial domicile of the financial institution.

(f) The numerator of the receipts factor includes gross income from interest, fees, and penalties on credit card receivables, and gross income from fees charged to cardholders, such as annual fees, if the billing address of the cardholder is in this state. The denominator of the receipts factor includes gross income from interest, fees, and penalties on all credit card receivables, and gross income from fees charged to all cardholders, such as annual fees.

(g)(i) The numerator of the receipts factor includes gross income from net gains, which may not be less than zero, from the sale of credit card receivables multiplied by a fraction. The numerator of the fraction is the amount included in the numerator of the receipts factor under (f) of this subsection (2). The denominator of the fraction is the amount included in the denominator of the receipts factor under (f) of this subsection (2).

(ii) The denominator of the receipts factor includes gross income from net gains, which may not be less than zero, from all sales of credit card receivables.

(h)(i) The numerator of the receipts factor includes gross income from all credit card issuer's reimbursement fees multiplied by a fraction. The numerator of the fraction is the amount included in the numerator of the receipts factor under (f) of this subsection (2). The denominator of the fraction is the amount included in the denominator of the receipts factor under (f) of this subsection (2).

(ii) The denominator of the receipts factor includes gross income from all credit card issuer's reimbursement fees.

(i) The numerator of the receipts factor includes gross income from merchant discounts if the commercial domicile of the merchant is in this state. The denominator of the receipts factor includes gross income from all merchant discounts. For purposes of this subsection (2)(i), gross income must be computed net of any cardholder charge backs but may not be reduced by any interchange transaction fees or by any issuer's reimbursement fees paid to another for charges made by its cardholders.

(j) Apportionable income that would be attributable under this subsection (2) to a state in which the financial institution is not taxable must be excluded from the denominator of the receipts factor if at least some of the activity that generated the income is performed in this state, and the gross income is attributable under this subsection (2) to a state in which the taxpayer is not taxable. For purposes of this subsection (2)(j), "not taxable" has the same meaning as in section 105 of this act.

(k)(i) The numerator of the receipts factor includes apportionable income taxable under RCW 82.04.290 and not otherwise included in the receipts factor under this subsection (2) if the activity producing the apportionable income is performed in this state. If the activity is performed both inside and outside this state, the numerator of the receipts factor includes apportionable income taxable under RCW 82.04.290 and not otherwise included in the receipts factor under this subsection (2) if a greater proportion of the activity producing the apportionable income is performed in this state based on cost of performance.

(ii) The denominator of the receipts factor includes apportionable income taxable under RCW 82.04.290 from activities performed everywhere, where the apportionable income taxable under RCW 82.04.290 is not otherwise included in the receipts factor under this subsection (2).

(3) Except as otherwise provided in subsection (4) of this section, the definitions in the multistate tax commission's recommended formula for the apportionment and allocation of net income of financial institutions, adopted November 17, 1994, as existing on the effective date of this section, apply to this section.

(4) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Apportionable income" has the same meaning as in RCW 82.04.460.

(b) "Credit card" means a card or device existing for the purpose of obtaining money, property, labor, or services on credit.

(c) "Financial institution" has the same meaning as in WAC 458-20-14601. However, the department may not make any substantive changes to the definition of "financial institution" in WAC 458-20-14601 unless the changes implement a legislative amendment to this definition of financial institution.

(d) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision of a foreign country.

Sec. 107. RCW 82.04.2907 and 2009 c 535 s 407 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of receiving income from royalties ((or charges in the nature of royalties for the granting of intangible rights, such as copyrights, licenses, patents, or franchise fees)), the amount of tax with respect to ((such)) the business ((shall be)) is equal to the gross income from royalties ((or charges in the nature of royalties from the business)) multiplied by the rate of 0.484 percent.

(2) For the purposes of this section, "gross income from royalties" means compensation for the use of intangible property, ~~((such as))~~ including charges in the nature of royalties, regardless of where the intangible property will be used. For purposes of this subsection, "intangible property" includes copyrights, patents, licenses, franchises, trademarks, trade names, and similar items. ~~((H))~~ "Gross income from royalties" does not include compensation for any natural resource, the licensing of prewritten computer software to the end user, or the licensing ~~((or use))~~ of digital goods, digital codes, or digital automated services to the end user as defined in RCW 82.04.190(11).

Sec. 108. RCW 82.04.460 and 2004 c 174 s 6 are each amended to read as follows:

(1) ~~Except as otherwise provided in this section, any person ((rendering services)) earning apportionable income taxable under ((RCW 82.04.290 or 82.04.2908)) this chapter and ((maintaining places of business both within and without this state which contribute to the rendition of such services shall)) also taxable in another state, must, for the purpose of computing tax liability under ((RCW 82.04.290 or 82.04.2908)) this chapter, apportion to this state, in accordance with section 105 of this act, that portion of the person's ((gross)) apportionable income ((which is)) derived from ((services rendered)) business activities performed within this state. ((Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of the taxpayer's total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.))~~

(2) ~~((Notwithstanding the provision of subsection (1) of this section, persons doing business both within and without the state who receive gross income from service charges, as defined in RCW 63.14.010 (relating to amounts charged for granting the right or privilege to make deferred or installment payments) or who receive gross income from engaging in business as financial institutions within the scope of chapter 82.14A RCW (relating to city taxes on financial institutions) shall apportion or allocate gross income taxable under RCW 82.04.290 to this state pursuant to rules promulgated by the department consistent with uniform rules for apportionment or allocation developed by the states.~~

~~((3))~~ The department ~~((shall))~~ may by rule provide a method or methods of apportioning or allocating gross income derived from sales of telecommunications service and competitive telephone service((s)) taxed under this chapter, if the gross proceeds of sales subject to tax under this chapter do not fairly represent the extent

of the taxpayer's income attributable to this state. ~~((The rules shall be, so far as feasible, consistent with the methods of apportionment contained in this section and shall require the consideration of those facts, circumstances, and apportionment factors as will result in an equitable and constitutionally permissible division of the services.))~~ The rule must provide for an equitable and constitutionally permissible division of the tax base.

(3) For purposes of this section, the following definitions apply unless the context clearly requires otherwise:

(a) "Apportionable income" means gross income of the business generated from engaging in apportionable activities, including income received from apportionable activities performed outside this state if the income would be taxable under this chapter if received from activities in this state, less the exemptions and deductions allowable under this chapter. For purposes of this subsection, "apportionable activities" means only those activities taxed under:

(i) RCW 82.04.255;

(ii) RCW 82.04.260 (3), (4), (5), (6), (7), (8), (9), and (12);

(iii) RCW 82.04.280(5);

(iv) RCW 82.04.285;

(v) RCW 82.04.286;

(vi) RCW 82.04.290;

(vii) RCW 82.04.2907;

(viii) RCW 82.04.2908; and

(ix) RCW 82.04.260(13), 82.04.263, and 82.04.280(1), but only to the extent of any activity that would be taxable under any of the provisions enumerated under (a)(i) through (viii) of this subsection (3) if the tax classifications in RCW 82.04.260(13), 82.04.263, and 82.04.280(1) did not exist.

(b)(i) "Taxable in another state" means that the taxpayer is subject to a business activities tax by another state on its income received from engaging in apportionable activities; or the taxpayer is not subject to a business activities tax by another state on its income received from engaging in apportionable activities, but any other state has jurisdiction to subject the taxpayer to a business activities tax on such income under the substantial nexus standards in section 104(1) of this act.

(ii) For purposes of this subsection (3)(b):

(A) "Business activities tax" has the same meaning as in section 105 of this act; and

(B) "State" has the same meaning as in section 106 of this act.

PART II

Tax Avoidance Transactions

NEW SECTION. Sec. 201. A new section is added to chapter 82.32 RCW to read as follows:

(1)(a) Unless otherwise specifically provided in statute, the department must respect the form of a transaction, except where the form of the transaction or a related series of transactions is adopted for the purpose of:

(i) Disguising income received, or otherwise avoiding tax on income, from a person that is not affiliated with the taxpayer;

(ii) Disguising the purchase or sale of property or services from or to a person that is not affiliated with the taxpayer; or

(iii) Avoiding the tax imposed in RCW 82.12.020 on the use of property in this state that is owned by an entity organized outside of Washington.

(b) For purposes of this subsection, "affiliated" means under common control. "Control" means the possession, directly or indirectly, of more than fifty percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

(2)(a) The department must, as resources allow, adopt rules to assist in determining when to disregard the form of a transaction or a related series of transactions adopted for the purposes described in subsection (1)(a)(i) through (iii) of this section. In adopting rules, the

department may consider the following judicial doctrines, except to the extent such doctrines are inconsistent with express provisions contained in Washington state statutes:

- (i) The sham transaction doctrine;
- (ii) The economic substance doctrine;
- (iii) The business purpose doctrine;
- (iv) The substance over form doctrine;
- (v) The step transaction doctrine; and
- (vi) The assignment of income doctrine.

(b) The adoption of a rule as required under this subsection is not a condition precedent for the department to use the authority provided in this section. Any rules adopted under this section must include examples of transactions that the department will disregard for tax purposes.

(3) The provisions of this section are cumulative and nonexclusive and do not affect any other remedies provided to the department under statutory or common law.

NEW SECTION. Sec. 202. A new section is added to chapter 82.32 RCW to read as follows:

(1)(a) The department may not use section 201 of this act to disregard any transaction, plan, or arrangement initiated before April 1, 2010, if, in respect to such transaction, plan, or arrangement, the taxpayer had reported its tax liability in conformance with either specific written instructions provided by the department to the taxpayer, a determination published under the authority of RCW 82.32.410, or other document published by the department.

(b) This section does not apply if the transaction, plan, or arrangement engaged in by the taxpayer differs materially from the transaction, plan, or arrangement that was addressed in the specific written instructions, published determination, or other published document.

(2) For purposes of this section, "specific written instructions" means tax reporting instructions provided to a taxpayer and which specifically identifies the taxpayer to whom the instructions apply. Specific written instructions may be provided as part of an audit, tax assessment, determination, closing agreement, or in response to a binding ruling request.

Sec. 203. RCW 82.32.090 and 2006 c 256 s 6 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there ~~((shall be))~~ is assessed a penalty of five percent of the amount of the tax; and if the tax is not received on or before the last day of the month following the due date, there ~~((shall be))~~ is assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if the tax is not received on or before the last day of the second month following the due date, there ~~((shall be))~~ is assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added shall be less than five dollars.

(2) If the department of revenue determines that any tax has been substantially underpaid, there ~~((shall be))~~ is assessed a penalty of five percent of the amount of the tax determined by the department to be due. If payment of any tax determined by the department to be due is not received by the department by the due date specified in the notice, or any extension thereof, there ~~((shall be))~~ is assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if payment of any tax determined by the department to be due is not received on or before the thirtieth day following the due date specified in the notice of tax due, or any extension thereof, there ~~((shall be))~~ is assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added ~~((shall))~~ may be less than five dollars. As used in this section, "substantially underpaid" means that the taxpayer has paid less than eighty percent of the amount of tax determined by the department to be due for all of the types of taxes included in, and for the entire period of time covered

by, the department's examination, and the amount of underpayment is at least one thousand dollars.

(3) If a warrant ~~((be))~~ is issued by the department ~~((of revenue))~~ for the collection of taxes, increases, and penalties, there ~~((shall be))~~ is added thereto a penalty of ten percent of the amount of the tax, but not less than ten dollars.

(4) If the department finds that a person has engaged in any business or performed any act upon which a tax is imposed under this title and that person has not obtained from the department a registration certificate as required by RCW 82.32.030, the department ~~((shall))~~ must impose a penalty of five percent of the amount of tax due from that person for the period that the person was not registered as required by RCW 82.32.030. The department ~~((shall))~~ may not impose the penalty under this subsection (4) if a person who has engaged in business taxable under this title without first having registered as required by RCW 82.32.030, prior to any notification by the department of the need to register, obtains a registration certificate from the department.

(5) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department ~~((shall))~~ must add a penalty of ten percent of the amount of the additional tax found due because of the failure to follow the instructions. A taxpayer disregards specific written instructions when the department ~~((of revenue))~~ has informed the taxpayer in writing of the taxpayer's tax obligations and the taxpayer fails to act in accordance with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department ~~((shall))~~ may not assess the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the department to that taxpayer. Specific written instructions may be given as a part of a tax assessment, audit, determination, or closing agreement, provided that such specific written instructions ~~((shall))~~ apply only to the taxpayer addressed or referenced on such documents. Any specific written instructions by the department ~~((of revenue shall))~~ must be clearly identified as such and ~~((shall))~~ must inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

(6) If the department finds that all or any part of a deficiency resulted from engaging in a disregarded transaction, as described in section 201(1)(a) (i), (ii), or (iii) of this act, the department must assess a penalty of thirty-five percent of the additional tax found to be due as a result of engaging in a transaction disregarded by the department under section 201(1)(a) (i), (ii), or (iii) of this act. The penalty provided in this subsection may be assessed together with any other applicable penalties provided in this section on the same tax found to be due, except for the evasion penalty provided in subsection (7) of this section. The department may not assess the penalty under this subsection if, before the department discovers the taxpayer's use of a transaction described under section 201(1)(a) (i), (ii), or (iii) of this act, the taxpayer discloses its participation in the transaction to the department.

~~((7))~~ (7) If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable ~~((hereunder))~~, a further penalty of fifty percent of the additional tax found to be due ~~((shall))~~ must be added.

~~((7))~~ (8) The penalties imposed under subsections (1) through (4) of this section can each be imposed on the same tax found to be due. This subsection does not prohibit or restrict the application of other penalties authorized by law.

~~((8))~~ (9) The department ~~((of revenue))~~ may not impose both the evasion penalty and the penalty for disregarding specific written instructions or the penalty provided in subsection (6) of this section on the same tax found to be due.

~~((9))~~ (10) For the purposes of this section, "return" means any document a person is required by the state of Washington to file to satisfy or establish a tax or fee obligation that is administered or collected by the department ~~((of revenue))~~, and that has a statutorily defined due date.

NEW SECTION. Sec. 204. (1) The legislature finds that this state's tax policy with respect to the taxation of transactions between affiliated entities and the income derived from such transactions (intercompany transactions) has motivated some taxpayers to engage in transactions designed solely or primarily to minimize the tax effects of intercompany transactions. The legislature further finds that some intercompany transactions result from taxpayers that are required to establish affiliated entities to comply with regulatory mandates and that transactions between such affiliates effectively increases the tax burden in this state on the affiliated group of entities.

(2) Therefore, as existing resources allow, the department of revenue is directed to conduct a review of the state's tax policy with respect to the taxation of intercompany transactions. The review must include the impacts of such transactions under the state's business and occupation tax and state and local sales and use taxes. The department may include other taxes in the review as it deems appropriate.

(3) In conducting the review, the department must examine how this state's tax policy compares to the tax policy of other states with respect to the taxation of intercompany transactions. The department's review must include an analysis of potential alternatives to the current policy of taxing intercompany transactions, including their estimated revenue impacts if practicable.

(4) In conducting this review, the department may seek input from members of the business community and others as it deems appropriate.

(5) The department must report its findings to the fiscal committees of the house of representatives and senate by December 1, 2010. However, if the department has not completed its review by December 1, 2010, the department must provide the fiscal committees of the legislature with a brief status report by December 1, 2010, and the final report by December 1, 2011.

Sec. 205. RCW 82.12.020 and 2009 c 535 s 305 are each amended to read as follows:

(1) There is ~~((hereby))~~ levied and ~~((there shall be))~~ collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any:

(a) Article of tangible personal property ~~((purchased at retail, or))~~ acquired by ~~((lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7)))~~ the user in any manner, including tangible personal property acquired at a casual or isolated sale, and including by-products used by the manufacturer thereof, except as otherwise provided in this chapter, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state;

(b) Prewritten computer software, regardless of the method of delivery, but excluding prewritten computer software that is either provided free of charge or is provided for temporary use in viewing information, or both;

(c) Services defined as a retail sale in RCW 82.04.050 (2)(a) or (g), (3)(a), or (6)(b), excluding services defined as a retail sale in RCW 82.04.050(6)(b) that are provided free of charge;

(d) Extended warranty; or

(e)(i) Digital good, digital code, or digital automated service, including the use of any services provided by a seller exclusively in connection with digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(ii) With respect to the use of digital goods, digital automated services, and digital codes acquired by purchase, the tax imposed in this subsection (1)(e) applies in respect to:

(A) Sales in which the seller has granted the purchaser the right of permanent use;

(B) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(C) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(D) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(iii) With respect to digital goods, digital automated services, and digital codes acquired other than by purchase, the tax imposed in this subsection (1)(e) applies regardless of whether or not the consumer has a right of permanent use or is obligated to make continued payment as a condition of use.

(2) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property, extended warranty, digital good, digital code, digital automated service, or service taxable under RCW 82.04.050 (2)(a) or (g), (3)(a), or (6)(b), if the sale to, or the use by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(3)(a) Except as provided in this section, payment of the tax imposed by this chapter or chapter 82.08 RCW by one purchaser or user of tangible personal property, extended warranty, digital good, digital code, digital automated service, or other service does not have the effect of exempting any other purchaser or user of the same property, extended warranty, digital good, digital code, digital automated service, or other service from the taxes imposed by such chapters.

(b) The tax imposed by this chapter does not apply:

(i) If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor;

(ii) In respect to the use of any article of tangible personal property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use;

(iii) In respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961; or

(iv) To the use of digital goods or digital automated services, which were obtained through the use of a digital code, if the sale of the digital code to, or the use of the digital code by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(4)(a) Except as provided in (b) of this subsection (4), the tax is levied and must be collected in an amount equal to the value of the article used, value of the digital good or digital code used, value of the extended warranty used, or value of the service used by the taxpayer, multiplied by the applicable rates in effect for the retail sales tax under RCW 82.08.020.

(b) In the case of a seller required to collect use tax from the purchaser, the tax must be collected in an amount equal to the purchase price multiplied by the applicable rate in effect for the retail sales tax under RCW 82.08.020.

(5) For purposes of the tax imposed in this section, "person" includes anyone within the definition of "buyer," "purchaser," and "consumer" in RCW 82.08.010.

Sec. 206. RCW 82.45.010 and 2008 c 116 s 3 and 2008 c 6 s 701 are each reenacted and amended to read as follows:

(1) As used in this chapter, the term "sale" (~~(shall have)~~) has its ordinary meaning and (~~(shall)~~) includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a twelve-month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert (~~(shall)~~) must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department (~~(of revenue shall)~~) must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department (~~(shall)~~) must consider the following:

~~((a))~~ (i) Persons (~~(shall)~~) must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

~~((b))~~ (ii) When persons are not commonly owned or controlled, they (~~(shall)~~) must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions (~~(shall be)~~) are considered separate acquisitions.

(3) The term "sale" (~~(shall)~~) does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer of any leasehold interest other than of the type mentioned above.

(c) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(d) The partition of property by tenants in common by agreement or as the result of a court decree.

(e) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(f) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(g) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(h) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(i) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(j) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(k) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(l) The sale of any grave or lot in an established cemetery.

(m) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(n) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(o) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner (~~(= PROVIDED, That)~~). However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than ~~((+))~~ (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, ~~((2))~~ (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or ~~((3))~~ (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes ~~((shall))~~ become due and payable on the original transfer as otherwise provided by law.

(p)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of ~~((section))~~ 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (p)(i) of this subsection cannot be preceded or followed within a twelve-month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (p)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(p)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax

under this subsection (3)(p)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(q) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

Sec. 207. RCW 82.45.033 and 1993 sp.s. c 25 s 505 are each amended to read as follows:

(1) As used in this chapter, the term "controlling interest" has the following meaning:

~~((+))~~ (a) In the case of a corporation, either fifty percent or more of the total combined voting power of all classes of stock of the corporation entitled to vote, or fifty percent of the capital, profits, or beneficial interest in the voting stock of the corporation; and

~~((2))~~ (b) In the case of a partnership, association, trust, or other entity, fifty percent or more of the capital, profits, or beneficial interest in such partnership, association, trust, or other entity.

(2) The department may, at the department's option, enforce the obligation of the seller under this chapter as provided in this subsection (2):

(a) In the transfer or acquisition of a controlling interest as defined in subsection (1)(a) of this section, either against the corporation in which a controlling interest is transferred or acquired, against the person or persons who acquired the controlling interest in the corporation or, when the corporation is not a publicly traded company, against the person or persons who transferred the controlling interest in the corporation; and

(b) In the transfer or acquisition of a controlling interest as defined in subsection (1)(b) of this section, either against the entity in which a controlling interest is transferred or acquired or against the person or persons who transferred or acquired the controlling interest in the entity.

Sec. 208. RCW 82.45.070 and 1969 ex.s. c 223 s 28A.45.070 are each amended to read as follows:

The tax ~~((herein))~~ provided for in this chapter and any interest or penalties thereon ~~((shall be))~~ is a specific lien upon each ((piece)) parcel of real property located in this state that is either sold or that is owned by an entity in which a controlling interest has been transferred or acquired. The lien attaches from the time of sale until the tax ~~((shall have been))~~ is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages.

Sec. 209. RCW 82.45.080 and 1980 c 154 s 3 are each amended to read as follows:

(1) The tax levied under this chapter ~~((shall be))~~ is the obligation of the seller and the department ((of revenue)) may, at the department's option, enforce the obligation through an action of debt against the seller or the department may proceed in the manner prescribed for the foreclosure of mortgages ((and resort to)). The department's use of one course of enforcement ((shall)) is not ((be)) an election not to pursue the other.

(2) For purposes of this section and notwithstanding any other provisions of law, the seller is the parent corporation of a wholly owned subsidiary, when such subsidiary is the transferor to a third-party transferee and the subsidiary is dissolved before paying the tax imposed under this chapter.

Sec. 210. RCW 82.45.100 and 2007 c 111 s 112 are each amended to read as follows:

(1) Payment of the tax imposed under this chapter is due and payable immediately at the time of sale, and if not paid within one month thereafter ~~((shall))~~ will bear interest from the time of sale until the date of payment.

(a) Interest imposed before January 1, 1999, ~~((shall be))~~ is computed at the rate of one percent per month.

(b) Interest imposed after December 31, 1998, ~~((shall be))~~ is computed on a monthly basis at the rate as computed under RCW 82.32.050(2). The rate so computed ~~((shall))~~ must be adjusted on the first day of January of each year for use in computing interest for that

calendar year. The department ~~((of revenue shall))~~ must provide written notification to the county treasurers of the variable rate on or before December 1st of the year preceding the calendar year in which the rate applies.

(2) In addition to the interest described in subsection (1) of this section, if the payment of any tax is not received by the county treasurer or the department of revenue, as the case may be, within one month of the date due, there ~~((shall be))~~ is assessed a penalty of five percent of the amount of the tax; if the tax is not received within two months of the date due, there ~~((shall))~~ will be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within three months of the date due, there ~~((shall))~~ will be assessed a total penalty of twenty percent of the amount of the tax. The payment of the penalty described in this subsection ~~((shall be))~~ is collectible from the seller only, and RCW 82.45.070 does not apply to the penalties described in this subsection.

(3) If the tax imposed under this chapter is not received by the due date, the transferee ~~((shall be))~~ is personally liable for the tax, along with any interest as provided in subsection (1) of this section, unless ~~((~~ ~~—(a))~~ an instrument evidencing the sale is recorded in the official real property records of the county in which the property conveyed is located ~~((~~ ~~—(a))~~

(b) Either the transferor or transferee notifies the department of revenue in writing of the occurrence of the sale within thirty days following the date of the sale)).

(4) If upon examination of any affidavits or from other information obtained by the department or its agents it appears that all or a portion of the tax is unpaid, the department ~~((shall))~~ must assess against the taxpayer the additional amount found to be due plus interest and penalties as provided in subsections (1) and (2) of this section. The department ~~((shall))~~ must notify the taxpayer by mail, or electronically as provided in RCW 82.32.135, of the additional amount and the same ~~((shall))~~ becomes due and ~~((shall))~~ must be paid within thirty days from the date of the notice, or within such further time as the department may provide.

(5) No assessment or refund may be made by the department more than four years after the date of sale except upon a showing of:

- (a) Fraud or misrepresentation of a material fact by the taxpayer;
- (b) A failure by the taxpayer to record documentation of a sale or otherwise report the sale to the county treasurer; or
- (c) A failure of the transferor or transferee to report the sale under RCW 82.45.090(2).

(6) Penalties collected on taxes due under this chapter under subsection (2) of this section and RCW 82.32.090 (2) through (7) ~~((shall))~~ must be deposited in the housing trust fund as described in chapter 43.185 RCW.

Sec. 211. RCW 82.45.220 and 2005 c 326 s 3 are each amended to read as follows:

(1) An organization that fails to report a transfer of the controlling interest in the organization under RCW 43.07.390 to the secretary of state and is later determined to be subject to real estate excise taxes due to the transfer, ~~((shall be))~~ is subject to the provisions of RCW 82.45.100 as well as the evasion penalty in RCW 82.32.090 ~~((6))~~ (7).
 (2) Subsection (1) of this section also applies to the failure to report to the secretary of state the granting of an option to acquire an interest in the organization if the exercise of the option would result in a sale as defined in RCW 82.45.010(2).

Sec. 212. RCW 43.07.390 and 2005 c 326 s 2 are each amended to read as follows:

(1)(a) The secretary of state ~~((shall))~~ must adopt rules requiring any entity that is required to file an annual report with the secretary of state, including entities under Titles 23, 23B, 24, and 25 RCW, to disclose: (i) Any transfer ~~((in))~~ of the controlling interest ~~((of))~~ in the entity ~~((and any interest in real property)); and (ii) the granting of any~~

option to acquire an interest in the entity if the exercise of the option would result in a sale as defined in RCW 82.45.010(2).

(b) The disclosure requirement in this subsection only applies to entities owning an interest in real property located in this state.

(2) This information ~~((shall))~~ must be made available to the department of revenue upon request for the purposes of tracking the transfer of the controlling interest in entities owning real property and to determine when the real estate excise tax is applicable in such cases.

(3) For the purposes of this section, "controlling interest" has the same meaning as provided in RCW 82.45.033.

PART III

Modifying and Placing a Cap on the First Mortgage Deduction

NEW SECTION. Sec. 301. In 1980, the legislature adopted a business and occupation tax deduction to financial businesses for amounts derived from interest received on investments or loans primarily secured by first mortgages or trust deeds on nontransient residential properties which was codified in RCW 82.04.4292. However, the Washington state supreme court in *Homestreet, Inc. v. Dep't of Revenue*, 166 Wn.2d 444 (2009) held that a mortgage lender was entitled to a business and occupation tax deduction under RCW 82.04.4292 for the portion of interest it retained for servicing loans and mortgage-backed securities that it sold on a service-retained basis on the secondary market. The legislature finds that inclusion of interest retained for servicing loans and mortgage-backed securities was not within the legislative intent when the deduction provided in 82.04.4292 was adopted in 1980. Therefore, by this act, the legislature declares that the deduction provided by RCW 82.04.4292 does not apply to fees that are received in exchange for services, regardless of whether the source of the fees is or may have been interest when paid by a borrower.

Sec. 302. RCW 82.04.4292 and 1980 c 37 s 12 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax by those engaged in banking, loan, security or other financial businesses, amounts derived from interest received on investments or loans primarily secured by first mortgages or trust deeds on nontransient residential properties.

(2) Interest deductible under this section includes the portion of fees charged to borrowers, including points and loan origination fees, that is recognized over the life of the loan as an adjustment to yield in the taxpayer's books and records according to generally accepted accounting principles.

(3) Subsections (1) and (2) of this section notwithstanding, the following is a nonexclusive list of items that are not deductible under this section:

(a) Fees for specific services such as: Document preparation fees; finder fees; brokerage fees; title examination fees; fees for credit checks; notary fees; loan application fees; interest lock-in fees if the loan is not made; servicing fees, including servicing fees received by lenders when they sell loans or mortgage-backed or mortgage-related securities in the secondary market while retaining the right to service the loans or securities and receive a portion of the interest payments as the servicing fee; and similar fees or amounts;

(b) Fees received in consideration for an agreement to make funds available for a specific period of time at specified terms, commonly referred to as commitment fees;

(c) Any other fees, or portion of a fee, that is not recognized over the life of the loan as an adjustment to yield in the taxpayer's books and records according to generally accepted accounting principles; and

(d) Gains on the sale of valuable rights such as:

(i) Service release premiums, which are amounts received when servicing rights are sold; and

(ii) Gains on the sale of loans.

(4) The total amount a person may deduct under this section for any calendar year may not exceed one hundred million dollars.

PART IV

Repealing the Nonresident Sales Tax Exemption

NEW SECTION. Sec. 401. RCW 82.08.0273 (Exemptions--Sales to nonresidents of tangible personal property, digital goods, and digital codes for use outside the state--Proof of nonresident status-- Penalties) and 2009 c 535 s 512, 2007 c 135 s 2, 2003 c 53 s 399, 1993 c 444 s 1, 1988 c 96 s 1, 1982 1st ex.s. c 5 s 1, & 1980 c 37 s 39 are each repealed.

PART V

Direct Seller Business and Occupation Tax Exemption

NEW SECTION. Sec. 501. (1) A business and occupation tax exemption is provided in RCW 82.04.423 for certain out-of-state sellers that sell consumer products exclusively to or through a direct seller's representative. The intent of the legislature in enacting this exemption was to provide a narrow exemption for out-of-state businesses engaged in direct sales of consumer products, typically accomplished through in-home parties or door-to-door selling.

(2) In *Dot Foods, Inc. v. Dep't of Revenue*, Docket No. 81022-2 (September 10, 2009), the Washington supreme court held that the exemption in RCW 82.04.423 applied to a taxpayer: (a) That sold nonconsumer products through its representative in addition to consumer products; and (b) whose consumer products were ultimately sold at retail in permanent retail establishments.

(3) The legislature finds that most out-of-state businesses selling consumer products in this state will either be eligible for the exemption under RCW 82.04.423 or could easily restructure their business operations to qualify for the exemption. As a result, the legislature expects that the broadened interpretation of the direct sellers' exemption will lead to large and devastating revenue losses. This comes at a time when the state's existing budget is facing a two billion six hundred million dollar shortfall, which could grow, while at the same time the demand for state and state-funded services is also growing. Moreover, the legislature further finds that RCW 82.04.423 provides preferential tax treatment for out-of-state businesses over their in-state competitors and now creates a strong incentive for in-state businesses to move their operations outside Washington.

(4) Therefore, the legislature finds that it is necessary to reaffirm the legislature's intent in establishing the direct sellers' exemption and prevent the loss of revenues resulting from the expanded interpretation of the exemption by amending RCW 82.04.423 retroactively to conform the exemption to the original intent of the legislature and by prospectively ending the direct sellers' exemption as of the effective date of this section.

Sec. 502. RCW 82.04.423 and 1983 1st ex.s. c 66 s 5 are each amended to read as follows:

(1) ~~Prior to April 1, 2010, this chapter ((shall))~~ does not apply to any person in respect to gross income derived from the business of making sales at wholesale or retail if such person:

- (a) Does not own or lease real property within this state; and
- (b) Does not regularly maintain a stock of tangible personal property in this state for sale in the ordinary course of business; and
- (c) Is not a corporation incorporated under the laws of this state; and
- (d) Makes sales in this state exclusively to or through a direct seller's representative.

(2) For purposes of this section, the term "direct seller's representative" means a person who buys only consumer products on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise than in a permanent retail establishment, or who sells at retail, or solicits the sale at retail of, only consumer products in the home or otherwise than in a permanent retail establishment; and

(a) Substantially all of the remuneration paid to such person, whether or not paid in cash, for the performance of services described

in this subsection is directly related to sales or other output, including the performance of services, rather than the number of hours worked; and

(b) The services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee with respect to such purposes for federal tax purposes.

(3) Nothing in this section (~~shall~~) may be construed to imply that a person exempt from tax under this section was engaged in a business activity taxable under this chapter prior to (~~the enactment of this section~~) August 23, 1983.

PART VI

Business and Occupation Tax Preferences for Manufacturers of Products Derived from Certain Agricultural Products

NEW SECTION. Sec. 601. (1)(a) In 1967, the legislature amended RCW 82.04.260 in chapter 149, Laws of 1967 ex. sess. to authorize a preferential business and occupation tax rate for slaughtering, breaking, and/or processing perishable meat products and/or selling the same at wholesale. The legislature finds that RCW 82.04.260(4) was interpreted by the state supreme court on January 13, 2005, in *AgriLink Foods, Inc. v. Department of Revenue*, 153 Wn.2d 392 (2005). The supreme court held that the preferential business and occupation tax rate on the slaughtering, breaking, and/or processing of perishable meat products applied to the processing of perishable meat products into nonperishable finished products, such as canned food.

(b) The legislature intends to narrow the exemption provided for slaughtering, breaking, and/or processing perishable meat products and/or selling such products at wholesale by requiring that the end product be a perishable meat product; a nonperishable meat product that is comprised primarily of animal carcass by weight or volume, other than a canned meat product; or a meat by-product.

(2)(a) A business and occupation tax exemption is provided for (i) manufacturing by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, and (ii) selling such products at wholesale by the manufacturer to purchasers who transport the goods out of state in the ordinary course of business. This exemption expires July 1, 2012, and is replaced by a preferential business and occupation tax rate.

(b) The legislature finds that the rationale of the *AgriLink* decision, if applied to these tax preferences, could result in preferential tax treatment for any processed food product that contained any fresh fruit or vegetable as an ingredient, however small the amount.

(c) The legislature intends to narrow the tax preference provided to fruit and vegetable manufacturers by requiring that the end product be comprised either (i) exclusively of fruits and/or vegetables, or (ii) of any combination of fruits, vegetables, and certain other substances that, cumulatively, may not exceed the amount of fruits and vegetables contained in the product measured by weight or volume.

NEW SECTION. Sec. 602. A new section is added to chapter 82.04 RCW to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Perishable meat products, by slaughtering, breaking, or processing, if the finished product is a perishable meat product; as to such persons the tax imposed is equal to the value of the perishable meat products manufactured, or, in the case of a processor for hire, the gross income of the business, multiplied by the rate of 0.138 percent;

(b) Meat products, by dehydration, curing, smoking, or any combination of these activities, if the finished meat products are not canned; as to such persons the tax imposed is equal to the value of the meat products manufactured, or, in the case of a processor for hire,

the gross income of the business, multiplied by the rate of 0.138 percent;

(c) Hides, tallow, meat meal, and other similar meat by-products, if such products are derived in part from animals and manufactured in a rendering plant licensed under chapter 16.68 RCW; as to such persons the tax imposed is equal to the value of the products manufactured, or, in the case of a processor for hire, the gross income of the business, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of selling at wholesale:

(a) Perishable meat products; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent;

(b) Meat products that have been manufactured by the seller by dehydration, curing, smoking, or any combination of such activities, if the finished meat products are not canned; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent;

(c) Hides, tallow, meat meal, and other similar meat by-products, if such products are derived in part from animals and manufactured by the seller in a rendering plant; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Animal" means all members of the animal kingdom except humans, fish, and insects.

(b) "Carcass" means all or any parts, including viscera, of a slaughtered animal.

(c) "Fish" means any water-breathing animal, including shellfish.

(d) "Hide" means any unprocessed animal pelt or skin.

(e)(i) "Meat products" means:

(A) Products comprised exclusively of animal carcass; and

(B) Products, such as jerky, sausage, and other cured meat products, that are comprised primarily of animal carcass by weight or volume and may also contain water; nitrates; nitrites; acids; binders and extenders; natural or synthetic casings; colorings; flavorings such as soy sauce, liquid smoke, seasonings, citric acid, sugar, molasses, corn syrup, and vinegar; and similar substances.

(ii) Except as provided in (e)(i) of this subsection (3), "meat products" does not include products containing any cereal grains or cereal-grain products, dairy products, legumes and legume products, fruit or vegetable products as defined in RCW 82.04.260, and similar ingredients, unless the ingredient is used as a flavoring. For purposes of this subsection, "flavoring" means a substance that contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf, or any other edible substance of plant origin, whose primary function in food is flavoring or seasoning rather than nutritional, and which may legally appear as "natural flavor," "flavor," or "flavorings" in the ingredient statement on the label of the meat product.

(iii) "Meat products" includes only products that are intended for human consumption as food or animal consumption as feed.

(f) "Perishable" means having a high risk of spoilage within thirty days of manufacture without any refrigeration or freezing.

(g) "Rendering plant" means any place of business or location where dead animals or any part or portion thereof, or packing house refuse, are processed for the purpose of obtaining the hide, skin, grease residue, or any other by-product whatsoever.

Sec. 603. RCW 82.04.4266 and 2006 c 354 s 3 are each amended to read as follows:

(1) This chapter (~~shall~~) does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing fruit(~~s~~) or vegetable(~~s~~) products by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables; or

(b) Selling at wholesale fruit(~~s~~) or vegetable(~~s~~) products manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2)(a) "Fruit or vegetable products" means:

(i) Products comprised exclusively of fruits, vegetables, or both; and

(ii) Products comprised of fruits, vegetables, or both, and which may also contain water, sugar, salt, seasonings, preservatives, binders, stabilizers, flavorings, yeast, and similar substances. However, the amount of all ingredients contained in the product, other than fruits, vegetables, and water, may not exceed the amount of fruits and vegetables contained in the product measured by weight or volume.

(b) "Fruit or vegetable products" includes only products that are intended for human consumption as food or animal consumption as feed.

(3) This section expires July 1, 2012.

Sec. 604. RCW 82.04.260 and 2009 c 479 s 64, 2009 c 461 s 1, and 2009 c 162 s 34 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business (~~shall be~~) is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2012, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business (~~shall be~~) is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c) Beginning July 1, 2012, dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed (~~shall be~~) is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(d)(i) Beginning July 1, 2012, fruit(~~s~~) or vegetable(~~s~~) products by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruit(~~s~~) or vegetable(~~s~~) products manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business (~~shall be~~) is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070

establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(ii) For purposes of this subsection, "fruit or vegetable products" means:

(A) Products comprised exclusively of fruits, vegetables, or both; or

(B) Products comprised of fruits, vegetables, or both, and which may also contain water, sugar, salt, seasonings, preservatives, binders, stabilizers, flavorings, yeast, and similar substances. However, the amount of all ingredients contained in the product, other than fruits, vegetables, and water, may not exceed the amount of fruits and vegetables contained in the product measured by weight or volume;

(iii) "Fruit and vegetable products" includes only products that are intended for human consumption as food or animal consumption as feed;

(e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business ~~((shall be))~~ is equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(f) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business ~~((shall be))~~ is equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business ~~((shall be))~~ is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities ~~((shall be))~~ is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) (Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

~~—(5))~~ Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities ~~((shall be))~~ is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

~~((6))~~ (5) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities ~~((shall be))~~ is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

~~((7))~~ (6) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business ~~((shall be))~~ is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection ~~((shall be))~~ are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage

yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

~~((8))~~ (7)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business ~~((shall be))~~ is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state ~~((shall))~~ must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

~~((9))~~ (8) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities ~~((shall be))~~ is equal to the gross income of such business multiplied by the rate of 0.484 percent.

~~((10))~~ (9) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities ~~((shall be))~~ is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

~~((11))~~ (10)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business ~~((shall))~~ is equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, ~~((be))~~ is equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through ~~((the later of))~~ June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection ~~((11))~~ (10) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business ~~((shall))~~ is equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, ~~((be))~~ is equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection ~~((11))~~ (10), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection (~~((44))~~) (10) must report as required under RCW 82.32.545.

(e) This subsection (~~((44))~~) (10) does not apply on and after July 1, 2024.

~~((42))~~ (11)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business (~~(shall)~~), in the case of extractors, (~~(be)~~) is equal to the value of products, including by-products, extracted, or in the case of extractors for hire, (~~(be)~~) is equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business (~~(shall)~~), in the case of manufacturers, (~~(be)~~) is equal to the value of products, including by-products, manufactured, or in the case of processors for hire, (~~(be)~~) is equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business (~~(shall be)~~) is equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) Until July 1, 2024, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business (~~(shall be)~~) is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection (~~((42))~~) (11)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection (~~((42))~~) (11)(e)(iii), "postconsumer waste" means a finished material that

would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

~~((43))~~ (12) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities (~~(shall be)~~) is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

~~((44))~~ (13) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.2904 percent.

Sec. 605. RCW 82.04.250 and 2008 c 81 s 5 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of making sales at retail, except persons taxable as retailers under other provisions of this chapter, as to such persons, the amount of tax with respect to such business (~~(shall be)~~) is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, except persons taxable under RCW 82.04.260(~~((44))~~) (10) or subsection (3) of this section, as to such persons, the amount of tax with respect to such business (~~(shall be)~~) is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

(3) Upon every person classified by the federal aviation administration as a federal aviation regulation part 145 certificated repair station and that is engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, as to such persons, the amount of tax with respect to such business (~~(shall be)~~) is equal to the gross proceeds of sales of the business, multiplied by the rate of .2904 percent.

Sec. 606. RCW 82.04.250 and 2007 c 54 s 5 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of making sales at retail, except persons taxable as retailers under other provisions of this chapter, as to such persons, the amount of tax with respect to such business (~~(shall be)~~) is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, except persons taxable under RCW 82.04.260(~~((44))~~) (10), as to such persons, the amount of tax with respect to such business (~~(shall be)~~) is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

Sec. 607. RCW 82.04.261 and 2007 c 54 s 7 and 2007 c 48 s 4 are each reenacted and amended to read as follows:

(1) In addition to the taxes imposed under RCW 82.04.260(~~((42))~~) (11), a surcharge is imposed on those persons who are subject to any of the taxes imposed under RCW 82.04.260(~~((42))~~) (11). Except as otherwise provided in this section, the surcharge is equal to 0.052 percent. The surcharge is added to the rates provided in RCW 82.04.260(~~((42))~~) (11) (a), (b), (c), and (d). The surcharge and this section expire July 1, 2024.

(2) All receipts from the surcharge imposed under this section (~~((shall))~~) must be deposited into the forest and fish support account created in RCW 76.09.405.

(3)(a) The surcharge imposed under this section (~~((shall be))~~) is suspended if:

(i) Receipts from the surcharge total at least eight million dollars during any fiscal biennium; or

(ii) The office of financial management certifies to the department that the federal government has appropriated at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington for any federal fiscal year.

(b)(i) The suspension of the surcharge under (a)(i) of this subsection (3) (~~((shall))~~) takes effect on the first day of the calendar month that is at least thirty days after the end of the month during which the department determines that receipts from the surcharge total at least eight million dollars during the fiscal biennium. The surcharge (~~((shall be))~~) is imposed again at the beginning of the following fiscal biennium.

(ii) The suspension of the surcharge under (a)(ii) of this subsection (3) (~~((shall))~~) takes effect on the later of the first day of October of any federal fiscal year for which the federal government appropriates at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington, or the first day of a calendar month that is at least thirty days following the date that the office of financial management makes a certification to the department under subsection (5) of this section. The surcharge (~~((shall be))~~) is imposed again on the first day of the following July.

(4)(a) If, by October 1st of any federal fiscal year, the office of financial management certifies to the department that the federal government has appropriated funds for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington but the amount of the appropriation is less than two million dollars, the department (~~((shall))~~) must adjust the surcharge in accordance with this subsection.

(b) The department (~~((shall))~~) must adjust the surcharge by an amount that the department estimates will cause the amount of funds deposited into the forest and fish support account for the state fiscal year that begins July 1st and that includes the beginning of the federal fiscal year for which the federal appropriation is made, to be reduced by twice the amount of the federal appropriation for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington.

(c) Any adjustment in the surcharge (~~((shall))~~) takes effect at the beginning of a calendar month that is at least thirty days after the date that the office of financial management makes the certification under subsection (5) of this section.

(d) The surcharge (~~((shall be))~~) is imposed again at the rate provided in subsection (1) of this section on the first day of the following state fiscal year unless the surcharge is suspended under subsection (3) of this section or adjusted for that fiscal year under this subsection.

(e) Adjustments of the amount of the surcharge by the department are final and (~~((shall))~~) may not be used to challenge the validity of the surcharge imposed under this section.

(f) The department (~~((shall))~~) must provide timely notice to affected taxpayers of the suspension of the surcharge or an adjustment of the surcharge.

(5) The office of financial management (~~((shall))~~) must make the certification to the department as to the status of federal appropriations for tribal participation in forest and fish report-related activities.

Sec. 608. RCW 82.04.298 and 2008 c 49 s 1 are each amended to read as follows:

(1) The amount of tax with respect to a qualified grocery distribution cooperative's sales of groceries or related goods for resale, excluding items subject to tax under (~~((RCW 82.04.260(4))~~) section 602 of this act, to customer-owners of the grocery distribution cooperative is equal to the gross proceeds of sales of the grocery distribution cooperative multiplied by the rate of one and one-half percent.

(2) A qualified grocery distribution cooperative is allowed a deduction from the gross proceeds of sales of groceries or related goods for resale, excluding items subject to tax under (~~((RCW 82.04.260(4))~~) section 602 of this act, to customer-owners of the grocery distribution cooperative that is equal to the portion of the gross proceeds of sales for resale that represents the actual cost of the merchandise sold by the grocery distribution cooperative to customer-owners.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Grocery distribution cooperative" means an entity that sells groceries and related items to customer-owners of the grocery distribution cooperative and has customer-owners, in the aggregate, who own a majority of the outstanding ownership interests of the grocery distribution cooperative or of the entity controlling the grocery distribution cooperative. "Grocery distribution cooperative" includes an entity that controls a grocery distribution cooperative.

(b) "Qualified grocery distribution cooperative" means:

(i) A grocery distribution cooperative that has been determined by a court of record of the state of Washington to be not engaged in wholesaling or making sales at wholesale, within the meaning of RCW 82.04.270 or any similar provision of a municipal ordinance that imposes a tax on gross receipts, gross proceeds of sales, or gross income, with respect to purchases made by customer-owners, and subsequently changes its form of doing business to make sales at wholesale of groceries or related items to its customer-owners; or

(ii) A grocery distribution cooperative that has acquired substantially all of the assets of a grocery distribution cooperative described in (b)(i) of this subsection.

(c) "Customer-owner" means a person who has an ownership interest in a grocery distribution cooperative and purchases groceries and related items at wholesale from that grocery distribution cooperative.

(d) "Controlling" means holding fifty percent or more of the voting interests of an entity and having at least equal power to direct or cause the direction of the management and policies of the entity, whether through the ownership of voting securities, by contract, or otherwise.

Sec. 609. RCW 82.04.334 and 2007 c 48 s 3 are each amended to read as follows:

This chapter does not apply to any sale of standing timber excluded from the definition of "sale" in RCW 82.45.010(3). The definitions in RCW 82.04.260(~~((42))~~) (11) apply to this section.

Sec. 610. RCW 82.04.440 and 2006 c 300 s 8 and 2006 c 84 s 6 are each reenacted and amended to read as follows:

(1) Every person engaged in activities that are subject to tax under two or more provisions of RCW 82.04.230 through 82.04.298,

inclusive, ~~((shall be))~~ is taxable under each provision applicable to those activities.

(2) Persons taxable under RCW 82.04.2909(2), 82.04.250, 82.04.270, 82.04.294(2), or 82.04.260 (1)(b), (c), ~~((4-))~~ or ~~(d), (10), or (11), or ((12))~~ section 602(2) of this act with respect to selling products in this state, including those persons who are also taxable under RCW 82.04.261, ~~((shall be))~~ are allowed a credit against those taxes for any (a) manufacturing taxes paid with respect to the manufacturing of products so sold in this state, and/or (b) extracting taxes paid with respect to the extracting of products so sold in this state or ingredients of products so sold in this state. Extracting taxes taken as credit under subsection (3) of this section may also be taken under this subsection, if otherwise allowable under this subsection. The amount of the credit ~~((shall))~~ may not exceed the tax liability arising under this chapter with respect to the sale of those products.

(3) Persons taxable as manufacturers under RCW 82.04.240 or 82.04.260 (1)(b) or ~~((12))~~ (11), including those persons who are also taxable under RCW 82.04.261, ~~((shall be))~~ are allowed a credit against those taxes for any extracting taxes paid with respect to extracting the ingredients of the products so manufactured in this state. The amount of the credit ~~((shall))~~ may not exceed the tax liability arising under this chapter with respect to the manufacturing of those products.

(4) Persons taxable under RCW 82.04.230, 82.04.240, 82.04.2909(1), 82.04.294(1), 82.04.2404, or 82.04.260 (1), (2), ~~((4-))~~ (10), or (11), or ((12)) section 602(1) of this act, including those persons who are also taxable under RCW 82.04.261, with respect to extracting or manufacturing products in this state ~~((shall be))~~ are allowed a credit against those taxes for any (i) gross receipts taxes paid to another state with respect to the sales of the products so extracted or manufactured in this state, (ii) manufacturing taxes paid with respect to the manufacturing of products using ingredients so extracted in this state, or (iii) manufacturing taxes paid with respect to manufacturing activities completed in another state for products so manufactured in this state. The amount of the credit ~~((shall))~~ may not exceed the tax liability arising under this chapter with respect to the extraction or manufacturing of those products.

(5) For the purpose of this section:

(a) "Gross receipts tax" means a tax:

(i) Which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and

(ii) Which is also not, pursuant to law or custom, separately stated from the sales price.

(b) "State" means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

(c) "Manufacturing tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a manufacturer, and includes (i) the taxes imposed in RCW 82.04.240, 82.04.2404, 82.04.2909(1), 82.04.260 (1), (2), ~~((4-))~~ (10), and (11), ((and (12))) section 602(1) of this act, and 82.04.294(1); (ii) the tax imposed under RCW 82.04.261 on persons who are engaged in business as a manufacturer; and (iii) similar gross receipts taxes paid to other states.

(d) "Extracting tax" means a gross receipts tax imposed on the act or privilege of engaging in business as an extractor, and includes (i) the tax imposed on extractors in RCW 82.04.230 and 82.04.260~~((12))~~ (11); (ii) the tax imposed under RCW 82.04.261 on persons who are engaged in business as an extractor; and (iii) similar gross receipts taxes paid to other states.

(e) "Business", "manufacturer", "extractor", and other terms used in this section have the meanings given in RCW 82.04.020 through 82.04.212, notwithstanding the use of those terms in the context of describing taxes imposed by other states.

Sec. 611. RCW 82.04.4463 and 2008 c 81 s 8 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for property taxes and leasehold excise taxes paid during the calendar year.

(2) The credit is equal to:

(a)(i)(A) Property taxes paid on buildings, and land upon which the buildings are located, constructed after December 1, 2003, and used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(B) Leasehold excise taxes paid with respect to buildings constructed after January 1, 2006, the land upon which the buildings are located, or both, if the buildings are used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(C) Property taxes or leasehold excise taxes paid on, or with respect to, buildings constructed after June 30, 2008, the land upon which the buildings are located, or both, and used exclusively for aerospace product development or in providing aerospace services, by persons not within the scope of (a)(i)(A) and (B) of this subsection (2) and are: (I) Engaged in manufacturing tooling specifically designed for use in manufacturing commercial airplanes or their components; or (II) taxable under RCW 82.04.290(3) or 82.04.250(3); or

(ii) Property taxes attributable to an increase in assessed value due to the renovation or expansion, after: (A) December 1, 2003, of a building used exclusively in manufacturing commercial airplanes or components of such airplanes; and (B) June 30, 2008, of buildings used exclusively for aerospace product development or in providing aerospace services, by persons not within the scope of (a)(ii)(A) of this subsection (2) and are: (I) Engaged in manufacturing tooling specifically designed for use in manufacturing commercial airplanes or their components; or (II) taxable under RCW 82.04.290(3) or 82.04.250(3); and

(b) An amount equal to:

(i)(A) Property taxes paid, by persons taxable under RCW 82.04.260~~((11))~~ (10)(a), on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after December 1, 2003;

(B) Property taxes paid, by persons taxable under RCW 82.04.260~~((11))~~ (10)(b), on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after June 30, 2008; or

(C) Property taxes paid, by persons taxable under RCW ~~((82.04.0250(3) [82.04.250(3)])~~ 82.04.250(3) or 82.04.290(3), on computer hardware, computer peripherals, and software exempt under RCW 82.08.975 or 82.12.975 and acquired after June 30, 2008.

(ii) For purposes of determining the amount eligible for credit under (i)(A) and (B) of this subsection (2)(b), the amount of property taxes paid is multiplied by a fraction.

~~((11))~~ (A) The numerator of the fraction is the total taxable amount subject to the tax imposed under RCW 82.04.260~~((11))~~ (10) (a) or (b) on the applicable business activities of manufacturing commercial airplanes, components of such airplanes, or tooling specifically designed for use in the manufacturing of commercial airplanes or components of such airplanes.

~~((11))~~ (B) The denominator of the fraction is the total taxable amount subject to the tax imposed under all manufacturing classifications in chapter 82.04 RCW.

~~((11))~~ (C) For purposes of both the numerator and denominator of the fraction, the total taxable amount refers to the total taxable amount required to be reported on the person's returns for the calendar year before the calendar year in which the credit under this section is earned. The department may provide for an alternative method for calculating the numerator in cases where the tax rate provided in RCW 82.04.260~~((11))~~ (10) for manufacturing was not in effect

during the full calendar year before the calendar year in which the credit under this section is earned.

~~((IV))~~ (D) No credit is available under (b)(i)(A) or (B) of this subsection (2) if either the numerator or the denominator of the fraction is zero. If the fraction is greater than or equal to nine-tenths, then the fraction is rounded to one.

~~((V))~~ (E) As used in ~~((III))~~ (b)(ii)(C) of this subsection ~~((b)(ii)(C))~~, "returns" means the tax returns for which the tax imposed under this chapter is reported to the department.

(3) The definitions in this subsection apply throughout this section, unless the context clearly indicates otherwise.

(a) "Aerospace product development" has the same meaning as provided in RCW 82.04.4461.

(b) "Aerospace services" has the same meaning given in RCW 82.08.975.

(c) "Commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(4) A credit earned during one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year, but may not be carried over a second year. No refunds may be granted for credits under this section.

(5) In addition to all other requirements under this title, a person taking the credit under this section must report as required under RCW 82.32.545.

(6) This section expires July 1, 2024.

Sec. 612. RCW 82.08.806 and 2009 c 461 s 5 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales, to a printer or publisher, of computer equipment, including repair parts and replacement parts for such equipment, when the computer equipment is used primarily in the printing or publishing of any printed material, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the computer equipment. This exemption applies only to computer equipment not otherwise exempt under RCW 82.08.02565.

(2) A person taking the exemption under this section must keep records necessary for the department to verify eligibility under this section. This exemption is available only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller ~~((shall))~~ must retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection (3) apply throughout this section, unless the context clearly requires otherwise.

(a) "Computer" has the same meaning as in RCW 82.04.215.

(b) "Computer equipment" means a computer and the associated physical components that constitute a computer system, including monitors, keyboards, printers, modems, scanners, pointing devices, and other computer peripheral equipment, cables, servers, and routers. "Computer equipment" also includes digital cameras and computer software.

(c) "Computer software" has the same meaning as in RCW 82.04.215.

(d) "Primarily" means greater than fifty percent as measured by time.

(e) "Printer or publisher" means a person, as defined in RCW 82.04.030, who is subject to tax under RCW 82.04.260~~((14))~~ (13) or 82.04.280(1).

(4) "Computer equipment" does not include computer equipment that is used primarily for administrative purposes including but not limited to payroll processing, accounting, customer service, telemarketing, and collection. If computer equipment is used simultaneously for administrative and nonadministrative purposes, the administrative use ~~((shall))~~ must be disregarded during the period of simultaneous use for purposes of determining whether the computer equipment is used primarily for administrative purposes.

Sec. 613. RCW 82.32.545 and 2008 c 81 s 10 are each amended to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2)(a) A person who reports taxes under RCW 82.04.260~~((14))~~ (10), 82.04.250(3), or 82.04.290(3), or who claims an exemption or credit under RCW 82.04.4461, 82.08.980, 82.12.980, 82.29A.137, 84.36.655, and 82.04.4463 ~~((shall))~~ must also make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits for employment positions in Washington. However, persons engaged in manufacturing commercial airplanes or components of such airplanes may report employment, wage, and benefit information per job at the manufacturing site. The report ~~((shall))~~ may not include names of employees. The report ~~((shall))~~ must also detail employment by the total number of full-time, part-time, and temporary positions. The first report filed under this subsection ~~((shall))~~ must include employment, wage, and benefit information for the twelve-month period immediately before first use of a preferential tax rate under RCW 82.04.260~~((14))~~ (10), 82.04.250(3), or 82.04.290(3), or tax exemption or credit under RCW 82.04.4461, 82.08.980, 82.12.980, 82.29A.137, 84.36.655, and 82.04.4463, unless a survey covering this twelve-month period was filed as required by a statute repealed by chapter 81, Laws of 2008. The report is due by March 31st following any year in which a preferential tax rate under RCW 82.04.260~~((14))~~ (10), 82.04.250(3), or 82.04.290(3), is used, or tax exemption or credit under RCW 82.04.4461, 82.08.980, 82.12.980, 82.29A.137, 84.36.655, and 82.04.4463 is taken. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(b) If a person fails to submit an annual report under (a) of this subsection by the due date of the report, the department ~~((shall))~~ must declare the amount of taxes exempted or credited, or reduced in the case of the preferential business and occupation tax rate, for that year to be immediately due and payable. Excise taxes payable under this subsection are subject to interest but not penalties, as provided under this chapter. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(3) By November 1, 2010, and by November 1, 2023, the fiscal committees of the house of representatives and the senate, in consultation with the department, ~~((shall))~~ must report to the legislature on the effectiveness of chapter 1, Laws of 2003 2nd sp. sess., chapter 177, Laws of 2006, and chapter 81, Laws of 2008 in regard to keeping Washington competitive. The report ~~((shall))~~ must measure the effect of these laws on job retention, net jobs created for Washington residents, company growth, diversification of the state's economy, cluster dynamics, and other factors as the committees select. The reports ~~((shall))~~ must include a discussion of principles to apply in evaluating whether the legislature should reenact any or all of the tax preferences in chapter 1, Laws of 2003 2nd sp. sess., chapter 177, Laws of 2006, and chapter 81, Laws of 2008.

Sec. 614. RCW 82.32.550 and 2008 c 81 s 12 are each amended to read as follows:

(1)((a) Chapter 1, Laws of 2003 2nd sp. sess. takes effect on the first day of the month in which the governor and a manufacturer of commercial airplanes sign a memorandum of agreement regarding an affirmative final decision to site a significant commercial airplane final assembly facility in Washington state. The department shall provide notice of the effective date of chapter 1, Laws of 2003 2nd sp. sess. to affected taxpayers, the legislature, and others as deemed appropriate by the department.

(b) Chapter 1, Laws of 2003 2nd sp. sess. is contingent upon the siting of a significant commercial airplane final assembly facility in

the state of Washington. If a memorandum of agreement under subsection (1) of this section is not signed by June 30, 2005, chapter 1, Laws of 2003 2nd sp. sess. is null and void.

(c)(i) The rate in RCW 82.04.260(11)(a)(ii) takes effect July 1, 2007.

(ii) If on December 31, 2007, final assembly of a superefficient airplane has not begun in Washington state, the department shall provide notice of such to affected taxpayers, the legislature, and others as deemed appropriate by the department.

(2) The definitions in this subsection apply throughout this section.

—(a)) "Commercial airplane" has its ordinary meaning, which is an airplane certified by the federal aviation administration for transporting persons or property, and any military derivative of such an airplane.

((b)) (2) "Component" means a part or system certified by the federal aviation administration for installation or assembly into a commercial airplane.

((c) "Final assembly of a superefficient airplane" means the activity of assembling an airplane from components parts necessary for its mechanical operation such that the finished commercial airplane is ready to deliver to the ultimate consumer.

(d) "Significant commercial airplane final assembly facility" means a location with the capacity to produce at least thirty-six superefficient airplanes a year.

(e) "Siting" means a final decision by a manufacturer to locate a significant commercial airplane final assembly facility in Washington state.

—(f)) (3) "Superefficient airplane" means a twin aisle airplane that carries between two hundred and three hundred fifty passengers, with a range of more than seven thousand two hundred nautical miles, a cruising speed of approximately mach .85, and that uses fifteen to twenty percent less fuel than other similar airplanes on the market.

Sec. 615. RCW 82.32.630 and 2007 c 48 s 6 are each amended to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources, the legislature needs information on how a tax incentive is used.

(2)(a) A person who reports taxes under RCW 82.04.260((42)) ~~shall~~ (11) must file a complete annual survey with the department. The survey is due by March 31st following any year in which a person reports taxes under RCW 82.04.260((42)) (11). The department may extend the due date for timely filing of annual surveys under this section as provided in RCW 82.32.590. The survey ((shall)) must include the amount of tax reduced under the preferential rate in RCW 82.04.260((42)) (11). The survey ((shall)) must also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(b) The first survey filed under this subsection ((shall)) must include employment, wage, and benefit information for the twelve-month period immediately before first use of a preferential tax rate under RCW 82.04.260((42)) (11).

(c) As part of the annual survey, the department may request additional information, including the amount of investment in

equipment used in the activities taxable under the preferential rate in RCW 82.04.260((42)) (11), necessary to measure the results of, or determine eligibility for, the preferential tax rate in RCW 82.04.260((42)) (11).

(d) All information collected under this section, except the amount of the tax reduced under the preferential rate in RCW 82.04.260((42)) (11), is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax reduced is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, except as provided in (e) of this subsection. If the amount of the tax reduced as reported on the survey is different than the amount actually reduced based on the taxpayer's excise tax returns or otherwise allowed by the department, the amount actually reduced may be disclosed.

(e) Persons for whom the actual amount of the tax reduction is less than ten thousand dollars during the period covered by the survey may request the department to treat the amount of the tax reduction as confidential under RCW 82.32.330.

(f) Small harvesters as defined in RCW 84.33.035 are not required to file the annual survey under this section.

(3) If a person fails to submit a complete annual survey under subsection (2) of this section by the due date or any extension under RCW 82.32.590, the department ((shall)) must declare the amount of taxes reduced under the preferential rate in RCW 82.04.260((42)) (11) for the period covered by the survey to be immediately due and payable. The department ((shall)) must assess interest, but not penalties, on the taxes. Interest ((shall)) must be assessed at the rate provided for delinquent excise taxes under this chapter, retroactively to the date the reduced taxes were due, and ((shall)) will accrue until the amount of the reduced taxes is repaid.

(4) The department ((shall)) must use the information from the annual survey required under subsection (2) of this section to prepare summary descriptive statistics by category. The department ((shall)) must report these statistics to the legislature each year by September 1st. The requirement to prepare and report summary descriptive statistics ((shall)) ceases after September 1, 2025.

(5) By November 1, 2011, and November 1, 2023, the fiscal committees of the house of representatives and the senate, in consultation with the department, ((shall)) must report to the legislature on the effectiveness of the preferential tax rate provided in RCW 82.04.260((42)) (11). The report shall measure the effect of the preferential tax rate provided in RCW 82.04.260((42)) (11) on job retention, net jobs created for Washington residents, company growth, and other factors as the committees select. The report ((shall)) must include a discussion of principles to apply in evaluating whether the legislature should continue the preferential tax rate provided in RCW 82.04.260((42)) (11).

Sec. 616. RCW 82.32.632 and 2009 c 461 s 6 are each amended to read as follows:

(1)(a) Every person claiming the preferential rate provided in RCW 82.04.260((44)) (13) must file a complete annual report with the department. The report is due by March 31st of the year following any calendar year in which a person is eligible to claim the preferential rate provided in RCW 82.04.260((44)) (13). The department may extend the due date for timely filing of annual reports under this section as provided in RCW 82.32.590.

(b) The report must include information detailing employment, wages, and employer-provided health and retirement benefits for employment positions in Washington for the year that the preferential rate was claimed. The report must not include names of employees. The report must also detail employment by the total number of full-time, part-time, and temporary positions for the year that the tax preference was claimed.

(c) If a person filing a report under this section did not file a report with the department in the previous calendar year, the report filed under this section must also include employment, wage, and

benefit information for the calendar year immediately preceding the calendar year for which the preferential rate provided in RCW 82.04.260(~~(14)~~) (13) was claimed.

(2) As part of the annual report, the department may request additional information necessary to measure the results of, or determine eligibility for, the preferential rate provided in RCW 82.04.260(~~(14)~~) (13).

(3) Other than information requested under subsection (2) of this section, the information contained in an annual report filed under this section is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(4) Except as otherwise provided by law, if a person claims the preferential rate provided in RCW 82.04.260(~~(14)~~) (13) but fails to submit a report by the due date or any extension under RCW 82.32.590, the department must declare the amount of the tax preference claimed for the previous calendar year to be immediately due and payable. The department must assess interest, but not penalties, on the amounts due under this subsection. The interest must be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date the tax preference was claimed, and accrues until the taxes for which the tax preference was claimed are repaid. Amounts due under this subsection are not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(5) By November 1, 2014, and November 1, 2016, the fiscal committees of the house of representatives and the senate, in consultation with the department, must report to the legislature on the effectiveness of the preferential rate provided in RCW 82.04.260(~~(14)~~) (13). The report must measure the effect of the preferential rate provided in RCW 82.04.260(~~(14)~~) (13) on job retention, net jobs created for Washington residents, industry growth, and other factors as the committees select. The report must include a discussion of principles to apply in evaluating whether the legislature should continue the preferential rate provided in RCW 82.04.260(~~(14)~~) (13).

Sec. 617. RCW 82.45.195 and 2007 c 48 s 7 are each amended to read as follows:

A sale of standing timber is exempt from tax under this chapter if the gross income from such sale is taxable under RCW 82.04.260(~~(12)~~) (11)(d).

Sec. 618. RCW 35.102.150 and 2009 c 461 s 4 are each amended to read as follows:

Notwithstanding RCW 35.102.130, a city that imposes a business and occupation tax must allocate a person's gross income from the activities of printing, and of publishing newspapers, periodicals, or magazines, to the principal place in this state from which the taxpayer's business is directed or managed. As used in this section, the activities of printing, and of publishing newspapers, periodicals, or magazines are those activities to which the tax rates in RCW 82.04.260(~~(14)~~) (13) and 82.04.280(1) apply.

Sec. 619. RCW 48.14.080 and 2009 c 535 s 1102 are each amended to read as follows:

(1) As to insurers, other than title insurers and taxpayers under RCW 48.14.0201, the taxes imposed by this title (~~shall be~~) are in lieu of all other taxes, except as otherwise provided in this section.

(2) Subsection (1) of this section does not apply with respect to:

(a) Taxes on real and tangible personal property;

(b) Excise taxes on the sale, purchase, use, or possession of (i) real property; (ii) tangible personal property; (iii) extended warranties; (iv) services, including digital automated services as defined in RCW 82.04.192; and (v) digital goods and digital codes as those terms are defined in RCW 82.04.192; and

(c) The tax imposed in RCW 82.04.260(~~(14)~~) (9), regarding public and nonprofit hospitals.

(3) For the purposes of this section, the term "taxes" includes taxes imposed by the state or any county, city, town, municipal

corporation, quasi-municipal corporation, or other political subdivision.

PART VII

Suspending the Sales and Use Tax Exemption for Livestock Nutrient Equipment and Facilities

Sec. 701. RCW 82.08.890 and 2009 c 469 s 601 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to eligible persons of:

(a) Qualifying livestock nutrient management equipment;

(b) Labor and services rendered in respect to installing, repairing, cleaning, altering, or improving qualifying livestock nutrient management equipment; and

(c)(i) Labor and services rendered in respect to repairing, cleaning, altering, or improving of qualifying livestock nutrient management facilities, or to tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities in the course of repairing, cleaning, altering, or improving of such facilities.

(ii) The exemption provided in this subsection (1)(c) does not apply to the sale of or charge made for: (A) Labor and services rendered in respect to the constructing of new, or replacing previously existing, qualifying livestock nutrient management facilities; or (B) tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities during the course of constructing new, or replacing previously existing, qualifying livestock nutrient management facilities.

(2) The exemption provided in subsection (1) of this section applies to sales made after the livestock nutrient management plan is: (a) Certified under chapter 90.64 RCW; (b) approved as part of the permit issued under chapter 90.48 RCW; or (c) approved as required under subsection (4)(c)(iii) of this section.

(3)(a) The department of revenue must provide an exemption certificate to an eligible person upon application by that person. The department of agriculture must provide a list of eligible persons, as defined in subsection (4)(c)(i) and (ii) of this section, to the department of revenue. Conservation districts must maintain lists of eligible persons as defined in subsection (4)(c)(iii) of this section to allow the department of revenue to verify eligibility. The application must be in a form and manner prescribed by the department and must contain information regarding the location of the dairy or animal feeding operation and other information the department may require.

(b) A person claiming an exemption under this section must keep records necessary for the department to verify eligibility under this section. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(4) The definitions in this subsection apply to this section and RCW 82.12.890 unless the context clearly requires otherwise:

(a) "Animal feeding operation" means a lot or facility, other than an aquatic animal production facility, where the following conditions are met:

(i) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and

(ii) Crops, vegetation, forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.

(b) "Conservation district" means a subdivision of state government organized under chapter 89.08 RCW.

(c) "Eligible person" means a person: (i) Licensed to produce milk under chapter 15.36 RCW who has a certified dairy nutrient management plan, as required by chapter 90.64 RCW; (ii) who owns an animal feeding operation and has a permit issued under chapter 90.48 RCW; or (iii) who owns an animal feeding operation and has a

nutrient management plan approved by a conservation district as meeting natural resource conservation service field office technical guide standards and who possesses an exemption certificate under RCW 82.08.855.

(d) "Handling and treatment of livestock manure" means the activities of collecting, storing, moving, or transporting livestock manure, separating livestock manure solids from liquids, or applying livestock manure to the agricultural lands of an eligible person other than through the use of pivot or linear type traveling irrigation systems.

(e) "Permit" means either a state waste discharge permit or a national pollutant discharge elimination system permit, or both.

(f) "Qualifying livestock nutrient management equipment" means the following tangible personal property for exclusive use in the handling and treatment of livestock manure, including repair and replacement parts for such equipment: (i) Aerators; (ii) agitators; (iii) augers; (iv) conveyers; (v) gutter cleaners; (vi) hard-hose reel traveler irrigation systems; (vii) lagoon and pond liners and floating covers; (viii) loaders; (ix) manure composting devices; (x) manure spreaders; (xi) manure tank wagons; (xii) manure vacuum tanks; (xiii) poultry house cleaners; (xiv) poultry house flame sterilizers; (xv) poultry house washers; (xvi) poultry litter saver machines; (xvii) pipes; (xviii) pumps; (xix) scrapers; (xx) separators; (xxi) slurry injectors and hoses; and (xxii) wheelbarrows, shovels, and pitchforks.

(g) "Qualifying livestock nutrient management facilities" means the following structures and facilities for exclusive use in the handling and treatment of livestock manure: (i) Flush systems; (ii) lagoons; (iii) liquid livestock manure storage structures, such as concrete tanks or glass-lined steel tanks; and (iv) structures used solely for the dry storage of manure, including roofed stacking facilities.

(5) The exemption under this section does not apply to sales made from April 1, 2010, through June 30, 2013.

(6) This section expires July 1, 2020.

Sec. 702. RCW 82.12.890 and 2009 c 469 s 602 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use by an eligible person of:

(a) Qualifying livestock nutrient management equipment;

(b) Labor and services rendered in respect to installing, repairing, cleaning, altering, or improving qualifying livestock nutrient management equipment; and

(c)(i) Tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities in the course of repairing, cleaning, altering, or improving of such facilities.

(ii) The exemption provided in this subsection (1)(c) does not apply to the use of tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities during the course of constructing new, or replacing previously existing, qualifying livestock nutrient management facilities.

(2)(a) To be eligible, the equipment and facilities must be used exclusively for activities necessary to maintain a livestock nutrient management plan.

(b) The exemption applies to the use of tangible personal property and labor and services made after the livestock nutrient management plan is: (i) Certified under chapter 90.64 RCW; (ii) approved as part of the permit issued under chapter 90.48 RCW; or (iii) approved as required under RCW 82.08.890(4)(c)(iii).

(3) The exemption certificate and recordkeeping requirements of RCW 82.08.890 apply to this section. The definitions in RCW 82.08.890 apply to this section.

(4) The exemption under this section does not apply to the use of tangible personal property and services if first use of the property or services occurs in this state from April 1, 2010, through June 30, 2013.

(5) This section expires July 1, 2020.

PART VIII

Ending the Preferential Business and Occupation Tax Treatment Received by Directors of Corporations

NEW SECTION. Sec. 801. (1) In adopting the state's business and occupation tax, the legislature intended to tax virtually all business activities carried on within the state. See *Simpson Inv. Co. v. Dept of Revenue*, 141 Wn.2d 139, 149 (2000). The legislature recognizes that the business and occupation tax applies to all activities engaged in with the object of gain, benefit, or advantage to the taxpayer or to another person or class, directly or indirectly, unless a specific exemption applies.

(2) One of the major business and occupation tax exemptions is provided in RCW 82.04.360 for income earned as an employee or servant as distinguished from income earned as an independent contractor. The legislature's intent in providing this exemption was to exempt employee wages from the business and occupation tax but not to exempt income earned as an independent contractor.

(3) The legislature finds that corporate directors are not employees or servants of the corporation whose board they serve on and therefore are not entitled to a business and occupation tax exemption under RCW 82.04.360. The legislature further finds that there are no business and occupation tax exemptions for compensation received for serving as a member of a corporation's board of directors.

(4) The legislature also finds that there is a widespread misunderstanding among corporate directors that the business and occupation tax does not apply to the compensation they receive for serving as a director of a corporation. It is the legislature's expectation that the department of revenue will take appropriate measures to ensure that corporate directors understand and comply with their business and occupation tax obligations with respect to their director compensation. However, because of the widespread misunderstanding by corporate directors of their liability for business and occupation tax on director compensation, the legislature finds that it is appropriate in this unique situation to provide limited relief against the retroactive assessment of business and occupation taxes on corporate director compensation.

(5) The legislature also reaffirms its intent that all income of all independent contractors is subject to business and occupation tax unless specifically exempt under the Constitution or laws of this state or the United States.

Sec. 802. RCW 82.04.360 and 1991 c 324 s 19 and 1991 c 275 s 2 are each reenacted and amended to read as follows:

(1) This chapter (~~shall~~) does not apply to any person in respect to his or her employment in the capacity of an employee or servant as distinguished from that of an independent contractor. For the purposes of this section, the definition of employee (~~shall~~) includes those persons that are defined in section 3121(d)(3)(B) of the federal internal revenue code of 1986, as amended through January 1, 1991.

(2) (~~A booth renter, as defined by RCW 18.16.020, is an independent contractor for purposes of this chapter.~~) Until April 1, 2010, this chapter does not apply to amounts received by an individual from a corporation as compensation for serving as a member of that corporation's board of directors. Beginning April 1, 2010, such amounts are taxable under RCW 82.04.290(2).

NEW SECTION. Sec. 803. The sole reason for deleting the language in RCW 82.04.360(2) is because RCW 18.16.020 no longer defines the term "booth renter." This should not be construed as a substantive change in the law.

PART IX

Airplane Excise Tax

Sec. 901. RCW 82.48.010 and 1995 c 318 s 4 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Department" means the department of licensing.

~~(2) "Aircraft" means any weight-carrying device or structure for navigation of the air which is designed to be supported by the air;~~

~~((2) "Secretary" means the secretary of transportation;))~~

(3) "Person" includes a firm, partnership, limited liability company, or corporation;

(4) "Small multi-engine fixed wing" means any piston-driven multi-engine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of less than seventy-five hundred pounds; and

(5) "Large multi-engine fixed wing" means any piston-driven multi-engine fixed wing aircraft with a maximum gross weight as listed by the manufacturer of seventy-five hundred pounds or more).

Sec. 902. RCW 82.48.020 and 2000 c 229 s 4 are each amended to read as follows:

(1) An annual excise tax is hereby imposed for the privilege of using any aircraft in the state. A current certificate of air worthiness with a current inspection date from the appropriate federal agency and/or the purchase of aviation fuel ~~((shall))~~ constitutes the necessary evidence of aircraft use or intended use. ~~((The tax shall))~~ The amount of the tax is five-tenths of one percent of the taxable value of the aircraft, as determined under section 903 of this act.

~~(2) The tax imposed under this section must be collected annually or under a staggered collection schedule as required by the ((secretary)) department by rule. ((No additional tax shall be imposed under this chapter upon any aircraft upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such aircraft has already been paid for the year in which transfer of ownership occurs. A violation of this subsection is a misdemeanor punishable as provided under chapter 9A.20 RCW.~~

~~(2))~~ (3) Persons who are required to register aircraft under chapter 47.68 RCW and who register aircraft in another state or foreign country and avoid the ~~((Washington))~~ aircraft excise tax imposed under this section are liable for ~~((such))~~ the unpaid excise tax. A violation of this subsection is a gross misdemeanor.

(4) The department of revenue may, under chapter 82.32 RCW, assess and collect the unpaid excise tax imposed under ((chapter 82.32 RCW)) this section, including the penalties and interest provided in chapter 82.32 RCW.

~~((3))~~ (5) Except as provided under subsection ~~((s (1) and (2)))~~ (3) of this section, a violation of this chapter is a misdemeanor punishable as provided in chapter 9A.20 RCW.

NEW SECTION. Sec. 903. A new section is added to chapter 82.48 RCW to read as follows:

(1)(a) Except as otherwise provided in this section, taxable value is based on the most recent purchase price of the aircraft, depreciated according to the year of the most recent purchase of the aircraft. For purposes of this subsection, "purchase price" means the consideration, whether money, credit, rights, or other property expressed in terms of money paid or given or contracted to be paid or given by the purchaser to the seller for the aircraft.

(b) For aircraft for which the most recent purchase price was not indicative of the fair market value of the aircraft at the time of purchase, the department may appraise the aircraft. If the department appraises the aircraft, the taxable value is based on the department's appraisal of fair market value of the aircraft at the time of the most recent purchase, depreciated according to the year of the most recent purchase of the aircraft.

(c) For aircraft acquired other than by purchase, including aircraft manufactured, constructed, or assembled by the owner, the department must appraise the aircraft before registration. In such cases, the taxable value is the fair market value at the time of the department's appraisal. For subsequent years, taxable value is based on the department's appraisal of fair market value of the aircraft, depreciated according to the year that the owner acquired the aircraft

or, in the case of aircraft manufactured, constructed, or assembled by the owner, the year that the aircraft became operational.

(2)(a) An appraisal conducted by the department:

(i) Need not include a physical inspection of the aircraft; and

(ii) May be based on any guidebook, report, or compendium of recognized standing in the aviation industry and information provided to the department by the owner of the aircraft.

(b) Any aircraft owner disputing the department's appraised value under this section may petition for a conference with the department as provided under RCW 82.32.160 or for reduction of the tax due as provided under RCW 82.32.170.

(3)(a) The department must prepare a depreciation schedule for use in the determination of the taxable value for the purposes of this chapter. The schedule must be based upon information available to the department pertaining to the current fair market value of aircraft.

(b) The department must recommend a depreciation schedule to the fiscal committees of the senate and house of representatives by December 31, 2010, for enactment in law during the 2011 legislative session for use in the determination of taxable value for taxes due under this chapter during calendar year 2012 and subsequent calendar years.

(4) The department may adopt any rules necessary to implement this section, including any rules necessary to provide a reasonable method or methods to determine the fair market value of an aircraft.

(5) For purposes of this section, "department" means the department of revenue.

Sec. 904. RCW 82.48.030 and 1983 2nd ex.s. c 3 s 22 are each amended to read as follows:

(1) ~~((The amount of the tax imposed by this chapter for each calendar year shall be as follows:~~

Type of aircraft	Registration fee
Single engine fixed wing	\$ 50
Small multi engine fixed wing	65
Large multi engine fixed wing	80
Turboprop multi engine fixed wing	100
Turbojet multi engine fixed wing	125
Helicopter	75
Sailplane	20
Lighter than air	20
Home built	20

~~((2))~~ The amount of tax imposed under ~~((subsection (1) of this section))~~ RCW 82.48.020 for each calendar year ~~((shall))~~ must be divided into twelve parts corresponding to the months of the calendar year, and the excise tax upon an aircraft registered for the first time in this state after the last day of any month ~~((shall))~~ is only ~~((be))~~ levied for the remaining months of the calendar year including the month in which the aircraft is being registered ~~((— PROVIDED, That))~~. However, the minimum amount payable ((shall be)) is three dollars.

(2) For the purposes of this chapter, an aircraft ((shall be)) is deemed registered for the first time in this state when such aircraft was not ((previously)) required to be registered by this state for the year immediately preceding the year in which application for registration is made and was not so registered.

Sec. 905. RCW 82.48.070 and 1987 c 220 s 7 are each amended to read as follows:

The ~~((secretary shall))~~ department must give a receipt to each person paying ~~((the))~~ excise tax under this chapter.

Sec. 906. RCW 82.48.080 and 1995 c 170 s 2 are each amended to read as follows:

The ~~((secretary shall))~~ department must regularly pay to the state treasurer the excise taxes collected under this chapter ~~(, which shall be credited by the state treasurer as follows: Ninety percent to the general fund and ten percent to the aeronautics account in the transportation fund for administrative expenses))~~ for deposit into the general fund.

Sec. 907. RCW 82.48.110 and 1967 ex.s. c 9 s 6 are each amended to read as follows:

~~((The first tax to be collected under this chapter shall be for the calendar year 1968.))~~ (1) No aircraft with respect to which the excise tax imposed by this chapter is payable ~~((shall))~~ may be listed and assessed for ad valorem taxation so long as this chapter remains in effect ~~((and any such assessment heretofore made except under authority of section 13, chapter 49, Laws of 1949 and section 82.48.110, chapter 15, Laws of 1961 is hereby directed to be canceled. PROVIDED, That))~~.

~~((2))~~ (2) Any aircraft, whether or not subject to the provisions of this chapter, with respect to which the excise tax imposed by this chapter will not be paid or has not been paid for any year ~~((shall))~~ must be listed and assessed for ad valorem taxation in that year, and the ad valorem tax liability resulting from such listing and assessment ~~((shall))~~ must be collected in the same manner as though this chapter had not been passed ~~((PROVIDED FURTHER, That this chapter shall not be construed to affect any ad valorem tax based upon assessed valuations made in 1948 and/or any preceding year for taxes payable in 1949 or any preceding year, which ad valorem tax liability tax for any such years shall remain payable and collectible in the same manner as though this chapter had not been passed))~~.

Sec. 908. RCW 47.68.230 and 2005 c 341 s 1 are each amended to read as follows:

(1) It ~~((shall be))~~ is unlawful for any person to operate or cause or authorize to be operated any civil aircraft within this state unless such aircraft has an appropriate effective certificate, permit, or license issued by the United States, if such certificate, permit, or license is required by the United States, and a current registration certificate issued by the ~~((secretary of transportation))~~ department of licensing, if registration of the aircraft with the department of ~~((transportation))~~ licensing is required by this chapter. It ~~((shall be))~~ is unlawful for any person to engage in aeronautics as an airman or airwoman in the state unless the person has an appropriate effective airman or airwoman certificate, permit, rating, or license issued by the United States authorizing him or her to engage in the particular class of aeronautics in which he or she is engaged, if such certificate, permit, rating, or license is required by the United States.

(2) Where a certificate, permit, rating, or license is required for an airman or airwoman by the United States, it ~~((shall))~~ must be kept in his or her personal possession when he or she is operating within the state. Where a certificate, permit, or license is required by the United States or by this chapter for an aircraft, it ~~((shall))~~ must be carried in the aircraft at all times while the aircraft is operating in the state and ~~((shall))~~ must be conspicuously posted in the aircraft where it may be readily seen by passengers or inspectors. Such certificates ~~((shall))~~ must be presented for inspection upon the demand of any peace officer, or any other officer of the state or of a municipality or member, official, or employee of the department of transportation authorized pursuant to this chapter to enforce the aeronautics laws, or any official, manager, or person in charge of any airport, or upon the reasonable request of any person.

Sec. 909. RCW 82.48.090 and 1992 c 154 s 2 are each amended to read as follows:

In case a claim is made by any person that the person has paid an erroneously excessive amount of excise tax under this chapter,

the person may apply to the department of ~~((transportation))~~ licensing for a refund of the claimed excessive amount together with interest at the rate specified in RCW 82.32.060. The department of ~~((transportation shall))~~ licensing must review such application, and if it determines that an excess amount of tax has actually been paid by the taxpayer, such excess amount and interest at the rate specified in RCW 82.32.060 ~~((shall))~~ must be refunded to the taxpayer by means of a voucher approved by the department of ~~((transportation))~~ licensing and by the issuance of a state warrant drawn upon and payable from such funds as the legislature may provide for that purpose. No refund ~~((shall))~~ may be allowed, however, unless application for the refund is filed with the department of ~~((transportation))~~ licensing within ninety days after the claimed excessive excise tax was paid and the amount of the overpayment exceeds five dollars.

PART X

Use Tax on Motor Vehicles and Trailers Used in Interstate Commerce

Sec. 1001. RCW 82.12.0254 and 2009 c 503 s 2 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of:

(a) Any airplane used primarily in (i) conducting interstate or foreign commerce or (ii) providing intrastate air transportation by a commuter air carrier as defined in RCW 82.08.0262;

(b) Any locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state;

(c) Tangible personal property that becomes a component part of any such airplane, locomotive, railroad car, or watercraft in the course of repairing, cleaning, altering, or improving the same; and

(d) Labor and services rendered in respect to such repairing, cleaning, altering, or improving.

(2) The provisions of this chapter do not apply in respect to the use by a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the department must adopt. However, under circumstances determined to be justifiable by the department a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein includes a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents applies only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state.

(3) The provisions of this chapter do not apply in respect to the use of:

~~((a))~~ (a) Any motor vehicle or trailer, owned by the holder of a carrier permit issued by the interstate commerce commission or its successor agency ~~((of any motor vehicle or trailer whether owned by))~~ or leased with or without driver to the permit holder and used ~~((in substantial part))~~ in the normal and ordinary course of the user's business primarily for transporting therein persons or property for hire across the boundaries of this state; ~~((and in respect to the use of))~~

~~((b))~~ (b) Any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of licensing pursuant to RCW 46.16.160 and moving upon the highways from the point of delivery in this state to a point outside this state; ~~((and in respect to the use of))~~

(c) ~~Tangible personal property ((which) that becomes a component part of any motor vehicle or trailer ((used by the holder of a carrier permit issued by the interstate commerce commission or its successor agency authorizing transportation by motor vehicle across the boundaries of this state whether such motor vehicle or trailer is owned by or leased with or without driver to the permit holder)) that is exempt under (a) of this subsection, in the course of repairing, cleaning, altering, or improving the same; ((also the use of)) and~~

(d) Labor and services rendered in respect to such repairing, cleaning, altering, or improving any motor vehicle or trailer that is exempt under (a) of this subsection.

PART XI

Foreclosure Exemption

Sec. 1101. RCW 82.45.010 and 2010 c ... s 206 (section 206 of this act) are each amended to read as follows:

(1) As used in this chapter, the term "sale" has its ordinary meaning and includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a twelve-month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department must consider the following:

(i) Persons must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

(ii) When persons are not commonly owned or controlled, they must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions are considered separate acquisitions.

(3) The term "sale" does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer of any leasehold interest other than of the type mentioned above.

(c) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(d) The partition of property by tenants in common by agreement or as the result of a court decree.

(e) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(f) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(g) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(h) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(i) ~~((Any))~~ A transfer or conveyance made (i) to the beneficiary of a deed of trust pursuant to a trustee's sale in the nonjudicial foreclosure of a deed of trust ~~((or))~~; (ii) to the mortgagee, beneficiary of the deed of trust, or lienholder pursuant to an order of sale by the court in the judicial foreclosure of any mortgage, deed of trust, or lien ~~((foreclosure proceeding or upon execution of a judgment, or))~~; (iii) to the mortgagee by the mortgagor or to the beneficiary of a deed of trust by the grantor pursuant to deed in lieu of foreclosure to satisfy a mortgage or deed of trust; or (iv) to the judgment creditor pursuant to a writ of execution to enforce a judgment.

(j) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(k) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(l) The sale of any grave or lot in an established cemetery.

(m) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(n) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(o) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner. However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes become due and payable on the original transfer as otherwise provided by law.

(p)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of 26 U.S.C.

Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (p)(i) of this subsection cannot be preceded or followed within a twelve-month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (p)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(p)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(p)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(q) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

Sec. 1102. RCW 82.45.080 and 1980 c 154 s 3 are each amended to read as follows:

(1) The tax levied under this chapter (~~((shall be))~~) is the obligation of the seller and the department (~~((of revenue))~~) may, at the department's option, enforce the obligation through an action of debt against the seller or the department may proceed in the manner prescribed for the foreclosure of mortgages (~~((and resort to))~~). The department's use of one course of enforcement ((shall)) is not ((be)) an election not to pursue the other.

(2) For purposes of this section and notwithstanding any other provisions of law, in a sale involving a judicial or nonjudicial foreclosure or enforcement of a judgment, the seller is the:

(a) Beneficiary of a deed of trust in any transfer or conveyance to any party other than such beneficiary pursuant to a trustee's sale in the nonjudicial foreclosure of the deed of trust;

(b) Mortgagee, beneficiary of a deed of trust, or lienholder in any transfer or conveyance to any party other than such mortgagee, beneficiary, or lienholder pursuant to an order of sale by the court in the judicial foreclosure of any mortgage, deed of trust, or lien; and

(c) Judgment creditor in any transfer or conveyance to any party other than such creditor pursuant to a writ of execution to enforce a judgment.

**PART XII
Tax Debts**

Sec. 1201. RCW 82.32.145 and 1995 c 318 s 2 are each amended to read as follows:

(1) (Upon termination, dissolution, or abandonment of a corporate or limited liability company business, any officer, member, manager, or other person having control or supervision of retail sales tax funds collected and held in trust under RCW 82.08.050, or who is charged with the responsibility for the filing of returns or the payment of retail sales tax funds collected and held in trust under RCW 82.08.050, shall be personally liable for any unpaid taxes and interest and penalties on those taxes, if such officer or other person wilfully fails to pay or to cause to be paid any taxes due from the corporation pursuant to chapter 82.08 RCW. For the purposes of this section, any retail sales taxes that have been paid but not collected shall be deductible from the retail sales taxes collected but not paid.

For purposes of this subsection "wilfully fails to pay or to cause to be paid" means that the failure was the result of an intentional, conscious, and voluntary course of action.

~~—(2) The officer, member or manager, or other person shall be liable only for taxes collected which~~) Whenever the department has issued a warrant under RCW 82.32.210 for the collection of unpaid

retail sales tax funds collected and held in trust under RCW 82.08.050 from a limited liability business entity and that business entity has been terminated, dissolved, or abandoned, or is insolvent, the department may pursue collection of the entity's unpaid sales taxes, including penalties and interest on those taxes, against any or all of the responsible individuals. For purposes of this subsection, "insolvent" means the condition that results when the sum of the entity's debts exceeds the fair market value of its assets. The department may presume that an entity is insolvent if the entity refuses to disclose to the department the nature of its assets and liabilities.

(2) Personal liability under this section may be imposed for state and local sales taxes.

(3)(a) For a responsible individual who is the current or a former chief executive or chief financial officer, liability under this section applies regardless of fault or whether the individual was or should have been aware of the unpaid sales tax liability of the limited liability business entity.

(b) For any other responsible individual, liability under this section applies only if he or she willfully fails to pay or to cause to be paid to the department the sales taxes due from the limited liability business entity.

(4)(a) Except as provided in this subsection (4)(a), a responsible individual who is the current or a former chief executive or chief financial officer is liable under this section only for sales tax liability accrued during the period that he or she was the chief executive or chief financial officer. However, if the responsible individual had the responsibility or duty to remit payment of the limited liability business entity's sales taxes to the department during any period of time that the person was not the chief executive or chief financial officer, that individual is also liable for sales tax liability that became due during the period that he or she had the duty to remit payment of the limited liability business entity's taxes to the department but was not the chief executive or chief financial officer.

~~—(b) All other responsible individuals are liable under this section only for sales tax liability that became due during the period he or she had the ((control, supervision,)) responsibility((:)) or duty to ((act for the corporation described in subsection (1) of this section, plus interest and penalties on those taxes.~~

~~—(3))~~ remit payment of the limited liability business entity's taxes to the department.

~~—(5) Persons ((liable under)) described in subsection ((4)) (3)(b) of this section are exempt from liability under this section in situations where nonpayment of the ((retail sales tax funds held in trust)) limited liability business entity's sales taxes is due to reasons beyond their control as determined by the department by rule.~~

~~(((4)) (6))~~ Any person having been issued a notice of assessment under this section is entitled to the appeal procedures under RCW 82.32.160, 82.32.170, 82.32.180, 82.32.190, and 82.32.200.

~~—(5) This section applies only in situations where the department has determined that there is no reasonable means of collecting the retail sales tax funds held in trust directly from the corporation.~~

~~—(6)) (7) This section does not relieve the ((corporation or)) limited liability ((company)) business entity of ((other tax liabilities)) its sales tax liability or otherwise impair other tax collection remedies afforded by law.~~

~~(((7)) (8))~~ Collection authority and procedures prescribed in this chapter apply to collections under this section.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Chief executive" means: The president of a corporation; or for other entities or organizations other than corporations or if the corporation does not have a president as one of its officers, the highest ranking executive manager or administrator in charge of the management of the company or organization.

(b) "Chief financial officer" means: The treasurer of a corporation; or for entities or organizations other than corporations or if a corporation does not have a treasurer as one of its officers, the highest senior manager who is responsible for overseeing the financial activities of the entire company or organization.

(c) "Limited liability business entity" means a type of business entity that generally shields its owners from personal liability for the debts, obligations, and liabilities of the entity, or a business entity that is managed or owned in whole or in part by an entity that generally shields its owners from personal liability for the debts, obligations, and liabilities of the entity. Limited liability business entities include corporations, limited liability companies, limited liability partnerships, trusts, general partnerships and joint ventures in which one or more of the partners or parties are also limited liability business entities, and limited partnerships in which one or more of the general partners are also limited liability business entities.

(d) "Manager" has the same meaning as in RCW 25.15.005.

(e) "Member" has the same meaning as in RCW 25.15.005, except that the term only includes members of member-managed limited liability companies.

(f) "Officer" means any officer or assistant officer of a corporation, including the president, vice-president, secretary, and treasurer.

(g)(i) "Responsible individual" includes any current or former officer, manager, member, partner, or trustee of a limited liability business entity with an unpaid tax warrant issued by the department.

(ii) "Responsible individual" also includes any current or former employee or other individual, but only if the individual had the responsibility or duty to remit payment of the limited liability business entity's unpaid sales tax liability reflected in a tax warrant issued by the department.

(iii) Whenever any taxpayer has one or more limited liability business entities as a member, manager, or partner, "responsible individual" also includes any current and former officers, members, or managers of the limited liability business entity or entities or of any other limited liability business entity involved directly in the management of the taxpayer. For purposes of this subsection

(9)(g)(iii), "taxpayer" means a limited liability business entity with an unpaid tax warrant issued against it by the department.

(h) "Willfully fails to pay or to cause to be paid" means that the failure was the result of an intentional, conscious, and voluntary course of action.

PART XIII

Repealing the Business and Occupation Tax Credit for New Employment for International Service Activities

NEW SECTION. Sec. 1301. RCW 82.04.44525 (Credit--New employment for international service activities in eligible areas--Designation of census tracts for eligibility--Records--Tax due upon ineligibility-- Interest assessment--Information from employment security department) and 2009 c 535 s 1104, 2008 c 81 s 9, & 1998 c 313 s 2 are each repealed.

PART XIV

Repealing the Sales and Use Tax Exemptions for Candy and Bottled Water

NEW SECTION. Sec. 1401. (1) In order to preserve funding to protect Washington state's natural resources, it is the legislature's intent to use revenue generated from assessing a sales tax on bottled water on natural resource and environmental protection activities.

(2) It is the legislature's intent to use revenue generated from assessing a sales tax on candy and gum to support public health services including children's dental services.

Sec. 1402. RCW 82.08.0293 and 2009 c 483 s 2 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 (~~shall~~) does not apply to sales of food and food ingredients. "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen,

dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include:

(a) "Alcoholic beverages," which means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume; and

(b) "Tobacco," which means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(2) The exemption of "food and food ingredients" provided for in subsection (1) of this section (~~shall~~) does not apply to prepared food, soft drinks, candy, bottled water, or dietary supplements.

(a) "Prepared food" means:

(i) Food sold in a heated state or heated by the seller;

(ii) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food; or

(iii) Two or more food ingredients mixed or combined by the seller for sale as a single item, except:

(A) Food that is only cut, repackaged, or pasteurized by the seller; or

(B) Raw eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal food and drug administration in chapter 3, part 401.11 of The Food Code, published by the food and drug administration, as amended or renumbered as of January 1, 2003, so as to prevent foodborne illness.

(b) "Prepared food" does not include the following food or food ingredients, if the food or food ingredients are sold without eating utensils provided by the seller:

(i) Food sold by a seller whose proper primary North American industry classification system (NAICS) classification is manufacturing in sector 311, except subsector 3118 (bakeries), as provided in the "North American industry classification system--United States, 2002";

(ii) Food sold in an unheated state by weight or volume as a single item; or

(iii) Bakery items. The term "bakery items" includes bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, or tortillas.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain: Milk or milk products; soy, rice, or similar milk substitutes; or greater than fifty percent of vegetable or fruit juice by volume.

(d) "Dietary supplement" means any product, other than tobacco, intended to supplement the diet that:

(i) Contains one or more of the following dietary ingredients:

(A) A vitamin;

(B) A mineral;

(C) An herb or other botanical;

(D) An amino acid;

(E) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or

(F) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in this subsection;

(ii) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(iii) Is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label as required pursuant to 21 C.F.R. Sec. 101.36, as amended or renumbered as of January 1, 2003.

(e) "Candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or

other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation containing flour and does not require refrigeration.

(f) "Bottled water" means water that is placed in a sealed container or package for human consumption or other consumer uses. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain: (i) Antimicrobial agents; (ii) fluoride; (iii) carbonation; (iv) vitamins, minerals, and electrolytes; (v) oxygen; (vi) preservatives; and (vii) only those flavors, extracts, or essences derived from a spice or fruit. "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section shall apply to food and food ingredients that are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) That are provided to senior citizens, individuals with disabilities, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" means a facility:

(i) That meets the definition of a qualified low-income housing project under ~~((Title))~~ 26 U.S.C. Sec. 42 of the federal internal revenue code, as existing on August 1, 2009;

(ii) That has been partially funded under ~~((Title))~~ 42 U.S.C. Sec. 1485 ~~((of the federal internal revenue code))~~; and

(iii) For which the lessor or operator has at any time been entitled to claim a federal income tax credit under ~~((Title))~~ 26 U.S.C. Sec. 42 of the federal internal revenue code.

(4)(a) Subsection (1) of this section notwithstanding, the retail sale of food and food ingredients is subject to sales tax under RCW 82.08.020 if the food and food ingredients are sold through a vending machine, and in this case the selling price for purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.

(b) This subsection (4) does not apply to hot prepared food and food ingredients, other than food and food ingredients which are heated after they have been dispensed from the vending machine.

(c) For tax collected under this subsection (4), the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.

Sec. 1403. RCW 82.12.0293 and 2009 c 483 s 4 are each amended to read as follows:

(1) The provisions of this chapter ~~((shall))~~ do not apply in respect to the use of food and food ingredients for human consumption. "Food and food ingredients" has the same meaning as in RCW 82.08.0293.

(2) The exemption of "food and food ingredients" provided for in subsection (1) of this section ~~((shall))~~ does not apply to prepared food, soft drinks, candy, bottled water, or dietary supplements. "Prepared food," "soft drinks," ~~((and))~~ "dietary supplements," "candy," and "bottled water" have the same meanings as in RCW 82.08.0293.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section ~~((shall))~~ apply to food and food ingredients which are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) Which are provided to senior citizens, individuals with disabilities, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" has the same meaning as in RCW 82.08.0293.

NEW SECTION. Sec. 1404. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of bottled water for human use dispensed or to be dispensed to patients, pursuant to a prescription for use in the cure, mitigation, treatment, or prevention of disease or medical condition.

(2) The definitions in this subsection apply to this section.

(a) "Bottled water" has the same meaning as provided in RCW 82.08.0293.

(b) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to prescribe.

NEW SECTION. Sec. 1405. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply in respect to the use of bottled water for human use dispensed or to be dispensed to patients, pursuant to a prescription for use in the cure, mitigation, treatment, or prevention of disease or medical condition. The definitions in section 1404 of this act apply to this section.

NEW SECTION. Sec. 1406. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of bottled water for human use to persons who do not otherwise have a readily available source of potable water and who provide the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(2) The department may waive the requirement for an exemption certificate in the event of disaster or similar circumstance.

NEW SECTION. Sec. 1407. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply in respect to the use of bottled water for human use by persons who do not otherwise have a readily available source of potable water.

PART XV

Imposing Sales and Use Tax on Cosmetic Surgery, Custom Software, and Janitorial Services

NEW SECTION. Sec. 1501. (1) In order to preserve funding for health care services for people with disabilities, it is the legislature's intent to use revenue generated from assessing a sales tax on elective cosmetic surgery to support basic health care programs and assistance for people with disabilities.

(2) In order to preserve funding for higher education, it is the legislature's intent to use revenue generated from assessing a sales and use tax on custom software to support the state's institutions of higher education and financial aid programs including the state need grant.

(3) In order to preserve education funding, it is the legislature's intent to use revenue generated from assessing a sales and use tax on janitorial services to support basic education including levy equalization and dropout prevention programs.

Sec. 1502. RCW 82.04.050 and 2009 c 563 s 301 and 2009 c 535 s 301 are each reenacted and amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a seller's permit or uniform exemption certificate in conformity with RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term ~~((shall))~~ includes every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280 (2) and (7), 82.04.290, and 82.04.2908; or

(f) Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection (7) of this section, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

(2) The term "sale at retail" or "retail sale" includes the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of self-service laundry facilities, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and ~~((shall))~~ also includes the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The constructing, repairing, or improving of any structure upon, above, or under any real property owned by an owner who

conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The cleaning, fumigating, razing, or moving of existing buildings or structures~~((, but may not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting));~~

(e) Automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it ~~((shall be))~~ is presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(g) The installing, repairing, altering, or improving of digital goods for consumers;

(h) Persons taxable under ~~((a)), ((b)), ((c)), ((d)), ((e)), ((f)), and ((g)))~~ through (g) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection ~~((shall))~~ may be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section may be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" includes the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; ~~((and))~~

(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services;

(h) Cosmetic medical services; and

(i) Janitorial services. The term "janitorial services" means those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes, and upholstery. The term "janitorial services"

does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal, or sandblasting.

(4)(a) The term also includes:

(i) The renting or leasing of tangible personal property to consumers; and

(ii) Providing tangible personal property along with an operator for a fixed or indeterminate period of time. A consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (4)(a)(ii), an operator must do more than maintain, inspect, or set up the tangible personal property.

(b) The term does not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term also includes the providing of "competitive telephone service," "telecommunications service," or "ancillary services," as those terms are defined in RCW 82.04.065, to consumers.

(6)(a) The term also includes the sale of prewritten computer software other than a sale to a person who presents a seller's permit or uniform exemption certificate in conformity with RCW 82.04.470, regardless of the method of delivery to the end user. For purposes of this subsection (6)(a), the sale of prewritten computer software includes the sale of or charge made for a key or an enabling or activation code, where the key or code is required to activate prewritten computer software and put the software into use. There is no separate sale of the key or code from the prewritten computer software, regardless of how the sale may be characterized by the vendor or by the purchaser.

(The term "retail sale" does not include the sale of or charge made for:

(i) Custom software; or

(ii) The customization of prewritten computer software.)

(b) The term also includes the charge made to consumers for the right to access and use prewritten computer software, where possession of the software is maintained by the seller or a third party, regardless of whether the charge for the service is on a per use, per user, per license, subscription, or some other basis.

(7)(a) The term also includes the sale of or charge made for custom software and the customization of prewritten computer software to a consumer, regardless of the method of delivery to the consumer.

(b) The term also includes the charge made to consumers for the right to access and use custom software and customized prewritten computer software, where possession of the software is maintained by the seller or a third party.

(8) The term also includes the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, "extended warranty" means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of extended warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the agreement. For purposes of this subsection, "sales price" has the same meaning as in RCW 82.08.010.

~~((8))~~ (9)(a) The term also includes the following sales to consumers of digital goods, digital codes, and digital automated services:

(i) Sales in which the seller has granted the purchaser the right of permanent use;

(ii) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(iii) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(iv) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(B) A retail sale of digital goods, digital codes, or digital automated services under this subsection ~~((8))~~ (9) includes any services provided by the seller exclusively in connection with the digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(c) For purposes of this subsection, "permanent" means perpetual or for an indefinite or unspecified length of time. A right of permanent use is presumed to have been granted unless the agreement between the seller and the purchaser specifies or the circumstances surrounding the transaction suggest or indicate that the right to use terminates on the occurrence of a condition subsequent.

~~((9))~~ (10) The term does not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

~~((10))~~ (11) The term also does not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor does it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; and (c) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under ~~((Title))~~ 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

~~((11))~~ (12) The term does not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor does the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor does the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other by-products of weapons production and nuclear research and development.

~~((12))~~ (13) The term does not include the sale of or charge made for labor, services, or tangible personal property pursuant to agreements providing maintenance services for bus, rail, or rail fixed guideway equipment when a regional transit authority is the recipient of the labor, services, or tangible personal property, and a transit agency, as defined in RCW 81.104.015, performs the labor or services.

NEW SECTION. Sec. 1503. A new section is added to chapter 82.04 RCW to read as follows:

(1) "Cosmetic medical service" means any medical procedure performed on an individual by a person licensed or regulated in a

health profession as described in RCW 18.120.020, and any services directly related to the performance of the medical procedure, that is directed at improving the individual's appearance and that is not medically necessary to promote the proper function of the body or prevent or treat physical illness or disease. "Cosmetic medical service" includes, but is not limited to, cosmetic surgery, hair transplants, cosmetic injections, cosmetic soft tissue fillers, dermabrasion and chemical peel, laser hair removal, laser skin resurfacing, laser treatment of leg veins, sclerotherapy, and cosmetic dentistry. Any medical procedure performed on abnormal structures caused by or related to congenital defects, developmental abnormalities, trauma, infection, tumors, or disease, including procedures to improve function or give a more normal appearance, is medically necessary. Services covered by the individual's medical or dental insurance or that are deductible by the individual as medical expenses for purposes of federal income tax are presumed to be medically necessary services.

(2) "Cosmetic surgery" means the surgical reshaping of normal structures on the body to improve the body image, self-esteem, or appearance of an individual.

(3) "Services directly related to the performance of the medical procedure" include occupancy at medical facilities and services provided by an anesthesiologist, surgeon, or other licensed or regulated health professional described in RCW 18.120.020. Services required for or directly related to cosmetic medical services do not include evaluation and referral by a primary care physician or consultation or treatment by a counselor, psychologist, or psychiatrist.

(4) An individual claiming that a medical procedure, otherwise meeting the definition of cosmetic medical service in this section, is not a cosmetic medical service must complete and provide to the seller an affidavit in a form and manner prescribed by the department documenting that the procedure is medically necessary to promote the proper function of the body or prevent or treat physical illness or disease. The seller must retain a copy of the affidavit for the seller's files.

Sec. 1504. RCW 82.12.020 and 2009 c 535 s 305 are each amended to read as follows:

(1) There is (~~hereby~~) levied and (~~there shall be~~) collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any:

(a) Article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7), including tangible personal property acquired at a casual or isolated sale, and including by-products used by the manufacturer thereof, except as otherwise provided in this chapter, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state;

(b) Prewritten computer software, regardless of the method of delivery, but excluding prewritten computer software that is either provided free of charge or is provided for temporary use in viewing information, or both;

(c) Services defined as a retail sale in RCW 82.04.050 (2)(a) or (g), (3)(a) or (h), or (6)(b), excluding services defined as a retail sale in RCW 82.04.050(6)(b) that are provided free of charge;

(d) Extended warranty; or

(e)(i) Digital good, digital code, or digital automated service, including the use of any services provided by a seller exclusively in connection with digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(ii) With respect to the use of digital goods, digital automated services, and digital codes acquired by purchase, the tax imposed in this subsection (1)(e) applies in respect to:

(A) Sales in which the seller has granted the purchaser the right of permanent use;

(B) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(C) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(D) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(iii) With respect to digital goods, digital automated services, and digital codes acquired other than by purchase, the tax imposed in this subsection (1)(e) applies regardless of whether or not the consumer has a right of permanent use or is obligated to make continued payment as a condition of use.

(2) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property, extended warranty, digital good, digital code, digital automated service, or service taxable under RCW 82.04.050 (2)(a) or (g), (3)(a) or (h), or (6)(b), if the sale to, or the use by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(3)(a) Except as provided in this section, payment of the tax imposed by this chapter or chapter 82.08 RCW by one purchaser or user of tangible personal property, extended warranty, digital good, digital code, digital automated service, or other service does not have the effect of exempting any other purchaser or user of the same property, extended warranty, digital good, digital code, digital automated service, or other service from the taxes imposed by such chapters.

(b) The tax imposed by this chapter does not apply:

(i) If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor;

(ii) In respect to the use of any article of tangible personal property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use;

(iii) In respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961; or

(iv) To the use of digital goods or digital automated services, which were obtained through the use of a digital code, if the sale of the digital code to, or the use of the digital code by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(4)(a) Except as provided in (b) of this subsection (4), the tax is levied and must be collected in an amount equal to the value of the article used, value of the digital good or digital code used, value of the extended warranty used, or value of the service used by the taxpayer, multiplied by the applicable rates in effect for the retail sales tax under RCW 82.08.020.

(b) In the case of a seller required to collect use tax from the purchaser, the tax must be collected in an amount equal to the purchase price multiplied by the applicable rate in effect for the retail sales tax under RCW 82.08.020.

Sec. 1505. RCW 82.12.010 and 2009 c 535 s 304 are each amended to read as follows:

For the purposes of this chapter:

(1) "Purchase price" means the same as sales price as defined in RCW 82.08.010;

(2)(a) "Value of the article used" (~~shall be~~) is the purchase price for the article of tangible personal property, the use of which is taxable under this chapter. The term also includes, in addition to the

purchase price, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used ~~((shall))~~ must be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules as the department may prescribe.

(b) In case the articles used are acquired by bailment, the value of the use of the articles so used ~~((shall))~~ must be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe. In case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used ~~((shall))~~ must be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules as the department of revenue may prescribe.

(c) In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than one hundred eighty days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used ~~((shall))~~ must be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in (a) of this subsection.

(d) In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used ~~((shall))~~ must be determined according to the value of the ingredients of such articles.

(e) In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used ~~((shall))~~ must be determined by: (i) The retail selling price of such new or improved product when first offered for sale; or (ii) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(f) In the case of an article purchased with a direct pay permit under RCW 82.32.087, the value of the article used ~~((shall))~~ must be determined by the purchase price of such article if, but for the use of the direct pay permit, the transaction would have been subject to sales tax;

(3) "Value of the service used" means the purchase price for the digital automated service or other service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value thereof, the value of the service used ~~((shall))~~ must be determined as nearly as possible according to the retail selling price at place of use of similar services of like quality and character under rules the department may prescribe;

(4) "Value of the extended warranty used" means the purchase price for the extended warranty, the use of which is taxable under this chapter. If the extended warranty is received by gift or under conditions wherein the purchase price does not represent the true value of the extended warranty, the value of the extended warranty used ~~((shall))~~ must be determined as nearly as possible according to the retail selling price at place of use of similar extended warranties of like quality and character under rules the department may prescribe;

(5) "Value of the digital good or digital code used" means the purchase price for the digital good or digital code, the use of which is taxable under this chapter. If the digital good or digital code is acquired other than by purchase, the value of the digital good or digital code must be determined as nearly as possible according to the retail selling price at place of use of similar digital goods or digital codes of like quality and character under rules the department may prescribe;

(6) "Use," "used," "using," or "put to use" have their ordinary meaning, and mean:

(a) With respect to tangible personal property, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption within this state;

(b) With respect to a service defined in RCW 82.04.050(2)(a), the first act within this state after the service has been performed by which the taxpayer takes or assumes dominion or control over the article of tangible personal property upon which the service was performed (as a consumer), and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

(c) With respect to an extended warranty, the first act within this state after the extended warranty has been acquired by which the taxpayer takes or assumes dominion or control over the article of tangible personal property to which the extended warranty applies, and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

(d) With respect to a digital good or digital code, the first act within this state by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the digital good or digital code;

(e) With respect to a digital automated service, the first act within this state by which the taxpayer, as a consumer, uses, enjoys, or otherwise receives the benefit of the service;

(f) With respect to a service defined as a retail sale in RCW 82.04.050(6)(b), the first act within this state by which the taxpayer, as a consumer, accesses the prewritten computer software; ~~((and))~~

(g) With respect to a service defined as a retail sale in RCW 82.04.050(2)(g), the first act within this state after the service has been performed by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the digital good upon which the service was performed; and

(h) With respect to a service described in RCW 82.04.050(3)(h), the first presence within this state by the taxpayer after the service has been performed upon that taxpayer;

(7) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW;

(8)(a)(i) Except as provided in (a)(ii) of this subsection (8), "retailer" means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter.

(ii) "Retailer" does not include a professional employer organization when a covered employee coemployed with the client under the terms of a professional employer agreement engages in activities that constitute a sale of tangible personal property, extended warranty, digital good, digital code, or a sale of any digital automated service or service defined as a retail sale in RCW 82.04.050 (2)(a) or (g), (3)(a), or (6)(b) that is subject to the tax imposed by this chapter. In such cases, the client, and not the professional employer organization, is deemed to be the retailer and is responsible for collecting and remitting the tax imposed by this chapter.

(b) For the purposes of (a) of this subsection, the terms "client," "covered employee," "professional employer agreement," and "professional employer organization" have the same meanings as in RCW 82.04.540;

(9) "Extended warranty" has the same meaning as in RCW 82.04.050(7);

(10) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, (~~shall have~~) has full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, (~~shall~~) also means any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. With respect to property distributed to persons within this state by a consumer as defined in this subsection (10), the use of the property (~~shall be~~) is deemed to be by such consumer.

Sec. 1506. RCW 82.12.035 and 2009 c 535 s 1107 are each amended to read as follows:

A credit is allowed against the taxes imposed by this chapter upon the use in this state of tangible personal property, extended warranty, digital good, digital code, digital automated service, or services defined as a retail sale in RCW 82.04.050 (2)(a) or (g), (3)(a) or (h), or (6)(b), in the amount that the present user thereof or his or her bailor or donor has paid a legally imposed retail sales or use tax with respect to such property, extended warranty, digital good, digital code, digital automated service, or service defined as a retail sale in RCW 82.04.050 (2)(a) or (g), (3)(a), or (6)(b) to any other state, possession, territory, or commonwealth of the United States, any political subdivision thereof, the District of Columbia, and any foreign country or political subdivision thereof.

Sec. 1507. RCW 82.04.060 and 2009 c 535 s 403 are each amended to read as follows:

"Sale at wholesale" or "wholesale sale" means:

(1) Any sale, which is not a sale at retail, of:

(a) Tangible personal property;

(b) Services defined as a retail sale in RCW 82.04.050(2) (a) or

(g);

(c) Amusement or recreation services as defined in RCW 82.04.050(3)(a);

(d) Prewritten computer software;

(e) Services described in RCW 82.04.050 (6)(b) or (7);

(f) Extended warranties as defined in RCW 82.04.050(7);

(g) Competitive telephone service, ancillary services, or telecommunications service as those terms are defined in RCW 82.04.065; or

(h) Digital goods, digital codes, or digital automated services; and

(2) Any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers. For the purposes of this subsection (2), "real or personal property" does not include any natural products named in RCW 82.04.100.

Sec. 1508. RCW 82.04.190 and 2009 c 535 s 302 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale or (d) of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon or (e) of satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7), if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person;

(2)(a) Any person engaged in any business activity taxable under RCW 82.04.290 or 82.04.2908; (b) any person who purchases, acquires, or uses any competitive telephone service, ancillary services, or telecommunications service as those terms are defined in RCW 82.04.065, other than for resale in the regular course of business; (c) any person who purchases, acquires, or uses any service defined in RCW 82.04.050(2) (a) or (g), other than for resale in the regular course of business or for the purpose of satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7); (d) any person who purchases, acquires, or uses any amusement and recreation service defined in RCW 82.04.050(3)(a), other than for resale in the regular course of business; (e) any person who purchases or acquires an extended warranty as defined in RCW 82.04.050(7) other than for resale in the regular course of business; and (f) any person who is an end user of software. For purposes of this subsection (2)(f) and RCW 82.04.050(6), a person who purchases or otherwise acquires prewritten computer software, who provides services described in RCW 82.04.050(6)(b) and who will charge consumers for the right to access and use the prewritten computer software, is not an end user of the prewritten computer software;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right-of-way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor

and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation; also, any person engaged in the business of clearing land and moving earth of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW. Any such person (~~shall be~~) is a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person, except that consumer does not include any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, or any instrumentality thereof, if the investment project would qualify for sales and use tax deferral under chapter 82.63 RCW if undertaken by a private entity;

(7) Any person who is a lessor of machinery and equipment, the rental of which is exempt from the tax imposed by RCW 82.08.020 under RCW 82.08.02565, with respect to the sale of or charge made for tangible personal property consumed in respect to repairing the machinery and equipment, if the tangible personal property has a useful life of less than one year. Nothing contained in this or any other subsection of this section (~~shall~~) may be construed to modify any other definition of "consumer";

(8) Any person engaged in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other by-products of weapons production and nuclear research and development;

(9) Any person who is an owner, lessee, or has the right of possession of tangible personal property that, under the terms of an extended warranty as defined in RCW 82.04.050(7), has been repaired or is replacement property, but only with respect to the sale of or charge made for the repairing of the tangible personal property or the replacement property;

(10) Any person who purchases, acquires, or uses services described in RCW 82.04.050 (6)(b) or (7) other than for resale in the regular course of business; and

(11)(a) Any end user of a digital product or digital code.

(b)(i) For purposes of this subsection, "end user" means any taxpayer as defined in RCW 82.12.010 other than a taxpayer who receives by contract a digital product for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution or exhibition of the product, in whole or in part, to others. A person that purchases digital products or digital codes for the purpose of giving away such products or codes will not be considered to have engaged in the distribution or redistribution of such products or codes and will be treated as an end user;

(ii) If a purchaser of a digital code does not receive the contractual right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code

relates, then the purchaser of the digital code is an end user. If the purchaser of the digital code receives the contractual right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates, then the purchaser of the digital code is not an end user. A purchaser of a digital code who has the contractual right to further redistribute the digital code is an end user if that purchaser does not have the right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates.

Sec. 1509. RCW 82.04.215 and 2003 c 168 s 601 are each amended to read as follows:

(1) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(2) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task. All software is classified as either prewritten or custom. Consistent with this definition "computer software" includes only those sets of coded instructions intended for use by an end user and specifically excludes retained rights in software and master copies of software.

(3) "Custom software" means computer software created for a single person.

(4) "Customization of prewritten computer software" means any alteration, modification, or development of applications using or incorporating prewritten computer software for a specific person. "Customization of prewritten computer software" includes individualized configuration of software to work with other software and computer hardware but does not include routine installation. Customization of prewritten computer software does not change the underlying character or taxability of the original prewritten computer software.

(5) "Master copies" of software means copies of software from which a software developer, author, inventor, publisher, licensor, sublicensor, or distributor makes copies for sale or license.

(6) "Prewritten computer software" means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than such purchaser. Where a person modifies or enhances computer software of which such persons is not the author or creator, the person (~~shall be~~) is deemed to be the author or creator only of the person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; however where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement (~~shall~~) does not constitute prewritten computer software.

(7) "Retained rights" means any and all rights, including intellectual property rights such as those rights arising from copyrights, patents, and trade secret laws, that are owned or are held under contract or license by a software developer, author, inventor, publisher, licensor, sublicensor, or distributor.

NEW SECTION. Sec. 1510. RCW 82.04.29001 (Creation and distribution of custom software--Customization of prewritten computer software--Taxable services) and 2003 c 168 s 602 & 1998 c 332 s 4 are each repealed.

Sec. 1511. RCW 82.08.02088 and 2009 c 535 s 701 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to the sale of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050 (6)(b) or (7) to a buyer that provides the seller with an exemption certificate claiming multiple points of use. An exemption certificate claiming multiple points of use must be in a form and contain such information as required by the department.

(2) A buyer is entitled to use an exemption certificate claiming multiple points of use only if the buyer is a business or other organization and the digital goods or digital automated services purchased, or the digital goods or digital automated services to be obtained by the digital code purchased, or the prewritten computer software or services defined as a retail sale in RCW 82.04.050 (6)(b) or (7) purchased will be concurrently available for use within and outside this state. A buyer is not entitled to use an exemption certificate claiming multiple points of use for digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(b) purchased for personal use.

(3) A buyer claiming an exemption under this section must report and pay the tax imposed in RCW 82.12.020 and any local use taxes imposed under the authority of chapter 82.14 RCW and RCW 81.104.170 directly to the department in accordance with RCW 82.12.02088 and 82.14.457.

(4) For purposes of this section, "concurrently available for use within and outside this state" means that employees or other agents of the buyer may use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050 (6)(b) or (7) simultaneously from one or more locations within this state and one or more locations outside this state. A digital code is concurrently available for use within and outside this state if employees or other agents of the buyer may use the digital goods or digital automated services to be obtained by the code simultaneously at one or more locations within this state and one or more locations outside this state.

Sec. 1512. RCW 82.12.010 and 2009 c 535 s 304 are each amended to read as follows:

For the purposes of this chapter:

(1) "Purchase price" means the same as sales price as defined in RCW 82.08.010;

(2)(a) "Value of the article used" (~~shall be~~) is the purchase price for the article of tangible personal property, the use of which is taxable under this chapter. The term also includes, in addition to the purchase price, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used (~~shall~~) must be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules as the department may prescribe.

(b) In case the articles used are acquired by bailment, the value of the use of the articles so used (~~shall~~) must be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe. In case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82

RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used (~~shall~~) must be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules as the department of revenue may prescribe.

(c) In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than one hundred eighty days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used (~~shall~~) must be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in (a) of this subsection.

(d) In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used (~~shall~~) must be determined according to the value of the ingredients of such articles.

(e) In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used (~~shall~~) must be determined by: (i) The retail selling price of such new or improved product when first offered for sale; or (ii) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(f) In the case of an article purchased with a direct pay permit under RCW 82.32.087, the value of the article used (~~shall be~~) is determined by the purchase price of such article if, but for the use of the direct pay permit, the transaction would have been subject to sales tax;

(3) "Value of the service used" means the purchase price for the digital automated service or other service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value thereof, the value of the service used (~~shall~~) must be determined as nearly as possible according to the retail selling price at place of use of similar services of like quality and character under rules the department may prescribe;

(4) "Value of the extended warranty used" means the purchase price for the extended warranty, the use of which is taxable under this chapter. If the extended warranty is received by gift or under conditions wherein the purchase price does not represent the true value of the extended warranty, the value of the extended warranty used (~~shall~~) must be determined as nearly as possible according to the retail selling price at place of use of similar extended warranties of like quality and character under rules the department may prescribe;

(5) "Value of the digital good or digital code used" means the purchase price for the digital good or digital code, the use of which is taxable under this chapter. If the digital good or digital code is acquired other than by purchase, the value of the digital good or digital code must be determined as nearly as possible according to the retail selling price at place of use of similar digital goods or digital codes of like quality and character under rules the department may prescribe;

(6) "Use," "used," "using," or "put to use" have their ordinary meaning, and mean:

(a) With respect to tangible personal property, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, distribution, or

any other act preparatory to subsequent actual use or consumption within this state;

(b) With respect to a service defined in RCW 82.04.050(2)(a), the first act within this state after the service has been performed by which the taxpayer takes or assumes dominion or control over the article of tangible personal property upon which the service was performed (as a consumer), and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

(c) With respect to an extended warranty, the first act within this state after the extended warranty has been acquired by which the taxpayer takes or assumes dominion or control over the article of tangible personal property to which the extended warranty applies, and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

(d) With respect to a digital good or digital code, the first act within this state by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the digital good or digital code;

(e) With respect to a digital automated service, the first act within this state by which the taxpayer, as a consumer, uses, enjoys, or otherwise receives the benefit of the service;

(f) With respect to a service defined as a retail sale in RCW 82.04.050 (6)(b) or (7), the first act within this state by which the taxpayer, as a consumer, accesses the (~~prewritten~~) computer software; and

(g) With respect to a service defined as a retail sale in RCW 82.04.050(2)(g), the first act within this state after the service has been performed by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the digital good upon which the service was performed;

(7) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW;

(8)(a)(i) Except as provided in (a)(ii) of this subsection (8), "retailer" means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter.

(ii) "Retailer" does not include a professional employer organization when a covered employee coemployed with the client under the terms of a professional employer agreement engages in activities that constitute a sale of tangible personal property, extended warranty, digital good, digital code, or a sale of any digital automated service or service defined as a retail sale in RCW 82.04.050 (2)(a) or (g), (3)(a), (~~(6)(b)~~), or (7) that is subject to the tax imposed by this chapter. In such cases, the client, and not the professional employer organization, is deemed to be the retailer and is responsible for collecting and remitting the tax imposed by this chapter.

(b) For the purposes of (a) of this subsection, the terms "client," "covered employee," "professional employer agreement," and "professional employer organization" have the same meanings as in RCW 82.04.540;

(9) "Extended warranty" has the same meaning as in RCW 82.04.050(7);

(10) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, (~~shall have~~) has full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, (~~shall~~) also means any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. With respect to property distributed to

persons within this state by a consumer as defined in this subsection (10), the use of the property (~~shall be~~) is deemed to be by such consumer.

Sec. 1513. RCW 82.12.020 and 2009 c 535 s 305 are each amended to read as follows:

(1) There is (~~hereby~~) levied and (~~there shall be~~) collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any:

(a) Article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7), including tangible personal property acquired at a casual or isolated sale, and including by-products used by the manufacturer thereof, except as otherwise provided in this chapter, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state;

(b) Prewritten computer software, regardless of the method of delivery, but excluding prewritten computer software that is either provided free of charge or is provided for temporary use in viewing information, or both;

(c) Services defined as a retail sale in RCW 82.04.050 (2)(a) or (g), (3)(a), (~~(6)(b)~~), or (7), excluding services defined as a retail sale in RCW 82.04.050(6)(b) that are provided free of charge;

(d) Extended warranty; or

(e)(i) Digital good, digital code, or digital automated service, including the use of any services provided by a seller exclusively in connection with digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(ii) With respect to the use of digital goods, digital automated services, and digital codes acquired by purchase, the tax imposed in this subsection (1)(e) applies in respect to:

(A) Sales in which the seller has granted the purchaser the right of permanent use;

(B) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(C) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(D) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(iii) With respect to digital goods, digital automated services, and digital codes acquired other than by purchase, the tax imposed in this subsection (1)(e) applies regardless of whether or not the consumer has a right of permanent use or is obligated to make continued payment as a condition of use.

(2) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property, extended warranty, digital good, digital code, digital automated service, or service taxable under RCW 82.04.050 (2)(a) or (g), (3)(a), (~~(6)(b)~~), or (7), if the sale to, or the use by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(3)(a) Except as provided in this section, payment of the tax imposed by this chapter or chapter 82.08 RCW by one purchaser or user of tangible personal property, extended warranty, digital good, digital code, digital automated service, or other service does not have the effect of exempting any other purchaser or user of the same property, extended warranty, digital good, digital code, digital automated service, or other service from the taxes imposed by such chapters.

(b) The tax imposed by this chapter does not apply:

(i) If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor;

(ii) In respect to the use of any article of tangible personal property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use;

(iii) In respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961; or

(iv) To the use of digital goods or digital automated services, which were obtained through the use of a digital code, if the sale of the digital code to, or the use of the digital code by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(4)(a) Except as provided in (b) of this subsection (4), the tax is levied and must be collected in an amount equal to the value of the article used, value of the digital good or digital code used, value of the extended warranty used, or value of the service used by the taxpayer, multiplied by the applicable rates in effect for the retail sales tax under RCW 82.08.020.

(b) In the case of a seller required to collect use tax from the purchaser, the tax must be collected in an amount equal to the purchase price multiplied by the applicable rate in effect for the retail sales tax under RCW 82.08.020.

PART XVI

Increasing Tobacco Taxes

NEW SECTION. Sec. 1601. It is the intent of the legislature to use revenue raised from taxes levied on the sales of cigarettes and other tobacco products to fund basic health care services.

Sec. 1602. RCW 82.24.020 and 2009 c 479 s 66 are each amended to read as follows:

(1) There is levied and ~~((there shall be))~~ collected as provided in this chapter, a tax upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to ~~((one and fifteen one hundredths))~~ 12.125 cents per cigarette.

(2) ~~((An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to five hundred twenty-five one-thousandths of a cent per cigarette. All revenues collected during any month from this additional tax shall be deposited in the state general fund by the twenty-fifth day of the following month.~~

(3) An additional tax is imposed upon the sale, use, consumption, handling, possession, or distribution of all cigarettes, in an amount equal to two and five one-hundredths cents per cigarette. All revenues collected during any month from this additional tax shall be deposited in the state general fund by the twenty-fifth day of the following month.

~~((4))~~ Wholesalers subject to the payment of this tax may, if they wish, absorb five one-hundredths cents per cigarette of the tax and not pass it on to purchasers without being in violation of this section or any other act relating to the sale or taxation of cigarettes.

~~((5))~~ (3) For purposes of this chapter, "possession" ~~((shall))~~ means both (a) physical possession by the purchaser and, (b) when cigarettes are being transported to or held for the purchaser or his or her designee by a person other than the purchaser, constructive possession by the purchaser or his or her designee, which constructive possession ~~((shall be))~~ is deemed to occur at the location of the cigarettes being so transported or held.

~~((6))~~ (4) In accordance with federal law and rules prescribed by the department, an enrolled member of a federally recognized Indian tribe may purchase cigarettes from an Indian tribal organization under the jurisdiction of the member's tribe for the member's own use exempt from the applicable taxes imposed by this chapter. Except as provided in subsection ~~((7))~~ (5) of this section, any person, who

purchases cigarettes from an Indian tribal organization and who is not an enrolled member of the federally recognized Indian tribe within whose jurisdiction the sale takes place, is not exempt from the applicable taxes imposed by this chapter.

~~((7))~~ (5) If the state enters into a cigarette tax contract or agreement with a federally recognized Indian tribe under chapter 43.06 RCW, the terms of the contract or agreement ~~((shall))~~ take precedence over any conflicting provisions of this chapter while the contract or agreement is in effect.

Sec. 1603. RCW 82.24.026 and 2009 c 479 s 67 are each amended to read as follows:

(1) In addition to the tax imposed upon the sale, use, consumption, handling, possession, or distribution of cigarettes set forth in RCW 82.24.020, there is imposed a tax in an amount equal to three cents per cigarette.

(2) The revenue collected under this section ~~((shall))~~ must be deposited as follows:

(a) ~~((28.5))~~ 14 percent ~~((shall))~~ must be deposited into the general fund.

(b) The remainder ~~((shall))~~ must be deposited into the education legacy trust account.

Sec. 1604. RCW 82.26.010 and 2005 c 180 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Tobacco products" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, and any other product, regardless of form, that contains tobacco and is intended for human consumption or placement in the oral or nasal cavity or absorption into the human body by any other means, but ~~((shall))~~ does not include cigarettes as defined in RCW 82.24.010.

(2) "Manufacturer" means a person who manufactures and sells tobacco products.

(3) "Distributor" means (a) any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale, (b) any person who makes, manufactures, fabricates, or stores tobacco products in this state for sale in this state, (c) any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state, to be sold by those retailers, (d) any person engaged in the business of selling tobacco products in this state who handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

(4) "Retailer" means any person engaged in the business of selling tobacco products to ultimate consumers.

(5)(a) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person.

(b) The term "sale" includes a gift by a person engaged in the business of selling tobacco products, for advertising, promoting, or as a means of evading the provisions of this chapter.

(6) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state.

(7) "Place of business" means any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale, including any vessel, vehicle, airplane, train, or vending machine.

(8) "Retail outlet" means each place of business from which tobacco products are sold to consumers.

(9) "Department" means the department of revenue.

(10) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, the state and its departments and institutions, political subdivision of the state of Washington, corporation, limited liability company, association, society, any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise. The term excludes any person immune from state taxation, including the United States or its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(11) "Indian country" means the same as defined in chapter 82.24 RCW.

(12) "Actual price" means the total amount of consideration for which tobacco products are sold, valued in money, whether received in money or otherwise, including any charges by the seller necessary to complete the sale such as charges for delivery, freight, transportation, or handling.

(13) "Affiliated" means related in any way by virtue of any form or amount of common ownership, control, operation, or management.

(14) "Board" means the liquor control board.

(15) "Cigar" means a roll for smoking that is of any size or shape and that is made wholly or in part of tobacco, irrespective of whether the tobacco is pure or flavored, adulterated or mixed with any other ingredient, if the roll has a wrapper made wholly or in greater part of tobacco. "Cigar" does not include a cigarette.

(16) "Cigarette" has the same meaning as in RCW 82.24.010.

(17) "Manufacturer's representative" means a person hired by a manufacturer to sell or distribute the manufacturer's tobacco products, and includes employees and independent contractors.

(18)(a) "Taxable sales price" means:

(i) In the case of a taxpayer that is not affiliated with the manufacturer, distributor, or other person from whom the taxpayer purchased tobacco products, the actual price for which the taxpayer purchased the tobacco products;

(ii) In the case of a taxpayer that purchases tobacco products from an affiliated manufacturer, affiliated distributor, or other affiliated person, and that sells those tobacco products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers, the actual price for which that taxpayer sells those tobacco products to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iii) In the case of a taxpayer that sells tobacco products only to affiliated distributors or affiliated retailers, the price, determined as nearly as possible according to the actual price, that other distributors sell similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers;

(iv) In the case of a taxpayer that is a manufacturer selling tobacco products directly to ultimate consumers, the actual price for which the taxpayer sells those tobacco products to ultimate consumers;

(v) In the case of a taxpayer that has acquired tobacco products under a sale as defined in subsection (5)(b) of this section, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same tobacco products or similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers; or

(vi) In any case where (a)(i) through (v) of this subsection do not apply, the price, determined as nearly as possible according to the actual price, that the taxpayer or other distributors sell the same tobacco products or similar tobacco products of like quality and character to unaffiliated distributors, unaffiliated retailers, or ultimate consumers.

(b) For purposes of (a)(i) and (ii) of this subsection only, "person" includes both persons as defined in subsection (10) of this section and any person immune from state taxation, including the United States or

its instrumentalities, and federally recognized Indian tribes and enrolled tribal members, conducting business within Indian country.

(c) The department may adopt rules regarding the determination of taxable sales price under this subsection.

(19) "Taxpayer" means a person liable for the tax imposed by this chapter.

(20) "Unaffiliated distributor" means a distributor that is not affiliated with the manufacturer, distributor, or other person from whom the distributor has purchased tobacco products.

(21) "Unaffiliated retailer" means a retailer that is not affiliated with the manufacturer, distributor, or other person from whom the retailer has purchased tobacco products.

(22) "Moist snuff" means tobacco that is finely cut, ground, or powdered; is not for smoking; and is intended to be placed in the oral, but not the nasal, cavity.

(23) "Little cigar" means a cigar that has a cellulose acetate filter.

Sec. 1605. RCW 82.26.020 and 2009 c 479 s 70 are each amended to read as follows:

(1) There is levied and ~~((there shall be))~~ collected a tax upon the sale, handling, or distribution of all tobacco products in this state at the following rate:

(a) ~~((Seventy-five))~~ For cigars except little cigars, ninety-five percent of the taxable sales price of cigars, not to exceed ~~((fifty))~~ sixty-five cents per cigar; ~~((€))~~

(b) ~~((Seventy-five))~~ For all tobacco products except those covered under separate provisions of this subsection, ninety-five percent of the taxable sales price ~~((of all tobacco products that are not cigars))~~;

(c) For moist snuff, as established in this subsection (1)(c) and computed on the net weight listed by the manufacturer:

(i) On each single unit consumer-sized can or package whose net weight is one and two-tenths ounces or less, a rate per single unit that is equal to the greater of 3.025 dollars or the cigarette tax under chapter 82.24 RCW multiplied by twenty; or

(ii) On each single unit consumer-sized can or package whose net weight is more than one and two-tenths ounces, a proportionate tax at the rate established in (c)(i) of this subsection (1) on each ounce or fractional part of an ounce; and

(d) For little cigars, an amount per cigar equal to the cigarette tax under chapter 82.24 RCW.

(2) Taxes under this section ~~((shall))~~ must be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, fabricates, or stores tobacco products in this state for sale in this state, (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers, or (d) handles for sale any tobacco products that are within this state but upon which tax has not been imposed.

(3) The moneys collected under this section ~~((shall))~~ must be deposited into the state general fund.

NEW SECTION. Sec. 1606. A new section is added to chapter 82.26 RCW to read as follows:

(1)(a) Within one year following the date on which the requirement for a tobacco product code is effective, payment of, or exemption from, the tax imposed in RCW 82.26.020 must be verifiable on each single-unit consumer-sized can or package of moist snuff, as provided in (b) of this subsection.

(b) Within thirty days following the date on which notice of proposed rule making to require a tobacco product code is published in the federal register, the department must commence to develop a method for using a tobacco product code to verify payment of, or exemption from, the tax imposed in RCW 82.26.020; to develop and implement a pilot project to test the method; and to develop a plan for adoption of rules to implement the method. The department must report to the legislature on its progress annually by December 1st through the year following the year in which the method is implemented.

(2) If notice of proposed rule making to require a tobacco product code is not published in the federal register by July 1, 2011, the department must determine and recommend to the legislature by November 1, 2014, a method to verify payment of, or exemption from, the tax imposed in RCW 82.26.020, by means of stamping, use of manufacturers' digitally readable product identifiers, or any other method, and must complete and present to the legislature a study of compliance with the tax imposed in RCW 82.26.020, the effect of noncompliance on state revenue, and the effect of adopting a method to verify payment of, or exemption from, the tax.

(3) For purposes of this section, "tobacco product code" means a code that is required on the label of a tobacco product for purposes of tracking or tracing the product through the distribution system under final regulations adopted by the secretary of the United States department of health and human services.

Sec. 1607. RCW 82.26.030 and 2005 c 180 s 1 are each amended to read as follows:

It is the intent and purpose of this chapter to levy a tax on all tobacco products sold, used, consumed, handled, or distributed within this state and to collect the tax from the distributor as defined in RCW 82.26.010. It is the further intent and purpose of this chapter to impose the tax once, and only once, on all tobacco products for sale in this state, but nothing in this chapter (~~shall~~) may be construed to exempt any person taxable under any other law or under any other tax imposed under Title 82 RCW. It is the further intent and purpose of this chapter that the distributor who first possesses the tobacco product in this state (~~shall be~~) is the distributor liable for the tax and that (1) for moist snuff the tax will be based on the net weight listed by the manufacturer and (2) in most other instances the tax will be based on the actual price that the distributor paid for the tobacco product, unless the distributor is affiliated with the seller.

NEW SECTION. Sec. 1608. The following acts or parts of acts are each repealed:

(1) RCW 82.24.027 (Additional tax imposed--Rate--Deposited into the general fund) and 2009 c 479 s 68, 2008 c 86 s 303, 1999 c 309 s 925, & 1986 c 3 s 12; and

(2) RCW 82.24.028 (Additional tax imposed--Rate--Deposited into the general fund) and 2009 c 479 s 69, 2008 c 86 s 304, & 2002 c 2 s 3.

PART XVII

Rural County Tax Incentive Programs

Sec. 1701. RCW 82.60.010 and 1985 c 232 s 1 are each amended to read as follows:

The legislature finds that there are several areas in the state that are characterized by very high levels of unemployment and poverty. The (~~legislative legislature~~) legislature further finds that economic stagnation is the primary cause of this high unemployment rate and poverty; that new state policies are necessary in order to promote economic stimulation and new employment opportunities in these distressed areas; and that policies providing incentives for economic growth in these distressed areas are essential. For these reasons, the legislature (~~hereby~~) reestablishes a tax deferral program to be effective solely in distressed (areas and under circumstances where the deferred tax payments are for investments or costs that result in the creation of a specified number of jobs) counties. The legislature declares that this limited program serves the vital public purpose of creating employment opportunities and reducing poverty in the distressed (~~areas~~) counties of the state.

Sec. 1702. RCW 82.60.020 and 2006 c 142 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Distressed county" means a county that has an unemployment rate, as determined by the employment security department, which is at least twenty percent above the state average for the three calendar years immediately preceding the year in which the list of distressed counties is established or updated, as the case may be, as provided in section 1703 of this act.

~~(4)~~ "Eligible area" means:

~~(a)~~ Through June 30, 2010, a rural county as defined in RCW 82.14.370; and

(b) Beginning July 1, 2010, a distressed county.

~~((4))~~ ~~(5)~~ (a) "Eligible investment project" means an investment project that is located, as of the date the application required by RCW 82.60.030 is received by the department, in an eligible area as defined in subsection ((3)) (4) of this section.

(b) ~~((The lessor or owner of a qualified building is not eligible for a deferral unless:~~

(i) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(ii) (A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.60.070; and

(C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

~~—(e))~~ "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(~~(5))~~ (4), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects (~~which~~) that have already received deferrals under this chapter.

~~((5))~~ (6) "Initiation of construction" has the same meaning as in RCW 82.63.010.

~~(7)~~ "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

~~((6))~~ (8) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes:

(a) Before July 1, 2010: (i) Computer programming, the production of computer software, and other computer-related services, but only when the computer programming, production of computer software, or other computer-related services are performed by a manufacturer as defined in RCW 82.04.110 and contribute to the production of a new, different, or useful substance or article of tangible personal property for sale; (ii) the activities performed by research and development laboratories and commercial testing laboratories(~~(:)~~); and (iii) the conditioning of vegetable seeds; and

(b) Beginning July 1, 2010: (i) The activities performed by research and development laboratories and commercial testing laboratories; and (ii) the conditioning of vegetable seeds.

~~((7))~~ (9) "Person" has the meaning given in RCW 82.04.030.

~~((8))~~ (10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing (~~and~~) or research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral (~~shall~~) must be

determined by apportionment of the costs of construction under rules adopted by the department.

~~((9))~~ (11) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The term "entire tax year" means a full-time position that is filled for a period of twelve consecutive months. The term "full-time" means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

~~((4))~~ (12) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

~~((4))~~ (13) "Recipient" means a person receiving a tax deferral under this chapter.

~~((4))~~ (14) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

NEW SECTION. Sec. 1703. A new section is added to chapter 82.60 RCW to read as follows:

The department, with the assistance of the employment security department, must establish a list of distressed counties effective July 1, 2010. The list of distressed counties is effective for a twenty- four month period and must be updated by July 1st of the year that is two calendar years after the list was established or last updated, as the case may be.

NEW SECTION. Sec. 1704. A new section is added to chapter 82.60 RCW to read as follows:

The lessor or owner of a qualified building is not eligible for a deferral unless:

- (1) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or
- (2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;
- (b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.60.070; and
- (c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

Sec. 1705. RCW 82.60.030 and 1994 sp.s. c 1 s 2 are each amended to read as follows:

(1) Application for deferral of taxes under this chapter must be made before initiation of the construction of the investment project or acquisition of equipment or machinery. The application ~~((shall))~~ must be made to the department in a form and manner prescribed by the department. The application ~~((shall))~~ must contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information

required by the department. The department ~~((shall))~~ must rule on the application within sixty days.

(2) This section expires July 1, 2020.

Sec. 1706. RCW 82.60.040 and 2004 c 25 s 4 are each amended to read as follows:

(1) The department ~~((shall))~~ must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project ~~((that is located in an eligible area as defined in RCW 82.60.020)).~~

(2) The department ~~((shall))~~ must keep a running total of all deferrals granted under this chapter during each fiscal biennium.

(3) This section expires July 1, ~~((2010))~~ 2020.

Sec. 1707. RCW 82.60.049 and 2004 c 25 s 5 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means: Through June 30, 2010, a designated community empowerment zone approved under RCW 43.31C.020 or a county containing a community empowerment zone; and beginning July 1, 2010, a designated community empowerment zone approved under RCW 43.31C.020.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) In addition to the provisions of RCW 82.60.040, the department ~~((shall))~~ must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment for which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) The qualified employment position must be filled by the end of the calendar year following the year in which the project is certified as operationally complete. If a person does not meet the requirements for qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

Sec. 1708. RCW 82.60.060 and 2000 c 106 s 5 are each amended to read as follows:

(1) The recipient ~~((shall))~~ must begin paying the deferred taxes in the third year after the date certified by the department as the date on which the ~~((construction))~~ investment project has been operationally completed. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years with amounts of payment scheduled as follows:

Repayment Year	% of Deferred Tax Repaid
1	10%
2	15%
3	20%

4	25%
5	30%

(2) The department may authorize an accelerated repayment schedule upon request of the recipient.

(3) Interest ~~((shall))~~ may not be charged on any taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

Sec. 1709. RCW 82.60.070 and 2004 c 25 s 7 are each amended to read as follows:

(1)(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) Each recipient of a deferral granted under this chapter after June 30, 1994, ~~((shall))~~ must complete an annual survey. If the economic benefits of the deferral are passed to a lessee as provided in ~~((RCW 82.60.020(4)))~~ section 1704 of this act, the lessee ~~((shall agree to))~~ must complete the annual survey and the applicant is not required to complete the annual survey. The survey is due by March 31st of the year following the calendar year in which the investment project is certified by the department as having been operationally complete and the seven succeeding calendar years. The survey ~~((shall))~~ must include the amount of tax deferred, the number of new products or research projects by general classification, and the number of trademarks, patents, and copyrights associated with activities at the investment project. The survey ~~((shall))~~ must also include the following information for employment positions in Washington:

- (i) The number of total employment positions;
- (ii) Full-time, part-time, and temporary employment positions as a percent of total employment;
- (iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and
- (iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) As part of the survey, the department may request additional information necessary to measure the results of, or determine eligibility for, the deferral program, to be submitted at the same time as the survey.

(d) All information collected under this subsection, except the amount of the tax deferral taken, is deemed taxpayer information under RCW 82.32.330 and is not disclosable. Information on the amount of tax deferral taken is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(e) The department ~~((shall))~~ must use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers ~~((shall))~~ may be included in any category. The department ~~((shall))~~ must report these statistics to the legislature each year by September 1st.

(f) The department ~~((shall))~~ must also use the information to study the tax deferral program authorized under this chapter. The department ~~((shall))~~ must report to the legislature by December 1, ~~((2009))~~ 2019. The report ~~((shall))~~ must measure the effect of the program on job creation, the number of jobs created for residents of

eligible areas, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(2)(a) If, on the basis of a survey under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter, the amount of deferred taxes outstanding for the project ~~((shall be immediately due))~~.

(b) If a recipient of the deferral fails to complete the annual survey required under subsection (1) of this section by the date due, twelve and one-half percent of the deferred tax ~~((shall))~~ will be immediately due. If the economic benefits of the deferral are passed to a lessee as provided in ~~((RCW 82.60.020(4)))~~ section 1704 of this act, the lessee ~~((shall be))~~ is responsible for payment to the extent the lessee has received the economic benefit.

(3) Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under RCW 82.08.02565 or 82.12.02565 to the extent the taxes have not been repaid before July 1, 1995.

(4) Notwithstanding any other subsection of this section, deferred taxes on the following need not be repaid:

- (a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and
- (b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

Sec. 1710. RCW 82.32.600 and 2009 c 461 s 8 are each amended to read as follows:

(1) Persons required to file annual surveys or annual reports under RCW 82.04.4452, 82.32.5351, 82.32.545, 82.32.610, 82.32.630, 82.82.020, 82.32.632, 82.60.070, or 82.74.040 must electronically file with the department all surveys, reports, returns, and any other forms or information the department requires in an electronic format as provided or approved by the department. As used in this section, "returns" has the same meaning as "return" in RCW 82.32.050.

(2) Any survey, report, return, or any other form or information required to be filed in an electronic format under subsection (1) of this section is not filed until received by the department in an electronic format.

(3) The department may waive the electronic filing requirement in subsection (1) of this section for good cause shown.

Sec. 1711. RCW 82.60.100 and 1987 c 49 s 1 are each amended to read as follows:

Applications, reports, and any other information received by the department under this chapter ~~((shall))~~, except applications not approved by the department, are not ~~((be))~~ confidential and ~~((shall be))~~ are subject to disclosure.

Sec. 1712. RCW 82.62.010 and 2007 c 485 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Applicant" means a person applying for a tax credit under this chapter.
- (2) "Department" means the department of revenue.
- (3) "Eligible area" means ~~((an area))~~ a "rural county" as defined in RCW ~~((82.60.020))~~ 82.14.370.
- (4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average qualified employment positions at the specific facility will be at least fifteen percent greater in the four consecutive full calendar quarters after the calendar quarter during which the first qualified employment position is filled than the applicant's average

qualified employment positions at the same facility in the four consecutive full calendar quarters immediately preceding the calendar quarter during which the first qualified employment position is filled.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(~~(5)~~) (4) or that portion of a business project creating qualified full-time employment positions outside an eligible area.

(5) "First qualified employment position" means the first qualified employment position filled for which a credit under this chapter is sought.

(6) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes:

(a) Before July 1, 2010: (i) Computer programming, the production of computer software, and other computer-related services, but only when the computer programming, production of computer software, or other computer-related services are performed by a manufacturer as defined in RCW 82.04.110 and contribute to the production of a new, different, or useful substance or article of tangible personal property for sale; and (ii) the activities performed by research and development laboratories and commercial testing laboratories; and

(b) Beginning July 1, 2010, the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8)(a)(i) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during four consecutive full calendar quarters.

(ii) For seasonal employers, "qualified employment position" also includes the equivalent of a full-time employee in work hours for four consecutive full calendar quarters.

(b) For purposes of this subsection, "full time" means a normal work week of at least thirty-five hours.

(c) Once a permanent, full-time employee has been employed, a position does not cease to be a qualified employment position solely due to periods in which the position goes vacant, as long as:

(i) The cumulative period of any vacancies in that position is not more than one hundred twenty days in the four-quarter period; and

(ii) During a vacancy, the employer is training or actively recruiting a replacement permanent, full-time employee for the position.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(11) "Seasonal employee" means an employee of a seasonal employer who works on a seasonal basis. For the purposes of this subsection and subsection (12) of this section, "seasonal basis" means a continuous employment period of less than twelve consecutive months.

(12) "Seasonal employer" means a person who regularly hires more than fifty percent of its employees to work on a seasonal basis.

NEW SECTION. Sec. 1713. RCW 82.60.900 and 82.60.901 are each decodified.

NEW SECTION. Sec. 1714. The following acts or parts of acts are each repealed:

(1) RCW 82.60.050 (Expiration of RCW 82.60.030 and 82.60.040) and 2004 c 25 s 6, 1994 sp.s. c 1 s 7, 1993 sp.s. c 25 s 404, 1988 c 41 s 5, & 1985 c 232 s 10; and

(2) RCW 82.60.110 (Competing projects--Impact study) and 1998 c 245 s 169 & 1994 sp.s. c 1 s 8.

NEW SECTION. Sec. 1715. The amendments to the definitions of "manufacturing" and "research and development" in sections 1702 and 1712 of this act apply retroactively as well as prospectively.

PART XVIII

PUD Privilege Tax Clarification

Sec. 1801. RCW 54.28.011 and 1957 c 278 s 12 are each amended to read as follows:

"Gross revenue" (~~shall~~) means the amount received from the sale of electric energy, which also includes any regularly recurring charge billed to consumers as a condition of receiving electric energy, and excluding any tax levied by a municipal corporation upon the district pursuant to RCW 54.28.070.

PART XIX

Business and Occupation Surtax on Certain Services

NEW SECTION. Sec. 1901. In order to preserve education funding, it is the legislature's intent to use revenue generated from increasing the business and occupation tax on certain business activities to support basic education including levy equalization and dropout prevention programs.

NEW SECTION. Sec. 1902. A new section is added to chapter 82.04 RCW to read as follows:

(1) There is levied and collected for the period July 1, 2010, through June 30, 2013, from every person for the act or privilege of engaging in any business activity defined as a selected business service, an additional tax equal to the gross income of the business from such activity multiplied by the rate of 0.5 percent.

(2) For the purpose of this section, "selected business service" means:

(a) Accounting, auditing, tax preparation, bookkeeping, payroll, and other related services.

(b) Agent and management services for artists, athletes, entertainers, and other public figures.

(c) Attorney services, paralegal services, arbitration and conciliation services, mediation product services, legal research services, and court reporting services.

(d) Business support services including but not limited to: Document preparation services, telephone call telephone answering services, telemarketing services, debt collection services, repossession services, and court reporting and stenotype services.

(e) Computer systems design and related services including but not limited to: Computer systems design services, computer facilities management services, other computer facilities management services, and other computer related services (such as computer disaster recovery services and software installation services). Computer systems design and related services does not include custom computer programming services.

(f) Data processing, hosting, and related services including but not limited to: Application hosting services, application service provider services, automated data processing services, computer input preparation services, computer time rental services, data entry services, media streaming services, optical scanning services, and web hosting services.

(g) Facilities support services.

(h) Investment advice services including but not limited to: Financial investment advice services, financial planning services, investment advice consulting services, and investment advisory services.

(i) Management, scientific, and technical consulting services including but not limited to: Administrative management and general management services (such as business consulting services, medical office management services, site location consulting services, strategic planning consulting services, and financial management consulting services), human resources consulting services (such as actuarial consulting services, benefit consulting services, employee

benefit consulting services, human resource consulting services, labor relations consulting services, and personnel management consulting services), marketing consulting services (such as customer service management consulting services, marketing consulting services, and sales management consulting services), process, physical distribution, and logistics consulting services (such as efficiency management consulting services, freight traffic consulting services, inventory planning and control management consulting services, operations research consulting services, and transportation management consulting services), environmental consulting services (such as sanitation consulting services and site remediation services), and other scientific and technical consulting services (such as agricultural consulting services, chemical consulting services, economic consulting services, energy consulting services, hydrology consulting services, livestock breeding consulting services, and security consulting services).

(j) Marketing research and public opinion polling services.

(k) Office administrative services including but not limited to: Business management services, executive management services, hotel management services, and office management services.

(l) Parking lot management services.

(m) Promoting services for performing arts, sporting, and similar events.

(n) Public relations services including but not limited to: Lobbying services, political consulting services, and other public relations consulting services.

(o) Scientific research and development services including but not limited to research and development in the physical, engineering, and life sciences (such as agriculture, bacteriological, biotechnology, chemical, life sciences, and physical science research and development laboratories or services) and research and development in the social sciences and humanities (such as archaeological, behavioral, cognitive, economic, language, and learning research or development services).

(p) Software publishing support services.

(q) The following professional, scientific, and technical services not otherwise included within the definition of selected business service: Business brokers except real estate brokers, commodity inspection services, consumer credit counseling services, consumer credit repair services, estate assessment services, handwriting analysis services, handwriting expert services, marine surveyor services, meteorological services, outplacement services, patent broker services, electric transmission or gas line visual inspection services, pipeline inspection services, power line visual inspection services, quantity surveyor services, and weather forecasting services.

PART XX

Solar Energy Tax Incentives

Sec. 2001. RCW 82.04.294 and 2009 c 469 s 501 are each amended to read as follows:

(1)((a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing solar energy systems using photovoltaic modules, or of manufacturing solar grade silicon to be used exclusively in components of such systems; as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

—(b) ~~Beginning October 1, 2009,~~) Upon every person engaging within this state in the business of manufacturing solar energy systems using photovoltaic modules or *stirling converters*, or of manufacturing solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers to be used exclusively in components of such systems; as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product

manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.275 percent.

(2)((a) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales at wholesale of solar energy systems using photovoltaic modules, or of solar grade silicon to be used exclusively in components of such systems, manufactured by that person; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the solar energy systems using photovoltaic modules, or of the solar grade silicon to be used exclusively in components of such systems, multiplied by the rate of 0.2904 percent.

—(b) ~~Beginning October 1, 2009,~~) Upon every person engaging within this state in the business of making sales at wholesale of solar energy systems using photovoltaic modules or *stirling converters*, or of solar grade silicon, silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers to be used exclusively in components of such systems, manufactured by that person; as to such persons the amount of tax with respect to such business is equal to the gross proceeds of sales of the solar energy systems using photovoltaic modules or *stirling converters*, or of the solar grade silicon to be used exclusively in components of such systems, multiplied by the rate of 0.275 percent.

(3) (~~Beginning October 1, 2009,~~) Silicon solar wafers, silicon solar cells, thin film solar devices, or compound semiconductor solar wafers are "semiconductor materials" for the purposes of RCW 82.08.9651 and 82.12.9651.

(4) The definitions in this subsection apply throughout this section.

(a) "Compound semiconductor solar wafers" means a semiconductor solar wafer composed of elements from two or more different groups of the periodic table.

(b) "Module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

(c) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

(d) "Silicon solar cells" means a photovoltaic cell manufactured from a silicon solar wafer.

(e) "Silicon solar wafers" means a silicon wafer manufactured for solar conversion purposes.

(f) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

(g) "Solar grade silicon" means high-purity silicon used exclusively in components of solar energy systems using photovoltaic modules to capture direct sunlight. "Solar grade silicon" does not include silicon used in semiconductors.

(h) "Stirling converter" means a device that produces electricity by converting heat from a solar source utilizing a stirling engine.

—(i) "Thin film solar devices" means a nonparticipating substrate on which various semiconducting materials are deposited to produce a photovoltaic cell that is used to generate electricity.

(5) This section expires June 30, 2014.

Sec. 2002. RCW 82.16.110 and 2009 c 469 s 504 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Community solar project" means:

(i) A solar energy system owned by local individuals, households, nonprofit organizations, or nonutility businesses that is placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business; or

(ii) A utility-owned solar energy system that is voluntarily funded by the utility's ratepayers where, in exchange for their financial support, the utility gives contributors a payment or credit on their utility bill for the value of the electricity produced by the project.

(b) For the purposes of "community solar project" as defined in (a) of this subsection:

(i) "Nonprofit organization" means an organization exempt from taxation under ~~((Title))~~ 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of January 1, 2009; and

(ii) "Utility" means a light and power business, an electric cooperative, or a mutual corporation that provides electricity service.

(2) "Customer-generated electricity" means a community solar project or the alternating current electricity that is generated from a renewable energy system located on an individual's, businesses', or local government's real property that is also provided electricity generated by a light and power business. Except for community solar projects, a system located on a leasehold interest does not qualify under this definition. Except for community solar projects, "customer-generated electricity" does not include electricity generated by a light and power business with greater than one thousand megawatt hours of annual sales or a gas distribution business.

(3) "Economic development kilowatt-hour" means the actual kilowatt-hour measurement of customer-generated electricity multiplied by the appropriate economic development factor.

(4) "Local governmental entity" means any unit of local government of this state including, but not limited to, counties, cities, towns, municipal corporations, quasi-municipal corporations, special purpose districts, and school districts.

(5) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

(6) "Renewable energy system" means a solar energy system, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

(7) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

(8) "Solar inverter" means the device used to convert direct current to alternating current in a ~~((photovoltaic cell))~~ solar energy system.

(9) "Solar module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

(10) "Stirling converter" means a device that produces electricity by converting heat from a solar source utilizing a stirling engine.

Sec. 2003. RCW 82.16.120 and 2009 c 469 s 505 are each amended to read as follows:

(1) Any individual, business, local governmental entity, not in the light and power business or in the gas distribution business, or a participant in a community solar project may apply to the light and power business serving the situs of the system, each fiscal year beginning on July 1, 2005, for an investment cost recovery incentive for each kilowatt-hour from a customer-generated electricity renewable energy system. No incentive may be paid for kilowatt-hours generated before July 1, 2005, or after June 30, 2020.

(2)(a) Before submitting for the first time the application for the incentive allowed under subsection (4) of this section, the applicant must submit to the department of revenue and to the climate and rural energy development center at the Washington State University, established under RCW 28B.30.642, a certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system;

(ii) The applicant's tax registration number;

(iii) That the electricity produced by the applicant meets the definition of "customer-generated electricity" and that the renewable energy system produces electricity with:

(A) Any solar inverters and solar modules manufactured in Washington state;

(B) A wind generator powered by blades manufactured in Washington state;

(C) A solar inverter manufactured in Washington state;

(D) A solar module manufactured in Washington state; ~~((or))~~

(E) A stirling converter manufactured in Washington state; or

(F) Solar or wind equipment manufactured outside of Washington state;

(iv) That the electricity can be transformed or transmitted for entry into or operation in parallel with electricity transmission and distribution systems;

(v) The date that the renewable energy system received its final electrical permit from the applicable local jurisdiction.

(b) Within thirty days of receipt of the certification the department of revenue must notify the applicant by mail, or electronically as provided in RCW 82.32.135, whether the renewable energy system qualifies for an incentive under this section. The department may consult with the climate and rural energy development center to determine eligibility for the incentive. System certifications and the information contained therein are subject to disclosure under RCW 82.32.330(3)(m).

(3)(a) By August 1st of each year application for the incentive ~~((shall))~~ must be made to the light and power business serving the situs of the system by certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system;

(ii) The applicant's tax registration number;

(iii) The date of the notification from the department of revenue stating that the renewable energy system is eligible for the incentives under this section;

(iv) A statement of the amount of kilowatt-hours generated by the renewable energy system in the prior fiscal year.

(b) Within sixty days of receipt of the incentive certification the light and power business serving the situs of the system ~~((shall))~~ must notify the applicant in writing whether the incentive payment will be authorized or denied. The business may consult with the climate and rural energy development center to determine eligibility for the incentive payment. Incentive certifications and the information contained therein are subject to disclosure under RCW 82.32.330(3)(m).

(c)(i) Persons receiving incentive payments ~~((shall))~~ must keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of incentive applied for and received. Such records ~~((shall))~~ must be open for examination at any time upon notice by the light and power business that made the payment or by the department. If upon examination of any records or from other information obtained by the business or department it appears that an incentive has been paid in an amount that exceeds the correct amount of incentive payable, the business may assess against the person for the amount found to have been paid in excess of the correct amount of incentive payable and ~~((shall))~~ must add thereto interest on the amount. Interest ~~((shall be))~~ is assessed in the manner that the department assesses interest upon delinquent tax under RCW 82.32.050.

(ii) If it appears that the amount of incentive paid is less than the correct amount of incentive payable the business may authorize additional payment.

(4) Except for community solar projects, the investment cost recovery incentive may be paid fifteen cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For community solar projects, the investment cost recovery incentive may be paid thirty cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For the purposes of this

section, the rate paid for the investment cost recovery incentive may be multiplied by the following factors:

- (a) For customer-generated electricity produced using solar modules manufactured in Washington state or a solar stirling converter manufactured in Washington state, two and four-tenths;
- (b) For customer-generated electricity produced using a solar or a wind generator equipped with an inverter manufactured in Washington state, one and two-tenths;
- (c) For customer-generated electricity produced using an anaerobic digester, or by other solar equipment or using a wind generator equipped with blades manufactured in Washington state, one; and
- (d) For all other customer-generated electricity produced by wind, eight-tenths.
- (5) No individual, household, business, or local governmental entity is eligible for incentives provided under subsection (4) of this section for more than five thousand dollars per year. Each applicant in a community solar project is eligible for up to five thousand dollars per year.
- (6) If requests for the investment cost recovery incentive exceed the amount of funds available for credit to the participating light and power business, the incentive payments ~~((shall))~~ must be reduced proportionately.
- (7) The climate and rural energy development center at Washington State University energy program may establish guidelines and standards for technologies that are identified as Washington manufactured and therefore most beneficial to the state's environment.
- (8) The environmental attributes of the renewable energy system belong to the applicant, and do not transfer to the state or the light and power business upon receipt of the investment cost recovery incentive.

PART XXI

Sales and Use Tax Exemption for Investment Castings

NEW SECTION. Sec. 2101. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of wax and ceramic materials used to create molds consumed during the process of creating ferrous and nonferrous investment castings used in industrial applications. The tax also does not apply to labor or services used to create wax patterns and ceramic shells used as molds and consumed during the process of creating ferrous and nonferrous investment castings used in industrial applications.

(2) A person claiming the exemption under this section must claim the exemption in a form and manner prescribed by the department.

(3) This section expires July 1, 2020.

NEW SECTION. Sec. 2102. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of wax and ceramic materials used to create molds consumed during the process of creating ferrous and nonferrous investment castings used in industrial applications.

(2) This section expires July 1, 2020.

PART XXII

Tax Relief for Aluminum Smelters

Sec. 2201. RCW 82.04.2909 and 2006 c 182 s 1 are each amended to read as follows:

(1) Upon every person who is an aluminum smelter engaging within this state in the business of manufacturing aluminum; as to such persons the amount of tax with respect to such business ~~((shall))~~ is, in the case of manufacturers, ~~((be))~~ equal to the value of the product manufactured, or in the case of processors for hire, ~~((be))~~ equal to the gross income of the business, multiplied by the rate of .2904 percent.

(2) Upon every person who is an aluminum smelter engaging within this state in the business of making sales at wholesale of aluminum manufactured by that person, as to such persons the amount of tax with respect to such business ~~((shall be))~~ is equal to the gross proceeds of sales of the aluminum multiplied by the rate of .2904 percent.

(3) This section expires January 1, ~~((2012))~~ 2017.

Sec. 2202. RCW 82.04.4481 and 2006 c 182 s 2 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for all property taxes paid during the calendar year on property owned by a direct service industrial customer and reasonably necessary for the purposes of an aluminum smelter.

(2) A person taking the credit under this section is subject to all the requirements of chapter 82.32 RCW. A credit earned during one calendar year may be carried over to be credited against taxes incurred in the subsequent calendar year, but may not be carried over a second year. Credits carried over must be applied to tax liability before new credits. No refunds may be granted for credits under this section.

(3) Credits may not be claimed under this section for property taxes levied for collection in ~~((2012))~~ 2017 and thereafter.

Sec. 2203. RCW 82.08.805 and 2009 c 535 s 513 are each amended to read as follows:

(1) A person who has paid tax under RCW 82.08.020 for personal property used at an aluminum smelter, tangible personal property that will be incorporated as an ingredient or component of buildings or other structures at an aluminum smelter, or for labor and services rendered with respect to such buildings, structures, or personal property, is eligible for an exemption from the state share of the tax in the form of a credit, as provided in this section. A person claiming an exemption must pay the tax and may then take a credit equal to the state share of retail sales tax paid under RCW 82.08.020. The person ~~((shall))~~ must submit information, in a form and manner prescribed by the department, specifying the amount of qualifying purchases or acquisitions for which the exemption is claimed and the amount of exempted tax.

(2) For the purposes of this section, "aluminum smelter" has the same meaning as provided in RCW 82.04.217.

(3) Credits may not be claimed under this section for taxable events occurring on or after January 1, ~~((2012))~~ 2017.

Sec. 2204. RCW 82.12.805 and 2009 c 535 s 620 are each amended to read as follows:

(1) A person who is subject to tax under RCW 82.12.020 for personal property used at an aluminum smelter, or for tangible personal property that will be incorporated as an ingredient or component of buildings or other structures at an aluminum smelter, or for labor and services rendered with respect to such buildings, structures, or personal property, is eligible for an exemption from the state share of the tax in the form of a credit, as provided in this section. The amount of the credit ~~((shall be))~~ is equal to the state share of use tax computed to be due under RCW 82.12.020. The person ~~((shall))~~ must submit information, in a form and manner prescribed by the department, specifying the amount of qualifying purchases or acquisitions for which the exemption is claimed and the amount of exempted tax.

(2) For the purposes of this section, "aluminum smelter" has the same meaning as provided in RCW 82.04.217.

(3) Credits may not be claimed under this section for taxable events occurring on or after January 1, ~~((2012))~~ 2017.

Sec. 2205. RCW 82.12.022 and 2006 c 182 s 5 are each amended to read as follows:

(1) There is ~~((hereby))~~ levied and ~~((there shall be))~~ collected from every person in this state a use tax for the privilege of using natural gas or manufactured gas within this state as a consumer.

(2) The tax ~~((shall be))~~ is levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the public utility tax on gas distribution businesses under RCW 82.16.020. The "value of the article used" does not include any amounts that are paid for the hire or use of a gas distribution business as defined in RCW 82.16.010~~((7))~~ (2) in transporting the gas subject to tax under this subsection if those amounts are subject to tax under that chapter.

(3) The tax levied in this section ~~((shall))~~ does not apply to the use of natural or manufactured gas delivered to the consumer by other means than through a pipeline.

(4) The tax levied in this section ~~((shall))~~ does not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer has paid a tax under RCW 82.16.020 with respect to the gas for which exemption is sought under this subsection.

(5) The tax levied in this section ~~((shall))~~ does not apply to the use of natural or manufactured gas by an aluminum smelter as that term is defined in RCW 82.04.217 before January 1, ~~((2012))~~ 2017.

(6) There ~~((shall be))~~ is a credit against the tax levied under this section in an amount equal to any tax paid by:

(a) The person who sold the gas to the consumer when that tax is a gross receipts tax similar to that imposed pursuant to RCW 82.16.020 by another state with respect to the gas for which a credit is sought under this subsection; or

(b) The person consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another state with respect to the gas for which a credit is sought under this subsection.

(7) The use tax hereby imposed ~~((shall))~~ must be paid by the consumer to the department.

(8) There is imposed a reporting requirement on the person who delivered the gas to the consumer to make a quarterly report to the department. Such report ~~((shall))~~ must contain the volume of gas delivered, name of the consumer to whom delivered, and such other information as the department ~~((shall))~~ requires by rule.

(9) The department may adopt rules under chapter 34.05 RCW for the administration and enforcement of sections 1 through 6, chapter 384, Laws of 1989.

Sec. 2206. RCW 82.32.570 and 2006 c 182 s 6 are each amended to read as follows:

(1) For the purposes of this section, "smelter tax incentive" means the preferential tax rate under RCW 82.04.2909, or an exemption or credit under RCW 82.04.4481, 82.08.805, 82.12.805, or 82.12.022(5).

(2) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information to evaluate whether the stated goals of legislation were achieved.

(3) The goals of the smelter tax incentives are to retain family-wage jobs in rural areas by:

(a) Enabling the aluminum industry to maintain production of aluminum at a level that will preserve at least 75 percent of the jobs that were on the payroll effective January 1, 2004, as adjusted for employment reductions publicly announced before November 30, 2003; and

(b) Allowing the aluminum industry to continue producing aluminum in this state through ~~((2012))~~ 2017 so that the industry will be positioned to preserve and create new jobs when the anticipated reduction of energy costs occurs.

(4)(a) An aluminum smelter receiving the benefit of a smelter tax incentive ~~((shall))~~ must make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. The report is due by March 31st following any year in which a tax incentive is claimed or used. The report ~~((shall))~~ may not include names of employees. The report ~~((shall))~~ must detail employment by the total number of full-time, part-time, and temporary positions. The report

~~((shall))~~ must indicate the quantity of aluminum smelted at the plant during the time period covered by the report. The first report filed under this subsection ~~((shall))~~ must include employment, wage, and benefit information for the twelve-month period immediately before first use of a tax incentive. Employment reports ~~((shall))~~ must include data for actual levels of employment and identification of the number of jobs affected by any employment reductions that have been publicly announced at the time of the report. Information in a report under this section is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(b) If a person fails to submit an annual report under (a) of this subsection by the due date of the report, the department ~~((shall))~~ must declare the amount of taxes exempted or credited, or reduced in the case of the preferential business and occupation tax rate, for that year to be immediately due and payable. Excise taxes payable under this subsection are subject to interest but not penalties, as provided under this chapter. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

((5) By December 1, 2007, December 1, 2010, and December 1, 2015, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the effectiveness of the smelter tax incentives under RCW 82.04.4482 and 82.16.0498. The reports shall measure the effect of the tax incentives on job retention for Washington residents and any other factors the committees may select.))

PART XXIII

Preferential Business and Occupation Tax Rate for Certain Aviation Repair Businesses

Sec. 2301. RCW 82.04.250 and 2008 c 81 s 5 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of making sales at retail, except persons taxable as retailers under other provisions of this chapter, as to such persons, the amount of tax with respect to such business ~~((shall be))~~ is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, except persons taxable under RCW 82.04.260(11) or subsection (3) of this section, as to such persons, the amount of tax with respect to such business ~~((shall be))~~ is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

(3)(a) Until July 1, 2024, upon every person classified by the federal aviation administration as a federal aviation regulation part 145 certificated repair station and that is engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, as to such persons, the amount of tax with respect to such business ~~((shall be))~~ is equal to the gross proceeds of sales of the business, multiplied by the rate of .2904 percent.

(b) A person reporting under the tax rate provided in this subsection (3) must file a complete annual report with the department under RCW 82.32.--- (section 103, chapter -- (SHB 3066), Laws of 2010).

PART XXIV

Excise Taxation of Publicly Owned Facilities Accredited by the Association of Zoos and Aquariums

NEW SECTION. Sec. 2401. The legislature finds that publicly owned facilities accredited by the association of zoos and aquariums in Washington serve a public purpose by providing educational and recreational opportunities for Washington citizens and spurring economic development in the state. The legislature also finds that organizations operating accredited zoos and aquariums are similar to other artistic or cultural organizations, which currently receive

favorable tax treatment. The legislature intends to provide certain excise tax relief to organizations operating accredited zoo and aquarium facilities in order to further their public purpose and stimulate economic development.

NEW SECTION. Sec. 2402. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax by persons subject to payment of the tax on manufacturing under RCW 82.04.240, the value of the products manufactured to the extent the manufacturing activities are: (a) Undertaken by a nonprofit organization or metropolitan park district operating a zoological facility; and (b) solely for the purpose of manufacturing articles for use by the organization or district in displaying or presenting zoological exhibitions, presentations, performances, or education programs at the zoological facility.

(2) In computing tax there may be deducted from the measure of tax those amounts received:

(a) By a nonprofit organization or metropolitan park district where the income is derived from business activities conducted by the organization or district with respect to a zoological facility; or

(b) By a nonprofit organization or metropolitan park district from the United States or any instrumentality thereof or from the state of Washington or any municipal corporation or subdivision thereof as compensation for, or to support, zoological exhibitions, presentations, performances, or education programs at a zoological facility.

(3) For the purposes of this section:

(a) "Metropolitan park district" or "district" means a metropolitan park district created under chapter 35.61 RCW.

(b) "Nonprofit organization" means a business entity incorporated or authorized to conduct affairs in this state under chapter 24.03 RCW.

(c) "Zoological facility" means a publicly owned facility accredited by the association of zoos and aquariums.

(4) This section expires July 1, 2020.

PART XXV

Sales and Use Tax Deferral for Performing Arts Centers

NEW SECTION. Sec. 2501. A new section is added to chapter 82.32 RCW to read as follows:

(1) The governing board of a nonprofit organization, corporation, or association may apply for deferral of taxes on taxable activity related to an eligible facility. Application must be made to the department in a form and manner prescribed by the department. The application must contain information regarding the location of the facility, estimated or actual costs of the facility, time schedules for completion and operation of the facility, and other information required by the department. The department must rule on the application within sixty days. All applications for the tax deferral under this section must be submitted prior to the initiation of construction and no later than December 31, 2012.

(2) The department must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW for sales or charges made for taxable activity related to an eligible facility.

(3) The nonprofit organization, corporation, or association must begin paying the deferred taxes in the fifth year after the date in which the eligible facility is issued an occupancy permit by the local permit issuing authority. The first payment is due by December 31st of the fifth calendar year after such certified date, with subsequent annual payments due by December 31st of the following nine years. Each payment must equal ten percent of the deferred tax.

(4) The department may authorize an accelerated repayment schedule upon request of the nonprofit organization, corporation, or association.

(5) Except as provided in subsection (6) of this section, interest may not be charged on any taxes deferred under this section for the period of deferral. The debt for deferred taxes is not extinguished by

insolvency or other failure of the nonprofit organization, corporation, or association.

(6) If the facility is not operationally complete within five calendar years from issuance of the tax deferral certificate or if at any time the department finds that the facility is not eligible for tax deferral under this section, the amount of deferred taxes outstanding for the facility is immediately due and payable. If deferred taxes must be repaid under this subsection, the department must assess interest, but not penalties, on amounts due under this subsection. Interest is assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date of deferral, and accrues until the deferred taxes due are repaid.

(7) Applications and any other information received by the department of revenue under this section are not confidential under RCW 82.32.330. This chapter applies to the administration of this section.

(8) This section applies to taxable activity for an eligible facility that occurs on or after July 1, 2011.

(9) The following definitions apply to this section:

(a) "Eligible facility" means a facility that is: (i) Owned and operated by a nonprofit organization, corporation, or association; (ii) used primarily as a performing arts center; and (iii) located in a city with an estimated population between one hundred fifteen thousand and one hundred fifty thousand at the time construction of the facility is initiated.

(b) "Facility" means a new structure and fixtures that are permanently affixed to and become a physical part of the structure.

(c) "Nonprofit organization, corporation, or association" means an organization, corporation, or association exempt from tax under section 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended as of the effective date of this section.

(d) "Performing arts center" means a facility that is used for music, dance, drama, or similar presentations and has a seating capacity of one thousand seven hundred or more.

(e) "Site preparation" includes soil testing, site clearing and grading, demolition, or any other related activities that are initiated before construction. Site preparation does not include landscaping services or landscaping materials.

(f) "Taxable activity" means construction of new structures, the acquisition and installation of fixtures, and site preparation.

PART XXVI

Miscellaneous Provisions

NEW SECTION. Sec. 2601. (1) Except as provided in subsection (2) of this section, if any provision of sections 101 through 108 of this act or its application to any person or circumstance is held invalid, the remainder of sections 101 through 108 of this act or the application of the provision to other persons or circumstances is not affected.

(2) If a court of competent jurisdiction, in a final judgment not subject to appeal, adjudges any provision of section 104(1)(c) of this act unconstitutional or otherwise invalid, sections 101 through 108 of this act are null and void in their entirety.

NEW SECTION. Sec. 2602. Sections 101 through 108 of this act apply with respect to gross income of the business, as defined in RCW 82.04.080, including gross income from royalties as defined in RCW 82.04.2907, generated on and after April 1, 2010. For purposes of calculating the thresholds in section 104(1)(c) of this act for the 2010 tax year, property, payroll, and receipts are based on the entire 2010 tax year.

NEW SECTION. Sec. 2603. Sections 201 through 213 of this act must be construed liberally to effectuate the legislature's intent to ensure that all businesses and individuals pay their fair share of taxes.

NEW SECTION. Sec. 2604. (1) Except as provided in subsection (2) of this section, section 201 of this act applies to tax periods beginning January 1, 2006.

(2) Section 201 of this act does not apply to any tax periods ending before April 1, 2010, that were included in a completed field audit conducted by the department.

NEW SECTION. Sec. 2605. Sections 502, 802, 1701, and 1702 of this act apply both retroactively and prospectively.

NEW SECTION. Sec. 2606. In accordance with Article VIII, section 5 of the state Constitution, sections 802 and 2605 of this act do not authorize refunds of business and occupation tax validly collected before April 1, 2010, on amounts received by an individual from a corporation as compensation for serving as a member of that corporation's board of directors.

NEW SECTION. Sec. 2607. Section 502 of this act does not affect any final judgments, not subject to appeal, entered by a court of competent jurisdiction before the effective date of this section.

NEW SECTION. Sec. 2608. Sections 1101 and 1102 of this act apply to transfers or conveyances as described in RCW 82.45.010(3)(i) occurring on and after April 1, 2010.

NEW SECTION. Sec. 2609. Section 1602 of this act applies only with respect to tax liability incurred under chapter 82.24 RCW on or after April 1, 2010, for the sale, use, consumption, handling, possession, or distribution of cigarettes.

NEW SECTION. Sec. 2610. Section 1605(1) (a), (b), and (d) of this act applies only with respect to tax liability incurred under chapter 82.24 RCW on or after April 1, 2010, for the sale, handling, or distribution of cigars, little cigars, and other tobacco products.

NEW SECTION. Sec. 2611. Section 1605(1)(c), chapter . . . , Laws of 2010 (this act) applies only with respect to tax liability incurred under chapter 82.24 RCW on or after October 1, 2010, for the sale, handling, or distribution of moist snuff.

NEW SECTION. Sec. 2612. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 2613. Except as otherwise provided in this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 1, 2010.

NEW SECTION. Sec. 2614. Parts II and XVII of this act take effect July 1, 2010.

NEW SECTION. Sec. 2615. Section 902 of this act takes effect January 1, 2011.

NEW SECTION. Sec. 2616. Sections 1701, 1702, 1704 through 1708, and 1712 through 1715 of this act take effect July 1, 2010.

NEW SECTION. Sec. 2617. Sections 1709 and 1710 of this act take effect July 1, 2010, if the legislature does not enact Substitute House Bill No. 1597 by July 1, 2010.

NEW SECTION. Sec. 2618. Section 605 of this act expires July 1, 2011.

NEW SECTION. Sec. 2619. Section 606 of this act takes effect July 1, 2011.

NEW SECTION. Sec. 2620. Section 1801 of this act applies prospectively only."

Correct the title.

With the consent of the House, amendment (1564) to amendment (1531) was withdrawn.

Representative Orcutt moved the adoption of amendment (1561) to amendment (1531).

On page 2, line 12 of the amendment, after "income" insert "for state business and occupation tax purposes"

On page 2, line 20 of the amendment, after "82.04.460" insert ", or cities with a business and occupation tax to implement or to apply apportionment of gross income provided in this act"

Representatives Orcutt and Hunter spoke in favor of the adoption of the amendment to the amendment.

Amendment (1561) to amendment (1531) was adopted.

Representative Carlyle moved the adoption of amendment (1556) to amendment (1531).

On page 20, after line 23 of the amendment, insert the following: "(4) This section expires July 1, 2011."

Representatives Carlyle and Hunter spoke in favor of the adoption of the amendment to the amendment.

Representative Orcutt spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 56 - YEAS; 41 - NAYS.

Amendment (1556) to amendment (1531) was adopted.

Representative Santos moved the adoption of amendment (1562) to amendment (1531).

On page 1, beginning on line 20, strike all of section 201 and section 202 and insert the following:

"NEW SECTION. Sec. 201. A new section is added to chapter 82.32 RCW to read as follow:

(1) It is the intent of the legislature to require all taxpayers to pay their fair share of taxes. To accomplish this purpose, it is the legislature's intent to identify and prohibit transactions, plans, and arrangements that are designed to deceptively avoid taxes.

(2) The legislature directs the department to prepare a report that identifies transactions, plans, and arrangements that are primarily designed to deceptively avoid the payment of taxes. These include a transaction, plan, or arrangement that:

(a) Disguises income received, or otherwise avoids tax on income, from a person that is not affiliated with the taxpayer;

(b) Disguises the purchase or sale of property or services from or to a person that is not affiliated with the taxpayer;

(c) Avoids the tax imposed by RCW 82.12.020 on the use of property in the state that is owned by an entity organized outside of the state;

(d) Is a sham transaction in fact or in substance; is intended solely for tax avoidance purposes and lacks economic substance;

(e) Elevates form over substance;

(f) Is completed in multiple steps, rather than a single transaction, where the intent in using multiple steps is to avoid taxation; or

(g) Assigns or transfers a taxpayer's earned income to another person where the intent is to avoid tax.

(3) Beginning December 1, 2010, and by December 1 of each subsequent year, the department must submit its report to the house of representatives finance committee and the senate ways and means committee, or their successors. The department may include draft legislation to address the deceptive tax avoidance transactions, plan, or arrangements identified in the report.

(4) The definitions in this subsection apply to this section.

(a) "Affiliated" means under common control;

(b) "Control" means the possession, directly or indirectly, of more than fifty percent of the power to direct or cause the direction of the management and policies of a person, whether through ownership or voting shares, by contract, or otherwise;

(c) "Lacks economic substance" means having no purpose other than to obtain a tax benefit where a participant's risk of profit or loss is insignificant when compared to the tax benefit; and

(d) "Sham" means fictitious, deceptive, and fraudulent.

(5) The legislature specifies the following as transactions, plans, or arrangements that may be primarily designed to deceptively avoid the payment of taxes:

(a) A joint venture arrangement between a contractor required to register under RCW 18.27.020 and an owner or developer of a construction project when the arrangement: (i) provides for guaranteed payments to the contractor for construction services; and (ii) does not entitle the contractor to share in substantial profits and bear significant risk from the project.

(b) (i) A parent/subsidiary organizational structure or arrangement wherein the parent: (A) creates a subsidiary outside of Washington; (B) provides services to customers outside of Washington; (C) assigns out-of-state customer contracts to the out-of-state subsidiary; (D) requires out-of-state customers to pay for services to the out-of-state subsidiary; and (E) receives income that represents payment for these out-of-state customer contracts through a dividend or transfer from the out-of-state subsidiary.

(ii) A parent/subsidiary organizational structure or arrangement described in this subsection (5) (b) will not be considered primarily designed to deceptively avoid the payment of taxes if the services provided to the customers outside Washington are primarily performed by employees of the out-of-state subsidiary.

(6) The department may disregard any transaction, plan, or arrangement that is specified in subsection (5) of this section, except if:

(a) The taxpayer initiated the transaction, plan, or arrangement before April 1, 2010; and (b) the taxpayer had reported its tax liability in conformance with: (i) specific written instructions provided by the department to the taxpayer; or (ii) a published determination or any other document published by the department.

(7)(a) For purposes of subsection (6) of this section, "specific written instructions" means tax reporting instructions provided to a taxpayer which specifically identify the taxpayer to whom the instructions apply. Specific written instructions may be provided as part of an audit, tax assessment, determination, closing agreement, or in response to a binding ruling request.

(b) Subsection (6) of this section applies to tax periods beginning January 1, 2006, but does not apply to any tax periods ending before April 1, 2010, that were included in a completed field audit conducted by the department.

(c) Subsection (6) of this section must be construed narrowly to ensure that only transactions, plans, or arrangements where there is clear and convincing evidence of deceptive tax avoidance are subject to tax liability."

On page 23, at the beginning of line 1, after "(6)" strike all of the material through "department" on line 14 and insert the following:

"If the department finds that all or any part of a deficiency resulted from engaging in a disregarded transaction, as described in section 201(2)(a), (b), (c), (d), (e), (f), and (g) of this act, the department must assess a penalty of thirty-five percent of the additional tax found to be due as a result of engaging in a transaction disregarded by the department under section 201(2)(a), (b), (c), (d), (e), (f), and (g) of this act. The penalty provided in this subsection may be assessed together with any other applicable penalties provided in this section on the same tax found to be due, except for the evasion penalty provided in subsection (7) of this section. The department may not assess the penalty under this subsection if, before the department discovers the taxpayer's use of a transaction described under section 201(2)(a), (b), (c), (d), (e),

(f), and (g) of this act, the taxpayer discloses its participation in the transaction to the department"

On page 23, on line 23, after "impose" strike "both" and insert ~~((both))~~

On page 23, on line 24 after "penalty" strike "and" and insert "~~(and)~~,"

On page 23, on line 25 after "instructions" insert "1."

On page 23, beginning on line 32 of the amendment, strike all of section 204 and insert the following:

"Sec. 204. A new section is added to chapter 82.32 RCW to read as follow:

(1) The legislature finds that this state's tax policy with respect to the taxation of transactions between affiliated entities and the income derived from such transactions (intercompany transactions) has motivated some taxpayers to engage in transactions designed solely or primarily to minimize the tax effects of intercompany transactions. The legislature further finds that some intercompany transactions result from taxpayers that are required to establish affiliated entities to comply with regulatory mandates and that transactions between such affiliates effectively increases the tax burden in this state on the affiliated group of entities.

(2)(a) The department of revenue is directed to conduct a review of the state's tax policy with respect to the taxation of intercompany transactions. The review must:

(i) Include the impacts of such transactions under the state's business and occupation tax and state and local sales and use taxes;

(ii) Examine how this state's tax policy compares to the tax policy of other states with respect to the taxation of intercompany transactions; and

(iii) Analyze potential alternatives to the current policy of taxing intercompany transactions, including their estimated revenue impacts if practicable.

(b) In conducting this review, the department must seek input from members of the business community and others as it deems appropriate.

(c) The department must report its findings to the fiscal committees of the house of representatives and senate by December 1, 2010. However, if the department has not completed its review by December 1, 2010, the department must provide the fiscal committees of the legislature with a brief status report by December 1, 2010, and the final report by December 1, 2011."

Re-number the remaining sections consecutively and correct the internal references accordingly

Representatives Santos, Orcutt and Hinkle spoke in favor of the adoption of the amendment to the amendment.

Representative Hunter spoke against the adoption of the amendment to the amendment.

Amendment (1562) to amendment (1531) was not adopted.

Representative Parker moved the adoption of amendment (1566) to amendment (1531).

On page 36, line 10 of the amendment, after "exceed" strike "one" and insert "two"

Representatives Parker, Ericksen and Parker (again) and Ericksen (again) spoke in favor of the adoption of the amendment to the amendment.

Representatives Hunter and Liias spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1566) to amendment (1531) to Engrossed Substitute Senate Bill No. 6143.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1566) to amendment (1531) to Engrossed Substitute Senate Bill No. 6143 and the amendment was not adopted by the following vote: Yeas, 46; Nays, 51; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Crouse, Dammeier, DeBolt, Driscoll, Ericks, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Santos, Schmick, Seaquist, Shea, Short, Smith, Springer, Taylor, Walsh and Warnick.

Voting nay: Representatives Anderson, Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

Amendment (1566) to amendment (1531) was not adopted.

Representative Orcutt moved the adoption of amendment (1550) to amendment (1531).

On page 36, after line 10 of the amendment, strike all of Part IV

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

Representatives Orcutt, Herrera, Ericksen, Haler, Klippert, Ross and Schmick spoke in favor of the adoption of the amendment to the amendment.

Representatives Moeller and Hunter spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1550) to amendment (1531) to Engrossed Substitute Senate Bill No. 6143.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1550) to amendment (1531) to Engrossed Substitute Senate Bill No. 6143 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 53; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Jacks, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Takko, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

Amendment (1550) to amendment (1531) was not adopted.

Representative Orcutt moved the adoption of amendment (1552) to amendment (1531).

On page 37, line 23 of the amendment, after "(1)" strike "Prior to April 1, 2010, this" and insert "This"

Representatives Orcutt, Chandler and Klippert spoke in favor of the adoption of the amendment to the amendment.

Representative Hunter spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1552) to amendment (1531) to Engrossed Substitute Senate Bill No. 6143.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1552) to amendment (1531) to Engrossed Substitute Senate Bill No. 6143 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 55; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

Amendment (1552) to amendment (1531) was not adopted.

Representative Hunter moved the adoption of amendment (1555) to amendment (1531).

On page 68, line 32 of the amendment, strike all of subsection (6)

On page 69, line 29 of the amendment, strike all of subsection (5)

Representatives Hunter and Schmick spoke in favor of the adoption of the amendment to the amendment.

Amendment (1555) to amendment (1531) was adopted.

Representative Rolfes moved the adoption of amendment (1548) to amendment (1531).

On page 72, line 8, after "(2)" insert the following:

"The tax imposed under subsection (1) of this section on aircraft with a date of manufacture before December 31, 1970 may not exceed the following:

Type of aircraft	Tax
Single engine fixed wing	100
Small multi-engine fixed wing	130
Large multi-engine fixed wing	160
Turboprop multi-engine fixed wing	200
Turbojet multi-engine fixed wing	250
Helicopter	150
Sailplane	40
Lighter than air	40
Home built	40

(3)"

Renumber the subsections consecutively and correct any internal references accordingly.

Representatives Rolfes and Hunter spoke in favor of the adoption of the amendment to the amendment.

Representative Orcutt spoke against the adoption of the amendment to the amendment.

Amendment (1548) to amendment (1531) was adopted.

Representative Conway moved the adoption of amendment (1569) to amendment (1531).

On page 92, after line 15, insert the following:

"NEW SECTION. Sec. 1408. (1) The legislature finds that the definition of candy under the national streamlined sales and use tax agreement is ambiguous and also excludes certain items through its definition that are unquestionably considered candy, such as Kit Kat, Twix, Reese Sticks, and licorice.

(2) It is the intent of the legislature that the department of revenue develop an alternative definition of candy for the purpose addressing the issues specified under subsection (1) of this section and petitioning the streamlined sales and use tax agreement governing board for a change in the definition of candy.

(3) To achieve the purpose described in subsection (2) of this section, the department of revenue, through the Washington state streamlined sales tax project advisory group, shall recommend modifications to the definition of candy. As part of this process, the department shall take input from stakeholders in the confectionary industry."

Representative Conway spoke in favor of the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 56 - YEAS; 41 - NAYS.

Amendment (1569) to amendment (1531) was adopted.

Representative Hasegawa moved the adoption of amendment (1546) to amendment (1531).

On page 92, line 18, strike "Surgery, Custom Software, and Janitorial Services" and insert "Surgery and Custom Software"

On page 92, beginning on line 29, strike all of subsection (3)

On page 94, beginning on line 31, strike all of subsection (2)(d) and insert the following:

"(d) The cleaning, fumigating, razing, or moving of existing buildings or structures, but may not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;"

On page 96, beginning on line 13, strike all of subsection (3)(i)

Representatives Hasegawa, Orcutt, Anderson and Hunter spoke in favor of the adoption of the amendment to the amendment.

Amendment (1546) to amendment (1531) was adopted.

Representative Hasegawa moved the adoption of amendment (1554) to amendment (1531).

On page 99, after line 30 of the amendment, insert the following:

"(14)(a) The term includes the sale of or charge made for the following services:

(i) Accounting, auditing, tax preparation, bookkeeping, payroll, and other related services.

(ii) Agent and management services for artists, athletes, entertainers, and other public figures.

(iii) Attorney services, paralegal services, arbitration and conciliation services, mediation product services, legal research services, and court reporting services.

(iv) Business support services including but not limited to: Document preparation services, telephone call telephone answering services, telemarketing services, debt collection services, repossession services, and court reporting and stenotype services.

(v) Computer systems design and related services including but not limited to: Computer systems design services, computer facilities management services, other computer facilities management services, and other computer related services (such as computer disaster recovery services and software installation services). Computer systems design and related services do not include custom computer programming services.

(vi) Data processing, hosting, and related services including but not limited to: Application hosting services, application service provider services, automated data processing services, computer input preparation services, computer time rental services, data entry services, media streaming services, optical scanning services, and web hosting services.

(vii) Facilities support services.

(viii) Investment advice services including but not limited to: Financial investment advice services, financial planning services, investment advice consulting services, and investment advisory services.

(ix) Management, scientific, and technical consulting services including but not limited to: Administrative management and general management services (such as business consulting services, medical office management services, site location consulting services, strategic planning consulting services, and financial management consulting services), human resources consulting services (such as actuarial consulting services, benefit consulting services, employee benefit consulting services, human resource consulting services, labor

relations consulting services, and personnel management consulting services), marketing consulting services (such as customer service management consulting services, marketing consulting services, and sales management consulting services), process, physical distribution, and logistics consulting services (such as efficiency management consulting services, freight traffic consulting services, inventory planning and control management consulting services, operations research consulting services, and transportation management consulting services), environmental consulting services (such as sanitation consulting services and site remediation services), and other scientific and technical consulting services (such as agricultural consulting services, chemical consulting services, economic consulting services, energy consulting services, hydrology consulting services, livestock breeding consulting services, and security consulting services).

(x) Marketing research and public opinion polling services.

(xi) Office administrative services including but not limited to: Business management services, executive management services, hotel management services, and office management services.

(xii) Parking lot management services.

(xiii) Promoting services for performing arts, sporting, and similar events.

(xiv) Public relations services including but not limited to: Lobbying services, political consulting services, and other public relations consulting services.

(xv) Scientific research and development services including but not limited to research and development in the physical, engineering, and life sciences (such as agriculture, bacteriological, biotechnology, chemical, life sciences, and physical science research and development laboratories or services) and research and development in the social sciences and humanities (such as archaeological, behavioral, cognitive, economic, language, and learning research or development services).

(xvi) Software publishing support services.

(xvii) The following professional, scientific, and technical services not otherwise included within the definition of selected business service: Business brokers except real estate brokers, commodity inspection services, consumer credit counseling services, consumer credit repair services, estate assessment services, handwriting analysis services, handwriting expert services, marine surveyor services, meteorological services, outplacement services, patent broker services, electric transmission or gas line visual inspection services, pipeline inspection services, power line visual inspection services, quantity surveyor services, and weather forecasting services.

(b) A person may apply to the department, in a form and manner required by the department, for fifty percent of state and local sales taxes paid on the services subject to tax under this subsection (14)."

Beginning on page 141, line 4 of the amendment, strike all of Part XIX

Representative Hasegawa spoke in favor of the adoption of the amendment to the amendment.

Representatives Orcutt and Hunter spoke against the adoption of the amendment to the amendment.

Amendment (1554) to amendment (1531) was not adopted.

Representative Kirby moved the adoption of amendment (1549) to amendment (1531).

On page 121, beginning on line 29, strike all of Part XVI

Re-number the remaining parts and sections consecutively and correct any internal references accordingly.

Representatives Kirby, Orcutt, Ross, Hurst, Flannigan, Armstrong, Walsh and Anderson spoke in favor of the adoption of the amendment to the amendment.

Representatives Cody, Hunter and Roberts spoke against the adoption of the amendment to the amendment.

Amendment (1549) to amendment (1531) was not adopted.

Representative Chase moved the adoption of amendment (1563) to amendment (1531).

On page 133, on line 24 of the amendment, after "project," insert "estimated or actual new employment available for the local work force, estimated or actual reductions in local unemployment,"

Representatives Chase and Hunter spoke in favor of the adoption of the amendment to the amendment.

Representatives Orcutt and Anderson spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 56 - YEAS; 41 - NAYS.

Amendment (1563) to amendment (1531) was adopted.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

Representative Bailey moved the adoption of amendment (1551) to amendment (1531).

On page 160, line 2 of the amendment, after "after" strike "April 1, 2010" and insert "the effective date of this section"

On page 160, line 13 of the amendment, after "before" strike "April 1, 2010," and insert "the effective date of this section"

On page 160, line 20 of the amendment, after "before" strike "April 1, 2010," and insert "the effective date of this section"

On page 160, line 28 of the amendment, after "after" strike "April 1, 2010" and insert "the effective date of this section"

On page 161, line 1 of the amendment, after "after" strike "April 1, 2010," and insert "the effective date of this act"

On page 161, line 5 of the amendment, after "after" strike "April 1, 2010," and insert "the effective date of this section"

On page 161, beginning on line 15 of the amendment, strike all of section 2613

Re-number the remaining sections consecutively and correct any internal references accordingly.

Representatives Bailey, Orcutt, Armstrong, Haler and Anderson spoke in favor of the adoption of the amendment to the amendment.

Representative Hunter spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1551) to amendment (1531) to Engrossed Substitute Senate Bill No. 6143.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1551) to amendment (1531) to Engrossed Substitute Senate Bill No. 6143 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 54; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

Amendment (1551) to amendment (1531) was not adopted.

Representative Hunter moved the adoption of amendment (1557) to amendment (1531).

On page 160, line 2 of the amendment, strike "April" and insert "July"

On page 161, line 19 of the amendment, strike "Parts II and XVII" and insert "Parts I and II"

Representatives Hunter and Parker spoke in favor of the adoption of the amendment to the amendment.

Amendment (1557) to amendment (1531) was adopted.

Representative Hunter moved the adoption of amendment (1565) to amendment (1531).

On page 161, line 19, after "Parts II" insert ", III,"

Representatives Hunter and Parker spoke in favor of the adoption of the amendment to the amendment.

Amendment (1565) to amendment (1531) was adopted.

Representative Hinkle moved the adoption of amendment (1553) to amendment (1531).

On page 162, after line 4 of the amendment, insert the following:

"NEW SECTION. Sec. 2621. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Representatives Hinkle, Ericksen, Orcutt, Armstrong and Anderson spoke in favor of the adoption of the amendment to the amendment.

Representatives Hunter, Dickerson and Hudgins spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1553) to amendment (1531) to Engrossed Substitute Senate Bill No. 6143.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1553) to amendment (1531) to Engrossed Substitute Senate Bill No. 6143 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 54; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

Amendment (1553) to amendment (1531) was not adopted.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1531) as amended.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 55 - YEAS; 42 - NAYS.

Amendment (1531) was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Hunter, Springer, Cody, Hunt, Kagi, Linville, Finn, Darneille, White, Sullivan, Nelson, Appleton, Hudgins, Dunshee, Lias and Orwall spoke in favor of the passage of the bill.

Representatives Orcutt, Haler, Rodne, Parker, Johnson, Hinkle, Roach, Angel, Chandler, Armstrong, Short, Shea, Smith, Alexander, Anderson, Schmick, Pearson, Dammeier, Taylor, Warnick, McCune, Bailey, Fagan, Herrera, Nealey, Kristiansen, Klippert and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6143, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6143, as amended by the House, and the bill passed the House by the following vote: Yeas: 52 Nays: 45 Absent: 0 Excused: 1

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks,

Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood, and Mr. Speaker

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Quall, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh, and Warnick

Excused: Representative Condotta

ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 9, 2010, the 58th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 9, 2010

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brittany Basso and Maren Sekerak. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Roger Archer, Puyallup Foursquare Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

March 8, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL 6609 and the same is herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTIONS AND FIRST READING

SSB 6339 by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs and Pridemore)

AN ACT Relating to a sales and use tax exemption for wax and ceramic materials used to create molds for ferrous and nonferrous investment castings; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and providing an expiration date.

2SSB 6578 by Senate Committee on Ways & Means (originally sponsored by Senators Swecker, Jacobsen, Kastama, Pflug, Becker and Fraser)

Creating an optional multiagency permitting team. Revised for 2nd Substitute: Concerning the creation of optional multiagency permitting teams.

Referred to Committee on Ways & Means.

SSB 6614 by Senate Committee on Ways & Means (originally sponsored by Senators Pridemore, Zarelli, Morton, Delvin and Marr)

AN ACT Relating to clarifying the applicability of business and occupation tax to conservation programs with the Bonneville power administration; amending RCW 82.04.310; and providing an expiration date.

SB 6833 by Senator Tom

AN ACT Relating to management of funds and accounts by the state treasurer; amending RCW 43.08.190 and 43.79A.040; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.79 RCW; and creating new sections.

Referred to Committee on Ways & Means.

SSB 6844 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to streamlining lottery accounts by transferring local accounts into the treasury custodial accounts, directing transfers of unclaimed prize money, and eliminating obsolete provisions; amending RCW 67.70.044, 67.70.230, 67.70.260, and 67.70.190; and creating a new section.

Referred to Committee on Ways & Means.

SB 6870 by Senator Hargrove

AN ACT Relating to containing costs for services to sexually violent predators; and amending RCW 71.09.050, 71.09.090, 71.09.110, and 71.09.300.

Referred to Committee on Ways & Means.

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

HB 3212 by Representatives Nelson, Roberts, Ormsby, Green, Darneille, Hunt, Chase, Cody, Orwall, White, McCoy and Appleton

AN ACT Relating to licensees under the consumer loan act; and amending RCW 31.04.055.

Referred to Committee on Financial Institutions & Insurance.

HB 3213 by Representatives Nelson, Roberts, Ormsby, Green, Darneille, Hunt, Chase, Cody, Orwall, White, McCoy and Appleton

AN ACT Relating to placing limitations on making small loans; adding a new section to chapter 31.04 RCW; and adding a new section to chapter 31.45 RCW.

Referred to Committee on Financial Institutions & Insurance.

E2SSB 6609 by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Delvin, Hobbs, Kilmer, Gordon, Kauffman and Shin)

AN ACT Relating to infrastructure financing for local governments; amending RCW 39.104.020, 39.104.040, 39.104.050, 39.104.060, 39.104.080, 39.104.100, 39.104.110, 82.14.505, 82.14.510, 82.32.765, and 82.14.475; reenacting and amending RCW 39.102.020; and providing an expiration date.

There being no objection, the bills listed on the day's introduction and supplemental introduction sheets, under the fourth order of business were referred to the committees so designated, with the exception of SUBSTITUTE SENATE BILL NO. 6339, SUBSTITTUTE SENATE BILL NO. 6614 and SECOND SUBSTITUTE SENATE BILL NO. 6609 which were read the first time, and under suspension of the rules, were placed on the second reading calendar.

MESSAGE FROM THE SENATE

March 8, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6293 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

**HOUSE AMENDMENT
TO SENATE BILL**

There being no objection, the House receded from its amendment. The rules were suspended and SUBSTITUTE SENATE BILL NO. 6293 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6293, by Senate Committee on Judiciary (originally sponsored by Senators Brandland and Carrell)

Changing provisions relating to rendering criminal assistance in the first degree.

With the consent of the House, amendment (1547) was withdrawn.

Representative Hurst moved the adoption of amendment (1559).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.76.070 and 2003 c 53 s 83 are each amended to read as follows:

(1) A person is guilty of rendering criminal assistance in the first degree if he or she renders criminal assistance to a person who has committed or is being sought for murder in the first degree or any class A felony or equivalent juvenile offense.

(2)(a) Except as provided in (b) of this subsection, rendering criminal assistance in the first degree is a class ((C)) B felony.

(b) Rendering criminal assistance in the first degree is a gross misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in RCW 9A.76.060 and under the age of eighteen at the time of the offense.

NEW SECTION. Sec. 2. This act may be known and cited as Randy's law."

Correct the title.

Representatives Hurst and Pearson spoke in favor of the adoption of the amendment.

Amendment (1559) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hurst and Dammeier spoke in favor of the passage of the bill.

MOTIONS

On motion of Representative Santos, Representatives Liias and Upthegrove were excused. On motion of Representative Hinkle, Representatives Anderson, Condotta and Rodne were excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6293, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6293, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Anderson, Condotta, Liias, Rodne and Upthegrove.

SUBSTITUTE SENATE BILL NO. 6293, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 6243 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SENATE BILL NO. 6243, and advanced the bill to final passage without the House amendment.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENT

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6243, without the House amendment.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6243 without the House amendment, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Anderson, Condotta, Liias, Rodne and Upthegrove.

SENATE BILL NO. 6243, without the House amendment, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6350 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

Representative Blake moved that the House recede from its amendment to SUBSTITUTE SENATE BILL NO. 6350 and advance the bill to final passage without the House amendment.

Representative Blake spoke in favor of the adoption of the motion.

Representative Chandler spoke against adoption of the motion.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 58 - YEAS; 35 - NAYS.

The motion was adopted.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENT

Representative Blake spoke in favor of the passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6350, without the House amendment.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6350 without the House amendment, and the bill passed the House by the following vote: Yeas, 63; Nays, 30; Absent, 0; Excused, 5.

Voting yea: Representatives Appleton, Bailey, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Campbell, Chandler, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

Excused: Representatives Anderson, Condotta, Liias, Rodne and Upthegrove.

SUBSTITUTE SENATE BILL NO. 6350, without the House amendment, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 1, 2010

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2519 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.26.510 and 2009 c 523 s 7 and 2009 c 226 s 2 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving

spouse or domestic partner as if in fact such spouse or domestic partner had been nominated by written designation, or if there be no such surviving spouse or domestic partner, then to such member's legal representatives.

(2) ~~(#)~~ Except as provided in subsection (4) of this section, if a member who is killed in the course of employment or a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse, domestic partner, or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.26.430, actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.26.460 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.26.430; if a surviving spouse or domestic partner who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse or domestic partner, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse or domestic partner eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse or domestic partner and member were equal at the time of the member's death; or

(b)(i) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670; or

(ii) If the member dies on or after July 25, 1993, one hundred fifty percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670. Any accumulated contributions attributable to restorations made under RCW 41.50.165(2) shall be refunded at one hundred percent.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse, domestic partner, or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To an estate, a person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

(4) The retirement allowance of a member who is killed in the course of employment, as determined by the director of the department of labor and industries, or the retirement allowance of a member who has left the employ of an employer due to service in the national guard or military reserves and dies while honorably serving in the national guard or military reserves during a period of war as defined in RCW 41.04.005, is not subject to an actuarial reduction for early retirement as provided in RCW 41.26.430 or an actuarial reduction to reflect a joint and one hundred percent survivor option under RCW 41.26.460. The member's retirement allowance is computed under RCW 41.26.420, except that the member shall be entitled to a minimum retirement allowance equal to ten percent of such member's final average salary. The member shall additionally receive a retirement allowance equal to two percent of such member's average final salary for each year of service beyond five.

(5) The retirement allowance paid to the spouse or domestic partner and dependent children of a member who is killed in the course of employment, as set forth in RCW 41.05.011(~~((44))~~) (16), shall include reimbursement for any payments of premium rates to the Washington state health care authority pursuant to RCW 41.05.080.

Sec. 2. RCW 41.26.048 and 2009 c 523 s 4 are each amended to read as follows:

(1) A (~~one hundred fifty~~) two hundred fourteen thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's death benefit shall be paid to the member's surviving spouse or domestic partner as if in fact such spouse or domestic partner had been nominated by written designation, or if there be no such surviving spouse or domestic partner, then to such member's legal representatives.

(2) The benefit under this section shall be paid only when death occurs: (a) As a result of injuries sustained in the course of employment; or (b) as a result of an occupational disease or infection that arises naturally and proximately out of employment covered under this chapter. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

(3)(a) Beginning July 1, 2010, and every year thereafter, the department shall determine the following information:

(i) The index for the 2008 calendar year, to be known as "index A;"

(ii) The index for the calendar year prior to the date of determination, to be known as "index B;" and

(iii) The ratio obtained when index B is divided by index A.

(b) The value of the ratio obtained shall be the annual adjustment to the original death benefit and shall be applied beginning every July 1st.

In no event, however, shall the annual adjustment:

(i) Produce a benefit which is lower than two hundred fourteen thousand dollars;

(ii) Exceed three percent in the initial annual adjustment; or

(iii) Differ from the previous year's annual adjustment by more than three percent.

(c) For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index -- Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

Sec. 3. RCW 51.32.050 and 2007 c 284 s 1 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed two hundred percent of the average monthly wage in the state as defined in RCW 51.08.018 shall be paid.

(2)(a) Where death results from the injury, a surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage payments according to the following schedule:

(i) If there are no children of the deceased worker, sixty percent of the wages of the deceased worker;

(ii) If there is one child of the deceased worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased worker;

- (iii) If there are two children of the deceased worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased worker;
- (iv) If there are three children of the deceased worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased worker;
- (v) If there are four children of the deceased worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased worker; or
- (vi) If there are five or more children of the deceased worker and in the legal custody of such spouse, seventy percent of the wages of the deceased worker.

(b) Where the surviving spouse does not have legal custody of any child or children of the deceased worker or where after the death of the worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the monthly benefits payable as a result of the worker's death for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.

(c) Payments to the surviving spouse of the deceased worker shall cease at the end of the month in which remarriage occurs: PROVIDED, That a monthly payment shall be made to the child or children of the deceased worker from the month following such remarriage in a sum equal to five percent of the wages of the deceased worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children. If the surviving spouse does not have legal custody of any child or children of the deceased worker, or if after the death of the worker, legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children.

(d) In no event shall the monthly payments provided in subsection (2) of this section:

- (i) Exceed the applicable percentage of the average monthly wage in the state as computed under RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(ii) For dates of injury or disease manifestation after July 1, 2008, be less than fifteen percent of the average monthly wage in the state as computed under RCW 51.08.018 plus an additional ten dollars per month for a surviving spouse and an additional ten dollars per month for each child of the worker up to a maximum of five children. However, if the monthly payment computed under this subsection (2)(d)(ii) is greater than one hundred percent of the wages of the deceased worker as determined under RCW 51.08.178, the monthly payment due to the surviving spouse shall be equal to the greater of the monthly wages of the deceased worker or the minimum benefit set forth in this section on June 30, 2008.

(e) In addition to the monthly payments provided for in subsection (2)(a) through (c) of this section, a surviving spouse or child or children of such worker if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased worker shall be forthwith paid a sum equal to one hundred percent of the average monthly wage in the state as defined in RCW 51.08.018, any such children, or parents to share and share alike in said sum.

(f) Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs. However, after September 8, 1975, an otherwise eligible surviving spouse of a worker who died at any time prior to or after September 8, 1975, shall have an option of:

(i) ~~(A)~~ Receiving, once and for all, a lump sum of twenty-four times the monthly compensation rate in effect on the date of remarriage allocable to the spouse for himself or herself pursuant to subsection (2)(a)(i) of this section and subject to any modifications specified under subsection (2)(d) of this section and RCW 51.32.075(3) or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 28, 1991, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect; ~~((#))~~

(B) If a surviving spouse is the surviving spouse of a member of the law enforcement officers' and firefighters' retirement system under chapter 41.26 RCW or the state patrol retirement system under chapter 43.43 RCW, the surviving spouse may receive a lump sum of thirty-six times the monthly compensation rate in effect on the date of remarriage allocable to the spouse for himself or herself pursuant to subsection (2)(a)(i) of this section and RCW 51.32.075(3) or fifty percent of the remaining annuity value of his or her pension provided under this chapter, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 28, 1991, the lump sum benefit shall be as provided in the remarriage benefit schedules then in effect; or

(ii) If a surviving spouse does not choose the option specified in subsection (2)(f)(i) of this section to accept the lump sum payment, the remarriage of the surviving spouse of a worker shall not bar him or her from claiming the lump sum payment authorized in subsection (2)(f)(i) of this section during the life of the remarriage, or shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment.

(g) If the surviving spouse during the remarriage should die without having previously received the lump sum payment provided in subsection (2)(f)(i) of this section, his or her estate shall be entitled to receive the sum specified under subsection (2)(f)(i) of this section or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser.

(h) The effective date of resumption of payments under subsection (2)(f)(ii) of this section to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

(i) If it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of the amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

(3) If there is a child or children and no surviving spouse of the deceased worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased worker shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) of this section shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018, as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the worker during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) For claims filed prior to July 1, 1986, if the injured worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse, the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased worker remarries.

(7) For claims filed on or after July 1, 1986, every worker who becomes eligible for permanent total disability benefits shall elect an option as provided in RCW 51.32.067.

Sec. 4. RCW 28B.15.380 and 2005 c 249 s 2 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College ~~((may))~~ shall exempt the following students from the payment of all ~~((or a portion of))~~ tuition fees and services and activities fees:

(1) Children of any law enforcement officer ~~((or))~~ as defined in chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24 RCW, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the exemption only if they begin their course of study at a state-supported college or university within ten years of their graduation from high school; and

(2) Surviving spouses of any law enforcement officer as defined in chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24 RCW, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

(3) The governing boards of the state universities, the regional universities, and The Evergreen State College shall report to the higher education coordinating board on the annual cost of tuition fees and services and activities fees waived for surviving spouses and children under this section. The higher education coordinating board shall consolidate the reports of the waived fees and annually report to the appropriate fiscal and policy committees of the legislature.

Sec. 5. RCW 28B.15.520 and 2007 c 355 s 6 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the community colleges may:

(1)(a) Waive all or a portion of tuition fees and services and activities fees for:

((a)) (i) Students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015, who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, but who are not eligible students as defined by RCW 28A.600.405; and shall waive all of tuition fees and services and activities fees for:

((b)) (ii) Children of any law enforcement officer ((e)) as defined in chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24 RCW, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the waiver only if they begin their course of study at a community college within ten years of their graduation from high school; and

(iii) Surviving spouses of any law enforcement officer as defined in chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24 RCW, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

(b) The governing boards of the community colleges shall report to the state board for community and technical colleges on the annual cost of tuition fees and services and activities fees waived for surviving spouses and children under parts (a)(ii) and (iii) of this subsection. The state board for community and technical colleges shall consolidate the reports of the waived fees and annually report to the appropriate fiscal and policy committees of the legislature;

(2) Waive all or a portion of the nonresident tuition fees differential for:

(a) Nonresident students enrolled in a community college course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate but who are not eligible students as defined by RCW 28A.600.405. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate; and

(b) Up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.

Sec. 6. RCW 43.43.295 and 2009 c 522 s 8 and 2009 c 226 s 4 are each reenacted and amended to read as follows:

(1) For members commissioned on or after January 1, 2003, except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse or domestic partner as if in fact such spouse or domestic partner had been nominated by written designation, or if there be no such surviving spouse or domestic partner, then to such member's legal representatives.

(2) If a member who is killed in the course of employment or a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or domestic partner or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 43.43.260, actuarially reduced, except under subsection (4) of this section, by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 43.43.278 and if the member was not eligible for normal retirement at the date of death a further reduction from age fifty-five or when the member could have attained twenty-five years of service, whichever is less; if a surviving spouse or domestic partner who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse or domestic partner, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse or domestic partner eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated under this section making the assumption that the ages of the spouse or domestic partner and member were equal at the time of the member's death; or

(b)(i) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670; or

(ii) If the member dies, one hundred fifty percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670. Any accumulated contributions attributable to restorations made under RCW 41.50.165(2) shall be refunded at one hundred percent.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, and is not survived by a spouse or domestic partner or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To an estate, a person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

(4) The retirement allowance of a member who is killed in the course of employment, as determined by the director of the department of labor and industries, or the retirement allowance of a member who has left the employ of an employer due to service in the national guard or military reserves and dies while honorably serving in the national guard or military reserves during a period of war as defined in RCW 41.04.005, is not subject to an actuarial reduction for early retirement if the member was not eligible for normal retirement or an actuarial reduction to reflect a joint and one hundred percent survivor option under RCW 43.43.278. The member is entitled to a minimum retirement allowance equal to ten percent of such member's final average salary. The member shall additionally receive a retirement allowance equal to two percent of such member's average final salary for each year of service beyond five.

Sec. 7. RCW 43.43.285 and 2009 c 522 s 7 are each amended to read as follows:

(1) A (~~one hundred fifty~~) two hundred fourteen thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's death benefit shall be paid to the member's surviving spouse or domestic partner as if in fact such spouse or domestic partner had been nominated by written designation, or if there be no such surviving spouse or domestic partner, then to such member's legal representatives.

(2)(a) The benefit under this section shall be paid only where death occurs as a result of (i) injuries sustained in the course of employment; or (ii) an occupational disease or infection that arises naturally and proximately out of employment covered under this chapter. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

(b) The retirement allowance paid to the spouse or domestic partner and dependent children of a member who is killed in the course of employment, as set forth in RCW 41.05.011(~~(14)~~) (16), shall include reimbursement for any payments of premium rates to the Washington state health care authority under RCW 41.05.080.

(3)(a) Beginning July 1, 2010, and every year thereafter, the department shall determine the following information:

- (i) The index for the 2008 calendar year, to be known as "index A";
- (ii) The index for the calendar year prior to the date of determination, to be known as "index B"; and
- (iii) The ratio obtained when index B is divided by index A.

(b) The value of the ratio obtained shall be the annual adjustment to the original death benefit and shall be applied beginning every July 1st.

In no event, however, shall the annual adjustment:

- (i) Produce a benefit which is lower than two hundred fourteen thousand dollars;
- (ii) Exceed three percent in the initial annual adjustment; or
- (iii) Differ from the previous year's annual adjustment by more than three percent.

(c) For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index -- Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

NEW SECTION. Sec. 8. Section 1 of this act applies prospectively to the benefits of all members killed in the course of employment since October 1, 1977.

NEW SECTION. Sec. 9. Sections 2 and 7 of this act apply to the benefits of all members killed in the course of employment since January 1, 2009.

NEW SECTION. Sec. 10. Section 6 of this act applies prospectively to the benefits of all members killed in the course of employment since January 1, 2003."

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 41.26.048, 51.32.050, 28B.15.380, 28B.15.520, and 43.43.285; reenacting and amending RCW 41.26.510 and 43.43.295; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann , Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2519 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Green, Ericks, Alexander, Conway, Hurst, Hope, Morrell and Simpson spoke in favor of the passage of the bill.

Representative Klippert spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2519, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2519, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Eddy and Klippert.

Excused: Representatives Anderson, Condotta, Rodne and Upthegrove.

ENGROSSED HOUSE BILL NO. 2519, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2525 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.57.010 and 2009 c 533 s 1 are each amended to read as follows:

(1)(a) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district.

(b) The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(c) The legislative authority of any town or city, or any contiguous group of towns or cities, located in a county with a population of less than one million and the legislative authority of a contiguous county, or the legislative authority of the county or counties in which the towns or cities are located, may enter into an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(d) The legislative authority of a city located in a county with a population greater than one million may create a public facilities district, when the city has a total population of less than one hundred fifteen thousand but greater than eighty thousand and commences construction of a regional center prior to July 1, 2008.

(e) At least ~~((two legislative authorities, one or more))~~ three contiguous towns or cities with a combined population of at least one hundred sixty thousand, each of which previously created a public facilities district ((or districts)) under ((b) or (e)) (a) of this subsection, may create an additional public facilities district ((notwithstanding the fact that one or more of those towns or cities, with or without a county or counties, previously have created one or more public facilities districts within the geographic boundaries of the additional public facilities district. Those existing)). The previously created districts may continue their full corporate existence and activities notwithstanding the creation and existence of the additional district within ((all or part of)) the same geographic area. ((Additional public facilities districts formed under this subsection may be comprised of a maximum of three contiguous towns or cities separately or in combination with a maximum of two contiguous counties.))

(2)(a) A public facilities district ~~((shall be))~~ is coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(b) A public facilities district created by an agreement between a town or city, or a contiguous group of towns or cities, and a contiguous county or the county in which they are located, ~~((shall be))~~ is coextensive with the boundaries of the towns or cities, and the boundaries of the county or counties as to the unincorporated areas of the county or counties. The boundaries ~~((shall))~~ do not include incorporated towns or cities that are not parties to the agreement for the creation and joint operation of the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, ~~((shall))~~ must be based on recommendations received from local organizations that may include, but are not limited to the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by a contiguous group of cities and towns ~~((shall))~~ must be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative authorities of the cities and towns based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, ~~((shall))~~ must be based on recommendations received from local organizations that include, but are not limited to the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors ~~((shall))~~ must be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(c) A public facilities district created by a town or city, or a contiguous group of towns or cities, and a contiguous county or the county or counties in which they are located, ~~((shall))~~ must be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities, towns, and county; and (ii) four members appointed by the legislative authorities of the cities, towns, and county based on recommendations from local organizations. The members appointed under (c)(i) of this subsection shall not be members of the legislative authorities of the cities, towns, or county. The members appointed under (c)(ii) of this subsection ~~((shall))~~ must be based on recommendations received from local organizations that include, but are not limited to, the local chamber of commerce, the local economic development council, the local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors ~~((shall))~~ must be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(d)(i) A public facilities district created under subsection (1)(e) of this section ~~((may))~~ must provide, in the agreement providing for its creation and operation, that the district must be governed by ~~((a board of directors appointed under (b) or (c) of this subsection, or by a))~~ an odd-numbered board of directors of not more than nine members who are also members of the legislative authorities that created the public facilities district or of the governing boards of the public facilities districts ~~((or districts, or both,))~~ previously created by those legislative authorities, or both.

(ii) A board of directors formed under this subsection must have an equal number of members representing each city~~(s)~~ or town~~(s)~~ ~~county~~) participating in the public facilities district. If ~~((a public facilities district is created by an even number of legislative authorities, the members representing or appointed by those legislative authorities shall appoint an additional board member))~~ there are unfilled board member positions after each city or town has appointed an equal number of board members, the members so appointed must appoint a number of additional board members necessary to fill any remaining positions. For a board formed under this subsection to ~~((approve))~~ submit a proposition to the voters under RCW 82.14.048, ~~((the proposition must be approved by))~~ a majority of the members representing or appointed by each legislative authority participating in the public facilities district must agree to submit the proposition to the voters; however, the board may not submit a proposition to the voters prior to January 1, 2011.

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district ~~((shall))~~ constitutes a body corporate and ~~((shall))~~ possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city and/or county legislative authority.

Sec. 2. RCW 35.57.020 and 2009 c 533 s 2 are each amended to read as follows:

(1)(a) ~~((Except for a public facilities district created under RCW 35.57.010(1)(e),))~~ A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more regional centers. For purposes of this chapter, "regional center" means a convention, conference, or special events center, or any combination of facilities, and related parking facilities, serving a regional population constructed, improved, or rehabilitated after July 25, 1999, at a cost of at least ten million dollars, including debt service. "Regional center" also includes an existing convention, conference, or special events center, and related parking facilities, serving a regional population, that is improved or rehabilitated after July 25, 1999, where the costs of improvement or rehabilitation are at least ten million dollars, including debt service. A "special events center" is a facility, available to the public, used for community events, sporting events, trade shows, and artistic, musical, theatrical, or other cultural exhibitions, presentations, or performances. A regional center is conclusively presumed to serve a regional population if state and local government investment in the construction, improvement, or rehabilitation of the regional center is equal to or greater than ten million dollars.

(b) A public facilities district created under RCW 35.57.010(1)(e):

(i) Is authorized, in addition to the authority granted under (a) of this subsection, to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more recreational facilities other than a ski area;

(ii) If exercising its authority under (a) or (b)(i) of this subsection, must obtain voter approval to fund each recreational facility or regional center pursuant to RCW 82.14.048(3); and

(iii) Possesses all of the powers with respect to recreational facilities other than a ski area that all public facilities districts possess with respect to regional centers under subsections (3), (4), and (7) of this section.

(2) A public facilities district may enter into contracts with any city or town for the purpose of exercising any powers of a community renewal agency under chapter 35.81 RCW.

(3) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations for the purpose of a regional center.

(4) A public facilities district may impose charges, fees, and taxes authorized in RCW 35.57.040, and use revenues derived therefrom for the purpose of paying principal and interest payments on bonds issued by the public facilities district to construct a regional center.

(5) Notwithstanding the establishment of a career, civil, or merit service system, a public facilities district may contract with a public or private entity for the operation or management of its public facilities.

(6) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center.

(7) A city or town in conjunction with any special agency, authority, or other district established by a county or any other governmental agency is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center funded in whole or in part by a public facilities district.

(8) Any provision required to be submitted for voter approval under this section, may not be submitted for voter approval prior to January 1, 2011."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2525 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Nealey and Kenney spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2525, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2525, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Smith.

Excused: Representatives Anderson, Condotta and Upthegrove.

SUBSTITUTE HOUSE BILL NO. 2525, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2742 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.20.385 and 2008 c 282 s 9 are each amended to read as follows:

(1)(a) Beginning January 1, 2009, any person licensed under this chapter who is convicted of ~~((any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle in))~~ a violation of RCW 46.61.502 or 46.61.504 ~~((, other than vehicular homicide or vehicular assault))~~ or an equivalent local or out-of-state statute or ordinance, or a violation of RCW 46.61.520(1)(a) or 46.61.522(1)(b), or who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied. A person receiving an ignition interlock driver's license waives his or her right to a hearing or appeal under RCW 46.20.308.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial. The installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(iii) The time period during which the person is licensed under this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is required under RCW 46.20.720 and 46.61.5055.

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if(~~(:~~

(a) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522; and

~~—(b))~~ the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. ~~((The effective date of cancellation shall be fifteen days from the date of mailing the notice.))~~ If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license ~~((upon receipt of))~~ after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or ~~((of))~~ has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation ~~((is effective as of the date of the conviction, and continues with the~~

~~same force and effect as any suspension or revocation under this title~~) as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of twenty dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional twenty-dollar fee to the department.

(b) The department shall deposit the proceeds of the twenty-dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

Sec. 2. RCW 46.20.391 and 2008 c 282 s 6 are each amended to read as follows:

(1) Any person licensed under this chapter who is convicted of an offense relating to motor vehicles for which suspension or revocation of the driver's license is mandatory, other than vehicular homicide, vehicular assault, driving while under the influence of intoxicating liquor or any drug, or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, may submit to the department an application for a temporary restricted driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue a temporary restricted driver's license and may set definite restrictions as provided in RCW 46.20.394.

(2)(a) A person licensed under this chapter whose driver's license is suspended administratively due to failure to appear or pay a traffic ticket under RCW 46.20.289; a violation of the financial responsibility laws under chapter 46.29 RCW; or for multiple violations within a specified period of time under RCW 46.20.291, may apply to the department for an occupational driver's license.

(b) If the suspension is for failure to respond, pay, or comply with a notice of traffic infraction or conviction, the applicant must enter into a payment plan with the court.

(c) An occupational driver's license issued to an applicant described in (a) of this subsection shall be valid for the period of the suspension or revocation.

(3) An applicant for an occupational or temporary restricted driver's license who qualifies under subsection (1) or (2) of this section is eligible to receive such license only if:

(a) Within seven years immediately preceding the date of the offense that gave rise to the present conviction or incident, the applicant has not committed vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522; and

(b) The applicant demonstrates that it is necessary for him or her to operate a motor vehicle because he or she:

(i) Is engaged in an occupation or trade that makes it essential that he or she operate a motor vehicle;

(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the applicant;

(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;

(iv) Is undergoing substance abuse treatment or is participating in meetings of a twelve-step group such as Alcoholics Anonymous that requires the petitioner to drive to or from the treatment or meetings;

(v) Is fulfilling court-ordered community service responsibilities;

(vi) Is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;

(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or

(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program, provided that a license granted under this provision shall be in effect for no longer than fourteen days; and

(c) The applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW; and

(d) Upon receipt of evidence that a holder of an occupational driver's license granted under this subsection is no longer enrolled in an apprenticeship or on-the-job training program, the director shall give written notice by first-class mail to the driver that the occupational driver's license shall be canceled. ~~((The effective date of cancellation shall be fifteen days from the date of mailing the notice.))~~ If at any time before the cancellation goes into effect the driver submits evidence of continued enrollment in the program, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new occupational driver's license upon submittal of evidence of enrollment in another program that meets the criteria set forth in this subsection; and

(e) The department shall not issue an occupational driver's license under (b)(iv) of this subsection if the applicant is able to receive transit services sufficient to allow for the applicant's participation in the programs referenced under (b)(iv) of this subsection.

(4) A person aggrieved by the decision of the department on the application for an occupational or temporary restricted driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an occupational or temporary restricted driver's license ~~((upon receipt of))~~ after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, ~~no longer meets the eligibility requirements, or ((of)) has been convicted of or found to have committed~~ a separate offense ~~or any other act or omission~~ that under this chapter ~~((46.20 RCW))~~ would warrant suspension or revocation of a regular driver's license. ~~The department must give notice of the cancellation ((is effective as of the date of the conviction, and continues with the same force and effect as any suspension or revocation under this title)) as provided under RCW 46.20.245. A person whose occupational or temporary restricted driver's license has been canceled under this section may reapply for a new occupational or temporary restricted driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.~~

Sec. 3. RCW 46.20.720 and 2008 c 282 s 12 are each amended to read as follows:

(1) The court may order that after a period of suspension, revocation, or denial of driving privileges, and for up to as long as the court has jurisdiction, any person convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may

drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific calibration setting at which the interlock will prevent the vehicle from being started. The court shall also establish the period of time for which interlock use will be required.

(2) Under RCW 46.61.5055 (~~(, 10.05.020, or section 18 of this act)~~) and subject to the exceptions listed in that statute, the court shall order any person convicted of ~~((an alcohol-related))~~ a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance ~~((or participating in a deferred prosecution program under RCW 10.05.020 or section 18 of this act for an alcohol-related violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance))~~ to apply for an ignition interlock driver's license from the department under RCW 46.20.385 and to have a functioning ignition interlock device installed on all motor vehicles operated by the person.

(3) The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with a functioning ignition interlock device if the person is convicted of ~~((an alcohol-related))~~ a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance.

The department may waive the requirement for the use of such a device if it concludes that such devices are not reasonably available in the local area. The installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.

The ignition interlock device shall be calibrated to prevent the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more. Subject to the provisions of subsection (4) of this section, the period of time of the restriction will be ~~((as follows))~~ no less than:

- (a) For a person who has not previously been restricted under this section, a period of one year;
- (b) For a person who has previously been restricted under (a) of this subsection, a period of five years;
- (c) For a person who has previously been restricted under (b) of this subsection, a period of ten years.

(4) A restriction imposed under subsection (3) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying that there have been none of the following incidents in the four consecutive months prior to the date of release:

- (a) An attempt to start the vehicle with a breath alcohol concentration of 0.04 or more;
- (b) Failure to take or pass any required retest; or
- (c) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device.

Sec. 4. RCW 46.61.5055 and 2008 c 282 s 14 are each amended to read as follows:

(1) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one day nor more than one year. Twenty-four consecutive hours of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court may order not less than fifteen days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than three hundred fifty dollars nor more than five thousand dollars. Three hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than two days nor more than one year. Two consecutive days of the imprisonment may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court may order not less than thirty days of electronic home monitoring. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(2) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than thirty days nor more than one year and sixty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Thirty days of imprisonment and sixty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or

deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than five hundred dollars nor more than five thousand dollars. Five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than forty-five days nor more than one year and ninety days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Forty-five days of imprisonment and ninety days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than seven hundred fifty dollars nor more than five thousand dollars. Seven hundred fifty dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(3) Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two or three prior offenses within seven years shall be punished as follows:

(a) In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ninety days nor more than one year and one hundred twenty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. Ninety days of imprisonment and one hundred twenty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand dollars nor more than five thousand dollars. One thousand dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent; or

(b) In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than one hundred twenty days nor more than one year and one hundred fifty days of electronic home monitoring. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring. One hundred twenty days of imprisonment and one hundred fifty days of electronic home monitoring may not be suspended or deferred unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. Whenever the mandatory minimum sentence is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based; and

(ii) By a fine of not less than one thousand five hundred dollars nor more than five thousand dollars. One thousand five hundred dollars of the fine may not be suspended or deferred unless the court finds the offender to be indigent.

(4) A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if: (a) The person has four or more prior offenses within ten years; or (b) the person has ever previously been convicted of: (i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug; (ii) a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug; or (iii) an out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection.

(5)(a) The court shall require any person convicted of ~~((an alcohol-related))~~ a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to apply for an ignition interlock driver's license from the department ~~((under RCW 46.20.385))~~ and to have a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) The installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to RCW 9A.72.085 from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours.

(c) An ignition interlock device imposed under this section shall be calibrated to prevent a motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.025 or more.

(d) The court may waive the requirement that a person ~~((obtain))~~ apply for an ignition interlock driver's license ~~((and operate only vehicles equipped with a functioning ignition interlock device))~~ if the court makes a specific finding in writing that:

(i) The person lives out-of-state and the devices are not reasonably available in the person's local area ~~((, that));~~

(ii) The person does not operate a vehicle ~~((; or~~

(iii) The person is not eligible to receive an ignition interlock driver's license under RCW 46.20.385 because the person is not a resident of Washington, is a habitual traffic offender, has already applied for or is already in possession of an ignition interlock driver's license, has never had a driver's license, has been certified under chapter 74.20A RCW as noncompliant with a child support order, or is subject to any other condition or circumstance that makes the person ineligible to obtain an ignition interlock driver's license.

(e) ~~((When the requirement))~~ If a court finds that a person is not eligible to receive an ignition interlock driver's license under this section, the court is not required to make any further subsequent inquiry or determination as to the person's eligibility.

~~(f) If the court orders that a person ((obtain)) refrain from consuming any alcohol and requires the person to apply for an ignition interlock driver's license ((and operate only vehicles equipped with a functioning ignition interlock device is waived by the court)), and the person states that he or she does not operate a motor vehicle or the person is ineligible to obtain an ignition interlock driver's license, the court shall order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring. The county or municipality where the penalty is being imposed shall determine the cost.~~

~~((#)) (g) The period of time for which ignition interlock use or alcohol monitoring is required will be as follows:~~

- ~~(i) For a person who has not previously been restricted under this section, a period of one year;~~
- ~~(ii) For a person who has previously been restricted under ((#)) (g)(i) of this subsection, a period of five years;~~
- ~~(iii) For a person who has previously been restricted under ((#)) (g)(ii) of this subsection, a period of ten years.~~

~~(6) If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while a passenger under the age of sixteen was in the vehicle, the court shall:~~

~~(a) In any case in which the installation and use of an interlock or other device is not mandatory under RCW 46.20.720 or other law, order the use of such a device for not less than sixty days following the restoration of the person's license, permit, or nonresident driving privileges; and~~

~~(b) In any case in which the installation and use of such a device is otherwise mandatory, order the use of such a device for an additional sixty days.~~

~~(7) In exercising its discretion in setting penalties within the limits allowed by this section, the court shall particularly consider the following:~~

- ~~(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property; and~~
- ~~(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers.~~

~~(8) An offender punishable under this section is subject to the alcohol assessment and treatment provisions of RCW 46.61.5056.~~

~~(9) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:~~

~~(a) If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:~~

- ~~(i) Where there has been no prior offense within seven years, be suspended or denied by the department for ninety days;~~
- ~~(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for two years; or~~
- ~~(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;~~

~~(b) If the person's alcohol concentration was at least 0.15:~~

- ~~(i) Where there has been no prior offense within seven years, be revoked or denied by the department for one year;~~
- ~~(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for nine hundred days; or~~
- ~~(iii) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or~~

~~(c) If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:~~

- ~~(i) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;~~
- ~~(ii) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or~~
- ~~(iii) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.~~

~~The department shall grant credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under this subsection for a suspension, revocation, or denial imposed under RCW 46.20.3101 arising out of the same incident.~~

~~For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.~~

~~(10) After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.~~

~~(11)(a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes less than one year in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive and proof of financial responsibility for the future; (ii) not driving a motor vehicle within this state while having an alcohol concentration of 0.08 or more within two hours after driving; and (iii) not refusing to submit to a test of his or her breath or blood to determine alcohol concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.~~

~~(b) For each violation of mandatory conditions of probation under (a)(i), (ii), or (iii) of this subsection, the court shall order the convicted person to be confined for thirty days, which shall not be suspended or deferred.~~

~~(c) For each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for thirty days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by thirty days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection.~~

~~(12) A court may waive the electronic home monitoring requirements of this chapter when:~~

~~(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system;~~

~~(b) The offender does not reside in the state of Washington; or~~

~~(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.~~

~~Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, additional jail time, work crew, or work camp.~~

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed three hundred sixty- five days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed three hundred sixty-five days.

(13) An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728((4)) (3).

(14) For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(iv) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(v) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(vi) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (iii), (iv), or (v) of this subsection if committed in this state;

(vii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance; or

(viii) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing:

(b) "Within seven years" means that the arrest for a prior offense occurred within seven years ((~~of~~)) before or after the arrest for the current offense; and

(c) "Within ten years" means that the arrest for a prior offense occurred within ten years ((~~of~~)) before or after the arrest for the current offense.

NEW SECTION. Sec. 5. A new section is added to chapter 46.61 RCW to read as follows:

If a person is required, as part of the person's judgment and sentence, to install an ignition interlock device on all motor vehicles operated by the person and the person is under the jurisdiction of the municipality or county probation or supervision department, the probation or supervision department must verify the installation of the ignition interlock device or devices. The municipality or county probation or supervision department satisfies the requirement to verify the installation or installations if the municipality or county probation or supervision department receives written verification by one or more companies doing business in the state that it has installed the required device on each vehicle owned or operated by the person. The municipality or county shall have no further obligation to supervise the use of the ignition interlock device or devices by the person and shall not be civilly liable for any injuries or damages caused by the person for failing to use an ignition interlock device or for driving under the influence of intoxicating liquor or any drug or being in actual physical control of a motor vehicle under the influence of intoxicating liquor or any drug.

Sec. 6. RCW 46.20.410 and 2008 c 282 s 8 are each amended to read as follows:

(1) Any person convicted for violation of any restriction of an occupational driver's license(;) or a temporary restricted driver's license((~~or an ignition interlock driver's license~~)) shall in addition to the ((~~immediate revocation~~)) cancellation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment.

(2) It is a gross misdemeanor for a person to violate any restriction of an ignition interlock driver's license.

Sec. 7. RCW 46.20.342 and 2008 c 282 s 4 are each amended to read as follows:

(1) It is unlawful for any person to drive a motor vehicle in this state while that person is in a suspended or revoked status or when his or her privilege to drive is suspended or revoked in this or any other state. Any person who has a valid Washington driver's license is not guilty of a violation of this section.

(a) A person found to be an habitual offender under chapter 46.65 RCW, who violates this section while an order of revocation issued under chapter 46.65 RCW prohibiting such operation is in effect, is guilty of driving while license suspended or revoked in the first degree, a gross misdemeanor. Upon the first such conviction, the person shall be punished by imprisonment for not less than ten days. Upon the second conviction, the person shall be punished by imprisonment for not less than ninety days. Upon the third or subsequent conviction, the person shall be punished by imprisonment for not less than one hundred eighty days. If the person is also convicted of the offense defined in RCW 46.61.502 or 46.61.504, when both convictions arise from the same event, the minimum sentence of confinement shall be not less than ninety days. The minimum sentence of confinement required shall not be suspended or deferred. A conviction under this subsection does not prevent a person from petitioning for reinstatement as provided by RCW 46.65.080.

(b) A person who violates this section while an order of suspension or revocation prohibiting such operation is in effect and while the person is not eligible to reinstate his or her driver's license or driving privilege, other than for a suspension for the reasons described in (c) of this subsection, is guilty of driving while license suspended or revoked in the second degree, a gross misdemeanor. For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license. This subsection applies when a person's driver's license or driving privilege has been suspended or revoked by reason of:

(i) A conviction of a felony in the commission of which a motor vehicle was used;

(ii) A previous conviction under this section;

(iii) A notice received by the department from a court or diversion unit as provided by RCW 46.20.265, relating to a minor who has committed, or who has entered a diversion unit concerning an offense relating to alcohol, legend drugs, controlled substances, or imitation controlled substances;

- (iv) A conviction of RCW 46.20.410, relating to the violation of restrictions of an occupational driver's license, a temporary restricted driver's license, or an ignition interlock driver's license;
- (v) A conviction of RCW 46.20.345, relating to the operation of a motor vehicle with a suspended or revoked license;
- (vi) A conviction of RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (vii) A conviction of RCW 46.61.024, relating to attempting to elude pursuing police vehicles;
- (viii) A conviction of RCW 46.61.500, relating to reckless driving;
- (ix) A conviction of RCW 46.61.502 or 46.61.504, relating to a person under the influence of intoxicating liquor or drugs;
- (x) A conviction of RCW 46.61.520, relating to vehicular homicide;
- (xi) A conviction of RCW 46.61.522, relating to vehicular assault;
- (xii) A conviction of RCW 46.61.527(4), relating to reckless endangerment of roadway workers;
- (xiii) A conviction of RCW 46.61.530, relating to racing of vehicles on highways;
- (xiv) A conviction of RCW 46.61.685, relating to leaving children in an unattended vehicle with motor running;
- (xv) A conviction of RCW 46.61.740, relating to theft of motor vehicle fuel;
- (xvi) A conviction of RCW 46.64.048, relating to attempting, aiding, abetting, coercing, and committing crimes;
- (xvii) An administrative action taken by the department under chapter 46.20 RCW; or
- (xviii) A conviction of a local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state, of an offense substantially similar to a violation included in this subsection.

(c) A person who violates this section when his or her driver's license or driving privilege is, at the time of the violation, suspended or revoked solely because (i) the person must furnish proof of satisfactory progress in a required alcoholism or drug treatment program, (ii) the person must furnish proof of financial responsibility for the future as provided by chapter 46.29 RCW, (iii) the person has failed to comply with the provisions of chapter 46.29 RCW relating to uninsured accidents, (iv) the person has failed to respond to a notice of traffic infraction, failed to appear at a requested hearing, violated a written promise to appear in court, or has failed to comply with the terms of a notice of traffic infraction or citation, as provided in RCW 46.20.289, (v) the person has committed an offense in another state that, if committed in this state, would not be grounds for the suspension or revocation of the person's driver's license, (vi) the person has been suspended or revoked by reason of one or more of the items listed in (b) of this subsection, but was eligible to reinstate his or her driver's license or driving privilege at the time of the violation, or (vii) the person has received traffic citations or notices of traffic infraction that have resulted in a suspension under RCW 46.20.267 relating to intermediate drivers' licenses, or any combination of (i) through (vii), is guilty of driving while license suspended or revoked in the third degree, a misdemeanor. For the purposes of this subsection, a person is not considered to be eligible to reinstate his or her driver's license or driving privilege if the person is eligible to obtain an ignition interlock driver's license but did not obtain such a license.

(2) Upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section, the department shall:

(a) For a conviction of driving while suspended or revoked in the first degree, as provided by subsection (1)(a) of this section, extend the period of administrative revocation imposed under chapter 46.65 RCW for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(b) For a conviction of driving while suspended or revoked in the second degree, as provided by subsection (1)(b) of this section, not issue a new license or restore the driving privilege for an additional period of one year from and after the date the person would otherwise have been entitled to apply for a new license or have his or her driving privilege restored; or

(c) Not extend the period of suspension or revocation if the conviction was under subsection (1)(a) or (b) of this section and the court recommends against the extension and the convicted person has obtained a valid driver's license, the period of suspension or revocation shall not be extended.

Sec. 8. RCW 46.20.740 and 2008 c 282 s 13 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720 ((or)), 46.61.5055, or 10.05.140 stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a gross misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped.

Sec. 9. RCW 10.05.020 and 2008 c 282 s 16 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section (~~(or section 18 of this act)~~), the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by alcoholism, drug addiction, or mental problems for which the person is in need of treatment and unless treated the probability of future recurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved alcoholism treatment program as designated in chapter 70.96A RCW if the petition alleges alcoholism, an approved drug program as designated in chapter 71.24 RCW if the petition alleges drug addiction, or by an approved mental health center if the petition alleges a mental problem.

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the department of social and health services to develop a plan to receive appropriate child welfare services; along with a statement that the person

agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of social and health services.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgment of his or her rights; (b) an acknowledgment and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the written police report; and (d) an acknowledgment that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who: (i) Sincerely believes that he or she is innocent of the charges; (ii) sincerely believes that he or she does not, in fact, suffer from alcoholism, drug addiction, or mental problems (~~unless the petition for deferred prosecution is under section 18 of this act~~); or (iii) in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

(4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

Sec. 10. RCW 10.05.090 and 2008 c 282 s 17 are each amended to read as follows:

If a petitioner, who has been accepted for a deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the petitioner's treatment plan or any term or condition imposed in connection with the installation of an interlock or other device under RCW 46.20.720 (~~or 46.20.385~~), the facility, center, institution, or agency administering the treatment or the entity administering the use of the device, shall immediately report such breach to the court, the prosecutor, and the petitioner or petitioner's attorney of record, together with its recommendation. The court upon receiving such a report shall hold a hearing to determine whether the petitioner should be removed from the deferred prosecution program. At the hearing, evidence shall be taken of the petitioner's alleged failure to comply with the treatment plan or device installation and the petitioner shall have the right to present evidence on his or her own behalf. The court shall either order that the petitioner continue on the treatment plan or be removed from deferred prosecution. (~~If the petitioner's noncompliance is based on a violation of a term or condition imposed in connection with the installation of an ignition interlock device under RCW 46.20.385, the court shall either order that the petitioner comply with the term or condition or be removed from deferred prosecution.~~) If removed from deferred prosecution, the court shall enter judgment pursuant to RCW 10.05.020 and, if the charge for which the deferred prosecution was granted was a misdemeanor or gross misdemeanor under Title 46 RCW, shall notify the department of licensing of the removal and entry of judgment.

Sec. 11. RCW 10.05.160 and 2008 c 282 s 19 are each amended to read as follows:

The prosecutor may appeal an order granting deferred prosecution on any or all of the following grounds:

- (1) Prior deferred prosecution has been granted to the defendant;
 - (2) Failure of the court to obtain proof of insurance or a treatment plan conforming to the requirements of this chapter;
 - (3) Failure of the court to comply with the requirements of RCW 10.05.100;
 - (4) Failure of the evaluation facility to provide the information required in RCW 10.05.040 and 10.05.050, if the defendant has been referred to the facility for treatment. If an appeal on such basis is successful, the trial court may consider the use of another treatment program;
 - (5) Failure of the court to order the installation of an ignition interlock or other device under RCW (~~46.20.720 or 46.20.385~~) 10.05.140.
- NEW SECTION. Sec. 12.** This act takes effect January 1, 2011."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2742 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Goodman and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2742, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2742, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney,

Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Anderson, Condotta and Upthegrove.

SECOND SUBSTITUTE HOUSE BILL NO. 2742, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of SUBSTITUTE SENATE BILL NO. 6520, and the bill was placed on the second reading calendar.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.21.420 and 1965 c 7 s 35.21.420 are each amended to read as follows:

(1) Any city owning and operating a public utility and having facilities for the generation of electricity located in a county other than that in which the city is located, may provide for the public peace, health, safety and welfare of such county as concerns the facilities and the personnel employed in connection therewith, by contributing to the support of the county government of any such county and enter into contracts with any such county therefor.

(2)(a) Any city with a population greater than five hundred thousand people owning and operating a public utility and having facilities for the generation of electricity located in a county other than that in which the city is located, must provide for the impacts of lost revenue and the public peace, health, safety, and welfare of such county as concerns the facilities and the personnel employed in connection therewith, by contributing to the support of the county, city, or town government and school district of any such county and enter into contracts with any such county therefor as specified in RCW 35.21.425.

(b)(i) In the event a contract entered into under this section between a county and the governing body of a city with a population greater than five hundred thousand people authorized or required under this section expires prior to the adoption of a new contract between the parties, the city must continue to make compensatory payments calculated based on the payment terms set forth in the most recent expired compensation contract between the city and the county until such time as a new contract is entered into by the parties.

(ii) In the event a contract entered into under this section between a county and the governing body of a city with a population greater than five hundred thousand people expired prior to the effective date of this act, the city shall be indebted to the county for any resulting arrearage accruing from the time of the expiration of the contract until such time as a new contract is entered into by the parties. The dollar amount of such arrearage shall be calculated retroactively by reference to the payment terms set forth in the most recent expired compensation contract between the city and the county.

(c) In the event a contract entered into under this section between a county and the governing body of a city with a population greater than five hundred thousand people expires, or has expired prior to the effective date of this section and the county and the city are unable to reach agreement on a new contract within six months of such expiration, then either the county or the city may initiate the arbitration procedures set forth in RCW 35.21.426 by serving a written notice of intent to arbitrate on the other. Arbitration must commence within sixty days of service of such notice, and must follow the arbitration procedures as provided in RCW 35.21.426. The city is responsible for the costs of arbitration, including compensation for the arbitrators' services, except that the city and the county shall bear their own costs for attorneys' fees and their own costs of litigation.

Sec. 2. RCW 35.21.425 and 1965 c 7 s 35.21.425 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, whenever after March 17, 1955, any city shall construct hydroelectric generating facilities or acquire land for the purpose of constructing the same in a county other than the county in which such city is located, and by reason of such construction or acquisition shall (1) cause loss of revenue and/or place a financial burden in providing for the public peace, health, safety, welfare, and added road maintenance in such county, in addition to road construction or relocation as set forth in RCW 90.28.010 and/or (2) shall cause any loss of revenues and/or increase the financial burden of any school district affected by the construction because of an increase in the number of pupils by reason of the construction or the operation of said generating facilities, the city shall enter into an agreement with said county and/or the particular school district or districts affected for the payment of moneys to recompense such losses or to provide for such increased financial burden, upon such terms and conditions as may be mutually agreeable to the city and the county and/or school district or districts.

(2)(a) Whenever after March 17, 1955, a municipal owned utility located in a city with a population greater than five hundred thousand people constructs or operates hydroelectric generating facilities or acquires land for the purpose of constructing or operating the same in a county other than the county in which the city is located must enter into an agreement with the county affected for the annual payment of moneys to recompense such losses, as provided under subsection (1) of this section.

(b)(i) In the event an agreement entered into under this section between a county and the governing body of either a city with a population greater than five hundred thousand people or a municipal utility owned by a city with a population greater than five hundred thousand people expires prior to the adoption of a new agreement between the parties, the city or utility must continue to make compensatory payments calculated based on the payment terms set forth in the most recent expired compensation contract between the city and the county until such time as a new agreement is entered into by the parties.

(ii) In the event an agreement entered into under this section between a county and the governing body of either a city with a population greater than five hundred thousand people or a municipal utility owned by a city with a population greater than five hundred thousand people expired prior to the effective date of this act, the city shall be indebted to the county for any resulting arrearage accruing from the time of the expiration of the agreement until such time as a new agreement is entered into by the parties. The dollar amount of such arrearage shall be calculated retroactively by reference to the payment terms set forth in the most recent expired compensation agreement between the city and the county.

(c) In the event an agreement entered into under this section between a county and the governing body of either a city with a population greater than five hundred thousand people or a municipal utility owned by a city with a population greater than five hundred thousand people expires, or has expired prior to the effective date of this section, and the county and the city are unable to reach agreement on a new agreement within six months of such expiration, then either the county or the city may initiate the arbitration procedures set forth in RCW 35.21.426 by serving a written notice of intent to arbitrate on the other. Arbitration must commence within sixty days of service of such notice, and must follow the arbitration procedures as provided in RCW 35.21.426. The city is responsible for the costs of arbitration, including compensation for the arbitrators' services, and the city and the county shall bear their own costs for attorneys' fees and their own costs of litigation.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

and the same is herewith transmitted.

Thomas Hoeman , Secretary

There being no objection, the House reverted to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ericks and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2925, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2925, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Hudgins and Liias.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 3030 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 87.03.001 and 1989 c 84 s 66 are each amended to read as follows:

The formation of an irrigation district may be subject to potential review by a boundary review board under chapter 36.93 RCW. The alteration of the boundaries of an irrigation district, including but not limited to a consolidation, addition of lands, exclusion of lands, or merger, may be subject to potential review by a boundary review board under chapter 36.93 RCW, except that additions or exclusions of land to an irrigation district, when those lands are within the boundary of a federal reclamation project, are not subject to review by a boundary review board under chapter 36.93 RCW.

Sec. 2. RCW 87.03.436 and 1990 c 39 s 2 are each amended to read as follows:

All contract projects, the estimated cost of which is less than ~~((one))~~ three hundred thousand dollars, may be awarded ~~((to a contractor on))~~ using the small works roster ~~((The small works roster shall be comprised of all responsible contractors who have requested to be on the list. The~~

~~board of directors shall authorize by resolution a procedure for securing telephone and/or written quotations from the contractors on the small works roster to assure establishment of a competitive price and for awarding contracts to the lowest responsible bidder. Such procedure shall require that a good faith effort be made to request quotations from all responsible contractors on the small works roster. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry. The small works roster shall be revised once a year)) process under RCW 39.04.155.~~

Sec. 3. RCW 87.03.443 and 2004 c 215 s 3 are each amended to read as follows:

There may be created ~~((for))~~ by each irrigation district or separate legal authority created pursuant to RCW 87.03.018 a fund to be known as the upgrading and improvement fund. The board of directors shall determine what portion of the annual revenue of the irrigation district or separate legal authority will be placed into its upgrading and improvement fund, including all or any part of the funds received by a district or separate legal authority from the sale, delivery, and distribution of electrical energy. Moneys from the upgrading and improvement fund may ~~((only))~~ be used to modernize, improve, or upgrade ~~((the))~~ irrigation and hydroelectric power facilities ~~((of the irrigation district))~~ or to respond to an emergency affecting such facilities. The funds may also be used for licensing hydroelectric power facilities and for payment of capital improvements."

and the same is herewith transmitted.

Thomas Hoeman , Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 3030 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Fagan and Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 3030, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3030, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

HOUSE BILL NO. 3030, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 2, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3046 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 24.03 RCW to read as follows:

Superior courts may dissolve a nonprofit corporation:

(1) Except as provided in the articles of incorporation or bylaws, in a proceeding by fifty members or members holding at least five percent of the voting power, whichever is less, by one or more directors, or by the attorney general if it is established that:

(a) The directors are deadlocked in the management of the corporate affairs, the members, if any, are unable to break the deadlock, and irreparable injury to the corporation or its mission is threatened or being suffered because of the deadlock;

(b) The directors or those in control of the corporation have acted, are acting, or will act in a manner that is illegal, oppressive, or fraudulent;

(c) The members are deadlocked in voting power and have failed, for a period that includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have, or otherwise would have, expired;

(d) The corporate assets are being misapplied or wasted; or

(e) The corporation has insufficient assets to continue its activities and it is no longer able to assemble a quorum of directors or members;

(2) In a proceeding by a creditor, if it is established that:

(a) The creditor's claim has been reduced to judgment, the execution on the judgment returned unsatisfied, and the corporation is insolvent; or

(b) The corporation has admitted in a record that the creditor's claim is due and owing and the corporation is insolvent; or

(3) In a proceeding by the corporation to have its voluntary dissolution continued under court supervision.

NEW SECTION. Sec. 2. A new section is added to chapter 24.03 RCW to read as follows:

(1) Venue for a proceeding brought by the attorney general to dissolve a corporation pursuant to section 1 of this act lies in the court specified in RCW 24.03.260. Venue for a proceeding brought by any other party named in section 1 of this act lies in the county where a corporation's principal office (or, if none in this state, its registered office) is or was last located.

(2) It is not necessary to make directors or members parties to a proceeding to dissolve a nonprofit corporation unless relief is sought against them individually.

(3) A court in a proceeding brought to dissolve a nonprofit corporation may issue injunctions, appoint a general or custodial receiver with all powers and duties the court directs, take other action required to preserve the corporate assets wherever located, and carry on the activities of the corporation until a full hearing can be held.

(4) A court in a judicial proceeding brought to dissolve a nonprofit corporation may appoint one or more general receivers to wind up and liquidate, or one or more custodial receivers to manage, the affairs of the corporation. The court shall hold a hearing, after giving notice to all parties to the proceeding and any interested persons designated by the court, before appointing a general or custodial receiver. The court appointing a general or custodial receiver has exclusive jurisdiction over the corporation and all of its property wherever located.

(5) The court may require the general or custodial receiver to post bond, with or without sureties, in an amount the court directs.

(6) The court shall describe the powers and duties of the general or custodial receiver in its appointing order, which may be amended from time to time. Among other powers:

(a) The general receiver:

(i) May dispose of all or any part of the assets of the nonprofit corporation wherever located, at a public or private sale, if authorized by the court; and

(ii) May sue and defend in his or her own name as general receiver of the corporation in all courts of this state;

(b) The custodial receiver may exercise all of the powers of the corporation, through or in place of its board of directors, to the extent necessary to manage the affairs of the corporation consistent with its mission and in the best interests of the corporation, and its creditors.

(7) During a general receivership, the court may redesignate the general receiver a custodial receiver, and during a custodial receivership may redesignate the custodial receiver a general receiver, if doing so is consistent with the mission of the nonprofit corporation and in the best interests of the corporation and its creditors.

(8) The court from time to time during the general or custodial receivership may order compensation paid and expense disbursements or reimbursements made to the general or custodial receiver and counsel from the assets of the nonprofit corporation or proceeds from the sale of the assets.

(9) The assets of the corporation or the proceeds resulting from the sale, conveyance, or other disposition thereof shall be applied and distributed as follows:

(a) All costs and expenses of the court proceedings and all liabilities and obligations of the corporation shall be paid, satisfied, and discharged, or adequate provision shall be made therefor;

(b) Assets held by the corporation upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the dissolution or liquidation, shall be returned, transferred, or conveyed in accordance with such requirements;

(c) Assets received and held by the corporation subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes, but not held upon a condition requiring return, transfer, or conveyance by reason of the dissolution or liquidation, shall be transferred or conveyed to one or more domestic or foreign corporations, societies, or organizations engaged in activities substantially similar to those of the dissolving or liquidating corporation as the court may direct;

(d) Other assets, if any, shall be distributed in accordance with the provisions of the articles of incorporation or the bylaws to the extent that the articles of incorporation or bylaws determine the distributive rights of members, or any class or classes of members, or provide for distribution to others;

(e) Any remaining assets may be distributed to such persons, societies, organizations, or domestic or foreign corporations, whether for profit or not for profit, specified in the plan of distribution adopted as provided in this chapter, or where no plan of distribution has been adopted, as the court may direct.

(10) Subsections (4) through (8) of this section do not apply to a church or its integrated auxiliaries.

NEW SECTION. Sec. 3. A new section is added to chapter 24.03 RCW to read as follows:

(1) If after a hearing the court determines that one or more grounds for judicial dissolution described in section 1 of this act exist, it may enter a decree dissolving the nonprofit corporation and specifying the effective date of the dissolution, and the clerk of the court shall deliver a certified copy of the decree to the secretary of state, who shall file it.

(2) After entering the decree of dissolution, the court shall direct the winding up and liquidation of the nonprofit corporation's affairs in accordance with this chapter.

Sec. 4. RCW 7.60.025 and 2006 c 52 s 1 are each amended to read as follows:

(1) A receiver may be appointed by the superior court of this state in the following instances, but except in any case in which a receiver's appointment is expressly required by statute, or any case in which a receiver's appointment is sought by a state agent whose authority to seek the appointment of a receiver is expressly conferred by statute, or any case in which a receiver's appointment with respect to real property is sought under (b)(ii) of this subsection, a receiver shall be appointed only if the court additionally determines that the appointment of a receiver is reasonably necessary and that other available remedies either are not available or are inadequate:

(a) On application of any party, when the party is determined to have a probable right to or interest in property that is a subject of the action and in the possession of an adverse party, or when the property or its revenue-producing potential is in danger of being lost or materially injured or impaired. A receiver may be appointed under this subsection (1)(a) whether or not the application for appointment of a receiver is combined with, or is ancillary to, an action seeking a money judgment or other relief;

(b) Provisionally, during the pendency of any action to foreclose upon any lien against or for forfeiture of any interest in real or personal property, or after notice of a trustee's sale has been given under RCW 61.24.040, or after notice of forfeiture has been given under RCW 61.30.040, on application of any person, when the interest in the property that is the subject of foreclosure or forfeiture of the person seeking the receiver's appointment is determined to be probable and either:

- (i) The property or its revenue-producing potential is in danger of being lost or materially injured or impaired; or
- (ii) The appointment of a receiver with respect to the real or personal property that is the subject of the action, the notice of trustee's sale or notice of forfeiture is provided for by agreement or is reasonably necessary to effectuate or enforce an assignment of rents or other revenues from the property;
- (c) After judgment, in order to give effect to the judgment;
- (d) To dispose of property according to provisions of a judgment dealing with its disposition;
- (e) To the extent that property is not exempt from execution, at the instance of a judgment creditor either before or after the issuance of any execution, to preserve or protect it, or prevent its transfer;
- (f) If and to the extent that property is subject to execution to satisfy a judgment, to preserve the property during the pendency of an appeal, or when an execution has been returned unsatisfied, or when an order requiring a judgment debtor to appear for proceedings supplemental to judgment has been issued and the judgment debtor fails to submit to examination as ordered;
- (g) Upon an attachment of real or personal property when the property attached is of a perishable nature or is otherwise in danger of waste, impairment, or destruction, or where the abandoned property's owner has absconded with, secreted, or abandoned the property, and it is necessary to collect, conserve, manage, control, or protect it, or to dispose of it promptly, or when the court determines that the nature of the property or the exigency of the case otherwise provides cause for the appointment of a receiver;
- (h) In an action by a transferor of real or personal property to avoid or rescind the transfer on the basis of fraud, or in an action to subject property or a fund to the payment of a debt;
- (i) In an action against any person who is not an individual if the object of the action is the dissolution of that person, or if that person has been dissolved, or if that person is insolvent or is not generally paying the person's debts as those debts become due unless they are the subject of bona fide dispute, or if that person is in imminent danger of insolvency;
- (j) In accordance with RCW 7.08.030 (4) and (6), in cases in which a general assignment for the benefit of creditors has been made;
- (k) In quo warranto proceedings under chapter 7.56 RCW;
- (l) As provided under RCW 11.64.022;
- (m) In an action by the department of licensing under RCW 18.35.220(3) with respect to persons engaged in the business of dispensing of hearing aids, RCW ((18.85.350)) 18.85.430 in the case of persons engaged in the business of a real estate broker, associate real estate broker, or real estate salesperson, or RCW 19.105.470 with respect to persons engaged in the business of camping resorts;
- (n) In an action under RCW 18.44.470 or 18.44.490 in the case of persons engaged in the business of escrow agents;
- (o) Upon a petition with respect to a nursing home in accordance with and subject to receivership provisions under chapter 18.51 RCW;
- (p) Under RCW 19.40.071(3), in connection with a proceeding for relief with respect to a transfer fraudulent as to a creditor or creditors;
- (q) Under RCW 19.100.210(1), in an action by the attorney general or director of financial institutions to restrain any actual or threatened violation of the franchise investment protection act;
- (r) In an action by the attorney general or by a prosecuting attorney under RCW 19.110.160 with respect to a seller of business opportunities;
- (s) In an action by the director of financial institutions under RCW 21.20.390 in cases involving actual or threatened violations of the securities act of Washington or under RCW 21.30.120 in cases involving actual or threatened violations of chapter 21.30 RCW with respect to certain businesses and transactions involving commodities;
- (t) In an action for or relating to dissolution of a business corporation under RCW 23B.14.065, 23B.14.300, 23B.14.310, or 23B.14.320, for dissolution of a nonprofit corporation under ((RCW 24.03.270)) section 2 of this act, for dissolution of a mutual corporation under RCW 24.06.305, or in any other action for the dissolution or winding up of any other entity provided for by Title 23, 23B, 24, or 25 RCW;
- (u) In any action in which the dissolution of any public or private entity is sought, in any action involving any dispute with respect to the ownership or governance of such an entity, or upon the application of a person having an interest in such an entity when the appointment is reasonably necessary to protect the property of the entity or its business or other interests;
- (v) Under RCW 25.05.215, in aid of a charging order with respect to a partner's interest in a partnership;
- (w) Under and subject to RCW 30.44.100, 30.44.270, and 30.56.030, in the case of a bank or trust company or, under and subject to RCW 32.24.070 through 32.24.090, in the case of a mutual savings bank;
- (x) Under and subject to RCW 31.12.637 and 31.12.671 through 31.12.724, in the case of credit unions;
- (y) Upon the application of the director of financial institutions under RCW 31.35.090 in actions to enforce chapter 31.35 RCW applicable to agricultural lenders, under RCW 31.40.120 in actions to enforce chapter 31.40 RCW applicable to entities engaged in federally guaranteed small business loans, under RCW 31.45.160 in actions to enforce chapter 31.45 RCW applicable to persons licensed as check cashers or check sellers, or under RCW 19.230.230 in actions to enforce chapter 19.230 RCW applicable to persons licensed under the uniform money services act;
- (z) Under RCW 35.82.090 or 35.82.180, with respect to a housing project;
- (aa) Under RCW 39.84.160 or 43.180.360, in proceedings to enforce rights under any revenue bonds issued for the purpose of financing industrial development facilities or bonds of the Washington state housing finance commission, or any financing document securing any such bonds;
- (bb) Under and subject to RCW 43.70.195, in an action by the secretary of health or by a local health officer with respect to a public water system;
- (cc) As contemplated by RCW 61.24.030, with respect to real property that is the subject of nonjudicial foreclosure proceedings under chapter 61.24 RCW;
- (dd) As contemplated by RCW 61.30.030(3), with respect to real property that is the subject of judicial or nonjudicial forfeiture proceedings under chapter 61.30 RCW;
- (ee) Under RCW 64.32.200(2), in an action to foreclose upon a lien for common expenses against a dwelling unit subject to the horizontal property regimes act, chapter 64.32 RCW;
- (ff) Under RCW 64.34.364(10), in an action by a unit owners' association to foreclose a lien for nonpayment of delinquent assessments against condominium units;
- (gg) Upon application of the attorney general under RCW 64.36.220(3), in aid of any writ or order restraining or enjoining violations of chapter 64.36 RCW applicable to timeshares;

- (hh) Under RCW 70.95A.050(3), in aid of the enforcement of payment or performance of municipal bonds issued with respect to facilities used to abate, control, or prevent pollution;
- (ii) Upon the application of the department of social and health services under RCW 74.42.580, in cases involving nursing homes;
- (jj) Upon the application of the utilities and transportation commission under RCW 80.28.040, with respect to a water company that has failed to comply with an order of such commission within the time deadline specified therein;
- (kk) Under RCW 87.56.065, in connection with the dissolution of an irrigation district;
- (ll) Upon application of the attorney general or the department of licensing, in any proceeding that either of them are authorized by statute to bring to enforce Title 18 or 19 RCW; the securities act of Washington, chapter 21.20 RCW; the Washington commodities act, chapter 21.30 RCW; the land development act, chapter 58.19 RCW; or under chapter 64.36 RCW relating to the regulation of timeshares;
- (mm) Upon application of the director of financial institutions in any proceeding that the director of financial institutions is authorized to bring to enforce chapters 31.35, 31.40, and 31.45 RCW; or
- (nn) In such other cases as may be provided for by law, or when, in the discretion of the court, it may be necessary to secure ample justice to the parties.

(2) The superior courts of this state shall appoint as receiver of property located in this state a person who has been appointed by a federal or state court located elsewhere as receiver with respect to the property specifically or with respect to the owner's property generally, upon the application of the person or of any party to that foreign proceeding, and following the appointment shall give effect to orders, judgments, and decrees of the foreign court affecting the property in this state held by the receiver, unless the court determines that to do so would be manifestly unjust or inequitable. The venue of such a proceeding may be any county in which the person resides or maintains any office, or any county in which any property over which the receiver is to be appointed is located at the time the proceeding is commenced.

(3) At least seven days' notice of any application for the appointment of a receiver shall be given to the owner of property to be subject thereto and to all other parties in the action, and to other parties in interest as the court may require. If any execution by a judgment creditor under Title 6 RCW or any application by a judgment creditor for the appointment of a receiver, with respect to property over which the receiver's appointment is sought, is pending in any other action at the time the application is made, then notice of the application for the receiver's appointment also shall be given to the judgment creditor in the other action. The court may shorten or expand the period for notice of an application for the appointment of a receiver upon good cause shown.

(4) The order appointing a receiver in all cases shall reasonably describe the property over which the receiver is to take charge, by category, individual items, or both if the receiver is to take charge of less than all of the owner's property. If the order appointing a receiver does not expressly limit the receiver's authority to designated property or categories of property of the owner, the receiver is a general receiver with the authority to take charge over all of the owner's property, wherever located.

(5) The court may condition the appointment of a receiver upon the giving of security by the person seeking the receiver's appointment, in such amount as the court may specify, for the payment of costs and damages incurred or suffered by any person should it later be determined that the appointment of the receiver was wrongfully obtained.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

- (1) RCW 24.03.265 (Jurisdiction of court to liquidate assets and affairs of corporation) and 1986 c 240 s 39 & 1967 c 235 s 54;
- (2) RCW 24.03.270 (Procedure in liquidation of corporation by court) and 1967 c 235 s 55; and
- (3) RCW 24.03.290 (Decree of involuntary dissolution) and 1967 c 235 s 59.

NEW SECTION. Sec. 6. This act is prospective and applies only to actions or proceedings commenced on or after the effective date of this act.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

and the same is herewith transmitted.

Thomas Hoeman , Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 3046 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Driscoll and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3046, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3046, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne,

Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

SUBSTITUTE HOUSE BILL NO. 3046, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 5, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 3179 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.450 and 2009 c 551 s 1 are each amended to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters at a primary or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. ~~((Funds raised under this tax shall not supplant existing funds used for these purposes, except as follows: Up to one hundred percent may be used to supplant existing funding in calendar year 2010; up to eighty percent may be used to supplant existing funding in calendar year 2011; up to sixty percent may be used to supplant existing funding in calendar year 2012; up to forty percent may be used to supplant existing funding in calendar year 2013; and up to twenty percent may be used to supplant existing funding in calendar year 2014. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the county or city receiving the services, and major nonrecurring capital expenditures.))~~ The rate of tax under this section may not exceed three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2)(a) A city legislative authority may submit an authorizing proposition to the city voters at a primary or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. The rate of tax under this subsection may not exceed one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. A city may not begin imposing a tax approved by the voters under this subsection prior to January 1, 2011.

(b) If a county adopts an ordinance or resolution to submit a ballot proposition to the voters to impose the sales and use tax under subsection (1) of this section prior to a city within the county adopting an ordinance or resolution to submit a ballot proposition to the voters to impose the tax under this subsection, the rate of tax by the city under this subsection may not exceed an amount that would cause the total county and city tax rate under this section to exceed three-tenths of one percent. This subsection (2)(b) also applies if the county and city adopt an ordinance or resolution to impose sales and use taxes under this section on the same date.

(c) If the city adopts an ordinance or resolution to submit a ballot proposition to the voters to impose the sales and use tax under this subsection prior to the county in which the city is located, the county must provide a credit against its tax under subsection (1) of this section for the city tax under this subsection to the extent the total county and city tax rate under this section would exceed three-tenths of one percent.

~~(3)~~ (3) The tax authorized in this section is in addition to any other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

~~((3))~~ (4) The retail sale or use of motor vehicles, and the lease of motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.

~~((4))~~ (5) One-third of all money received under this section must be used solely for criminal justice purposes, fire protection purposes, or both. For the purposes of this subsection, "criminal justice purposes" has the same meaning as provided in RCW 82.14.340.

~~((5))~~ (6) Money received by a county under subsection (1) of this section must be shared between the county and the cities as follows: Sixty percent must be retained by the county and forty percent must be distributed on a per capita basis to cities in the county.

(7) Tax proceeds received by a city imposing a tax under this section must be shared between the county and city as follows: Fifteen percent must be distributed to the county and eighty-five percent is retained by the city.

Sec. 2. RCW 82.14.460 and 2009 c 551 s 2 are each amended to read as follows:

(1)(a) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(b) If a county with a population over eight hundred thousand has not imposed the tax authorized under this subsection by January 1, 2011, any city with a population over thirty thousand located in that county may authorize, fix, and impose the sales and use tax in accordance with the terms of this chapter. The county must provide a credit against its tax for the full amount of tax imposed under this subsection (1)(b) by any city located in that county if the county imposes the tax after January 1, 2011.

(2) The tax authorized in this section ~~((shall be))~~ is in addition to any other taxes authorized by law and ~~((shall))~~ must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county for a county's tax and within a city for a city's tax. The rate of tax ~~((shall))~~ equals one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section ~~((shall))~~ must be used solely for the purpose of providing for the operation or delivery of chemical dependency or mental health treatment programs and services and for the operation or delivery of therapeutic court programs and services. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service.

(4) All moneys collected under this section must be used solely for the purpose of providing new or expanded programs and services as provided in this section, except a portion of moneys collected under this section may be used to supplant existing funding for these purposes in any county or city as follows: Up to fifty percent may be used to supplant existing funding in calendar year 2010; up to forty percent may be

used to supplant existing funding in calendar year 2011; up to thirty percent may be used to supplant existing funding in calendar year 2012; up to twenty percent may be used to supplant existing funding in calendar year 2013; and up to ten percent may be used to supplant existing funding in calendar year 2014.

(5) Nothing in this section may be interpreted to prohibit the use of moneys collected under this section for the replacement of lapsed federal funding previously provided for the operation or delivery of services and programs as provided in this section.

Sec. 3. RCW 82.14.340 and 1995 c 309 s 1 are each amended to read as follows:

(1) The legislative authority of any county may fix and impose a sales and use tax in accordance with the terms of this chapter, provided that such sales and use tax is subject to repeal by referendum, using the procedures provided in RCW 82.14.036. The referendum procedure provided in RCW 82.14.036 is the exclusive method for subjecting any county sales and use tax ordinance or resolution to a referendum vote.

(2) The tax authorized in this section ~~((shall be))~~ is in addition to any other taxes authorized by law and ~~((shall))~~ must be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within such county. The rate of tax ~~((shall))~~ equals one-tenth of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax).

(3) When distributing moneys collected under this section, the state treasurer ~~((shall))~~ must distribute ten percent of the moneys to the county in which the tax was collected. The remainder of the moneys collected under this section ~~((shall))~~ must be distributed to the county and the cities within the county ratably based on population as last determined by the office of financial management. In making the distribution based on population, the county ~~((shall))~~ must receive that proportion that the unincorporated population of the county bears to the total population of the county and each city ~~((shall))~~ must receive that proportion that the city incorporated population bears to the total county population.

(4) Moneys received from any tax imposed under this section ~~((shall))~~ must be expended ~~((exclusively))~~ for criminal justice purposes ~~((and shall not be used to replace or supplant existing funding))~~. Criminal justice purposes are defined as activities that substantially assist the criminal justice system, which may include circumstances where ancillary benefit to the civil justice system occurs, and which includes domestic violence services such as those provided by domestic violence programs, community advocates, and legal advocates, as defined in RCW 70.123.020.

~~((Existing funding for purposes of this subsection is defined as calendar year 1989 actual operating expenditures for criminal justice purposes. Calendar year 1989 actual operating expenditures for criminal justice purposes exclude the following: Expenditures for extraordinary events not likely to reoccur, changes in contract provisions for criminal justice services, beyond the control of the local jurisdiction receiving the services, and major nonrecurring capital expenditures.))~~

(5) In the expenditure of funds for criminal justice purposes as provided in this section, cities and counties, or any combination thereof, are expressly authorized to participate in agreements, pursuant to chapter 39.34 RCW, to jointly expend funds for criminal justice purposes of mutual benefit. Such criminal justice purposes of mutual benefit include, but are not limited to, the construction, improvement, and expansion of jails, court facilities, ~~((and))~~ juvenile justice facilities, and services with ancillary benefits to the civil justice system.

Sec. 4. RCW 82.12.010 and 2009 c 535 s 304 are each amended to read as follows:

For the purposes of this chapter:

(1) "Purchase price" means the same as sales price as defined in RCW 82.08.010;

(2)(a) "Value of the article used" ~~((shall be))~~ is the purchase price for the article of tangible personal property, the use of which is taxable under this chapter. The term also includes, in addition to the purchase price, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used ~~((shall be))~~ is determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules as the department may prescribe.

(b) In case the articles used are acquired by bailment, the value of the use of the articles so used ~~((shall))~~ must be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe. In case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used ~~((shall be))~~ is determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules as the department of revenue may prescribe.

(c) In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than one hundred eighty days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used ~~((shall))~~ must be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in (a) of this subsection.

(d) In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used ~~((shall be))~~ is determined according to the value of the ingredients of such articles.

(e) In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used ~~((shall be))~~ is determined by: (i) The retail selling price of such new or improved product when first offered for sale; or (ii) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(f) In the case of an article purchased with a direct pay permit under RCW 82.32.087, the value of the article used ~~((shall be))~~ is determined by the purchase price of such article if, but for the use of the direct pay permit, the transaction would have been subject to sales tax;

(3) "Value of the service used" means the purchase price for the digital automated service or other service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value thereof, the value of the service used ~~((shall be))~~ is determined as nearly as possible according to the retail selling price at place of use of similar services of like quality and character under rules the department may prescribe;

(4) "Value of the extended warranty used" means the purchase price for the extended warranty, the use of which is taxable under this chapter. If the extended warranty is received by gift or under conditions wherein the purchase price does not represent the true value of the extended warranty, the value of the extended warranty used (~~shall be~~) is determined as nearly as possible according to the retail selling price at place of use of similar extended warranties of like quality and character under rules the department may prescribe;

(5) "Value of the digital good or digital code used" means the purchase price for the digital good or digital code, the use of which is taxable under this chapter. If the digital good or digital code is acquired other than by purchase, the value of the digital good or digital code must be determined as nearly as possible according to the retail selling price at place of use of similar digital goods or digital codes of like quality and character under rules the department may prescribe;

(6) "Use," "used," "using," or "put to use" have their ordinary meaning, and mean:

(a) With respect to tangible personal property, except for natural gas and manufactured gas, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption within this state;

(b) With respect to a service defined in RCW 82.04.050(2)(a), the first act within this state after the service has been performed by which the taxpayer takes or assumes dominion or control over the article of tangible personal property upon which the service was performed (as a consumer), and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

(c) With respect to an extended warranty, the first act within this state after the extended warranty has been acquired by which the taxpayer takes or assumes dominion or control over the article of tangible personal property to which the extended warranty applies, and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

(d) With respect to a digital good or digital code, the first act within this state by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the digital good or digital code;

(e) With respect to a digital automated service, the first act within this state by which the taxpayer, as a consumer, uses, enjoys, or otherwise receives the benefit of the service;

(f) With respect to a service defined as a retail sale in RCW 82.04.050(6)(b), the first act within this state by which the taxpayer, as a consumer, accesses the prewritten computer software; (~~and~~)

(g) With respect to a service defined as a retail sale in RCW 82.04.050(2)(g), the first act within this state after the service has been performed by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the digital good upon which the service was performed; and

(h) With respect to natural gas or manufactured gas, the use of which is taxable under RCW 82.12.022, including gas that is also taxable under the authority of RCW 82.14.230, the first act within this state by which the taxpayer consumes the gas by burning the gas or storing the gas in the taxpayer's own facilities for later consumption by the taxpayer;

(7) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW;

(8)(a)(i) Except as provided in (a)(ii) of this subsection (8), "retailer" means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter.

(ii) "Retailer" does not include a professional employer organization when a covered employee coemployed with the client under the terms of a professional employer agreement engages in activities that constitute a sale of tangible personal property, extended warranty, digital good, digital code, or a sale of any digital automated service or service defined as a retail sale in RCW 82.04.050 (2)(a) or (g), (3)(a), or (6)(b) that is subject to the tax imposed by this chapter. In such cases, the client, and not the professional employer organization, is deemed to be the retailer and is responsible for collecting and remitting the tax imposed by this chapter.

(b) For the purposes of (a) of this subsection, the terms "client," "covered employee," "professional employer agreement," and "professional employer organization" have the same meanings as in RCW 82.04.540;

(9) "Extended warranty" has the same meaning as in RCW 82.04.050(7);

(10) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, (~~shall have~~) has full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, (~~shall~~) also means any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. With respect to property distributed to persons within this state by a consumer as defined in this subsection (10), the use of the property (~~shall be~~) is deemed to be by such consumer.

Sec. 5. RCW 82.14.230 and 1989 c 384 s 2 are each amended to read as follows:

(1) The governing body of any city, while not required by legislative mandate to do so, may, by resolution or ordinance for the purposes authorized by this chapter, fix and impose on every person a use tax for the privilege of using natural gas or manufactured gas in the city as a consumer.

(2) The tax (~~shall be~~) is imposed in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the tax on natural gas businesses under RCW 35.21.870 in the city in which the article is used. The "value of the article used," does not include any amounts that are paid for the hire or use of a natural gas business in transporting the gas subject to tax under this subsection if those amounts are subject to tax under RCW 35.21.870.

(3) The tax imposed under this section (~~shall~~) does not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer has paid a tax under RCW 35.21.870 with respect to the gas for which exemption is sought under this subsection.

(4) There (~~shall be~~) is a credit against the tax levied under this section in an amount equal to any tax paid by:

(a) The person who sold the gas to the consumer when that tax is a gross receipts tax similar to that imposed pursuant to RCW 35.21.870 by another (~~state~~) municipality or other unit of local government with respect to the gas for which a credit is sought under this subsection; or

(b) The person consuming the gas upon which a use tax similar to the tax imposed by this section was paid to another (~~state~~) municipality or other unit of local government with respect to the gas for which a credit is sought under this subsection.

(5) The use tax ((hereby)) imposed ((shall)) must be paid by the consumer. The administration and collection of the tax ((hereby)) imposed ((shall be)) is pursuant to RCW 82.14.050.

Sec. 6. RCW 9.46.113 and 1975 1st ex.s. c 166 s 11 are each amended to read as follows:

Any county, city or town which collects a tax on gambling activities authorized pursuant to RCW 9.46.110 ((shall)) must use the revenue from such tax primarily for the purpose of ((enforcement of the provisions of this chapter by the county, city or town law enforcement agency)) public safety.

NEW SECTION. Sec. 7. 2009 c 551 s 12 (uncodified) is hereby repealed."

On page 1, line 2 of the title, after "cities;" strike the remainder of the title and insert "amending RCW 82.14.450, 82.14.460, 82.14.340, 82.12.010, 82.14.230, and 9.46.113; and repealing 2009 c 551 s 12 (uncodified)."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3179 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Springer and Simpson spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3179, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3179, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Hasegawa, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace and Warnick.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3179, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 3179.

Larry Haler, 8th District.

MESSAGES FROM THE SENATE

March 9, 2010

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL 5295
ENGROSSED SUBSTITUTE SENATE BILL 5529
ENGROSSED SUBSTITUTE SENATE BILL 5704
SECOND ENGROSSED SUBSTITUTE SENATE BILL 5742
SUBSTITUTE SENATE BILL 6192
SUBSTITUTE SENATE BILL 6202
SENATE BILL 6206
SUBSTITUTE SENATE BILL 6207
SUBSTITUTE SENATE BILL 6214
SUBSTITUTE SENATE BILL 6248
SUBSTITUTE SENATE BILL 6332
SUBSTITUTE SENATE BILL 6340

SUBSTITUTE SENATE BILL 6342
 SUBSTITUTE SENATE BILL 6343
 SUBSTITUTE SENATE BILL 6373
 ENGROSSED SUBSTITUTE SENATE BILL 6392
 SUBSTITUTE SENATE BILL 6459
 SUBSTITUTE SENATE BILL 6557
 SUBSTITUTE SENATE BILL 6590
 SUBSTITUTE SENATE BILL 6673
 ENGROSSED SUBSTITUTE SENATE BILL 6724
 ENGROSSED SENATE BILL 6764

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 9, 2010

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SENATE BILL 6308
 SUBSTITUTE SENATE BILL 6344
 SENATE BILL 6401
 SENATE BILL 6481
 ENGROSSED SECOND SUBSTITUTE SENATE BILL 6561
 ENGROSSED SUBSTITUTE SENATE BILL 6582
 SENATE BILL 6593
 SUBSTITUTE SENATE BILL 6639
 SUBSTITUTE SENATE BILL 6647
 SECOND SUBSTITUTE SENATE BILL 6679
 SUBSTITUTE SENATE BILL 6688
 SUBSTITUTE SENATE BILL 6692
 SECOND SUBSTITUTE SENATE BILL 6702
 ENGROSSED SUBSTITUTE SENATE BILL 6726
 SENATE BILL 6826

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 9, 2010

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL 6349
 ENGROSSED SUBSTITUTE SENATE BILL 6403
 ENGROSSED SUBSTITUTE SENATE BILL 6468
 SUBSTITUTE SENATE BILL 6470
 ENGROSSED SUBSTITUTE SENATE BILL 6476
 SUBSTITUTE SENATE BILL 6485

and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

March 8, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5902 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 5902 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5902, by Senate Committee on Ways & Means (originally sponsored by Senators Pridemore, Fraser, McAuliffe, Kline, Kohl-Welles and McDermott)

Promoting accessible communities for persons with disabilities.

Representative Liias moved the adoption of amendment (1578).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that when people who have disabilities are welcomed and included as members of our communities and provided with equal access to the opportunities available to others, their participation enriches those communities, enhances the strength of those communities' diversity, and contributes toward the economic vitality of those communities. The legislature further finds that more than nine hundred thousand Washington state residents with disabilities continue to face barriers to full participation that could be easily eliminated.

NEW SECTION. Sec. 2. (1) The accessible communities account is created in the custody of the state treasurer. One hundred dollars of the assessment imposed under RCW 46.16.381 (7), (8), and (9) must be deposited into the account. Any reduction in the penalty or fine and assessment imposed under section 6 of this act shall be applied proportionally between the penalty or fine and the assessment.

(2) The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Only the commissioner may authorize expenditures from the account.

(3) Expenditures from the account may be used for promoting greater awareness of disability issues and improved access for and inclusion and acceptance of persons with disabilities in communities in the state of Washington, including:

(a) Reimbursing travel, per diem, and reasonable accommodation for county accessible community advisory committee meetings and committee sponsored activities including, but not limited to, supporting the involvement of people with disabilities and disability organization in emergency planning and emergency preparedness activities;

(b) Establishing and maintaining an accessible communities web site;

(c) Providing training or technical assistance for county accessible community advisory committees;

(d) A grant program for funding proposals developed and submitted by county accessible community advisory committees to promote greater awareness of disability issues and acceptance, inclusion, and access for persons with disabilities within the community;

(e) Reimbursing the state agency that provides administrative support to the governor's committee on disability issues and employment for costs associated with implementing this act; and

(f) Programming changes to the judicial information system accounting module required for disbursement of funds to this account.

NEW SECTION. Sec. 3. A new section is added to chapter 50.40 RCW to read as follows:

(1) To the extent allowed by funds available from the accessible communities account created in section 2 of this act, the governor's committee on disability issues and employment shall:

(a) Determine eligibility of accessible community advisory committees for reimbursement or for grant funding according to section 4 of this act; and

(b) Solicit proposals from active accessible community advisory committees for projects to improve disability awareness and access for persons with disabilities, and shall select projects for funding from moneys available in the accessible communities account.

(2) The commissioner shall adopt rules to administer this section.

(3) To the extent allowed by funds available from the accessible communities account created in section 2 of this act, the governor's committee on disability issues and employment shall establish an accessible communities web site to provide the following information: Guidance, technical assistance, reference materials, and resource identification for local governments, accessible community advisory committees, and public accommodations; examples of best practices for local initiatives and activities to promote greater awareness of disability issues and access for persons with disabilities within the community; and a searchable listing of local public accommodations that have taken steps to be more disability friendly, including information on the specific access features provided.

NEW SECTION. Sec. 4. A new section is added to chapter 36.01 RCW to read as follows:

(1) A county has the option to expand the scope of an advisory committee established and maintained under RCW 29A.46.260 to that of an accessible community advisory committee, or to create an accessible community advisory committee.

(2) A county that has an active accessible community advisory committee may be reimbursed within available funds from the accessible communities account created in section 2 of this act for travel, per diem, and reasonable accommodation expenses for the participation of that committee's members in committee meetings and sponsored activities.

(3) A county establishes that it has an active accessible community advisory committee by submitting biennial assurances to the governor's committee on disability issues and employment that:

(a) The decision to establish an accessible community advisory committee was made by the county legislative authority, or by agents or officers acting under that authority.

(b) If an accessible community advisory committee is established by expanding the advisory committee established and maintained under RCW 29A.46.260, the county auditor supports that expansion.

(c) Committee members include persons with a diverse range of disabilities who are knowledgeable in identifying and eliminating attitudinal, programmatic, communication, and physical barriers encountered by persons with disabilities.

(d) The committee is actively involved in the following activities: Advising on addressing the needs of persons with disabilities in emergency plans; advising the county and other local governments within the county on access to programs services and activities, new construction or renovation projects, sidewalks, other pedestrian routes of travel, and disability parking enforcement; and developing local initiatives and activities to promote greater awareness of disability issues, and acceptance, involvement, and access for persons with disabilities within the community.

(4) Counties may form joint accessible community advisory committees, as long as no more than one of the participating counties has a population greater than seventy thousand.

Sec. 5. RCW 29A.46.260 and 2006 c 207 s 7 are each amended to read as follows:

(1) The legislature finds that the elimination of polling places resulting from the transition to vote by mail creates barriers that restrict the ability of many voters with disabilities from achieving the independence and privacy in voting provided by the accessible voting devices required

under the help America vote act. Counties adopting a vote by mail system must take appropriate steps to mitigate these impacts and to address the obligation to provide voters with disabilities an equal opportunity to vote independently and privately, to the extent that this can be achieved without incurring undue administrative and financial burden.

(2) Each county shall establish and maintain an advisory committee that includes persons with diverse disabilities and persons with expertise in providing accommodations for persons with disabilities. The committee shall assist election officials in developing a plan to identify and implement changes to improve the accessibility of elections for voters with disabilities. The plan shall include recommendations for the following:

- (a) The number of polling places that will be maintained in order to ensure that people with disabilities have reasonable access to accessible voting devices, and a written explanation for how the determination was made;
- (b) The locations of polling places, drop-off facilities, voting centers, and other election-related functions necessary to maximize accessibility to persons with disabilities;
- (c) Outreach to voters with disabilities on the availability of disability accommodation, including in-person disability access voting;
- (d) Transportation of voting devices to locations convenient for voters with disabilities in order to ensure reasonable access for voters with disabilities; and
- (e) Implementation of the provisions of the help America vote act related to persons with disabilities.

Counties must update the plan at least annually. The election review staff of the secretary of state shall review and evaluate the plan in conformance with the review procedure identified in RCW 29A.04.570.

(3) Counties may form a joint advisory committee to develop the plan identified in subsection (2) of this section if ~~((the total population of the joining counties does not exceed thirty thousand, and the counties are geographically adjacent))~~ no more than one of the participating counties has a population greater than seventy thousand.

Sec. 6. RCW 46.16.381 and 2007 c 262 s 1 and 2007 c 44 s 1 are each reenacted and amended to read as follows:

(1) The director shall grant special parking privileges to any person who has a disability that limits or impairs the ability to walk or involves acute sensitivity to light and meets one of the following criteria, as determined by a licensed physician, an advanced registered nurse practitioner licensed under chapter 18.79 RCW, or a physician assistant licensed under chapter 18.71A or 18.57A RCW:

- (a) Cannot walk two hundred feet without stopping to rest;
- (b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;
- (c) Has such a severe disability, that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;
- (d) Uses portable oxygen;
- (e) Is restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
- (f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association;
- (g) Has a disability resulting from an acute sensitivity to automobile emissions which limits or impairs the ability to walk. The personal physician, advanced registered nurse practitioner, or physician assistant of the applicant shall document that the disability is comparable in severity to the others listed in this subsection;
- (h) Is legally blind and has limited mobility; or
- (i) Is restricted by a form of porphyria to the extent that the applicant would significantly benefit from a decrease in exposure to light.

(2) The applications for parking permits for persons with disabilities and parking permits for persons with temporary disabilities are official state documents. Knowingly providing false information in conjunction with the application is a gross misdemeanor punishable under chapter 9A.20 RCW. The following statement must appear on each application form immediately below the physician's, advanced registered nurse practitioner's, or physician assistant's signature and immediately below the applicant's signature: "A parking permit for a person with disabilities may be issued only for a medical necessity that severely affects mobility or involves acute sensitivity to light (RCW 46.16.381). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both."

(3) Persons who qualify for special parking privileges are entitled to receive from the department of licensing a removable windshield placard bearing the international symbol of access and an individual serial number, along with a special identification card bearing the name and date of birth of the person to whom the placard is issued, and the placard's serial number. The special identification card shall be issued to all persons who are issued parking placards, including those issued for temporary disabilities, and special parking license plates for persons with disabilities. The department shall design the placard to be displayed when the vehicle is parked by suspending it from the rearview mirror, or in the absence of a rearview mirror the card may be displayed on the dashboard of any vehicle used to transport the person with disabilities. Instead of regular motor vehicle license plates, persons with disabilities are entitled to receive special license plates under this section or RCW 46.16.385 bearing the international symbol of access for one vehicle registered in the name of the person with disabilities. Persons with disabilities who are not issued the special license plates are entitled to receive a second special placard upon submitting a written request to the department. Persons who have been issued the parking privileges and who are using a vehicle or are riding in a vehicle displaying the placard or special license plates issued under this section or RCW 46.16.385 may park in places reserved for persons with physical disabilities. The director shall adopt rules providing for the issuance of special placards and license plates to public transportation authorities, nursing homes licensed under chapter 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen centers, private nonprofit agencies as defined in chapter 24.03 RCW, and vehicles registered with the department as cabulances that regularly transport persons with disabilities who have been determined eligible for special parking privileges provided under this section. The director may issue special license plates for a vehicle registered in the name of the public transportation authority, nursing home, boarding home, senior citizen center, private nonprofit agency, or cabulance service if the vehicle is primarily used to transport persons with disabilities described in this section. Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit agencies, and cabulance services are responsible for insuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(4) Whenever the person with disabilities transfers or assigns his or her interest in the vehicle, the special license plates shall be removed from the motor vehicle. If another vehicle is acquired by the person with disabilities and the vehicle owner qualifies for a special plate, the plate

shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the person with disabilities, the removed plate shall be immediately surrendered to the director.

(5) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who has a condition expected to improve within six months may be issued a temporary placard for a period not to exceed six months. If the condition exists after six months a new temporary placard shall be issued upon receipt of a new certification from the person's physician. The permanent parking placard and identification card of a person with disabilities shall be renewed at least every five years, as required by the director, by satisfactory proof of the right to continued use of the privileges. In the event of the permit holder's death, the parking placard and identification card must be immediately surrendered to the department. The department shall match and purge its database of parking permits issued to persons with disabilities with available death record information at least every twelve months.

(6) Additional fees shall not be charged for the issuance of the special placards or the identification cards. No additional fee may be charged for the issuance of the special license plates except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon registration of a motor vehicle.

(7) Any unauthorized use of the special placard, special license plate issued under this section or RCW 46.16.385, or identification card is a ~~((traffic))~~ parking infraction with a monetary penalty of two hundred fifty dollars. In addition to any penalty or fine imposed under this subsection, two hundred dollars shall be assessed.

(8) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for a person to park in, block, or otherwise make inaccessible the access aisle located next to a space reserved for persons with physical disabilities. In addition to any penalty or fine imposed under this subsection, two hundred dollars shall be assessed. The clerk of the court shall report all violations related to this subsection to the department.

(9) It is a parking infraction, with a monetary penalty of two hundred fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for persons with physical disabilities without a placard or special license plate issued under this section or RCW 46.16.385. In addition to any penalty or fine imposed under this subsection, two hundred dollars shall be assessed. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the placard or special license plate issued under this section or RCW 46.16.385 required under this section. A local jurisdiction providing nonmetered, on-street parking places reserved for persons with physical disabilities may impose by ordinance time restrictions of no less than four hours on the use of these parking places. A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards or special license plates issued under this section or RCW 46.16.385. All time restrictions must be clearly posted.

(10) ~~((The penalties))~~ (a) The assessment imposed under subsections (7), (8), and (9) of this section shall be allocated as follows:

(i) One hundred dollars shall be deposited in the accessible communities account created in section 2 of this act; and

(ii) One hundred dollars shall be deposited in the multimodal transportation account under RCW 47.66.070 for the sole purpose of supplementing a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation that is administered by the department of transportation.

(b) Any reduction in any penalty or fine and assessment imposed under subsections (7), (8), and (9) of this section shall be applied proportionally between the penalty or fine and the assessment. When a reduced penalty is imposed under subsection (7), (8), or (9) of this section, the amount deposited in the accounts identified in (a) of this subsection shall be reduced equally and proportionally.

(c) The penalty or fine amounts shall be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs it may have incurred in removal and storage of the improperly parked vehicle.

(11) Except as provided by subsection (2) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate issued under this section or RCW 46.16.385, placard, or identification card in a manner other than that established under this section.

(12)(a) A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of this section or RCW 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications the agency deems desirable.

(b) An agency appointing volunteers under this section must provide training to the volunteers before authorizing them to issue notices of infractions.

(c) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(d) A police officer or a volunteer may request a person to show the person's identification card or special parking placard when investigating the possibility of a violation of this section. If the request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

(13) For second or subsequent violations of this section, in addition to a monetary fine, the violator must complete a minimum of forty hours of:

(a) Community restitution for a nonprofit organization that serves persons having disabilities or disabling diseases; or

(b) Any other community restitution that may sensitize the violator to the needs and obstacles faced by persons who have disabilities.

(14) The court may not suspend more than one-half of any fine imposed under subsection (7), (8), (9), or (11) of this section.

(15) For the purposes of this section, "legally blind" means a person who: (a) Has no vision or whose vision with corrective lenses is so limited that the individual requires alternative methods or skills to do efficiently those things that are ordinarily done with sight by individuals with normal vision; or (b) has an eye condition of a progressive nature which may lead to blindness.

Sec. 7. RCW 43.79A.040 and 2009 c 87 s 4 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the accessible communities account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self- insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section."

Correct the title.

Representatives Liias and Dammeier spoke in favor of the adoption of the amendment.

Amendment (1578) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Liias and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5902, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5902, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Carlyle, Hudgins and Springer.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5902, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6538 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House advanced to the seventh order of business.

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 6538 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6538, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser and Pflug)

Defining small groups for insurance purposes.

Representative Cody moved the adoption of amendment (1529).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.43.005 and 2008 c 145 s 20 and 2008 c 144 s 1 are each reenacted and amended to read as follows:

Unless otherwise specifically provided, the definitions in this section apply throughout this chapter.

(1) "Adjusted community rate" means the rating method used to establish the premium for health plans adjusted to reflect actuarially demonstrated differences in utilization or cost attributable to geographic region, age, family size, and use of wellness activities.

(2) "Basic health plan" means the plan described under chapter 70.47 RCW, as revised from time to time.

(3) "Basic health plan model plan" means a health plan as required in RCW 70.47.060(2)(e).

(4) "Basic health plan services" means that schedule of covered health services, including the description of how those benefits are to be administered, that are required to be delivered to an enrollee under the basic health plan, as revised from time to time.

(5) "Catastrophic health plan" means:

(a) In the case of a contract, agreement, or policy covering a single enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, one thousand seven hundred fifty dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least three thousand five hundred dollars, both amounts to be adjusted annually by the insurance commissioner; and

(b) In the case of a contract, agreement, or policy covering more than one enrollee, a health benefit plan requiring a calendar year deductible of, at a minimum, three thousand five hundred dollars and an annual out-of-pocket expense required to be paid under the plan (other than for premiums) for covered benefits of at least six thousand dollars, both amounts to be adjusted annually by the insurance commissioner; or

(c) Any health benefit plan that provides benefits for hospital inpatient and outpatient services, professional and prescription drugs provided in conjunction with such hospital inpatient and outpatient services, and excludes or substantially limits outpatient physician services and those services usually provided in an office setting.

In July 2008, and in each July thereafter, the insurance commissioner shall adjust the minimum deductible and out-of-pocket expense required for a plan to qualify as a catastrophic plan to reflect the percentage change in the consumer price index for medical care for a preceding twelve months, as determined by the United States department of labor. The adjusted amount shall apply on the following January 1st.

(6) "Certification" means a determination by a review organization that an admission, extension of stay, or other health care service or procedure has been reviewed and, based on the information provided, meets the clinical requirements for medical necessity, appropriateness, level of care, or effectiveness under the auspices of the applicable health benefit plan.

(7) "Concurrent review" means utilization review conducted during a patient's hospital stay or course of treatment.

(8) "Covered person" or "enrollee" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan.

(9) "Dependent" means, at a minimum, the enrollee's legal spouse and unmarried dependent children who qualify for coverage under the enrollee's health benefit plan.

(10) "Employee" has the same meaning given to the term, as of January 1, 2008, under section 3(6) of the federal employee retirement income security act of 1974.

(11) "Emergency medical condition" means the emergent and acute onset of a symptom or symptoms, including severe pain, that would lead a prudent layperson acting reasonably to believe that a health condition exists that requires immediate medical attention, if failure to provide medical attention would result in serious impairment to bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

(12) "Emergency services" means otherwise covered health care services medically necessary to evaluate and treat an emergency medical condition, provided in a hospital emergency department.

(13) "Enrollee point-of-service cost-sharing" means amounts paid to health carriers directly providing services, health care providers, or health care facilities by enrollees and may include copayments, coinsurance, or deductibles.

(14) "Grievance" means a written complaint submitted by or on behalf of a covered person regarding: (a) Denial of payment for medical services or nonprovision of medical services included in the covered person's health benefit plan, or (b) service delivery issues other than denial

of payment for medical services or nonprovision of medical services, including dissatisfaction with medical care, waiting time for medical services, provider or staff attitude or demeanor, or dissatisfaction with service provided by the health carrier.

(15) "Health care facility" or "facility" means hospices licensed under chapter 70.127 RCW, hospitals licensed under chapter 70.41 RCW, rural health care facilities as defined in RCW 70.175.020, psychiatric hospitals licensed under chapter 71.12 RCW, nursing homes licensed under chapter 18.51 RCW, community mental health centers licensed under chapter 71.05 or 71.24 RCW, kidney disease treatment centers licensed under chapter 70.41 RCW, ambulatory diagnostic, treatment, or surgical facilities licensed under chapter 70.41 RCW, drug and alcohol treatment facilities licensed under chapter 70.96A RCW, and home health agencies licensed under chapter 70.127 RCW, and includes such facilities if owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations.

(16) "Health care provider" or "provider" means:

(a) A person regulated under Title 18 or chapter 70.127 RCW, to practice health or health-related services or otherwise practicing health care services in this state consistent with state law; or

(b) An employee or agent of a person described in (a) of this subsection, acting in the course and scope of his or her employment.

(17) "Health care service" means that service offered or provided by health care facilities and health care providers relating to the prevention, cure, or treatment of illness, injury, or disease.

(18) "Health carrier" or "carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.

(19) "Health plan" or "health benefit plan" means any policy, contract, or agreement offered by a health carrier to provide, arrange, reimburse, or pay for health care services except the following:

(a) Long-term care insurance governed by chapter 48.84 or 48.83 RCW;

(b) Medicare supplemental health insurance governed by chapter 48.66 RCW;

(c) Coverage supplemental to the coverage provided under chapter 55, Title 10, United States Code;

(d) Limited health care services offered by limited health care service contractors in accordance with RCW 48.44.035;

(e) Disability income;

(f) Coverage incidental to a property/casualty liability insurance policy such as automobile personal injury protection coverage and homeowner guest medical;

(g) Workers' compensation coverage;

(h) Accident only coverage;

(i) Specified disease or illness-triggered fixed payment insurance, hospital confinement fixed payment insurance, or other fixed payment insurance offered as an independent, noncoordinated benefit;

(j) Employer-sponsored self-funded health plans;

(k) Dental only and vision only coverage; and

(l) Plans deemed by the insurance commissioner to have a short-term limited purpose or duration, or to be a student-only plan that is guaranteed renewable while the covered person is enrolled as a regular full-time undergraduate or graduate student at an accredited higher education institution, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

(20) "Material modification" means a change in the actuarial value of the health plan as modified of more than five percent but less than fifteen percent.

(21) "Preexisting condition" means any medical condition, illness, or injury that existed any time prior to the effective date of coverage.

(22) "Premium" means all sums charged, received, or deposited by a health carrier as consideration for a health plan or the continuance of a health plan. Any assessment or any "membership," "policy," "contract," "service," or similar fee or charge made by a health carrier in consideration for a health plan is deemed part of the premium. "Premium" shall not include amounts paid as enrollee point-of-service cost-sharing.

(23) "Review organization" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, health care service contractor as defined in RCW 48.44.010, or health maintenance organization as defined in RCW 48.46.020, and entities affiliated with, under contract with, or acting on behalf of a health carrier to perform a utilization review.

(24) "Small employer" or "small group" means any person, firm, corporation, partnership, association, political subdivision, sole proprietor, or self-employed individual that is actively engaged in business that employed an average of at least ~~((two))~~ one but no more than fifty employees, during the previous calendar year and employed at least ~~((two))~~ one employee(s) on the first day of the plan year, is not formed primarily for purposes of buying health insurance, and in which a bona fide employer-employee relationship exists. In determining the number of employees, companies that are affiliated companies, or that are eligible to file a combined tax return for purposes of taxation by this state, shall be considered an employer. Subsequent to the issuance of a health plan to a small employer and for the purpose of determining eligibility, the size of a small employer shall be determined annually. Except as otherwise specifically provided, a small employer shall continue to be considered a small employer until the plan anniversary following the date the small employer no longer meets the requirements of this definition. A self-employed individual or sole proprietor ~~((who is covered as a group of one on the day prior to June 10, 2004, shall also be considered a "small employer" to the extent that individual or group of one is entitled to have his or her coverage renewed as provided in RCW 48.43.035(6)))~~ who is covered as a group of one must also: (a) Have been employed by the same small employer or small group for at least twelve months prior to application for small group coverage, and (b) verify that he or she derived at least seventy-five percent of his or her income from a trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, schedule C or F, for the previous taxable year, except a self-employed individual or sole proprietor in an agricultural trade or business, must have derived at least fifty-one percent of his or her income from the trade or business through which the individual or sole proprietor has attempted to earn taxable income and for which he or she has filed the appropriate internal revenue service form 1040, for the previous taxable year.

(25) "Utilization review" means the prospective, concurrent, or retrospective assessment of the necessity and appropriateness of the allocation of health care resources and services of a provider or facility, given or proposed to be given to an enrollee or group of enrollees.

(26) "Wellness activity" means an explicit program of an activity consistent with department of health guidelines, such as, smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education for the purpose of improving enrollee health status and reducing health service costs.

Sec. 2. RCW 48.43.035 and 2004 c 244 s 4 are each amended to read as follows:

For group health benefit plans, the following shall apply:

(1) All health carriers shall accept for enrollment any state resident within the group to whom the plan is offered and within the carrier's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The insurance commissioner may grant a temporary exemption from this subsection, if, upon application by a health carrier the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals.

(2) Except as provided in subsection (5) of this section, all health plans shall contain or incorporate by endorsement a guarantee of the continuity of coverage of the plan. For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. The carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section.

(3) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from canceling or nonrenewing a health plan for:

- (a) Nonpayment of premium;
- (b) Violation of published policies of the carrier approved by the insurance commissioner;
- (c) Covered persons entitled to become eligible for medicare benefits by reason of age who fail to apply for a medicare supplement plan or medicare cost, risk, or other plan offered by the carrier pursuant to federal laws and regulations;
- (d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;
- (e) Covered persons committing fraudulent acts as to the carrier;
- (f) Covered persons who materially breach the health plan; or
- (g) Change or implementation of federal or state laws that no longer permit the continued offering of such coverage.

(4) The provisions of this section do not apply in the following cases:

- (a) A carrier has zero enrollment on a product;
- (b) A carrier replaces a product and the replacement product is provided to all covered persons within that class or line of business, includes all of the services covered under the replaced product, and does not significantly limit access to the kind of services covered under the replaced product. The health plan may also allow unrestricted conversion to a fully comparable product;
- (c) No sooner than January 1, 2005, a carrier discontinues offering a particular type of health benefit plan offered for groups of up to two hundred if: (i) The carrier provides notice to each group of the discontinuation at least ninety days prior to the date of the discontinuation; (ii) the carrier offers to each group provided coverage of this type the option to enroll, with regard to small employer groups, in any other small employer group plan, or with regard to groups of up to two hundred, in any other applicable group plan, currently being offered by the carrier in the applicable group market; and (iii) in exercising the option to discontinue coverage of this type and in offering the option of coverage under (c)(ii) of this subsection, the carrier acts uniformly without regard to any health status-related factor of enrolled individuals or individuals who may become eligible for this coverage;

(d) A carrier discontinues offering all health coverage in the small group market or for groups of up to two hundred, or both markets, in the state and discontinues coverage under all existing group health benefit plans in the applicable market involved if: (i) The carrier provides notice to the commissioner of its intent to discontinue offering all such coverage in the state and its intent to discontinue coverage under all such existing health benefit plans at least one hundred eighty days prior to the date of the discontinuation of coverage under all such existing health benefit plans; and (ii) the carrier provides notice to each covered group of the intent to discontinue the existing health benefit plan at least one hundred eighty days prior to the date of discontinuation. In the case of discontinuation under this subsection, the carrier may not issue any group health coverage in this state in the applicable group market involved for a five-year period beginning on the date of the discontinuation of the last health benefit plan not so renewed. This subsection (4) does not require a carrier to provide notice to the commissioner of its intent to discontinue offering a health benefit plan to new applicants when the carrier does not discontinue coverage of existing enrollees under that health benefit plan; or

(e) A carrier is withdrawing from a service area or from a segment of its service area because the carrier has demonstrated to the insurance commissioner that the carrier's clinical, financial, or administrative capacity to serve enrollees would be exceeded.

(5) The provisions of this section do not apply to health plans deemed by the insurance commissioner to be unique or limited or have a short-term purpose, after a written request for such classification by the carrier and subsequent written approval by the insurance commissioner.

((6) Notwithstanding any other provision of this section, the guarantee of continuity of coverage applies to a group of one only if: (a) The carrier continues to offer any other small employer group plan in which the group of one was eligible to enroll on the day prior to June 10, 2004; and (b) the person continues to qualify as a group of one under the criteria in place on the day prior to June 10, 2004.))

Sec. 3. RCW 48.44.010 and 2007 c 267 s 2 are each amended to read as follows:

For the purposes of this chapter:

(1) "Health care services" means and includes medical, surgical, dental, chiropractic, hospital, optometric, podiatric, pharmaceutical, ambulance, custodial, mental health, and other therapeutic services.

(2) "Provider" means any health professional, hospital, or other institution, organization, or person that furnishes health care services and is licensed to furnish such services.

(3) "Health care service contractor" means any corporation, cooperative group, or association, which is sponsored by or otherwise intimately connected with a provider or group of providers, who or which not otherwise being engaged in the insurance business, accepts prepayment for health care services from or for the benefit of persons or groups of persons as consideration for providing such persons with any health care services. "Health care service contractor" does not include direct patient-provider primary care practices as defined in RCW 48.150.010.

(4) "Participating provider" means a provider, who or which has contracted in writing with a health care service contractor to accept payment from and to look solely to such contractor according to the terms of the subscriber contract for any health care services rendered to a person who has previously paid, or on whose behalf prepayment has been made, to such contractor for such services.

(5) "Enrolled participant" means a person or group of persons who have entered into a contractual arrangement or on whose behalf a contractual arrangement has been entered into with a health care service contractor to receive health care services.

(6) "Commissioner" means the insurance commissioner.

(7) "Uncovered expenditures" means the costs to the health care service contractor for health care services that are the obligation of the health care service contractor for which an enrolled participant would also be liable in the event of the health care service contractor's insolvency and for which no alternative arrangements have been made as provided herein. The term does not include expenditures for covered services when a provider has agreed not to bill the enrolled participant even though the provider is not paid by the health care service contractor, or for services that are guaranteed, insured or assumed by a person or organization other than the health care service contractor.

(8) "Copayment" means an amount specified in a group or individual contract which is an obligation of an enrolled participant for a specific service which is not fully prepaid.

(9) "Deductible" means the amount an enrolled participant is responsible to pay before the health care service contractor begins to pay the costs associated with treatment.

(10) "Group contract" means a contract for health care services which by its terms limits eligibility to members of a specific group. The group contract may include coverage for dependents.

(11) "Individual contract" means a contract for health care services issued to and covering an individual. An individual contract may include dependents.

(12) "Carrier" means a health maintenance organization, an insurer, a health care service contractor, or other entity responsible for the payment of benefits or provision of services under a group or individual contract.

(13) "Replacement coverage" means the benefits provided by a succeeding carrier.

(14) "Insolvent" or "insolvency" means that the organization has been declared insolvent and is placed under an order of liquidation by a court of competent jurisdiction.

(15) "Fully subordinated debt" means those debts that meet the requirements of RCW 48.44.037(3) and are recorded as equity.

(16) "Net worth" means the excess of total admitted assets as defined in RCW 48.12.010 over total liabilities but the liabilities shall not include fully subordinated debt.

(17) "Census date" means the date upon which a health care services contractor offering coverage to a small employer must base rate calculations. For a small employer applying for a health benefit plan through a contractor other than its current contractor, the census date is the date that final group composition is received by the contractor. For a small employer that is renewing its health benefit plan through its existing contractor, the census date is ninety days prior to the effective date of the renewal.

Sec. 4. RCW 48.44.023 and 2009 c 131 s 2 are each amended to read as follows:

(1)(a) A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.

(2) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs. Up to a twenty percent variance may be allowed for small employers that develop and implement a wellness program or activities that directly improve employee wellness. Employers shall document program activities with the carrier and may, after three years of implementation, request a reduction in premiums based on improved employee health and wellness. While carriers may review the employer's claim history when making a determination regarding whether the employer's wellness program has improved employee health, the carrier may not use maternity or prevention services claims to deny the employer's request. Carriers may consider issues such as improved productivity or a reduction in absenteeism due to illness if submitted by the employer for consideration. Interested employers may also work with the carrier to develop a wellness program and a means to track improved employee health.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) On the census date, as defined in RCW 48.44.010, rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, and differences in census date between new and renewal groups, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW:

(i) Any surcharge established pursuant to RCW 70.47A.030(2)(e) shall be applied only to health benefit plans purchased through the health insurance partnership; and

(ii) Risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.

(k) If the rate developed under this section varies the adjusted community rate for the factors listed in (a) of this subsection, the date for determining those factors must be no more than ninety days prior to the effective date of the health benefit plan.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection and subsection (3)(g) of this section, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(e) Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.

(6) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 5. RCW 48.46.020 and 1990 c 119 s 1 are each amended to read as follows:

As used in this chapter, the terms defined in this section shall have the meanings indicated unless the context indicates otherwise.

(1) "Health maintenance organization" means any organization receiving a certificate of registration by the commissioner under this chapter which provides comprehensive health care services to enrolled participants of such organization on a group practice per capita prepayment basis or on a prepaid individual practice plan, except for an enrolled participant's responsibility for copayments and/or deductibles, either directly or through contractual or other arrangements with other institutions, entities, or persons, and which qualifies as a health maintenance organization pursuant to RCW 48.46.030 and 48.46.040.

(2) "Comprehensive health care services" means basic consultative, diagnostic, and therapeutic services rendered by licensed health professionals together with emergency and preventive care, inpatient hospital, outpatient and physician care, at a minimum, and any additional health care services offered by the health maintenance organization.

(3) "Enrolled participant" means a person who or group of persons which has entered into a contractual arrangement or on whose behalf a contractual arrangement has been entered into with a health maintenance organization to receive health care services.

(4) "Health professionals" means health care practitioners who are regulated by the state of Washington.

(5) "Health maintenance agreement" means an agreement for services between a health maintenance organization which is registered pursuant to the provisions of this chapter and enrolled participants of such organization which provides enrolled participants with comprehensive health services rendered to enrolled participants by health professionals, groups, facilities, and other personnel associated with the health maintenance organization.

(6) "Consumer" means any member, subscriber, enrollee, beneficiary, or other person entitled to health care services under terms of a health maintenance agreement, but not including health professionals, employees of health maintenance organizations, partners, or shareholders of stock corporations licensed as health maintenance organizations.

(7) "Meaningful role in policy making" means a procedure approved by the commissioner which provides consumers or elected representatives of consumers a means of submitting the views and recommendations of such consumers to the governing board of such organization coupled with reasonable assurance that the board will give regard to such views and recommendations.

(8) "Meaningful grievance procedure" means a procedure for investigation of consumer grievances in a timely manner aimed at mutual agreement for settlement according to procedures approved by the commissioner, and which may include arbitration procedures.

(9) "Provider" means any health professional, hospital, or other institution, organization, or person that furnishes any health care services and is licensed or otherwise authorized to furnish such services.

(10) "Department" means the state department of social and health services.

(11) "Commissioner" means the insurance commissioner.

(12) "Group practice" means a partnership, association, corporation, or other group of health professionals:

(a) The members of which may be individual health professionals, clinics, or both individuals and clinics who engage in the coordinated practice of their profession; and

(b) The members of which are compensated by a prearranged salary, or by capitation payment or drawing account that is based on the number of enrolled participants.

(13) "Individual practice health care plan" means an association of health professionals in private practice who associate for the purpose of providing prepaid comprehensive health care services on a fee-for-service or capitation basis.

(14) "Uncovered expenditures" means the costs to the health maintenance organization of health care services that are the obligation of the health maintenance organization for which an enrolled participant would also be liable in the event of the health maintenance organization's insolvency and for which no alternative arrangements have been made as provided herein. The term does not include expenditures for covered services when a provider has agreed not to bill the enrolled participant even though the provider is not paid by the health maintenance organization, or for services that are guaranteed, insured, or assumed by a person or organization other than the health maintenance organization.

(15) "Copayment" means an amount specified in a subscriber agreement which is an obligation of an enrolled participant for a specific service which is not fully prepaid.

(16) "Deductible" means the amount an enrolled participant is responsible to pay out-of-pocket before the health maintenance organization begins to pay the costs associated with treatment.

(17) "Fully subordinated debt" means those debts that meet the requirements of RCW 48.46.235(3) and are recorded as equity.

(18) "Net worth" means the excess of total admitted assets as defined in RCW 48.12.010 over total liabilities but the liabilities shall not include fully subordinated debt.

(19) "Participating provider" means a provider as defined in subsection (9) of this section who contracts with the health maintenance organization or with its contractor or subcontractor and has agreed to provide health care services to enrolled participants with an expectation of receiving payment, other than copayment or deductible, directly or indirectly, from the health maintenance organization.

(20) "Carrier" means a health maintenance organization, an insurer, a health care services contractor, or other entity responsible for the payment of benefits or provision of services under a group or individual agreement.

(21) "Replacement coverage" means the benefits provided by a succeeding carrier.

(22) "Insolvent" or "insolvency" means that the organization has been declared insolvent and is placed under an order of liquidation by a court of competent jurisdiction.

(23) "Census date" means the date upon which a health maintenance organization offering coverage to a small employer must base rate calculations. For a small employer applying for a health benefit plan through a health maintenance organization other than its current health maintenance organization, the census date is the date that final group composition is received by the health maintenance organization. For a small employer that is renewing its health benefit plan through its existing health maintenance organization, the census date is ninety days prior to the effective date of the renewal.

Sec. 6. RCW 48.46.066 and 2009 c 131 s 3 are each amended to read as follows:

(1)(a) A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.

(2) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age; and

(iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs. Up to a twenty percent variance may be allowed for small employers that develop and implement a wellness program or activities that directly improve employee wellness. Employers shall document program activities with the carrier and may, after three years of implementation, request a reduction in premiums based on improved employee health and wellness. While carriers may review the employer's claim history when making a determination regarding whether the employer's wellness program has improved employee health, the carrier may not use maternity or prevention services claims to deny the employer's request. Carriers may consider issues such as improved productivity or a reduction in absenteeism due to illness if submitted by the employer for consideration. Interested employers may also work with the carrier to develop a wellness program and a means to track improved employee health.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) On the census date, as defined in RCW 48.46.020, rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, and differences in census date between new and renewal groups, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW:

(i) Any surcharge established pursuant to RCW 70.47A.030(2)(e) shall be applied only to health benefit plans purchased through the health insurance partnership; and

(ii) Risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.

(k) If the rate developed under this section varies the adjusted community rate for the factors listed in (a) of this subsection, the date for determining those factors must be no more than ninety days prior to the effective date of the health benefit plan.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection and subsection (3)(g) of this section, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(e) Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.

(6) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 7. RCW 48.21.045 and 2009 c 131 s 1 are each amended to read as follows:

(1)(a) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.

(2) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

(3) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection (3).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs. Up to a twenty percent variance may be allowed for small employers that develop and implement a wellness program or activities that directly improve employee wellness. Employers shall document program activities with the carrier and may, after three years of implementation, request a reduction in premiums based on improved employee health and wellness. While carriers may review the employer's claim history when making a determination regarding whether the employer's wellness program has improved employee health, the carrier may not use maternity or prevention services claims to deny the employer's request. Carriers may consider issues such as improved productivity or a reduction in absenteeism due to illness if submitted by the employer for consideration. Interested employers may also work with the carrier to develop a wellness program and a means to track improved employee health.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) On the census date, as defined in RCW 48.21.047, rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, and differences in census date between new and renewal groups, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs due to network provider reimbursement schedules or type of network. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal. A variation that is not denied within sixty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial within thirty days of the denial.

(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW:

(i) Any surcharge established pursuant to RCW 70.47A.030(2)(e) shall be applied only to health benefit plans purchased through the health insurance partnership; and

(ii) Risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.

(k) If the rate developed under this section varies the adjusted community rate for the factors listed in (a) of this subsection, the date for determining those factors must be no more than ninety days prior to the effective date of the health benefit plan.

(4) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

(5)(a) Except as provided in this subsection and subsection (3)(g) of this section, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(e) Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.

(6) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

(7) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 8. RCW 48.21.047 and 2005 c 223 s 11 are each amended to read as follows:

(1) An insurer may not offer any health benefit plan to any small employer without complying with RCW 48.21.045(3).

(2) Employers purchasing health plans provided through associations or through member-governed groups formed specifically for the purpose of purchasing health care are not small employers and the plans are not subject to RCW 48.21.045(3).

(3) For purposes of this section, "health benefit plan," "health plan," and "small employer" mean the same as defined in RCW 48.43.005.

(4) For purposes of this section, "census date" has the same meaning as defined in RCW 48.44.010.

NEW SECTION. Sec. 9. This act applies to policies issued or renewed on or after January 1, 2011.

NEW SECTION. Sec. 10. If federal legislation that includes guaranteed issue for individuals who purchase health coverage through the individual or small group market has not been signed by the President of the United States by December 31, 2010, sections 1 and 2 of this act are null and void.

NEW SECTION. Sec. 11. Sections 1 and 2 of this act take effect one hundred eighty days after the date the insurance commissioner certifies to the secretary of the senate, the chief clerk of the house of representatives, and the code reviser's office that federal legislation has been signed into law by the President of the United States that includes guaranteed issue for individuals who purchase health coverage through the individual or small group markets."

Correct the title.

Representatives Cody and Ericksen spoke in favor of the adoption of the amendment.

Amendment (1529) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6538, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6538, as amended by the House, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6538, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6548 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

**HOUSE AMENDMENT
TO SENATE BILL**

There being no objection, the House receded from its amendment. The rules were suspended and SUBSTITUTE SENATE BILL NO. 6548 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6548, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Carrell, Stevens, Kauffman and Roach)

Suspending the parole or probation of an offender who is charged with a new felony offense in certain conditions.

Representative Kelley moved the adoption of amendment (1579).

On page 2, line 35, after "**Sec. 2.**" strike "This" and insert "Section 1 of this"

On page 3, line 1, after "date of" insert "section 1 of"

On page 3, after line 2, insert the following:

"NEW SECTION. Sec. 3. The legislature has determined that it is necessary to examine patterns related to the exchange of out-of-state offenders needing supervision. The examination must assess the past action and behavior of other states that send offenders to the state of Washington for supervision to assure that the interstate compact for adult offender supervision operates to protect the safety of the people and communities of Washington and other individual states.

NEW SECTION. Sec. 4. A new section is added to chapter 9.94A RCW to read as follows:

(1) The department shall identify the states from which it receives adult offenders who need supervision and examine the feasibility and cost of establishing memoranda of understanding with the states that send the highest number of offenders for supervision to Washington state with the goal of achieving more balanced and equitable obligations under the interstate compact for adult offender supervision.

(2) At the next meeting of the interstate compact commission, Washington's representatives on the commission shall seek a resolution by the commission regarding:

(a) Any inequitable distribution of costs, benefits, and obligations affecting Washington under the interstate compact; and

(b) The scope of the mandatory acceptance policy and the authority of the receiving state to determine when it is no longer able to supervise an offender.

(3) The department shall examine the feasibility and cost of withdrawal from the interstate compact for adult offender supervision.

(4) The department shall report to the legislature no later than December 1, 2010, regarding:

(a) The development of memoranda of understanding with states that send the highest numbers of offenders to Washington state for supervision;

(b) The outcome of the resolution process with the interstate commission; and

(c) The feasibility and cost of withdrawal from the interstate compact for adult offender supervision.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 1, 2010."

Correct the title.

Representatives Kelley and Dammeier spoke in favor of the adoption of the amendment.

Amendment (1579) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Kelley and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6548, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6548, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

SUBSTITUTE SENATE BILL NO. 6548, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2935 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to reduce and consolidate the number of state boards that conduct administrative review of environmental and land use decisions and to make more uniform the timelines for filing appeals with such boards. The legislature intends to eliminate the hydraulics appeals board and the forest practices appeals board by transferring their duties to the pollution control hearings board. The legislature further intends to eliminate certain preliminary informal appeals heard internally by agencies. The legislature also intends to consolidate administratively and physically collocate the growth management hearings boards into the environmental and land use hearings office by July 1, 2011.

Sec. 2. RCW 43.21B.001 and 2004 c 204 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Business days" means Monday through Friday exclusive of any state or federal holiday.
- (2) "Date of receipt" means:
 - (a) Five business days after the date of mailing; or
 - (b) The date of actual receipt, when the actual receipt date can be proven by a preponderance of the evidence. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the agency, shall constitute sufficient evidence of actual receipt. The date of actual receipt, however, may not exceed forty-five days from the date of mailing.
- (3) "Department" means the department of ecology.
- (4) "Director" means the director of ecology.
- (5) "Environmental boards" means the pollution control hearings board created in RCW 43.21B.010 and the shorelines hearings board created in RCW 90.58.170.
- (6) "Land use board" means the growth management hearings board created in RCW 36.70A.250.

Sec. 3. RCW 43.21B.005 and 2003 c 393 s 18 and 2003 c 39 s 22 are each reenacted and amended to read as follows:

(1) There is created an environmental hearings office of the state of Washington. The environmental hearings office (~~shall~~) consists of the pollution control hearings board created in RCW 43.21B.010, ~~((the forest practices appeals board created in RCW 76.09.210,))~~ the shorelines hearings board created in RCW 90.58.170, and the environmental and land use hearings board created in chapter 43.21L RCW ~~((and the hydraulic appeals board created in RCW 77.55.170))~~. The chair of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control hearings board ~~((the forest practices appeals board,))~~ and the shorelines hearings board ~~((and the hydraulic appeals board))~~ shall be as provided by law.

(2) The chief executive officer of the environmental hearings office may appoint an administrative appeals judge who shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, in cases before the boards comprising the office. The administrative appeals judge shall have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. Additional administrative appeals judges may also be appointed by the chief executive officer on the same terms. Administrative appeals judges shall not be subject to chapter 41.06 RCW.

(3) The administrative appeals judges appointed under subsection (2) of this section are subject to discipline and termination, for cause, by the chief executive officer. Upon written request by the person so disciplined or terminated, the chief executive officer shall state the reasons for such action in writing. The person affected has a right of review by the superior court of Thurston county on petition for reinstatement or other remedy filed within thirty days of receipt of such written reasons.

(4) The chief executive officer may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

(5) The chief executive officer may also contract for required services.

Sec. 4. RCW 43.21B.005 and 2003 c 393 s 18 and 2003 c 39 s 22 are each reenacted and amended to read as follows:

(1) There is created an environmental and land use hearings office of the state of Washington. The environmental and land use hearings office (~~shall~~) consists of the pollution control hearings board created in RCW 43.21B.010, ~~((the forest practices appeals board created in RCW 76.09.210,))~~ the shorelines hearings board created in RCW 90.58.170, ~~((the environmental and land use hearings board created in chapter 43.21L RCW, and the hydraulic appeals board created in RCW 77.55.170. The chair of the pollution control hearings board shall be the chief executive officer of the environmental hearings office))~~ and the growth management hearings board created in RCW 36.70A.250. The governor shall designate one of the members of the pollution control hearings board or growth management hearings board to be the director of the

environmental and land use hearings office during the term of the governor. Membership, powers, functions, and duties of the pollution control hearings board, ((the forest practices appeals board,)) the shorelines hearings board, and the ((hydraulic appeals)) growth management hearings board shall be as provided by law.

(2) The ~~((chief executive officer))~~ director of the environmental and land use hearings office may appoint ~~((an))~~ one or more administrative appeals judges ~~((who shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW,))~~ in cases before the environmental boards and, with the consent of the chair of the growth management hearings board, one or more hearing examiners in cases before the land use board comprising the office. The administrative appeals judges shall possess the powers and duties conferred by the administrative procedure act, chapter 34.05 RCW, have a demonstrated knowledge of environmental law, and shall be admitted to the practice of law in the state of Washington. ~~((Additional administrative appeals judges may also be appointed by the chief executive officer on the same terms. Administrative appeals judges shall not be subject to chapter 41.06 RCW.))~~ The hearing examiners possess the powers and duties provided for in RCW 36.70A.270.

(3) Administrative appeals judges are not subject to chapter 41.06 RCW. The administrative appeals judges appointed under subsection (2) of this section are subject to discipline and termination, for cause, by the ~~((chief executive officer))~~ director of the environmental and land use hearings office. Upon written request by the person so disciplined or terminated, the ~~((chief executive officer))~~ director of the environmental and land use hearings office shall state the reasons for such action in writing. The person affected has a right of review by the superior court of Thurston county on petition for reinstatement or other remedy filed within thirty days of receipt of such written reasons.

(4) The ~~((chief executive officer))~~ director of the environmental and land use hearings office may appoint, discharge, and fix the compensation of such administrative or clerical staff as may be necessary.

(5) The ~~((chief executive officer))~~ director of the environmental and land use hearings office may also contract for required services.

Sec. 5. RCW 43.21B.010 and 1979 ex.s. c 47 s 3 are each amended to read as follows:

There is hereby created within the environmental hearings office a pollution control hearings board of the state of Washington.

The purpose of the pollution control hearings board is to provide for a more expeditious and efficient disposition of designated environmental appeals ((with respect to the decisions and orders of the department and director and with respect to all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW)) as provided for in RCW 43.21B.110.

Sec. 6. RCW 43.21B.010 and 1979 ex.s. c 47 s 3 are each amended to read as follows:

There is hereby created within the environmental and land use hearings office a pollution control hearings board of the state of Washington.

The purpose of the pollution control hearings board is to provide for a more expeditious and efficient disposition of designated environmental appeals ((with respect to the decisions and orders of the department and director and with respect to all decisions of air pollution control boards or authorities established pursuant to chapter 70.94 RCW)) as provided for in RCW 43.21B.110.

Sec. 7. RCW 43.21B.110 and 2009 c 456 s 16, 2009 c 332 s 18, and 2009 c 183 s 17 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, ~~((and))~~ the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, ~~((or))~~ local health departments, the department of natural resources, the department of fish and wildlife, and the parks and recreation commission:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) A final decision by the department or director made under chapter 183, Laws of 2009.

(d) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(e) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(f) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(g) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(h) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(i) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(j) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(k) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(l) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW.

(m) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(n) Decisions of a state agency that is an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(e) Appeals of decisions by the department as provided in chapter 43.21L RCW.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

Sec. 8. RCW 43.21B.110 and 2009 c 456 s 16 and 2009 c 332 s 18 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, ~~((and))~~ the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, ~~((or))~~ local health departments, the department of natural resources, the department of fish and wildlife, and the parks and recreation commission:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(i) Decisions of the department of natural resources, the department of fish and wildlife, and the department that are reviewable under chapter 76.09 RCW, and the department of natural resources' appeals of county, city, or town objections under RCW 76.09.050(7).

(j) Forest health hazard orders issued by the commissioner of public lands under RCW 76.06.180.

(k) Decisions of the department of fish and wildlife to issue, deny, condition, or modify a hydraulic project approval permit under chapter 77.55 RCW.

(l) Decisions of the department of natural resources that are reviewable under RCW 78.44.270.

(m) Decisions of a state agency that is an authorized public entity under RCW 79.100.010 to take temporary possession or custody of a vessel or to contest the amount of reimbursement owed that are reviewable under RCW 79.100.120.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(e) Appeals of decisions by the department as provided in chapter 43.21L RCW.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 43.21B RCW to read as follows:

In all appeals, upon request of one or more parties and with the consent of all parties, the environmental hearings boards may schedule a conference for the purpose of attempting to mediate the case. Mediation must be conducted by an administrative appeals judge or other duly authorized agent of the board who has received training in dispute resolution techniques or has a demonstrated history of successfully resolving disputes, as determined by the board. A person who mediates in a particular appeal may not participate in a hearing on that appeal and may not write the decision and order in the appeal. The mediator may not communicate with board members regarding the mediation other than to inform them of the pendency of the mediation and whether the case settled. Mediation provided by the environmental hearings boards must be conducted pursuant to the provisions of the uniform mediation act, chapter 7.07 RCW.

Sec. 10. RCW 43.21B.180 and 1994 c 253 s 6 are each amended to read as follows:

~~((Judicial review of))~~ Any party aggrieved by a final decision and order of the pollution control hearings board may ((be obtained only pursuant to)) obtain judicial review of the final decision and order as provided in RCW 34.05.510 through 34.05.598. The ((director)) state or local agency that issued the decision appealed to the board shall have the same right of review from a decision made pursuant to RCW 43.21B.110 as does any person.

Sec. 11. RCW 43.21B.230 and 2004 c 204 s 3 are each amended to read as follows:

~~((Consistent with RCW 43.21B.110, any person having received notice of denial of a petition, a notice of determination, or notice of an order made by the department may appeal to the hearings board, within thirty days from the date of receipt of the notice of such denial, order, or determination by the appealing party.))~~ (1) Unless otherwise provided by law, any person with standing may commence an appeal to the pollution control hearings board by filing a notice of appeal with the board within thirty days from the date of receipt of the decision being appealed.

(2) The appeal ((shall be perfected by serving a copy of the notice of appeal upon the department or air pollution authority established pursuant to chapter 70.94 RCW, as the case may be, within the time specified herein and by filing the original thereof with)) is timely if it is filed with the board and served upon the state or local agency whose action is being appealed within the same thirty-day period. Proof of service must be filed with the clerk of the hearings board to perfect the appeal.

(3) The appeal must contain the following in accordance with the rules of the hearings board:

- (a) The appellant's name and address;
- (b) The date and docket number of the order, permit, license, or decision appealed;
- (c) A copy of the order, permit, license, or decision that is the subject of the appeal;
- (d) A clear, separate, and concise statement of every error alleged to have been committed;
- (e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and
- (f) A statement setting forth the relief sought.

Sec. 12. RCW 43.21B.300 and 2009 c 456 s 17 and 2009 c 178 s 2 are each reenacted and amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70.94.431, 70.95.315, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, and 90.56.330 and chapter 90.76 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. For penalties issued by local air authorities, within thirty days after the notice is received, the person incurring the penalty may apply in writing to ~~((the department or))~~ the authority for the remission or mitigation of the penalty. Upon receipt of the application, ~~the ((department or))~~ authority may remit or mitigate the penalty upon whatever terms ~~((the department or))~~ the authority in its discretion deems proper. The ~~((department or the))~~ authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority thirty days after the date of receipt by the person penalized of the notice imposing the penalty or thirty days after the date of receipt of the notice of disposition by a local air authority of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

- (a) Thirty days after receipt of the notice imposing the penalty;
- (b) Thirty days after receipt of the notice of disposition by a local air authority on application for relief from penalty, if such an application is made; or
- (c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70.94.431, the disposition of which shall be governed by that provision, RCW 70.105.080, which shall be credited to the hazardous waste control and elimination account created by RCW 70.105.180, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 90.76.080, which shall be credited to the underground storage tank account created by RCW 90.76.100.

Sec. 13. RCW 43.21B.310 and 2009 c 456 s 18 and 2009 c 178 s 3 are each reenacted and amended to read as follows:

(1) ~~((Except as provided in RCW 90.03.210(2), any order issued by the department or local air authority pursuant to RCW 43.27A.190, 70.94.211, 70.94.332, 70.95.315, 70.105.095, 86.16.020, 88.46.070, 90.46.250, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty days after the date of receipt of the order. Except as provided under chapter 70.105D RCW and RCW 90.03.210(2), this is the exclusive means of appeal of such an order.~~

~~—(2) The department or the authority))~~ The issuing agency in its discretion may stay the effectiveness of ~~((an))~~ any order that has been appealed to the board during the pendency of such an appeal.

~~((3))~~ (2) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.320 to the hearings board for a stay of the order or for the removal thereof.

~~((4))~~ Any appeal must contain the following in accordance with the rules of the hearings board:

- (a) The appellant's name and address;
- (b) The date and docket number of the order, permit, or license appealed;
- (c) A description of the substance of the order, permit, or license that is the subject of the appeal;
- (d) A clear, separate, and concise statement of every error alleged to have been committed;
- (e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and
- (f) A statement setting forth the relief sought.

~~—(5))~~ (3) Upon failure to comply with any final order of the department, the attorney general, on request of the department, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to ~~((insure))~~ ensure compliance with the order. The air authorities may bring similar actions to enforce their orders.

~~((6))~~ (4) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the ~~((department))~~ issuing agency within thirty days of the date of receipt.

Sec. 14. RCW 43.21B.320 and 1987 c 109 s 7 are each amended to read as follows:

(1) A person appealing to the hearings board an order ~~((of the department or an authority))~~, not stayed by the issuing agency, may obtain a stay of the effectiveness of that order only as set forth in this section.

(2) An appealing party may request a stay by including such a request in the appeal document, in a subsequent motion, or by such other means as the rules of the hearings board shall prescribe. The request must be accompanied by a statement of grounds for the stay and evidence

setting forth the factual basis upon which request is based. The hearings board shall hear the request for a stay as soon as possible. The hearing on the request for stay may be consolidated with the hearing on the merits.

(3) The applicant may make a prima facie case for stay if the applicant demonstrates either a likelihood of success on the merits of the appeal or irreparable harm. Upon such a showing, the hearings board shall grant the stay unless the ~~((department or authority))~~ issuing agency demonstrates either (a) a substantial probability of success on the merits or (b) likelihood of success on the merits and an overriding public interest which justifies denial of the stay.

(4) Unless otherwise stipulated by the parties, the hearings board, after granting or denying an application for a stay, shall expedite the hearing and decision on the merits.

(5) Any party or other person aggrieved by the grant or denial of a stay by the hearings board may petition the superior court for Thurston county for review of that decision pursuant to chapter 34.05 RCW pending the appeal on the merits before the board. The superior court shall expedite its review of the decision of the hearings board.

NEW SECTION. Sec. 15. A new section is added to chapter 36.70A RCW to read as follows:

(1) On July 1, 2011, the growth management hearings board is administratively consolidated into the environmental and land use hearings office created in RCW 43.21B.005.

(2) Not later than July 1, 2012, the growth management hearings board consists of seven members qualified by experience or training in matters pertaining to land use law or land use planning, except that the governor may reduce the board to six members if warranted by the board's caseload. All board members must be appointed by the governor, two each residing respectively in the central Puget Sound, eastern Washington, and western Washington regions and shall continue to meet the qualifications set out in RCW 36.70A.260. The reduction from seven board members to six board members must be made through attrition, voluntary resignation, or retirement.

Sec. 16. RCW 36.70A.270 and 1997 c 429 s 11 are each amended to read as follows:

Each growth management hearings board shall be governed by the following rules on conduct and procedure:

(1) Any board member may be removed for inefficiency, malfeasance, and misfeasance in office, under specific written charges filed by the governor. The governor shall transmit such written charges to the member accused and the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Removal of any member of a board by the tribunal shall disqualify such member for reappointment.

(2) Each board member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060. If it is determined that the review boards shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040. If it is determined that a review board shall operate on a part-time basis, each member shall receive compensation pursuant to RCW 43.03.250, provided such amount shall not exceed the amount that would be set if they were a full-time board member. The principal office of each board shall be located by the governor within the jurisdictional boundaries of each board. The boards shall operate on either a part-time or full-time basis, as determined by the governor.

(3) Each board member shall not: (a) Be a candidate for or hold any other public office or trust; (b) engage in any occupation or business interfering with or inconsistent with his or her duty as a board member; and (c) for a period of one year after the termination of his or her board membership, act in a representative capacity before the board on any matter.

(4) A majority of each board shall constitute a quorum for making orders or decisions, adopting rules necessary for the conduct of its powers and duties, or transacting other official business, and may act even though one position of the board is vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The board shall perform all the powers and duties specified in this chapter or as otherwise provided by law.

(5) The board may ~~((appoint))~~ use one or more hearing examiners to assist the board in its hearing function, to make conclusions of law and findings of fact and, if requested by the board, to make recommendations to the board for decisions in cases before the board. Such hearing examiners must have demonstrated knowledge of land use planning and law. The boards shall specify in their joint rules of practice and procedure, as required by subsection (7) of this section, the procedure and criteria to be employed for designating hearing examiners as a presiding officer. Hearing examiners ~~((selected))~~ used by a board shall meet the requirements of subsection (3) of this section. The findings and conclusions of the hearing examiner shall not become final until they have been formally approved by the board. This authorization to use hearing examiners does not waive the requirement of RCW 36.70A.300 that final orders be issued within one hundred eighty days of board receipt of a petition.

(6) Each board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members of the board and upon being filed at the board's principal office, and shall be open for public inspection at all reasonable times.

(7) All proceedings before the board, any of its members, or a hearing examiner appointed by the board shall be conducted in accordance with such administrative rules of practice and procedure as the boards jointly prescribe. All three boards shall jointly meet to develop and adopt joint rules of practice and procedure, including rules regarding expeditious and summary disposition of appeals. The boards shall publish such rules and decisions they render and arrange for the reasonable distribution of the rules and decisions. Except as it conflicts with specific provisions of this chapter, the administrative procedure act, chapter 34.05 RCW, and specifically including the provisions of RCW 34.05.455 governing ex parte communications, shall govern the practice and procedure of the boards.

(8) A board member or hearing examiner is subject to disqualification under chapter 34.05 RCW. The joint rules of practice of the boards shall establish procedures by which a party to a hearing conducted before the board may file with the board a motion to disqualify, with supporting affidavit, against a board member or hearing examiner assigned to preside at the hearing.

(9) The members of the boards shall meet jointly on at least an annual basis with the objective of sharing information that promotes the goals and purposes of this chapter.

Sec. 17. RCW 70.95.094 and 1989 c 431 s 8 are each amended to read as follows:

(1) The department and local governments preparing plans are encouraged to work cooperatively during plan development. Each county and city preparing a comprehensive solid waste management plan shall submit a preliminary draft plan to the department for technical review. The department shall review and comment on the draft plan within one hundred twenty days of receipt. The department's comments shall state specific actions or revisions that must be completed for plan approval.

(2) Each final draft solid waste management plan shall be submitted to the department for approval. The department will limit its comments on the final draft plans to those issues identified during its review of the draft plan and any other changes made between submittal of the preliminary draft and final draft plans. Disapproval of the local comprehensive solid waste management plan shall be supported by specific findings. A final draft plan shall be deemed approved if the department does not disapprove it within forty-five days of receipt.

(3) If the department disapproves a plan or any plan amendments, the submitting entity may appeal the decision ~~((under the procedures of Part IV of chapter 34.05 RCW. An administrative law judge shall preside over the appeal))~~ to the pollution control hearings board as provided in RCW 43.21B.230. The appeal shall be limited to review of the specific findings which supported the disapproval under subsection (2) of this section.

Sec. 18. RCW 76.06.180 and 2007 c 480 s 7 are each amended to read as follows:

(1) Prior to issuing a forest health hazard warning or forest health hazard order, the commissioner shall consider the findings and recommendations of the forest health technical advisory committee and shall consult with county government officials, forest landowners and forest land managers, consulting foresters, and other interested parties to gather information on the threat, opportunities or constraints on treatment options, and other information they may provide. The commissioner, or a designee, shall conduct a public hearing in a county within the geographical area being considered.

(2) The commissioner of public lands may issue a forest health hazard warning when he or she deems such action is necessary to manage the development of a threat to forest health or address an existing threat to forest health. A decision to issue a forest health hazard warning may be based on existing forest stand conditions and:

(a) The presence of an uncharacteristic insect or disease outbreak that has or is likely to (i) spread to multiple forest ownerships and cause extensive damage to forests; or (ii) significantly increase forest fuel that is likely to further the spread of uncharacteristic fire;

(b) When, due to extensive physical damage from wind or ice storm or other cause, there are (i) insect populations building up to large scale levels; or (ii) significantly increased forest fuels that are likely to further the spread of uncharacteristic fire; or

(c) When otherwise determined by the commissioner to be appropriate.

(3) The commissioner of public lands may issue a forest health hazard order when he or she deems such action is necessary to address a significant threat to forest health. A decision to issue a forest health hazard order may be based on existing forest stand conditions and:

(a) The presence of an uncharacteristic insect or disease outbreak that has (i) spread to multiple forest ownerships and has caused and is likely to continue to cause extensive damage to forests; or (ii) significantly increased forest fuels that are likely to further the spread of uncharacteristic fire;

(b) When, due to extensive physical damage from wind or ice storm or other cause (i) insect populations are causing extensive damage to forests; or (ii) significantly increased forest fuels are likely to further the spread of uncharacteristic fire;

(c) Insufficient landowner action under a forest health hazard warning; or

(d) When otherwise determined by the commissioner to be appropriate.

(4) A forest health hazard warning or forest health hazard order shall be issued by use of a commissioner's order. General notice of the commissioner's order shall be published in a newspaper of general circulation in each county within the area covered by the order and on the department's web site. The order shall specify the boundaries of the area affected, including federal and tribal lands, the forest stand conditions that would make a parcel subject to the provisions of the order, and the actions landowners or land managers should take to reduce the hazard.

(5) Written notice of a forest health hazard warning or forest health hazard order shall be provided to forest landowners of specifically affected property.

(a) The notice shall set forth:

(i) The reasons for the action;

(ii) The boundaries of the area affected, including federal and tribal lands;

(iii) Suggested actions that should be taken by the forest landowner under a forest health hazard warning or the actions that must be taken by a forest landowner under a forest health hazard order;

(iv) The time within which such actions should or must be taken;

(v) How to obtain information or technical assistance on forest health conditions and treatment options;

(vi) The right to request mitigation under subsection (6) of this section and appeal under subsection (7) of this section;

(vii) These requirements are advisory only for federal and tribal lands.

(b) The notice shall be served by personal service or by mail to the latest recorded real property owner, as shown by the records of the county recording officer as defined in RCW 65.08.060. Service by mail is effective on the date of mailing. Proof of service shall be by affidavit or declaration under penalty of perjury.

(6) Forest landowners who have been issued a forest health hazard order under subsection (5) of this section may apply to the department for the remission or mitigation of such order. The application shall be made to the department within fifteen days after notice of the order has been served. Upon receipt of the application, the department may remit or mitigate the order upon whatever terms the department in its discretion deems proper, provided the department deems the remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department may ascertain the facts regarding all such applications in such reasonable manner and under such rule as it deems proper.

(7) Forest landowners who have been issued a forest health hazard order under subsection (5) of this section may appeal the order to the ~~((forest practices appeals))~~ pollution control hearings board.

~~((#))~~ The appeal shall be filed within thirty days after notice of the order has been served, unless application for mitigation has been made to the department. When such an application for mitigation is made, such appeal shall be filed within thirty days after notice of the disposition of the application for mitigation has been served as provided in RCW 43.21B.230.

~~((b))~~ The appeal must set forth:

(i) The name and mailing address of the appellant;

(ii) The name and mailing address of the appellant's attorney, if any;

(iii) A duplicate copy of the forest health hazard order;

(iv) A separate and concise statement of each error alleged to have been committed;

(v) A concise statement of facts upon which the appellant relies to sustain the statement of error; and

(vi) A statement of the relief requested.)

(8) A forest health hazard order issued under subsection (5) of this section is effective thirty days after date of service unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, the order is effective thirty days after notice setting forth the disposition of the application is served unless an appeal is filed from such disposition. Whenever an appeal of the order is filed, the order shall become effective only upon completion of all administrative and judicial review proceedings and the issuance of a final decision confirming the order in whole or in part.

(9) Upon written request, the department may certify as adequate a forest health management plan developed by a forest landowner, before or in response to a forest health hazard warning or forest health hazard order, if the plan is likely to achieve the desired result and the terms of the plan are being diligently followed by the forest landowner. The certification of adequacy shall be determined by the department in its sole discretion, and be provided to the requestor in writing.

Sec. 19. RCW 76.09.020 and 2009 c 354 s 5 and 2009 c 246 s 4 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the ~~((forest practices appeals))~~ pollution control hearings board created by RCW ~~((76.09.210))~~ 43.21B.010.

(3) "Application" means the application required pursuant to RCW 76.09.050.

(4) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(5) "Board" means the forest practices board created in RCW 76.09.030.

(6) "Commissioner" means the commissioner of public lands.

(7) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right-of-way shall be considered contiguous.

(8) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(9) "Department" means the department of natural resources.

(10) "Fish passage barrier" means any artificial instream structure that impedes the free passage of fish.

(11) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

(12) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(13) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction;

(b) Harvesting, final and intermediate;

(c) Precommercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

(14) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

(15) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that crosses land that meets the definition of forest land, but excludes residential access roads.

(16) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(17) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

(18) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

(19) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(20) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

(21) "Small forest landowner" has the same meaning as defined in RCW 76.09.450.

(22) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(23) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

(24) "Unconfined channel migration zone" means the area within which the active channel of an unconfined stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

(25) "Unconfined stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex floodplain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

(26) "Date of receipt" has the same meaning as defined in RCW 43.21B.001.

Sec. 20. RCW 76.09.050 and 2005 c 146 s 1003 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource and that may be conducted without submitting an application or a notification except that when the regulating authority is transferred to a local governmental entity, those Class I forest practices that involve timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, are processed as Class IV forest practices, but are not subject to environmental review under chapter 43.21C RCW;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. However, the work may not begin until all forest practice fees required under RCW 76.09.065 have been received by the department. Class II shall not include forest practices:

- (a) On lands platted after January 1, 1960, as provided in chapter 58.17 RCW or on lands that have or are being converted to another use;
- (b) Which require approvals under the provisions of the hydraulics act, RCW 77.55.021;
- (c) Within "shorelines of the state" as defined in RCW 90.58.030;
- (d) Excluded from Class II by the board; or
- (e) Including timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, which are Class IV;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department;

Class IV: Forest practices other than those contained in Class I or II: (a) On lands platted after January 1, 1960, as provided in chapter 58.17 RCW, (b) on lands that have or are being converted to another use, (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, (d) involving timber harvesting or road construction on lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except where the forest landowner provides: (i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or (ii) a conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the application, and/or (e) which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, no Class II, Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended. However, in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, if a notification or application is delivered in person to the department by the operator or the operator's agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, the department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific

manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology and fish and wildlife, and to the county, city, or town in whose jurisdiction the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

(6) For those forest practices regulated by the board and the department, if the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) For those forest practices regulated by the board and the department, the department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960, as provided in chapter 58.17 RCW; or

(ii) On lands that have or are being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to subparagraphs (b)(i) and (ii) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) For those forest practices regulated by the board and the department, in addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) For those forest practices regulated by the board and the department, appeals under this section shall be made to the appeals board in the manner and time provided in (~~RCW 76.09.220(8)~~) section 24 of this act. In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) For those forest practices regulated by the board and the department, the department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(11) For those forest practices regulated by the board and the department, a county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

(12) Notwithstanding subsections (2) through (5) of this section, forest practices applications or notifications are not required for exotic insect and disease control operations conducted in accordance with RCW 76.09.060(8) where eradication can reasonably be expected.

Sec. 21. RCW 76.09.080 and 1989 c 175 s 163 are each amended to read as follows:

(1) The department shall have the authority to serve upon an operator a stop work order which shall be a final order of the department if:

(a) There is any violation of the provisions of this chapter or the forest practices regulations; or

(b) There is a deviation from the approved application; or

(c) Immediate action is necessary to prevent continuation of or to avoid material damage to a public resource.

(2) The stop work order shall set forth:

(a) The specific nature, extent, and time of the violation, deviation, damage, or potential damage;

(b) An order to stop all work connected with the violation, deviation, damage, or potential damage;

(c) The specific course of action needed to correct such violation or deviation or to prevent damage and to correct and/or compensate for damage to public resources which has resulted from any violation, unauthorized deviation, or willful or negligent disregard for potential damage to a public resource; and/or those courses of action necessary to prevent continuing damage to public resources where the damage is resulting from the forest practice activities but has not resulted from any violation, unauthorized deviation, or negligence; and

(d) The right of the operator to a hearing before the appeals board.

The department shall immediately file a copy of such order with the appeals board and mail a copy thereof to the timber owner and forest land owner at the addresses shown on the application. The operator, timber owner, or forest land owner may commence an appeal to the appeals board within (~~fifteen~~) thirty days (~~(after service upon)~~) from the date of receipt of the order by the operator. If such appeal is commenced, a hearing shall be held not more than twenty days after copies of the notice of appeal were filed with the appeals board. Such proceeding shall be an adjudicative proceeding within the meaning of chapter 34.05 RCW, the administrative procedure act. The operator shall comply with the order of the department immediately upon being served, but the appeals board if requested shall have authority to continue or discontinue in whole or in part the order of the department under such conditions as it may impose pending the outcome of the proceeding.

Sec. 22. RCW 76.09.090 and 1975 1st ex.s. c 200 s 6 are each amended to read as follows:

If a violation, a deviation, material damage or potential for material damage to a public resource has occurred and the department determines that a stop work order is unnecessary, then the department shall issue and serve upon the operator or land owner a notice, which shall clearly set forth:

(1)(a) The specific nature, extent, and time of failure to comply with the approved application; or identifying the damage or potential damage; and/or

- (b) The relevant provisions of this chapter or of the forest practice regulations relating thereto;
- (2) The right of the operator or land owner to a hearing before the department; and
- (3) The specific course of action ordered by the department to be followed by the operator to correct such failure to comply and to prevent, correct and/or compensate for material damage to public resources which resulted from any violation, unauthorized deviation, or wilful or negligent disregard for potential damage to a public resource; and/or those courses of action necessary to prevent continuing damage to public resources where the damage is resulting from the forest practice activities but has not resulted from any violation, unauthorized deviation, or negligence.

The department shall mail a copy thereof to the forest land owner and the timber owner at the addresses shown on the application, showing the date of service upon the operator. Such notice to comply shall become a final order of the department: PROVIDED, That no direct appeal to the appeals board will be allowed from such final order. Such operator shall undertake the course of action so ordered by the department unless, within fifteen days after the date of service of such notice to comply, the operator, forest land owner, or timber owner, shall request the department in writing to schedule a hearing. If so requested, the department shall schedule a hearing on a date not more than twenty days after receiving such request. Within ten days after such hearing, the department shall issue a final order either withdrawing its notice to comply or clearly setting forth the specific course of action to be followed by such operator. Such operator shall undertake the course of action so ordered by the department unless within thirty days after the date of receipt of such final order, the operator, forest land owner, or timber owner appeals such final order to the appeals board.

No person shall be under any obligation under this section to prevent, correct, or compensate for any damage to public resources which occurs more than one year after the date of completion of the forest practices operations involved exclusive of reforestation, unless such forest practices were not conducted in accordance with forest practices rules and regulations: PROVIDED, That this provision shall not relieve the forest land owner from any obligation to comply with forest practices rules and regulations pertaining to providing continuing road maintenance. No action to recover damages shall be taken under this section more than two years after the date the damage involved occurs.

Sec. 23. RCW 76.09.170 and 1999 sp.s. c 4 s 803 are each amended to read as follows:

(1) Every person who violates any provision of RCW 76.09.010 through 76.09.280 or of the forest practices rules, or who converts forest land to a use other than commercial timber operation within three years after completion of the forest practice without the consent of the county, city, or town, shall be subject to a penalty in an amount of not more than ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense. In case of a failure to comply with a stop work order, every day's continuance shall be a separate and distinct violation. Every person who through an act of commission or omission procures, aids or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty in this section. No penalty shall be imposed under this section upon any governmental official, an employee of any governmental department, agency, or entity, or a member of any board or advisory committee created by this chapter for any act or omission in his or her duties in the administration of this chapter or of any rule adopted under this chapter.

(2) The department shall develop and recommend to the board a penalty schedule to determine the amount to be imposed under this section. The board shall adopt by rule, pursuant to chapter 34.05 RCW, such penalty schedule to be effective no later than January 1, 1994. The schedule shall be developed in consideration of the following:

- (a) Previous violation history;
- (b) Severity of the impact on public resources;
- (c) Whether the violation of this chapter or its rules was intentional;
- (d) Cooperation with the department;
- (e) Repairability of the adverse effect from the violation; and
- (f) The extent to which a penalty to be imposed on a forest landowner for a forest practice violation committed by another should be reduced because the owner was unaware of the violation and has not received substantial economic benefits from the violation.

(3) The penalty in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, that department may remit or mitigate the penalty upon whatever terms that department in its discretion deems proper, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rule as it may deem proper.

(4) Any person incurring a penalty under this section may appeal the penalty to the ~~((forest practices))~~ appeals board. Such appeals shall be filed within thirty days ~~((of))~~ after the date of receipt of ~~((notice imposing any))~~ the penalty unless an application for remission or mitigation is made to the department. When such an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the department setting forth the disposition of the application for remission or mitigation.

(5) The penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When such an application for remission or mitigation is made, any penalty incurred under this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application unless an appeal is filed from such disposition. Whenever an appeal of the penalty incurred is filed, the penalty shall become due and payable only upon completion of all administrative and judicial review proceedings and the issuance of a final decision confirming the penalty in whole or in part.

(6) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty, interest, costs, and attorneys' fees. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise provided in this chapter ~~((provided))~~. In addition to or as an alternative to seeking enforcement of penalties in superior court, the department may bring an action in district court as provided in Title 3 RCW, to collect penalties, interest, costs, and attorneys' fees.

(7) Penalties imposed under this section for violations associated with a conversion to a use other than commercial timber operation shall be a lien upon the real property of the person assessed the penalty and the department may collect such amount in the same manner provided in chapter 60.04 RCW for mechanics' liens.

(8) Any person incurring a penalty imposed under this section is also responsible for the payment of all costs and attorneys' fees incurred in connection with the penalty and interest accruing on the unpaid penalty amount.

NEW SECTION. Sec. 24. A new section is added to chapter 76.09 RCW to read as follows:

A person aggrieved by the approval or disapproval of an application to conduct a forest practice or the approval or disapproval of any landscape plan or permit or watershed analysis may seek review from the appeals board by filing a request for the same within thirty days from the date of receipt of the decision. Concurrently with the filing of any request for review with the appeals board as provided in this section, the requestor must file a copy of his or her request with the department and the attorney general. The attorney general may intervene to protect the public interest and ensure that the provisions of this chapter are complied with.

Sec. 25. RCW 76.09.310 and 1987 c 95 s 4 are each amended to read as follows:

(1) The department shall send a notice to all forest landowners, both public and private, within the geographic area selected for review, stating that the department intends to study the area as part of the hazard-reduction program.

(2) The department shall prepare a proposed plan for each geographic area studied. The department shall provide the proposed plan to affected landowners, Indian tribes, interested parties, and to the advisory committee, if established pursuant to RCW 76.09.305.

(3) Any aggrieved landowners, agencies, tribes, and other persons who object to any or all of the proposed hazard-reduction plan may, within thirty days of issuance of the plan, request the department in writing to schedule a conference. If so requested, the department shall schedule a conference on a date not more than thirty days after receiving such request.

(4) Within ten days after such a conference, the department shall either amend the proposed plan or respond in writing indicating why the objections were not incorporated into the plan.

(5) Within one hundred twenty days following the issuance of the proposed plan as provided in subsection (2) of this section, the department shall distribute a final hazard-reduction plan designating those sites for which hazard-reduction measures are recommended and those sites where no action is recommended. For each hazard-reduction measure recommended, a description of the work and cost estimate shall be provided.

(6) Any aggrieved landowners, agencies, tribes, and other persons are entitled to appeal the final hazard-reduction plan to the ((forest practices)) appeals board if, within thirty days of the issuance of the final plan, the party transmits a notice of appeal to the ((forest practices)) appeals board and to the department.

(7) A landowner's failure to object to the recommendations or to appeal the final hazard-reduction plan shall not be deemed an admission that the hazard-reduction recommendations are appropriate.

(8) The department shall provide a copy of the final hazard-reduction plan to the department of ecology and to each affected county.

Sec. 26. RCW 77.55.011 and 2009 c 549 s 1028 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, storm water runoff devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered artificially.

(2) "Board" means the ((hydraulic appeals)) pollution control hearings board created in chapter 43.21B RCW ((77.55.304)).

(3) "Commission" means the state fish and wildlife commission.

(4) "Department" means the department of fish and wildlife.

(5) "Director" means the director of the department of fish and wildlife.

(6) "Emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(7) "Hydraulic project" means the construction or performance of work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or freshwaters of the state.

(8) "Imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(9) "Marina" means a public or private facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(10) "Marine terminal" means a public or private commercial wharf located in the navigable water of the state and used, or intended to be used, as a port or facility for the storing, handling, transferring, or transporting of goods to and from vessels.

(11) "Ordinary high water line" means the mark on the shores of all water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years as to mark upon the soil or vegetation a character distinct from the abutting upland. Provided, that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater is the line of mean higher high water and the ordinary high water line adjoining fresh water is the elevation of the mean annual flood.

(12) "Permit" means a hydraulic project approval permit issued under this chapter.

(13) "Sandbars" includes, but is not limited to, sand, gravel, rock, silt, and sediments.

(14) "Small scale prospecting and mining" means the use of only the following methods: Pans; nonmotorized sluice boxes; concentrators; and minirocker boxes for the discovery and recovery of minerals.

(15) "Spartina," "purple loosestrife," and "aquatic noxious weeds" have the same meanings as defined in RCW 17.26.020.

(16) "Streambank stabilization" means those projects that prevent or limit erosion, slippage, and mass wasting. These projects include, but are not limited to, bank resloping, log and debris relocation or removal, planting of woody vegetation, bank protection using rock or woody material or placement of jetties or groins, gravel removal, or erosion control.

(17) "Tide gate" means a one-way check valve that prevents the backflow of tidal water.

(18) "Waters of the state" and "state waters" means all salt and fresh waters waterward of the ordinary high water line and within the territorial boundary of the state.

(19) "Date of receipt" has the same meaning as defined in RCW 43.21B.001.

Sec. 27. RCW 77.55.021 and 2008 c 272 s 1 are each amended to read as follows:

(1) Except as provided in RCW 77.55.031, 77.55.051, and 77.55.041, in the event that any person or government agency desires to undertake a hydraulic project, the person or government agency shall, before commencing work thereon, secure the approval of the department in the form of a permit as to the adequacy of the means proposed for the protection of fish life.

(2) A complete written application for a permit may be submitted in person or by registered mail and must contain the following:

- (a) General plans for the overall project;
- (b) Complete plans and specifications of the proposed construction or work within the mean higher high water line in saltwater or within the ordinary high water line in freshwater;
- (c) Complete plans and specifications for the proper protection of fish life; and
- (d) Notice of compliance with any applicable requirements of the state environmental policy act, unless otherwise provided for in this chapter.

(3)(a) Protection of fish life is the only ground upon which approval of a permit may be denied or conditioned. Approval of a permit may not be unreasonably withheld or unreasonably conditioned. Except as provided in this subsection and subsections (8), (10), and (12) of this section, the department has forty-five calendar days upon receipt of a complete application to grant or deny approval of a permit. The forty-five day requirement is suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection;

(iii) The applicant requests a delay; or

(iv) The department is issuing a permit for a storm water discharge and is complying with the requirements of RCW 77.55.161(3)(b).

(b) Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(c) The period of forty-five calendar days may be extended if the permit is part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days.

(4) If the department denies approval of a permit, the department shall provide the applicant a written statement of the specific reasons why and how the proposed project would adversely affect fish life.

~~(a) Except as provided in (b) of this subsection, issuance, denial, conditioning, or modification of a permit shall be appealable to ((the department or) the board ((as specified in RCW 77.55.301)) within thirty days from the date of receipt of the ((notice of) decision as provided in RCW 43.21B.230.~~

(b) Issuance, denial, conditioning, or modification of a permit may be informally appealed to the department within thirty days from the date of receipt of the decision. Requests for informal appeals must be filed in the form and manner prescribed by the department by rule. A permit decision that has been informally appealed to the department is appealable to the board within thirty days from the date of receipt of the department's decision on the informal appeal.

(5)(a) The permittee must demonstrate substantial progress on construction of that portion of the project relating to the permit within two years of the date of issuance.

(b) Approval of a permit is valid for a period of up to five years from the date of issuance, except as provided in (c) of this subsection and in RCW 77.55.151.

(c) A permit remains in effect without need for periodic renewal for hydraulic projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. A permit for streambank stabilization projects to protect farm and agricultural land as defined in RCW 84.34.020 remains in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the permit.

(6) The department may, after consultation with the permittee, modify a permit due to changed conditions. The modification ((becomes effective unless appealed to the department or the board as specified in RCW 77.55.301 within thirty days from the notice of the proposed modification)) is appealable as provided in subsection (4) of this section. For hydraulic projects that divert water for agricultural irrigation or stock watering purposes, or when the hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

(7) A permittee may request modification of a permit due to changed conditions. The request must be processed within forty-five calendar days of receipt of the written request. A decision by the department ~~((may be appealed to the board within thirty days of the notice of the decision))~~ is appealable as provided in subsection (4) of this section. For hydraulic projects that divert water for agricultural irrigation or stock watering purposes, or when the hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the permittee to show that changed conditions warrant the requested modification and that such a modification will not impair fish life.

(8)(a) The department, the county legislative authority, or the governor may declare and continue an emergency. If the county legislative authority declares an emergency under this subsection, it shall immediately notify the department. A declared state of emergency by the governor under RCW 43.06.010 shall constitute a declaration under this subsection.

(b) The department, through its authorized representatives, shall issue immediately, upon request, oral approval for a stream crossing, or work to remove any obstructions, repair existing structures, restore streambanks, protect fish life, or protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written permit prior to commencing work. Conditions of the emergency oral permit must be established by the department and reduced to writing within thirty days and complied with as provided for in this chapter.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(9) All state and local agencies with authority under this chapter to issue permits or other authorizations in connection with emergency water withdrawals and facilities authorized under RCW 43.83B.410 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

(10) The department or the county legislative authority may determine an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to remove any obstructions, repair existing structures, restore banks, protect fish resources, or protect property. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days

from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(11)(a) For any property, except for property located on a marine shoreline, that has experienced at least two consecutive years of flooding or erosion that has damaged or has threatened to damage a major structure, water supply system, septic system, or access to any road or highway, the county legislative authority may determine that a chronic danger exists. The county legislative authority shall notify the department, in writing, when it determines that a chronic danger exists. In cases of chronic danger, the department shall issue a permit, upon request, for work necessary to abate the chronic danger by removing any obstructions, repairing existing structures, restoring banks, restoring road or highway access, protecting fish resources, or protecting property. Permit requests must be made and processed in accordance with subsections (2) and (3) of this section.

(b) Any projects proposed to address a chronic danger identified under (a) of this subsection that satisfies the project description identified in RCW 77.55.181(1)(a)(ii) are not subject to the provisions of the state environmental policy act, chapter 43.21C RCW. However, the project is subject to the review process established in RCW 77.55.181(3) as if it were a fish habitat improvement project.

(12) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

Sec. 28. RCW 77.55.141 and 2005 c 146 s 501 are each amended to read as follows:

(1) In order to protect the property of marine waterfront shoreline owners it is necessary to facilitate issuance of permits for bulkheads or rockwalls under certain conditions.

(2) The department shall issue a permit with or without conditions within forty-five days of receipt of a complete and accurate application which authorizes commencement of construction, replacement, or repair of a marine beach front protective bulkhead or rockwall for single-family type residences or property under the following conditions:

(a) The waterward face of a new bulkhead or rockwall shall be located only as far waterward as is necessary to excavate for footings or place base rock for the structure and under no conditions shall be located more than six feet waterward of the ordinary high water line;

(b) Any bulkhead or rockwall to replace or repair an existing bulkhead or rockwall shall be placed along the same alignment as the bulkhead or rockwall it is replacing. However, the replaced or repaired bulkhead or rockwall may be placed waterward of and directly abutting the existing structure only in cases where removal of the existing bulkhead or rockwall would result in environmental degradation or removal problems related to geological, engineering, or safety considerations; and

(c) Construction of a new bulkhead or rockwall, or replacement or repair of an existing bulkhead or rockwall waterward of the existing structure shall not result in the permanent loss of critical food fish or shellfish habitats; and

(d) Timing constraints shall be applied on a case-by-case basis for the protection of critical habitats, including but not limited to migration corridors, rearing and feeding areas, and spawning habitats, for the proper protection of fish life.

(3) Any bulkhead or rockwall construction, replacement, or repair not meeting the conditions in this section shall be processed under this chapter in the same manner as any other application.

(4) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may ~~((formally))~~ appeal the decision ~~((to the board pursuant to this chapter))~~ as provided in RCW 77.55.021(4).

Sec. 29. RCW 77.55.181 and 2005 c 146 s 505 are each amended to read as follows:

(1) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under (a) and (b) of this subsection:

(a) A fish habitat enhancement project must be a project to accomplish one or more of the following tasks:

(i) Elimination of human-made fish passage barriers, including culvert repair and replacement;

(ii) Restoration of an eroded or unstable streambank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(iii) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety; and

(b) A fish habitat enhancement project must be approved in one of the following ways:

(i) By the department pursuant to chapter 77.95 or 77.100 RCW;

(ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

(iii) By the department as a department-sponsored fish habitat enhancement or restoration project;

(iv) Through the review and approval process for the jobs for the environment program;

(v) Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States fish and wildlife service and the natural resource conservation service;

(vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration; and

(vii) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsection (1) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3)(a) A permit is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department and to each appropriate local government. Local governments shall accept the application as notice of the proposed project. The department shall provide a fifteen-day comment period during which it will receive comments regarding environmental impacts. Within forty-five days, the department

shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(b) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may ~~((formally))~~ appeal the decision ~~((to the board pursuant to the provisions of this chapter))~~ as provided in RCW 77.55.021(4).

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

Sec. 30. RCW 77.55.241 and 2005 c 146 s 602 are each amended to read as follows:

(1) The legislature finds that the construction of hydraulic projects may require mitigation for the protection of fish life, and that the mitigation may be most cost-effective and provide the most benefit to the fish resource if the mitigation is allowed to be applied in locations that are off-site of the hydraulic project location. The department may approve off-site mitigation plans that are submitted by permit applicants.

(2) If a permit applicant proposes off-site mitigation and the department does not approve the permit or conditions the permit in such a manner as to render off-site mitigation unpracticable, the project proponent ~~((must be given the opportunity to submit the permit application to the board for approval))~~ may appeal the decision as provided in RCW 77.55.021(4).

Sec. 31. RCW 77.55.291 and 2005 c 146 s 701 are each amended to read as follows:

(1) The department may levy civil penalties of up to one hundred dollars per day for violation of any provisions of RCW 77.55.021. The penalty provided shall be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty, from the director or the director's designee describing the violation.

(2)(a) ~~Except as provided in (b) of this subsection, any person incurring any penalty under this chapter may appeal the same under chapter 34.05 RCW to the ((director)) board.~~ Appeals shall be filed within thirty days from the date of receipt of ~~((notice imposing any))~~ the penalty in accordance with RCW 43.21B.230.

(b) Issuance of a civil penalty may be informally appealed to the department within thirty days from the date of receipt of the penalty. Requests for informal appeal must be filed in the form and manner prescribed by the department by rule. A civil penalty that has been informally appealed to the department is appealable to the board within thirty days from the date of receipt of the department's decision on the informal appeal.

(3) The penalty imposed shall become due and payable thirty days after receipt of a notice imposing the penalty unless an appeal is filed. Whenever an appeal of any penalty incurred under this chapter is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

(4) If the amount of any penalty is not paid within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action. All penalties recovered under this section shall be paid into the state's general fund.

Sec. 32. RCW 78.44.270 and 1993 c 518 s 35 are each amended to read as follows:

~~((Appeals from))~~ Department determinations under this chapter ~~((shall be made as follows:~~

Appeals from department determinations made under this chapter shall be made under the provisions of the Administrative Procedure Act (chapter 34.05 RCW), and shall be considered an adjudicative proceeding within the meaning of the Administrative Procedure Act, chapter 34.05 RCW) may be appealed to the pollution control hearings board as provided in RCW 43.21B.230. Only a person aggrieved within the meaning of RCW 34.05.530 has standing and can file an appeal.

Sec. 33. RCW 78.44.380 and 2007 c 192 s 3 are each amended to read as follows:

(1) The department may issue an order to stop all surface mining to any permit holder, miner, or other person who authorizes, directs, or conducts such activities without a valid surface mine reclamation permit. This order is effective upon issuance unless otherwise stated in the order. Administrative appeal of the order to stop work does not stay the stop work requirement. The department shall notify the local jurisdiction of record when a stop work order has been issued for operating without a valid reclamation permit.

(2) The department may issue an order to stop surface mining occurring outside of any permit area to a permit holder that does not have a legal right to occupy the affected area. This order is effective upon issuance unless otherwise stated in the order. An administrative appeal of the order to stop work does not stay the stop work requirement.

(3) Where a permit holder is conducting surface mining activities outside of its permit boundary, but within land that it has the right to occupy, the department may issue an order to stop surface mining or mining-related activities occurring outside of the authorized area after the permit holder fails to comply with a notice of correction. The notice of correction must specify the corrections necessary as per the violation and provide a reasonable time to do so. This order is effective upon issuance unless otherwise stated in the order. An administrative appeal of the order to stop work does not stay the stop work requirement.

(4) Stop work orders must be in writing, delivered by United States certified mail with return receipt requested, facsimile, or by hand to the permit holder of record. The order must state the facts supporting the violation, the law being violated, and the specific activities being stopped. Stop work orders must be signed by the state geologist or an assistant state geologist. The ~~((department))~~ pollution control hearings board shall proceed as quickly as feasible to complete any requested adjudicative proceedings unless the parties stipulate to an appeal timeline or the department's stop work order states that it is not effective until after the administrative review process. If the recipient appeals the order, the recipient may file a motion for stay with the presiding officer, which will be reviewed under ~~((preliminary injunction standards))~~ RCW 43.21B.320.

Sec. 34. RCW 79.100.120 and 2006 c 153 s 5 are each amended to read as follows:

(1) A person seeking to contest an authorized public entity's decision to take temporary possession or custody of a vessel under this chapter, or to contest the amount of reimbursement owed to an authorized public entity under this chapter, may request a hearing in accordance with this section.

(2)(a) If the contested decision or action was undertaken by a state agency, a written request for a hearing related to the decision or action must be filed with the ~~((aquatic resources division of the department))~~ pollution control hearings board and served on the state agency in accordance with RCW 43.21B.230 (2) and (3) within ((twenty)) thirty days of the date the authorized public entity acquires custody of the vessel

under RCW 79.100.040, or if the vessel is redeemed before the authorized public entity acquires custody, the date of redemption, or the right to a hearing is deemed waived and the vessel's owner is liable for any costs owed the authorized public entity. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs.

(b) Upon receipt of a timely hearing request, the ~~((department))~~ pollution control hearings board shall proceed to hear and determine the validity of the decision to take the vessel into temporary possession or custody and the reasonableness of any towing, storage, or other charges permitted under this chapter. Within five business days after the request for a hearing is filed, the ~~((department))~~ pollution control hearings board shall notify the vessel owner requesting the hearing and the authorized public entity of the date, time, and location for the hearing. Unless the vessel is redeemed before the request for hearing is filed, the ~~((department))~~ pollution control hearings board shall set the hearing on a date that is within ten business days of the filing of the request for hearing. If the vessel is redeemed before the request for a hearing is filed, the ~~((department))~~ pollution control hearings board shall set the hearing on a date that is within sixty days of the filing of the request for hearing. A proceeding brought under this subsection may be heard by one member of the pollution control hearings board, whose decision is the final decision of the board.

(3)(a) If the contested decision or action was undertaken by a metropolitan park district, port district, city, town, or county, which has adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, those rules or procedures must be followed in order to contest a decision to take temporary possession or custody of a vessel, or to contest the amount of reimbursement owed.

(b) If the metropolitan park district, port district, city, town, or county has not adopted rules or procedures for contesting decisions or actions pertaining to derelict or abandoned vessels, then a person requesting a hearing under this section must follow the procedure established in RCW 53.08.320(5) for contesting the decisions or actions of moorage facility operators.

Sec. 35. RCW 84.33.0775 and 1999 sp.s. c 5 s 1 are each amended to read as follows:

(1) A taxpayer is allowed a credit against the tax imposed under RCW 84.33.041 for timber harvested on and after January 1, 2000, under a forest practices notification filed or application approved under RCW 76.09.050 and subject to enhanced aquatic resources requirements.

(2)(a) For a person other than a small harvester who elects to calculate tax under RCW 84.33.074, the credit is equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by eight-tenths of one percent.

(b) For a small harvester who elects to calculate tax under RCW 84.33.074, the credit is equal to sixteen percent of the tax imposed under this chapter.

(c) The amount of credit claimed by a taxpayer under this section shall be reduced by the amount of any compensation received from the federal government for reduced timber harvest due to enhanced aquatic resource requirements. If the amount of compensation from the federal government exceeds the amount of credit available to a taxpayer in any reporting period, the excess shall be carried forward and applied against credits in future reporting periods. This subsection does not apply to small harvesters as defined in RCW 84.33.073.

(d) Refunds may not be given in place of credits. Credit may not be claimed in excess of tax owed. The department of revenue shall disallow any credits, used or unused, upon written notification from the department of natural resources of a final decision that timber for which credit was claimed was not harvested under a forest practices notification filed or application approved under RCW 76.09.050 and subject to enhanced aquatic resources requirements.

(3) As used in this section, a forest ~~((practice(s)))~~ practices notification or application is subject to enhanced aquatic resource requirements if it includes, in whole or in part, riparian area, wetland, or steep or unstable slope from which the operator is limited, by rule adopted under RCW 76.09.055, 34.05.090, 43.21C.250, and 76.09.370, or any federally approved habitat conservation plan or department of natural resources approved watershed analysis, from harvesting timber, or if a road is included within or adjacent to the area covered by such notification or application and the road is covered by a road maintenance plan approved by the department of natural resources under rules adopted under chapter 76.09 RCW, the forest practices act, or a federally approved habitat conservation plan.

(4) For forest practices notification or applications submitted after January 1, 2000, the department of natural resources shall indicate whether the notification or application is subject to enhanced aquatic resource requirements and, unless notified of a contrary determination by the ~~((forest practices appeals board))~~ pollution control hearings board, the department of revenue shall use such indication in determining the credit to be allowed against the tax assessed under RCW 84.33.041. The department of natural resources shall develop revisions to the form of the forest practices notifications and applications to provide a space for the applicant to indicate and the department of natural resources to confirm or not confirm, whether the notification or application is subject to enhanced aquatic resource requirements. For forest practices notifications or applications submitted before January 1, 2000, the applicant may submit the approved notification or application to the department of natural resources for confirmation that the notification or application is subject to enhanced aquatic resource requirements. Upon any such submission, the department of natural resources will within thirty days confirm or deny that the notification or application is subject to enhanced aquatic resource requirements and will forward separate evidence of each confirmation to the department of revenue. Unless notified of a contrary ruling by the ~~((forest practices appeals board))~~ pollution control hearings board, the department of revenue shall use the separate confirmations in determining the credit to be allowed against the tax assessed under RCW 84.33.041.

(5) A refusal by the department of natural resources to confirm that a notification or application is subject to enhanced aquatic resources requirements may be appealed to the ~~((forest practices appeals board under RCW 76.09.220))~~ pollution control hearings board.

(6) A person receiving approval of credit must keep records necessary for the department of revenue to verify eligibility under this section.

Sec. 36. RCW 90.58.140 and 1995 c 347 s 309 are each amended to read as follows:

(1) A development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, rules, or master program.

(2) A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From June 1, 1971, until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of RCW 90.58.020; and (ii) after their adoption, the guidelines and rules of the department; and (iii) so far as can be ascertained, the master program being developed for the area;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and this chapter.

(3) The local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. The administration of the system so established shall be performed exclusively by the local government.

(4) Except as otherwise specifically provided in subsection (11) of this section, the local government shall require notification of the public of all applications for permits governed by any permit system established pursuant to subsection (3) of this section by ensuring that notice of the application is given by at least one of the following methods:

(a) Mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least three hundred feet of the boundary of the property upon which the substantial development is proposed;

(b) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

(c) Any other manner deemed appropriate by local authorities to accomplish the objectives of reasonable notice to adjacent landowners and the public.

The notices shall include a statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning an application as expeditiously as possible after the issuance of the decision, may submit the comments or requests for decisions to the local government within thirty days of the last date the notice is to be published pursuant to this subsection. The local government shall forward, in a timely manner following the issuance of a decision, a copy of the decision to each person who submits a request for the decision.

If a hearing is to be held on an application, notices of such a hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

(5) The system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until twenty-one days from the date ~~((the permit decision was filed))~~ of receipt as provided in subsection (6) of this section; or until all review proceedings are terminated if the proceedings were initiated within twenty-one days from the date of ~~((filing))~~ receipt as defined in subsection (6) of this section except as follows:

(a) In the case of any permit issued to the state of Washington, department of transportation, for the construction and modification of SR 90 (I-90) on or adjacent to Lake Washington, the construction may begin after thirty days from the date of filing, and the permits are valid until December 31, 1995;

(b) Construction may be commenced no sooner than thirty days after the date of the appeal of the board's decision is filed if a permit is granted by the local government and (i) the granting of the permit is appealed to the shorelines hearings board within twenty-one days of the date of ~~((filing))~~ receipt, (ii) the hearings board approves the granting of the permit by the local government or approves a portion of the substantial development for which the local government issued the permit, and (iii) an appeal for judicial review of the hearings board decision is filed pursuant to chapter 34.05 RCW. The appellant may request, within ten days of the filing of the appeal with the court, a hearing before the court to determine whether construction pursuant to the permit approved by the hearings board or to a revised permit issued pursuant to the order of the hearings board should not commence. If, at the conclusion of the hearing, the court finds that construction pursuant to such a permit would involve a significant, irreversible damaging of the environment, the court shall prohibit the permittee from commencing the construction pursuant to the approved or revised permit until all review proceedings are final. Construction pursuant to a permit revised at the direction of the hearings board may begin only on that portion of the substantial development for which the local government had originally issued the permit, and construction pursuant to such a revised permit on other portions of the substantial development may not begin until after all review proceedings are terminated. In such a hearing before the court, the burden of proving whether the construction may involve significant irreversible damage to the environment and demonstrating whether such construction would or would not be appropriate is on the appellant;

(c) If the permit is for a substantial development meeting the requirements of subsection (11) of this section, construction pursuant to that permit may not begin or be authorized until twenty-one days from the date ~~((the permit decision was filed))~~ of receipt as provided in subsection (6) of this section.

If a permittee begins construction pursuant to subsections (a), (b), or (c) of this subsection, the construction is begun at the permittee's own risk. If, as a result of judicial review, the courts order the removal of any portion of the construction or the restoration of any portion of the environment involved or require the alteration of any portion of a substantial development constructed pursuant to a permit, the permittee is barred from recovering damages or costs involved in adhering to such requirements from the local government that granted the permit, the hearings board, or any appellant or intervener.

(6) Any decision on an application for a permit under the authority of this section, whether it is an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be ~~((filed with))~~ transmitted to the department and the attorney general. A petition for review of such a decision must be commenced within twenty-one days from the date of receipt of the decision. With regard to a permit other than a permit governed by subsection (10) of this section, "date of ~~((filing))~~ receipt" as used herein ~~((means))~~ refers to the date ~~((of actual receipt by the department))~~ that the applicant receives written notice from the department that the department has received the decision. With regard to a permit for a variance or a conditional use, "date of ~~((filing))~~ receipt" means the date a local government or applicant receives the written decision of the department rendered on the permit pursuant to subsection (10) of this section ~~((is transmitted by the department to the local government. The department shall notify in writing the local government and the applicant of the date of filing)).~~ For the purposes of this subsection, the term "date of receipt" has the same meaning as provided in RCW 43.21B.001.

(7) Applicants for permits under this section have the burden of proving that a proposed substantial development is consistent with the criteria that must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in RCW 90.58.180 (1) and (2), the person requesting the review has the burden of proof.

(8) Any permit may, after a hearing with adequate notice to the permittee and the public, be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. If the department is of the opinion that noncompliance exists, the department shall provide written notice to the local government and the permittee. If the department is of the opinion that the noncompliance continues to exist thirty days after the date of the notice, and the local government has taken no action to rescind the permit, the department may petition the hearings board for a rescission of the permit upon written notice of the petition to the local government and the permittee if the request by the department is made to the hearings board within fifteen days of the termination of the thirty-day notice to the local government.

(9) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(10) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.

(11)(a) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall be subject to the following procedures:

(i) The public comment period under subsection (4) of this section shall be twenty days. The notice provided under subsection (4) of this section shall state the manner in which the public may obtain a copy of the local government decision on the application no later than two days following its issuance;

(ii) The local government shall issue its decision to grant or deny the permit within twenty-one days of the last day of the comment period specified in (i) of this subsection; and

(iii) If there is an appeal of the decision to grant or deny the permit to the local government legislative authority, the appeal shall be finally determined by the legislative authority within thirty days.

(b) For purposes of this section, a limited utility extension means the extension of a utility service that:

(i) Is categorically exempt under chapter 43.21C RCW for one or more of the following: Natural gas, electricity, telephone, water, or sewer;

(ii) Will serve an existing use in compliance with this chapter; and

(iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state.

Sec. 37. RCW 90.58.180 and 2003 c 393 s 22 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 may, except as otherwise provided in chapter 43.21L RCW, seek review from the shorelines hearings board by filing a petition for review within twenty-one days of the date of ~~((filing))~~ receipt of the decision as ~~((defined))~~ provided for in RCW 90.58.140(6).

Within seven days of the filing of any petition for review with the board as provided in this section pertaining to a final decision of a local government, the petitioner shall serve copies of the petition on the department, the office of the attorney general, and the local government. The department and the attorney general may intervene to protect the public interest and ~~((insure))~~ ensure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the petition for review filed pursuant to this section. The shorelines hearings board shall schedule review proceedings on the petition for review without regard as to whether the period for the department or the attorney general to intervene has or has not expired.

(2) The department or the attorney general may obtain review of any final decision granting a permit, or granting or denying an application for a permit issued by a local government by filing a written petition with the shorelines hearings board and the appropriate local government within twenty-one days from the date ~~((the final decision was filed))~~ of receipt as provided in RCW 90.58.140(6).

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.05 RCW pertaining to procedures in adjudicative proceedings. Judicial review of such proceedings of the shorelines hearings board is governed by chapter 34.05 RCW. The board shall issue its decision on the appeal authorized under subsections (1) and (2) of this section within one hundred eighty days after the date the petition is filed with the board or a petition to intervene is filed by the department or the attorney general, whichever is later. The time period may be extended by the board for a period of thirty days upon a showing of good cause or may be waived by the parties.

(4) Any person may appeal any rules, regulations, or guidelines adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(5) The board shall find the rule, regulation, or guideline to be valid and enter a final decision to that effect unless it determines that the rule, regulation, or guideline:

(a) Is clearly erroneous in light of the policy of this chapter; or

(b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(c) Is arbitrary and capricious; or

(d) Was developed without fully considering and evaluating all material submitted to the department during public review and comment; or

(e) Was not adopted in accordance with required procedures.

(6) If the board makes a determination under subsection (5)(a) through (e) of this section, it shall enter a final decision declaring the rule, regulation, or guideline invalid, remanding the rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government and any other interested party, a new rule, regulation, or guideline consistent with the board's decision.

(7) A decision of the board on the validity of a rule, regulation, or guideline shall be subject to review in superior court, if authorized pursuant to chapter 34.05 RCW. A petition for review of the decision of the shorelines hearings board on a rule, regulation, or guideline shall be filed within thirty days after the date of final decision by the shorelines hearings board.

Sec. 38. RCW 90.58.190 and 2003 c 321 s 4 are each amended to read as follows:

(1) The appeal of the department's decision to adopt a master program or amendment pursuant to RCW 90.58.070(2) or 90.58.090(5) is governed by RCW 34.05.510 through 34.05.598.

(2)(a) The department's final decision to approve~~((s))~~ or reject~~((, or modify))~~ a proposed master program or master program amendment ~~((adopted))~~ by a local government planning under RCW 36.70A.040 shall be appealed to the growth management hearings board ~~((with jurisdiction over the local government. The appeal shall be initiated))~~ by filing a petition within sixty days from the date of the department's written notice to the local government of the department's final decision to approve or reject a proposed master program or master program amendment, as provided in RCW ~~((36.70A.250 through 36.70A.320))~~ 36.70A.290. The department's written notice must conspicuously and plainly state that it is the department's final decision and that there will be no further modifications under RCW 90.58.090(2).

(b) If the appeal to the growth management hearings board concerns shorelines, the growth management hearings board shall review the proposed master program or amendment solely for compliance with the requirements of this chapter, the policy of RCW 90.58.020 and the applicable guidelines, the internal consistency provisions of RCW 36.70A.070, 36.70A.040(4), 35.63.125, and 35A.63.105, and chapter 43.21C RCW as it relates to the adoption of master programs and amendments under chapter 90.58 RCW.

(c) If the appeal to the growth management hearings board concerns a shoreline of statewide significance, the board shall uphold the decision by the department unless the board, by clear and convincing evidence, determines that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) The appellant has the burden of proof in all appeals to the growth management hearings board under this subsection.

(e) Any party aggrieved by a final decision of a growth management hearings board under this subsection may appeal the decision to superior court as provided in RCW 36.70A.300.

(3)(a) The department's final decision to approve(;) or reject(~~(-or modify)~~) a proposed master program or master program amendment by a local government not planning under RCW 36.70A.040 shall be appealed to the shorelines hearings board by filing a petition within thirty days of the date of the department's written notice to the local government of the department's final decision to approve(;) or reject(~~(-or modify)~~) a proposed master program or master program amendment (~~(as provided in RCW 90.58.090(2))~~). The department's written notice must conspicuously and plainly state that it is the department's final decision and that there will be no further modifications under RCW 90.58.090(2).

(b) In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program amendment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's master program or amendment in light of the policy of RCW 90.58.020 and the applicable guidelines.

(c) In an appeal relating to shorelines of statewide significance, the shorelines hearings board shall uphold the decision by the department unless the board determines, by clear and convincing evidence that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.

(d) Review by the shorelines hearings board shall be considered an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act. The aggrieved local government shall have the burden of proof in all such reviews.

(e) Whenever possible, the review by the shorelines hearings board shall be heard within the county where the land subject to the proposed master program or master program amendment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to superior court as provided in chapter 34.05 RCW.

(4) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program amendment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program amendment.

Sec. 39. RCW 90.58.210 and 1995 c 403 s 637 are each amended to read as follows:

(1) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, the attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to (~~(insure))~~ ensure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter.

(2) Any person who shall fail to conform to the terms of a permit issued under this chapter or who shall undertake development on the shorelines of the state without first obtaining any permit required under this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) ~~((Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty upon whatever terms the department or local government in its discretion deems proper.))~~ The person incurring the penalty may appeal within thirty days from the date of receipt of the penalty. The term "date of receipt" has the same meaning as provided in RCW 43.21B.001. Any penalty imposed pursuant to this section by the department shall be subject to review by the shorelines hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the shorelines hearings board.

Sec. 40. RCW 90.58.560 and 1995 c 403 s 638 are each amended to read as follows:

(1) Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, a person who violates RCW 90.58.550, or any rule adopted thereunder, is subject to a penalty in an amount of up to five thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty provided for in this section.

(2) The penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the director or the director's representative describing such violation with reasonable particularity. ~~((The director or the director's representative may, upon written application therefor received within fifteen days after notice imposing any penalty is received by the person incurring the penalty, and when deemed to carry out the purposes of this chapter, remit or mitigate any penalty provided for in this section upon such terms as he or she deems proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as he or she may deem proper.))~~

(3) Any person incurring any penalty under this section may appeal the penalty to the hearings board as provided for in chapter 43.21B RCW. Such appeals shall be filed within thirty days from the date of receipt of ~~((notice imposing any))~~ the penalty ~~((unless an application for remission or mitigation is made to the department. When an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the director or the director's representative setting forth the disposition of the application)).~~ Any penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless ~~((application for remission or mitigation is made or))~~ an appeal is filed. ~~((When an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an appeal is filed from such disposition.))~~ Whenever an appeal of any penalty incurred under this section is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an

ordinary civil action except as otherwise provided in this chapter (~~provided~~). All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.

NEW SECTION. Sec. 41. The following acts or parts of acts are each repealed:

- (1) RCW 43.21B.190 (Judicial review--Appeal from board's order) and 2004 c 204 s 2, 1995 c 382 s 4, 1994 c 253 s 7, 1988 c 202 s 43, & 1970 ex.s. c 62 s 49;
- (2) RCW 76.09.210 (Forest practices appeals board--Created-- Membership--Terms--Vacancies--Removal) and 1979 ex.s. c 47 s 4 & 1974 ex.s. c 137 s 21;
- (3) RCW 76.09.220 (Forest practices appeals board--Compensation-- Travel expenses--Chair--Office--Quorum--Powers and duties--Jurisdiction--Review) and 2007 c 480 s 8, 2003 c 393 s 20, 1999 sp.s. c 4 s 902, & 1999 c 90 s 1;
- (4) RCW 76.09.230 (Forest practices appeals board--Mediation-- Appeal procedure--Judicial review) and 1994 c 253 s 9, 1992 c 52 s 23, 1989 c 175 s 165, & 1974 ex.s. c 137 s 23;
- (5) RCW 77.55.301 (Hydraulic appeals board--Members--Jurisdiction-- Procedures) and 2005 c 146 s 801, 2003 c 393 s 21, 2000 c 107 s 20, 1996 c 276 s 2, 1993 sp.s. c 2 s 37, 1989 c 175 s 160, 1988 c 272 s 3, 1988 c 36 s 37, & 1986 c 173 s 4; and
- (6) RCW 77.55.311 (Hydraulic appeals board--Procedures) and 2005 c 146 s 802, 1995 c 382 s 7, 1989 c 175 s 161, & 1986 c 173 s 5.

NEW SECTION. Sec. 42. (1) This act applies prospectively only and not retroactively. It applies only to appeals that are commenced on or after the effective date of this section. The repeals in section 41 of this act do not affect any existing right acquired or liability or obligation incurred under the statutes repealed or under any rule or order adopted under those statutes nor do they affect any proceeding instituted under them.

(2) All pending cases before the forest practices appeals board and the hydraulics appeals board shall be continued and acted upon by those boards. All existing rules of the forest practices appeals board shall remain in effect and be used by the pollution control hearings board until the pollution control hearings board adopts superceding rules for forest practices appeals.

NEW SECTION. Sec. 43. A new section is added to chapter 36.70A RCW to read as follows:

(1) The powers, duties, and functions of the growth management hearings board are hereby transferred to the environmental and land use hearings office.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the growth management hearings board shall be delivered to the custody of the environmental and land use hearings office. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the growth management hearings board shall be made available to the environmental and land use hearings office. All funds, credits, or other assets held by the growth management hearings board shall be assigned to the environmental and land use hearings office.

(b) Any appropriations made to the growth management hearings board shall, on the effective date of this section, be transferred and credited to the environmental and land use hearings office.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the growth management hearings board are transferred to the jurisdiction of the environmental and land use hearings office. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the environmental and land use hearings office to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All existing rules and all pending cases before the growth management hearings board shall be continued and acted upon by the growth management hearings board located within the environmental and land use hearings office. All pending business, existing contracts, and obligations shall remain in full force and shall be performed by the environmental and land use hearings office.

(5) The transfer of the powers, duties, functions, and personnel of the growth management hearings board shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 44. (1) Sections 1, 3, 5, 7, 9 through 14, and 16 through 42 of this act take effect July 1, 2010.

(2) Sections 2, 4, 6, 15, 43, and 46 of this act take effect July 1, 2011. The chief executive officer of the environmental hearings office may take the necessary steps to ensure that these sections are implemented on their effective date.

(3) Section 8 of this act takes effect June 30, 2019.

NEW SECTION. Sec. 45. (1) Sections 3 and 5 of this act expire July 1, 2011.

(2) Section 7 of this act expires June 30, 2019.

NEW SECTION. Sec. 46. The following acts or parts of acts are each repealed:

- (1) RCW 43.21L.005 (Purpose) and 2003 c 393 s 1;
- (2) RCW 43.21L.010 (Definitions) and 2003 c 393 s 2;
- (3) RCW 43.21L.020 (Exclusive review process--Exception--Procedural rules) and 2003 c 393 s 3;
- (4) RCW 43.21L.030 (Designation as qualifying project--Request for determination--Duties of office of permit assistance) and 2003 c 393 s 4;
- (5) RCW 43.21L.040 (Environmental and land use hearings board) and 2003 c 393 s 5;
- (6) RCW 43.21L.050 (Review proceedings--Commencement--Rules for filing and service) and 2003 c 393 s 6;
- (7) RCW 43.21L.060 (Standing) and 2003 c 393 s 7;
- (8) RCW 43.21L.070 (Petition requirements) and 2003 c 393 s 8;
- (9) RCW 43.21L.080 (Affidavit certifying applications for permits-- Initial hearing on jurisdictional and preliminary matters) and 2003 c 393 s 9;
- (10) RCW 43.21L.090 (Expedited review of petitions) and 2003 c 393 s 10;
- (11) RCW 43.21L.100 (Stay or suspension of board action) and 2003 c 393 s 11;

(12) RCW 43.21L.110 (Decision record--Certified copy to board-- Costs) and 2003 c 393 s 12;

(13) RCW 43.21L.120 (Board review of permit decisions--Correction of errors and omissions--Pretrial discovery--Requests for records under chapter 42.56 RCW) and 2005 c 274 s 295 & 2003 c 393 s 13;

(14) RCW 43.21L.130 (Standards for granting relief--Action by board) and 2003 c 393 s 14;

(15) RCW 43.21L.140 (Judicial review) and 2003 c 393 s 15;

(16) RCW 43.21L.900 (Implementation--2003 c 393) and 2003 c 393 s 24; and

(17) RCW 43.21L.901 (Effective date--2003 c 393) and 2003 c 393 s 25."

On page 1, line 1 of the title, after "boards;" strike the remainder of the title and insert "amending RCW 43.21B.001, 43.21B.010, 43.21B.010, 43.21B.180, 43.21B.230, 43.21B.320, 36.70A.270, 70.95.094, 76.06.180, 76.09.050, 76.09.080, 76.09.090, 76.09.170, 76.09.310, 77.55.011, 77.55.021, 77.55.141, 77.55.181, 77.55.241, 77.55.291, 78.44.270, 78.44.380, 79.100.120, 84.33.0775, 90.58.140, 90.58.180, 90.58.190, 90.58.210, and 90.58.560; reenacting and amending RCW 43.21B.005, 43.21B.005, 43.21B.110, 43.21B.110, 43.21B.300, 43.21B.310, and 76.09.020; adding a new section to chapter 43.21B RCW; adding new sections to chapter 36.70A RCW; adding a new section to chapter 76.09 RCW; creating new sections; repealing RCW 43.21B.190, 76.09.210, 76.09.220, 76.09.230, 77.55.301, 77.55.311, 43.21L.005, 43.21L.010, 43.21L.020, 43.21L.030, 43.21L.040, 43.21L.050, 43.21L.060, 43.21L.070, 43.21L.080, 43.21L.090, 43.21L.100, 43.21L.110, 43.21L.120, 43.21L.130, 43.21L.140, 43.21L.900, and 43.21L.901; providing effective dates; and providing expiration dates."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2935 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Van De Wege and McCune spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2935, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2935, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Chandler, Haler, Klippert, Shea and Taylor.

Excused: Representative Condotta.

SUBSTITUTE HOUSE BILL NO. 2935, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6614, by Senate Committee on Ways & Means (originally sponsored by Senators Pridemore, Zarelli, Morton, Delvin and Marr)

Clarifying the applicability of business and occupation tax to conservation programs with the Bonneville power administration.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Takko and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6614.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6614, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chase and Hasegawa.

Excused: Representative Condotta.

SUBSTITUTE SENATE BILL NO. 6614, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6609, by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Delvin, Hobbs, Kilmer, Gordon, Kauffman and Shin)

Concerning infrastructure financing for local governments.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Maxwell and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6609.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6609, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Chase.

Excused: Representative Condotta.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6609, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6520, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Hatfield, Parlette, Hobbs, Ranker, Pridemore and Shin)

Extending time to complete recommendations under RCW 36.70A.5601 conducted by the William D. Ruckelshaus Center.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing, was adopted. (For Committee amendment, see Journal, Day 43, February 22, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill as amended by the House, was placed on final passage.

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6520, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6520, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

SUBSTITUTE SENATE BILL NO. 6520, as amended by the House, having received the necessary constitutional majority, was declared passed.

RESOLUTIONS

HOUSE RESOLUTION NO. 4695, by Representatives Ormsby, Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, and Williams

WHEREAS, It is the policy of the House of Representatives to recognize excellence in all fields of endeavor; and

WHEREAS, State Representative Alex Wood has honorably served the people of his community, his legislative district, and the State of Washington with extraordinary excellence; and

WHEREAS, Alex Wood was born in Canada and was fortunate enough to be raised in Sequim, Washington, and became a citizen of the United States of America in his late teens; and

WHEREAS, Alex Wood graduated from Sequim High School and attended the Edward R. Murrow School of Communications at Washington State University; and

WHEREAS, Representative Wood is a decorated Vietnam veteran who served in the U.S. Navy Submarine Service, held the position of Navigator on the U.S.S. Grant, and was awarded the Vietnam Service Medal on two occasions; and

WHEREAS, He developed a successful career from 1979 to 1996 as a broadcast journalist and radio and television talk show host, fields in which he excelled and for which he was recognized twice with the Columbia School of Journalism Armstrong Award; and

WHEREAS, Alex Wood served seven terms in the Washington State House of Representatives as State Representative from the 3rd Legislative District, serving the heart of Spokane; and

WHEREAS, Alex Wood has served as vice chair of the House Commerce and Labor Committee and as a member of the House Health and Human Services Appropriations Committee, and the House Transportation Committee, and previously was also a member of the House Technology, Energy and Communications Committee and the House Health Care Committee; and

WHEREAS, Thousands of Washingtonians with gambling addictions have been able to receive adequate treatment thanks to Representative Alex Wood's tireless efforts to raise awareness about problem gambling year after year until he successfully passed legislation to that effect in 2003, and in 2005 was pivotal in helping to secure funds for the creation of the Problem Gambling Program under the Department of Social and Health Services; and

WHEREAS, Representative Wood is a former ex officio member of the Washington State Gambling Commission, whose mission is to protect the public by ensuring that gambling is legal and honest; and

WHEREAS, Alex Wood has a keen ear for a wide assortment of music genres, and is an avid reader who greatly enjoys the feel of paper in his hands and, thus, makes it a point to read the actual newspaper instead of an online version, and still uses the library to check out books, the old-fashioned way; and

WHEREAS, Alex Wood is appreciated and respected for his sincerity, his kindness, his boldness and for having the best speaking voice in this legislative body;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor State Representative Alex Wood for his fourteen years of dedicated commitment, his personal and professional integrity, and his respect and admiration for the institutions that he worked so diligently for; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the Washington State House of Representatives to State Representative Alex Wood.

Representative Ormsby moved adoption of HOUSE RESOLUTION NO. 4695.

Representatives Ormsby, DeBolt, Kirby, Conway and Alexander spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4695 was adopted.

HOUSE RESOLUTION NO. 4696, by Representatives Probst, Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, and Wood

WHEREAS, Representative Deb Wallace has served the people of the 17th legislative district with distinction and pride since 2003; and
WHEREAS, Representative Deb Wallace has lived in Washington's Vancouver for more than 20 years where she raised two children with her husband John, a retired Air Force Lieutenant Colonel; and

WHEREAS, Representative Deb Wallace has devoted her entire adult life to public service and making Washington a great place to do business as the Director of Business Expansion for the Columbia River Economic Development Council, as the Growth Management and Development Services Manager for the Washington State Department of Transportation, as the Executive Director for the Columbia Corridor Association, as Government Affairs Director for the Vancouver Chamber of Commerce, and as Director of Planning and Development for C-TRAN; and

WHEREAS, Representative Deb Wallace has been extensively involved in her community on the Regional Transportation Committee, Pinebrook Homeowners Association, Shoreline Committee, Downtown Vancouver Association, Airport Green Neighborhood Association, Girl Scouts USA, Columbia River Girl Scouts, Daybreak Advisory Committee, Clark County Mental Health Advisory Committee, Lower Columbia River Estuary Partnership Board of Directors, 211-info Board of Directors, ESD 112 Citizens Advisory Committee, and the Clark County Skills Center Advisory Committee; and

WHEREAS, Representative Deb Wallace has received numerous awards and distinctions throughout her legislative career; and

WHEREAS, As chair of the House Higher Education Committee Representative Deb Wallace has opened the doors of higher education to thousands of deserving students, thereby accomplishing her goal of educating more people to higher levels; and

WHEREAS, Representative Deb Wallace has been a champion for people with disabilities and sponsored legislation to ensure those with special needs have equal opportunities to be productive, active citizens in our communities; and

WHEREAS, Representative Deb Wallace has always tried to be as accessible and available to her constituents as possible and is one of the most prolific hosts of community meetings and action forums to share information and provide a forum for public discourse and debate; and

WHEREAS, Even in the most stressful, highly charged circumstances, Representative Deb Wallace has respectfully treated everyone around her, including and especially legislative staff, with a sense of professionalism and a touch of class; and

WHEREAS, Representative Deb Wallace will be greatly missed for her lighthearted disposition, dedication to the community and people she represents, and collaborative and bipartisan spirit;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor the many personal and professional accomplishments by Representative Deb Wallace, and recognize her rare and undiminished passion for public service that will be missed by all in Olympia; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Washington State Representative Deb Wallace and her family.

Representative Probst moved adoption of HOUSE RESOLUTION NO. 4696

Representatives Probst, Sells, Smith, Haigh and Orcutt spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4696 was adopted.

SECOND READING

HOUSE BILL NO. 2956, by Representatives Pettigrew, Williams and Maxwell

Concerning hospital safety net assessment. Revised for 2nd Substitute: Concerning the hospital safety net.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2956 was substituted for House Bill No. 2956 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2956 was read the second time.

With the consent of the House, amendments (1364), (1526), (1573) and (1576) were withdrawn.

Representative Cody moved the adoption of amendment (1544).

On page 5, line 14, after "of" strike "thirty-two million" and insert "forty-nine million three-hundred thousand"

On page 8, line 36, after "one hundred" insert "nineteen"

On page 9, line 7, after "of" strike "twenty-four" and insert "thirty-one"

On page 9, line 14, after "hundred" strike "twenty-seven" and insert "fifty"
 On page 9, line 19, after "of" strike "seven" and insert "six"
 On page 9, line 27, after "of" strike "thirty" and insert "thirty-nine"
 On page 9, line 33, after "hundred" strike "thirty-three" and insert "fifty-six"
 On page 9, line 38, after "of" strike "seven" and insert "six"
 On page 10, line 8, after "of" strike "thirty" and insert "thirty-nine"
 On page 14, line 11, after "services:" strike "Twelve" and insert "Thirteen"
 On page 14, line 12, after "services:" strike "Twelve" and insert "Thirteen"
 On page 14, line 13, after "services:" strike "Thirty-two" and insert "Forty-one"
 On page 14, line 20, after "services:" strike "Twelve" and insert "Thirteen"
 On page 14, line 21, after "services:" strike "Thirty-two" and insert "Forty-one"
 On page 14, line 23, after "services:" strike "Twelve" and insert "Thirteen"
 On page 14, line 24, after "services:" strike "Twelve" and insert "Thirteen"

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment.

Amendment (1544) was adopted.

Representative Cody moved the adoption of amendment (1545).

On page 13, beginning on line 20, after "charges" strike all material through "this chapter" on line 22, and insert "or billings to patients or third party payers as a result of the assessments under this chapter. The department may require hospitals to submit certified statements by their chief financial officers or equivalent officials attesting that they have not increased charges or billings as a result of the assessments"

On page 16, line 37, after "than" strike "those" and insert "the combined rates"

On page 16, line 38, after "by" strike "section" and insert "sections 9 and"

On page 18, line 34, after "in" insert "inpatient"

On page 19, beginning on line 1, strike all of section 15

Re-number sections consecutively and correct internal references accordingly.

On page 33, after line 29, insert the following:

"NEW SECTION. Sec. 21. A new section is added to chapter 70.47 RCW to read as follows:

The increases in inpatient and outpatient reimbursement rates included in this act shall not be reflected in hospital payment rates for services provided to basic health enrollees under this chapter."

Re-number sections consecutively and correct internal references accordingly. Correct the title.

Representatives Cody and Hinkle spoke in favor of the adoption of the amendment.

Amendment (1545) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2956.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2956 and the bill passed the House by the following vote: Yeas: 79; Nays: 18; Absent: 0; Excused: 1

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Liiias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood, and Mr. Speaker.

Voting nay: Representatives Alexander, Bailey, Campbell, Crouse, DeBolt, Ericksen, Herrera, Hunter, Klippert, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Shea, Smith, and Williams.

Excused: Representative Condotta.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956 passed the House.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2956, on reconsideration.

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2956, on reconsideration, and the bill passed the House by the following vote: Yeas, 78; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Bailey, Campbell, Crouse, DeBolt, Eddy, Ericksen, Herrera, Hunter, Klippert, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Shea, Smith and Williams.

Excused: Representative Condotta.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 9, 2010

HB 3193 Prime Sponsor, Representative Sullivan: Adjusting salary bonuses associated with the national board for professional teaching standards. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Conway; Hinkle; Priest; Ross and Schmick.

March 9, 2010

HB 3197 Prime Sponsor, Representative Sullivan: Transferring funds from the budget stabilization account to the general fund. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

March 9, 2010

HB 3201 Prime Sponsor, Representative Pettigrew: Fees for infant screening. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Ross and Schmick.

March 9, 2010

HB 3202 Prime Sponsor, Representative Cody: Concerning the nursing facility medicaid payment system. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

March 9, 2010

SB 6833

Prime Sponsor, Senator Tom: Addressing the management of funds and accounts by the state treasurer. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes the significant financial benefits realized by the state through consolidated cash management activities. It is the intent of this act to encourage and, when financially advantageous, to expand those activities.

Sec. 2. RCW 43.08.150 and 2009 c 549 s 5045 are each amended to read as follows:

As soon as possible after the close of each calendar month, the state treasurer shall prepare a report as to the state of the general fund and every other fund under his or her control itemized as to:

- (1) The amount in the fund at the close of business at the end of the preceding month;
- (2) The amount of revenue deposited or transferred to the credit of each fund during the current month;
- (3) The amount of withdrawals or transfers from each fund during the current month; and
- (4) The amount on hand in each fund at the close of business at the end of the current month.

One copy of each report shall be provided promptly to those requesting them so long as the supply lasts. The report shall be posted on the official web site of the state treasurer. The report shall also include a graphical display of month end balances, for both the current and previous fiscal year, for the general fund, total funds in the treasury, total funds in the treasurer's trust fund, and total funds managed by the state treasurer.

Sec. 3. RCW 43.08.190 and 2009 c 564 s 926 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund." Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79A.040 (~~(or 43.84.092(4))~~) (4)(c). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate (~~(based on the appropriations for the treasurer's office)~~) for all funds and accounts; except that the state treasurer may negotiate a different allocation rate with any state agency that has independent authority over funds not statutorily required to be held in the state treasury or in the custody of the state treasurer. In no event shall the rate be less than the actual costs incurred by the state treasurer's office. If no rate is separately negotiated, the default rate for any funds held shall be the rate set for funds held pursuant to statute.

During the 2009-2011 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 4. RCW 43.79A.040 and 2009 c 87 s 4 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury, and may be commingled with moneys in the state treasury for cash management and cash balance purposes.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) (~~and~~), (c), and (d) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, and the reading achievement account. (~~(However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.)~~)

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(d) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the custody of the state treasurer that deposits funds into a fund or account in the custody of the state treasurer pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 5. RCW 43.84.092 and 2009 c 479 s 31, 2009 c 472 s 5, and 2009 c 451 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. ~~((All earnings to be distributed under this subsection (4) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.))~~

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 6. A new section is added to chapter 43.79 RCW to read as follows:

By October 31st of each odd-numbered year, the state treasurer shall provide to the office of financial management and the appropriate fiscal committees of the legislature a list of any funds or accounts in the state treasury or in the custody of the state treasurer that he or she believes to be obsolete. The list must include the standard or process the treasurer used to determine whether an account is believed to be obsolete.

NEW SECTION. Sec. 7. By June 1, 2010, the office of financial management shall provide the state treasurer with a list of all funds or accounts held locally by any state agency. By October 31, 2010, the state treasurer, working with the office of financial management, shall review all locally held accounts, other than those held by institutions of higher education, and determine whether it would be financially advantageous to the state for those accounts to instead be held in the state treasury or in the custody of the state treasurer. When the treasurer deems it financially advantageous for local accounts to be held in the custody of the state treasurer or in the state treasury, he or she is encouraged to propose executive request legislation to effect those changes."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

There being no objection, HOUSE BILL NO. 2472 was referred to the Committee on Rules.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 10, 2010, the 59th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 10, 2010

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kole Musgrove and Garrett Fix. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 9, 2010

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1597
 SUBSTITUTE HOUSE BILL 2196
 SUBSTITUTE HOUSE BILL 2758

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 9, 2010

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL 6381
 SECOND SUBSTITUTE SENATE BILL 6667
 SUBSTITUTE SENATE BILL 6832

and the same are herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1149
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1317
 SUBSTITUTE HOUSE BILL NO. 1679
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1714
 SECOND SUBSTITUTE HOUSE BILL NO. 1761
 HOUSE BILL NO. 1880
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956
 HOUSE BILL NO. 1966
 SECOND SUBSTITUTE HOUSE BILL NO. 2016
 SUBSTITUTE HOUSE BILL NO. 2179
 SUBSTITUTE HOUSE BILL NO. 2402
 SUBSTITUTE HOUSE BILL NO. 2420

SUBSTITUTE HOUSE BILL NO. 2443
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2464
 SUBSTITUTE HOUSE BILL NO. 2466
 HOUSE BILL NO. 2460
 SECOND SUBSTITUTE HOUSE BILL NO. 2481
 SUBSTITUTE HOUSE BILL NO. 2503
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2518
 SUBSTITUTE HOUSE BILL NO. 2525
 SUBSTITUTE HOUSE BILL NO. 2527
 SUBSTITUTE HOUSE BILL NO. 2533
 SUBSTITUTE HOUSE BILL NO. 2534
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2538
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2539
 ENGROSSED HOUSE BILL NO. 2519
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2541
 SECOND SUBSTITUTE HOUSE BILL NO. 2551
 HOUSE BILL NO. 2540
 SUBSTITUTE HOUSE BILL NO. 2593
 SECOND SUBSTITUTE HOUSE BILL NO. 2603
 HOUSE BILL NO. 2621
 HOUSE BILL NO. 2625
 SUBSTITUTE HOUSE BILL NO. 2657
 HOUSE BILL NO. 2659
 SUBSTITUTE HOUSE BILL NO. 2680
 SUBSTITUTE HOUSE BILL NO. 2686
 HOUSE BILL NO. 2681
 HOUSE BILL NO. 2697
 SUBSTITUTE HOUSE BILL NO. 2717
 SECOND SUBSTITUTE HOUSE BILL NO. 2742
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2747
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2752
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2752
 HOUSE BILL NO. 2734
 HOUSE BILL NO. 2735
 HOUSE BILL NO. 2748
 SUBSTITUTE HOUSE BILL NO. 2775
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2777
 SUBSTITUTE HOUSE BILL NO. 2801
 ENGROSSED HOUSE BILL NO. 2805
 SUBSTITUTE HOUSE BILL NO. 2841
 SECOND SUBSTITUTE HOUSE BILL NO. 2867
 SUBSTITUTE HOUSE BILL NO. 2939
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2961
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2986
 SUBSTITUTE HOUSE BILL NO. 2990
 HOUSE BILL NO. 2973
 SUBSTITUTE HOUSE BILL NO. 3016
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3026
 HOUSE BILL NO. 3007
 SUBSTITUTE HOUSE BILL NO. 3036
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3040
 SUBSTITUTE HOUSE BILL NO. 3105
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 3141

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION
NO. 4220
SUBSTITUTE SENATE BILL NO. 5295
ENGROSSED SUBSTITUTE SENATE BILL NO. 5529
ENGROSSED SUBSTITUTE SENATE BILL NO. 5543
ENGROSSED SUBSTITUTE SENATE BILL NO. 5704
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO.
5742
SUBSTITUTE SENATE BILL NO. 6192
SUBSTITUTE SENATE BILL NO. 6202
SUBSTITUTE SENATE BILL NO. 6207
SUBSTITUTE SENATE BILL NO. 6208
SUBSTITUTE SENATE BILL NO. 6214
SENATE BILL NO. 6206
SENATE BILL NO. 6218
SENATE BILL NO. 6219
SUBSTITUTE SENATE BILL NO. 6248
ENGROSSED SENATE BILL NO. 6261
SUBSTITUTE SENATE BILL NO. 6329
SUBSTITUTE SENATE BILL NO. 6332
SUBSTITUTE SENATE BILL NO. 6340
SUBSTITUTE SENATE BILL NO. 6343
SUBSTITUTE SENATE BILL NO. 6346
SUBSTITUTE SENATE BILL NO. 6356
ENGROSSED SUBSTITUTE SENATE BILL NO. 6359
SUBSTITUTE SENATE BILL NO. 6361
SUBSTITUTE SENATE BILL NO. 6363
SUBSTITUTE SENATE BILL NO. 6373
ENGROSSED SUBSTITUTE SENATE BILL NO. 6392
SENATE BILL NO. 6379
SENATE BILL NO. 6418
SUBSTITUTE SENATE BILL NO. 6459
SUBSTITUTE SENATE BILL NO. 6557
SENATE BILL NO. 6540
SUBSTITUTE SENATE BILL NO. 6590
SENATE JOINT MEMORIAL NO. 8025

The Speaker called upon Representative Morris to preside.

MESSAGE FROM THE SENATE

March 4, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2658 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.330.007 and 2009 c 565 s 1 are each amended to read as follows:

(1)(a) In 2009, the legislature changed the name of the department of community, trade, and economic development to the department of commerce and directed the agency to, among other things, develop a report with recommendations on statutory changes to ensure that the department's efforts: Are organized around a concise core mission and aligned with the state's comprehensive plan for economic development; generate greater local capacity; maximize results through partnerships and the use of intermediaries; and provide transparency and increased accountability. Recommendations for creating or consolidating programs deemed important to meeting the department's core mission and recommendations for terminating or transferring specific programs if they are not consistent with the department's core mission were to be included in the report.

(b) In accordance with that legislation, chapter 565, Laws of 2009, in November 2009 the department of commerce submitted a

plan that establishes a mission of growing and improving jobs in the state and recognizes the need for an innovation-driven economy. The plan also outlines agency priorities, efficiencies, and program transfers that will help to advance the new mission.

(c) The primary purpose of this act is to implement portions of the department of commerce plan by transferring certain programs from the department of commerce to other state agencies whose missions are more closely aligned with the core functions of those programs. This act also directs additional efficiencies in state government and directs development of a statewide clean energy strategy, which will better enable the department of commerce to focus on its new mission.

(2)(a) The legislature finds that the long-term economic health of the state and its citizens depends upon the strength and vitality of its communities and businesses. It is the intent of this chapter to create a department of commerce that fosters new partnerships for strong and sustainable communities. The mission of the department is to grow and improve jobs in Washington and facilitate innovation. To carry out its mission, the department will bring together focused efforts to: Streamline access to business assistance and economic development services by providing them thorough sector-based, cluster-based, and regional partners; provide focused and flexible responses to changing economic conditions; generate greater local capacity to respond to both economic growth and environmental challenges; increase accountability to the public, the executive branch, and the legislature; manage growth and achieve sustainable development; diversify the state's economy and export goods and services; provide greater access to economic opportunity; stimulate private sector investment and entrepreneurship; provide stable family-wage jobs and meet the diverse needs of families; provide affordable housing and housing services; and construct public infrastructure.

(b) The legislature further finds that as a result of the rapid pace of global social and economic change, the state and local communities will require coordinated and creative responses by every segment of the community. The state can play a role in assisting such local efforts by reorganizing state assistance efforts to promote such partnerships. The department has a primary responsibility to provide financial and technical assistance to the communities of the state, to assist in improving the delivery of federal, state, and local programs, and to provide communities with opportunities for productive and coordinated development beneficial to the well-being of communities and their residents. It is the intent of the legislature in creating the department to maximize the use of local expertise and resources in the delivery of community and economic development services.

(3) The purpose of this chapter is to establish the broad outline of the structure of the department of commerce, leaving specific details of its internal organization and management to those charged with its administration. This chapter identifies the broad functions and responsibilities of the department and is intended to provide flexibility to the director to reorganize these functions to more closely reflect its customers, its mission, and its priorities, and to make recommendations for changes.

(4) In order to generate greater local capacity, maximize results through partnerships and the use of intermediaries, and leverage the use of state resources, the department shall, in carrying out its business assistance and economic development functions, provide business and economic development services primarily through sector-based, cluster-based, and regionally based organizations rather than providing assistance directly to individual firms.

(5) The department shall examine the functions and operations of agricultural commodity commissions in the state and collaborate with industry sector and cluster associations on legislation that would enable industries to develop self-financing systems for addressing industry-identified issues such as workforce training, international marketing, quality improvement, and technology deployment. By

December 1, 2010, the department shall report to the governor and the legislature on its findings and proposed legislation.

(6) The legislature recognizes that there are many strong community services and housing programs currently operating within the department and serving our most vulnerable individuals, families, and communities. The legislature finds that some of these programs can readily be transferred beginning on July 1, 2010, to other mission-aligned agencies in state government. However, the legislature finds that to maintain the strength and credibility of the majority of the department's community services and housing programs, it is necessary to create a separate division for them within the department and to develop a plan to establish a separate state government agency for them in the future.

(7)(a) The legislature directs the department of commerce to establish a single division to contain community services and housing programs that deliver essential services to individuals, families, and communities, and to plan for the creation of a community services and housing agency.

(b) Services provided by the division shall include, but are not limited to: (i) Homeless housing and assistance programs including transitional housing, emergency shelter grants, independent youth housing, housing assistance for persons with mental illness, and housing opportunities for people with AIDS; (ii) affordable housing development programs including the housing trust fund and low-income home energy assistance; (iii) farm worker housing; (iv) crime victims' advocacy and sexual assault services; (v) community mobilization against substance abuse and violence; (vi) asset building for working families; (vii) local and community projects including the building communities fund, building for the arts, and youth recreational facilities grants; (viii) dispute resolution centers; (ix) the Washington families fund; (x) community services block grants; (xi) community development block grants; (xii) child care facility fund; (xiii) WorkFirst community jobs; (xiv) long-term care ombudsman; (xv) state drug task forces; (xvi) justice assistance grants; (xvii) children and families of incarcerated parents; and (xviii) the Washington new Americans program.

(c) The economic development committees in the house of representatives and the senate shall, in consultation with the governor and the department: (i) Solicit information and advice from representatives of community, social services, and housing organizations at the local and state levels, including minority communities, people with disabilities, and other vulnerable populations; and (ii) develop a plan for consideration and action in the 2011 legislative session to establish a separate state government agency whose mission is focused on community services and housing.

NEW SECTION. Sec. 2. RCW 43.330.005 (Intent) and 1993 c 280 s 1 are each repealed.

PART I

DEPARTMENT OF HEALTH--PUBLIC HEALTH

Sec. 101. RCW 70.05.125 and 2009 c 479 s 48 are each amended to read as follows:

(1) The county public health account is created in the state treasury. Funds deposited in the county public health account shall be distributed by the state treasurer to each local public health jurisdiction based upon amounts certified to it by the department of ~~((community, trade, and economic development))~~ health in consultation with the Washington state association of counties. The account shall include funds distributed under RCW 82.14.200(8) and such funds as are appropriated to the account from the state general fund, the public health services account under RCW 43.72.902, and such other funds as the legislature may appropriate to it.

(2)(a) The ~~((director))~~ secretary of the department of ~~((community, trade, and economic development))~~ health shall certify the amounts to be distributed to each local public health jurisdiction

using 1995 as the base year of actual city contributions to local public health.

(b) Only if funds are available and in an amount no greater than available funds under RCW 82.14.200(8), the department of community, trade, and economic development shall adjust the amount certified under (a) of this subsection to compensate for any annexation of an area with fifty thousand residents or more to any city as a result of a petition during calendar year 1996 or 1997, or for any city that became newly incorporated as a result of an election during calendar year 1994 or 1995. The amount to be adjusted shall be equal to the amount which otherwise would have been lost to the health jurisdiction due to the annexation or incorporation as calculated using the jurisdiction's 1995 funding formula.

(c) The county treasurer shall certify the actual 1995 city contribution to the department. Funds in excess of the base shall be distributed proportionately among the health jurisdictions based on incorporated population figures as last determined by the office of financial management.

(3) Moneys distributed under this section shall be expended exclusively for local public health purposes.

NEW SECTION. Sec. 102. (1) All powers, duties, and functions of the department of commerce pertaining to county public health assistance are transferred to the department of health. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the secretary or the department of health when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of health. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the department of health. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of health.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of health.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of health. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of health to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of health. All existing contracts and obligations shall remain in full force and shall be performed by the department of health.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected,

the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the department of health under this section whose positions are within an existing bargaining unit description at the department of health shall become a part of the existing bargaining unit at the department of health and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

**PART II
DEPARTMENT OF HEALTH--DEVELOPMENTAL
DISABILITIES**

Sec. 201. RCW 43.330.210 and 2009 c 565 s 11 are each amended to read as follows:

The developmental disabilities endowment governing board is established to design and administer the developmental disabilities endowment. To the extent funds are appropriated for this purpose, the ~~((director))~~ secretary of the department ~~((of commerce))~~ shall provide staff and administrative support to the governing board.

(1) The governing board shall consist of seven members as follows:

(a) Three of the members, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as finance, actuarial science, management, business, or public policy.

(b) Three members of the board, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as business, developmental disabilities service design, management, or public policy, and shall be family members of persons with developmental disabilities.

(c) The seventh member of the board, who shall serve as chair of the board, shall be appointed by the remaining six members of the board.

(2) Members of the board shall serve terms of four years and may be appointed for successive terms of four years at the discretion of the appointing authority. However, the governor may stagger the terms of the initial six members of the board so that approximately one-fourth of the members' terms expire each year.

(3) Members of the board shall be compensated for their service under RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall meet periodically as specified by the call of the chair, or a majority of the board.

(5) Members of the governing board and the state investment board shall not be considered an insurer of the funds or assets of the endowment trust fund or the individual trust accounts. Neither of these two boards or their members shall be liable for the action or inaction of the other.

(6) Members of the governing board and the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The department and the state investment board, respectively, may purchase liability insurance for members.

Sec. 202. RCW 43.330.240 and 2009 c 565 s 12 are each amended to read as follows:

The department ~~((of commerce))~~ shall adopt rules for the implementation of policies established by the governing board in RCW 43.330.200 through 43.330.230 (as recodified by this act). Such rules will be consistent with those statutes and chapter 34.05 RCW.

NEW SECTION. Sec. 203. The following sections are each recodified as sections in chapter 43.70 RCW:

RCW 43.330.195

RCW 43.330.200

RCW 43.330.205

RCW 43.330.210

RCW 43.330.220

RCW 43.330.225

RCW 43.330.230

RCW 43.330.240

NEW SECTION. Sec. 204. (1) All powers, duties, and functions of the department of commerce pertaining to the developmental disabilities endowment are transferred to the department of health. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the secretary or the department of health when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of health. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the department of health. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of health.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of health.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of health. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of health to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of health. All existing contracts and obligations shall remain in full force and shall be performed by the department of health.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the department of health under this section whose positions are within an existing bargaining unit description at the department of health shall become a part of the existing bargaining unit at the department of health and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

PART III

BUILDING CODE COUNCIL

Sec. 301. RCW 19.27.070 and 1995 c 399 s 8 are each amended to read as follows:

There is hereby established a state building code council to be appointed by the governor.

(1) The state building code council shall consist of fifteen members, two of whom shall be county elected legislative body members or elected executives and two of whom shall be city elected legislative body members or mayors. One of the members shall be a local government building code enforcement official and one of the members shall be a local government fire service official. Of the remaining nine members, one member shall represent general construction, specializing in commercial and industrial building construction; one member shall represent general construction, specializing in residential and multifamily building construction; one member shall represent the architectural design profession; one member shall represent the structural engineering profession; one member shall represent the mechanical engineering profession; one member shall represent the construction building trades; one member shall represent manufacturers, installers, or suppliers of building materials and components; one member shall be a person with a physical disability and shall represent the disability community; and one member shall represent the general public. At least six of these fifteen members shall reside east of the crest of the Cascade mountains. The council shall include: Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership. Terms of office shall be for three years. The council shall elect a member to serve as chair of the council for one-year terms of office. Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment. Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests listed in this subsection. Members serving on the council on July 28, 1985, may complete their terms of office. Any vacancy shall be filled by alternating appointments from governmental and nongovernmental entities or interests until the council is constituted as required by this subsection.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department of (~~community, trade, and economic development~~) general administration shall provide administrative and clerical assistance to the building code council.

Sec. 302. RCW 19.27.097 and 1995 c 399 s 9 are each amended to read as follows:

(1) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. An application for a water right shall not be sufficient proof of an adequate water supply.

(2) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this

section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of (~~community, trade, and economic development~~) general administration to mediate or, if necessary, make the determination.

(3) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

Sec. 303. RCW 19.27.150 and 1995 c 399 s 10 are each amended to read as follows:

Every month a copy of the United States department of commerce, bureau of the census' "report of building or zoning permits issued and local public construction" or equivalent report shall be transmitted by the governing bodies of counties and cities to the department of (~~community, trade, and economic development~~) general administration.

Sec. 304. RCW 19.27A.020 and 2009 c 423 s 4 are each amended to read as follows:

(1) The state building code council shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;

(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework; and

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall be the 2006 edition of the Washington state energy code, or as amended by rule by the council.

(5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 2006 edition, or as amended by the council by rule.

(6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.

(7) The state building code council shall consult with the department of (~~community, trade, and economic development~~) general administration as provided in RCW 34.05.310 prior to publication of proposed rules. The director of the department of (~~community, trade, and economic development~~) general administration shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(9) The definitions in RCW 19.27A.140 apply throughout this section.

Sec. 305. RCW 19.27A.140 and 2009 c 423 s 2 are each amended to read as follows:

The definitions in this section apply to RCW 19.27A.130 through 19.27A.190 and 19.27A.020 unless the context clearly requires otherwise.

(1) "Benchmark" means the energy used by a facility as recorded monthly for at least one year and the facility characteristics information inputs required for a portfolio manager.

(2) "Conditioned space" means conditioned space, as defined in the Washington state energy code.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Cost-effectiveness" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To meet or reduce the power demand of the intended consumers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof.

(5) "Council" means the state building code council.

(6) ("Department" means the department of community, trade, and economic development.

~~(7)~~ "Embodied energy" means the total amount of fossil fuel energy consumed to extract raw materials and to manufacture, assemble, transport, and install the materials in a building and the life-cycle cost benefits including the recyclability and energy efficiencies with respect to building materials, taking into account the total sum of current values for the costs of investment, capital, installation, operating, maintenance, and replacement as estimated for the lifetime of the product or project.

~~(8)~~ (7) "Energy consumption data" means the monthly amount of energy consumed by a customer as recorded by the applicable energy meter for the most recent twelve-month period.

~~(9)~~ (8) "Energy service company" has the same meaning as in RCW 43.19.670.

~~(10)~~ (9) "General administration" means the department of general administration.

~~(11)~~ (10) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

~~(12)~~ (11) "Investment grade energy audit" means an intensive engineering analysis of energy efficiency and management measures for the facility, net energy savings, and a cost-effectiveness determination.

~~(13)~~ (12) "Investor-owned utility" means a corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or natural gas, or both, to more than one retail electric customer in the state.

~~(14)~~ (13) "Major facility" means any publicly owned or leased building, or a group of such buildings at a single site, having ten thousand square feet or more of conditioned floor space.

~~(15)~~ (14) "National energy performance rating" means the score provided by the energy star program, to indicate the energy efficiency performance of the building compared to similar buildings in that climate as defined in the United States environmental protection agency "ENERGY STAR® Performance Ratings Technical Methodology."

~~(16)~~ (15) "Net zero energy use" means a building with net energy consumption of zero over a typical year.

~~(17)~~ (16) "Portfolio manager" means the United States environmental protection agency's energy star portfolio manager or an equivalent tool adopted by the department of general administration.

~~(18)~~ (17) "Preliminary energy audit" means a quick evaluation by an energy service company of the energy savings potential of a building.

~~(19)~~ (18) "Qualifying public agency" includes all state agencies, colleges, and universities.

~~(20)~~ (19) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than twenty-five thousand customers in the state of Washington.

~~(21)~~ (20) "Reporting public facility" means any of the following:

(a) A building or structure, or a group of buildings or structures at a single site, owned by a qualifying public agency, that exceed ten thousand square feet of conditioned space;

(b) Buildings, structures, or spaces leased by a qualifying public agency that exceeds ten thousand square feet of conditioned space, where the qualifying public agency purchases energy directly from the investor-owned or consumer-owned utility;

(c) A wastewater treatment facility owned by a qualifying public agency; or

(d) Other facilities selected by the qualifying public agency.

~~(22)~~ (21) "State portfolio manager master account" means a portfolio manager account established to provide a single shared portfolio that includes reports for all the reporting public facilities.

Sec. 306. RCW 19.27A.150 and 2009 c 423 s 3 are each amended to read as follows:

(1) To the extent that funding is appropriated specifically for the purposes of this section, the department of commerce shall develop and implement a strategic plan for enhancing energy efficiency in and reducing greenhouse gas emissions from homes, buildings, districts, and neighborhoods. The strategic plan must be used to help direct the future code increases in RCW 19.27A.020, with targets for new buildings consistent with RCW 19.27A.160. The strategic plan will identify barriers to achieving net zero energy use in homes and buildings and identify how to overcome these barriers in future energy code updates and through complementary policies.

(2) The department of commerce must complete and release the strategic plan to the legislature and the council by December 31, 2010, and update the plan every three years.

(3) The strategic plan must include recommendations to the council on energy code upgrades. At a minimum, the strategic plan must:

(a) Consider development of aspirational codes separate from the state energy code that contain economically and technically feasible optional standards that could achieve higher energy efficiency for those builders that elected to follow the aspirational codes in lieu of or in addition to complying with the standards set forth in the state energy code;

(b) Determine the appropriate methodology to measure achievement of state energy code targets using the United States environmental protection agency's target finder program or equivalent methodology;

(c) Address the need for enhanced code training and enforcement;

(d) Include state strategies to support research, demonstration, and education programs designed to achieve a seventy percent reduction in annual net energy consumption as specified in RCW 19.27A.160 and enhance energy efficiency and on-site renewable energy production in buildings;

(e) Recommend incentives, education, training programs and certifications, particularly state-approved training or certification programs, joint apprenticeship programs, or labor-management partnership programs that train workers for energy-efficiency projects

to ensure proposed programs are designed to increase building professionals' ability to design, construct, and operate buildings that will meet the seventy percent reduction in annual net energy consumption as specified in RCW 19.27A.160;

(f) Address barriers for utilities to serve net zero energy homes and buildings and policies to overcome those barriers;

(g) Address the limits of a prescriptive code in achieving net zero energy use homes and buildings and propose a transition to performance-based codes;

(h) Identify financial mechanisms such as tax incentives, rebates, and innovative financing to motivate energy consumers to take action to increase energy efficiency and their use of on-site renewable energy. Such incentives, rebates, or financing options may consider the role of government programs as well as utility-sponsored programs;

(i) Address the adequacy of education and technical assistance, including school curricula, technical training, and peer-to-peer exchanges for professional and trade audiences;

(j) Develop strategies to develop and install district and neighborhood-wide energy systems that help meet net zero energy use in homes and buildings;

(k) Identify costs and benefits of energy efficiency measures on residential and nonresidential construction; and

(l) Investigate methodologies and standards for the measurement of the amount of embodied energy used in building materials.

(4) The department of commerce and the council shall convene a work group with the affected parties to inform the initial development of the strategic plan.

Sec. 307. RCW 19.27A.180 and 2009 c 423 s 7 are each amended to read as follows:

By December 31, 2009, to the extent that funding is appropriated specifically for the purposes of this section, the department of commerce shall develop and recommend to the legislature a methodology to determine an energy performance score for residential buildings and an implementation strategy to use such information to improve the energy efficiency of the state's existing housing supply. In developing its strategy, the department of commerce shall seek input from providers of residential energy audits, utilities, building contractors, mixed use developers, the residential real estate industry, and real estate listing and form providers.

NEW SECTION. Sec. 308. (1) All powers, duties, and functions of the department of commerce pertaining to administrative and support services for the state building code council are transferred to the department of general administration. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the director or the department of general administration when referring to the functions transferred in this section. Policy and planning assistance functions performed by the department of commerce remain with the department of commerce.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of general administration. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the department of general administration. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of general administration.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of general administration.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of general administration. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of general administration to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of general administration. All existing contracts and obligations shall remain in full force and shall be performed by the department of general administration.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the department of general administration under this section whose positions are within an existing bargaining unit description at the department of general administration shall become a part of the existing bargaining unit at the department of general administration and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

PART IV

DEPARTMENT OF COMMERCE--ENERGY POLICY

Sec. 401. RCW 43.21F.010 and 1975-'76 2nd ex.s. c 108 s 1 are each amended to read as follows:

(1) The legislature finds that the state needs to implement a comprehensive energy planning process that:

(a) Is based on high quality, unbiased analysis;

(b) Engages public agencies and stakeholders in a thoughtful, deliberative process that creates a cohesive plan that earns sustained support of the public and organizations and institutions that will ultimately be responsible for implementation and execution of the plan; and

(c) Establishes policies and practices needed to ensure the effective implementation of the strategy.

(2) The legislature further finds that energy drives the entire modern economy from petroleum for vehicles to electricity to light homes and power businesses. The legislature further finds that the nation and the world have started the transition to a clean energy economy, with significant improvements in energy efficiency and investments in new clean and renewable energy resources and technologies. The legislature further finds this transition may increase or decrease energy costs and efforts should be made to mitigate cost increases.

(3) The legislature finds and declares that it is the continuing purpose of state government, consistent with other essential considerations of state policy, to foster wise and efficient energy use and to promote energy self-sufficiency through the use of indigenous and renewable energy sources, consistent with the promotion of

reliable energy sources, the general welfare, and the protection of environmental quality.

(4) The legislature further declares that a successful state energy strategy must balance three goals to:

(a) Maintain competitive energy prices that are fair and reasonable for consumers and businesses and support our state's continued economic success;

(b) Increase competitiveness by fostering a clean energy economy and jobs through business and workforce development; and

(c) Meet the state's obligations to reduce greenhouse gas emissions.

Sec. 402. RCW 43.21F.025 and 2009 c 565 s 27 are each reenacted and amended to read as follows:

(1) "Assistant director" means the assistant director of the department of commerce responsible for energy policy activities;

(2) "Department" means the department of commerce;

(3) "Director" means the director of the department of commerce;

(4) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state;

(5) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; hydropower; organic waste products; wind; tidal activity; any other substance or process used to produce heat, light, or motion; or the savings from nongeneration technologies, including conservation or improved efficiency in the usage of any of the sources described in this subsection;

(6) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized; and

(7) "State energy strategy" means the document ~~((and energy policy direction)) developed ((under section 1, chapter 201, Laws of 1991 including any related appendices)) and updated by the department as allowed in RCW 43.21F.090.~~

NEW SECTION. Sec. 403. A new section is added to chapter 43.21F RCW to read as follows:

(1) The state shall use the following principles to guide development and implementation of the state's energy strategy and to meet the goals of RCW 43.21F.010:

(a) Pursue all cost-effective energy efficiency and conservation as the state's preferred energy resource, consistent with state law;

(b) Ensure that the state's energy system meets the health, welfare, and economic needs of its citizens with particular emphasis on meeting the needs of low-income and vulnerable populations;

(c) Maintain and enhance economic competitiveness by ensuring an affordable and reliable supply of energy resources and by supporting clean energy technology innovation, access to clean energy markets worldwide, and clean energy business and workforce development;

(d) Reduce dependence on fossil fuel energy sources through improved efficiency and development of cleaner energy sources, such as bioenergy, low-carbon energy sources, and natural gas, and leveraging the indigenous resources of the state for the production of clean energy;

(e) Improve efficiency of transportation energy use through advances in vehicle technology, increased system efficiencies, development of electricity, biofuels, and other clean fuels, and regional transportation planning to improve transportation choices;

(f) Meet the state's statutory greenhouse gas limits and environmental requirements as the state develops and uses energy resources;

(g) Build on the advantage provided by the state's clean regional electrical grid by expanding and integrating additional carbon-free and carbon-neutral generation, and improving the transmission capacity serving the state;

(h) Make state government a model for energy efficiency, use of clean and renewable energy, and greenhouse gas-neutral operations; and

(i) Maintain and enhance our state's existing energy infrastructure.

(2) The department shall:

(a) During energy shortage emergencies, give priority in the allocation of energy resources to maintaining the public health, safety, and welfare of the state's citizens and industry in order to minimize adverse impacts on their physical, social, and economic well-being;

(b) Develop and disseminate impartial and objective energy information and analysis, while taking full advantage of the capabilities of the state's institutions of higher education, national laboratory, and other organizations with relevant expertise and analytical capabilities;

(c) Actively seek to maximize federal and other nonstate funding and support to the state for energy efficiency, renewable energy, emerging energy technologies, and other activities of benefit to the state's overall energy future; and

(d) Monitor the actions of all agencies of the state for consistent implementation of the state's energy policy including applicable statutory policies and goals relating to energy supply and use.

Sec. 404. RCW 43.21F.090 and 1996 c 186 s 106 are each amended to read as follows:

(1) By December 1, 2010, the department ((shall review the state energy strategy as developed under section 1, chapter 201, Laws of 1991, periodically with the guidance of an advisory committee. For each review, an advisory committee shall be established with a membership resembling as closely as possible the original energy strategy advisory committee specified under section 1, chapter 201, Laws of 1991. Upon completion of a public hearing regarding the advisory committee's advice and recommendations for revisions to the energy strategy, a written report shall be conveyed by the department to the governor and the appropriate legislative committees. Any advisory committee established under this section shall be dissolved within three months after their written report is conveyed.)) of commerce shall update and revise the state energy strategy and implementation report with the guidance of an advisory committee formed under subsection (4) of this section. By December 1, 2011, and at least every five years thereafter, the department shall produce a fully updated state energy strategy and implementation report with the guidance of an advisory committee formed under subsection (4) of this section.

(2)(a) The strategy shall, to the maximum extent feasible, examine the state's entire energy system.

(b) In producing and updating the energy strategy, the department and advisory committee shall review related processes and documents relevant to a state energy strategy including, but not limited to, prior state energy strategies, the work of the clean energy leadership council, the climate advisory and action teams, the evergreen jobs committee, and reports of the state transportation planning commission, the economic development commission, and the Northwest power and conservation council.

(c) The strategy must build upon and be consistent with all relevant and applicable statutorily authorized energy, environmental, and other policies, goals, and programs.

(d) The strategy must identify administrative actions, regulatory coordination, and legislative recommendations that need to be undertaken to ensure that the energy strategy is implemented and

operationally supported by all state agencies and regulatory bodies responsible for implementation of energy policy in the state.

(3) In order to facilitate high quality decision making, the director of the department shall engage a group of scientific, engineering, economic, and other experts in energy analysis.

(a) This group shall be comprised of representatives from the following institutions:

- (i) Research institutions of higher education;
- (ii) The Pacific Northwest national laboratory;
- (iii) The Northwest power planning and conservation council;

and
(iv) Other private, public, and nonprofit organizations that have a recognized expertise in engineering or economic analysis.

(b) This group will:

(i) Identify near and long-term analytical needs and capabilities necessary to develop a state energy strategy;

(ii) Provide unbiased information about the state and region's energy portfolio, future energy needs, scenarios for growth, and improved productivity.

(c) The department and advisory committee shall use this information in updating the state energy strategy.

(4)(a) In order to update the state strategy, the department shall form an advisory committee.

(b) The director shall appoint the advisory committee with a membership reflecting a balance of the interests in:

- (i) Energy generation, distribution, and consumption;
- (ii) Economic development; and
- (iii) Environmental protection, including:
 - (A) Residential, commercial, industrial, and agricultural users;
 - (B) Electric and natural gas utilities or organizations, both consumer-owned and investor-owned;
 - (C) Liquid fuel and natural gas industries;
 - (D) Local governments;
 - (E) Civic and environmental organizations;
 - (F) Clean energy companies;
 - (G) Energy research and development organizations, economic development organizations, and key public agencies; and
 - (H) Other interested stakeholders.

(c) Any advisory committee established under this section must be dissolved within three months after the written report is conveyed.

(d) The department and advisory committee shall work with stakeholders and other state agencies to develop the strategy.

(5) Upon completion of a public hearing regarding the advisory committee's advice and recommendations for revisions to the energy strategy, the department shall present a written report to the governor and legislature which may include specific actions that will be needed to implement the strategy. The legislature shall, by concurrent resolution, approve or recommend changes to the strategy and updates.

(6) The department may periodically review and update the state energy strategy as necessary. The department shall engage an advisory committee as required in this section when updating the strategy and present any updates to the legislature for its approval.

(7) To assist in updates of the state energy strategy, the department shall actively seek both in-kind and financial support for this process from other nonstate sources. In order to avoid competition among Washington state agencies, the department shall coordinate the search for such external support. The department shall develop a work plan for updating the energy strategy that reflects the levels of activities and deliverables commensurate with the level of funding and in-kind support available from state and nonstate sources.

NEW SECTION. Sec. 405. RCW 43.21F.015 (State policy) and 1994 c 207 s 3 & 1981 c 295 s 1 are each repealed.

PART V

CRIMINAL JUSTICE TRAINING COMMISSION-- DRUG

PROSECUTION ASSISTANCE PROGRAM

Sec. 501. RCW 36.27.100 and 1995 c 399 s 41 are each amended to read as follows:

The legislature recognizes that, due to the magnitude or volume of offenses in a given area of the state, there is a recurring need for supplemental assistance in the prosecuting of drug and drug-related offenses that can be directed to the area of the state with the greatest need for short-term assistance. A statewide drug prosecution assistance program is created within the (~~department of community, trade, and economic development~~) criminal justice training commission to assist county prosecuting attorneys in the prosecution of drug and drug-related offenses.

NEW SECTION. Sec. 502. (1) All powers, duties, and functions of the department of commerce pertaining to the drug prosecution assistance program are transferred to the criminal justice training commission. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the director or the criminal justice training commission when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the criminal justice training commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the criminal justice training commission. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the criminal justice training commission.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the criminal justice training commission.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the criminal justice training commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the criminal justice training commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the criminal justice training commission. All existing contracts and obligations shall remain in full force and shall be performed by the criminal justice training commission.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the criminal justice training commission under this

section whose positions are within an existing bargaining unit description at the criminal justice training commission shall become a part of the existing bargaining unit at the criminal justice training commission and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

PART VI

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION--ENERGY

Sec. 601. RCW 80.50.030 and 2001 c 214 s 4 are each amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2)(a) The chair of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chair may designate a member of the council to serve as acting chair in the event of the chair's absence. The salary of the chair shall be determined under RCW 43.03.040. The chair is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.250.

(b) The chair or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington (~~state department of community, trade, and economic development~~) utilities and transportation commission shall provide all administrative and staff support for the council. The (~~director of the department of community, trade, and economic development~~) commission has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW. The council shall otherwise retain its independence in exercising its powers, functions, and duties and its supervisory control over nonadministrative staff support. Membership, powers, functions, and duties of the Washington state utilities and transportation commission and the council shall otherwise remain as provided by law.

(3)(a) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

- (i) Department of ecology;
- (ii) Department of fish and wildlife;
- (iii) Department of ((community, trade, and economic development)) commerce;
- (iv) Utilities and transportation commission; and
- (v) Department of natural resources.

(b) The directors, administrators, or their designees, of the following departments, agencies, and commissions, or their statutory successors, may participate as councilmembers at their own discretion provided they elect to participate no later than sixty days after an application is filed:

- (i) Department of agriculture;
- (ii) Department of health;
- (iii) Military department; and
- (iv) Department of transportation.

(c) Council membership is discretionary for agencies that choose to participate under (b) of this subsection only for applications that are filed with the council on or after May 8, 2001. For applications filed before May 8, 2001, council membership is mandatory for those agencies listed in (b) of this subsection.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times

as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

NEW SECTION. Sec. 602. (1) All administrative powers, duties, and functions of the department of commerce pertaining to the energy facility site evaluation council are transferred to the Washington utilities and transportation commission. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the Washington utilities and transportation commission when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the Washington utilities and transportation commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the Washington utilities and transportation commission. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the Washington utilities and transportation commission.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the Washington utilities and transportation commission.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Washington utilities and transportation commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington utilities and transportation commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the Washington utilities and transportation commission. All existing contracts and obligations shall remain in full force and shall be performed by the Washington utilities and transportation commission.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the Washington utilities and transportation commission under this section whose positions are within an existing bargaining unit description at the Washington utilities and transportation commission shall become a part of the existing bargaining unit at the Washington utilities and transportation commission and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

PART VII

MUNICIPAL RESEARCH COUNCIL

Sec. 701. RCW 43.110.030 and 2000 c 227 s 3 are each amended to read as follows:

(1) The ~~((municipal research council))~~ department of commerce shall contract for the provision of municipal research and services to cities, towns, and counties. Contracts for municipal research and services shall be made with state agencies, educational institutions, or private consulting firms, that in the judgment of ~~((council members))~~ the department are qualified to provide such research and services.

Contracts for staff support may be made with state agencies, educational institutions, or private consulting firms that in the judgment of the ~~((council members))~~ department are qualified to provide such support.

(2) Municipal research and services shall consist of:

~~((1))~~ (a) Studying and researching city, town, and county government and issues relating to city, town, and county government;

~~((2))~~ (b) Acquiring, preparing, and distributing publications related to city, town, and county government and issues relating to city, town, and county government;

~~((3))~~ (c) Providing educational conferences relating to city, town, and county government and issues relating to city, town, and county government; and

~~((4))~~ (d) Furnishing legal, technical, consultative, and field services to cities, towns, and counties concerning planning, public health, utility services, fire protection, law enforcement, public works, and other issues relating to city, town, and county government.

(3) Requests for legal services by county officials shall be sent to the office of the county prosecuting attorney. Responses by the ~~((municipal research council))~~ department of commerce to county requests for legal services shall be provided to the requesting official and the county prosecuting attorney.

(4) The ~~((activities, programs, and services of the municipal research council shall be carried on in cooperation))~~ department of commerce shall coordinate with the association of Washington cities and the Washington state association of counties in carrying out the activities in this section. Services to cities and towns shall be based upon the moneys appropriated to the ~~((municipal research council))~~ department from the city and town research services account under RCW 43.110.060. Services to counties shall be based upon the moneys appropriated to the ~~((municipal research council))~~ department from the county research services account under RCW 43.110.050.

Sec. 702. RCW 43.110.060 and 2002 c 38 s 4 are each amended to read as follows:

The city and town research services account is created in the state treasury. Moneys in the account shall consist of amounts transferred under RCW 66.08.190(2) and any other transfers or appropriations to the account. Moneys in the account may be spent only after an

appropriation. Expenditures from the account may be used only for city and town research.

All unobligated moneys remaining in the account at the end of the fiscal biennium shall be distributed by the treasurer to the incorporated cities and towns of the state in the same manner as the distribution under RCW 66.08.190(1)(b)(iii).

((The treasurer may disburse amounts appropriated to the municipal research council from the city and town research services account by warrant or check to the contracting parties on invoices or vouchers certified by the chair of the municipal research council or his or her designee.)) Payments to public agencies may be made in advance of actual work contracted for, at the discretion of the ~~((council))~~ department of commerce.

Sec. 703. RCW 43.110.080 and 2006 c 328 s 1 are each amended to read as follows:

(1) The ~~((municipal research council))~~ department of commerce shall contract for the provision of research and services to special purpose districts. A contract shall be made with a state agency, educational institution, or private consulting firm, that in the judgment of ~~((council members))~~ the department is qualified to provide such research and services.

(2) Research and services to special purpose districts shall consist of:

(a) Studying and researching issues relating to special purpose district government;

(b) Acquiring, preparing, and distributing publications related to special purpose districts; and

(c) Furnishing legal, technical, consultative, and field services to special purpose districts concerning issues relating to special purpose district government.

(3) The ~~((activities, programs, and services of the municipal research council to special purpose districts shall be carried on in cooperation))~~ department of commerce shall coordinate with the associations representing the various special purpose districts with respect to carrying out the activities in this section. Services to special purpose districts shall be based upon the moneys appropriated to the ~~((municipal research council))~~ department of commerce from the special purpose district research services account under RCW 43.110.090.

Sec. 704. RCW 43.15.020 and 2009 c 560 s 27 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

(a) Capitol furnishings preservation committee, RCW 27.48.040;

(b) Washington higher education facilities authority, RCW 28B.07.030;

(c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;

(d) State finance committee, RCW 43.33.010;

(e) State capitol committee, RCW 43.34.010;

(f) Washington health care facilities authority, RCW 70.37.030;

(g) State medal of merit nominating committee, RCW 1.40.020;

(h) Medal of valor committee, RCW 1.60.020; and

(i) Association of Washington generals, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

(a) Civil legal aid oversight committee, RCW 2.53.010;

(b) Office of public defense advisory committee, RCW 2.70.030;

(c) Washington state gambling commission, RCW 9.46.040;

(d) Sentencing guidelines commission, RCW 9.94A.860;

(e) State building code council, RCW 19.27.070;

(f) Women's history consortium board of advisors, RCW 27.34.365;

(g) Financial (~~literacy~~) education public-private partnership, RCW 28A.300.450;

(h) Joint administrative rules review committee, RCW 34.05.610;

(i) Capital projects advisory review board, RCW 39.10.220;

(j) Select committee on pension policy, RCW 41.04.276;

(k) Legislative ethics board, RCW 42.52.310;

(l) Washington citizens' commission on salaries, RCW 43.03.305;

(m) Legislative oral history committee, RCW 44.04.325;

(n) State council on aging, RCW 43.20A.685;

(o) State investment board, RCW 43.33A.020;

(p) Capitol campus design advisory committee, RCW 43.34.080;

(q) Washington state arts commission, RCW 43.46.015;

(r) Information services board, RCW 43.105.032;

(s) K-20 educational network board, RCW 43.105.800;

(t) ~~((Municipal research council, RCW 43.110.010;~~

~~—((u))~~ Council for children and families, RCW 43.121.020;

~~((v))~~ (u) PNWER-Net working subgroup under chapter 43.147 RCW;

~~((w))~~ (v) Community economic revitalization board, RCW 43.160.030;

~~((x))~~ (w) Washington economic development finance authority, RCW 43.163.020;

~~((y))~~ (x) Life sciences discovery fund authority, RCW 43.350.020;

~~((z))~~ (y) Legislative children's oversight committee, RCW 44.04.220;

~~((aa))~~ (z) Joint legislative audit and review committee, RCW 44.28.010;

~~((ab))~~ (aa) Joint committee on energy supply and energy conservation, RCW 44.39.015;

~~((ac))~~ (ab) Legislative evaluation and accountability program committee, RCW 44.48.010;

~~((ad))~~ (ac) Agency council on coordinated transportation, RCW 47.06B.020;

~~((ae))~~ (ad) Manufactured housing task force, RCW 59.22.090;

~~((af))~~ (ae) Washington horse racing commission, RCW 67.16.014;

~~((ag))~~ (af) Correctional industries board of directors, RCW 72.09.080;

~~((ah))~~ (ag) Joint committee on veterans' and military affairs, RCW 73.04.150;

~~((ai))~~ (ah) Joint legislative committee on water supply during drought, RCW 90.86.020;

~~((aj))~~ (ai) Statute law committee, RCW 1.08.001; and

~~((ak))~~ (aj) Joint legislative oversight committee on trade policy, RCW 44.55.020.

Sec. 705. RCW 35.21.185 and 1995 c 21 s 1 are each amended to read as follows:

(1) It is the purpose of this section to provide a means whereby all cities and towns may obtain, through a single source, information regarding ordinances of other cities and towns that may be of assistance to them in enacting appropriate local legislation.

(2) For the purposes of this section, (a) "clerk" means the city or town clerk or other person who is lawfully designated to perform the recordkeeping function of that office, and (b) "~~((municipal research council))~~ department" means the ~~((municipal research council created by chapter 43.110 RCW))~~ department of commerce.

(3) The clerk of every city and town is directed to provide to the ~~((municipal research council))~~ department or its designee, promptly after adoption, a copy of each of its regulatory ordinances and such other ordinances or kinds of ordinances as may be described in a list or lists promulgated by the ~~((municipal research council))~~ department or its designee from time to time, and may provide such copies without charge. The ~~((municipal research council))~~ department may provide that information to the entity with which it contracts for the

provision of municipal research and services, in order to provide a pool of information for all cities and towns in the state of Washington.

(4) This section is intended to be directory and not mandatory.

Sec. 706. RCW 35.102.040 and 2006 c 301 s 7 are each amended to read as follows:

(1)(a) The cities, working through the association of Washington cities, shall form a model ordinance development committee made up of a representative sampling of cities that as of July 27, 2003, impose a business and occupation tax. This committee shall work through the association of Washington cities to adopt a model ordinance on municipal gross receipts business and occupation tax. The model ordinance and subsequent amendments shall be adopted using a process that includes opportunity for substantial input from business stakeholders and other members of the public. Input shall be solicited from statewide business associations and from local chambers of commerce and downtown business associations in cities that levy a business and occupation tax.

(b) The ~~((municipal research council))~~ department of commerce shall contract to post the model ordinance on an internet web site and to make paper copies available for inspection upon request. The department of revenue and the department of licensing shall post copies of or links to the model ordinance on their internet web sites. Additionally, a city that imposes a business and occupation tax must make copies of its ordinance available for inspection and copying as provided in chapter 42.56 RCW.

(c) The definitions and tax classifications in the model ordinance may not be amended more frequently than once every four years, however the model ordinance may be amended at any time to comply with changes in state law. Any amendment to a mandatory provision of the model ordinance must be adopted with the same effective date by all cities.

(2) A city that imposes a business and occupation tax must adopt the mandatory provisions of the model ordinance. The following provisions are mandatory:

(a) A system of credits that meets the requirements of RCW 35.102.060 and a form for such use;

(b) A uniform, minimum small business tax threshold of at least the equivalent of twenty thousand dollars in gross income annually. A city may elect to deviate from this requirement by creating a higher threshold or exemption but it shall not deviate lower than the level required in this subsection. If a city has a small business threshold or exemption in excess of that provided in this subsection as of January 1, 2003, and chooses to deviate below the threshold or exemption level that was in place as of January 1, 2003, the city must notify all businesses licensed to do business within the city at least one hundred twenty days prior to the potential implementation of a lower threshold or exemption amount;

(c) Tax reporting frequencies that meet the requirements of RCW 35.102.070;

(d) Penalty and interest provisions that meet the requirements of RCW 35.102.080 and 35.102.090;

(e) Claim periods that meet the requirements of RCW 35.102.100;

(f) Refund provisions that meet the requirements of RCW 35.102.110; and

(g) Definitions, which at a minimum, must include the definitions enumerated in RCW 35.102.030 and 35.102.120. The definitions in chapter 82.04 RCW shall be used as the baseline for all definitions in the model ordinance, and any deviation in the model ordinance from these definitions must be described by a comment in the model ordinance.

(3) Except for the deduction required by RCW 35.102.160 and the system of credits developed to address multiple taxation under subsection (2)(a) of this section, a city may adopt its own provisions for tax exemptions, tax credits, and tax deductions.

(4) Any city that adopts an ordinance that deviates from the nonmandatory provisions of the model ordinance shall make a description of such differences available to the public, in written and electronic form.

Sec. 707. RCW 36.70B.220 and 2005 c 274 s 272 are each amended to read as follows:

(1) Each county and city having populations of ten thousand or more that plan under RCW 36.70A.040 shall designate permit assistance staff whose function it is to assist permit applicants. An existing employee may be designated as the permit assistance staff.

(2) Permit assistance staff designated under this section shall:

(a) Make available to permit applicants all current local government regulations and adopted policies that apply to the subject application. The local government shall provide counter copies thereof and, upon request, provide copies according to chapter 42.56 RCW. The staff shall also publish and keep current one or more handouts containing lists and explanations of all local government regulations and adopted policies;

(b) Establish and make known to the public the means of obtaining the handouts and related information; and

(c) Provide assistance regarding the application of the local government's regulations in particular cases.

(3) Permit assistance staff designated under this section may obtain technical assistance and support in the compilation and production of the handouts under subsection (2) of this section from the ~~((municipal research council and the department of community, trade, and economic development))~~ department of commerce.

NEW SECTION. Sec. 708. The following acts or parts of acts are each repealed:

(1) RCW 43.110.010 (Council created--Membership--Terms--Travel expenses) and 2001 c 290 s 1, 1997 c 437 s 1, 1990 c 104 s 1, 1983 c 22 s 1, 1975-76 2nd ex.s. c 34 s 129, 1975 1st ex.s. c 218 s 1, & 1969 c 108 s 2;

(2) RCW 43.110.040 (Local government regulation and policy handouts--Technical assistance) and 1996 c 206 s 10; and

(3) RCW 43.110.070 (Hazardous liquid and gas pipeline--Model ordinance and franchise agreement) and 2000 c 191 s 8.

NEW SECTION. Sec. 709. (1) The municipal research council is hereby abolished and its powers, duties, and functions are hereby transferred to the department of commerce. All references to the municipal research council in the Revised Code of Washington shall be construed to mean the department of commerce.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the municipal research council shall be delivered to the custody of the department of commerce. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the municipal research council shall be made available to the department of commerce. All funds, credits, or other assets held by the municipal research council shall be assigned to the department of commerce.

(b) Any appropriations made to the municipal research council shall, on the effective date of this section, be transferred and credited to the department of commerce.

(c) If any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the municipal research council shall be continued and acted upon by the department of commerce. All existing contracts and obligations shall remain in full force and shall be performed by the department of commerce.

(4) The transfer of the powers, duties, and functions of the municipal research council shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

PART VIII

MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 801. RCW 43.63A.150 is decodified.

NEW SECTION. Sec. 802. This act takes effect July 1, 2010."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.330.007, 70.05.125, 43.330.210, 43.330.240, 19.27.070, 19.27.097, 19.27.150, 19.27A.020, 19.27A.140, 19.27A.150, 19.27A.180, 43.21F.010, 43.21F.090, 36.27.100, 80.50.030, 43.110.030, 43.110.060, 43.110.080, 43.15.020, 35.21.185, 35.102.040, and 36.70B.220; reenacting and amending RCW 43.21F.025; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.21F RCW; creating new sections; recodifying RCW 43.330.195, 43.330.200, 43.330.205, 43.330.210, 43.330.220, 43.330.225, 43.330.230, and 43.330.240; decodifying RCW 43.63A.150; repealing RCW 43.330.005, 43.21F.015, 43.110.010, 43.110.040, and 43.110.070; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2658 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 9, 2010

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 3124 and under suspension of the rules returned SUBSTITUTE HOUSE BILL NO. 3124 to second reading for purpose of amendment. The Senate further adopted amendment 3124-S AMS STEV S5441.1 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 46.61 RCW to read as follows:

A law enforcement officer shall promptly notify child protective services whenever a child is present in a vehicle being driven by his or her parent, guardian, or legal custodian and that person is being arrested for a drug or alcohol-related driving offense. This section does not require law enforcement to take custody of the child unless there is no other responsible person, or an agency having the right to physical custody of the child that can be contacted, or the officer has reasonable grounds to believe the child should be taken into custody pursuant to RCW 13.34.050 or 26.44.050. For purposes of this section, "child" means any person under thirteen years of age.

NEW SECTION. Sec. 2. A new section is added to chapter 26.44 RCW to read as follows:

A law enforcement officer shall promptly notify child protective services whenever a child is present in a vehicle being

driven by his or her parent, guardian, or legal custodian and that person is being arrested for a drug or alcohol-related driving offense. This section does not require law enforcement to take custody of the child unless there is no other responsible person, or an agency having the right to physical custody of the child that can be contacted, or the officer has reasonable grounds to believe the child should be taken into custody pursuant to RCW 13.34.050 or 26.44.050. For purposes of this section, "child" means any person under thirteen years of age."

On page 1, line 4 of the title, after "drugs;" strike the remainder of the title and insert "adding a new section to chapter 46.61 RCW; and adding a new section to chapter 26.44 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 3124 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 8, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5798 and asks the House for a Conference thereon.

Brad Hendrickson, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SUBSTITUTE SENATE BILL NO. 5798 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5798, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kohl-Welles, McCaslin, Keiser, Pflug and Kline)

Concerning medical marijuana.

Representative Cody moved the adoption of amendment (1580).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 69.51A.005 and 2007 c 371 s 2 are each amended to read as follows:

The people of Washington state find that some patients with terminal or debilitating illnesses, under their ~~((physician's))~~ health care professional's care, may benefit from the medical use of marijuana. Some of the illnesses for which marijuana appears to be beneficial include chemotherapy-related nausea and vomiting in cancer patients; AIDS wasting syndrome; severe muscle spasms associated with multiple sclerosis and other spasticity disorders;

epilepsy; acute or chronic glaucoma; and some forms of intractable pain.

The people find that humanitarian compassion necessitates that the decision to authorize the medical use of marijuana by patients with terminal or debilitating illnesses is a personal, individual decision, based upon their ~~((physician's))~~ health care professional's professional medical judgment and discretion.

Therefore, the people of the state of Washington intend that:

Qualifying patients with terminal or debilitating illnesses who, in the judgment of their ~~((physicians))~~ health care professionals, may benefit from the medical use of marijuana, shall not be found guilty of a crime under state law for their possession and limited use of marijuana;

Persons who act as designated providers to such patients shall also not be found guilty of a crime under state law for assisting with the medical use of marijuana; and

~~((Physicians))~~ Health care professionals also be excepted from liability and prosecution for the authorization of marijuana use to qualifying patients for whom, in the ~~((physician's))~~ health care professional's professional judgment, medical marijuana may prove beneficial.

Sec. 2. RCW 69.51A.010 and 2007 c 371 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Designated provider" means a person who:

(a) Is eighteen years of age or older;

(b) Has been designated in writing by a patient to serve as a designated provider under this chapter;

(c) Is prohibited from consuming marijuana obtained for the personal, medical use of the patient for whom the individual is acting as designated provider; and

(d) Is the designated provider to only one patient at any one time.

(2) "Health care professional," for purposes of this chapter only, means a physician licensed under chapter 18.71 RCW, a physician assistant licensed under chapter 18.71A RCW, an osteopathic physician licensed under chapter 18.57 RCW, an osteopathic physicians' assistant licensed under chapter 18.57A RCW, a naturopath licensed under chapter 18.36A RCW, or an advanced registered nurse practitioner licensed under chapter 18.79 RCW.

(3) "Medical use of marijuana" means the production, possession, or administration of marijuana, as defined in RCW 69.50.101(q), for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating illness.

~~((3))~~ (4) "Qualifying patient" means a person who:

(a) Is a patient of a ~~((physician licensed under chapter 18.71 or 18.57 RCW))~~ health care professional;

(b) Has been diagnosed by that ~~((physician))~~ health care professional as having a terminal or debilitating medical condition;

(c) Is a resident of the state of Washington at the time of such diagnosis;

(d) Has been advised by that ~~((physician))~~ health care professional about the risks and benefits of the medical use of marijuana; and

(e) Has been advised by that ~~((physician))~~ health care professional that they may benefit from the medical use of marijuana.

~~((4))~~ (5) "Tamper-resistant paper" means paper that meets one or more of the following industry-recognized features:

(a) One or more features designed to prevent copying of the paper;

(b) One or more features designed to prevent the erasure or modification of information on the paper; or

(c) One or more features designed to prevent the use of counterfeit valid documentation.

(6) "Terminal or debilitating medical condition" means:

(a) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or

(b) Intractable pain, limited for the purpose of this chapter to mean pain unrelieved by standard medical treatments and medications; or

(c) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or

(d) Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or

(e) Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or

(f) Diseases, including anorexia, which result in nausea, vomiting, wasting, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or

(g) Any other medical condition duly approved by the Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.

~~((5))~~ (7) "Valid documentation" means:

(a) A statement signed and dated by a qualifying patient's ~~((physician, or a copy of the qualifying patient's pertinent medical records))~~ health care professional written on tamper-resistant paper, which states that, in the ~~((physician's))~~ health care professional's professional opinion, the patient may benefit from the medical use of marijuana; and

(b) Proof of identity such as a Washington state driver's license or identicaid, as defined in RCW 46.20.035(~~and~~

(c) A copy of the physician statement described in (a) of this subsection shall have the same force and effect as the signed original)).

Sec. 3. RCW 69.51A.030 and 2007 c 371 s 4 are each amended to read as follows:

A ~~((physician licensed under chapter 18.71 or 18.57 RCW))~~ health care professional shall be excepted from the state's criminal laws and shall not be penalized in any manner, or denied any right or privilege, for:

(1) Advising a qualifying patient about the risks and benefits of medical use of marijuana or that the qualifying patient may benefit from the medical use of marijuana where such use is within a professional standard of care or in the individual ~~((physician's))~~ health care professional's medical judgment; or

(2) Providing a qualifying patient with valid documentation, based upon the ~~((physician's))~~ health care professional's assessment of the qualifying patient's medical history and current medical condition, that the medical use of marijuana may benefit a particular qualifying patient.

Sec. 4. RCW 69.51A.060 and 2007 c 371 s 6 are each amended to read as follows:

(1) It shall be a misdemeanor to use or display medical marijuana in a manner or place which is open to the view of the general public.

(2) Nothing in this chapter requires any health insurance provider to be liable for any claim for reimbursement for the medical use of marijuana.

(3) Nothing in this chapter requires any ~~((physician))~~ health care professional to authorize the use of medical marijuana for a patient.

(4) Nothing in this chapter requires any accommodation of any on-site medical use of marijuana in any place of employment, in any school bus or on any school grounds, in any youth center, in any correctional facility, or smoking medical marijuana in any public place as that term is defined in RCW 70.160.020.

(5) It is a class C felony to fraudulently produce any record purporting to be, or tamper with the content of any record for the purpose of having it accepted as, valid documentation under RCW 69.51A.010(~~((6)(a))~~) (7)(a).

(6) No person shall be entitled to claim the affirmative defense provided in RCW 69.51A.040 for engaging in the medical use of marijuana in a way that endangers the health or well-being of any person through the use of a motorized vehicle on a street, road, or highway.

NEW SECTION. Sec. 5. The provisions of section 2 of this act, relating to the definition of "valid documentation," apply prospectively only, not retroactively, and do not affect valid documentation obtained prior to the effective date of this section."

Correct the title.

Representatives Cody and Ericksen spoke in favor of the adoption of the amendment.

Amendment (1580) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5798, as amended by the House.

MOTION

On motion of Representative Kristiansen, Representative Condotta was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5798, as amended by the House, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liiias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Condotta.

SUBSTITUTE SENATE BILL NO. 5798, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Substitute Senate Bill No. 5798.

Zachary Hudgins, 11th District

There being no objection, the House advanced to the seventh order of business.

THIRD READING

MESSAGE FROM THE SENATE

March 9, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 6804 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoeman, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SENATE BILL NO. 6804.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENT

Representatives Orwall and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6804, without the House amendment.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6804, without the House amendment, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler and Hinkle.

Excused: Representative Condotta.

SENATE BILL NO. 6804, without the House amendment, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 10, 2010

Mr. Speaker:

The President has signed:

- ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1149
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1317
- SUBSTITUTE HOUSE BILL 1679
- ENGROSSED SUBSTITUTE HOUSE BILL 1714

- SECOND SUBSTITUTE HOUSE BILL 1761
- HOUSE BILL 1880
- ENGROSSED SUBSTITUTE HOUSE BILL 1956
- HOUSE BILL 1966
- SUBSTITUTE HOUSE BILL 2420
- HOUSE BILL 2460
- SECOND SUBSTITUTE HOUSE BILL 2481
- SUBSTITUTE HOUSE BILL 2503
- ENGROSSED SUBSTITUTE HOUSE BILL 2518
- ENGROSSED HOUSE BILL 2519
- SUBSTITUTE HOUSE BILL 2525
- SUBSTITUTE HOUSE BILL 2527
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2539
- HOUSE BILL 2540
- ENGROSSED SUBSTITUTE HOUSE BILL 2541
- SECOND SUBSTITUTE HOUSE BILL 2551
- HOUSE BILL 2621
- SUBSTITUTE HOUSE BILL 2657
- HOUSE BILL 2659
- SUBSTITUTE HOUSE BILL 2686
- HOUSE BILL 2697
- HOUSE BILL 2734
- HOUSE BILL 2735
- SECOND SUBSTITUTE HOUSE BILL 2742
- ENGROSSED SUBSTITUTE HOUSE BILL 2747
- SUBSTITUTE HOUSE BILL 2990
- SUBSTITUTE HOUSE BILL 3036

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 10, 2010

Mr. Speaker:

The President has signed:

- SENATE BILL 6243
- SENATE BILL 6308
- SUBSTITUTE SENATE BILL 6344
- SUBSTITUTE SENATE BILL 6349
- SUBSTITUTE SENATE BILL 6350
- ENGROSSED SUBSTITUTE SENATE BILL 6381
- SENATE BILL 6401
- ENGROSSED SUBSTITUTE SENATE BILL 6403
- ENGROSSED SUBSTITUTE SENATE BILL 6468
- SUBSTITUTE SENATE BILL 6470
- ENGROSSED SUBSTITUTE SENATE BILL 6476
- SENATE BILL 6481
- SUBSTITUTE SENATE BILL 6485
- ENGROSSED SECOND SUBSTITUTE SENATE BILL 6561
- ENGROSSED SUBSTITUTE SENATE BILL 6582
- SENATE BILL 6593
- ENGROSSED SECOND SUBSTITUTE SENATE BILL 6609
- SUBSTITUTE SENATE BILL 6614
- SUBSTITUTE SENATE BILL 6639
- SUBSTITUTE SENATE BILL 6647
- SECOND SUBSTITUTE SENATE BILL 6667
- SECOND SUBSTITUTE SENATE BILL 6679
- SUBSTITUTE SENATE BILL 6688
- SUBSTITUTE SENATE BILL 6692
- SECOND SUBSTITUTE SENATE BILL 6702
- ENGROSSED SUBSTITUTE SENATE BILL 6726
- SENATE BILL 6826
- SUBSTITUTE SENATE BILL 6832

and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

March 8, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6416 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendment to SUBSTITUTE SENATE BILL NO. 6416 and asked the Senate to concur therein.

MESSAGE FROM THE SENATE

March 9, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6611 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendment to SUBSTITUTE SENATE BILL NO. 6611 and asked the Senate to concur therein.

MESSAGE FROM THE SENATE

March 8, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6280 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SUBSTITUTE SENATE BILL NO. 6280 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6280, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Murray, Shin, Kohl-Welles, Marr, Jacobsen and Kline)

Concerning East Asian medicine practitioners.

With the consent of the House, amendment (1581) was withdrawn.

Representative Cody moved the adoption of amendment (1593).

On page 3, line 11, after "to" insert "provide the techniques and services in subsection (1)(k) through (o) of this section or to"

On page 6, beginning on line 36, after "Asian" strike all material through "provider" on page 7, line 3 and insert "medical treatments,

including acupuncture ((~~treatment shall not be continued~~)) , may only be continued after the patient signs a written waiver acknowledging the risks associated with the failure to pursue treatment from a primary health care provider. The waiver must also include: (a) An explanation of an East Asian medicine practitioner's scope of practice, including the services and techniques East Asian medicine practitioners are authorized to provide and (b) a statement that the services and techniques that an East Asian medicine practitioner is authorized to provide will not resolve the patient's underlying potentially serious disorder"

Representatives Cody and Ericksen spoke in favor of the adoption of the amendment.

Amendment (1593) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6280, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6280, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

SUBSTITUTE SENATE BILL NO. 6280, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6355 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SUBSTITUTE

SENATE BILL NO. 6355 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6355, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Becker, Rockefeller and Shin)

Expanding the higher education system upon proven demand.

Representative Wallace moved the adoption of amendment (1589).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the state institutions of higher education are providing a high quality education to the citizens of the state. The legislature further finds that to meet goals of the strategic master plan for higher education the state needs a higher education system that is capable of delivering many more degrees. The legislature also finds that expansion of the system should be based on the proven demands of the citizens and the marketplace, a concept called "expand on demand." The legislature further finds that the higher education coordinating board, in collaboration with the state board for community and technical colleges, the two-year and four-year institutions of higher education, and other stakeholders developed a system design plan that contains seven guiding principles for system expansion, focuses near-term enrollment growth at university branch campuses, comprehensive universities, and university centers where existing capacity is available without new state capital investment, establishes a process for evaluating major new capital expansion, and creates a fund for innovation to foster change and innovation in higher education delivery. The legislature finds that the strategies in the plan support the concept of expand on demand and would increase degree production by first reinvesting in higher education to use existing capacity while also providing long-term strategies to guide decisions on when and where to build new campuses, significantly expand existing sites, and change missions of existing institutions.

The legislature endorses the system design plan, approved by the higher education coordinating board in November 2009, and adopts the recommendations and strategies in the plan.

Sec. 2. RCW 28B.50.020 and 2009 c 64 s 2 are each amended to read as follows:

The purpose of this chapter is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational education and training, or for adult basic skills and literacy education, by creating a new, independent system of community and technical colleges which will:

(1) Offer an open door to every citizen, regardless of his or her academic background or experience, at a cost normally within his or her economic means;

(2) Ensure that each college district shall offer thoroughly comprehensive educational, training, and service programs to meet the needs of both the communities and students served by combining high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; community services of an educational, cultural, and

recreational nature; and adult education, including basic skills and general, family, and workforce literacy programs and services;

(3) Provide for basic skills and literacy education, and occupational education and technical training at technical colleges in order to prepare students for careers in a competitive workforce;

(4) Provide or coordinate related and supplemental instruction for apprentices at community and technical colleges;

(5) Provide administration by state and local boards which will avoid unnecessary duplication of facilities or programs; and which will encourage efficiency in operation and creativity and imagination in education, training, and service to meet the needs of the community and students;

(6) Allow for the growth, improvement, flexibility and modification of the community colleges and their education, training, and service programs as future needs occur; and

(7) Establish firmly that ~~((except on a pilot basis))~~ as provided under RCW 28B.50.810, community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of higher learning ~~((, and never to be considered for conversion into four year liberal arts colleges)).~~

Sec. 3. RCW 28B.50.810 and 2008 c 166 s 2 are each amended to read as follows:

(1) ~~((By April 2006,))~~ The college board ~~((shall))~~ may select ~~((four))~~ community or technical colleges to develop and offer programs of study leading to ~~((an))~~ applied baccalaureate degrees. ~~((At least one of the four pilot programs chosen must lead to a baccalaureate of applied science degree which builds on an associate of applied science degree. The college board shall convene a task force that includes representatives of both the community and technical colleges to develop objective selection criteria.~~

(2) By February 2008, the college board shall select up to three colleges to develop and offer programs of study leading to an applied baccalaureate degree. At least one of the colleges selected must be a technical college. The college board shall use the objective selection criteria developed under subsections (1) and (3) of this section to make the selection.

~~((3))~~ Colleges may submit ~~((an))~~ applications to ~~((become a pilot college under this section))~~ the college board. The college board and the higher education coordinating board shall review the applications and select the ~~((pilot))~~ colleges using objective criteria, including, but not limited to:

(a) The college demonstrates the capacity to make a long-term commitment of resources to build and sustain a high quality program;

(b) The college has or can readily engage faculty appropriately qualified to develop and deliver a high quality curriculum at the baccalaureate level;

(c) The college can demonstrate demand for the proposed program from a sufficient number of students within its service area to make the program cost-effective and feasible to operate;

(d) The college can demonstrate that employers demand the level of technical training proposed within the program, making it cost-effective for students to seek the degree; and

(e) The proposed program fills a gap in options available for students because it is not offered by a public four-year institution of higher education in the college's geographic area.

~~((4))~~ (2) A college selected ~~((as a pilot college))~~ under this section may develop the curriculum for and design and deliver courses leading to an applied baccalaureate degree. However, degree programs developed under this section are subject to approval by the college board under RCW 28B.50.090 and by the higher education coordinating board under RCW 28B.76.230 before a ~~((pilot))~~ college may enroll students in upper division courses. ~~((A pilot college approved under subsection (1) of this section may not enroll students in upper division courses before the fall academic quarter of 2006. A~~

~~pilot college approved under subsection (2) of this section may not enroll students in upper division courses before the fall academic quarter of 2009.)~~

Sec. 4. RCW 28B.76.020 and 1985 c 370 s 2 are each amended to read as follows:

~~(For the purposes of this chapter.)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the higher education coordinating board~~((and))~~.

(2) "Four-year institutions" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College.

(3) "Major expansion" means expansion of the higher education system that requires significant new capital investment, including building new institutions, campuses, branches, or centers or conversion of existing campuses, branches, or centers that would result in a mission change.

(4) "Mission change" means a change in the level of degree awarded or institutional type not currently authorized in statute.

Sec. 5. RCW 28B.76.230 and 2005 c 258 s 11 are each amended to read as follows:

(1) The board shall develop a comprehensive and ongoing assessment process to analyze the need for additional degrees and programs, additional off-campus centers and locations for degree programs, and consolidation or elimination of programs by the four-year institutions. Board recommendations regarding proposed major expansion shall be limited to determinations of whether the major expansion is within the scope indicated in the most recent strategic master plan for higher education or most recent system design plan. Recommendations regarding existing capital prioritization processes are not within the scope of the evaluation of major expansion. Major expansion and proposed mission changes may be proposed by the board, any public institution of higher education, or by a state or local government.

(2) As part of the needs assessment process, the board shall examine:

(a) Projections of student, employer, and community demand for education and degrees, including liberal arts degrees, on a regional and statewide basis;

(b) Current and projected degree programs and enrollment at public and private institutions of higher education, by location and mode of service delivery; ~~((and))~~

(c) Data from the workforce training and education coordinating board and the state board for community and technical colleges on the supply and demand for workforce education and certificates and associate degrees; and

(d) Recommendations from the technology transformation task force created in chapter 407, Laws of 2009, and institutions of higher education relative to the strategic and operational use of technology in higher education. These and other reports, reviews, and audits shall allow for: The development of enterprise-wide digital information technology across educational sectors, systems, and delivery methods; the integration and streamlining of administrative tools including but not limited to student information management, financial management, payroll, human resources, data collection, reporting, and analysis; and a determination of the costs of multiple technology platforms, systems, and models.

(3) Every two years the board shall produce, jointly with the state board for community and technical colleges and the workforce training and education coordinating board, an assessment of the number and type of higher education and training credentials required to match employer demand for a skilled and educated workforce. The assessment shall include the number of forecasted net job openings at

each level of higher education and training and the number of credentials needed to match the forecast of net job openings.

(4) The board shall determine whether certain major lines of study or types of degrees, including applied degrees or research-oriented degrees, shall be assigned uniquely to some institutions or institutional sectors in order to create centers of excellence that focus resources and expertise.

(5) The following activities are subject to approval by the board:

(a) New degree programs by a four-year institution;

(b) Creation of any off-campus program by a four-year institution;

(c) Purchase or lease of major off-campus facilities by a four-year institution or a community or technical college;

(d) Creation of higher education centers and consortia;

(e) New degree programs and creation of off-campus programs by an independent college or university in collaboration with a community or technical college; and

(f) Applied baccalaureate degree programs developed by colleges under RCW 28B.50.810 .

(6) Institutions seeking board approval under this section must demonstrate that the proposal is justified by the needs assessment developed under this section. Institutions must also demonstrate how the proposals align with or implement the statewide strategic master plan for higher education under RCW 28B.76.200.

(7) The board shall develop clear guidelines and objective decision-making criteria regarding approval of proposals under this section, which must include review and consultation with the institution and other interested agencies and individuals.

(8) The board shall periodically recommend consolidation or elimination of programs at the four-year institutions, based on the needs assessment analysis.

(9) In the case of a proposed major expansion or mission change, the needs assessment process under subsection (2) of this section constitutes a threshold inquiry. If the board determines that the need for the proposed major expansion or mission change has not been justified, the inquiry is concluded. If the board determines that the need for the proposed major expansion or mission change has been sufficiently established, the board, in consultation with any directly involved institutions and other interested agencies and individuals, shall proceed to examine the viability of the proposal using criteria including, but not limited to:

(a) The specific scope of the project including the capital investment requirements, the number of full-time equivalent students anticipated, and the number of academic programs planned;

(b) The existence of an efficient and sustainable financial plan;

(c) The extent to which existing resources can be leveraged;

(d) The current and five-year projected student population, faculty, and staff to support the proposed programs, institution, or innovation;

(e) The plans to accommodate expected growth over a twenty-year time frame;

(f) The extent to which new or existing partnerships and collaborations are a part of the proposal; and

(g) The feasibility of any proposed innovations to accelerate degree production.

(10) After the board completes its evaluation of the proposed major expansion or mission change using the needs assessment under subsection (2) of this section and viability determination under subsection (9) of this section, the board shall make a recommendation to either proceed, modify, or not proceed with the proposed major expansion or mission change. The board's recommendation shall be presented to the governor and the legislature.

Sec. 6. RCW 28B.120.005 and 1999 c 169 s 2 are each amended to read as follows:

The legislature finds that encouraging collaboration among the various educational sectors to meet statewide productivity and

educational attainment needs as described in the system design plan developed by the higher education coordinating board will strengthen the entire educational system, kindergarten through twelfth grade and higher education. The legislature also recognizes that the most effective way to develop innovative and collaborative programs is to encourage institutions to develop them voluntarily, in line with established state goals. Through a system of competitive grants, the legislature shall encourage the development of innovative and collaborative and cost-effective solutions to issues of critical statewide need, including:

- (1) Raising educational attainment and planning and piloting innovative initiatives to reach new locations and populations;
- (2) Recognizing needs of special populations of students, including access and completion efforts targeting underrepresented populations;
- ~~((2))~~ (3) Furthering the development of learner-centered, technology-assisted course delivery, including expansion of online and hybrid coursework, open courseware, and other uses of technology in order to effectively and efficiently share costs, improve the quality of instruction and student, faculty, and administrative services, increase undergraduate and graduate student access, retention, and graduation, and to enhance transfer capability;
- ~~((3))~~ (4) Furthering the development of competency-based measurements of student achievement to be used as the basis for awarding degrees and certificates; ~~(and~~
- ~~—(4))~~ (5) Increasing the collaboration among both public and private sector institutions of higher education; ~~and~~
- (6) Improving productivity through innovations such as accelerated programs and alternative scheduling.

Sec. 7. RCW 28B.120.010 and 1999 c 169 s 5 are each amended to read as follows:

The Washington fund for innovation and quality in higher education program is established. The higher education coordinating board shall administer the program ~~((for the purpose of awarding grants in which a four year institution of higher education is named as the lead institution. The state board for community and technical colleges shall administer the program for the purpose of awarding grants in which a community or technical college is named as the lead institution))~~ and shall work in close collaboration with the state board for community and technical colleges and other local and regional entities. Through this program the higher education coordinating board(s) may award on a competitive basis incentive grants to state public or private nonprofit institutions of higher education or consortia of institutions to encourage ~~((cooperative))~~ programs designed to address specific system problems. ~~((Grants shall not exceed a two year period.))~~ Each institution or consortia of institutions receiving the award shall contribute some financial support, either by covering part of the costs for the program during its implementation, or by assuming continuing support at the end of the grant period. Strong priority will be given to proposals that involve more than one sector of education ~~((and to proposals that show substantive institutional commitment))~~. Institutions are encouraged to solicit nonstate funds to support these cooperative programs.

Sec. 8. RCW 28B.120.020 and 1999 c 169 s 3 are each amended to read as follows:

The higher education coordinating board shall have the following powers and duties in administering the program for those proposals in which a four-year institution of higher education is named as the lead institution and fiscal agent:

- (1) To adopt rules necessary to carry out the program;
- (2) ~~((To establish one or more review committees to assist in the evaluation of proposals for funding. The review committee shall include individuals with significant experience in higher education in areas relevant to one or more of the funding period priorities and shall include representatives from both the four-year and two-year sectors of higher education;~~

~~—(3))~~ To award grants no later than September 1st in those years when funding is available by June 30th;

~~((4))~~ (3) To establish each biennium specific guidelines for submitting grant proposals consistent with RCW 28B.120.005 and consistent with the strategic master plan for higher education, the system design plan, the overall goals of the program and ~~((consistent with))~~ the guidelines established by the state board for community and technical colleges under RCW 28B.120.025. ~~((During the 1999-01 biennium the guidelines shall be consistent with the following desired outcomes of:~~

- (a) Minority and diversity initiatives that encourage the participation of minorities in higher education, including students with disabilities;
- (b) K-12 teacher preparation models that encourage collaboration between higher education and K-12 to improve the preparedness of teachers, including provisions for higher education faculty involved with teacher preparation to spend time teaching in K-12 schools;
- (c) Collaborative instructional programs involving K-12, community and technical colleges, and four-year institutions of higher education to develop a three-year degree program, or reduce the time to degree;
- (d) Contracts with public or private institutions or businesses to provide services or the development of collaborative programs;
- (e) Articulation and transfer activities to smooth the transfer of students from K-12 to higher education, or from the community colleges and technical colleges to four-year institutions;
- (f) Projects that further the development of learner-centered, technology-assisted course delivery; and
- (g) Projects that further the development of competency-based measurements of student achievement to be used as the basis for awarding degrees and certificates.))

After June 30, 2001, and each biennium thereafter, the board shall determine funding priorities for ~~((collaborative))~~ proposals for the biennium in consultation with the governor, the legislature, the office of the superintendent of public instruction, the state board for community and technical colleges, the workforce training and education coordinating board, higher education institutions, educational associations, and business and community groups consistent with statewide needs;

~~((5))~~ (4) To solicit grant proposals and provide information to the institutions of higher education about the program; and

~~((6))~~ (5) To establish reporting, evaluation, accountability, monitoring, and dissemination requirements for the recipients of the grants awarded by the higher education coordinating board.

Sec. 9. RCW 43.88D.010 and 2008 c 205 s 2 are each amended to read as follows:

(1) By October ~~((45th))~~ 1st of each even-numbered year, the office of financial management shall complete an objective analysis and scoring of all capital budget projects proposed by the public four-year institutions of higher education and submit the results of the scoring process to the legislative fiscal committees, the higher education coordinating board, and the four-year institutions ~~((and to proposals that show substantive institutional commitment))~~. ~~((except that, for 2008, the office of financial management shall complete the objective analysis and scoring by November 1st))~~. Each project must be reviewed and scored within one of the following categories, according to the project's principal purpose. Each project may be scored in only one category. The categories are:

- (a) Access-related projects to accommodate enrollment growth at main and branch campuses, at existing or new university centers, or through distance learning. Growth projects should provide significant additional student capacity. Proposed projects must demonstrate that they are based on solid enrollment demand projections, more cost-effectively provide enrollment access than alternatives such as university centers and distance learning, and make cost-effective use of existing and proposed new space;

(b) Projects that replace failing permanent buildings (~~(or renovate facilities to restore building life and upgrade space to meet current program requirements)~~). Facilities that cannot be economically renovated are considered replacement projects. ~~((Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life.))~~ New space may be programmed for the same or a different use than the space being replaced (~~(or renovated)~~) and may include additions to improve access and enhance the relationship of program or support space;

(c) Projects that renovate facilities to restore building life and upgrade space to meet current program requirements. Renovation projects should represent a complete renovation of a total facility or an isolated wing of a facility. A reasonable renovation project should cost between sixty to eighty percent of current replacement value and restore the renovated area to at least twenty-five years of useful life. New space may be programmed for the same or a different use than the space being renovated and may include additions to improve access and enhance the relationship of program or support space;

~~(d) Major stand-alone campus infrastructure projects;~~

~~((d))~~ (e) Projects that promote economic growth and innovation through expanded research activity. The acquisition and installation of specialized equipment is authorized under this category; and

~~((e))~~ (f) Other project categories as determined by the office of financial management in consultation with the legislative fiscal committees.

(2) The office of financial management, in consultation with the legislative fiscal committees ~~((and the joint legislative audit and review committee))~~, shall establish a scoring system and process for each four-year project category that is based on the framework used in the community and technical college system of prioritization. Staff from the state board for community and technical colleges, the higher education coordinating board, and the four-year institutions shall provide technical assistance on the development of a scoring system and process.

(3) The office of financial management shall consult with the legislative fiscal committees in the scoring of four-year institution project proposals, and may also solicit participation by ~~((the joint legislative audit and review committee and))~~ independent experts.

(a) For each four-year project category, the scoring system must, at a minimum, include an evaluation of enrollment trends, reasonableness of cost, the ability of the project to enhance specific strategic master plan goals, age and condition of the facility if applicable, and impact on space utilization.

(b) Each four-year project category may include projects at the predesign, design, or construction funding phase.

(c) To the extent possible, the objective analysis and scoring system of all capital budget projects shall occur within the context of any and all performance agreements between the office of financial management and the governing board of a public, four-year institution of higher education that aligns goals, priorities, desired outcomes, flexibility, institutional mission, accountability, and levels of resources.

(4) In evaluating and scoring four-year institution projects, the office of financial management shall take into consideration project schedules that result in realistic, balanced, and predictable expenditure patterns over the ensuing three biennia.

(5) The office of financial management shall distribute common definitions, the scoring system, and other information required for the project proposal and scoring process as part of its biennial budget instructions ~~((, except that, for the 2009-2011 budget development cycle, this information must be distributed by July 1, 2008))~~. The office of financial management, in consultation with the legislative fiscal committees ~~((and the joint legislative audit and review~~

~~committee))~~, shall develop common definitions that four-year institutions must use in developing their project proposals and lists under this section.

(6) In developing any scoring system for capital projects proposed by the four-year institutions, the office of financial management:

(a) Shall be provided with all required information by the four-year institutions as deemed necessary by the office of financial management;

(b) May utilize independent services to verify, sample, or evaluate information provided to the office of financial management by the four-year institutions; and

(c) Shall have full access to all data maintained by the higher education coordinating board and the joint legislative audit and review committee concerning the condition of higher education facilities.

(7) By August ~~((15th))~~ 1st of each even-numbered year ~~((, beginning in 2008,))~~ each public four-year higher education institution shall prepare and submit prioritized lists of the individual projects proposed by the institution for the ensuing six-year period in each category. ~~((On a pilot basis, the office of financial management shall require one research university to prepare two separate prioritized lists for each category, one for the main campus, and one covering all of the institution's branch campuses. The office of financial management shall report to the legislative fiscal committees by December 1, 2009, on the effect of this pilot project on capital project financing for all branch campuses.))~~ The lists must be submitted to the office of financial management and the legislative fiscal committees. The four-year institutions may aggregate minor works project proposals by primary purpose for ranking purposes. Proposed minor works projects must be prioritized within the aggregated proposal, and supporting documentation, including project descriptions and cost estimates, must be provided to the office of financial management and the legislative fiscal committees.

Sec. 10. RCW 28B.76.210 and 2008 c 205 s 4 are each amended to read as follows:

(1) The board shall collaborate with the four-year institutions including the council of presidents, the community and technical college system, and when appropriate the workforce training and education coordinating board, the superintendent of public instruction, and the independent higher educational institutions to identify budget priorities and levels of funding for higher education, including the two and four-year institutions of higher education and state financial aid programs. It is the intent of the legislature that recommendations from the board reflect not merely the sum of budget requests from multiple institutions, but prioritized funding needs for the overall system of higher education.

(2) By December of each odd-numbered year, the board shall distribute guidelines which outline the board's fiscal priorities to the institutions and the state board for community and technical colleges.

(a) The institutions and the state board for community and technical colleges shall submit an outline of their proposed operating budgets to the board no later than July 1st of each even-numbered year. Pursuant to guidelines developed by the board, operating budget outlines submitted by the institutions and the state board for community and technical colleges after January 1, 2007, shall include all policy changes and enhancements that will be requested by the institutions and the state board for community and technical colleges in their respective biennial budget requests. Operating budget outlines shall include a description of each policy enhancement, the dollar amount requested, and the fund source being requested.

(b) Capital budget outlines for the two-year institutions shall be submitted by August 15th of each even-numbered year, and shall include the prioritized ranking of the capital projects being requested, a description of each capital project, and the amount and fund source being requested.

(c) Capital budget outlines for the four-year institutions must be submitted by August 15th of each even-numbered year, and must include: The institutions' priority ranking of the project; the capital budget category within which the project will be submitted to the office of financial management in accordance with RCW 43.88D.010; a description of each capital project; and the amount and fund source being requested.

(d) The office of financial management shall reference these reporting requirements in its budget instructions.

(3) The board shall review and evaluate the operating and capital budget requests from four-year institutions and the community and technical college system based on how the requests align with the board's budget priorities, the missions of the institutions, and the statewide strategic master plan for higher education under RCW 28B.76.200.

(4) The board shall submit recommendations on the proposed operating budget and priorities to the office of financial management by October 1st of each even-numbered year, and to the legislature by January 1st of each odd-numbered year.

~~(5) The board's capital budget recommendations for the community and technical college system and the four-year institutions must be submitted to the office of financial management ((by November 15th of each even-numbered year)) and to the legislature by ((January 1st of each odd-numbered year)) November 15th of each even-numbered year. The board's recommendations for the four-year institutions must include ((the relative share of the higher education capital budget that the board recommends be assigned to each project category, as defined in RCW 43.88D.010, and to minor works program and preservation)) a single, prioritized list of the major projects that the board recommends be funded with state bond and building account appropriations during the forthcoming fiscal biennium. In developing this single prioritized list, the board shall:~~

(a) Seek to identify the combination of projects that will most cost-effectively achieve the state's goals. These goals include increasing baccalaureate and graduate degree production, particularly in high-demand fields; promoting economic development through research and innovation; providing quality, affordable educational environments; preserving existing assets; and maximizing the efficient utilization of instructional space;

(b) Be guided by the objective analysis and scoring of capital budget projects completed by the office of financial management pursuant to chapter 43.88D RCW;

(c) Anticipate (i) that state bond and building account appropriations continue at the same level during each of the two subsequent fiscal biennia as has actually been appropriated for the baccalaureate institutions during the current one; (ii) that major projects funded for design during a biennium are funded for construction during the subsequent one before state appropriations are provided for new major projects; and (iii) that minor health, safety, code, and preservation projects are funded at the same average level as in recent biennia before state appropriations are provided for new major projects.

~~((§))~~ (6) Institutions and the state board for community and technical colleges shall submit any supplemental budget requests and revisions to the board at the same time they are submitted to the office of financial management. The board shall submit recommendations on the proposed supplemental budget requests to the office of financial management by November 1st and to the legislature by January 1st.

NEW SECTION. Sec. 11. A new section is added to chapter 28B.20 RCW to read as follows:

(1) This section provides an alternative process for awarding contracts for construction, building, renovation, remodeling, alteration, repair, or improvement of university buildings and facilities in which critical patient care or highly specialized medical research is located. These provisions may be used, in lieu of other procedures to

award contracts for such work, when the estimated cost of the work is equal to or less than five million dollars and the project involves construction, renovation, remodeling, or alteration of improvements within a building that is used directly for critical patient care or highly specialized medical research.

(2) The university may create a single critical patient care or specialized medical research facilities roster or may create multiple critical patient care or specialized medical research facilities rosters for different trade specialties or categories of anticipated work. At least once a year, the university shall publish in a newspaper of general circulation a notice of the existence of the roster or rosters and solicit a statement of qualifications from contractors who wish to be on the roster or rosters of prime contractors. In addition, qualified contractors shall be added to the roster or rosters at any time they submit a written request, necessary records, and meet the qualifications established by the university. The university may require eligible contractors desiring to be placed on a roster to keep current records of any applicable licenses, certifications, registrations, bonding, insurance, or other appropriate matters on file with the university as a condition of being placed on a roster or rosters. Placement on a roster shall be on the basis of qualifications.

(3) The public solicitation of qualifications shall include but not be limited to:

(a) A description of the types of projects to be completed and where possible may include programmatic, performance, and technical requirements and specifications;

(b) The reasons for using the critical patient care and specialized medical research roster process;

(c) A description of the qualifications to be required of a contractor, including submission of an accident prevention program;

(d) A description of the process the university will use to evaluate qualifications, including evaluation factors and the relative weight of factors;

(e) The form of the contract to be awarded;

(f) A description of the administrative process by which the required qualifications, evaluation process, and project types may be appealed; and

(g) A description of the administrative process by which decisions of the university may be appealed.

(4) The university shall establish a committee to evaluate the contractors submitting qualifications. Evaluation criteria for selection of the contractor or contractors to be included on a roster shall include, but not be limited to:

(a) Ability of a contractor's professional personnel;

(b) A contractor's past performance on similar projects, including but not limited to medical facilities, and involving either negotiated work or other public works contracts;

(c) The contractor's ability to meet time and budget requirements;

(d) The contractor's ability to provide preconstruction services, as appropriate;

(e) The contractor's capacity to successfully complete the project;

(f) The contractor's approach to executing projects;

(g) The contractor's approach to safety and the contractor's safety history; and

(h) The contractor's record of performance, integrity, judgment, and skills.

(5) Contractors meeting the evaluation committee's criteria for selection must be placed on the applicable roster or rosters.

(6) When a project is selected for delivery through this roster process, the university must establish a procedure for securing written quotations from all contractors on a roster to assure that a competitive price is established. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. Plans and specifications must be included in the invitation but may not be detailed. Award of

a project must be made to the responsible bidder submitting the lowest responsive bid.

(7) The university shall make an effort to solicit proposals from certified minority or certified woman-owned contractors to the extent permitted by the Washington state civil rights act, RCW 49.60.400.

(8) Beginning in September 2010 and every other year thereafter, the university shall provide a report to the capital projects advisory review board which must, at a minimum, include a list of rosters used, contracts awarded, and a description of outreach to and participation by women and minority-owned businesses.

NEW SECTION. Sec. 12. A new section is added to chapter 43.131 RCW to read as follows:

The alternative process for awarding contracts established in section 11 of this act terminates June 30, 2015, as provided in section 13 of this act.

NEW SECTION. Sec. 13. A new section is added to chapter 43.131 RCW to read as follows:

Section 11 of this act, as now existing or hereafter amended, is repealed, effective June 30, 2016."

Correct the title.

Representatives Wallace and Anderson spoke in favor of the adoption of the amendment.

Amendment (1589) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6355, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6355, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

SUBSTITUTE SENATE BILL NO. 6355, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SENATE BILL NO. 6610 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SENATE BILL NO. 6610 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 6610, by Senators Hargrove and McAuliffe

Concerning the assessment and treatment of certain persons with mental illnesses. (REVISED FOR ENGROSSED: Improving procedures relating to the commitment of persons found not guilty by reason of insanity.)

Representative Green moved the adoption of amendment (1591).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 10.77 RCW to read as follows:

(1) The secretary shall establish an independent public safety review panel for the purpose of advising the secretary and the courts with respect to persons who have been found not guilty by reason of insanity. The panel shall provide advice regarding all recommendations: (a) For a change in commitment status; (b) to allow furloughs or temporary leaves accompanied by staff; or (c) to permit movement about the grounds of the treatment facility, with or without the accompaniment of staff.

(2) The members of the public safety review panel shall be appointed by the governor for a renewable term of three years and shall include the following:

- (a) A psychiatrist;
- (b) A licensed clinical psychologist;
- (c) A representative of the department of corrections;
- (d) A prosecutor or a representative of a prosecutor's association;
- (e) A representative of law enforcement or a law enforcement association;
- (f) A consumer and family advocate representative; and
- (g) A public defender or a representative of a defender's association.

(3) Thirty days prior to issuing a recommendation for conditional release under RCW 10.77.150 or forty-five days prior to issuing a recommendation for release under RCW 10.77.200, the secretary shall submit its recommendation with the committed person's application and the department's risk assessment to the public safety review panel. The public safety review panel shall complete an independent assessment of the public safety risk entailed by the secretary's proposed conditional release recommendation or release recommendation and provide this assessment in writing to the secretary. The public safety review panel may, within funds appropriated for this purpose, request additional evaluations of the committed person. The public safety review panel may indicate whether it is in agreement with the secretary's recommendation, or

whether it would issue a different recommendation. The secretary shall provide the panel's assessment when it is received along with any supporting documentation, including all previous reports of evaluations of the committed person in the person's hospital record, to the court, prosecutor in the county that ordered the person's commitment, and counsel for the committed person.

(4) The secretary shall notify the public safety review panel at appropriate intervals concerning any changes in the commitment or custody status of persons found not guilty by reason of insanity. The panel shall have access, upon request, to a committed person's complete hospital record.

(5) The department shall provide administrative and financial support to the public safety review panel. The department, in consultation with the public safety review panel, may adopt rules to implement this section.

(6) By December 1, 2014, the public safety review panel shall report to the appropriate legislative committees the following:

(a) Whether the public safety review panel has observed a change in statewide consistency of evaluations and decisions concerning changes in the commitment status of persons found not guilty by reason of insanity;

(b) Whether the public safety review panel should be given the authority to make release decisions and monitor release conditions;

(c) Any other issues the public safety review panel deems relevant.

NEW SECTION. Sec. 2. A new section is added to chapter 10.77 RCW to read as follows:

(1) If the secretary determines in writing that a person committed to the custody of the secretary for treatment as criminally insane presents an unreasonable safety risk which, based on behavior, clinical history, and facility security is not manageable in a state hospital setting, the secretary may place the person in any secure facility operated by the secretary or the secretary of the department of corrections. Any person affected by this provision shall receive appropriate mental health treatment governed by a formalized treatment plan targeted at mental health rehabilitation needs and shall be afforded his or her rights under RCW 10.77.140, 10.77.150, and 10.77.200. The secretary of the department of social and health services shall retain legal custody of any person placed under this section and review any placement outside of a department mental health hospital every three months, or sooner if warranted by the person's mental health status, to determine if the placement remains appropriate.

(2) Beginning December 1, 2010, and every six months thereafter, the secretary shall report to the governor and the appropriate committees of the legislature regarding the use of the authority under this section to transfer persons to a secure facility. The report shall include information related to the number of persons who have been placed in a secure facility operated by the secretary or the secretary of the department of corrections, and the length of time that each such person has been in the secure facility.

(3) This section expires June 30, 2015.

NEW SECTION. Sec. 3. (1) The Washington state institute for public policy shall, in collaboration with the department of social and health services and other applicable entities, undertake a search for validated mental health assessment tools in each of the following areas:

(a) An assessment tool or combination of tools to be used by individuals performing court-ordered competency assessments and level of risk assessments of defendants pursuant to chapter 10.77 RCW; and

(b) An assessment tool or combination of tools to be used by individuals developing recommendations to courts as to the appropriateness of conditional release from inpatient treatment of criminally insane patients pursuant to chapter 10.77 RCW.

(2) This section expires June 30, 2011.

Sec. 4. RCW 10.77.120 and 2000 c 94 s 15 are each amended to read as follows:

(1) The secretary shall ~~((forthwith))~~ provide adequate care and individualized treatment to persons found criminally insane at one or several of the state institutions or facilities under ~~((his or her))~~ the direction and control ~~((wherein persons committed as criminally insane may be confined. Such persons shall be under the custody and control of the secretary to the same extent as are other persons who are committed to the secretary's custody, but such provision shall be made for their control, care, and treatment as is proper in view of their condition))~~ of the secretary. In order that the secretary may adequately determine the nature of the mental illness or developmental disability of the person committed ~~((to him or her))~~ as criminally insane, ~~((and in order for the secretary to place such individuals in a proper facility,))~~ all persons who are committed to the secretary as criminally insane shall be promptly examined by qualified personnel in ~~((such a manner as))~~ order to provide a proper evaluation and diagnosis of such individual. The examinations of all ~~((developmentally disabled))~~ persons with developmental disabilities committed under this chapter shall be performed by developmental disabilities professionals. Any person so committed shall not be released from the control of the secretary ~~((save upon the))~~ except by order of a court of competent jurisdiction made after a hearing and judgment of release.

(2) Whenever there is a hearing which the committed person is entitled to attend, the secretary shall send ~~((him or her))~~ the person in the custody of one or more department employees to the county ~~((where))~~ in which the hearing is to be held at the time the case is called for trial. During the time the person is absent from the facility, ~~((he or she shall))~~ the person may be confined in a facility designated by and arranged for by the department, ~~((and))~~ but shall at all times be deemed to be in the custody of the department employee and provided necessary treatment. If the decision of the hearing remits the person to custody, the department employee shall ~~((forthwith))~~ return the person to such institution or facility designated by the secretary. If the state appeals an order of release, such appeal shall operate as a stay, and the person shall remain in custody ~~((shall so remain))~~ and be ~~((forthwith))~~ returned to the institution or facility designated by the secretary until a final decision has been rendered in the cause.

Sec. 5. RCW 10.77.150 and 1998 c 297 s 41 are each amended to read as follows:

(1) Persons examined pursuant to RCW 10.77.140 may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court of the county which ordered the person's commitment the person's application for conditional release as well as the secretary's recommendations concerning the application and any proposed terms and conditions upon which the secretary reasonably believes the person can be conditionally released. Conditional release may also contemplate partial release for work, training, or educational purposes.

(2) In instances in which persons examined pursuant to RCW 10.77.140 have not made application to the secretary for conditional release, but the secretary, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, reasonably believes the person may be conditionally released, the secretary may submit a recommendation for release to the court of the county that ordered the person's commitment. The secretary's recommendation must include any proposed terms and conditions upon which the secretary reasonably believes the person may be conditionally released. Conditional release may also include partial release for work, training, or educational purposes. Notice of the secretary's recommendation under this subsection must be

provided to the person for whom the secretary has made the recommendation for release and to his or her attorney.

(3)(a) The court of the county which ordered the person's commitment, upon receipt of an application or recommendation for conditional release with the secretary's recommendation for conditional release terms and conditions, shall within thirty days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary.

(b) The prosecuting attorney shall represent the state at such hearings and shall have the right to have the patient examined by an expert or professional person of the prosecuting attorney's choice. If the committed person is indigent, and he or she so requests, the court shall appoint a qualified expert or professional person to examine the person on his or her behalf.

(c) The issue to be determined at such a hearing is whether or not the person may be released conditionally without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security.

(d) The court, after the hearing, shall rule on the secretary's recommendations, and if it disapproves of conditional release, may do so only on the basis of substantial evidence. The court may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary. If the order of conditional release includes a requirement for the committed person to report to a community corrections officer, the order shall also specify that the conditionally released person shall be under the supervision of the secretary of corrections or such person as the secretary of corrections may designate and shall follow explicitly the instructions of the secretary of corrections including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer prior to making any change in the offender's address or employment. If the order of conditional release includes a requirement for the committed person to report to a community corrections officer, the community corrections officer shall notify the secretary or the secretary's designee, if the person is not in compliance with the court-ordered conditions of release.

~~((3))~~ (4) If the court determines that receiving regular or periodic medication or other medical treatment shall be a condition of the committed person's release, then the court shall require him or her to report to a physician or other medical or mental health practitioner for the medication or treatment. In addition to submitting any report required by RCW 10.77.160, the physician or other medical or mental health practitioner shall immediately upon the released person's failure to appear for the medication or treatment or upon a change in mental health condition that renders the patient a potential risk to the public report ~~((the failure))~~ to the court, to the prosecuting attorney of the county in which the released person was committed, to the secretary, and to the supervising community corrections officer.

~~((4))~~ (5) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial.

Sec. 6. RCW 10.77.160 and 1993 c 31 s 7 are each amended to read as follows:

When a conditionally released person is required by the terms of his or her conditional release to report to a physician, department of corrections community corrections officer, or medical or mental health practitioner on a regular or periodic basis, the physician, department of corrections community corrections officer, medical or mental health practitioner, or other such person shall monthly, for the first six months after release and semiannually thereafter, or as otherwise directed by the court, submit to the court, the secretary, the institution from which released, and to the prosecuting attorney of the

county in which the person was committed, a report stating whether the person is adhering to the terms and conditions of his or her conditional release, and detailing any arrests or criminal charges filed and any significant change in the person's mental health condition or other circumstances.

Sec. 7. RCW 10.77.190 and 1998 c 297 s 43 are each amended to read as follows:

(1) Any person submitting reports pursuant to RCW 10.77.160, the secretary, or the prosecuting attorney may petition the court to, or the court on its own motion may schedule an immediate hearing for the purpose of modifying the terms of conditional release if the petitioner or the court believes the released person is failing to adhere to the terms and conditions of his or her conditional release or is in need of additional care and treatment.

(2) If the prosecuting attorney, the secretary of social and health services, the secretary of corrections, or the court, after examining the report filed with them pursuant to RCW 10.77.160, or based on other information received by them, reasonably believes that a conditionally released person is failing to adhere to the terms and conditions of his or her conditional release the court or secretary of social and health services or the secretary of corrections may order that the conditionally released person be apprehended and taken into custody ~~((until such time as a hearing can be scheduled to determine the facts and whether or not the person's conditional release should be revoked or modified))~~. The court shall be notified of the apprehension before the close of the next judicial day ~~((of the apprehension))~~. The court shall schedule a hearing within thirty days to determine whether or not the person's conditional release should be modified or revoked. Both the prosecuting attorney and the conditionally released person shall have the right to request an immediate mental examination of the conditionally released person. If the conditionally released person is indigent, the court or secretary of social and health services or the secretary of corrections or their designees shall, upon request, assist him or her in obtaining a qualified expert or professional person to conduct the examination.

(3) If the hospital or facility designated to provide outpatient care determines that a conditionally released person presents a threat to public safety, the hospital or facility shall immediately notify the secretary of social and health services or the secretary of corrections or their designees. The secretary shall order that the conditionally released person be apprehended and taken into custody.

(4) The court, upon receiving notification of the apprehension, shall promptly schedule a hearing. The issue to be determined is whether the conditionally released person did or did not adhere to the terms and conditions of his or her release, or whether the person presents a threat to public safety. Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or his or her conditional release shall be revoked and he or she shall be committed subject to release only in accordance with provisions of this chapter.

Sec. 8. RCW 10.77.200 and 2000 c 94 s 16 are each amended to read as follows:

(1) Upon application by the committed or conditionally released person, the secretary shall determine whether or not reasonable grounds exist for release. In making this determination, the secretary may consider the reports filed under RCW 10.77.060, 10.77.110, 10.77.140, and 10.77.160, and other reports and evaluations provided by professionals familiar with the case. If the secretary approves the release he or she then shall authorize the person to petition the court.

(2) In instances in which persons have not made application for release, but the secretary believes, after consideration of the reports filed under RCW 10.77.060, 10.77.110, 10.77.140, and 10.77.160, and other reports and evaluations provided by professionals familiar with the case, that reasonable grounds exist for release, the secretary may petition the court. If the secretary petitions the court for release

under this subsection, notice of the petition must be provided to the person who is the subject of the petition and to his or her attorney.

~~____~~ (3) The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for release, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of the prosecuting attorney's choice. If the petitioner is indigent, and the person so requests, the court shall appoint a qualified expert or professional person to examine him or her. If the petitioner (~~is developmentally disabled~~) has a developmental disability, the examination shall be performed by a developmental disabilities professional. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney. The burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the petitioner no longer presents, as a result of a mental disease or defect, a substantial danger to other persons, or a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

~~((3))~~ (4) For purposes of this section, a person affected by a mental disease or defect in a state of remission is considered to have a mental disease or defect requiring supervision when the disease may, with reasonable medical probability, occasionally become active and, when active, render the person a danger to others. Upon a finding that the petitioner has a mental disease or defect in a state of remission under this subsection, the court may deny release, or place or continue such a person on conditional release.

~~____~~ (5) Nothing contained in this chapter shall prohibit the patient from petitioning the court for release or conditional release from the institution in which he or she is committed. The issue to be determined on such proceeding is whether the petitioner, as a result of a mental disease or defect, is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

~~(6)~~ Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

NEW SECTION. Sec. 9. A new section is added to chapter 10.77 RCW to read as follows:

For persons who have received court approval for conditional release, the secretary or the secretary's designee shall supervise the person's compliance with the court-ordered conditions of release. The level of supervision provided by the secretary shall correspond to the level of the person's public safety risk. In undertaking supervision of persons under this section, the secretary shall coordinate with any treatment providers designated pursuant to RCW 10.77.150(3), any department of corrections staff designated pursuant to RCW 10.77.150(2), and local law enforcement, if appropriate. The secretary shall adopt rules to implement this section."

Correct the title.

Representatives Green, Dammeier and Dickerson spoke in favor of the adoption of the amendment.

Amendment (1591) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Green and Dammeier spoke in favor of the passage of the bill.

Representative Appleton spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6610, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6610, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Appleton, Chase, Darneille, Hasegawa and Upthegrove.

Excused: Representative Condotta.

ENGROSSED SENATE BILL NO. 6610, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6730 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SUBSTITUTE SENATE BILL NO. 6730 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6730, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Becker, Hargrove, Stevens and Roach)

Concerning child welfare.

Representative Kagi moved the adoption of amendment (1583).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.096 and 2009 c 520 s 25 are each amended to read as follows:

(1) The department or supervising agency shall provide the child's foster parents, preadoptive parents, or other caregivers with notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. The rights to notice and to be heard apply only to persons with whom a child has been placed by the department (~~(before shelter care)~~) or other supervising agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

(2) The department or other supervising agency and the court also shall consider, in any hearing under this chapter regarding a change in the child's placement, written information about the child submitted by persons who provided care to the child within twelve months preceding the hearing and other persons who have a significant relationship with the child.

Sec. 2. RCW 74.13.300 and 2009 c 520 s 77 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home or in the home of a relative caregiver or other suitable person as described in RCW 13.34.130(1)(b) by the department or supervising agency and the child has thereafter resided in the home for at least ninety consecutive days, the department or supervising agency shall notify the foster family, relative caregiver, or other suitable person at least five days prior to moving the child to another placement, unless:

(a) A court order has been entered requiring an immediate change in placement;

(b) The child is being returned home;

(c) The child's safety is in jeopardy; or

(d) The child is residing in a receiving home or a group home.

(2) If the child has resided in a foster family home or in the home of a relative caregiver or other suitable person as described in RCW 13.34.130(1)(b) for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department or supervising agency shall notify the foster family, relative caregiver, or suitable person of proposed placement changes as soon as reasonably possible.

(3) This section is intended (~~(solely)~~) to assist in minimizing disruption to the child in changing (~~(foster care)~~) placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's (~~(foster care)~~) placement nor to create any substantive custody rights (~~(in the)~~) for foster parents, relative caregivers, or other suitable persons with whom a child is placed.

(4) Whenever a child has been placed with and resided in the home of a foster family, relative caregiver, or other suitable person as described in RCW 13.34.130(1)(b) for twelve continuous months or longer, the notice required under this section must be in writing and specify the reasons for changing the child's placement. The department shall report annually to the appropriate committees of the legislature regarding changes in placement for children who have resided for twelve continuous months or longer with a foster family, relative caregiver, or other suitable person, including the reasons for changing the placements of those children. The first report is due to the legislature not later than September 1, 2011, and a final report is due September 1, 2015.

Sec. 3. RCW 13.34.105 and 2008 c 267 s 13 are each amended to read as follows:

(1) Unless otherwise directed by the court, the duties of the guardian ad litem for a child subject to a proceeding under this chapter, including an attorney specifically appointed by the court to serve as a guardian ad litem, include but are not limited to the following:

(a) To investigate, collect relevant information about the child's situation, and report to the court factual information regarding the best interests of the child;

(b) To meet with, interview, or observe the child, depending on the child's age and developmental status, and report to the court any views or positions expressed by the child on issues pending before the court;

(c) To monitor all court orders for compliance and to bring to the court's attention any change in circumstances that may require a modification of the court's order;

(d) To report to the court information on the legal status of a child's membership in any Indian tribe or band;

(e) Court-appointed special advocates and guardians ad litem may make recommendations based upon an independent investigation regarding the best interests of the child, which the court may consider and weigh in conjunction with the recommendations of all of the parties; and

(f) To represent and be an advocate for the best interests of the child.

(2) The guardian ad litem's duties do not include making findings under RCW 26.44.030 regarding alleged child abuse or neglect.

~~(3)~~ (3) A guardian ad litem shall be deemed an officer of the court for the purpose of immunity from civil liability.

~~((3))~~ (4) Except for information or records specified in RCW 13.50.100(7), the guardian ad litem shall have access to all information available to the state or agency on the case. Upon presentation of the order of appointment by the guardian ad litem, any agency, hospital, school organization, division or department of the state, doctor, nurse, or other health care provider, psychologist, psychiatrist, police department, or mental health clinic shall permit the guardian ad litem to inspect and copy any records relating to the child or children involved in the case, without the consent of the parent or guardian of the child, or of the child if the child is under the age of thirteen years, unless such access is otherwise specifically prohibited by law.

~~((4))~~ (5) A guardian ad litem may release confidential information, records, and reports to the office of the family and children's ombudsman for the purposes of carrying out its duties under chapter 43.06A RCW.

~~((5))~~ (6) The guardian ad litem shall release case information in accordance with the provisions of RCW 13.50.100."

Correct the title.

Representatives Kagi and Haler spoke in favor of the adoption of the amendment.

Amendment (1583) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6730, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6730, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

SUBSTITUTE SENATE BILL NO. 6730, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2010

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2424, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 2424 to second reading for purpose of amendment. The Senate further adopted amendment 2424-S.E AMS KLIN S5446.1 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.68A.001 and 2007 c 368 s 1 are each amended to read as follows:

The legislature finds that the prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance. The care of children is a sacred trust and should not be abused by those who seek commercial gain or personal gratification based on the exploitation of children.

The legislature further finds that the protection of children from sexual exploitation can be accomplished without infringing on a constitutionally protected activity. The definition of "sexually explicit conduct" and other operative definitions demarcate a line between protected and prohibited conduct and should not inhibit legitimate scientific, medical, or educational activities.

The legislature further finds that children engaged in sexual conduct for financial compensation are frequently the victims of sexual abuse. Approximately eighty to ninety percent of children engaged in sexual activity for financial compensation have a history of sexual abuse victimization. It is the intent of the legislature to encourage these children to engage in prevention and intervention services and to hold those who pay to engage in the sexual abuse of children accountable for the trauma they inflict on children. The legislature further finds that due to the changing nature of technology, offenders are now able to access child pornography in different ways and in increasing quantities. By amending current statutes governing depictions of a minor engaged in sexually explicit conduct, it is the intent of the legislature to ensure that intentional viewing of and dealing in child pornography over the internet is subject to a criminal penalty without limiting the scope of existing prohibitions on the possession of or dealing in child pornography, including the possession of electronic depictions of a minor engaged in sexually explicit conduct. It is also the intent of the legislature to clarify, in response to *State v. Sutherby*, 204 P.3d 916 (2009), the unit of prosecution for the statutes governing possession of and dealing in

depictions of a minor engaged in sexually explicit conduct. It is the intent of the legislature that the first degree offenses under RCW 9.68A.050, 9.68A.060, and 9.68A.070 have a per depiction or image unit of prosecution, while the second degree offenses under RCW 9.68A.050, 9.68A.060, and 9.68A.070 have a per incident unit of prosecution as established in *State v. Sutherby*, 204 P.3d 916 (2009). Furthermore, it is the intent of the legislature to set a different unit of prosecution for the new offense of viewing of depictions of a minor engaged in sexually explicit conduct such that each separate session of intentionally viewing over the internet of visual depictions or images of a minor engaged in sexually explicit conduct constitutes a separate offense.

NEW SECTION. Sec. 2. A new section is added to chapter 9.68A RCW to read as follows:

This chapter does not apply to lawful conduct between spouses.

Sec. 3. RCW 9.68A.011 and 2002 c 70 s 1 are each amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.

(1) An "internet session" means a period of time during which an internet user, using a specific internet protocol address, visits or is logged into an internet site for an uninterrupted period of time.

~~(2)~~ (2) To "photograph" means to make a print, negative, slide, digital image, motion picture, or videotape. A "photograph" means anything tangible or intangible produced by photographing.

~~((2))~~ (3) "Visual or printed matter" means any photograph or other material that contains a reproduction of a photograph.

~~((3))~~ (4) "Sexually explicit conduct" means actual or simulated:

- (a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals;
- (b) Penetration of the vagina or rectum by any object;
- (c) Masturbation;
- (d) Sadomasochistic abuse ((for the purpose of sexual stimulation of the viewer));

(e) ((Exhibition of the genitals or unclothed pubic or rectal areas of any minor, or the unclothed breast of a female minor, for the purpose of sexual stimulation of the viewer;

~~—(f))~~ Defecation or urination for the purpose of sexual stimulation of the viewer;

(f) Depiction of the genitals or unclothed pubic or rectal areas of any minor, or the unclothed breast of a female minor, for the purpose of sexual stimulation of the viewer. For the purposes of this subsection (4)(f), it is not necessary that the minor know that he or she is participating in the described conduct, or any aspect of it; and

(g) Touching of a person's clothed or unclothed genitals, pubic area, buttocks, or breast area for the purpose of sexual stimulation of the viewer.

~~((4))~~ (5) "Minor" means any person under eighteen years of age.

~~((5))~~ (6) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration.

Sec. 4. RCW 9.68A.050 and 1989 c 32 s 3 are each amended to read as follows:

((A person who:))

(1)(a) A person commits the crime of dealing in depictions of a minor engaged in sexually explicit conduct in the first degree when he or she:

~~(i)~~ (i) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells ~~((any))~~ a visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e); or

~~((2))~~ (ii) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that

depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e).

(b) Dealing in depictions of a minor engaged in sexually explicit conduct in the first degree is ~~((guilty of))~~ a class ~~((€))~~ B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each depiction or image of visual or printed matter constitutes a separate offense.

(2)(a) A person commits the crime of dealing in depictions of a minor engaged in sexually explicit conduct in the second degree when he or she:

(i) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g); or

(ii) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g).

(b) Dealing in depictions of a minor engaged in sexually explicit conduct in the second degree is a class C felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each incident of dealing in one or more depictions or images of visual or printed matter constitutes a separate offense.

Sec. 5. RCW 9.68A.060 and 1989 c 32 s 4 are each amended to read as follows:

(1)(a) A person ~~((who))~~ commits the crime of sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the first degree when he or she knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, ~~((any))~~ a visual or printed matter that depicts a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e).

(b) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the first degree is ~~((guilty of))~~ a class ~~((€))~~ B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each depiction or image of visual or printed matter constitutes a separate offense.

(2)(a) A person commits the crime of sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the second degree when he or she knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, any visual or printed matter that depicts a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g).

(b) Sending or bringing into the state depictions of a minor engaged in sexually explicit conduct in the second degree is a class C felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each incident of sending or bringing into the state one or more depictions or images of visual or printed matter constitutes a separate offense.

Sec. 6. RCW 9.68A.070 and 2006 c 139 s 3 are each amended to read as follows:

(1)(a) A person ~~((who))~~ commits the crime of possession of depictions of a minor engaged in sexually explicit conduct in the first degree when he or she knowingly possesses a visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e).

(b) Possession of depictions of a minor engaged in sexually explicit conduct in the first degree is ~~((guilty of))~~ a class B felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each depiction or image of visual or printed matter constitutes a separate offense.

(2)(a) A person commits the crime of possession of depictions of a minor engaged in sexually explicit conduct in the second degree when he or she knowingly possesses any visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g).

(b) Possession of depictions of a minor engaged in sexually explicit conduct in the second degree is a class C felony punishable under chapter 9A.20 RCW.

(c) For the purposes of determining the unit of prosecution under this subsection, each incident of possession of one or more depictions or images of visual or printed matter constitutes a separate offense.

NEW SECTION. Sec. 7. A new section is added to chapter 9.68A RCW to read as follows:

(1) A person who intentionally views over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (e) is guilty of viewing depictions of a minor engaged in sexually explicit conduct in the first degree, a class B felony punishable under chapter 9A.20 RCW.

(2) A person who intentionally views over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct as defined in RCW 9.68A.011(4) (f) or (g) is guilty of viewing depictions of a minor engaged in sexually explicit conduct in the second degree, a class C felony punishable under chapter 9A.20 RCW.

(3) For the purposes of determining whether a person intentionally viewed over the internet a visual or printed matter depicting a minor engaged in sexually explicit conduct in subsection (1) or (2) of this section, the trier of fact shall consider the title, text, and content of the visual or printed matter, as well as the internet history, search terms, thumbnail images, downloading activity, expert computer forensic testimony, number of visual or printed matter depicting minors engaged in sexually explicit conduct, defendant's access to and control over the electronic device and its contents upon which the visual or printed matter was found, or any other relevant evidence. The state must prove beyond a reasonable doubt that the viewing was initiated by the user of the computer where the viewing occurred.

(4) For the purposes of this section, each separate internet session of intentionally viewing over the internet visual or printed matter depicting a minor engaged in sexually explicit conduct constitutes a separate offense.

Sec. 8. RCW 9.68A.110 and 2007 c 368 s 3 are each amended to read as follows:

(1) In a prosecution under RCW 9.68A.040, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law enforcement and prosecution agencies shall not employ minors to aid in the investigation of a violation of RCW 9.68A.090 or 9.68A.100. ~~((This chapter does not apply to lawful conduct between spouses.))~~

(2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or 9.68A.080, it is not a defense that the defendant did not know the age of the child depicted in the visual or printed matter: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant was not in possession of any facts on the basis of which he or she should reasonably have known that the person depicted was a minor.

(3) In a prosecution under RCW 9.68A.040, 9.68A.090, 9.68A.101, or 9.68A.102, it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant made a reasonable bona

vide attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate, or other governmental or educational identification card or paper and did not rely solely on the oral allegations or apparent age of the minor.

(4) In a prosecution under RCW 9.68A.050, 9.68A.060, ((~~or~~) 9.68A.070, or section 7 of this act, it shall be an affirmative defense that the defendant was a law enforcement officer or a person specifically authorized, in writing, to assist a law enforcement officer and acting at the direction of a law enforcement officer in the process of conducting an official investigation of a sex-related crime against a minor, or that the defendant was providing individual case treatment as a recognized medical facility or as a psychiatrist or psychologist licensed under Title 18 RCW. Nothing in this act is intended to in any way affect or diminish the immunity afforded an electronic communication service provider, remote computing service provider, or domain name registrar acting in the performance of its reporting or preservation responsibilities under 18 U.S.C. Secs. 2258a, 2258b, or 2258c.

(5) In a prosecution under RCW 9.68A.050, 9.68A.060, ((~~or~~) 9.68A.070, or section 7 of this act, the state is not required to establish the identity of the alleged victim.

(6) In a prosecution under RCW 9.68A.070 or section 7 of this act, it shall be an affirmative defense that:

(a) The defendant was employed at or conducting research in partnership or in cooperation with any institution of higher education as defined in RCW 28B.07.020 or 28B.10.016, and:

(i) He or she was engaged in a research activity;

(ii) The research activity was specifically approved prior to the possession or viewing activity being conducted in writing by a person, or other such entity vested with the authority to grant such approval by the institution of higher learning; and

(iii) Viewing or possessing the visual or printed matter is an essential component of the authorized research; or

(b) The defendant was an employee of the Washington state legislature engaged in research at the request of a member of the legislature and:

(i) The request for research is made prior to the possession or viewing activity being conducted in writing by a member of the legislature;

(ii) The research is directly related to a legislative activity; and

(iii) Viewing or possessing the visual or printed matter is an essential component of the requested research and legislative activity.

(c) Nothing in this section authorizes otherwise unlawful viewing or possession of visual or printed matter depicting a minor engaged in sexually explicit conduct.

Sec. 9. RCW 9.94A.515 and 2008 c 108 s 23 and 2008 c 38 s 1 are each reenacted and amended to read as follows:

TABLE 2

	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
XVI	Aggravated Murder 1 (RCW 10.95.020)
XV	Homicide by abuse (RCW 9A.32.055)
	Malicious explosion 1 (RCW 70.74.280(1))
	Murder 1 (RCW 9A.32.030)
XIV	Murder 2 (RCW 9A.32.050)
	Trafficking 1 (RCW 9A.40.100(1))
XIII	Malicious explosion 2 (RCW 70.74.280(2))

	Malicious placement of an explosive 1 (RCW 70.74.270(1))
XII	Assault 1 (RCW 9A.36.011)
	Assault of a Child 1 (RCW 9A.36.120)
	Malicious placement of an imitation device 1 (RCW 70.74.272(1)(a))
	Rape 1 (RCW 9A.44.040)
	Rape of a Child 1 (RCW 9A.44.073)
	Trafficking 2 (RCW 9A.40.100(2))
XI	Manslaughter 1 (RCW 9A.32.060)
	Rape 2 (RCW 9A.44.050)
	Rape of a Child 2 (RCW 9A.44.076)
X	Child Molestation 1 (RCW 9A.44.083)
	Criminal Mistreatment 1 (RCW 9A.42.020)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	Kidnapping 1 (RCW 9A.40.020)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
	Malicious explosion 3 (RCW 70.74.280(3))
	Sexually Violent Predator Escape (RCW 9A.76.115)
IX	Abandonment of Dependent Person 1 (RCW 9A.42.060)
	Assault of a Child 2 (RCW 9A.36.130)
	Explosive devices prohibited (RCW 70.74.180)
	Hit and Run--Death (RCW 46.52.020(4)(a))
	Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)
	Inciting Criminal Profiteering (RCW 9A.82.060(1)(b))
	Malicious placement of an explosive 2 (RCW 70.74.270(2))
	Robbery 1 (RCW 9A.56.200)
	Sexual Exploitation (RCW 9.68A.040)
	Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)
VIII	Arson 1 (RCW 9A.48.020)
	Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)
	Manslaughter 2 (RCW 9A.32.070)

- Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)
 Promoting Prostitution 1 (RCW 9A.88.070)
 Theft of Ammonia (RCW 69.55.010)
- Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)
- VII Burglary 1 (RCW 9A.52.020)
- Child Molestation 2 (RCW 9A.44.086)
- Civil Disorder Training (RCW 9A.48.120)
 Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))
 Drive-by Shooting (RCW 9A.36.045)
- Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 Introducing Contraband 1 (RCW 9A.76.140)
 Malicious placement of an explosive 3 (RCW 70.74.270(3))
 Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)
 Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))
 Unlawful Possession of a Firearm in the first degree (RCW 9A.41.040(1))
 Use of a Machine Gun in Commission of a Felony (RCW 9A.41.225)
 Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)
- VI Bail Jumping with Murder 1 (RCW 9A.76.170(3)(a))
 Bribery (RCW 9A.68.010)
- Incest 1 (RCW 9A.64.020(1))
 Intimidating a Judge (RCW 9A.72.160)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 Malicious placement of an imitation device 2 (RCW 70.74.272(1)(b))
 Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))
 Rape of a Child 3 (RCW 9A.44.079)
- Theft of a Firearm (RCW 9A.56.300)
- Unlawful Storage of Ammonia (RCW 69.55.020)
- V Abandonment of Dependent Person 2 (RCW 9A.42.070)
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Bail Jumping with class A Felony (RCW 9A.76.170(3)(b))
 Child Molestation 3 (RCW 9A.44.089)
- Criminal Mistreatment 2 (RCW 9A.42.030)
 Custodial Sexual Misconduct 1 (RCW 9A.44.160)
Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))
 Domestic Violence Court Order Violation (RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145)
 Driving While Under the Influence (RCW 46.61.502(6))
 Extortion 1 (RCW 9A.56.120)
- Extortionate Extension of Credit (RCW 9A.82.020)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Incest 2 (RCW 9A.64.020(2))
 Kidnapping 2 (RCW 9A.40.030)
- Perjury 1 (RCW 9A.72.020)
- Persistent prison misbehavior (RCW 9.94.070)
 Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))
 Possession of a Stolen Firearm (RCW 9A.56.310)
 Rape 3 (RCW 9A.44.060)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))
 Sexual Misconduct with a Minor 1 (RCW 9A.44.093)
 Sexually Violating Human Remains (RCW 9A.44.105)
 Stalking (RCW 9A.46.110)
- Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)
- IV Arson 2 (RCW 9A.48.030)
- Assault 2 (RCW 9A.36.021)
- Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031(1)(h))

Assault by Watercraft (RCW 79A.60.060)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Cheating 1 (RCW 9.46.1961)
 Commercial Bribery (RCW 9A.68.060)
 Counterfeiting (RCW 9.16.035(4))
 Endangerment with a Controlled Substance (RCW 9A.42.100)
 Escape 1 (RCW 9A.76.110)
 Hit and Run--Injury (RCW 46.52.020(4)(b))
 Hit and Run with Vessel--Injury Accident (RCW 79A.60.200(3))
 Identity Theft 1 (RCW 9.35.020(2))
 Indecent Exposure to Person Under Age Fourteen (subsequent sex offense) (RCW 9A.88.010)
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Malicious Harassment (RCW 9A.36.080)
Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68.070(2))
 Residential Burglary (RCW 9A.52.025)
 Robbery 2 (RCW 9A.56.210)
 Theft of Livestock 1 (RCW 9A.56.080)
 Threats to Bomb (RCW 9.61.160)
 Trafficking in Stolen Property 1 (RCW 9A.82.050)
 Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(b))
 Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))
 Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))
 Unlawful transaction of insurance business (RCW 48.15.023(3))
 Unlicensed practice as an insurance professional (RCW 48.17.063((~~3~~)) (2))
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Vehicular Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)
Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (section 7(1) of this act)

Willful Failure to Return from Furlough (RCW 72.66.060)
 III Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
 Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
 Assault of a Child 3 (RCW 9A.36.140)
 Bail Jumping with class B or C Felony (RCW 9A.76.170(3)(c))
 Burglary 2 (RCW 9A.52.030)
 Commercial Sexual Abuse of a Minor (RCW 9.68A.100)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Criminal Gang Intimidation (RCW 9A.46.120)
 Custodial Assault (RCW 9A.36.100)
 Cyberstalking (subsequent conviction or threat of death) (RCW 9.61.260(3))
 Escape 2 (RCW 9A.76.120)
 Extortion 2 (RCW 9A.56.130)
 Harassment (RCW 9A.46.020)
 Intimidating a Public Servant (RCW 9A.76.180)
 Introducing Contraband 2 (RCW 9A.76.150)
 Malicious Injury to Railroad Property (RCW 81.60.070)
 Mortgage Fraud (RCW 19.144.080)
 Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
 Organized Retail Theft 1 (RCW 9A.56.350(2))
 Perjury 2 (RCW 9A.72.030)
 Possession of Incendiary Device (RCW 9.40.120)
 Possession of Machine Gun or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Retail Theft with Extenuating Circumstances 1 (RCW 9A.56.360(2))
 Securities Act violation (RCW 21.20.400)
 Tampering with a Witness (RCW 9A.72.120)
 Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))

<p>Theft of Livestock 2 (RCW 9A.56.083)</p> <p>Theft with the Intent to Resell 1 (RCW 9A.56.340(2))</p> <p>Trafficking in Stolen Property 2 (RCW 9A.82.055)</p> <p>Unlawful Imprisonment (RCW 9A.40.040)</p> <p>Unlawful possession of firearm in the second degree (RCW 9A.41.040(2))</p> <p>Vehicular Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)</p> <p>Willful Failure to Return from Work Release (RCW 72.65.070)</p> <p>II Computer Trespass 1 (RCW 9A.52.110)</p> <p>Counterfeiting (RCW 9.16.035(3))</p> <p>Escape from Community Custody (RCW 72.09.310)</p> <p>Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130(11)(a))</p> <p>Health Care False Claims (RCW 48.80.030)</p> <p>Identity Theft 2 (RCW 9.35.020(3))</p> <p>Improperly Obtaining Financial Information (RCW 9.35.010)</p> <p>Malicious Mischief 1 (RCW 9A.48.070)</p> <p>Organized Retail Theft 2 (RCW 9A.56.350(3))</p> <p>Possession of Stolen Property 1 (RCW 9A.56.150)</p> <p>Possession of a Stolen Vehicle (RCW 9A.56.068)</p> <p>Retail Theft with Extenuating Circumstances 2 (RCW 9A.56.360(3))</p> <p>Theft 1 (RCW 9A.56.030)</p> <p>Theft of a Motor Vehicle (RCW 9A.56.065)</p> <p>Theft of Rental, Leased, or Lease-purchased Property (valued at one thousand five hundred dollars or more) (RCW 9A.56.096(5)(a))</p> <p>Theft with the Intent to Resell 2 (RCW 9A.56.340(3))</p> <p>Trafficking in Insurance Claims (RCW 48.30A.015)</p> <p>Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290(4)(a))</p> <p>Unlawful Practice of Law (RCW 2.48.180)</p> <p>Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))</p> <p>Voyeurism (RCW 9A.44.115)</p> <p>I Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)</p>	<p>False Verification for Welfare (RCW 74.08.055)</p> <p>Forgery (RCW 9A.60.020)</p> <p>Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)</p> <p>Malicious Mischief 2 (RCW 9A.48.080)</p> <p>Mineral Trespass (RCW 78.44.330)</p> <p>Possession of Stolen Property 2 (RCW 9A.56.160)</p> <p>Reckless Burning 1 (RCW 9A.48.040)</p> <p>Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)</p> <p>Theft 2 (RCW 9A.56.040)</p> <p>Theft of Rental, Leased, or Lease-purchased Property (valued at two hundred fifty dollars or more but less than one thousand five hundred dollars) (RCW 9A.56.096(5)(b))</p> <p>Transaction of insurance business beyond the scope of licensure (RCW 48.17.063(((4))))</p> <p>Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)</p> <p>Unlawful Possession of Fictitious Identification (RCW 9A.56.320)</p> <p>Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)</p> <p>Unlawful Possession of Payment Instruments (RCW 9A.56.320)</p> <p>Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)</p> <p>Unlawful Production of Payment Instruments (RCW 9A.56.320)</p> <p>Unlawful Trafficking in Food Stamps (RCW 9.91.142)</p> <p>Unlawful Use of Food Stamps (RCW 9.91.144)</p> <p>Vehicle Prowl 1 (RCW 9A.52.095)</p> <p>Sec. 10. RCW 9.94A.535 and 2008 c 276 s 303 and 2008 c 233 s 9 are each reenacted and amended to read as follows:</p> <p>The court may impose a sentence outside the standard sentence range for an offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence. Facts supporting aggravated sentences, other than the fact of a prior conviction, shall be determined pursuant to the provisions of RCW 9.94A.537.</p> <p>Whenever a sentence outside the standard sentence range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard sentence range shall be a determinate sentence.</p> <p>If the sentencing court finds that an exceptional sentence outside the standard sentence range should be imposed, the sentence is subject to review only as provided for in RCW 9.94A.585(4).</p> <p>A departure from the standards in RCW 9.94A.589 (1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in</p>
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this section, and may be appealed by the offender or the state as set forth in RCW 9.94A.585 (2) through (6).

(1) Mitigating Circumstances - Court to Consider

The court may impose an exceptional sentence below the standard range if it finds that mitigating circumstances are established by a preponderance of the evidence. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

- (a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.
- (b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.
- (c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.
- (d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.
- (e) The defendant's capacity to appreciate the wrongfulness of his or her conduct, or to conform his or her conduct to the requirements of the law, was significantly impaired. Voluntary use of drugs or alcohol is excluded.
- (f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.
- (g) The operation of the multiple offense policy of RCW 9.94A.589 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.
- (h) The defendant or the defendant's children suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(2) Aggravating Circumstances - Considered and Imposed by the Court

The trial court may impose an aggravated exceptional sentence without a finding of fact by a jury under the following circumstances:

- (a) The defendant and the state both stipulate that justice is best served by the imposition of an exceptional sentence outside the standard range, and the court finds the exceptional sentence to be consistent with and in furtherance of the interests of justice and the purposes of the sentencing reform act.
- (b) The defendant's prior unscored misdemeanor or prior unscored foreign criminal history results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.010.
- (c) The defendant has committed multiple current offenses and the defendant's high offender score results in some of the current offenses going unpunished.
- (d) The failure to consider the defendant's prior criminal history which was omitted from the offender score calculation pursuant to RCW 9.94A.525 results in a presumptive sentence that is clearly too lenient.

(3) Aggravating Circumstances - Considered by a Jury -Imposed by the Court

Except for circumstances listed in subsection (2) of this section, the following circumstances are an exclusive list of factors that can support a sentence above the standard range. Such facts should be determined by procedures specified in RCW 9.94A.537.

- (a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.
- (b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance.
- (c) The current offense was a violent offense, and the defendant knew that the victim of the current offense was pregnant.

(d) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

- (i) The current offense involved multiple victims or multiple incidents per victim;
- (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;
- (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time; or
- (iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(e) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify a current offense as a major VUCSA:

- (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;
- (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;
- (iii) The current offense involved the manufacture of controlled substances for use by other parties;
- (iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy;
- (v) The current offense involved a high degree of sophistication or planning, occurred over a lengthy period of time, or involved a broad geographic area of disbursement; or
- (vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional).

(f) The current offense included a finding of sexual motivation pursuant to RCW 9.94A.835.

(g) The offense was part of an ongoing pattern of sexual abuse of the same victim under the age of eighteen years manifested by multiple incidents over a prolonged period of time.

(h) The current offense involved domestic violence, as defined in RCW 10.99.020, and one or more of the following was present:

- (i) The offense was part of an ongoing pattern of psychological, physical, or sexual abuse of the victim manifested by multiple incidents over a prolonged period of time;
- (ii) The offense occurred within sight or sound of the victim's or the offender's minor children under the age of eighteen years; or
- (iii) The offender's conduct during the commission of the current offense manifested deliberate cruelty or intimidation of the victim.
- (i) The offense resulted in the pregnancy of a child victim of rape.
- (j) The defendant knew that the victim of the current offense was a youth who was not residing with a legal custodian and the defendant established or promoted the relationship for the primary purpose of victimization.

(k) The offense was committed with the intent to obstruct or impair human or animal health care or agricultural or forestry research or commercial production.

(l) The current offense is trafficking in the first degree or trafficking in the second degree and any victim was a minor at the time of the offense.

(m) The offense involved a high degree of sophistication or planning.

(n) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

(o) The defendant committed a current sex offense, has a history of sex offenses, and is not amenable to treatment.

- (p) The offense involved an invasion of the victim's privacy.
 - (q) The defendant demonstrated or displayed an egregious lack of remorse.
 - (r) The offense involved a destructive and foreseeable impact on persons other than the victim.
 - (s) The defendant committed the offense to obtain or maintain his or her membership or to advance his or her position in the hierarchy of an organization, association, or identifiable group.
 - (t) The defendant committed the current offense shortly after being released from incarceration.
 - (u) The current offense is a burglary and the victim of the burglary was present in the building or residence when the crime was committed.
 - (v) The offense was committed against a law enforcement officer who was performing his or her official duties at the time of the offense, the offender knew that the victim was a law enforcement officer, and the victim's status as a law enforcement officer is not an element of the offense.
 - (w) The defendant committed the offense against a victim who was acting as a good samaritan.
 - (x) The defendant committed the offense against a public official or officer of the court in retaliation of the public official's performance of his or her duty to the criminal justice system.
 - (y) The victim's injuries substantially exceed the level of bodily harm necessary to satisfy the elements of the offense. This aggravator is not an exception to RCW 9.94A.530(2).
 - (z)(i)(A) The current offense is theft in the first degree, theft in the second degree, possession of stolen property in the first degree, or possession of stolen property in the second degree; (B) the stolen property involved is metal property; and (C) the property damage to the victim caused in the course of the theft of metal property is more than three times the value of the stolen metal property, or the theft of the metal property creates a public hazard.
 - (ii) For purposes of this subsection, "metal property" means commercial metal property, private metal property, or nonferrous metal property, as defined in RCW 19.290.010.
 - (aa) The defendant committed the offense with the intent to directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage to or for a criminal street gang as defined in RCW 9.94A.030, its reputation, influence, or membership.
 - (bb) The current offense involved paying to view, over the internet in violation of section 7 of this act, depictions of a minor engaged in an act of sexually explicit conduct as defined in RCW 9.68A.011(4) (a) through (g).
- Sec. 11. RCW 9.94A.030 and 2009 c 375 s 4 are each amended to read as follows:**
- Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.
- (1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.
 - (2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.
 - (3) "Commission" means the sentencing guidelines commission.
 - (4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.
 - (5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as

part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

- (a) To gain admission, prestige, or promotion within the gang;
- (b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;
- (c) To exact revenge or retribution for the gang or any member of the gang;
- (d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(29) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(30) "Nonviolent offense" means an offense which is not a violent offense.

(31) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer convicted of an offense included in RCW 9.94A.501(1) and ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(32) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(33) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(34) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties for forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (34)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(35) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator

established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; ~~(iii)~~ (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(36) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(37) "Public school" has the same meaning as in RCW 28A.150.010.

(38) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(39) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(40) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(41) "Serious violent offense" is a subcategory of violent offense and means:

- (a)(i) Murder in the first degree;
- (ii) Homicide by abuse;
- (iii) Murder in the second degree;
- (iv) Manslaughter in the first degree;
- (v) Assault in the first degree;
- (vi) Kidnapping in the first degree;
- (vii) Rape in the first degree;
- (viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(42) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(43) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(44) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(45) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(46) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(47) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(48) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(49) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(50) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(51) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(52) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(53) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school."

On page 1, line 2 of the title, after "abuse;" strike the remainder of the title and insert "amending RCW 9.68A.001, 9.68A.011, 9.68A.050, 9.68A.060, 9.68A.070, 9.68A.110, and 9.94A.030; reenacting and amending RCW 9.94A.515 and 9.94A.535; adding new sections to chapter 9.68A RCW; and prescribing penalties."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2424 and advanced the bill as amended by the Senate to final passage.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2424, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2424, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2424, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 2010

Mr. Speaker:

The Senate receded from its amendment to SECOND SUBSTITUTE HOUSE BILL NO. 3076, and under suspension of the rules returned SECOND SUBSTITUTE HOUSE BILL NO. 3076 to second reading for purpose of amendment. The Senate further adopted amendment 3076-S2 AMS HARG S5494.1 and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The Washington institute for public policy shall, in collaboration with the department of social and health services and other applicable entities, undertake a search for a validated mental health assessment tool or combination of tools to be used by designated mental health professionals when undertaking assessments of individuals for detention, commitment, and revocation under the involuntary treatment act pursuant to chapter 71.05 RCW.

(2) This section expires June 30, 2011.

Sec. 2. RCW 71.05.212 and 1999 c 214 s 5 are each amended to read as follows:

(1) Whenever a (~~county~~) designated mental health professional or professional person is conducting an evaluation under this chapter, consideration shall include all reasonably available information from credible witnesses and records regarding:

~~((4))~~ **(a)** Prior recommendations for evaluation of the need for civil commitments when the recommendation is made pursuant to an evaluation conducted under chapter 10.77 RCW;

~~((2))~~ **(b)** Historical behavior, including history of one or more violent acts;

~~((3))~~ **(c)** Prior determinations of incompetency or insanity under chapter 10.77 RCW; and

~~((4))~~ **(d)** Prior commitments under this chapter.

(2) Credible witnesses may include family members, landlords, neighbors, or others with significant contact and history of involvement with the person. If the designated mental health professional relies upon information from a credible witness in reaching his or her decision to detain the individual, then he or she must provide contact information for any such witness to the prosecutor. The designated mental health professional or prosecutor shall provide notice of the date, time, and location of the probable cause hearing to such a witness.

(3) Symptoms and behavior of the respondent which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm when:

(a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts;

(b) These symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and

(c) Without treatment, the continued deterioration of the respondent is probable.

~~(In addition)~~ **(4)** When conducting an evaluation for offenders identified under RCW 72.09.370, the (~~county~~) designated mental health professional or professional person shall consider an offender's history of judicially required or administratively ordered antipsychotic medication while in confinement.

Sec. 3. RCW 71.05.245 and 1999 c 13 s 6 are each amended to read as follows:

(1) In making a determination of whether a person is gravely disabled or presents a likelihood of serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320, the court must consider the symptoms and behavior of the respondent in light of all available evidence concerning the respondent's historical behavior.

(2) Symptoms or behavior which standing alone would not justify civil commitment may support a finding of grave disability or likelihood of serious harm when: (a) Such symptoms or behavior are closely associated with symptoms or behavior which preceded and led to a past incident of involuntary hospitalization, severe deterioration, or one or more violent acts; (b) these symptoms or behavior represent a marked and concerning change in the baseline behavior of the respondent; and (c) without treatment, the continued deterioration of the respondent is probable.

(3) In making a determination of whether there is a likelihood of serious harm in a hearing conducted under RCW 71.05.240 or 71.05.320, the court shall give great weight to any evidence before the court regarding whether the person has: ~~((+))~~ (a) A recent history of one or more violent acts; or ~~((=))~~ (b) a recent history of one or more commitments under this chapter or its equivalent provisions under the laws of another state which were based on a likelihood of serious harm. The existence of prior violent acts or commitments under this chapter or its equivalent shall not be the sole basis for determining whether a person presents a likelihood of serious harm.

For the purposes of this ~~(section)~~ subsection "recent" refers to the period of time not exceeding three years prior to the current hearing.

NEW SECTION. Sec. 4. A new section is added to chapter 71.05 RCW to read as follows:

(1) Whenever a person who is the subject of an involuntary commitment order under this chapter is discharged from an evaluation and treatment facility or state hospital, the evaluation and treatment facility or state hospital shall provide notice of the person's discharge to the designated mental health professional office responsible for the initial commitment and the designated mental health professional office that serves the county in which the person is expected to reside. The evaluation and treatment facility or state hospital must also provide these offices with a copy of any less restrictive order or conditional release order entered in conjunction with the discharge of the person, unless the evaluation and treatment facility or state hospital has entered into a memorandum of understanding obligating another entity to provide these documents.

(2) The notice and documents referred to in subsection (1) of this section shall be provided as soon as possible and no later than one business day following the discharge of the person. Notice is not required under this section if the discharge is for the purpose of transferring the person for continued detention and treatment under this chapter at another treatment facility.

(3) The department shall maintain and make available an updated list of contact information for designated mental health professional offices around the state.

NEW SECTION. Sec. 5. Sections 2 and 3 of this act take effect January 1, 2012.

NEW SECTION. Sec. 6. A new section is added to chapter 9.94A RCW to read as follows:

(1) Before imposing any legal financial obligations upon a defendant who suffers from a mental health condition, other than restitution or the victim penalty assessment under RCW 7.68.035, a judge must first determine that the defendant, under the terms of this section, has the means to pay such additional sums.

(2) For the purposes of this section, a defendant suffers from a mental health condition when the defendant has been diagnosed with a mental disorder that prevents the defendant from participating in gainful employment, as evidenced by a determination of mental disability as the basis for the defendant's enrollment in a public

assistance program, a record of involuntary hospitalization, or by competent expert evaluation.

NEW SECTION. Sec. 7. If specific funding for the purposes of sections 1, 2, and 3 of this act, referencing the specific section of this act by section number and by bill or chapter number, is not provided by June 30, 2010, in the omnibus appropriations act, each section not referenced is null and void."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 71.05.212 and 71.05.245; adding a new section to chapter 71.05 RCW; adding a new section to chapter 9.94A RCW; creating new sections; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 3076 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 3076, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 3076, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

SECOND SUBSTITUTE HOUSE BILL NO. 3076, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

RESOLUTIONS

HOUSE RESOLUTION NO. 4701, by Representatives Schmick and Fagan

WHEREAS, The Colton High School basketball team reached the status of a superpower after winning their second State 1B girls' basketball championship at the SunDome on February 27, 2010; and

WHEREAS, The Colton Wildcats basketball team has finished third, second, and first twice since the 1B classification was created; and

WHEREAS, To win the State Championship, the Wildcats defeated opponents from King's Way Christian by 79-15, Bickleton by 76-18, Columbia by 40-23, and Almira/Coulee-Hartline by 64-34 in the final; and

WHEREAS, The Colton Wildcats crushed their 2009 record for points in a tournament with 259, easily outdistancing their old total of 232; and

WHEREAS, The Wildcats established a tournament record for fewest points allowed with 89 and also made a record for margin of victory, which was a cumulative 169 points; and

WHEREAS, The Colton Wildcats established their dominance early on by leading 38-15 at the half; and

WHEREAS, The 2010 Wildcats showed that they deserved the state championship title when they finished their season with an outstanding 25-1 season record; and

WHEREAS, This is Colton's second state championship title since the 1983's Colton football champions;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Kaden Dahmen, Grace Druffel, Kaitlin Druffel, McKenzie Heaslet, Mollie Kramer, Payton Meyer, Haley Moser, Kelsey Moser, Mikayla Nygreen, RayLynn Smith, Paige Vincent, Erin Weber, and Coach Clark Vining on the occasion of capturing the school's second-straight championship title.

HOUSE RESOLUTION NO. 4701 was adopted.

HOUSE RESOLUTION NO. 4702, by Representatives Schmick and Fagan

WHEREAS, The Colfax High School basketball team successfully defended its 2009 title by beating La Salle 52-43 in the State 2B girls championship game on Saturday, March 6, 2010; and

WHEREAS, The girls' basketball team has reached superpower status in the 2B division after winning its sixth state championship title in the last eight years; and

WHEREAS, The Bulldogs won their championship by defeating opponents from DeSales, Wahkiakum, Toutle Lake, and La Salle; and

WHEREAS, Colfax defeated DeSales High School in the first round with a victory margin of 65 to 48; and

WHEREAS, The Bulldogs swept Wahkiakum High School in dominant fashion in the quarterfinals by a margin of 75 to 35; and

WHEREAS, Colfax's basketball players continued their strong defense and tournament domination with a victory against Toutle Lake High School by 42 to 33 in the semifinal game; and

WHEREAS, The 2010 Bulldogs showed that they deserved the state championship title when they finished the tournament against the 2008 champion La Salle High School and defeated them during the championship round with a victory of 52 to 43; and

WHEREAS, The Colfax Bulldogs scored a total of 1,665 points over the season, allowed only 1,083 points, and finished the season with a 22-3 record;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor the 2010 Colfax High School Bulldogs basketball team: Amelie Bruya, Brooke Webber, Hannah Harazin, Karmen Hall, Rachel Johnson, Misty Skelton, Kayla Johnson, Shaina Simonson, Raven Elkins, Brittney Burke, Emily Shaw, and Kayleigh Maltone; coaches Corey Baerlocher, Tom Fowler, and Jenna Vuletich; and managers Taylor Larsen, Brooklyn Schmidt, Rachel Robinson, Nicole Sheer, and Brady Cornelius, on the occasion of capturing the school's sixth championship title.

HOUSE RESOLUTION NO. 4702 was adopted.

HOUSE RESOLUTION NO. 4704, by Representative Pettigrew

WHEREAS, The Washington state legislature recognizes excellence in all fields of endeavors; and

WHEREAS, Scholar-athletes have exhibited true excellence in their pursuit of postsecondary educational opportunities while competing in intercollegiate sports; and

WHEREAS, Scholar-athletes serve as mentors who go beyond providing spectators with dreams and aspirations of becoming a successful athlete and lead by example by displaying that academic achievement is an admirable accomplishment that portends a promising future; and

WHEREAS, Anyone who has ever been discouraged while confronting obstacles or experiencing adversity knows the need for a mentor, hope, and inspiration, and scholar-athletes continue to positively influence others by virtue of illustrating what can be achieved through diligence and perseverance; and

WHEREAS, While scholar-athletes encourage people to dream, they set high standards with their ability to consistently meet rigorous athletic requirements while honoring the importance of education; and

WHEREAS, Maintaining a strong drive and dedication requires sacrifice and persistence that is deserving of recognition; and

WHEREAS, The following athletes have demonstrated the aforementioned tenants of an outstanding scholar-athlete: Tyler Fischer, Raquel Gonzalez, Kaycie Hutchins, Danielle Monson, Garrett Rolsma, Johnny Spevak, Brandie Vea from Central Washington University; Lacey Kerr, Joanne (Jo E.) Mayer, Lindsay Oakes, Cassie Pilkinton, Natalie Turner, Elly Bulega, Jeff Kintner, Nate Montgomery, Bryan Olson, Cody Stelzer from Whitworth University; Joyce Ardies, Anita Campbell, Jill Collymore, Rylan Hawkins, Paul Homer, Lindsey Kasser, Jordan Swarthout, Nick Taylor, Alyson McWherter, Sami Whitcomb from University of Washington; Nicholas J. Barclay, Benjamin L. Funkhouser, Mark J. Castellitto, Jeremy R. Stumetz, Lori J. Conrad, Taylor J. Hall, Layne A. Brosky, Anna L. Friedhoff, Christopher Pontarolo-Maag, Tiffany L. Shives from Gonzaga University; Madeleine Eckmann, Kylie Broadbent, Greg Kubitz from Western Washington University; Jamey Gelhar, Krinda Carlson, Charlie Severs from Saint Martin's University; Katie Garcin, Alison Matisons, Angel Stewart from The Evergreen State College; Matthew Fanelli, Nikola Koprivica, Kenneth Alfred, Nicholas Grigsby, Matthew Lamb, Erica Lewis, Kiersten Dallstream, Michaela Ahlin, Jackie Albright, Lisa Egami from Washington State University; Ashley Nicole Zalsman, Jonathan Long from Walla Walla University; Nathan Rheume, Nathan Downs, McKenzie McKean, Kyle Wall from Northwest University; Paul Limpf, Jacob Kragt, Nicole Luckenbach, Chris Thomas, Ashley Hamilton, Jessica Huntington from Eastern Washington University and the outstanding scholar-athletes from Whitman College, Seattle Pacific University, Seattle University, Pacific Lutheran University, and University of Puget Sound;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize scholar-athletes at institutions of higher learning throughout the state of Washington for their ability to exhibit potential through athletic and academic achievement.

HOUSE RESOLUTION NO. 4704 was adopted.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 9, 2010

HB 2617 Prime Sponsor, Representative Driscoll:
Eliminating certain boards and commissions.
Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Affairs. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

There being no objection, HOUSE BILL NO. 2617 was placed on the second reading calendar.

RESOLUTIONS

HOUSE RESOLUTION NO. 4698, by Representatives Darneille, Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, and Wood

WHEREAS, The Washington State Legislature recognizes and honors the contributions of individuals who exhibit the standards of excellence that advance the well-being and quality of life of all citizens of the State of Washington; and

WHEREAS, Washington State Representative Dennis Flannigan has served the people of the 27th District and Washington with honor and distinction since 2003; and

WHEREAS, Dennis Flannigan has announced that he will not seek reelection to the Washington State Legislature this year; and

WHEREAS, Each and every year of Dennis Flannigan's outstanding service to the people of Washington was a shining example of his core principles of honesty, justice, and compassion; and

WHEREAS, Having established a reputation for his unwavering pursuit of transparency and openness, Dennis Flannigan maintained a steadfast commitment to showing his true colors at all times; and

WHEREAS, His love of black licorice, which he often referred to as "real" licorice, and classic white socks were just small snippets of his intriguing character; and

WHEREAS, As a fan of the arts, Dennis Flannigan has shown his creativity day in and day out with his love of words and his cartooning skills, which came in handy when responding to constituent questions; and

WHEREAS, Dennis Flannigan has been an avid record collector and music lover, as well as the producer of an annual Christmas CD that is coveted by all; and

WHEREAS, During his legislative career he has focused on doing good for the people of Washington, and has made many friends both within and outside of the Legislature; and

WHEREAS, He has encouraged an inclusive community and brought people together by never underestimating the power of laughter, as well as delicious Chinese food; and

WHEREAS, Dennis Flannigan has undoubtedly touched thousands of lives through his work with the Legislature, Pierce County Council, Pierce County Alliance, Emergency Food Network, Pierce County Transit Board, and the Pierce County Safe Streets to name a few; and

WHEREAS, Numerous leading organizations, including the Pierce County Rotaries, Municipal League, and Pierce County Dispute Resolution Center have bestowed well-deserved honors on Dennis Flannigan for his integrity, vision and public service; and

WHEREAS, The Representatives, Senators, and staff of the Washington State Legislature will sorely miss Dennis Flannigan and his leadership;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington celebrate and long remember the character, accomplishments, and distinguished career of Representative Dennis Flannigan, and wish him all the best; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Washington State Representative Dennis Flannigan.

Representative Darneille moved adoption of House Resolution No. 4698

Representatives Darneille, Armstrong, Pettigrew, Orcutt, Wallace, Rodne and Ormsby spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4698 was adopted.

HOUSE RESOLUTION NO. 4697, by Representatives Ericks, Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, and Wood

WHEREAS, Representative Al O'Brien has dedicated his life not to fame or fortune, but to public service; and

WHEREAS, Al O'Brien was born in Seattle and served in the United States Marines as a Warrant Officer during the Vietnam War, where he was seriously wounded in combat; and

WHEREAS, After recovering and returning home to Seattle, Al O'Brien put on a different uniform, keeping the streets of Seattle safe for 29 years before retiring as a Sergeant with the Seattle Police Department; and

WHEREAS, Al has mentioned on this floor that he lost many friends who wore those same two uniforms; and

WHEREAS, Al remained active in the Veterans of Foreign Wars post in Lynnwood and the American Legion Post in Mountlake Terrace; and

WHEREAS, Al received his bachelor's degree from Seattle University in sociology, and later his master's in public

administration, and he also taught at City University and Seattle University; and

WHEREAS, Before coming to the House of Representatives in 1996, Al O'Brien served on the Mountlake Terrace City Council for five years and in the Marine Reserves for 12 years; and

WHEREAS, Here in the House of Representatives, Al was chair of the Public Safety and Emergency Preparedness Committee and a strong voice for protecting children and other vulnerable people from predators; and

WHEREAS, Al O'Brien has two sons, Christopher and Michael, and he has also been someone for hundreds of college students, staff, and fellow lawmakers to look up to; and

WHEREAS, Al has always been involved in the community, serving as president of his local Kiwanis and a member of the board of directors for both the ARC of Snohomish County and the Bridge to Promise;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives and the State of Washington celebrate and honor the distinguished legislative career and accomplishments of Representative Al O'Brien, and wish him the very best in his next endeavor, even though we will miss him deeply; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Washington State Representative Al O'Brien and his family.

Representative Ericks moved adoption of House Resolution No. 4697

Representatives Ericks, Pearson, Hurst, Ross, Sells, Hope, Darneille, Kirby and Flannigan spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4697 was adopted.

MESSAGES FROM THE SENATE

March 10, 2010

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL 6538
 SUBSTITUTE SENATE BILL 6548
 SECOND SUBSTITUTE SENATE BILL 6575
 and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 10, 2010

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL 6572
 SECOND SUBSTITUTE SENATE BILL 6675
 SUBSTITUTE SENATE BILL 6712
 SENATE BILL 6855
 and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 10, 2010

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL 2016
 SUBSTITUTE HOUSE BILL 2179
 SUBSTITUTE HOUSE BILL 2402
 SUBSTITUTE HOUSE BILL 2443
 ENGROSSED SUBSTITUTE HOUSE BILL 2464
 SUBSTITUTE HOUSE BILL 2466
 SUBSTITUTE HOUSE BILL 2533
 SUBSTITUTE HOUSE BILL 2534
 ENGROSSED SUBSTITUTE HOUSE BILL 2538
 SUBSTITUTE HOUSE BILL 2593
 SECOND SUBSTITUTE HOUSE BILL 2603
 HOUSE BILL 2625
 SUBSTITUTE HOUSE BILL 2680
 HOUSE BILL 2681
 SUBSTITUTE HOUSE BILL 2717
 HOUSE BILL 2748
 ENGROSSED SUBSTITUTE HOUSE BILL 2752
 SUBSTITUTE HOUSE BILL 2775
 ENGROSSED SUBSTITUTE HOUSE BILL 2777
 SUBSTITUTE HOUSE BILL 2801
 ENGROSSED HOUSE BILL 2805
 SUBSTITUTE HOUSE BILL 2841
 SECOND SUBSTITUTE HOUSE BILL 2867
 SUBSTITUTE HOUSE BILL 2939
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2961
 HOUSE BILL 2973
 ENGROSSED SUBSTITUTE HOUSE BILL 2986
 HOUSE BILL 3007
 SUBSTITUTE HOUSE BILL 3016
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3026
 ENGROSSED SUBSTITUTE HOUSE BILL 3040
 SUBSTITUTE HOUSE BILL 3105
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3141
 ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION 4220
 and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 10, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL 2745 and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 10, 2010

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 2596, and passed the bill without said amendments.

and the same is herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

March 10, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6504 and insists on its position and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House advanced to the seventh order of business.

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6504 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6504, by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)

Reducing crime victims' compensation benefits and eligibility. Revised for 2nd Substitute: Modifying provisions of the crime victims' compensation program.

The bill was read the second time.

Representative Ross moved the adoption of amendment (1602).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.68.070 and 2009 c 38 s 1 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW except as provided in this section, provided that no more than fifty thousand dollars shall be paid per claim:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or the victim's family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, subject to the limitations under RCW 7.68.015. The rights, duties, responsibilities, limitations, and procedures applicable to a worker as contained in RCW 51.32.010 are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim, unless an injury resulting from a criminal act caused the death of the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a worker and contained in RCW 51.32.050 shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter(~~PROVIDED~~), except that:

(a) Benefits for burial expenses shall not exceed ((the amount paid by the department in case of the death of a worker as provided in chapter 51.32 RCW in any claim: PROVIDED FURTHER, That if

the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act;

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived the victim or where such spouse has legal custody of all of his or her children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances)) five thousand seven hundred fifty dollars per claim; and

(b) An application for benefits relating to payment for burial expenses, pursuant to this subsection, must be received within twelve months of the date upon which the death of the victim is officially recognized as a homicide. If there is a delay in the recovery of remains or the release of remains for burial, application for benefits must be received within twelve months of the date of the release of the remains for burial.

(5) The benefits established in RCW 51.32.060 for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter(~~PROVIDED~~), except that if a victim becomes permanently and totally disabled as a proximate result of the criminal act ((and was not gainfully employed at the time of the criminal act)), the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter, but shall not exceed seven thousand dollars per claim.

(7) The benefits established in RCW 51.32.090 for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter (~~(= PROVIDED)~~), except that no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully employed at the time of the criminal act (~~(= and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act)~~).

(8) The benefits established in RCW 51.32.095 for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter (~~(= PROVIDED)~~), except that benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workers contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) (~~(= Except for medical benefits authorized under RCW 7.68.080, no more than thirty thousand dollars shall be granted as a result of a single injury or death, except that benefits granted as the result of total permanent disability or death shall not exceed forty thousand dollars.~~)

~~(14))~~ Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for total temporary disability under subsection (7) of this section, shall be limited to fifteen thousand dollars.

~~(15))~~ (14) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter.

~~(16))~~ (15) Crime victims' compensation is not available to pay for services covered under chapter 74.09 RCW or Title XIX of the federal social security act, except to the extent that the costs for such

services exceed service limits established by the department of social and health services or, during the 1993-95 fiscal biennium, to the extent necessary to provide matching funds for federal medicaid reimbursement.

~~(17))~~ (16) In addition to other benefits provided under this chapter, immediate family members of a homicide victim may receive appropriate counseling to assist in dealing with the immediate, near-term consequences of the related effects of the homicide. Fees for counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080. Payment of counseling benefits under this section may not be provided to the perpetrator of the homicide. The benefits under this subsection may be provided only with respect to homicides committed on or after July 1, 1992.

~~(18))~~ (17) A dependent mother, father, stepmother, or stepfather, as defined in RCW 51.08.050, who is a survivor of her or his child's homicide, who has been requested by a law enforcement agency or a prosecutor to assist in the judicial proceedings related to the death of the victim, and who is not domiciled in Washington state at the time of the request, may receive a lump-sum payment upon arrival in this state. Total benefits under this subsection may not exceed seven thousand five hundred dollars. If more than one dependent parent is eligible for this benefit, the lump-sum payment of seven thousand five hundred dollars shall be divided equally among the dependent parents.

~~(19))~~ (18) A victim whose crime occurred in another state who qualifies for benefits under RCW 7.68.060(4) may receive appropriate mental health counseling to address distress arising from participation in the civil commitment proceedings. Fees for counseling shall be determined by the department in accordance with RCW 51.04.030, subject to the limitations of RCW 7.68.080.

(19) A victim is not eligible for benefits under this act if such victim:

(a) Has been convicted of a felony offense within five years preceding the criminal act for which they are applying where the felony offense is a violent offense under RCW 9.94A.030 or a crime against persons under RCW 9.94A.411, or is convicted of such a felony offense after applying; and

(b) Has not completely satisfied all legal financial obligations owed prior to applying for benefits.

Sec. 2. RCW 7.68.085 and 2009 c 479 s 9 are each amended to read as follows:

(1) This section has no force or effect from the effective date of this section until July 1, 2015.

~~(2)~~ (2) The director of labor and industries shall institute a cap on medical benefits of one hundred fifty thousand dollars per injury or death. Payment for medical services in excess of the cap shall be made available to any innocent victim under the same conditions as other medical services and if the medical services are:

~~(a))~~ (a) Necessary for a previously accepted condition;
~~(b))~~ (b) Necessary to protect the victim's life or prevent deterioration of the victim's previously accepted condition; and
~~(c))~~ (c) Not available from an alternative source.

For the purposes of this section, an individual will not be required to use his or her assets other than funds recovered as a result of a civil action or criminal restitution, for medical expenses or pain and suffering, in order to qualify for an alternative source of payment.

The director shall, in cooperation with the department of social and health services, establish by October 1, 1989, a process to aid crime victims in identifying and applying for appropriate alternative benefit programs, if any, administered by the department of social and health services.

NEW SECTION. Sec. 3. A new section is added to chapter 7.68 RCW to read as follows:

The crime victims' compensation account is created in the custody of the state treasurer. Expenditures from the account may be used only for the crime victims' compensation program under this

chapter. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 4. RCW 9A.82.110 and 2009 c 479 s 11 are each amended to read as follows:

(1) In an action brought by the attorney general on behalf of the state under RCW 9A.82.100(1)(b)(i) in which the state prevails, any payments ordered in excess of the actual damages sustained shall be deposited in the ((state general fund)) crime victims' compensation account provided in section 3 of this act.

(2)(a) The county legislative authority may establish an antiprofitteering revolving fund to be administered by the county prosecuting attorney under the conditions and for the purposes provided by this subsection. Disbursements from the fund shall be on authorization of the county prosecuting attorney. No appropriation is required for disbursements.

(b) Any prosecution and investigation costs, including attorney's fees, recovered for the state by the county prosecuting attorney as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of criminal profiteering, whether by final judgment, settlement, or otherwise, shall be deposited, as directed by a court of competent jurisdiction, in the fund established by this subsection. In an action brought by a prosecuting attorney on behalf of the county under RCW 9A.82.100(1)(b)(i) in which the county prevails, any payments ordered in excess of the actual damages sustained shall be deposited in the ((state general fund)) crime victims' compensation account provided in section 3 of this act.

(c) The county legislative authority may prescribe a maximum level of moneys in the antiprofitteering revolving fund. Moneys exceeding the prescribed maximum shall be transferred to the county current expense fund.

(d) The moneys in the fund shall be used by the county prosecuting attorney for the investigation and prosecution of any offense, within the jurisdiction of the county prosecuting attorney, included in the definition of criminal profiteering, including civil enforcement.

(e) If a county has not established an antiprofitteering revolving fund, any payments or forfeitures ordered to the county under this chapter shall be deposited to the county current expense fund.

Sec. 5. RCW 72.09.111 and 2009 c 479 s 60 are each amended to read as follows:

(1) The secretary shall deduct taxes and legal financial obligations from the gross wages, gratuities, or workers' compensation benefits payable directly to the inmate under chapter 51.32 RCW, of each inmate working in correctional industries work programs, or otherwise receiving such wages, gratuities, or benefits. The secretary shall also deduct child support payments from the gratuities of each inmate working in class II through class IV correctional industries work programs. The secretary shall develop a formula for the distribution of offender wages, gratuities, and benefits. The formula shall not reduce the inmate account below the indigency level, as defined in RCW 72.09.015.

(a) The formula shall include the following minimum deductions from class I gross wages and from all others earning at least minimum wage:

- (i) Five percent to the ((state general fund)) crime victims' compensation account provided in section 3 of this act;
- (ii) Ten percent to a department personal inmate savings account;
- (iii) Twenty percent to the department to contribute to the cost of incarceration; and
- (iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court.

(b) The formula shall include the following minimum deductions from class II gross gratuities:

- (i) Five percent to the ((state general fund)) crime victims' compensation account provided in section 3 of this act;
- (ii) Ten percent to a department personal inmate savings account;
- (iii) Fifteen percent to the department to contribute to the cost of incarceration;

(iv) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court; and

(v) Fifteen percent for any child support owed under a support order.

(c) The formula shall include the following minimum deductions from any workers' compensation benefits paid pursuant to RCW 51.32.080:

- (i) Five percent to the ((state general fund)) crime victims' compensation account provided in section 3 of this act;
- (ii) Ten percent to a department personal inmate savings account;
- (iii) Twenty percent to the department to contribute to the cost of incarceration; and

(iv) An amount equal to any legal financial obligations owed by the inmate established by an order of any Washington state superior court up to the total amount of the award.

(d) The formula shall include the following minimum deductions from class III gratuities:

(i) Five percent for the ((state general fund)) crime victims' compensation account provided in section 3 of this act; and

(ii) Fifteen percent for any child support owed under a support order.

(e) The formula shall include the following minimum deduction from class IV gross gratuities:

(i) Five percent to the department to contribute to the cost of incarceration; and

(ii) Fifteen percent for any child support owed under a support order.

(2) Any person sentenced to life imprisonment without possibility of release or parole under chapter 10.95 RCW or sentenced to death shall be exempt from the requirement under subsection (1)(a)(ii), (b)(ii), or (c)(ii).

(3)(a) The department personal inmate savings account, together with any accrued interest, shall only be available to an inmate at the following times:

- (i) The time of his or her release from confinement;
- (ii) Prior to his or her release from confinement in order to secure approved housing; or
- (iii) When the secretary determines that an emergency exists for the inmate.

(b) If funds are made available pursuant to (a)(ii) or (iii) of this subsection, the funds shall be made available to the inmate in an amount determined by the secretary.

(c) The management of classes I, II, and IV correctional industries may establish an incentive payment for offender workers based on productivity criteria. This incentive shall be paid separately from the hourly wage/gratuity rate and shall not be subject to the specified deduction for cost of incarceration.

(4)(a) Subject to availability of funds for the correctional industries program, the expansion of inmate employment in class I and class II correctional industries shall be implemented according to the following schedule:

(i) Not later than June 30, 2005, the secretary shall achieve a net increase of at least two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(ii) Not later than June 30, 2006, the secretary shall achieve a net increase of at least four hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iii) Not later than June 30, 2007, the secretary shall achieve a net increase of at least six hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(iv) Not later than June 30, 2008, the secretary shall achieve a net increase of at least nine hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(v) Not later than June 30, 2009, the secretary shall achieve a net increase of at least one thousand two hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003;

(vi) Not later than June 30, 2010, the secretary shall achieve a net increase of at least one thousand five hundred in the number of inmates employed in class I or class II correctional industries work programs above the number so employed on June 30, 2003.

(b) Failure to comply with the schedule in this subsection does not create a private right of action.

(5) In the event that the offender worker's wages, gratuity, or workers' compensation benefit is subject to garnishment for support enforcement, the ~~((state general fund))~~ crime victims' compensation account, savings, and cost of incarceration deductions shall be calculated on the net wages after taxes, legal financial obligations, and garnishment.

(6) The department shall explore other methods of recovering a portion of the cost of the inmate's incarceration and for encouraging participation in work programs, including development of incentive programs that offer inmates benefits and amenities paid for only from wages earned while working in a correctional industries work program.

(7) The department shall develop the necessary administrative structure to recover inmates' wages and keep records of the amount inmates pay for the costs of incarceration and amenities. All funds deducted from inmate wages under subsection (1) of this section for the purpose of contributions to the cost of incarceration shall be deposited in a dedicated fund with the department and shall be used only for the purpose of enhancing and maintaining correctional industries work programs.

(8) It shall be in the discretion of the secretary to apportion the inmates between class I and class II depending on available contracts and resources.

(9) Nothing in this section shall limit the authority of the department of social and health services division of child support from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 26.23, 74.20, or 74.20A RCW.

Sec. 6. RCW 72.09.480 and 2009 c 479 s 61 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsections (4) and (8) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions and the priorities established in chapter 72.11 RCW:

(a) Five percent to the ~~((state general fund))~~ crime victims' compensation account provided in section 3 of this act;

(b) Ten percent to a department personal inmate savings account;

(c) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court;

(d) Twenty percent for any child support owed under a support order; and

(e) Twenty percent to the department to contribute to the cost of incarceration.

(3) When an inmate, except as provided in subsection (8) of this section, receives any funds from a settlement or award resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(4) When an inmate who is subject to a child support order receives funds from an inheritance, the deduction required under subsection (2)(e) of this section shall only apply after the child support obligation has been paid in full.

(5) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

(6)(a) The deductions required under subsection (2) of this section shall not apply to funds received by the department from an offender or from a third party on behalf of an offender for payment of education or vocational programs or postsecondary education degree programs as provided in RCW 72.09.460 and 72.09.465.

(b) The deductions required under subsection (2) of this section shall not apply to funds received by the department from a third party, including but not limited to a nonprofit entity on behalf of the department's education, vocation, or postsecondary education degree programs.

(7) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

(8) When an inmate sentenced to life imprisonment without possibility of release or sentenced to death under chapter 10.95 RCW receives funds, deductions are required under subsection (2) of this section, with the exception of a personal inmate savings account under subsection (2)(b) of this section.

(9) The secretary of the department of corrections, or his or her designee, may exempt an inmate from a personal inmate savings account under subsection (2)(b) of this section if the inmate's earliest release date is beyond the inmate's life expectancy.

(10) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

(11) Nothing in this section shall limit the authority of the department of social and health services division of child support, the county clerk, or a restitution recipient from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 9.94A, 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action.

NEW SECTION. Sec. 7. A new section is added to chapter 7.68 RCW to read as follows:

(1) Within current funding levels, the department's crime victims' compensation program shall post on its public web site a report that shows the following items:

- (a) The total amount of current funding available in the crime victims' compensation fund;
- (b) The total amount of funding disbursed to victims in the previous thirty days; and
- (c) The total amount paid in overhead and administrative costs in the previous thirty days.
- (2) The information listed in subsection (1) of this section must be posted and maintained on the department's web site by July 1, 2010 and updated every thirty days thereafter.

NEW SECTION. Sec. 8. Sections 1 and 2 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect April 1, 2010, for all claims of victims of criminal acts occurring after July 1, 1981.

NEW SECTION. Sec. 9. Sections 1 and 2 of this act expire July 1, 2015."

Correct the title.

Representatives Ross and Darneille spoke in favor of the adoption of the amendment.

There being no objection, the House deferred further action on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6504 and the bill held its place on the second reading calendar.

RESOLUTION

HOUSE RESOLUTION NO. 4699, by Representative Linville

WHEREAS, Washington State Representative Mark Ericks has served the people of the 1st Legislative District with great honor and distinction since 2005; and

WHEREAS, Representative Ericks will not be seeking reelection to the Washington State Legislature this year; and

WHEREAS, Representative Ericks' district encompasses areas in both King and Snohomish counties, including the communities of Bothell, Woodinville, Mountlake Terrace, Brier, Lynnwood, and Edmonds; and

WHEREAS, Representative Ericks is a lifelong Washingtonian who was born in Seattle, graduated from Sultan High School, and now resides in Snohomish; and

WHEREAS, Representative Ericks is also a graduate of the FBI National Academy, 171st Session, in Quantico, Virginia; and

WHEREAS, Representative Ericks has over 30 years of service in law enforcement, including 18 years in the Bellevue Police Department and 12 years as Bothell's Chief of Police, retiring in 2002; and

WHEREAS, Representative Ericks' distinguished career in law enforcement included work in Hostage & Crisis Negotiation, Juvenile Victims Unit, White Collar Crime Unit, Patrol Division, K-9 Supervisor, and undercover detective work, among others; and

WHEREAS, As a member of the International Association of Chiefs of Police Civil Rights Committee, Representative Ericks worked to protect and promote civil and constitutional rights, which are the foundations of democracy in our nation; and

WHEREAS, Representative Ericks has received numerous honors and awards for his work in law enforcement, including a Life Saving Meritorious Service Award, and a Community Service Award from the Black Law Enforcement Association of Washington; and

WHEREAS, Representative Ericks has also dedicated many volunteer hours to youth athletics in his community, as a pitching instructor for Girls Fastpitch, a Northshore Little League Coach, and a Northshore Little League Board member, and even coached a Girls Fastpitch team all the way to the 1995 state championships; and

WHEREAS, Representative Ericks has also served on the boards of the Make-A-Wish Foundation and the Greater Bothell Association, and is a proud member of the Bothell Chamber of Commerce; and

WHEREAS, In the Legislature, Representative Ericks' vice-chairmanship of the House Ways and Means Committee has been dedicated and focused, with many long days, nights, and weekends spent in hearings and committee meetings; and

WHEREAS, Representative Ericks has been the State House representative to the National Conference of State Legislatures Budget and Revenue Committee; and

WHEREAS, On the House floor, Representative Ericks has often risen to speak up for families and small businesses in Washington state; and

WHEREAS, In addition to his Legislative family, Representative Ericks has a loving and devoted family that includes his wife, Deborah Parker, his five daughters, his three sons-in-law, his granddaughter, and a grandson that is on the way; and

WHEREAS, Representative Ericks has been honored with a United States Marshall nomination by United States Senator Patty Murray, and if appointed by President Barack Obama will continue his service to country and community with the same honor and distinction he has shown his entire career; and

WHEREAS, The Washington State Legislature will not be the same without him;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington celebrate and commemorate the grand and distinguished legislative, civic, and professional career of Washington State Representative Mark Ericks; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Washington State Representative Mark Ericks and the members of his family.

Representative Linville moved adoption of House Resolution No. 4699

Representatives Linville, Simpson, Orcutt, O'Brien and Walsh spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4699 was adopted.

MESSAGE FROM THE SENATE

March 2, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2547 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.96.030 and 1989 c 415 s 3 are each amended to read as follows:

Notwithstanding the terms of a franchise and notwithstanding the terms of a waiver, no manufacturer may terminate, cancel, or fail to renew a franchise with a new motor vehicle dealer, unless the manufacturer has complied with the notice requirements of RCW 46.96.070 and an administrative law judge has determined, if requested in writing by the new motor vehicle dealer within the applicable time period specified in RCW 46.96.070 (1), (2), or (3), after hearing, that there is good cause for the termination, cancellation, or nonrenewal of the franchise and that the manufacturer has acted in good faith, as defined in this chapter, regarding the termination, cancellation, or nonrenewal. Between the time of issuance of the notice required under RCW 46.96.070 and the effective termination, cancellation, or nonrenewal of the franchise

under this chapter, the rights, duties, and obligations of the new motor vehicle dealer and the manufacturer under the franchise and this chapter are unaffected, including those under RCW 46.96.200.

Sec. 2. RCW 46.96.070 and 1989 c 415 s 7 are each amended to read as follows:

Before the termination, cancellation, or nonrenewal of a franchise, the manufacturer shall give written notification to both the department and the new motor vehicle dealer. For the purposes of this chapter, the discontinuance of the sale and distribution of a new motor vehicle line, or the constructive discontinuance by material reduction in selection offered, such that continuing to retail the line is no longer economically viable for a dealer is, at the option of the dealer, considered a termination, cancellation, or nonrenewal of a franchise. The notice shall be by certified mail or personally delivered to the new motor vehicle dealer and shall state the intention to terminate, cancel, or not renew the franchise, the reasons for the termination, cancellation, or nonrenewal, and the effective date of the termination, cancellation, or nonrenewal. The notice shall be given:

- (1) Not less than ninety days before the effective date of the termination, cancellation, or nonrenewal;
- (2) Not less than fifteen days before the effective date of the termination, cancellation, or nonrenewal with respect to any of the following that constitute good cause for termination, cancellation, or nonrenewal:
 - (a) Insolvency of the new motor vehicle dealer or the filing of any petition by or against the new motor vehicle dealer under bankruptcy or receivership law;
 - (b) Failure of the new motor vehicle dealer to conduct sales and service operations during customary business hours for seven consecutive business days, except for acts of God or circumstances beyond the direct control of the new motor vehicle dealer;
 - (c) Conviction of the new motor vehicle dealer, or principal operator of the dealership, of a felony punishable by imprisonment; or
 - (d) Suspension or revocation of a license that the new motor vehicle dealer is required to have to operate the new motor vehicle dealership where the suspension or revocation is for a period in excess of thirty days;
- (3) Not less than one hundred eighty days before the effective date of termination, cancellation, or nonrenewal, where the manufacturer intends to discontinue sale and distribution of the new motor vehicle line.

Sec. 3. RCW 46.96.090 and 1989 c 415 s 9 are each amended to read as follows:

(1) In the event of a termination, cancellation, or nonrenewal under this chapter, except for termination, cancellation, or nonrenewal under RCW 46.96.070(2) or a voluntary termination, cancellation, or nonrenewal initiated by the dealer, the manufacturer shall, at the request and option of the new motor vehicle dealer, also pay to the new motor vehicle dealer the dealer costs for any relocation, substantial alteration, or remodeling of a dealer's facilities required by a manufacturer for the continuance or renewal of a franchise agreement completed within three years of the termination, cancellation, or nonrenewal and:

- (a) A sum equivalent to rent for the unexpired term of the lease or one year, whichever is less, or such longer term as provided in the franchise, if the new motor vehicle dealer is leasing the new motor vehicle dealership facilities from a lessor other than the manufacturer; or
- (b) A sum equivalent to the reasonable rental value of the new motor vehicle dealership facilities for one year or until the facilities are leased or sold, whichever is less, if the new motor vehicle dealer owns the new motor vehicle dealership facilities.

(2) The rental payment required under subsection (1) of this section is only required to the extent that the facilities were used for activities under the franchise and only to the extent the facilities were not leased for unrelated purposes. If the rental payment under

subsection (1) of this section is made, the manufacturer is entitled to possession and use of the new motor vehicle dealership facilities for the period rent is paid.

Sec. 4. RCW 46.96.105 and 2003 c 21 s 2 are each amended to read as follows:

(1) Each manufacturer shall specify in its franchise agreement, or in a separate written agreement, with each of its dealers licensed in this state, the dealer's obligation to perform warranty work or service on the manufacturer's products. Each manufacturer shall provide each of its dealers with a schedule of compensation to be paid to the dealer for any warranty work or service, including parts, labor, and diagnostic work, required of the dealer by the manufacturer in connection with the manufacturer's products. The schedule of compensation must not be less than the rates charged by the dealer for similar service to retail customers for nonwarranty service and repairs, and must not be less than the schedule of compensation for an existing dealer as of the effective date of this section.

(a) The rates charged by the dealer for nonwarranty service or work for parts means the price paid by the dealer for those parts, including all shipping and other charges, increased by the franchisee's average percentage markup. A dealer must establish and declare the dealer's average percentage markup by submitting to the manufacturer one hundred sequential customer-paid service repair orders or ninety days of customer-paid service repair orders, whichever is less, covering repairs made no more than one hundred eighty days before the submission. A change in a dealer's established average percentage markup takes effect thirty days following the submission. A manufacturer may not require a dealer to establish average percentage markup by another methodology. A manufacturer may not require information that the dealer believes is unduly burdensome or time consuming to provide, including, but not limited to, part-by-part or transaction-by-transaction calculations.

(b) A manufacturer shall compensate a dealer for labor and diagnostic work at the rates charged by the dealer to its retail customers for such work. If a manufacturer can demonstrate that the rates unreasonably exceed those of all other franchised motor vehicle dealers in the same relevant market area offering the same or a competitive motor vehicle line, the manufacturer is not required to honor the rate increase proposed by the dealer. If the manufacturer is not required to honor the rate increase proposed by the dealer, the dealer is entitled to resubmit a new proposed rate for labor and diagnostic work.

(c) A dealer may not be granted an increase in the average percentage markup or labor and diagnostic work rate more than twice in one calendar year.

(2) All claims for warranty work for parts and labor made by dealers under this section shall be submitted to the manufacturer within one year of the date the work was performed. All claims submitted must be paid by the manufacturer within thirty days following receipt, provided the claim has been approved by the manufacturer. The manufacturer has the right to audit claims for warranty work and to charge the dealer for any unsubstantiated, incorrect, or false claims for a period of one year following payment. However, the manufacturer may audit and charge the dealer for any fraudulent claims during any period for which an action for fraud may be commenced under applicable state law.

(3) All claims submitted by dealers on the forms and in the manner specified by the manufacturer shall be either approved or disapproved within thirty days following their receipt. The manufacturer shall notify the dealer in writing of any disapproved claim, and shall set forth the reasons why the claim was not approved. Any claim not specifically disapproved in writing within thirty days following receipt is approved, and the manufacturer is required to pay that claim within thirty days of receipt of the claim.

(4) A manufacturer may not otherwise recover all or any portion of its costs for compensating its dealers licensed in this state for warranty

parts and service either by reduction in the amount due to the dealer or by separate charge, surcharge, or other imposition.

Sec. 5. RCW 46.96.110 and 1989 c 415 s 11 are each amended to read as follows:

(1) Notwithstanding the terms of a franchise, (a) an owner may appoint a designated successor to succeed to the ownership of the new motor vehicle dealer franchise upon the owner's death or incapacity, or (b) if an owner who has owned the franchise for not less than five consecutive years, the owner may appoint a designated successor to be effective on a date of the owner's choosing that is prior to the owner's death or disability.

(2) Notwithstanding the terms of a franchise, a designated successor ~~((of a deceased or incapacitated owner of a new motor vehicle dealer franchise))~~ described under subsection (1) of this section may succeed to the ownership interest of the owner under the existing franchise, if:

(a) In the case of a designated successor who meets the definition of a designated successor under RCW 46.96.020(5)(a), but who is not experienced in the business of a new motor vehicle dealer, the person will employ an individual who is qualified and experienced in the business of a new motor vehicle dealer to help manage the day-to-day operations of the motor vehicle dealership; or in the case of a designated successor who meets the definition of a designated successor under RCW 46.96.020(5) (b) or (c), the person is qualified and experienced in the business of a new motor vehicle dealer and meets the normal, reasonable, and uniformly applied standards for grant of an application as a new motor vehicle dealer by the manufacturer; and

(b) The designated successor furnishes written notice to the manufacturer of his or her intention to succeed to the ownership of the new motor vehicle dealership within sixty days after the owner's death or incapacity, or if the appointment is under subsection (1)(b) of this section, at least thirty days before the designated successor's proposed succession; and

(c) The designated successor agrees to be bound by all terms and conditions of the franchise.

(3) The manufacturer may request, and the designated successor shall promptly provide, such personal and financial information as is reasonably necessary to determine whether the succession should be honored.

(4) A manufacturer may refuse to honor the succession to the ownership of a new motor vehicle dealer franchise by a designated successor if the manufacturer establishes that good cause exists for its refusal to honor the succession. If the designated successor ~~((of a deceased or incapacitated owner))~~ of a new motor vehicle dealer franchise fails to meet the requirements set forth in subsections (2)(a), (b), and (c) of this section, good cause for refusing to honor the succession is presumed to exist. If a manufacturer believes that good cause exists for refusing to honor the succession to the ownership of a new motor vehicle dealer franchise by a designated successor, the manufacturer shall serve written notice on the designated successor and on the department of its refusal to honor the succession no earlier than sixty days from the date the notice is served. The notice must be served not later than sixty days after the manufacturer's receipt of:

(a) Notice of the designated successor's intent to succeed to the ownership interest of the new motor vehicle dealer's franchise; or

(b) Any personal or financial information requested by the manufacturer.

(5) The notice in subsection (4) of this section shall state the specific grounds for the refusal to honor the succession. If the notice of refusal is not timely and properly served, the designated successor may continue the franchise in full force and effect, subject to termination only as otherwise provided under this chapter.

(6) Within twenty days after receipt of the notice or within twenty days after the end of any appeal procedure provided by the manufacturer, whichever is greater, the designated successor may file

a petition with the department protesting the refusal to honor the succession. The petition shall contain a short statement setting forth the reasons for the designated successor's protest. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed and shall request the appointment of an administrative law judge under chapter 34.12 RCW to conduct a hearing. The manufacturer shall not terminate or otherwise discontinue the existing franchise until the administrative law judge has held a hearing and has determined that there is good cause for refusing to honor the succession. If an appeal is taken, the manufacturer shall not terminate or discontinue the franchise until the appeal to superior court is finally determined or until the expiration of one hundred eighty days from the date of issuance of the administrative law judge's written decision, whichever is less. Nothing in this section precludes a manufacturer or dealer from petitioning the superior court for a stay or other relief pending judicial review.

(7) The manufacturer has the burden of proof to show that good cause exists for the refusal to honor the succession.

(8) The administrative law judge shall conduct the hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred eighty days after a protest is filed.

(9) The administrative law judge shall conduct any hearing concerning the refusal to the succession as provided in RCW 46.96.050(2) and all hearing costs shall be borne as provided in that subsection. A party to such a hearing aggrieved by the final order of the administrative law judge may appeal as provided and allowed in RCW 46.96.050(3).

(10) This section does not preclude the owner of a new motor vehicle dealer franchise from designating any person as his or her successor by a written, notarized, and witnessed instrument filed with the manufacturer. In the event of a conflict between such a written instrument that has not been revoked by written notice from the owner to the manufacturer and this section, the written instrument governs.

Sec. 6. RCW 46.96.185 and 2003 c 21 s 3 are each amended to read as follows:

(1) Notwithstanding the terms of a franchise agreement, a manufacturer, distributor, factory branch, or factory representative, or an agent, officer, parent company, wholly or partially owned subsidiary, affiliated entity, or other person controlled by or under common control with a manufacturer, distributor, factory branch, or factory representative, shall not:

(a) Discriminate between new motor vehicle dealers by selling or offering to sell a like vehicle to one dealer at a lower actual price than the actual price offered to another dealer for the same model similarly equipped;

(b) Discriminate between new motor vehicle dealers by selling or offering to sell parts or accessories to one dealer at a lower actual price than the actual price offered to another dealer;

(c) Discriminate between new motor vehicle dealers by using a promotion plan, marketing plan, or other similar device that results in a lower actual price on vehicles, parts, or accessories being charged to one dealer over another dealer;

(d) Discriminate between new motor vehicle dealers by adopting a method, or changing an existing method, for the allocation, scheduling, or delivery of new motor vehicles, parts, or accessories to its dealers that is not fair, reasonable, and equitable. Upon the request of a dealer, a manufacturer, distributor, factory branch, or factory representative shall disclose in writing to the dealer the method by which new motor vehicles, parts, and accessories are allocated, scheduled, or delivered to its dealers handling the same line or make of vehicles;

(e) Discriminate against a new motor vehicle dealer by preventing, offsetting, or otherwise impairing the dealer's right to request a documentary service fee on affinity or similar program

purchases. This prohibition applies to, but is not limited to, any promotion plan, marketing plan, manufacturer or dealer employee or employee friends or family purchase programs, or similar plans or programs;

~~(f)~~ (f) Give preferential treatment to some new motor vehicle dealers over others by refusing or failing to deliver, in reasonable quantities and within a reasonable time after receipt of an order, to a dealer holding a franchise for a line or make of motor vehicles sold or distributed by the manufacturer, distributor, factory branch, or factory representative, a new vehicle, parts, or accessories, if the vehicle, parts, or accessories are being delivered to other dealers, or require a dealer to purchase unreasonable advertising displays or other materials, or unreasonably require a dealer to remodel or renovate existing facilities as a prerequisite to receiving a model or series of vehicles;

~~(g)~~ (g) Compete with a new motor vehicle dealer of any make or line by acting in the capacity of a new motor vehicle dealer, or by owning, operating, or controlling, whether directly or indirectly, a motor vehicle dealership in this state. It is not, however, a violation of this subsection for:

(i) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership for a temporary period, not to exceed two years, during the transition from one owner of the dealership to another where the dealership was previously owned by a franchised dealer and is currently for sale to any qualified independent person at a fair and reasonable price. The temporary operation may be extended for one twelve-month period on petition of the temporary operator to the department. The matter will be handled as an adjudicative proceeding under chapter 34.05 RCW. A dealer who is a franchisee of the petitioning manufacturer or distributor may intervene and participate in a proceeding under this subsection ~~(1)((f))~~ (g)(i). The temporary operator has the burden of proof to show justification for the extension and a good faith effort to sell the dealership to an independent person at a fair and reasonable price;

(ii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship for the purpose of broadening the diversity of its dealer body and enhancing opportunities for qualified persons who are part of a group who have historically been underrepresented in its dealer body, or other qualified persons who lack the resources to purchase a dealership outright, and where the independent person: (A) Has made, or within a period of two years from the date of commencement of operation will have made, a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. Nothing in this subsection ~~(1)((f))~~ (g)(ii) relieves a manufacturer, distributor, factory branch, or factory representative from complying with ~~(RCW 46.96.185(1))~~ (a) through ~~((e))~~ (f) of this subsection;

(iii) A manufacturer, distributor, factory branch, or factory representative to own or operate a dealership in conjunction with an independent person in a bona fide business relationship where the independent person: (A) Has made, or within a period of two years from the date of commencement of operation will have made, a significant, bona fide capital investment in the dealership that is subject to loss; (B) has an ownership interest in the dealership; and (C) operates the dealership under a bona fide written agreement with

the manufacturer, distributor, factory branch, or factory representative under which he or she will acquire all of the ownership interest in the dealership within a reasonable period of time and under reasonable terms and conditions. The manufacturer, distributor, factory branch, or factory representative has the burden of proof of establishing that the acquisition of the dealership by the independent person was made within a reasonable period of time and under reasonable terms and conditions. The number of dealerships operated under this subsection ~~(1)((f))~~ (g)(iii) may not exceed four percent rounded up to the nearest whole number of a manufacturer's total of new motor vehicle dealer franchises in this state. Nothing in this subsection ~~(1)((f))~~ (g)(iii) relieves a manufacturer, distributor, factory branch, or factory representative from complying with ~~(RCW 46.96.185(1))~~ (a) through ~~((e))~~ (f) of this subsection;

(iv) A truck manufacturer to own, operate, or control a new motor vehicle dealership that sells only trucks of that manufacturer's line make with a gross vehicle weight rating of 12,500 pounds or more, and the truck manufacturer has been continuously engaged in the retail sale of the trucks at least since January 1, 1993; or

(v) A manufacturer to own, operate, or control a new motor vehicle dealership trading exclusively in a single line make of the manufacturer if (A) the manufacturer does not own, directly or indirectly, in the aggregate, in excess of forty-five percent of the total ownership interest in the dealership, (B) at the time the manufacturer first acquires ownership or assumes operation or control of any such dealership, the distance between any dealership thus owned, operated, or controlled and the nearest new motor vehicle dealership trading in the same line make of vehicle and in which the manufacturer has no ownership or control is not less than fifteen miles and complies with the applicable provisions in the relevant market area sections of this chapter, (C) all of the manufacturer's franchise agreements confer rights on the dealer of that line make to develop and operate within a defined geographic territory or area, as many dealership facilities as the dealer and the manufacturer agree are appropriate, and (D) as of January 1, 2000, the manufacturer had no more than four new motor vehicle dealers of that manufacturer's line make in this state, and at least half of those dealers owned and operated two or more dealership facilities in the geographic territory or area covered by their franchise agreements with the manufacturer;

~~((g))~~ (h) Compete with a new motor vehicle dealer by owning, operating, or controlling, whether directly or indirectly, a service facility in this state for the repair or maintenance of motor vehicles under the manufacturer's new car warranty and extended warranty. Nothing in this subsection ~~(1)((g))~~ (h), however, prohibits a manufacturer, distributor, factory branch, or factory representative from owning or operating a service facility for the purpose of providing or performing maintenance, repair, or service work on motor vehicles that are owned by the manufacturer, distributor, factory branch, or factory representative;

~~((h))~~ (i) Use confidential or proprietary information obtained from a new motor vehicle dealer to unfairly compete with the dealer. For purposes of this subsection ~~(1)((h))~~ (i), "confidential or proprietary information" means trade secrets as defined in RCW 19.108.010, business plans, marketing plans or strategies, customer lists, contracts, sales data, revenues, or other financial information;

~~((i))~~ (j)(i) Terminate, cancel, or fail to renew a franchise with a new motor vehicle dealer based upon any of the following events, which do not constitute good cause for termination, cancellation, or nonrenewal under RCW 46.96.060: (A) The fact that the new motor vehicle dealer owns, has an investment in, participates in the management of, or holds a franchise agreement for the sale or service of another make or line of new motor vehicles~~((-or))~~; (B) the fact that the new motor vehicle dealer has established another make or line of new motor vehicles or service in the same dealership facilities as those of the manufacturer or distributor ~~((with the prior written approval of the manufacturer or distributor, if the approval was~~

~~required under the terms of the new motor vehicle dealer's franchise agreement~~); (C) that the new motor vehicle dealer has or intends to relocate the manufacturer or distributor's make or line of new motor vehicles or service to an existing dealership facility that is within the relevant market area, as defined in RCW 46.96.140, of the make or line to be relocated, except that, in any nonemergency circumstance, the dealer must give the manufacturer or distributor at least sixty days' notice of his or her intent to relocate; or (D) the failure of a franchisee to change the location of the dealership or to make substantial alterations to the use or number of franchises on the dealership premises or facilities.

(ii) Notwithstanding the limitations of this section, a manufacturer may, for separate consideration, enter into a written contract with a dealer to exclusively sell and service a single make or line of new motor vehicles at a specific facility for a defined period of time. The penalty for breach of the contract must not exceed the amount of consideration paid by the manufacturer plus a reasonable rate of interest; ~~(j)~~

~~(k)~~ (k) Coerce or attempt to coerce a motor vehicle dealer to refrain from, or prohibit or attempt to prohibit a new motor vehicle dealer from acquiring, owning, having an investment in, participating in the management of, or holding a franchise agreement for the sale or service of another make or line of new motor vehicles or related products, or establishing another make or line of new motor vehicles or service in the same dealership facilities, if the prohibition against acquiring, owning, investing, managing, or holding a franchise for such additional make or line of vehicles or products, or establishing another make or line of new motor vehicles or service in the same dealership facilities, is not supported by reasonable business considerations. The burden of proving that reasonable business considerations support or justify the prohibition against the additional make or line of new motor vehicles or products or nonexclusive facilities is on the manufacturer;

(l) Require, by contract or otherwise, a new motor vehicle dealer to make a material alteration, expansion, or addition to any dealership facility, unless the required alteration, expansion, or addition is uniformly required of other similarly situated new motor vehicle dealers of the same make or line of vehicles and is reasonable in light of all existing circumstances, including economic conditions. In any proceeding in which a required facility alteration, expansion, or addition is an issue, the manufacturer or distributor has the burden of proof;

(m) Prevent or attempt to prevent by contract or otherwise any new motor vehicle dealer from changing the executive management of a new motor vehicle dealer unless the manufacturer or distributor, having the burden of proof, can show that a proposed change of executive management will result in executive management by a person or persons who are not of good moral character or who do not meet reasonable, preexisting, and equitably applied standards of the manufacturer or distributor. If a manufacturer or distributor rejects a proposed change in the executive management, the manufacturer or distributor shall give written notice of its reasons to the dealer within sixty days after receiving written notice from the dealer of the proposed change and all related information reasonably requested by the manufacturer or distributor, or the change in executive management must be considered approved; or

(n) Condition the sale, transfer, relocation, or renewal of a franchise agreement or condition manufacturer, distributor, factory branch, or factory representative sales, services, or parts incentives upon the manufacturer obtaining site control, including rights to purchase or lease the dealer's facility, or an agreement to make improvements or substantial renovations to a facility. For purposes of this section, a substantial renovation has a gross cost to the dealer in excess of five thousand dollars.

(2) Subsection (1)(a), (b), and (c) of this section do not apply to sales to a motor vehicle dealer: (a) For resale to a federal, state, or

local government agency; (b) where the vehicles will be sold or donated for use in a program of driver's education; (c) where the sale is made under a manufacturer's bona fide promotional program offering sales incentives or rebates; (d) where the sale of parts or accessories is under a manufacturer's bona fide quantity discount program; or (e) where the sale is made under a manufacturer's bona fide fleet vehicle discount program. For purposes of this subsection, "fleet" means a group of fifteen or more new motor vehicles purchased or leased by a dealer at one time under a single purchase or lease agreement for use as part of a fleet, and where the dealer has been assigned a fleet identifier code by the department of licensing.

(3) The following definitions apply to this section:

(a) "Actual price" means the price to be paid by the dealer less any incentive paid by the manufacturer, distributor, factory branch, or factory representative, whether paid to the dealer or the ultimate purchaser of the vehicle.

(b) "Control" or "controlling" means (i) the possession of, title to, or control of ten percent or more of the voting equity interest in a person, whether directly or indirectly through a fiduciary, agent, or other intermediary, or (ii) the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting securities, through director control, by contract, or otherwise, except as expressly provided under the franchise agreement.

(c) "Motor vehicles" does not include trucks that are 14,001 pounds gross vehicle weight and above or recreational vehicles as defined in RCW 43.22.335.

(d) "Operate" means to manage a dealership, whether directly or indirectly.

(e) "Own" or "ownership" means to hold the beneficial ownership of one percent or more of any class of equity interest in a dealership, whether the interest is that of a shareholder, partner, limited liability company member, or otherwise. To hold an ownership interest means to have possession of, title to, or control of the ownership interest, whether directly or indirectly through a fiduciary, agent, or other intermediary.

(4) A violation of this section is deemed to affect the public interest and constitutes an unlawful and unfair practice under chapter 19.86 RCW. A person aggrieved by an alleged violation of this section may petition the department to have the matter handled as an adjudicative proceeding under chapter 34.05 RCW.

Sec. 7. RCW 46.96.200 and 1994 c 274 s 7 are each amended to read as follows:

(1) Notwithstanding the terms of a franchise, a manufacturer shall not (~~unreasonably~~) withhold consent to the sale, transfer, or exchange of a franchise to a qualified buyer who meets the normal, reasonable, and uniformly applied standards established by the manufacturer for the appointment of a new dealer who does not already hold a franchise with the manufacturer or is capable of being licensed as a new motor vehicle dealer in the state of Washington. A decision or determination made by the administrative law judge as to whether a qualified buyer is capable of being licensed as a new motor vehicle dealer in the state of Washington is not conclusive or determinative of any ultimate determination made by the department of licensing as to the buyer's qualification for a motor vehicle dealer license. A manufacturer's failure to respond in writing to a request for consent under this subsection within sixty days after receipt of a written request on the forms, if any, generally used by the manufacturer containing the information and reasonable promises required by a manufacturer is deemed to be consent to the request. A manufacturer may request, and, if so requested, the applicant for a franchise (a) shall promptly provide such personal and financial information as is reasonably necessary to determine whether the sale, transfer, or exchange should be approved, and (b) shall agree to be bound by all reasonable terms and conditions of the franchise.

(2) If a manufacturer refuses to approve the sale, transfer, or exchange of a franchise, the manufacturer shall serve written notice on the applicant, the transferring, selling, or exchanging new motor vehicle dealer, and the department of its refusal to approve the transfer of the franchise no later than sixty days after the date the manufacturer receives the written request from the new motor vehicle dealer. If the manufacturer has requested personal or financial information from the applicant under subsection (1) of this section, the notice shall be served not later than sixty days after the receipt of all of such documents. Service of all notices under this section shall be made by personal service or by certified mail, return receipt requested.

(3) The notice in subsection (2) of this section shall state the specific grounds for the refusal to approve the sale, transfer, or exchange of the franchise.

(4) Within twenty days after receipt of the notice of refusal to approve the sale, transfer, or exchange of the franchise by the transferring new motor vehicle dealer, the new motor vehicle dealer may file a petition with the department to protest the refusal to approve the sale, transfer, or exchange. The petition shall contain a short statement setting forth the reasons for the dealer's protest. Upon the filing of a protest and the receipt of the filing fee, the department shall promptly notify the manufacturer that a timely protest has been filed, and the department shall arrange for a hearing with an administrative law judge as the presiding officer to determine if the manufacturer unreasonably withheld consent to the sale, transfer, or exchange of the franchise.

(5) (In determining whether the manufacturer unreasonably withheld its approval to the sale, transfer, or exchange, the manufacturer has the burden of proof that it acted reasonably. A manufacturer's refusal to accept or approve a proposed buyer who otherwise meets the normal, reasonable, and uniformly applied standards established by the manufacturer for the appointment of a new dealer, or who otherwise is capable of being licensed as a new motor vehicle dealer in the state of Washington, is presumed to be unreasonable.

~~(6))~~ The administrative law judge shall conduct a hearing and render a final decision as expeditiously as possible, but in any event not later than one hundred twenty days after a protest is filed. Only the selling, transferring, or exchanging new motor vehicle dealer and the manufacturer may be parties to the hearing.

~~(7))~~ (6) The administrative law judge shall conduct any hearing as provided in RCW 46.96.050(2), and all hearing costs shall be borne as provided in that subsection. Only the manufacturer and the selling, transferring, or exchanging new motor vehicle dealer may appeal the final order of the administrative law judge as provided in RCW 46.96.050(3).

~~(8))~~ (7) This section and RCW 46.96.030 through 46.96.110 apply to all franchises and contracts existing on July 23, 1989, between manufacturers and new motor vehicle dealers as well as to all future franchises and contracts between manufacturers and new motor vehicle dealers.

~~(9))~~ (8) RCW 46.96.140 through 46.96.190 apply to all franchises and contracts existing on October 1, 1994, between manufacturers and new motor vehicle dealers as well as to all future franchises and contracts between manufacturers and new motor vehicle dealers.

NEW SECTION. Sec. 8. A new section is added to chapter 46.96 RCW to read as follows:

(1) In the event of a termination, cancellation, or nonrenewal under this chapter, except for a termination, cancellation, or nonrenewal under RCW 46.96.070(2), or a voluntary termination, cancellation, or nonrenewal initiated by the dealer, the manufacturer shall, at the request and option of the new motor vehicle dealer, also pay to the new motor vehicle dealer the fair market value of the motor vehicle dealer's goodwill for the make or line as of the date

immediately preceding any communication to the public or dealer regarding termination. To the extent the franchise agreement provides for the payment or reimbursement to the new motor vehicle dealer in excess of the value specified in this section, the provisions of the franchise agreement control.

(2) The manufacturer shall pay the new motor vehicle dealer the value specified in subsection (1) of this section within ninety days after the date of termination.

NEW SECTION. Sec. 9. A new section is added to chapter 46.96 RCW to read as follows:

A manufacturer shall, upon demand, indemnify and hold harmless any existing or former franchisee and the franchisee's successors and assigns from any and all damages sustained and attorneys' fees and other expenses reasonably incurred by the franchisee that result from or relate to any claim made or asserted by a third party against the franchisee to the extent the claim results from any of the following:

(1) The condition, characteristics, manufacture, assembly, or design of any vehicle, parts, accessories, tools, or equipment, or the selection or combination of parts or components manufactured or distributed by the manufacturer or distributor;

(2) Service systems, procedures, or methods that the franchisor required or recommended the franchisee to use;

(3) Improper use by the manufacturer, its assignees, contractors, representatives, or licensees of nonpublic personal information obtained from a franchisee concerning any consumer, customer, or employee of the franchisee; or

(4) Any act or omission of the manufacturer or distributor for which the franchisee would have a claim for contribution or indemnity under applicable law or under the franchise, irrespective of any prior termination or expiration of the franchise.

NEW SECTION. Sec. 10. A new section is added to chapter 46.96 RCW to read as follows:

A manufacturer may not take or threaten to take any adverse action against a new motor vehicle dealer, including charge backs, reducing vehicle allocations, or terminating or threatening to terminate a franchise, because the dealer sold or leased a vehicle to a customer who exported the vehicle to a foreign country or who resold the vehicle, unless the manufacturer or distributor definitively proves that the dealer knew or reasonably should have known that the customer intended to export or resell the vehicle. A manufacturer or distributor shall, upon demand, indemnify, hold harmless, and defend any existing or former franchisee or franchisee's successors or assigns from any and all claims asserted, or damages sustained and attorneys' fees and other expenses reasonably incurred by the franchisee that result from or relate to any claim made or asserted, by a third party against the franchisee for any policy, program, or other behavior suggested by the manufacturer for sales of vehicles to parties that intend to export a vehicle purchased from the franchisee.

NEW SECTION. Sec. 11. A new section is added to chapter 46.96 RCW to read as follows:

A new motor vehicle dealer who is injured in his or her business or property by a violation of this chapter may bring a civil action in the superior court to recover the actual damages sustained by the dealer, together with the costs of the suit, including reasonable attorneys' fees if the new motor vehicle dealer prevails. The new motor vehicle dealer may bring a civil action in district court to recover his or her actual damages, except for damages that exceed the amount specified in RCW 3.66.020, and the costs of the suit, including reasonable attorneys' fees.

NEW SECTION. Sec. 12. A new section is added to chapter 46.96 RCW to read as follows:

A manufacturer or distributor shall not enter into an agreement or understanding with a new motor vehicle dealer that requires the dealer to waive any provisions of this chapter. However, a dealer may, by written contract and for valuable and reasonable separate

consideration, waive, limit, or disclaim a manufacturer's obligations or a dealer's rights under RCW 46.96.080, 46.96.090, 46.96.105, 46.96.140, and 46.96.150, if the contract sets forth the specific provisions of this chapter that are waived, limited, or disclaimed. A manufacturer shall not coerce, threaten, intimidate, or require a new motor vehicle dealer, as a condition to granting or renewing a franchise, to enter into such an agreement or understanding.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "manufacturers;" strike the remainder of the title and insert "amending RCW 46.96.030, 46.96.070, 46.96.090, 46.96.105, 46.96.110, 46.96.185, and 46.96.200; and adding new sections to chapter 46.96 RCW."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2547 and advanced the bill as amended by the Senate to final passage.

COLLOQUY

Representative Chandler: "Does Section 6(n) of the bill prohibit or limit the ability of an automobile manufacturer and its dealer to enter into voluntary agreements for site control?"

Representative Conway: "No. Manufacturers and dealers may enter into site control agreements and those agreements may contain contract terms for financial penalties or reimbursement requirements for a breach of the agreement or sales, services, or parts incentives on a dealer agreeing to site control. It does not affect the ability of the parties to negotiate other terms concerning a breach of contract in site control agreements."

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2547, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2547, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert,

Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2547, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 3201, by Representatives Pettigrew, Linville, Sullivan and Ericks

Fees for infant screening.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3201 was substituted for House Bill No. 3201 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3201 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pettigrew spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3201.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3201, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Condotta.

ROLL CALL

SUBSTITUTE HOUSE BILL NO. 3201, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6833, by Senator Tom

Addressing the management of funds and accounts by the state treasurer.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For Committee amendment, see Journal, Day 58, March 9, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Linville and Linville (again) spoke in favor of the passage of the bill.

Representatives Alexander, Anderson and Anderson (again) spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6833, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6833, as amended by the House, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liiias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Hasegawa, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representative Condotta.

SENATE BILL NO. 6833, as amended by the House, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 3201 passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3201, on reconsideration.

The Clerk called the roll on final passage of Substitute House Bill No. 3201, on reconsideration, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liiias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Condotta.

SUBSTITUTE HOUSE BILL NO. 3201, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 10, 2010

HB 2493 Prime Sponsor, Representative Cody: Concerning the taxation of cigarettes and other tobacco products. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member Parker, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 10, 2010

E2SSB 6409 Prime Sponsor, Committee on Ways & Means: Creating the Washington opportunity pathways account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 14. The legislature finds that institutions of higher education are key to the future employment opportunities of Washington citizens and to the economic well-being of the state. The legislature further finds that current student financial aid programs are underfunded and subject to the unpredictability of the state budget. It is the intent of the legislature to direct increases in lottery account moneys toward stabilizing and increasing existing resources for

opportunity grants, GET ready for math and science scholarships, passport to college scholarships, college bound scholarships, the state work study program, the state need grant, Washington scholars awards, and the Washington award for vocational excellence.

NEW SECTION. Sec. 15. A new section is added to chapter 28B.76 RCW to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (state need grant program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to college promise), and chapter 28B.118 RCW (college bound scholarship).

Sec. 16. RCW 67.70.340 and 2009 c 576 s 2 and 2009 c 479 s 45 are each reenacted and amended to read as follows:

(1) The legislature recognizes that creating a shared game lottery could result in less revenue being raised by the existing state lottery ticket sales. The legislature further recognizes that the fund most impacted by this potential event is the education construction account. Therefore, it is the intent of the legislature to use some of the proceeds from the shared game lottery to make up the difference that the potential state lottery revenue loss would have on the education construction account. The legislature further intends to use some of the proceeds from the shared game lottery to fund programs and services related to problem and pathological gambling.

(2) The education construction account is expected to receive one hundred two million dollars annually from state lottery games other than the shared game lottery. For fiscal year 2003 and thereafter, if the amount of lottery revenues earmarked for the education construction account is less than one hundred two million dollars, the commission, after making the transfer required under subsection (3) of this section, must transfer sufficient moneys from revenues derived from the shared game lottery into the education construction account to bring the total revenue up to one hundred two million dollars.

(3)(a) The commission shall transfer, from revenue derived from the shared game lottery, to the problem gambling account created in RCW 43.20A.892, an amount equal to the percentage specified in (b) of this subsection of net receipts. For purposes of this subsection, "net receipts" means the difference between (i) revenue received from the sale of lottery tickets or shares and revenue received from the sale of shared game lottery tickets or shares; and (ii) the sum of payments made to winners.

(b) In fiscal year 2006, the percentage to be transferred to the problem gambling account is one-tenth of one percent. In fiscal year 2007 and subsequent fiscal years, the percentage to be transferred to the problem gambling account is thirteen one-hundredths of one percent.

(4) The commission shall transfer the remaining net revenues, if any, derived from the shared game lottery "Powerball" authorized in RCW 67.70.044(1) after the transfers pursuant to this section into the state general fund for the student achievement program under RCW 28A.505.220.

(5) The remaining net revenues, if any, in the shared game lottery account after the transfers pursuant to this section shall be deposited into the ~~(general fund)~~ Washington opportunity pathways account.

NEW SECTION. Sec. 17. In consultation with independent experts and in collaboration with the higher education coordinating board, the state lottery commission shall upon the effective date of this act develop and begin implementation of a strategy and plan for actively marketing the state lottery as an essential contributor to higher education. The commission shall report to the appropriate committees of the legislature on the key messages, components, performance objectives, and anticipated revenue impacts of the strategy by December 1, 2010.

NEW SECTION. Sec. 18. The joint legislative audit and review committee shall conduct a review of marketing and vendor expenditures and incentive payment programs at the state lottery commission to identify cost savings and efficiencies to maximize contributions to beneficiaries under this act. This review shall include examination of the following:

(1) The expenditures at the state lottery commission related to marketing and vendors compared with ticket sales. This review shall include an analysis of: Marketing expenses for fiscal years 2005 to 2010 and the impact on ticket sales; the impact to sales of tickets from the change in lottery beneficiaries provided in this act from the education construction fund to the Washington opportunity pathways account; and the competitive bidding process for vendors in Washington. In its final report on this subject, due to the legislature by November 2010, the joint legislative audit and review committee shall provide: A description of the competitive contracting processes for marketing services and vendors, and any marketing programs or expenditures funded through the lottery administrative account; an all-state survey of marketing and vendor contractors for other state lotteries; identification of whether there are duplicative or unproductive marketing activities; identification of whether savings may occur from changing vendors; and an analysis of marketing expenses and ticket sales for fiscal year 2000 through the months of fiscal year 2011 for which data are available.

(2) The incentive payment program for employees at the state lottery commission. This review shall include an analysis of the state's laws, policies, procedures, and practices as they relate to incentive payments. In its final report on this subject, due to the legislature by November 2010, the joint legislative audit and review committee shall provide: A description of how the incentive payment program at the state lottery commission operates, and comparison to best practices for outcome-based performance payments."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Hunter; Priest; Ross and Schmick.

March 10, 2010

2SSB 6578

Prime Sponsor, Committee on Ways & Means: Concerning the creation of optional multiagency permitting teams. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

March 10, 2010

SSB 6844

Prime Sponsor, Committee on Ways & Means: Streamlining lottery accounts by transferring local accounts into the treasury custodial accounts, directing transfers of unclaimed prize money, and eliminating obsolete provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Cody; Darneille; Haigh; Hunt; Kagi; Kenney; Kessler; Pettigrew and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Conway; Hinkle; Hunter; Priest; Ross and Schmick.

March 10, 2010

SB 6870 Prime Sponsor, Senator Hargrove: Containing costs for services to sexually violent predators. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

There being no objection, the bills listed on the day's supplemental committee reports under the fifth order of business were placed on the second reading calendar, with the exception of HOUSE BILL NO. 2493 which was referred to the Committee on Rules.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 6578, by Senate Committee on Ways & Means (originally sponsored by Senators Swecker, Jacobsen, Kastama, Pflug, Becker and Fraser)

Creating an optional multiagency permitting team. Revised for 2nd Substitute: Concerning the creation of optional multiagency permitting teams.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (1605).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the state of Washington maintains at least twelve state agencies that exist either wholly or in part to manage, regulate, mediate, or enforce the state's public and private natural resources, many of which have overlapping jurisdiction and authorities.

(2) The legislature finds that the overlap of state natural resources agencies creates unnecessary expenses for the state government, confusion for the state's citizens, and hampers private sector economic development.

(3) The legislature finds that it is important for state agencies to communicate, share resources, and provide comments during each other's rule-making processes. However, it is unnecessarily duplicative for more than one state agency to be involved in the implementation or enforcement of any one program.

Sec. 2. RCW 76.09.360 and 1997 c 290 s 2 are each amended to read as follows:

The department (~~(together with the department of fish and wildlife, and the department of ecology relating to water quality protection,)~~) shall develop a suitable process to permit landowners to secure all permits required for the conduct of forest practices (~~(in a single multiyear permit)~~) to be (~~(jointly)~~) issued only by the (~~(departments and the departments shall report their findings to the legislature not later than December 31, 2000)~~) department.

NEW SECTION. Sec. 3. A new section is added to chapter 77.55 RCW to read as follows:

The requirements of RCW 77.55.021 are to be considered satisfied for any project that is required under chapter 76.09 RCW to submit a forest practices application or that is associated with any project that is required under chapter 76.09 RCW to submit a forest practices application.

Sec. 4. RCW 76.09.040 and 2009 c 246 s 1 are each amended to read as follows:

(1) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall adopt forest practices rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that:

- (a) Establish minimum standards for forest practices;
- (b) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;
- (c) Set forth necessary administrative provisions;
- (d) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter; and
- (e) Allow for the development of watershed analyses.

Forest practices rules pertaining to water quality protection shall be adopted by the board after reaching agreement with the director of the department of ecology or the director's designee on the board with respect thereto. All other forest practices rules shall be adopted by the board.

Forest practices rules shall be administered and enforced by either the department or the local governmental entity as provided in this chapter. Such rules shall be adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2) The board shall prepare proposed forest practices rules (~~(. In addition to any forest practices rules relating to water quality protection proposed by the board, the department of ecology may submit to the board)~~) including proposed forest practices rules relating to water quality protection.

Prior to initiating the rule-making process, the proposed rules shall be submitted for review and comments to the department of fish and wildlife, the department of ecology, and to the counties of the state. After receipt of the proposed forest practices rules, the department of fish and wildlife, the department of ecology, and the counties of the state shall have thirty days in which to review and submit comments to the board (~~(, and to the department of ecology with respect to its proposed rules relating to water quality protection)~~). After the expiration of such thirty day period the board (~~(and the department of ecology)~~) shall jointly hold one or more hearings on the proposed rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices rules relating to problems existing within such county. The board may adopt (~~(and the department of ecology may approve)~~) such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

(3) The board shall establish by rule a program for the acquisition of riparian open space and critical habitat for threatened or endangered species as designated by the board. Acquisition must be a conservation easement. Lands eligible for acquisition are forest lands within unconfined channel migration zones or forest lands containing

critical habitat for threatened or endangered species as designated by the board. Once acquired, these lands may be held and managed by the department, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy corporation, as defined in RCW 64.04.130, in fee or transfer of management obligation. The board shall adopt rules governing the acquisition by the state or donation to the state of such interest in lands including the right of refusal if the lands are subject to unacceptable liabilities. The rules shall include definitions of qualifying lands, priorities for acquisition, and provide for the opportunity to transfer such lands with limited warranties and with a description of boundaries that does not require full surveys where the cost of securing the surveys would be unreasonable in relation to the value of the lands conveyed. The rules shall provide for the management of the lands for ecological protection or fisheries enhancement. For the purposes of conservation easements entered into under this section, the following apply: (a) For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation must include the timber value component, as determined by the cruised volume of any timber located within the channel migration zone or critical habitat for threatened or endangered species as designated by the board, multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091; (b) for conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation must include the timber value component in (a) of this subsection plus such portion of the land value component as determined just and equitable by the department. The land value component must be the acreage of qualifying channel migration zone or critical habitat for threatened or endangered species as determined by the board, to be conveyed, multiplied by the average per acre value of all commercial forest land in western Washington or the average for eastern Washington, whichever average is applicable to the qualifying lands. The department must determine the western and eastern Washington averages based on the land value tables established by RCW 84.33.140 and revised annually by the department of revenue.

(4) Subject to appropriations sufficient to cover the cost of such an acquisition program and the related costs of administering the program, the department must establish a conservation easement in land that an owner tenders for purchase; provided that such lands have been taxed as forest lands and are located within an unconfined channel migration zone or contain critical habitat for threatened or endangered species as designated by the board. Lands acquired under this section shall become riparian or habitat open space. These acquisitions shall not be deemed to trigger the compensating tax of chapters 84.33 and 84.34 RCW.

(5) Instead of offering to sell interests in qualifying lands, owners may elect to donate the interests to the state.

(6) Any acquired interest in qualifying lands by the state under this section shall be managed as riparian open space or critical habitat.

Sec. 5. RCW 76.09.050 and 2005 c 146 s 1003 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices that have no direct potential for damaging a public resource and that may be conducted without submitting an application or a notification except that when the regulating authority is transferred to a local governmental entity, those Class I forest practices that involve timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, are processed as Class IV forest practices, but are not subject to environmental review under chapter 43.21C RCW;

Class II: Forest practices which have a less than ordinary potential for damaging a public resource that may be conducted

without submitting an application and may begin five calendar days, or such lesser time as the department may determine, after written notification by the operator, in the manner, content, and form as prescribed by the department, is received by the department. However, the work may not begin until all forest practice fees required under RCW 76.09.065 have been received by the department. Class II shall not include forest practices:

(a) On lands platted after January 1, 1960, as provided in chapter 58.17 RCW or on lands that have or are being converted to another use;

(b) Which require approvals under the provisions of the hydraulics act, RCW 77.55.021;

(c) Within "shoreslines of the state" as defined in RCW 90.58.030;

(d) Excluded from Class II by the board; or

(e) Including timber harvesting or road construction within "urban growth areas," designated pursuant to chapter 36.70A RCW, which are Class IV;

Class III: Forest practices other than those contained in Class I, II, or IV. A Class III application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department;

Class IV: Forest practices other than those contained in Class I or II: (a) On lands platted after January 1, 1960, as provided in chapter 58.17 RCW, (b) on lands that have or are being converted to another use, (c) on lands which, pursuant to RCW 76.09.070 as now or hereafter amended, are not to be reforested because of the likelihood of future conversion to urban development, (d) involving timber harvesting or road construction on lands that are contained within "urban growth areas," designated pursuant to chapter 36.70A RCW, except where the forest landowner provides: (i) A written statement of intent signed by the forest landowner not to convert to a use other than commercial forest product operations for ten years, accompanied by either a written forest management plan acceptable to the department or documentation that the land is enrolled under the provisions of chapter 84.33 RCW; or (ii) a conversion option harvest plan approved by the local governmental entity and submitted to the department as part of the application, and/or (e) which have a potential for a substantial impact on the environment and therefore require an evaluation by the department as to whether or not a detailed statement must be prepared pursuant to the state environmental policy act, chapter 43.21C RCW. Such evaluation shall be made within ten days from the date the department receives the application: PROVIDED, That nothing herein shall be construed to prevent any local or regional governmental entity from determining that a detailed statement must be prepared for an action pursuant to a Class IV forest practice taken by that governmental entity concerning the land on which forest practices will be conducted. A Class IV application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application, unless the department determines that a detailed statement must be made, in which case the application must be approved or disapproved by the department within sixty calendar days from the date the department receives the application, unless the commissioner of public lands, through the promulgation of a formal order, determines that the process cannot be completed within such period. However, the applicant may not begin work on that forest practice until all forest practice fees required under RCW 76.09.065 have been received by the department.

Forest practices under Classes I, II, and III are exempt from the requirements for preparation of a detailed statement under the state environmental policy act.

(2) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, no Class II, Class III, or Class IV forest practice shall be commenced or

continued after January 1, 1975, unless the department has received a notification with regard to a Class II forest practice or approved an application with regard to a Class III or Class IV forest practice containing all information required by RCW 76.09.060 as now or hereafter amended. However, in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to regulate forest practices and approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 until applicable forest practices regulations are in effect.

(3) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, if a notification or application is delivered in person to the department by the operator or the operator's agent, the department shall immediately provide a dated receipt thereof. In all other cases, the department shall immediately mail a dated receipt to the operator.

(4) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, forest practices shall be conducted in accordance with the forest practices regulations, orders and directives as authorized by this chapter or the forest practices regulations, and the terms and conditions of any approved applications.

(5) Except for those forest practices being regulated by local governmental entities as provided elsewhere in this chapter, the department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. Except as provided otherwise in this section, if the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, the application shall be deemed approved and the operation may be commenced: PROVIDED, That this provision shall not apply to applications which are neither approved nor disapproved pursuant to the provisions of subsection (7) of this section: PROVIDED, FURTHER, That if seasonal field conditions prevent the department from being able to properly evaluate the application, the department may issue an approval conditional upon further review within sixty days: PROVIDED, FURTHER, That the department shall have until April 1, 1975, to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975, under the provisions of subsection (2) of this section. Upon receipt of any notification or any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the ~~((departments of ecology and fish and wildlife, and to the))~~ county, city, or town in whose jurisdiction the forest practice is to be commenced. ~~((Any comments by such agencies shall be directed to the department of natural resources.))~~

(6) For those forest practices regulated by the board and the department, if the county, city, or town believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

(7) For those forest practices regulated by the board and the department, the department shall not approve portions of applications to which a county, city, or town objects if:

(a) The department receives written notice from the county, city, or town of such objections within fourteen business days from the time of transmittal of the application to the county, city, or town, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960, as provided in chapter 58.17 RCW; or

(ii) On lands that have or are being converted to another use.

The department shall either disapprove those portions of such application or appeal the county, city, or town objections to the appeals board. If the objections related to subparagraphs (b)(i) and (ii) of this subsection are based on local authority consistent with RCW 76.09.240 as now or hereafter amended, the department shall disapprove the application until such time as the county, city, or town consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county, city, or town objections. Unless the county, city, or town either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county, city, or town objections has expired.

(8) For those forest practices regulated by the board and the department, in addition to any rights under the above paragraph, the county, city, or town may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

(9) For those forest practices regulated by the board and the department, appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.220(8). In such appeals there shall be no presumption of correctness of either the county, city, or town or the department position.

(10) For those forest practices regulated by the board and the department, the department shall, within four business days notify the county, city, or town of all notifications, approvals, and disapprovals of an application affecting lands within the county, city, or town, except to the extent the county, city, or town has waived its right to such notice.

(11) For those forest practices regulated by the board and the department, a county, city, or town may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

(12) Notwithstanding subsections (2) through (5) of this section, forest practices applications or notifications are not required for exotic insect and disease control operations conducted in accordance with RCW 76.09.060(8) where eradication can reasonably be expected.

Sec. 6. RCW 76.09.060 and 2007 c 480 s 11 and 2007 c 106 s 1 are each reenacted and amended to read as follows:

(1) The department shall prescribe the form and contents of the notification and application. The forest practices rules shall specify by whom and under what conditions the notification and application shall be signed or otherwise certified as acceptable. Activities conducted by the department or a contractor under the direction of the department under the provisions of RCW 76.04.660, shall be exempt from the landowner signature requirement on any forest practice application required to be filed. The application or notification shall be delivered in person to the department, sent by first-class mail to the department or electronically filed in a form defined by the department. The form for electronic filing shall be readily convertible to a paper copy, which shall be available to the public pursuant to chapter 42.56 RCW. The information required may include, but is not limited to:

(a) Name and address of the forest landowner, timber owner, and operator;

(b) Description of the proposed forest practice or practices to be conducted;

(c) Legal description and tax parcel identification numbers of the land on which the forest practices are to be conducted;

(d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately

adjacent to the operating area and showing all existing and proposed roads and major tractor roads;

(e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;

(f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices rules;

(g) Soil, geological, and hydrological data with respect to forest practices;

(h) The expected dates of commencement and completion of all forest practices specified in the application;

(i) Provisions for continuing maintenance of roads and other construction or other measures necessary to afford protection to public resources;

(j) An affirmation that the statements contained in the notification or application are true; and

(k) All necessary application or notification fees.

(2) Long range plans may be submitted to the department for review and consultation.

(3) The application for a forest practice or the notification of a forest practice is subject to the reforestation requirement of RCW 76.09.070.

(a) If the application states that any land will be or is intended to be converted:

(i) The reforestation requirements of this chapter and of the forest practices rules shall not apply if the land is in fact converted unless applicable alternatives or limitations are provided in forest practices rules issued under RCW 76.09.070;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.33 and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city, town, and regional governmental authority permitted under RCW 76.09.240 as well as the forest practices rules.

(b) Except as provided elsewhere in this section, if the landowner harvests without an approved application or notification or the landowner does not state that any land covered by the application or notification will be or is intended to be converted, and the department or the county, city, town, or regional governmental entity becomes aware of conversion activities to a use other than commercial timber operations, as that term is defined in RCW 76.09.020, then the department shall send to ~~(the department of ecology and)~~ the appropriate county, city, town, and regional governmental entities the following documents:

(i) A notice of a conversion to nonforestry use;

(ii) A copy of the applicable forest practices application or notification, if any; and

(iii) Copies of any applicable outstanding final orders or decisions issued by the department related to the forest practices application or notification.

(c) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or changes.

(d) Conversion to a use other than commercial forest product operations within six years after approval of the forest practices application or notification without the consent of the county, city, or town shall constitute a violation of each of the county, municipal city, town, and regional authorities to which the forest practice operations would have been subject if the application had stated an intent to convert.

(e) Land that is the subject of a notice of conversion to a nonforestry use produced by the department and sent to the department of ecology and a local government under this subsection is subject to the development prohibition and conditions provided in RCW 76.09.460.

(f) Landowners who have not stated an intent to convert the land covered by an application or notification and who decide to convert the land to a nonforestry use within six years of receiving an approved application or notification must do so in a manner consistent with RCW 76.09.470.

(g) The application or notification must include a statement requiring an acknowledgment by the forest landowner of his or her intent with respect to conversion and acknowledging that he or she is familiar with the effects of this subsection.

(4) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a potential for causing material damage to a public resource, as determined by the department, the applicant shall, when requested on the approved application, notify the department two days before the commencement of actual operations.

(5) Before the operator commences any forest practice in a manner or to an extent significantly different from that described in a previously approved application or notification, there shall be submitted to the department a new application or notification form in the manner set forth in this section.

(6) Except as provided in RCW 76.09.350(4), the notification to or the approval given by the department to an application to conduct a forest practice shall be effective for a term of two years from the date of approval or notification and shall not be renewed unless a new application is filed and approved or a new notification has been filed. At the option of the applicant, an application or notification may be submitted to cover a single forest practice or a number of forest practices within reasonable geographic or political boundaries as specified by the department. An application or notification that covers more than one forest practice may have an effective term of more than two years. The board shall adopt rules that establish standards and procedures for approving an application or notification that has an effective term of more than two years. Such rules shall include extended time periods for application or notification approval or disapproval. On an approved application with a term of more than two years, the applicant shall inform the department before commencing operations.

(7) Notwithstanding any other provision of this section, no prior application or notification shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application or notification, whichever is applicable, to the department within forty-eight hours after commencement of such practice or as required by local regulations.

(8) Forest practices applications or notifications are not required for forest practices conducted to control exotic forest insect or disease outbreaks, when conducted by or under the direction of the department of agriculture in carrying out an order of the governor or director of the department of agriculture to implement pest control measures as authorized under chapter 17.24 RCW, and are not required when conducted by or under the direction of the department in carrying out emergency measures under a forest health emergency declaration by the commissioner of public lands as provided in RCW 76.06.130.

(a) For the purposes of this subsection, exotic forest insect or disease has the same meaning as defined in RCW 76.06.020.

(b) In order to minimize adverse impacts to public resources, control measures must be based on integrated pest management, as defined in RCW 17.15.010, and must follow forest practices rules relating to road construction and maintenance, timber harvest, and

forest chemicals, to the extent possible without compromising control objectives.

(c) Agencies conducting or directing control efforts must provide advance notice to the appropriate regulatory staff of the department of the operations that would be subject to exemption from forest practices application or notification requirements.

(d) When the appropriate regulatory staff of the department are notified under (c) of this subsection, they must consult with the landowner, interested agencies, and affected tribes, and assist the notifying agencies in the development of integrated pest management plans that comply with forest practices rules as required under (b) of this subsection.

(e) Nothing under this subsection relieves agencies conducting or directing control efforts from requirements of the federal clean water act as administered by the department of ecology under RCW 90.48.260.

(f) Forest lands where trees have been cut as part of an exotic forest insect or disease control effort under this subsection are subject to reforestation requirements under RCW 76.09.070.

(g) The exemption from obtaining approved forest practices applications or notifications does not apply to forest practices conducted after the governor, the director of the department of agriculture, or the commissioner of public lands have declared that an emergency no longer exists because control objectives have been met, that there is no longer an imminent threat, or that there is no longer a good likelihood of control.

Sec. 7. RCW 76.09.100 and 1975 1st ex.s. c 200 s 7 are each amended to read as follows:

If the department (~~(of ecology)~~) determines that a person has failed to comply with the forest practices regulations relating to water quality protection, and (~~(that the department of natural resources has not issued a stop work order or notice to comply, the department of ecology shall inform the department thereof. If)~~) the department of natural resources fails to take authorized enforcement action within twenty-four hours under RCW 76.09.080, 76.09.090, 76.09.120, or 76.09.130, the (~~(department of ecology may petition to the chairman)~~) chair of the appeals board (~~(-who)~~) shall, within forty- eight hours, either deny (~~(the petition)~~) further consideration or direct the department of natural resources to immediately issue a stop work order or notice to comply, or to impose a penalty. No civil or criminal penalties shall be imposed for past actions or omissions if such actions or omissions were conducted pursuant to an approval or directive of the department of natural resources.

Sec. 8. RCW 76.09.150 and 2000 c 11 s 7 are each amended to read as follows:

(1) The department shall make inspections of forest lands, before, during and after the conducting of forest practices as necessary for the purpose of ensuring compliance with this chapter and the forest practices rules and to ensure that no material damage occurs to the natural resources of this state as a result of such practices.

(2) Any duly authorized representative of the department shall have the right to enter upon forest land at any reasonable time to enforce the provisions of this chapter and the forest practices rules.

(3) The department (~~(or the department of ecology)~~) may apply for an administrative inspection warrant to either Thurston county superior court, or the superior court in the county in which the property is located. An administrative inspection warrant may be issued where:

(a) The department has attempted an inspection of forest lands under this chapter to ensure compliance with this chapter and the forest practices rules or to ensure that no potential or actual material damage occurs to the natural resources of this state, and access to all or part of the forest lands has been actually or constructively denied; or

(b) The department has reasonable cause to believe that a violation of this chapter or of rules adopted under this chapter is occurring or has occurred.

(4) In connection with any watershed analysis, any review of a pending application by an identification team appointed by the department, any compliance studies, any effectiveness monitoring, or other research that has been agreed to by a landowner, the department may invite representatives of other agencies, tribes, and interest groups to accompany a department representative and, at the landowner's election, the landowner, on any such inspections. Reasonable efforts shall be made by the department to notify the landowner of the persons being invited onto the property and the purposes for which they are being invited.

Sec. 9. RCW 76.09.260 and 1974 ex.s. c 137 s 26 are each amended to read as follows:

The department shall represent the state's interest in matters pertaining to forestry and forest practices, including federal matters and matters relating to representing the state for the purposes of the federal water pollution control act as it relates to forest practices, and may consult with and cooperate with the federal government and other states, as well as other public agencies, in the study and enhancement of forestry and forest practices. The department is authorized to accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies for the purposes of carrying out the provisions of this chapter.

((Nothing in this chapter shall modify the designation of the department of ecology as the agency representing the state for all purposes of the Federal Water Pollution Control Act.))

Sec. 10. RCW 76.09.470 and 2007 c 106 s 3 are each amended to read as follows:

(1) If a landowner who did not state an intent to convert his or her land to a nonforestry use decides to convert his or her land to a nonforestry use within six years of receiving an approved forest practices application or notification under this chapter, the landowner must:

(a) Stop all forest practices activities on the parcels subject to the proposed land use conversion to a nonforestry use;

(b) Contact the (~~(department of ecology and the)~~) applicable county, city, town, or regional governmental entity to begin the permitting process; and

(c) Notify the department and withdraw any applicable applications or notifications or request a new application for conversion.

(2) Upon being contacted by a landowner under this section, the county, city, town, or regional governmental entity must:

(a) Notify the department and request from the department the status of any applicable forest practices applications, notifications, or final orders or decisions; and

(b) Complete the following activities:

(i) Require that the landowner be in full compliance with chapter 43.21C RCW, if applicable;

(ii) Receive notification from the department that the landowner has resolved any outstanding final orders or decisions issued by the department; and

(iii) Make a determination as to whether or not the condition of the land in question is in full compliance with local ordinances and regulations. If full compliance is not found, a mitigation plan to address violations of local ordinances or regulations must be required for the parcel in question by the county, city, town, or regional governmental entity. Required mitigation plans must be prepared by the landowner and approved by the county, city, town, or regional governmental entity. Once approved, the mitigation plan must be implemented by the landowner. Mitigation measures that may be required include, but are not limited to, revegetation requirements to plant and maintain trees of sufficient maturity and appropriate species

composition to restore critical area and buffer function or to be in compliance with applicable local government regulations.

NEW SECTION. Sec. 11. A new section is added to chapter 90.48 RCW to read as follows:

All responsibilities and duties of the department under this chapter are transferred to the department of natural resources for any discharge or other water quality issue related to a project required to obtain a forest practices approval under chapter 76.09 RCW.

Sec. 12. RCW 90.64.010 and 2009 c 143 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Advisory and oversight committee" means a balanced committee of agency, dairy farm, and interest group representatives convened to provide oversight and direction to the dairy nutrient management program.

(2) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(3) "Catastrophic" means a tornado, hurricane, earthquake, flood, or other extreme condition that causes an overflow from a required waste retention structure.

(4) "Certification" means:

(a) The acknowledgment by a local conservation district that a dairy producer has constructed or otherwise put in place the elements necessary to implement his or her dairy nutrient management plan; and

(b) The acknowledgment by a dairy producer that he or she is managing dairy nutrients as specified in his or her approved dairy nutrient management plan.

(5) "Chronic" means a series of wet weather events that precludes the proper operation of a dairy nutrient management system that is designed for the current herd size.

(6) "Conservation commission" or "commission" means the conservation commission under chapter 89.08 RCW.

(7) "Conservation districts" or "district" means a subdivision of state government organized under chapter 89.08 RCW.

(8) "Concentrated dairy animal feeding operation" means a dairy animal feeding operation subject to regulation under this chapter which the director designates under RCW 90.64.020 or meets the following criteria:

(a) Has more than seven hundred mature dairy cows, whether milked or dry cows, that are confined; or

(b) Has more than two hundred head of mature dairy cattle, whether milked or dry cows, that are confined and either:

(i) From which pollutants are discharged into navigable waters through a manmade ditch, flushing system, or other similar manmade device; or

(ii) From which pollutants are discharged directly into surface or ground waters of the state that originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined in the operation.

(9) "Dairy animal feeding operation" means a lot or facility where the following conditions are met:

(a) Dairy animals that have been, are, or will be stabled or confined and fed for a total of forty-five days or more in any twelve-month period; and

(b) Crops, vegetation forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more dairy animal feeding operations under common ownership are considered, for the purposes of this chapter, to be a single dairy animal feeding operation if they adjoin each other or if they use a common area for land application of wastes.

(10) "Dairy farm" means any farm that is licensed to produce milk under chapter 15.36 RCW.

(11) "Dairy nutrient" means any organic waste produced by dairy cows or a dairy farm operation.

(12) "Dairy nutrient management plan" means a plan meeting the requirements established under RCW 90.64.026.

(13) "Dairy producer" means a person who owns or operates a dairy farm.

(14) "Department" means the department of ~~((ecology under chapter 43.21A RCW))~~ agriculture.

(15) "Director" means the director of the department ~~((of ecology))~~ or his or her designee.

(16) "Upset" means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the dairy. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(17) "Violation" means the following acts or omissions:

(a) A discharge of pollutants into the waters of the state, except those discharges that are due to a chronic or catastrophic event, or to an upset as provided in 40 C.F.R. Sec. 122.41, or to a bypass as provided in 40 C.F.R. Sec. 122.41, and that occur when:

(i) A dairy producer has a current national pollutant discharge elimination system permit with a wastewater system designed, operated, and maintained for the current herd size and that contains all process-generated wastewater plus average annual precipitation minus evaporation plus contaminated storm water runoff from a twenty-five year, twenty-four hour rainfall event for that specific location, and the dairy producer has complied with all permit conditions, including dairy nutrient management plan conditions for appropriate land application practices; or

(ii) A dairy producer does not have a national pollutant discharge elimination system permit, but has complied with all of the elements of a dairy nutrient management plan that: Prevents the discharge of pollutants to waters of the state, is commensurate with the dairy producer's current herd size, and is approved and certified under RCW 90.64.026;

(b) Failure to register as required under RCW 90.64.017;

(c)(i) Until July 1, 2011, failure to keep for a period of three years all records necessary to show that applications of nutrients to the land were within acceptable agronomic rates, unless otherwise required by law; and

(ii) Beginning July 1, 2011, failure to keep for a period of five years all records necessary to show that applications of nutrients to the land were within acceptable agronomic rates;

(d) The lack of an approved dairy nutrient management plan by July 1, 2002; or

(e) The lack of a certified dairy nutrient management plan for a dairy farm after December 31, 2003.

Sec. 13. RCW 90.64.020 and 1993 c 221 s 3 are each amended to read as follows:

(1) The director of the department ~~((of ecology))~~ may designate any dairy animal feeding operation as a concentrated dairy animal feeding operation upon determining that it is a significant contributor of pollution to the surface or ground waters of the state. In making this designation the director shall consider the following factors:

(a) The size of the animal feeding operation and the amount of wastes reaching waters of the state;

(b) The location of the animal feeding operation relative to waters of the state;

(c) The means of conveyance of animal wastes and process waters into the waters of the state;

(d) The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes and process waste waters into the waters of the state; and

(e) Other relevant factors as established by the department by rule.

(2) A notice of intent to apply for a permit shall not be required from a concentrated dairy animal feeding operation designated under this section until the director has conducted an on-site inspection of the operation and determined that the operation should and could be regulated under the permit program.

Sec. 14. RCW 90.64.170 and 2005 c 510 s 1 are each amended to read as follows:

(1) The legislature finds that a livestock nutrient management program is essential to protecting the quality of the waters of the state and ensuring a healthy and productive livestock industry.

(2) The department ~~((s of agriculture and ecology))~~ shall examine ~~((their))~~ its current statutory authorities and provide the legislature with recommendations for statutory changes to fully implement a livestock nutrient management program within the department ~~((of agriculture))~~ for concentrated animal feeding operations, animal feeding operations, and dairies, as authorized in RCW 90.48.260 ~~((; 90.64.813;))~~ and 90.64.901. ~~((In developing recommended statutory changes, the departments shall consult with the livestock nutrient management program development and oversight committee created in RCW 90.64.813.))~~ The recommendations must be submitted to the legislature by the department ~~((s of agriculture and ecology))~~ prior to applying to the environmental protection agency for delegated authority to administer the CAFO portion of the national pollutant discharge elimination system permit program under the federal clean water act.

(3) For purposes of chapter 510, Laws of 2005, animal feeding operations (AFOs) and concentrated animal feeding operations (CAFOs) have the same meaning as defined in 40 C.F.R. 122.23.

(4) This section applies to all operations that meet the definition of an AFO. This section does not apply to true pasture and rangeland operations that do not meet the definition of AFO, however, such operations may have confinement areas that may qualify as an AFO.

NEW SECTION. Sec. 15. A new section is added to chapter 90.48 RCW to read as follows:

All responsibilities and duties of the department under this chapter are transferred to the department of agriculture with regard to any matters falling within the scope of chapter 90.64 RCW.

Sec. 16. RCW 90.48.260 and 2007 c 341 s 55 are each amended to read as follows:

Unless otherwise designated in this chapter, the department of ecology is hereby designated as the state water pollution control agency for all purposes of the federal clean water act as it exists on February 4, 1987, and is hereby authorized to participate fully in the programs of the act as well as to take all action necessary to secure to the state the benefits and to meet the requirements of that act. With regard to the national estuary program established by section 320 of that act, the department shall exercise its responsibility jointly with the Puget Sound partnership, created in RCW 90.71.210. The department of ecology may delegate its authority under this chapter, including its national pollutant discharge elimination permit system authority and duties regarding animal feeding operations and concentrated animal feeding operations, to the department of agriculture through a memorandum of understanding. Until any such delegation receives federal approval, the department of agriculture's adoption or issuance of animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives pertaining to water quality shall be accomplished after reaching agreement with the director of the department of ecology. Adoption or issuance and implementation shall be accomplished so that compliance with such animal feeding operation and concentrated animal feeding operation rules, permits, programs, and directives will achieve compliance with all federal and state water pollution control laws. The powers granted herein include, among others, and notwithstanding any other provisions of chapter 90.48 RCW or otherwise, the following:

(1) Complete authority to establish and administer a comprehensive state point source waste discharge or pollution discharge elimination permit program which will enable the department to qualify for full participation in any national waste discharge or pollution discharge elimination permit system and will allow the department to be the sole agency issuing permits required by such national system operating in the state of Washington subject to the provisions of RCW 90.48.262(2). Program elements authorized herein may include, but are not limited to: (a) Effluent treatment and limitation requirements together with timing requirements related thereto; (b) applicable receiving water quality standards requirements; (c) requirements of standards of performance for new sources; (d) pretreatment requirements; (e) termination and modification of permits for cause; (f) requirements for public notices and opportunities for public hearings; (g) appropriate relationships with the secretary of the army in the administration of his responsibilities which relate to anchorage and navigation, with the administrator of the environmental protection agency in the performance of his duties, and with other governmental officials under the federal clean water act; (h) requirements for inspection, monitoring, entry, and reporting; (i) enforcement of the program through penalties, emergency powers, and criminal sanctions; (j) a continuing planning process; and (k) user charges.

(2) The power to establish and administer state programs in a manner which will insure the procurement of moneys, whether in the form of grants, loans, or otherwise; to assist in the construction, operation, and maintenance of various water pollution control facilities and works; and the administering of various state water pollution control management, regulatory, and enforcement programs.

(3) The power to develop and implement appropriate programs pertaining to continuing planning processes, area-wide waste treatment management plans, and basin planning.

The governor shall have authority to perform those actions required of him or her by the federal clean water act.

Sec. 17. RCW 77.55.021 and 2008 c 272 s 1 are each amended to read as follows:

(1) Except as provided in RCW 77.55.031, 77.55.051, ~~((and))~~ 77.55.041, and section 3 of this act, in the event that any person or government agency desires to undertake a hydraulic project, the person or government agency shall, before commencing work thereon, secure the approval of the department in the form of a permit as to the adequacy of the means proposed for the protection of fish life.

(2) A complete written application for a permit may be submitted in person or by registered mail and must contain the following:

- (a) General plans for the overall project;
- (b) Complete plans and specifications of the proposed construction or work within the mean higher high water line in saltwater or within the ordinary high water line in freshwater;
- (c) Complete plans and specifications for the proper protection of fish life; and
- (d) Notice of compliance with any applicable requirements of the state environmental policy act, unless otherwise provided for in this chapter.

(3)(a) Protection of fish life is the only ground upon which approval of a permit may be denied or conditioned. Approval of a permit may not be unreasonably withheld or unreasonably conditioned. Except as provided in this subsection and subsections (8), (10), and (12) of this section, the department has forty-five calendar days upon receipt of a complete application to grant or deny approval of a permit. The forty-five day requirement is suspended if:

- (i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;
- (ii) The site is physically inaccessible for inspection;

(iii) The applicant requests a delay; or

(iv) The department is issuing a permit for a storm water discharge and is complying with the requirements of RCW 77.55.161(3)(b).

(b) Immediately upon determination that the forty-five day period is suspended, the department shall notify the applicant in writing of the reasons for the delay.

(c) The period of forty-five calendar days may be extended if the permit is part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days.

(4) If the department denies approval of a permit, the department shall provide the applicant a written statement of the specific reasons why and how the proposed project would adversely affect fish life. Issuance, denial, conditioning, or modification of a permit shall be appealable to the department or the board as specified in RCW 77.55.301 within thirty days of the notice of decision.

(5)(a) The permittee must demonstrate substantial progress on construction of that portion of the project relating to the permit within two years of the date of issuance.

(b) Approval of a permit is valid for a period of up to five years from the date of issuance, except as provided in (c) of this subsection and in RCW 77.55.151.

(c) A permit remains in effect without need for periodic renewal for hydraulic projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. A permit for streambank stabilization projects to protect farm and agricultural land as defined in RCW 84.34.020 remains in effect without need for periodic renewal if the problem causing the need for the streambank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the permit.

(6) The department may, after consultation with the permittee, modify a permit due to changed conditions. The modification becomes effective unless appealed to the department or the board as specified in RCW 77.55.301 within thirty days from the notice of the proposed modification. For hydraulic projects that divert water for agricultural irrigation or stock watering purposes, or when the hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

(7) A permittee may request modification of a permit due to changed conditions. The request must be processed within forty-five calendar days of receipt of the written request. A decision by the department may be appealed to the board within thirty days of the notice of the decision. For hydraulic projects that divert water for agricultural irrigation or stock watering purposes, or when the hydraulic project or other work is associated with streambank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the permittee to show that changed conditions warrant the requested modification and that such a modification will not impair fish life.

(8)(a) The department, the county legislative authority, or the governor may declare and continue an emergency. If the county legislative authority declares an emergency under this subsection, it shall immediately notify the department. A declared state of emergency by the governor under RCW 43.06.010 shall constitute a declaration under this subsection.

(b) The department, through its authorized representatives, shall issue immediately, upon request, oral approval for a stream crossing, or work to remove any obstructions, repair existing structures, restore streambanks, protect fish life, or protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written permit prior to commencing work. Conditions of

the emergency oral permit must be established by the department and reduced to writing within thirty days and complied with as provided for in this chapter.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(9) All state and local agencies with authority under this chapter to issue permits or other authorizations in connection with emergency water withdrawals and facilities authorized under RCW 43.83B.410 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

(10) The department or the county legislative authority may determine an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to remove any obstructions, repair existing structures, restore banks, protect fish resources, or protect property. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

(11)(a) For any property, except for property located on a marine shoreline, that has experienced at least two consecutive years of flooding or erosion that has damaged or has threatened to damage a major structure, water supply system, septic system, or access to any road or highway, the county legislative authority may determine that a chronic danger exists. The county legislative authority shall notify the department, in writing, when it determines that a chronic danger exists. In cases of chronic danger, the department shall issue a permit, upon request, for work necessary to abate the chronic danger by removing any obstructions, repairing existing structures, restoring banks, restoring road or highway access, protecting fish resources, or protecting property. Permit requests must be made and processed in accordance with subsections (2) and (3) of this section.

(b) Any projects proposed to address a chronic danger identified under (a) of this subsection that satisfies the project description identified in RCW 77.55.181(1)(a)(ii) are not subject to the provisions of the state environmental policy act, chapter 43.21C RCW. However, the project is subject to the review process established in RCW 77.55.181(3) as if it were a fish habitat improvement project.

(12) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

Sec. 18. RCW 77.12.755 and 2003 c 311 s 10 are each amended to read as follows:

~~(In coordination with the department of natural resources and lead entity groups.)~~ The department must establish a ranked inventory of fish passage barriers on land owned by small forest landowners based on the principle of fixing the worst first within a watershed consistent with the fish passage priorities of the forest and fish report. The department shall first gather and synthesize all available existing information about the locations and impacts of fish

passage barriers in Washington. This information must include, but not be limited to, the most recently available limiting factors analysis conducted pursuant to RCW 77.85.060(2), the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHAP), and any comparable science-based assessment when available. The inventory of fish passage barriers must be kept current and at a minimum be updated by the beginning of each calendar year. Nothing in this section grants the department or others additional right of entry onto private property.

Sec. 19. RCW 77.12.870 and 2009 c 333 s 21 are each amended to read as follows:

(1) The department (~~(in consultation with the Northwest straits commission, the department of natural resources, and other interested parties,))~~ must create and maintain a database of known derelict fishing gear, including the type of gear and its location.

(2) A person who loses or abandons commercial fishing gear within the waters of the state is encouraged to report the location of the loss and the type of gear lost to the department within forty-eight hours of the loss.

Sec. 20. RCW 77.12.878 and 2002 c 281 s 6 are each amended to read as follows:

(1) The director shall create a rapid response plan in cooperation with the aquatic nuisance species committee and its member agencies that describes actions to be taken when a prohibited aquatic animal species is found to be infesting a water body. These actions include eradication or control programs where feasible and containment of infestation where practical through notification, public education, and the enforcement of regulatory programs.

(2) The commission may adopt rules to implement the rapid response plan.

(3) The director (~~(the department of ecology, and the Washington state parks and recreation commission))~~ may post signs at water bodies that are infested with aquatic animal species that are classified as prohibited aquatic animal species under RCW 77.12.020 or with invasive species of the plant kingdom. The signs should identify the prohibited plant and animal species present and warn users of the water body of the hazards and penalties for possessing and transporting these species. Educational signs may be placed at uninfested sites.

Sec. 21. RCW 77.15.390 and 2001 c 253 s 40 are each amended to read as follows:

(1) A person is guilty of unlawful taking of seaweed if the person takes, possesses, or harvests seaweed and:

(a) The person does not have and possess the license required by chapter 77.32 RCW for taking seaweed; or

(b) The action violates any rule of the department (~~(or the department of natural resources))~~ regarding seasons, possession limits, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(2) Unlawful taking of seaweed is a misdemeanor. This does not affect rights of the state to recover civilly for trespass, conversion, or theft of state-owned valuable materials.

Sec. 22. RCW 77.44.040 and 1996 c 222 s 4 are each amended to read as follows:

The goals of the warm water game fish enhancement program are to improve the fishing for warm water game fish using cost-effective management. Development of new ponds and lakes shall be an important and integral part of the program. The department shall work (~~(with the department of natural resources))~~ to coordinate the reclamation of surface mines and the development of warm water game fish ponds. Improvement of warm water fishing shall be coordinated with the protection and conservation of cold water fish populations. This shall be accomplished by carefully designing the warm water projects to have minimal adverse effects upon the cold water fish populations. New pond and lake development should have

beneficial effects upon wildlife due to the increase in lacustrine and wetland habitat that will accompany the improvement of warm water fish habitat. The department shall not develop projects that will increase the populations of undesirable or deleterious fish species such as carp, squawfish, walking catfish, and others.

Fish culture programs shall be used in conditions where they will prove to be cost-effective, and may include the purchase of warm water fish from aquatic farmers defined in RCW 15.85.020.

Consideration should be made for development of urban area enhancement of fishing opportunity for put-and-take species, such as channel catfish, that are amenable to production by low-cost fish culture methods. Fish culture shall also be used for stocking of high value species, such as walleye, smallmouth bass, and tiger musky. Introduction of special genetic strains that show high potential for recreational fishing improvement, including Florida strain largemouth bass and striped bass, shall be considered.

Transplantation and introduction of exotic warm water fish shall be carefully reviewed to assure that adverse effects to native fish and wildlife populations do not occur. This review shall include an analysis of consequences from disease and parasite introduction.

Population management through the use of fish toxicants, including rotenone or derris root, shall be an integral part of the warm water game fish enhancement program. However, any use of fish toxicants shall be subject to a thorough review to prevent adverse effects to cold water fish, desirable warm water fish, and other biota. Eradication of deleterious fish species shall be a goal of the program.

Habitat improvement shall be a major aspect of the warm water game fish enhancement program. Habitat improvement opportunities shall be defined with scientific investigations, field surveys, and by using the extensive experience of other state management entities. Installation of cover, structure, water flow control structures, screens, spawning substrate, vegetation control, and other management techniques shall be fully used. The department shall work to gain access to privately owned waters that can be developed with habitat improvements to improve the warm water resource for public fishing.

The department shall use the resources of cooperative groups to assist in the planning and implementation of the warm water game fish enhancement program. In the development of the program the department shall actively involve the organized fishing clubs that primarily fish for warm water fish. The warm water fish enhancement program shall be cooperative between the department and private landowners; private landowners shall not be required to alter the uses of their private property to fulfill the purposes of the warm water fish enhancement program. The director shall not impose restrictions on the use of private property, or take private property, for the purpose of the warm water fish enhancement program.

Sec. 23. RCW 77.55.121 and 2005 c 146 s 404 are each amended to read as follows:

(1) Beginning in January 1998, the department (~~(and the department of natural resources))~~ shall implement a habitat incentives program based on the recommendations of federally recognized Indian tribes, landowners, the regional fisheries enhancement groups, the timber, fish, and wildlife cooperators, and other interested parties. The program shall allow a private landowner to enter into an agreement with the department(~~(s))~~) to enhance habitat on the landowner's property for food fish, game fish, or other wildlife species. In exchange, the landowner shall receive state regulatory certainty with regard to future applications for a permit or a forest practices permit on the property covered by the agreement. The overall goal of the program is to provide a mechanism that facilitates habitat development on private property while avoiding an adverse state regulatory impact to the landowner at some future date. A single agreement between the department(~~(s))~~) and a landowner may encompass up to one thousand acres. A landowner may enter into multiple agreements with the department(~~(s))~~), provided that the total

acreage covered by such agreements with a single landowner does not exceed ten thousand acres. The department ~~((s are))~~ is not obligated to enter into an agreement unless the department ~~((s))~~ finds that the agreement is in the best interest of protecting fish or wildlife species or their habitat.

(2) A habitat incentives agreement shall be in writing and shall contain at least the following: (a) A description of the property covered by the agreement; (b) an expiration date; (c) a description of the condition of the property prior to the implementation of the agreement; and (d) other information needed by the landowner and the departments for future reference and decisions.

(3) As part of the agreement, the department may stipulate the factors that will be considered when the department evaluates a landowner's application for a permit on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with ~~((the department of natural resources and))~~ affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of a permit must be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(4) As part of the agreement, the department ~~((of natural resources))~~ may stipulate the factors that will be considered when the department ~~((of natural resources))~~ evaluates a landowner's application for a forest practices permit under chapter 76.09 RCW on property covered by the agreement. The department's ~~((of natural resources))~~ identification of these evaluation factors shall be in concurrence with ~~((the department and))~~ affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of forest practices permits shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(5) The agreement is binding on and may be used by only the landowner who entered into the agreement with the department. The agreement shall not be appurtenant with the land. However, if a new landowner chooses to maintain the habitat enhancement efforts on the property, the new landowner and the department and the department of natural resources may jointly choose to retain the agreement on the property.

(6) If the department ~~((and the department of natural resources))~~ receives multiple requests for agreements with private landowners under the habitat incentives program, the department ~~((s))~~ shall prioritize these requests and shall enter into as many agreements as possible within available budgetary resources.

Sec. 24. RCW 77.55.211 and 2005 c 146 s 406 are each amended to read as follows:

The department ~~((the department of ecology, and the department of natural resources))~~ shall ~~((jointly))~~ develop an informational brochure that describes when permits and any other authorizations are required for flood damage prevention and reduction projects, and recommend ~~((s))~~ ways to best proceed through the various regulatory permitting processes.

Sec. 25. RCW 77.55.131 and 2005 c 146 s 405 are each amended to read as follows:

The department ~~((and the department of ecology))~~ will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84- 99, and state requirements established pursuant to RCW 77.55.021 are met.

Sec. 26. RCW 77.65.510 and 2009 c 195 s 1 are each amended to read as follows:

(1) The department must establish and administer a direct retail endorsement to serve as a single license that permits a Washington license holder or alternate operator to commercially harvest retail-eligible species and to clean, dress, and sell his or her catch directly to consumers at retail, including over the internet. The direct retail

endorsement must be issued as an optional addition to all holders of: (a) A commercial fishing license for retail-eligible species that the department offers under this chapter; and (b) an alternate operator license who are designated as an alternate operator on a commercial fishing license for retail eligible species.

(2) The direct retail endorsement must be offered at the time of application for the qualifying commercial fishing license. Individuals in possession of a qualifying commercial fishing license issued under this chapter, and alternate operators designated on such a license, may add a direct retail endorsement to their current license at any time. Individuals who do not have a commercial fishing license for retail-eligible species issued under this chapter, and who are not designated as alternate operators on such a license, may not receive a direct retail endorsement. The costs, conditions, responsibilities, and privileges associated with the endorsed commercial fishing license is not affected or altered in any way by the addition of a direct retail endorsement. These costs include the base cost of the license and any revenue and excise taxes.

(3) An individual need only add one direct retail endorsement to his or her license portfolio. If a direct retail endorsement is selected by an individual holding more than one commercial fishing license issued under this chapter, a single direct retail endorsement is considered to be added to all qualifying commercial fishing licenses held by that individual, and is the only license required for the individual to sell at retail any retail-eligible species permitted by all of the underlying endorsed licenses. If a direct retail endorsement is selected by an individual designated as an alternate operator on more than one commercial license issued under this chapter, a single direct retail endorsement is the only license required for the individual to sell at retail any retail-eligible species permitted by all of the underlying endorsed licenses on which the individual is designated as an alternate operator. The direct retail endorsement applies only to the Washington license holder or alternate operator obtaining the endorsement.

(4) In addition to any fees charged for the endorsed licenses and harvest documentation as required by this chapter or the rules of the department, the department may set a reasonable annual fee not to exceed the administrative costs to the department for a direct retail endorsement.

(5) The holder of a direct retail endorsement is responsible for documenting the commercial harvest of salmon and crab according to the provisions of this chapter, the rules of the department for a wholesale fish dealer, and the reporting requirements of the endorsed license. Any retail-eligible species caught by the holder of a direct retail endorsement must be documented on fish tickets.

(6) The direct retail endorsement must be displayed in a readily visible manner by the seller wherever and whenever a sale to someone other than a licensed wholesale dealer occurs. The commission may require that the holder of a direct retail endorsement notify the department up to eighteen hours before conducting an in-person sale of retail-eligible species, except for in-person sales that have a cumulative retail sales value of less than one hundred fifty dollars in a twenty-four hour period that are sold directly from the vessel. For sales occurring in a venue other than in person, such as over the internet, through a catalog, or on the phone, the direct retail endorsement number of the seller must be provided to the buyer both at the time of sale and the time of delivery. All internet sales must be conducted in accordance with federal laws and regulations.

(7) The direct retail endorsement is to be held by a natural person and is not transferrable or assignable. If the endorsed license is transferred, the direct retail endorsement immediately becomes void, and the transferor is not eligible for a full or prorated reimbursement of the annual fee paid for the direct retail endorsement. Upon becoming void, the holder of a direct retail endorsement must surrender the physical endorsement to the department.

(8) The holder of a direct retail endorsement must abide by the provisions of Title 69 RCW as they apply to the processing and retail sale of seafood. The department must distribute a pamphlet(~~(provided by the department of agriculture,)~~) with the direct retail endorsement generally describing the labeling requirements set forth in chapter 69.04 RCW as they apply to seafood.

(9) The holder of a qualifying commercial fishing license issued under this chapter, or an alternate operator designated on such a license, must either possess a direct retail endorsement or a wholesale dealer license provided for in RCW 77.65.280 in order to lawfully sell their catch or harvest in the state to anyone other than a licensed wholesale dealer.

(10) The direct retail endorsement entitles the holder to sell a retail-eligible species only at a temporary food service establishment as that term is defined in RCW 69.06.045, or directly to a restaurant or other similar food service business.

Sec. 27. RCW 77.70.210 and 2000 c 107 s 70 are each amended to read as follows:

(1) A herring spawn on kelp fishery license is required to commercially take herring eggs which have been deposited on vegetation of any type.

(2) A herring spawn on kelp fishery license may be issued only to a person who:

(a) Holds a herring fishery license issued under RCW 77.65.200 and 77.70.120; and

(b) Is the highest bidder in an auction conducted under subsection (3) of this section.

(3) The department shall sell herring spawn on kelp commercial fishery licenses at auction to the highest bidder. Bidders shall identify their sources of kelp. ~~((Kelp harvested from state-owned aquatic lands as defined in RCW 79.90.465 requires the written consent of the department of natural resources.))~~ The department shall give all holders of herring fishery licenses thirty days' notice of the auction.

Sec. 28. RCW 77.105.070 and 1994 c 264 s 47 are each amended to read as follows:

The department shall ~~((work with the department of ecology and local government entities to))~~ streamline the siting process for new enhancement projects. The department is encouraged to work with the legislature to develop statutory changes that enable expeditious processing and granting of permits for fish enhancement projects.

Sec. 29. RCW 79.13.620 and 2003 c 334 s 378 are each amended to read as follows:

(1) It is the purpose of ~~((chapter 163, Laws of 1996))~~ this section that all state agricultural lands, grazing lands, and grazeable woodlands ~~((shall))~~ be managed in keeping with the statutory and constitutional mandates under which each agency operates. ~~((Chapter 163, Laws of 1996 is consistent with section 1, chapter 4, Laws of 1993 sp. sess.))~~

(2) ~~((The ecosystem standards developed under chapter 4, Laws of 1993 sp. sess. for state-owned agricultural and grazing lands are defined as desired ecological conditions. The standards are not intended to prescribe practices. For this reason,))~~ Land managers are encouraged to use an adaptive management approach in selecting and implementing practices that work towards meeting the standards based on the best available science and evaluation tools.

(3) ~~((For as long as the chapter 4, Laws of 1993 sp. sess. ecosystem standards remain in effect, they))~~ Land shall be ~~((applied))~~ managed through a collaborative process that incorporates the following principles:

(a) The land manager and lessee or permittee shall look at the land together and make every effort to reach agreement on management and resource objectives for the land under consideration;

(b) They will then discuss management options and make every effort to reach agreement on which of the available options will be used to achieve the agreed-upon objectives;

(c) No land manager or owner ever gives up his or her management prerogative;

(d) Efforts will be made to make land management plans economically feasible for landowners, managers, and lessees and to make the land management plan compatible with the lessee's entire operation;

(e) Coordinated resource management planning is encouraged where either multiple ownerships, or management practices, or both, are involved;

(f) The department of fish and wildlife shall consider multiple use, including grazing, on lands owned or managed by the department of fish and wildlife where it is compatible with the management objectives of the land; and

(g) The department shall allow multiple use on lands owned or managed by the department where multiple use can be demonstrated to be compatible with RCW 79.10.100, 79.10.110, and 79.10.120.

(4) The ecosystem standards are to be achieved by applying appropriate land management practices on riparian lands and on the uplands in order to reach the desired ecological conditions.

~~((5))~~ The legislature urges that state agencies that manage grazing lands make planning and implementation of chapter 163, Laws of 1996, using the coordinated resource management and planning process, a high priority, especially where either multiple ownerships, or multiple use resources objectives, or both, are involved. In all cases, the choice of using the coordinated resource management planning process will be a voluntary decision by all concerned parties including agencies, private landowners, lessees, permittees, and other interests.)

Sec. 30. RCW 79.19.080 and 2003 c 334 s 531 are each amended to read as follows:

Periodically, at intervals to be determined by the board, the department shall identify trust lands which are expected to convert to commercial, residential, or industrial uses within ten years. The department shall adhere to existing local comprehensive plans, zoning classifications, and duly adopted local policies when making this identification and determining the fair market value of the property.

The department shall hold a public hearing on the proposal in the county where the state land is located. At least fifteen days but not more than thirty days before the hearing, the department shall publish a public notice of reasonable size in display advertising form, setting forth the date, time, and place of the hearing, at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the trust land is located. At the same time that the published notice is given, the department shall give written notice of the hearings to the ~~((departments of fish and wildlife and general administration, to the parks and recreation commission, and to the))~~ county, city, or town in which the property is situated. The department shall disseminate a news release pertaining to the hearing among printed and electronic media in the area where the trust land is located. The public notice and news release also shall identify trust lands in the area which are expected to convert to commercial, residential, or industrial uses within ten years.

A summary of the testimony presented at the hearings shall be prepared for the board's consideration. The board shall designate trust lands which are expected to convert to commercial, residential, or industrial uses as urban land. Descriptions of lands designated by the board shall be made available to the county and city or town in which the land is situated and for public inspection and copying at the department's administrative office in Olympia, Washington and at each area office.

The hearing and notice requirements of this section apply to those trust lands which have been identified by the department prior to July 1, 1984, as being expected to convert to commercial, residential, or industrial uses within the next ten years, and which have not been sold or exchanged prior to July 1, 1984.

Sec. 31. RCW 79.70.030 and 2003 c 334 s 549 are each amended to read as follows:

In order to set aside, preserve, and protect natural areas within the state, the department is authorized, in addition to any other powers, to:

(1) Establish the criteria for selection, acquisition, management, protection, and use of such natural areas, including:

(a) Limiting public access to natural area preserves consistent with the purposes of this chapter. Where appropriate, and on a case-by-case basis, a buffer zone with an increased low level of public access may be created around the environmentally sensitive areas;

(b) Developing a management plan for each designated natural area preserve. The plan must identify the significant resources to be conserved consistent with the purposes of this chapter and identify the areas with potential for low-impact public and environmental educational uses. The plan must specify the types of management activities and public uses that are permitted, consistent with the purposes of this chapter. The department must make the plans available for review and comment by the public, and state, tribal, and local agencies, prior to final approval;

(2) Cooperate or contract with any federal, state, or local governmental agency, private organizations, or individuals in carrying out the purpose of this chapter;

(3) Consistent with the plan, acquire by gift, devise, purchase, grant, dedication, or means other than eminent domain, the fee or any lesser right or interest in real property which shall be held and managed as a natural area;

(4) Acquire by gift, devise, grant, or donation any personal property to be used in the acquisition and/or management of natural areas;

(5) Inventory existing public, state, and private lands in cooperation with the council to assess possible natural areas to be preserved within the state;

(6) Maintain a natural heritage program to provide assistance in the selection and nomination of areas containing natural heritage resources for registration or dedication. The program shall maintain a classification of natural heritage resources, an inventory of their locations, and a data bank for such information. ~~((The department shall cooperate with the department of fish and wildlife in the selection and nomination of areas from the data bank that relate to critical wildlife habitats.))~~ Information from the data bank shall be made available to public and private agencies and individuals for environmental assessment and proprietary land management purposes. Usage of the classification, inventory, or data bank of natural heritage resources for any purpose inconsistent with the natural heritage program is not authorized;

(7) Prepare a natural heritage plan which shall govern the natural heritage program in the conduct of activities to create and manage a system of natural areas that includes natural resources conservation areas, and may include areas designated under the research natural area program on federal lands in the state;

(a) The plan shall list the natural heritage resources to be considered for registration and shall provide criteria for the selection and approval of natural areas under this chapter;

(b) The department shall provide opportunities for input, comment, and review to the public, other public agencies, and private groups with special interests in natural heritage resources during preparation of the plan;

(c) Upon approval by the council and adoption by the department, the plan shall be updated and submitted biennially to the appropriate committees of the legislature for their information and review. The plan shall take effect ninety days after the adjournment of the legislative session in which it is submitted unless the reviewing committees suggest changes or reject the plan; and

(8) Maintain a state register of natural areas containing significant natural heritage resources to be called the Washington register of natural area preserves. Selection of natural areas for registration shall

be in accordance with criteria listed in the natural heritage plan and accomplished through voluntary agreement between the owner of the natural area and the department. No privately owned lands may be proposed to the council for registration without prior notice to the owner or registered without voluntary consent of the owner. No state or local governmental agency may require such consent as a condition of any permit or approval of or settlement of any civil or criminal proceeding or to penalize any landowner in any way for failure to give, or for withdrawal of, such consent.

(a) The department shall adopt rules as authorized by RCW 43.12.065 and 79.70.030(1) and chapter 34.05 RCW relating to voluntary natural area registration.

(b) After approval by the council, the department may place sites onto the register or remove sites from the register.

(c) The responsibility for management of registered natural area preserves shall be with the preserve owner. A voluntary management agreement may be developed between the department and the owners of the sites on the register.

(d) Any public agency may register lands under provisions of this chapter.

Sec. 32. RCW 79.71.120 and 1997 c 371 s 1 are each amended to read as follows:

The property currently designated as the Elk river natural area preserve is transferred from management under chapter 79.70 RCW as a natural area preserve to management under chapter 79.71 RCW as a natural resources conservation area. The legislature finds that hunting is a suitable low-impact public use within the Elk river natural resources conservation area. The department of natural resources shall incorporate this legislative direction into the management plan developed for the Elk river natural resources conservation area. ~~((The department shall work with the department of fish and wildlife to identify hunting opportunities compatible with the area's conservation purposes.))~~

Sec. 33. RCW 79.105.500 and 2007 c 341 s 58 are each amended to read as follows:

The legislature finds that the department provides, manages, and monitors aquatic land dredged material disposal sites on state-owned aquatic lands for materials dredged from rivers, harbors, and shipping lanes. These disposal sites ~~((are))~~ should be approved through a cooperative planning process by the department ~~((s of natural resources and ecology))~~, the United States army corps of engineers, and the United States environmental protection agency ~~((in cooperation with the Puget Sound partnership))~~. These disposal sites are essential to the commerce and well-being of the citizens of the state of Washington. Management and environmental monitoring of these sites are necessary to protect environmental quality and to ~~((assure))~~ ensure appropriate use of state-owned aquatic lands. The creation of an aquatic land dredged material disposal site account is a reasonable means to enable and facilitate proper management and environmental monitoring of these disposal sites.

Sec. 34. RCW 79.125.710 and 2005 c 155 s 517 are each amended to read as follows:

Whenever application is made to the department by any incorporated city or town or metropolitan park district for the use of any state-owned tidelands or shorelands within the corporate limits of the city or town or metropolitan park district for municipal park and/or playground purposes, the department shall cause the application to be entered in the records of its office, and shall then forward the application to the governor, who shall appoint a committee of five representative citizens of the city or town, in addition to the commissioner ~~((and the director of ecology, both of)),~~ whom shall be an ex officio member(s) of the committee, to investigate the lands and determine whether they are suitable and needed for park or playground purposes; and, if they so find, the commissioner shall certify to the governor that the property shall be deeded, when in accordance with RCW 79.125.200 and 79.125.700,

to the city or town or metropolitan park district and the governor shall then execute a deed in the name of the state of Washington, attested by the secretary of state, conveying the use of the lands to the city or town or metropolitan park district for park or playground purposes for so long as it shall continue to hold, use, and maintain the lands for park or playground purposes.

Sec. 35. RCW 79.125.730 and 2005 c 155 s 519 are each amended to read as follows:

The ~~((director of ecology))~~ commissioner, in addition to serving as an ex officio member of the committee, is authorized and directed to assist the city or town or metropolitan park district in the development and decoration of any lands so conveyed and to furnish trees, grass, flowers, and shrubs ~~((herefor))~~.

Sec. 36. RCW 79.135.130 and 2005 c 155 s 703 are each amended to read as follows:

(1) The department, upon the receipt of an application for a lease for the purpose of planting and cultivating oyster beds or for the purpose of cultivating clams or other edible shellfish, shall ~~((notify the director of fish and wildlife of the filing of the application describing the tidelands or beds of navigable waters applied for. The director of fish and wildlife shall))~~ cause an inspection of the lands applied for ~~((to be made and shall make a full report to the department of the director's findings as to whether it is necessary))~~ in order to protect existing natural oyster beds, and to secure adequate seeding of the lands, to retain the lands described in the application for lease or any part of the lands, and in the event the ~~((director))~~ department deems it advisable to retain the lands or any part of the lands for the protection of existing natural oyster beds or to guarantee the continuance of an adequate seed stock for existing natural oyster beds, the lands shall not be subject to lease. However, if the ~~((director))~~ department determines that the lands applied for or any part of the lands may be leased, the ~~((director))~~ department shall ~~((so notify the department and the director shall))~~ cause an examination of the lands to be made to determine the presence, if any, of natural oysters, clams, or other edible shellfish on the lands, and to fix the rental value of the lands for use for oyster, clam, or other edible shellfish cultivation. In the report ~~((to))~~, the department ~~((the director))~~ shall recommend a minimum rental for the lands and an estimation of the value of the oysters, clams, or other edible shellfish, if any, then present on the lands applied for. The lands approved by the ~~((director))~~ department for lease may then be leased to the applicant for a period of not less than five years nor more than ten years at a rental not less than the minimum ~~((rental))~~ recommended ~~((by the director of fish and wildlife))~~ rent. In addition, before entering upon possession of the land, the applicant shall pay the value of the oysters, clams, or other edible shellfish, if any, then present on the land as determined by the ~~((director))~~ department, plus the expense incurred by the ~~((director))~~ department in investigating the quantity of oysters, clams, or other edible shellfish, present on the land applied for.

(2) When issuing new leases or reissuing existing leases the department shall not permit the commercial harvest of subtidal hardshell clams by means of hydraulic escalating when the upland within five hundred feet of any lease tract is zoned for residential development.

Sec. 37. RCW 79.135.140 and 2005 c 155 s 704 are each amended to read as follows:

Before entering into possession of any leased tidelands or beds of navigable waters, the applicant shall have the lands surveyed by a registered land surveyor, and the applicant shall furnish to the department ~~((and to the director of fish and wildlife))~~ a map of the leased premises signed and certified by the registered land surveyor. The lessee shall also mark the boundaries of the leased premises by piling monuments or other markers of a permanent nature ~~((as the director of fish and wildlife may direct))~~.

Sec. 38. RCW 79.135.150 and 2005 c 155 s 705 are each amended to read as follows:

The department may, upon the filing of an application for a renewal lease, inspect the tidelands or beds of navigable waters, and if the department deems it in the best interests of the state to re-lease the lands, the department shall issue to the applicant a renewal lease for a further period not exceeding thirty years and under the terms and conditions as may be determined by the department. However, in the case of an application for a renewal lease it shall not be necessary for the lands to be inspected and reported upon by the ~~((director of fish and wildlife))~~ department.

Sec. 39. RCW 79.135.320 and 2005 c 155 s 712 are each amended to read as follows:

(1) ~~((In the event that the fish and wildlife commission approves the vacation of the whole or any part of a reserve,))~~ The department may vacate and offer for lease the parts or all of the reserve as it deems to be for the best interest of the state, and all moneys received for the lease of the lands shall be paid to the department.

(2) Notwithstanding RCW 77.60.020, subsection (1) of this section, or any other provision of state law, the state oyster reserves in Eld Inlet, Hammersley Inlet, or Totten Inlet, situated in Mason or Thurston counties shall permanently be designated as state oyster reserve lands.

Sec. 40. RCW 79.135.410 and 2005 c 155 s 715 are each amended to read as follows:

(1) The maximum daily wet weight harvest or possession of seaweed for personal use from all state-owned aquatic lands and all privately owned tidelands is ten pounds per person. The department ~~((in cooperation with the department of fish and wildlife))~~ may establish seaweed harvest limits of less than ten pounds for conservation purposes. This section shall in no way affect the ability of any state agency to prevent harvest of any species of marine aquatic plant from lands under its control, ownership, or management.

(2) Except as provided under subsection (3) of this section, commercial harvesting of seaweed from state-owned aquatic lands, and all privately owned tidelands is prohibited. This subsection shall in no way affect commercial seaweed aquaculture.

(3) Upon ~~((mutual))~~ approval by the department ~~((and the department of fish and wildlife))~~, seaweed species of the genus *Macrocystis* may be commercially harvested for use in the herring spawn-on-kelp fishery.

(4) Importation of seaweed species of the genus *Macrocystis* into Washington state for the herring spawn-on-kelp fishery is subject to the fish and shellfish disease control policies ~~((of the department of fish and wildlife))~~. *Macrocystis* shall not be imported from areas with fish or shellfish diseases associated with organisms that are likely to be transported with *Macrocystis*. The department shall incorporate this policy on *Macrocystis* importation into its overall fish and shellfish disease control policies.

Sec. 41. RCW 79A.05.255 and 2000 c 48 s 1 and 2000 c 11 s 35 are each reenacted and amended to read as follows:

(1) There is created a winter recreation advisory committee to advise the parks and recreation commission in the administration of this chapter and to assist and advise the commission in the development of winter recreation facilities and programs.

(2) The committee shall consist of:

(a) Six representatives of the nonsnowmobiling winter recreation public appointed by the commission, including a resident of each of the six geographical areas of this state where nonsnowmobiling winter recreation activity occurs, as defined by the commission.

(b) Three representatives of the snowmobiling public appointed by the commission.

(c) One ~~((representative of the department of natural resources, one representative of the department of fish and wildlife, and one))~~ representative of ~~((the Washington state association of counties, each of whom shall be))~~ a statewide private association generally

representing the interests of county legislative bodies and executives appointed by the director ((of the particular department or association)).

(3) The terms of the members appointed under subsection (2)(a) and (b) of this section shall begin on October 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies for the remainder of the unexpired term: PROVIDED, That the first of these members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(4) Members of the committee shall be reimbursed from the winter recreational program account created by RCW 79A.05.235 for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The committee shall meet at times and places it determines not less than twice each year and additionally as required by the committee chair or by majority vote of the committee. The chair of the committee shall be chosen under procedures adopted by the committee. The committee shall adopt any other procedures necessary to govern its proceedings.

(6) The director of parks and recreation or the director's designee shall serve as secretary to the committee and shall be a nonvoting member.

Sec. 42. RCW 79A.05.351 and 2007 c 176 s 2 are each amended to read as follows:

(1) The outdoor education and recreation grant program is hereby created, subject to the availability of funds in the outdoor education and recreation account. The commission shall establish and implement the program by rule to provide opportunities for public agencies, private nonprofit organizations, formal school programs, nonformal after-school programs, and community-based programs to receive grants from the account. Programs that provide outdoor education opportunities to schools shall be fully aligned with the state's essential academic learning requirements.

(2) The program shall be phased in beginning with the schools and students with the greatest needs in suburban, rural, and urban areas of the state. The program shall focus on students who qualify for free and reduced-price lunch, who are most likely to fail academically, or who have the greatest potential to drop out of school.

(3) The director shall set priorities and develop criteria for the awarding of grants to outdoor environmental, ecological, agricultural, or other natural resource-based education and recreation programs considering at least the following:

(a) Programs that contribute to the reduction of academic failure and dropout rates;

(b) Programs that make use of research-based, effective environmental, ecological, agricultural, or other natural resource-based education curriculum;

(c) Programs that contribute to healthy life styles through outdoor recreation and sound nutrition;

(d) Various Washington state parks as venues and use of the commission's personnel as a resource;

(e) Programs that maximize the number of participants that can be served;

(f) Programs that will commit matching and in-kind resources;

(g) Programs that create partnerships with public and private entities;

(h) Programs that provide students with opportunities to directly experience and understand nature and the natural world; and

(i) Programs that include ongoing program evaluation, assessment, and reporting of their effectiveness.

(4) The director shall create an advisory committee to assist and advise the commission in the development and administration of the outdoor education and recreation program. The director should solicit representation on the committee from ((the office of the superintendent of public instruction, the department of fish and

wildlife)) the business community, outdoor organizations with an interest in education, and any others the commission deems sufficient to ensure a cross section of stakeholders. When the director creates such an advisory committee, its members shall be reimbursed from the outdoor education and recreation program account for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The outdoor education and recreation program account is created in the custody of the state treasurer. Funds deposited in the outdoor education and recreation program account shall be transferred only to the commission to be used solely for the commission's outdoor education and recreation program purposes identified in this section including the administration of the program. The director may accept gifts, grants, donations, or moneys from any source for deposit in the outdoor education and recreation program account. Any public agency in this state may develop and implement outdoor education and recreation programs. The director may make grants to public agencies and contract with any public or private agency or person to develop and implement outdoor education and recreation programs. The outdoor education and recreation program account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 43. RCW 79A.05.360 and 1999 c 249 s 1301 are each amended to read as follows:

The commission may establish a system of underwater parks to provide for diverse recreational diving opportunities and to conserve and protect unique marine resources of the state of Washington. In establishing and maintaining an underwater park system, the commission may:

(1) Plan, construct, and maintain underwater parks;

(2) Acquire property and enter management agreements with other units of state government for the management of lands, tidelands, and bedlands as underwater parks;

(3) Construct artificial reefs and other underwater features to enhance marine life and recreational uses of an underwater park;

(4) Accept gifts and donations for the benefit of underwater parks;

(5) Facilitate private efforts to construct artificial reefs and underwater parks;

(6) Work with the federal government((,)) and local governments ((and other appropriate agencies of state government, including but not limited to: The department of natural resources, the department of fish and wildlife and the natural heritage council)) to carry out the purposes of this chapter; and

(7) Contract with other state agencies or local governments for the management of an underwater park unit.

Sec. 44. RCW 79A.60.520 and 2007 c 341 s 56 are each amended to read as follows:

The commission((, in consultation with the departments of ecology, fish and wildlife, natural resources, social and health services, and the Puget Sound partnership)) shall conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate appropriate areas as polluted or environmentally sensitive, for the purposes of chapter 393, Laws of 1989 only.

Sec. 45. RCW 79A.60.550 and 1993 c 244 s 34 are each amended to read as follows:

The ((department of ecology, in consultation with the)) commission((;)) shall, for initiation of the statewide program only, develop criteria by rule for the design, installation, and operation of sewage pumpout and dump units, taking into consideration the ease of access to the unit by the boating public. ((The department of ecology may adopt rules to administer the provisions of this section.))

Sec. 46. RCW 79A.60.620 and 2000 c 11 s 114 are each amended to read as follows:

(1) The Washington sea grant program (~~(in consultation with the department of ecology)~~) shall develop and conduct a voluntary spill prevention education program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. Washington sea grant shall coordinate the spill prevention education program with recreational boater education performed by the state parks and recreation commission.

(2) The spill prevention education program shall illustrate ways to reduce oil contamination of bilge water, accidental spills of hydraulic fluid and other hazardous substances during routine maintenance, and reduce spillage during refueling. The program shall illustrate proper disposal of oil and hazardous substances and promote strategies to meet shoreside oil and hazardous substance handling, and disposal needs of the targeted groups. The program shall include a series of training workshops and the development of educational materials.

Sec. 47. RCW 79A.05.285 and 1999 c 249 s 907 are each amended to read as follows:

The commission is authorized to evaluate and acquire land under RCW (~~(79.01.612 in cooperation with the department of natural resources)~~) 79.10.030.

Sec. 48. RCW 79A.30.050 and 1995 c 200 s 6 are each amended to read as follows:

((1) If the authority and state agencies find it mutually beneficial to do so, they are authorized to collaborate and cooperate on projects of shared interest. Agencies authorized to collaborate with the authority include but are not limited to: The commission for activities and projects related to public recreation; the department of agriculture for projects related to the equine agricultural industry; the department of community, trade, and economic development with respect to community and economic development and tourism issues associated with development of the state horse park; Washington State University with respect to opportunities for animal research, education, and extension; the department of ecology with respect to opportunities for making the state horse park's waste treatment facilities a demonstration model for the handling of waste to protect water quality; and with local community colleges with respect to programs related to horses, economic development, business, and tourism.

—(2)) The authority shall cooperate with 4-H clubs, pony clubs, youth groups, and local park departments to provide youth recreational activities. The authority shall also provide for preferential use of an area of the horse park facility for youth and ~~(the disabled)~~ individuals with disabilities at nominal cost.

Sec. 49. RCW 79A.50.090 and 1969 ex.s. c 247 s 2 are each amended to read as follows:

The department of natural resources shall ~~(not rescind the withdrawal of)~~ have reasonable access across all public land in any existing and future state park (nor sell any timber or other valuable material therefrom or grant any right of way or easement thereon, except as provided in the withdrawal order or for off site drilling, without the concurrence of the state parks and recreation commission.

—The department of natural resources shall have reasonable access ~~across such lands~~) in order to reach other public lands administered by the department of natural resources.

Sec. 50. RCW 79A.50.100 and 1995 c 399 s 209 are each amended to read as follows:

(1) A public hearing may be held prior to any withdrawal of state trust lands and shall be held prior to any revocation of withdrawal or modification of withdrawal of state trust lands used for recreational purposes by the department of natural resources ~~(or by other state agencies).~~

(2) The department of natural resources shall cause notice of the withdrawal, revocation of withdrawal or modification of withdrawal of state trust lands as described in subsection (1) of this section to be published by advertisement once a week for four weeks prior to the public hearing in at least one newspaper published and of general

circulation in the county or counties in which the state trust lands are situated, and by causing a copy of said notice to be posted in a conspicuous place in the department's Olympia office, in the district office in which the land is situated, and in the office of the county auditor in the county where the land is situated thirty days prior to the public hearing. The notice shall specify the time and place of the public hearing and shall describe with particularity each parcel of state trust lands involved in said hearing.

(3) The board of natural resources shall administer the hearing according to its prescribed rules and regulations.

(4) The board of natural resources shall determine the most beneficial use or combination of uses of the state trust lands. ~~((Its decision will be conclusive as to the matter. PROVIDED, HOWEVER, That said decisions as to uses shall conform to applicable state plans and policy guidelines adopted by the department of community, trade, and economic development.))~~

Sec. 51. RCW 79A.15.110 and 2007 c 241 s 36 are each amended to read as follows:

~~((A state))~~ The recreation and conservation office or a local agency shall review the proposed project application with the county or city with jurisdiction over the project area prior to applying for funds for the acquisition of property under this chapter. The appropriate county or city legislative authority may, at its discretion, submit a letter to the board identifying the authority's position with regard to the acquisition project. The board shall make the letters received under this section available to the governor and the legislature when the prioritized project list is submitted under RCW 79A.15.120, 79A.15.060, and 79A.15.070.

Sec. 52. RCW 78.44.280 and 1999 c 252 s 2 are each amended to read as follows:

Surface disturbances caused by an underground metals mining and milling operation are subject to the requirements of this chapter if the operation is proposed after June 30, 1999. An operation is proposed when an agency is presented with an application for an operation or expansion of an existing operation having a probable significant adverse environmental impact under chapter 43.21C RCW. The department ~~((of ecology))~~ shall retain authority for reclamation of surface disturbances caused by an underground operation operating at any time prior to June 30, 1999 ~~((unless the operator requests that authority for reclamation of surface disturbances caused by such operation be transferred to the department under the requirements of this chapter)).~~

Sec. 53. RCW 78.52.125 and 1994 sp.s. c 9 s 822 are each amended to read as follows:

Any person desiring or proposing to drill any well in search of oil or gas, when such drilling would be conducted through or under any surface waters of the state, shall prepare and submit an environmental impact statement upon such form as the department of ~~((ecology))~~ natural resources shall prescribe at least one hundred and twenty days prior to commencing the drilling of any such well. Within ninety days after receipt of such environmental statement the department of ~~((ecology))~~ natural resources shall ~~((prepare and submit to the department of natural resources a report examining))~~ examine the potential environmental impact of the proposed well and recommendations for department action thereon. If after consideration of the report the department of natural resources determines that the proposed well is likely to have a substantial environmental impact the drilling permit for such well may be denied.

The department of natural resources shall require sufficient safeguards to minimize the hazards of pollution of all surface and ground waters of the state. If safeguards acceptable to the department of natural resources cannot be provided the drilling permit shall be denied.

Sec. 54. RCW 78.56.040 and 1994 c 232 s 4 are each amended to read as follows:

The department of ~~((ecology))~~ natural resources shall require each applicant submitting a checklist pursuant to chapter 43.21C RCW for a metals mining and milling operation to disclose the ownership and each controlling interest in the proposed operation. The applicant shall also disclose all other mining operations within the United States which the applicant operates or in which the applicant has an ownership or controlling interest. In addition, the applicant shall disclose and may enumerate and describe the circumstances of: (1) Any past or present bankruptcies involving the ownerships and their subsidiaries, (2) any abandonment of sites regulated by the model toxics control act, chapter 70.105D RCW, or other similar state remedial cleanup programs, or the federal comprehensive environmental response, compensation, and liability act, 42 U.S.C. Sec. 9601 et seq., as amended, (3) any penalties in excess of ten thousand dollars assessed for violations of the provisions of 33 U.S.C. Sec. 1251 et seq. or 42 U.S.C. Sec. 7401 et seq., and (4) any previous forfeitures of financial assurance due to noncompliance with reclamation or remediation requirements. This information shall be available for public inspection and copying at the department of ~~((ecology))~~ natural resources. Ownership or control of less than ten percent of the stock of a corporation shall not by itself constitute ownership or a controlling interest under this section.

Sec. 55. RCW 78.56.050 and 1994 c 232 s 5 are each amended to read as follows:

(1) An environmental impact statement must be prepared for any proposed metals mining and milling operation. The department of ~~((ecology))~~ natural resources shall be the lead agency in coordinating the environmental review process under chapter 43.21C RCW and in preparing the environmental impact statement, except for uranium and thorium operations regulated under Title 70 RCW.

(2) As part of the environmental review of metals mining and milling operations regulated under this chapter, the applicant shall provide baseline data adequate to document the premining conditions at the proposed site of the metals mining and milling operation. The baseline data shall contain information on the elements of the natural environment identified in rules adopted pursuant to chapter 43.21C RCW.

(3) The department of ~~((ecology, after consultation with the department of fish and wildlife,))~~ natural resources shall incorporate measures to mitigate significant probable adverse impacts to fish and wildlife as part of the ~~((department of ecology's))~~ department's permit requirements for the proposed operation.

(4) In conducting the environmental review and preparing the environmental impact statement, the department of ~~((ecology))~~ natural resources shall cooperate with all affected local governments to the fullest extent practicable.

Sec. 56. RCW 78.56.060 and 1994 c 232 s 6 are each amended to read as follows:

The department of ~~((ecology))~~ natural resources will appoint a metals mining coordinator. The coordinator will maintain current information on the status of any metals mining and milling operation regulated under this chapter from the preparation of the environmental impact statement through the permitting, construction, operation, and reclamation phases of the project or until the proposal is no longer active. The coordinator shall also maintain current information on postclosure activities. The coordinator will act as a contact person for the applicant, the operator, and interested members of the public. The coordinator may also assist agencies with coordination of their inspection and monitoring responsibilities.

Sec. 57. RCW 78.56.080 and 1997 c 170 s 1 are each amended to read as follows:

(1) The metals mining account is created in the state treasury. Expenditures from this account are subject to appropriation. Expenditures from this account may only be used for: (a) The additional inspections of metals mining and milling operations

required by RCW 78.56.070 and (b) the metals mining coordinator established in RCW 78.56.060.

(2)~~((a))~~ As part of its normal budget development process and in consultation with the metals mining industry, the department of ~~((ecology))~~ natural resources shall estimate the costs required ~~((for the department))~~ to meet its obligations for the additional inspections of metals mining and milling operations required by chapter 232, Laws of 1994. The department shall also estimate the cost of employing the metals mining coordinator established in RCW 78.56.060.

~~((b))~~ As part of its normal budget development process and in consultation with the metals mining industry, the department of natural resources shall estimate the costs required for the department to meet its obligations for the additional inspections of metals mining and milling operations required by chapter 232, Laws of 1994.)

(3) Based on the cost estimates generated by the department of ~~((ecology and the department of))~~ natural resources, the department ~~((of ecology))~~ shall establish the amount of a fee to be paid by each active metals mining and milling operation regulated under this chapter. The fee shall be established at a level to fully recover the direct and indirect costs of the ~~((agency))~~ department's responsibilities identified in subsection (2) of this section. The amount of the fee for each operation shall be proportional to the number of visits required per site. Each applicant for a metals mining and milling operation shall also be assessed the fee based on the same criterion. The department ~~((of ecology))~~ may adjust the fees established in this subsection if unanticipated activity in the industry increases or decreases the amount of funding necessary to meet ~~((agencies'))~~ the agency's inspection responsibilities.

(4) The department of ~~((ecology))~~ natural resources shall collect the fees established in subsection (3) of this section. All moneys from these fees shall be deposited into the metals mining account.

Sec. 58. RCW 78.56.090 and 1994 c 232 s 9 are each amended to read as follows:

(1) In the processing of an application for an initial waste discharge permit for a tailings facility pursuant to the requirements of chapter 90.48 RCW, the department of ~~((ecology))~~ natural resources shall consider site-specific criteria in determining a preferred location of tailings facilities of metals mining and milling operations and incorporate the requirements of all known available and reasonable methods in order to maintain the highest possible standards to insure the purity of all waters of the state in accordance with the public policy identified by RCW 90.48.010.

In implementing the siting criteria, the department shall take into account the objectives of the proponent's application relating to mining and milling operations. These objectives shall consist of, but not be limited to (a) operational feasibility, (b) compatibility with optimum tailings placement methods, (c) adequate volume capacity, (d) availability of construction materials, and (e) an optimized embankment volume.

(2) To meet the mandate of subsection (1) of this section, siting of tailings facilities shall be accomplished through a two-stage process that consists of a primary alternatives screening phase, and a secondary technical site investigation phase.

(3) The primary screening phase will consist of, but not be limited to, siting criteria based on considerations as to location as follows:

- (a) Proximity to the one hundred year floodplain, as indicated in the most recent federal emergency management agency maps;
- (b) Proximity to surface and ground water;
- (c) Topographic setting;
- (d) Identifiable adverse geologic conditions, such as landslides and active faults; and

(e) Visibility impacts of the public generally and residents more particularly.

(4) The department of ~~((ecology))~~ natural resources, through the primary screening process, shall reduce the available tailings facility sites to one or more feasible locations whereupon a technical site

investigation phase shall be conducted by the department for the purpose of verifying the adequacy of the remaining potential sites. The technical site investigations phase shall consist of, but not be limited to, the following:

- (a) Soil characteristics;
- (b) Hydrologic characteristics;
- (c) A local and structural geology evaluation, including seismic conditions and related geotechnical investigations;
- (d) A surface water control analysis; and
- (e) A slope stability analysis.

(5) Upon completion of the two phase evaluation process set forth in this section, the department of ~~((ecology))~~ natural resources shall issue a site selection report on the preferred location. This report shall address the above criteria as well as analyze the feasibility of reclamation and stabilization of the tailings facility. The siting report may recommend mitigation or engineering factors to address siting concerns. The report shall be developed in conjunction with the preparation of and contained in an environmental impact statement prepared pursuant to chapter 43.21C RCW. The report may be utilized by the department of ecology for the purpose of providing information related to the suitability of the site and for ruling on an application for a waste discharge permit.

(6) The department of ~~((ecology))~~ natural resources may, at its discretion, require the applicant to provide the information required in either phase one or phase two as described in subsections (3) and (4) of this section.

Sec. 59. RCW 78.56.100 and 1994 c 232 s 10 are each amended to read as follows:

(1) In order to receive a waste discharge permit from the department of ~~((ecology))~~ natural resources pursuant to the requirements of chapter 90.48 RCW or in order to operate a metals mining and milling tailing facility, an applicant proposing a metals mining and milling operation regulated under this chapter must meet the following additional requirements:

(a) Any tailings facility shall be designed and operated to prevent the release of pollution and must meet the following standards:

(i) Operators shall apply all known available and reasonable technology to limit the concentration of potentially toxic materials in the tailings facility to assure the protection of wildlife and human health;

(ii) The tailings facility shall have a containment system that includes an engineered liner system, leak detection and leak collection elements, and a seepage collection impoundment to assure that a leak of any regulated substance under chapter 90.48 RCW will be detected before escaping from the containment system. The design and management of the facility must ensure that any leaks from the tailings facility are detected in a manner which allows for remediation pursuant to chapter 90.48 RCW. The applicant shall prepare a detailed engineering report setting forth the facility design and construction. The applicant shall submit the report to the department of ~~((ecology))~~ natural resources for its review and approval of a design as determined by the department. Natural conditions, such as depth to groundwater or net rainfall, shall be taken into account in the facility design, but not in lieu of the protection required by the engineered liner system;

(iii) The toxicity of mine or mill tailings and the potential for long-term release of regulated substances from mine or mill tailings shall be reduced to the greatest extent practicable through stabilization, removal, or reuse of the substances; and

(iv) The closure of the tailings facility shall provide for isolation or containment of potentially toxic materials and shall be designed to prevent future release of regulated substances contained in the impoundment;

(b) The applicant must develop a waste rock management plan approved by the department of ~~((ecology and the department of))~~

natural resources which emphasizes pollution prevention. At a minimum, the plan must contain the following elements:

(i) An accurate identification of the acid generating properties of the waste rock;

(ii) A strategy for encapsulating potentially toxic material from the environment, when appropriate, in order to prevent the release of heavy metals and acidic drainage; and

(iii) A plan for reclaiming and closing waste rock sites which minimizes infiltration of precipitation and runoff into the waste rock and which is designed to prevent future releases of regulated substances contained within the waste rock;

(c) If an interested citizen or citizen group so requests of the department of ~~((ecology))~~ natural resources, the metals mining and milling operator or applicant shall work with the department ~~((of ecology))~~ and the interested party to make arrangements for citizen observation and verification in the taking of required water samples. While it is the intent of this subsection to provide for citizen observation and verification of water sampling activities, it is not the intent of this subsection to require additional water sampling and analysis on the part of the mining and milling operation or the department. The citizen observation and verification program shall be incorporated into the applicant's, operator's, or department's normal sampling regimen and shall occur at least once every six months. There is no duty of care on the part of the state or its employees to any person who participates in the citizen observation and verification of water sampling under chapter 232, Laws of 1994 and the state and its employees shall be immune from any civil lawsuit based on any injuries to or claims made by any person as a result of that person's participation in such observation and verification of water sampling activities. The metals mining and milling operator or applicant shall not be liable for any injuries to or claims made by any person which result from that person coming onto the property of the metals mining and milling operator or applicant as an observer pursuant to chapter 232, Laws of 1994. The results from these and all other relevant water sampling activities shall be kept on file with the relevant county and shall be available for public inspection during normal working hours; and

(d) An operator or applicant for a metals mining and milling operation must complete a voluntary reduction plan in accordance with RCW 70.95C.200.

(2) Only those tailings facilities constructed after April 1, 1994, must meet the requirement established in subsection (1)(a) of this section. Only those waste rock holdings constructed after April 1, 1994, must meet the requirement established in subsection (1)(b) of this section.

Sec. 60. RCW 78.56.110 and 1995 c 223 s 1 are each amended to read as follows:

(1) The department of ~~((ecology))~~ natural resources shall not issue necessary permits to an applicant for a metals mining and milling operation until the applicant has deposited with the department ~~((of ecology))~~ a performance security which is acceptable to the department ~~((of ecology))~~ based on the requirements of subsection (2) of this section. This performance security may be:

(a) Bank letters of credit;

(b) A cash deposit;

(c) Negotiable securities;

(d) An assignment of a savings account;

(e) A savings certificate in a Washington bank; or

(f) A corporate surety bond executed in favor of the department of ecology by a corporation authorized to do business in the state of Washington under Title 48 RCW.

The department of ~~((ecology))~~ natural resources may, for any reason, refuse any performance security not deemed adequate.

(2) The performance security shall be conditioned on the faithful performance of the applicant or operator in meeting the following obligations:

(a) Compliance with the environmental protection laws of the state of Washington administered by the department of ~~((ecology))~~ natural resources, or permit conditions administered by the department ~~((of ecology))~~, associated with the construction, operation, and closure pertaining to metals mining and milling operations, and with the related environmental protection ordinances and permit conditions established by local government when requested by local government;

(b) Reclamation of metals mining and milling operations that do not meet the threshold of surface mining as defined by RCW 78.44.031(17);

(c) Postclosure environmental monitoring as determined by the department of ~~((ecology))~~ natural resources; and

(d) Provision of sufficient funding as determined by the department of ~~((ecology))~~ natural resources for cleanup of potential problems revealed during or after closure.

(3) The department of ~~((ecology))~~ natural resources may, if it deems appropriate, adopt rules for determining the amount of the performance security, requirements for the performance security, requirements for the issuer of the performance security, and any other requirements necessary for the implementation of this section.

(4) The department of ~~((ecology))~~ natural resources may increase or decrease the amount of the performance security at any time to compensate for any alteration in the operation that affects meeting the obligations in subsection (2) of this section. At a minimum, the department shall review the adequacy of the performance security every two years.

(5) Liability under the performance security shall be maintained until the obligations in subsection (2) of this section are met to the satisfaction of the department of ~~((ecology))~~ natural resources. Liability under the performance security may be released only upon written notification by the department ~~((of ecology))~~.

(6) Any interest or appreciation on the performance security shall be held by the department of ~~((ecology))~~ natural resources until the obligations in subsection (2) of this section have been met to the satisfaction of the department ~~((of ecology))~~. At such time, the interest shall be remitted to the applicant or operator. However, if the applicant or operator fails to comply with the obligations of subsection (2) of this section, the interest or appreciation may be used by the department ~~((of ecology))~~ to comply with the obligations.

(7) ~~((Only one agency may require a performance security to satisfy the deposit requirements of RCW 78.44.087, and only one agency may require a performance security to satisfy the deposit requirements of this section. However,))~~ A single performance security, when acceptable to ((both the department of ecology and)) the department of natural resources, may be utilized ((by both agencies)) to satisfy the requirements of this section and RCW 78.44.087.

Sec. 61. RCW 78.56.120 and 1995 c 223 s 2 are each amended to read as follows:

The department of ~~((ecology))~~ natural resources may, with staff, equipment, and material under its control, or by contract with others, remediate or mitigate any impact of a metals mining and milling operation when it finds that the operator or permit holder has failed to comply with relevant statutes, rules, or permits, and the operator or permit holder has failed to take adequate or timely action to rectify these impacts.

If the department intends to remediate or mitigate such impacts, the department shall issue an order to submit performance security requiring the permit holder or surety to submit to the department the amount of moneys posted pursuant to RCW 78.56.110. If the amount specified in the order to submit performance security is not paid within twenty days after issuance of the notice, the attorney general upon request of the department shall bring an action on behalf of the state in a superior court to recover the amount specified and associated legal fees.

The department may proceed at any time after issuing the order to submit performance security to remediate or mitigate adverse impacts.

The department shall keep a record of all expenses incurred in carrying out any remediation or mitigation activities authorized under this section, including:

(1) Remediation or mitigation;

(2) A reasonable charge for the services performed by the state's personnel and the state's equipment and materials utilized; and

(3) Administrative and legal expenses related to remediation or mitigation.

The department shall refund to the surety or permit holder all amounts received in excess of the amount of expenses incurred. If the amount received is less than the expenses incurred, the attorney general, upon request of the department of ~~((ecology))~~ natural resources, may bring an action against the permit holder on behalf of the state in the superior court to recover the remaining costs listed in this section.

Sec. 62. RCW 78.56.160 and 1998 c 245 s 161 are each amended to read as follows:

(1) Until June 30, 1996, there shall be a moratorium on metals mining and milling operations using the heap leach extraction process. The department of natural resources ~~((and the department of ecology))~~ shall ~~((jointly))~~ review the existing laws and regulations pertaining to the heap leach extraction process for their adequacy in safeguarding the environment.

(2) Metals mining using the process of in situ extraction is permanently prohibited in the state of Washington.

Sec. 63. RCW 78.60.070 and 2007 c 338 s 1 are each amended to read as follows:

(1) Any person proposing to drill a well or redrill an abandoned well for geothermal resources shall file with the department a written application for a permit to commence such drilling or redrilling on a form prescribed by the department accompanied by a permit fee of two hundred dollars. ~~((The department shall forward a duplicate copy to the department of ecology within ten days of filing.))~~

(2) Upon receipt of a proper application relating to drilling or redrilling the department shall set a date, time, and place for a public hearing on the application, which hearing shall be in the county in which the drilling or redrilling is proposed to be made, and shall instruct the applicant to publish notices of such application and hearing by such means and within such time as the department shall prescribe. The department shall require that the notice so prescribed shall be published twice in a newspaper of general circulation within the county in which the drilling or redrilling is proposed to be made and in such other appropriate information media as the department may direct.

(3) Any person proposing to drill a core hole for the purpose of gathering geothermal data, including but not restricted to heat flow, temperature gradients, and rock conductivity, shall be required to obtain a single permit for each core hole according to subsection (1) of this section, including a permit fee for each core hole, but no notice need be published, and no hearing need be held. Such core holes that penetrate more than seven hundred and fifty feet into bedrock shall be deemed geothermal test wells and subject to the payment of a permit fee and to the requirement in subsection (2) of this section for public notices and hearing. In the event geothermal energy is discovered in a core hole, the hole shall be deemed a geothermal well and subject to the permit fee, notices, and hearing. Such core holes as described by this subsection are subject to all other provisions of this chapter, including a bond or other security as specified in RCW 78.60.130.

(4) All moneys paid to the department under this section shall be deposited with the state treasurer for credit to the general fund.

Sec. 64. RCW 78.60.080 and 1974 ex.s. c 43 s 8 are each amended to read as follows:

A permit shall be granted only if the department is satisfied that the area is suitable for the activities applied for; that the applicant will be able to comply with the provisions of this chapter and the rules and regulations enacted hereunder; and that a permit would be in the best interests of the state.

The department shall not allow operation of a well under permit if it finds that the operation of any well will unreasonably decrease groundwater available for prior water rights in any aquifer or other groundwater source for water for beneficial uses, unless such affected water rights are acquired by condemnation, purchase or other means.

The department shall have the authority to condition the permit as it deems necessary to carry out the provisions of this chapter, including but not limited to conditions to reduce any environmental impact.

((The department shall forward a copy of the permit to the department of ecology within five days of issuance.))

Sec. 65. RCW 78.60.100 and 2007 c 338 s 2 are each amended to read as follows:

Any well or core hole drilled under authority of this chapter from which:

(1) It is not technologically practical to derive the energy to produce electricity commercially, or the owner or operator has no intention of deriving energy to produce electricity commercially, and

(2) Usable minerals cannot be derived, or the owner or operator has no intention of deriving usable minerals, shall be plugged and abandoned as provided in this chapter or, upon the owner's or operator's written application to the department ~~((of natural resources and with the concurrence and approval of the department of ecology))~~, jurisdiction over the well may be transferred to the department ~~((of ecology))~~ and, in such case, the well shall no longer be subject to the provisions of this chapter but shall be subject to any applicable laws and rules relating to wells drilled for appropriation and use of groundwaters. If an application is made to transfer jurisdiction, a copy of all logs, records, histories, and descriptions shall be provided to the department ~~((of ecology))~~ by the applicant.

Sec. 66. RCW 90.03.247 and 2003 c 39 s 48 are each amended to read as follows:

Whenever an application for a permit to make beneficial use of public waters is approved relating to a stream or other water body for which minimum flows or levels have been adopted and are in effect at the time of approval, the permit shall be conditioned to protect the levels or flows. No agency may establish minimum flows and levels or similar water flow or level restrictions for any stream or lake of the state other than the department of ecology whose authority to establish is exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and 90.54.040. The provisions of other statutes, including but not limited to RCW ~~((77.55.100))~~ 77.55.021 and chapter 43.21C RCW, may not be interpreted in a manner that is inconsistent with this section. In establishing such minimum flows, levels, or similar restrictions, the department shall, during all stages of development ~~((by the department of ecology))~~ of minimum flow proposals, consult with, and carefully consider the recommendations of ~~((the department of fish and wildlife, the department of community, trade, and economic development, the department of agriculture, and representatives of the))~~ affected Indian tribes. ~~((Nothing herein shall preclude the department of fish and wildlife, the department of community, trade, and economic development, or the department of agriculture from presenting its views on minimum flow needs at any public hearing or to any person or agency, and the department of fish and wildlife, the department of community, trade, and economic development, and the department of agriculture are each empowered to participate in proceedings of the federal energy regulatory commission and other agencies to present its views on minimum flow needs.))~~

Sec. 67. RCW 90.03.280 and 1994 c 264 s 83 are each amended to read as follows:

Upon receipt of a proper application, the department shall instruct the applicant to publish notice thereof in a form and within a time prescribed by the department in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use is to be made, and in such other newspapers as the department may direct, once a week for two consecutive weeks. ~~((Upon receipt by the department of an application it shall send notice thereof containing pertinent information to the director of fish and wildlife.))~~

Sec. 68. RCW 90.03.290 and 2001 c 239 s 1 are each amended to read as follows:

(1) When an application complying with the provisions of this chapter and with the rules of the department has been filed, the same shall be placed on record with the department, and it shall be its duty to investigate the application, and determine what water, if any, is available for appropriation, and find and determine to what beneficial use or uses it can be applied. If it is proposed to appropriate water for irrigation purposes, the department shall investigate, determine and find what lands are capable of irrigation by means of water found available for appropriation. If it is proposed to appropriate water for the purpose of power development, the department shall investigate, determine and find whether the proposed development is likely to prove detrimental to the public interest, having in mind the highest feasible use of the waters belonging to the public.

(2)(a) If the application does not contain, and the applicant does not promptly furnish sufficient information on which to base such findings, the department may issue a preliminary permit, for a period of not to exceed three years, requiring the applicant to make such surveys, investigations, studies, and progress reports, as in the opinion of the department may be necessary. If the applicant fails to comply with the conditions of the preliminary permit, it and the application or applications on which it is based shall be automatically canceled and the applicant so notified. If the holder of a preliminary permit shall, before its expiration, file with the department a verified report of expenditures made and work done under the preliminary permit, which, in the opinion of the department, establishes the good faith, intent, and ability of the applicant to carry on the proposed development, the preliminary permit may, with the approval of the governor, be extended, but not to exceed a maximum period of five years from the date of the issuance of the preliminary permit.

(b) For any application for which a preliminary permit was issued and for which the availability of water was directly affected by a moratorium on further diversions from the Columbia river during the years from 1990 to 1998, the preliminary permit is extended through June 30, 2002. If such an application and preliminary permit were canceled during the moratorium, the application and preliminary permit shall be reinstated until June 30, 2002, if the application and permit: (i) Are for providing regional water supplies in more than one urban growth area designated under chapter 36.70A RCW and in one or more areas near such urban growth areas, or the application and permit are modified for providing such supplies, and (ii) provide or are modified to provide such regional supplies through the use of existing intake or diversion structures. The authority to modify such a canceled application and permit to accomplish the objectives of (b)(i) and (ii) of this subsection is hereby granted.

(3) The department shall make and file as part of the record in the matter, written findings of fact concerning all things investigated, and if it shall find that there is water available for appropriation for a beneficial use, and the appropriation thereof as proposed in the application will not impair existing rights or be detrimental to the public welfare, it shall issue a permit stating the amount of water to which the applicant shall be entitled and the beneficial use or uses to which it may be applied: PROVIDED, That where the water applied for is to be used for irrigation purposes, it shall become appurtenant only to such land as may be reclaimed thereby to the full extent of the soil for agricultural purposes. But where there is no unappropriated

water in the proposed source of supply, or where the proposed use conflicts with existing rights, or threatens to prove detrimental to the public interest, having due regard to the highest feasible development of the use of the waters belonging to the public, it shall be duty of the department to reject such application and to refuse to issue the permit asked for.

(4) If the permit is refused because of conflict with existing rights and such applicant shall acquire same by purchase or condemnation under RCW 90.03.040, the department may thereupon grant such permit. Any application may be approved for a less amount of water than that applied for, if there exists substantial reason therefor, and in any event shall not be approved for more water than can be applied to beneficial use for the purposes named in the application. In determining whether or not a permit shall issue upon any application, it shall be the duty of the department to investigate all facts relevant and material to the application. After the department approves said application in whole or in part and before any permit shall be issued thereon to the applicant, such applicant shall pay the fee provided in RCW 90.03.470(~~(- PROVIDED FURTHER, That in the event a permit is issued by the department upon any application, it shall be its duty to notify the director of fish and wildlife of such issuance).~~)).

Sec. 69. RCW 90.03.360 and 1994 c 264 s 85 are each amended to read as follows:

(1) The owner or owners of any water diversion shall maintain, to the satisfaction of the department of ecology, substantial controlling works and a measuring device constructed and maintained to permit accurate measurement and practical regulation of the flow of water diverted. Every owner or manager of a reservoir for the storage of water shall construct and maintain, when required by the department, any measuring device necessary to ascertain the natural flow into and out of said reservoir.

Metering of diversions or measurement by other approved methods shall be required as a condition for all new surface water right permits, and except as provided in subsection (2) of this section, may be required as a condition for all previously existing surface water rights. The department may also require, as a condition for all water rights, metering of diversions, and reports regarding such metered diversions as to the amount of water being diverted. Such reports shall be in a form prescribed by the department.

(2) Where water diversions are from waters in which the salmonid stock status is depressed or critical, as determined by the department of fish and wildlife, or where the volume of water being diverted exceeds one cubic foot per second, the department shall require metering or measurement by other approved methods as a condition for all new and previously existing water rights or claims. The department shall attempt to integrate the requirements of this subsection into its existing compliance workload priorities, but shall prioritize the requirements of this subsection ahead of the existing compliance workload where a delay may cause the decline of wild salmonids. ~~((The department shall notify the department of fish and wildlife of the status of fish screens associated with these diversions.))~~ This subsection (2) shall not apply to diversions for public or private hatcheries or fish rearing facilities if the diverted water is returned directly to the waters from which it was diverted.

Sec. 70. RCW 90.03.590 and 2003 1st sp.s. c 5 s 16 are each amended to read as follows:

(1) On a pilot project basis, the department may enter into a watershed agreement with one or more municipal water suppliers in water resource inventory area number one to meet the objectives established in a water resource management program approved or being developed under chapter 90.82 RCW with the consent of the initiating governments of the water resource inventory area. The term of an agreement may not exceed ten years, but the agreement may be renewed or amended upon agreement of the parties.

(2) A watershed agreement must be consistent with:

(a) Growth management plans developed under chapter 36.70A RCW where these plans are adopted and in effect;

(b) Water supply plans and small water system management programs approved under chapter 43.20 or 70.116 RCW;

(c) Coordinated water supply plans approved under chapter 70.116 RCW; and

(d) Water use efficiency and conservation requirements and standards established by the state department of health or such requirements and standards as are provided in an approved watershed plan, whichever are the more stringent.

(3) A watershed agreement must:

(a) Require the public water system operated by the participating municipal water supplier to meet obligations under the watershed plan;

(b) Establish performance measures and timelines for measures to be completed;

(c) Provide for monitoring of stream flows and metering of water use as needed to ensure that the terms of the agreement are met; and

(d) Require annual reports from the water users regarding performance under the agreement.

(4) As needed to implement watershed agreement activities, the department may provide or receive funding, or both, under its existing authorities.

(5) The department must provide opportunity for public review of a proposed agreement before it is executed. The department must make proposed and executed watershed agreements and annual reports available on the department's internet web site.

(6) The department must consult with affected local governments ~~((and the state departments of health and fish and wildlife))~~ before executing an agreement.

(7) Before executing a watershed agreement, the department must conduct a government-to-government consultation with affected tribal governments. The municipal water suppliers operating the public water systems that are proposing to enter into the agreements must be invited to participate in the consultations. During these consultations, the department and the municipal water suppliers shall explore the potential interest of the tribal governments or governments in participating in the agreement.

(8) Any person aggrieved by the department's failure to satisfy the requirements in subsection (3) of this section as embodied in the department's decision to enter into a watershed agreement under this section may, within thirty days of the execution of such an agreement, appeal the department's decision to the pollution control hearings board under chapter 43.21B RCW.

(9) Any projects implemented by a municipal water system under the terms of an agreement reached under this section may be continued and maintained by the municipal water system after the agreement expires or is terminated as long as the conditions of the agreement under which they were implemented continue to be met.

(10) Before December 31, 2003, and December 31, 2004, the department must report to the appropriate committees of the legislature the results of the pilot project provided for in this section. Based on the experience of the pilot project, the department must offer any suggested changes in law that would improve, facilitate, and maximize the implementation of watershed plans adopted under this chapter.

Sec. 71. RCW 90.16.050 and 2007 c 286 s 1 are each amended to read as follows:

(1) Every person, firm, private or municipal corporation, or association hereinafter called "claimant", claiming the right to the use of water within or bordering upon the state of Washington for power development, shall on or before the first day of January of each year pay to the state of Washington in advance an annual license fee, based upon the theoretical water power claimed under each and every separate claim to water according to the following schedule:

(a) For projects in operation: For each and every theoretical horsepower claimed up to and including one thousand horsepower, at the rate of eighteen cents per horsepower; for each and every theoretical horsepower in excess of one thousand horsepower, up to and including ten thousand horsepower, at the rate of three and six-tenths cents per horsepower; for each and every theoretical horsepower in excess of ten thousand horsepower, at the rate of one and eight-tenths cents per horsepower.

(b) For federal energy regulatory commission projects in operation, the following fee schedule applies in addition to the fees in (a) of this subsection: For each theoretical horsepower of capacity up to and including one thousand horsepower, at the rate of thirty-two cents per horsepower; for each theoretical horsepower in excess of one thousand horsepower, up to and including ten thousand horsepower, at the rate of six and four-tenths cents per horsepower; for each theoretical horsepower in excess of ten thousand horsepower, at the rate of three and two-tenths cents per horsepower.

(c) To justify the appropriate use of fees collected under (b) of this subsection, the department of ecology shall submit a progress report to the appropriate committees of the legislature prior to December 31, 2009, and biennially thereafter until December 31, 2017.

(i) The progress report will: (A) Describe how license fees were expended in the federal energy regulatory commission licensing process during the current biennium, and expected workload and full-time equivalent employees for federal energy regulatory commission licensing in the next biennium; (B) include any recommendations based on consultation with ~~((the departments of ecology and fish and wildlife,))~~ hydropower project operators ~~((;))~~ and other interested parties; and (C) recognize hydropower operators that exceed their environmental regulatory requirements.

(ii) The fees required in (b) of this subsection expire June 30, 2017. The biennial progress reports submitted by the department of ecology will serve as a record for considering the extension of the fee structure in (b) of this subsection.

(2) The following are exceptions to the fee schedule in subsection (1) of this section:

(a) For undeveloped projects, the fee shall be at one-half the rates specified for projects in operation; for projects partly developed and in operation the fees paid on that portion of any project that shall have been developed and in operation shall be the full annual license fee specified in subsection (1) of this section for projects in operation, and for the remainder of the power claimed under such project the fees shall be the same as for undeveloped projects.

(b) The fees required in subsection (1) of this section do not apply to any hydropower project owned by the United States.

(c) The fees required in subsection (1) of this section do not apply to the use of water for the generation of fifty horsepower or less.

(d) The fees required in subsection (1) of this section for projects developed by an irrigation district in conjunction with the irrigation district's water conveyance system shall be reduced by fifty percent to reflect the portion of the year when the project is not operable.

(e) Any irrigation district or other municipal subdivision of the state, developing power chiefly for use in pumping of water for irrigation, upon the filing of a statement showing the amount of power used for irrigation pumping, is exempt from the fees in subsection (1) of this section to the extent of the power used for irrigation pumping.

Sec. 72. RCW 90.16.090 and 2007 c 286 s 2 are each amended to read as follows:

(1) All fees paid under provisions of this chapter, shall be credited by the state treasurer to the reclamation account created in RCW 89.16.020 and subject to legislative appropriation, be allocated and expended by the director of ecology for:

(a) Investigations and surveys of natural resources in cooperation with the federal government, or independently thereof, including

stream gaging, hydrographic, topographic, river, underground water, mineral and geological surveys; and

(b) Expenses associated with staff at the department ~~((s))~~ of ecology ~~((and fish and wildlife))~~ working on federal energy regulatory commission relicensing and license implementation.

(2) Unless otherwise required by the omnibus biennial appropriations acts, the expenditures for these purposes must be proportional to the revenues collected under RCW 90.16.050(1).

Sec. 73. RCW 90.22.010 and 1997 c 32 s 4 are each amended to read as follows:

The department of ecology may establish minimum water flows or levels for streams, lakes or other public waters for the purposes of protecting fish, game, birds or other wildlife resources, or recreational or aesthetic values of said public waters whenever it appears to be in the public interest to establish the same. In addition, the department of ecology shall ~~((, when requested by the department of fish and wildlife to))~~ protect fish, game, or other wildlife resources ~~((under the jurisdiction of the requesting state agency)),~~ or if the department of ecology finds it necessary to preserve water quality, establish such minimum flows or levels as are required to protect the resource or preserve the water quality ~~((described in the request or determination)).~~ ~~((Any request submitted by the department of fish and wildlife shall include a statement setting forth the need for establishing a minimum flow or level.))~~ When the department acts to preserve water quality, it shall include a ~~((similar))~~ statement setting forth the need for establishing a minimum flow or level with the proposed rule filed with the code reviser. This section shall not apply to waters artificially stored in reservoirs, provided that in the granting of storage permits by the department of ecology in the future, full recognition shall be given to downstream minimum flows, if any there may be, which have theretofore been established hereunder.

Sec. 74. RCW 90.22.020 and 1994 c 264 s 87 are each amended to read as follows:

Flows or levels authorized for establishment under RCW 90.22.010, or subsequent modification thereof by the department shall be provided for through the adoption of rules. Before the establishment or modification of a water flow or level for any stream or lake or other public water, the department shall hold a public hearing in the county in which the stream, lake, or other public water is located. If it is located in more than one county the department shall determine the location or locations therein and the number of hearings to be conducted. Notice of the hearings shall be given by publication in a newspaper of general circulation in the county or counties in which the stream, lake, or other public waters is located, once a week for two consecutive weeks before the hearing. The notice shall include the following:

(1) The name of each stream, lake, or other water source under consideration;

(2) The place and time of the hearing;

(3) A statement that any person, including any private citizen or public official, may present his or her views either orally or in writing.

~~((Notice of the hearing shall also be served upon the administrators of the departments of social and health services, natural resources, fish and wildlife, and transportation.))~~

Sec. 75. RCW 90.22.060 and 1998 c 245 s 172 are each amended to read as follows:

By December 31, 1993, the department of ecology shall, in cooperation with the Indian tribes, ~~((and the department of fish and wildlife,))~~ establish a statewide list of priorities for evaluation of instream flows. In establishing these priorities, the department shall consider the achievement of wild salmonid production as its primary goal.

Sec. 76. RCW 90.24.010 and 1999 c 162 s 1 are each amended to read as follows:

Ten or more owners of real property abutting on a lake may petition the superior court of the county in which the lake is situated,

for an order to provide for the regulation of the outflow of the lake in order to maintain a certain water level therein. If there are fewer than ten owners, a majority of the owners abutting on a lake may petition the superior court for such an order. The court, after ~~((notice to the department of fish and wildlife and))~~ a hearing, is authorized to make an order fixing the water level thereof and directing the department of ecology to regulate the outflow therefrom in accordance with the purposes described in the petition. This section shall not apply to any lake or reservoir used for the storage of water for irrigation or other beneficial purposes, or to lakes navigable from the sea.

Sec. 77. RCW 90.24.030 and 1994 c 264 s 88 are each amended to read as follows:

The petition shall be entitled "In the matter of fixing the level of Lake in county, Washington", and shall be filed with the clerk of the court and a copy thereof, together with a copy of the order fixing the time for hearing the petition, shall be served on each owner of property abutting on the lake, not less than ten days before the hearing. Like copies shall also be served upon ~~((the director of fish and wildlife and))~~ the director of ecology. The copy of the petition and of the order fixing time for hearing shall be served in the manner provided by law for the service of summons in civil actions, or in such other manner as may be prescribed by order of the court. For the benefit of every riparian owner abutting on a stream or river flowing from such lake, a copy of the notice of hearing shall be published at least once a week for two consecutive weeks before the time set for hearing in a newspaper in each county or counties wherein located, said notice to contain a brief statement of the reasons and necessity for such application.

Sec. 78. RCW 90.24.060 and 1994 c 264 s 89 are each amended to read as follows:

Such improvement or device in said lake for the protection of the fish and game fish therein shall be installed by and under the direction of the board of county commissioners of said county with the approval of the ~~((respective directors of the department of fish and wildlife and))~~ director of the department of ecology of the state of Washington and paid for out of the special fund provided for in RCW 90.24.050.

Sec. 79. RCW 90.38.040 and 2001 c 237 s 29 are each amended to read as follows:

(1) All trust water rights acquired by the department shall be placed in the Yakima river basin trust water rights program to be managed by the department. The department shall issue a water right certificate in the name of the state of Washington for each trust water right it acquires.

(2) Trust water rights shall retain the same priority date as the water right from which they originated. Trust water rights may be modified as to purpose or place of use or point of diversion, including modification from a diversionsary use to a nondiversionsary instream use.

(3) Trust water rights may be held by the department for instream flows, irrigation use, or other beneficial use. Trust water rights may be acquired on a temporary or permanent basis. To the extent practicable and subject to legislative appropriation, trust water rights acquired in an area with an approved watershed plan developed under chapter 90.82 RCW shall be consistent with that plan if the plan calls for such acquisition.

(4) A schedule of the amount of net water saved as a result of water conservation projects carried out in accordance with this chapter, shall be developed annually to reflect the predicted hydrologic and water supply conditions, as well as anticipated water demands, for the upcoming irrigation season. This schedule shall serve as the basis for the distribution and management of trust water rights each year.

(5)(a) No exercise of a trust water right may be authorized unless the department first determines that no existing water rights, junior or

senior in priority, will be impaired as to their exercise or injured in any manner whatever by such authorization.

(b) Before any trust water right is exercised, the department shall publish notice thereof in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in such other newspapers as the department determines are necessary, once a week for two consecutive weeks. ~~((At the same time the department may also send notice thereof containing pertinent information to the director of fish and wildlife.))~~

(c) Subsections (4) and (5)(b) of this section do not apply to a trust water right resulting from a donation for instream flows described in RCW 90.38.020(1)(b) or from the lease of a water right under RCW 90.38.020(6) if the period of the lease does not exceed five years. However, the department shall provide the notice described in (b) of this subsection the first time the trust water right resulting from the donation is exercised.

(6) RCW 90.03.380 and 90.14.140 through 90.14.910 shall have no applicability to trust water rights held by the department under this chapter or exercised under this section.

Sec. 80. RCW 90.48.170 and 1994 c 264 s 91 are each amended to read as follows:

Applications for permits shall be made on forms prescribed by the department and shall contain the name and address of the applicant, a description of the applicant's operations, the quantity and type of waste material sought to be disposed of, the proposed method of disposal, and any other relevant information deemed necessary by the department. Application for permits shall be made at least sixty days prior to commencement of any proposed discharge or permit expiration date, whichever is applicable. Upon receipt of a proper application relating to a new operation, or an operation previously under permit for which an increase in volume of wastes or change in character of effluent is requested over that previously authorized, the department shall instruct the applicant to publish notices thereof by such means and within such time as the department shall prescribe. The department shall require that the notice so prescribed shall be published twice in a newspaper of general circulation within the county in which the disposal of waste material is proposed to be made and in such other appropriate information media as the department may direct. Said notice shall include a statement that any person desiring to present his or her views to the department with regard to said application may do so in writing to the department, or any person interested in the department's action on an application for a permit, may submit his or her views or notify the department of his or her interest within thirty days of the last date of publication of notice. Such notification or submission of views to the department shall entitle said persons to a copy of the action taken on the application. ~~((Upon receipt by the department of an application, it shall immediately send notice thereof containing pertinent information to the director of fish and wildlife and to the secretary of social and health services.))~~ When an application complying with the provisions of this chapter and the rules and regulations of the department has been filed with the department, it shall be its duty to investigate the application, and determine whether the use of public waters for waste disposal as proposed will pollute the same in violation of the public policy of the state.

Sec. 81. RCW 90.48.366 and 2007 c 347 s 1 are each amended to read as follows:

The department ~~((, in consultation with the departments of fish and wildlife and natural resources, and the parks and recreation commission,))~~ shall adopt rules establishing a compensation schedule for the discharge of oil in violation of this chapter and chapter 90.56 RCW. The amount of compensation assessed under this schedule shall be no less than one dollar per gallon of oil spilled and no greater than one hundred dollars per gallon of oil spilled. The compensation schedule shall reflect adequate compensation for unquantifiable damages or for damages not quantifiable at reasonable cost for any

adverse environmental, recreational, aesthetic, or other effects caused by the spill and shall take into account:

(1) Characteristics of any oil spilled, such as toxicity, dispersibility, solubility, and persistence, that may affect the severity of the effects on the receiving environment, living organisms, and recreational and aesthetic resources;

(2) The sensitivity of the affected area as determined by such factors as: (a) The location of the spill; (b) habitat and living resource sensitivity; (c) seasonal distribution or sensitivity of living resources; (d) areas of recreational use or aesthetic importance; (e) the proximity of the spill to important habitats for birds, aquatic mammals, fish, or to species listed as threatened or endangered under state or federal law; (f) significant archaeological resources as determined by the department of archaeology and historic preservation; and (g) other areas of special ecological or recreational importance, as determined by the department; and

(3) Actions taken by the party who spilled oil or any party liable for the spill that: (a) Demonstrate a recognition and affirmative acceptance of responsibility for the spill, such as the immediate removal of oil and the amount of oil removed from the environment; or (b) enhance or impede the detection of the spill, the determination of the quantity of oil spilled, or the extent of damage, including the unauthorized removal of evidence such as injured fish or wildlife.

Sec. 82. RCW 90.48.445 and 1999 sp.s. c 11 s 1 are each amended to read as follows:

(1) The director shall issue or approve water quality permits for use by federal, state, or local governmental agencies and licensed applicators for the purpose of using, for aquatic noxious weed control, herbicides and surfactants registered under state or federal pesticide control laws, and for the purpose of experimental use of herbicides on aquatic sites, as defined in 40 C.F.R. Sec. 172.3. The issuance of the permits shall be subject only to compliance with: Federal and state pesticide label requirements, the requirements of the federal insecticide, fungicide, and rodenticide act, the Washington pesticide control act, the Washington pesticide application act, and the state environmental policy act, except that:

(a) When the director issues water quality permits for the purpose of using glyphosate and surfactants registered by the department of agriculture to control spartina, as defined by RCW 17.26.020, the water quality permits shall contain the following criteria:

(i) Spartina treatment shall occur between June 1st and October 31st of each year unless the department ~~(, the department of agriculture, and the department of fish and wildlife agree to add)~~ ~~authorizes~~ additional dates beyond this period, except that no aerial application shall be allowed on July 4th or Labor Day and for ground application on those days the applicator shall post signs at each corner of the treatment area;

(ii) The applicator shall take all reasonable precautions to prevent the spraying of nontarget vegetation and nonvegetated areas;

(iii) A period of fourteen days between treatments is required prior to re-treating the previously treated areas;

(iv) Aerial or ground broadcast application shall not be made when the wind speed exceeds ten miles per hour; and

(v) An application shall not be made when a tidal regime leaves the plants dry for less than four hours.

(b) The director shall issue water quality permits for the purpose of using herbicides or surfactants registered by the department of agriculture to control aquatic noxious weeds, other than spartina, and the permit shall state that aerial and ground broadcast applications may not be made when the wind speed exceeds ten miles per hour.

(c) The director shall issue water quality permits for the experimental use of herbicides on aquatic sites, as defined in 40 C.F.R. Sec. 172.3, when the department of agriculture has issued an experimental use permit, under the authority of RCW 15.58.405(3). Because of the small geographic areas involved and the short duration

of herbicide application, water quality permits issued under this subsection are not subject to state environmental policy act review.

(2) Applicable requirements established in an option or options recommended for controlling the noxious weed by a final environmental impact statement published under chapter 43.21C RCW by the department prior to May 5, 1995, by the department of agriculture, or by the department of agriculture jointly with other state agencies shall be considered guidelines for the purpose of granting the permits issued under this chapter. This section may not be construed as requiring the preparation of a new environmental impact statement to replace a final environmental impact statement published before May 5, 1995, but instead shall authorize the department of agriculture, as lead agency for the control of spartina under RCW 17.26.015, to supplement, amend, or issue addenda to the final environmental impact statement published before May 5, 1995, which may assess the environmental impact of the application of stronger concentrations of active ingredients, altered application patterns, or other changes as the department of agriculture deems appropriate.

(3) The director of ecology may not utilize this permit authority to otherwise condition or burden weed control efforts. Except for permits issued by the director under subsection (1)(c) of this section, permits issued under this section are effective for five years, unless a shorter duration is requested by the applicant. The director's authority to issue water quality modification permits for activities other than the application of surfactants and approved herbicides, to control aquatic noxious weeds or the experimental use of herbicides used on aquatic sites, as defined in 40 C.F.R. Sec. 172.3, is unaffected by this section.

(4) As used in this section, "aquatic noxious weed" means an aquatic weed on the state noxious weed list adopted under RCW 17.10.080.

Sec. 83. RCW 90.48.448 and 1999 c 255 s 3 are each amended to read as follows:

(1) Subject to restrictions in this section, a government entity seeking to control a limited infestation of Eurasian water milfoil may use the pesticide 2,4-D to treat the milfoil infestation, without obtaining a permit under RCW 90.48.445, if the milfoil infestation is either recently documented or remaining after the application of other control measures, and is limited to twenty percent or less of the littoral zone of the lake. Any pesticide application made under this section must be made according to all label requirements for the product and must meet the public notice requirements of subsection (2) of this section.

(2) Before applying 2,4-D, the government entity shall: (a) Provide at least twenty-one days' notice to the department of ecology ~~(, the department of fish and wildlife, the department of agriculture, the department of health,)~~ and all lake residents; (b) post notices of the intent to apply 2,4-D at all public access points; and (c) place informational buoys around the treatment area.

(3) The department ~~(of fish and wildlife)~~ may impose timing restrictions on the use of 2,4-D to protect salmon and other fish and wildlife.

(4) The department may prohibit the use of 2,4-D if the department finds the product contains dioxin in excess of the standard allowed by the United States environmental protection agency. Sampling protocols and analysis used by the department under this section must be consistent with those used by the United States environmental protection agency for testing this product.

(5) Government entities using this section to apply 2,4-D may apply for funds from the freshwater aquatic weeds account consistent with the freshwater aquatic weeds management program as provided in RCW 43.21A.660.

(6) Government entities using this section shall consider development of long-term control strategies for eradication and control of the Eurasian water milfoil.

(7) For the purpose of this section, "government entities" includes cities, counties, state agencies, tribes, special purpose districts, and county weed boards.

Sec. 84. RCW 90.74.020 and 1997 c 424 s 3 are each amended to read as follows:

(1) Project proponents may use a mitigation plan to propose compensatory mitigation within a watershed. A mitigation plan shall:

(a) Contain provisions that guarantee the long-term viability of the created, restored, enhanced, or preserved habitat, including assurances for protecting any essential biological functions and values defined in the mitigation plan;

(b) Contain provisions for long-term monitoring of any created, restored, or enhanced mitigation site; and

(c) Be consistent with the local comprehensive land use plan and any other applicable planning process in effect for the development area, such as an adopted subbasin or watershed plan.

(2) The department((s)) of ecology (~~(and fish and wildlife)~~) may not limit the scope of options in a mitigation plan to areas on or near the project site, or to habitat types of the same type as contained on the project site. The department((s)) of ecology (~~(and fish and wildlife)~~) shall fully review and give due consideration to compensatory mitigation proposals that improve the overall biological functions and values of the watershed or bay and accommodate the mitigation needs of infrastructure development.

The department((s)) of ecology (~~(and fish and wildlife are)~~) is not required to grant approval to a mitigation plan that the department((s)) finds does not provide equal or better biological functions and values within the watershed or bay.

(3) When making a permit or other regulatory decision under the guidance of this chapter, the department(~~(s) of ecology and fish and wildlife~~) shall consider whether the mitigation plan provides equal or better biological functions and values, compared to the existing conditions, for the target resources or species identified in the mitigation plan. This consideration shall be based upon the following factors:

(a) The relative value of the mitigation for the target resources, in terms of the quality and quantity of biological functions and values provided;

(b) The compatibility of the proposal with the intent of broader resource management and habitat management objectives and plans, such as existing resource management plans, watershed plans, critical areas ordinances, and shoreline master programs;

(c) The ability of the mitigation to address scarce functions or values within a watershed;

(d) The benefits of the proposal to broader watershed landscape, including the benefits of connecting various habitat units or providing population-limiting habitats or functions for target species;

(e) The benefits of early implementation of habitat mitigation for projects that provide compensatory mitigation in advance of the project's planned impacts; and

(f) The significance of any negative impacts to nontarget species or resources.

(4) A mitigation plan may be approved through a memorandum of agreement between the project proponent and (~~(either)~~) the department of ecology (~~(or the department of fish and wildlife, or both)~~).

Sec. 85. RCW 90.74.030 and 1997 c 424 s 4 are each amended to read as follows:

(1) In making regulatory decisions relating to wetland or aquatic resource mitigation, the department(~~(s) of ecology and fish and wildlife~~) shall, at the request of the project proponent, follow the guidance of RCW 90.74.005 through 90.74.020.

(2) If the department of ecology (~~(or the department of fish and wildlife)~~) receives multiple requests for review of mitigation plans, (~~(each)~~) the department may schedule its review of these proposals to conform to available budgetary resources.

Sec. 86. RCW 90.82.048 and 2003 1st sp.s. c 5 s 9 are each amended to read as follows:

(1) The timelines and interim milestones in a detailed implementation plan required by RCW 90.82.043 must address the planned future use of existing water rights for municipal water supply purposes, as defined in RCW 90.03.015, that are inchoate, including how these rights will be used to meet the projected future needs identified in the watershed plan, and how the use of these rights will be addressed when implementing instream flow strategies identified in the watershed plan.

(2) The watershed planning unit or other authorized lead agency shall ensure that holders of water rights for municipal water supply purposes not currently in use are asked to participate in defining the timelines and interim milestones to be included in the detailed implementation plan.

(3) The department of health shall annually compile a list of water system plans and plan updates to be reviewed by the department during the coming year and shall (~~(consult with the departments of community, trade, and economic development, ecology, and fish and wildlife to)~~): (a) Identify watersheds where further coordination is needed between water system planning and local watershed planning under this chapter; and (b) develop a work plan for conducting the necessary coordination.

Sec. 87. RCW 90.90.020 and 2006 c 6 s 3 are each amended to read as follows:

(1)(a) Water supplies secured through the development of new storage facilities made possible with funding from the Columbia river basin water supply development account shall be allocated as follows:

(i) Two-thirds of active storage shall be available for appropriation for out-of-stream uses; and

(ii) One-third of active storage shall be available to augment instream flows and shall be managed by the department of ecology. The timing of releases of this water shall be determined by the department of ecology, in cooperation with the (~~(department of fish and wildlife and)~~) fisheries comanagers, to maximize benefits to salmon and steelhead populations.

(b) Water available for appropriation under (a)(i) of this subsection but not yet appropriated shall be temporarily available to augment instream flows to the extent that it does not impair existing water rights.

(2) Water developed under the provisions of this section to offset out-of-stream uses and for instream flows is deemed adequate mitigation for the issuance of new water rights provided for in subsection (1)(a) of this section and satisfies all consultation requirements under state law related to the issuance of new water rights.

(3) The department of ecology shall focus its efforts to develop water supplies for the Columbia river basin on the following needs:

(a) Alternatives to groundwater for agricultural users in the Odessa subarea aquifer;

(b) Sources of water supply for pending water right applications;

(c) A new uninterrupted supply of water for the holders of interruptible water rights on the Columbia river mainstem that are subject to instream flows or other mitigation conditions to protect stream flows; and

(d) New municipal, domestic, industrial, and irrigation water needs within the Columbia river basin.

(4) The one-third/two-thirds allocation of water resources between instream and out-of-stream uses established in this section does not apply to applications for changes or transfers of existing water rights in the Columbia river basin.

Sec. 88. RCW 90.90.030 and 2006 c 6 s 4 are each amended to read as follows:

(1) The department of ecology may enter into voluntary regional agreements for the purpose of providing new water for out-of-stream

use, streamlining the application process, and protecting instream flow.

(2) Such agreements shall ensure that:

(a) For water rights issued from the Columbia river mainstem, there is no negative impact on Columbia river mainstem instream flows in the months of July and August as a result of the new appropriations issued under the agreement;

(b) For water rights issued from the lower Snake river mainstem, there is no negative impact on Snake river mainstem instream flows from April through August as a result of the new appropriations issued under the agreement; and

(c) Efforts are made to harmonize such agreements with watershed plans adopted under the authority of chapter 90.82 RCW that are applicable to the area covered by the agreement.

(3) The protection of instream flow as set forth in subsection (2) of this section is adequate for purposes of mitigating instream flow impacts resulting from any appropriations for out-of-stream use made under a voluntary regional agreement, and the only applicable consultation provisions under state law regarding instream flow impacts shall be those set forth in subsection (4) of this section.

(4) Before executing a voluntary agreement under this section, the department of ecology shall:

(a) Provide a sixty-day period for consultation with county legislative authorities and watershed planning groups with jurisdiction over the area where the water rights included in the agreement are located, ~~((the department of fish and wildlife,))~~ and affected tribal governments, and federal agencies. ~~((The department of fish and wildlife shall provide written comments within that time period.))~~ The consultation process for voluntary regional agreements developed under the provisions of this section is deemed adequate for the issuance of new water rights provided for in this section and satisfies all consultation requirements under state law related to the issuance of new water rights; and

(b) Provide a thirty-day public review and comment period for a draft agreement, and publish a summary of any public comments received. The thirty-day review period shall not begin until after the department of ecology has concluded its consultation under (a) of this subsection and the comments that have been received by the department are made available to the public.

(5) The provisions of subsection (4) of this section satisfy all applicable consultation requirements under state law.

(6) The provisions of this section and any voluntary regional agreements developed under such provisions may not be relied upon by the department of ecology as a precedent, standard, or model that must be followed in any other voluntary regional agreements.

(7) Nothing in this section may be interpreted or administered in a manner that precludes the processing of water right applications under chapter 90.03 or 90.44 RCW that are not included in a voluntary regional agreement.

(8) Nothing in this section may be interpreted or administered in a manner that impairs or diminishes a valid water right or a habitat conservation plan approved for purposes of compliance with the federal endangered species act.

(9) The department of ecology shall monitor and evaluate the water allocated to instream and out-of-stream uses under this section, evaluate the program, and provide an interim report to the appropriate committees of the legislature by June 30, 2008. A final report shall be provided to the appropriate committees of the legislature by June 30, 2011.

(10) If the department of ecology executes a voluntary agreement under this section that includes water rights appropriated from the lower Snake river mainstem, the department shall develop aggregate data in accordance with the provisions of RCW 90.90.050 for the lower Snake river mainstem.

(11) Any agreement entered into under this section shall remain in full force and effect through the term of the agreement regardless of the expiration of this section.

(12) The definitions in this subsection apply to this section and RCW 90.90.050, and may only be used for purposes of implementing these sections.

(a) "Columbia river mainstem" means all water in the Columbia river within the ordinary high water mark of the main channel of the Columbia river between the border of the United States and Canada and the Bonneville dam, and all groundwater within one mile of the high water mark.

(b) "Lower Snake river mainstem" means all water in the lower Snake river within the ordinary high water mark of the main channel of the lower Snake river from the head of Ice Harbor pool to the confluence of the Snake and Columbia rivers, and all groundwater within one mile of the high water mark.

(13) This section expires June 30, 2012.

NEW SECTION. Sec. 89. RCW 77.55.121 is recodified as a section in chapter 76.09 RCW.

NEW SECTION. Sec. 90. The following acts or parts of acts are each repealed:

(1) RCW 79.13.610 (Grazing lands--Fish and wildlife goals--Technical advisory committee--Implementation) and 1998 c 245 s 162 & 1993 sp.s. c 4 s 5;

(2) RCW 79.105.220 (Lease of tidelands in front of public parks) and 2005 c 155 s 145, 2002 c 152 s 2, & 1984 c 221 s 5;

(3) RCW 79.135.230 (Intensive management plan for geoducks) and 2005 c 155 s 718, 1994 c 264 s 74, & 1984 c 221 s 26;

(4) RCW 79.135.310 (Inspection by director of fish and wildlife) and 2005 c 155 s 711, 1994 c 264 s 71, & 1982 1st ex.s. c 21 s 143;

(5) RCW 79.135.430 (Seaweed--Enforcement) and 2005 c 155 s 717, 2003 c 334 s 444, 1994 c 286 s 3, & 1993 c 283 s 5;

(6) RCW 79.145.030 (Coordinating implementation--Rules) and 2005 c 155 s 903, 1994 c 264 s 65, & 1989 c 23 s 3;

(7) RCW 79A.05.670 (Consultation with government agencies required) and 1999 c 249 s 1102 & 1988 c 75 s 8;

(8) RCW 79A.05.735 (Mt. Si conservation area--Management) and 2000 c 11 s 60, 1994 c 264 s 23, 1988 c 36 s 17, & 1977 ex.s. c 306 s 3;

(9) RCW 79A.50.070 (State lands used for state parks--Certain funds appropriated for rental to be deposited without deduction for management purposes) and 1969 ex.s. c 189 s 3;

(10) RCW 76.09.160 (Right of entry by department of ecology) and 1974 ex.s. c 137 s 16; and

(11) RCW 77.12.360 (Withdrawal of state land from lease--Compensation) and 1980 c 78 s 54, 1969 ex.s. c 129 s 3, & 1955 c 36 s 77.12.360."

Correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Linville spoke against the adoption of the amendment.

Amendment (1605) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander, Linville, Orcutt and Seaquist spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6578.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6578 and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Cody and Nelson.

Excused: Representative Condotta.

SECOND SUBSTITUTE SENATE BILL NO. 6578 having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6870, by Senator Hargrove

Containing costs for services to sexually violent predators.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Dammeier spoke in favor of the passage of the bill.

Representative Hasegawa spoke against the passage of the bill.

There being no objection, the House deferred action on SENATE BILL NO. 6870 and the bill held its place on the second reading calendar.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SSB 6572 by Senate Committee on Ways & Means (originally sponsored by Senator Tom)

AN ACT Relating to eliminating accounts; amending RCW 43.105.805, 43.110.080, 28A.650.035, 28B.135.040, 28B.135.010, and 43.79A.040; reenacting and amending RCW 43.84.092; creating new sections; repealing RCW 28B.20.468, 28B.20.470, 28B.30.275, 28B.120.050, 39.35C.100, 41.05.510, 43.72.906, 43.99I.100, 43.99I.110,

43.99J.080, 43.105.830, 43.110.090, 47.01.310, 47.26.325, 47.26.330, 50.65.150, and 73.40.060; and providing an effective date.

2SSB 6675 by Senate Committee on Ways & Means (originally sponsored by Senators Murray, Pflug, Shin, Kastama, Kohl-Welles and Kilmer)

AN ACT Relating to creating the Washington global health technologies and product development competitiveness program and allowing certain tax credits for program contributions; amending RCW 43.79A.040; and adding a new chapter to Title 43 RCW.

SSB 6712 by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Shin and Kilmer)

AN ACT Relating to extending expiring tax incentives for certain clean alternative fuel vehicles, producers of certain biofuels, and federal aviation regulation part 145 certificated repair stations; amending RCW 82.04.250, 82.08.809, 82.12.809, 84.36.635, 84.36.640, and 82.29A.135; repealing 2008 c 81 s 19 (uncodified); repealing 2007 c 54 s 30 (uncodified); repealing 2006 c 177 s 14 (uncodified); repealing 2005 c 296 s 6 (uncodified); repealing 2007 c 54 s 5; and providing an expiration date.

SB 6855 by Senators McDermott and Kohl-Welles

AN ACT Relating to exempting community centers from property taxation and imposing leasehold excise taxes on such property; amending RCW 84.36.010, 82.29A.010, and 82.29A.030; and creating a new section.

Referred to Committee on Finance.

There being no objection, SUBSTITUTE SENATE BILL NO. 6572, SECOND SUBSTITUTE SENATE BILL NO. 6675 and SUBSTITUTE SENATE BILL NO. 6712 were read the first time, and under suspension of the rules were placed on the second reading calendar, and SENATE BILL NO. 6855 was read the first time and referred to the committee on Finance.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2617, by Representatives Driscoll, Chase, Hunt, Wallace, Williams, Maxwell, White, Kelley, Carlyle, Simpson, Seaquist and Moeller

Eliminating certain boards and commissions.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2617 was substituted for House Bill No. 2617 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2617 was read the second time.

Representative Miloscia moved the adoption of amendment (1613).

On page 126, beginning on line 12, strike all material on line 12 and all of section 144

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Miloscia, Hunt and Armstrong spoke in favor of the adoption of the amendment.

Amendment (1613) was adopted.

Representative Driscoll moved the adoption of amendment (1617).

On page 139, after line 9, insert the following:

"**Sec. 151.** RCW 43.03.050 and 2003 1st sp.s. c 25 s 915 are each amended to read as follows:

(1) The director of financial management shall prescribe reasonable allowances to cover reasonable and necessary subsistence and lodging expenses for elective and appointive officials and state employees while engaged on official business away from their designated posts of duty. The director of financial management may prescribe and regulate the allowances provided in lieu of subsistence and lodging expenses and may prescribe the conditions under which reimbursement for subsistence and lodging may be allowed. The schedule of allowances adopted by the office of financial management may include special allowances for foreign travel and other travel involving higher than usual costs for subsistence and lodging. The allowances established by the director shall not exceed the rates set by the federal government for federal employees. However, during the 2003-05 fiscal biennium, the allowances for any county that is part of a metropolitan statistical area, the largest city of which is in another state, shall equal the allowances prescribed for that larger city.

(2) Those persons appointed to serve without compensation on any state board, commission, or committee, if entitled to payment of travel expenses, shall be paid pursuant to special per diem rates prescribed in accordance with subsection (1) of this section by the office of financial management.

(3) The director of financial management may prescribe reasonable allowances to cover reasonable expenses for meals, coffee, and light refreshment served to elective and appointive officials and state employees regardless of travel status at a meeting where: (a) The purpose of the meeting is to conduct official state business or to provide formal training to state employees or state officials; (b) the meals, coffee, or light refreshment are an integral part of the meeting or training session; (c) the meeting or training session takes place away from the employee's or official's regular workplace; and (d) the agency head or authorized designee approves payments in advance for the meals, coffee, or light refreshment. In order to prevent abuse, the director may regulate such allowances and prescribe additional conditions for claiming the allowances.

(4) Upon approval of the agency head or authorized designee, an agency may serve coffee or light refreshments at a meeting where: (a) The purpose of the meeting is to conduct state business or to provide formal training that benefits the state; and (b) the coffee or light refreshment is an integral part of the meeting or training session. The director of financial management shall adopt requirements necessary to prohibit abuse of the authority authorized in this subsection.

(5) The schedule of allowances prescribed by the director under the terms of this section and any subsequent increases in any maximum allowance or special allowances for areas of higher than usual costs shall be reported to the ways and means committees of the house of representatives and the senate at each regular session of the legislature.

(6) Beginning July 1, 2010, through June 30, 2011, no person designated as a member of a class one through class three or class five board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund. Exceptions may be granted under section 605, chapter 3, Laws of 2010.

Sec. 152. RCW 43.03.220 and 1984 c 287 s 2 are each amended to read as follows:

(1) Any part-time board, commission, council, committee, or other similar group which is established by the executive, legislative, or judicial branch to participate in state government and which functions primarily in an advisory, coordinating, or planning capacity shall be identified as a class one group.

(2) Absent any other provision of law to the contrary, no money beyond the customary reimbursement or allowance for expenses may be paid by or through the state to members of class one groups for attendance at meetings of such groups.

(3) Beginning July 1, 2010, through June 30, 2011, no person designated as a member of a class one board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund. Exceptions may be granted under section 605, chapter 3, Laws of 2010. Class one groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law. Meetings that require a member's physical presence at one location must be held in state facilities whenever possible, and meetings conducted using private facilities must be approved by the director of the office of financial management.

(4) Beginning July 1, 2010, through June 30, 2011, class one groups that are funded by sources other than the state general fund, are encouraged to reduce travel, lodging, and other costs associated with conducting the business of the group including use of other meeting formats that do not require travel.

Sec. 153. RCW 43.03.230 and 2001 c 315 s 11 are each amended to read as follows:

(1) Any agricultural commodity board or commission established pursuant to Title 15 or 16 RCW shall be identified as a class two group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class two group is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group.

(4) Beginning July 1, 2010, through June 30, 2011, no person designated as a member of a class two board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund. Exceptions may be granted under section 605, chapter 3, Laws of 2010. Class two groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law. Meetings that require a member's physical presence at one

location must be held in state facilities whenever possible, and meetings conducted using private facilities must be approved by the director of the office of financial management.

(5) Beginning July 1, 2010, through June 30, 2011, class two groups that are funded by sources other than the state general fund, are encouraged to reduce travel, lodging, and other costs associated with conducting the business of the group including use of other meeting formats that do not require travel.

Sec. 154. RCW 43.03.240 and 1984 c 287 s 4 are each amended to read as follows:

(1) Any part-time, statutory board, commission, council, committee, or other similar group which has rule-making authority, performs quasi judicial functions, has responsibility for the administration or policy direction of a state agency or program, or performs regulatory or licensing functions with respect to a specific profession, occupation, business, or industry shall be identified as a class three group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class three group is eligible to receive compensation in an amount not to exceed fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group.

(4) Beginning July 1, 2010, through June 30, 2011, no person designated as a member of a class three board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund. Exceptions may be granted under section 605, chapter 3, Laws of 2010. Class three groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law. Meetings that require a member's physical presence at one location must be held in state facilities whenever possible, and meetings conducted using private facilities must be approved by the director of the office of financial management.

(5) Beginning July 1, 2010, through June 30, 2011, class three groups that are funded by sources other than the state general fund, are encouraged to reduce travel, lodging, and other costs associated with conducting the business of the group including use of other meeting formats that do not require travel.

Sec. 155. RCW 43.03.250 and 1984 c 287 s 5 are each amended to read as follows:

(1) A part-time, statutory board, commission, council, committee, or other similar group shall be identified as a class four group for purposes of compensation if the group:

(a) Has rule-making authority, performs quasi-judicial functions, or has responsibility for the administration or policy direction of a state agency or program;

(b) Has duties that are deemed by the legislature to be of overriding sensitivity and importance to the public welfare and the operation of state government; and

(c) Requires service from its members representing a significant demand on their time that is normally in excess of one hundred hours of meeting time per year.

(2) Each member of a class four group is eligible to receive compensation in an amount not to exceed one hundred dollars for

each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group.

(4) Beginning July 1, 2010, through June 30, 2011, class four groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law. Meetings that require a member's physical presence at one location must be held in state facilities whenever possible, and meetings conducted using private facilities must be approved by the director of the office of financial management.

Sec. 156. RCW 43.03.265 and 1999 c 366 s 1 are each amended to read as follows:

(1) Any part-time commission that has rule-making authority, performs quasi-judicial functions, has responsibility for the policy direction of a health profession credentialing program, and performs regulatory and licensing functions with respect to a health care profession licensed under Title 18 RCW shall be identified as a class five group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class five group is eligible to receive compensation in an amount not to exceed two hundred fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is necessarily incurred in the course of authorized business consistent with the responsibilities of the commission established by law.

(4) Beginning July 1, 2010, through June 30, 2011, no person designated as a member of a class five board, commission, council, committee, or similar group may receive an allowance for subsistence, lodging, or travel expenses if the allowance cost is funded by the state general fund. Exceptions may be granted under section 605, chapter 3, Laws of 2010. Class five groups, when feasible, shall use an alternative means of conducting a meeting that does not require travel while still maximizing member and public participation and may use a meeting format that requires members to be physically present at one location only when necessary or required by law. Meetings that require a member's physical presence at one location must be held in state facilities whenever possible, and meetings conducted using private facilities must be approved by the director of the office of financial management.

(5) Beginning July 1, 2010, through June 30, 2011, class five groups that are funded by sources other than the state general fund, are encouraged to reduce travel, lodging, and other costs associated with conducting the business of the group including use of other meeting formats that do not require travel.

NEW SECTION. Sec. 157. (1) The director of financial management shall provide the following information on each permanent and temporary, statutory and non-statutory board,

commission, council, committee, or other similar group established by the executive and judicial branches of state government and report the information to the appropriate policy and fiscal committees of the senate and the house of representatives by September 1, 2010:

- (a) Actual annual costs for fiscal years 2008 and 2009 for:
- (i) Agency staff support;
 - (ii) Travel and lodging allowances;
 - (iii) Compensation payments for designated members; and
 - (iv) Other meeting expenses; and

(b) The sources of funds used to pay costs for each board, commission, council, committee, or other similar group.

(2) This section expires December 31, 2010."

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

On page 139, line 17, after "126" strike "and 133 through 148" and insert ", 133 through 148, and 151 through 156"

Representative Driscoll spoke in favor of the adoption of the amendment.

Amendment (1617) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Driscoll, Armstrong and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2617.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2617, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hasegawa.

Excused: Representative Condotta.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2617, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 3186, by Representatives Pettigrew, Walsh, Williams, Hunt, Green, Dickerson, Kagi, Goodman, Orwall, Liias, Seaquist, White and Appleton

Concerning the taxation of community residential services. Revised for 1st Substitute: Imposing a tax on home and community based services to fund services for seniors and people with disabilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3186 was substituted for House Bill No. 3186 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3186 was read the second time.

Representative Pettigrew moved the adoption of amendment (1491).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.16.010 and 2009 c 535 s 1110 and 2009 c 469 s 701 are each reenacted and amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Community residential service business" means the business of providing habilitation, instruction, and support to clients who have a disability meeting the definition of a developmental disability as defined in RCW 71A.10.020(3). "Community residential services business" also means a business that is licensed and/or certified by the aging and disabilities services administration at the department of social and health services to provide the services described in this subsection.

(2) "Adult day health business" is the business of providing personal care, meals, social activities, and skilled therapeutic services at adult day health centers.

(3) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

~~((2))~~ (4) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

~~((3))~~ (5) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

~~((4))~~ (6) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

~~((5))~~ (7) "Log transportation business" means the business of transporting logs by truck, other than exclusively upon private roads.

~~((6))~~ (8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier, or contract carrier as defined by RCW 81.68.010 and 81.80.010. However, "motor transportation business" does not mean or include: (a) A log transportation business; or (b) the transportation of logs or other forest products exclusively upon private roads or private highways.

~~((7))~~ (9)(a) "Public service business" means any of the businesses defined in subsections ~~((1), (2), (4), (6), (8), (9), (10), (12), and (13))~~ (3), (4), (6), (8), (10), (11), (12), (14), and (15) of this section or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business and low-level radioactive waste site operating companies as redefined in RCW 81.04.010. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(b) The definitions in this subsection ~~((7))~~ (9)(b) apply throughout this subsection ~~((7))~~ (9).

(i) "Competitive telephone service" has the same meaning as in RCW 82.04.065.

(ii) "Network telephone service" means the providing by any person of access to a telephone network, telephone network switching service, toll service, or coin telephone services, or the providing of telephonic, video, data, or similar communication or transmission for hire, via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" includes the provision of transmission to and from the site of an internet provider via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" does not include the providing of competitive telephone service, the providing of cable television service, the providing of broadcast services by radio or television stations, nor the provision of internet access as defined in RCW 82.04.297, including the reception of dial-in connection, provided at the site of the internet service provider.

(iii) "Telephone business" means the business of providing network telephone service. It includes cooperative or farmer line telephone companies or associations operating an exchange.

(iv) "Telephone service" means competitive telephone service or network telephone service, or both, as defined in (b)(i) and (ii) of this subsection.

~~((8))~~ (10) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It ~~((shall))~~ may not, however, include any business herein defined as an urban transportation business.

~~((9))~~ (11) "Railroad car business" means the business of operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

~~((10))~~ (12) "Telegraph business" means the business of affording telegraphic communication for hire.

~~((11))~~ (13) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

~~((12))~~ (14) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

~~((13))~~ (15) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

~~((14))~~ (16) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

Sec. 2. RCW 82.16.010 and 2009 c 535 s 1110 are each reenacted and amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Community residential service business" means the business of providing habilitation, instruction, and support to clients who have a disability meeting the definition of a developmental disability as defined in RCW 71A.10.020(3). "Community residential services business" also means a business that is licensed and/or certified by the aging and disabilities services administration at the department of social and health services to provide the services described in this subsection.

(2) "Adult day health business" is the business of providing personal care, meals, social activities, and skilled therapeutic services at adult day health centers.

(3) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

~~((2))~~ (4) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

~~((3))~~ (5) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

~~((4))~~ (6) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

~~((5))~~ (7) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier, or contract carrier as defined by RCW 81.68.010 and 81.80.010. However, "motor transportation business" does not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

~~((6))~~ (8)(a) "Public service business" means any of the businesses defined in subsections ~~((1), (2), (4), (5), (7), (8), (9), (11), and (12))~~ (3), (4), (6), (7), (9), (10), (11), (13), and (14) of this section or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business and low-level radioactive waste site operating companies as redefined in RCW 81.04.010. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(b) The definitions in this subsection ~~((6))~~ (8)(b) apply throughout this subsection ~~((6))~~ (8).

(i) "Competitive telephone service" has the same meaning as in RCW 82.04.065.

(ii) "Network telephone service" means the providing by any person of access to a telephone network, telephone network switching service, toll service, or coin telephone services, or the providing of telephonic, video, data, or similar communication or transmission for hire, via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" includes the provision of transmission to and from the site of an internet provider via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" does not include the providing of competitive telephone service, the providing of cable television service, the providing of broadcast services by radio or television stations, nor the provision of internet access as defined in RCW 82.04.297, including the reception of dial-in connection, provided at the site of the internet service provider.

(iii) "Telephone business" means the business of providing network telephone service. It includes cooperative or farmer line telephone companies or associations operating an exchange.

(iv) "Telephone service" means competitive telephone service or network telephone service, or both, as defined in (b)(i) and (ii) of this subsection.

~~((7))~~ (9) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It ~~((shall))~~ may not, however, include any business herein defined as an urban transportation business.

~~((8))~~ (10) "Railroad car business" means the business of operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

~~((9))~~ (11) "Telegraph business" means the business of affording telegraphic communication for hire.

~~((10))~~ (12) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

~~((11))~~ (13) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

~~((12))~~ (14) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

~~((13))~~ (15) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

Sec. 3. RCW 82.16.020 and 2009 c 469 s 702 are each amended to read as follows:

(1) There is levied and ~~((there shall be))~~ collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax ~~((shall~~

~~be))~~ is equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Express, sewerage collection, and telegraph businesses: Three and six-tenths percent;

(b) Light and power business: Three and sixty-two one-hundredths percent;

(c) Gas distribution business: Three and six-tenths percent;

(d) Urban transportation business: Six-tenths of one percent;

(e) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(f) Motor transportation, railroad, railroad car, and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(g) Water distribution business: Four and seven-tenths percent;

(h) Log transportation business: One and twenty-eight one-hundredths percent;

(i) Community residential service business: Four and seven-tenths percent;

(j) Adult day health business: Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses ~~((shall))~~ must be deposited in the public works assistance account created in RCW 43.155.050.

(4) Eighty-one percent of the moneys collected under subsection (1)(i) of this section must be deposited in the community residential investment account.

(5) Eighty-one percent of the moneys collected under subsection (1)(j) of this section must be deposited in the home and community based services investment account.

(6) If at any time the centers for medicare and medicaid services make a determination that any federal matching funds appropriated in conjunction with appropriations from the community residential investment account and the home and community based investment account cannot be validly appropriated, the tax under subsection (1)(i) and (j) of this section shall cease to be imposed.

Sec. 4. RCW 82.16.020 and 1996 c 150 s 2 are each amended to read as follows:

(1) There is levied and ~~((there shall be))~~ collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax ~~((shall be))~~ is equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Express, sewerage collection, and telegraph businesses: Three and six-tenths percent;

(b) Light and power business: Three and sixty-two one-hundredths percent;

(c) Gas distribution business: Three and six-tenths percent;

(d) Urban transportation business: Six-tenths of one percent;

(e) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(f) Motor transportation, railroad, railroad car, and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(g) Water distribution business: Four and seven-tenths percent;

(h) Community residential service business: Four and seven-tenths percent;

(i) Adult day health business: Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of

the moneys collected under subsection (1) of this section on sewerage collection businesses (~~shall~~) must be deposited in the public works assistance account created in RCW 43.155.050.

(4) Eighty-one percent of the moneys collected under subsection (1)(h) of this section must be deposited in the community residential investment account.

(5) Eighty-one percent of the moneys collected under subsection (1)(i) of this section must be deposited in the home and community based services investment account.

(6) If at any time the centers for medicare and medicaid services make a determination that any federal matching funds appropriated in conjunction with appropriations from the community residential investment account and the home and community based investment account cannot be validly appropriated, the tax under subsection (1)(h) and (i) of this section shall cease to be imposed.

NEW SECTION. Sec. 5. A new section is added to chapter 82.16 RCW to read as follows:

(1) The community residential investment account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for the following purposes:

(a) To increase rates paid to community residential services businesses from the rates provided in section 205(1), chapter 564, Laws of 2009;

(b) To enhance the rates paid to increase compensation to staff providing habilitative instruction and support services, and homogenize administrative and indirect client support rates; or

(c) To increase the number of individuals receiving community residential services available through the division of developmental disabilities.

(2) The home and community based services investment account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used for home and community based services provided by the aging and disabilities services administration at the department of social and health services.

Sec. 6. RCW 35.21.710 and 2002 c 179 s 1 are each amended to read as follows:

Any city which imposes a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales, (~~shall~~) must impose such tax at a single uniform rate upon all such business activities. The taxing authority granted to cities for taxes upon business activities measured by gross receipts or gross income from sales (~~shall~~) may not exceed a rate of .0020; except that any city with an adopted ordinance at a higher rate, as of January 1, 1982 (~~shall~~) must be limited to a maximum increase of ten percent of the January 1982 rate, not to exceed an annual incremental increase of two percent of current rate (~~(= PROVIDED, That)~~). However, Any adopted ordinance which classifies according to different types of business or services ((shall be)) is subject to both the ten percent and the two percent annual incremental increase limitation on each tax rate(= PROVIDED FURTHER, That); and all surtaxes on business and occupation classifications in effect as of January 1, 1982, (~~shall~~) must expire no later than December 31, 1982, or by expiration date established by local ordinance. Cities which impose a license fee or tax upon business activities consisting of the making of retail sales of tangible personal property which are measured by gross receipts or gross income from such sales (~~shall~~) must be required to submit an annual report to the state auditor identifying the rate established and the revenues received from each fee or tax. This section (~~shall~~) does not apply to any business activities subject to the tax imposed by chapter 82.16 RCW, except community residential service businesses and adult day health businesses. For purposes of this section, the providing to consumers of competitive telephone service, as defined in RCW 82.04.065, or

the providing of payphone service, (~~shall be~~) is subject to tax at the same rate as business activities consisting of the making of retail sales of tangible personal property. As used in this section, "payphone service" means making telephone service available to the public on a fee-per-call basis, independent of any other commercial transaction, for the purpose of making telephone calls, when the telephone can only be activated by inserting coins, calling collect, using a calling card or credit card, or dialing a toll-free number, and the provider of the service owns or leases the telephone equipment but does not own the telephone line providing the service to that equipment and has no affiliation with the owner of the telephone line.

NEW SECTION. Sec. 7. By June 30, 2015, the joint legislative audit and review committee in consultation with the department of social and health services and the department of revenue, must conduct a review of the taxes imposed by this act on community residential services businesses and adult day health businesses. In this review, the committee must consult with a broad range of interested stakeholders. The review must consider issues including benefits of the tax, compliance with the tax, any determinations by the centers for medicaid and medicare services regarding the tax, administrative costs, other administrative issues and other issues deemed appropriate. The committee must report to the legislature on its findings and any recommendations related to the taxes imposed in this act and related services funded by these taxes by December 1, 2015.

NEW SECTION. Sec. 8. Sections 1 and 3 of this act take effect July 1, 2010.

NEW SECTION. Sec. 9. Sections 2 and 4 of this act take effect June 30, 2013.

NEW SECTION. Sec. 10. Sections 1 and 3 of this act expire June 30, 2013."

Correct the title.

Representatives Pettigrew and Walsh spoke in favor of the adoption of the amendment.

Amendment (1491) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew and Walsh spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3186.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3186, and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Representatives Angel, Appleton, Armstrong, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer,

Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith and Taylor.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3186, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2776 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) It is the legislature's intent to continue implementation of chapter 548, Laws of 2009, by adopting the technical details of a new distribution formula for the instructional program of basic education. The legislature intends to continue to review and revise the formulas and may make revisions as necessary for technical purposes and consistency in the event of mathematical or other technical errors.

(2) The legislature further intends to adjust the timelines for the working groups created under chapter 548, Laws of 2009, so that their expertise and advice can be received as soon as possible and to make adjustments to the composition of the local finance working group. The legislature further intends to clarify the legislature's intent to fully fund all-day kindergarten by the 2018-19 school year.

Sec. 2. RCW 28A.150.315 and 2009 c 548 s 107 are each amended to read as follows:

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. The funding shall continue to be phased-in until full statewide implementation of all-day kindergarten is achieved in the 2018-19 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of

experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

Sec. 3. 2009 c 548 s 302 (uncodified) is amended to read as follows:

(1) Beginning (~~(July)~~) April 1, 2010, the office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to develop options for a new system of supplemental school funding through local school levies and local effort assistance.

(2) The working group shall consider the impact on overall school district revenues of the new basic education funding system established (~~(under this act)~~) by the legislature based on prototypical schools and shall recommend a phase-in plan that ensures that no school district suffers a decrease in funding from one school year to the next due to implementation of the new system of supplemental funding.

(3) The working group shall also:

(a) Examine local school district capacity to address facility needs associated with phasing-in full-day kindergarten across the state and reducing class size in kindergarten through third grade;

(b) Provide technical advice to the quality education council including an analysis on the potential use of local funds that may become available for redeployment and redirection as a result of increased state funding allocations for pupil transportation and maintenance, supplies, and operating costs; and

(c) Advise the quality education council and the legislature on further development and implementation of the funding formulas under RCW 28A.150.260, as appropriate.

(4) The working group shall be composed of the following members:

(a) Four members of the house of representatives, with two members representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Four members of the senate, with two members representing each of the major caucuses and appointed by the president of the senate; and

(c) Representatives from the department of revenue, the legislative evaluation and accountability program committee, school district and educational service district financial managers, and representatives of the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. When choosing the individuals to serve on the working group, the office of financial management and the office of the superintendent of public instruction are encouraged to include, as appropriate, members of the funding formula technical working group convened in accordance with section 112, chapter 548, Laws of 2009. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders. In

addition to the staff support provided by the office of financial management and the office of the superintendent of public instruction, the department of revenue shall provide technical assistance, including financial and legal analysis, to support the working group's findings and analysis under subsection (3) of this section.

~~((4))~~ (5) The local funding working group shall be monitored and overseen by the legislature and by the quality education council created in ~~(section 114 of this act)~~ RCW 28A.290.010. The working group shall submit an initial report to the legislature ~~((December 1))~~ and the quality education council by November 30, 2010, and a final report by June 30, 2011.

Sec. 4. RCW 43.41.398 and 2009 c 548 s 601 are each amended to read as follows:

(1) The legislature recognizes that providing students with the opportunity to access a world-class educational system depends on our continuing ability to provide students with access to world-class educators. The legislature also understands that continuing to attract and retain the highest quality educators will require increased investments. The legislature intends to enhance the current salary allocation model and recognizes that changes to the current model cannot be imposed without great deliberation and input from teachers, administrators, and classified employees. Therefore, it is the intent of the legislature to begin the process of developing an enhanced salary allocation model that is collaboratively designed to ensure the rationality of any conclusions regarding what constitutes adequate compensation.

(2) Beginning July 1, 2011, the office of financial management in collaboration with the office of the superintendent of public instruction, shall convene a technical working group to recommend the details of an enhanced salary allocation model that aligns state expectations for educator development and certification with the compensation system and establishes recommendations for a concurrent implementation schedule. In addition to any other details the technical working group deems necessary, the technical working group shall make recommendations on the following:

- (a) How to reduce the number of tiers within the existing salary allocation model;
- (b) How to account for labor market adjustments;
- (c) How to account for different geographic regions of the state where districts may encounter difficulty recruiting and retaining teachers;
- (d) The role of and types of bonuses available;
- (e) Ways to accomplish salary equalization over a set number of years; and
- (f) Initial fiscal estimates for implementing the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather in permanently to the existing schedule.

(3) As part of its work, the technical working group shall conduct or contract for a preliminary comparative labor market analysis of salaries and other compensation for school district employees to be conducted and shall include the results in any reports to the legislature. For the purposes of this subsection, "salaries and other compensation" includes average base salaries, average total salaries, average employee basic benefits, and retirement benefits.

(4) The analysis required under subsection (1) of this section must:

- (a) Examine salaries and other compensation for teachers, other certificated instructional staff, principals, and other building-level certificated administrators, and the types of classified employees for whom salaries are allocated;
- (b) Be calculated at a statewide level that identifies labor markets in Washington through the use of data from the United States bureau of the census and the bureau of labor statistics; and
- (c) Include a comparison of salaries and other compensation to the appropriate labor market for at least the following subgroups of

educators: Beginning teachers and types of educational staff associates.

(5) The working group shall include representatives of the department of personnel, the professional educator standards board, the office of the superintendent of public instruction, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with appropriate expertise in compensation related matters. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall be monitored and overseen by the legislature and the quality education council created in RCW 28A.290.010. The working group shall make an initial report to the legislature by December 1, 2012, and shall include in its report recommendations for whether additional further work of the group is necessary.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall implement and maintain an internet-based portal that provides ready public access to the state's prototypical school funding model for basic education under RCW 28A.150.260. The portal must provide citizens the opportunity to view, for each local school building, the staffing levels and other prototypical school funding elements that are assumed under the state funding formula. The portal must also provide a matrix displaying how individual school districts are deploying those same state resources through their allocation of staff and other resources to school buildings, so that citizens are able to compare the state assumptions to district allocation decisions for each local school building.

NEW SECTION. Sec. 6. The legislature intends to continue to refine and provide greater detail to the distribution formula for the basic education instructional allocation, which shall be based on minimum staffing and nonstaff costs that the legislature deems necessary to support instruction and operations in prototypical schools as defined by the legislature. The legislature expects that the detailed prototype school model will bring greater transparency, understanding, and public accountability to the funding system because it displays funding assumptions in understandable terms centered on the operations of school buildings.

Sec. 7. RCW 28A.150.260 and 2009 c 548 s 106 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter ~~28A.155~~, 28A.165, 28A.180, or ~~((28A.155))~~ 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

- (i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;
- (ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and
- (iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

~~((e))~~ (4)(a) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on ~~((an))~~ the following general education average class size ((as specified in the omnibus appropriations act)) of full-time equivalent students per teacher:

General education average class size	
Grades K-3	25.23
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12, except in cases when lower average class sizes are specified for approved career and technical education programs and skill centers	28.74

(b) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical education average class size	
Approved career and technical education offered at the middle school and high school level	26.57
Skill center programs meeting the standards established by the office of the superintendent of public instruction	22.76

(c) According to an implementation schedule adopted by the legislature, the omnibus appropriations act shall at a minimum specify:

- (i) ~~((Basic average class size; —(ii) Basic))~~ A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and
- ~~((iii))~~ (ii) A specialty average class size for ~~((exploratory and preparatory career and technical education;))~~ laboratory science, advanced placement, and international baccalaureate courses ~~((— and —(iv) Average class size in grades kindergarten through three))~~.
- ~~((d))~~ (5)(a) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:
 - ((i) Principals, including assistant principals, and other certificated building-level administrators;
 - (ii) Teacher librarians, performing functions including information literacy, technology, and media to support school library media programs;
 - (iii) Student health services, a function that includes school nurses, whether certificated instructional or classified employee, and social workers;
 - (iv) Guidance counselors, performing functions including parent outreach and graduation advisor;
 - (v) Professional development coaches;
 - (vi) Teaching assistance, which includes any aspect of educational instructional services provided by classified employees;
 - (vii) Office support, technology support, and other noninstructional aides;
 - (viii) Custodians, warehouse, maintenance, laborer, and professional and technical education support employees; and
 - (ix) Classified staff providing student and staff safety.

	<u>Elemen tary School</u>	<u>Mid dle Sch ool</u>	<u>Hig h Sch ool</u>
<u>Principals, assistant principals, and other certificated building-level administrators, except administrators for approved career and technical programs and skill centers</u>	<u>1.253</u>	<u>1.353</u>	<u>1.880</u>
<u>Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs</u>	<u>0.663</u>	<u>0.519</u>	<u>0.523</u>
<u>Health and social services:</u>			
<u>School nurses</u>	<u>0.076</u>	<u>0.060</u>	<u>0.096</u>
<u>Social workers</u>	<u>0.042</u>	<u>0.006</u>	<u>0.015</u>
<u>Psychologists</u>	<u>0.017</u>	<u>0.002</u>	<u>0.007</u>
<u>Guidance counselors, a function that includes parent outreach and graduation advising</u>	<u>0.493</u>	<u>1.116</u>	<u>1.909</u>
<u>Professional development coaches</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>Teaching assistance, including any aspect of educational instructional services provided by classified employees</u>	<u>0.917</u>	<u>0.685</u>	<u>0.638</u>
<u>Office support and other noninstructional aides</u>	<u>1.971</u>	<u>2.277</u>	<u>3.201</u>

<u>Custodians</u>	<u>1.622</u>	<u>1.9</u>	<u>2.9</u>
		<u>02</u>	<u>03</u>
<u>Classified staff providing student and staff safety</u>	<u>0.077</u>	<u>0.0</u>	<u>0.1</u>
		<u>90</u>	<u>38</u>
<u>Parent involvement coordinators</u>	<u>0.000</u>	<u>0.0</u>	<u>0.0</u>
		<u>00</u>	<u>00</u>

(b) For career and technical education programs approved by the superintendent of public instruction, the minimum allocation for administrative staff shall be allocated at 0.410 per one hundred full-time equivalent career and technical education students and for other school-level certificated staff at 0.202 per one hundred full-time equivalent career and technical education students, regardless of the grade level at which the program is delivered, in lieu of the certificated allocations in (a) of this subsection.

(c) For skill center programs meeting the standards for skill center funding established in January 1999 by the superintendent of public instruction, the minimum allocation for administrative staff shall be allocated at 0.490 per one hundred full-time equivalent skill center students and for other school-level certificated staff at 0.236 per one hundred full-time equivalent skill center students in lieu of the certificated allocations in (a) of this subsection.

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand full-time equivalent students in grades K-12 as follows:

Staff per 1,000 K-12 students	
Technology	0.615
Facilities, maintenance, and grounds	1.776
Warehouse, laborers, and mechanics	0.325

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.39 percent of the staff units generated under subsections (4)(a) and (5)(a) of this section and (a) of this subsection.

(7)(a) Except as provided in subsection (8) of this section, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs: ~~((Student technology; utilities; curriculum, textbooks, library materials, and instructional supplies; instructional professional development for both certificated and classified staff; other building level costs including maintenance, custodial, and security; and central office administration.))~~

Per annual average full-time equivalent student in grades K-12	
Technology	\$54.43
Utilities and insurance	\$147.90
Curriculum and textbooks	\$58.44
Other supplies and library materials	\$124.07
Instructional professional development for certified and classified staff	\$9.04
Facilities maintenance	\$73.27
Security and central office	\$50.76

(b) ~~((The annual average full-time equivalent student amounts in (a) of this subsection shall be enhanced))~~ According to an implementation schedule adopted by the legislature and in addition to the amounts provided in (a) of this subsection, the omnibus appropriations act shall provide an amount based on the full-time equivalent student enrollment ~~((#))~~ for each of the following: (i) Exploratory career and technical education courses for students in grades seven through twelve; (ii) laboratory science courses for students in grades nine through twelve; (iii) preparatory career and technical education courses for students in grades nine through twelve

offered in a high school; and (iv) preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

~~((5))~~ ~~(8)~~ In addition to the allocations otherwise provided under ((subsections (3) and (4) of)) this section ((shall be enhanced as follows to provide additional allocations for classroom teachers and maintenance, supplies, and operating costs)) amounts shall be provided to support the following programs and services:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the ~~((percent))~~ district percentage of students in ~~((each school))~~ grades K-12 who ~~((are))~~ were eligible for free ~~((and))~~ or reduced-price meals in the prior school year. The minimum allocation for the ~~((learning assistance))~~ program shall provide ~~((an extended school day and extended school year))~~ for each level of prototypical school ~~((and a per student allocation for maintenance, supplies, and operating costs))~~ resources to provide, on a statewide average, 1.5156 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher and zero hours per week of instruction during vacation periods.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide ~~((for supplemental instruction based on percent of the school day a student is assumed to receive supplemental instruction and a per student allocation for maintenance, supplies, and operating costs))~~ resources to provide, on a statewide average, 4.7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher and zero hours per week of instruction during vacation periods.

~~((6))~~ ~~The allocations provided under subsections (3) and (4) of this section shall be enhanced))~~ ~~(c)~~ To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on two and three hundred fourteen one-thousandths percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide ~~((an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs))~~ resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher and zero hours per week of instruction during vacation periods.

~~((7))~~ ~~(9)~~ The allocations under subsections ~~((3)(b), (c)(i), and (d), (4), and (8))~~ ~~(4)(a), (5)(a), (6), and (7)(a))~~ of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

~~((8))~~ The distribution formula shall include allocations to school districts to support certificated and classified staffing of central office administration. The minimum allocation shall be calculated as a percentage, identified in the omnibus appropriations act, of the total allocations for staff under subsections (3) and (6) of this section for all schools in the district.

~~(9))~~ ~~(10)(a)~~ For the purposes of allocations for prototypical high schools and middle schools under subsections (3) and ~~((5))~~ ~~(8)~~ of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections ~~((3) and)~~ (4), (5), and (7) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

~~((4))~~ (1)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 8. RCW 28A.505.210 and 2009 c 479 s 17 are each amended to read as follows:

School districts shall have the authority to decide the best use of funds distributed for the student achievement program under RCW 28A.505.220 to assist students in meeting and exceeding the new, higher academic standards in each district consistent with the provisions of chapter 3, Laws of 2001, except as provided in subsection (3) of this section.

(1) Funds shall be allocated for the following uses:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators, including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school;

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection.

(2) Annually on or before May 1st, the school district board of directors shall meet at the time and place designated for the purpose of a public hearing on the proposed use of these funds to improve

student achievement for the coming year. Any person may appear or by written submission have the opportunity to comment on the proposed plan for the use of these funds. No later than August 31st, as a part of the process under RCW 28A.505.060, each school district shall adopt a plan for the use of these funds for the upcoming school year. Annually, each school district shall provide to the citizens of their district a public accounting of the funds made available to the district during the previous school year under chapter 3, Laws of 2001, how the funds were used, and the progress the district has made in increasing student achievement, as measured by required state assessments and other assessments deemed appropriate by the district. Copies of this report shall be provided to the superintendent of public instruction.

(3) After the effective date of this section and until 2018, any funding for the student achievement program restored by the legislature shall be allocated in an amount of up to eighty percent of the funds to reduce class sizes in grades kindergarten through four or to assist with the continued phase-in of all-day kindergarten as specified in the omnibus appropriations act. These funds shall be considered part of the implementation plan for RCW 28A.150.260 and 28A.150.315 and only this portion of the student achievement program used to support these basic education components shall constitute basic education funding. The remaining funds provided for the student achievement program shall be allocated for the uses specified in subsection (1) of this section, shall not be considered part of basic education funding but in addition to basic education funding, and shall be distributed to school districts as specified in RCW 28A.505.220.

Sec. 9. RCW 28A.150.390 and 2009 c 548 s 108 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 ~~((3)(b), (c)(i), and (d), (4), and (8) and federal medical assistance and private funds accruing under RCW 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256)) (4)(a), (5)(a), (6), and (7)(a).~~

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by 0.9309.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 ~~((3)(b), (c)(i), and (d), (4), and (8)) (4)(a), (5)(a), (6), and (7)(a),~~ to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten,

as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent.

Sec. 10. RCW 28A.150.410 and 2007 c 403 s 1 are each amended to read as follows:

(1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher librarians, professional development coaches, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.

(2) Salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a master's degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

Sec. 11. RCW 28A.150.100 and 1990 c 33 s 103 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.150.410 and 28A.400.200, "basic education certificated instructional staff" ~~((shall))~~ means all full-time equivalent classroom teachers, teacher librarians, guidance counselors, certificated student health services staff, and other certificated instructional staff in the following programs as defined for statewide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) ~~((In the 1988-89 school year and thereafter.))~~ Each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full time equivalent students.

Sec. 12. 2009 c 548 s 710 (uncodified) is amended to read as follows:

(1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969 ex.s. c 223 s 28A.01.010;

(2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212, 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, & 1973 1st ex.s. c 105 s 1;

(3) ((RCW 28A.150.100 (Basic education certificated instructional staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203;

(4))) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s 22, & 1969 ex.s. c 223 s 28A.01.020;

~~((§))~~ (4) RCW 28A.150.370 (Additional programs for which legislative appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7; and

~~((§))~~ (5) RCW 28A.155.180 (Safety net funds--Application--Technical assistance--Annual survey) and 2007 c 400 s 8.

Sec. 13. 2009 c 548 s 804 (uncodified) is amended to read as follows:

Sections 101 through 105, 107 through 110, and 701 through 710 of this act take effect September 1, 2011.

NEW SECTION. Sec. 14. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. Sections 6 through 14 of this act take effect September 1, 2011.

NEW SECTION. Sec. 17. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.150.315, 43.41.398, 28A.150.260, 28A.505.210, 28A.150.390, 28A.150.410, and 28A.150.100; amending 2009 c 548 s 302 (uncodified); amending 2009 c 548 s 710 (uncodified); amending 2009 c 548 s 804 (uncodified); adding a new section to chapter 28A.300 RCW; creating new sections; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2776 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 9, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6759 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SUBSTITUTE SENATE BILL NO. 6759 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6759, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Kauffman, Oemig, Prentice and Kline)

Requiring a plan for a voluntary program of early learning as a part of basic education. Revised for 1st Substitute: Requiring a plan for a voluntary program of early learning.

Representative Goodman moved the adoption of amendment (1586).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The department of early learning, the superintendent of public instruction, and thrive by five's joint early learning recommendations to the governor, and the quality education council's January 2010 recommendations to the legislature both suggested that a voluntary program of early learning should be included within the overall program of basic education. The legislature intends to examine these recommendations and Attorney General Opinion Number 8 (2009) through the development of a working group to identify and recommend a comprehensive plan.

NEW SECTION. Sec. 2. (1) Beginning April 1, 2010, the office of the superintendent of public instruction, with assistance and support from the department of early learning, shall convene a technical working group to develop a comprehensive plan for a voluntary program of early learning. The plan shall examine the opportunities and barriers of at least two options:

(a) A program of early learning under the program of basic education; and

(b) A program of early learning as an entitlement, either statutorily or constitutionally protected.

(2) The working group shall, at a minimum, include in the plan the following recommendations for each option:

(a) Criteria for eligible children;

(b) Program standards, including, but not limited to, direct services to be provided, number of hours per school year, teacher qualifications, and transportation requirements;

(c) Performance measures;

(d) Criteria for eligible providers, specifying whether or not they may be:

(i) Approved, certified, or licensed by the department of early learning; and

(ii) Public, private, nonsectarian, or sectarian organizations;

(e) Governance responsibilities for the superintendent of public instruction and the department of early learning;

(f) Funding necessary to implement a voluntary program of early learning, including, but not limited to, early learning teachers, professional development, facilities, and technical assistance;

(g) A timeline for implementation; and

(h) The early childhood education and assistance program's role in the new program of early learning.

(3) While developing the plan, the working group shall review early learning programs in Washington state, including the early

childhood education and assistance program and the federal head start program, as well as programs in other states.

(4) The working group shall be composed of:

(a) At least one representative each from the following: The department of early learning, the office of the superintendent of public instruction, the nongovernmental private-public partnership created in RCW 43.215.070, and the office of the attorney general;

(b) Two members of the early learning advisory council established in RCW 43.215.090 to be appointed by the council; and

(c) Additional stakeholders with expertise in early learning to be appointed by the early learning advisory council.

(5) The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall be monitored and overseen by the quality education council created in RCW 28A.290.010. The working group shall submit a progress report by July 1, 2011, and final report with the plan by November 1, 2011, to the early learning advisory council and the quality education council.

Sec. 3. RCW 43.215.090 and 2007 c 394 s 3 are each amended to read as follows:

(1) The early learning advisory council is established to advise the department on statewide early learning ~~((community needs and progress))~~ issues that would build a comprehensive system of quality early learning programs and services for Washington's children and families by assessing needs and the availability of services, aligning resources, developing plans for data collection and professional development of early childhood educators, and establishing key performance measures.

(2) The council shall work in conjunction with the department to develop a statewide early learning plan that ~~((crosses systems and sectors to promote))~~ guides the department in promoting alignment of private and public sector actions, objectives, and resources, and ((to ensure)) ensuring school readiness.

(3) The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(4) Council members shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

(5) The council shall consist of not more than ~~((twenty-five))~~ twenty-three members, as follows:

(a) The governor shall appoint at least one representative from each of the following: The department, the office of financial management, the department of social and health services, the department of health, the higher education coordinating board, and the state board for community and technical colleges;

(b) One representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction;

(c) The governor shall appoint ~~((at least))~~ seven leaders in early childhood education, with at least one representative with experience or expertise in each of the areas such as the following ~~((areas))~~: Children with disabilities, the K-12 system, family day care providers, and child care centers;

(d) Two members of the house of representatives, one from each caucus, and two members of the senate, one from each caucus, to be appointed by the speaker of the house of representatives and the president of the senate, respectively;

(e) Two parents, one of whom serves on the department's parent advisory council, to be appointed by the governor;

(f) ~~((Two))~~ One representative(s) of the private-public partnership created in RCW 43.215.070, to be appointed by the partnership board;

(g) One representative designated by sovereign tribal governments; and

(h) One representative from the Washington federation of independent schools.

(6) The council shall be cochaired by one representative of a state agency and one nongovernmental member, to be elected by the council for two-year terms.

(7) The council shall appoint two members and stakeholders with expertise in early learning to sit on the technical working group created in section 2, chapter . . . , Laws of 2010 (section 2 of the act).

(8) Each member of the board shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

~~((8))~~ (9) The department shall provide staff support to the council.

Sec. 4. RCW 28A.290.010 and 2009 c 548 s 114 are each amended to read as follows:

(1) The quality education council is created to recommend and inform the ongoing implementation by the legislature of an evolving program of basic education and the financing necessary to support such program. The council shall develop strategic recommendations on the program of basic education for the common schools. The council shall take into consideration the capacity report produced under RCW 28A.300.172 and the availability of data and progress of implementing the data systems required under RCW 28A.655.210. Any recommendations for modifications to the program of basic education shall be based on evidence that the programs effectively support student learning. The council shall update the statewide strategic recommendations every four years. The recommendations of the council are intended to:

(a) Inform future educational policy and funding decisions of the legislature and governor;

(b) Identify measurable goals and priorities for the educational system in Washington state for a ten-year time period, including the goals of basic education and ongoing strategies for coordinating statewide efforts to eliminate the achievement gap and reduce student dropout rates; and

(c) Enable the state of Washington to continue to implement an evolving program of basic education.

(2) The council may request updates and progress reports from the office of the superintendent of public instruction, the state board of education, the professional educator standards board, and the department of early learning on the work of the agencies as well as educational working groups established by the legislature.

(3) The chair of the council shall be selected from the councilmembers. The council shall be composed of the following members:

(a) Four members of the house of representatives, with two members representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Four members of the senate, with two members representing each of the major caucuses and appointed by the president of the senate; and

(c) One representative each from the office of the governor, office of the superintendent of public instruction, state board of education, professional educator standards board, and department of early learning.

(4) In the 2009 fiscal year, the council shall meet as often as necessary as determined by the chair. In subsequent years, the council shall meet no more than four times a year.

(5)(a) The council shall submit an initial report to the governor and the legislature by January 1, 2010, detailing its recommendations,

including recommendations for resolving issues or decisions requiring legislative action during the 2010 legislative session, and recommendations for any funding necessary to continue development and implementation of chapter 548, Laws of 2009.

(b) The initial report shall, at a minimum, include:

(i) Consideration of how to establish a statewide beginning teacher mentoring and support system;

(ii) Recommendations for a program of early learning for at-risk children;

(iii) A recommended schedule for the concurrent phase-in of the changes to the instructional program of basic education and the implementation of the funding formulas and allocations to support the new instructional program of basic education as established under chapter 548, Laws of 2009. The phase-in schedule shall have full implementation completed by September 1, 2018; and

(iv) A recommended schedule for phased-in implementation of the new distribution formula for allocating state funds to school districts for the transportation of students to and from school, with phase-in beginning no later than September 1, 2013.

(6) The council shall submit a report to the legislature by January 1, 2012, detailing its recommendations for a comprehensive plan for a voluntary program of early learning. Before submitting the report, the council shall seek input from the early learning advisory council created in RCW 43.215.090.

(7) The council shall be staffed by the office of the superintendent of public instruction and the office of financial management.

Additional staff support shall be provided by the state entities with representatives on the ~~((committee))~~ council. Senate committee services and the house of representatives office of program research may provide additional staff support.

~~((7))~~ (8) Legislative members of the council shall serve without additional compensation but may be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060."

Correct the title.

Representatives Goodman and Haler spoke in favor of the adoption of the amendment.

Amendment (1586) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6759, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6759, as amended by the House, and the bill passed the House by the following vote: Yeas, 81; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter,

Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Bailey, Chandler, Crouse, Fagan, Herrera, Hinkle, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Schmick, Shea, Short and Taylor.

Excused: Representative Condotta.

SUBSTITUTE SENATE BILL NO. 6759, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 2010

Mr. Speaker:

The President ruled that the amendment is outside the "scope and object" of the measure and violative of Senate Rule 25. The Senate refuses to concur in the House amendment to SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6508 and insists on its position.

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6508 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley, Prentice, Pridemore, Kline, Rockefeller, Ranker, Tom, McDermott, Gordon and Keiser)

Changing the class of persons entitled to recoveries under a wrongful death action or survival action.

Representative Pedersen moved the adoption of amendment (1599).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 4.20.010 and 1917 c 123 s 1 are each amended to read as follows:

(1) When the death of a person is caused by the wrongful act, neglect or default of another his personal representative may maintain an action for damages against the person causing the death; and although the death shall have been caused under such circumstances as amount, in law, to a felony.

(2) The liability of a governmental entity in an action under this section that is based on a parent's significant involvement in an adult child's life is limited to situations where the governmental entity's acts or omissions are negligent and are a proximate cause of the death of the claimant, and where the governmental entity is not otherwise immune or where the governmental entity's liability is not otherwise limited by statute or case law.

(3) For the purposes of this section, "governmental entity" means the state, local agencies, political subdivisions, and any officers, employees, or agents of the state, local agencies, or political subdivisions.

Sec. 2. RCW 4.20.020 and 2007 c 156 s 29 are each amended to read as follows:

(1) Every ~~((such))~~ action under RCW 4.20.010 shall be for the benefit of the ~~((wife, husband))~~ spouse, state registered domestic partner, ~~((child))~~ or children, including stepchildren, of the person whose death shall have been so caused. If there ~~((be))~~ is no ~~((wife, husband))~~ spouse, state registered domestic partner, or ~~((such))~~ child ~~((or children, such)),~~ the action may be maintained for the benefit of:

(a) The parents(, sisters, or brothers, who may be dependent upon the deceased person for support, and who are resident within the United States at the time of his death) of a deceased adult child if the parents are financially dependent upon the adult child for support or if the parents have had significant involvement in the adult child's life;
or

(b) Sisters or brothers who are financially dependent upon the decedent for support if there is no spouse, state registered domestic partner, child, or parent.

In every such action the jury may ~~((give such))~~ award economic and noneconomic damages as~~(s)~~ may to them seem just. In an action under RCW 4.20.010 that is based on a parent's significant involvement in an adult child's life, economic damages include any student loan balance that the parent may be obligated to repay as a result of acting as a cosigner or guarantor on the decedent's student loans, except for student loan balances that, under the terms of the loan, are eligible for a complete discharge upon the death of the borrower.

(2) For the purposes of this section:

(a) "Financially dependent for support" means substantial dependence based on the receipt of services that have an economic or monetary value, or substantial dependence based on actual monetary payments or contributions; and

(b) "Significant involvement" means demonstrated support of an emotional, psychological, or financial nature within the relationship, at or reasonably near the time of death, or at or reasonably near the time of the incident causing death. When determining if the parents have had significant involvement in the adult child's life, the court shall consider, but not be limited to, objective evidence of personal, verbal, written, or electronic contact with the adult child, and in-person interaction with the adult child during holidays, birthdays, and other events.

Sec. 3. RCW 4.20.046 and 2008 c 6 s 409 are each amended to read as follows:

(1) All causes of action by a person or persons against another person or persons shall survive to the personal representatives of the former and against the personal representatives of the latter, whether ~~((such))~~ the actions arise on contract or otherwise, and whether or not ~~((such))~~ the actions would have survived at the common law or prior to the date of enactment of this section(~~(- PROVIDED, HOWEVER, That))~~).

(2) In addition to recovering economic losses for the estate, the personal representative ~~((shall only be))~~ is entitled to recover on behalf of those beneficiaries identified under RCW 4.20.060 any noneconomic damages for pain and suffering, anxiety, emotional distress, or humiliation personal to and suffered by ~~((a))~~ the deceased ~~((on behalf of those beneficiaries enumerated in RCW 4.20.020, and))~~ in such amounts as determined by a jury to be just under all the circumstances of the case. Damages under this section are recoverable regardless of whether or not the death was occasioned by the injury that is the basis for the action.

(3) The liability of property of spouses or domestic partners held by them as community property and subject to execution in satisfaction of a claim enforceable against such property so held shall

not be affected by the death of either or both spouses or either or both domestic partners; and a cause of action shall remain an asset as though both claiming spouses or both claiming domestic partners continued to live despite the death of either or both claiming spouses or both claiming domestic partners.

~~((2))~~ (4) Where death or an injury to person or property, resulting from a wrongful act, neglect or default, occurs simultaneously with or after the death of a person who would have been liable therefor if his or her death had not occurred simultaneously with such death or injury or had not intervened between the wrongful act, neglect or default and the resulting death or injury, an action to recover damages for such death or injury may be maintained against the personal representative of such person.

Sec. 4. RCW 4.20.060 and 2007 c 156 s 30 are each amended to read as follows:

(1) No action for a personal injury to any person occasioning death shall abate, nor shall ~~((such))~~ the right of action ~~((determine))~~ terminate, by reason of ~~((such))~~ the death ~~((:))~~ if ~~((such))~~ the person has a surviving ~~((spouse, state registered domestic partner, or child living, including stepchildren, or leaving no surviving spouse, state registered domestic partner, or such children, if there is dependent upon the deceased for support and resident within the United States at the time of decedent's death, parents, sisters, or brothers; but such action may be prosecuted, or commenced and prosecuted, by the executor or administrator))~~ beneficiary in whose favor the action may be brought under subsection (2) of this section.

(2) An action under this section shall be brought by the personal representative of the deceased ~~((:))~~ in favor of ~~((such))~~ the surviving spouse or state registered domestic partner ~~((, or in favor of the surviving spouse or state registered domestic partner))~~ and ~~((such))~~ children ~~((, or if))~~. If there is no surviving spouse ((or)), state registered domestic partner, ((in favor of such child)) or children, ((or if no surviving spouse, state registered domestic partner, or such child or children, then)) the action shall be brought in favor of the decedent's:

(a) Parents ~~((, sisters, or brothers who may be dependent upon such person for support, and resident in the United States at the time of decedent's death))~~ if the parents are financially dependent upon the decedent for support or if the parents have had significant involvement in the decedent's life; or

(b) Sisters or brothers who are financially dependent upon the decedent for support if there is no spouse, state registered domestic partner, child, or parent.

(3) In addition to recovering economic losses, the persons identified in subsection (2) of this section are entitled to recover any noneconomic damages personal to and suffered by the decedent including, but not limited to, damages for the decedent's pain and suffering, anxiety, emotional distress, or humiliation, in such amounts as determined by a jury to be just under all the circumstances of the case.

(4) For the purposes of this section:

(a) "Financially dependent for support" means substantial dependence based on the receipt of services that have an economic or monetary value, or substantial dependence based on actual monetary payments or contributions; and

(b) "Significant involvement" means demonstrated support of an emotional, psychological, or financial nature within the relationship, at or reasonably near the time of death, or at or reasonably near the time of the incident causing death. When determining if the parents have had significant involvement in the child's life, the court shall consider, but not be limited to, objective evidence of personal, verbal, written, or electronic contact with the child, and in-person interaction with the child during holidays, birthdays, and other events.

Sec. 5. RCW 4.24.010 and 1998 c 237 s 2 are each amended to read as follows:

(1) A ~~((mother or father, or both,))~~ parent who has regularly contributed to the support of his or her minor child, ~~((and the mother or father, or both, of a child on whom either, or both, are))~~ or a parent who is financially dependent on a minor child for support or who has had significant involvement in the minor child's life, may maintain or join ~~((as a party))~~ an action as plaintiff for the injury or death of the child.

(2) Each parent, separately from the other parent, is entitled to recover for his or her own loss regardless of marital status, even though this section creates only one cause of action ~~((, but if the parents of the child are not married, are separated, or not married to each other damages may be awarded to each plaintiff separately, as the trier of fact finds just and equitable)).~~

(3) If one parent brings an action under this section and the other parent is not named as a plaintiff, notice of the institution of the suit, together with a copy of the complaint, shall be served upon the other parent: PROVIDED, That notice shall be required only if parentage has been duly established.

Such notice shall be in compliance with the statutory requirements for a summons. Such notice shall state that the other parent must join as a party to the suit within twenty days or the right to recover damages under this section shall be barred. Failure of the other parent to timely appear shall bar such parent's action to recover any part of an award made to the party instituting the suit.

(4) In ~~((such))~~ an action under this section, in addition to damages for medical, hospital, medication expenses, and loss of services and support, damages may be recovered for the loss of love and companionship of the child and for injury to or destruction of the parent-child relationship in such amount as, under all the circumstances of the case, may be just.

(5) For the purposes of this section:

(a) "Financially dependent for support" means substantial dependence based on the receipt of services that have an economic or monetary value, or substantial dependence based on actual monetary payments or contributions; and

(b) "Significant involvement" means demonstrated support of an emotional, psychological, or financial nature within the relationship, at or reasonably near the time of death, or at or reasonably near the time of the incident causing death. When determining if the parents have had significant involvement in the child's life, the court shall consider, but not be limited to, objective evidence of personal, verbal, written, or electronic contact with the child, and in-person interaction with the child during holidays, birthdays, and other events.

NEW SECTION. Sec. 6. This act applies to all causes of action that are based on deaths occurring on or after the effective date of this act.

NEW SECTION. Sec. 7. (1) On December 1, 2011, and every December 1st thereafter, the risk management division within the office of financial management shall report to the house of representatives ways and means committee, the house of representatives judiciary committee, the senate ways and means committee, and the senate government operations and elections committee, or successor committees, on the incidents covered by this act that involve state agencies.

(2) On December 1, 2011, and every December 1st thereafter, each local government risk pool or local government risk management division, or the equivalent in local governments, shall report to the legislative body of the local government on the incidents covered by this act that involve the local government.

(3) This section expires December 2, 2016.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Rodne moved the adoption of amendment (1616) to amendment (1599).

On page 1, line 18 of the striking amendment, after "(3)" insert "In any action brought under this section against a governmental entity that is based on a parent's significant involvement in an adult child's life, the liability of the governmental entity shall be limited solely to the degree of negligence for which the governmental entity is found at fault.

(4)"

On page 4, after line 4 of the striking amendment, insert the following:

"(5) In any action brought under this section against a governmental entity that is based on a parent's significant involvement in a child's life, the liability of the governmental entity shall be limited solely to the degree of negligence for which the governmental entity is found at fault. For the purposes of this section, "governmental entity" means the state, local agencies, political subdivisions, and any officers, employees, or agents of the state, local agencies, or political subdivisions."

On page 5, line 10 of the striking amendment, after "(4)" insert "In an action under this section against a governmental entity that is based on a parent's significant involvement in a child's life, the liability of the governmental entity shall be limited solely to the degree of negligence for which the governmental entity is found at fault.

(5)"

On page 5, line 14 of the striking amendment, strike "and"

On page 5, line 15 of the striking amendment, after "(b)" insert ""Governmental entity" means the state, local agencies, political subdivisions, and any officers, employees, or agents of the state, local agencies, or political subdivisions; and

(c)"

On page 6, line 24 of the striking amendment, after "(5)" insert "In an action under this section against a governmental entity that is based on a parent's significant involvement in a child's life, the liability of the governmental entity shall be limited solely to the degree of negligence for which the governmental entity is found at fault.

(6)"

On page 6, line 28 of the striking amendment, strike "and"

On page 6, line 29 of the striking amendment, after "(b)" insert ""Governmental entity" means the state, local agencies, political subdivisions, and any officers, employees, or agents of the state, local agencies, or political subdivisions; and

(c)"

Representatives Rodne, Shea and Ross spoke in favor of the adoption of the amendment to the amendment.

Representatives Pedersen and Goodman spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 37 - YEAS; 60 - NAYS.

Amendment (1616) to amendment (1599) was not adopted.

Representative Pedersen spoke in favor of the adoption of amendment (1599).

Amendment (1599) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Pedersen spoke in favor of the passage of the bill.

Representatives Rodne, Shea, Ericksen and Anderson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Engrossed Substitute Senate Bill No. 6508, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 6508, as amended by the House, and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Wood.

Excused: Representative Condotta.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6508, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6774 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6774 and asked the Senate to concur therein.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 10, 2010, the 60th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTIETH DAY

House Chamber, Olympia, Thursday, March 11, 2010

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Amanda Bye and Lynette Bye. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Martin Schlomer, Elim Evangelical Free Church, Puyallup.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTIONS**HOUSE RESOLUTION NO. 4705, by Representatives Liias, O'Brien, Roach, Hurst, Van De Wege, Hope, Blake, Simpson, Kelley, Appleton, and Takko**

WHEREAS, Our law enforcement officers willingly put themselves in harm's way every day in order to protect the citizens of this state; and

WHEREAS, The citizens of this state have a higher quality of life because they know that their safety is selflessly prioritized, without regard to their own safety, by the men and women who serve our state as law enforcement officers; and

WHEREAS, A number of our law enforcement officers have been ambushed and attacked by cowards whose lives would be protected without question by the very law enforcement officers they brutally and shamefully attack; and

WHEREAS, Washington State Patrol Trooper Scott Johnson was shot twice, including one shot to the head, on February 13, 2010, shortly before 1:00 a.m. along Highway 103 during a routine inspection of a vehicle about to be towed; and

WHEREAS, Washington State Patrol Trooper Scott Johnson was taken to a hospital in Long Beach and then to a hospital in Portland, Oregon, where doctors determined that his injuries were not life threatening;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives expresses its best wishes for the speedy recovery of Trooper Johnson and the swift apprehension of the perpetrator of this crime; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Trooper Johnson, his family, and the Washington State Patrol.

HOUSE RESOLUTION NO. 4705 was adopted.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

HOUSE RESOLUTION NO. 4700, by Representatives Morris, Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier,

Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, and Wood

WHEREAS, Washington State Representative Dave Quall, who will forever be known as "Coach Quall" has served the people of the 40th district with integrity, honor, and dedication since 1993; and

WHEREAS, His wife and trusted advisor Allene Quall, daughters Kim Brown and Kay Witt, and six cherished grandchildren have served as his guideposts and source of strength and inspiration; and

WHEREAS, Representative Quall retired from a distinguished career after 38 years as a teacher, counselor, and basketball coach, and as a Running Start counselor and men's basketball coach at Skagit Valley College; and

WHEREAS, His former students and players stay in touch and he follows their exploits and those of their children; and

WHEREAS, Coach Quall remembers details of virtually every high school basketball playoff game played in the last 50 years; and

WHEREAS, Representative Quall is highly regarded as a strong advocate for his district, often working quietly behind the scenes; and

WHEREAS, His proudest achievement is the creation of the Northwest Career and Technical Academy in Mount Vernon, and the satellite Marine Technology Center in Anacortes, opening September 2010; and

WHEREAS, Representative Quall has chaired the House Education Committee since 1999, providing a model of bipartisan policy development focused on the needs of students; and

WHEREAS, Representative Dave Quall epitomizes civility, treating every person with respect and allowing everyone an opportunity to voice an opinion, even if it causes a committee hearing to run a tad long; and

WHEREAS, Virtually every education agency and advocacy group in the state knows that their bill stands a greater chance of passing the House Education Committee if they bring students to testify at the hearing; and

WHEREAS, Coach Quall is a fierce advocate for all forms of alternative learning: Homeschooling, online learning, skills centers, Running Start, Preapprenticeships, so that every student is provided a pathway to fulfill his or her dreams and goals for the future; and

WHEREAS, Representative Dave Quall clearly honored his Constitutional "paramount duty" to provide a strong public education system by living by Ben Edlund's mantra, "If it's good for boys and girls, let's do it"; and

WHEREAS, Representative Quall lives his Mother's wise counsel: "Less said, less mended," so that when he stood to speak on the House floor everyone knew he had something important to say; and

WHEREAS, Representative Dave Quall is known far and wide as a "dapper" dresser. We knew spring had arrived and Sine Die was near when he broke out his cheerful yellow jacket. In fact, Governor Gary Locke once dubbed him "Mr. GQ"; and

WHEREAS, Dave truly does love long walks, movies of any sort, golf in any weather and is game for any adventure including roaming around Boston at dawn just to get a walk in before a long work day; and

WHEREAS, Often when he is on vacation he will call his LA with a request to set up a visit to an interesting school that he has found; and

WHEREAS, All members, lobbyists, and staff who wanted time with Dave knew to schedule a walk around the Lake; and

WHEREAS, Dave can always be found early each morning at Starbucks; and

WHEREAS, His eclectic mix of Elvis Presley's gospel songs, jazz or country playing in his office will be missed. This eclectic taste in music was also evident as many meetings were interrupted by the melodious Amazing Grace ring of his cell phone;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives and the State of Washington celebrate and honor the distinguished legislative career and accomplishments of Representative Dave Quall, and wish him the very best in his next endeavor, even though we will miss him deeply; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Washington State Representative Dave Quall and his family.

Representative Morris moved adoption of House Resolution No. 4700

Representatives Morris, Priest, Kessler, Johnson, Linville, Anderson, Haigh, Dammeier, Sullivan, Smith, Kenney and Hunt spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4700 was adopted.

MESSAGES FROM THE SENATE

March 10, 2010

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL 5899
ENGROSSED SUBSTITUTE SENATE BILL 6364

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL 6538
SUBSTITUTE SENATE BILL 6548
SECOND SUBSTITUTE SENATE BILL 6575
SENATE BILL 6804

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 10, 2010

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL 6520 and passed the bill as amended by the House and the same is herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

March 10, 2010

Mr. Speaker:

The President ruled that the amendment is outside the "scope and object" of the measure. The Senate refuses to concur in the Hose amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6267 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House advanced to the seventh order of business.

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6267 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6267, by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller and Honeyford)

Regarding water right processing improvements.

The bill was read the second time.

Representative Blake moved the adoption of amendment (1634).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Water is an essential element for economic prosperity and it generates new, family-wage jobs and state revenues. It is the intent of the legislature to provide both water right applicants and the department of ecology with the necessary tools to expedite the processing of water right applications depending on the needs of the project and agency workload.

NEW SECTION. Sec. 2. Sufficient resources to support the department of ecology's water resource program are essential for effective and sustainable water management that provides certainty to processed applications. The department of ecology shall review current water resource functions and fee structures, and report to the legislature and the governor by September 1, 2010, on improvements to make the program more self-sustaining and efficient.

Sec. 3. RCW 90.03.265 and 2003 c 70 s 6 are each amended to read as follows:

(1)(a) Any applicant for a new withdrawal or a change, transfer, or amendment of a water right pending before the department((;)) may initiate a cost-reimbursement agreement with the department to provide expedited review of the application. A cost-reimbursement agreement may ~~((only))~~ be initiated under this section if the applicant agrees to pay for, or as part of a cooperative effort agrees to pay for, the cost of processing his or her application and all other applications from the same source of supply which must be acted upon before the applicant's request because they were filed prior to the date of when the applicant filed.

(b) The requirement to pay for the cost of other applications under (a) of this subsection does not apply to an application for a new appropriation that would not diminish the water available to earlier pending applicants for new appropriations from the same source of supply.

(c) The requirement to pay for the cost of processing other applications under (a) of this subsection does not apply to an application for a change, transfer, or other amendment that would not diminish the water available to earlier pending applicants for changes or transfers from the same source of supply.

(d) In determining whether an application would not diminish the water available to earlier pending applicants, the department shall consider any water impoundment or other water resource management mitigation technique proposed by the applicant under RCW 90.03.255 or 90.44.055.

(e) The department may enter into cost-reimbursement agreements provided resources are available and shall use the process established under RCW 43.21A.690 for entering into cost-reimbursement agreements. The department's share of work related to a cost-reimbursement application, such as final certificate approval, must be prioritized within the framework of other water right processing needs and as determined by agency rule.

(f) Each individual applicant is responsible for his or her own appeal costs that may result from a water right decision made by the department under this section. In the event that the department's approval of an application under this section is appealed under chapter 43.21B RCW by a third party, the applicant for the water right in question must reimburse the department for the cost of defending the decision before the pollution control hearings board unless otherwise agreed to by the applicant and the department. If an applicant appeals either an approval or a denial made by the department under this section, the applicant is responsible only for its own appeal costs.

(2) In pursuing a cost-reimbursement project, the department must determine the source of water proposed to be diverted or withdrawn from, including the boundaries of the area that delimits the source. The department must determine if any other water right permit applications are pending from the same source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department finds they are hydraulically connected. The department shall consider technical information submitted by the applicant in making its determinations under this subsection. The department may recover from a cost-reimbursement applicant its own costs in making the same source determination under this subsection.

(3) Upon request of the applicant seeking cost-reimbursement processing, the department may elect to initiate a coordinated cost-reimbursement process. To initiate this process, the department must notify in writing all persons who have pending applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be posted on the department's web site and published in a newspaper of general circulation in the area where affected properties are located. The notice must also be made individually by way of mail to:

(a) Inform those applicants that cost-reimbursement processing of applications within the described water source is being initiated;

(b) Provide to individual applicants the criteria under which the applications will be examined and determined;

(c) Provide to individual applicants the estimated cost for having an application processed on a cost-reimbursement basis;

(d) Provide an estimate of how long the cost-reimbursement process will take before an application is approved or denied; and

(e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in the cost-reimbursement process.

(4) The applicant initiating the cost-reimbursement request must pay for the cost of the determination under subsections (2) and (3) of this section and other costs necessary for the initial phase of cost-reimbursement processing. The cost for each applicant for conducting processing under a coordinated cost-reimbursement agreement must be based primarily on the proportionate quantity of water requested by each applicant. The cost may be adjusted if it appears that an application will require a disproportionately greater amount of time and effort to process due to its complexity.

(5)(a) Only the department may approve or deny a water right application processed under this section, and such a final decision remains solely the responsibility and function of the department. The department retains full authority to amend, refuse, or approve any work product provided by any consultant under this section. The department may recover its costs related to: (i) The review of a consultant to ensure that no conflict of interest exists; (ii) the management of consultant contracts and cost-reimbursement agreements; and (iii) the review of work products provided by participating consultants.

(b) For any cost-reimbursement process initiated under subsection (1) of this section, the applicant may, after consulting with the department, select a prequalified consultant listed by the department under subsection (7) of this section or may be assigned such a prequalified consultant by the department.

(c) For any coordinated cost-reimbursement process initiated under subsection (3) of this section, the applicant may, after consulting with the department, select a prequalified consultant listed by the department under subsection (7) of this section or may be assigned a prequalified consultant by the department.

(d) In lieu of having one or more of the work products performed by a prequalified consultant listed under subsection (7) of this section, the department may, at its discretion, recognize specific work completed by an applicant or an applicant's consultant prior to the initiation of cost-reimbursement processing. The department may also, at its discretion, authorize the use of such a consultant to perform a specific scope of the work that would otherwise be assigned to prequalified consultants listed under subsection (7) of this section.

(e) At any point during the cost-reimbursement process, the department may request or accept technical information, data, and analysis from the applicant or the applicant's consultant to support the cost-reimbursement process or the department's decision on the application.

(6) The department is authorized to adopt rules or guidance providing minimum qualifications and standards for any consultant's submission of work products under this section, including standards for submission of technical information, scientific analysis, work product documentation, review for conflict of interest, and report presentation that such a consultant must meet.

(7) The department must provide notice to potential consultants of the opportunity to be considered for inclusion on the list of cost-reimbursement consultants to whom work assignments will be made. The department must competitively select an appropriate number of consultants who are qualified by training and experience to investigate and make recommendations on the disposition of water right applications. The prequalified consultant list must be renewed at least every six years, though the department may add qualified cost-reimbursement consultants to the list at any time. The department must enter a master contract with each consultant selected and thereafter make work assignments based on availability and qualifications.

(8) The department may remove any consultant from the consultant list for poor performance, malfeasance, or excessive complaints from cost-reimbursement participants. The department

may interview any cost-reimbursement consultant to determine whether the person is qualified for this work, and must spot-check the work of consultants to ensure that the public is being competently served.

(9) When a prequalified cost-reimbursement consultant from the department's list described in subsection (7) of this section is assigned or selected to investigate an application or set of applications, the consultant must document its findings and recommended disposition in the form of written draft technical reports and preliminary draft reports of examination. Within two weeks of the department receiving draft technical reports and preliminary draft reports of examination, the department shall provide the applicant such documents for review and comment prior to their completion by the consultant. The department shall consider such comments by the applicant prior to the department's issuance of a draft report of examination. The department may modify the preliminary draft reports of examination submitted by the consultant. The department's decision on a permit application is final unless it is appealed to the pollution control hearings board under chapter 43.21B RCW.

(10) If an applicant elects not to participate in a cost-reimbursement process, the application remains on file with the department, retains its priority date, and may be processed under regular processing, priority processing, expedited processing, coordinated cost-reimbursement processing, cost-reimbursement processing, or through conservancy board processing as authorized under chapter 90.80 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 90.03 RCW to read as follows:

The water rights processing account is created in the state treasury. All receipts from the fees collected under sections 5, 7, and 12 of this act must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account may only be used to support the processing of water right applications for a new appropriation, change, transfer, or amendment of a water right as provided in this chapter and chapters 90.42 and 90.44 RCW or for the examination, certification, and renewal of certification of water right examiners as provided in section 7 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department may expedite processing of applications within the same source of water on its own volition when there is interest from a sufficient number of applicants or upon receipt of written requests from at least ten percent of the applicants within the same source of water.

(2) If the conditions of subsection (1) of this section have been met and the department determines that the public interest is best served by expediting applications within a water source, the department must notify in writing all persons who have pending applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be posted on the department's web site and published in a newspaper of general circulation in the area where affected properties are located. The notice must also be made individually by way of mail to:

- (a) Inform those applicants that expedited processing of applications within the described water source is being initiated;
- (b) Provide to individual applicants the criteria under which the applications will be examined and determined;
- (c) Provide to individual applicants the estimated cost for having an application processed on an expedited basis;
- (d) Provide an estimate of how long the expedited process will take before an application is approved or denied; and

(e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in the expedited processing of their applications.

(3) In addition to the application fees provided in RCW 90.03.470, the department must recover the full cost of processing all the applications from applicants who elect to participate within the water source through expedited processing fees. The department must calculate an expedited processing fee based primarily on the proportionate quantity of water requested by each applicant and may adjust the fee if it appears that the application will require a disproportionately greater amount of time and effort to process due to its complexity. Any application fees that were paid by the applicant under RCW 90.03.470 must be credited against the applicant's share of the cost of processing applications under the provisions of this section.

(4) The expedited processing fee must be collected by the department prior to the expedited processing of an application. Revenue collected from these fees must be deposited into the water rights processing account created in section 4 of this act. An applicant who has stated in writing that he or she wants his or her application processed using the expedited procedures in this section must transmit the processing fee within sixty days of the written request. Failure to do so will result in the applicant not being included in expedited processing for that water source.

(5) If an applicant elects not to participate in expedited processing, the application remains on file with the department, the applicant retains his or her priority date, and the application may be processed through regular processing, priority processing, expedited processing, coordinated cost-reimbursement processing, cost-reimbursement processing, or through conservancy board processing as authorized under chapter 90.80 RCW. Such an application may not be processed through expedited processing within twelve months after the department's issuance of decisions on participating applications at the conclusion of expedited processing unless the applicant agrees to pay the full proportionate share that would otherwise have been paid during such processing. Any proceeds collected from an applicant under this delayed entry into expedited processing shall be used to reimburse the other applicants who participated in the previous expedited processing of applications, provided sufficient proceeds remain to fully cover the department's cost of processing the delayed entry application and the department's estimated administrative costs to reimburse the previously expedited applicants.

NEW SECTION. Sec. 6. A new section is added to chapter 90.03 RCW to read as follows:

The department must post notice on its web site and provide additional electronic notice and opportunity for comment to affected federally recognized tribal governments concurrently when providing notice to applicants under RCW 90.03.265 and sections 5 and 12 of this act.

NEW SECTION. Sec. 7. A new section is added to chapter 90.03 RCW to read as follows:

(1) The department shall establish and maintain a list of certified water right examiners. Certified water right examiners on the list are eligible to perform final proof examinations of permitted water uses leading to the issuance of a water right certificate under RCW 90.03.330. The list must be updated annually and must be made available to the public through written and electronic media.

(2) In order to qualify, an individual must be registered in Washington as a professional engineer, professional land surveyor, or registered hydrogeologist, or an individual must demonstrate at least five years of applicable experience to the department, or be a board member of a water conservancy board. Qualified individuals must also pass a written examination prior to being certified by the department. Such an examination must be administered by either the department or an entity formally approved by the department. Each

certified water right examiner must demonstrate knowledge and competency regarding:

- (a) Water law in the state of Washington;
- (b) Measurement of the flow of water through open channels and enclosed pipes;
- (c) Water use and water level reporting;
- (d) Estimation of the capacity of reservoirs and ponds;
- (e) Irrigation crop water requirements;
- (f) Aerial photo interpretation;
- (g) Legal descriptions of land parcels;
- (h) Location of land and water infrastructure through the use of maps and global positioning;
- (i) Proper construction and sealing of well bores; and
- (j) Other topics related to the preparation and certification of water rights in Washington state.

(3) Except as provided in subsection (9) of this section, upon completion of a water appropriation and putting water to beneficial use, in order to receive a final water right certificate, the permit holder must secure the services of a certified water right examiner who has been tested and certified by the department. The examiner shall carry out a final examination of the project to verify its completion and to determine and document for the permit holder and the department the amount of water that has been appropriated for beneficial use, the location of diversion or withdrawal and conveyance facilities, and the actual place of use. The examiner shall take measurements or make estimates of the maximum diversion or withdrawal, the capacity of water storage facilities, the acreage irrigated, the type and number of residences served, the type and number of stock watered, and other information relevant to making a final determination of the amount of water beneficially used. The examiner shall take photographs of the facilities to document the use or uses of water and the photographs must be submitted with the examiner's report to the department. The department shall specify the format and required content of the reports and may provide a form for that purpose.

(4) The department may suspend or revoke a certification based on poor performance, malfeasance, failure to acquire continuing education credits, or excessive complaints from the examiner's customers. The department may require the retesting of an examiner. The department may interview any examiner to determine whether the person is qualified for this work. The department shall spot-check the work of examiners to ensure that the public is being competently served. Any person aggrieved by an order of the department including the granting, denial, revocation, or suspension of a certificate issued by the department under this chapter may appeal pursuant to chapter 43.21B RCW.

(5) The decision regarding whether to issue a final water right certificate is solely the responsibility and function of the department.

(6) The department shall make its final decision under RCW 90.03.330 within sixty days of the date of receipt of the proof of examination from the certified water right examiner, unless otherwise requested by the applicant or returned for correction by the department. The department may return an initial proof of examination for correction within thirty days of the department's receipt of such initial proof from a certified water right examiner. Such proof must be returned to both the certified water right examiner and the applicant. Within thirty days of the department's receipt of such returned proof from the certified water right examiner, the department shall make its final decision under RCW 90.03.330, unless otherwise requested by the applicant.

(7) Each certified water right examiner must complete eight hours annually of qualifying continuing education in the water resources field. The department shall determine and specify the qualifying continuing education and shall inform examiners of the opportunities. The department shall track whether examiners are current in their continuing education and may suspend the certification of an

examiner who has not complied with the continuing education requirement.

(8) Each certified water right examiner must be bonded for at least fifty thousand dollars.

(9) The department may waive the requirement to secure the services of a certified water right examiner in situations in which the department has already conducted a final proof of examination or finds it unnecessary for purposes of issuing a certificate of water right.

(10) The department shall establish and collect fees for the examination, certification, and renewal of certification of water right examiners. Revenue collected from these fees must be deposited into the water rights processing account created in section 4 of this act. Pursuant to RCW 43.135.055, the department is authorized to set fees for examination, certification, and renewal of certification for water right examiners.

(11) The department may adopt rules appropriate to carry out the purposes of this section.

Sec. 8. RCW 90.14.065 and 1987 c 93 s 1 are each amended to read as follows:

(1)(a) Any person or entity, or successor to such person or entity, having a statement of claim on file with the water rights claims registry ~~((on April 20, 1987,))~~ may submit to the department of ecology for filing~~(s)~~ an amendment to such a statement of claim if the submitted amendment is based on:

~~((1))~~ (i) An error in estimation of the quantity of the applicant's water claim prescribed in RCW 90.14.051 if the applicant provides reasons for the failure to claim such right in the original claim;

~~((2))~~ (ii) A change in circumstances not foreseeable at the time the original claim was filed, if such change in circumstances relates only to the manner of transportation or diversion of the water and not to the use or quantity of such water; or

~~((3))~~ (iii) The amendment is ministerial in nature.

(b) The department shall accept any such submission and file the same in the registry unless the department by written determination concludes that the requirements of (a)(i), (ii), or (iii) of this subsection ~~((1), (2), or (3) of this section))~~ have not been satisfied.

(2) In addition to subsection (1) of this section, a surface water right claim may be changed or transferred in the same manner as a permit or certificate under RCW 90.03.380, and a water right claim for groundwater may be changed or transferred as provided under RCW 90.03.380 and 90.44.100.

(3) Any person aggrieved by a determination of the department may obtain a review thereof by filing a petition for review with the pollution control hearings board within thirty days of the date of the determination by the department. The provisions of RCW 90.14.081 shall apply to any amendment filed or approved under this section.

Sec. 9. RCW 90.44.100 and 2009 c 183 s 16 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of groundwater right, the holder of a valid right to withdraw public groundwaters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public groundwater as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c)

where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public groundwater as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" of a water right permit or certificate is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well. The location of the original well or wells of a water right claim filed under chapter 90.14 RCW is the area located within a one-quarter mile radius of the current well or wells.

(5) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring an amendment of any existing water right to enable the holder of the right to store water governed by the right.

(6) This section does not apply to a water right involved in an approved local water plan created under RCW 90.92.090 or a banked water right under RCW 90.92.070.

Sec. 10. RCW 90.44.100 and 2003 c 329 s 3 are each amended to read as follows:

(1) After an application to, and upon the issuance by the department of an amendment to the appropriate permit or certificate of groundwater right, the holder of a valid right to withdraw public groundwaters may, without losing the holder's priority of right, construct wells or other means of withdrawal at a new location in substitution for or in addition to those at the original location, or the holder may change the manner or the place of use of the water.

(2) An amendment to construct replacement or a new additional well or wells at a location outside of the location of the original well or wells or to change the manner or place of use of the water shall be issued only after publication of notice of the application and findings as prescribed in the case of an original application. Such amendment shall be issued by the department only on the conditions that: (a) The additional or replacement well or wells shall tap the same body of public groundwater as the original well or wells; (b) where a replacement well or wells is approved, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) where an additional well or wells is constructed, the original well or wells may continue to be used, but the combined total withdrawal

from the original and additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (d) other existing rights shall not be impaired. The department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment, as provided in RCW 90.44.080 in the case of an original permit.

(3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public groundwater as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

(4) As used in this section, the "location of the original well or wells" of a water right permit or certificate is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well. The location of the original well or wells of a water right claim filed under chapter 90.14 RCW is the area located within a one-quarter mile radius of the current well or wells.

(5) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring an amendment of any existing water right to enable the holder of the right to store water governed by the right.

NEW SECTION. Sec. 11. A new section is added to chapter 90.44 RCW to read as follows:

Applications to appropriate groundwater under a cost-reimbursement agreement must be processed in accordance with RCW 90.03.265 when an applicant requests the assignment of a cost-reimbursement consultant as provided in RCW 43.21A.690.

NEW SECTION. Sec. 12. A new section is added to chapter 90.44 RCW to read as follows:

(1) The department may expedite processing of applications within the same source of water on its own volition when there is interest from a sufficient number of applicants or upon receipt of written requests from at least ten percent of the applicants within the same source of water.

(2) If the conditions of subsection (1) of this section have been met and the department determines that the public interest is best served by expediting applications within a water source, the department must notify in writing all persons who have pending applications on file for a new appropriation, change, transfer, or amendment of a water right from that water source. A water source may include surface water only, groundwater only, or surface and groundwater together if the department determines that they are hydraulically connected. The notice must be posted on the department's web site and published in a newspaper of general circulation in the area where affected properties are located. The notice must also be made individually by way of mail to:

(a) Inform those applicants that expedited processing of applications within the described water source is being initiated;

(b) Provide to individual applicants the criteria under which the applications will be examined and determined;

(c) Provide to individual applicants the estimated cost for having an application processed on an expedited basis;

(d) Provide an estimate of how long the expedited process will take before an application is approved or denied; and

(e) Provide at least sixty days for the applicants to respond in writing regarding the applicant's decision to participate in expedited processing of their applications.

(3) In addition to the application fees provided in RCW 90.03.470, the department must recover the full cost of processing all the applications from applicants who elect to participate within the water source through expedited processing fees. The department must calculate an expedited processing fee based primarily on the proportionate quantity of water requested by each applicant and may adjust the fee if it appears that an application will require a disproportionately greater amount of time and effort to process due to its complexity. Any application fees that were paid by the applicant under RCW 90.03.470 must be credited against the applicant's share of the cost of processing applications under the provisions of this section.

(4) The expedited processing fee must be collected by the department prior to the expedited processing of an application. Revenue collected from these fees must be deposited into the water rights processing account created in section 4 of this act. An applicant who has stated in writing that he or she wants his or her application processed using the expedited procedures in this section must transmit the processing fee within sixty days of the written request. Failure to do so will result in the applicant not being included in expedited processing for that water source.

(5) If an applicant elects not to participate in expedited processing, the application remains on file with the department, the applicant retains his or her priority date, and the application may be processed through regular processing, priority processing, expedited processing, coordinated cost-reimbursement processing, cost-reimbursement processing, or through conservancy board processing as authorized under chapter 90.80 RCW. Such an application may not be processed through expedited processing within twelve months after the department's issuance of decisions on participating applications at the conclusion of expedited processing unless the applicant agrees to pay the full proportionate share that would otherwise have been paid during such processing. Any proceeds collected from an applicant under this delayed entry into expedited processing shall be used to reimburse the other applicants who participated in the previous expedited processing of applications, provided sufficient proceeds remain to fully cover the department's cost of processing the delayed entry application and the department's estimated administrative costs to reimburse the previously expedited applicants.

NEW SECTION. Sec. 13. A new section is added to chapter 90.03 RCW to read as follows:

Nothing in this act affects or diminishes the processing of water right applications under any other existing authority, including but not limited to existing authority for the priority processing of applications by the department.

NEW SECTION. Sec. 14. Section 9 of this act expires June 30, 2019.

NEW SECTION. Sec. 15. Section 10 of this act takes effect June 30, 2019.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Blake and Chandler spoke in favor of the adoption of the amendment.

Amendment (1634) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Blake spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6267, as amended by the House.

MOTION

On motion of Representative Hinkle, Representative Condotta was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6267, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Simpson.

Excused: Representative Condotta.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6267, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 9, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6604 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SUBSTITUTE SENATE BILL NO. 6604 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6604, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hobbs, King, McAuliffe, Oemig, Tom, Brandland, Holmquist, McDermott and Kline)

Providing flexibility in the education system.

Representative Quall moved the adoption of amendment (1646).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.655.061 and 2009 c 524 s 5 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in

performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the SAT or the ACT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the PSAT may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in

calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (~~((12))~~).

~~((a))~~ Student learning plans are required for eighth (~~through twelfth~~) grade students who were not successful on any or all of the content areas of the (~~Washington~~) state assessment (~~for student learning~~) during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

~~((i))~~ (a) The student's results on the (~~Washington~~) state assessment (~~of student learning~~);

~~((ii))~~ (b) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;

~~((iii))~~ (c) Any credit deficiencies;

~~((iv))~~ (d) The student's attendance rates over the previous two years;

~~((v))~~ (e) The student's progress toward meeting state and local graduation requirements;

~~((vi))~~ (f) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;

~~((vii))~~ (g) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;

~~((viii))~~ (h) The alternative assessment options available to students under this section and RCW 28A.655.065;

~~((ix))~~ (i) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

~~((x))~~ (j) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

((b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.)"

Correct the title.

Representatives Quall and Priest spoke in favor of the adoption of the amendment.

Amendment (1646) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Quall and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6604, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6604, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6604, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6504, by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)

Reducing crime victims' compensation benefits and eligibility. Revised for 2nd Substitute: Modifying provisions of the crime victims' compensation program.

The House resumed consideration from Day 59, March 10, 2010.

Representative Ross moved the adoption of amendment (1602).

Representatives Ross and Hurst spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Moeller presiding) divided the House. The result was 63 - YEAS; 34 - NAYS.

Amendment (1602) was adopted.

Amendments (1620) and (1651) were ruled out of order.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Ross spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6504.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6504, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6504, having received the necessary constitutional majority, was declared passed.

THIRD READING

The House resumed consideration from Day 59, March 10, 2010.

The rules were suspended and SENATE BILL NO. 6870 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 6870, by Senator Hargrove

Containing costs for services to sexually violent predators.

The bill was read the second time.

Representative Kagi moved the adoption of amendment (1647).

On page 1, line 12, after "prejudiced." insert the following "The department is responsible for the cost of one expert or professional person to conduct an evaluation on the prosecuting agency's behalf."

On page 4, at the beginning of line 15, insert the following "The department is responsible for the cost of one expert or professional person to conduct an evaluation on the prosecuting agency's behalf."

On page 6, line 10, after "rules" strike "for the payment of" and insert "to contain costs relating to reimbursement for"

Representatives Kagi and Dammeier spoke in favor of the adoption of the amendment.

Amendment (1647) was adopted.

MOTION

On motion of Representative Kagi, amendment (1638) was withdrawn.

Representative Hudgins moved the adoption of amendment (1639).

On page 6, beginning on line 15, strike all of section 4 Correct the title.

Representatives Hudgins, Hasegawa, Ross and Priest spoke in favor of the adoption of the amendment.

Representatives Kagi and Green spoke against the adoption of the amendment.

There being no objection, the House deferred action on SENATE BILL NO. 6870, and the bill held its place on the second reading calendar.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

ESSB 5899 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Franklin, Kastama, Shin, Marr, McAuliffe, Haugen, Brown, Berkey, Prentice, Fairley, Regala, Keiser, Eide, Rockefeller, Murray, Hatfield, Hargrove, Sheldon, Oemig and Kline)

AN ACT Relating to providing a business and occupation tax credit for qualified employment positions; adding a new section to chapter 82.04 RCW; and providing an effective date.

ESSB 6364 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Brandland, Prentice and Zarelli)

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 90.71.370, 79A.15.030, and 39.10.210; amending 2009 c 497 ss 1005, 1013, 1023, 1029, 1036, 1031, 1034, 1035, 1039, 1040, 1048, 1014, 1017, 1041, 1030, 1046, 1042, 1019, 1054, 1055, 1071, 1060, 1061, 1063,

1064, 1068, 1073, 1081, 1065, 1086, 1087, 1091, 1093, 2001, 2002, 2034, 2037, 2038, 3007, 3020, 3049, 3052, 3054, 3047, 3060, 3059, 3039, 3085, 3168, 3157, 3169, 3172, 3178, 3182, 3197, 3203, 3102, 3106, 3109, 3133, 3135, 3117, 5008, 5002, 5014, 5007, 5009, 5013, 5024, 5027, 5029, 5028, 5030, 5035, 5023, 5041, 5037, 5039, 5055, 5047, 5054, 5056, 5057, 5061, 5065, 5068, 5064, 5079, 5080, 5083, 5092, 5094, 5093, 5097, 5104, 5100, 5111, 5115, 5116, 5118, 5120, 5127, 5135, 5151, 5165, 5168, 5171, 5174, 5176, 5177, 5178, 5191, 5192, 5210, 5181, 5213, 5195, 5223, 5190, 5224, 6009, and 6004 (uncodified); amending 2008 c 5 s 1 (uncodified); adding new sections to 2009 c 497 (uncodified); creating a new section; repealing 2009 c 497 s 5224 (uncodified); and declaring an emergency.

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 5899 and ENGROSSED SUBSTITUTE SENATE BILL NO. 6364 were read the first time, and under suspension of the rules were placed on the second reading calendar.

MESSAGE FROM THE SENATE

March 11, 2010

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE HOUSE BILL NO. 2776 and asks the House to concur, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House insisted on its position in its amendment to SUBSTITUTE HOUSE BILL NO. 2776 and asked the Senate to recede therein.

MESSAGE FROM THE SENATE

March 11, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6508 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendment to SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6508 and asked the Senate to concur therein.

The Speaker (Representative Moeller presiding) called upon Representative Cody to preside.

MESSAGE FROM THE SENATE

March 11, 2010

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2436 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.16.010 and 2007 c 242 s 2 are each amended to read as follows:

(1) It is unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates (~~therefor~~) as provided by this chapter (~~provided~~).

(2) Failure to make initial registration before operation on the highways of this state is a traffic infraction, and any person committing this infraction (~~shall~~) must pay a (~~penalty~~) fine of five hundred twenty-nine dollars, subject to applicable assessments, no part of which may be suspended or deferred. This fine is in addition to any delinquent taxes and fees that must be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion. The five hundred twenty-nine dollar fine must be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250.

(3) Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(4) The licensing of a vehicle in another state by a resident of this state, as defined in RCW 46.16.028, evading the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable, in lieu of the fine in subsection (2) of this section, as follows:

(a) For a first offense(~~;~~):

(i) Up to one year in the county jail (~~and~~);

(ii) Payment of a fine of five hundred twenty-nine dollars (~~plus twice the amount of delinquent taxes and fees~~) plus any applicable assessments, no part of which may be suspended or deferred. The fine of five hundred twenty-nine dollars must be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250;

(iii) A fine of one thousand dollars to be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250, no part of which may be suspended or deferred; and

(iv) The delinquent taxes and fees, which must be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion, no part of which may be suspended or deferred;

(b) For a second or subsequent offense(~~;~~):

(i) Up to one year in the county jail (~~and~~);

(ii) Payment of a fine of five hundred twenty-nine dollars (~~plus four times the amount of delinquent taxes and fees~~) plus any applicable assessments, no part of which may be suspended or deferred. The fine of five hundred twenty-nine dollars must be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250;

(iii) A fine of five thousand dollars to be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250, no part of which may be suspended or deferred;

((c) For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed will be deposited in the vehicle licensing fraud account created in the state treasury;

(d) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion) and

(iv) The amount of delinquent taxes and fees, which must be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion, no part of which may be suspended or deferred.

(5) These provisions (~~shall~~) do not apply to the following vehicles:

(a) Motorized foot scooters;

(b) Electric-assisted bicycles;

(c) Off-road vehicles operating on nonhighway roads under RCW 46.09.115;

(d) Farm vehicles if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;

(e) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

(f) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve (~~(- PROVIDED FURTHER, That)~~). However, these provisions (~~(shall)~~) do not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks;

(g) "Trams" used for transporting persons to and from facilities related to the horse racing industry as regulated in chapter 67.16 RCW, as long as the public right-of-way routes over which the trams operate are not more than one mile from end to end, the public rights-of-way over which the tram operates have an average daily traffic of not more than 15,000 vehicles per day, and the activity is in conformity with federal law. The operator must be a licensed driver and at least eighteen years old. For the purposes of this section, "tram" also means a vehicle, or combination of vehicles linked together with a single mode of propulsion, used to transport persons from one location to another;

(h)(i) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which (~~(either (i))~~);

~~(A) Are in excess of the legal width(,); or ((ii) which)~~
~~(B) Because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment(,); or ((iii) which)~~
~~(C) Are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.~~

((Exclusions:))

(ii) "Special highway construction equipment" does not include (~~(any of the following:))~~ dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels,

or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(6) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(A) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(B) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.

(C) An off-road vehicle operated on a street, road, or highway as authorized under RCW 46.09.180.

(7)(a) A motor vehicle subject to initial or renewal registration under this section shall not be registered to a natural person unless the person at time of application:

(i) Presents an unexpired Washington state driver's license; or

(ii) Certifies that he or she is:

(A) A Washington resident who does not operate a motor vehicle on public roads; or

(B) Exempt from the requirement to obtain a Washington state driver's license under RCW 46.20.025.

(b) For shared or joint ownership, the department will set up procedures to verify that all owners meet the requirements of this subsection.

(c) A person falsifying residency is guilty of a gross misdemeanor punishable only by a fine of five hundred twenty-nine dollars.

(d) The department may adopt rules necessary to implement this subsection, including rules under which a natural person applying for registration may be exempt from the requirements of this subsection where the person provides evidence satisfactory to the department that he or she has a valid and compelling reason for not being able to meet the requirements of this subsection.

(8) A vehicle with an expired registration of more than forty-five days parked on a public street may be impounded by a police officer under RCW 46.55.113(2).

NEW SECTION. Sec. 2. The sum of seventy-five thousand dollars per fiscal year is appropriated to the department of revenue or as much thereof as may be necessary and the sum of two hundred fifty thousand dollars is appropriated to the Washington state patrol per fiscal year, or as much thereof as may be necessary, from the vehicle license fraud account for the purposes of vehicle license fraud enforcement and collections by the Washington state patrol and the department of revenue.

NEW SECTION. Sec. 3. This act takes effect July 1, 2010."

On page 1, line 1 of the title, after "fraud;" strike the remainder of the title and insert "amending RCW 46.16.010; prescribing penalties; making an appropriation; and providing an effective date."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2436 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Moeller spoke in favor of the passage of the bill.

The Speaker (Representative Cody presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2436, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2436, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

SECOND SUBSTITUTE HOUSE BILL NO. 2436, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 11, 2010

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2876, and under suspension of the rules returned ENGROSSED SUBSTITUTE HOUSE BILL NO. 2876 to second reading for purpose of amendment. The Senate further adopted amendment 2876-S.E AMS KEIS S5445.1 and passed the measure as amended:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 18.22 RCW to read as follows:

(1) By June 30, 2011, the board shall repeal its rules on pain management, WAC 246-922-510 through 246-922-540.

(2) By June 30, 2011, the board shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a)(i) Dosing criteria, including:

(A) A dosage amount that must not be exceeded unless a podiatric physician and surgeon first consults with a practitioner specializing in pain management; and

(B) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management.

(ii) The rules regarding consultation with a practitioner specializing in pain management must, to the extent practicable, take into account:

(A) Circumstances under which repeated consultations would not be necessary or appropriate for a patient undergoing a stable, ongoing course of treatment for pain management;

(B) Minimum training and experience that is sufficient to exempt a podiatric physician and surgeon from the specialty consultation requirement;

(C) Methods for enhancing the availability of consultations;

(D) Allowing the efficient use of resources; and

(E) Minimizing the burden on practitioners and patients.

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids.

(3) The board shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional association of podiatric physicians and surgeons in the state.

(4) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

NEW SECTION. Sec. 2. A new section is added to chapter 18.32 RCW to read as follows:

(1) By June 30, 2011, the commission shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a)(i) Dosing criteria, including:

(A) A dosage amount that must not be exceeded unless a dentist first consults with a practitioner specializing in pain management; and

(B) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management.

(ii) The rules regarding consultation with a practitioner specializing in pain management must, to the extent practicable, take into account:

(A) Circumstances under which repeated consultations would not be necessary or appropriate for a patient undergoing a stable, ongoing course of treatment for pain management;

(B) Minimum training and experience that is sufficient to exempt a dentist from the specialty consultation requirement;

(C) Methods for enhancing the availability of consultations;

(D) Allowing the efficient use of resources; and

(E) Minimizing the burden on practitioners and patients.

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids.

(2) The commission shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional association of dentists in the state.

(3) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

NEW SECTION. Sec. 3. A new section is added to chapter 18.57 RCW to read as follows:

(1) By June 30, 2011, the board shall repeal its rules on pain management, WAC 246-853-510 through 246-853-540.

(2) By June 30, 2011, the board shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a)(i) Dosing criteria, including:

(A) A dosage amount that must not be exceeded unless an osteopathic physician and surgeon first consults with a practitioner specializing in pain management; and

(B) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management.

(ii) The rules regarding consultation with a practitioner specializing in pain management must, to the extent practicable, take into account:

(A) Circumstances under which repeated consultations would not be necessary or appropriate for a patient undergoing a stable, ongoing course of treatment for pain management;

(B) Minimum training and experience that is sufficient to exempt an osteopathic physician and surgeon from the specialty consultation requirement;

(C) Methods for enhancing the availability of consultations;

(D) Allowing the efficient use of resources; and

(E) Minimizing the burden on practitioners and patients.

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(3) The board shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest association of osteopathic physicians and surgeons in the state.

(4) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

NEW SECTION. Sec. 4. A new section is added to chapter 18.57A RCW to read as follows:

(1) By June 30, 2011, the board shall repeal its rules on pain management, WAC 246-854-120 through 246-854-150.

(2) By June 30, 2011, the board shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a)(i) Dosing criteria, including:

(A) A dosage amount that must not be exceeded unless an osteopathic physician's assistant first consults with a practitioner specializing in pain management; and

(B) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management.

(ii) The rules regarding consultation with a practitioner specializing in pain management must, to the extent practicable, take into account:

(A) Circumstances under which repeated consultations would not be necessary or appropriate for a patient undergoing a stable, ongoing course of treatment for pain management;

(B) Minimum training and experience that is sufficient to exempt an osteopathic physician's assistant from the specialty consultation requirement;

(C) Methods for enhancing the availability of consultations;

(D) Allowing the efficient use of resources; and

(E) Minimizing the burden on practitioners and patients.

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(3) The board shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest association of osteopathic physician's assistants in the state.

(4) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

NEW SECTION. Sec. 5. A new section is added to chapter 18.71 RCW to read as follows:

(1) By June 30, 2011, the commission shall repeal its rules on pain management, WAC 246-919-800 through 246-919-830.

(2) By June 30, 2011, the commission shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a)(i) Dosing criteria, including:

(A) A dosage amount that must not be exceeded unless a physician first consults with a practitioner specializing in pain management; and

(B) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management.

(ii) The rules regarding consultation with a practitioner specializing in pain management must, to the extent practicable, take into account:

(A) Circumstances under which repeated consultations would not be necessary or appropriate for a patient undergoing a stable, ongoing course of treatment for pain management;

(B) Minimum training and experience that is sufficient to exempt a physician from the specialty consultation requirement;

(C) Methods for enhancing the availability of consultations;

(D) Allowing the efficient use of resources; and

(E) Minimizing the burden on practitioners and patients.

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(3) The commission shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional association of physicians in the state.

(4) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

NEW SECTION. Sec. 6. A new section is added to chapter 18.71A RCW to read as follows:

(1) By June 30, 2011, the commission shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a)(i) Dosing criteria, including:

(A) A dosage amount that must not be exceeded unless a physician assistant first consults with a practitioner specializing in pain management; and

(B) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management.

(ii) The rules regarding consultation with a practitioner specializing in pain management must, to the extent practicable, take into account:

(A) Circumstances under which repeated consultations would not be necessary or appropriate for a patient undergoing a stable, ongoing course of treatment for pain management;

(B) Minimum training and experience that is sufficient to exempt a physician assistant from the specialty consultation requirement;

(C) Methods for enhancing the availability of consultations;

(D) Allowing the efficient use of resources; and

(E) Minimizing the burden on practitioners and patients.

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(2) The commission shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional association of physician assistants in the state.

(3) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

NEW SECTION. Sec. 7. A new section is added to chapter 18.79 RCW to read as follows:

(1) By June 30, 2011, the commission shall adopt new rules on chronic, noncancer pain management that contain the following elements:

(a)(i) Dosing criteria, including:

(A) A dosage amount that must not be exceeded unless an advanced registered nurse practitioner or certified registered nurse anesthetist first consults with a practitioner specializing in pain management; and

(B) Exigent or special circumstances under which the dosage amount may be exceeded without consultation with a practitioner specializing in pain management.

(ii) The rules regarding consultation with a practitioner specializing in pain management must, to the extent practicable, take into account:

(A) Circumstances under which repeated consultations would not be necessary or appropriate for a patient undergoing a stable, ongoing course of treatment for pain management;

(B) Minimum training and experience that is sufficient to exempt an advanced registered nurse practitioner or certified registered nurse anesthetist from the specialty consultation requirement;

(C) Methods for enhancing the availability of consultations;

(D) Allowing the efficient use of resources; and

(E) Minimizing the burden on practitioners and patients.

(b) Guidance on when to seek specialty consultation and ways in which electronic specialty consultations may be sought;

(c) Guidance on tracking clinical progress by using assessment tools focusing on pain interference, physical function, and overall risk for poor outcome; and

(d) Guidance on tracking the use of opioids, particularly in the emergency department.

(2) The commission shall consult with the agency medical directors' group, the department of health, the University of Washington, and the largest professional associations for advanced registered nurse practitioners and certified registered nurse anesthetists in the state.

(3) The rules adopted under this section do not apply:

(a) To the provision of palliative, hospice, or other end-of-life care; or

(b) To the management of acute pain caused by an injury or a surgical procedure.

NEW SECTION. Sec. 8. (1) The boards and commissions required to adopt rules on pain management under sections 1 through 7 of this act shall work collaboratively to ensure that the rules are as uniform as practicable.

(2) On January 11, 2011, each of the boards and commissions required to adopt rules on pain management under sections 1 through 7 of this act shall submit the proposed rules required by this act to the appropriate committees of the legislature."

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.79 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2876 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Moeller and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Cody presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2876, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2876, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Klippert.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2876, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 2876.

Kirk Pearson, 39th District

The Speaker (Representative Cody presiding) called upon Representative Moeller to preside.

MESSAGE FROM THE SENATE

March 11, 2010

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE HOUSE BILL NO. 3124 and asks the House to concur, and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 3124 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Roberts and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3124, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3124, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Condotta.

SUBSTITUTE HOUSE BILL NO. 3124, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 3178 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.105 RCW to read as follows:

(1) The legislature finds that the provision of information technology in state government lacks strategic coordination, transparency, and meaningful enterprise-wide direction and oversight. It is no longer economically sustainable or technically feasible for state agencies to obtain and provide large-scale, commonly utilized information technology products and services on an individual, agency- by-agency basis without coordination. Instead, the state needs a strong, enterprise-based information technology strategy to ensure the public's needs are being met and the state is receiving the highest quality information technology products and services at the best price from public or private providers. Developing a strong enterprise-wide strategy also includes establishing clear lines of authority and accountability within state agencies so that those services unique to individual agencies receive the support required to effectively and efficiently provide services to citizens. To accomplish these objectives, the state needs to develop an open, transparent process for determining the total cost of ownership for the information technology products and services it provides, and to provide such information in an easily accessible, public fashion. It is in the state's interest to ensure that the wide range of disparate networks, systems, services, and structures across state government become more closely coordinated, organized, and structured. This type of coordinating effort is already underway in the area of higher education through the efforts of the higher education technology transformation task force and informally within other areas. When more transparent technical and financial information is readily available, the state can make sound policy decisions about what information technology services should be provided centrally on a shared services basis, and what products and services may be best suited for either contracting with private providers or for maintenance at the agency level. Furthermore, if attractive pricing models and service level agreements are developed for enterprise-based information technology services, the legislative and judicial branches will have an incentive to participate in those services as well.

(2) It is the intent of the legislature to organize, consolidate, and, where appropriate, contract with private providers for technology systems and resources in a strategic fashion that is based upon sound, objective, nonpolitical, and independent technical and financial criteria. The state needs to develop a clear, enterprise-based statewide strategy for information technology to ensure that there is transparency and accountability regarding how information technology resources are being allocated, how decisions are being made, and who is accountable for on-time, on-budget delivery.

NEW SECTION. Sec. 2. A new section is added to chapter 43.105 RCW to read as follows:

(1) State agencies that are purchasing wireless devices or services must make such purchases through the state master contract, unless the state agency provides to the office of financial management evidence that the state agency is securing its wireless devices or services from another source for a lower cost than through participation in the state master contract.

(2) For the purposes of this section, "state agency" means any office, department, board, commission, or other unit of state government, but does not include a unit of state government headed by a statewide elected official, an institution of higher education as defined in RCW 28B.10.016, the higher education coordinating board, the state board for community and technical colleges, or agencies of the legislative or judicial branches of state government.

NEW SECTION. Sec. 3. A new section is added to chapter 43.88 RCW to read as follows:

(1) As part of the biennial budget process, the office of financial management shall collect from agencies, and agencies shall provide,

information to produce reports, summaries, and budget detail sufficient to allow review, analysis, and documentation of all current and proposed expenditures for information technology by state agencies. Information technology budget detail must be included as part of the budget submittal documentation required pursuant to RCW 43.88.030.

(2) The office of financial management must collect, and present as part of the biennial budget documentation, information for all existing information technology projects as defined by information services board policy. The office of financial management must work with the department of information services to maximize the ability to draw this information from the information technology portfolio management data collected by the department of information services pursuant to RCW 43.105.170. Connecting project information collected through the portfolio management process with financial data developed under subsection (1) of this section provides transparency regarding expenditure data for existing technology projects.

(3) The biennial budget documentation submitted by the office of financial management pursuant to RCW 43.88.030 must include an information technology plan identifying proposed large information technology projects. This plan must be presented using a method similar to the capital budget, identifying project costs through stages of the project and across fiscal periods and biennia from project initiation to implementation. This information must be submitted electronically, in a format to be determined by the office of financial management and the legislative evaluation and accountability program committee.

(4) The office of financial management shall also institute a method of accounting for information technology-related expenditures, including creating common definitions for what constitutes an information technology investment.

Sec. 4. RCW 43.88.560 and 1992 c 20 s 7 are each amended to read as follows:

The director of financial management shall establish policies and standards governing the funding of major information technology projects as required under RCW 43.105.190(2). The director of financial management shall also direct the collection of additional information on information technology projects and submit an information technology plan as required under section 3 of this act.

Sec. 5. RCW 43.105.041 and 2009 c 486 s 13 are each amended to read as follows:

(1) The board shall have the following powers and duties related to information services:

(a) To develop standards and procedures governing the acquisition and disposition of equipment, proprietary software and purchased services, licensing of the radio spectrum by or on behalf of state agencies, and confidentiality of computerized data. The board shall coordinate with the office of financial management to develop contracting standards for information technology acquisition and purchased services and must work with state agencies to ensure deployment of standardized contracts;

(b) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain equipment, proprietary software, and purchased services: PROVIDED, That, agencies and institutions of state government are expressly prohibited from acquiring or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200, except that the board, the department, and state agencies, as delegated, must post notices of technology procurement bids on the

state's common vendor registration and bid notification system. This subsection (1)(b) does not apply to the legislative branch;

(c) To develop statewide or interagency technical policies, standards, and procedures;

(d) To review and approve standards and common specifications for new or expanded telecommunications networks proposed by agencies, public postsecondary education institutions, educational service districts, or statewide or regional providers of K-12 information technology services, and to assure the cost-effective development and incremental implementation of a statewide video telecommunications system to serve: Public schools; educational service districts; vocational-technical institutes; community colleges; colleges and universities; state and local government; and the general public through public affairs programming;

(e) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary;

(f) To develop and implement a process for the resolution of appeals by:

(i) Vendors concerning the conduct of an acquisition process by an agency or the department; or

(ii) A customer agency concerning the provision of services by the department or by other state agency providers;

(g) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(i) Planning, management, control, and use of information services;

(ii) Training and education; and

(iii) Project management;

(h) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director;

(i) To review and approve that portion of the ((department's)) budget ((requests)) that ((provides for)) may provide independent, technical staff support to the board; and

(j) To develop procurement policies and procedures, such as unbundled contracting and subcontracting, that encourage and facilitate the purchase of products and services by state agencies and institutions from Washington small businesses to the maximum extent practicable and consistent with international trade agreement commitments.

(2) Statewide technical standards to promote and facilitate electronic information sharing and access are an essential component of acceptable and reliable public access service and complement content-related standards designed to meet those goals. The board shall:

(a) Establish technical standards to facilitate electronic access to government information and interoperability of information systems, including wireless communications systems. Local governments are strongly encouraged to follow the standards established by the board; and

(b) Require agencies to consider electronic public access needs when planning new information systems or major upgrades of systems.

In developing these standards, the board is encouraged to include the state library, state archives, and appropriate representatives of state and local government.

(3)(a) The board, in consultation with the K-20 board, has the duty to govern, operate, and oversee the technical design, implementation, and operation of the K-20 network including, but not limited to, the following duties: Establishment and implementation of K-20 network technical policy, including technical standards and conditions of use; review and approval of network design; procurement of shared network services and equipment; and resolving user/provider disputes concerning technical matters. The board shall

delegate general operational and technical oversight to the K-20 network technical steering committee as appropriate.

(b) The board has the authority to adopt rules under chapter 34.05 RCW to implement the provisions regarding the technical operations and conditions of use of the K-20 network.

(4) The board shall review all information technology efforts under its purview based on independent technical and financial information, regardless of whether the projects or services are being provided by public or private providers. This review must be conducted by independent, technical staff support, subject to funds appropriated for this specific purpose.

(5) In reviewing these efforts, the board, in consultation with the office of financial management, shall review state agency information technology budgets. The board may acquire project management assistance to assist in its efforts under this act.

Sec. 6. RCW 43.105.180 and 1999 c 80 s 11 are each amended to read as follows:

~~(Upon request of the office of financial management,)~~ (1) The department, in coordination with the information services board and the office of financial management, shall evaluate agency budget requests for major information technology projects identified under RCW 43.105.190, including those proposed by the superintendent of public instruction, in conjunction with educational service districts, or statewide or regional providers of K-12 education information technology services. The department shall submit recommendations for funding all or part of such requests to the office of financial management and to the chairs, ranking minority members, and staff coordinators of the appropriations committees of the senate and house of representatives. The department shall also submit recommendations regarding consolidation of similar proposals or other efficiencies it finds in reviewing proposals.

(2) The department, with the advice and approval of the office of financial management and the information services board, shall establish criteria, consistent with portfolio-based information technology management, for the evaluation of agency budget requests under this section. These budget requests shall be made in the context of an agency's information technology portfolio; technology initiatives underlying budget requests are subject to board review. Criteria shall include, but not be limited to: Feasibility of the proposed projects, consistency with the state strategic information technology plan, consistency with information technology portfolios, appropriate provision for public electronic access to information, evidence of business process streamlining and gathering of business and technical requirements, and services, costs, and benefits.

(3) For the purposes of this section, "state agency" includes every state office, department, division, bureau, board, commission, or other state agency, including offices headed by a statewide elected official.

NEW SECTION. Sec. 7. A new section is added to chapter 2.68 RCW to read as follows:

The administrative office of the courts, under the direction of the judicial information system committee, shall:

(1) Develop a judicial information system information technology portfolio consistent with the provisions of RCW 43.105.172;

(2) Participate in the development of an enterprise-based statewide information technology strategy as defined in section 10 of this act;

(3) Ensure the judicial information system information technology portfolio is organized and structured to clearly indicate participation in and use of enterprise-wide information technology strategies;

(4) As part of the biennial budget process, submit the judicial information system information technology portfolio to the chair and ranking member of the ways and means committees of the house of representatives and the senate, the office of financial management, and the department of information services.

NEW SECTION. Sec. 8. A new section is added to chapter 44.68 RCW to read as follows:

The legislative service center, under the direction of the joint legislative systems committee and the joint legislative systems administrative committee, shall:

(1) Develop a legislative information technology portfolio consistent with the provisions of RCW 43.105.172;

(2) Participate in the development of an enterprise-based statewide information technology strategy as defined in section 10 of this act;

(3) Ensure the legislative information technology portfolio is organized and structured to clearly indicate participation in and use of enterprise-wide information technology strategies;

(4) As part of the biennial budget process, submit the legislative information technology portfolio to the chair and ranking member of the ways and means committees of the house of representatives and the senate, the office of financial management, and the department of information services.

Sec. 1. RCW 43.105.160 and 2005 c 319 s 110 are each amended to read as follows:

(1) The department shall prepare a state strategic information technology plan which shall establish a statewide mission, goals, and objectives for the use of information technology, including goals for electronic access to government records, information, and services. The plan shall be developed in accordance with the standards and policies established by the board and shall be submitted to the board for review, modification as necessary, and approval. The department shall seek the advice of the board in the development of this plan.

The plan approved under this section shall be updated as necessary and submitted to the governor and the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives.

(2) The department shall prepare a biennial state performance report on information technology based on agency performance reports required under RCW 43.105.170 and other information deemed appropriate by the department. The report shall include, but not be limited to:

(a) An analysis, based upon agency portfolios, of the state's information technology infrastructure, including its value, condition, and capacity;

(b) An evaluation of performance relating to information technology;

(c) An assessment of progress made toward implementing the state strategic information technology plan, including progress toward electronic access to public information and enabling citizens to have two-way access to public records, information, and services;

(d) An analysis of the success or failure, feasibility, progress, costs, and timeliness of implementation of major information technology projects under RCW 43.105.190. At a minimum, the portion of the report regarding major technology projects must include:

(i) Final total cost of ownership budget data for the entire life-cycle of the project, including capital and operational costs, broken down by staffing costs, contracted service, hardware purchase or lease, software purchase or lease, travel, and training. The original budget must also be shown for comparison;

(ii) The original proposed project schedule and the final actual project schedule;

(iii) Data regarding progress towards meeting the original goals and performance measures of the project, particularly as it relates to operating budget savings;

(iv) Discussion of lessons learned on the project, performance of any contractors used, and reasons for project delays or cost increases; and

~~((v))~~ (v) Identification of benefits, cost avoidance, and cost savings generated by major information technology projects developed under RCW 43.105.190; and

~~((e))~~ (e) An inventory of state information services, equipment, and proprietary software.

Copies of the report shall be distributed biennially to the governor and the chairs and ranking minority members of the appropriations committees of the senate and the house of representatives. The major technology section of the report must examine major information technology projects completed in the previous biennium to determine the performance of the implementing agency, cost and value effectiveness, and timeliness and other performance metrics necessary to assess the quality and value of the investment. The report must also examine projects two years after completion for progress toward meeting performance goals and operating budget savings. The first report is due December 15, 2011, and every two years thereafter.

NEW SECTION. Sec. 9. A new section is added to chapter 43.105 RCW to read as follows:

(1) The board, in consultation with the department and the office of financial management, shall develop an enterprise-based strategy for information technology in state government informed by information technology expenditure information collected from state agencies pursuant to section 3 of this act.

(2) In developing an enterprise-based strategy for the state, the board is encouraged to consider the following strategies as possible opportunities for achieving greater efficiency:

(a) Developing personal computer replacement policies for the state, with consideration given to alternative models of personal computer usage for state government use, such as thin client, software as a service, browser-based functionality, mobile computing, and other models that are less dependent upon traditional computing;

(b) Pursuing shared services initiatives across functional areas, which may include services such as e-mail, telephony, and data storage;

(c) Pursuing pilot programs, such as a pilot to demonstrate the value of application management services, to identify opportunities to achieve operational efficiencies;

(d) Developing data storage policies and record retention requirements and schedules for state agencies, in consultation with the office of the secretary of state, the state archivist, and the state records committee, where appropriate;

(e) Reviewing existing software maintenance contracts to identify opportunities to renegotiate the price of those contracts or the level of service; and

(f) Partnering with private providers for commonly utilized information technology products and services.

(3) The legislative and judicial branches are encouraged to coordinate with, and participate in, shared services initiatives, pilot programs, and development of the enterprise-based strategy, where appropriate.

NEW SECTION. Sec. 2. (1) The office of financial management, with the assistance of the department of information services, must identify areas of potential savings that will achieve the savings identified in the omnibus appropriations act. These areas shall include, but not be limited to, wireless service, telephony, desktop computers, electronic mail services, and data storage.

(2) The office of financial management shall work with the appropriate state agencies, including the department of information services, to generate savings that arise pursuant to this act from the improved acquisition and delivery of information technology products and services. To accomplish this objective, state agencies must provide timely, accurate total cost of ownership data to the office of financial management upon request regarding information technology products and services. The savings must be at least equal to those specified in the omnibus appropriations act. The office of financial management shall reduce agency allotments by the amounts specified

in the omnibus appropriations act to reflect these savings. The allotment reductions shall be placed in unallotted status and remain unexpended.

(3) For the purposes of this section, "state agency" means any office, department, board, commission, or other unit of state government, but does not include a unit of state government headed by a statewide elected official, an institution of higher education as defined in RCW 28B.10.016, the higher education coordinating board, the state board for community and technical colleges, or agencies of the legislative or judicial branches of state government.

(4) This section expires June 30, 2011.

NEW SECTION. Sec. 3. A new section is added to chapter 43.105 RCW to read as follows:

(1) The department, in collaboration with state agencies, shall conduct an inventory from existing data sets of information technology assets owned or leased by state agencies. This inventory must be used to inform the development of a state information technology asset management process. Prior to implementation of any state information technology asset management process, the department must submit its recommended approach, including an estimate of the associated implementation costs, to the board for approval.

(2) For the purposes of this section, "state agency" includes every state office, department, division, bureau, board, commission, or other state agency, including offices headed by a statewide elected official, and offices in the legislative and judicial branches of state government, notwithstanding the provisions of RCW 44.68.105.

NEW SECTION. Sec. 4. (1) The office of financial management, in consultation with the department of information services and the information services board, shall develop and execute a pilot program to contract with one or more private providers for the delivery, support, maintenance, and operation of information technology through application managed services or other similar programs across one or more functional areas of information technology, or for the information technology needs of one or more state agencies. In selecting a private provider for the pilot program, the office of financial management must engage in a competitive bid process or request for proposals process.

(2) The objective of the pilot program will be to assess: (a) Each agency's information technology application portfolio; (b) opportunities to use best practices and tools; and (c) whether the agency should proceed with application managed services or other similar programs based on the results of the assessment.

(3) The department of information services and the office of financial management shall prepare a report of the findings of the pilot assessments by September 1, 2010, and a final report of the pilot results by June 30, 2011. The final report must include the following: Identification of short and long-term costs, risks, benefits, and other organizational impacts of implementing application managed services or other similar programs within the pilot agencies. The final report must also identify opportunities for other state agencies to benefit from application managed services or other similar programs. The results of the pilot program must be provided to the information services board, the governor, the senate committee on ways and means, and the house of representatives committee on ways and means.

NEW SECTION. Sec. 5. The department of information services shall, by November 1, 2010, report on the efforts to develop a centralized information project management office pursuant to section 142, chapter 522, Laws of 2007. The report shall address the current status of the effort, lessons learned, and recommended changes to the program.

NEW SECTION. Sec. 6. (1) The office of financial management shall contract with an independent consultant to:

(a) Conduct a technical and financial analysis of the state's plan for the consolidated state data center and office building; and

(b) Develop a strategic business plan outlining the various options for use of the site that maximize taxpayer value consistent with the terms of the finance lease and related agreements.

(2) The analysis must consist of, at a minimum, an assessment of the following issues:

(a) The total capital and operational costs for the proposed data center and office building;

(b) The occupancy rate for the consolidated state data center, as compared to total capacity, that will result in revenue exceeding total capital and operating expenses;

(c) The potential reallocation of resources that could result from the consolidation of state data centers and office space; and

(d) The potential return on investment for the consolidated state data center and office building that may be realized without impairing any existing contractual rights under the terms of the financing lease and related agreements.

(3) This review must build upon the analysis and migration strategy for the consolidated state data center being prepared for the department of information services.

(4) The strategic plan must be submitted to the governor and the legislature by December 1, 2010.

NEW SECTION. Sec. 7. (1) The department of information services and the office of financial management shall review existing statutes, procedures, data, and organizational structures to identify opportunities to increase efficiency, customer service, and transparency in information technology. This effort shall include:

(a) Identifying and addressing financial data needed to comprehensively evaluate information technology spending from an enterprise perspective;

(b) A review of best practices in information technology governance, including private sector practices and lessons learned from other states; and

(c) A review of existing statutes regarding information technology governance, standards, and financing to identify inconsistencies between current law and best practices.

(2) The department of information services and the office of financial management shall report findings and recommendations to the governor and the appropriate committees of the legislature by December 1, 2010.

NEW SECTION. Sec. 8. RCW 43.105.017 (Legislative intent) and 1992 c 20 s 6, 1990 c 208 s 2, & 1987 c 504 s 2 are each repealed.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2010, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "government;" strike the remainder of the title and insert "amending RCW 43.88.560, 43.105.041, 43.105.180, and 43.105.160; adding new sections to chapter 43.105 RCW; adding a new section to chapter 43.88 RCW; adding a new section to chapter 2.68 RCW; adding a new section to chapter 44.68 RCW; creating new sections; repealing RCW 43.105.017; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3178 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Carlyle and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3178, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3178, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives McCoy, Simpson and Williams.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3178, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 3209 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the Washington state ferry system is a critical component of the state's highway system. The legislature further finds that ferry system revenues are inadequate to support the capital requirements of aging vessels and terminals, and operating cost growth is fast outpacing the growth of fare revenue and gas tax revenue dedicated to the ferry system. As such, and drawing on more than four consecutive years of legislative analysis and operating policy reforms, the legislature finds that a realignment of the ferry compensation policy framework is an appropriate next step toward the legislature's long-term goal of assuring sustainable, cost-effective ferry service. The legislature further intends to address increased costs of ferry system operations in a manner that balances the interests of the ferry system, ferry workforce, and fare payers. It is the intent of the legislature that final recommendations from the joint transportation committee ferry study, submitted to the legislature during the 2009 regular legislative session, be enacted by the legislature and implemented by the department of transportation as soon as practicable in order to benefit from the efficiencies and cost savings identified in the recommendations. It is also the intent of the legislature to make various additional policy changes aimed at further efficiencies and cost savings. Since the study began in 2006, recommendations have been made with regard to long range planning and implementing the most efficient and effective balance between ferry capital and

operating investments. It is intended that this act, the 2009-2011 omnibus transportation appropriations act, and subsequent transportation appropriations acts serve as vehicles for enacting these recommendations in order to maximize the utilization of existing capacity and to make the most efficient use of existing assets and tax dollars.

NEW SECTION. Sec. 2. (1) The office of financial management shall convene an expert panel of ferry operators to conduct a management review of the Washington state department of transportation, ferries division. The panel must have between three and five members and must represent both management and operations specialists, as well as public and private ferry operators that can bring best practices and state-of-the-art knowledge to this effort. The panel shall review past studies, conduct its own review, and make recommendations of the ferries division's management. The study must be completed and submitted to the transportation committees of the senate and house of representatives by August 1, 2010, and must include:

(a) A review and comment on the studies and audits conducted on the ferries division over the past four years in areas of overhead and management organization structure and costs, maintenance practices, scheduling, and prioritization of preservation of vessels and terminals to ensure they represent current best practices;

(b) A report on the implementation of the recommendations in the studies and audits described in (a) of this subsection, and a report on their effectiveness compared to national best practices; and

(c) A review and report on the procedures for crew and service scheduling and recommendations on opportunities for improvement to provide the least cost of operations while maintaining service schedules that meet the needs of ferries customers.

(2) This section expires July 1, 2011.

Sec. 3. RCW 47.60.355 and 2007 c 512 s 11 are each amended to read as follows:

(1) Terminal and vessel preservation funding requests shall only be for assets in the life-cycle cost model.

(2) Terminal and vessel preservation funding requests that exceed five million dollars per project must be accompanied by a predesign study. The predesign study must include all elements required by the office of financial management.

Sec. 4. RCW 47.60.365 and 2007 c 512 s 12 are each amended to read as follows:

The department shall develop terminal and vessel design standards that:

(1) Adhere to vehicle level of service standards as described in RCW 47.06.140;

(2) Adhere to operational strategies as described in RCW 47.60.327; and

(3) Choose the most efficient balance between capital and operating investments by using a life-cycle cost analysis.

Sec. 5. RCW 47.60.375 and 2008 c 124 s 3 are each amended to read as follows:

(1) The capital plan must adhere to the following:

(a) A current ridership demand forecast;

(b) Vehicle level of service standards as described in RCW 47.06.140;

(c) Operational strategies as described in RCW 47.60.327; and

(d) Terminal and vessel design standards as described in RCW 47.60.365.

(2) The capital plan must include the following:

(a) A current vessel preservation plan;

(b) A current systemwide vessel rebuild and replacement plan as described in RCW 47.60.377;

(c) A current vessel deployment plan; and

(d) A current terminal preservation plan that adheres to the life-cycle cost model on capital assets as described in RCW 47.60.345.

Sec. 6. RCW 47.60.385 and 2008 c 124 s 6 are each amended to read as follows:

(1) Terminal improvement, vessel improvement, and vessel acquisition project funding requests must adhere to the capital plan(~~(-~~
~~—(2) Requests for terminal improvement design and construction funding must~~), include route-based planning, and be submitted with a predesign study that:

(a) Includes all elements required by the office of financial management;

(b) Separately identifies basic terminal and vessel elements essential for operation and their costs;

(c) Separately identifies additional elements to provide ancillary revenue and customer comfort and their costs;

(d) Includes construction phasing options that are consistent with forecasted ridership increases;

(e) Separately identifies additional elements requested by local governments and the cost and proposed funding source of those elements;

(f) Separately identifies multimodal elements and the cost and proposed funding source of those elements; (~~and~~)

(g) Identifies all contingency amounts(.

(h)[(3)] When planning for new vessel acquisitions, the department must evaluate the long-term vessel operating costs related to fuel efficiency and staffing);

(h) Identifies any terminal, vessel, or other capital modifications that would be required as a result of the proposed capital project;

(i) Includes planned service modifications as a result of the proposed capital project, and the consistency of those service modifications with the capital plan; and

(j) Demonstrates the evaluation of long-term operating costs including fuel efficiency, staffing, and preservation.

(2) The department shall prioritize vessel preservation and acquisition funding requests over vessel improvement funding requests.

NEW SECTION. Sec. 7. A new section is added to chapter 47.60 RCW to read as follows:

(1) In addition to the requirements of RCW 47.60.385(1), initial requests for, and substantial modification requests to, vessel acquisition funding must be submitted with a predesign study that:

(a) Includes a business decision case on vessel sizing;

(b) Includes an updated vessel deployment plan demonstrating maximum use of existing vessels, and an updated systemwide vessel rebuild and replacement plan;

(c) Includes an analysis that demonstrates that acquiring a new vessel or improving an existing vessel is more cost-effective than other alternatives considered. At a minimum, alternatives explored must include:

(i) Alternatives to new vessel construction that increase capacity of existing vessels;

(ii) Service level changes in lieu of adding vessel capacity; and

(iii) Acquiring existing vessels or existing vessel plans rather than wholly new vessels or vessel plans; and

(d) Demonstrates that the vessel proposed for improvement, construction, or purchase, if intended to replace an existing vessel or to place an existing vessel into inactive or reserve status, is consistent with the scheduled replacements in the rebuild and replacement plan.

(2) In addition to the requirements of RCW 47.60.385(1), initial requests for, and substantial modification requests to, vessel improvement funding must be submitted with a predesign study that includes:

(a) An explanation of any regulatory changes necessitating the improvement;

(b) The requirements under subsection (1) of this section, if the improvement modifies the capacity of a vessel;

(c) A cost-benefit analysis of any modifications designed to improve fuel efficiency, including potential impacts on vessel maintenance and repair; and

(d) An assessment of out-of-service time associated with making the improvement and ongoing preservation of the improvement.

NEW SECTION. Sec. 8. (1) Signage must be prominently displayed at each terminal and on each vessel that informs the public that assaults on Washington state employees will be prosecuted to the full extent of the law.

(2) The department shall investigate the frequency, severity, and prosecutorial results of assaults on Washington state ferries employees and, if appropriate, make recommendations to the transportation committees of the senate and house of representatives during the 2011 legislative session regarding methods to decrease the number of assaults on employees and procedures for prosecuting those who assault employees.

(3) This section expires June 30, 2011.

Sec. 9. RCW 47.28.030 and 2007 c 218 s 90 are each amended to read as follows:

(1)(a) A state highway shall be constructed, altered, repaired, or improved, and improvements located on property acquired for right-of-way purposes may be repaired or renovated pending the use of such right-of-way for highway purposes, by contract or state forces. The work or portions thereof may be done by state forces when the estimated costs thereof are less than fifty thousand dollars and effective July 1, 2005, sixty thousand dollars ~~(- PROVIDED, That),~~

(b) When delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by state forces when the estimated cost thereof is less than eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars.

(c) When the department of transportation determines to do the work by state forces, it shall enter a statement upon its records to that effect, stating the reasons therefor.

(d) To enable a larger number of small businesses, and minority, and women contractors to effectively compete for department of transportation contracts, the department may adopt rules providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed eighty thousand dollars and effective July 1, 2005, one hundred thousand dollars.

(2) The rules adopted under this section:

~~((1))~~ (a) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

~~((2))~~ (b) Need not require the furnishing of a bid deposit nor a performance bond, but if a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, material suppliers, mechanics, and subcontractors from the previous partial payment; and

~~((3))~~ (c) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the prequalification standards and procedures under RCW 47.28.070 shall always be sufficient.

(3) The department of transportation shall comply with such goals and rules as may be adopted by the office of minority and women's business enterprises to implement chapter 39.19 RCW with respect to contracts entered into under this chapter. The department may adopt such rules as may be necessary to comply with the rules adopted by the office of minority and women's business enterprises under chapter 39.19 RCW.

(4)(a) For the period of March 15, 2010, through June 30, 2011, work for less than one hundred twenty thousand dollars may be performed on ferry vessels and terminals by state forces.

(b) The department shall hire a disinterested, third party to

conduct an independent analysis to identify methods of reducing out-of-service times for vessel maintenance, preservation, and improvement projects. The analysis must include options that consider consolidating work while vessels are at shipyards by having state forces perform services traditionally performed at Eagle Harbor at the shipyard and decreasing the allowable time at shipyards. The analysis must also compare the out-of-service vessel times of performing services by state forces versus contracting out those services which in turn must be used to form a recommendation as to what the threshold of work performed on ferry vessels and terminals by state forces should be. This analysis must be presented to the transportation committees of the senate and house of representatives by December 1, 2010.

(c) The department shall develop a proposed ferry vessel maintenance, preservation, and improvement program and present it to the transportation committees of the senate and house of representatives by December 1, 2010. The proposed program must:

(i) Improve the basis for budgeting vessel maintenance, preservation, and improvement costs and for projecting those costs into a sixteen-year financial plan;

(ii) Limit the amount of planned out-of-service time to the greatest extent possible, including options associated with department staff as well as commercial shipyards; and

(iii) Be based on the service plan in the capital plan, recognizing that vessel preservation and improvement needs may vary by route.

(d) In developing the proposed ferry vessel maintenance, preservation, and improvement program, the department shall consider the following, related to reducing vessel out-of-service time:

(i) The costs compared to benefits of Eagle Harbor repair and maintenance facility operations options to include staffing costs and benefits in terms of reduced out-of-service time;

(ii) The maintenance requirements for on-vessel staff, including the benefits of a systemwide standard;

(iii) The costs compared to benefits of staff performing preservation or maintenance work, or both, while the vessel is underway, tied up between sailings, or not deployed;

(iv) A review of the department's vessel maintenance, preservation, and improvement program contracting process and contractual requirements;

(v) The costs compared to benefits of allowing for increased costs associated with expedited delivery;

(vi) A method for comparing the anticipated out-of-service time of proposed projects and other projects planned during the same construction period;

(vii) Coordination with required United States coast guard dry dockings;

(viii) A method for comparing how proposed projects relate to the service requirements of the route on which the vessel normally operates; and

(ix) A method for evaluating the ongoing maintenance and preservation costs associated with proposed improvement projects.

Sec. 10. RCW 47.64.120 and 2006 c 164 s 3 are each amended to read as follows:

(1) ~~Except as otherwise provided in this chapter,~~ the employer and ferry system employee organizations, through their collective bargaining representatives, shall meet at reasonable times ~~(;)~~ to negotiate in good faith with respect to wages, hours, working conditions, and insurance, ~~((and health care benefits as limited by RCW 47.64.270,))~~ and other matters mutually agreed upon. Employer funded retirement benefits shall be provided under the public employees retirement system under chapter 41.40 RCW and shall not be included in the scope of collective bargaining. Except as provided under RCW 47.64.270, the employer is not required to bargain over health care benefits. Any retirement system or retirement benefits shall not be subject to collective bargaining.

(2) Upon ratification of bargaining agreements, ferry employees are entitled to an amount equivalent to the interest earned on retroactive compensation increases. For purposes of this section, the interest earned on retroactive compensation increases is the same monthly rate of interest that was earned on the amount of the compensation increases while held in the state treasury. The interest will be computed for each employee until the date the retroactive compensation is paid, and must be allocated in accordance with appropriation authority. The interest earned on retroactive compensation is not considered part of the ongoing compensation obligation of the state and is not compensation earnable for the purposes of chapter 41.40 RCW. Negotiations shall also include grievance procedures for resolving any questions arising under the agreement, which shall be embodied in a written agreement and signed by the parties.

(3) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

Sec. 11. RCW 47.64.170 and 2007 c 160 s 1 are each amended to read as follows:

(1) Any ferry employee organization certified as the bargaining representative shall be the exclusive representative of all ferry employees in the bargaining unit and shall represent all such employees fairly.

(2) A ferry employee organization or organizations and the governor may each designate any individual as its representative to engage in collective bargaining negotiations.

(3) Negotiating sessions, including strategy meetings of the employer or employee organizations, mediation, and the deliberative process of arbitrators are exempt from the provisions of chapter 42.30 RCW. Hearings conducted by arbitrators may be open to the public by mutual consent of the parties.

(4) Terms of any collective bargaining agreement may be enforced by civil action in Thurston county superior court upon the initiative of either party.

(5) Ferry system employees or any employee organization shall not negotiate or attempt to negotiate directly with anyone other than the person who has been appointed or authorized a bargaining representative for the purpose of bargaining with the ferry employees or their representative.

(6)(a) Within ten working days after the first Monday in September of every odd-numbered year, the parties shall attempt to agree on an interest arbitrator to be used if the parties are not successful in negotiating a comprehensive collective bargaining agreement. If the parties cannot agree on an arbitrator within the ten-day period, either party may request a list of seven arbitrators from the federal mediation and conciliation service. The parties shall select an interest arbitrator using the coin toss/alternate strike method within thirty calendar days of receipt of the list. Immediately upon selecting an interest arbitrator, the parties shall cooperate to reserve dates with the arbitrator for potential arbitration between August 1st and September 15th of the following even-numbered year. The parties shall also prepare a schedule of at least five negotiation dates for the following year, absent an agreement to the contrary. The parties shall execute a written agreement before November 1st of each odd-numbered year setting forth the name of the arbitrator and the dates reserved for bargaining and arbitration. This subsection (6)(a) imposes minimum obligations only and is not intended to define or limit a party's full, good faith bargaining obligation under other sections of this chapter.

(b) The negotiation of a proposed collective bargaining agreement by representatives of the employer and a ferry employee

organization shall commence on or about February 1st of every even-numbered year.

(c) For negotiations covering the 2009-2011 biennium and subsequent biennia, the time periods specified in this section, and in RCW 47.64.210 and 47.64.300 through 47.64.320, must ensure conclusion of all agreements on or before October 1st of the even-numbered year next preceding the biennial budget period during which the agreement should take effect. These time periods may only be altered by mutual agreement of the parties in writing. Any such agreement and any impasse procedures agreed to by the parties under RCW 47.64.200 must include an agreement regarding the new time periods that will allow final resolution by negotiations or arbitration by October 1st of each even-numbered year.

(7) ((Until a new collective bargaining agreement is in effect, the terms and conditions of the previous collective bargaining agreement shall remain in force.)) It is the intent of this section that the collective bargaining agreement or arbitrator's award shall commence on July 1st of each odd-numbered year and shall terminate on June 30th of the next odd-numbered year to coincide with the ensuing biennial budget year, as defined by RCW 43.88.020(7), to the extent practical. It is further the intent of this section that all collective bargaining agreements be concluded by October 1st of the even-numbered year before the commencement of the biennial budget year during which the agreements are to be in effect. After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law.

(8) The office of financial management shall conduct a salary survey, for use in collective bargaining and arbitration, which must be conducted through a contract with a firm nationally recognized in the field of human resources management consulting.

(9)(a) The governor shall submit a request either for funds necessary to implement the collective bargaining agreements including, but not limited to, the compensation and fringe benefit provisions or for legislation necessary to implement the agreement, or both. Requests for funds necessary to implement the collective bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(i) Have been submitted to the director of the office of financial management by October 1st before the legislative session at which the requests are to be considered; and

(ii) Have been certified by the director of the office of financial management as being feasible financially for the state.

(b) The governor shall submit a request either for funds necessary to implement the arbitration awards or for legislation necessary to implement the arbitration awards, or both. Requests for funds necessary to implement the arbitration awards shall not be submitted to the legislature by the governor unless such requests:

(i) Have been submitted to the director of the office of financial management by October 1st before the legislative session at which the requests are to be considered; and

(ii) Have been certified by the director of the office of financial management as being feasible financially for the state.

(c) The legislature shall approve or reject the submission of the request for funds necessary to implement the collective bargaining agreements or arbitration awards as a whole for each agreement or award. The legislature shall not consider a request for funds to implement a collective bargaining agreement or arbitration award unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement and award or the

exclusive bargaining representative may seek to implement the procedures provided for in RCW 47.64.210 and 47.64.300.

~~((9))~~ (10) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

Sec. 12. RCW 47.64.200 and 2006 c 164 s 7 are each amended to read as follows:

As the first step in the performance of their duty to bargain, the employer and the employee organization shall endeavor to agree upon impasse procedures. Unless otherwise agreed to by the employee organization and the employer in their impasse procedures, the arbitrator or panel ~~((is limited to selecting the most reasonable offer, in its judgment, of the final offers on each impasse item submitted by the parties. The employee organization and the employer may mutually agree to the impasse procedure under which the arbitrator or panel may))~~ shall issue a decision it deems just and appropriate with respect to each impasse item. If the parties fail to agree upon impasse procedures under this section, the impasse procedures provided in RCW 47.64.210 and 47.64.230 and 47.64.300 through 47.64.320 apply. It is unlawful for either party to refuse to participate in the impasse procedures provided in RCW 47.64.210 and 47.64.230 and 47.64.300 through 47.64.320.

Sec. 13. RCW 47.64.270 and 2006 c 164 s 17 are each amended to read as follows:

(1) The employer and one coalition of all the exclusive bargaining representatives subject to this chapter and chapter 41.80 RCW shall conduct negotiations regarding the dollar amount expended on behalf of each employee for health care benefits.

(2) Absent a collective bargaining agreement to the contrary, the department of transportation shall provide contributions to insurance and health care plans for ferry system employees and dependents, as determined by the state health care authority, under chapter 41.05 RCW ~~((and))~~.

(3) The employer and employee organizations may collectively bargain for ~~((other))~~ insurance ~~((and health care))~~ plans other than health care benefits, and employer contributions may exceed that of other state agencies as provided in RCW 41.05.050. ~~((To the extent that ferry employees by bargaining unit have absorbed the required offset of wage increases by the amount that the employer's contribution for employees' and dependents' insurance and health care plans exceeds that of other state general government employees in the 1985-87 fiscal biennium, employees shall not be required to absorb a further offset except to the extent the differential between employer contributions for those employees and all other state general government employees increases during any subsequent fiscal biennium. If such differential increases in the 1987-89 fiscal biennium or the 1985-87 offset by bargaining unit is insufficient to meet the required deduction, the amount available for compensation shall be reduced by bargaining unit by the amount of such increase or the 1985-87 shortage in the required offset. Compensation shall include all wages and employee benefits.))~~

Sec. 14. RCW 47.64.280 and 2006 c 164 s 18 are each amended to read as follows:

(1) There is created the marine employees' commission. The governor shall appoint the commission with the consent of the senate. The commission shall consist of three members: One member to be appointed from labor, one member from industry, and one member from the public who has significant knowledge of maritime affairs. The public member shall be chair of the commission. One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that

any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he or she succeeds.

Commission members are eligible for reappointment. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Commission members are not eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission. Members of the commission shall be compensated in accordance with RCW 43.03.250 and shall receive reimbursement for official travel and other expenses at the same rate and on the same terms as provided for the transportation commission by RCW 47.01.061. The payments shall be made from the Puget Sound ferry operations account.

(2) The commission shall: (a) Adjust all complaints, grievances, and disputes between labor and management arising out of the operation of the ferry system as provided in RCW 47.64.150; (b) provide for impasse mediation as required in RCW 47.64.210; ~~and (c) ((provide salary surveys as required in RCW 47.64.220; and (d))~~ perform those duties required in RCW 47.64.300.

(3)(a) In adjudicating all complaints, grievances, and disputes, the party claiming labor disputes shall, in writing, notify the commission, which shall make careful inquiry into the cause thereof and issue an order advising the ferry employee, or the ferry employee organization representing him or her, and the department of transportation, as to the decision of the commission.

(b) The parties are entitled to offer evidence relating to disputes at all hearings conducted by the commission. The orders and awards of the commission are final and binding upon any ferry employee or employees or their representative affected thereby and upon the department.

(c) The commission shall adopt rules of procedure under chapter 34.05 RCW.

(d) The commission has the authority to subpoena any ferry employee or employees, or their representatives, and any member or representative of the department, and any witnesses. The commission may require attendance of witnesses and the production of all pertinent records at any hearings held by the commission. The subpoenas of the commission are enforceable by order of any superior court in the state of Washington for the county within which the proceeding may be pending. The commission may hire staff as necessary, appoint consultants, enter into contracts, and conduct studies as reasonably necessary to carry out this chapter.

Sec. 15. RCW 47.64.320 and 2006 c 164 s 14 are each amended to read as follows:

(1) The mediator, arbitrator, or arbitration panel may consider only matters that are subject to bargaining under this chapter, except that health care benefits are not subject to interest arbitration.

(2) The decision of an arbitrator or arbitration panel is not binding on the legislature and, if the legislature does not approve the funds necessary to implement provisions pertaining to compensation and fringe benefit provisions of an arbitrated collective bargaining agreement, is not binding on the state, the department of transportation, or the ferry employee organization.

(3) In making its determination, the arbitrator or arbitration panel shall be mindful of the legislative purpose under RCW 47.64.005 and 47.64.006 and, as additional standards or guidelines to aid it in reaching a decision, shall take into consideration the following factors:

(a) The financial ability of the department to pay for the compensation and fringe benefit provisions of a collective bargaining agreement;

(b) Past collective bargaining contracts between the parties including the bargaining that led up to the contracts;

~~((b))~~ (c) The constitutional and statutory authority of the employer;

~~((c))~~ (d) Stipulations of the parties;

~~((d))~~ (e) The results of the salary survey as required in RCW ~~((47.64.220))~~ 47.64.170(8);

~~((e))~~ (f) Comparison of wages, hours, employee benefits, and conditions of employment of the involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved;

~~((f))~~ (g) Changes in any of the foregoing circumstances during the pendency of the proceedings;

~~((g))~~ (h) The limitations on ferry toll increases and operating subsidies as may be imposed by the legislature; ~~((and~~

~~((h))~~ (i) The ability of the state to retain ferry employees;

(j) The overall compensation presently received by the ferry employees, including direct wage compensation, vacations, holidays and other paid excused time, pensions, insurance benefits, and all other direct or indirect monetary benefits received; and

(k) Other factors that are normally or traditionally taken into consideration in the determination of matters that are subject to bargaining under this chapter.

(4) This section applies to any matter before the respective mediator, arbitrator, or arbitration panel.

Sec. 16. RCW 41.80.020 and 2002 c 354 s 303 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the matters subject to bargaining include wages, hours, and other terms and conditions of employment, and the negotiation of any question arising under a collective bargaining agreement.

(2) The employer is not required to bargain over matters pertaining to:

(a) Health care benefits or other employee insurance benefits, except as required in subsection (3) of this section;

(b) Any retirement system or retirement benefit; or

(c) Rules of the director of personnel or the Washington personnel resources board adopted under section 203, chapter 354, Laws of 2002.

(3) Matters subject to bargaining include the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits. However, except as provided otherwise in this subsection for institutions of higher education, negotiations regarding the number of names to be certified for vacancies, promotional preferences, and the dollar amount expended on behalf of each employee for health care benefits shall be conducted between the employer and one coalition of all the exclusive bargaining representatives subject to this chapter.

The exclusive bargaining representatives for employees that are subject to chapter 47.64 RCW shall bargain the dollar amount expended on behalf of each employee for health care benefits with the employer as part of the coalition under this subsection. Any such provision agreed to by the employer and the coalition shall be included in all master collective bargaining agreements negotiated by the parties. For institutions of higher education, promotional preferences and the number of names to be certified for vacancies shall be bargained under the provisions of RCW 41.80.010(4).

(4) The employer and the exclusive bargaining representative shall not agree to any proposal that would prevent the implementation of approved affirmative action plans or that would be inconsistent with the comparable worth agreement that provided the basis for the salary changes implemented beginning with the 1983-1985 biennium to achieve comparable worth.

(5) The employer and the exclusive bargaining representative shall not bargain over matters pertaining to management rights established in RCW 41.80.040.

(6) Except as otherwise provided in this chapter, if a conflict exists between an executive order, administrative rule, or agency

policy relating to wages, hours, and terms and conditions of employment and a collective bargaining agreement negotiated under this chapter, the collective bargaining agreement shall prevail. A provision of a collective bargaining agreement that conflicts with the terms of a statute is invalid and unenforceable.

(7) This section does not prohibit bargaining that affects contracts authorized by RCW 41.06.142.

NEW SECTION. Sec. 17. A new section is added to chapter 47.60 RCW to read as follows:

Upon expiration of the collective bargaining agreements in existence as of the effective date of this section, the department shall not allow free passage on any ferry vessel operated by the department to:

(1) Any department employee unless it is directly related to the employee's job duties, directly reporting to duty, or directly returning home from duty;

(2) Any former department employee or their families; or

(3) Any department employee's family members.

Sec. 18. 2010 c ... (ESSB 6381) s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State

Appropriation ~~((425,922,000))~~

\$425,252,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$78,754,952 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2009-11 fiscal biennium. This appropriation is contingent upon the enactment of ~~((sections 716 and 701 of this act))~~ section 701, chapter . . . (ESSB 6381), Laws of 2010. All fuel purchased by the Washington state ferries at Harbor Island truck terminal for the operation of the Washington state ferries diesel powered vessels must be a minimum of five percent biodiesel blend so long as the per gallon price of diesel containing a five percent biodiesel blend level does not exceed the per gallon price of diesel by more than five percent.

(2) To protect the waters of Puget Sound, the department shall investigate nontoxic alternatives to fuel additives and other commercial products that are used to operate, maintain, and preserve vessels.

(3) If, after the department's review of fares and pricing policies, the department proposes a fuel surcharge, the department must evaluate other cost savings and fuel price stabilization strategies that would be implemented before the imposition of a fuel surcharge. The department shall report to the legislature and transportation commission on its progress of implementing new fuel forecasting and budgeting practices, price hedging contracts for fuel purchases, and fuel conservation strategies by November 30, 2010.

(4) The department shall strive to significantly reduce the number of injuries suffered by Washington state ferries employees. By December 15, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature its implementation plan to reduce such injuries.

(5) The department shall continue to provide service to Sidney, British Columbia. The department may place a Sidney terminal departure surcharge on fares for out of state residents riding the Washington state ferry route that runs between Anacortes, Washington and Sidney, British Columbia, if the cost for landing/license fee, taxes, and additional amounts charged for docking are in excess of \$280,000 CDN. The surcharge must be limited to recovering amounts above \$280,000 CDN.

(6) The department shall analyze operational solutions to enhance service on the Bremerton to Seattle ferry run. The Washington state

ferry shall report its analysis to the transportation committees of the legislature by December 1, 2009.

(7) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2011-13 omnibus transportation appropriations act request, as determined jointly by the office of financial management, the Washington state ferries, and the legislative transportation committees.

(8) (~~(\$4,794,000)~~) \$4,124,000 of the Puget Sound ferry operations account--state appropriation is provided solely for commercial insurance for ferry assets. The office of financial management, after consultation with the transportation committees of the legislature, must present a business plan for the Washington state ferry system's insurance coverage to the 2010 legislature. The business plan must include a cost-benefit analysis of Washington state ferries' current commercial insurance purchased for ferry assets and a review of self- insurance for noncatastrophic events.

(9) \$1,100,000 of the Puget Sound ferry operations account--state appropriation is provided solely for a marketing program. The department shall present a marketing program proposal to the transportation committees of the legislature during the 2010 legislative session before implementing this program. Of this amount, \$10,000 is for the city of Port Townsend and \$10,000 is for the town of Coupeville for mitigation expenses related to only one vessel operating on the Port Townsend/Keystone ferry route. The moneys provided to the city of Port Townsend and town of Coupeville are not contingent upon the required marketing proposal.

(10) \$350,000 of the Puget Sound ferry operations account--state appropriation is provided solely for two extra trips per day during the summer of 2009 season, beyond the current schedule, on the Port Townsend/Keystone route.

(11) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

(12) The legislature finds that measuring the performance of Washington state ferries requires the measurement of quality, timeliness, and unit cost of services delivered to customers. Consequently, the department must develop a set of metrics that measure that performance and report to the transportation committees of the legislature and to the office of financial management on the development of these measurements along with recommendations to the 2010 legislature on which measurements must become a part of the next omnibus transportation appropriations act.

(13) As a priority task, the department is directed to propose a comprehensive incident and accident investigation policy and appropriate procedures, and to provide the proposal to the legislature by November 1, 2009, using existing resources and staff expertise. In addition to consulting with ferry system unions and the United States coast guard, the Washington state ferries is encouraged to solicit independent outside expertise on incident and accident investigation best practices as they may be found in other organizations with a similar concern for marine safety. It is the intent of the legislature to enact the policies into law and to publish that law and procedures as a manual for Washington state ferries' accident/incident investigations. Until that time, the Washington state ferry system must exercise particular diligence to assure that any incident or accident investigations are conducted within the spirit of the guidelines of this act. The proposed policy must contain, at a minimum:

(a) The definition of an incident and an accident and the type of investigation that is required by both types of events;

(b) The process for appointing an investigating officer or officers and a description of the authorities and responsibilities of the investigating officer or officers. The investigating officer or officers must:

(i) Have the appropriate training and experience as determined by the policy;

(ii) Not have been involved in the incident or accident so as to avoid any conflict of interest;

(iii) Have full access to all persons, records, and relevant organizations that may have information about or may have contributed to, directly or indirectly, the incident or accident under investigation, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW;

(iv) Be provided with, if requested by the investigating officer or officers, appropriate outside technical expertise; and

(v) Be provided with staff and legal support by the Washington state ferries as may be appropriate to the type of investigation;

(c) The process of working with the affected employee or employees in accordance with the employee's or employees' respective collective bargaining agreement and the appropriate union officials, within protocols afforded to all public employees;

(d) The process by which the United States coast guard is kept informed of, interacts with, and reviews the investigation;

(e) The process for review, approval, and implementation of any approved recommendations within the department; and

(f) The process for keeping the public informed of the investigation and its outcomes, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW.

(14) \$7,300,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the purposes of travel time associated with Washington state ferries employees. However, if Engrossed Substitute House Bill No. 3209 (managing costs of ferry system) is enacted by June 30, 2010, containing an appropriation for purposes of travel time associated with Washington state ferries employees, the amount provided in this subsection lapses.

(15) \$50,000 of the Puget Sound ferry operations account--state appropriation is provided solely to implement a mechanism to report on- time performance statistics.

(a) The department shall conduct a study to identify process changes that would improve on-time performance on a route-by-route basis. The study must include looking into the slowing down of vessels for fuel economy purposes and touch-and-go sailings on peak runs. The department shall report its findings to the transportation committees of the senate and house of representatives by December 1, 2010.

(b) The department shall, by November 1, 2010, report to the transportation committees of the legislature statistics regarding its on-time arrival and departure status on a route-by-route and month-by-month basis, as well as an annual route-by-route and systemwide basis, weighted by the number of customers on each sailing and distinguishing peak period on-time performance. The statistics must include reasons for any delays over ten minutes from the scheduled time. The statistics must be prominently displayed on the Washington state ferries' web site. Each Washington state ferries vessel and terminal must prominently display the statistics as they relate to their specific route.

(16) The department shall investigate outsourcing the call center functions planned for the ferry reservation system and report its findings to the transportation committees of the senate and house of representatives by December 15, 2010.

(17) By July 1, 2010, the department shall provide to the governor and the transportation committees of the senate and house of representatives a listing of all benefits that Washington state ferries union employees receive that other state employees do not traditionally receive. The listing must include any costs associated with these benefits.

Sec. 19. 2010 c ... (ESSB 6381) s 306 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--
WASHINGTON STATE FERRIES CONSTRUCTION--
PROGRAM W**

Puget Sound Capital Construction Account--State	
Appropriation	\$126,824,000
Puget Sound Capital Construction Account--Federal	
Appropriation	\$60,364,000
Puget Sound Capital Construction Account--Local	
Appropriation	\$200,000
Transportation 2003 Account (Nickel Account)--State	
Appropriation	\$51,734,000
Transportation Partnership Account--State	
Appropriation	\$66,879,000
Multimodal Transportation Account--State	
Appropriation	\$149,000
TOTAL APPROPRIATION	\$306,150,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$126,824,000 of the Puget Sound capital construction account-- state appropriation, \$60,364,000 of the Puget Sound capital construction account--federal appropriation, \$200,000 of the Puget Sound capital construction account--local appropriation, \$66,879,000 of the transportation partnership account--state appropriation, \$51,734,000 of the transportation 2003 account (nickel account)--state appropriation, and \$149,000 of the multimodal transportation account-- state appropriation are provided solely for ferry capital projects, project support, and administration as listed in LEAP Transportation Document ALL PROJECTS 2010-2 as developed March 8, 2010, Program - Ferries Construction Program (W). Of the total appropriation, a maximum of \$10,627,000 may be used for administrative support, a maximum of \$8,184,000 may be used for terminal project support, and a maximum of \$4,497,000 may be used for vessel project support. Of the total appropriation, \$5,851,000 is provided solely for a reservation system and associated communications projects.

(2) \$51,734,000 of the transportation 2003 account (nickel account)--state appropriation, \$63,100,000 of the transportation partnership account--state appropriation, and \$10,164,000 of the Puget Sound capital construction account--state appropriation are provided solely for the acquisition of three new Island Home class ferry vessels subject to the conditions of RCW 47.56.780. The department shall pursue a contract for the second and third Island Home class ferry vessels with an option to purchase a fourth Island Home class ferry vessel. However, if sufficient resources are available to build one 144-auto vessel prior to exercising the option to build the fourth Island Home class ferry vessel, procurement of the fourth Island Home class ferry vessel will be postponed and the department shall pursue procurement of a 144-auto vessel.

(a) The first two Island Home class ferry vessels must be placed on the Port Townsend-Keystone route.

(b) The department may add additional passenger capacity to one of the Island Home class ferry vessels to make it more flexible within the system in the future, if doing so does not require additional staffing on the vessel.

(c) Cost savings from the following initiatives will be included in the funding of these vessels: The department's review and update of the vessel life-cycle cost model as required under this section; and the implementation of technology efficiencies as required under section 602 of this act.

(3)(a) \$8,450,000 of the Puget Sound capital construction account-- state appropriation and \$2,450,000 of the transportation partnership account--state appropriation are provided solely for the following projects related to the design of a 144-vehicle vessel class:

(i) \$1,380,000 is provided solely for completion of the contract for owner- furnished equipment; (ii) \$8,320,000 is provided solely for completion of the technical design, detail design, and production drawings, all of which must plan for an aluminum superstructure; (iii) \$480,000 is provided solely for the storage of owner-furnished equipment; and (iv) a maximum of \$720,000 is for construction engineering. In completing the contract for owner-furnished equipment, the department shall use as much of the already procured equipment as is practicable on the Island Home class ferry vessels if it is likely to be obsolete before it is used in procured 144-vehicle vessels.

(b) The department shall conduct a cost-benefit study on alternative furnishings and fittings for the 144-vehicle vessel class. The study must review the proposed interior furnishings and fittings for the long-term maintenance and out-of-service vessel costs and, if appropriate, propose alternative interior furnishings and fittings that will decrease long-term maintenance and out-of-service vessel costs. The study must include a projection of out-of-service time and a life-cycle cost analysis of planned out-of-service time, including the impact on fleet size. The department must submit the study to the joint transportation committee by August 1, 2010.

(c) The department shall identify costs for any additional detail design and production drawings costs related to incorporating the aluminum superstructure and any changes in the proposed furnishings and fittings.

(4) \$6,300,000 of the Puget Sound capital construction account--state appropriation is provided solely for emergency capital costs.

(5) \$3,000,000 of the Puget Sound capital construction account--federal appropriation is provided solely for completing the Anacortes terminal design up to the maximum allowable construction cost phase. Beyond preparing environmental work, these funds may be spent only after the following conditions have been met: (a) A value engineering process is conducted on the existing design and the concept of a terminal building smaller than preferred alternative; (b) the office of financial management participates in the value engineering process; (c) the office of financial management concurs with the recommendations of the value engineering process; and (d) the office of financial management gives its approval to proceed with the design work.

(6) \$3,965,000 of the Puget Sound capital construction account--state appropriation is provided solely for the following vessel projects: Waste heat recovery pilot project for the Issaquah; jumbo Mark I class steering gear ventilation pilot project; and improvements to the Yakima and Kaleetan propulsion controls to allow for two engine operation. Before beginning these projects, the Washington state ferries must ensure the vessels' out-of-service time does not negatively impact service to the system.

(7) The department shall pursue purchasing a foreign-flagged vessel for service on the Anacortes, Washington to Sidney, British Columbia ferry route.

(8) The department shall provide to the office of financial management and the legislature quarterly reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2009-11 fiscal biennium. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS). The quarterly report regarding the status of projects identified on the list referenced in subsection (1) of this section must be developed according to an earned value method of project monitoring.

(9) The department shall review and adjust its capital program staffing levels to ensure staffing is at the most efficient level necessary to implement the capital program in the omnibus transportation appropriations act. The Washington state ferries shall

report this review and adjustment to the office of financial management and the house and senate transportation committees of the legislature by July 2009.

(10) \$1,200,000 of the total appropriation is provided solely for improving the toll booth configuration at the Port Townsend and Keystone ferry terminals.

(11) \$2,636,000 of the total appropriation is provided solely for continued permitting work on the Mukilteo ferry terminal. The department shall seek additional federal funding for this project.

(12) The department shall develop a proposed ferry vessel maintenance, preservation, and improvement program and present it to the transportation committees of the legislature by July 1, 2010. The proposal must:

(a) Improve the basis for budgeting vessel maintenance, preservation, and improvement costs and for projecting those costs into a sixteen-year financial plan;

(b) Limit the amount of planned out-of-service time to the greatest extent possible, including options associated with department staff as well as commercial shipyards. At a minimum, the department shall consider the following:

(i) The costs compared to benefits of Eagle Harbor repair and maintenance facility operations options to include staffing costs and benefits in terms of reduced out-of-service time;

(ii) The maintenance requirements for on-vessel staff, including the benefits of a systemwide standard;

(iii) The costs compared to benefits of staff performing preservation or maintenance work, or both, while the vessel is underway, tied up between sailings, or not deployed;

(iv) A review of the department's vessel maintenance, preservation, and improvement program contracting process and contractual requirements;

(v) The costs compared to benefits of allowing for increased costs associated with expedited delivery;

(vi) A method for comparing the anticipated out-of-service time of proposed projects and other projects planned during the same construction period;

(vii) Coordination with required United States coast guard dry dockings;

(viii) A method for comparing how proposed projects relate to the service requirements of the route on which the vessel normally operates; and

(ix) A method for evaluating the ongoing maintenance and preservation costs associated with proposed improvement projects; and

(c) Be based on the service plan in the capital plan, recognizing that vessel preservation and improvement needs may vary by route.

(13) \$247,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Washington state ferries to review and update its vessel life-cycle cost model and report the results to the house of representatives and senate transportation committees of the legislature by (~~March 15~~) December 1, 2010. This review will evaluate the impact of the planned out-of-service periods scheduled for each vessel on the ability of the overall system to deliver uninterrupted service and will assess the risk of service disruption from unscheduled maintenance or longer than planned maintenance periods.

(14) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all large ferry terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

(15) The Puget Sound capital construction account--state appropriation includes up to \$114,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(16) The Puget Sound capital construction account--state appropriation reflects the reduction of three terminal positions due to decreased terminal activity and funding.

(17) The department shall provide data to the transportation committees of the senate and house of representatives for a transparent analysis of travel pay policies.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

(1) RCW 47.61.010 (Authority to enter into agreement and apply for financial assistance) and 1984 c 7 s 338 & 1965 ex.s. c 56 s 1;

(2) RCW 47.61.020 (Bonds for matching funds--Issuance and sale) and 1965 ex.s. c 56 s 2;

(3) RCW 47.61.030 (Term of bonds--Terms and conditions) and 1965 ex.s. c 56 s 3;

(4) RCW 47.61.040 (Bonds--Signatures--Registration--Where payable-- Negotiable instruments) and 1965 ex.s. c 56 s 4;

(5) RCW 47.61.050 (Bonds--Denominations--Manner and terms of sale-- Legal investment for state funds) and 1965 ex.s. c 56 s 5;

(6) RCW 47.61.060 (Proceeds of bonds--Deposit and use) and 1965 ex.s. c 56 s 6;

(7) RCW 47.61.070 (Statement describing nature of bond obligation-- Pledge of excise taxes) and 1965 ex.s. c 56 s 7;

(8) RCW 47.61.080 (Bonds to reflect terms and conditions of grant agreement) and 1965 ex.s. c 56 s 8;

(9) RCW 47.61.090 (Designation of funds to repay bonds and interest) and 1984 c 7 s 339 & 1965 ex.s. c 56 s 9;

(10) RCW 47.61.100 (Bond repayment procedure--Highway bond retirement fund) and 1965 ex.s. c 56 s 10;

(11) RCW 47.61.110 (Sums in excess of bond retirement requirements--Use) and 1965 ex.s. c 56 s 11;

(12) RCW 47.60.395 (Evaluation of cost allocation methodology and preservation and improvement costs--Exception) and 2009 c 470 s 707 & 2007 c 512 s 15;

(13) RCW 47.60.649 (Passenger-only ferry service--Finding) and 1998 c 166 s 1;

(14) RCW 47.60.652 (Passenger-only ferry service--Vessel and terminal acquisition, procurement, and construction) and 1998 c 166 s 2;

(15) RCW 47.60.654 (Passenger-only ferry service--Contingency) and 1998 c 166 s 3;

(16) RCW 47.60.658 (Passenger-only ferry service between Vashon and Seattle) and 2007 c 223 s 8 & 2006 c 332 s 3;

(17) RCW 47.60.770 (Jumbo ferry construction--Notice) and 1993 c 493 s 1;

(18) RCW 47.60.772 (Jumbo ferry construction--Bidding documents) and 1993 c 493 s 2;

(19) RCW 47.60.774 (Jumbo ferry construction--Procedure on conclusion of evaluation) and 1993 c 493 s 4;

(20) RCW 47.60.776 (Jumbo ferry construction--Contract) and 1993 c 493 s 5;

(21) RCW 47.60.778 (Jumbo ferry construction--Bid deposits--Low bidder claiming error) and 1996 c 18 s 9 & 1993 c 493 s 6;

(22) RCW 47.60.780 (Jumbo ferry construction--Propulsion system acquisition) and 1994 c 181 s 2; and

(23) RCW 47.64.220 (Salary survey) and 2006 c 164 s 10, 2005 c 274 s 308, 1999 c 256 s 1, 1989 c 327 s 2, & 1983 c 15 s 13.

NEW SECTION. Sec. 21. Section 18 of this act takes effect if section 222, chapter . . . (Engrossed Substitute Senate Bill No. 6381), Laws of 2010 is enacted into law. If section 222, chapter . . . (Engrossed Substitute Senate Bill No. 6381), Laws of 2010 is not enacted into law, section 18 of this act is void in its entirety.

NEW SECTION. Sec. 22. Section 19 of this act takes effect if section 306, chapter . . . (Engrossed Substitute Senate Bill No. 6381), Laws of 2010 is enacted into law. If section 306, chapter . . . (Engrossed Substitute Senate Bill No. 6381), Laws of 2010 is not enacted into law, section 19 of this act is void in its entirety.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

and the same is herewith transmitted.

Thomas Hoeman , Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3209 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Clibborn, Roach and Rolfes spoke in favor of the passage of the bill.

Representative Seaquist spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3209, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3209, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 81; Nays, 16; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Blake, Campbell, Carlyle, Clibborn, Cody, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Shea, Short, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker.

Voting nay: Representatives Appleton, Bailey, Chandler, Chase, Conway, Hinkle, Kirby, Klippert, Lias, Ormsby, Seaquist, Sells, Simpson, Smith, White and Williams.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3209, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

MESSAGES FROM THE SENATE

March 11, 2010

Mr. Speaker:

The Senate has passed: HOUSE BILL 3061 and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6267
SUBSTITUTE SENATE BILL 6355

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL 6604 and passed the bill as amended by the House and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL 5798
SUBSTITUTE SENATE BILL 6280
SUBSTITUTE SENATE BILL 6293

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL 6520
SECOND SUBSTITUTE SENATE BILL 6578
SUBSTITUTE SENATE BILL 6611

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL 5902
ENGROSSED SENATE BILL 6610

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL 6611 and passed the bill as amended by the House and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL 2893 and the same is herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

March 11, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1096 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.19 RCW to read as follows:

(1) The legislature finds that it is in the state's economic interest and serves a public purpose to promote and facilitate the fullest possible participation by Washington businesses of all sizes in the process by which goods and services are purchased by the state. The legislature further finds that large businesses have the resources to participate fully and effectively in the state's purchasing system, and because of many factors, including economies of scale, the purchasing system tends to create a preference in favor of large businesses and to disadvantage small businesses. The legislature intends, therefore, to assist, to the maximum extent possible, small businesses to participate in order to enhance and preserve competitive enterprise and to ensure that small businesses have a fair opportunity to be awarded contracts or subcontracts for goods and services purchased by the state.

(2) Purchasing agencies must establish and implement a plan to increase the number of small businesses annually receiving state contracts for goods and services purchased by the state. The goal of the plan must be to have the number of small businesses receiving state contracts in 2012 be at least fifty percent higher, and in 2014 be at least one hundred percent higher, than the number of contracts awarded to small businesses in 2009.

(3) On July 1, 2011, and each July 1st thereafter, the department of general administration, in consultation with the department of information services and the department of transportation, shall report to the governor and the appropriate committees of the legislature on progress in carrying out the plan required by this section. Annual reports must include information about progress in increasing the number of small businesses participating in state contracts, steps taken to meet the goals of the plan, and the characteristics of small businesses that are awarded contracts.

(4) As used in this section:

(a) "Purchasing agencies" are limited to the department of general administration, the department of information services, and the department of transportation.

(b) "In-state business" means a business that has its principal office located in Washington and its officers domiciled in Washington.

(c) "Small business" means an in-state business, including a sole proprietorship, corporation, partnership, or other legal entity, that: (i) Certifies, under penalty of perjury, that it is owned and operated independently from all other businesses and has either (A) fifty or fewer employees, or (B) a gross revenue of less than seven million dollars annually as reported on its federal income tax return or its return filed with the department of revenue over the previous three consecutive years; or (ii) is certified under chapter 39.19 RCW.

(5) This section expires July 1, 2015."

On page 1, line 2 of the title, after "purchasing;" strike the remainder of the title and insert "adding a new section to chapter 43.19 RCW; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1096 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Hasegawa and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1096, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1096, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Crouse, DeBolt, Klippert, Kretz, McCune, Nealey, Shea, Short and Taylor.

Excused: Representative Condotta.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1096, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 11, 2010

Mr. Speaker:

The Senate recessed from its amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2658. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted 2658-S2.E AMS KAST S5513.2 and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In 2009, the legislature changed the name of the department of community, trade, and economic development to the department of commerce and directed the agency to, among other things, develop a report with recommendations on statutory changes to ensure that the department's efforts: Are organized around a concise core mission and aligned with the state's

comprehensive plan for economic development; generate greater local capacity; maximize results through partnerships and the use of intermediaries; and provide transparency and increased accountability. Recommendations for creating or consolidating programs deemed important to meeting the department's core mission and recommendations for terminating or transferring specific programs if they are not consistent with the department's core mission were to be included in the report.

In accordance with that legislation, chapter 565, Laws of 2009, in November 2009 the department of commerce submitted a plan that establishes a mission of growing and improving jobs in the state and recognizes the need for an innovation-driven economy. The plan also outlines agency priorities, efficiencies, and program transfers that will help to advance the new mission.

The primary purpose of this act is to implement portions of the department of commerce plan by transferring certain programs from the department of commerce to other state agencies whose missions are more closely aligned with the core functions of those programs. This act also directs additional efficiencies in state government and directs development of a statewide clean energy strategy, which will better enable the department of commerce to focus on its new mission.

Sec. 2. RCW 43.330.005 and 1993 c 280 s 1 are each amended to read as follows:

The legislature finds that the long-term economic health of the state and its citizens depends upon the strength and vitality of its communities and businesses. It is the intent of this chapter to create a ~~((merged))~~ department of ~~((community, trade, and economic development))~~ commerce that fosters new partnerships for strong and sustainable communities. ~~((The consolidation of the department of trade and economic development and the department of community development into one department will))~~ The mission of the department is to grow and improve jobs in Washington and facilitate innovation. To carry out its mission, the department will bring together focused efforts to: Streamline access to business assistance and economic development services by providing ~~((a simpler point of entry for state programs))~~ them through sector-based, cluster-based, and regional partners; provide focused and flexible responses to changing economic conditions; generate greater local capacity to respond to both economic growth and environmental challenges; ~~((and))~~ increase accountability to the public, the executive branch, and the legislature~~((~~

~~((~~— A new department can bring together a focused effort to:); manage growth and achieve sustainable development; diversify the state's economy and export goods and services; provide greater access to economic opportunity; stimulate private sector investment and entrepreneurship; provide stable family-wage jobs and meet the diverse needs of families; provide affordable housing and housing services; and construct public infrastructure~~((; protect our cultural heritage; and promote the health and safety of the state's citizens))~~.

The legislature further finds that as a result of the rapid pace of global social and economic change, the state and local communities will require coordinated and creative responses by every segment of the community. The state can play a role in assisting such local efforts by reorganizing state assistance efforts to promote such partnerships. The department has a primary responsibility to provide financial and technical assistance to the communities of the state, to assist in improving the delivery of federal, state, and local programs, and to provide communities with opportunities for productive and coordinated development beneficial to the well-being of communities and their residents. It is the intent of the legislature in ~~((this consolidation))~~ creating the department to maximize the use of local expertise and resources in the delivery of community and economic development services.

Sec. 3. RCW 43.330.007 and 2009 c 565 s 1 are each amended to read as follows:

(1) The purpose of this chapter is to establish the broad outline of the structure of the department of commerce, leaving specific details of its internal organization and management to those charged with its administration. This chapter identifies the broad functions and responsibilities of the department and is intended to provide flexibility to the director to reorganize these functions to more closely reflect its customers, its mission, and its priorities, and to make recommendations for changes.

(2) In order to generate greater local capacity, maximize results through partnerships and the use of intermediaries, and leverage the use of state resources, the department shall, in carrying out its business assistance and economic development functions, provide business and economic development services primarily through sector-based, cluster-based, and regionally based organizations rather than providing assistance directly to individual firms.

NEW SECTION. Sec. 4. The department shall examine the functions and operations of agricultural commodity commissions in the state and collaborate with industry sector and cluster associations on legislation that would enable industries to develop self-financing systems for addressing industry-identified issues such as workforce training, international marketing, quality improvement, and technology deployment. By December 1, 2010, the department shall report to the governor and the legislature on its findings and proposed legislation.

NEW SECTION. Sec. 5. (1) The legislature recognizes that there are many strong community services and housing programs currently operating within the department and serving our most vulnerable individuals, families, and communities. The legislature finds that some of these programs can readily be transferred beginning on July 1, 2010, to other mission-aligned agencies in state government. However, the legislature finds that to maintain the strength and credibility of the majority of the department's community services and housing programs, it is necessary to create a separate division for them within the department.

(2)(a) The legislature directs the department to establish the community services and housing division to deliver essential services to individuals, families, and communities.

(b) Services provided by the division shall include, but are not limited to: (i) Homeless housing and assistance programs including transitional housing, emergency shelter grants, independent youth housing, housing assistance for persons with mental illness, and housing opportunities for people with AIDS; (ii) affordable housing development programs including the housing trust fund and low-income home energy assistance; (iii) farm worker housing; (iv) crime victims' advocacy and sexual assault services; (v) community mobilization against substance abuse and violence; (vi) asset building for working families; (vii) local and community projects including the building communities fund, building for the arts, and youth recreational facilities grants; (viii) dispute resolution centers; (ix) the Washington families fund; (x) community services block grants; (xi) child care facility fund; (xii) WorkFirst community jobs; (xiii) long-term care ombudsman; (xiv) state drug task forces; (xv) justice assistance grants; (xvi) children and families of incarcerated parents; and (xvii) the Washington new Americans program.

(3) This section expires July 1, 2012.

PART I

DEPARTMENT OF HEALTH--PUBLIC HEALTH

Sec. 101. RCW 70.05.125 and 2009 c 479 s 48 are each amended to read as follows:

(1) The county public health account is created in the state treasury. Funds deposited in the county public health account shall be distributed by the state treasurer to each local public health jurisdiction based upon amounts certified to it by the department of ~~((community, trade, and economic development))~~ health in consultation with the Washington state association of counties. The account shall include funds distributed under RCW 82.14.200(8) and

such funds as are appropriated to the account from the state general fund, the public health services account under RCW 43.72.902, and such other funds as the legislature may appropriate to it.

(2)(a) The ~~((director))~~ secretary of the department of ~~((community, trade, and economic development))~~ health shall certify the amounts to be distributed to each local public health jurisdiction using 1995 as the base year of actual city contributions to local public health.

(b) Only if funds are available and in an amount no greater than available funds under RCW 82.14.200(8), the department of community, trade, and economic development shall adjust the amount certified under (a) of this subsection to compensate for any annexation of an area with fifty thousand residents or more to any city as a result of a petition during calendar year 1996 or 1997, or for any city that became newly incorporated as a result of an election during calendar year 1994 or 1995. The amount to be adjusted shall be equal to the amount which otherwise would have been lost to the health jurisdiction due to the annexation or incorporation as calculated using the jurisdiction's 1995 funding formula.

(c) The county treasurer shall certify the actual 1995 city contribution to the department. Funds in excess of the base shall be distributed proportionately among the health jurisdictions based on incorporated population figures as last determined by the office of financial management.

(3) Moneys distributed under this section shall be expended exclusively for local public health purposes.

NEW SECTION. Sec. 102. (1) All powers, duties, and functions of the department of commerce pertaining to county public health assistance are transferred to the department of health. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the secretary or the department of health when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of health. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the department of health. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of health.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of health.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of health. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of health to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of health. All existing contracts and obligations shall remain in full force and shall be performed by the department of health.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the department of health under this section whose positions are within an existing bargaining unit description at the department of health shall become a part of the existing bargaining unit at the department of health and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

PART II DEPARTMENT OF HEALTH--DEVELOPMENTAL DISABILITIES

Sec. 201. RCW 43.330.210 and 2009 c 565 s 11 are each amended to read as follows:

The developmental disabilities endowment governing board is established to design and administer the developmental disabilities endowment. To the extent funds are appropriated for this purpose, the ~~((director))~~ secretary of the department ~~((of commerce))~~ shall provide staff and administrative support to the governing board.

(1) The governing board shall consist of seven members as follows:

(a) Three of the members, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as finance, actuarial science, management, business, or public policy.

(b) Three members of the board, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as business, developmental disabilities service design, management, or public policy, and shall be family members of persons with developmental disabilities.

(c) The seventh member of the board, who shall serve as chair of the board, shall be appointed by the remaining six members of the board.

(2) Members of the board shall serve terms of four years and may be appointed for successive terms of four years at the discretion of the appointing authority. However, the governor may stagger the terms of the initial six members of the board so that approximately one-fourth of the members' terms expire each year.

(3) Members of the board shall be compensated for their service under RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall meet periodically as specified by the call of the chair, or a majority of the board.

(5) Members of the governing board and the state investment board shall not be considered an insurer of the funds or assets of the endowment trust fund or the individual trust accounts. Neither of these two boards or their members shall be liable for the action or inaction of the other.

(6) Members of the governing board and the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The department and the state investment board, respectively, may purchase liability insurance for members.

Sec. 202. RCW 43.330.240 and 2009 c 565 s 12 are each amended to read as follows:

The department ~~((of commerce))~~ shall adopt rules for the implementation of policies established by the governing board in RCW 43.330.200 through 43.330.230 (as recodified by this act).

Such rules will be consistent with those statutes and chapter 34.05 RCW.

NEW SECTION. Sec. 203. The following sections are each recodified as sections in chapter 43.70 RCW:

RCW 43.330.195
 RCW 43.330.200
 RCW 43.330.205
 RCW 43.330.210
 RCW 43.330.220
 RCW 43.330.225
 RCW 43.330.230
 RCW 43.330.240

NEW SECTION. Sec. 204. (1) All powers, duties, and functions of the department of commerce pertaining to the developmental disabilities endowment are transferred to the department of health. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the secretary or the department of health when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of health. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the department of health. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of health.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of health.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of health. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of health to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of health. All existing contracts and obligations shall remain in full force and shall be performed by the department of health.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the department of health under this section whose positions are within an existing bargaining unit description at the department of health shall become a part of the existing bargaining unit at the department of health and shall be considered an appropriate

inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

PART III BUILDING CODE COUNCIL

Sec. 301. RCW 19.27.070 and 1995 c 399 s 8 are each amended to read as follows:

There is hereby established a state building code council to be appointed by the governor.

(1) The state building code council shall consist of fifteen members, two of whom shall be county elected legislative body members or elected executives and two of whom shall be city elected legislative body members or mayors. One of the members shall be a local government building code enforcement official and one of the members shall be a local government fire service official. Of the remaining nine members, one member shall represent general construction, specializing in commercial and industrial building construction; one member shall represent general construction, specializing in residential and multifamily building construction; one member shall represent the architectural design profession; one member shall represent the structural engineering profession; one member shall represent the mechanical engineering profession; one member shall represent the construction building trades; one member shall represent manufacturers, installers, or suppliers of building materials and components; one member shall be a person with a physical disability and shall represent the disability community; and one member shall represent the general public. At least six of these fifteen members shall reside east of the crest of the Cascade mountains. The council shall include: Two members of the house of representatives appointed by the speaker of the house, one from each caucus; two members of the senate appointed by the president of the senate, one from each caucus; and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership. Terms of office shall be for three years. The council shall elect a member to serve as chair of the council for one-year terms of office. Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment. Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests listed in this subsection. Members serving on the council on July 28, 1985, may complete their terms of office. Any vacancy shall be filled by alternating appointments from governmental and nongovernmental entities or interests until the council is constituted as required by this subsection.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department of ~~((community, trade, and economic development))~~ general administration shall provide administrative and clerical assistance to the building code council.

Sec. 302. RCW 19.27.097 and 1995 c 399 s 9 are each amended to read as follows:

(1) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. An application

for a water right shall not be sufficient proof of an adequate water supply.

(2) Within counties not required or not choosing to plan pursuant to RCW 36.70A.040, the county and the state may mutually determine those areas in the county in which the requirements of subsection (1) of this section shall not apply. The departments of health and ecology shall coordinate on the implementation of this section. Should the county and the state fail to mutually determine those areas to be designated pursuant to this subsection, the county may petition the department of ~~((community, trade, and economic development))~~ general administration to mediate or, if necessary, make the determination.

(3) Buildings that do not need potable water facilities are exempt from the provisions of this section. The department of ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties.

Sec. 303. RCW 19.27.150 and 1995 c 399 s 10 are each amended to read as follows:

Every month a copy of the United States department of commerce, bureau of the census' "report of building or zoning permits issued and local public construction" or equivalent report shall be transmitted by the governing bodies of counties and cities to the department of ~~((community, trade, and economic development))~~ general administration.

Sec. 304. RCW 19.27A.020 and 2009 c 423 s 4 are each amended to read as follows:

(1) The state building code council shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;

(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework; and

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall be the 2006 edition of the Washington state energy code, or as amended by rule by the council.

(5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, 2006 edition, or as amended by the council by rule.

(6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.

(7) The state building code council shall consult with the department of ~~((community, trade, and economic development))~~ general administration as provided in RCW 34.05.310 prior to publication of proposed rules. The director of the department of

~~((community, trade, and economic development))~~ general administration shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(9) The definitions in RCW 19.27A.140 apply throughout this section.

Sec. 305. RCW 19.27A.140 and 2009 c 423 s 2 are each amended to read as follows:

The definitions in this section apply to RCW 19.27A.130 through 19.27A.190 and 19.27A.020 unless the context clearly requires otherwise.

(1) "Benchmark" means the energy used by a facility as recorded monthly for at least one year and the facility characteristics information inputs required for a portfolio manager.

(2) "Conditioned space" means conditioned space, as defined in the Washington state energy code.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Cost-effectiveness" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To meet or reduce the power demand of the intended consumers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof.

(5) "Council" means the state building code council.

(6) ("Department" means the department of community, trade, and economic development.

~~((7))~~ (7) "Embodied energy" means the total amount of fossil fuel energy consumed to extract raw materials and to manufacture, assemble, transport, and install the materials in a building and the life-cycle cost benefits including the recyclability and energy efficiencies with respect to building materials, taking into account the total sum of current values for the costs of investment, capital, installation, operating, maintenance, and replacement as estimated for the lifetime of the product or project.

~~((8))~~ (8) "Energy consumption data" means the monthly amount of energy consumed by a customer as recorded by the applicable energy meter for the most recent twelve-month period.

~~((9))~~ (9) "Energy service company" has the same meaning as in RCW 43.19.670.

~~((10))~~ (10) "General administration" means the department of general administration.

~~((11))~~ (11) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

~~((12))~~ (12) "Investment grade energy audit" means an intensive engineering analysis of energy efficiency and management measures for the facility, net energy savings, and a cost-effectiveness determination.

~~((13))~~ (13) "Investor-owned utility" means a corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or natural gas, or both, to more than one retail electric customer in the state.

~~((14))~~ (13) "Major facility" means any publicly owned or leased building, or a group of such buildings at a single site, having ten thousand square feet or more of conditioned floor space.

~~((15))~~ (14) "National energy performance rating" means the score provided by the energy star program, to indicate the energy efficiency performance of the building compared to similar buildings in that climate as defined in the United States environmental protection agency "ENERGY STAR® Performance Ratings Technical Methodology."

~~((16))~~ (15) "Net zero energy use" means a building with net energy consumption of zero over a typical year.

~~((17))~~ (16) "Portfolio manager" means the United States environmental protection agency's energy star portfolio manager or an equivalent tool adopted by the department of general administration.

~~((18))~~ (17) "Preliminary energy audit" means a quick evaluation by an energy service company of the energy savings potential of a building.

~~((19))~~ (18) "Qualifying public agency" includes all state agencies, colleges, and universities.

~~((20))~~ (19) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than twenty-five thousand customers in the state of Washington.

~~((21))~~ (20) "Reporting public facility" means any of the following:

(a) A building or structure, or a group of buildings or structures at a single site, owned by a qualifying public agency, that exceed ten thousand square feet of conditioned space;

(b) Buildings, structures, or spaces leased by a qualifying public agency that exceeds ten thousand square feet of conditioned space, where the qualifying public agency purchases energy directly from the investor-owned or consumer-owned utility;

(c) A wastewater treatment facility owned by a qualifying public agency; or

(d) Other facilities selected by the qualifying public agency.

~~((22))~~ (21) "State portfolio manager master account" means a portfolio manager account established to provide a single shared portfolio that includes reports for all the reporting public facilities.

Sec. 306. RCW 19.27A.150 and 2009 c 423 s 3 are each amended to read as follows:

(1) To the extent that funding is appropriated specifically for the purposes of this section, the department of commerce shall develop and implement a strategic plan for enhancing energy efficiency in and reducing greenhouse gas emissions from homes, buildings, districts, and neighborhoods. The strategic plan must be used to help direct the future code increases in RCW 19.27A.020, with targets for new buildings consistent with RCW 19.27A.160. The strategic plan will identify barriers to achieving net zero energy use in homes and buildings and identify how to overcome these barriers in future energy code updates and through complementary policies.

(2) The department of commerce must complete and release the strategic plan to the legislature and the council by December 31, 2010, and update the plan every three years.

(3) The strategic plan must include recommendations to the council on energy code upgrades. At a minimum, the strategic plan must:

(a) Consider development of aspirational codes separate from the state energy code that contain economically and technically feasible optional standards that could achieve higher energy efficiency for those builders that elected to follow the aspirational codes in lieu of or in addition to complying with the standards set forth in the state energy code;

(b) Determine the appropriate methodology to measure achievement of state energy code targets using the United States environmental protection agency's target finder program or equivalent methodology;

(c) Address the need for enhanced code training and enforcement;

(d) Include state strategies to support research, demonstration, and education programs designed to achieve a seventy percent reduction in annual net energy consumption as specified in RCW 19.27A.160 and enhance energy efficiency and on-site renewable energy production in buildings;

(e) Recommend incentives, education, training programs and certifications, particularly state-approved training or certification programs, joint apprenticeship programs, or labor-management partnership programs that train workers for energy-efficiency projects to ensure proposed programs are designed to increase building professionals' ability to design, construct, and operate buildings that will meet the seventy percent reduction in annual net energy consumption as specified in RCW 19.27A.160;

(f) Address barriers for utilities to serve net zero energy homes and buildings and policies to overcome those barriers;

(g) Address the limits of a prescriptive code in achieving net zero energy use homes and buildings and propose a transition to performance-based codes;

(h) Identify financial mechanisms such as tax incentives, rebates, and innovative financing to motivate energy consumers to take action to increase energy efficiency and their use of on-site renewable energy. Such incentives, rebates, or financing options may consider the role of government programs as well as utility-sponsored programs;

(i) Address the adequacy of education and technical assistance, including school curricula, technical training, and peer-to-peer exchanges for professional and trade audiences;

(j) Develop strategies to develop and install district and neighborhood-wide energy systems that help meet net zero energy use in homes and buildings;

(k) Identify costs and benefits of energy efficiency measures on residential and nonresidential construction; and

(l) Investigate methodologies and standards for the measurement of the amount of embodied energy used in building materials.

(4) The department of commerce and the council shall convene a work group with the affected parties to inform the initial development of the strategic plan.

Sec. 307. RCW 19.27A.180 and 2009 c 423 s 7 are each amended to read as follows:

By December 31, 2009, to the extent that funding is appropriated specifically for the purposes of this section, the department of commerce shall develop and recommend to the legislature a methodology to determine an energy performance score for residential buildings and an implementation strategy to use such information to improve the energy efficiency of the state's existing housing supply. In developing its strategy, the department of commerce shall seek input from providers of residential energy audits, utilities, building contractors, mixed use developers, the residential real estate industry, and real estate listing and form providers.

NEW SECTION. Sec. 308. (1) All powers, duties, and functions of the department of commerce pertaining to administrative and support services for the state building code council are transferred to the department of general administration. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the director or the department of general administration when referring to the functions transferred in this section. Policy and planning assistance functions performed by the department of commerce remain with the department of commerce.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the department of general administration. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of

commerce in carrying out the powers, functions, and duties transferred shall be made available to the department of general administration. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the department of general administration.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the department of general administration.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the department of general administration. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of general administration to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the department of general administration. All existing contracts and obligations shall remain in full force and shall be performed by the department of general administration.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the department of general administration under this section whose positions are within an existing bargaining unit description at the department of general administration shall become a part of the existing bargaining unit at the department of general administration and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

PART IV

DEPARTMENT OF COMMERCE--ENERGY POLICY

Sec. 401. RCW 43.21F.010 and 1975-'76 2nd ex.s. c 108 s 1 are each amended to read as follows:

(1) The legislature finds that the state needs to implement a comprehensive energy planning process that:

(a) Is based on high quality, unbiased analysis;

(b) Engages public agencies and stakeholders in a thoughtful, deliberative process that creates a cohesive plan that earns sustained support of the public and organizations and institutions that will ultimately be responsible for implementation and execution of the plan; and

(c) Establishes policies and practices needed to ensure the effective implementation of the strategy.

(2) The legislature further finds that energy drives the entire modern economy from petroleum for vehicles to electricity to light homes and power businesses. The legislature further finds that the nation and the world have started the transition to a clean energy economy, with significant improvements in energy efficiency and

investments in new clean and renewable energy resources and technologies. The legislature further finds this transition may increase or decrease energy costs and efforts should be made to mitigate cost increases.

(3) The legislature finds and declares that it is the continuing purpose of state government, consistent with other essential considerations of state policy, to foster wise and efficient energy use and to promote energy self-sufficiency through the use of indigenous and renewable energy sources, consistent with the promotion of reliable energy sources, the general welfare, and the protection of environmental quality.

(4) The legislature further declares that a successful state energy strategy must balance three goals to:

(a) Maintain competitive energy prices that are fair and reasonable for consumers and businesses and support our state's continued economic success;

(b) Increase competitiveness by fostering a clean energy economy and jobs through business and workforce development; and

(c) Meet the state's obligations to reduce greenhouse gas emissions.

Sec. 402. RCW 43.21F.025 and 2009 c 565 s 27 are each reenacted and amended to read as follows:

(1) "Assistant director" means the assistant director of the department of commerce responsible for energy policy activities;

(2) "Department" means the department of commerce;

(3) "Director" means the director of the department of commerce;

(4) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state;

(5) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; hydropower; organic waste products; wind; tidal activity; any other substance or process used to produce heat, light, or motion; or the savings from nongeneration technologies, including conservation or improved efficiency in the usage of any of the sources described in this subsection;

(6) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized; and

(7) "State energy strategy" means the document (~~and energy policy direction~~) developed (~~(under section 1, chapter 201, Laws of 1991 including any related appendices)~~) and updated by the department as allowed in RCW 43.21F.090.

NEW SECTION. Sec. 403. A new section is added to chapter 43.21F RCW to read as follows:

(1) The state shall use the following principles to guide development and implementation of the state's energy strategy and to meet the goals of RCW 43.21F.010:

(a) Pursue all cost-effective energy efficiency and conservation as the state's preferred energy resource, consistent with state law;

(b) Ensure that the state's energy system meets the health, welfare, and economic needs of its citizens with particular emphasis on meeting the needs of low-income and vulnerable populations;

(c) Maintain and enhance economic competitiveness by ensuring an affordable and reliable supply of energy resources and by supporting clean energy technology innovation, access to clean energy markets worldwide, and clean energy business and workforce development;

(d) Reduce dependence on fossil fuel energy sources through improved efficiency and development of cleaner energy sources, such

as bioenergy, low-carbon energy sources, and natural gas, and leveraging the indigenous resources of the state for the production of clean energy;

(e) Improve efficiency of transportation energy use through advances in vehicle technology, increased system efficiencies, development of electricity, biofuels, and other clean fuels, and regional transportation planning to improve transportation choices;

(f) Meet the state's statutory greenhouse gas limits and environmental requirements as the state develops and uses energy resources;

(g) Build on the advantage provided by the state's clean regional electrical grid by expanding and integrating additional carbon-free and carbon-neutral generation, and improving the transmission capacity serving the state;

(h) Make state government a model for energy efficiency, use of clean and renewable energy, and greenhouse gas-neutral operations; and

(i) Maintain and enhance our state's existing energy infrastructure.

(2) The department shall:

(a) During energy shortage emergencies, give priority in the allocation of energy resources to maintaining the public health, safety, and welfare of the state's citizens and industry in order to minimize adverse impacts on their physical, social, and economic well-being;

(b) Develop and disseminate impartial and objective energy information and analysis, while taking full advantage of the capabilities of the state's institutions of higher education, national laboratory, and other organizations with relevant expertise and analytical capabilities;

(c) Actively seek to maximize federal and other nonstate funding and support to the state for energy efficiency, renewable energy, emerging energy technologies, and other activities of benefit to the state's overall energy future; and

(d) Monitor the actions of all agencies of the state for consistent implementation of the state's energy policy including applicable statutory policies and goals relating to energy supply and use.

Sec. 404. RCW 43.21F.090 and 1996 c 186 s 106 are each amended to read as follows:

(1) By December 1, 2010, the department ((shall review the state energy strategy as developed under section 1, chapter 201, Laws of 1991, periodically with the guidance of an advisory committee. For each review, an advisory committee shall be established with a membership resembling as closely as possible the original energy strategy advisory committee specified under section 1, chapter 201, Laws of 1991. Upon completion of a public hearing regarding the advisory committee's advice and recommendations for revisions to the energy strategy, a written report shall be conveyed by the department to the governor and the appropriate legislative committees. Any advisory committee established under this section shall be dissolved within three months after their written report is conveyed.)) of commerce shall update and revise the state energy strategy and implementation report with the guidance of an advisory committee formed under subsection (4) of this section. By December 1, 2011, and at least every five years thereafter, the department shall produce a fully updated state energy strategy and implementation report with the guidance of an advisory committee formed under subsection (4) of this section.

(2)(a) The strategy shall, to the maximum extent feasible, examine the state's entire energy system.

(b) In producing and updating the energy strategy, the department and advisory committee shall review related processes and documents relevant to a state energy strategy including, but not limited to, prior state energy strategies, the work of the clean energy leadership council, the climate advisory and action teams, the evergreen jobs committee, and reports of the state transportation planning commission, the economic development commission, and the Northwest power and conservation council.

(c) The strategy must build upon and be consistent with all relevant and applicable statutorily authorized energy, environmental, and other policies, goals, and programs.

(d) The strategy must identify administrative actions, regulatory coordination, and legislative recommendations that need to be undertaken to ensure that the energy strategy is implemented and operationally supported by all state agencies and regulatory bodies responsible for implementation of energy policy in the state.

(3) In order to facilitate high quality decision making, the director of the department shall engage a group of scientific, engineering, economic, and other experts in energy analysis.

(a) This group shall be comprised of representatives from the following institutions:

(i) Research institutions of higher education;

(ii) The Pacific Northwest national laboratory;

(iii) The Northwest power planning and conservation council; and

(iv) Other private, public, and nonprofit organizations that have a recognized expertise in engineering or economic analysis.

(b) This group will:

(i) Identify near and long-term analytical needs and capabilities necessary to develop a state energy strategy;

(ii) Provide unbiased information about the state and region's energy portfolio, future energy needs, scenarios for growth, and improved productivity.

(c) The department and advisory committee shall use this information in updating the state energy strategy.

(4)(a) In order to update the state strategy, the department shall form an advisory committee.

(b) The director shall appoint the advisory committee with a membership reflecting a balance of the interests in:

(i) Energy generation, distribution, and consumption;

(ii) Economic development; and

(iii) Environmental protection, including:

(A) Residential, commercial, industrial, and agricultural users;

(B) Electric and natural gas utilities or organizations, both consumer-owned and investor-owned;

(C) Liquid fuel and natural gas industries;

(D) Local governments;

(E) Civic and environmental organizations;

(F) Clean energy companies;

(G) Energy research and development organizations, economic development organizations, and key public agencies; and

(H) Other interested stakeholders.

(c) Any advisory committee established under this section must be dissolved within three months after the written report is conveyed.

(d) The department and advisory committee shall work with stakeholders and other state agencies to develop the strategy.

(5) Upon completion of a public hearing regarding the advisory committee's advice and recommendations for revisions to the energy strategy, the department shall present a written report to the governor and legislature which may include specific actions that will be needed to implement the strategy. The legislature shall, by concurrent resolution, approve or recommend changes to the strategy and updates.

(6) The department may periodically review and update the state energy strategy as necessary. The department shall engage an advisory committee as required in this section when updating the strategy and present any updates to the legislature for its approval.

(7) To assist in updates of the state energy strategy, the department shall actively seek both in-kind and financial support for this process from other nonstate sources. In order to avoid competition among Washington state agencies, the department shall coordinate the search for such external support. The department shall develop a work plan for updating the energy strategy that reflects the

levels of activities and deliverables commensurate with the level of funding and in-kind support available from state and nonstate sources.

NEW SECTION. Sec. 405. RCW 43.21F.015 (State policy) and 1994 c 207 s 3 & 1981 c 295 s 1 are each repealed.

PART V

CRIMINAL JUSTICE TRAINING COMMISSION-- DRUG

PROSECUTION ASSISTANCE PROGRAM

Sec. 501. RCW 36.27.100 and 1995 c 399 s 41 are each amended to read as follows:

The legislature recognizes that, due to the magnitude or volume of offenses in a given area of the state, there is a recurring need for supplemental assistance in the prosecuting of drug and drug-related offenses that can be directed to the area of the state with the greatest need for short-term assistance. A statewide drug prosecution assistance program is created within the (~~department of community, trade, and economic development~~) criminal justice training commission to assist county prosecuting attorneys in the prosecution of drug and drug-related offenses.

NEW SECTION. Sec. 502. (1) All powers, duties, and functions of the department of commerce pertaining to the drug prosecution assistance program are transferred to the criminal justice training commission. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the director or the criminal justice training commission when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the criminal justice training commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the criminal justice training commission. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the criminal justice training commission.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the criminal justice training commission.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the criminal justice training commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the criminal justice training commission to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the criminal justice training commission. All existing contracts and obligations shall remain in full force and shall be performed by the criminal justice training commission.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the criminal justice training commission under this section whose positions are within an existing bargaining unit description at the criminal justice training commission shall become a part of the existing bargaining unit at the criminal justice training commission and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

PART VI

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION--ENERGY

Sec. 601. RCW 80.50.030 and 2001 c 214 s 4 are each amended to read as follows:

(1) There is created and established the energy facility site evaluation council.

(2)(a) The chair of the council shall be appointed by the governor with the advice and consent of the senate, shall have a vote on matters before the council, shall serve for a term coextensive with the term of the governor, and is removable for cause. The chair may designate a member of the council to serve as acting chair in the event of the chair's absence. The salary of the chair shall be determined under RCW 43.03.040. The chair is a "state employee" for the purposes of chapter 42.52 RCW. As applicable, when attending meetings of the council, members may receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060, and are eligible for compensation under RCW 43.03.250.

(b) The chair or a designee shall execute all official documents, contracts, and other materials on behalf of the council. The Washington (~~state department of community, trade, and economic development~~) utilities and transportation commission shall provide all administrative and staff support for the council. The (~~director of the department of community, trade, and economic development~~) commission has supervisory authority over the staff of the council and shall employ such personnel as are necessary to implement this chapter. Not more than three such employees may be exempt from chapter 41.06 RCW. The council shall otherwise retain its independence in exercising its powers, functions, and duties and its supervisory control over nonadministrative staff support. Membership, powers, functions, and duties of the Washington state utilities and transportation commission and the council shall otherwise remain as provided by law.

(3)(a) The council shall consist of the directors, administrators, or their designees, of the following departments, agencies, commissions, and committees or their statutory successors:

- (i) Department of ecology;
- (ii) Department of fish and wildlife;
- (iii) Department of (~~community, trade, and economic development~~) commerce;
- (iv) Utilities and transportation commission; and
- (v) Department of natural resources.

(b) The directors, administrators, or their designees, of the following departments, agencies, and commissions, or their statutory successors, may participate as councilmembers at their own discretion provided they elect to participate no later than sixty days after an application is filed:

- (i) Department of agriculture;
- (ii) Department of health;
- (iii) Military department; and
- (iv) Department of transportation.

(c) Council membership is discretionary for agencies that choose to participate under (b) of this subsection only for applications that are filed with the council on or after May 8, 2001. For applications filed before May 8, 2001, council membership is mandatory for those agencies listed in (b) of this subsection.

(4) The appropriate county legislative authority of every county wherein an application for a proposed site is filed shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the county which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(5) The city legislative authority of every city within whose corporate limits an energy plant is proposed to be located shall appoint a member or designee as a voting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the city which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site.

(6) For any port district wherein an application for a proposed port facility is filed subject to this chapter, the port district shall appoint a member or designee as a nonvoting member to the council. The member or designee so appointed shall sit with the council only at such times as the council considers the proposed site for the port district which he or she represents, and such member or designee shall serve until there has been a final acceptance or rejection of the proposed site. The provisions of this subsection shall not apply if the port district is the applicant, either singly or in partnership or association with any other person.

NEW SECTION. Sec. 602. (1) All administrative powers, duties, and functions of the department of commerce pertaining to the energy facility site evaluation council are transferred to the Washington utilities and transportation commission. All references to the director or the department of commerce in the Revised Code of Washington shall be construed to mean the Washington utilities and transportation commission when referring to the functions transferred in this section.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of commerce pertaining to the powers, functions, and duties transferred shall be delivered to the custody of the Washington utilities and transportation commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of commerce in carrying out the powers, functions, and duties transferred shall be made available to the Washington utilities and transportation commission. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred shall be assigned to the Washington utilities and transportation commission.

(b) Any appropriations made to the department of commerce for carrying out the powers, functions, and duties transferred shall, on the effective date of this section, be transferred and credited to the Washington utilities and transportation commission.

(c) Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the department of commerce engaged in performing the powers, functions, and duties transferred are transferred to the jurisdiction of the Washington utilities and transportation commission. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington utilities and transportation commission to perform their

usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of commerce pertaining to the powers, functions, and duties transferred shall be continued and acted upon by the Washington utilities and transportation commission. All existing contracts and obligations shall remain in full force and shall be performed by the Washington utilities and transportation commission.

(5) The transfer of the powers, duties, functions, and personnel of the department of commerce shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) All classified employees of the department of commerce assigned to the Washington utilities and transportation commission under this section whose positions are within an existing bargaining unit description at the Washington utilities and transportation commission shall become a part of the existing bargaining unit at the Washington utilities and transportation commission and shall be considered an appropriate inclusion or modification of the existing bargaining unit under the provisions of chapter 41.80 RCW.

PART VII

MUNICIPAL RESEARCH COUNCIL

Sec. 701. RCW 43.110.030 and 2000 c 227 s 3 are each amended to read as follows:

(1) The (~~municipal research council~~) department of commerce shall contract for the provision of municipal research and services to cities, towns, and counties. Contracts for municipal research and services shall be made with state agencies, educational institutions, or private consulting firms, that in the judgment of (~~council members~~) the department are qualified to provide such research and services.

Contracts for staff support may be made with state agencies, educational institutions, or private consulting firms that in the judgment of the (~~council members~~) department are qualified to provide such support.

(2) Municipal research and services shall consist of:

((4)) (a) Studying and researching city, town, and county government and issues relating to city, town, and county government;

((2)) (b) Acquiring, preparing, and distributing publications related to city, town, and county government and issues relating to city, town, and county government;

((3)) (c) Providing educational conferences relating to city, town, and county government and issues relating to city, town, and county government; and

((4)) (d) Furnishing legal, technical, consultative, and field services to cities, towns, and counties concerning planning, public health, utility services, fire protection, law enforcement, public works, and other issues relating to city, town, and county government.

(3) Requests for legal services by county officials shall be sent to the office of the county prosecuting attorney. Responses by the (~~municipal research council~~) department of commerce to county requests for legal services shall be provided to the requesting official and the county prosecuting attorney.

(4) The (~~activities, programs, and services of the municipal research council shall be carried on in cooperation~~) department of commerce shall coordinate with the association of Washington cities and the Washington state association of counties in carrying out the activities in this section. Services to cities and towns shall be based upon the moneys appropriated to the (~~municipal research council~~) department from the city and town research services account under RCW 43.110.060. Services to counties shall be based upon the moneys

appropriated to the ~~((municipal research council))~~ department from the county research services account under RCW 43.110.050.

Sec. 702. RCW 43.110.060 and 2002 c 38 s 4 are each amended to read as follows:

The city and town research services account is created in the state treasury. Moneys in the account shall consist of amounts transferred under RCW 66.08.190(2) and any other transfers or appropriations to the account. Moneys in the account may be spent only after an appropriation. Expenditures from the account may be used only for city and town research.

All unobligated moneys remaining in the account at the end of the fiscal biennium shall be distributed by the treasurer to the incorporated cities and towns of the state in the same manner as the distribution under RCW 66.08.190(1)(b)(iii).

((The treasurer may disburse amounts appropriated to the municipal research council from the city and town research services account by warrant or check to the contracting parties on invoices or vouchers certified by the chair of the municipal research council or his or her designee.)) Payments to public agencies may be made in advance of actual work contracted for, at the discretion of the ~~((council))~~ department of commerce.

Sec. 703. RCW 43.110.080 and 2006 c 328 s 1 are each amended to read as follows:

(1) The ~~((municipal research council))~~ department of commerce shall contract for the provision of research and services to special purpose districts. A contract shall be made with a state agency, educational institution, or private consulting firm, that in the judgment of ~~((council members))~~ the department is qualified to provide such research and services.

(2) Research and services to special purpose districts shall consist of:

- (a) Studying and researching issues relating to special purpose district government;
- (b) Acquiring, preparing, and distributing publications related to special purpose districts; and
- (c) Furnishing legal, technical, consultative, and field services to special purpose districts concerning issues relating to special purpose district government.

(3) The ~~((activities, programs, and services of the municipal research council to special purpose districts shall be carried on in cooperation))~~ department of commerce shall coordinate with the associations representing the various special purpose districts with respect to carrying out the activities in this section. Services to special purpose districts shall be based upon the moneys appropriated to the ~~((municipal research council))~~ department of commerce from the special purpose district research services account under RCW 43.110.090.

Sec. 704. RCW 43.15.020 and 2009 c 560 s 27 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

- (a) Capitol furnishings preservation committee, RCW 27.48.040;
- (b) Washington higher education facilities authority, RCW 28B.07.030;
- (c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;
- (d) State finance committee, RCW 43.33.010;
- (e) State capitol committee, RCW 43.34.010;
- (f) Washington health care facilities authority, RCW 70.37.030;
- (g) State medal of merit nominating committee, RCW 1.40.020;
- (h) Medal of valor committee, RCW 1.60.020; and
- (i) Association of Washington generals, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

- (a) Civil legal aid oversight committee, RCW 2.53.010;
- (b) Office of public defense advisory committee, RCW 2.70.030;
- (c) Washington state gambling commission, RCW 9.46.040;
- (d) Sentencing guidelines commission, RCW 9.94A.860;
- (e) State building code council, RCW 19.27.070;
- (f) Women's history consortium board of advisors, RCW 27.34.365;
- (g) Financial ~~((literacy))~~ education public-private partnership, RCW 28A.300.450;
- (h) Joint administrative rules review committee, RCW 34.05.610;
- (i) Capital projects advisory review board, RCW 39.10.220;
- (j) Select committee on pension policy, RCW 41.04.276;
- (k) Legislative ethics board, RCW 42.52.310;
- (l) Washington citizens' commission on salaries, RCW 43.03.305;
- (m) Legislative oral history committee, RCW 44.04.325;
- (n) State council on aging, RCW 43.20A.685;
- (o) State investment board, RCW 43.33A.020;
- (p) Capitol campus design advisory committee, RCW 43.34.080;
- (q) Washington state arts commission, RCW 43.46.015;
- (r) Information services board, RCW 43.105.032;
- (s) K-20 educational network board, RCW 43.105.800;
- (t) ~~((Municipal research council, RCW 43.110.010; —(u))~~ Council for children and families, RCW 43.121.020; ~~((v))~~ (u) PNWER-Net working subgroup under chapter 43.147 RCW;
- ~~((w))~~ (v) Community economic revitalization board, RCW 43.160.030;
- ~~((x))~~ (w) Washington economic development finance authority, RCW 43.163.020;
- ~~((y))~~ (x) Life sciences discovery fund authority, RCW 43.350.020;
- ~~((z))~~ (y) Legislative children's oversight committee, RCW 44.04.220;
- ~~((aa))~~ (z) Joint legislative audit and review committee, RCW 44.28.010;
- ~~((bb))~~ (aa) Joint committee on energy supply and energy conservation, RCW 44.39.015;
- ~~((cc))~~ (bb) Legislative evaluation and accountability program committee, RCW 44.48.010;
- ~~((dd))~~ (cc) Agency council on coordinated transportation, RCW 47.06B.020;
- ~~((ee))~~ (dd) Manufactured housing task force, RCW 59.22.090;
- ~~((ff))~~ (ee) Washington horse racing commission, RCW 67.16.014;
- ~~((gg))~~ (ff) Correctional industries board of directors, RCW 72.09.080;
- ~~((hh))~~ (gg) Joint committee on veterans' and military affairs, RCW 73.04.150;
- ~~((ii))~~ (hh) Joint legislative committee on water supply during drought, RCW 90.86.020;
- ~~((jj))~~ (ii) Statute law committee, RCW 1.08.001; and
- ~~((kk))~~ (jj) Joint legislative oversight committee on trade policy, RCW 44.55.020.

Sec. 705. RCW 35.21.185 and 1995 c 21 s 1 are each amended to read as follows:

(1) It is the purpose of this section to provide a means whereby all cities and towns may obtain, through a single source, information regarding ordinances of other cities and towns that may be of assistance to them in enacting appropriate local legislation.

(2) For the purposes of this section, (a) "clerk" means the city or town clerk or other person who is lawfully designated to perform the recordkeeping function of that office, and (b) "~~((municipal research council))~~ department" means the ~~((municipal research council created by chapter 43.110 RCW))~~ department of commerce.

(3) The clerk of every city and town is directed to provide to the ~~((municipal research council))~~ department or its designee, promptly after adoption, a copy of each of its regulatory ordinances and such other ordinances or kinds of ordinances as may be described in a list or lists promulgated by the ~~((municipal research council))~~ department or its designee from time to time, and may provide such copies without charge. The ~~((municipal research council))~~ department may provide that information to the entity with which it contracts for the provision of municipal research and services, in order to provide a pool of information for all cities and towns in the state of Washington.

(4) This section is intended to be directory and not mandatory.

Sec. 706. RCW 35.102.040 and 2006 c 301 s 7 are each amended to read as follows:

(1)(a) The cities, working through the association of Washington cities, shall form a model ordinance development committee made up of a representative sampling of cities that as of July 27, 2003, impose a business and occupation tax. This committee shall work through the association of Washington cities to adopt a model ordinance on municipal gross receipts business and occupation tax. The model ordinance and subsequent amendments shall be adopted using a process that includes opportunity for substantial input from business stakeholders and other members of the public. Input shall be solicited from statewide business associations and from local chambers of commerce and downtown business associations in cities that levy a business and occupation tax.

(b) The ~~((municipal research council))~~ department of commerce shall contract to post the model ordinance on an internet web site and to make paper copies available for inspection upon request. The department of revenue and the department of licensing shall post copies of or links to the model ordinance on their internet web sites. Additionally, a city that imposes a business and occupation tax must make copies of its ordinance available for inspection and copying as provided in chapter 42.56 RCW.

(c) The definitions and tax classifications in the model ordinance may not be amended more frequently than once every four years, however the model ordinance may be amended at any time to comply with changes in state law. Any amendment to a mandatory provision of the model ordinance must be adopted with the same effective date by all cities.

(2) A city that imposes a business and occupation tax must adopt the mandatory provisions of the model ordinance. The following provisions are mandatory:

(a) A system of credits that meets the requirements of RCW 35.102.060 and a form for such use;

(b) A uniform, minimum small business tax threshold of at least the equivalent of twenty thousand dollars in gross income annually. A city may elect to deviate from this requirement by creating a higher threshold or exemption but it shall not deviate lower than the level required in this subsection. If a city has a small business threshold or exemption in excess of that provided in this subsection as of January 1, 2003, and chooses to deviate below the threshold or exemption level that was in place as of January 1, 2003, the city must notify all businesses licensed to do business within the city at least one hundred twenty days prior to the potential implementation of a lower threshold or exemption amount;

(c) Tax reporting frequencies that meet the requirements of RCW 35.102.070;

(d) Penalty and interest provisions that meet the requirements of RCW 35.102.080 and 35.102.090;

(e) Claim periods that meet the requirements of RCW 35.102.100;

(f) Refund provisions that meet the requirements of RCW 35.102.110; and

(g) Definitions, which at a minimum, must include the definitions enumerated in RCW 35.102.030 and 35.102.120. The definitions in chapter 82.04 RCW shall be used as the baseline for all definitions in

the model ordinance, and any deviation in the model ordinance from these definitions must be described by a comment in the model ordinance.

(3) Except for the deduction required by RCW 35.102.160 and the system of credits developed to address multiple taxation under subsection (2)(a) of this section, a city may adopt its own provisions for tax exemptions, tax credits, and tax deductions.

(4) Any city that adopts an ordinance that deviates from the nonmandatory provisions of the model ordinance shall make a description of such differences available to the public, in written and electronic form.

Sec. 707. RCW 36.70B.220 and 2005 c 274 s 272 are each amended to read as follows:

(1) Each county and city having populations of ten thousand or more that plan under RCW 36.70A.040 shall designate permit assistance staff whose function it is to assist permit applicants. An existing employee may be designated as the permit assistance staff.

(2) Permit assistance staff designated under this section shall:

(a) Make available to permit applicants all current local government regulations and adopted policies that apply to the subject application. The local government shall provide counter copies thereof and, upon request, provide copies according to chapter 42.56 RCW. The staff shall also publish and keep current one or more handouts containing lists and explanations of all local government regulations and adopted policies;

(b) Establish and make known to the public the means of obtaining the handouts and related information; and

(c) Provide assistance regarding the application of the local government's regulations in particular cases.

(3) Permit assistance staff designated under this section may obtain technical assistance and support in the compilation and production of the handouts under subsection (2) of this section from the ~~((municipal research council and the department of community, trade, and economic development))~~ department of commerce.

NEW SECTION. Sec. 708. The following acts or parts of acts are each repealed:

(1) RCW 43.110.010 (Council created--Membership--Terms--Travel expenses) and 2001 c 290 s 1, 1997 c 437 s 1, 1990 c 104 s 1, 1983 c 22 s 1, 1975-76 2nd ex.s. c 34 s 129, 1975 1st ex.s. c 218 s 1, & 1969 c 108 s 2;

(2) RCW 43.110.040 (Local government regulation and policy handouts--Technical assistance) and 1996 c 206 s 10; and

(3) RCW 43.110.070 (Hazardous liquid and gas pipeline--Model ordinance and franchise agreement) and 2000 c 191 s 8.

NEW SECTION. Sec. 709. (1) The municipal research council is hereby abolished and its powers, duties, and functions are hereby transferred to the department of commerce. All references to the municipal research council in the Revised Code of Washington shall be construed to mean the department of commerce.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the municipal research council shall be delivered to the custody of the department of commerce. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the municipal research council shall be made available to the department of commerce. All funds, credits, or other assets held by the municipal research council shall be assigned to the department of commerce.

(b) Any appropriations made to the municipal research council shall, on the effective date of this section, be transferred and credited to the department of commerce.

(c) If any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the municipal research council shall be continued and acted upon by the department of commerce. All existing contracts and obligations shall remain in full force and shall be performed by the department of commerce.

(4) The transfer of the powers, duties, and functions of the municipal research council shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

PART VIII

MISCELLANEOUS PROVISIONS

Sec. 801. RCW 41.06.070 and 2009 c 33 s 36 and 2009 c 5 s 1 are each reenacted and amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

(g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;

(h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:

(i) All members of such boards, commissions, or committees;

(ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;

(iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;

(iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;

(i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;

(j) Assistant attorneys general;

(k) Commissioned and enlisted personnel in the military service of the state;

(l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;

(m) The public printer or to any employees of or positions in the state printing plant;

(n) Officers and employees of the Washington state fruit commission;

(o) Officers and employees of the Washington apple commission;

(p) Officers and employees of the Washington state dairy products commission;

(q) Officers and employees of the Washington tree fruit research commission;

(r) Officers and employees of the Washington state beef commission;

(s) Officers and employees of the Washington grain commission;

(t) Officers and employees of any commission formed under chapter 15.66 RCW;

(u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;

(v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;

(w) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(x) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;

(y) All employees of the marine employees' commission;

(z) Staff employed by the department of ~~((community, trade, and economic development))~~ commerce to administer energy policy functions ~~((and manage))~~;

((aa)) The manager of the energy facility site evaluation council ~~((activities under RCW 43.21F.045(2)(m)))~~;

~~((aa))~~ (bb) A maximum of ten staff employed by the department of commerce to administer innovation and policy functions, including the three principal policy assistants exempted under (x) of this subsection;

((cc)) Staff employed by Washington State University to administer energy education, applied research, and technology transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board:

PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director of personnel may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the director of personnel stating the reasons for requesting such exemptions. The director of personnel shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the director of personnel shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through (v) and (y) and (2) of this section, shall be determined by the director of personnel. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

For the twelve months following February 18, 2009, a salary or wage increase shall not be granted to any position exempt from classification under this chapter.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

NEW SECTION. Sec. 802. RCW 43.63A.150 is decodified.

NEW SECTION. Sec. 803. This act takes effect July 1, 2010."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.330.005, 43.330.007, 70.05.125, 43.330.210, 43.330.240, 19.27.070, 19.27.097, 19.27.150, 19.27A.020, 19.27A.140, 19.27A.150, 19.27A.180, 43.21F.010, 43.21F.090, 36.27.100, 80.50.030, 43.110.030, 43.110.060, 43.110.080, 43.15.020, 35.21.185, 35.102.040, and 36.70B.220; reenacting and amending RCW 43.21F.025 and 41.06.070; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.21F RCW; creating new sections; recodifying RCW 43.330.195, 43.330.200, 43.330.205,

43.330.210, 43.330.220, 43.330.225, 43.330.230, and 43.330.240; decodifying RCW 43.63A.150; repealing RCW 43.21F.015, 43.110.010, 43.110.040, and 43.110.070; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2658 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kenney, Smith and Darneille spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2658, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2658, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

Excused: Representative Condotta.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2658, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 11, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SENATE BILL NO. 6221 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendment to ENGROSSED SENATE BILL NO. 6221 and asked the Senate to concur therein.

MESSAGE FROM THE SENATE

March 11, 2010

Mr. Speaker:

The President ruled that the amendment is outside the "scope and object" of the measure. The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6774 and asks the House to recede therefrom and the same is herewith transmitted.

Thomas Hoeman, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 6774 and advanced the bill to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Clibborn spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6774.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6774, and the bill passed the House by the following vote: Yeas, 72; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Armstrong, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Darneille, DeBolt, Ericksen, Herrera, Hinkle, Johnson, Kristiansen, McCune, Nealey, Orcutt, Pearson, Probst, Roach, Rodne, Ross, Smith, Taylor, Walsh and Warnick.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6774, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6339, by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs and Pridemore)

Concerning a sales and use tax exemption for wax and ceramic materials used to create molds for ferrous and nonferrous investment castings.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6339.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6339, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Ericksen.

Excused: Representative Condotta.

SUBSTITUTE SENATE BILL NO. 6339, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6658, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Rockefeller, Morton and Pridemore)

Modifying community solar project provisions for investment cost recovery incentives.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology, Energy & Communications was not adopted.

Representative McCoy moved the adoption of amendment (1351).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.16.110 and 2009 c 469 s 504 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means an owner and assignee of a community solar project as defined in subsection (2)(a)(i) of this section that is responsible for applying for the investment cost recovery incentive on behalf of the other owners and performing such administrative tasks on behalf of the other owners as may be necessary, such as receiving investment cost recovery incentive payments, and allocating and paying appropriate amounts of such payments to the other owners.

(2)(a) "Community solar project" means:

(i) A solar energy system that is capable of generating up to seventy-five kilowatts of electricity and is owned by local individuals, households, nonprofit organizations, or nonutility businesses that is placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business; ~~(e)~~

(ii) A utility-owned solar energy system that is capable of generating up to seventy-five kilowatts of electricity and that is voluntarily funded by the utility's ratepayers where, in exchange for their financial support, the utility gives contributors a payment or credit on their utility bill for the value of the electricity produced by the project; or

(iii) A solar energy system, placed on the property owned by a cooperating local governmental entity that is not in the light and power business or in the gas distribution business, that is capable of generating up to seventy-five kilowatts of electricity, and that is owned by a company whose members are each eligible for an investment cost recovery incentive for the same customer-generated electricity as provided in RCW 82.16.120.

(b) For the purposes of "community solar project" as defined in (a) of this subsection:

(i) "Company" means an entity that is:

(A) I A limited liability company;

(II) A cooperative formed under chapter 23.86 RCW; or

(III) A mutual corporation or association formed under chapter 24.06 RCW; and

(B) Not a "utility" as defined in this subsection (2)(b); and

(ii) "Nonprofit organization" means an organization exempt from taxation under ((Title)) 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code of 1986, as amended, as of January 1, 2009; and

~~((#))~~ (iii) "Utility" means a light and power business, an electric cooperative, or a mutual corporation that provides electricity service.

~~((#))~~ (3) "Customer-generated electricity" means a community solar project or the alternating current electricity that is generated from a renewable energy system located in Washington and installed on an individual's, businesses', or local government's real property that is also provided electricity generated by a light and power business. Except for community solar projects, a system located on a leasehold interest does not qualify under this definition. Except for utility- owned community solar projects, "customer-generated electricity" does not include electricity generated by a light and power business with greater than one thousand megawatt hours of annual sales or a gas distribution business.

~~((#))~~ (4) "Economic development kilowatt-hour" means the actual kilowatt-hour measurement of customer-generated electricity multiplied by the appropriate economic development factor.

~~((#))~~ (5) "Local governmental entity" means any unit of local government of this state including, but not limited to, counties, cities, towns, municipal corporations, quasi-municipal corporations, special purpose districts, and school districts.

~~((#))~~ (6) "Photovoltaic cell" means a device that converts light directly into electricity without moving parts.

~~((#))~~ (7) "Renewable energy system" means a solar energy system, an anaerobic digester as defined in RCW 82.08.900, or a wind generator used for producing electricity.

~~((#))~~ (8) "Solar energy system" means any device or combination of devices or elements that rely upon direct sunlight as an energy source for use in the generation of electricity.

~~((#))~~ (9) "Solar inverter" means the device used to convert direct current to alternating current in a photovoltaic cell system.

~~((#))~~ (10) "Solar module" means the smallest nondivisible self-contained physical structure housing interconnected photovoltaic cells and providing a single direct current electrical output.

Sec. 2. RCW 82.16.120 and 2009 c 469 s 505 are each amended to read as follows:

(1)(a) Any individual, business, local governmental entity, not in the light and power business or in the gas distribution business, or a participant in a community solar project may apply to the light and power business serving the situs of the system, each fiscal year beginning on July 1, 2005, for an investment cost recovery incentive for each kilowatt-hour from a customer-generated electricity renewable energy system.

(No incentive may be paid for kilowatt-hours generated before July 1, 2005, or after June 30, 2020.)

(b) In the case of a community solar project as defined in RCW 82.16.110(2)(a)(i), the administrator must apply for the investment cost recovery incentive on behalf of each of the other owners.

(c) In the case of a community solar project as defined in RCW 82.16.110(2)(a)(iii), the company owning the community solar project must apply for the investment cost recovery incentive on behalf of each member of the company.

(2)(a) Before submitting for the first time the application for the incentive allowed under subsection (4) of this section, the applicant must submit to the department of revenue and to the climate and rural energy development center at the Washington State University, established under RCW 28B.30.642, a certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system.

(A) If the applicant is an administrator of a community solar project as defined in RCW 82.16.110(2)(a)(i), the certification must also include the name and address of each of the owners of the community solar project.

(B) If the applicant is a company that owns a community solar project as defined in RCW 82.16.110(2)(a)(iii), the certification must also include the name and address of each member of the company;

(ii) The applicant's tax registration number;

(iii) That the electricity produced by the applicant meets the definition of "customer-generated electricity" and that the renewable energy system produces electricity with:

(A) Any solar inverters and solar modules manufactured in Washington state;

(B) A wind generator powered by blades manufactured in Washington state;

(C) A solar inverter manufactured in Washington state;

(D) A solar module manufactured in Washington state; or

(E) Solar or wind equipment manufactured outside of Washington state;

(iv) That the electricity can be transformed or transmitted for entry into or operation in parallel with electricity transmission and distribution systems; and

(v) The date that the renewable energy system received its final electrical permit from the applicable local jurisdiction.

(b) Within thirty days of receipt of the certification the department of revenue must notify the applicant by mail, or electronically as provided in RCW 82.32.135, whether the renewable energy system qualifies for an incentive under this section. The

department may consult with the climate and rural energy development center to determine eligibility for the incentive. System certifications and the information contained therein are subject to disclosure under RCW 82.32.330(3)(m).

(3)(a) By August 1st of each year application for the incentive ~~((shall))~~ must be made to the light and power business serving the situs of the system by certification in a form and manner prescribed by the department that includes, but is not limited to, the following information:

(i) The name and address of the applicant and location of the renewable energy system.

(A) If the applicant is an administrator of a community solar project as defined in RCW 82.16.110(2)(a)(i), the application must also include the name and address of each of the owners of the community solar project.

(B) If the applicant is a company that owns a community solar project as defined in RCW 82.16.110(2)(a)(iii), the application must also include the name and address of each member of the company;

(ii) The applicant's tax registration number;

(iii) The date of the notification from the department of revenue stating that the renewable energy system is eligible for the incentives under this section; and

(iv) A statement of the amount of kilowatt-hours generated by the renewable energy system in the prior fiscal year.

(b) Within sixty days of receipt of the incentive certification the light and power business serving the situs of the system ~~((shall))~~ must notify the applicant in writing whether the incentive payment will be authorized or denied. The business may consult with the climate and rural energy development center to determine eligibility for the incentive payment. Incentive certifications and the information contained therein are subject to disclosure under RCW 82.32.330(3)(m).

(c)(i) Persons, administrators of community solar projects, and companies receiving incentive payments ~~((shall))~~ must keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of incentive applied for and received. Such records ~~((shall))~~ must be open for examination at any time upon notice by the light and power business that made the payment or by the department. If upon examination of any records or from other information obtained by the business or department it appears that an incentive has been paid in an amount that exceeds the correct amount of incentive payable, the business may assess against the person for the amount found to have been paid in excess of the correct amount of incentive payable and ~~((shall))~~ must add thereto interest on the amount. Interest ~~((shall be))~~ is assessed in the manner that the department assesses interest upon delinquent tax under RCW 82.32.050.

(ii) If it appears that the amount of incentive paid is less than the correct amount of incentive payable the business may authorize additional payment.

(4) Except for community solar projects, the investment cost recovery incentive may be paid fifteen cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For community solar projects, the investment cost recovery incentive may be paid thirty cents per economic development kilowatt-hour unless requests exceed the amount authorized for credit to the participating light and power business. For the purposes of this section, the rate paid for the investment cost recovery incentive may be multiplied by the following factors:

(a) For customer-generated electricity produced using solar modules manufactured in Washington state, two and four-tenths;

(b) For customer-generated electricity produced using a solar or a wind generator equipped with an inverter manufactured in Washington state, one and two-tenths;

(c) For customer-generated electricity produced using an anaerobic digester, or by other solar equipment or using a wind generator equipped with blades manufactured in Washington state, one; and

(d) For all other customer-generated electricity produced by wind, eight-tenths.

(5)~~(a)~~ No individual, household, business, or local governmental entity is eligible for incentives provided under subsection (4) of this section for more than five thousand dollars per year.

(b) Except as provided in (c) through (e) of this subsection (5), each applicant in a community solar project is eligible for up to five thousand dollars per year.

(c) Where the applicant is an administrator of a community solar project as defined in RCW 82.16.110(2)(a)(i), each owner is eligible for an incentive but only in proportion to the ownership share of the project, up to five thousand dollars per year.

(d) Where the applicant is a company owning a community solar project that has applied for an investment cost recovery incentive on behalf of its members, each member of the company is eligible for an incentive that would otherwise belong to the company but only in proportion to each ownership share of the company, up to five thousand dollars per year. The company itself is not eligible for incentives under this section.

(e) In the case of a utility-owned community solar project, each ratepayer that contributes to the project is eligible for an incentive in proportion to the contribution, up to five thousand dollars per year.

(6) If requests for the investment cost recovery incentive exceed the amount of funds available for credit to the participating light and power business, the incentive payments ~~((shall))~~ must be reduced proportionately.

(7) The climate and rural energy development center at Washington State University energy program may establish guidelines and standards for technologies that are identified as Washington manufactured and therefore most beneficial to the state's environment.

(8) The environmental attributes of the renewable energy system belong to the applicant, and do not transfer to the state or the light and power business upon receipt of the investment cost recovery incentive.

(9) No incentive may be paid under this section for kilowatt-hours generated before July 1, 2005, or after June 30, 2020.

Sec. 3. RCW 82.16.130 and 2009 c 469 s 506 are each amended to read as follows:

(1) A light and power business shall be allowed a credit against taxes due under this chapter in an amount equal to investment cost recovery incentive payments made in any fiscal year under RCW 82.16.120. The credit shall be taken in a form and manner as required by the department. The credit under this section for the fiscal year may not exceed one percent of the businesses' taxable power sales due under RCW 82.16.020(1)(b) or one hundred thousand dollars, whichever is greater. Incentive payments to participants in a utility-owned community solar project as defined in RCW 82.16.110(~~((+))~~) (2)(a)(ii) may only account for up to twenty-five percent of the total allowable credit. Incentive payments to participants in a company-owned community solar project as defined in RCW 82.16.110(2)(a)(iii) may only account for up to five percent of the total allowable credit. The credit may not exceed the tax that would otherwise be due under this chapter. Refunds shall not be granted in the place of credits. Expenditures not used to earn a credit in one fiscal year may not be used to earn a credit in subsequent years.

(2) For any business that has claimed credit for amounts that exceed the correct amount of the incentive payable under RCW 82.16.120, the amount of tax against which credit was claimed for the excess payments shall be immediately due and payable. The department shall assess interest but not penalties on the taxes against which the credit was claimed. Interest shall be assessed at the rate

provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and shall accrue until the taxes against which the credit was claimed are repaid.

(3) The right to earn tax credits under this section expires June 30, 2020. Credits may not be claimed after June 30, 2021.

Sec. 4. RCW 82.16.140 and 2005 c 300 s 5 are each amended to read as follows:

(1) Using existing sources of information, the department ~~((shall))~~ must report to the house appropriations committee, the house committee dealing with energy issues, the senate committee on ways and means, and the senate committee dealing with energy issues by December 1, ~~((2009))~~ 2014. The report ~~((shall))~~ must measure the impacts of ~~((chapter 300, Laws of 2005))~~ RCW 82.16.110 through 82.16.130, including the total number of solar energy system manufacturing companies in the state, any change in the number of solar energy system manufacturing companies in the state since July 1, 2005, and, where relevant, the effect on job creation, the number of jobs created for Washington residents, and such other factors as the department selects.

(2) The department ~~((shall))~~ may not conduct any new surveys to provide the report in subsection (1) of this section.

(3) For the purposes of this section, "company" has the same meaning as provided in RCW 82.04.030.

NEW SECTION. Sec. 5. A new section is added to chapter 82.16 RCW to read as follows:

Owners of a community solar project as defined in RCW 82.16.110(2)(a) (i) and (iii) must agree to hold harmless the light and power business serving the situs of the system, including any employee, for the good faith reliance on the information contained in an application or certification submitted by an administrator or company. In addition, the light and power business and any employee is immune from civil liability for the good faith reliance on any misstatement that may be made in such application or certification. Should a light and power business or employee prevail upon the defense provided in this section, it is entitled to recover expenses and reasonable attorneys' fees incurred in establishing the defense."

Correct the title.

Representative McCoy moved the adoption of amendment (1543) to amendment (1351).

On page 7, line 29 of the striking amendment, strike "one" and insert "~~((one))~~ one-half"

Representatives McCoy and Crouse spoke in favor of the adoption of the amendment to the amendment.

Amendment (1543) to amendment (1351) was adopted.

Amendment (1351) was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McCoy and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6658, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6658, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Green.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6658, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1597
- SUBSTITUTE HOUSE BILL NO. 2196
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2424
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2547
- SUBSTITUTE HOUSE BILL NO. 2596
- SUBSTITUTE HOUSE BILL NO. 2745
- SUBSTITUTE HOUSE BILL NO. 2758
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2925
- SUBSTITUTE HOUSE BILL NO. 3046
- HOUSE BILL NO. 3030
- SECOND SUBSTITUTE HOUSE BILL NO. 3076
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 3179
- SENATE BILL NO. 6243
- SENATE BILL NO. 6308
- SUBSTITUTE SENATE BILL NO. 6344
- SUBSTITUTE SENATE BILL NO. 6349
- SUBSTITUTE SENATE BILL NO. 6350
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6381
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6403
- SENATE BILL NO. 6401
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6468
- SUBSTITUTE SENATE BILL NO. 6470
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6476
- SUBSTITUTE SENATE BILL NO. 6485
- SENATE BILL NO. 6481
- SUBSTITUTE SENATE BILL NO. 6520
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6538
- SUBSTITUTE SENATE BILL NO. 6548
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6561
- SECOND SUBSTITUTE SENATE BILL NO. 6575
- SECOND SUBSTITUTE SENATE BILL NO. 6578
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6582

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6609
SUBSTITUTE SENATE BILL NO. 6611
SENATE BILL NO. 6593
SUBSTITUTE SENATE BILL NO. 6614
SUBSTITUTE SENATE BILL NO. 6639
SUBSTITUTE SENATE BILL NO. 6647
SECOND SUBSTITUTE SENATE BILL NO. 6667
SECOND SUBSTITUTE SENATE BILL NO. 6679
SUBSTITUTE SENATE BILL NO. 6688
SUBSTITUTE SENATE BILL NO. 6692
SECOND SUBSTITUTE SENATE BILL NO. 6702
ENGROSSED SUBSTITUTE SENATE BILL NO. 6726
SENATE BILL NO. 6804
SUBSTITUTE SENATE BILL NO. 6832
SENATE BILL NO. 6826

The Speaker called upon Representative Morris to preside.

MESSAGE FROM THE SENATE

March 11, 2010

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL 6759
SENATE BILL 6833

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Finance was relieved of SENATE BILL NO. 6855 and the bill was placed on the second reading calendar.

MESSAGE FROM THE SENATE

March 6, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6345 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House reverted to the seventh order of business.

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 6345 and placed the bill on final passage.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENT

Representative Carlyle spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6345 without the House amendment.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6345, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Angel, Appleton, Armstrong, Carlyle, Chase, Clibborn, Cody, Conway, Dickerson, Driscoll, Eddy, Ericks, Fagan, Finn, Flannigan, Green, Haler, Hasegawa, Hope, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Klippert, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Bailey, Blake, Campbell, Chandler, Crouse, Dammeyer, Darneille, DeBolt, Dunshee, Ericksen, Goodman, Haigh, Herrera, Hinkle, Hudgins, Johnson, Kirby, Kretz, Kristiansen, McCune, Morris, Orcutt, Parker, Pearson, Pettigrew, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Takko, Taylor and Warnick.

Excused: Representative Condotta.

SUBSTITUTE SENATE BILL NO. 6345, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 8, 2010

Mr. Speaker:

The President ruled that the House amendment is outside the "scope and object" of the measure. The Senate refused to concur in the House amendments to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6696 and asks the House to recede therefrom, and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment. The rules were suspended and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6696 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6696, by Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, King, Gordon, Oemig, Hobbs, Kauffman, McDermott, Roach, Berkey, Murray, Tom, Prentice, Haugen, Fairley, Kline, Rockefeller, Keiser, Marr, Ranker, Regala, Eide, Kilmer, Hargrove, Franklin, Shin and Kohl-Welles)

Regarding education reform.

Representative Sullivan moved the adoption of amendment (1657).

Strike everything after the enacting clause and insert the following:

"PART I ACCOUNTABILITY FRAMEWORK

NEW SECTION. Sec. 101. The legislature finds that it is the state's responsibility to create a coherent and effective accountability framework for the continuous improvement for all schools and districts. This system must provide an excellent and equitable education for all students; an aligned federal/state accountability system; and the tools necessary for schools and districts to be accountable. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, and if necessary, intervention.

The office of the superintendent of public instruction is responsible for developing and implementing the accountability tools to build district capacity and working within federal and state guidelines. The legislature assigned the state board of education responsibility and oversight for creating an accountability framework. This framework provides a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions. Such a system will identify schools and their districts for recognition as well as for additional state support. For a specific group of challenged schools, defined as persistently lowest-achieving schools, and their districts, it is necessary to provide a required action process that creates a partnership between the state and local district to target funds and assistance to turn around the identified lowest-achieving schools.

Phase I of this accountability system will recognize schools that have done an exemplary job of raising student achievement and closing the achievement gaps using the state board of education's accountability index. The state board of education shall have ongoing collaboration with the achievement gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and the recognition provided to the school districts for closing the achievement gaps. Phase I will also target the lowest five percent of persistently lowest-achieving schools defined under federal guidelines to provide federal funds and federal intervention models through a voluntary option in 2010, and for those who do not volunteer and have not improved student achievement, a required action process beginning in 2011.

Phase II of this accountability system will work toward implementing the state board of education's accountability index for identification of schools in need of improvement, including those that are not Title I schools, and the use of state and local intervention models and state funds through a required action process beginning in 2013, in addition to the federal program. Federal approval of the state board of education's accountability index must be obtained or else the federal guidelines for persistently lowest-achieving schools will continue to be used.

The expectation from implementation of this accountability system is the improvement of student achievement for all students to prepare them for postsecondary education, work, and global citizenship in the twenty-first century.

NEW SECTION. Sec. 102. (1) Beginning in 2010, and each year thereafter, by December 1st, the superintendent of public instruction shall annually identify schools as one of the state's persistently lowest-achieving schools if the school is a Title I school, or a school that is eligible for but does not receive Title I funds, that is among the lowest-achieving five percent of Title I or Title I eligible schools in the state.

(2) The criteria for determining whether a school is among the persistently lowest-achieving five percent of Title I schools, or Title I eligible schools, under subsection (1) of this section shall be established by the superintendent of public instruction. The criteria must meet all applicable requirements for the receipt of a federal school improvement grant under the American recovery and reinvestment act of 2009 and Title I of the elementary and secondary education act of 1965, and take into account both:

(a) The academic achievement of the "all students" group in a school in terms of proficiency on the state's assessment, and any alternative assessments, in reading and mathematics combined; and

(b) The school's lack of progress on the mathematics and reading assessments over a number of years in the "all students" group.

NEW SECTION. Sec. 103. (1) Beginning in January 2011, the superintendent of public instruction shall annually recommend to the state board of education school districts for designation as required action districts. A district with at least one school identified as a persistently lowest-achieving school shall be designated as a required action district if it meets the criteria developed by the superintendent of public instruction. However, a school district shall not be recommended for designation as a required action district if the district was awarded a federal school improvement grant by the superintendent in 2010 and for three consecutive years following receipt of the grant implemented a federal school intervention model at each school identified for improvement. The state board of education may designate a district that received a school improvement grant in 2010 as a required action district if after three years of voluntarily implementing a plan the district continues to have a school identified as persistently lowest-achieving and meets the criteria for designation established by the superintendent of public instruction.

(2) The superintendent of public instruction shall provide a school district superintendent with written notice of the recommendation for designation as a required action district by certified mail or personal service. A school district superintendent may request reconsideration of the superintendent of public instruction's recommendation. The reconsideration shall be limited to a determination of whether the school district met the criteria for being recommended as a required action district. A request for reconsideration must be in writing and served on the superintendent of public instruction within ten days of service of the notice of the superintendent's recommendation.

(3) The state board of education shall annually designate those districts recommended by the superintendent in subsection (1) of this section as required action districts. A district designated as a required action district shall be required to notify all parents of students attending a school identified as a persistently lowest-achieving school in the district of the state board of education's designation of the district as a required action district and the process for complying with the requirements set forth in sections 104 through 110 of this act.

NEW SECTION. Sec. 104. (1) The superintendent of public instruction shall contract with an external review team to conduct an academic performance audit of the district and each persistently lowest-achieving school in a required action district to identify the potential reasons for the school's low performance and lack of progress. The review team must consist of persons under contract with the superintendent who have expertise in comprehensive school and district reform and may not include staff from the agency, the school district that is the subject of the audit, or members or staff of the state board of education.

(2) The audit must be conducted based on criteria developed by the superintendent of public instruction and must include but not be limited to an examination of the following:

- (a) Student demographics;
- (b) Mobility patterns;
- (c) School feeder patterns;
- (d) The performance of different student groups on assessments;
- (e) Effective school leadership;
- (f) Strategic allocation of resources;
- (g) Clear and shared focus on student learning;
- (h) High standards and expectations for all students;
- (i) High level of collaboration and communication;
- (j) Aligned curriculum, instruction, and assessment to state standards;
- (k) Frequency of monitoring of learning and teaching;
- (l) Focused professional development;

- (m) Supportive learning environment;
- (n) High level of family and community involvement;
- (o) Alternative secondary schools best practices; and
- (p) Any unique circumstances or characteristics of the school or district.

(3) Audit findings must be made available to the local school district, its staff, the community, and the state board of education.

NEW SECTION. Sec. 105. (1) The local district superintendent and local school board of a school district designated as a required action district must submit a required action plan to the state board of education for approval. Unless otherwise required by subsection (3) of this section, the plan must be submitted under a schedule as required by the state board. A required action plan must be developed in collaboration with administrators, teachers, and other staff, parents, unions representing any employees within the district, students, and other representatives of the local community. The superintendent of public instruction shall provide a district with assistance in developing its plan if requested. The school board must conduct a public hearing to allow for comment on a proposed required action plan. The local school district shall submit the plan first to the office of the superintendent of public instruction to review and approve that the plan is consistent with federal guidelines. After the office of the superintendent of public instruction has approved that the plan is consistent with federal guidelines, the local school district must submit its required action plan to the state board of education for approval.

(2) A required action plan must include all of the following:

- (a) Implementation of one of the four federal intervention models required for the receipt of a federal school improvement grant, for those persistently lowest-achieving schools that the district will be focusing on for required action. However, a district may not establish a charter school under a federal intervention model without express legislative authority. The intervention models are the turnaround, restart, school closure, and transformation models. The intervention model selected must address the concerns raised in the academic performance audit and be intended to improve student performance to allow a school district to be removed from the list of districts designated as a required action district by the state board of education within three years of implementation of the plan;
- (b) Submission of an application for a federal school improvement grant or a grant from other federal funds for school improvement to the superintendent of public instruction;
- (c) A budget that provides for adequate resources to implement the federal model selected and any other requirements of the plan;
- (d) A description of the changes in the district's or school's existing policies, structures, agreements, processes, and practices that are intended to attain significant achievement gains for all students enrolled in the school and how the district intends to address the findings of the academic performance audit; and
- (e) Identification of the measures that the school district will use in assessing student achievement at a school identified as a persistently lowest-achieving school, which include improving mathematics and reading student achievement and graduation rates as defined by the office of the superintendent of public instruction that enable the school to no longer be identified as a persistently lowest-achieving school.

(3)(a) For any district designated for required action, the parties to any collective bargaining agreement negotiated, renewed, or extended under chapter 41.59 or 41.56 RCW after the effective date of this section must reopen the agreement, or negotiate an addendum, if needed, to make changes to terms and conditions of employment that are necessary to implement a required action plan.

(b) If the school district and the employee organizations are unable to agree on the terms of an addendum or modification to an existing collective bargaining agreement, the parties, including all labor organizations affected under the required action plan, shall

request the public employment relations commission to, and the commission shall, appoint an employee of the commission to act as a mediator to assist in the resolution of a dispute between the school district and the employee organizations. Beginning in 2011, and each year thereafter, mediation shall commence no later than April 15th. All mediations held under this section shall include the employer and representatives of all affected bargaining units.

(c) If the executive director of the public employment relations commission, upon the recommendation of the assigned mediator, finds that the employer and any affected bargaining unit are unable to reach agreement following a reasonable period of negotiations and mediation, but by no later than May 15th of the year in which mediation occurred, the executive director shall certify any disputed issues for a decision by the superior court in the county where the school district is located. The issues for determination by the superior court must be limited to the issues certified by the executive director.

(d) The process for filing with the court in this subsection (3)(d) must be used in the case where the executive director certifies issues for a decision by the superior court.

(i) The school district shall file a petition with the superior court, by no later than May 20th of the same year in which the issues were certified, setting forth the following:

- (A) The name, address, and telephone number of the school district and its principal representative;
- (B) The name, address, and telephone number of the employee organizations and their principal representatives;
- (C) A description of the bargaining units involved;
- (D) A copy of the unresolved issues certified by the executive director for a final and binding decision by the court; and
- (E) The academic performance audit that the office of the superintendent of public instruction completed for the school district.

(ii) Within seven days after the filing of the petition, each party shall file with the court the proposal it is asking the court to order be implemented in a required action plan for the district for each issue certified by the executive director. Contemporaneously with the filing of the proposal, a party must file a brief with the court setting forth the reasons why the court should order implementation of its proposal in the final plan.

(iii) Following receipt of the proposals and briefs of the parties, the court must schedule a date and time for a hearing on the petition. The hearing must be limited to argument of the parties or their counsel regarding the proposals submitted for the court's consideration. The parties may waive a hearing by written agreement.

(iv) The court must enter an order selecting the proposal for inclusion in a required action plan that best responds to the issues raised in the school district's academic performance audit, and allows for the award of a federal school improvement grant or a grant from other federal funds for school improvement to the district from the office of the superintendent of public instruction to implement one of the four federal intervention models. The court's decision must be issued no later than June 15th of the year in which the petition is filed and is final and binding on the parties; however the court's decision is subject to appeal only in the case where it does not allow the school district to implement a required action plan consistent with the requirements for the award of a federal school improvement grant or other federal funds for school improvement by the superintendent of public instruction.

(e) Each party shall bear its own costs and attorneys' fees incurred under this statute.

(f) Any party that proceeds with the process in this section after knowledge that any provision of this section has not been complied with and who fails to state its objection in writing is deemed to have waived its right to object.

(4) All contracts entered into between a school district and an employee must be consistent with this section and allow school

districts designated as required action districts to implement one of the four federal models in a required action plan.

NEW SECTION. Sec. 106. A required action plan developed by a district's school board and superintendent must be submitted to the state board of education for approval. The state board must accept for inclusion in any required action plan the final decision by the superior court on any issue certified by the executive director of the public employment relations commission under the process in section 105 of this act. The state board of education shall approve a plan proposed by a school district only if the plan meets the requirements in section 105 of this act and provides sufficient remedies to address the findings in the academic performance audit to improve student achievement. Any addendum or modification to an existing collective bargaining agreement, negotiated under section 105 of this act or by agreement of the district and the exclusive bargaining unit, related to student achievement or school improvement shall not go into effect until approval of a required action plan by the state board of education. If the state board does not approve a proposed plan, it must notify the local school board and local district's superintendent in writing with an explicit rationale for why the plan was not approved. Nonapproval by the state board of education of the local school district's initial required action plan submitted is not intended to trigger any actions under section 108 of this act. With the assistance of the office of the superintendent of public instruction, the superintendent and school board of the required action district shall either: (a) Submit a new plan to the state board of education for approval within forty days of notification that its plan was rejected, or (b) submit a request to the required action plan review panel established under section 107 of this act for reconsideration of the state board's rejection within ten days of the notification that the plan was rejected. If federal funds are not available, the plan is not required to be implemented until such funding becomes available. If federal funds for this purpose are available, a required action plan must be implemented in the immediate school year following the district's designation as a required action district.

NEW SECTION. Sec. 107. (1) A required action plan review panel shall be established to offer an objective, external review of a request from a school district for reconsideration of the state board of education's rejection of the district's required action plan. The review and reconsideration by the panel shall be based on whether the state board of education gave appropriate consideration to the unique circumstances and characteristics identified in the academic performance audit of the local school district whose required action plan was rejected.

(2)(a) The panel shall be composed of five individuals with expertise in school improvement, school and district restructuring, or parent and community involvement in schools. Two of the panel members shall be appointed by the speaker of the house of representatives; two shall be appointed by the president of the senate; and one shall be appointed by the governor.

(b) The speaker of the house of representatives, president of the senate, and governor shall solicit recommendations for possible panel members from the Washington association of school administrators, the Washington state school directors' association, the association of Washington school principals, the achievement gap oversight and accountability committee, and associations representing certificated teachers, classified school employees, and parents.

(c) Members of the panel shall be appointed no later than December 1, 2010, but the superintendent of public instruction shall convene the panel only as needed to consider a school district's request for reconsideration. Appointments shall be for a four-year term, with opportunity for reappointment. Reappointments in the case of a vacancy shall be made expeditiously so that all requests are considered in a timely manner.

(3) The required action plan review panel may reaffirm the decision of the state board of education, recommend that the state

board reconsider the rejection, or recommend changes to the required action plan that should be considered by the district and the state board of education to secure approval of the plan. The state board of education shall consider the recommendations of the panel and issue a decision in writing to the local school district and the panel. If the school district must submit a new required action plan to the state board of education, the district must submit the plan within forty days of the board's decision.

(4) The state board of education and superintendent of public instruction must develop timelines and procedures for the deliberations under this section so that school districts can implement a required action plan within the time frame required under section 106 of this act.

NEW SECTION. Sec. 108. The state board of education may direct the superintendent of public instruction to require a school district that has not submitted a final required action plan for approval, or has submitted but not received state board of education approval of a required action plan by the beginning of the school year in which the plan is intended to be implemented, to redirect the district's Title I funds based on the academic performance audit findings.

NEW SECTION. Sec. 109. A school district must implement a required action plan upon approval by the state board of education. The office of superintendent of public instruction must provide the required action district with technical assistance and federal school improvement grant funds or other federal funds for school improvement, if available, to implement an approved plan. The district must submit a report to the superintendent of public instruction that provides the progress the district is making in meeting the student achievement goals based on the state's assessments, identifying strategies and assets used to solve audit findings, and establishing evidence of meeting plan implementation benchmarks as set forth in the required action plan.

NEW SECTION. Sec. 110. (1) The superintendent of public instruction must provide a report twice per year to the state board of education regarding the progress made by all school districts designated as required action districts.

(2) The superintendent of public instruction must recommend to the state board of education that a school district be released from the designation as a required action district after the district implements a required action plan for a period of three years; has made progress, as defined by the superintendent of public instruction, in reading and mathematics on the state's assessment over the past three consecutive years; and no longer has a school within the district identified as persistently lowest achieving. The state board shall release a school district from the designation as a required action district upon confirmation that the district has met the requirements for a release.

(3) If the state board of education determines that the required action district has not met the requirements for release, the district remains in required action and must submit a new or revised plan under the process in section 105 of this act.

Sec. 111. RCW 28A.305.225 and 2009 c 548 s 503 are each amended to read as follows:

(1) The state board of education shall continue to refine the development of an accountability framework that creates a unified system of support for challenged schools, that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions.

(2) The state board of education shall develop an accountability index to identify schools and districts for recognition, for continuous improvement, and for additional state support. The index shall be based on criteria that are fair, consistent, and transparent. Performance shall be measured using multiple outcomes and indicators including, but not limited to, graduation rates and results from statewide assessments. The index shall be developed in such a way as to be easily understood by both employees within the schools

and districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and districts to self-assess their progress, and enable the identification of schools with exemplary student performance and those that need assistance to overcome challenges in order to achieve exemplary student performance. ~~((Once the accountability index has identified schools that need additional help, a more thorough analysis will be done to analyze specific conditions in the district including but not limited to the level of state resources a school or school district receives in support of the basic education system, achievement gaps for different groups of students, and community support.~~

(3) Based on the accountability index and in consultation with the superintendent of public instruction, the state board of education shall develop a proposal and timeline for implementation of a comprehensive system of voluntary support and assistance for schools and districts. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(4)(a) The state board of education shall develop a proposal and implementation timeline for a more formalized comprehensive system improvement targeted to challenged schools and districts that have not demonstrated sufficient improvement through the voluntary system. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. The proposal and timeline shall be submitted to the education committees of the legislature by December 1, 2009, and shall include recommended legislation and recommended resources to implement the system according to the timeline developed.

(b) The proposal shall outline a process for addressing performance challenges that will include the following features: (i) An academic performance audit using peer review teams of educators that considers school and community factors in addition to other factors in developing recommended specific corrective actions that should be undertaken to improve student learning; (ii) a requirement for the local school board plan to develop and be responsible for implementation of corrective action plan taking into account the audit findings, which plan must be approved by the state board of education at which time the plan becomes binding upon the school district to implement; and (iii) monitoring of local district progress by the office of the superintendent of public instruction. The proposal shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

~~---~~(5)) (3) The state board of education, in cooperation with the office of the superintendent of public instruction, shall annually recognize schools for exemplary performance as measured on the state board of education accountability index. The state board of education shall have ongoing collaboration with the achievement gap oversight and accountability committee regarding the measures used to measure the closing of the achievement gaps and the recognition provided to the school districts for closing the achievement gaps.

~~---~~(4) In coordination with the superintendent of public instruction, the state board of education shall seek approval from the United States department of education for use of the accountability index and the state system of support, assistance, and intervention, to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.

~~---~~((6)) (5) The state board of education shall work with the education data center established within the office of financial management and the technical working group established in section 112, chapter 548, Laws of 2009 to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and districts but also as a tool for

schools and districts to report to the state legislature and the state board of education on how the state resources received are being used.

NEW SECTION. **Sec. 112.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "All students group" means those students in grades three through eight and high school who take the state's assessment in reading and mathematics required under 20 U.S.C. Sec. 6311(b)(3).

(2) "Title I" means Title I, part A of the federal elementary and secondary education act of 1965 (ESEA) (20 U.S.C. Secs. 6311-6322).

NEW SECTION. **Sec. 113.** The superintendent of public instruction and the state board of education may each adopt rules in accordance with chapter 34.05 RCW as necessary to implement this chapter.

NEW SECTION. **Sec. 114.** (1) The legislature finds that a unified and equitable system of education accountability must include expectations and benchmarks for improvement, along with support for schools and districts to make the necessary changes that will lead to success for all students. Such a system must also clearly address the consequences for persistent lack of improvement. Establishing a process for school districts to prepare and implement a required action plan is one such consequence. However, to be truly accountable to students, parents, the community, and taxpayers, the legislature must also consider what should happen if a required action district continues not to make improvement after an extended period of time. Without an answer to this significant question, the state's system of education accountability is incomplete. Furthermore, accountability must be appropriately shared among various levels of decision makers, including in the building, in the district, and at the state.

(2)(a) A joint select committee on education accountability is established beginning no earlier than May 1, 2012, with the following members:

(i) The president of the senate shall appoint two members from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint two members from each of the two largest caucuses of the house of representatives.

(b) The committee shall choose its cochairs from among its membership.

(3) The committee shall:

(a) Identify and analyze options for a complete system of education accountability, particularly consequences in the case of persistent lack of improvement by a required action district;

(b) Identify and analyze appropriate decision-making responsibilities and accompanying consequences at the building, district, and state level within such an accountability system;

(c) Examine models and experiences in other states;

(d) Identify the circumstances under which significant state action may be required; and

(e) Analyze the financial, legal, and practical considerations that would accompany significant state action.

(4) Staff support for the committee must be provided by the senate committee services and the house of representatives office of program research.

(5) The committee shall submit an interim report to the education committees of the legislature by September 1, 2012, and a final report with recommendations by September 1, 2013.

(6) This section expires June 30, 2014.

PART II

EVALUATIONS

Sec. 201. RCW 28A.150.230 and 2006 c 263 s 201 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the

proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its superintendent, classified staff, certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum. Each district shall report annually to the superintendent of public instruction the following for each employee group listed in this subsection (2)(a): (i) Evaluation criteria and rubrics; (ii) a description of each rating; and (iii) the number of staff in each rating;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs and data, based upon a plan to ensure that the assignment policy: (i) Supports the learning needs of all the students in the district; and (ii) gives specific attention to high-need schools and classrooms;

(c) Provide information to the local community and its electorate describing the school district's policies concerning hiring, assigning, terminating, and evaluating staff, including the criteria for evaluating teachers and principals;

(d) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules of the state board of education;

~~((d))~~ (e) Determine the allocation of staff time, whether certificated or classified;

~~((e))~~ (f) Establish final curriculum standards consistent with law and rules of the superintendent of public instruction, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

~~((f))~~ (g) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

Sec. 202. RCW 28A.405.100 and 1997 c 278 s 1 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, the superintendent of public instruction shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be developed in the following categories: Instructional skill; classroom management, professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter.

(b) Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

(2)(a) Pursuant to the implementation schedule established in subsection (7)(b) of this section, every board of directors shall, in accordance with procedures provided in RCW 41.59.010 through 41.59.170, 41.59.910, and 41.59.920, establish revised evaluative criteria and a four-level rating system for all certificated classroom teachers.

(b) The minimum criteria shall include: (i) Centering instruction on high expectations for student achievement; (ii) demonstrating effective teaching practices; (iii) recognizing individual student learning needs and developing strategies to address those needs; (iv) providing clear and intentional focus on subject matter content and curriculum; (v) fostering and managing a safe, positive learning environment; (vi) using multiple student data elements to modify instruction and improve student learning; (vii) communicating and collaborating with parents and school community; and (viii) exhibiting collaborative and collegial practices focused on improving instructional practice and student learning.

(c) The four-level rating system used to evaluate the certificated classroom teacher must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. When student growth data, if available and relevant to the teacher and subject matter, is referenced in the evaluation process it must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. As used in this subsection, "student growth" means the change in student achievement between two points in time.

~~(3)(a)~~ Except as provided in subsection ~~((3))~~ (10) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel ~~((, hereinafter referred to as "employees" in this section;))~~ shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. An employee in the third year of provisional status as defined in RCW 28A.405.220 shall be observed at least three times in the performance of his or her duties and the total observation time for the school year shall not be less than ninety minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

(b) As used in this subsection and subsection (4) of this section, "employees" means classroom teachers and certificated support personnel.

~~(4)(a)~~ At any time after October 15th, an employee whose work is not judged ((unsatisfactory)) satisfactory based on district evaluation criteria shall be notified in writing of the specific areas of deficiencies along with a reasonable program for improvement. During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the school district. A probationary period of sixty school days shall be established. The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at

least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency; such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. The probationer may be removed from probation if he or she has demonstrated improvement to the satisfaction of the principal in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her improvement program. Lack of necessary improvement during the established probationary period, as specifically documented in writing with notification to the probationer and shall constitute grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

(b) Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and improvement program, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term.

~~((2))~~ (5) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Except as provided in subsection (6) of this section, such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

~~((3))~~ (6)(a) Pursuant to the implementation schedule established by subsection (7)(b) of this section, every board of directors shall establish revised evaluative criteria and a four-level rating system for principals.

(b) The minimum criteria shall include: (i) Creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff; (ii) demonstrating commitment to closing the achievement gap; (iii) providing for school safety; (iv) leading the development, implementation, and evaluation of a data-driven plan for increasing student achievement, including the use of multiple student data elements; (v) assisting instructional staff with alignment of curriculum, instruction, and assessment with state and local district learning goals; (vi) monitoring, assisting, and evaluating effective instruction and assessment practices; (vii) managing both staff and fiscal resources to support student achievement and legal responsibilities; and (viii) partnering with the school community to promote student learning.

(c) The four-level rating system used to evaluate the principal must describe performance along a continuum that indicates the extent to which the criteria have been met or exceeded. When available, student growth data that is referenced in the evaluation process must be based on multiple measures that can include classroom-based, school-based, district-based, and state-based tools. As used in this subsection, "student growth" means the change in student achievement between two points in time.

(7)(a) The superintendent of public instruction, in collaboration with state associations representing teachers, principals,

administrators, and parents, shall create models for implementing the evaluation system criteria, student growth tools, professional development programs, and evaluator training for certificated classroom teachers and principals. Human resources specialists, professional development experts, and assessment experts must also be consulted. Due to the diversity of teaching assignments and the many developmental levels of students, classroom teachers and principals must be prominently represented in this work. The models must be available for use in the 2011-12 school year.

(b) A new certificated classroom teacher evaluation system that implements the provisions of subsection (2) of this section and a new principal evaluation system that implements the provisions of subsection (6) of this section shall be phased-in beginning with the 2010-11 school year by districts identified in (c) of this subsection and implemented in all school districts beginning with the 2013-14 school year.

(c) A set of school districts shall be selected by the superintendent of public instruction to participate in a collaborative process resulting in the development and piloting of new certificated classroom teacher and principal evaluation systems during the 2010-11 and 2011-12 school years. These school districts must be selected based on: (i) The agreement of the local associations representing classroom teachers and principals to collaborate with the district in this developmental work and (ii) the agreement to participate in the full range of development and implementation activities, including: Development of rubrics for the evaluation criteria and ratings in subsections (2) and (6) of this section; identification of or development of appropriate multiple measures of student growth in subsections (2) and (6) of this section; development of appropriate evaluation system forms; participation in professional development for principals and classroom teachers regarding the content of the new evaluation system; participation in evaluator training; and participation in activities to evaluate the effectiveness of the new systems and support programs. The school districts must submit to the office of the superintendent of public instruction data that is used in evaluations and all district-collected student achievement, aptitude, and growth data regardless of whether the data is used in evaluations. If the data is not available electronically, the district may submit it in nonelectronic form. The superintendent of public instruction must analyze the districts' use of student data in evaluations, including examining the extent that student data is not used or is underutilized. The superintendent of public instruction must also consult with participating districts and stakeholders, recommend appropriate changes, and address statewide implementation issues. The superintendent of public instruction shall report evaluation system implementation status, evaluation data, and recommendations to appropriate committees of the legislature and governor by July 1, 2011, and at the conclusion of the development phase by July 1, 2012. In the July 1, 2011 report, the superintendent shall include recommendations for whether a single statewide evaluation model should be adopted, whether modified versions developed by school districts should be subject to state approval, and what the criteria would be for determining if a school district's evaluation model meets or exceeds a statewide model. The report shall also identify challenges posed by requiring a state approval process.

~~(8)~~ Each certificated ~~(employee)~~ classroom teacher and certificated support personnel shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance.

~~((4))~~ (9) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated ~~(employees)~~ classroom teachers and certificated support personnel or administrators in accordance with this section, as now or hereafter

amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300.

~~((5))~~ (10) After ~~((an employee))~~ a certificated classroom teacher or certificated support personnel has four years of satisfactory evaluations under subsection (1) of this section or has received one of the two top ratings for four years under subsection (2) of this section, a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional growth, an evaluation under subsection (1) or (2) of this section, or any combination thereof. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) or (2) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. A locally bargained short-form evaluation emphasizing professional growth must provide that the professional growth activity conducted by the certificated classroom teacher be specifically linked to one or more of the certificated classroom teacher evaluation criteria. However, the evaluation process set forth in subsection (1) or (2) of this section shall be followed at least once every three years unless this time is extended by a local school district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set forth in subsection (1) or (2) of this section be conducted in any given school year. No evaluation other than the evaluation authorized under subsection (1) or (2) of this section may be used as a basis for determining that an employee's work is ~~((unsatisfactory))~~ not satisfactory under subsection (1) or (2) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an evaluation process developed under chapter 41.59 RCW determines otherwise.

Sec. 203. RCW 28A.405.220 and 2009 c 57 s 2 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first ~~((two))~~ three years of employment by such district, unless: ~~((a))~~ (a) The employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district; or (b) the school district superintendent may make a determination to remove an employee from provisional status if the employee has received one of the top two evaluation ratings during the second year of employment by the district. Employees as defined in this section shall hereinafter be referred to as "provisional employees(("))."

(2) In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 15th, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.405.100.

(3) Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within

ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

(4) Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

(5) The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

(6) This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

NEW SECTION. Sec. 204. A new section is added to chapter 28A.405 RCW to read as follows:

(1) Representatives of the office of the superintendent of public instruction and statewide associations representing administrators, principals, human resources specialists, and certificated classroom teachers shall analyze how the evaluation systems in RCW 28A.405.100 (2) and (6) affect issues related to a change in contract status.

(2) The analysis shall be conducted during each of the phase-in years of the certificated classroom teacher and principal evaluation systems. The analysis shall include: Procedures, timelines, probationary periods, appeal procedures, and other items related to the timely exercise of employment decisions and due process provisions for certificated classroom teachers and principals.

NEW SECTION. Sec. 205. A new section is added to chapter 28A.405 RCW to read as follows:

If funds are provided for professional development activities designed specifically for first through third-year teachers, the funds shall be allocated first to districts participating in the evaluation systems in RCW 28A.405.100 (2) and (6) before the required implementation date under that section.

PART III

PRINCIPAL PERFORMANCE

NEW SECTION. Sec. 301. The legislature finds that the presence of highly effective principals in schools has never been more important than it is today. To enable students to meet high academic standards, principals must lead and encourage teams of teachers and support staff to work together, align curriculum and instruction, use student data to target instruction and intervention strategies, and serve as the chief school officer with parents and the community. Greater responsibility should come with greater authority over personnel, budgets, resource allocation, and programs. But greater responsibility also comes with greater accountability for outcomes. Washington is

putting into place an updated and rigorous system of evaluating principal performance, one that will measure what matters. This system will never be truly effective unless the results are meaningfully used.

NEW SECTION. Sec. 302. A new section is added to chapter 28A.405 RCW to read as follows:

(1) Any certificated employee of a school district under this section who is first employed as a principal after the effective date of this section shall be subject to transfer as provided under this section, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section means any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator. This section applies only to school districts with an annual average student enrollment of more than thirty-five thousand full-time equivalent students.

(2) During the first three consecutive school years of employment as a principal by the school district, or during the first full school year of such employment in the case of a principal who has been previously employed as a principal by another school district in the state for three or more consecutive school years, the transfer of the principal to a subordinate certificated position may be made by a determination of the superintendent that the best interests of the school district would be served by the transfer.

(3) Commencing with the fourth consecutive school year of employment as a principal, or the second consecutive school year of such employment in the case of a principal who has been previously employed as a principal by another school district in the state for three or more consecutive school years, the transfer of the principal to a subordinate certificated position shall be based on the superintendent's determination that the results of the evaluation of the principal's performance using the evaluative criteria and rating system established under RCW 28A.405.100 provide a valid reason for the transfer without regard to whether there is probable cause for the transfer. If a valid reason is shown, it shall be deemed that the transfer is reasonably related to the principal's performance. No probationary period is required. However, provision of support and an attempt at remediation of the performance of the principal, as defined by the superintendent, are required for a determination by the superintendent under this subsection that the principal should be transferred to a subordinate certificated position.

(4) Any superintendent transferring a principal under this section to a subordinate certificated position shall notify that principal in writing on or before May 15th before the beginning of the school year of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 15th. The notification shall state the reason or reasons for the transfer and shall identify the subordinate certificated position to which the principal will be transferred. The notification shall be served upon the principal personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

(5) Any principal so notified may request to the president or chair of the board of directors of the district, in writing and within ten days after receiving notice, an opportunity to meet informally with the board of directors in an executive session for the purpose of requesting the board to reconsider the decision of the superintendent, and shall be given such opportunity. The board, upon receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall give the principal written notice at least three days before the meeting of the date, time, and place of the meeting. At the meeting the principal shall be given the opportunity to refute any evidence upon which the determination was based and to make any argument in support of his or her request for

reconsideration. The principal and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the principal in writing of its final decision within ten days following its meeting with the principal. No appeal to the courts shall lie from the final decision of the board of directors to transfer a principal to a subordinate certificated position.

(6) This section provides the exclusive means for transferring a certificated employee first employed by a school district under this section as a principal after the effective date of this section to a subordinate certificated position at the expiration of the term of his or her employment contract.

Sec. 303. RCW 28A.405.210 and 2009 c 57 s 1 are each amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the Washington professional educator standards board for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 15th, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within ten days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 or section 302 of this act shall not be construed as a nonrenewal of contract for the purposes of this section.

Sec. 304. RCW 28A.405.230 and 2009 c 57 s 3 are each amended to read as follows:

Any certificated employee of a school district employed as an assistant superintendent, director, principal, assistant principal, coordinator, or in any other supervisory or administrative position, hereinafter in this section referred to as "administrator", shall be subject to transfer, at the expiration of the term of his or her employment contract, to any subordinate certificated position within the school district. "Subordinate certificated position" as used in this section, shall mean any administrative or nonadministrative certificated position for which the annual compensation is less than the position currently held by the administrator.

Every superintendent determining that the best interests of the school district would be served by transferring any administrator to a subordinate certificated position shall notify that administrator in writing on or before May 15th preceding the commencement of such school term of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 15th, which notification shall state the reason or reasons for the transfer, and shall identify the subordinate certificated position to which the administrator will be transferred. Such notice shall be served upon the administrator personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein.

Every such administrator so notified, at his or her request made in writing and filed with the president or chair, or secretary of the board of directors of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the board of directors in an executive session thereof for the purpose of requesting the board to reconsider the decision of the superintendent. Such board, upon receipt of such request, shall schedule the meeting for no later than the next regularly scheduled meeting of the board, and shall notify the administrator in writing of the date, time and place of the meeting at least three days prior thereto. At such meeting the administrator shall be given the opportunity to refute any facts upon which the determination was based and to make any argument in support of his or her request for reconsideration. The administrator and the board may invite their respective legal counsel to be present and to participate at the meeting. The board shall notify the administrator in writing of its final decision within ten days following its meeting with the administrator. No appeal to the courts shall lie from the final decision of the board of directors to transfer an administrator to a subordinate certificated position: **PROVIDED**, That in the case of principals such transfer shall be made at the expiration of the contract year and only during the first three consecutive school years of employment as a principal by a school district; except that if any such principal has been previously employed as a principal by another school district in the state of Washington for three or more consecutive school years the provisions of this section shall apply only to the first full school year of such employment.

This section applies to any person employed as an administrator by a school district on June 25, 1976, and to all persons so employed at any time thereafter, except that section 302 of this act applies to persons first employed after the effective date of this section as a principal by a school district meeting the criteria of section 302 of this act. This section provides the exclusive means for transferring an administrator subject to this section to a subordinate certificated position at the expiration of the term of his or her employment contract.

Sec. 305. RCW 28A.405.300 and 1990 c 33 s 395 are each amended to read as follows:

In the event it is determined that there is probable cause or causes for a teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with the school district, hereinafter referred to as "employee", to be discharged or otherwise adversely affected in his or her contract status, such employee shall be notified in writing of that decision, which notification shall specify the probable cause or causes for such action. Such determinations of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notices shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair of the board or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for a hearing pursuant to RCW 28A.405.310 to determine whether or not there is sufficient cause or causes for his or her discharge or other adverse action against his or her contract status.

In the event any such notice or opportunity for hearing is not timely given, or in the event cause for discharge or other adverse action is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged or otherwise adversely affected in his or her contract status for the causes stated in the original notice for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee may be discharged or otherwise adversely affected as provided in the notice served upon the employee.

Transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 or section 302 of this act shall not be construed as a discharge or other adverse action against contract status for the purposes of this section.

PART IV

ENCOURAGING INNOVATIONS

Sec. 401. RCW 28A.400.200 and 2002 c 353 s 2 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a master's degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a master's degree and zero years of service;

(3)(a) The actual average salary paid to certificated instructional staff shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(b) Fringe benefit contributions for certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating

appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time, for additional responsibilities, ~~((or)) for incentives, or for implementing specific measurable innovative activities, including professional development, specified by the school district to: (a) Close one or more achievement gaps, (b) focus on development of science, technology, engineering, and mathematics (STEM) learning opportunities, or (c) provide arts education. Beginning September 1, 2011, school districts shall annually provide a brief description of the innovative activities included in any supplemental contract to the office of the superintendent of public instruction. The office of the superintendent of public instruction shall summarize the district information and submit an annual report to the education committees of the house of representatives and the senate.~~ Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

PART V

EXPANDING PROFESSIONAL PREPARATION OPTIONS AND WORKFORCE INFORMATION

NEW SECTION. Sec. 501. A new section is added to chapter 28A.410 RCW to read as follows:

(1) Beginning with the 2011-12 school year, all professional educator standards board-approved teacher preparation programs must administer to all preservice candidates the evidence-based assessment of teaching effectiveness adopted by the professional educator standards board. The professional educator standards board shall adopt rules that establish a date during the 2012-13 school year after which candidates completing teacher preparation programs must successfully pass this assessment. Assessment results from persons completing each preparation program must be reported annually by the professional educator standards board to the governor and the education and fiscal committees of the legislature by December 1st.

(2) The professional educator standards board and the superintendent of public instruction, as determined by the board, may contract with one or more third parties for:

(a) The administration, scoring, and reporting of scores of the assessment under this section;

(b) Related clerical and administrative activities; or

(c) Any combination of the purposes of this subsection (2).

(3) Candidates for residency certification who are required to successfully complete the assessment under this section, and who are charged a fee for the assessment by a third party contracted with under this section, shall pay the fee charged by the contractor directly to the contractor. Such fees shall be reasonably related to the actual costs of the contractor in providing the assessment.

NEW SECTION. Sec. 502. A new section is added to chapter 28A.410 RCW to read as follows:

(1) By September 30, 2010, the professional educator standards board shall review and revise teacher and administrator preparation

program approval standards and proposal review procedures at the residency certificate level to ensure they are rigorous and appropriate standards for an expanded range of potential providers, including community college and nonhigher education providers. All approved providers must adhere to the same standards and comply with the same requirements.

(2) Beginning September 30, 2010, the professional educator standards board must accept proposals for community college and nonhigher education providers of educator preparation programs. Proposals must be processed and considered by the board as expeditiously as possible.

(3) By September 1, 2011, all professional educator standards board-approved residency teacher preparation programs at institutions of higher education as defined in RCW 28B.10.016 not currently a partner in an alternative route program approved by the professional educator standards board must submit to the board a proposal to offer one or more of the alternative route programs that meet the requirements of RCW 28A.660.020 and 28A.660.040.

Sec. 503. RCW 28A.660.020 and 2006 c 263 s 816 are each amended to read as follows:

(1) ~~((Each))~~ The professional educator standards board shall transition the alternative route partnership grant program from a separate competitive grant program to a preparation program model to be expanded among approved preparation program providers. Alternative routes are partnerships between professional educator standards board-approved preparation programs, Washington school districts, and other partners as appropriate.

(2) Each prospective teacher preparation program provider, in cooperation with a Washington school district or consortia of school districts applying ~~((for the)) to operate~~ alternative route certification program shall ~~((submit a)) include in its proposal to the Washington professional educator standards board ~~((specifying)):~~~~

(a) The route or routes the partnership program intends to offer and a detailed description of how the routes will be structured and operated by the partnership;

(b) The estimated number of candidates that will be enrolled per route;

(c) An identification, indication of commitment, and description of the role of approved teacher preparation programs ~~((that are)) and partnering ~~((with the))~~ district or consortia of districts;~~

(d) An assurance ~~((of)) that the district ~~((provision of)) or approved preparation program provider will provide adequate training for mentor teachers ~~((either through participation in a state mentor training academy or district provided training that meets state-established mentor training standards))~~ specific to the mentoring of alternative route candidates;~~~~

(e) An assurance that significant time will be provided for mentor teachers to spend with the alternative route teacher candidates throughout the internship. Partnerships must provide each candidate with intensive classroom mentoring until such time as the candidate demonstrates the competency necessary to manage the classroom with less intensive supervision and guidance from a mentor;

(f) A description of the rigorous screening process for applicants to alternative route programs, including entry requirements specific to each route, as provided in RCW 28A.660.040; ~~((and))~~

(g) A summary of procedures that provide flexible completion opportunities for candidates to achieve a residency certificate; and

~~((h))~~ The design and use of a teacher development plan for each candidate. The plan shall specify the alternative route coursework and training required of each candidate and shall be developed by comparing the candidate's prior experience and coursework with the state's new performance-based standards for residency certification and adjusting any requirements accordingly. The plan may include the following components:

(i) A minimum of one-half of a school year, and an additional significant amount of time if necessary, of intensive mentorship

during field experience, starting with full-time mentoring and progressing to increasingly less intensive monitoring and assistance as the intern demonstrates the skills necessary to take over the classroom with less intensive support. ~~((For route one and two candidates,))~~

Before the supervision is diminished, the mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the ~~((higher education))~~ teacher preparation program must both agree that the teacher candidate is ready to manage the classroom with less intensive supervision ~~((For route three and four candidates, the mentor of the teacher candidate shall make the decision));~~

(ii) Identification of performance indicators based on the knowledge and skills standards required for residency certification by the Washington professional educator standards board;

(iii) Identification of benchmarks that will indicate when the standard is met for all performance indicators;

(iv) A description of strategies for assessing candidate performance on the benchmarks;

(v) Identification of one or more tools to be used to assess a candidate's performance once the candidate has been in the classroom for about one-half of a school year; ~~((and))~~

(vi) A description of the criteria that would result in residency certification after about one-half of a school year but before the end of the program; and

(vii) A description of how the district intends for the alternative route program to support its workforce development plan and how the presence of alternative route interns will advance its school improvement plans.

~~((2))~~ (3) To the extent funds are appropriated for this purpose, ~~((districts))~~ alternative route programs may apply for program funds to pay stipends to trained mentor teachers of interns during the mentored internship. The per intern amount of mentor stipend provided by state funds shall not exceed five hundred dollars.

Sec. 504. RCW 28A.660.040 and 2009 c 192 s 1 and 2009 c 166 s 1 are each reenacted and amended to read as follows:

~~((Partnership grants funded))~~ Alternative route programs under this chapter shall operate one to four specific route programs. Successful completion of the program shall make a candidate eligible for residency teacher certification. ~~((For route one and two candidates,))~~ The mentor of the teacher candidate at the school and the supervisor of the teacher candidate from the ~~((higher education))~~ teacher preparation program must both agree that the teacher candidate has successfully completed the program. ~~((For route three and four candidates, the mentor of the teacher candidate shall make the determination that the candidate has successfully completed the program.))~~

(1) ~~((Partnership grant programs seeking funds to operate))~~ Alternative route programs operating route one programs shall enroll currently employed classified instructional employees with transferable associate degrees seeking residency teacher certification with endorsements in special education, bilingual education, or English as a second language. It is anticipated that candidates enrolled in this route will complete both their baccalaureate degree and requirements for residency certification in two years or less, including a mentored internship to be completed in the final year. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including one year of successful student interaction and leadership as a classified instructional employee;

(b) Successful passage of the statewide basic skills exam ~~((when available));~~ and

(c) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers.

(2) ~~((Partnership grant programs seeking funds to operate))~~ Alternative route programs operating route two programs shall enroll currently employed classified staff with baccalaureate degrees

seeking residency teacher certification in subject matter shortage areas and areas with shortages due to geographic location.

Candidates enrolled in this route must complete a mentored internship complemented by flexibly scheduled training and coursework offered at a local site, such as a school or educational service district, or online or via video-conference over the K-20 network, in collaboration with the partnership program's higher education partner. In addition, partnership grant programs shall uphold entry requirements for candidates that include:

(a) District or building validation of qualifications, including one year of successful student interaction and leadership as classified staff;

(b) A baccalaureate degree from a regionally accredited institution of higher education. The individual's college or university grade point average may be considered as a selection factor;

(c) Successful completion of the ~~((content test, once the state content test is available))~~ subject matter assessment required by RCW 28A.410.220(3);

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of the statewide basic skills exam ~~((when available)).~~

(3) ~~((Partnership grant))~~ Alternative route programs seeking funds to operate route three programs shall enroll individuals with baccalaureate degrees, who are not employed in the district at the time of application. When selecting candidates for certification through route three, districts and approved preparation program providers shall give priority to individuals who are seeking residency teacher certification in subject matter shortage areas or shortages due to geographic locations. ~~((For route three only, the districts may include additional candidates in nonshortage subject areas if the candidates are seeking endorsements with a secondary grade level designation as defined by rule by the professional educator standards board. The districts shall disclose to candidates in nonshortage subject areas available information on the demand in those subject areas.))~~ Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship, followed, if necessary, by a second summer teaching academy. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(b) Successful completion of the ~~((content test, once the state content test is available))~~ subject matter assessment required by RCW 28A.410.220(3);

(c) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of statewide basic skills exam ~~((when available)).~~

(4) ~~((Partnership grant programs seeking funds to operate))~~ Alternative route programs operating route four programs shall enroll individuals with baccalaureate degrees, who are employed in the district at the time of application, or who hold conditional teaching certificates or emergency substitute certificates. Cohorts of candidates for this route shall attend an intensive summer teaching academy, followed by a full year employed by a district in a mentored internship. If employed on a conditional certificate, the intern may serve as the teacher of record, supported by a well-trained mentor. In addition, partnership programs shall uphold entry requirements for candidates that include:

(a) A baccalaureate degree from a regionally accredited institution of higher education. The individual's grade point average may be considered as a selection factor;

(b) Successful completion of the ~~((content test, once the state content test is available))~~ subject matter assessment required by RCW 28A.410.220(3);

(c) External validation of qualifications, including demonstrated successful experience with students or children, such as reference letters and letters of support from previous employers;

(d) Meeting the age, good moral character, and personal fitness requirements adopted by rule for teachers; and

(e) Successful passage of statewide basic skills exam ~~((s, when available))~~.

(5) Applicants for alternative route programs who are eligible veterans or national guard members and who meet the entry requirements for the alternative route program for which application is made shall be given preference in admission.

Sec. 505. RCW 28A.660.050 and 2009 c 539 s 3 and 2009 c 192 s 2 are each reenacted and amended to read as follows:

Subject to the availability of amounts appropriated for these purposes, the conditional scholarship programs in this chapter are created under the following guidelines:

(1) The programs shall be administered by the higher education coordinating board. In administering the programs, the higher education coordinating board has the following powers and duties:

(a) To adopt necessary rules and develop guidelines to administer the programs;

(b) To collect and manage repayments from participants who do not meet their service obligations; and

(c) To accept grants and donations from public and private sources for the programs.

(2) Requirements for participation in the conditional scholarship programs are as provided in this subsection (2).

(a) The alternative route conditional scholarship program is limited to interns of ~~((the partnership grant))~~ professional educator standards board-approved alternative routes to teaching programs under RCW 28A.660.040. For fiscal year 2011, priority must be given to fiscal year 2010 participants in the alternative route partnership program. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment in alternative certification routes through ~~((the partnership grant))~~ a professional educator standards board-approved program;

(ii) Continue to make satisfactory progress toward completion of the alternative route certification program and receipt of a residency teaching certificate; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed eight thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The board may adjust the annual award by the average rate of resident undergraduate tuition and fee increases at the state universities as defined in RCW 28B.10.016.

(b) The pipeline for paraeducators conditional scholarship program is limited to qualified paraeducators as provided by RCW 28A.660.042. In order to receive conditional scholarship awards, recipients shall:

(i) Be accepted and maintain enrollment at a community and technical college for no more than two years and attain an associate of arts degree;

(ii) Continue to make satisfactory progress toward completion of an associate of arts degree. This progress requirement is a condition for eligibility into a route one program of the alternative routes to teacher certification program for a mathematics, special education, or English as a second language endorsement; and

(iii) Receive no more than the annual amount of the scholarship, not to exceed four thousand dollars, for the cost of tuition, fees, and educational expenses, including books, supplies, and transportation for the alternative route certification program in which the recipient is enrolled. The board may adjust the annual award by the average rate of tuition and fee increases at the state community and technical colleges.

(c) The retooling to teach mathematics and science conditional scholarship program is limited to current K-12 teachers ~~((and individuals having an elementary education certificate but who are not employed in positions requiring an elementary education certificate as provided by RCW 28A.660.045))~~. In order to receive conditional scholarship awards:

(i) Individuals currently employed as teachers shall pursue a middle level mathematics or science, or secondary mathematics or science endorsement; or

(ii) Individuals who are certificated with an elementary education endorsement ~~((, but not employed in positions requiring an elementary education certificate,))~~ shall pursue an endorsement in middle level mathematics or science, or both; and

(iii) Individuals shall use one of the pathways to endorsement processes to receive a mathematics or science endorsement, or both, which shall include passing a mathematics or science endorsement test, or both tests, plus observation and completing applicable coursework to attain the proper endorsement; and

(iv) Individuals shall receive no more than the annual amount of the scholarship, not to exceed three thousand dollars, for the cost of tuition, test fees, and educational expenses, including books, supplies, and transportation for the endorsement pathway being pursued.

(3) The Washington professional educator standards board shall select individuals to receive conditional scholarships. In selecting recipients, preference shall be given to eligible veterans or national guard members.

(4) For the purpose of this chapter, a conditional scholarship is a loan that is forgiven in whole or in part in exchange for service as a certificated teacher employed in a Washington state K-12 public school. The state shall forgive one year of loan obligation for every two years a recipient teaches in a public school. Recipients who fail to continue a course of study leading to residency teacher certification or cease to teach in a public school in the state of Washington in their endorsement area are required to repay the remaining loan principal with interest.

(5) Recipients who fail to fulfill the required teaching obligation are required to repay the remaining loan principal with interest and any other applicable fees. The higher education coordinating board shall adopt rules to define the terms for repayment, including applicable interest rates, fees, and deferments.

(6) The higher education coordinating board may deposit all appropriations, collections, and any other funds received for the program in this chapter in the future teachers conditional scholarship account authorized in RCW 28B.102.080.

NEW SECTION. Sec. 506. A new section is added to chapter 28A.410 RCW to read as follows:

Beginning with the 2010 school year and annually thereafter, each educational service district, in cooperation with the professional educator standards board, must convene representatives from school districts within that region and professional educator standards board-approved educator preparation programs to review district and regional educator workforce data, make biennial projections of certificate staffing needs, and identify how recruitment and enrollment plans in educator preparation programs reflect projected need.

Sec. 507. RCW 28B.76.335 and 2007 c 396 s 17 are each amended to read as follows:

As part of the state needs assessment process conducted by the board in accordance with RCW 28B.76.230, the board shall, in

collaboration with the professional educator standards board, assess the need for additional (~~(baccalaureate)~~) degree and certificate programs in Washington that specialize in teacher preparation (~~(in mathematics, science, and technology)~~) to meet regional or subject area shortages. If the board determines that there is a need for additional programs, then the board shall encourage the appropriate institutions of higher education or institutional sectors to create such a program.

NEW SECTION. Sec. 508. A new section is added to chapter 28B.76 RCW to read as follows:

(1) The board must establish boundaries for service regions for institutions of higher education as defined in RCW 28B.10.016 implementing professional educator standards board-approved educator preparation programs. Regions shall be established to encourage and support, not exclude, the reach of public institutions of higher education across the state.

(2) Based on the data in the assessment in RCW 28B.76.230 and 28B.76.335, the board shall determine whether reasonable teacher preparation program access for prospective teachers is available in each region. If access is determined to be inadequate in a region, the institution of higher education responsible for the region shall submit a plan for meeting the access need to the board.

(3) Partnerships with other teacher preparation program providers and the use of appropriate technology shall be considered. The board shall review the plan and, as appropriate, assist the institution in developing support and resources for implementing the plan.

NEW SECTION. Sec. 509. In conjunction with the regional needs assessments in sections 506 through 508 of this act, the council of presidents shall convene an interinstitutional work group to implement the plans developed under section 601, chapter 564, Laws of 2009 to increase the number of mathematics and science teacher endorsements and certificates. The work group must collaborate in evaluating regional needs and identifying strategies to meet those needs. The council of presidents shall report to the education and higher education committees of the legislature on demonstrated progress toward achieving outcomes identified in the plans no later than December 31, 2011.

NEW SECTION. Sec. 510. The following acts or parts of acts are each repealed:

- (1) RCW 28A.660.010 (Partnership grant program) and 2004 c 23 s 1 & 2001 c 158 s 2;
- (2) RCW 28A.415.100 (Student teaching centers--Legislative recognition--Intent) and 1991 c 258 s 1;
- (3) RCW 28A.415.105 (Definitions) and 2006 c 263 s 811, 1995 c 335 s 403, & 1991 c 258 s 2;
- (4) RCW 28A.415.125 (Network of student teaching centers) and 2006 c 263 s 812 & 1991 c 258 s 6;
- (5) RCW 28A.415.130 (Allocation of funds for student teaching centers) and 2006 c 263 s 813 & 1991 c 258 s 7;
- (6) RCW 28A.415.135 (Alternative means of teacher placement) and 1991 c 258 s 8;
- (7) RCW 28A.415.140 (Field experiences) and 1991 c 258 s 9;
- (8) RCW 28A.415.145 (Rules) and 2006 c 263 s 814 & 1991 c 258 s 10; and
- (9) RCW 28A.660.030 (Partnership grants--Selection--Administration) and 2004 c 23 s 3, 2003 c 410 s 2, & 2001 c 158 s 4.

PART VI

COMMON CORE STANDARDS

NEW SECTION. Sec. 601. A new section is added to chapter 28A.655 RCW to read as follows:

(1) By August 2, 2010, the superintendent of public instruction may revise the state essential academic learning requirements authorized under RCW 28A.655.070 for mathematics, reading, writing, and communication by provisionally adopting a common set of standards for students in grades kindergarten through twelve. The

revised state essential academic learning requirements may be substantially identical with the standards developed by a multistate consortium in which Washington participated, must be consistent with the requirements of RCW 28A.655.070, and may include additional standards if the additional standards do not exceed fifteen percent of the standards for each content area. However, the superintendent of public instruction shall not take steps to implement the provisionally adopted standards until the education committees of the house of representatives and the senate have an opportunity to review the standards.

(2) By January 1, 2011, the superintendent of public instruction shall submit to the education committees of the house of representatives and the senate:

(a) A detailed comparison of the provisionally adopted standards and the state essential academic learning requirements as of the effective date of this section, including the comparative level of rigor and specificity of the standards and the implications of any identified differences; and

(b) An estimated timeline and costs to the state and to school districts to implement the provisionally adopted standards, including providing necessary training, realignment of curriculum, adjustment of state assessments, and other actions.

(3) The superintendent may implement the revisions to the essential academic learning requirements under this section after the 2011 legislative session unless otherwise directed by the legislature.

PART VII

PARENTS AND COMMUNITY

NEW SECTION. Sec. 701. A new section is added to chapter 28A.605 RCW to read as follows:

School districts are encouraged to strengthen family, school, and community partnerships by creating spaces in school buildings, if space is available, where students and families can access the services they need, such as after-school tutoring, dental and health services, counseling, or clothing and food banks.

NEW SECTION. Sec. 702. A new section is added to chapter 28A.655 RCW to read as follows:

(1) Beginning with the 2010-11 school year, each school shall conduct outreach and seek feedback from a broad and diverse range of parents, other individuals, and organizations in the community regarding their experiences with the school. The school shall summarize the responses in its annual report under RCW 28A.655.110.

(2) The office of the superintendent of public instruction shall create a working group with representatives of organizations representing parents, teachers, and principals as well as diverse communities. The working group shall also include a representative from the achievement gap oversight and accountability committee. By September 1, 2010, the working group shall develop model feedback tools and strategies that school districts may use to facilitate the feedback process required in subsection (1) of this section. The model tools and strategies are intended to provide assistance to school districts. School districts are encouraged to adapt the models or develop unique tools and strategies that best fit the circumstances in their communities.

Sec. 703. RCW 28A.655.110 and 1999 c 388 s 303 are each amended to read as follows:

(1) Beginning with the 1994-95 school year, to provide the local community and electorate with access to information on the educational programs in the schools in the district, each school shall publish annually a school performance report and deliver the report to each parent with children enrolled in the school and make the report available to the community served by the school. The annual performance report shall be in a form that can be easily understood and be used by parents, guardians, and other members of the community who are not professional educators to make informed

educational decisions. As data from the assessments in RCW 28A.655.060 becomes available, the annual performance report should enable parents, educators, and school board members to determine whether students in the district's schools are attaining mastery of the student learning goals under RCW 28A.150.210, and other important facts about the schools' performance in assisting students to learn. The annual report shall make comparisons to a school's performance in preceding years (~~and shall include school level goals under RCW 28A.655.050~~), student performance relative to the goals and the percentage of students performing at each level of the assessment, a comparison of student performance at each level of the assessment to the previous year's performance, and information regarding school-level plans to achieve the goals.

(2) The annual performance report shall include, but not be limited to: (a) A brief statement of the mission of the school and the school district; (b) enrollment statistics including student demographics; (c) expenditures per pupil for the school year; (d) a summary of student scores on all mandated tests; (e) a concise annual budget report; (f) student attendance, graduation, and dropout rates; (g) information regarding the use and condition of the school building or buildings; (h) a brief description of the learning improvement plans for the school; (i) a summary of the feedback from parents and community members obtained under section 702 of this act; and ~~((h))~~ (j) an invitation to all parents and citizens to participate in school activities.

(3) The superintendent of public instruction shall develop by June 30, 1994, and update periodically, a model report form, which shall also be adapted for computers, that schools may use to meet the requirements of subsections (1) and (2) of this section. In order to make school performance reports broadly accessible to the public, the superintendent of public instruction, to the extent feasible, shall make information on each school's report available on or through the superintendent's internet web site.

NEW SECTION. Sec. 704. A new section is added to chapter 28A.300 RCW to read as follows:

There is a sizeable body of research positively supporting the involvement of parents taking an engaged and active role in their child's education. Therefore, the legislature intends to provide state recognition by the center for the improvement of student learning within the office of the superintendent of public instruction for schools that increase the level of direct parental involvement with their child's education. By September 1, 2010, the center for the improvement of student learning shall determine measures that can be used to evaluate the level of parental involvement in a school. The center for the improvement of student learning shall collaborate with school district family and community outreach programs and educational service districts to identify and highlight successful models and practices of parent involvement.

PART VIII COLLECTIVE BARGAINING

Sec. 801. RCW 41.56.100 and 1989 c 45 s 1 are each amended to read as follows:

(1) A public employer shall have the authority to engage in collective bargaining with the exclusive bargaining representative and no public employer shall refuse to engage in collective bargaining with the exclusive bargaining representative~~((-PROVIDED, That nothing contained herein shall require any))~~. However, a public employer is not required to bargain collectively with any bargaining representative concerning any matter which by ordinance, resolution, or charter of said public employer has been delegated to any civil service commission or personnel board similar in scope, structure, and authority to the board created by chapter 41.06 RCW.

(2) Upon the failure of the public employer and the exclusive bargaining representative to conclude a collective bargaining agreement, any matter in dispute may be submitted by either party to

the commission. This subsection does not apply to negotiations and mediations conducted between a school district employer and an exclusive bargaining representative under section 105 of this act.

(3) If a public employer implements its last and best offer where there is no contract settlement, allegations that either party is violating the terms of the implemented offer shall be subject to grievance arbitration procedures if and as such procedures are set forth in the implemented offer, or, if not in the implemented offer, if and as such procedures are set forth in the parties' last contract.

NEW SECTION. Sec. 802. A new section is added to chapter 41.56 RCW to read as follows:

All collective bargaining agreements entered into between a school district employer and school district employees under this chapter after the effective date of this section, as well as bargaining agreements existing on the effective date of this section but renewed or extended after the effective date of this section, shall be consistent with section 105 of this act.

NEW SECTION. Sec. 803. A new section is added to chapter 41.59 RCW to read as follows:

All collective bargaining agreements entered into between a school district employer and school district employees under this chapter after the effective date of this section, as well as bargaining agreements existing on the effective date of this section but renewed or extended after the effective date of this section, shall be consistent with section 105 of this act.

Sec. 804. RCW 41.59.120 and 1975 1st ex.s. c 288 s 13 are each amended to read as follows:

(1) Either an employer or an exclusive bargaining representative may declare that an impasse has been reached between them in collective bargaining and may request the commission to appoint a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy on terms which are mutually acceptable. If the commission determines that its assistance is needed, not later than five days after the receipt of a request therefor, it shall appoint a mediator in accordance with rules and regulations for such appointment prescribed by the commission. The mediator shall meet with the parties or their representatives, or both, forthwith, either jointly or separately, and shall take such other steps as he may deem appropriate in order to persuade the parties to resolve their differences and effect a mutually acceptable agreement. The mediator, without the consent of both parties, shall not make findings of fact or recommend terms of settlement. The services of the mediator, including, if any, per diem expenses, shall be provided by the commission without cost to the parties. Nothing in this subsection (1) shall be construed to prevent the parties from mutually agreeing upon their own mediation procedure, and in the event of such agreement, the commission shall not appoint its own mediator unless failure to do so would be inconsistent with the effectuation of the purposes and policy of this chapter.

(2) If the mediator is unable to effect settlement of the controversy within ten days after his or her appointment, either party, by written notification to the other, may request that their differences be submitted to fact-finding with recommendations, except that the time for mediation may be extended by mutual agreement between the parties. Within five days after receipt of the aforesaid written request for fact-finding, the parties shall select a person to serve as fact finder and obtain a commitment from that person to serve. If they are unable to agree upon a fact finder or to obtain such a commitment within that time, either party may request the commission to designate a fact finder. The commission, within five days after receipt of such request, shall designate a fact finder in accordance with rules and regulations for such designation prescribed by the commission. The fact finder so designated shall not be the same person who was appointed mediator pursuant to subsection (1) of this section without the consent of both parties.

The fact finder, within five days after his appointment, shall meet with the parties or their representatives, or both, either jointly or separately, and make inquiries and investigations, hold hearings, and take such other steps as he may deem appropriate. For the purpose of such hearings, investigations and inquiries, the fact finder shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence. If the dispute is not settled within ten days after his appointment, the fact finder shall make findings of fact and recommend terms of settlement within thirty days after his appointment, which recommendations shall be advisory only.

(3) Such recommendations, together with the findings of fact, shall be submitted in writing to the parties and the commission privately before they are made public. Either the commission, the fact finder, the employer, or the exclusive bargaining representative may make such findings and recommendations public if the dispute is not settled within five days after their receipt from the fact finder.

(4) The costs for the services of the fact finder, including, if any, per diem expenses and actual and necessary travel and subsistence expenses, and any other incurred costs, shall be borne by the commission without cost to the parties.

(5) Nothing in this section shall be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, their own procedure for resolving impasses in collective bargaining for that provided in this section or from agreeing to utilize for the purposes of this section any other governmental or other agency or person in lieu of the commission.

(6) Any fact finder designated by an employer and an exclusive representative or the commission for the purposes of this section shall be deemed an agent of the state.

(7) This section does not apply to negotiations and mediations conducted under section 105 of this act.

PART IX

CLOSING THE ACHIEVEMENT GAP

Sec. 901. RCW 28A.300.136 and 2009 c 468 s 2 are each amended to read as follows:

(1) An achievement gap oversight and accountability committee is created to synthesize the findings and recommendations from the 2008 achievement gap studies into an implementation plan, and to recommend policies and strategies to the superintendent of public instruction, the professional educator standards board, and the state board of education to close the achievement gap.

(2) The committee shall recommend specific policies and strategies in at least the following areas:

(a) Supporting and facilitating parent and community involvement and outreach;

(b) Enhancing the cultural competency of current and future educators and the cultural relevance of curriculum and instruction;

(c) Expanding pathways and strategies to prepare and recruit diverse teachers and administrators;

(d) Recommending current programs and resources that should be redirected to narrow the gap;

(e) Identifying data elements and systems needed to monitor progress in closing the gap;

(f) Making closing the achievement gap part of the school and school district improvement process; and

(g) Exploring innovative school models that have shown success in closing the achievement gap.

(3) Taking a multidisciplinary approach, the committee may seek input and advice from other state and local agencies and organizations with expertise in health, social services, gang and violence prevention, substance abuse prevention, and other issues that disproportionately affect student achievement and student success.

(4) The achievement gap oversight and accountability committee shall be composed of the following members:

(a) The chairs and ranking minority members of the house and senate education committees, or their designees;

(b) One additional member of the house of representatives appointed by the speaker of the house and one additional member of the senate appointed by the president of the senate;

(c) A representative of the office of the education ombudsman;

(d) A representative of the center for the improvement of student learning in the office of the superintendent of public instruction;

(e) A representative of federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington state, designated by the federally recognized tribes; and

(f) Four members appointed by the governor in consultation with the state ethnic commissions, who represent the following populations: African-Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans.

(5) The governor and the tribes are encouraged to designate members who have experience working in and with schools.

(6) The committee may convene ad hoc working groups to obtain additional input and participation from community members. Members of ad hoc working groups shall serve without compensation and shall not be reimbursed for travel or other expenses.

(7) The chair or co-chairs of the committee shall be selected by the members of the committee. Staff support for the committee shall be provided by the center for the improvement of student learning. Members of the committee shall serve without compensation but must be reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(8) The superintendent of public instruction, the state board of education, the professional educator standards board, and the quality education council shall work collaboratively with the achievement gap oversight and accountability committee to close the achievement gap.

PART X

MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 1001. RCW 28A.305.225 is recodified as a section in the chapter created in section 1002 of this act.

NEW SECTION. Sec. 1002. Sections 101 through 110 and 112 through 114 of this act constitute a new chapter in Title 28A RCW."

Correct the title.

Representatives Sullivan and Priest spoke in favor of the adoption of the amendment.

Amendment (1657) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sullivan and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6696, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6696, as amended by the House, and the bill passed the House by the following vote: Yeas, 72; Nays, 25; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Angel, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks,

Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Armstrong, Bailey, Chandler, Crouse, DeBolt, Ericksen, Fagan, Herrera, Johnson, Klippert, Kretz, Kristiansen, Miloscia, Nealey, Orcutt, Parker, Pearson, Ross, Schmick, Shea, Short, Smith, Taylor and Walsh.

Excused: Representative Condotta.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6696, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6855, by Senators McDermott and Kohl-Welles

Exempting community centers from property taxation and imposing leasehold excise taxes on such property.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hasegawa, Orcutt and Dickerson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6855.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6855, and the bill passed the House by the following vote: Yeas, 83; Nays, 14; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Armstrong, Chandler, Ericksen, Herrera, Johnson, Kristiansen, Nealey, Pearson, Roach, Rodne, Ross, Shea and Taylor.

Excused: Representative Condotta.

SENATE BILL NO. 6855, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 11, 2010

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL 5798
ENGROSSED SUBSTITUTE SENATE BILL 5902
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6267
SUBSTITUTE SENATE BILL 6280
SUBSTITUTE SENATE BILL 6293
SUBSTITUTE SENATE BILL 6339
SUBSTITUTE SENATE BILL 6355
ENGROSSED SUBSTITUTE SENATE BILL 6604
ENGROSSED SENATE BILL 6610
SUBSTITUTE SENATE BILL 6759
ENGROSSED SUBSTITUTE SENATE BILL 6774
SENATE BILL 6833

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL 6504 and passed the bill as amended by the House, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL 6658 and passed the bill as amended by the House, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1597
SUBSTITUTE HOUSE BILL 2196
ENGROSSED SUBSTITUTE HOUSE BILL 2424
ENGROSSED SUBSTITUTE HOUSE BILL 2547
SUBSTITUTE HOUSE BILL 2596
SUBSTITUTE HOUSE BILL 2745
SUBSTITUTE HOUSE BILL 2758
SUBSTITUTE HOUSE BILL 2893
ENGROSSED SUBSTITUTE HOUSE BILL 2925
SUBSTITUTE HOUSE BILL 2935
HOUSE BILL 3030
SUBSTITUTE HOUSE BILL 3046
SECOND SUBSTITUTE HOUSE BILL 3076
ENGROSSED SUBSTITUTE HOUSE BILL 3179

and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

March 11, 2010

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 2776 and under suspension of the rules returned SUBSTITUTE HOUSE BILL NO. 2776 to second reading for purpose of amendment. The Senate adopted the following amendment and passed SUBSTITUTE HOUSE BILL NO. 2776 as amended by the Senate:

Format changed to accommodate amendment.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) It is the legislature's intent to continue implementation of chapter 548, Laws of 2009, by adopting the technical details of a new distribution formula for the instructional program of basic education and authorizing a phase-in of implementation of a new distribution formula for pupil transportation, both to take effect during the 2011-2013 biennium. Unless otherwise stated, the numeric values adopted in section 2 of this act represent the translation of 2009-2010 state funding levels for the basic education act into the funding factors of the prototypical school funding formula, based on the expert advice and extensive work of the funding formula technical working group established by the legislature for this purpose. The legislature intends to continue to review and revise the formulas and may make revisions as necessary for technical purposes and consistency in the event of mathematical or other technical errors.

(2) The legislature intends that per-pupil basic education funding for a school district shall not be decreased as a result of the transition of basic education funding formulas in effect during the 2009-2011 biennium to the new funding formulas under RCW 28A.150.260 that take effect during the 2011-2013 biennium.

(3) It is also the legislature's intent to begin phasing-in enhancements to the baseline funding levels of 2009-10 in the 2011-2013 biennium for pupil transportation, class size allocations for grades kindergarten through three, full-day kindergarten, and allocations for maintenance, supplies, and operating costs.

(4) Finally, it is the legislature's intent to adjust the timelines for other working groups so that their expertise and advice can be received as soon as possible and to make technical adjustments to certain provisions of chapter 548, Laws of 2009.

Sec. 2. RCW 28A.150.260 and 2009 c 548 s 106 are each amended to read as follows:

The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula for the distribution of a basic education instructional allocation for each common school district.

(2) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.155, 28A.165, 28A.180, or (~~28A.155~~) 28A.185 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) To the extent the technical details of the formula have been adopted by the legislature and except when specifically provided as a school district allocation, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

~~((=))~~ (4)(a) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on ~~((=))~~ the following general education average class size ~~((as specified in the omnibus appropriations act.))~~ of full-time equivalent students per teacher:

General education average class size

Grades K-3	25.23
Grade 4	27.00
Grades 5-6	27.00
Grades 7-8	28.53
Grades 9-12	28.74

(b) During the 2011-2013 biennium and beginning with schools with the highest percentage of students eligible for free and reduced-price meals in the prior school year, the general education average class size for grades K-3 shall be reduced until the average class size funded under this subsection (4) is no more than 17.0 full-time equivalent students per teacher beginning in the 2017-18 school year.

(c) The minimum allocation for each prototypical middle and high school shall also provide for full-time equivalent classroom teachers based on the following number of full-time equivalent students per teacher in career and technical education:

Career and technical
education average
class size

Approved career and technical education offered at
the middle school and high school level 26.57
Skill center programs meeting the standards established
by the office of the superintendent of public instruction

22.76

(d) In addition, the omnibus appropriations act shall at a minimum specify:

- (i) ~~((Basic average class size;~~
- ~~—((ii) Basic))~~ A high-poverty average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals; and
- ~~((iii))~~ (ii) A specialty average class size for ~~((exploratory and preparatory career and technical education,))~~ laboratory science, advanced placement, and international baccalaureate courses~~((; and~~
- (iv) Average class size in grades kindergarten through three)).
- ~~((4))~~ (5) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:
 - ~~((i))~~ Principals, including assistant principals, and other certificated building-level administrators;
 - (ii) Teacher librarians, performing functions including information literacy, technology, and media to support school library media programs;
 - (iii) Student health services, a function that includes school nurses, whether certificated instructional or classified employee, and social workers;
 - (iv) Guidance counselors, performing functions including parent outreach and graduation advisor;
 - (v) Professional development coaches;
 - (vi) Teaching assistance, which includes any aspect of educational instructional services provided by classified employees;
 - (vii) Office support, technology support, and other noninstructional aides;
 - (viii) Custodians, warehouse, maintenance, laborer, and professional and technical education support employees; and
 - (ix) Classified staff providing student and staff safety.

	<u>Elementary School</u>	<u>Middle School</u>	<u>High School</u>
<u>Principals, assistant principals, and other certificated building-level administrators</u>	<u>1.253</u>	<u>1.353</u>	<u>1.880</u>
<u>Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs</u>	<u>0.663</u>	<u>0.519</u>	<u>0.523</u>
<u>Health and social services:</u>			
<u>School nurses</u>	<u>0.076</u>	<u>0.060</u>	<u>0.096</u>
<u>Social workers</u>	<u>0.042</u>	<u>0.006</u>	<u>0.015</u>
<u>Psychologists</u>	<u>0.017</u>	<u>0.002</u>	<u>0.007</u>
<u>Guidance counselors, a function that includes parent outreach and graduation advising</u>	<u>0.493</u>	<u>1.116</u>	<u>1.909</u>
<u>Teaching assistance, including any aspect of educational instructional services provided by classified employees</u>	<u>0.936</u>	<u>0.700</u>	<u>0.652</u>
<u>Office support and other noninstructional aides</u>	<u>2.012</u>	<u>2.325</u>	<u>3.269</u>
<u>Custodians</u>	<u>1.657</u>	<u>1.942</u>	<u>2.965</u>
<u>Classified staff providing student and staff safety</u>	<u>0.079</u>	<u>0.092</u>	<u>0.141</u>
<u>Parent involvement coordinators</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

(6)(a) The minimum staffing allocation for each school district to provide district-wide support services shall be allocated per one thousand annual average full-time equivalent students in grades K-12 as follows:

Staff per 1,000 K-12 students	
Technology	0.628
Facilities, maintenance, and grounds	1.813
Warehouse, laborers, and mechanics	0.332

(b) The minimum allocation of staff units for each school district to support certificated and classified staffing of central administration shall be 5.30 percent of the staff units generated under subsections (4)(a) and (b) and (5) of this section and (a) of this subsection.

(7) The distribution formula shall include staffing allocations to school districts for career and technical education and skill center administrative and other school-level certificated staff, as specified in the omnibus appropriations act.

(8)(a) Except as provided in (b) of this subsection, the minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs, to be adjusted for inflation from the 2008-09 school year: ((Student technology; utilities; curriculum, textbooks, library materials, and instructional supplies; instructional professional development for both certificated and classified staff; other building level costs including maintenance, custodial, and security; and central office administration.))

Per annual average full-time equivalent student in grades K-12

Technology	\$54.43
Utilities and insurance	\$147.90
Curriculum and textbooks	\$58.44
Other supplies and library materials	\$124.07
Instructional professional development for certified and classified staff	\$9.04
Facilities maintenance	\$73.27
Security and central office	\$50.76

~~(b) ((The annual average full-time equivalent student amounts in (a) of this subsection shall be enhanced))~~ During the 2011-2013 biennium, the minimum allocation for maintenance, supplies, and operating costs shall be increased as specified in the omnibus appropriations act. The following allocations, adjusted for inflation from the 2007-08 school year, are provided in the 2015-16 school year, after which the allocations shall be adjusted annually for inflation as specified in the omnibus appropriations act:

Per annual average full-time equivalent student in grades K-12

Technology	\$113.80
Utilities and insurance	\$309.21
Curriculum and textbooks	\$122.17
Other supplies and library materials	\$259.39
Instructional professional development for certificated and classified staff	\$18.89
Facilities maintenance	\$153.18
Security and central office administration	\$106.12

(9) In addition to the amounts provided in subsection (8) of this section, the omnibus appropriations act shall provide an amount based on full-time equivalent student enrollment in each of the following:

- (a) Exploratory career and technical education courses for students in grades seven through twelve;
- (b) Laboratory science courses for students in grades nine through twelve;
- (c) Preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and
- (d) Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

~~((5))~~ (10) In addition to the allocations otherwise provided under ((subsections (3) and (4) of)) this section ((shall be enhanced as follows to provide additional allocations for classroom teachers and maintenance, supplies, and operating costs)), amounts shall be provided to support the following programs and services:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the ~~((percent))~~ district percentage of students in ~~((each school))~~ grades K-12 who ~~((are)) were~~ eligible for free ~~((and) or~~ reduced-price meals in the prior school year. The minimum allocation for the ~~((learning assistance))~~ program shall provide ~~((an extended school day and extended school year))~~ for each level of prototypical school ~~((and a per student allocation for maintenance, supplies, and operating costs))~~ resources to provide, on a statewide average, 1.5156 hours per week in extra instruction with a class size of fifteen learning assistance program students per teacher.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the head count number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide ~~((for supplemental instruction based on percent of the school day a student is assumed to receive supplemental instruction and a per student allocation for maintenance, supplies, and operating costs))~~ resources to provide, on a statewide average, 4.7780 hours per week in extra instruction with fifteen transitional bilingual instruction program students per teacher.

~~((6))~~ The allocations provided under subsections (3) and (4) of this section shall be enhanced. ~~((c))~~ To provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, allocations shall be based on two and three hundred fourteen one-thousandths percent of each school district's full-time equivalent basic education enrollment. The minimum allocation for the programs shall provide ((an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs)) resources to provide, on a statewide average, 2.1590 hours per week in extra instruction with fifteen highly capable program students per teacher.

~~((7))~~ (11) The allocations under subsections ((3)) (4)(a) and (b), ((e)(i), and (d), (4)), (5), (6), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

~~((8))~~ The distribution formula shall include allocations to school districts to support certificated and classified staffing of central office administration. The minimum allocation shall be calculated as a percentage, identified in the omnibus appropriations act, of the total allocations for staff under subsections (3) and (6) of this section for all schools in the district.

~~((9))~~ (12)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections ((3)) (4) and ((5)) (10) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections ~~((3) and)~~ (4), (7), and (9) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

~~((10))~~ (13)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature.

(b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect.

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month, including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction and shall be included as part of the superintendent's biennial budget request. The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ways and means committee and the senate ways and means committee.

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

Sec. 3. RCW 28A.150.390 and 2009 c 548 s 108 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW 28A.150.260 ~~((3)(b), (c)(i), and (d), (4), and (8) and federal medical assistance and private funds accruing under RCW 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256))~~ (4)(a) and (b), (5), (6), and (8).

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by 0.9309.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 ~~((3)(b), (c)(i), and (d), (4), and (8)))~~ (4)(a) and (b), (5), (6), and (8).

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent.

Sec. 4. RCW 28A.150.315 and 2009 c 548 s 107 are each amended to read as follows:

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. During the 2011-2013 biennium, funding shall continue to be phased-in each year until full statewide implementation of all-day kindergarten is achieved in the 2017-18 school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

Sec. 5. 2009 c 548 s 112 (uncodified) is amended to read as follows:

(1) The legislature intends to continue to redefine the instructional program of education under RCW 28A.150.220 that fulfills the obligations and requirements of Article IX of the state Constitution. The funding formulas under RCW 28A.150.260 to support the instructional program shall be implemented to the extent the technical details of the formula have been established and according to an implementation schedule to be adopted by the legislature. The object of the schedule is to assure that any increases in funding allocations are timely, predictable, and occur concurrently with any increases in program or instructional requirements. It is the intent of the legislature that no increased programmatic or instructional expectations be imposed upon schools or school districts without an accompanying increase in resources as necessary to support those increased expectations.

(2) The office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to:

- (a) Develop the details of the funding formulas under RCW 28A.150.260;
- (b) Recommend to the legislature an implementation schedule for phasing-in any increased program or instructional requirements concurrently with increases in funding for adoption by the legislature; and
- (c) Examine possible sources of revenue to support increases in funding allocations and present options to the legislature and the quality education council created in (~~section 114 of this act~~) RCW 28A.290.010 for consideration.

(3) The working group shall include representatives of the legislative evaluation and accountability program committee, school district and educational service district financial managers, the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(4) The working group shall be monitored and overseen by the legislature and the quality education council established in (~~section 114 of this act~~) RCW 28A.290.010. The working group shall submit its recommendations to the legislature by December 1, 2009.

(5) After the 2009 report to the legislature, the office of financial management and the office of the superintendent of public instruction shall periodically reconvene the working group to monitor and provide advice on further development and implementation of the funding formulas under RCW 28A.150.260 and provide technical assistance to the ongoing work of the quality education council.

Sec. 6. 2009 c 548 s 302 (uncodified) is amended to read as follows:

(1) Beginning (~~July~~) April 1, 2010, the office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to develop options for a new system of supplemental school funding through local school levies and local effort assistance.

(2) The working group shall consider the impact on overall school district revenues of the new basic education funding system established under (~~this act~~) chapter 548, Laws of 2009 and shall recommend a phase-in plan that ensures that no school district suffers a decrease in funding from one school year to the next due to implementation of the new system of supplemental funding.

(3) The working group shall also:

(a) Examine local school district capacity to address facility needs associated with phasing-in full-day kindergarten across the state and reducing class size in kindergarten through third grade; and

(b) Provide the quality education council with analysis on the potential use of local funds that may become available for redeployment and redirection as a result of increased state funding allocations for pupil transportation and maintenance, supplies, and operating costs.

(4) The working group shall be composed of representatives from the department of revenue, the legislative evaluation and accountability program committee, school district and educational service district financial managers, and representatives of the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

~~((4))~~ (5) The local funding working group shall be monitored and overseen by the legislature and by the quality education council created in (~~section 114 of this act~~) RCW 28A.290.010. The working group shall report to the legislature (~~December 1~~) June 30, 2011.

Sec. 7. RCW 43.41.398 and 2009 c 548 s 601 are each amended to read as follows:

(1) The legislature recognizes that providing students with the opportunity to access a world-class educational system depends on our continuing ability to provide students with access to world-class educators. The legislature also understands that continuing to attract and retain the highest quality educators will require increased investments. The legislature intends to enhance the current salary allocation model and recognizes that changes to the current model cannot be imposed without great deliberation and input from teachers, administrators, and classified employees. Therefore, it is the intent of the legislature to begin the process of developing an enhanced salary allocation model that is collaboratively designed to ensure the rationality of any conclusions regarding what constitutes adequate compensation.

(2) Beginning July 1, 2011, the office of the superintendent of public instruction, in collaboration with the office of financial management, shall convene a technical working group to recommend the details of an enhanced salary allocation model that aligns state expectations for educator development and certification with the compensation system and establishes recommendations for a concurrent implementation schedule. In addition to any other details the technical working group deems necessary, the technical working group shall make recommendations on the following:

- (a) How to reduce the number of tiers within the existing salary allocation model;
- (b) How to account for labor market adjustments;
- (c) How to account for different geographic regions of the state where districts may encounter difficulty recruiting and retaining teachers;
- (d) The role of and types of bonuses available;
- (e) Ways to accomplish salary equalization over a set number of years; and
- (f) Initial fiscal estimates for implementing the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather in permanently to the existing schedule.

(3) As part of its work, the technical working group shall conduct or contract for a preliminary comparative labor market analysis of salaries and other compensation for school district employees to be conducted and shall include the results in any reports to the legislature. For the purposes of this subsection, "salaries and other compensation" includes average base salaries, average total salaries, average employee basic benefits, and retirement benefits.

(4) The analysis required under subsection (1) of this section must:

(a) Examine salaries and other compensation for teachers, other certificated instructional staff, principals, and other building-level certificated administrators, and the types of classified employees for whom salaries are allocated;

(b) Be calculated at a statewide level that identifies labor markets in Washington through the use of data from the United States bureau of the census and the bureau of labor statistics; and

(c) Include a comparison of salaries and other compensation to the appropriate labor market for at least the following subgroups of educators: Beginning teachers and types of educational staff associates.

(5) The working group shall include representatives of the department of personnel, the professional educator standards board, the office of the superintendent of public instruction, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with appropriate expertise in compensation related matters. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall be monitored and overseen by the legislature and the quality education council created in RCW 28A.290.010. The working group shall make an initial report to the legislature by ~~((December 1))~~ June 30, 2012, and shall include in its report recommendations for whether additional further work of the group is necessary.

Sec. 8. RCW 28A.160.192 and 2009 c 548 s 311 are each amended to read as follows:

(1) The superintendent of public instruction shall phase-in the implementation of the distribution formula under this chapter for allocating state funds to school districts for the transportation of students to and from school. The phase-in shall ~~((be according to the implementation schedule adopted by the legislature and shall))~~ begin no later than the ~~((2013-14 school year))~~ 2011-2013 biennium and be fully implemented by the 2013-2015 biennium.

(a) The formula must be developed and revised on an ongoing basis using the major cost factors in student transportation, including basic and special student loads, school district land area, average distance to school, roadway miles, and number of locations served. Factors must include all those site characteristics that are statistically significant after analysis of the data required by the revised reporting process.

(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis.

(2) During the phase-in period, funding provided to school districts for student transportation operations shall be distributed on the following basis:

(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the state recovery rate identified by the superintendent; and

(b) Annually, any funds appropriated by the legislature in excess of the maintenance level funding amount for student transportation shall be distributed among school districts on a prorated basis using the difference between the amount identified in (a) of this subsection and the amount determined under the formula in RCW 28A.160.180.

~~((3))~~ The superintendent shall develop, implement, and provide a copy of the rules specifying the student transportation reporting requirements to the legislature and school districts no later than December 1, 2009.

(4) Beginning in December 2009, and continuing until December 2014, the superintendent shall provide quarterly updates and progress reports to the fiscal committees of the legislature on the implementation and testing of the distribution formula.)

NEW SECTION. Sec. 9. A new section is added to chapter 28A.160 RCW to read as follows:

(1) The superintendent of public instruction shall develop, implement, and provide a copy of the rules specifying the student transportation reporting requirements to the legislature and school districts no later than December 1, 2010.

(2) Beginning in December 2010, and continuing until December 2014, the superintendent shall provide quarterly updates and progress reports to the fiscal committees of the legislature on the implementation and testing of the distribution formula.

(3) This section expires June 30, 2015.

Sec. 10. RCW 28A.150.410 and 2007 c 403 s 1 are each amended to read as follows:

(1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, the staff allocations for classroom teachers, teacher librarians, guidance counselors, and student health services staff under RCW 28A.150.260 are considered allocations for certificated instructional staff.

(2) Salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Beginning January 1, 1992, no more than ninety college quarter- hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a master's degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year, the calculation of years of service for occupational therapists, physical therapists, speech- language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

Sec. 11. RCW 28A.175.010 and 2005 c 207 s 3 are each amended to read as follows:

Each school district shall account for the educational progress of each of its students. To achieve this, school districts shall be required to report annually to the superintendent of public instruction:

(1) For students enrolled in each of a school district's high school programs:

(a) The number of students who graduate in fewer than four years;

(b) The number of students who graduate in four years;

(c) The number of students who remain in school for more than four years but who eventually graduate and the number of students who remain in school for more than four years but do not graduate;

- (d) The number of students who transfer to other schools;
- (e) The number of students in the ninth through twelfth grade who drop out of school over a four-year period; and
- (f) The number of students whose status is unknown.
- (2) Dropout rates of students in each of the grades seven through twelve.
- (3) Dropout rates for student populations in each of the grades seven through twelve by:
 - (a) Ethnicity;
 - (b) Gender;
 - (c) Socioeconomic status; and
 - (d) Disability status.
- (4) The causes or reasons, or both, attributed to students for having dropped out of school in grades seven through twelve.
- (5) The superintendent of public instruction shall adopt rules under chapter 34.05 RCW to assure uniformity in the information districts are required to report under subsections (1) through (4) of this section. In developing rules, the superintendent of public instruction shall consult with school districts, including administrative and counseling personnel, with regard to the methods through which information is to be collected and reported.
- (6) In reporting on the causes or reasons, or both, attributed to students for having dropped out of school, school building officials shall, to the extent reasonably practical, obtain such information directly from students. In lieu of obtaining such information directly from students, building principals and counselors shall identify the causes or reasons, or both, based on their professional judgment.
- (7) The superintendent of public instruction shall report annually to the legislature the information collected under subsections (1) through (4) of this section.
- (8) The Washington state institute for public policy shall calculate an annual estimate of the savings to taxpayers resulting from any improvement compared to the prior school year in the extended graduation rate, as calculated by the superintendent of public instruction. The superintendent shall include the estimate from the institute in an appendix of the report required under subsection (7) of this section, beginning with the 2010 report.

NEW SECTION. Sec. 12. A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall implement and maintain an internet-based portal that provides ready public access to the state's prototypical school funding model for basic education under RCW 28A.150.260. The portal must provide citizens the opportunity to view, for each local school building, the staffing levels and other prototypical school funding elements that are assumed under the state funding formula. The portal must also provide a matrix displaying how individual school districts are deploying those same state resources through their allocation of staff and other resources to school buildings, so that citizens are able to compare the state assumptions to district allocation decisions for each local school building.

Sec. 13. RCW 28A.150.100 and 1990 c 33 s 103 are each amended to read as follows:

(1) For the purposes of this section and RCW 28A.150.410 and 28A.400.200, "basic education certificated instructional staff" (~~shall~~) means all full-time equivalent classroom teachers, teacher librarians, guidance counselors, certificated student health services staff, and other certificated instructional staff in the following programs as defined for statewide school district accounting purposes: Basic education, secondary vocational education, general instructional support, and general supportive services.

(2) (~~In the 1988-89 school year and thereafter,~~) Each school district shall maintain a ratio of at least forty-six basic education certificated instructional staff to one thousand annual average full time equivalent students.

Sec. 14. 2009 c 548 s 710 (uncodified) is amended to read as follows:

(1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969 ex.s. c 223 s 28A.01.010;

(2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212, 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, & 1973 1st ex.s. c 105 s 1;

(3) (~~RCW 28A.150.100 (Basic education certificated instructional staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203;~~

~~—(4))~~ RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s 22, & 1969 ex.s. c 223 s 28A.01.020;

~~((5))~~ (4) RCW 28A.150.370 (Additional programs for which legislative appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7; and

~~((6))~~ (5) RCW 28A.155.180 (Safety net funds--Application-- Technical assistance--Annual survey) and 2007 c 400 s 8.

Sec. 15. RCW 28A.290.010 and 2009 c 548 s 114 are each amended to read as follows:

(1) The quality education council is created to recommend and inform the ongoing implementation by the legislature of an evolving program of basic education and the financing necessary to support such program. The council shall develop strategic recommendations on the program of basic education for the common schools. The council shall take into consideration the capacity report produced under RCW 28A.300.172 and the availability of data and progress of implementing the data systems required under RCW 28A.655.210. Any recommendations for modifications to the program of basic education shall be based on evidence that the programs effectively support student learning. The council shall update the statewide strategic recommendations every four years. The recommendations of the council are intended to:

(a) Inform future educational policy and funding decisions of the legislature and governor;

(b) Identify measurable goals and priorities for the educational system in Washington state for a ten-year time period, including the goals of basic education and ongoing strategies for coordinating statewide efforts to eliminate the achievement gap and reduce student dropout rates; and

(c) Enable the state of Washington to continue to implement an evolving program of basic education.

(2) The council may request updates and progress reports from the office of the superintendent of public instruction, the state board of education, the professional educator standards board, and the department of early learning on the work of the agencies as well as educational working groups established by the legislature.

(3) The chair of the council shall be selected from the councilmembers. The council shall be composed of the following members:

(a) Four members of the house of representatives, with two members representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Four members of the senate, with two members representing each of the major caucuses and appointed by the president of the senate; ~~((and))~~

(c) One representative each from the office of the governor, office of the superintendent of public instruction, state board of education, professional educator standards board, and department of early learning; and

(d) One nonlegislative representative from the achievement gap oversight and accountability committee established under RCW 28A.300.136, to be selected by the members of the committee.

(4) In the 2009 fiscal year, the council shall meet as often as necessary as determined by the chair. In subsequent years, the council shall meet no more than four times a year.

(5)(a) The council shall submit an initial report to the governor and 1, 2010, detailing its recommendations, including recommendations for resolving issues or decisions requiring legislative action during the 2010 legislative session, and recommendations for any funding necessary to continue development and implementation of chapter 548, Laws of 2009.

(b) The initial report shall, at a minimum, include:

(i) Consideration of how to establish a statewide beginning teacher mentoring and support system;

(ii) Recommendations for a program of early learning for at-risk children;

(iii) A recommended schedule for the concurrent phase-in of the changes to the instructional program of basic education and the implementation of the funding formulas and allocations to support the new instructional program of basic education as established under chapter 548, Laws of 2009. The phase-in schedule shall have full implementation completed by September 1, 2018; and

(iv) A recommended schedule for phased-in implementation of the new distribution formula for allocating state funds to school districts for the transportation of students to and from school, with phase-in beginning no later than September 1, 2013.

(6) The council shall submit a report to the governor and the legislature by December 1, 2010, that includes:

(a) Recommendations for specific strategies, programs, and funding, including funding allocations through the funding distribution formula in RCW 28A.150.260, that are designed to close the achievement gap and increase the high school graduation rate in Washington public schools. The council shall consult with the achievement gap oversight and accountability committee and the building bridges work group in developing its recommendations; and

(b) Recommendations for assuring adequate levels of state-funded classified staff to support essential school and district services.

(7) The council shall be staffed by the office of the superintendent of public instruction and the office of financial management. Additional staff support shall be provided by the state entities with representatives on the committee. Senate committee services and the house of representatives office of program research may provide additional staff support.

~~((7))~~ (8) Legislative members of the council shall serve without additional compensation but may be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 16. 2009 c 548 s 805 (uncodified) is amended to read as follows:

Sections 304 through 311 of this act take effect September 1, ~~((2013))~~ 2011.

NEW SECTION. Sec. 17. 2009 c 548 s 112, as amended by section 5 of this act, is codified as a section in chapter 28A.290 RCW.

NEW SECTION. Sec. 18. RCW 43.41.398 is recodified as a section in chapter 28A.400 RCW.

NEW SECTION. Sec. 19. Sections 2, 3, 4, 8, 10, 13, and 14 of this act take effect September 1, 2011.

NEW SECTION. Sec. 20. Section 6 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.150.260, 28A.150.390, 28A.150.315, 43.41.398, 28A.160.192, 28A.150.410, 28A.175.010, 28A.150.100, and 28A.290.010; amending 2009 c 548 s 112 (uncodified); amending 2009 c 548 s 302 (uncodified); amending 2009 c 548 s 710 (uncodified); amending 2009 c 548 s 805 (uncodified); adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.290 RCW; adding a new section to chapter 28A.400 RCW; creating a new section; recodifying RCW 43.41.398; providing effective dates; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoeman , Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2776 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Sullivan, Priest, Maxwell, Dammeier, Quall, Jacks and Driscoll spoke in favor of the passage of the bill.

Representatives Alexander, Orcutt and Bailey spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2776, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2776, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 71; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Angel, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Armstrong, Bailey, Campbell, Chandler, Crouse, DeBolt, Ericksen, Fagan, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Pearson, Roach, Ross, Schmick, Shea, Short, Taylor and Warnick.

Excused: Representative Condotta.

SUBSTITUTE HOUSE BILL NO. 2776, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 10, 2010

Mr. Speaker:

The Senate receded from its amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2731. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a critical factor in the eventual successful outcome of a K-12 education is for students to begin school ready, both intellectually and socially, to

learn. The legislature also finds that, due to a variety of factors, some young children need supplemental instruction in preschool to assure that they have the opportunity to participate meaningfully and reach the necessary levels of achievement in the regular program of basic education. The legislature further finds that children who participate in high quality preschool programs have improved educational and life outcomes and are more likely to graduate from high school and pursue higher education, experience successful employment opportunities, and have increased earnings. Therefore the legislature intends to create a program of early learning that, when fully implemented, shall be an entitlement program for eligible children.

The legislature also finds that the state early childhood education and assistance program was established to help children from low-income families be prepared for kindergarten, and that the program has been a successful model for achieving that goal. Therefore, the legislature intends that the first phase of implementing the entitlement program of early learning shall be accomplished by utilizing the program standards and eligibility criteria in the early childhood education and assistance program. The legislature also intends that the implementation of subsequent phases of the program established by the ready for school act of 2010 will be aligned with the implementation of the state's all-day kindergarten program in order to maximize the gains resulting from investments in the two programs.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community-based early learning providers" includes for-profit and nonprofit licensed providers of child care and preschool programs.

(2) "Program" means the program of early learning established in section 3 of this act for eligible children who are three and four years of age.

NEW SECTION. Sec. 3. PROGRAM STANDARDS. (1) Beginning September 1, 2011, an early learning program to provide voluntary preschool opportunities for children three and four years of age shall be implemented according to the funding and implementation plan in section 4 of this act. The program must be a comprehensive program providing early childhood education and family support, options for parental involvement, and health information, screening, and referral services, as family need is determined. Participation in the program is voluntary. On a space available basis, the program may allow enrollment of children who are not otherwise eligible by assessing a fee.

(2) The first phase of the program shall be implemented by utilizing the program standards and eligibility criteria in the early childhood education and assistance program.

(3) The director shall adopt rules for the following program components, as appropriate and necessary during the phased implementation of the program:

(a) Minimum program standards, including lead teacher, assistant teacher, and staff qualifications;

(b) Approval of program providers; and

(c) Accountability and adherence to performance standards.

(4) The department has administrative responsibility for:

(a) Approving and contracting with providers according to rules developed by the director under this section;

(b) In partnership with school districts, monitoring program quality and assuring the program is responsive to the needs of eligible children;

(c) Assuring that program providers work cooperatively with school districts to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and

(d) Providing technical assistance to contracted providers.

NEW SECTION. Sec. 4. FUNDING AND STATEWIDE IMPLEMENTATION. (1) Funding for the program of early learning

established under this chapter must be appropriated to the department. Allocations must be made on the basis of eligible children enrolled with eligible providers.

(2) The program shall be implemented in phases, so that full implementation is achieved in the 2018-19 school year.

(3) For the initial phase of the early learning program in school years 2011-12 and 2012-13, the legislature shall appropriate funding to the department for implementation of the program in an amount not less than the 2009-2011 enacted budget for the early childhood education and assistance program. The appropriation shall be sufficient to fund an equivalent number of slots as funded in the 2009-2011 enacted budget.

(4) Beginning in the 2013-14 school year, additional funding for the program must be phased in beginning in school districts providing all-day kindergarten programs under RCW 28A.150.315.

(5) Funding shall continue to be phased in incrementally each year until full statewide implementation of the early learning program is achieved in the 2018-19 school year, at which time any eligible child shall be entitled to be enrolled in the program.

(6) The department and the office of financial management shall annually review the caseload forecasts for the program and, beginning December 1, 2012, and annually thereafter, report to the governor and the appropriate committees of the legislature with recommendations for phasing in additional funding necessary to achieve statewide implementation in the 2018-19 school year.

(7) School districts and approved community-based early learning providers may contract with the department to provide services under the program. The department shall collaborate with school districts, community-based providers, and educational service districts to promote an adequate supply of approved providers.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.320 RCW to read as follows:

For the program of early learning established in section 3 of this act, school districts:

- (1) Shall work cooperatively with program providers to coordinate the transition from preschool to kindergarten so that children and their families are well-prepared and supported; and
- (2) May contract with the department of early learning to deliver services under the program.

Sec. 6. RCW 43.215.020 and 2007 c 394 s 5 are each amended to read as follows:

(1) The department of early learning is created as an executive branch agency. The department is vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law.

(2) The primary duties of the department are to implement state early learning policy and to coordinate, consolidate, and integrate child care and early learning programs in order to administer programs and funding as efficiently as possible. The department's duties include, but are not limited to, the following:

- (a) To support both public and private sectors toward a comprehensive and collaborative system of early learning that serves parents, children, and providers and to encourage best practices in child care and early learning programs;
- (b) To make early learning resources available to parents and caregivers;
- (c) To carry out activities, including providing clear and easily accessible information about quality and improving the quality of early learning opportunities for young children, in cooperation with the nongovernmental private-public partnership;
- (d) To administer child care and early learning programs;
- (e) To standardize internal financial audits, oversight visits, performance benchmarks, and licensing criteria, so that programs can function in an integrated fashion;
- (f) To support the implementation of the nongovernmental private- public partnership and cooperate with that partnership in

pursuing its goals including providing data and support necessary for the successful work of the partnership;

(g) To work cooperatively and in coordination with the early learning council;

(h) To collaborate with the K-12 school system at the state and local levels to ensure appropriate connections and smooth transitions between early learning and K-12 programs; ~~(and)~~

(i) To develop and adopt rules for administration of the program of early learning established in section 3 of this act; and

~~_____~~ (j) Upon the development of an early learning information system, to make available to parents timely inspection and licensing action information through the internet and other means.

(3) The department's programs shall be designed in a way that respects and preserves the ability of parents and legal guardians to direct the education, development, and upbringing of their children. The department shall include parents and legal guardians in the development of policies and program decisions affecting their children.

Sec. 7. RCW 43.215.405 and 2006 c 265 s 210 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.215.400 through 43.215.450 and 43.215.900 through 43.215.903.

(1) "Advisory committee" means the advisory committee under RCW 43.215.420.

(2) "Department" means the department of early learning.

(3) "Eligible child" means a child not eligible for kindergarten whose family income is at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services, and includes a child whose family is eligible for public assistance, and who is not a participant in a federal or state program providing comprehensive services; a child eligible for special education due to disability under RCW 28A.155.020; and may include children who are eligible under rules adopted by the department if the number of such children equals not more than ten percent of the total enrollment in the early childhood program. Priority for enrollment shall be given to children from families with the lowest income, children in foster care, or to eligible children from families with multiple needs.

(4) "Approved programs" means those state-supported education and special assistance programs which are recognized by the department as meeting the minimum program rules adopted by the department to qualify under RCW 43.215.400 through 43.215.450 and 43.215.900 through 43.215.903 and are designated as eligible for funding by the department under RCW 43.215.430 and 43.215.440.

(5) "Comprehensive" means an assistance program that focuses on the needs of the child and includes education, health, and family support services.

(6) "Family support services" means providing opportunities for parents to:

- (a) Actively participate in their child's early childhood program;
- (b) Increase their knowledge of child development and parenting skills;
- (c) Further their education and training;
- (d) Increase their ability to use needed services in the community;
- (e) Increase their self-reliance.

NEW SECTION. Sec. 8. Sections 2 through 4 and 9 of this act are each added to chapter 43.215 RCW.

NEW SECTION. Sec. 9. This act may be known as the ready for school act of 2010."

On page 1, line 2 of the title, after "children;" strike the remainder of the title and insert "amending RCW 43.215.020 and 43.215.405; adding new sections to chapter 43.215 RCW; adding a new section to chapter 28A.320 RCW; and creating a new section."

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2731 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Goodman, Haler and Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2731, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2731, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 70; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Crouse, DeBolt, Ericksen, Fagan, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith and Taylor.

Excused: Representative Condotta.

SECOND SUBSTITUTE HOUSE BILL NO. 2731, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1096
SECOND SUBSTITUTE HOUSE BILL NO. 2436
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2658
SECOND SUBSTITUTE HOUSE BILL NO. 2731
SUBSTITUTE HOUSE BILL NO. 2776
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2876
HOUSE BILL NO. 3061
SUBSTITUTE HOUSE BILL NO. 3124
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3178
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3209
SUBSTITUTE SENATE BILL NO. 6345

ENGROSSED SUBSTITUTE SENATE BILL NO. 6658
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO.
6696
SENATE BILL NO. 6855

The Speaker called upon Representative Morris to preside.

MESSAGES FROM THE SENATE

March 11, 2010

Mr. Speaker:

The Senate has adopted:
SENATE CONCURRENT RESOLUTION 8412
and the same is herewith transmitted.

Thomas Hoemann, Secretary

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL 6696 and passed the bill as amended by the House, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The President has signed:
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1096
SECOND SUBSTITUTE HOUSE BILL 2436
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2658
ENGROSSED SUBSTITUTE HOUSE BILL 2876
HOUSE BILL 3061
SUBSTITUTE HOUSE BILL 3124
ENGROSSED SUBSTITUTE HOUSE BILL 3178
ENGROSSED SUBSTITUTE HOUSE BILL 3209
and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The President has signed SUBSTITUTE SENATE BILL 6345 and the same is herewith transmitted.

Thomas Hoemann, Secretary

RESOLUTIONS

HOUSE RESOLUTION NO. 4706 by Representatives Kessler and Kretz

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee is hereby created by this resolution and shall consist of three members of the majority caucus and two members of the minority caucus, to be named by the Speaker of the House of Representatives and Minority Leader respectively; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees of the House of Representatives for study during the interim, and the Speaker of the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules of and locations for all meetings of any committee or subcommittee shall be approved by the Executive Rules Committee, and those committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the 2010 Regular Session of the Sixty-first Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate provided by law and established by the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during the interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees and order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives and by Joint Rules of the Legislature; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall have authority to carry out the directions of Executive Rules Committee regarding the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending authorized conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate provided by law and established by the Executive Rules Committee, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Sixty-first Legislature, as well as any committee assembly.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of House Resolution No. 4706.

HOUSE RESOLUTION NO. 4706 was adopted.

HOUSE CONCURRENT RESOLUTION NO. 4408 By Representatives Kessler and Kretz

BE IT RESOLVED, By the House of Representatives of the State of Washington, the Senate concurring, That immediately before adjournment SINE DIE of this 2010 Regular session of the Sixty-first Legislature:

(1) The Senate shall transmit to the House of Representatives all House bills, House joint resolutions, House concurrent resolutions, and House joint memorials in its possession that have not been passed by the Senate, and upon receipt by the House of Representatives of such measures they shall be assigned to the House Rules Committee for third reading; and

(2) The House of Representatives shall transmit to the Senate all Senate bills, Senate joint resolutions, Senate concurrent resolutions, and Senate joint memorials in its possession that have not been passed by the House of Representatives, and upon receipt by the Senate of such measures they shall be assigned to the Senate Rules Committee for third reading; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Chief Clerk of the House of Representatives shall retain in their possession and in the status that exists upon the adjournment SINE DIE of the 2010 Regular session of the Sixty-first Legislature, all legislative measures including all bills, joint resolutions, concurrent resolutions, and joint memorials that may at that time be in their respective houses and all records, journals, dockets, and other documents pertaining thereto; and

BE IT FURTHER RESOLVED, That all measures introduced at any special session of the Sixty-first Legislature shall be numbered as a continuation of the numbers assigned to measures of the 2010 Regular session of the Sixty-first Legislature.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of House Concurrent Resolution No. 4408.

HOUSE CONCURRENT RESOLUTION NO. 4408 was adopted.

MESSAGE FROM THE SENATE

March 11, 2010

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION 4408 and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed HOUSE CONCURRENT RESOLUTION NO. 4408

The Speaker called upon Representative Morris to preside.

SENATE CONCURRENT RESOLUTION NO. 8412 By

Senators Brown and Hewitt

BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the 2010 Regular Session of the Sixty-first Legislature adjourn SINE DIE.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of Senate Concurrent Resolution No. 8412.

SENATE CONCURRENT RESOLUTION NO. 8412 was adopted.

MESSAGES FROM THE SENATE

March 11, 2010

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL 2731
SUBSTITUTE HOUSE BILL 2776
HOUSE CONCURRENT RESOLUTION 4408

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6504
ENGROSSED SUBSTITUTE SENATE BILL 6658
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6696
SENATE BILL 6855
SENATE CONCURRENT RESOLUTION 8412

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL 6504 and passed the bill as amended by the House and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4408, the following House Bills were returned to the House of Representatives:

HOUSE BILL 2904
SECOND ENGROSSED SUBSTITUTE HOUSE BILL 2912
HOUSE BILL 2918
SUBSTITUTE HOUSE BILL 2930
SUBSTITUTE HOUSE BILL 2933
HOUSE BILL 2937
SUBSTITUTE HOUSE BILL 2941
HOUSE BILL 2942
HOUSE BILL 2947
ENGROSSED SUBSTITUTE HOUSE BILL 2954
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2956
ENGROSSED HOUSE BILL 2969
HOUSE BILL 2984

HOUSE BILL 2987
HOUSE BILL 2989
SUBSTITUTE HOUSE BILL 2997
SUBSTITUTE HOUSE BILL 3001
SUBSTITUTE HOUSE BILL 3003
ENGROSSED HOUSE BILL 3023
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 3024
SUBSTITUTE HOUSE BILL 3039
ENGROSSED SUBSTITUTE HOUSE BILL 3048
HOUSE BILL 3056
SUBSTITUTE HOUSE BILL 3060
ENGROSSED SUBSTITUTE HOUSE BILL 3067
HOUSE BILL 3068
ENGROSSED SUBSTITUTE HOUSE BILL 3072
HOUSE BILL 3095
ENGROSSED SUBSTITUTE HOUSE BILL 3132
ENGROSSED HOUSE BILL 3168
ENGROSSED SUBSTITUTE HOUSE BILL 3175
ENGROSSED SUBSTITUTE HOUSE BILL 3182
ENGROSSED SUBSTITUTE HOUSE BILL 3186
SUBSTITUTE HOUSE BILL 3201
HOUSE JOINT MEMORIAL 4024
HOUSE JOINT MEMORIAL 4025
HOUSE JOINT MEMORIAL 4027

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4408, the following House Bills were returned to the House of Representatives:

ENGROSSED SUBSTITUTE HOUSE BILL 2504
HOUSE BILL 2511
SUBSTITUTE HOUSE BILL 2512
SUBSTITUTE HOUSE BILL 2514
SUBSTITUTE HOUSE BILL 2516
SUBSTITUTE HOUSE BILL 2517
SUBSTITUTE HOUSE BILL 2524
HOUSE BILL 2528
SUBSTITUTE HOUSE BILL 2556
ENGROSSED HOUSE BILL 2561
ENGROSSED SUBSTITUTE HOUSE BILL 2565
SUBSTITUTE HOUSE BILL 2566
HOUSE BILL 2567
ENGROSSED SUBSTITUTE HOUSE BILL 2571
SUBSTITUTE HOUSE BILL 2580
SUBSTITUTE HOUSE BILL 2589
HOUSE BILL 2595
HOUSE BILL 2605
HOUSE BILL 2611
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2617
SECOND SUBSTITUTE HOUSE BILL 2623
SUBSTITUTE HOUSE BILL 2624
SUBSTITUTE HOUSE BILL 2627
HOUSE BILL 2629
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2630
SUBSTITUTE HOUSE BILL 2636
HOUSE BILL 2638
HOUSE BILL 2642
SECOND SUBSTITUTE HOUSE BILL 2670
HOUSE BILL 2676
HOUSE BILL 2677
SUBSTITUTE HOUSE BILL 2683
THIRD SUBSTITUTE HOUSE BILL 2687
SUBSTITUTE HOUSE BILL 2688
HOUSE BILL 2694
HOUSE BILL 2701
SUBSTITUTE HOUSE BILL 2706
ENGROSSED SUBSTITUTE HOUSE BILL 2716
HOUSE BILL 2720
SUBSTITUTE HOUSE BILL 2721

SUBSTITUTE HOUSE BILL 2722
 SUBSTITUTE HOUSE BILL 2739
 HOUSE BILL 2750
 HOUSE BILL 2751
 ENGROSSED SUBSTITUTE HOUSE BILL 2753
 ENGROSSED SUBSTITUTE HOUSE BILL 2756
 SUBSTITUTE HOUSE BILL 2768
 SECOND SUBSTITUTE HOUSE BILL 2782
 ENGROSSED SUBSTITUTE HOUSE BILL 2790
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2793
 SUBSTITUTE HOUSE BILL 2804
 HOUSE BILL 2817
 SUBSTITUTE HOUSE BILL 2818
 HOUSE BILL 2848
 SUBSTITUTE HOUSE BILL 2852
 SECOND SUBSTITUTE HOUSE BILL 2854
 SUBSTITUTE HOUSE BILL 2863
 SUBSTITUTE HOUSE BILL 2865
 ENGROSSED SUBSTITUTE HOUSE BILL 2875
 SECOND SUBSTITUTE HOUSE BILL 2882
 SUBSTITUTE HOUSE BILL 2884
 ENGROSSED SUBSTITUTE HOUSE BILL 2886
 HOUSE BILL 2888
 HOUSE BILL 2898

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Mr. Speaker:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4408, the following House Bills were returned to the House of Representatives:

 ENGROSSED HOUSE BILL 1139
 SECOND SUBSTITUTE HOUSE BILL 1162
 SECOND SUBSTITUTE HOUSE BILL 1180
 SUBSTITUTE HOUSE BILL 1203
 SUBSTITUTE HOUSE BILL 1329
 SECOND SUBSTITUTE HOUSE BILL 1357
 SECOND ENGROSSED HOUSE BILL 1547
 SECOND SUBSTITUTE HOUSE BILL 1572
 HOUSE BILL 1690
 HOUSE BILL 1697
 HOUSE BILL 1757
 ENGROSSED SUBSTITUTE HOUSE BILL 1775
 HOUSE BILL 1785
 HOUSE BILL 1830
 SUBSTITUTE HOUSE BILL 1831
 SUBSTITUTE HOUSE BILL 1838
 ENGROSSED SUBSTITUTE HOUSE BILL 1885
 SUBSTITUTE HOUSE BILL 1900
 SUBSTITUTE HOUSE BILL 1949
 SECOND SUBSTITUTE HOUSE BILL 1985
 SUBSTITUTE HOUSE BILL 2138
 SUBSTITUTE HOUSE BILL 2224
 ENGROSSED HOUSE BILL 2360
 SUBSTITUTE HOUSE BILL 2397
 HOUSE BILL 2398
 SUBSTITUTE HOUSE BILL 2404
 SUBSTITUTE HOUSE BILL 2408
 SUBSTITUTE HOUSE BILL 2409
 ENGROSSED SUBSTITUTE HOUSE BILL 2414
 SUBSTITUTE HOUSE BILL 2416
 ENGROSSED SUBSTITUTE HOUSE BILL 2427
 HOUSE BILL 2435
 HOUSE BILL 2437
 SUBSTITUTE HOUSE BILL 2439
 ENGROSSED HOUSE BILL 2444
 HOUSE BILL 2456
 SUBSTITUTE HOUSE BILL 2457
 HOUSE BILL 2461
 HOUSE BILL 2462

HOUSE BILL 2470
 SUBSTITUTE HOUSE BILL 2471
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2480
 HOUSE BILL 2483
 SUBSTITUTE HOUSE BILL 2486
 SUBSTITUTE HOUSE BILL 2488
 HOUSE BILL 2492
 HOUSE BILL 2495
 SUBSTITUTE HOUSE BILL 2497
 ENGROSSED SUBSTITUTE HOUSE BILL 2499

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2010

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4408, the following Senate bills were returned to the Senate:

SUBSTITUTE SENATE BILL 5237,
 SUBSTITUTE SENATE BILL 5376,
 SUBSTITUTE SENATE BILL 5383,
 SENATE BILL 5411,
 ENGROSSED SUBSTITUTE SENATE BILL 5424,
 ENGROSSED SENATE BILL 5523,
 SUBSTITUTE SENATE BILL 5548,
 ENGROSSED SUBSTITUTE SENATE BILL 5555,
 SENATE BILL 5621,
 SUBSTITUTE SENATE BILL 5668,
 SUBSTITUTE SENATE BILL 5780,
 ENGROSSED SUBSTITUTE SENATE BILL 5899,
 SENATE BILL 5908,
 ENGROSSED SUBSTITUTE SENATE BILL 6051,
 SENATE BILL 6103,
 SENATE BILL 6196,
 SUBSTITUTE SENATE BILL 6205,
 SUBSTITUTE SENATE BILL 6217,
 SENATE BILL 6220,
 SUBSTITUTE SENATE BILL 6224,
 SUBSTITUTE SENATE BILL 6231,
 ENGROSSED SENATE BILL 6240,
 ENGROSSED SUBSTITUTE SENATE BILL 6244,
 ENGROSSED SENATE BILL 6263,
 SENATE BILL 6265,
 SENATE BILL 6269,
 SENATE BILL 6277,
 ENGROSSED SUBSTITUTE SENATE BILL 6289,
 SUBSTITUTE SENATE BILL 6309,
 SECOND SUBSTITUTE SENATE BILL 6316,
 SUBSTITUTE SENATE BILL 6338,
 SUBSTITUTE SENATE BILL 6360,
 ENGROSSED SUBSTITUTE SENATE BILL 6364,
 SUBSTITUTE SENATE BILL 6374,
 SUBSTITUTE SENATE BILL 6380,
 SUBSTITUTE SENATE BILL 6393,
 SENATE BILL 5409,
 ENGROSSED SUBSTITUTE SENATE BILL 6402,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL 6409,
 SUBSTITUTE SENATE BILL 6416,
 ENGROSSED SUBSTITUTE SENATE BILL 6424,
 ENGROSSED SUBSTITUTE SENATE BILL 6426,
 ENGROSSED SENATE BILL 6430,
 SUBSTITUTE SENATE BILL 6433,
 ENGROSSED SUBSTITUTE SENATE BILL 6449,
 ENGROSSED SENATE BILL 6462,
 ENGROSSED SUBSTITUTE SENATE BILL 6503,
 SECOND SUBSTITUTE SENATE BILL 6515,
 SUBSTITUTE SENATE BILL 6521,
 ENGROSSED SUBSTITUTE SENATE BILL 6533,
 SUBSTITUTE SENATE BILL 6550,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL 6562,
 SUBSTITUTE SENATE BILL 6570,
 SUBSTITUTE SENATE BILL 6572,

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6579,
 SUBSTITUTE SENATE BILL 6580,
 ENGROSSED SUBSTITUTE SENATE BILL 6603,
 ENGROSSED SUBSTITUTE SENATE BILL 6621,
 SUBSTITUTE SENATE BILL 6629,
 ENGROSSED SENATE BILL 6643,
 SUBSTITUTE SENATE BILL 6644,
 ENGROSSED SUBSTITUTE SENATE BILL 6656,
 SUBSTITUTE SENATE BILL 6662,
 SECOND SUBSTITUTE SENATE BILL 6675,
 SECOND SUBSTITUTE SENATE BILL 6678,
 SUBSTITUTE SENATE BILL 6686,
 SUBSTITUTE SENATE BILL 6698,
 SUBSTITUTE SENATE BILL 6706,
 SUBSTITUTE SENATE BILL 6712,
 SENATE BILL 6720,
 SUBSTITUTE SENATE BILL 6721,
 SUBSTITUTE SENATE BILL 6727,
 ENGROSSED SUBSTITUTE SENATE BILL 6733,
 ENGROSSED SUBSTITUTE SENATE BILL 6737,
 SUBSTITUTE SENATE BILL 6747,
 ENGROSSED SENATE BILL 6754,
 SECOND SUBSTITUTE SENATE BILL 6760,
 ENGROSSED SENATE BILL 6762,
 ENGROSSED SUBSTITUTE SENATE BILL 6778,
 SUBSTITUTE SENATE BILL 6788,
 SECOND SUBSTITUTE SENATE BILL 6790,
 SENATE BILL 6815,
 SECOND ENGROSSED SENATE BILL 6843,
 SUBSTITUTE SENATE BILL 6844,
 ENGROSSED SENATE BILL 6870,
 SUBSTITUTE SENATE BILL 6874,
 ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION 8218,
 SENATE JOINT RESOLUTION 8225.

On motion of Representative Kessler, the reading of the Journal of the 60th Day of the 2010 Regular Session of the 61st Legislature was dispensed with and ordered to stand approved.

On motion of Representative Kessler, the 2010 Regular Session of the 61st Legislature was adjourned SINE DIE.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

COMMITTEE APPOINTMENTS

The Speaker (Representative Morris presiding) announced the following committee appointments;

Representative Armstrong was appointed as ranking minority member of the Committee on Transportation, replacing Representative Roach. Representative Roach was appointed as assistant ranking minority member of the Committee on Transportation.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

SUBSTITUTE SENATE BILL NO. 5798
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5902
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6267
 SUBSTITUTE SENATE BILL NO. 6280
 SUBSTITUTE SENATE BILL NO. 6293
 SUBSTITUTE SENATE BILL NO. 6339
 SUBSTITUTE SENATE BILL NO. 6355
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6604
 SUBSTITUTE SENATE BILL NO. 6759
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6774
 ENGROSSED SENATE BILL NO. 6610
 SENATE BILL NO. 6833
 SENATE CONCURRENT RESOLUTION NO. 8412

The Speaker called upon Representative Morris to preside.

MOTIONS

SIXTY FIRST LEGISLATURE - FIRST SPECIAL SESSION

FIRST DAY

House Chamber, Olympia, Monday, March 15, 2010

The House was called to order at 12:00 p.m. by the Speaker (Representative Morris presiding).

**PROCLAMATION BY THE GOVERNOR
10-04**

WHEREAS, in accordance with Article II, Section 12 (Amendment 68) of the Washington State Constitution, the Legislature adjourned its 2010 regular session March 11, 2010, the 60th day of the session; and

WHEREAS, work remains to be done with respect to biennial operating and capital budgets and bills necessary to implement those budgets; and

WHEREAS, work also remains to be done with respect to job creation and economic development;

NOW, THEREFORE, I, Christine O. Gregoire, Governor of the state of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68) and Article III, Section 7 of the Washington State Constitution, do hereby convene the Washington State Legislature in Special Session in the Capitol at Olympia on Monday, March 15, 2010 at noon, for a period of seven days for the purpose of enacting legislation as described above.

Signed and sealed with the official seal of the state of Washington this 10th day of March, A.D, Two Thousand and Ten at Olympia, Washington.

INTRODUCTIONS AND FIRST READING

HCR 4409 by Representatives Kessler and Kretz

Specifying the status of bills, memorials, and resolutions for the 2010 first special session of the Sixty-first legislature.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4409 was read the first time, and under suspension of the rules was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4409, by Representatives Kessler and Kretz

Specifying the status of bills, memorials, and resolutions for the 2010 first special session of the Sixty-first legislature.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Concurrent Resolution No. 4409.

HOUSE CONCURRENT RESOLUTION NO. 4409 was adopted.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2197
ENGROSSED HOUSE BILL NO. 2360
SUBSTITUTE HOUSE BILL NO. 2416
ENGROSSED HOUSE BILL NO. 2561
HOUSE BILL NO. 2576
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2617
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2630
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2641
HOUSE BILL NO. 2672
HOUSE BILL NO. 2694
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2753
SECOND SUBSTITUTE HOUSE BILL NO. 2782
SECOND SUBSTITUTE HOUSE BILL NO. 2854
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2875
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2954
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956
ENGROSSED HOUSE BILL NO. 2969
HOUSE BILL NO. 3014
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3048
HOUSE BILL NO. 3147
HOUSE BILL NO. 3177
HOUSE BILL NO. 3181
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3182
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3186
HOUSE BILL NO. 3193
HOUSE BILL NO. 3197

The Speaker (Representative Morris presiding) called upon Representative Conway to preside.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 16, 2010, the 2nd Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - FIRST SPECIAL SESSION

SECOND DAY

House Chamber, Olympia, Tuesday, March 16, 2010

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Caron Benedetti and Meagan Sharp. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Bruce Dammeier, 25th District

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 15, 2010

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION 4409 and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 15, 2010

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL 5899
ENGROSSED SUBSTITUTE SENATE BILL 6444
SECOND SUBSTITUTE SENATE BILL 6675
SUBSTITUTE SENATE BILL 6706
SENATE JOINT RESOLUTION 8225

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTIONS AND FIRST READING

ESSB 5899 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Franklin, Kastama, Shin, Marr, McAuliffe, Haugen, Brown, Berkey, Prentice, Fairley, Regala, Keiser, Eide, Rockefeller, Murray, Hatfield, Hargrove, Sheldon, Oemig and Kline)

AN ACT Relating to providing a business and occupation tax credit for qualified employment positions; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

ESSB 6444 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice and Tom)

AN ACT Relating to fiscal matters; amending RCW 13.06.050, 15.76.115, 28A.300.380, 28B.50.837, 28B.76.565,

28B.76.610, 28B.102.080, 38.52.105, 43.17.390, 43.20A.725, 43.43.839, 43.43.944, 43.60A.185, 43.131.406, 43.70.110, 43.78.030, 43.79.460, 43.79.465, 43.89.010, 43.105.080, 43.155.050, 43.320.110, 43.320.165, 48.02.190, 66.08.170, 67.70.044, 67.70.230, 70.105D.070, 74.31.030, 74.31.060, 70.93.180, 70.105D.130, 70.146.100, 79.105.150, 80.01.080, 80.36.430, 82.14.495, and 83.100.230; amending 2010 c 3 ss 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 301, 302, 303, 304, 305, 306, 401, 402, 501, and 601; amending 2009 c 564 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 121, 122, 123, 124, 131, 132, 133, 134, 135, 136, 138, 140, 141, 142, 144, 145, 147, 148, 150, 149, 152, 155, 201, 213, 214, 216, 217, 218, 220, 224, 226, 221, 301, 304, 305, 308, 310, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 514, 515, 516, 518, 601, 602, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 701, 703, 704, 708, 710, 717, 720, 801, 805, and 914; amending 2010 c 247 ss 502, 407, and 503; reenacting and amending RCW 28B.105.110, 46.09.170, and 67.40.040; adding a new section to chapter 43.215 RCW; adding a new section to chapter 43.79 RCW; adding new sections to 2009 c 564 (unclassified); making appropriations; providing expiration dates; and declaring an emergency.

2SSB 6675 by Senate Committee on Ways & Means (originally sponsored by Senators Murray, Pflug, Shin, Kastama, Kohl-Welles and Kilmer)

AN ACT Relating to creating the Washington global health technologies and product development competitiveness program and allowing certain tax credits for program contributions; amending RCW 43.79A.040; and adding a new chapter to Title 43 RCW.

Referred to Committee on Finance.

SSB 6706 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Murray, Delvin, Kastama, Shin, Marr, Kilmer and Kohl-Welles)

AN ACT Relating to commercialization of research at state universities; and adding new sections to chapter 28B.10 RCW.

SJR 8225 by Senators Fraser, Brandland and Prentice

Resolving to define "interest" in the state Constitution.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exceptions of ENGROSSED SUBSTITUTE SENATE BILL NO. 6444,

SUBSTITUTE SENATE BILL NO. 6706 and SENATE JOINT RESOLUTION NO. 8225 which were read the first time, and under suspension of the rules were placed on the second reading calendar.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

ENGROSSED HOUSE BILL NO. 2561, by Representatives Dunshee, Williams, White, Seaquist, Darneille, Eddy, Dickerson, Sells, Rolfes, Chase, Green, Appleton, Sullivan, Simpson, Nelson, Hudgins, Jacks, Hunt, Hasegawa, Ormsby, Moeller and Roberts.

Funding construction of energy cost saving improvements to public facilities.

The bill was read the third time.

Representatives Dunshee, Sells, Conway, White, Probst, Morrell, Orwall, Carlyle, Chase, Kessler, Ormsby and Eddy spoke in favor of the passage of the bill.

Representatives Ericksen, Haler, Priest, Rodne, Anderson, Pearson, Ross, Orcutt, Kristiansen, Johnson, Herrera, Armstrong and Hinkle spoke against the passage of the bill.

POINT OF ORDER

Representative Hudgins: "I stand because I'm a little insulted that the gentleman would say that the bill before us is a screen for anything and it doesn't engender debate I think on the floor."

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "Representative Hudgins, I will take your comment as a point of order, and on that point of order I would rule that the member was assigning motives and your point of order is well taken."

Representatives Bailey, Parker, Angel, Klippert and Taylor spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2561.

MOTIONS

On motion of Representative Santos, Representatives Ericks, Morris and Kelley were excused. On motion of Representative Hinkle, Representatives Roach and Walsh were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2561, and the bill passed the House by the following vote: Yeas, 54; Nays, 39; Absent, 0; Excused, 5.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Maxwell, McCoy, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes,

Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Linville, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Warnick and Wood.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED HOUSE BILL NO. 2561, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2753, by House Committee on Capital Budget (originally sponsored by Representatives Orwall, Springer, Maxwell, Jacks, Nelson, Simpson, Conway, Ormsby, Chase and Santos).

Creating a workforce housing program. Revised for 1st Substitute: Creating a workforce housing program. (REVISED FOR ENGROSSED: Creating the Washington works housing program.)

The bill was read the third time.

Representatives Orwall and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2753.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2753, and the bill passed the House by the following vote: Yeas, 68; Nays, 25; Absent, 0; Excused, 5.

Voting yea: Representatives Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Chandler, Condotta, Crouse, DeBolt, Ericksen, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Pearson, Rodne, Ross, Schmick, Shea, Short, Taylor and Williams.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2753, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2630, by House Committee on Education Appropriations (originally sponsored by Representatives Probst, Kenney, Conway, Maxwell, Jacks, White, Simpson, Seaquist, Sells, Goodman, Ormsby and Santos).

Creating the opportunity express program.

The bill was read the third time.

Representatives Probst and Seaquist spoke in favor of the passage of the bill.

Representative Anderson spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2630.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2630, and the bill passed the House by the following vote: Yeas, 90; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Chandler and Condotta.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2630, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2694, by Representatives Sells, White, McCoy, Kenney, Ericks, O'Brien, Roberts and Chase.**Regarding a bachelor of science in nursing program at the University Center.**

The bill was read the third time.

Representatives Sells and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2694.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2694, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen,

Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

HOUSE BILL NO. 2694, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2617, by House Committee on Ways & Means (originally sponsored by Representatives Driscoll, Chase, Hunt, Wallace, Williams, Maxwell, White, Kelley, Carlyle, Simpson, Seaquist and Moeller).**Eliminating certain boards and commissions.**

The bill was read the third time.

Representatives Driscoll and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2617.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2617, and the bill passed the House by the following vote: Yeas, 91; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Carlyle and Hasegawa.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2617, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 2969, by Representative Hudgins.**Promoting efficiencies in the services provided by the office of the public printer.**

The bill was read the third time.

Representatives Hudgins and Darneille spoke in favor of the passage of the bill.

Representatives Armstrong and Alexander spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2969.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2969, and the bill passed the House by the following vote: Yeas, 59; Nays, 34; Absent, 0; Excused, 5.

Voting yea: Representatives Anderson, Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, Nealey, Parker, Pearson, Priest, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor and Warnick.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED HOUSE BILL NO. 2969, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3182, by House Committee on Ways & Means (originally sponsored by Representatives Alexander, DeBolt, Armstrong, Kristiansen, Pearson, Bailey, Rodne, Johnson, Short, Dammeier, Taylor, Crouse, Nealey, Walsh, Roach, Warnick, Klippert, Parker, Ross, Haler, Fagan, Orcutt, Schmick, Angel, Smith, Shea, Ericksen and Kretz).

Making unfunded mandates optional on local governments. Revised for 1st Substitute: Making certain unfunded mandates optional for school districts and other political subdivisions.

The bill was read the third time.

Amendment (1663) was ruled out of order.

Representative Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3182.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3182, and the bill passed the House by the following vote: Yeas, 91; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Hasegawa and Hudgins.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3182, having received the necessary constitutional majority, was declared passed.

ENGROSSED HOUSE BILL NO. 2360, by Representative Darneille.

Concerning consolidation of administrative services for AIDS grants in the department of health.

The bill was read the third time.

Representatives Darneille and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2360.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2360, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED HOUSE BILL NO. 2360, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2875, by House Committee on Health Care & Wellness (originally sponsored by Representatives Ericksen, Cody, Condotta, Hinkle, Herrera, Driscoll, Parker, Bailey, Green, Morrell, Kelley, Wallace, Kessler and Moeller).

Concerning health savings accounts.

The bill was read the third time.

Representatives Condotta and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2875.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2875, and the bill passed the House by the following vote: Yeas, 88; Nays, 5; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Hasegawa, Hudgins, Liias, Simpson and Williams.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2875, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 2875.

Sherry Appleton, 23rd District

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2954, by House Committee on Health & Human Services Appropriations (originally sponsored by Representative Cody).

Concerning license fees for nursing homes, boarding homes, and adult family homes.

The bill was read the third time.

Representative Cody spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2954.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2954, and the bill passed the House by the following vote: Yeas, 55; Nays, 38; Absent, 0; Excused, 5.

Voting yea: Representatives Appleton, Bailey, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, Liias, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2954, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956, by House Committee on Ways & Means (originally sponsored by Representatives Pettigrew, Williams and Maxwell).

Concerning hospital safety net assessment. Revised for 2nd Substitute: Concerning the hospital safety net.

The bill was read the third time.

Representative Pettigrew spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2956.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2956, and the bill passed the House by the following vote: Yeas, 73; Nays, 20; Absent, 0; Excused, 5.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Kretz, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Short, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Bailey, Campbell, Crouse, DeBolt, Eddy, Ericksen, Herrera, Hunter, Klippert, Kristiansen, McCune, Orcutt, Parker, Pearson, Ross, Shea, Simpson, Smith and Williams.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3048, by House Committee on Ways & Means (originally sponsored by Representatives Cody, Armstrong and Pettigrew).

Concerning administration of the medicaid program.

The bill was read the third time.

Representative Cody spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3048.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3048, and the bill passed the House by the following vote: Yeas, 75; Nays, 18; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, Crouse, DeBolt, Ericksen, Fagan, Haler, Herrera, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Schmick, Shea, Short, Smith and Taylor.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3048, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed Substitute House Bill No. 3048.

Norma Smith, 10th District

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3186, by House Committee on Finance (originally sponsored by Representatives Pettigrew, Walsh, Williams, Hunt, Green, Dickerson, Kagi, Goodman, Orwall, Liias, Seaquist, White and Appleton).

Concerning the taxation of community residential services. Revised for 1st Substitute: Imposing a tax on home and community based services to fund services for seniors and people with disabilities.

The bill was read the third time.

Representative Pettigrew spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3186.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3186, and the bill passed the House by the following vote: Yeas, 61; Nays, 32; Absent, 0; Excused, 5.

Voting yea: Representatives Angel, Appleton, Armstrong, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Rodne, Ross, Schmick, Shea, Short, Smith and Taylor.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3186, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE HOUSE BILL NO. 2854, by House Committee on Ways & Means (originally sponsored by Representatives Kenney, Maxwell, Sells, Probst, Hasegawa, Pettigrew, Conway, Ericks, Sullivan, Hunt, Nelson, Quall, Chase, Ormsby, Liias, Upthegrove, Goodman, Pedersen, Santos, Morrell, Hudgins, Orwall, Cody, Eddy, Dickerson, Wallace, Kessler, Anderson and Simpson).

Making changes to the state higher education loan program.

The bill was read the third time.

Representatives Kenney, Haigh and Wallace spoke in favor of the passage of the bill.

Representatives Anderson and Anderson (again) spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2854.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2854, and the bill passed the House by the following vote: Yeas, 58; Nays, 35; Absent, 0; Excused, 5.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

SECOND SUBSTITUTE HOUSE BILL NO. 2854, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956 passed the House.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2956, on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Second Substitute House Bill No. 2956, on reconsideration, and the bill passed the House by the following vote: Yeas, 72; Nays, 21; Absent, 0; Excused, 5.

Voting yea: Representatives Angel, Appleton, Armstrong, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Kretz, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Short, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Bailey, Campbell, Crouse, Eddy, Ericksen, Fagan, Herrera, Hunter, Klippert, Kristiansen, McCune, Orcutt, Parker, Pearson, Schmick, Shea, Simpson, Smith and Williams.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956, on reconsideration, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 2954 passed the House.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2954, on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Substitute House Bill No. 2954, on reconsideration, and the bill passed the House by the following vote: Yeas, 54; Nays, 39; Absent, 0; Excused, 5.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, Lias, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2954, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956 passed the House.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2956, on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Engrossed Second Substitute House Bill No. 2956, on reconsideration, and the bill passed the House by the following vote: Yeas, 71; Nays, 22; Absent, 0; Excused, 5.

Voting yea: Representatives Angel, Appleton, Armstrong, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Kretz, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Short, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Bailey, Campbell, Crouse, DeBolt, Eddy, Ericksen, Fagan, Herrera, Hunter, Klippert, Kristiansen, McCune, Orcutt, Parker, Pearson, Schmick, Shea, Simpson, Smith and Williams.

Excused: Representatives Ericks, Kelley, Morris, Roach and Walsh.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Rules Committee was relieved of HOUSE BILL NO. 2676, HOUSE BILL NO. 2677 and HOUSE BILL NO. 2984 and the bills were placed on the third reading calendar.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION & FIRST READING

E2SSB 6409 by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Rockefeller, Shin and Kohl-Welles)

AN ACT Relating to creating the Washington opportunity pathways account; reenacting and amending RCW 67.70.240, 67.70.340, and 43.135.045; adding a new section to chapter 28B.76 RCW; and creating new sections.

Referred to Committee on Ways & Means.

ESSB 6503 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to the operations of state agencies; amending RCW 42.04.060 and 41.04.665; reenacting and amending RCW 41.26.030, 41.32.010, 41.37.010, and 43.43.120; adding a new section to chapter 41.80 RCW; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SSB 6572 by Senate Committee on Ways & Means (originally sponsored by Senator Tom)

AN ACT Relating to eliminating accounts; amending RCW 43.105.805, 43.110.080, 28A.650.035, 28B.135.040, 28B.135.010, and 43.79A.040; reenacting and amending RCW 43.84.092; creating new sections; repealing RCW 28B.20.468, 28B.20.470, 28B.30.275, 28B.120.050, 39.35C.100, 41.05.510, 43.72.906, 43.99I.100, 43.99I.110, 43.99J.080, 43.105.830, 43.110.090, 47.01.310, 47.26.325, 47.26.330, 50.65.150, and 73.40.060; and providing an effective date.

Referred to Committee on Ways & Means.

SSB 6712 by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Shin and Kilmer)

AN ACT Relating to extending expiring tax incentives for certain clean alternative fuel vehicles, producers of certain biofuels, and federal aviation regulation part 145 certificated repair stations; amending RCW 82.04.250, 82.08.809, 82.12.809, 84.36.635, 84.36.640, and 82.29A.135; repealing

2008 c 81 s 19 (uncodified); repealing 2007 c 54 s 30 (uncodified); repealing 2006 c 177 s 14 (uncodified); repealing 2005 c 296 s 6 (uncodified); repealing 2007 c 54 s 5; and providing an expiration date.

Referred to Committee on Finance.

SSB 6721 by Senate Committee on Ways & Means (originally sponsored by Senators Schoesler, Hobbs and Honeyford)

AN ACT Relating to tax statute clarifications and technical corrections; amending RCW 39.100.050, 82.04.190, 82.04.3651, 82.04.394, 82.08.0256, 82.08.02573, 82.08.0273, 82.08.700, 82.12.0257, 82.12.040, 82.16.110, 82.32.080, 82.36.440, 82.38.280, 82.62.010, 82.80.120, 83.100.040, 83.100.046, 83.100.046, 82.04.290, 29A.36.210, 36.68.525, 36.69.145, 84.36.381, 84.37.030, 84.37.902, 84.48.050, 84.52.030, 84.52.070, and 84.52.080; reenacting and amending RCW 82.04.050, 82.04.360, 82.16.010, 82.32.520, 84.34.020, and 84.36.383; adding a new section to chapter 82.32 RCW; repealing RCW 84.55.080; providing effective dates; and providing an expiration date.

Referred to Committee on Finance.

SSB 6727 by Senate Committee on Ways & Means (originally sponsored by Senators Marr and Brown)

AN ACT Relating to health sciences and services authorities; amending RCW 35.104.060, 35.104.040, 82.14.480, and 42.30.110; and adding a new section to chapter 35.104 RCW.

Referred to Committee on Finance.

ESSB 6737 by Senate Committee on Ways & Means (originally sponsored by Senators Marr, Brown and McCaslin)

AN ACT Relating to providing an exemption from property tax for aircraft used to provide air ambulance services; amending RCW 82.48.100; and adding a new section to chapter 84.36 RCW.

Referred to Committee on Finance.

ESSB 6789 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Zarelli, Murray, Hewitt, Holmquist and Parlette)

AN ACT Relating to sales and use tax exemptions for certain equipment and infrastructure contained in data centers; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exceptions of ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6409, SUBSTITUTE SENATE BILL NO. 6503, and SUBSTITUTE SENATE BILL NO. 6789 which were read the first time, and under suspension of the rules were placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of SUBSTITUTE HOUSE BILL NO. 3201, and the bill was placed on the second reading calendar.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 17, 2010, the 3rd Day of the 1st Special Session.

MESSAGE FROM THE SENATE

March 16, 2010

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

MR. SPEAKER:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6409
ENGROSSED SUBSTITUTE SENATE BILL 6503
SUBSTITUTE SENATE BILL 6572
SUBSTITUTE SENATE BILL 6712
SUBSTITUTE SENATE BILL 6721
SUBSTITUTE SENATE BILL 6727
ENGROSSED SUBSTITUTE SENATE BILL 6737
ENGROSSED SUBSTITUTE SENATE BILL 6789

and the same are herewith transmitted.

Thomas Hoemann, Secretary

THIRD DAY

House Chamber, Olympia, Wednesday, March 17, 2010

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Nian Fakkema and Cathy Word. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Scott Collins, Bethel Church, Chehalis.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

HOUSE BILL NO. 2676, by Representatives Chase and Simpson.

Extending the pay back period for certain energy conservation loans.

The bill was read the third time.

Representatives Chase and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2676.

MOTIONS

On motion of Representative Santos, Representatives Darneille, Ericks, Flannigan, Kelley, Simpson and Upthegrove were excused. On motion of Representative Hinkle, Representative Roach was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2676, and the bill passed the House by the following vote: Yeas, 91; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea,

Short, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Darneille, Ericks, Flannigan, Kelley, Roach, Simpson and Upthegrove.

HOUSE BILL NO. 2676, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2677, by Representatives Chase and Simpson.

Extending the pay back period for certain water conservation loans.

The bill was read the third time.

Representatives Chase and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2677.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2677, and the bill passed the House by the following vote: Yeas, 91; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

Excused: Representatives Ericks, Flannigan, Kelley, Roach, Simpson and Upthegrove.

HOUSE BILL NO. 2677, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2984, by Representatives Maxwell, Clibborn, Eddy, Goodman and Hunter.

Concerning a sales and use tax deferral for performing arts centers.

The bill was read the third time.

Representative Maxwell spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2984.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2984, and the bill passed the House by the following vote: Yeas, 51; Nays, 41; Absent, 0; Excused, 6.

Voting yea: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Goodman, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Smith, Springer, Sullivan, Takko, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Finn, Green, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Rodne, Ross, Schmick, Seaquist, Shea, Short, Taylor, Wallace, Walsh and Warnick.

Excused: Representatives Ericks, Flannigan, Kelley, Roach, Simpson and Upthegrove.

HOUSE BILL NO. 2984, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 3201, by House Committee on Ways & Means (originally sponsored by Representatives Pettigrew, Linville, Sullivan and Ericks).

Fees for infant screening.

The bill was read the third time.

Representative Pettigrew spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

There being no objection, the House deferred action on Substitute House Bill No. 3201 and the bill held its place on the third reading calendar.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2576, by House Committee on Ways & Means (originally sponsored by Representatives Kenney, Lias, Moeller, Pedersen and Armstrong)

Restructuring fees for the division of corporations and affirming authority to establish fees for the charities program of the office of the secretary of state.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2576 was substituted for House Bill No. 2576 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2576 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kenney spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2576.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2576, and the bill passed the House by the following vote: Yeas, 54; Nays, 39; Absent, 0; Excused, 5.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Ericks, Kelley, Roach, Simpson and Upthegrove.

SECOND SUBSTITUTE HOUSE BILL NO. 2576, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2672, by Representatives Linville, Ericksen, Quall, Morris, Armstrong, Williams, Condotta, Simpson, Van De Wege and Conway

Concerning tax relief for aluminum smelters.

The bill was read the second time.

Representative Hasegawa moved the adoption of amendment (1682).

On page 6, line 1, after "~~select~~)" insert "Pursuant to chapter 43.136 RCW, the citizen commission for performance measurement of tax preferences must schedule the tax preferences under RCW 82.04.4482, 82.16.0498, 82.04.2909, 82.04.4481, 82.08.805, 82.12.805, 82.12.022, and 82.32.570 for a tax preference review by the joint legislative audit and review committee in 2015. The review

must include an analysis of the marginal number of jobs retained as a result of the tax preferences with an explanation of how the tax preferences accomplished that result; the wages, hours and benefits paid to each of the retained jobs; and a demographic analysis of the workers in the retained jobs that must include an analysis of those workers relative to the surrounding communities."

Representatives Hasegawa and Hunter spoke in favor of the adoption of the amendment.

Representative Orcutt spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 57 - YEAS; 37 - NAYS.

Amendment (1682) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Ericksen and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2672.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2672, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Ericks, Kelley, Roach and Simpson.

ENGROSSED HOUSE BILL NO. 2672, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

There being no objection, the House resumed consideration of Substitute House Bill No. 3201

SUBSTITUTE HOUSE BILL NO. 3201, by House Committee on Ways & Means (originally sponsored by Representatives Pettigrew, Linville, Sullivan and Ericks).

Fees for infant screening.

Representative Pettigrew spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 3201.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 3201, and the bill passed the House by the following vote: Yeas, 55; Nays, 39; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Ericks, Kelley, Roach and Simpson.

SUBSTITUTE HOUSE BILL NO. 3201, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 2416, by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Morris, Chase, Eddy, Van De Wege, Morrell, Upthegrove, Simpson, Kenney, Hudgins and Ormsby).

Establishing energy efficiency standards for consumer products.

The bill was read the third time.

Representatives Morris, McCoy and Chase spoke in favor of the passage of the bill.

Representatives Haler and Crouse spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2416.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2416, and the bill passed the House by the following vote: Yeas, 59; Nays, 35; Absent, 0; Excused, 4.

Voting yea: Representatives Anderson, Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Erickson, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Probst, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

Excused: Representatives Ericks, Kelley, Roach and Simpson.

SUBSTITUTE HOUSE BILL NO. 2416, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 3014, by Representatives Kessler, Morrell and Van De Wege

Modifying the sales and use tax deferral program for investment projects in rural counties.

The bill was read the second time.

There being no objection, Substitute House Bill No. 3014 was substituted for House Bill No. 3014 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 3014 was read the second time.

Representative Hunter moved the adoption of amendment (1686).

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.60.010 and 1985 c 232 s 1 are each amended to read as follows:

The legislature finds that there are several areas in the state that are characterized by very high levels of unemployment and poverty. The (~~legislative~~ legislature) legislature further finds that economic stagnation is the primary cause of this high unemployment rate and poverty; that new state policies are necessary in order to promote economic stimulation and new employment opportunities in these distressed areas; and that policies providing incentives for economic growth in these distressed areas are essential. For these reasons, the legislature (~~hereby~~) reestablishes a tax deferral program to be effective solely in distressed (~~areas and under circumstances where the deferred tax payments are for investments or costs that result in~~

~~the creation of a specified number of jobs~~) counties. The legislature declares that this limited program serves the vital public purpose of creating employment opportunities and reducing poverty in the distressed (~~areas~~) counties of the state.

Sec. 2. RCW 82.60.020 and 2006 c 142 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Distressed county" means a county that has an unemployment rate, as determined by the employment security department, which is at least twenty percent above the state average for the three calendar years immediately preceding the year in which the list of distressed counties is established or updated, as the case may be, as provided in section 3 of this act.

(4) "Eligible area" means:

(a) Through June 30, 2010, a rural county as defined in RCW 82.14.370; and

(b) Beginning July 1, 2010, a distressed county.

~~((4))~~ (5)(a) "Eligible investment project" means an investment project that is located, as of the date the application required by RCW 82.60.030 is received by the department, in an eligible area as defined in subsection ((3)) (4) of this section.

~~(b) ((The lessor or owner of a qualified building is not eligible for a deferral unless:~~

~~(i) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or~~

~~(ii)(A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;~~

~~(B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.60.070; and~~

~~(C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.~~

~~(e)) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010((5)) (4), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects (~~which~~) that have already received deferrals under this chapter.~~

~~((5))~~ (6) "Initiation of construction" has the same meaning as in RCW 82.63.010.

(7) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

~~((6))~~ (8) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes:

(a) Before July 1, 2010: (i) Computer programming, the production of computer software, and other computer-related services, but only when the computer programming, production of computer software, or other computer-related services are performed by a manufacturer as defined in RCW 82.04.110 and contribute to the production of a new, different, or useful substance or article of tangible personal property for sale; (ii) the activities performed by research and development laboratories and commercial testing laboratories((;)); and (iii) the conditioning of vegetable seeds; and

(b) Beginning July 1, 2010: (i) The activities performed by research and development laboratories and commercial testing laboratories; and (ii) the conditioning of vegetable seeds.

~~((7))~~ (9) "Person" has the meaning given in RCW 82.04.030.

~~((8))~~ (10) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing ~~(and)~~ or research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral ~~((shall))~~ must be determined by apportionment of the costs of construction under rules adopted by the department.

~~((9))~~ (11) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The term "entire tax year" means a full-time position that is filled for a period of twelve consecutive months. The term "full-time" means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

~~((10))~~ (12) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

~~((11))~~ (13) "Recipient" means a person receiving a tax deferral under this chapter.

~~((12))~~ (14) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

NEW SECTION. Sec. 3. A new section is added to chapter 82.60 RCW to read as follows:

The department, with the assistance of the employment security department, must establish a list of distressed counties effective July 1, 2010. The list of distressed counties is effective for a twenty- four month period and must be updated by July 1st of the year that is two calendar years after the list was established or last updated, as the case may be.

NEW SECTION. Sec. 4. A new section is added to chapter 82.60 RCW to read as follows:

The lessor or owner of a qualified building is not eligible for a deferral unless:

(1) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.60.070; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

Sec. 5. RCW 82.60.030 and 1994 sp.s. c 1 s 2 are each amended to read as follows:

(1) Application for deferral of taxes under this chapter must be made before initiation of the construction of the investment project or acquisition of equipment or machinery. The application ~~((shall))~~ must be made to the department in a form and manner prescribed by the department. The application ~~((shall))~~ must contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department ~~((shall))~~ must rule on the application within sixty days.

(2) This section expires July 1, 2020.

Sec. 6. RCW 82.60.040 and 2004 c 25 s 4 are each amended to read as follows:

(1) The department ~~((shall))~~ must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project ~~((that is located in an eligible area as defined in RCW 82.60.020)).~~

(2) The department ~~((shall))~~ must keep a running total of all deferrals granted under this chapter during each fiscal biennium.

(3) This section expires July 1, ~~((2010))~~ 2020.

Sec. 7. RCW 82.60.049 and 2004 c 25 s 5 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means: Through June 30, 2010, a designated community empowerment zone approved under RCW 43.31C.020 or a county containing a community empowerment zone; and beginning July 1, 2010, a designated community empowerment zone approved under RCW 43.31C.020.

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) In addition to the provisions of RCW 82.60.040, the department ~~((shall))~~ must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment for which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) The qualified employment position must be filled by the end of the calendar year following the year in which the project is certified as operationally complete. If a person does not meet the requirements for qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

Sec. 8. RCW 82.60.060 and 2000 c 106 s 5 are each amended to read as follows:

(1) The recipient ~~((shall))~~ must begin paying the deferred taxes in the third year after the date certified by the department as the date on which the ~~((construction))~~ investment project has been operationally completed. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years with amounts of payment scheduled as follows:

Repayment Year	% of Deferred Tax Repaid
1	10%
2	15%
3	20%
4	25%
5	30%

(2) The department may authorize an accelerated repayment schedule upon request of the recipient.

(3) Interest ~~((shall))~~ may not be charged on any taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

Sec. 9. RCW 82.60.070 and 2004 c 25 s 7 are each amended to read as follows:

(1)(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) Each recipient of a deferral granted under this chapter after June 30, 1994, ~~((shall))~~ must complete an annual survey. If the economic benefits of the deferral are passed to a lessee as provided in ~~((RCW 82.60.020(4)))~~ section 4 of this act, the lessee ~~((shall agree to))~~ must complete the annual survey and the applicant is not required to complete the annual survey. The survey is due by March 31st of the year following the calendar year in which the investment project is certified by the department as having been operationally complete and the seven succeeding calendar years. The survey ~~((shall))~~ must include the amount of tax deferred, the number of new products or research projects by general classification, and the number of trademarks, patents, and copyrights associated with activities at the investment project. The survey ~~((shall))~~ must also include the following information for employment positions in Washington:

- (i) The number of total employment positions;
- (ii) Full-time, part-time, and temporary employment positions as a percent of total employment;
- (iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and
- (iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) As part of the survey, the department may request additional information necessary to measure the results of, or determine eligibility for, the deferral program, to be submitted at the same time as the survey.

(d) All information collected under this subsection, except the amount of the tax deferral taken, is deemed taxpayer information under RCW 82.32.330 and is not disclosable. Information on the amount of tax deferral taken is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(e) The department ~~((shall))~~ must use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers ~~((shall))~~ may be included in any category. The department ~~((shall))~~ must report these statistics to the legislature each year by September 1st.

(f) The department ~~((shall))~~ must also use the information to study the tax deferral program authorized under this chapter. The department ~~((shall))~~ must report to the legislature by December 1, ~~((2009))~~ 2019. The report ~~((shall))~~ must measure the effect of the program on job creation, the number of jobs created for residents of eligible areas, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(2)(a) If, on the basis of a survey under this section or other information, the department finds that an investment project is not eligible for tax deferral under this chapter, the amount of deferred taxes outstanding for the project ~~((shall be immediately due))~~.

(b) If a recipient of the deferral fails to complete the annual survey required under subsection (1) of this section by the date due, twelve and one-half percent of the deferred tax ~~((shall))~~ will be immediately due. If the economic benefits of the deferral are passed to a lessee as provided in ~~((RCW 82.60.020(4)))~~ section 4 of this act, the lessee ~~((shall be))~~ is responsible for payment to the extent the lessee has received the economic benefit.

(3) Notwithstanding any other subsection of this section, deferred taxes need not be repaid on machinery and equipment for lumber and wood products industries, and sales of or charges made for labor and services, of the type which qualifies for exemption under RCW 82.08.02565 or 82.12.02565 to the extent the taxes have not been repaid before July 1, 1995.

(4) Notwithstanding any other subsection of this section, deferred taxes on the following need not be repaid:

- (a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and
- (b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

Sec. 10. RCW 82.60.100 and 1987 c 49 s 1 are each amended to read as follows:

Applications, reports, and any other information received by the department under this chapter ~~((shall)),~~ except applications not approved by the department, are not ~~((be))~~ confidential and ~~((shall be))~~ are subject to disclosure.

Sec. 11. RCW 82.62.010 and 2007 c 485 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means ~~((an area))~~ a "rural county" as defined in RCW ~~((82.60.020))~~ 82.14.370.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average qualified employment positions at the specific facility will be at least fifteen percent greater in the four consecutive full calendar quarters after the calendar quarter during which the first qualified employment position is filled than the applicant's average qualified employment positions at the same facility in the four consecutive full calendar quarters immediately preceding the calendar quarter during which the first qualified employment position is filled.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined

in RCW 82.16.010(((5))) (4) or that portion of a business project creating qualified full-time employment positions outside an eligible area.

(5) "First qualified employment position" means the first qualified employment position filled for which a credit under this chapter is sought.

(6) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes:

(a) Before July 1, 2010: (i) Computer programming, the production of computer software, and other computer-related services, but only when the computer programming, production of computer software, or other computer-related services are performed by a manufacturer as defined in RCW 82.04.110 and contribute to the production of a new, different, or useful substance or article of tangible personal property for sale; and (ii) the activities performed by research and development laboratories and commercial testing laboratories; and

(b) Beginning July 1, 2010, the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8)(a)(i) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during four consecutive full calendar quarters.

(ii) For seasonal employers, "qualified employment position" also includes the equivalent of a full-time employee in work hours for four consecutive full calendar quarters.

(b) For purposes of this subsection, "full time" means a normal work week of at least thirty-five hours.

(c) Once a permanent, full-time employee has been employed, a position does not cease to be a qualified employment position solely due to periods in which the position goes vacant, as long as:

(i) The cumulative period of any vacancies in that position is not more than one hundred twenty days in the four-quarter period; and

(ii) During a vacancy, the employer is training or actively recruiting a replacement permanent, full-time employee for the position.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(11) "Seasonal employee" means an employee of a seasonal employer who works on a seasonal basis. For the purposes of this subsection and subsection (12) of this section, "seasonal basis" means a continuous employment period of less than twelve consecutive months.

(12) "Seasonal employer" means a person who regularly hires more than fifty percent of its employees to work on a seasonal basis.

NEW SECTION. Sec. 12. RCW 82.60.900 and 82.60.901 are each decodified.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) RCW 82.60.050 (Expiration of RCW 82.60.030 and 82.60.040) and 2004 c 25 s 6, 1994 sp.s. c 1 s 7, 1993 sp.s. c 25 s 404, 1988 c 41 s 5, & 1985 c 232 s 10; and

(2) RCW 82.60.110 (Competing projects--Impact study) and 1998 c 245 s 169 & 1994 sp.s. c 1 s 8.

NEW SECTION. Sec. 14. The amendments to the definitions of "manufacturing" and "research and development" in sections 2 and 11 of this act apply retroactively as well as prospectively.

NEW SECTION. Sec. 15. Except for section 3 of this act, this act takes effect July 1, 2010."

Correct the title.

Representative Springer moved the adoption of amendment (1680) to amendment (1686).

On page 9, after line 23 of the amendment, insert the following:

NEW SECTION. Sec. 10. A new section is added to chapter 82.60 RCW to read as follows:

(1) Subject to the conditions in this section, a person is not liable for the amount of deferred taxes outstanding for an investment project when the person temporarily ceases to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities in a county with a population of less than twenty thousand persons for a period not to exceed twenty- four months from the date that the department sent its assessment for the amount of outstanding deferred taxes to the taxpayer.

(2) The relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the number of qualified employment positions employed at the investment project at the time the deferral was approved by the department. If a person has been approved for more than one deferral under this chapter, relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the highest number of qualified employment positions at the investment project at the time any of the deferrals were approved by the department. If, at any time during the twenty-four month period after the department has sent the taxpayer an assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities, the number of qualified employment positions falls below the ten percent threshold in this subsection, the amount of deferred taxes outstanding for the project is immediately due.

(3) The lessor of an investment project for which a deferral has been granted under this chapter who has passed the economic benefits of the deferral to the lessee is not eligible for relief from the payment of deferred taxes under this section.

(4) A person seeking relief from the payment of deferred taxes under this section must apply to the department in a form and manner prescribed by the department. The application required under this subsection must be received by the department within thirty days of the date that the department sent its assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities. The department must approve applications that meet the requirements in this section for relief from the payment of deferred taxes.

(5) A person is entitled to relief under this section only once.

(6) A person whose application for relief from the payment of deferred taxes has been approved under this section must continue to file an annual survey as required under RCW 82.60.070(1) or any successor statute. In addition, the person must file, in a form and manner prescribed by the department, a report on the status of the business and the outlook for commencing manufacturing or research and development activities."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Springer, Orcutt and Kretz spoke in favor of the adoption of the amendment to the amendment.

Representative Hunter spoke against the adoption of the amendment to the amendment.

Amendment (1680) to amendment (1686) was adopted.

Representative Condotta moved the adoption of amendment (1688) to amendment (1686).

On page 12, beginning on line 1 of the amendment, strike all of section 14

Renumber the remaining section consecutively and correct any internal references accordingly.

Representatives Condotta and Orcutt spoke in favor of the adoption of the amendment to the amendment.

Representative Hunter spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 36 - YEAS; 58 - NAYS.

Amendment (1688) to amendment (1686) was not adopted.

Representative Hunter spoke in favor of the adoption of the amendment as amended.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1686) as amended.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 63 - YEAS; 31 - NAYS.

Amendment (1686) was adopted as amended.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3014.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3014, and the bill passed the House by the following vote: Yeas, 87; Nays, 6; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, DeBolt, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Goodman, Green,

Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Carlyle, Darneille, Dickerson, Hunter, Orwall and Williams.

Excused: Representatives Ericks, Flannigan, Kelley, Roach and Simpson.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3014, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6789, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Zarelli, Murray, Hewitt, Holmquist and Parlette)

Concerning sales and use tax exemptions for certain equipment and infrastructure contained in data centers.

The bill was read the second time.

Representative Hasegawa moved the adoption of amendment (1681).

On page 5, line 23, after "April 1," strike "2018" and insert "2015"

On page 6, line 7, after "April 1," strike "2018" and insert "2015"

On page 7, line 6, after "April 1," strike "2018" and insert "2015"

Representative Hasegawa spoke in favor of the adoption of the amendment.

Representatives Orcutt and Hunter spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 32 - YEAS; 61 - NAYS.

Amendment (1681) was not adopted.

Representative Morrell moved the adoption of amendment (1683).

On page 3, line 6, after "operational." strike all material through "(b)" on line 13, and insert the following:

"(b) In lieu of the requirements under subsection (3)(a), a qualifying business located in a county with a population of more than eight hundred thousand people but fewer than one million five hundred thousand people, must establish within six years of the first day of the calendar quarter in which the business first receives an exemption under this section or section 3 of this act that the business has increased employment in the state by a minimum of seventy family wage jobs from the date the eligible computer data center first became operational.

(c) For purposes of this subsection (3), "family wage job" means a new permanent employment position requiring forty hours of weekly work, or the equivalent, on a full-time basis and paying a

wage equivalent to, or greater than, one hundred fifty percent of the per capita personal income of the county in which the qualified project is located. The qualifying business must provide health insurance coverage for employees.

(d)"

On page 4, line 29, after "82.14.370" insert "or located in a county with a population of more than eight hundred thousand people but fewer than one million five hundred thousand people"

Representatives Morrell and Dammeier spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 42 - YEAS; 51 - NAYS.

Amendment (1683) was not adopted.

On motion of Representative Morrell, Amendment (1684) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter, Armstrong, Morrell, Warnick, Conway, Condotta, Hasegawa, Carlyle, Hinkle, Hudgins and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6789.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6789, and the bill passed the House by the following vote: Yeas, 91; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Goodman, Haigh, Halder, Hasegawa, Herrera, Hinkle,

Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Green and Roberts.

Excused: Representatives Ericks, Flannigan, Kelley, Roach and Simpson.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6789 having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1697, SUBSTITUTE HOUSE BILL NO. 2580 and ENGROSSED SUBSTITUTE HOUSE BILL NO. 3175 and the bills were placed on the third reading calendar.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 18, 2010, the 4th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - FIRST SPECIAL SESSION

FOURTH DAY

House Chamber, Olympia, Thursday, March 18, 2010

The House was called to order at 9:55 a.m. by the Speaker (Representative Morris presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

INTRODUCTIONS AND FIRST READING

HB 3214 by Representative Hudgins

AN ACT Relating to creating an alternative to foreclosure based on shared appreciation; adding a new section to chapter 61.24 RCW; adding a new section to chapter 82.45 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 3215 by Representative Hudgins

AN ACT Relating to protecting and assisting consumers and homeowners from unfair lending practices and during foreclosure proceedings; reenacting and amending RCW 61.24.005; adding new sections to chapter 61.24 RCW; adding a new section to chapter 36.22 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

MESSAGE FROM THE SENATE

March 18, 2010

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL 6789
and the same are herewith transmitted.

The Speaker assumed the chair.

Thomas Hoemann, Secretary

SIGNED BY THE SPEAKER

The Speaker signed the following:

ENGROSSED HOUSE BILL NO. 2672
HOUSE CONCURRENT RESOLUTION NO. 4409
ENGROSSED SUBSTITUTE SENATE BILL NO. 6789

RESOLUTION**HOUSE RESOLUTION NO. 4707, by Representatives Hunt, Alexander, and Williams**

WHEREAS, Lacey's River Ridge High School Hawks girls' basketball team won the state 2-A title in Yakima by defeating the Prosser Mustangs 57-46; and

WHEREAS, River Ridge has won state basketball titles three of the past four years, defeating Ellensburg 43-42 in 2008 and Tumwater 40-25 in 2007; and

WHEREAS, River Ridge's Jennifer Cole scored 16 points and sisters Samira and Jasmine McDonald each scored 11 points in the championship game; and

WHEREAS, The Hawks have appeared in the state title game four consecutive years; and

WHEREAS, The River Ridge Hawks won the Evergreen Conference title with a 26-1 record; and

WHEREAS, River Ridge's Jennifer Cole was named state tournament most valuable player; and

WHEREAS, Samira McDonald was named to the all-tournament team; and

WHEREAS, It was the second state title in three years for four Hawk players—Kelsey Russell, Jennifer Cole, Jasmine McDonald, and Natasha Trinidad; and

WHEREAS, First-year coach Tom Kelly, after coaching 20 years at White Pass, continued the River Ridge dynasty by leading them to the championship; and

WHEREAS, As River Ridge guard Kelsey Russell said, "It feels like all the hard work paid off. It feels so complete...It's just so perfect";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the River Ridge Hawks girls basketball team on winning the 2010 Girls' 2-A basketball championship; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Coach Tom Kelly and members of the championship team and to North Thurston Public Schools Superintendent Raj Manhas.

HOUSE RESOLUTION NO. 4707 was adopted.

SUPPLEMENTAL INTRODUCTIONS AND FIRST READING

HB 3216 by Representative Morris

AN ACT Relating to enhanced 911 emergency communications services; amending RCW 82.14B.010, 82.14B.040, 82.14B.042, 82.14B.060, 82.14B.061, 82.14B.150, 82.14B.160, 82.14B.200, 38.52.510, 38.52.520, 38.52.530, 38.52.532, 38.52.545, 38.52.550, 38.52.561, and 43.79A.040; reenacting and amending RCW 82.14B.020, 82.14B.030, and 38.52.540; adding new sections to chapter 82.14B RCW; creating a new section; repealing RCW 82.14B.070, 82.14B.090, and 82.14B.100; prescribing penalties; and providing effective dates.

2SSB 6678 by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Kilmer, Marr, Berkey, Tom and Shin)

AN ACT Relating to the creation of entities to address the long- range impact of opportunities and changes in the aerospace industry; adding a new section to chapter 43.42 RCW; adding a new chapter to Title 43 RCW; and adding a new chapter to Title 28B RCW.

Referred to Committee on Community & Economic Development & Trade.

SSB 6698 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Marr, Murray, Fairley and Kohl-Welles)

AN ACT Relating to the acquisition of nonprofit hospitals; and amending RCW 70.45.100 and 70.45.080.

Referred to Committee on Health Care & Wellness.

There being no objection, the bills listed on the day's supplemental introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 3216 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

REPORTS OF STANDING COMMITTEES

March 18, 2010
ESSB 5899 Prime Sponsor, Committee on Ways & Means: Providing a business and occupation tax credit for qualified employment positions. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunter, Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Conway; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chair and Condotta.

Passed to Committee on Rules for second reading.

March 18, 2010
SSB 6572 Prime Sponsor, Committee on Ways & Means: Eliminating certain accounts. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Sullivan, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick and Seaquist.

March 18, 2010
2SSB 6675 Prime Sponsor, Committee on Ways & Means: Creating the Washington global health technologies and product development competitiveness program and allowing certain tax

credits for program contributions. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunter, Chair; Parker, Assistant Ranking Minority Member; Conway; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chair and Condotta.

March 18, 2010
SSB 6712 Prime Sponsor, Committee on Ways & Means: Extending expiring tax incentives for certain clean alternative fuel vehicles, producers of certain biofuels, and federal aviation regulation part 145 certificated repair stations. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunter, Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Conway; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chair and Condotta.

March 18, 2010
SSB 6727 Prime Sponsor, Committee on Ways & Means: Concerning health sciences and services authorities. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended. Signed by Representatives Hunter, Chair; Parker, Assistant Ranking Minority Member; Conway; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chair; Orcutt, Ranking Minority Member and Condotta.

March 18, 2010
ESSB 6737 Prime Sponsor, Committee on Ways & Means: Providing an exemption from property tax for aircraft used to provide air ambulance services for nonprofits. (REVISED FOR ENGROSSED: Providing an exemption from property tax for aircraft used to provide air ambulance services.) Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 84.36 RCW to read as follows:

An aircraft is exempt from taxation, if:

- (1) The aircraft is owned by a nonprofit organization that is exempt from federal income taxation under 26 U.S.C. Sec. 501(c)(3);
- (2) The aircraft is used to provide emergency medical transportation services; and
- (3) The exemption inures to the benefit of the nonprofit organization that owns the aircraft.

Sec. 2. RCW 82.48.100 and 1999 c 302 s 3 are each amended to read as follows:

This chapter (~~shall~~) does not apply to:

- (1) Aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the

government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which are not engaged in carrying persons or property for commercial purposes;

(2) Aircraft registered under the laws of a foreign country;

(3) Aircraft which are owned by a nonresident and registered in another state (~~(- PROVIDED, That)~~). However, if any such aircraft (~~(shall)~~) remains in and/or (~~(be)~~) is based in this state for a period of ninety days or longer it (~~(shall)~~) is not (~~(be)~~) exempt under this section;

(4) Aircraft engaged principally in commercial flying which constitutes interstate or foreign commerce; and aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

(5) Aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under Title 14 RCW;

(6) Aircraft owned by a nonresident of this state if the aircraft is kept at an airport in this state and that airport is jointly owned or operated by a municipal corporation or other governmental entity of this state and a municipal corporation or other governmental entity of another state, and the owner or operator of the aircraft provides the department with proof that the owner or operator has paid all taxes, license fees, and registration fees required by the state in which the owner or operator resides; and

(7) Aircraft that are: (a) Owned by a nonprofit organization that is exempt from federal income taxation under 26 U.S.C. Sec. 501(c)(3); and (b) exclusively used to provide emergency medical transportation services.

NEW SECTION. Sec. 3. This act applies to taxes levied for collection in 2011 and thereafter.

NEW SECTION. Sec. 4. This act expires January 1, 2020."
Correct the title.

Signed by Representatives Hunter, Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Conway; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chair and Condotta.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exceptions of SUBSTITUTE SENATE BILL NO. 6572, SECOND SUBSTITUTE SENATE BILL NO. 6675, SUBSTITUTE SENATE BILL NO. 6712, SUBSTITUTE SENATE BILL NO. 6727 and ENGROSSED SUBSTITUTE SENATE BILL NO. 6737 which were placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 2493 and HOUSE BILL NO. 3191, and the bills was placed on the second reading calendar.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 19, 2010, the 5th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

FIFTH DAY

House Chamber, Olympia, Friday, March 19, 2010

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Susan Frans and Christopher Carlile. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Deb Wallace, 17th District

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 18, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SENATE BILL 6870 and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 18, 2010

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL 2672 and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 18, 2010

Mr. Speaker:

The Senate has passed:
SECOND SUBSTITUTE SENATE BILL 6678
SUBSTITUTE SENATE BILL 6698
and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

March 18, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2617 with the following amendment:

On page 117, after line 20, strike all material down through and including line 32 on page 117 and insert the following:

"Sec. 132. RCW 27.34.365 and 2005 c 391 s 3 are each amended to read as follows:

The board of advisors shall consist of fifteen members. The ~~((governor))~~ director of the state historical society shall appoint eleven members to the board of advisors. Two members of the senate, one each representing the two largest caucuses of the senate, shall be appointed by the president of the senate, and two members of the house of representatives, one each representing the two largest

caucuses of the house of representatives, shall be appointed by the speaker of the house of representatives.

The women's history consortium board of advisors may meet no more than two times per calendar year. If state funds are not available for travel, the board may meet on a voluntary basis at members' expense."

and the same is herewith transmitted.

Thomas Hoeman , Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2617 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2617, as amended by the Senate.

MOTIONS

On motion of Representative Santos, Representatives Kelley, Kenney, Morris and Williams were excused. On motion of Representative Hinkle, Representatives Condotta and Roach were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2617, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; Nays, 3; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Chase, Hasegawa and Miloscia.

Excused: Representatives Condotta, Kelley, Kenney, Morris, Roach and Williams.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2617, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 18, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 3201 with the following amendment:

On page 1, line 14, after "obtained.", strike "The fee is a billable expense."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 3201 and asked the Senate to recede therefrom.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6572, by Senate Committee on Ways & Means (originally sponsored by Senator Tom)

Eliminating certain accounts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6572.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6572, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts,

Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Condotta, Kelley, Kenney, Morris, Roach and Williams.

SUBSTITUTE SENATE BILL NO. 6572, having received the constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6737, by Senate Committee on Ways & Means (originally sponsored by Senators Marr, Brown and McCaslin)

Providing an exemption from property tax for aircraft used to provide air ambulance services for nonprofits. Revised for 1st Substitute: Providing an exemption from property tax for aircraft used to provide air ambulance services for nonprofits. (REVISED FOR ENGROSSED: Providing an exemption from property tax for aircraft used to provide air ambulance services.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance, was adopted. (For Committee amendment, see Journal, Day 4, March 18, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6737, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6737, as amended by the House, and the bill passed the House by the following vote: Yeas, 88; Nays, 4; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Chase, Hasegawa and Hinkle.

Excused: Representatives Condotta, Kelley, Kenney, Morris, Roach and Williams.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6737, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

HOUSE BILL NO. 1697, by Representatives Liias, Priest, Sullivan, Quall, Upthegrove, Santos, Kenney and Ormsby.

Regarding career and technical student organizations.

The bill was read the third time.

Representatives Liias and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1697.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1697, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Condotta, Kelley, Kenney, Morris, Roach and Williams.

HOUSE BILL NO. 1697, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 2580, by House Committee on Education (originally sponsored by Representatives Liias, Simpson and Sullivan).

Concerning secondary career and technical education courses.

The bill was read the third time.

Representatives Liias and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2580.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2580, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Condotta, Kelley, Kenney, Morris, Roach and Williams.

SUBSTITUTE HOUSE BILL NO. 2580, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3175, by House Committee on General Government Appropriations (originally sponsored by Representative Darneille).

Transferring the office of minority and women's business enterprises into the department of commerce.

The bill was read the third time.

Representatives Darneille and McCune spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3175.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 3175, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Condotta, Kelley, Kenney, Morris and Roach.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3175, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

ESB 6870 by Senator Hargrove

AN ACT Relating to containing costs for services to sexually violent predators; and amending RCW 71.09.050, 71.09.090, 71.09.110, and 71.09.300.

There being no objection, ENGROSSED SENATE BILL NO. 6870 was read the first time, and under suspension of the rules was placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 2836, and the bill was placed on the second reading calendar.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

Representative Dunshee moved the adoption of amendment (1695).

Strike everything after the enacting clause and insert the following:

Format changed to accommodate text.

MESSAGES FROM THE SENATE

March 19, 2010

MR. SPEAKER:

The President has signed:

ENGROSSED HOUSE BILL 2672
HOUSE CONCURRENT RESOLUTION 4409
and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 19, 2010

MR. SPEAKER:

The President has signed SUBSTITUTE SENATE BILL 6572 and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 19, 2010

MR. SPEAKER:

The Senate has passed SECOND ENGROSSED SENATE BILL 6221 and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2836, by House Committee on Capital Budget (originally sponsored by Representatives Dunshee and White)

Concerning the capital budget.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2836 was substituted for House Bill No. 2836 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2836 was read the second time.

"NEW SECTION. Sec. 1. A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2011, out of the several funds specified in this act.

**PART 1
GENERAL GOVERNMENT**

**Sec. 1001. 2007 c 520 s 6042 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE**

Local/Community Projects (06-4-008)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department.
- (2) Funding for the Inland Northwest Science and Technology Center shall be held in reserve until the balance of phase I funding has been secured or committed from local government and community sources.
- (3) The Washington state arts commission shall design a plaque that shall be affixed to buildings or displayed as part of a project receiving any appropriation from this section. The plaque shall provide information to the public that the building or project has been made possible by the tax dollars of Washington citizens. The commission may contact the secretary of state to obtain approval for use of the Washington seal in the design of the plaque. The final design shall be approved by the chairs and ranking members of the house of representatives capital budget committee and the senate ways and means committee.
- (4) The appropriation is provided solely for the following list of projects:

Projects	Recommendation
7th street theatre	\$600,000
Alder creek pioneer association carousel museum	\$450,000
Asian counseling and referral service	\$2,000,000
Auburn veterans' memorial park improvements	\$50,000
Bailey Gatzert children's play area	\$75,000
Bridge for kids	\$850,000
Brookside school ADA playground equipment	\$25,000
Buena library	\$50,000
Camp prime time repairs-- families with terminally ill children	\$100,000
Cannon house	\$250,000
((Central area motivation program (CAMP)	\$250,000))
Cesar Chavez park	\$150,000
Chambers creek footbridge	\$177,000
Childhaven	\$150,000
Clark Lake park and retreat center	\$500,000
Colman school preconstruction activities	\$1,200,000
Colored women's association meeting house preconstruction activities	\$60,000
Columbia breaks fire interpretive center	\$150,000
Community center at Greenbridge	\$400,000

Covington aquatics center HVAC systems	\$350,000
Crossroads community center and park	\$250,000
Cutter theater	\$71,000
Deming library preconstruction activities	\$85,000
Des Moines beach park historic buildings	\$300,000
Discovery park	\$1,000,000
East Whatcom regional resource center	\$1,750,000
Eatonville family park	\$50,000
El Centro de la Raza	\$900,000
Filipino community center	\$200,000
Financial assistance to the town of Hamilton	\$150,000
Food bank refrigeration projects	\$365,000
Foster creek	\$150,000
Fox theater	\$2,398,000
Garfield county agricultural museum	\$150,000
GC health clinic	\$12,000
Grand Army of the Republic cemetery	\$5,000
Granite Falls museum expansion	\$50,000
Greenbridge plaza in White Center	\$200,000
Habitat park south hill	\$400,000
Hidden river environmental education center	\$50,000
ICL education center	\$200,000
Japanese cultural and community center	\$200,000
Joel Pritchard park	\$2,500,000
Joe's creek project	\$856,000
Juanita creek channel and riparian restoration	\$500,000
Juanita highlands	\$275,000
Julia Butler Hansen home restoration	\$10,000
Kettle falls park	\$100,000
Kirkland nonmotorized facilities	\$200,000
LeRoi smelter smokestack monument	\$3,000
Lewis and Clark confluence project	\$2,000,000
McCaw hall	\$2,000,000

Meridian habitat park	\$400,000
Miners' memorial	\$36,500
Miracle league handicapped baseball	\$57,000
MOBIUS/Inland Northwest science and technology center	\$1,500,000
Mt. Baker theater	\$200,000
Mt. Vernon Jasper Gates statue	\$12,000
Multicultural center of Kitsap county	\$250,000
Nathaniel Orr home site museum interpretive center	\$29,000
Neighborhood house rainier vista	\$200,000
New Lakewood clinic	\$350,000
Northeast community center expansion	\$250,000
Northshore performing arts center	\$1,000,000
Northwest communities education center	\$1,000,000
Oak Harbor multi-purpose community and sports facility	\$50,000
Omak grandstand	\$250,000
Orting fire station	\$250,000
Pacific Northwest salmon center	\$1,000,000
Pacific science center	\$900,000
Performing arts center (PACE)	\$500,000
Pike Place Market health center emergency repairs	\$1,000,000
Port of Quincy	\$400,000
Puget Sound freight building warehouse--Thea Foss waterway	\$2,000,000
Puyallup river walking trail	\$200,000
Rainier historical heating system	\$75,000
Red mountain	\$200,000
Relocation of Sieke Japanese gardens	\$250,000
River walk and Sammamish river restoration	\$200,000
Roslyn city hall	\$150,000
Ruth Dykeman children's center	\$27,000
Sandman historical tug restoration	\$10,000
Seattle Aquarium	\$2,000,000

Seattle community center (1115 E. Pike street)	\$13,000
Seattle mental health emerald house	\$28,000
Seward park environmental and audubon center	\$400,000
(Snohomish senior center)	(\$150,000)
Sno-Valley senior activity center kitchen	\$50,000
Sound way property preservation	\$500,000
Spokane river whitewater course	\$400,000
Sumas ballpark	\$250,000
Synthetic sportsfield partnership at Robinswood park	\$400,000
Tall ships moorage	\$300,000
Tukwila kayak and canoe launching facility	\$20,000
Undeveloped woodlands linked to interurban nature trail	\$150,000
Vancouver museum	\$125,000
(Vancouver national historical reserve west barracks)	(\$1,000,000)
Veterans memorial museum	\$100,000
Wapato Lake renovations and water quality	\$250,000
West Seattle community resource center	\$500,000
West central community center	\$500,000
West Hylebos wetlands boardwalk	\$100,000
Wilson playfield land acquisition	\$200,000
Wing Luke Asian art museum	\$2,000,000
Youth housing/drop-in center	\$400,000
Total	(\$47,799,500) <u>\$46,399,500</u>

Appropriation:

State Building Construction Account--State.....	(\$47,799,500)
<u>\$46,399,500</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL ((\$47,799,500))	
<u>\$46,399,500</u>	

Sec. 1002. 2009 c 497 s 1005 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Local and Community Projects (20064008)

The reappropriation in this section is subject to the following conditions and limitations: (1) \$64,319 of the remaining reappropriation for El Centro de la raza may be used for building infrastructure. (2) \$10,000 of the remaining reappropriation for miracle league handicapped baseball may be used for pre-grading and resurfacing construction. (3) \$1,394,107 of the remaining reappropriation for MOBIUS/inland northwest science and technology center may be used for building design ((and)), construction, and renovation.

Reappropriation:

State Building Construction Account--State.....	(\$10,658,000)
<u>\$9,258,000</u>	
Prior Biennia (Expenditures).....	\$37,141,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$47,799,000))	
<u>\$46,399,000</u>	

Sec. 1003. 2008 c 328 s 1008 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Local and Community Projects (08-4-001)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.
- (2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement shall not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.
- (3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.
- (4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.
- (5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).
- (6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.
- (7) The appropriation provided in this section for the bridge for kids project shall not be released until the department obtains a report from the project sponsor updating the cost of the project and the current fund raising plan.
- (8) The appropriation provided in this section for the Fox theater shall be provided only under an agreement that the theater shall retain its current name as the Fox theater.
- (9) The appropriation in this section for the life support and emergency medical services infrastructure build-out project is provided solely for emergency medical services and medical care infrastructure consistent with the adopted mission, goals, and capital plan of the 501(c)(3) life support.
- (10) The appropriation is provided solely for the following list of projects:

Project Name.....	Amount
800 Mhz interoperability public safety communication	\$1,000,000
Aberdeen union gospel mission	\$562,000
Arts west playhouse and gallery	\$150,000
Ashford cultural center and mountaineering museum.....	\$800,000
Asian counseling/referral services	\$2,000,000
Ballard corners park.....	\$125,000
Beaver mitigation of Little Spokane river.....	\$75,000
Benton City food bank.....	\$350,000
Bethel community center.....	\$1,000,000
Blueberry park improvements	\$5,000
Bothell crossroads/state route 522 realignment - land acquisition and preconstruction activities.....	\$7,000,000
Bowen field.....	\$500,000
Bremerton downtown economic revitalization projects	\$5,000,000
Bridge for kids	\$500,000
Burbank water improvement	\$1,621,000
Burien town square	\$1,600,000
((Camp kilworth land acquisition - Federal Way	\$1,100,000))
Cannon house.....	\$750,000
Chambers creek pedestrian bridge.....	\$2,400,000
Chehalis middle school track improvement.....	\$350,000
Chehalis veterans wall of honor security enclosure.....	\$25,000
Chelan county public utility district monitor domestic water system	\$800,000
Children's hospital.....	\$2,500,000
Cities of Camas and Washougal community/recreation center preconstruction activities.....	\$500,000
City of Everett - senior center expansion and upgrade	\$400,000
City of Everett minor league baseball - aquasox	\$433,000
City of Kent event center	\$3,000,000
City of Mount Vernon downtown and waterfront flood control.....	\$1,000,000

City of Puyallup riverwalk trail project	\$600,000
City of Tacoma minor league baseball - rainiers.....	\$2,500,000
City of Yakima minor league baseball.....	\$594,000
Civil war cemetery near volunteer park.....	\$5,000
Columbia Springs environmental learning center preconstruction or construction activities	\$200,000
Confluence project.....	\$1,000,000
Counter balance park	\$100,000
Coupeville covered play area.....	\$113,000
Covered bridge park land acquisition (Grays river).....	\$90,000
Cowlitz drug treatment center.....	\$580,000
Darrington water system improvements.....	\$100,000
Dawson place child advocacy center land acquisition and renovation	\$650,000
Daybreak star in Discovery park.....	\$300,000
Dining car historic preservation.....	\$50,000
Discovery park - Fort Lawton.....	\$700,000
Duwamish education center.....	\$2,000,000
Duwamish longhouse.....	\$275,000
Eatonville family park.....	\$200,000
Evergreen school district health and biosciences academy	\$1,000,000
Federal Way little league field lighting.....	\$50,000
Ferndale boys and girls club - urgent needs and preconstruction activities.....	\$200,000
Fish lake trail.....	\$1,000,000
Fort Dent sewer.....	\$450,000
Foss waterway.....	\$1,300,000
Fox theater	\$2,000,000
Friends of hidden river preconstruction activities.....	\$675,000
Goodwill of Tacoma	\$1,500,000
Granite Falls museum	\$30,000
High Point neighborhood center in West Seattle.....	\$1,000,000
Highline school district noise mitigation	\$5,000,000
Hill ward building removal.....	\$550,000
Innovative services northwest.....	\$1,900,000
Institute for community leadership	\$700,000
Jewish federation of greater Seattle	\$900,000
Kent alliance center.....	\$500,000
Kirkland public safety campus land acquisition and preconstruction activities.....	\$750,000
((Kitsap SEED	\$1,100,000))
Klickitat law enforcement firing range.....	\$20,000
Kruckeberg botanical garden.....	\$150,000
Lake Stevens civic center.....	\$800,000
Lake Stevens senior center.....	\$300,000
Lake Waughop/department of ecology aquatic weeds	\$50,000
Library connection at greenbridge.....	\$200,000
Life support and emergency medical services infrastructure build-out	\$2,700,000
Lions club renovation	\$160,000
Long lake nutrient reduction.....	\$300,000
Loon lake wood waste removal pilot study	\$350,000
Lucy Lopez center land acquisition	\$750,000
Maple Valley lake wilderness lodge and conference center.....	\$1,500,000
Maple Valley legacy site planning and infrastructure development	\$3,000,000
McCaw hall.....	\$2,000,000
McDonald park	\$150,000
Mercer slough environmental center	\$1,500,000
Mill creek senior center.....	\$150,000
Mirabeau Point children's universal park.....	\$800,000
Mobius <u>building design, construction, and renovation</u>	\$1,900,000
Monroe rotary field.....	\$700,000
Morning star cultural center.....	\$300,000
Mountains to sound - SR18/I90 interchange	\$500,000
Nisei veterans committee.....	\$250,000

NORCOM public safety communication	\$750,000
Nordic heritage museum preconstruction activities.....	\$1,500,000
Northwest African American museum	\$650,000
Northwest harvest	\$3,000,000
Northwest stream center	\$300,000
Oak Harbor dredging preconstruction activities	\$59,000
Oak Harbor veterans memorial	\$50,000
Okanogan Valley equestrian and cultural heritage center	\$4,000,000
Palouse street safety improvements	\$210,000
Performing arts center eastside preconstruction activities	\$2,500,000
Perry technical institute hanger.....	\$250,000
Pike Place market.....	\$1,070,000
Port of Benton transloader (railex).....	\$1,000,000
Port of Walla Walla wine incubator.....	\$500,000
Poulsbo marine science center floating classroom	\$100,000
Prime time repairs (terminally ill children).....	\$300,000
Puyallup town square.....	\$200,000
Rainier lifelong learning center.....	\$200,000
Richland Babe Ruth field complex	\$1,000,000
((Seattle World War I memorial plaza	\$200,000))
Seattle art museum.....	\$1,250,000
Seattle children's play garden.....	\$332,000
Seattle Chinese garden.....	\$500,000
Shoreline YMCA.....	\$800,000
Simon youth foundation resource center	\$150,000
Skagit recreation and event center	\$1,000,000
Snoqualmie railway history preconstruction activities	\$600,000
Somerset village - Snohomish Y	\$200,000
South Tacoma community center	\$1,200,000
Spokane county minor league baseball - Indians.....	\$2,000,000
Spokane Valley community center and foodbank	\$260,000
Spokane YWCA/YMCA joint project.....	\$3,500,000
Springwood youth center.....	\$500,000
SR 395/court street pedestrian overpass	\$400,000
Suquamish inviting house construction	\$1,000,000
Tacoma narrows bridge lights.....	(\$1,500,000))
<u>\$100,000</u>	
Tonasket viewing platform	\$100,000
Tanbara clinic - East Tacoma community	\$850,000
The Northwest maritime center	\$2,250,000
The Tri Cities minor league baseball	\$666,000
Thurston county small business incubator	\$750,000
Tokeland/North Cove water tank for fire.....	\$10,000
Town square grid - drexler drive	\$750,000
Tukwila southcenter parkway infrastructure	\$4,000,000
Turning point domestic violence shelter	\$700,000
University Place town square.....	\$1,000,000
VaHalla hall	\$750,000
((Vancouver national historic reserve	\$750,000))
Vernetta Smith Chehalis timberland library	\$500,000
Waitsburg flood control feasibility report.....	\$29,000
Walla Walla county health center annex	\$100,000
White Center heights park	\$500,000
White Salmon water improvement	\$1,500,000
Willapa harbor community center	\$300,000
Wing-It productions historic theater	\$20,000
Washington State University/Shoreline Community College zero energy house.....	\$200,000
Yakima domestic violence shelter	\$200,000
Yakima downtown futures initiative phase 3	\$1,000,000
Total	(\$134,694,000))
<u>\$130,144,000</u>	
Appropriation:	
State Building Construction Account--State.....	(\$134,694,000))
<u>\$130,144,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL ((\$134,694,000))	
<u>\$130,144,000</u>	

Sec. 1004. 2009 c 497 s 1029 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((~~COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT~~)) COMMERCE

Local and Community Projects (20084001)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125 and other requirements for community projects administered by the department.
- (2) The reappropriation is subject to the provisions of section 1008, chapter 328, Laws of 2008.
- (3) \$1,000,000 of the remaining reappropriation for the Evergreen school district health and biosciences academy may be used for land acquisition. If the facility is not constructed by June 30, 2015, the school district shall reimburse the state an amount equal to \$1,000,000 increased by the average percentage appreciation in property values for undeveloped land in the surrounding area between the date the school district acquired the property and June 30, 2015 or the date the school district disposes of the property.
- (4) \$600,000 of the remaining reappropriation for the institute for community leadership may be used for land acquisition.
- (5) \$250,000 of the remaining reappropriation for the Pacific Northwest ilocandia association may be used for acquisition and renovation.
- (6) \$200,000 of the remaining reappropriation for the library connection at Greenbridge may be used for construction and equipment.
- (7) \$1,000,000 of the remaining reappropriation for the Evergreen school district health and biosciences academy may be used for land acquisition.

Reappropriation:

State Building Construction Account--State.....	((\$61,200,000))
<u>\$56,650,000</u>	
Prior Biennia (Expenditures).....	\$71,694,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$132,894,000))	
<u>\$128,344,000</u>	

Sec. 1005. 2008 c 328 s 1014 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((~~COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT~~)) COMMERCE

Community Development Fund (08-4-850)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The projects listed in this section must comply with RCW 43.63A.125(2)(c).
- (2) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.
- (3) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.
- (4) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.
- (5) Project funds are available on a reimbursement basis only and may not be advanced under any circumstances.
- (6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.
- (7) The appropriation is provided solely for the following list of projects:

Project Name.....	Amount
CASA Latina	\$1,000,000
Divine alternatives for dads services (DADS) center	\$10,000
El Centro de la Raza center.....	\$821,000
Hilltop renaissance community - Centro Latino.....	\$1,950,000
Hilltop renaissance community - MLK development association preconstruction activities.....	\$4,000,000
(HomeSight center.....	\$250,000)
Ilwaco community building.....	\$2,700,000
Japanese cultural center of Washington.....	((\$1,000,000))
<u>\$900,000</u>	
KCR Bremerton community services center.....	\$900,000
KDNA community center (Granger community center).....	\$500,000
Korean women's association center	\$1,500,000
North helpline lake city court.....	\$350,000
Salishan housing community.....	\$2,900,000
Sea Mar family housing community.....	\$1,500,000
Spokane east central community center.....	\$150,000
Spokane emmanuel center	\$500,000
Spokane Northeast community center	\$1,000,000
Wapato Filipino American center.....	\$135,000
Total.....	((\$21,166,000))
<u>\$20,816,000</u>	

Appropriation:

State Building Construction Account--State.....	(\$21,166,000)
<u>\$20,816,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL ((\$21,166,000))	
<u>\$20,816,000</u>	

Sec. 1006. 2009 c 497 s 1019 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Public Works Trust Fund (20074005)

Reappropriation:

Public Works Assistance Account--State.....	(\$232,000,000)
<u>\$132,000,000</u>	
State Taxable Building Construction Account--	
State \$95,000,000	
Subtotal Reappropriation.....	(\$327,000,000)
<u>\$227,000,000</u>	

Appropriation:

State Taxable Building Construction Account--	
.....State	
<u>\$100,000,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$327,000,000	

Sec. 1007. 2009 c 497 s 1023 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Job Development Fund Grants (20074010)

The ((re))appropriation in this section is subject to the following conditions and limitations:

(1) The ((re))appropriation is subject to the provisions of section 1032, chapter 520, Laws of 2007.

((The appropriation in this section is subject to the following conditions and limitations: The)) (2) \$3,000,000 of the appropriation is provided solely for a grant to the port of Grays Harbor for the bulk liquid facility project.

Reappropriation:

Job Development Account--State	(\$22,228,000)
<u>\$1,298,000</u>	

Appropriation:

((Job Development Account--State	\$3,000,000))
<u>State Building Construction Account--State.....</u>	<u>\$15,697,000</u>
Prior Biennia (Expenditures).....	\$24,702,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$49,930,000))	
<u>\$41,697,000</u>	

Sec. 1008. 2009 c 497 s 1030 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Community Development Fund (20084850)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 1014, chapter 328, Laws of 2008.

(2) \$105,521 of the remaining reappropriation for El Centro de la raza center may be used for building infrastructure.

Reappropriation:

State Building Construction Account--State.....	(\$9,715,000)
<u>\$9,365,000</u>	
Prior Biennia (Expenditures).....	\$11,451,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$21,166,000))	
<u>\$20,816,000</u>	

Sec. 1009. 2009 c 497 s 1034 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Quillayute Valley Wood-Fire Boiler (20084858)

Reappropriation:

Energy Freedom Account--State.....	(\$1,000,000)
<u>\$20,000</u>	

Appropriation:

State Building Construction Account--State.....	<u>\$980,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$1,000,000	

Sec. 1010. 2009 c 497 s 1035 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Snohomish County Biodiesel (20084859)

Reappropriation:

Energy Freedom Account--State..... ((~~\$500,000~~))
\$419,000

Appropriation:

State Building Construction Account--State..... \$81,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$500,000

Sec. 1011. 2009 c 497 s 1039 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Drinking Water State Revolving Fund Loan Program (30000005)

Appropriation:

Drinking Water Assistance Account--State ((~~\$8,000,000~~))
\$10,930,000
 Drinking Water Assistance Repayment Account--State..... \$31,201,000
 Subtotal Appropriation ((~~\$39,201,000~~))
\$42,131,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$215,974,000
 TOTAL ((~~\$255,175,000~~))
\$258,105,000

Sec. 1012. 2009 c 497 s 1040 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Building for the Arts Grants (30000006)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Projects must be selected based on their readiness to proceed.
- (2) The appropriation is provided solely for the following list of projects:

Admiral Theatre-No Theatre Left Behind	\$140,000
(Artspace Everett Lofts	\$1,000,000)
Building a Foundation for Discovery	\$250,000
Campus Consolidation (Cornish)	\$375,000
Convert Key Bank to Everett's Plaza Theatre	\$500,000
Cottage Renovation (Hedgebrook)	\$20,000
Downstairs at the 5th	\$800,000
Federal Way Performing Arts Center	\$325,000
Gateway Center (Lummi)	\$150,000
James Center for the Performing Arts (Sequim)	\$150,000
Langston Hughes Performing Arts Center	\$475,000
Legacy Project (Imagine)	\$200,000
Modular Classrooms for Dance (Gladish)	\$30,000
Mt. Baker Theatre	\$1,000,000
Museum Expansion (Maryhill)	\$1,500,000
New Hands On Children's Museum	\$1,000,000
Reconstruction of First Stage (Issaquah)	\$400,000
Seattle Opera Center	\$650,000

Stage Two (Whidbey)	\$450,000
Vashon Arts Center	\$1,115,000
Visual Arts Education Center (Snohomish County)	\$1,000,000
Viva Vera Capital Campaign	\$70,000
 Total	 (((\$11,600,000)) <u>\$10,600,000</u>

Appropriation:

State Building Construction Account--State.....	(((\$11,600,000))
<u>\$10,600,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$48,000,000
TOTAL (((\$59,600,000))	
<u>\$58,600,000</u>	

Sec. 1013. 2009 c 497 s 1045 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Housing Assistance, Weatherization, and Affordable Housing (30000013)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$7,000,000 of the appropriations is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. The operation of the facilities built under this section shall be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects. Any of this appropriation that is not obligated by June 30, 2011, shall be added to the amount appropriated for the general pool of projects.

(2) \$3,000,000 of the appropriations is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$10,000 of the appropriations is provided solely to the ((Ballard food bank/Ballard homes for all coalition)) St. Luke's Lutheran Church/Interfaith Task Force on Homelessness for the construction of a mobile camp facility.

(4) \$2,500,000 of the appropriations is provided solely for the development of farm infrastructure improvements. Any of this appropriation that is not obligated by June 30, 2011, must be added to the amount appropriated for the general pool of projects.

(5) \$1,000,000 from the taxable bonds account is provided solely for the development or preservation of farmworker housing for migrant and seasonal farmworkers located on private farms.

(6) (((\$5,000,000)) \$10,000,000 of the appropriation ((from the state building construction account)) is provided solely to build low-income housing units in underserved communities and to concurrently develop capacity in these same communities. Underserved communities of concern are those that have high levels of poverty, specifically, thirty percent of the local median income; experience chronic homelessness; and lack affordable housing. Underserved communities include veterans, immigrants, refugees, and those communities of color disproportionately impacted by chronic homelessness and lack of affordable housing. The department shall collaborate with representatives of underserved communities and organizations committed to assistance in these efforts to prioritize and plan distribution of funding.

(7) The department may not make loans from capital bond proceeds appropriated in this section if the appropriations are also obligated for other grants or loans or if the anticipated repayments of the loans are from future state legislative appropriations.

(8) The legislature recognizes and supports the housing priorities reflected in the American recovery and reinvestment act of 2009 with the estimated amount of \$144,000,000 provided solely for the following programs:

(a) The community development fund's neighborhood stabilization fund to purchase and rehabilitate foreclosed vacant properties and to help create affordable housing and stabilize neighborhoods.

(b) The public housing capital fund to assist housing authorities build and rehabilitate low-income housing stock. Housing authorities are required to give priority consideration to the rehabilitation of vacant rental units and capital projects that are already underway or included in the five-year capital fund plans.

(c) HOME funding to the Washington state housing finance commission for a competitive program pursuant to the qualified allocation plan to owners of projects who have received or receive simultaneously an award of low-income housing tax credits under section 42(h) of the internal revenue code of 1986.

(d) Weatherization appropriated in section 1052 of this act for grants and loans to local energy programs for weatherization of multifamily and single family homes.

(9) \$5,000,000 is provided solely for two geographically diverse projects that serve disability lifeline clients who are homeless and have a mental or behavioral health disorder. This housing must be provided in coordination with community agencies who can offer supportive services.

(10) \$7,459,000 of the new appropriation from the Washington housing trust account is provided solely to implement Substitute House Bill No. 3177 (funds for certain affordable housing purposes). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(11) Up to \$5,000,000 of the appropriation is for the department of commerce to contract with the Washington state housing finance commission to administer the Washington works housing program to facilitate nonprofit entities' use of tax-exempt multifamily bonds issued by the Washington state housing finance commission. The projects receiving these funds shall meet the affordability requirement for the period after initial bond indebtedness, as established in section 2(2) of chapter . . . Laws of 2010 (ESHB 2753).

Appropriation:

State Building Construction Account--State.....	\$30,000,000
State Taxable Building Construction	
Account--State.....	(\$60,000,000)
<u>\$102,541,000</u>	
Washington Housing Trust Account--State.....	(\$10,000,000)
<u>\$17,459,000</u>	
Subtotal Appropriation.....	(\$100,000,000)
<u>\$150,000,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$400,000,000
TOTAL ((\$500,000,000))	
<u>\$550,000,000</u>	

Sec. 1014. 2009 c 497 s 1046 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Community Schools (91000002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following:

(1) The acquisition, rehabilitation, expansion, or improvement of surplus school buildings to be converted into community facilities for the delivery of nonresidential coordinated services for children and families.

(a) Eligible applicants include local governments, nonprofit organizations, nonprofit early learning providers, and tribal governments. Only the following surplus schools may be eligible for grant funding under this section: Fautleroy school, University Heights school, and Martin Luther King elementary school.

(b) As part of the grant process, applicants must submit a comprehensive plan for the use of the surplus school that includes information on the following:

(i) A list of partner entities that will assist the lead eligible applicant to provide or coordinate services for children and families;

(ii) A memorandum of understanding between the lead eligible applicant and each partner; and

(iii) An examination of capital and operating funding sources that applicants intend to apply to the project and coordinated services at each school to be served, whether such funding is derived from grants under this section or from other federal, state, local, or private sources.

(c) Project applicants must demonstrate that the proposed project is ready to proceed, will make timely use of the funds, and requires state funding to accomplish a discrete, usable phase of the project that may include acquisition.

(d) If grant funds under this subsection are used for the acquisition of surplus school facilities, the sale proceeds must be used by the local school board disposing of such property for renovation, replacement, or new construction of school facilities in the district, but shall not be used as local match for projects receiving state school construction assistance grants.

(e) In contracts for grants authorized under this subsection, the department shall include provisions that require that capital improvements must be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities must be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(2) The construction of a non-mobile facility, accessible to students in central and eastern Washington for the purpose of financial literacy education, for the eastern and western Washington junior achievement world initiative.

(3) \$1,500,000 of the appropriation in this section is provided solely for acquisition of the Martin Luther King elementary school. This is in addition to the amount provided for the Martin Luther King elementary school in section 1033, chapter 497, Laws of 2009.

Appropriation:

State Building Construction Account--State.....	(\$5,000,000)
<u>\$6,500,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	\$0
TOTAL ((\$5,000,000))	
<u>\$6,500,000</u>	

Sec. 1015. 2009 c 497 s 1048 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Local and Community Projects (30000019)

The appropriation in this section is subject to the following conditions and limitations:

(1) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Local Community Projects

7th St. Theater	\$330,000
Arc of Tri-Cities	\$900,000
Bellevue Clinic--Seattle Children's Hospital	\$2,000,000
Blessed Sacrament Food and Emergency Facilities Renovation	\$200,000
Children's Village Expansion Project	\$500,000
Clark County Food Distribution Facility	\$1,500,000
Coal Creek YMCA (Newcastle)	\$800,000
Dawson Place Child Advocacy Center	\$1,000,000
Federal Way National Little League Field Lighting Project and Monument Entry Sign	\$177,000
Harlequin Theater	\$235,000
Home Dialysis Center and Professional Workforce Training	\$250,000
<u>Junior Achievement (Statewide JA World Initiative)</u>	<u>\$1,500,000</u>
Kirkland Park Place Redevelopment	\$2,000,000
Livingston Baker Fire and Life Safety	\$750,000
Marshland Diking District	\$500,000
Marysville Boys & Girls Club	\$500,000
McClure Middle School Energy Saving Performance Contract Demonstration Project	\$1,000,000
Mountains to Sound Greenway	\$100,000
Mukilteo Boys & Girls Club	\$150,000
Neighborcare Health Clinic and Rainier Beach Medical Clinic	\$1,000,000
Parkland at Japanese Gulch	\$1,000,000
Petrovitsky Park Upgrade	\$750,000
Phoenix House	\$200,000
Poulsbo Marine Center	\$500,000
Public Broadcasting Frequency Expansion	\$223,000
((Ready by Five Early Learning Center	\$1,000,000))
Renovations to Mill Creek City Annex Building	\$30,000
Snohomish County Emergency Center	\$1,000,000
South Tacoma Community Center	\$1,000,000
<u>Urban League Village at Colman School and Northwest African American Museum</u>	<u>\$100,000</u>
<u>West Hill/Skyway Area preconstruction activities</u>	<u>\$250,000</u>

Whatcom Hospice House	\$700,000
Zina Linnik	\$950,000

Appropriation:

State Building Construction Account--State.....	((\$21,245,000))
<u>\$22,095,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL (((\$21,245,000))	
<u>\$22,095,000</u>	

Sec. 1016. 2009 c 497 s 1050 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Temporary Public Works Grant Program (92000021)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants for the specified public works projects and competitive public works grant programs specified below. The public works board (board) shall administer the following competitive public works grant programs within the amounts specified, provided that up to ten percent of the amounts provided for competitive grant programs may be transferred to other competitive grant categories if acceptable applications for any category do not total the amount available.

(1) \$9,531,000 is provided solely for a competitive public works grant program for local governments serving communities in rural counties as defined in RCW 43.160.020. The board shall prioritize applications for funding for this small community jobs program based on the following criteria:

- (a) The unemployment rate of the community;
- (b) The ability of the applicant to complete the project promptly; and
- (c) The value the project presents to the community in lasting improvements to public safety, environmental quality, recreation and community life, or economic development.

(2) \$9,531,000 is provided solely for a competitive public works grant program for local governments serving high density urban communities. The board shall prioritize applications for funding from this urban vitality program based on the following criteria:

- (a) The proposed project's ability to decrease the per capita vehicle miles driven in the community by increasing access to mass transit, supporting residential density in proximity to employment opportunities, and improving the safety and appeal of walking and biking in a community;
- (b) The ability of the applicant to complete the project promptly; and
- (c) The local support for the project as indicated by the level of local matching funds devoted to the project. Local matching funds do not include funds from other state sources.

(3) The state taxable building construction account--state appropriation is provided solely for emergency loans under RCW 43.155.065.

(4) \$23,535,000 is provided solely for the following list of projects. The appropriation for Airway Heights wastewater treatment plant is contingent upon a capacity agreement with the Kalispel Tribe that precludes the need to build multiple wastewater treatment facilities on the West Plains. If any project on the following list is unable to show reasonable progress towards accomplishing the intended project by December 31, 2010, the board may transfer the amount allocated for the project to the competitive grant categories in subsections (1) and (2) of this section.

Airway Heights Water Treatment Plant	\$1,000,000
Small Community Jobs - Assistance for Grand Coulee School	\$500,000
Small Community Jobs - Camano Island County Park Development	\$300,000
Small Community Jobs - Connell Infrastructure	\$1,100,000
Small Community Jobs - Dayton School Biomass Heating System	\$100,000
Small Community Jobs - Grandview Downtown Revitalization	\$500,000
Small Community Jobs - Green Acres Neighborhood Park	\$200,000
Small Community Jobs - Hoh Tribe Fire Station	\$623,000
Small Community Jobs - Longview Elementary Safety Underpass	\$250,000
Small Community Jobs - Mesa Playground	\$35,000
Small Community Jobs - Pasco Commercial Avenue Construction	\$800,000
Small Community Jobs - Union Gap School Crossing Improvement	\$227,000

Small Community Jobs - Yakima Downtown Futures	\$1,000,000
Small Community Jobs - Yelm Longmire Park	\$400,000
Urban Vitality - Federal Way Urban Infrastructure	\$5,000,000
Urban Vitality - Infrastructure for Puyallup (Parametrix)	\$2,000,000
Urban Vitality - Percival Landing	\$3,000,000
Urban Vitality - Redmond Square Development	\$2,000,000
Urban Vitality - Renton Hawks Landing	\$1,700,000
Water - Gig Harbor Waste Water Treatment	\$2,500,000
Water - Pine Terrace Water Association Project	\$300,000

Appropriation:

State Building Construction Account--State	(\$42,597,000)
<u>\$34,097,000</u>	
<u>Public Facility Construction Loan Revolving</u>	
Account--State	\$8,500,000
State Taxable Building Construction Account--State	\$2,000,000
Subtotal Appropriation	\$44,597,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$44,597,000

Sec. 1017. 2009 c 497 s 1054 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Cowlitz River Dredging (20082856)

Reappropriation:

State Building Construction Account--State	\$313,000
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Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$687,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$1,000,000)
<u>\$1,500,000</u>	

Sec. 1018. 2009 c 497 s 1055 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Catastrophic Flood Relief (20084850)

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$3,500,000 is provided solely for the Chehalis basin flood control authority or other authorized local government groups to develop governance agreements for development of flood hazard mitigation measures throughout the basin. The agreements must be executed by July 1, 2011. This is the maximum amount that may be expended for this purpose.

(2) \$800,000 of the reappropriation is provided solely for studies for development of flood hazard mitigation measures on the condition that the requirement in subsection (1) of this section is met. Studies funded by this reappropriation must consider nonstructural alternatives to retention.

(3) It is the intent of the legislature to fulfill the commitment of section 101, chapter 179, Laws of 2008 and chapter 180, Laws of 2008, by appropriating funds when the federal match requirement is needed.

Reappropriation:

State Building Construction Account--State	(\$47,351,000)
<u>\$3,560,000</u>	
Prior Biennia (Expenditures)	(\$2,649,000)
<u>\$3,450,000</u>	
Future Biennia (Projected Costs)	(\$0)
<u>\$42,990,000</u>	
TOTAL	\$50,000,000

NEW SECTION. Sec. 1019. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Risk Pool (91000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a risk pool to complete projects within the scope described in budget documents submitted as part of the governor's capital budget request and consistent with

legislative history. This section only applies to projects included in this 2010 supplemental capital budget with reduced appropriations. The office of financial management may allot portions of this appropriation ten days after notifying the senate ways and means committee and the house of representatives capital budget committee. The notification must include an explanation of the need and the amount for the allotment to complete the scope of an approved project.

Appropriation:

State Building Construction Account--State.....	\$10,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 1020. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT. (1) Due to the downturn of the economy and the direct effects on the state bond debt limit, the legislature intends to reduce bond debt while focusing resources on maintaining and creating jobs. Therefore, the legislature directs the office of financial management to work with state agencies to achieve savings in the amount of \$42,291,000 by reducing previously approved allotments or by withholding approval of planned allotments for those projects that have not shown substantial progress under the criteria established in subsection (2) of this section.

(2) A project is subject to allotment reduction or non-approval of a planned allotment under this section if:

(a)(i) It is a state project administered by a state agency; or

(ii) It is a grant or a loan project for which a state agency allocates funding to a non-state entity;

(b) Appropriations for the project were made in the 2009-11 or previous omnibus capital appropriations acts from the state building construction account, state taxable building construction account, or any other debt limit bond account; and

(c) The project has failed to secure all required and appropriate transaction elements necessary to execute contracts with the administering state agency by November 30, 2010. Required and appropriate transaction elements include, but are not limited to, matching funds, permits, environmental reviews, and required contracts and partnership agreements.

(3) Amounts attributable to allotment reductions or non-approval of planned allotments made under this section must be placed in or remain in unallotted status and remain unexpended.

(4) By December 31, 2010, the office of financial management must report to the house of representatives capital budget committee and the senate ways and means committee on the projects for which allotments were reduced or for which approval was withheld, including a list of the specific projects and related funds remaining in unallotted status.

(5) Agencies and prospective grant or loan recipients are encouraged to reapply or request funds in the 2011-13 biennial capital appropriations act for projects for which allotments were reduced or not approved under this section.

Sec. 1021. 2009 c 497 s 1067 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Legislative Building Improvements (20081011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the repair and patching of the outside of the legislative building.

Reappropriation:

State Building Construction Account--State.....	\$172,000
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Appropriation:

~~((State Building Construction Account--State))~~

<u>Thurston County Capital Facilities Account--State</u>	\$500,000
Prior Biennia (Expenditures).....	\$1,079,000
Future Biennia (Projected Costs)	\$4,639,000
TOTAL	\$6,390,000

Sec. 1022. 2009 c 497 s 1076 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Facility Oversight Program: Staffing (30000063)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department of general administration to assist the office of financial management with the development and implementation of RCW 43.82.035 and 43.82.055.

Appropriation:

~~((State Building Construction Account--State))~~

<u>Thurston County Capital Facilities Account--State</u>	\$740,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$5,597,000
TOTAL	\$6,337,000

Sec. 1023. 2009 c 497 s 1065 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

O'Brien Building Improvements (20081007)

Reappropriation:

State Building Construction Account--State.....	\$1,500,000
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Appropriation:

~~((State Building Construction Account--State..... \$9,671,000))~~

<u>Thurston County Capital Facilities Account--State</u>	\$8,220,000
Prior Biennia (Expenditures).....	\$1,481,000
Future Biennia (Projected Costs)	(((\$5,329,000))
<u>\$0</u>	

TOTAL ((\\$17,981,000))
\$11,201,000

Sec. 1024. 2009 c 497 s 1071 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capital Lake Plan Completion (20082953)

Reappropriation:

State Building Construction Account--State..... ((\$200,000))
\$50,000
 Prior Biennia (Expenditures)..... \$300,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((\\$500,000))
\$350,000

Sec. 1025. 2009 c 497 s 1075 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Powerhouse: Improvements and Preservation (30000056)

Appropriation:

~~((State Building Construction Account--State..... \$1,459,000))~~
Thurston County Capital Facilities Account--State..... \$1,240,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL ((\\$1,459,000))
\$1,240,000

Sec. 1026. 2009 c 497 s 1081 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Pro Arts Building (91000002)

~~((The appropriation in this section is subject to the following conditions and limitations: Predesign and design funds are provided solely to develop a new office building. Up to \$225,000 may be used to develop the predesign for the Pro Arts site to include a new office building that may house tenants from the general administration building including the office of financial management, the Puget Sound partnership, the office of the state treasurer, and other small commissions and agencies. The predesign shall be developed with representatives from the capitol campus design advisory committee, the department of general administration, and the office of financial management. The predesign shall be used to develop the optimum use of space for the Pro Arts site, identify any required mitigation, parking requirements, schedule of construction, and cost of construction. The predesign shall be provided to the appropriate fiscal committees of the legislature and the office of financial management by February 1, 2010. The allotment for design funds will be made after the predesign is approved by the office of financial management and the appropriate fiscal committees of the legislature.))~~

Appropriation:

State Building Construction Account--State..... ((\$2,000,000))
\$225,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL ((\\$2,000,000))
\$225,000

NEW SECTION. Sec. 1027. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT

Camp Murray New Primary Gate Entrance (30000482)

Appropriation:

General Fund--Federal \$3,270,000
 Military Department Capital Account--State \$1,657,000
 Subtotal Appropriation \$4,927,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,927,000

Sec. 1028. 2009 c 497 s 1086 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works Preservation (30000002)

Appropriation:

General Fund--Federal ((\$3,069,000))
\$8,672,000
 State Building Construction Account--State..... \$1,709,000
 Subtotal Appropriation ((\$4,778,000))
\$10,381,000
 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$18,700,000
 TOTAL ((\\$23,478,000))
\$29,081,000

Sec. 1029. 2009 c 497 s 1087 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works Program (30000003)

Appropriation:

General Fund--Federal	(\$679,000)
<u>\$3,139,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$10,229,000
TOTAL ((\$10,908,000))	
<u>\$13,368,000</u>	

NEW SECTION. Sec. 1030. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT

Combined Support Maintenance Shop (20082006)

Appropriation:

General Fund--Federal	\$4,736,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$22,164,000
TOTAL \$26,900,000	

(End of part)

**PART 2
HUMAN SERVICES**

Sec. 2001. 2009 c 497 s 2001 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Replace Hawthorne Hall Dormitory (20082001)

~~((The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall allot funds for the dormitory construction at the criminal justice training commission only after the recommendation of the steering committee participating in the analysis in section 1057 of this act has been provided to the legislative fiscal committees and submitted to the office of financial management for review.~~

Appropriation:

State Building Construction Account--State	(\$16,745,000)
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Reappropriation:

State Building Construction Account--State.....	\$632,000
Prior Biennia (Expenditures).....	\$1,293,000
Future Biennia (Projected Costs)	((\$0))
<u>\$16,934,000</u>	
TOTAL ((\$18,670,000))	
<u>\$18,859,000</u>	

Sec. 2002. 2009 c 497 s 2002 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

School Mapping (30000011)

~~((The appropriation in this section is subject to the following conditions and limitations: The legislature intends to complete half of the remaining community and technical college mapping with this appropriation and to appropriate funding for the remaining half of unmapped square feet in community and technical colleges in the 2011-13 biennium.))~~

Appropriation:

State Building Construction Account--State.....	((\$500,000))
<u>\$1,100,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	((\$546,000))
<u>\$0</u>	
TOTAL ((\$1,046,000))	
<u>\$1,100,000</u>	

NEW SECTION. Sec. 2003. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Central Office Roof Replacement and Fall Restraint Upgrade (30000012)

Appropriation:

Accident Account--State	\$1,250,000
Medical Aid Account--State	\$1,250,000
Subtotal Appropriation	\$2,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$2,500,000	

**Sec. 2004. 2009 c 497 s 2027 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Eastern State Hospital: Roof Replacements (30000846)**

Appropriation:

State Building Construction Account--State.....	((\$1,085,000))
<u>\$922,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$1,088,000
TOTAL ((\$2,173,000))	
<u>\$2,010,000</u>	

**Sec. 2005. 2009 c 497 s 2014 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Special Commitment Center: Utility Replacements (20081504)**

The reappropriation and appropriation in this section are subject to the following conditions and limitations: It is the intent of the appropriation and reappropriation to replace essential utilities, such as sanitary sewer, high voltage electrical, and fiber optic communications, serving the special commitment center and McNeil corrections center on McNeil Island by replacing the Island's electrical feed from the shoreline landing to the McNeil corrections center generator building, and continuing on to the special commitment center. The department shall coordinate the work with the department of corrections for the most cost-effective approach to the work.

Reappropriation:

State Building Construction Account--State.....	\$2,900,000
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Appropriation:

State Building Construction Account--State.....	((\$3,490,000))
<u>\$2,966,000</u>	
Prior Biennia (Expenditures).....	\$140,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$6,530,000))	
<u>\$6,006,000</u>	

**Sec. 2006. 2009 c 497 s 2034 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF HEALTH
Drinking Water Assistance Program (30000013)**

The appropriation in this section is subject to the following conditions and limitations: \$38,462,000 is provided from the American recovery and reinvestment act of 2009.

Appropriation:

Drinking Water Assistance Account--Federal	((\$24,348,000))
<u>\$38,348,000</u>	
Drinking Water Assistance Account--Federal	
American Recovery and Reinvestment Act	\$38,462,000
Subtotal Appropriation	((\$62,810,000))
<u>\$76,810,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL ((\$62,810,000))	
<u>\$76,810,000</u>	

**Sec. 2007. 2009 c 497 s 2037 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF VETERANS AFFAIRS
State Veterans Cemetery (20082004)**

Reappropriation:

General Fund--Federal	\$6,815,000
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Appropriation:

General Fund--Federal	<u>\$1,909,000</u>
Prior Biennia (Expenditures).....	\$1,010,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$7,825,000))	
<u>\$9,734,000</u>	

**Sec. 2008. 2009 c 497 s 2067 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF CORRECTIONS**

Washington Corrections Center for Women: Roof Replacement (30000178)

Appropriation:

State Building Construction Account--State.....((~~\$1,832,000~~))
\$1,557,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$1,832,000~~))
\$1,557,000

NEW SECTION. Sec. 2009. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Housing Units, Kitchen, and Site Work (30000482)

Appropriation:

State Building Construction Account--State..... \$5,990,000
 Public Safety Reimbursable Bond Account..... \$829,000
 Subtotal Appropriation \$6,819,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$44,000,000
 TOTAL \$50,819,000

Sec. 2010. 2009 c 497 s 2072 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Clallam Bay Corrections Center: Replace 5 Towers and Housing Roofs (30000108)

The appropriation in this section is subject to the following conditions and limitations: The funding is provided solely for the replacement of roofs on offender housing units.

Appropriation:

State Building Construction Account--State.....((~~\$3,000,000~~))
\$2,550,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$3,000,000~~))
\$2,550,000

Sec. 2011. 2009 c 497 s 2075 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: Water Line Replacements (30000137)

Appropriation:

State Building Construction Account--State.....((~~\$1,809,000~~))
\$1,538,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$1,809,000~~))
\$1,538,000

Sec. 2012. 2009 c 497 s 2078 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Kitchen Improvements (20061007)

~~(Reappropriation:~~

~~State Building Construction Account--State..... \$402,000))~~

~~Prior Biennia (Expenditures)..... \$228,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$630,000~~))
~~\$228,000~~~~

Sec. 2013. 2009 c 497 s 2068 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

300 Minimum Security Bed Expansion - Three Locations (20082850)

Reappropriation:

State Building Construction Account--State.....((~~\$321,000~~))

\$15,000

Prior Biennia (Expenditures).....	\$156,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$477,000))	

\$171,000

Sec. 2014. 2009 c 497 s 2054 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Replace Roofs (20081007)

Reappropriation:

State Building Construction Account--State.....	((\$1,200,000))
---	------------------------------

\$180,000

Prior Biennia (Expenditures).....	\$589,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$1,789,000))	

\$769,000

Sec. 2015. 2009 c 497 s 2064 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Mission Creek Corrections Center for Women: 100-Bed Expansion (20082020)

Reappropriation:

State Building Construction Account--State.....	((\$5,331,000))
---	------------------------------

\$4,419,000

Prior Biennia (Expenditures).....	\$1,296,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$6,627,000))	

\$5,715,000

(End of part)

PART 3

NATURAL RESOURCES

Sec. 3001. 2009 c 497 s 3059 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Kittitas Groundwater Study (3000029)

The appropriation in this section is subject to the following conditions and limitations:

By September 30, 2010, if, after consultation with major Yakima basin governments and stakeholders, the department of ecology and Kittitas county reach an agreement on a preferred approach, including the appropriate geographic scope and administering entity, the appropriation may be fully or partially redirected for the following purposes:

(1) Funds may be provided to develop and implement water banking and transfer methods and agreements that are fully protective of senior water rights and that protect domestic groundwater users and improve the profitability of farming operations. The legislature finds such activities to be in the public interest because they can help sustain the viability of the agricultural economy and enhance the certainty of water supplies for domestic groundwater users.

(2) Funds may be provided to lease or purchase water rights to create a reserve water supply for domestic groundwater users that have a groundwater right with a priority date later than May 10, 1905, as well as for all out-of-priority groundwater users. In securing water for such domestic groundwater users, strong preference shall be given to the use of water banking and transfer methods that provide alternatives to permanent purchase and dry-up of agricultural water rights in the basin, including dry-year options, water banking, long-term water supply lease agreements, long-term agricultural land fallowing agreements, and reduced consumptive use through efficiency or alternative cropping arrangements while maintaining historic return flows.

(3) A portion of the appropriation may be used for administrative costs, not to exceed four percent, and other costs associated with leasing or acquiring and transferring the water rights. All costs shall be fully recovered from participating domestic water users for their prorated portion of the cost, including but not limited to the costs of securing a water right or rights for this purpose, costs associated with the development and implementation of alternative agricultural water transfer methods, associated annual operational costs, and federal water service contract costs owed to the United States bureau of reclamation. Funds recovered in this manner shall be deposited in the state and local improvement revolving fund and may be used for any purpose provided in this section.

Appropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$700,000
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Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$700,000	

Sec. 3002. 2009 c 497 s 3039 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Flood Protection Study (20082855)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the department to conduct a study to determine the number of decertified levees in the state and to identify strategies for maintaining accreditation, re-accrediting, or recertifying ((the)) levees so that they ((provide)) are recognized by federal agencies as providing optimum protection for the communities protected by the levees. The department must prioritize areas to include in the study based on population and the economic impact of potential flood damage.

The study must include the following components:

- (1) A working group of levee managers, local agencies, and stakeholders to advise and inform the study;
- (2) ~~((A))~~ In-state examples of the costs and processes of technical review of the structural integrity of levee systems;
- (3) An inventory, map, and ~~((rate the effectiveness))~~ description of the level of protection of existing levee systems; ~~((and))~~
- (4) The development of strategies and actions needed to improve the existing levee system and to ensure certification by the United States army corps of engineers for one-hundred year flood protection;

(5) The identification of current funding sources and the amounts available for levee improvements; and

(6) Recommendation for additional new funding sources and options.

(7) The study must be completed and a report provided to the appropriate legislative committees by ((July)) December 1, 2010.

(8) The study under this section is exempt from the provisions of section 602, chapter 3, Laws of 2010 and section 7, chapter 5, Laws of 2009.

Reappropriation:

State Building Construction Account--State..... \$280,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL \$280,000

Sec. 3003. 2009 c 497 s 3007 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (20052851)

Reappropriation:

State Building Construction Account--State..... \$2,800,000

Appropriation:

State Building Construction Account--State..... ~~((2,850,000))~~

\$7,250,000

Prior Biennia (Expenditures)..... \$4,147,000

Future Biennia (Projected Costs) \$4,000,000

TOTAL ~~((13,797,000))~~

\$18,197,000

Sec. 3004. 2009 c 497 s 3026 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (20084010)

Reappropriation:

State Building Construction Account--State..... ~~((34,870,000))~~

\$24,750,000

State Toxics Control Account--State..... \$10,120,000

Water Quality Capital Account--State \$4,698,000

Subtotal Reappropriation..... \$39,568,000

Prior Biennia (Expenditures)..... \$27,315,000

Future Biennia (Projected Costs) \$0

TOTAL \$66,883,000

Sec. 3005. 2009 c 497 s 3043 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (30000008)

The appropriation in this section is subject to the following conditions and limitations: For the 2011 funding cycle, the department must accept applications for the program until December 1, 2009. The program must include competitive application processes for projects relating to storm water systems, sewer systems, and septic systems prioritized on a worst-case, first-need basis.

Appropriation:

~~((State Building Construction Account--State))~~

State Toxics Control Account--State..... \$30,000,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$240,000,000
 TOTAL \$270,000,000

Sec. 3006. 2009 c 497 s 3049 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Upper Columbia River Black Sand Beach Cleanup (30000016)

Appropriation:

State Building Construction Account--State ((~~\$3,000,000~~))
\$500,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$3,000,000~~))
\$500,000

Sec. 3007. 2009 c 497 s 3050 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Orphaned and Abandoned Site Cleanup Initiative (30000018)

Appropriation:

State Building Construction Account--State ((~~\$1,000,000~~))
\$400,000

State Toxics Control Account--State \$600,000
 Cleanup Settlement Account--State \$277,000
 Subtotal Appropriation \$1,277,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$7,600,000
 TOTAL \$8,877,000

Sec. 3008. 2009 c 497 s 3053 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Skykomish Cleanup and Restoration (30000020)

Appropriation:

~~((State Building Construction Account--State))~~

State Toxics Control Account--State \$2,300,000
 Cleanup Settlement Account--State \$2,050,000
 Subtotal Appropriation \$4,350,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,350,000

Sec. 3009. 2009 c 497 s 3054 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Storm Water Retrofit and Low-Impact Development Grant Program (30000097)

Appropriation:

~~((State Building Construction Account--State))~~

State Toxics Control Account--State \$3,000,000
 State and Local Improvements Revolving Account - Waste
 Disposal Facilities..... \$1,284,000
 State and Local Improvements Revolving Account - Waste
 Disposal Facilities, 1980..... \$325,000
 Subtotal Appropriation \$4,609,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,609,000

Sec. 3010. 2009 c 497 s 3047 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Coordinated Prevention Grants (30000013)

The appropriation in this section is subject to the following conditions and limitations: \$4,270,000 of the appropriation is provided solely for grants to local governments for local waste and pollution prevention projects. Grants must fund new organics composting and conversion, green building, and moderate risk waste initiatives described in the state "beyond waste" plan, including alternatives to backyard burning of organic materials.

Appropriation:

~~((State Building Construction Account--State))~~

Local Toxics Control Account--State..... \$10,000,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$125,680,000

TOTAL \$135,680,000

Sec. 3011. 2009 c 497 s 3060 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000039)

Appropriation:

~~((State Building Construction Account--State~~..... ~~\$37,700,000))~~

Local Toxics Control Account--State..... \$35,200,000

State Toxics Control Account--State..... \$2,500,000

.....Subtotal Appropriation

\$37,700,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$180,000,000

TOTAL..... \$217,700,000

Sec. 3012. 2009 c 497 s 3020 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Breazeale Interpretive Center (20082856)

Reappropriation:

General Fund--Federal ((~~\$270,000~~))

\$419,000

Prior Biennia (Expenditures)..... ((~~\$225,000~~))

\$76,000

Future Biennia (Projected Costs) \$0

TOTAL \$495,000

NEW SECTION. Sec. 3013. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Settlement Funding to Clean Up Toxic Sites (30000145)

Appropriation:

Cleanup Settlement Account--State \$8,500,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL \$8,500,000

NEW SECTION. Sec. 3014. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Cleanup Asarco Contamination on Vashon/Maury Islands and Mines (91000009)

The appropriation in this section is subject to the following conditions and limitations: \$15,000,000 of the cleanup settlement account appropriation is provided solely for the department of ecology to assist King County in the acquisition and remediation of property on Vashon and Maury Islands. The properties are in the Tacoma smelter plume area and are contaminated with arsenic and other heavy metals from the Asarco smelter.

Appropriation:

Cleanup Settlement Account--State \$15,000,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL \$15,000,000

NEW SECTION. Sec. 3015. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxic Sites - Puget Sound (30000144)

Appropriation:

Cleanup Settlement Account--State \$800,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0
 TOTAL \$800,000

NEW SECTION. Sec. 3016. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Reducing Diesel Particle Emissions in Tacoma (30000139)

Appropriation:

Air Pollution Control Account--State \$1,000,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,000,000

NEW SECTION. Sec. 3017. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Reducing Wood Smoke Particle Emissions in Tacoma (30000140)

Appropriation:

Air Pollution Control Account--State \$600,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$600,000

NEW SECTION. Sec. 3018. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Storm Water Projects (91000014)

Appropriation:

Storm Water Account--State \$101,700,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$101,700,000

NEW SECTION. Sec. 3019. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Fund Program Match (91000008)

Appropriation:

Public Works Assistance Account--State \$1,400,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,400,000

NEW SECTION. Sec. 3020. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Fund Program (30000142)

Appropriation:

Water Pollution Control Revolving
 Account--State \$25,000,000
 Water Pollution Control Revolving
 Account--Federal \$17,000,000
 Subtotal Appropriation \$42,000,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$42,000,000

Sec. 3021. 2009 c 497 s 3048 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Swift Creek Natural Asbestos Cleanup (30000015)

Appropriation:

~~((State Building Construction Account--State))~~

State Toxics Control Account--State \$1,000,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$14,800,000

TOTAL \$15,800,000

**Sec. 3022. 2009 c 497 s 3044 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Reducing Health Threats from Woodstove Pollution (30000010)**

Appropriation:

~~((State Building Construction Account--State))~~

State Toxics Control Account--State \$1,000,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$8,000,000

TOTAL \$9,000,000

**Sec. 3023. 2009 c 497 s 3052 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF ECOLOGY
Safe Soils Remediation Program (30000019)**

Appropriation:

State Building Construction Account--State..... ~~(\$4,000,000)~~

\$920,000

State Toxics Control Account--State..... \$3,080,000

Subtotal Appropriation

\$4,000,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,000,000

**Sec. 3024. 2009 c 497 s 3093 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
Flaming Geysers State Park Park-wide Infrastructure Redevelopment (30000173)**

Appropriation:

State Building Construction Account--State..... ~~(\$3,533,000)~~

\$3,003,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$3,533,000)~~

\$3,003,000

**Sec. 3025. 2009 c 497 s 3094 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
Dash Point State Park Sanitary Sewer Collection System (30000269)**

Appropriation:

State Building Construction Account--State..... ~~(\$3,820,000)~~

\$3,247,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$3,820,000)~~

\$3,247,000

**Sec. 3026. 2009 c 497 s 3090 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
Illahee State Park Wastewater Treatment Upgrade (30000447)**

Appropriation:

State Building Construction Account--State..... ~~(\$1,850,000)~~

\$1,572,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$1,850,000)~~

\$1,572,000

**Sec. 3027. 2009 c 497 s 3091 (uncodified) is amended to read as follows:
FOR THE STATE PARKS AND RECREATION COMMISSION
Cama Beach State Park (30000101)**

Appropriation:

State Building Construction Account--State.....	((\$3,265,000))
<u>\$2,775,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL ((\$3,265,000))	
<u>\$2,775,000</u>	

Sec. 3028. 2009 c 497 s 3085 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Federal Grant Authority (30000006)

Appropriation:

General Fund--Federal	((\$990,000))
<u>\$1,990,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL ((\$4,990,000))	
<u>\$5,990,000</u>	

Sec. 3029. 2009 c 497 s 3109 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Wildlife and Recreation Program (20044002)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State.....	\$1,499,000
Habitat Conservation Account--State	((\$4,789,000))
<u>\$4,319,000</u>	
Subtotal Reappropriation.....	((\$6,288,000))
<u>\$5,818,000</u>	
Prior Biennia (Expenditures).....	\$38,712,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$45,000,000))	
<u>\$44,530,000</u>	

Sec. 3030. 2009 c 497 s 3133 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Wildlife Recreation Grants (20084011)

The reappropriations in this section are subject to the following conditions and limitations:

- (1) The reappropriations are provided solely for the approved list of projects in LEAP capital document No. 2007-3 as developed on March 17, 2007, and LEAP capital document No. 2008-1 as developed on February 13, 2008.
- (2) If additional funds are available after funding the farmlands preservation account projects approved in subsection (1) of this section, the committee may: Provide one-time grants of up to \$25,000 each to counties requesting assistance in developing farmlands preservation strategies for the purpose of seeking grants from the farmlands preservation account in future grant cycles.
- (3) Funds reappropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) must be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.
- (4) Up to \$627,299 of the reappropriation from the riparian protection account is provided solely for the Chehalis river surge plain natural area preserve. This amount may not be expended for the project until the department of natural resources has completed a management plan for the preserve that maintains recreational access and that management plan is presented to the house of representatives capital budget and senate ways and means committees.

Reappropriation:

Farmlands Preservation Account--State.....	((\$5,300,000))
<u>\$4,319,000</u>	
Riparian Protection Account--State	\$12,500,000
Habitat Conservation Account--State	\$23,956,000
Outdoor Recreation Account--State.....	\$22,994,000
Subtotal Reappropriation.....	((\$64,750,000))
<u>\$63,769,000</u>	

Prior Biennia (Expenditures).....	\$35,250,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$100,000,000))	
<u>\$99,019,000</u>	

Sec. 3031. 2009 c 497 s 3138 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (30000007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the list of projects in LEAP capital document No. 2009-3, developed March 9, 2009.

Appropriation:

State Building Construction Account--State.....	((\$5,025,000))
<u>\$555,000</u>	
Aquatic Lands Enhancement Account--State	\$4,470,000
.....Subtotal Appropriation	
<u>\$5,025,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$20,100,000
TOTAL \$25,125,000	

Sec. 3032. 2009 c 497 s 3168 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Mitigation Projects and Dedicated Funding (20082048)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$2,300,000 of the reappropriation is provided solely for capital projects and engineering to pay the total cost of labor and materials provided by the department of fish and wildlife.

Reappropriation:

General Fund--Federal	\$9,000,000
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Appropriation:

General Fund--Private/Local.....	\$2,500,000
Game Special Wildlife Account--Federal.....	\$600,000
Game Special Wildlife Account--Private/Local	\$900,000
General Fund--Federal	((\$25,000,000))
<u>\$31,000,000</u>	
Subtotal Appropriation	((\$29,000,000))
<u>\$35,000,000</u>	

Prior Biennia (Expenditures).....	\$19,125,000
Future Biennia (Projected Costs)	\$114,800,000
TOTAL ((\$171,925,000))	
<u>\$177,925,000</u>	

NEW SECTION. Sec. 3033. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

Puget Sound Aquatic Cleanup and Restoration (30000004)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Carpenter creek estuary restoration project.

Appropriation:

State Building Construction Account--State.....	\$2,000,000
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Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$2,000,000	

Sec. 3034. 2009 c 497 s 3203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer (30000066)

The appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status, or enter into fifty year leases for, certain trust lands of statewide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, housing and essential government services, or recreation purposes. The approved list of properties for lease or transfer is identified in the LEAP capital document No. 2009-2a, developed April 23, 2009.

(2) Property transferred under this section must be appraised and transferred at fair market value. The value of the timber transferred must be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The value of the land transferred must be deposited in the natural resources real property replacement account.

(3) Property subject to lease agreements under this section must be appraised at fair market value. Lease terms must be fifty years with options to renew for an additional fifty years. Lease payments must be lump sum payments for the entire term of the lease at the beginning of the lease. The department shall calculate such lump sum payments using professional appraisal standards. These lease payments may not exceed the fee simple purchase price based on current fair market value and must be deposited by the department to the common school construction account in the same manner as lease revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs and shall not exceed ~~((one and nine tenths))~~ two and six-tenths percent of the appropriation.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer and lease agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose. Transfer and lease agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the original intended public purpose and the department and legislature approves such uses.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) The department shall execute trust land transfers that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the total value of transferred property is timber value and is deposited in the common school construction account. To achieve the eighty percent requirement, the department may choose to lease properties originally intended as transfers.

(9) \$4,189,000 of the amount appropriated is provided solely for fifty-year leases of development rights from timber lands at risk of conversion to non-timber land uses purchased from appropriations in the 2007-2009 fiscal period.

(10) ~~((On June 30, 2011,))~~ The state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction account and the appropriations in this section shall be reduced by an equivalent amount.

Appropriation:

State Building Construction Account--State.....	\$100,133,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$400,000,000
TOTAL	\$500,133,000

NEW SECTION. Sec. 3035. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Biomass (91000003)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation in this section is provided solely for the purchase of forest biomass feedstock processing equipment appropriate for forest biomass-to-energy projects in eastern Washington in areas with a scarcity of primary wood processing facilities, or for making grants on a competitive basis to local governments or nonprofit entities in such local areas for purchase of such equipment. Equipment purchased, either by the department or a grantee, must be made available for lease, or other lawful means of conveyance, or be operated directly, for use in forest biomass-to-energy projects in an area of eastern Washington with a scarcity of primary wood processing facilities. In providing for the use of such equipment, consideration shall be given by the department or grantee in the opportunity for the forest biomass-to-energy project to promote forest treatments to improve forest health and/or remove hazardous buildup of forest fuels. Consideration may also be given to generating jobs in counties with high rates of unemployment.

Appropriation:

State Building Construction Account--State.....	\$750,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 3036. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Removal/Cleanup of Asarco Docks in Ruston/Commencement Bay (91000004)

Appropriation:

Resource Management Cost Account--State	\$2,050,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0

TOTAL \$2,050,000

NEW SECTION. Sec. 3037. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest and Fish Adaptive Management Program (91000006)

The appropriation in this section is subject to the following conditions and limitations:

The appropriation is provided solely for activities related to the state's implementation of the forest and fish report as defined in chapter 76.09 RCW and related activities, including but not limited to adaptive management or monitoring.

Appropriation:

Storm Water Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

(End of part)

**PART 4
TRANSPORTATION**

Sec. 4001. 2009 c 497 s 4008 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

Commute Trip Reduction for Thurston County State Agencies (92000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of chapter 427, Laws of 2009 (Substitute Senate Bill No. 6088 (commute trip reduction)).

Appropriation:

State Vehicle Parking Account--State	(\$734,000)
<u>\$650,000</u>	
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL ((\$734,000))	
<u>\$650,000</u>	

(End of part)

**PART 5
EDUCATION**

Sec. 5001. 2009 c 497 s 5007 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Vocational Skills Centers (20084300)

Reappropriation:

State Building Construction Account--State	(\$58,546,000)
<u>\$55,546,000</u>	
Prior Biennia (Expenditures)	\$15,161,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$73,707,000))	
<u>\$70,707,000</u>	

Sec. 5002. 2009 c 497 s 5008 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Northeast King County Skills Center (20084855)

Appropriation:

School Construction/Skills Center Building Account--State	(\$9,049,000)
<u>\$8,643,000</u>	
Prior Biennia (Expenditures)	\$550,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$9,599,000))	
<u>\$9,193,000</u>	

Sec. 5003. 2009 c 497 s 5009 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

North Central Technical Skills Center (20084861)

Appropriation:

School Construction/Skills Center Building Account--State	(\$4,007,000)
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\$3,960,000

Prior Biennia (Expenditures)..... \$50,000
 Future Biennia (Projected Costs) \$18,500,000
 TOTAL ((~~\$22,557,000~~))

\$22,510,000

Sec. 5004. 2009 c 497 s 5002 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

School Construction Assistance Grants (20084200)

The appropriation and the reappropriation in this section are subject to the following conditions and limitations:

For school construction projects funded through the school construction assistance grant program, the superintendent of public instruction shall require mapping the design of new facilities and remapping the design of facilities to be remodeled.

Reappropriation:

Common School Construction Account--State..... \$176,922,000

Appropriation:

State Building Construction Account--State..... \$137,267,000

Prior Biennia (Expenditures)..... \$477,570,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$791,759,000

Sec. 5005. 2009 c 497 s 5010 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Pierce County Skills Center (20084856)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$150,000 of the appropriation is for the relocation and installation of two double portables for offices and classrooms.

(2) \$150,000 of the appropriation is for fiber optics.

Reappropriation:

School Construction/Skills Center Building
 Account--State..... \$1,563,000

Appropriation:

School Construction/Skills Center Building
 Account--State..... (~~(\$10,000,000)~~)
\$8,950,000

Prior Biennia (Expenditures)..... \$473,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$12,036,000~~))

\$10,986,000

Sec. 5006. 2009 c 497 s 5013 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Vocational Skills Center Minor Capital Projects (30000002)

Appropriation:

School Construction and Skill Centers Building
 Account--State..... (~~(\$3,694,000)~~)
\$3,594,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$3,694,000~~))

\$3,594,000

Sec. 5007. 2009 c 497 s 5014 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2009-11 School Construction Assistance Grant Program (30000031)

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of the superintendent of public instruction shall develop a tracking system to increase accuracy in predicting the timing of school district claims for reimbursement for school construction assistance grants. The office of the superintendent of public instruction shall also improve its communication with school districts regarding the status of grant projects and create requirements regarding the timing of reimbursement claims. The office of the superintendent of public instruction shall submit a report on the progress of the new tracking and

communication system to the appropriate committees of the legislature by November 15, 2009. The report must include a list of school district capital projects receiving state funding and each project's anticipated final reimbursement date.

(2) In calculating square foot eligibility for state assistance grants, kindergarten student headcount shall not be reduced by fifty percent.

(3) For school construction projects funded through the school construction assistance grant program, the superintendent of public instruction shall require mapping the design of new facilities and remapping the design of facilities to be remodeled.

Appropriation:

State Building Construction Account--State.....	(\$369,920,000)
<u>\$258,541,000</u>	
Common School Construction Account--State.....	(\$259,029,000)
<u>\$200,826,000</u>	
Common School Construction Account--Federal.....	(\$2,500,000)
<u>\$1,700,000</u>	
School Construction and Skill Centers Building	
Account--Bond--State.....	(\$58,284,000)
<u>\$59,887,000</u>	
Subtotal Appropriation	(\$689,733,000)
<u>\$520,954,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$3,921,000,000
TOTAL	(\$4,610,733,000)
<u>\$4,441,954,000</u>	

NEW SECTION. Sec. 5008. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Jobs Act for K-12 Public Schools (91000010)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is provided solely for grants to K-12 public school districts for energy and operational cost savings improvements and related projects that result in energy and utility and operational cost savings. Related projects are those projects that must be completed in order for the energy efficiency improvement to be effective.
- (2) The office of the superintendent of public instruction, in consultation with the department of general administration, the department of commerce, and the Washington State University energy program shall establish a competitive process to solicit and evaluate applications from K-12 public school districts. Final grant awards shall be determined by the office of the superintendent of public instruction.
- (3) Grants must be awarded in competitive rounds, as provided in this subsection:
 - (a) Grants to K-12 public school districts, with at least five percent of the total grant round for small K-12 school districts with fewer than 1,000 full-time equivalent students.
 - (b) Grants shall be distributed in additional competitive rounds the same as established in (a) of this subsection.
 - (4) Within each competitive round, projects must be weighted and prioritized based on the following criteria and in the following order:
 - (a) Leverage ratio: In each round, the higher the leverage ratio of nonstate funding sources to state jobs act grant, the higher the project ranking.
 - (b) Energy savings: In each round, the higher the energy savings, the higher the project ranking. Applicants must submit documentation that demonstrates energy and operational cost savings resulting from the installation of energy equipment and improvements. The documentation must include, but is not limited to the following:
 - (i) A description of energy equipment and improvements; and
 - (ii) A description of energy and operational cost savings. The energy savings analysis must be performed by a licensed engineer.
 - (c) Expediency of expenditure: Project readiness to spend funds must be prioritized so that the legislative intent to expend funds quickly is met.
 - (5) Projects that do not use energy savings performance contracting must: (a) Verify energy and operational cost savings for ten years or until energy and operational costs savings pay for the project, whichever is shorter; (b) follow the department of general administration's energy savings performance contracting project guidelines; and (c) employ a licensed engineer for the energy audit and construction. The department of general administration may require third-party verification of savings if a project is not implemented by an energy savings performance contractor selected by the department of general administration through the request of qualifications process. Third-party verification must be conducted either by an energy savings performance contractor selected by the department of general administration through a request for qualifications or by a project or educational service district resource conservation manager.
 - (6) To intensify competition, the office of the superintendent of public instruction may only award funds to the top eighty-five percent of projects applying in a round until the office of the superintendent of public instruction determines a final round is appropriate. Projects that do not receive a grant award in one round may reapply in subsequent rounds.
 - (7) Grant amounts awarded to each project must allow for the maximum number of projects funded with the greatest energy and cost benefit.
 - (8) The office of the superintendent of public instruction must use bond proceeds to pay one-half of the preliminary audit, up to five cents per square foot, if the project does not meet the school district's predetermined cost-effectiveness criteria. The school district must pay the other one-half of the cost of the preliminary audit if the project does not meet the school district's predetermined cost-effectiveness criteria. The energy savings performance contractor shall not charge for an investment grade audit if the project does not meet the school district's predetermined cost-effectiveness criteria. The school district must pay the full price of an investment grade audit if they do not proceed with a project that meets the school district's predetermined cost-effectiveness criteria.

(9) The office of the superintendent of public instruction may charge projects administrative fees. The office of the superintendent of public instruction may pay the department of general administration administrative fees in an amount determined through a memorandum of understanding.

(10) The office of the superintendent of public instruction and the department of general administration must submit a joint report to the appropriate committees of the legislature and the office of financial management on the timing and use of the grant funds, program administrative function, and administrative fees by the end of each fiscal year, until the funds are fully expended and all savings verification requirements are fulfilled.

Appropriation:

State Building Construction Account--State.....	\$150,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$150,000,000

NEW SECTION. Sec. 5009. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

Lloyd Auditorium Emergency Repairs (30000012)

Appropriation:

State Building Construction Account--State.....	\$2,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

Sec. 5010. 2009 c 497 s 5027 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Balmer Hall Reconstruction (20081004)

In conjunction with the appropriation in this section, University of Washington is authorized to issue a bond or bonds in an amount not to exceed \$38,600,000 in value for construction of the facility identified in this section. The bond must be financed from building fee and trust land revenue deposited into the university's bond retirement account in accordance with RCW 28B.20.700 through 28B.20.740.

Reappropriation:

State Building Construction Account--State.....	\$3,000,000
Prior Biennia (Expenditures).....	\$1,000,000
Future Biennia (Projected Costs)	(\$38,600,000)
<u>\$0</u>	
TOTAL	(\$42,600,000)
<u>\$4,000,000</u>	

Sec. 5011. 2009 c 497 s 5023 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Savery Hall Renovation (20061005)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State.....	(\$11,000,000)
<u>\$10,823,000</u>	
Prior Biennia (Expenditures).....	\$50,510,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$61,510,000)
<u>\$61,333,000</u>	

Sec. 5012. 2009 c 497 s 5026 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Denny Hall Renovation (20081002)

~~(Reappropriation:~~

State Building Construction Account--State.....	\$1,700,000)
Prior Biennia (Expenditures).....	\$3,200,000
Future Biennia (Projected Costs)	(\$47,992,000)
<u>\$49,692,000</u>	
TOTAL	(\$53,692,000)
<u>\$52,892,000</u>	

Sec. 5013. 2009 c 497 s 5037 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Lewis Hall Renovation (20081003)

Reappropriation:

State Building Construction Account--State..... ~~(\$1,000,000)~~
\$478,000

Prior Biennia (Expenditures)..... \$1,000,000

Future Biennia (Projected Costs) \$23,585,000

TOTAL ~~(\$25,585,000)~~

\$25,063,000

Sec. 5014. 2009 c 497 s 5030 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma (20082005)

Reappropriation:

State Building Construction Account--State..... \$4,000,000

Appropriation:

State Building Construction Account--State..... ~~(\$34,000,000)~~

\$30,775,000

Prior Biennia (Expenditures)..... \$2,150,000

Future Biennia (Projected Costs) \$17,044,000

TOTAL ~~(\$57,194,000)~~

\$53,969,000

Sec. 5015. 2009 c 497 s 5035 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma - Land Acquisition (20092003)

In conjunction with the appropriation in this section, University of Washington is authorized to issue a bond or bonds in an amount not to exceed \$2,000,000 for the purchase of the land identified in this section. The bond must be financed from building fee and trust land revenue deposited into the university's bond retirement account in accordance with RCW 28B.20.700 through 28B.20.740.

Reappropriation:

Education Construction Account--State..... \$469,000

Prior Biennia (Expenditures)..... \$1,531,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,000,000

Sec. 5016. 2009 c 497 s 5039 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Facility Preservation (30000027)

Appropriation:

Education Construction Account--State \$2,529,000

State Building Construction Account--State..... ~~(\$26,000,000)~~

\$23,471,000

University of Washington Building Account--State \$8,175,000

Subtotal Appropriation \$34,175,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$146,000,000

TOTAL \$180,175,000

Sec. 5017. 2009 c 497 s 5047 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

WSU Vancouver - Applied Technology and Classroom Building (20062950)

In conjunction with the appropriation in this section, Washington State University is authorized to issue a bond or bonds in an amount not to exceed \$10,000,000 in value for construction of the facility identified in this section. The bond must be financed from building fee and trust land revenues deposited into the university's bond retirement account in accordance with RCW 28B.30.700 through 28B.30.780.

Reappropriation:

State Building Construction Account--State..... \$1,500,000

Appropriation:

State Building Construction Account--State..... ~~(\$26,742,000)~~

\$23,593,000

Prior Biennia (Expenditures)..... \$3,420,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$31,662,000~~))
\$28,513,000

Sec. 5018. 2009 c 497 s 5064 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON UNIVERSITY

Patterson Hall Remodel (20062002)

Reappropriation:

State Building Construction Account--State..... \$400,000

Appropriation:

State Building Construction Account--State..... (~~(\$26,600,000)~~)

\$24,170,000

Prior Biennia (Expenditures)..... \$1,734,000
 Future Biennia (Projected Costs) \$34,416,000
 TOTAL ((~~\$63,150,000~~))

\$60,720,000

Sec. 5019. 2009 c 497 s 5077 (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON UNIVERSITY

Hogue Hall Renovation and Addition (20082003)

Reappropriation:

Gardner-Evans Higher Education Construction
Account--State..... \$1,500,000

Appropriation:

State Building Construction Account--State..... (~~(\$27,265,000)~~)

\$19,468,000

Prior Biennia (Expenditures)..... \$1,500,000
 Future Biennia (Projected Costs) \$18,837,000
 TOTAL ((~~\$49,102,000~~))

\$41,305,000

Sec. 5020. 2009 c 497 s 5094 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Laboratory and Art Annex Building Renovation (30000026)

Appropriation:

State Building Construction Account--State..... (~~(\$4,849,000)~~)

\$4,122,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL..... (~~(\$4,849,000)~~)

\$4,122,000

Sec. 5021. 2009 c 497 s 5100 (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY

Miller Hall Renovation (20041953)

Reappropriation:

State Building Construction Account--State..... \$2,000,000

Appropriation:

State Building Construction Account--State..... (~~(\$54,625,000)~~)

\$45,744,000

Prior Biennia (Expenditures)..... \$3,773,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$60,398,000~~))

\$51,517,000

NEW SECTION. Sec. 5022. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Vancouver National Historic Reserve West Barracks (91000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(2)(a) The Washington state historical society shall include provisions in the contract under this section that require that: (i) Capital improvements be held by the grantee for a specified period of time that is appropriate to the amount of the grant; and (ii) the facility be used to provide a public benefit.

(b) If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Appropriation:

State Building Construction Account--State.....	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$1,000,000	

NEW SECTION. Sec. 5023. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Vancouver National Historic Reserve Visitors Center (91000001)

Appropriation:

State Building Construction Account.....	\$750,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$750,000	

Sec. 5024. 2003 1st sp. sess. c 26 s 726 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICALSOCIETY

Washington Heritage Project (04-4-004)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided solely for the following list of projects:

Project	Amount Recommended
American museum of radio	\$151,799
((Bigelow House preservation association	(\$33,900))
City of Port Angeles	\$112,200
City of Roslyn	\$181,816
City of Sprague	\$98,000
Duwamish tribal service, inc.	\$350,000
Enumclaw plateau historical society	\$54,054
Fort Nisqually living history museum	\$350,000
Gallery one	\$115,500
Georgetown community council	\$50,000
Gig Harbor - peninsula historical society	\$140,000
Historic Seattle PDA	\$350,000
Ilwaco heritage foundation	\$179,400
Jefferson county public works	\$350,000
Lopez Island historical society	\$60,000
Museum of flight	\$350,000

Museum of history and industry	\$350,000
Northwest maritime center	\$350,000
Olympia Waldorf school	\$45,000
Spokane parks and recreation	\$136,000
Spokane symphony	\$56,925
Suquamish museum and tribal cultural center	\$7,000
Vashon parks	\$12,906
World kite museum and hall of fame	\$115,500
Subtotal	((\$4,000,000))
	<u>\$3,966,000</u>
Alternates	
Vashon parks	\$24,818
Clymer museum	\$113,598
San Juan historical museum	\$8,800
Jefferson county historical society	\$115,500
City of Lynwood	\$37,835
City of Mt. Vernon	\$66,664
White river valley museum	\$115,500
Town of La Conner	\$2,376
Subtotal alternates	\$485,091
TOTAL	((\$4,485,091))
	<u>\$4,451,191</u>

Appropriation:

State Building Construction Account--State..... ((~~\$4,000,000~~))
\$3,966,100

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$4,000,000~~))

\$3,966,100

Sec. 5025. 2009 c 497 s 5115 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Projects (20044004)

Reappropriation:

State Building Construction Account--State..... ((~~\$690,000~~))
\$657,000

Prior Biennia (Expenditures)..... \$3,310,000

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$4,000,000~~))

\$3,967,000

Sec. 5026. 2006 c 371 s 212 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Statewide - Washington Heritage Project Grants (06-4-004)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Project	Amount Recommended
Whatcom museum of history and art	\$133,303
Fort Walla Walla museum	\$150,000
Northwest maritime center	\$345,000
Squaxin Island tribal museum library and research center	\$210,539
Confluence project	\$500,000
City of Tumwater	\$70,901
City of Tacoma	\$350,000
Fox theater	\$102,000
Shoreline historical museum	\$143,578
Metro park district of Tacoma	\$35,000
Seattle parks department	\$150,000
Armed forces and aerospace museum	\$295,000
City of Lynnwood	\$85,294
Meadowbrook farm interpretive center	\$72,149
Center for wooden boats	\$100,000
Bainbridge Island historical society	\$207,957
Quileute tribal council	\$150,000
Northwest railway museum	\$360,000
Port Gamble S'Klallam tribe	\$363,579
Concrete heritage museum association	\$12,750
Quincy Valley historical society and museum	\$23,300
Foss waterway development authority	\$250,000
Broadway center for the performing arts	\$225,000
(Village theatre	\$65,581)
White river valley museum	\$99,069
Cascade land conservancy	\$112,500
Nunez Gaona veterans park	\$51,000
Total	(((\$4,663,500))
<u>\$4,597,919</u>	

Appropriation:

State Building Construction Account--State	(((\$4,663,500))
<u>\$4,597,919</u>	

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	(((\$20,663,500))
<u>\$20,597,919</u>	

Sec. 5027. 2009 c 497 s 5116 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Statewide - Washington Heritage Project Grants (20064004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section ((733)) 212, chapter ((488)) 371, Laws of ((2005)) 2006.

Reappropriation:

State Building Construction Account--State	(((\$1,318,000))
<u>\$1,253,000</u>	

Prior Biennia (Expenditures)	\$3,346,000
Future Biennia (Projected Costs)	\$0
TOTAL	(((\$4,664,000))
<u>\$4,599,000</u>	

Sec. 5028. 2009 c 497 s 6048 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Grants (07-4-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is subject to the provisions of RCW 27.34.330.

(2) The appropriation is provided solely for the following list of projects:

Project.....	Amount Recommended
Cascade land conservancy	\$202,000
Suquamish museum and arts center.....	\$1,000,000
Moses Lake museum and arts center	\$1,000,000
White River Valley museum	\$245,000
The Tulalip tribe	\$1,000,000
City of Mukilteo.....	\$490,000
Lewis county historical museum	\$43,000
City of Gig Harbor.....	\$1,000,000
Bainbridge Island metro parks and recreation	\$70,000
Polson museum.....	\$171,000
Washington trust for historic preservation.....	\$83,000
((Historic Seattle PDA)) <u>The center for wooden boats</u>	\$500,000
City of Tacoma	\$77,000
City of Des Moines.....	\$1,000,000
Fort Walla Walla museum.....	\$1,000,000
Foss waterway seaport.....	\$300,000
LaConner quilt museum	\$125,000
Cowlitz River Valley historical society	\$158,000
Western forest industries museum.....	\$158,000
San Juan historical society	\$25,000
Central Washington fair association	\$48,000
Urban league of metro Seattle.....	\$650,000
The center for wooden boats.....	\$235,000
Jefferson county historical society.....	\$200,000
Mansfield museum.....	\$10,000
((Martin Luther King Ballet)) (\$50,000)
The northwest railway museum.....	\$75,000
Northpoint cooperative preschool.....	\$40,000
Total	((\$9,955,000))
	<u>\$9,905,000</u>

Appropriation:

State Building Construction Account--State.....	((\$9,955,000))
	<u>\$9,905,000</u>

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL ((\$49,955,000))	
	<u>\$49,905,000</u>

Sec. 5029. 2009 c 497 s 5118 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Grants (20074004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the project list in section 5137, chapter 520, Laws of 2007.

Reappropriation:

State Building Construction Account--State.....	((\$7,630,000))
	<u>\$7,580,000</u>

Prior Biennia (Expenditures).....	\$2,370,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$10,000,000))	
	<u>\$9,950,000</u>

Sec. 5030. 2009 c 497 s 5120 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Project Capital Grants (30000011)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided solely for the following list of projects.
- (3) The 2011-13 projects must be selected based on their readiness to proceed.

Project	Recommended
Wenatchee Valley Museum	\$150,000
West Point Light Station	\$300,000
Des Moines Field House	\$420,000
Washington Hall	\$381,000
Percival Landing	\$567,000
Roslyn City Hall & Library	\$194,000
((Spokane County courthouse	\$500,000))
Snoqualmie Chapel car #5	\$125,000
Edmonds Carnegie Library museum	\$48,000
Ilwaco museum collections	\$41,000
Minkler Mansion	\$200,000
Cheney house for a museum	\$87,000
Longview Columbia theatre	\$1,000,000
Chinook School	\$350,000
Territorial Courthouse of 1858	\$167,000
Hanford Interpretive Center	\$147,000
Carnegie Library Museum	\$883,000
Dynamite Train Canopy	\$50,000
King Street Station	\$750,000
Lakewood Carriage House	\$110,000
Lincoln School	\$175,000
Quincy Pioneer Church	\$195,000
Ezra Meeker Mansion	\$100,000
Port Townsend Storage Facility	\$450,000
Puyallup Church Spire	\$17,000
Morris House and Washington Harbor School	\$27,000
Kalama Interpretive Center	\$212,000
Foss Waterway Seaport Building	\$750,000
Pioneer State Bank Building	\$201,000
Kirkman House	\$32,000
Malo Sawmill	\$70,000
Stimson-Green Mansion	\$23,000

Lightship #83	\$335,000
Masonic Temple Building	\$350,000
Wilkeson Centennial Monument	\$10,000
Eddon Boatyard ways and dock	\$243,000
Commencement Restoration	\$86,000
Vessel Shenandoah	\$179,000
(Walt's Mill	\$75,000))
TOTAL	(((\$10,000,000)) <u>\$9,425,000</u>

Appropriation:

State Building Construction Account--State..... ~~(((\$10,000,000))~~
\$9,425,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$40,000,000
 TOTAL ~~(((\$50,000,000))~~
\$49,425,000

**Sec. 5031. 2009 c 497 s 5174 (uncodified) is amended to read as follows:
 FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Seattle Central Community College: Wood Construction Center (20081216)**

Reappropriation:

State Building Construction Account--State..... \$2,000,000

Appropriation:

State Building Construction Account--State..... ~~(((\$24,645,000))~~
\$21,275,000

Prior Biennia (Expenditures)..... \$549,000
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(((\$27,194,000))~~
\$23,824,000

**Sec. 5032. 2009 c 497 s 5176 (uncodified) is amended to read as follows:
 FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Peninsula College: Business and Humanities Center (20081218)**

Reappropriation:

State Building Construction Account--State..... \$1,200,000

Appropriation:

State Building Construction Account--State..... ~~(((\$33,627,000))~~
\$30,247,000

Prior Biennia (Expenditures)..... \$1,100,000
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(((\$35,927,000))~~
\$32,547,000

**Sec. 5033. 2009 c 497 s 5180 (uncodified) is amended to read as follows:
 FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Green River Community College - Trades and Industry Building (20081222)**

Reappropriation:

State Building Construction Account--State..... \$11,000

Appropriation:

State Building Construction Account--State..... ~~(((\$2,625,000))~~
\$1,707,000

Prior Biennia (Expenditures)..... \$127,000
 Future Biennia (Projected Costs) ~~(((\$28,737,000))~~

\$29,655,000
 TOTAL \$31,500,000

**Sec. 5034. 2009 c 497 s 5182 (uncodified) is amended to read as follows:
 FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Skagit Valley College - Academic and Student Services Building (20081224)**

Reappropriation:

State Building Construction Account--State..... \$35,000

Appropriation:

State Building Construction Account--State..... (\$2,116,000)
\$1,730,000

Prior Biennia (Expenditures)..... \$101,000
 Future Biennia (Projected Costs) (\$28,949,000)
\$29,335,000

TOTAL \$31,201,000

**Sec. 5035. 2009 c 497 s 5183 (uncodified) is amended to read as follows:
 FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Lower Columbia College - Health and Science Building (20081225)**

Appropriation:

State Building Construction Account--State..... (\$2,969,000)
\$2,187,000

Prior Biennia (Expenditures)..... \$2,500,000
 Future Biennia (Projected Costs) (\$36,405,000)
\$37,187,000

TOTAL \$41,874,000

**Sec. 5036. 2009 c 497 s 5184 (uncodified) is amended to read as follows:
 FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Grays Harbor College - Science and Math Building (20081226)**

Reappropriation:

State Building Construction Account--State..... \$45,000

Appropriation:

State Building Construction Account--State..... (\$3,583,000)
\$2,292,000

Prior Biennia (Expenditures)..... \$231,000
 Future Biennia (Projected Costs) (\$40,478,000)
\$41,769,000

TOTAL..... \$44,337,000

**Sec. 5037. 2009 c 497 s 5217 (uncodified) is amended to read as follows:
 FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Seattle Central Community College - Seattle Maritime Academy (30000120)**

Appropriation:

State Building Construction Account--State..... (\$2,839,000)
\$1,337,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) (\$15,483,000)
\$16,985,000

TOTAL \$18,322,000

**Sec. 5038. 2009 c 497 s 5218 (uncodified) is amended to read as follows:
 FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Yakima Valley Community College - Palmer Martin Building (30000121)**

Appropriation:

State Building Construction Account--State..... (\$1,464,000)
\$997,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) (\$13,509,000)
\$13,976,000

TOTAL \$14,973,000

**Sec. 5039. 2009 c 497 s 5219 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
North Seattle Community College - Technology Building Renewal (30000129)**

Appropriation:

State Building Construction Account--State..... ~~(\$2,976,000)~~
\$2,084,000

Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) ~~(\$22,337,000)~~
\$23,229,000

TOTAL \$25,313,000

**Sec. 5040. 2009 c 497 s 5220 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Green River Community College - Science Math and Technology Building (30000130)**

Appropriation:

State Building Construction Account--State..... ~~(\$1,700,000)~~
\$1,315,000

Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) ~~(\$15,545,000)~~
\$15,930,000

TOTAL \$17,245,000

**Sec. 5041. 2009 c 497 s 5204 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Tacoma Community College - Health Careers Center (20082701)**

Reappropriation:

State Building Construction Account--State..... \$15,000

Appropriation:

State Building Construction Account--State..... ~~(\$2,946,000)~~
\$1,811,000

Prior Biennia (Expenditures)..... \$240,000
Future Biennia (Projected Costs) ~~(\$35,565,000)~~
\$36,700,000

TOTAL \$38,766,000

**Sec. 5042. 2009 c 497 s 5205 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Bellevue Community College - Health Science Building (20082702)**

Appropriation:

State Building Construction Account--State..... ~~(\$4,350,000)~~
\$2,910,000

Prior Biennia (Expenditures)..... \$144,000
Future Biennia (Projected Costs) ~~(\$36,506,000)~~
\$37,946,000

TOTAL \$41,000,000

**Sec. 5043. 2009 c 497 s 5206 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Bates Technical College - Mohler Communications Technology Center (20082703)**

Reappropriation:

State Building Construction Account--State..... \$20,000

Appropriation:

State Building Construction Account--State..... ~~(\$1,755,000)~~
\$1,192,000

Prior Biennia (Expenditures)..... \$153,000
Future Biennia (Projected Costs) ~~(\$23,398,000)~~
\$23,961,000

TOTAL \$25,326,000

**Sec. 5044. 2009 c 497 s 5208 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Clark College - Health and Advanced Technologies Building (20082705)

Reappropriation:

State Building Construction Account--State..... \$14,000

Appropriation:

State Building Construction Account--State..... ((~~\$2,506,000~~))

\$2,324,000

Prior Biennia (Expenditures)..... \$236,000

Future Biennia (Projected Costs) ((~~\$33,598,000~~))

\$33,780,000

TOTAL \$36,354,000

Sec. 5045. 2009 c 497 s 5165 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College - Allied Health Building (20062697)

Reappropriation:

State Building Construction Account--State..... \$900,000

Appropriation:

State Building Construction Account--State..... ((~~\$25,986,000~~))

\$24,770,000

Prior Biennia (Expenditures)..... \$1,029,000

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$27,915,000~~))

\$26,699,000

Sec. 5046. 2009 c 497 s 5177 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College - Chemistry and Life Science Building (20081219)

Reappropriation:

State Building Construction Account--State..... \$1,200,000

Appropriation:

State Building Construction Account--State..... ((~~\$27,800,000~~))

\$21,007,000

Prior Biennia (Expenditures)..... \$1,320,000

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$30,320,000~~))

\$23,527,000

Sec. 5047. 2009 c 497 s 5178 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College - Technical Education Building (20081220)

Reappropriation:

State Building Construction Account--State..... \$1,600,000

Appropriation:

State Building Construction Account--State..... ((~~\$30,718,000~~))

\$23,918,000

Prior Biennia (Expenditures)..... \$793,000

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$33,111,000~~))

\$26,311,000

Sec. 5048. 2009 c 497 s 5191 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College - Music Building 15 Renovation (20081320)

Reappropriation:

State Building Construction Account--State..... \$475,000

Appropriation:

State Building Construction Account--State..... ((~~\$13,806,000~~))

\$11,264,000

Prior Biennia (Expenditures)..... \$667,000

Future Biennia (Projected Costs) \$0
 TOTAL ((\$14,948,000))

\$12,406,000

NEW SECTION. Sec. 5049. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College New Classrooms Facility Debt Service (91000014)

Appropriation:

Community/Technical College Capital Projects
 Account--State..... \$4,044,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$36,432,000
 TOTAL \$40,476,000

NEW SECTION. Sec. 5050. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellingham Tech College Inst Resource Center Debt Service (91000013)

Appropriation:

Community/Technical College Capital Projects
 Account--State..... \$2,438,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$40,876,000
 TOTAL \$43,314,000

Sec. 5051. 2009 c 497 s 5190 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Community College - Building 7 Renovation (20081319)

Reappropriation:

State Building Construction Account--State..... \$986,000

Appropriation:

State Building Construction Account--State..... ((\$9,748,000))
\$9,076,000

Prior Biennia (Expenditures)..... \$23,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$10,757,000))

\$10,085,000

Sec. 5052. 2009 c 497 s 5192 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Fort Steilacoom - Cascade Core (20081321)

Reappropriation:

State Building Construction Account--State..... \$1,200,000

Appropriation:

State Building Construction Account--State..... ((\$15,000,000))
\$14,204,000

Prior Biennia (Expenditures)..... \$1,042,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$17,242,000))

\$16,446,000

Sec. 5053. 2009 c 497 s 5168 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College - Employment Resource Center (20062851)

Reappropriation:

State Building Construction Account--State..... \$700,000

Appropriation:

State Building Construction Account--State..... ((\$5,000,000))
\$4,195,000

Prior Biennia (Expenditures)..... \$1,790,000
 Future Biennia (Projected Costs) \$0

TOTAL ~~(((\$7,490,000))~~

\$6,685,000

Sec. 5054. 2009 c 497 s 5135 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clark College - East County Satellite (20041689)

Reappropriation:

Gardner-Evans Higher Education Construction

Account--State..... ~~(((\$5,000,000))~~

\$4,780,000

Prior Biennia (Expenditures)..... \$24,876,000

Future Biennia (Projected Costs) \$0

TOTAL ~~(((\$29,876,000))~~

\$29,656,000

Sec. 5055. 2009 c 497 s 5195 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue Community College - L Building Emergency Repairs (20081850)

Reappropriation:

State Building Construction Account--State..... ~~(((\$1,460,000))~~

\$387,000

Prior Biennia (Expenditures)..... \$203,000

Future Biennia (Projected Costs) \$0

TOTAL ~~(((\$1,663,000))~~

\$590,000

Sec. 5056. 2009 c 497 s 5187 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College - Building 22 Renovation (20081316)

Reappropriation:

State Building Construction Account--State..... \$9,300,000

Appropriation:

State Building Construction Account--State..... ~~(((\$10,002,000))~~

\$9,580,000

Prior Biennia (Expenditures)..... \$1,059,000

Future Biennia (Projected Costs) \$0

TOTAL ~~(((\$20,361,000))~~

\$19,939,000

Sec. 5057. 2009 c 497 s 5179 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College - Index Hall Replacement (20081221)

Reappropriation:

State Building Construction Account--State..... \$1,150,000

Appropriation:

State Building Construction Account--State..... ~~(((\$2,301,000))~~

\$2,157,000

Prior Biennia (Expenditures)..... \$1,650,000

Future Biennia (Projected Costs) ~~(((\$40,205,000))~~

\$40,349,000

TOTAL \$45,306,000

Sec. 5058. 2009 c 497 s 5164 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College - Campus Classrooms (20062696)

Reappropriation:

State Building Construction Account--State..... ~~(((\$1,450,000))~~

\$883,000

Prior Biennia (Expenditures)..... \$434,000

Future Biennia (Projected Costs) \$0

TOTAL ~~(((\$1,884,000))~~

\$1,317,000

**Sec. 5059. 2009 c 497 s 5167 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Clover Park Technical College - Allied Health Care Facility (20062699)**

Reappropriation:

State Building Construction Account--State..... ~~(\$1,020,000)~~
\$323,000

Prior Biennia (Expenditures)..... \$1,425,000
Future Biennia (Projected Costs) \$0
TOTAL ~~(\$2,445,000)~~\$1,748,000

(End of part)

PART 6

MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS

Sec. 6001. 2009 c 497 s 6009 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

~~(1) (Department of corrections: Enter into a financing contract for up to \$17,958,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or build work release beds, violator beds, or other community-based re-entry facilities.~~

~~—(2))~~ Community and technical colleges:

(a) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to 40 acres of land.

(b) Enter into a financing contract on behalf of Bellingham Technical College for up to \$1,390,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an instructional resource center.

(c) Enter into a financing contract on behalf of Bellingham Technical College for up to \$28,968,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an instructional resource center. The cost of this financing contract shall be paid from the community and technical colleges capital projects account. This facility shall be eligible for maintenance and operations funding on the same terms as if constructed with state general obligation bonds.

(d) Enter into a financing contract on behalf of Edmonds Community College for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to provide space for allied health and construction industry.

(e) Contingent upon the sale and purchase specified in section 5071 of this act, enter into a financing contract on behalf of Spokane Community College for up to \$3,400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the Riverpoint One building.

(f) Enter into a financing contract on behalf of North Seattle Community College for up to \$8,900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an employment resource center.

(g) Enter into a financing contract on behalf of Everett Community College for up to \$25,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a student fitness and health center.

(h) Enter into a financing contract on behalf of Wenatchee Valley Community College for up to \$2,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase a music and art center.

(i) Enter into a financing contract on behalf of Green River Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a 40,000 square foot addition to Green River Kent station.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the water and environment center.

(k) Enter into a financing contract pursuant to chapter 39.94 RCW on behalf of Green River Community College for up to \$26,532,000 plus financing expenses and required reserves to construct a new classrooms facility as specified in project 20061205. The cost of this financing contract shall be paid from the community and technical colleges capital projects account. This facility shall be eligible for maintenance and operations funding on the same terms as if constructed with state general obligation bonds.

~~((3))~~ (2) Parks and recreation commission: Enter into a financing contract for up to \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Mount Spokane lodge. The parks and recreation commission shall use energy savings performance contracting if practicable. The lodge shall be operated by a private concessionaire under a contract with the parks and recreation commission that is a qualified management contract under the applicable internal revenue service guidelines.

~~((4))~~ (3) Department of general administration: Enter into a financing contract for up to \$27,144,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the John L. O'Brien building, subject to approval of the project scope by the speaker of the house of representatives and the chief clerk of the house of representatives.

~~((5))~~ (4) Department of ecology: Enter into a financing contract for up to \$11,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to rebuild the east wall of the department of ecology's headquarters building in Lacey, Washington.

(5) Washington State University: Enter into a financing contract for up to \$15,000,000 plus financing expenses and required reserve pursuant to chapter 39.94 RCW for a student information system.

NEW SECTION. Sec. 6002. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION--ENERGY SAVINGS PERFORMANCE CONTRACTING. (1) The department of general administration, in fulfilling its requirement to maintain a registry of energy service contractors pursuant to RCW 39.35A.050, shall update the preapproved list of energy services companies that are qualified to provide services to public facilities in the state by June 30, 2010.

(2) The department of general administration must develop guidelines that are consistent with national and international energy savings performance standards for the implementation of energy savings performance contracting projects June 30, 2010.

NEW SECTION. Sec. 6003. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT. The office of financial management budget instructions, required by chapter 43.88 RCW, must instruct all agencies submitting budget requests for building renovations and improvements and operating budget requests for facility leases to conduct preliminary energy audits if proposed renovations or improvements involve building envelope, heating, ventilating, air conditioning, controls, and lighting. The budget instructions must also direct agencies to contact the department of general administration for assistance, if necessary.

NEW SECTION. Sec. 6004. A new section is added to 2009 c 497 (uncodified) to read as follows:

DEBT AFFORDABILITY STUDY. The office of the state treasurer shall prepare a debt affordability study by October 1, 2010, that provides an assessment of the state's current debt portfolio and an analysis of the impact of future debt issuance. The study must include but is not limited to: An overview of the state's outstanding and projected debt; the structure of the debt portfolio; the cost of existing debt; sources of funds for interest, principal, or lease payments; and the purposes for which debt instruments and financing contracts are issued. To assist with this work, the office of the state treasurer shall convene and staff a work group to include staff from the fiscal committees of the state house of representatives and state senate and the office of financial management.

NEW SECTION. Sec. 6005. A new section is added to 2009 c 497 (uncodified) to read as follows:

The operating and maintenance costs associated with Tolmie state park shall be shared equally by Thurston county, the state parks and recreation commission, and the Nisqually tribe, when a memorandum of understanding by all parties takes effect, until June 30, 2011. The state parks and recreation commission shall transfer Tolmie state park to Thurston county and the Nisqually tribe by June 30, 2011.

NEW SECTION. Sec. 6006. A new section is added to 2009 c 497 (uncodified) to read as follows:

The state parks and recreation commission shall transfer the Lake Osoyoos veteran memorial state park to the confederated tribes of the Colville reservation if the confederated tribes of the Colville reservation agrees to accept the transfer and preserve and provide public access to the land for the purpose of outdoor recreation.

Sec. 6007. 2008 c 5 s 1 (uncodified) is amended to read as follows:

Pursuant to chapter 43.155 RCW, the following project loans recommended by the public works board are authorized to be made with funds appropriated from the public works assistance account, and no loan authorized in this act shall bear an interest rate greater than one-half of one percent:

- (1) Arlington--sanitary sewer project--expand and upgrade the wastewater treatment plant and biosolids composting facility to meet new discharge limitations, produce a higher quality effluent, and accommodate future growth \$10,000,000
- (2) Auburn--street project--reconstruct approximately 0.3 miles of roadway with four travel lanes to bring up to current arterial and truck route standards and modify intersection to optimize efficiency and level of service \$1,800,000
- (3) Blaine--sanitary sewer project--construct a new wastewater treatment plant and section of outfall pipe to increase treatment capacity, produce reuse quality water, and improve Puget Sound water quality for shellfish..... \$10,000,000
- (4) Bonney Lake--domestic water project--replace approximately 71,000 linear feet of leaky water mains to reduce current water loss by ten percent \$5,352,000
- (5) Bonney Lake--sanitary sewer project--replace approximately 12,000 linear feet of failing interceptor sewer pipes \$4,648,000
- (6) Buckley--sanitary sewer project--rebuild the wastewater treatment plant to provide nutrient removal and meet state and federal discharge regulations and the construction of an interceptor \$5,000,000
- (7) Camas--sanitary sewer project--construct improvements to the wastewater treatment facilities to provide class A biosolids at the main sewage pump station..... \$10,000,000
- (8) Clark county--road project--construct new road segments, widen roadways, improve and redesign intersections, and install and modify traffic signals necessary to improve a major interchange with two freeways \$10,000,000
- (9) Clark regional wastewater district--sanitary sewer project--modify existing and construct new wastewater facilities to process approximately 4.65 million gallons more of wastewater per day and ensure treatment processes continue to be in compliance with current regulations..... \$8,000,000
- (10) Coal creek utility district--sanitary sewer project--construct sewer lift station, approximately 1,250 lineal feet of gravity sewer main, and 500 feet of force main to provide public sewer to approximately 25 properties on a lake that have private septic systems that have failed or are in prefailure status \$898,875
- (11) College Place--domestic water project--construct two steel tanks, a booster station, approximately 6,000 feet of transmission line, 3,400 feet of water mains, three pressure reducing valves, and associated telemetry to rectify a deficiency in fire flow and standby water storage protection \$4,710,051
- (12) Cowlitz county public utility district No. 1--domestic water project--construction of approximately six new groundwater supply wells, 2,100 feet of raw water piping a new water treatment plant producing approximately 20 million gallons per day of potable water, and approximately 4,350 feet of transmission main to connect to the system to replace current water supply that is being impacted by increasing water sediment \$3,213,000

- (13) Ephrata--domestic water project--replace approximately 68,000 feet of failing water mains, 50,000 feet of failing water service pipes, and the resurfacing of 20 miles of overlaying roadway, including approximately 100 fire hydrants, 400 catch basins, 15 storm sewer drywells, 22,000 feet of curb and gutter, and 16,000 feet of storm sewer pipe..... \$6,605,727
- (14) Freeland water district--domestic water project--connect a new well and new reservoir to the existing system, rehabilitate the existing well, and install new equipment to increase system reliability, redundancy, and capacity. Install new chlorination equipment to improve water quality \$347,516
- (15) Gig Harbor--sanitary sewer project--improvements to the wastewater treatment plant including new equipment and electrical work, add a third clarifier, install ultraviolet disinfection, and extend and upsize the outfall \$10,000,000
- (16) Highline water district--domestic water project--construction of 11,350 feet of transmission main and looping of pipes to eliminate low pressures and fire flows and improve water quality, and create a new pressure zone to correct high pressures..... \$5,390,418
- (17) Karcher creek sewer district--sanitary sewer project--install a new sewer system, including a lift station and approximately 3,600 lineal feet of sewer main, in conjunction with a road project to service approximately 17 homes that will lose their septic systems due to the road project \$1,358,130
- (18) Kennewick--sanitary sewer project--construct improvements to critical wastewater treatment plant processes to enhance reliability, improve energy efficiency and redundancy, as well as increase the capacity of the sludge pumping station..... \$5,500,000
- (19) Kent--street project--construct two bridges, one for the roadway over a set of railroad tracks, and one for railroad tracks over a lowered roadway. This will grade separate the tracks from the roadway to provide safe and reliable operations twenty-four hours a day \$10,000,000
- (20) King county--sanitary sewer project--construct 13,100 lineal feet of pipe to convey approximately 9 million gallons per day of reclaimed water to reduce withdrawals of 250-acre feet per year from the Sammamish river \$7,000,000
- (21) La Center--sanitary sewer project--upgrade wastewater treatment plant to reduce the levels of nitrogen discharged in the effluent and approximately doubling the operation of the plant and producing class A reuse water \$10,000,000
- (22) Lake Forest Park water district--domestic water project--replace approximately 6,915 lineal feet of undersized and corroded water pipes to improve safety and reliability of the system by reducing pipe failures and increasing fire flow \$917,935
- (23) Lake Stevens--sanitary sewer project--construct a new wastewater treatment plant, 9,500 feet of interceptor line, a pump station, and an outfall pipe in partnership with Lake Stevens sewer district \$10,000,000
- (24) Lake Stevens sewer district--sanitary sewer project--construct a new wastewater treatment plant, 9,500 feet of interceptor line, a pump station, and an outfall pipe in partnership with the city of Lake Stevens \$10,000,000
- (25) Lakewood--sanitary sewer project--construct 3 pump stations, approximately 17,200 linear feet of force mains, 13,500 linear feet of gravity collector pipe line, and 320 side sewer stubs to service two neighborhoods currently served exclusively by septic systems..... \$1,840,000
- (26) LOTT alliance--sanitary sewer project--construct approximately 7,400 feet of force main and replace existing pump station with new 1,000 gallon per minute pump station..... \$4,003,807
- (27) Mansfield--sanitary sewer project--expand and rehabilitate wastewater treatment lagoons and effluent spray irrigation system as well as remove the discharge of groundwater from basement sump pumps to the collection system..... \$235,600
- (28) Midway sewer district--sanitary sewer project--replace approximately 16,500 lineal feet of sewer mains and 50 manholes to reduce infiltration and inflow \$3,782,500
- (29) Mount Vernon--sanitary sewer project--upgrade existing wastewater treatment plant, including a new pretreatment facility, 4 additional clarifiers, upgrade aeration basins, installation of an ultraviolet disinfection system, and odor control system \$10,000,000
- (30) Newcastle--road project--reconstruct, widen, and signalize approximately 5,200 linear feet of road to 2 lanes in each direction, add left turn lanes, sidewalks, bicycle lanes, install lighting systems, replace two-lane bridge with a four-lane bridge, and install new traffic signals \$5,000,000
- (31) Olympia--sanitary sewer project--install approximately 6,500 linear feet of sewer mains and construct a lift station to serve 63 homes with failing on-site sewage systems..... \$1,808,375
- (32) Olympus Terrace sewer district--sanitary sewer project--rehabilitate approximately 9,350 linear feet of sewer trunkline, construct approximately 9,800 linear feet of high-flow storm water bypass piping for excess flow, construct approximately 4,150 linear feet of road access, and restore creek habitat \$8,000,000
- (33) Omak--sanitary sewer project(~~--add 2 compost containers, convert storage tank to sludge holding tank, and install a second headworks screen to increase the wastewater treatment plant capacity by 35 percent~~)..... \$450,000
- (34) Port Angeles--sanitary sewer project--construct approximately 11,500 feet of sewer main, modify a storage tank, and modify the wastewater treatment plant \$10,000,000
- (35) Regional board of mayors--solid waste project--close landfill site by capping and sealing with a soil cap \$859,500
- (36) Regional board of mayors--solid waste project--construct a new solid waste transfer station, including structures and equipment..... \$1,541,000
- (37) Ronald wastewater district--sanitary sewer project--rehabilitate 2 lift stations by replacing pumps, valves, fittings, piping, odor control systems, and electrical equipment..... \$955,400
- (38) Seattle--domestic water project--replace floating pumps with land-based pump station with a maximum capacity of approximately 250 million gallons per day, including 8 pumps, concrete structure, a tunnel, approximately 4,000 feet of pipeline, and a standby generator. \$10,000,000
- (39) Sedro-Woolley--sanitary sewer project--rehabilitate or replace 4 interceptor segments totaling approximately 29,700 linear feet, install 2 pump stations, and upgrade the secondary clarifier in order to lift a building moratorium..... \$6,023,491
- (40) Shelton--sanitary sewer project--construct a satellite reclamation plant with a capacity of approximately 0.4 million gallons per day to produce class A reclaimed water, approximately 22,000 linear feet of sewer pipelines, and approximately 25,000 linear feet of reclaimed water force main \$2,079,360
- (41) Shelton--sanitary sewer project--replace approximately 38,480 linear feet of mainline sewers to reduce inflow and infiltration..... \$5,737,500

- (42) Skagit county sewer district No. 2--sanitary sewer project--upgrade wastewater treatment plant to a water reclamation facility to provide class A reclaimed water with a capacity of approximately 0.35 million gallons per day..... \$10,000,000
- (43) Snohomish--sanitary sewer project--construct approximately 1,900 feet of sewer pipe, a new pump station with a capacity of approximately 8,000 gallons per minute, and approximately 4,300 feet of force main to reduce overflows \$2,000,000
- (44) Snohomish--sanitary sewer project(~~--upgrade existing wastewater treatment plant including a new influent flow structure, screens, aerators, effluent filtration, ultraviolet disinfection, effluent pump station, improvements to the existing lagoons, and electrical improvements~~)
\$4,500,000
- (45) Snohomish county--road project--construct a new, approximately two-mile, two-lane truck route around the city of Granite Falls, including 3 roundabouts to improve safety and air quality in the downtown area \$10,000,000
- (46) Southwest Suburban sewer district--sanitary sewer project--replace and/or slipline approximately 5,470 feet of trunk/interceptor sewer main and construct a new lift station to reduce overflows \$3,268,250
- (47) Tacoma--domestic water project--replace 3 open-topped concrete reservoirs with 2 enclosed concrete reservoirs of approximately 33 million gallons each and related piping to comply with the safe drinking water act and a bilateral compliance agreement \$10,000,000
- (48) Tekoa--sanitary sewer system--reconstruct approximately 1,000 feet of failing sewer line and manholes to reduce significant groundwater infiltration \$135,115
- (49) Three rivers regional wastewater authority--sanitary sewer project--construct 2 clarifiers and associated piping to replace 2 failed clarifiers at the wastewater plant..... \$6,630,750
- (50) Washougal--sanitary sewer project--construct a new wastewater treatment plant headworks, including a fine screen, grit removal, and replace approximately 150 linear feet of gravity sewer, and make improvements to the lagoons, including 450 linear feet of piping, modify overflow structures, and a new pump \$3,100,000
- (51) Yakima--domestic water project--develop a new, approximately 3,000 gallon per minute, domestic water well, including drilling, placement of casing, a new pump house, and connection to the existing water distribution system in order to augment the water supply during drought conditions \$2,257,200
- (52) Yakima--street project--construct 2 underpasses and reconstruct 3 lanes on each roadway under a railroad mainline to accommodate additional rail and reduce traffic and emergency response delays and air pollution \$3,000,000

Sec. 6008. RCW 43.155.050 and 2009 c 564 s 940 are each amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. During the 2009-2011 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund and the city-county assistance account such amounts as reflect the excess fund balance of the account. During the 2009-2011 fiscal biennium, sums in the public works assistance account may be used for the water pollution control revolving fund program match in section 3019 of this act.

(2) The job development fund is hereby established in the state treasury. Moneys in the job development fund may be spent only after appropriation.

NEW SECTION. Sec. 6009. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Public Works Assistance Account: For transfer to the

State General Fund for fiscal year 2010 \$87,000,000

Washington State Heritage Center Account: For transfer

to the Thurston County Capital Facilities Account \$10,700,000

Sec. 6010. RCW 43.160.080 and 2008 c 327 s 11 are each amended to read as follows:

There shall be a fund in the state treasury known as the public facilities construction loan revolving account, which shall consist of all moneys collected under this chapter and any moneys appropriated to it by law. Disbursements from the revolving account shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving account shall be subject in all respects to chapter 43.88 RCW. During the 2009-2011 biennium, sums in the public facilities construction loan revolving account may be used for the temporary public works grant program in section 1016 of this act.

NEW SECTION. Sec. 6011. A new section is added to 2009 c 497 (uncodified) to read as follows:

In developing its capital budget request for the 2011-13 biennium, the department of natural resources shall develop a prioritization process for purchasing easements currently eligible for purchase under the forest riparian easement program. The process should prioritize easements for landowners who: (1) Have the greatest proportion of riparian management zones in their total aggregated ownership; (2) are under the greatest pressures to convert their lands to nonforest land use; and (3) provide the greatest ecological benefits from these easements. By October 1, 2010, the department shall deliver to the governor and the legislature policy recommendations to reflect this prioritization process in statute.

Sec. 6012. 2009 c 497 s 6004 (uncodified) is amended to read as follows:

(1) The office of financial management may ~~((authorize a))~~ transfer ~~((of))~~ appropriation authority provided for a capital project that is in excess of the amount required for the completion of ~~((such))~~ the project ~~((to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.~~

—(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

—(3)), based on the authorized scope, to the risk pool in section 1020.

—(2) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

~~((4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.~~

~~—(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.))~~

(3) The office of financial management shall not allot any portion of a capital budget appropriation for: (a) Contingencies above the amount required for completion of a project as described in budget documents submitted as part of the governor's capital budget request or consistent with legislative history; (b) proposed alternates submitted in bid documents if agencies cannot document a programmatic need and an operational budget savings resulting from the completion of the alternate project component that would pay for the cost of the alternate within eight years; or (c) for any equipment costs or project scope beyond what was described in the budget documents submitted as part of the governor's capital budget request.

(4) The office of financial management shall submit a monthly report of approved allotments, subject to this section, by project. The report shall include the accepted base bid and any approved alternates with the analysis demonstrating sufficient operational budget savings.

Sec. 6013. RCW 43.07.129 and 2007 c 523 s 4 are each amended to read as follows:

The Washington state heritage center account is created in the custody of the state treasurer. All moneys received under RCW 36.18.010(11) and 43.07.128 must be deposited in the account. Expenditures from the account may be made only for the following purposes:

- (1) Payment of the certificate of participation issued for the Washington state heritage center;
- (2) Capital maintenance of the Washington state heritage center; and
- (3) Program operations that serve the public, relate to the collections and exhibits housed in the Washington state heritage center, or fulfill the missions of the state archives, state library, and capital museum.

Only the secretary of state or the secretary of state's designee may authorize expenditures from the account. An appropriation is not required for expenditures, but the account is subject to allotment procedures under chapter 43.88 RCW. During the 2009-2011 fiscal biennium, the legislature may transfer from the heritage center account to the Thurston county capital facilities account such amounts as reflect excess fund balance in the account.

Sec. 6014. RCW 43.63A.510 and 1993 c 461 s 2 are each amended to read as follows:

(1) The department shall work with ~~((the departments of natural resources, transportation, social and health services, corrections, and general administration))~~ state and local governmental entities to identify and catalog surplus or underutilized~~((state-owned land and property))~~ real property owned by these governmental entities suitable for the development of affordable housing for extremely low-income, very low-income, low-income, or moderate-income households. The state and local governmental entities subject to the requirements of this section are the departments of natural resources, transportation, social and health services, corrections, ~~((and))~~ general administration ~~((shall))~~, and public lands, and the state parks and recreation commission, counties, cities, and towns. These governmental entities must provide an inventory of surplus or underutilized real property that is owned or administered by each ~~((agency))~~ governmental entity and is available for lease or sale. Each inventory must contain descriptive information about each property that includes, if known, the contact information for the property and the location, approximate size, sale or lease price and terms, and current zoning classification of the property. Each inventory must be updated at least once a year, and printed and electronic copies of each inventory must be provided upon request. The inventories ~~((shall))~~ must be provided to the department by November 1, ~~((1993))~~ 2010, with inventory revisions provided each November 1st thereafter.

(2) Surplus property for sale by the governmental entities subject to the requirements of this section, and which is suitable for the development of affordable housing, must be offered for at least the first one hundred eighty days after its availability for sale, exclusively to eligible organizations, for the purpose of developing affordable housing. Eligible organizations have the right of first opportunity to obtain these surplus properties by purchase, lease, exchange, or donation, under reasonable option and conveyance conditions, in return for a commitment to provide affordable housing for at least thirty years. Governmental entities subject to this section have the sole authority to determine: (a) Whether or not property is surplus; (b) whether or not the property is suitable for the development of affordable housing for extremely low-income, very low-income, and low-income persons or families; and (c) what constitutes reasonable option and conveyance conditions for the purchase, lease, exchange, or donation of the property.

(3) A governmental entity that sells real property to an eligible entity under this section may do so at a price that is less than fair market value, provided that the affordable housing developed on the property is occupied solely by individuals or families who are extremely low, very low, or low income.

(4) Each governmental entity subject to the requirements of this section must develop the criteria and procedures necessary for inventorying surplus property and offering it for sale, lease, exchange, or donation to eligible organizations.

(5) The department must present a written report to the appropriate committees of the legislature by December 1st of each year regarding the status of the surplus or underutilized real property inventory as required under this section, and which must include a comprehensive listing of all real property subject to the inventory during the preceding year.

(6) Upon written request, the department shall provide a copy of the inventory of state-owned and publicly owned lands and buildings to parties interested in developing ~~((the sites))~~ property for affordable housing.

~~((3))~~ (7) As used in this section:

(a) "Affordable housing" means residential housing that is rented or owned by a person who qualifies as ~~((a))~~ an extremely low-income, very low-income, low-income, or moderate-income household or who is from a special needs population, and whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

(b) "Very low-income household" means a single person, family, or unrelated persons living together whose income is at or below fifty percent of the median income, adjusted for household size, for the county where the affordable housing is located.

(c) "Low-income household" means a single person, family, or unrelated persons living together whose income is more than fifty percent but is at or below eighty percent of the median income where the affordable housing is located.

(d) "Moderate-income household" means a single person, family, or unrelated persons living together whose income is more than eighty percent but is at or below one hundred fifteen percent of the median income where the affordable housing is located.

(e) "Eligible organization" means any city, town, or county government, local housing authority, public development authority, community renewal agency, regional support network established under chapter 71.24 RCW, nonprofit community or neighborhood-based organization, federally recognized Indian tribe in the state of Washington, or regional or statewide nonprofit housing assistance organization, each having experience in the development of affordable housing.

(f) "Real property" means land, buildings, or buildings and land.

(g) "Extremely low-income household" means a single person, family, or unrelated persons living together whose income is at or below thirty percent of the median income, adjusted for household size, for the county where the affordable housing is located.

Sec. 6015. RCW 47.12.063 and 2006 c 17 s 2 are each amended to read as follows:

(1) It is the intent of the legislature to continue the department's policy giving priority consideration to abutting property owners in agricultural areas when disposing of property through its surplus property program under this section. With respect to surplus property in nonagricultural areas that is suitable for residential use, the department shall give priority to selling, leasing, exchanging, or donating the property to a public entity or private nonprofit entity dedicated to the development of affordable housing for extremely low-income, very low-income, low-income, or moderate-income households, consistent with the requirements of this section and RCW 43.63A.510.

(2) Whenever the department determines that any real property owned by the state of Washington and under the jurisdiction of the department is no longer required for transportation purposes and that it is in the public interest to do so, the department may sell, lease, or exchange the property or exchange it in full or part consideration for land or improvements or for construction of improvements ~~((at fair market value to))~~. Except as authorized in (j) of this subsection, the department must receive fair market value for any such sale, lease, or exchange. The department may engage in the sale, lease, or exchange of its surplus property with any of the following governmental entities or persons:

(a) Any other state agency;

(b) The city or county in which the property is situated;

(c) Any other municipal corporation;

(d) Regional transit authorities created under chapter 81.112 RCW;

(e) The former owner of the property from whom the state acquired title;

(f) In the case of residentially improved property, a tenant of the department who has resided thereon for not less than six months and who is not delinquent in paying rent to the state;

(g) Any abutting private owner but only after each other abutting private owner (if any), as shown in the records of the county assessor, is notified in writing of the proposed sale. If more than one abutting private owner requests in writing the right to purchase the property within fifteen days after receiving notice of the proposed sale, the property shall be sold at public auction in the manner provided in RCW 47.12.283;

(h) To any person through the solicitation of written bids through public advertising in the manner prescribed by RCW 47.28.050;

(i) To any other owner of real property required for transportation purposes;

(j) In the case of property suitable for residential use, any nonprofit organization dedicated to providing affordable housing to extremely low-income, very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510 and is eligible to receive assistance through the Washington housing trust fund created in chapter 43.185 RCW. The department may sell, lease, exchange, or donate the property for less than fair market value under this subsection (2)(j) if the affordable housing to be developed on the property is to be occupied exclusively by extremely low-income, very low-income, or low-income households as provided in RCW 43.63A.510; or

(k) A federally recognized Indian tribe within whose reservation boundary the property is located.

(3) Sales to purchasers may at the department's option be for cash, by real estate contract, or exchange of land or improvements.

Transactions involving the construction of improvements must be conducted pursuant to chapter 47.28 RCW or Title 39 RCW, as applicable, and must comply with all other applicable laws and rules.

(4) Conveyances made pursuant to this section shall be by deed executed by the secretary of transportation and shall be duly acknowledged.

(5) Unless otherwise provided, all moneys received pursuant to the provisions of this section less any real estate broker commissions paid pursuant to RCW 47.12.320 shall be deposited in the motor vehicle fund.

Sec. 6016. RCW 47.12.064 and 1995 c 399 s 121 are each amended to read as follows:

(1) In accordance with RCW 43.63A.510, the department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for extremely low-income, very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of ~~((community, trade, and economic development))~~ commerce by November 1, ~~((1993))~~ 2010, and every November 1st thereafter.

(2) By November 1st of each year, beginning in ~~((1994))~~ 2011, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

Sec. 6017. RCW 43.20A.037 and 1995 c 399 s 65 are each amended to read as follows:

(1) In accordance with RCW 43.63A.510, the department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for extremely low-income, very low-income, and moderate-income

households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of ~~((community, trade, and economic development))~~ commerce by November 1, ~~((1993))~~ 2010, and every November 1st thereafter.

(2) By November 1st of each year, beginning in ~~((1994))~~ 2011, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

(3) In selling, transferring, or otherwise disposing of surplus or under utilized property, the department shall give priority to selling, leasing, exchanging, or donating the property to a public or private entity dedicated to the development of affordable housing for extremely low-income, very low-income, low-income, or moderate-income households, consistent with RCW 43.63A.510. The department may sell, lease, exchange, or donate the property for less than fair market value if the affordable housing to be developed on the property is to be occupied exclusively by extremely low-income, very low-income, or low-income households as provided in RCW 43.63A.510.

Sec. 6018. RCW 72.09.055 and 1995 c 399 s 202 are each amended to read as follows:

(1) In accordance with RCW 43.63A.510, the department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for extremely low-income, very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of ~~((community, trade, and economic development))~~ commerce by November 1, ~~((1993))~~ 2010, and every November 1st thereafter.

(2) By November 1st of each year, beginning in ~~((1994))~~ 2011, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

(3) In selling, transferring, or otherwise disposing of surplus or under utilized property, the department shall give priority to selling, leasing, exchanging, or donating the property to a public or private entity dedicated to the development of affordable housing for very low-income, low-income, or moderate-income households, consistent with RCW 43.63A.510. The department may sell, lease, exchange, or donate the property for less than fair market value if the affordable housing to be developed on the property is to be occupied exclusively by extremely low-income, very low-income, or low-income households as provided in RCW 43.63A.510.

Sec. 6019. RCW 43.19.19201 and 1995 c 399 s 64 are each amended to read as follows:

(1) In accordance with RCW 43.63A.510, the department of general administration shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for extremely low-income, very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. The department of general administration shall provide a copy of the inventory to the department of ~~((community, trade, and economic development))~~ commerce by November 1, ~~((1993))~~ 2010, and every November 1st thereafter.

(2) By November 1st of each year, beginning in ~~((1994))~~ 2011, the department of general administration shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

(3) In selling, transferring, or otherwise disposing of surplus or under utilized property, the department shall give priority to selling, leasing, exchanging, or donating the property to a public or private entity dedicated to the development of affordable housing for extremely low-income, very low-income, low-income, or moderate-income households, consistent with RCW 43.63A.510. The department may sell, lease, exchange, or donate the property for less than fair market value if the affordable housing to be developed on the property is to be occupied exclusively by extremely low-income, very low-income, or low-income households as provided in RCW 43.63A.510.

Sec. 6020. RCW 79A.05.170 and 1991 sp.s. c 13 s 23 are each amended to read as follows:

(1) In selling, transferring, or otherwise disposing of surplus or underutilized real property, the commission shall give priority to selling, leasing, exchanging, or donating the property to a public or private entity dedicated to the development of affordable housing for extremely low-income, very low-income, low-income, or moderate-income households, consistent with RCW 43.63A.510. The commission may sell, lease, exchange, or donate the property for less than fair market value if the affordable housing to be developed on the property is to be occupied exclusively by extremely low-income, very low-income, or low-income households as provided in RCW 43.63A.510.

(2) Except for those lands subject to RCW 43.63A.510, any lands owned by the ~~((state parks and recreation))~~ commission, which are determined to be surplus to the needs of the state for development for state park purposes and which the commission proposes to deed to a local government or other entity, shall be accompanied by a clause requiring that if the land is not used for outdoor recreation purposes, ownership of the land shall revert to the ~~((state parks and recreation))~~ commission.

~~((2))~~ ~~The state parks and recreation commission,))~~ (a) In cases where land subject to such a reversionary clause is proposed for use or disposal for purposes other than recreation, the commission shall require that, if the land is surplus to the needs of the commission for park purposes at the time the commission becomes aware of its proposed use for nonrecreation purposes, the holder of the land or property shall reimburse the commission for the release of the reversionary interest in the land. The reimbursement shall be in the amount of the fair market value of the reversionary interest as determined by a qualified appraiser agreeable to the commission. Appraisal costs shall be borne by the local entity which holds title to the land.

~~((3))~~ (b) Any funds generated under a reimbursement under this section shall be deposited in the parkland acquisition account which is hereby created in the state treasury. Moneys in this account are to be used solely for the purchase or acquisition of property for use as state park property by the commission, as directed by the legislature; all such funds shall be subject to legislative appropriation.

(3) In accordance with RCW 43.63A.510, the commission shall identify and catalog real property that is no longer required for commission purposes and is suitable for the development of affordable housing for extremely low-income, very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory must include the location, approximate size, and current zoning classification of the property. The commission shall provide a copy of the inventory to the department of commerce by November 1, 2010, and every November 1st thereafter. By November 1st of each year, beginning in 2011, the commission shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The commission shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

Sec. 6021. RCW 79A.05.175 and 2007 c 145 s 1 are each amended to read as follows:

Except for those lands subject to RCW 43.63A.510 and 79A.05.170(1), whenever the commission finds that any land under its control cannot advantageously be used for park purposes, it is authorized to dispose of such land by the method provided in this section or by the method provided in RCW 79A.05.170. If such lands are school or other grant lands, control thereof shall be relinquished by resolution of the commission to the proper state officials. If such lands were acquired under restrictive conveyances by which the state may hold them only so long as they are used for park purposes, they may be returned to the donor or grantors by the commission. All other such lands may be either sold by the commission to the highest bidder or exchanged for other lands of equal value by the commission, and all conveyance documents shall be executed by the governor. All such exchanges shall be accompanied by a transfer fee, to be set by the commission and paid by the other party to the transfer; such fee shall be paid into the parkland acquisition account established under RCW 79A.05.170. The commission may accept sealed bids, electronic bids, or oral bids at auction. Bids on all sales shall be solicited at least twenty days in advance of the sale date by an advertisement appearing at least once a week for two consecutive weeks in a newspaper of general circulation in the county in which the land to be sold is located. If the commission feels that no bid received adequately reflects the fair value of the land to be sold, it may reject all bids, and may call for new bids. All proceeds derived from the sale of such park property shall be paid into the park land acquisition account. All land considered for exchange shall be evaluated by the commission to determine its adaptability to park usage. The equal value of all lands exchanged shall first be determined by the appraisals to the satisfaction of the commission. No sale or exchange of state park lands shall be made without the unanimous consent of the commission.

Sec. 6022. RCW 36.34.137 and 1993 c 461 s 5 are each amended to read as follows:

(1) In selling, transferring, or otherwise disposing of surplus or underutilized real property, every county shall give priority to selling, leasing, exchanging, or donating the property to a public or private entity dedicated to the development of affordable housing for extremely low-income, very low-income, low-income, or moderate-income households, consistent with RCW 43.63A.510. A county may sell, lease, exchange, or donate the property for less than fair market value if the affordable housing to be developed on the property is to be occupied exclusively by extremely low-income, very low-income, or low-income households as provided in RCW 43.63A.510.

(2) In accordance with RCW 43.63A.510, every county shall identify and catalog real property owned by the county that is no longer required for its purposes and is suitable for the development of affordable housing for extremely low-income, very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. Every county shall provide a copy of the inventory to the department of ~~(community development)~~ commerce by November 1, ~~((4993))~~ 2010, with inventory revisions each November 1st thereafter.

~~((2))~~ (3) By November 1st of each year, beginning in ~~((1994))~~ 2011, every county shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The inventory revision shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

Sec. 6023. RCW 35.21.687 and 1995 c 399 s 37 are each amended to read as follows:

(1) In selling, transferring, or otherwise disposing of surplus or underutilized real property, every city and town, including every code city operating under Title 35A RCW, shall give priority to selling, leasing, exchanging, or donating the property to a public or private entity dedicated to the development of affordable housing for extremely low-income, very low-income, low-income, or moderate-income households, consistent with RCW 43.63A.510. A city, town, or code city may sell, lease, exchange, or donate the property for less than fair market value if the affordable housing to be developed on the property is to be occupied exclusively by extremely low-income, very low-income, or low-income households as provided in RCW 43.63A.510.

(2) In accordance with RCW 43.63A.510, every city and town, including every code city operating under Title 35A RCW, shall identify and catalog real property owned by the city or town that is no longer required for its purposes and is suitable for the development of affordable housing for extremely low-income, very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory shall include the location, approximate size, and current zoning classification of the property. Every city and town shall provide a copy of the inventory to the department of ~~(community, trade, and economic development)~~ commerce by November 1, ~~((1993))~~ 2010, with inventory revisions each November 1st thereafter.

~~((2))~~ (3) By November 1st of each year, beginning in ~~((1994))~~ 2011, every city and town, including every code city operating under Title 35A RCW, shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The inventory revision shall also contain a list of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

Sec. 6024. RCW 79.11.005 and 2003 c 334 s 201 are each amended to read as follows:

(1) Subject to RCW 43.63A.510, the department is authorized to sell any real property not designated or acquired as state forest lands, but acquired by the state, either in the name of the forest board, the forestry board, or the division of forestry, for administrative sites, lien foreclosures, or other purposes whenever it shall determine that the lands are no longer or not necessary for public use.

(2) In selling, transferring, or otherwise disposing of surplus or underutilized real property, the department shall give priority to selling, leasing, exchanging, or donating the property to a public or private entity dedicated to the development of affordable housing for extremely low-income, very low-income, low-income, or moderate-income households, consistent with RCW 43.63A.510. The department may sell, lease, exchange, or donate the property for less than fair market value if the affordable housing to be developed on the property is to be occupied exclusively by extremely low-income, very low-income, or low-income households as provided in RCW 43.63A.510.

(3) Except as otherwise provided under RCW 43.63A.510, the sale may be made after public notice to the highest bidder for such a price as approved by the governor, but not less than the fair market value of the real property, plus the value of improvements thereon. Any instruments necessary to convey title must be executed by the governor in a form approved by the attorney general.

~~((3))~~ (4) All amounts received from the sale must be credited to the fund of the department of government that is responsible for the acquisition and maintenance of the property sold.

(5) In accordance with RCW 43.63A.510, the department shall identify and catalog real property owned by the county that is no longer required for its purposes and is suitable for the development of affordable housing for extremely low-income, very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory must include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of commerce by November 1, 2010, with inventory revisions each November 1st thereafter.

(6) By November 1st of each year, beginning in 2011, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The inventory revision must include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

Sec. 6025. RCW 79.22.060 and 2009 c 354 s 7 are each amended to read as follows:

(1) With the approval of the board and subject to RCW 43.63A.510, the department may directly transfer or dispose of state forest lands without public auction, if the lands:

- (a) Consist of ten contiguous acres or less;
- (b) Have a value of twenty-five thousand dollars or less; or
- (c) Are located in a county with a population of twenty-five thousand or less and are encumbered with timber harvest deferrals, associated with wildlife species listed under the federal endangered species act, greater than thirty years in length.

(2) Disposal under this section may only occur in the following circumstances:

- (a) Transfers in lieu of condemnation;
- (b) Transfers to resolve trespass and property ownership disputes; or
- (c) In counties with a population of twenty-five thousand or less, transfers to public agencies.

(3) Except as otherwise provided under RCW 43.63A.510 and 79.11.005(2), real property to be transferred or disposed of under this section shall be transferred or disposed of only after appraisal and for at least fair market value, and only if the transaction is in the best interest of the state or affected trust. Valuable materials attached to lands transferred to public agencies under subsection (2)(c) of this section must be appraised at the fair market value without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act.

(4) The proceeds from real property transferred or disposed of under this section shall be deposited into the park land trust revolving fund and be solely used to buy replacement land within the same county as the property transferred or disposed. In counties with a population of twenty-five thousand or less, the portion of the proceeds associated with valuable materials on the transferred land must be distributed as provided in RCW 79.64.110.

(5) In selling, transferring, or otherwise disposing of surplus or underutilized property, the department shall give priority to selling, leasing, exchanging, or donating the property to a public or private entity dedicated to the development of affordable housing for extremely low-income, very low-income, low-income, or moderate-income households, consistent with RCW 43.63A.510. The department may sell, lease, exchange, or donate the property for less than fair market value if the affordable housing to be developed on the property is to be occupied exclusively by extremely low-income, very low-income, or low-income households as provided in RCW 43.63A.510.

(6) In accordance with RCW 43.63A.510, the department shall identify and catalog real property that is no longer required for department purposes and is suitable for the development of affordable housing for extremely low-income, very low-income, low-income, and moderate-income households as defined in RCW 43.63A.510. The inventory must include the location, approximate size, and current zoning classification of the property. The department shall provide a copy of the inventory to the department of commerce by November 1, 2010, and every November 1st thereafter.

(7) By November 1st of each year, beginning in 2011, the department shall purge the inventory of real property of sites that are no longer available for the development of affordable housing. The department shall include an updated listing of real property that has become available since the last update. As used in this section, "real property" means buildings, land, or buildings and land.

Sec. 6026. RCW 43.180.160 and 2009 c 291 s 1 are each amended to read as follows:

(1) The total amount of outstanding indebtedness of the commission may not exceed six billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise.

(2)(a) The Washington works housing program is created to increase opportunities for nonprofit organizations and public agencies to purchase, acquire, build, and own real property to be used for affordable housing for low and moderate-income households. The Washington works housing program is intended to provide access to new funding mechanisms and build long-term community equity by increasing the stock of permanently affordable housing owned by nonprofit organizations and public agencies.

(b) The Washington works housing program is intended to provide these opportunities for public agencies and nonprofit organizations, including those materially participating as a managing member or general partner of a partnership, limited liability company, or equivalent organization, through the issuance of tax exempt or taxable revenue bonds issued by the commission in conjunction with a subsidy necessary to make bond issues to finance affordable housing properties financially feasible. The program is intended to provide financing for affordable housing that will meet the following income and rent restrictions during the period of initial bond indebtedness and thereafter:

(c) During the period of initial bond indebtedness under the program, the owner of the property must meet one of the following requirements: A minimum of twenty percent of the units will be occupied by households earning less than fifty percent of area median income and an additional thirty-one percent of the units will be occupied by persons earning less than eighty percent of area median income; or forty percent of the units will be occupied by households earning less than sixty percent of area median income and an additional eleven percent of the units will be occupied by households earning less than eighty percent of area median income.

(d) After the initial bond indebtedness is retired, the rents charged for units in the project will be adjusted to be sufficient to pay reasonable operation and maintenance expenses, including necessary capital needs, and to make reasonable deposits into a reserve account with the intent of providing affordable housing to very low or low-income households for the remaining useful life of the property. The reasonableness of the rent levels must be periodically approved by the commission based on information provided by the owner of the property about income, expenses, and necessary reserve levels. The determination of the commission regarding the reasonableness of the rent levels will be final.

(e) The commission will enter into a recorded regulatory agreement with the borrower at the time of the issuance of bonds under the program for the purpose of ensuring that the property will meet the income and rent restrictions established in this section. The commission may charge such compliance fees as necessary to ensure enforcement of the income and rent restrictions during the useful life of the property.

(3) One billion dollars of the outstanding indebtedness of the commission is for the primary purpose of implementing the Washington works housing program.

(4) If no subsidies are available to make the program in subsection (2) of this section feasible; then the commission may pass a resolution stating these facts and authorize the use of a portion of the one billion dollars of indebtedness intended for the program to support its other bond programs until such time as the one billion dollars is exhausted or subsidies are available to make the program feasible.

Sec. 6027. RCW 39.86.100 and 2001 c 330 s 1 are each amended to read as follows:

The federal ~~((tax reform act))~~ internal revenue code of 1986, as amended imposes ~~((an annual))~~ ceilings on the aggregate amount of ~~((federally tax exempt private activity))~~ certain types of bonds, including tax-exempt private activity bonds ((for housing, student loans, exempt facilities, small issue industrial, redevelopment, and certain public utility projects)) and other types, that may be issued during any calendar year by or on behalf of states and their political subdivisions. ~~((In 2001, the ceiling will be increased to sixty-two dollars and fifty cents per capita and in 2002 the ceiling will be increased to seventy-five dollars per capita, to be indexed annually, for 2003 and every year thereafter. However, a study by the department of community development indicates that the dollar amount of the state ceiling is considerably less than the anticipated dollar amount for which issuers would need an allocation from the state ceiling.))~~ The ~~((tax reform act of 1986))~~ code provides a formula for allocating the annual tax-exempt private activity bond ceiling among various issuers of private activity bonds for housing, student loans, exempt facilities, and redevelopment projects within a state, but permits each state to enact a different allocation method that is appropriate to that state's needs. In addition, congress might, from time to time, amend the code by authorizing state ceilings on additional types of bonds. The purpose of this chapter is to provide a flexible and efficient method of allocating the annual state ceiling in Washington in a manner that recognizes the need of the state and its political subdivisions to finance activities or projects that satisfy a substantial public purpose.

Sec. 6028. RCW 39.86.110 and 2009 c 565 s 23 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means the department of commerce.

~~((2))~~ ~~(("Board" means the community economic revitalization board established under chapter 43.160 RCW.~~

~~((3))~~ "Bond use category" means: (a) Any of the following categories of bonds which are subject to the annual state tax-exempt private activity bond ceiling: ((a)) (i) Housing, ((b) student loans, (c)) (ii) small issue, ((d)) (iii) exempt facility, ((e)) (iv) redevelopment, ((f) public utility, and (g)) and (v) remainder; and (b) any other categories of bonds described in the code for which there is a separate ceiling, with the exception of bonds designated solely for school district purposes.

~~((4))~~ (3) "Bonds" means bonds, notes, or other obligations of an issuer.

~~((5))~~ (4) "Carryforward" is an allocation or reallocation of the state ceiling which is carried from one calendar year to a later year, in accordance with the code.

~~((6))~~ (5) "Code" means the federal internal revenue code of 1986 ((as it exists on May 8, 1987. It also means the code as amended after May 8, 1987, but only if the amendments are approved by the agency under RCW 39.86.180)), as amended.

~~((7))~~ (6) "Director" means the director of the agency or the director's designee.

~~((8))~~ (7) "Exempt facility" means the bond use category which includes all bonds which are exempt facility bonds as described in the code, except those for qualified residential rental projects.

~~((9))~~ (8) "Firm and convincing evidence" means documentation that satisfies the director that the issuer is committed to the prompt financing of, and will issue ((tax exempt)) bonds for, the project or program for which it requests an allocation from the state ceiling.

~~((10))~~ (9) "Housing" means the bond use category which includes: (a) Mortgage revenue bonds and mortgage credit certificates as described in the code; and (b) exempt facility bonds for qualified residential rental projects as described in the code.

~~((11))~~ (10) "Initial allocation" means the portion or dollar value of the annual state tax-exempt private activity bond ceiling which initially in each calendar year is allocated to a bond use category for the issuance of private activity bonds, in accordance with RCW 39.86.120.

~~((12))~~ (11) "Issuer" means the state, any agency or instrumentality of the state, any political subdivision, or any other entity authorized to issue ((private activity)) bonds under state law.

(12) "Original allocation" means any allocation of bond authority by a mandatory formula in the code, except for the initial allocations of the annual state ceiling on tax-exempt private activity bonds.

(13) "Private activity bonds" means obligations that are private activity bonds as defined in the code or bonds for purposes described in section 1317(25) of the ~~((tax reform act))~~ federal internal revenue code of 1986, as amended.

(14) "Program" means the activities for which housing bonds ~~((or student loan bonds))~~ may be issued.

(15) ~~(("Public utility" means the bond use category which includes those bonds described in section 1317(25) of the tax reform act of 1986.~~

~~((16))~~ "Redevelopment" means the bond use category which includes qualified redevelopment bonds as described in the code.

~~((17))~~ (16) "Remainder" means that portion of the annual state tax-exempt private activity bond ceiling remaining after initial allocations are made under RCW 39.86.120 for any other bond use category.

~~((18))~~ (17) "Small issue" means the bond use category which includes all industrial development bonds that constitute qualified small issue bonds, as described in the code.

~~((19))~~ (18) "State" means the state of Washington.

~~((20))~~ (19) "State ceiling" means the volume limitation for each calendar year on ((tax exempt private activity)) specific bond(s) types, including tax-exempt private activity bonds and other bonds, as imposed by the code.

~~((21) "Student loans" means the bond use category which includes qualified student loan bonds as described in the code.))~~

NEW SECTION. Sec. 6029. A new section is added to chapter 39.86 RCW to read as follows:

Original allocations or any reallocations of state bond ceilings other than the tax-exempt private activity bond ceiling must be determined by formula as provided in the code, or by department rule if no formula is provided in the code.

Sec. 6030. RCW 39.86.120 and 2001 c 330 s 2 are each amended to read as follows:

(1) Except as provided in subsections (2) and (4) of this section, the initial allocation of the state ceiling shall be for each year as follows:

		ALTERNATIVE ALLOCATION))
BOND USE CATEGORY	((2001 2002 and THEREAFTER	2010 and THEREAFTER

Housing	((27.5%	30.0%	32.0%)) <u>47.0%</u>
Small Issue	((24.5%	24.0%))	25.0%
Exempt Facility	((19.5%	19.0%))	20.0%
((Student Loans	14.5%	14.0%	15.0%))
Public Utility	((10.0%	10.0%))	0.0%
Remainder and Redevelopment	((4.0%	3.0%))	8.0%

(2) Initial allocations may be modified by the agency only to reflect an issuer's carryforward amount. Any reduction of the initial allocation shall be added to the remainder and be available for allocation or reallocation.

(3) The remainder shall be allocated by the agency among one or more issuers from any bond use category with regard to the criteria specified in RCW 39.86.130.

(4) Should any bond use category no longer be subject to the state ceiling due to federal or state provisions of law, the agency shall divide the amount of that initial allocation among the remaining categories as necessary or appropriate with regard to the criteria specified in RCW 39.86.130. ~~((Upon the earlier of: (a) Exhaustion of the seven hundred fifty million dollar authority under I.R.C. 1317(25), or any new federal legislation increasing the amount of authority, or creating additional authority; or (b) waiver of the authority described under (a) of this subsection due to alternative federal authority that does not use a state volume cap, then the alternative allocation schedule in subsection (1) of this section will be used.))~~

(5)(a) Prior to ~~((September 1))~~ July 1st of each calendar year, any available portion of an initial allocation may be allocated or reallocated only to an issuer within the same bond use category, except that the remainder category, or portions thereof, may be allocated at any time to any bond use category.

(b) Beginning ~~((September 1))~~ July 1st of each calendar year, the agency may allocate or reallocate any available portion of the state ceiling to any bond use category with regard to the criteria specified in RCW 39.86.130.

Sec. 6031. RCW 39.86.130 and 1987 c 297 s 4 are each amended to read as follows:

(1) In granting an allocation, reallocation, or carryforward of the state ceiling as provided in this chapter, the agency shall consider existing state priorities and other such criteria, including but not limited to, the following criteria:

(a) Need of issuers to issue ~~((private activity))~~ bonds within a bond use category subject to a state ceiling;

(b) Amount of the state ceiling available;

(c) Public benefit and purpose to be satisfied, including economic development, educational opportunity, and public health, safety, or welfare;

(d) Cost or availability of alternative methods of financing for the project or program; and

(e) Certainty of using the allocation which is being requested.

(2) In determining whether to allocate an amount of the state ceiling to an issuer within any bond use category, the agency shall consider, but is not limited to, the following criteria for each of the bond use categories:

(a) Housing: Criteria which comply with RCW 43.180.200.

~~((b))~~ ~~((Student loans: Criteria which comply with the applicable provisions of Title 28B RCW and rules adopted by the higher education coordinating board or applicable state agency dealing with student financial aid.~~

~~((c))~~ Small issue: ~~((Recommendation by the board regarding how the amount of the state ceiling set aside for the small issue bond use category shall be allocated among issuers.))~~ Factors which may include:

(i) The number of employment opportunities the project is likely to create or retain in relation to the amount of the bond issuance;

(ii) The level of unemployment existing in the geographic area likely to be affected by the project;

(iii) A commitment to providing employment opportunities to low-income persons in cooperation with the employment security department;

(iv) Geographic distribution of projects;

(v) The number of persons who will benefit from the project;

(vi) Consistency with criteria identified in subsection (1) of this section; and

(vii) Order in which requests were received~~((and~~

~~((viii))~~ ~~((Requirements of the board's umbrella bond program)).~~

~~((d))~~ (c) Exempt facility or redevelopment: Factors which may include:

(i) State issuance needs;

(ii) Consistency with criteria identified in subsection (1) of this section;

(iii) Order in which requests were received;

(iv) The proportionate number of persons in relationship to the size of the community who will benefit from the project; and

(v) The unique timing and issuance needs of large scale projects that may require allocations in more than one year.

~~((e))~~ (d) Public utility: Factors which may include:

(i) Consistency with criteria identified in subsection (1) of this section; and

(ii) Timing needs for issuance of bonds over a multi-year period.

Sec. 6032. RCW 39.86.140 and 1987 c 297 s 5 are each amended to read as follows:

(1) No issuer may receive an allocation of the state ceiling without a certificate of approval from the agency.

~~((2))~~ ~~((a))~~ For each state ceiling allocation request, an issuer shall submit to the agency, no sooner than ninety days prior to the beginning of a calendar year for which an allocation of the state ceiling is being requested, a form identifying:

~~((a))~~ (a) The amount of the allocation sought;

~~((iii))~~ (b) The bond use category from which the allocation sought would be made;
~~((iii))~~ (c) The project or program for which the allocation is requested;
~~((iv))~~ (d) The financing schedule for which the allocation is needed; and
~~((v))~~ (e) Any other such information required by the agency, including information which corresponds to the allocation criteria of RCW 39.86.130.

~~((b) Nothing in (a) of this subsection precludes a public utility issuer from filing and the agency from considering a request at such times as may be appropriate in order to meet the criteria set forth in RCW 39.86.130(2)(e)(ii).)~~

(3) The agency may approve or deny an allocation for all or a portion of the issuer's request. Any denied request, however, shall remain on file with the agency for the remainder of the calendar year and shall be considered for receiving any allocation, reallocation, or carryforward of unused portions of the state ceiling during that period.

(4) After receiving an allocation request, the agency shall mail to the requesting issuer a written certificate of approval or notice of denial for an allocation amount, by a date no later than the latest of the following:

- (a) ~~(Forty five days from May 8, 1987;~~
~~(b))~~ February 1st of the calendar year~~(, other than 1987,)~~ for which the request is made;
- ~~((e))~~ (b) Fifteen days from the date the agency receives an allocation request; or
- ~~((d))~~ (c) Fifteen days from the date the agency receives a recommendation by the board with regard to a small issue allocation request, should the board choose to review individual requests.

(5)(a) For requests of the state ceiling of any calendar year, the following applies to all bond use categories except housing ~~((and student loans))~~:

(i) Except for housing ~~((and student loans))~~, any allocations granted prior to April 1st, for which bonds have not been issued by ~~((September 4))~~ July 1st of the same calendar year, shall revert to the agency on ~~((September 1))~~ July 1st of the same calendar year for reallocation unless an extension or carryforward is granted;

(ii) Except for housing ~~((and student loans,))~~ any allocations granted on or after April 1st, for which bonds have not been issued by ~~((December 15))~~ October 15th of the same calendar year, shall revert to the agency on ~~((December 15))~~ October 15th of the same calendar year for reallocation unless an extension or carryforward is granted.

(b) For each calendar year, any housing ~~((or student loan))~~ allocations, for which bonds have not been issued by December 15th of the same calendar year, shall revert to the agency on December 15th of the same calendar year for reallocation unless an extension or carryforward is granted.

(6) An extension of the deadlines provided by subsection (5) of this section may be granted by the agency for the approved allocation amount or a portion thereof, based on:

- (a) Firm and convincing evidence that the bonds will be issued before the end of the calendar year if the extension is granted; and
- (b) Any other criteria the agency deems appropriate.

(7) If an issuer determines that bonds subject to the state ceiling will not be issued for the project or program for which an allocation was granted, the issuer shall promptly notify the agency in writing so that the allocation may be canceled and the amount may be available for reallocation.

(8) Bonds subject to the state ceiling may be issued only to finance the project or program for which a certificate of approval is granted.

(9) Within three business days of the date that bonds for which an allocation of the state ceiling is granted have been delivered to the original purchasers, the issuer shall mail to the agency a written notification of the bond issuance. In accordance with chapter 39.44 RCW, the issuer shall also complete bond issuance information on the form provided by the agency.

(10) If the total amount of ~~((tax exempt))~~ bonds issued under the authority of a state ceiling for a project or program is less than the amount allocated, the remaining portion of the allocation shall revert to the agency for reallocation in accordance with the criteria in RCW 39.86.130. If the amount of ~~((tax exempt))~~ bonds actually issued under the authority of a state ceiling is greater than the amount allocated, the entire allocation shall be disallowed.

Sec. 6033. RCW 39.86.150 and 1987 c 297 s 6 are each amended to read as follows:

(1) Beginning ~~((September 1))~~ July 1st of each calendar year, the agency may allocate or reallocate any portions of the annual state tax-exempt private activity bond ceiling for which no certificate of approval is in effect. Reallocations may also be made from the remainder category at any time during the year.

(2) Prior to the end of each calendar year, the agency shall allocate or reallocate any unused portions of the state ceiling among one or more issuers as carryforward, to be used within three years, in accordance with the code and relevant criteria described in RCW 39.86.130.

(3) Reallocations of state bond ceilings other than the annual tax-exempt private activity bond ceiling may be made by the agency in accordance with the code or as established in agency rule when not specified in the code.

Sec. 6034. RCW 39.86.170 and 1987 c 297 s 8 are each amended to read as follows:

A fee schedule shall be established by rule by the agency to assist in support of bond allocation activities. Fees shall reflect costs actually incurred or expected to be incurred by the agency in its bond allocation and bond users clearinghouse activities.

Sec. 6035. RCW 39.86.190 and 2009 c 518 s 19 are each amended to read as follows:

By February 1st of each even-numbered year, the agency shall summarize for the legislature each previous year's bond allocation requests and issuance. Beginning in ~~((June of 1988))~~ February 2010 and thereafter in ~~((June))~~ February of each even-numbered year, the agency shall also submit a biennial report summarizing usage of the bond allocation proceeds and any policy concerns for future bond allocations.

NEW SECTION. Sec. 6036. Section 6005 of this act expires June 30, 2011.

NEW SECTION. Sec. 6037. The following acts or parts of acts are each repealed:

- (1) 2009 c 497 s 1089 (uncodified);
- (2) 2009 c 497 s 2030 (uncodified);
- (3) 2009 c 497 s 2079 (uncodified);
- (4) 2009 c 497 s 3098 (uncodified);
- (5) 2009 c 497 s 4009 (uncodified);
- (6) 2009 c 497 s 5043 (uncodified);

- (7) 2009 c 497 s 5059 (uncodified);
- (8) 2009 c 497 s 5072 (uncodified);
- (9) 2009 c 497 s 5084 (uncodified);
- (10) 2009 c 497 s 5098 (uncodified);
- (11) 2009 c 497 s 5112 (uncodified); and
- (12) RCW 39.86.200 (Ratification) and 1987 c 297 s 11.

NEW SECTION. Sec. 6038. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6039. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Correct the title.

Representative Bailey moved the adoption of amendment (1704) to amendment (1695).

On page 21, line 13, strike "\$102,541,000" and insert "\$77,541,000"

On page 34, after line 21, insert the following:

"**NEW SECTION, Sec. 1031.** A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT

Enhanced 911 Capital Equipment

Appropriation:

State Building Construction Account--State	\$25,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL
\$25,000,000"

Representatives Bailey and Klippert spoke in favor of the adoption of the amendment to the amendment.

Representative McCoy spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1704) to amendment (1695).

Representatives Bailey and Klippert spoke in favor of the adoption of the amendment to the amendment.

Representative McCoy spoke against the adoption of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1704) to amendment (1695) and the amendment was not adopted by the following vote: Yeas, 35; Nays, 60; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Condotta, Kelley and Roach.

Amendment (1704) to amendment (1695) to Substitute House Bill No. 2836 was not adopted.

Representative Alexander moved the adoption of amendment (1703) to amendment (1695).

On page 28, line 8 of the amendment, after "(1)" strike "\$3,500,000" and insert "\$3,600,000"

On page 28, line 14 of the amendment, after "(2)" strike "\$800,000" and insert "\$1,700,000"

On page 28, line 14 of the amendment, after "for" insert "the Lewis county public utility district to administer"

On page 28, beginning on line 17 of the amendment, after "consider" strike all material through "retention" on line 18 and insert "dams and lowland temporary water storage options"

On page 28, line 19 of the amendment, after "(3)" insert "\$200,000 of the reappropriation is provided solely for an early flood warning system.

(4)"

On page 28, line 25 of the amendment, strike "\$3,560,000" and insert "\$2,500,000"

On page 28, line 29 of the amendment, strike "\$42,990,000" and insert "\$44,050,000"

Representatives Alexander and Dunshee spoke in favor of the adoption of the amendment to the amendment.

Amendment (1703) to amendment (1695) was adopted.

Representative Smith moved the adoption of amendment (1699) to amendment (1695).

On page 29, line 25 of the amendment, after "amount of" strike "\$42,291,000" and insert "\$46,312,000"

On page 60, after line 13 of the amendment, insert the following: "**NEW SECTION, Sec. 3038.** A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Hazard Reduction (91000005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for forest improvement treatments on forest lands of eastern Washington with the five highest priority fire and disease hazards in Stevens, Ferry, Lincoln, Pend Oreille, Okanogan, Spokane, Kittitas, and Yakima counties. Forest treatments on private lands funded by this appropriation require an agreement with the property owner that includes a commitment to maintain the improvements to forest health.

Appropriation:

State Building Construction Account—State	\$4,021,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,021,000"

Representatives Smith, Pearson, Orcutt, Klippert and Kretz spoke in favor of the adoption of the amendment to the amendment.

Representatives Dunshee and Simpson spoke against the adoption of the amendment to the amendment.

Amendment (1699) to amendment (1695) was not adopted.

Representative Orcutt moved the adoption of amendment (1697) to amendment (1695).

On page 53, line 33 of the amendment, decrease the reappropriation by \$733,000

On page 54, line 1 of the amendment, correct the subtotal

On page 54, line 5 of the amendment, correct the total

On page 54, after line 5 of the amendment, insert the following:

**"Sec. 3030. 2009 c 497 s 3117 (uncodified) is amended to read as follows:
FOR THE RECREATION AND CONSERVATION FUNDING BOARD**

Washington Wildlife and Recreation Program (20064002)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are provided solely for the approved list of projects in LEAP capital document No. 2005-14 as developed on April 9, 2005.

(2) Funds reappropriated for distribution according to RCW 79A.15.050 must fulfill the uses and restrictions of each category whether the funds are distributed according to the statutory allotment, the unallocated distribution, or a reassignment of reappropriations. If the cumulative total for acquisition projects is less than the statutory requirement, the difference may be allocated to the remaining development projects.

(3) Funds reappropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) must be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

Reappropriation:

Habitat Conservation Account--State	(\$6,725,000)
<u>\$6,479,000</u>	
Outdoor Recreation Account--State	
<u>\$6,705,000</u>	
Subtotal Reappropriation	
<u>\$13,184,000</u>	
Prior Biennia (Expenditures)	
Future Biennia (Projected Costs)	
TOTAL ((<u>\$50,000,000</u>))	
<u>\$49,600,000</u>	

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 55, line 3 of the amendment, decrease the appropriation by \$5,250,000

On page 55, line 4 of the amendment, decrease the appropriation by \$3,617,000

On page 55, line 6 of the amendment, correct the subtotal

On page 55, line 10 of the amendment, correct the total

On page 60, after line 13 of the amendment, insert the following:

"NEW SECTION. Sec. 3038. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Riparian Easement Program (30000070)

The appropriation in this section is subject to the following conditions and limitations: Up to ten percent of the appropriation may be used for timber cruising to determine the volume of qualifying timber under the program and other administrative purposes.

Appropriation:

State Building Construction Account--State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$10,000,000"	

On page 104, beginning on line 27 of the amendment, strike all of section 6011

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Orcutt and Short spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

Amendment (1697) to amendment (1695) was not adopted.

Representative Warnick moved the adoption of amendment (1700) to amendment (1695).

On page 55, line 3 of the amendment, decrease the appropriation by \$38,000

On page 55, line 6 of the amendment, correct the subtotal

On page 55, line 10 of the amendment, correct the total

On page 55, after line 26 of the amendment, insert the following:

"NEW SECTION. Sec. 3032. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE STATE CONSERVATION COMMISSION

Wild Horse Coordinated Resource Management Area -

Infrastructure Improvements (30000003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided to the Kittitas county conservation district for infrastructure improvements to facilitate and enhance wildlife habitat.

Appropriation:

State Building Construction Account--State	\$36,416,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	
TOTAL \$38,000"	

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Warnick spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

Amendment (1700) to amendment (1695) was not adopted.

Representative Dunshee moved the adoption of amendment (1709) to amendment (1695).

On page 56, beginning on line 15 of the amendment, strike all of section 3033 and insert the following:

"NEW SECTION. Sec. 3033. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

Puget Sound Aquatic Cleanup and Restoration (30000004)

The appropriation in this section is subject to the following conditions and limitations:
(1) Projects must be selected based on their readiness to proceed.
(2) The appropriation is provided solely for the following list of projects: The partnership may reallocate funding among projects on this list as appropriate based upon readiness to proceed and actual project bids. If funding needed for this list of projects is less than the

total appropriation, the partnership may select additional projects from LEAP capital document No. 2010-XX, developed March 7, 2010.

(3) If additional federal funding is made available, the Puget Sound partnership may remove projects from this list that receive federal funding, or use only that portion of the appropriation necessary to match federal funds, and add projects for state funding from LEAP capital document No. 2010-XX, developed March 7, 2010.

South Fork Acme confluence reach logjam.....	There being no objection, the rules were suspended, \$746,500 and reading considered the third and the bill was placed on final passage.....	\$1,030,000
Asarco contaminated piling removal and Commencement Bay habitat restoration.....		\$2,783,597
Carpenter Creek estuary restoration.....	Representatives Dunshee, Warnick and White spoke for or of the passage of the bill.....	\$185,400
Dungeness River engineered logjams.....		\$381,100
South Fork Nooksack River and tributaries restoration.....	Representatives Pearson and Orcutt spoke against the passage of the bill.....	\$1,342,559
Nooksack Forks large woody debris placement.....		\$526,836
Puget Sound Nearshore general investigation engineering.....	The Speaker (Representative Morris presiding) asked the question before the House to be the final passage of Substitute House Bill No. 2836.	\$824,000
Venema natural drainage system.....		\$1,342,559
Bremerton storm water retrofit/low impact development.....		\$526,836
Toxics cleanup and remedial actions.....		\$1,000,000
Potlatch wastewater treatment plants.....		

Appropriation:

State Building Construction Account--State.....	ROLL CALL	\$10,000,000
Prior Biennia (Expenditures).....		\$0
Future Biennia (Projected Costs).....	The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2836, and the bill passed by the following vote: Yeas, 59; Nays, 36; Absent, 0; Excused, 3.	\$0
TOTAL.....		\$10,000,000

Representatives Dunshee and Warnick spoke against the adoption of the amendment to the amendment.

Amendment (1709) to amendment (1695) was not adopted.

Representative Dunshee moved the adoption of amendment (1712) to amendment (1695).

On page 97, beginning on line 11 of the amendment, strike all of section 6006

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Dunshee and Short spoke in favor of the adoption of the amendment to the amendment.

Amendment (1712) to amendment (1695) was adopted.

Representative Orcutt moved the adoption of amendment (1698) to amendment (1695).

Beginning on page 104, line 29 of the amendment, strike all material through "statute" on page 105, line 4 and insert the following:

"It is the intent of the legislature to allow small forest landowners, as defined in RCW 76.13.120, to compensate for the lack of funding in the forestry riparian easement program by increasing the number of trees that can be harvested from riparian zones on their property. The department of natural resources shall develop a process that will allow small forest landowners currently enrolled in the forestry riparian easement program to harvest timber from their riparian zones with a value that closely approximates the value that is currently owed to them under the forestry riparian easement program"

Representative Orcutt spoke in favor of the adoption of the amendment to the amendment.

Representative Dunshee spoke against the adoption of the amendment to the amendment.

Amendment (1698) to amendment (1695) was not adopted.

Amendment (1695) was adopted as amended.

The bill was ordered engrossed.

There being no objection, the rules were suspended, \$746,500 and reading considered the third and the bill was placed on final passage..... \$1,030,000
Representatives Dunshee, Warnick and White spoke for or of the passage of the bill..... \$185,400
Representatives Pearson and Orcutt spoke against the passage of the bill..... \$1,342,559
The Speaker (Representative Morris presiding) asked the question before the House to be the final passage of Substitute House Bill No. 2836.

ROLL CALL..... \$10,000,000
The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2836, and the bill passed by the following vote: Yeas, 59; Nays, 36; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, Linville, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Walsh.

Excused: Representatives Condotta, Kelley and Roach.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2836, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Substitute House Bill No. 2836.

Bill Hinkle, 13th District

THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 2782, by House Committee on Ways & Means (originally sponsored by Representatives Dickerson, Appleton, McCoy, Carlyle, Morrell, Kagi, Kessler, Green, Ericks, Moeller, Roberts, Nelson and Orwall)

Reorganizing delivery of services to recipients of public assistance. Revised for 2nd Substitute: Concerning the security lifeline act.

The bill was read the third time.

There being no objection, the rules were suspended and Second Substitute House Bill No. 2782 was returned to second reading for purpose of amendment.

The House reverted to the sixth order of business.

SECOND READING

Representative Dickerson moved the adoption of amendment (1705).

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. INTENT. (1) The legislature finds that:

(a) Low-income families and individuals often face significant barriers to receiving the services and benefits that they are qualified to receive. These services are essential to meeting individuals' basic needs, and provide critical support to low-income individuals who are working or who have disabilities that prevent them from working;

(b) Each year millions of federal dollars go unclaimed due to underutilization of benefits such as tax credits, health care coverage, and food support;

(c) State agencies have been engaged in an effort to implement an online benefit portal to simplify and streamline access to state, federal, and local benefits that include a broad array of public benefits;

(d) Access to education and training gives low-income individuals and families the opportunity to acquire the skills they need to become successfully employed and attain self-sufficiency; and

(e) Agencies have been engaged in efforts to increase access to training and education for recipients of federal food assistance.

(2) The legislature therefore intends to strengthen existing efforts by providing enhanced structure and direction to ensure that a strong partnership among colleges, state agencies, community partners, and philanthropy be established. The legislature also intends to provide an efficient, effective, integrated approach to the delivery of basic support services and education and training programs. The integrated approach should include the creation of a one-stop-shop, online benefits portal where individuals can apply for a broad array of services, including public benefits and education and training support, and the expansion of the food stamp employment and training program.

(3) The legislature further finds that:

(a) The general assistance program can be reformed to better support the ability of persons who are unable to work due to physical or mental health impairments to either return to work, or transition to federal supplemental security income benefits; and

(b) Persons who are homeless and suffering from mental illness or chemical dependency are particularly vulnerable, because homelessness is a substantial barrier to successful participation in, and completion of, needed treatment services.

(4) Through the reforms included in this act, the legislature intends to end the general assistance program and establish the disability lifeline program, and to implement multiple strategies designed to improve the employment and basic support outcomes of persons receiving disability lifeline benefits. The legislature further intends to focus services on persons who are homeless and have a mental illness or chemical dependency by providing housing vouchers as an alternative to a cash grant so that these persons can be in stable housing and thus have a greater opportunity to succeed in treatment.

NEW SECTION. Sec. 2. A new section is added to chapter 74.04 RCW to read as follows:

OPPORTUNITY PORTAL. (1) An online opportunity portal shall be established to provide the public with more effective access to available state, federal, and local services. The secretary of the department of social and health services shall act as the executive branch sponsor of the portal planning process. Under the leadership of the secretary, the department shall:

(a) Identify and select an appropriate solution and acquisition approach to integrate technology systems to create a user-friendly electronic tool for Washington residents to apply for benefits;

(b) Facilitate the adaptation of state information technology systems to allow applications generated through the opportunity portal and other compatible electronic application systems to seamlessly link to appropriate state information systems;

(c) Ensure that the portal provides access to a broad array of state, federal, and local services, including but not limited to: Health care services, higher education financial aid, tax credits, civic engagement, nutrition assistance, energy assistance, family support, and disability lifeline benefits as defined in sections 4 through 13 of this act;

(d) Design an implementation strategy for the portal that maximizes collaboration with community-based organizations to facilitate its use by low-income individuals and families;

(e) Provide access to the portal at a wide array of locations including but not limited to: Community or technical colleges, community college campuses where community service offices are colocated, community-based organizations, libraries, churches, food banks, state agencies, early childhood education sites, and labor unions;

(f) Ensure project resources maximize available federal and private funds for development and initial operation of the opportunity portal. Any incidental costs to state agencies shall be derived from existing resources. This subsection does not obligate or preclude the appropriation of future state funding for the opportunity portal;

(g) Determine the solution and acquisition approach by June 1, 2010.

(2) By December 1, 2011, and annually thereafter, the department of social and health services shall report to the legislature and governor. The report shall include data and information on implementation and outcomes of the opportunity portal, including any increases in the use of public benefits and increases in federal funding.

(3) The department shall develop a plan for implementing paperless application processes for the services included in the opportunity portal for which the electronic exchange of application information is possible. The plan should include a goal of achieving, to the extent possible, the transition of these services to paperless application processes by July 1, 2012. The plan must comply with federal statutes and regulations and must allow applicants to submit applications by alternative means to ensure that access to benefits will not be restricted.

(4) To the extent that the department enters into a contractual relationship to accomplish the purposes of this section, such contract or contracts shall be performance-based.

NEW SECTION. Sec. 3. A new section is added to chapter 74.04 RCW to read as follows:

BASIC FOOD EMPLOYMENT AND TRAINING PROGRAM.

(1) The department, the employment security department, and the state board for community and technical colleges shall work in partnership to expand the food stamp employment and training program. Subject to federal approval, the program shall be expanded to three additional community colleges or other community-based locations in 2010 and shall expand capacity at participating colleges. To the greatest extent possible, expansion shall be geographically diverse. The agencies shall:

(a) Identify and seek out partnerships with community-based organizations that can provide support services and case management to participants through performance-based contracts in the food stamp employment and training program, and do not replace the positions or work of department employees;

(b) Identify eligible nonfederal matching funds to draw down the federal match for food stamp employment and training services. Matching funds may include: Local funds, foundation grants, employer- paid costs, and the state allocation to community and technical colleges.

(2) Employment and training funds may be allocated for: Educational programs to develop skills for employability, vocational education, English as a second language courses, adult basic education, GED courses, remedial programs, job readiness training, case management, intake, assessment, evaluation, and barrier removal and support services such as tuition, books, child care, transportation, housing, and counseling services.

(3) The department shall annually track and report outcomes including those achieved through performance-based contracts as follows: Federal funding received, the number of participants served, achievement points, the number of participants who enter employment during or after participation in the food stamp employment and training program, and the average wage of jobs attained. The report shall be submitted to the governor and appropriate committees of the legislature on November 1st of each year, beginning in 2010.

(4) For purposes of this section, "food stamp employment and training program" refers to a program established and administered through the employment security department and the department of social and health services.

Sec. 4. RCW 74.04.005 and 2003 1st sp.s. c 10 s 1 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"--Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, ~~((general assistance))~~ disability lifeline benefits and federal aid assistance.

(2) "Department"--The department of social and health services.

(3) "County or local office"--The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Disability lifeline program" means a program that provides aid and support in accordance with the conditions set out in this subsection.

(a) Aid and assistance shall be provided to persons who are not eligible to receive federal aid assistance, other than basic food benefits transferred electronically and medical assistance and meet one of the following conditions:

(i) Are pregnant and in need, based upon the current income and resource requirements of the federal temporary assistance for needy families program; or

(ii) Are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department; and

(A) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(B) Have furnished the department their social security number. If the social security number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(C) Have not refused or failed without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical

dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the person in the county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(D) Have not refused or failed without good cause to participate in vocational rehabilitation services, if an assessment conducted under section 5 of this act indicates that the person might benefit from such services. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in vocational rehabilitation services, or when vocational rehabilitation services are not available to the person in the county of his or her residence.

(b)(i) Persons who initially apply and are found eligible for disability lifeline benefits based upon incapacity from gainful employment under (a) of this subsection on or after September 2, 2010, who are homeless and have been assessed as needing chemical dependency or mental health treatment or both, must agree, as a condition of eligibility for the disability lifeline program, to accept a housing voucher in lieu of a cash grant if a voucher is available. The department shall establish the dollar value of the housing voucher. The dollar value of the housing voucher may differ from the value of the cash grant. Persons receiving a housing voucher under this subsection also shall receive a cash stipend of fifty dollars per month.

(ii) If the department of commerce has determined under section 8 of this act that sufficient housing is not available, persons described in this subsection who apply for disability lifeline benefits during the time period that housing is not available shall receive a cash grant in lieu of a cash stipend and housing voucher.

(iii) Persons who refuse to accept a housing voucher under this subsection but otherwise meet the eligibility requirements of (a) of this subsection are eligible for medical care services benefits under RCW 74.09.035, subject to the time limits in (h) of this subsection.

(c) The following persons are not eligible for the disability lifeline program:

(i) Persons who are unemployable due primarily to alcohol or drug addiction. These persons shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. This subsection shall not be construed to prohibit the department from granting disability lifeline benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the disability lifeline program;

(ii) Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause;

(d) Disability lifeline benefits shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in (a) of this subsection, and who will accept available services that can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(e) Persons who are likely eligible for federal supplemental security income benefits shall be moved into the disability lifeline expedited component of the disability lifeline program. Persons placed in the expedited component of the program may, if otherwise

eligible, receive disability lifeline benefits pending application for federal supplemental security income benefits. The monetary value of any disability lifeline benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(f) For purposes of determining whether a person is incapacitated from gainful employment under (a) of this subsection:

(i) The department shall adopt by rule medical criteria for disability lifeline incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information. The criteria should recognize that the standard for incapacity in this subsection, as evidenced by the ninety-day duration standard, is not intended to be as stringent as federal supplemental security income disability standards. In no case shall the criteria for disability lifeline incapacity determinations be more restrictive than the disability determination standards for the federal supplemental security income program; and

(ii) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(g) Persons receiving disability lifeline benefits based upon a finding of incapacity from gainful employment who remain otherwise eligible shall have their benefits discontinued unless the recipient demonstrates no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacitation.

(h)(i) Beginning September 1, 2010, no person who is currently receiving or becomes eligible for disability lifeline program benefits shall be eligible to receive benefits under the program for more than twenty-four months in a sixty-month period. For purposes of this subsection, months of receipt of general assistance-unemployable benefits count toward the twenty-four month limit. Months during which a person received benefits under the expedited component of the disability lifeline or general assistance program or under the aged, blind, or disabled component of the disability lifeline or general assistance program shall not be included when determining whether a person has been receiving benefits for more than twenty-four months. On or before July 1, 2010, the department must review the cases of all persons who have received disability lifeline benefits or general assistance unemployable benefits for at least twelve months as of that date. The review should determine whether the person meets the federal supplemental security income disability standard and, if the person does not meet that standard, whether the receipt of additional services could lead to employability. If a need for additional services is identified, the department shall provide case management services, such as assistance with arranging transportation or locating stable housing, that will facilitate the person's access to needed services. A person may not be determined ineligible due to exceeding the time limit unless he or she has received a case review under this subsection finding that the person does not meet the federal supplemental security income disability standard.

(ii) The time limit in (h)(i) of this subsection may be modified to eighteen months in a thirty-six month period if the following conditions are met, as determined by the Washington state institute for public policy:

(A) The department is consistently reviewing the cases of all persons who have received disability lifeline benefits or general assistance unemployable benefits for twelve months, as described in (h)(i) of this subsection in a timely manner.

(B) The performance goals in section 7(2) of this act have been met consistently on a statewide basis by the department and its contracted entities for a continuous period of twelve months. Any

modification of the time limit under this subsection must be accomplished through the adoption of rules under chapter 34.05 RCW.

(iii) The time limits established under this subsection expire June 30, 2013.

(i) No person may be considered an eligible individual for disability lifeline benefits with respect to any month if during that month the person:

(i) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(ii) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(6) "Disability lifeline expedited" means a component of the disability lifeline program under which persons receiving disability lifeline benefits have been determined, after examination by an appropriate health care provider, to be likely to be eligible for federal supplemental security income benefits based on medical and behavioral health evidence that meets the disability standards used for the federal supplemental security income program.

(7) "Federal aid assistance"--The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

((6)(a) "General assistance"--Aid to persons in need who:

(i) Are not eligible to receive federal aid assistance, other than food stamps or food stamp benefits transferred electronically and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal aid assistance, without good cause, is not eligible for general assistance;

(ii) Meet one of the following conditions:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal temporary assistance for needy families program; or

(B) Subject to chapter 165, Laws of 1992, incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department.

(C) Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. Subsection (6)(a)(ii)(B) of this section shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the

social security number shall be provided to the department upon receipt.

—(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal aid assistance:

—(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

—(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of temporary assistance for needy families whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

—(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

—(i) First failure: One week;

—(ii) Second failure within six months: One month;

—(iii) Third and subsequent failure within one year: Two months.

—(d) Persons found eligible for general assistance based on incapacity from gainful employment may, if otherwise eligible, receive general assistance pending application for federal supplemental security income benefits. Any general assistance that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

—(e) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

—(f) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

—(g) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall have their benefits discontinued unless the recipient demonstrates no material improvement in their medical or mental condition. The department may discontinue benefits when there was specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal temporary assistance for needy families program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal temporary assistance for needy families program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls.

—(h) No person may be considered an eligible individual for general assistance with respect to any month if during that month the person:

—(i) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

—(ii) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

—(7)) (8) "Applicant"--Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

((8)) (9) "Recipient"--Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

((9)) (10) "Standards of assistance"--The level of income required by an applicant or recipient to maintain a level of living specified by the department.

((10)) (11) "Resource"--Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent. The department may by rule designate resources that an applicant may retain and not be ineligible for public assistance because of such resources. Exempt resources shall include, but are not limited to:

(a) A home that an applicant, recipient, or their dependents is living in, including the surrounding property;

(b) Household furnishings and personal effects;

(c) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed five thousand dollars;

(d) A motor vehicle necessary to transport a ((physically disabled)) household member with a physical disability. This exclusion is limited to one vehicle per ((physically disabled)) person with a physical disability;

(e) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance. The department shall also allow recipients of temporary assistance for needy families to exempt savings accounts with combined balances of up to an additional three thousand dollars;

(f) Applicants for or recipients of ((general assistance)) disability lifeline benefits shall have their eligibility based on resource limitations consistent with the temporary assistance for needy families program rules adopted by the department; and

(g) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: PROVIDED, That:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

~~((11))~~ (12) "Income"--(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him or her to decrease his or her need for public assistance or to aid in rehabilitating him or her or his or her dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In addition, for cash assistance the department may disregard income pursuant to RCW 74.08A.230 and 74.12.350.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

~~((12))~~ (13) "Need"--The difference between the applicant's or recipient's standards of assistance for himself or herself and the dependent members of his or her family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his or her family.

~~((13))~~ (14) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

~~((14))~~ (15) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

NEW SECTION. Sec. 5. A new section is added to chapter 74.04 RCW to read as follows:

REFERRAL TO THE DIVISION OF VOCATIONAL REHABILITATION. (1) The economic services administration shall work jointly with the division of vocational rehabilitation to develop an assessment tool that must be used to determine whether the programs offered by the division of vocational rehabilitation could assist persons receiving disability lifeline benefits in returning to the work force. The assessment tool shall be completed no later than December 1, 2010. The economic services administration shall begin using the tool no later than January 1, 2011. No later than December 30, 2011, the department shall report on the use of the tool and to what extent the programs offered by the division of vocational rehabilitation have been successful in returning persons receiving disability lifeline benefits to the work force.

(2) After January 1, 2011, all persons receiving disability lifeline benefits shall be assessed to determine whether they would likely benefit from a program offered by the division of vocational rehabilitation. If the assessment indicates that the person might benefit, the economic services administration shall make a referral to the division of vocational rehabilitation. If the person is found eligible for a program with the division of vocational rehabilitation, he or she must participate in that program to remain eligible for the monthly stipend and housing voucher or a cash grant. If the person refuses to participate or does not complete the program, the department shall terminate the cash stipend and housing voucher or cash grant but may not terminate medical coverage and food benefits.

NEW SECTION. Sec. 6. A new section is added to chapter 74.04 RCW to read as follows:

REFERRAL TO THE DEPARTMENT OF VETERANS AFFAIRS. During the application process for disability lifeline benefits, the department shall inquire of each applicant whether he or she has ever served in the United States military service. If the applicant answers in the affirmative, the department shall confer with a veterans benefit specialist with the Washington state department of veterans affairs or a contracted veterans service officer in the community to determine whether the applicant is eligible for any benefits or programs offered to veterans by either the state or the federal government.

NEW SECTION. Sec. 7. A new section is added to chapter 74.04 RCW to read as follows:

EARLY SSI TRANSITION PROJECT. (1) To ensure that persons who are likely eligible for supplemental security income benefits are transitioned from disability lifeline benefits to disability lifeline expedited and the medicaid program, and then to the supplemental security income program as quickly as practicable, the department shall implement the early supplemental security income transition project starting in King, Pierce, and Spokane counties no later than July 1, 2010, and extending statewide no later than October 1, 2011. The program shall be implemented through performance-based contracts with managed health care systems providing medical care services under RCW 74.09.035 or other qualified entities. The participants shall have the following responsibilities and duties under this program:

(a) The entities with whom the department contracts to provide the program shall be responsible for:

(i) Systematically screening persons receiving disability lifeline benefits at the point of eligibility determination or shortly thereafter to determine if the persons should be referred for medical or behavioral health evaluations to determine whether they are likely eligible for supplemental security income;

(ii) Immediately sharing the results of the disability screening with the department;

(iii) Managing disability lifeline incapacity evaluation examinations to provide timely access to needed medical and behavioral health evaluations and standardizing health care providers' conduct of incapacity evaluations. To maximize the timeliness and efficiency of incapacity evaluation examinations, the department must strongly consider contracting with a managed health care system with a network of health care providers that are trained and have agreed to conduct disability lifeline medical and psychological incapacity and recertification exams. The department may obtain medical evidence and other relevant information from sources other than the contracted entity if such evidence is available at the time of a person's application for disability lifeline benefits and is sufficient to support a determination that the person is incapacitated;

(iv) Maintaining a centralized appointment and clinical data system; and

(v) Assisting persons receiving disability lifeline benefits with obtaining additional medical or behavioral health examinations needed to meet the disability standard for federal supplemental security income benefits and with submission of applications for supplemental security income benefits.

(b) The department shall be responsible for:

(i) Determining incapacity and eligibility for disability lifeline benefits;

(ii) Making timely determinations that a person receiving disability lifeline benefits is likely eligible for supplemental security income based on medical evidence and other relevant information provided by a contracted entity, and immediately referring such persons to a contracted entity for services;

(iii) Developing standardized procedures for sharing data and information with the contracted entities to ensure timely identification

of clients who have not been transferred to the disability lifeline expedited program within four months of their date of application, but who may, upon further review, be appropriately transferred to that program;

(iv) Providing case management, in partnership with the managed health care system or contracted entity, to support persons' transition to federal supplemental security income and medicaid benefits; and

(v) Identifying a savings determination methodology, in consultation with the contracted entities, the office of financial management, and the legislature, on or before implementation of the project.

(2) Early supplemental security income transition project contracts shall include the following performance goals:

(a) Persons receiving disability lifeline benefits should be screened within thirty days of entering the program to determine the propriety of their transfer to the disability lifeline expedited program; and

(b) Seventy-five percent of persons receiving disability lifeline benefits that are likely to qualify for supplemental security income benefits shall be transferred to the disability lifeline expedited program within four months of their application for disability lifeline benefits.

(3) The initial focus of the efforts of the early supplemental security income transition project shall be on persons who have been receiving disability lifeline or general assistance unemployable benefits for twelve or more months as of September 1, 2010.

(4) No later than December 1, 2011, the department shall report to the governor and appropriate policy and fiscal committees on whether the early supplemental security income transition project performance goals in subsection (2) of this section were met, including the reasons those goals were or were not met.

(5) Pursuant to RCW 41.06.142(3), performance-based contracting under this section is expressly mandated by the legislature and is not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

The statewide expansion of the program under this section shall be considered expressly mandated by the legislature and not be subject to the provisions of RCW 41.06.142 (1), (4), and (5).

NEW SECTION. Sec. 8. A new section is added to chapter 43.330 RCW to read as follows:

DISABILITY LIFELINE HOUSING VOUCHER PROGRAM.

(1) To address the housing issues faced by the disability lifeline applicants in RCW 74.04.005(5)(b), the department of commerce and the department of social and health services shall jointly develop a housing voucher program. The departments also shall develop housing resources to be used by the applicants in RCW 74.04.005(5)(b). To the greatest extent possible, the housing resources shall follow the supportive housing model. The department of commerce shall administer the housing voucher program and shall:

(a) Identify the current supply of private and public housing including acquisition and rental of existing housing stock;

(b) Develop funding strategies for the development of housing resources; and

(c) Design the voucher program to maximize the ability of the department of social and health services to recover federal funding.

(2) If the department of commerce determines that the housing supply is inadequate to meet the need for those applicants qualifying for housing vouchers under RCW 74.04.005(5)(b), those applicants shall instead receive a cash grant administered by the department of social and health services. Upon the department of commerce's determination that the housing supply is adequate to meet the needs of the applicants in RCW 74.04.005(5)(b), housing vouchers rather than cash grants shall be issued to these applicants who apply on or after the department's determination.

(3) The department of commerce and the department of social and health services shall evaluate the impact of the use of housing

vouchers under this section and report to the governor and relevant policy and fiscal committees of the legislature by November 30, 2012, on the following items:

(a) The supply, affordability, appropriateness, and use of stable housing;

(b) The following outcomes for persons receiving disability lifeline housing vouchers:

(i) Participation in and completion of chemical dependency or mental health treatment;

(ii) Contact with law enforcement, including arrest and conviction data;

(iii) Use of emergency room services; and

(iv) Involuntary commitment under chapter 71.05 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 70.47 RCW to read as follows:

BASIC HEALTH PLAN ENROLLMENT. In order to ensure continuity of health care coverage and avoid deterioration in health status, persons who have lost eligibility for disability lifeline benefits under RCW 74.04.005(5) due to improvement in their health status and who are eligible for subsidized basic health coverage shall be given priority for enrollment in the basic health plan. If the administrator closes or limits subsidized enrollment, to the extent funding is available, the basic health plan must continue to accept and process applications for subsidized enrollment from persons described in this section.

NEW SECTION. Sec. 10. A new section is added to chapter 70.96A RCW to read as follows:

ACCESS TO CHEMICAL DEPENDENCY TREATMENT. If an assessment by a certified chemical dependency counselor indicates a need for drug or alcohol treatment, in order to enable a person receiving disability lifeline benefits to improve his or her health status and transition from disability lifeline benefits to employment, or transition to federal disability benefits, the person must be given high priority for enrollment in treatment, within funds appropriated for that treatment. However, first priority for receipt of treatment services must be given to pregnant women and parents of young children. This section expires June 30, 2013. Persons who are terminated from disability lifeline benefits under RCW 74.04.005(5)(h) and are actively engaged in chemical dependency treatment during the month they are terminated shall be provided the opportunity to complete their current course of treatment.

NEW SECTION. Sec. 11. A new section is added to chapter 74.04 RCW to read as follows:

By December 1, 2012, the Washington state institute for public policy shall submit a report to the governor and the relevant policy and fiscal committees of the legislature that:

(1) Analyzes the experience of persons who have been terminated from disability lifeline benefits pursuant to RCW 74.04.005(5). The report shall include at least the following information:

(a) The number of persons terminated from the program who transition to supplemental security income benefits;

(b) The number of persons who become employed;

(c) The rate at which the affected persons use hospital emergency room services;

(d) The number of persons involuntarily committed under chapter 71.05 RCW;

(e) The number of persons arrested or convicted of criminal offenses; and

(f) The mortality rate of the affected persons; and

(2) Reports as to whether the case review standards and early supplemental security income transition project performance goals in RCW 74.04.005(5) have been met by the department.

Sec. 12. RCW 10.101.010 and 1998 c 79 s 2 are each amended to read as follows:

The following definitions shall be applied in connection with this chapter:

(1) "Indigent" means a person who, at any stage of a court proceeding, is:

- (a) Receiving one of the following types of public assistance: Temporary assistance for needy families, (~~general assistance~~) disability lifeline benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or
- (b) Involuntarily committed to a public mental health facility; or
- (c) Receiving an annual income, after taxes, of one hundred twenty- five percent or less of the current federally established poverty level; or
- (d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(2) "Indigent and able to contribute" means a person who, at any stage of a court proceeding, is unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are less than the anticipated cost of counsel but sufficient for the person to pay a portion of that cost.

(3) "Anticipated cost of counsel" means the cost of retaining private counsel for representation on the matter before the court.

(4) "Available funds" means liquid assets and disposable net monthly income calculated after provision is made for bail obligations. For the purpose of determining available funds, the following definitions shall apply:

(a) "Liquid assets" means cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in motor vehicles. A motor vehicle necessary to maintain employment and having a market value not greater than three thousand dollars shall not be considered a liquid asset.

(b) "Income" means salary, wages, interest, dividends, and other earnings which are reportable for federal income tax purposes, and cash payments such as reimbursements received from pensions, annuities, social security, and public assistance programs. It includes any contribution received from any family member or other person who is domiciled in the same residence as the defendant and who is helping to defray the defendant's basic living costs.

(c) "Disposable net monthly income" means the income remaining each month after deducting federal, state, or local income taxes, social security taxes, contributory retirement, union dues, and basic living costs.

(d) "Basic living costs" means the average monthly amount spent by the defendant for reasonable payments toward living costs, such as shelter, food, utilities, health care, transportation, clothing, loan payments, support payments, and court-imposed obligations.

Sec. 13. RCW 13.34.030 and 2009 c 520 s 21 and 2009 c 397 s 1 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of social and health services.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

- (a) Has been abandoned;
- (b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or
- (c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

(7) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

(8) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(9) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(10) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(11) "Housing assistance" means appropriate referrals by the department or other supervising agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(12) "Indigent" means a person who, at any stage of a court proceeding, is:

- (a) Receiving one of the following types of public assistance: Temporary assistance for needy families, (~~general assistance~~) disability lifeline benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or
- (b) Involuntarily committed to a public mental health facility; or
- (c) Receiving an annual income, after taxes, of one hundred twenty- five percent or less of the federally established poverty level; or
- (d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(13) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW

or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(14) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(15) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(16) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

(17) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(18) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 with whom the department has entered into a performance-based contract to provide child welfare services as defined in RCW 74.13.020.

Sec. 14. RCW 26.19.071 and 2009 c 84 s 3 are each amended to read as follows:

(1) **Consideration of all income.** All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent. Only the income of the parents of the children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation.

(2) **Verification of income.** Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) **Income sources included in gross monthly income.** Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

- (a) Salaries;
- (b) Wages;

- (c) Commissions;
- (d) Deferred compensation;
- (e) Overtime, except as excluded for income in subsection (4)(h) of this section;
- (f) Contract-related benefits;
- (g) Income from second jobs, except as excluded for income in subsection (4)(h) of this section;
- (h) Dividends;
- (i) Interest;
- (j) Trust income;
- (k) Severance pay;
- (l) Annuities;
- (m) Capital gains;
- (n) Pension retirement benefits;
- (o) Workers' compensation;
- (p) Unemployment benefits;
- (q) Maintenance actually received;
- (r) Bonuses;
- (s) Social security benefits;
- (t) Disability insurance benefits; and
- (u) Income from self-employment, rent, royalties, contracts, proprietorship of a business, or joint ownership of a partnership or closely held corporation.

(4) **Income sources excluded from gross monthly income.** The following income and resources shall be disclosed but shall not be included in gross income:

- (a) Income of a new spouse or new domestic partner or income of other adults in the household;
- (b) Child support received from other relationships;
- (c) Gifts and prizes;
- (d) Temporary assistance for needy families;
- (e) Supplemental security income;
- (f) ~~((General assistance))~~ Disability lifeline benefits;
- (g) Food stamps; and
- (h) Overtime or income from second jobs beyond forty hours per week averaged over a twelve-month period worked to provide for a current family's needs, to retire past relationship debts, or to retire child support debt, when the court finds the income will cease when the party has paid off his or her debts.

Receipt of income and resources from temporary assistance for needy families, supplemental security income, ~~((general assistance))~~ disability lifeline benefits, and food stamps shall not be a reason to deviate from the standard calculation.

(5) **Determination of net income.** The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

- (a) Federal and state income taxes;
- (b) Federal insurance contributions act deductions;
- (c) Mandatory pension plan payments;
- (d) Mandatory union or professional dues;
- (e) State industrial insurance premiums;
- (f) Court-ordered maintenance to the extent actually paid;
- (g) Up to five thousand dollars per year in voluntary retirement contributions actually made if the contributions show a pattern of contributions during the one-year period preceding the action establishing the child support order unless there is a determination that the contributions were made for the purpose of reducing child support; and

(h) Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

Items deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) **Imputation of income.** The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is

voluntarily underemployed or voluntarily unemployed based upon that parent's work history, education, health, and age, or any other relevant factors. A court shall not impute income to a parent who is gainfully employed on a full-time basis, unless the court finds that the parent is voluntarily underemployed and finds that the parent is purposely underemployed to reduce the parent's child support obligation. Income shall not be imputed for an unemployable parent. Income shall not be imputed to a parent to the extent the parent is unemployed or significantly underemployed due to the parent's efforts to comply with court-ordered reunification efforts under chapter 13.34 RCW or under a voluntary placement agreement with an agency supervising the child. In the absence of records of a parent's actual earnings, the court shall impute a parent's income in the following order of priority:

- (a) Full-time earnings at the current rate of pay;
- (b) Full-time earnings at the historical rate of pay based on reliable information, such as employment security department data;
- (c) Full-time earnings at a past rate of pay where information is incomplete or sporadic;
- (d) Full-time earnings at minimum wage in the jurisdiction where the parent resides if the parent has a recent history of minimum wage earnings, is recently coming off public assistance, ~~((general assistance-unemployable))~~ disability lifeline benefits, supplemental security income, or disability, has recently been released from incarceration, or is a high school student;
- (e) Median net monthly income of year-round full-time workers as derived from the United States bureau of census, current population reports, or such replacement report as published by the bureau of census.

Sec. 15. RCW 31.04.540 and 2009 c 149 s 8 are each amended to read as follows:

(1) To the extent that implementation of this section does not conflict with federal law resulting in the loss of federal funding, proprietary reverse mortgage loan advances made to a borrower must be treated as proceeds from a loan and not as income for the purpose of determining eligibility and benefits under means-tested programs of aid to individuals.

(2) Undisbursed reverse mortgage funds must be treated as equity in the borrower's home and not as proceeds from a loan, resources, or assets for the purpose of determining eligibility and benefits under means-tested programs of aid to individuals.

(3) This section applies to any law or program relating to payments, allowances, benefits, or services provided on a means-tested basis by this state including, but not limited to, optional state supplements to the federal supplemental security income program, low-income energy assistance, property tax relief, ~~((general assistance))~~ disability lifeline benefits, and medical assistance only to the extent this section does not conflict with Title 19 of the federal social security act.

Sec. 16. RCW 70.123.110 and 1997 c 59 s 9 are each amended to read as follows:

~~((General assistance))~~ Disability lifeline benefits or temporary assistance for needy families payments shall be made to otherwise eligible individuals who are residing in a secure shelter, a housing network or other shelter facility which provides shelter services to persons who are victims of domestic violence. Provisions shall be made by the department for the confidentiality of the shelter addresses where victims are residing.

Sec. 17. RCW 73.08.005 and 2009 c 35 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct costs" includes those allowable costs that can be readily assigned to the statutory objectives of this chapter, consistent with the cost principles promulgated by the federal office of management and budget in circular No. A-87, dated May 10, 2004.

(2) "Family" means the spouse or domestic partner, surviving spouse, surviving domestic partner, and dependent children of a living or deceased veteran.

(3) "Indigent" means a person who is defined as such by the county legislative authority using one or more of the following definitions:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, ~~((general assistance))~~ disability lifeline benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income;

(b) Receiving an annual income, after taxes, of up to one hundred fifty percent or less of the current federally established poverty level, or receiving an annual income not exceeding a higher qualifying income established by the county legislative authority; or

(c) Unable to pay reasonable costs for shelter, food, utilities, and transportation because his or her available funds are insufficient.

(4) "Indirect costs" includes those allowable costs that are generally associated with carrying out the statutory objectives of this chapter, but the identification and tracking of those costs cannot be readily assigned to a specific statutory objective without an accounting effort that is disproportionate to the benefit received. A county legislative authority may allocate allowable indirect costs to its veterans' assistance fund if it is accomplished in a manner consistent with the cost principles promulgated by the federal office of management and budget in circular No. A-87, dated May 10, 2004.

(5) "Veteran" has the same meaning as defined in RCW 41.04.005 and 41.04.007, and includes a current member of the national guard or armed forces reserves who has been deployed to serve in an armed conflict.

(6) "Veterans' advisory board" means a board established by a county legislative authority under the authority of RCW 73.08.035.

(7) "Veterans' assistance fund" means an account in the custody of the county auditor, or the chief financial officer in a county operating under a charter, that is funded by taxes levied under the authority of RCW 73.08.080.

(8) "Veterans' assistance program" means a program approved by the county legislative authority under the authority of RCW 73.08.010 that is fully or partially funded by the veterans' assistance fund authorized by RCW 73.08.080.

Sec. 18. RCW 74.04.0052 and 1997 c 58 s 502 are each amended to read as follows:

(1) The department shall determine, after consideration of all relevant factors and in consultation with the applicant, the most appropriate living situation for applicants under eighteen years of age, unmarried, and pregnant who are eligible for ~~((general assistance as defined in RCW 74.04.005(6)(a)(ii)(A)))~~ disability lifeline benefits.

An appropriate living situation shall include a place of residence that is maintained by the applicant's parents, parent, legal guardian, or other adult relative as their or his or her own home and that the department finds would provide an appropriate supportive living arrangement. It also includes a living situation maintained by an agency that is licensed under chapter 74.15 RCW that the department finds would provide an appropriate supportive living arrangement. Grant assistance shall not be provided under this chapter if the applicant does not reside in the most appropriate living situation, as determined by the department.

(2) A pregnant minor residing in the most appropriate living situation, as provided under subsection (1) of this section, is presumed to be unable to manage adequately the funds paid to the minor or on behalf of the dependent child or children and, unless the minor provides sufficient evidence to rebut the presumption, shall be subject to the protective payee requirements provided for under RCW 74.12.250 and 74.08.280.

(3) The department shall consider any statements or opinions by either parent of the unmarried minor parent or pregnant minor

applicant as to an appropriate living situation for the minor, whether in the parental home or other situation. If the parents or a parent of the minor request, they or he or she shall be entitled to a hearing in juvenile court regarding designation of the parental home or other relative placement as the most appropriate living situation for the pregnant or parenting minor.

The department shall provide the parents or parent with the opportunity to make a showing that the parental home, or home of the other relative placement, is the most appropriate living situation. It shall be presumed in any administrative or judicial proceeding conducted under this subsection that the parental home or other relative placement requested by the parents or parent is the most appropriate living situation. This presumption is rebuttable.

(4) In cases in which the minor is unmarried and unemployed, the department shall, as part of the determination of the appropriate living situation, provide information about adoption including referral to community-based organizations providing counseling.

(5) For the purposes of this section, "most appropriate living situation" shall not include a living situation including an adult male who fathered the qualifying child and is found to meet the elements of rape of a child as set forth in RCW 9A.44.079.

Sec. 19. RCW 74.04.120 and 1979 c 141 s 301 are each amended to read as follows:

Allocations of state and federal funds shall be made upon the basis of need within the respective counties as disclosed by the quarterly budgets, considered in conjunction with revenues available for the satisfaction of that need: PROVIDED, That in preparing his quarterly budget for federal aid assistance, the administrator shall include the aggregate of the individual case load approved by the department to date on the basis of need and the secretary shall approve and allocate an amount sufficient to service the aggregate case load as included in said budget, and in the event any portion of the budgeted case load cannot be serviced with moneys available for the particular category for which an application is made the committee may on the administrator's request authorize the transfer of sufficient ~~((general assistance))~~ disability lifeline program funds to the appropriation for such category to service such case load and secure the benefit of federal matching funds.

Sec. 20. RCW 74.04.230 and 1982 c 204 s 16 are each amended to read as follows:

Persons eligible for ~~((general assistance under RCW 74.04.005))~~ disability lifeline benefits are eligible for mental health services to the extent that they meet the client definitions and priorities established by chapter 71.24 RCW.

Sec. 21. RCW 74.04.266 and 1977 ex.s. c 215 s 1 are each amended to read as follows:

In determining need for ~~((general assistance for unemployable persons as defined in RCW 74.04.005(6)(a)))~~ disability lifeline benefits, the department may by rule and regulation establish a monthly earned income exemption in an amount not to exceed the exemption allowable under disability programs authorized in Title XVI of the federal social security act.

Sec. 22. RCW 74.04.620 and 1983 1st ex.s. c 41 s 37 are each amended to read as follows:

(1) The department is authorized to establish a program of state supplementation to the national program of supplemental security income consistent with Public Law 92-603 and Public Law 93-66 to those persons who are in need thereof in accordance with eligibility requirements established by the department.

(2) The department is authorized to establish reasonable standards of assistance and resource and income exemptions specifically for such program of state supplementation which shall be consistent with the provisions of the Social Security Act.

(3) The department is authorized to make payments to applicants for supplemental security income, pursuant to agreements as provided

in Public Law 93-368, who are otherwise eligible for ~~((general assistance))~~ disability lifeline benefits.

(4) Any agreement between the department and a supplemental security income applicant providing for the reimbursement of interim assistance to the department shall provide, if the applicant has been represented by an attorney, that twenty-five percent of the reimbursement received shall be withheld by the department and all or such portion thereof as has been approved as a fee by the United States department of health and human services shall be released directly to the applicant's attorney. The secretary may maintain such records as are deemed appropriate to measure the cost and effectiveness of such agreements and may make recommendations concerning the continued use of such agreements to the legislature.

Sec. 23. RCW 74.04.770 and 1997 c 59 s 11 are each amended to read as follows:

The department shall establish consolidated standards of need each fiscal year which may vary by geographical areas, program, and family size, for temporary assistance for needy families, refugee assistance, supplemental security income, and ~~((general assistance))~~ disability lifeline benefits. Standards for temporary assistance for needy families, refugee assistance, and ~~((general assistance))~~ disability lifeline benefits shall be based on studies of actual living costs and generally recognized inflation indices and shall include reasonable allowances for shelter, fuel, food, transportation, clothing, household maintenance and operations, personal maintenance, and necessary incidentals. The standard of need may take into account the economies of joint living arrangements, but unless explicitly required by federal statute, there shall not be proration of any portion of assistance grants unless the amount of the grant standard is equal to the standard of need.

The department is authorized to establish rateable reductions and grant maximums consistent with federal law.

Payment level will be equal to need or a lesser amount if rateable reductions or grant maximums are imposed. In no case shall a recipient of supplemental security income receive a state supplement less than the minimum required by federal law.

The department may establish a separate standard for shelter provided at no cost.

Sec. 24. RCW 74.08.043 and 1981 1st ex.s. c 6 s 12 are each amended to read as follows:

In determining the living requirements of otherwise eligible applicants and recipients of supplemental security income and ~~((general assistance))~~ disability lifeline benefits, the department is authorized to consider the need for personal and special care and supervision due to physical and mental conditions.

Sec. 25. RCW 74.08.278 and 1979 c 141 s 327 are each amended to read as follows:

In order to comply with federal statutes and regulations pertaining to federal matching funds and to provide for the prompt payment of initial grants and adjusting payments of grants the secretary is authorized to make provisions for the cash payment of assistance by the secretary or county administrators by the establishment of a central operating fund. The secretary may establish such a fund with the approval of the state auditor from moneys appropriated to the department for the payment of ~~((general assistance))~~ disability lifeline benefits in a sum not to exceed one million dollars. Such funds shall be deposited as agreed upon by the secretary and the state auditor in accordance with the laws regulating the deposits of public funds. Such security shall be required of the depository in connection with the fund as the state treasurer may prescribe. Moneys remaining in the fund shall be returned to the general fund at the end of the biennium, or an accounting of proper expenditures from the fund shall be made to the state auditor. All expenditures from such central operating fund shall be reimbursed out of and charged to the proper program appropriated by the use of such forms and vouchers as are approved by the secretary of the department and the state auditor.

Expenditures from such fund shall be audited by the director of financial management and the state auditor from time to time and a report shall be made by the state auditor and the secretary as are required by law.

Sec. 26. RCW 74.08.335 and 1997 c 59 s 13 are each amended to read as follows:

Temporary assistance for needy families and ~~((general assistance))~~ disability lifeline benefits shall not be granted to any person who has made an assignment or transfer of property for the purpose of rendering himself or herself eligible for the assistance. There is a rebuttable presumption that a person who has transferred or transfers any real or personal property or any interest in property within two years of the date of application for the assistance without receiving adequate monetary consideration therefor, did so for the purpose of rendering himself or herself eligible for the assistance. Any person who transfers property for the purpose of rendering himself or herself eligible for assistance, or any person who after becoming a recipient transfers any property or any interest in property without the consent of the secretary, shall be ineligible for assistance for a period of time during which the reasonable value of the property so transferred would have been adequate to meet the person's needs under normal conditions of living: PROVIDED, That the secretary is hereby authorized to allow exceptions in cases where undue hardship would result from a denial of assistance.

Sec. 27. RCW 74.08A.210 and 1997 c 58 s 302 are each amended to read as follows:

- (1) In order to prevent some families from developing dependency on temporary assistance for needy families, the department shall make available to qualifying applicants a diversion program designed to provide brief, emergency assistance for families in crisis whose income and assets would otherwise qualify them for temporary assistance for needy families.
- (2) Diversion assistance may include cash or vouchers in payment for the following needs:
 - (a) Child care;
 - (b) Housing assistance;
 - (c) Transportation-related expenses;
 - (d) Food;
 - (e) Medical costs for the recipient's immediate family;
 - (f) Employment-related expenses which are necessary to keep or obtain paid unsubsidized employment.
- (3) Diversion assistance is available once in each twelve-month period for each adult applicant. Recipients of diversion assistance are not included in the temporary assistance for needy families program.
- (4) Diversion assistance may not exceed one thousand five hundred dollars for each instance.
- (5) To be eligible for diversion assistance, a family must otherwise be eligible for temporary assistance for needy families.
- (6) Families ineligible for temporary assistance for needy families or ~~((general assistance))~~ disability lifeline benefits due to sanction, noncompliance, the lump sum income rule, or any other reason are not eligible for diversion assistance.
- (7) Families must provide evidence showing that a bona fide need exists according to subsection (2) of this section in order to be eligible for diversion assistance.

An adult applicant may receive diversion assistance of any type no more than once per twelve-month period. If the recipient of diversion assistance is placed on the temporary assistance for needy families program within twelve months of receiving diversion assistance, the prorated dollar value of the assistance shall be treated as a loan from the state, and recovered by deduction from the recipient's cash grant.

Sec. 28. RCW 74.09.010 and 2007 c 3 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Children's health program" means the health care services program provided to children under eighteen years of age and in households with incomes at or below the federal poverty level as annually defined by the federal department of health and human services as adjusted for family size, and who are not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

(2) "Committee" means the children's health services committee created in section 3 of this act.

(3) "County" means the board of county commissioners, county council, county executive, or tribal jurisdiction, or its designee. A combination of two or more county authorities or tribal jurisdictions may enter into joint agreements to fulfill the requirements of RCW 74.09.415 through 74.09.435.

(4) "Department" means the department of social and health services.

(5) "Department of health" means the Washington state department of health created pursuant to RCW 43.70.020.

(6) "Internal management" means the administration of medical assistance, medical care services, the children's health program, and the limited casualty program.

(7) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(8) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

(9) "Medical care services" means the limited scope of care financed by state funds and provided to ~~((general assistance))~~ disability lifeline benefits recipients, and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW.

(10) "Nursing home" means nursing home as defined in RCW 18.51.010.

(11) "Poverty" means the federal poverty level determined annually by the United States department of health and human services, or successor agency.

(12) "Secretary" means the secretary of social and health services.

(13) "Full benefit dual eligible beneficiary" means an individual who, for any month: Has coverage for the month under a medicare prescription drug plan or medicare advantage plan with part D coverage; and is determined eligible by the state for full medicaid benefits for the month under any eligibility category in the state's medicaid plan or a section 1115 demonstration waiver that provides pharmacy benefits.

Sec. 29. RCW 74.09.035 and 1987 c 406 s 12 are each amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to recipients of ~~((general assistance))~~ disability lifeline benefits, persons denied disability lifeline benefits under RCW 74.04.005(5)(b) or section 5 of this act who otherwise meet the requirements of RCW 74.04.005(5)(a), and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW, in accordance with medical eligibility requirements established by the department. To the extent authorized in the operating budget, upon implementation of a federal medicaid 1115 waiver providing federal matching funds for medical care services, these services also may be provided to persons who have been terminated from disability lifeline benefits under RCW 74.04.005(5)(h).

(2) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the department, except that adult dental, and routine foot care shall not be included unless there is a specific appropriation for these services.

(3) The department shall enter into performance-based contracts with one or more managed health care systems for the provision of

medical care services to recipients of disability lifeline benefits. The contract must provide for integrated delivery of medical and mental health services.

(4) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions. In addition, the department may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

~~((4))~~ (5) Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded, as that term is described by federal law, who are eligible for medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

~~((5))~~ (6) Payments made by the department under this program shall be the limit of expenditures for medical care services solely from state funds.

~~((6))~~ (7) Eligibility for medical care services shall commence with the date of certification for ~~((general assistance))~~ disability lifeline benefits or the date of eligibility for alcohol and drug addiction services provided under chapter 74.50 RCW.

Sec. 30. RCW 74.09.555 and 2005 c 503 s 12 are each amended to read as follows:

(1) The department shall adopt rules and policies providing that when persons with a mental disorder, who were enrolled in medical assistance immediately prior to confinement, are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The department, in collaboration with the Washington association of sheriffs and police chiefs, the department of corrections, and the regional support networks, shall establish procedures for coordination between department field offices, institutions for mental disease, and correctional institutions, as defined in RCW 9.94.049, that result in prompt reinstatement of eligibility and speedy eligibility determinations for persons who are likely to be eligible for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services applications on behalf of confined persons in anticipation of their release from confinement;

(b) Expedient review of applications filed by or on behalf of confined persons and, to the extent practicable, completion of the review before the person is released;

(c) Mechanisms for providing medical assistance services identity cards to persons eligible for medical assistance services immediately upon their release from confinement; and

(d) Coordination with the federal social security administration, through interagency agreements or otherwise, to expedite processing of applications for federal supplemental security income or social security disability benefits, including federal acceptance of applications on behalf of confined persons.

(3) Where medical or psychiatric examinations during a person's confinement indicate that the person is disabled, the correctional institution or institution for mental diseases shall provide the department with that information for purposes of making medical assistance eligibility and enrollment determinations prior to the person's release from confinement. The department shall, to the maximum extent permitted by federal law, use the examination in making its determination whether the person is disabled and eligible for medical assistance.

(4) For purposes of this section, "confined" or "confinement" means incarcerated in a correctional institution, as defined in RCW

9.94.049, or admitted to an institute for mental disease, as defined in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

(5) For purposes of this section, "likely to be eligible" means that a person:

(a) Was enrolled in medicaid or supplemental security income or ~~((general assistance))~~ the disability lifeline program immediately before he or she was confined and his or her enrollment was terminated during his or her confinement; or

(b) Was enrolled in medicaid or supplemental security income or ~~((general assistance))~~ the disability lifeline program at any time during the five years before his or her confinement, and medical or psychiatric examinations during the person's confinement indicate that the person continues to be disabled and the disability is likely to last at least twelve months following release.

(6) The economic services administration shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined person who is likely to be eligible for medicaid.

Sec. 31. RCW 74.50.060 and 1989 1st ex.s. c 18 s 3 are each amended to read as follows:

(1) The department shall establish a shelter assistance program to provide, within available funds, shelter for persons eligible under this chapter. "Shelter," "shelter support," or "shelter assistance" means a facility under contract to the department providing room and board in a supervised living arrangement, normally in a group or dormitory setting, to eligible recipients under this chapter. This may include supervised domiciliary facilities operated under the auspices of public or private agencies. No facility under contract to the department shall allow the consumption of alcoholic beverages on the premises. The department may contract with counties and cities for such shelter services. To the extent possible, the department shall not displace existing emergency shelter beds for use as shelter under this chapter. In areas of the state in which it is not feasible to develop shelters, due to low numbers of people needing shelter services, or in which sufficient numbers of shelter beds are not available, the department may provide shelter through an intensive protective payee program, unless the department grants an exception on an individual basis for less intense supervision.

(2) Persons continuously eligible for the ~~((general assistance--unemployable program))~~ disability lifeline program since July 25, 1987, who transfer to the program established by this chapter, have the option to continue their present living situation, but only through a protective payee.

NEW SECTION. Sec. 32. A new section is added to chapter 74.08A RCW to read as follows:

Recipients exempted from active work search activities due to incapacity or a disability shall receive disability lifeline benefits as they relate to the facilitation of enrollment in the federal supplemental security income program, access to chemical dependency treatment, referrals to vocational rehabilitation, and other services needed to assist the recipient in becoming employable. Disability lifeline benefits shall not supplant cash assistance and other services provided through the temporary assistance for needy families program. To the greatest extent possible, services shall be funded through the temporary assistance for needy families appropriations.

NEW SECTION. Sec. 33. This act shall be known and cited as the security lifeline act.

NEW SECTION. Sec. 34. Except for section 10 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 35. Section 10 of this act takes effect July 1, 2010.

NEW SECTION. Sec. 36. If private funding sufficient to implement and operate the portal authorized under section 2 of this

act is not secured by December 31, 2010, section 2 of this act is null and void.

NEW SECTION. Sec. 37. Sections 1 through 10 and 29 of this act shall be implemented within the amounts appropriated specifically for these purposes in the omnibus operating appropriations act."

Correct the title.

Representative Dammeier moved the adoption of amendment (1711) to amendment (1705).

On page 8, beginning on line 23 of the striking amendment, after "(h)" strike all material through "2013" on page 9, line 24 and insert the following:

"Beginning September 1, 2010, no person who is currently receiving or becomes eligible for disability lifeline program benefits shall be eligible to receive benefits under the program for more than six months. For purposes of this subsection (5)(h), months of receipt of general assistance-unemployable benefits count toward the six-month limit. Months during which a person received benefits under the expedited components of the general assistance-unemployable or disability lifeline program or under the aged, blind, or disabled components of the disability lifeline program shall not be included when determining whether a person has been receiving benefits for more than six months under this subsection (5)(h)"

Representatives Dammeier, Alexander, Bailey and Chandler spoke in favor of the adoption of the amendment to the amendment.

Representatives Dickerson, Pettigrew, Orwall and Cody spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 38 - YEAS; 57 - NAYS.

Amendment (1711) to amendment (1705) was not adopted.

Representatives Dickerson and Dammeier spoke in favor of the adoption of the amendment.

Amendment (1705) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dickerson spoke in favor of the passage of the bill.

Representative Dammeier spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2782.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2782, and the bill passed the House by the following vote: Yeas, 59; Nays, 36; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Warnick and Williams.

Excused: Representatives Condotta, Kelley and Roach.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2782, having received the constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 2855, and the bill was placed on the second reading calendar.

There being no objection, the House reverted to the seventh order of business.

MESSAGE FROM THE SENATE

March 19, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956 with the following amendment:

0)

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. PURPOSE, FINDINGS, AND INTENT. (1) The purpose of this chapter is to provide for a safety net assessment on certain Washington hospitals, which will be used solely to augment funding from all other sources and thereby obtain additional funds to restore recent reductions and to support additional payments to hospitals for medicaid services.

(2) The legislature finds that:

(a) Washington hospitals, working with the department of social and health services, have proposed a hospital safety net assessment to generate additional state and federal funding for the medicaid program, which will be used to partially restore recent inpatient and outpatient reductions in hospital reimbursement rates and provide for an increase in hospital payments; and

(b) The hospital safety net assessment and hospital safety net assessment fund created in this chapter allows the state to generate additional federal financial participation for the medicaid program and provides for increased reimbursement to hospitals.

(3) In adopting this chapter, it is the intent of the legislature:

(a) To impose a hospital safety net assessment to be used solely for the purposes specified in this chapter;

(b) That funds generated by the assessment shall be used solely to augment all other funding sources and not as a substitute for any other funds;

(c) That the total amount assessed not exceed the amount needed, in combination with all other available funds, to support the

reimbursement rates and other payments authorized by this chapter; and

(d) To condition the assessment on receiving federal approval for receipt of additional federal financial participation and on continuation of other funding sufficient to maintain hospital inpatient and outpatient reimbursement rates and small rural disproportionate share payments at least at the levels in effect on June 30, 2009.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Certified public expenditure hospital" means a hospital participating in the department's certified public expenditure payment program as described in WAC 388-550-4650 or successor rule.

(2) "Critical access hospital" means a hospital as described in RCW 74.09.5225.

(3) "Department" means the department of social and health services.

(4) "Fund" means the hospital safety net assessment fund established under section 3 of this act.

(5) "Hospital" means a facility licensed under chapter 70.41 RCW.

(6) "Long-term acute care hospital" means a hospital which has an average inpatient length of stay of greater than twenty-five days as determined by the department of health.

(7) "Managed care organization" means an organization having a certificate of authority or certificate of registration from the office of the insurance commissioner that contracts with the department under a comprehensive risk contract to provide prepaid health care services to eligible clients under the department's medicaid managed care programs, including the healthy options program.

(8) "Medicaid" means the medical assistance program as established in Title XIX of the social security act and as administered in the state of Washington by the department of social and health services.

(9) "Medicare cost report" means the medicare cost report, form 2552-96, or successor document.

(10) "Nonmedicare hospital inpatient day" means total hospital inpatient days less medicare inpatient days, including medicare days reported for medicare managed care plans, as reported on the medicare cost report, form 2552-96, or successor forms, excluding all skilled and nonskilled nursing facility days, skilled and nonskilled swing bed days, nursery days, observation bed days, hospice days, home health agency days, and other days not typically associated with an acute care inpatient hospital stay.

(11) "Prospective payment system hospital" means a hospital reimbursed for inpatient and outpatient services provided to medicaid beneficiaries under the inpatient prospective payment system and the outpatient prospective payment system as defined in WAC 388-550-1050. For purposes of this chapter, prospective payment system hospital does not include a hospital participating in the certified public expenditure program or a bordering city hospital located outside of the state of Washington and in one of the bordering cities listed in WAC 388-501-0175 or successor regulation.

(12) "Psychiatric hospital" means a hospital facility licensed as a psychiatric hospital under chapter 71.12 RCW.

(13) "Regional support network" has the same meaning as provided in RCW 71.24.025.

(14) "Rehabilitation hospital" means a medicare-certified freestanding inpatient rehabilitation facility.

(15) "Secretary" means the secretary of the department of social and health services.

(16) "Small rural disproportionate share hospital payment" means a payment made in accordance with WAC 388-550-5200 or subsequently filed regulation.

NEW SECTION. Sec. 3. HOSPITAL SAFETY NET ASSESSMENT FUND. (1) A dedicated fund is hereby established

within the state treasury to be known as the hospital safety net assessment fund. The purpose and use of the fund shall be to receive and disburse funds, together with accrued interest, in accordance with this chapter. Moneys in the fund, including interest earned, shall not be used or disbursed for any purposes other than those specified in this chapter. Any amounts expended from the fund that are later recouped by the department on audit or otherwise shall be returned to the fund.

(a) Any unexpended balance in the fund at the end of a fiscal biennium shall carry over into the following biennium and shall be applied to reduce the amount of the assessment under section 6(1)(c) of this act.

(b) Any amounts remaining in the fund on July 1, 2013, shall be used to make increased payments in accordance with sections 10 and 13 of this act for any outstanding claims with dates of service prior to July 1, 2013. Any amounts remaining in the fund after such increased payments are made shall be refunded to hospitals, pro rata according to the amount paid by the hospital, subject to the limitations of federal law.

(2) All assessments, interest, and penalties collected by the department under sections 4 and 6 of this act shall be deposited into the fund.

(3) Disbursements from the fund may be made only as follows:

(a) Subject to appropriations and the continued availability of other funds in an amount sufficient to maintain the level of medicaid hospital rates in effect on July 1, 2009;

(b) Upon certification by the secretary that the conditions set forth in section 17(1) of this act have been met with respect to the assessments imposed under section 4 (1) and (2) of this act, the payments provided under section 9 of this act, payments provided under section 13(2) of this act, and any initial payments under sections 11 and 12 of this act, funds shall be disbursed in the amount necessary to make the payments specified in those sections;

(c) Upon certification by the secretary that the conditions set forth in section 17(1) of this act have been met with respect to the assessments imposed under section 4(3) of this act and the payments provided under sections 10 and 14 of this act, payments made subsequent to the initial payments under sections 11 and 12 of this act, and payments under section 13(3) of this act, funds shall be disbursed periodically as necessary to make the payments as specified in those sections;

(d) To refund erroneous or excessive payments made by hospitals pursuant to this chapter;

(e) The sum of thirty-two million dollars per biennium may be expended in lieu of state general fund payments to hospitals. An additional sum of sixteen million dollars for the 2009-2011 fiscal biennium may be expended in lieu of state general fund payments to hospitals if additional federal financial participation under section 5001 of P.L. No. 111-5 is extended beyond December 31, 2010;

(f) The sum of one million dollars per biennium may be disbursed for payment of administrative expenses incurred by the department in performing the activities authorized by this chapter;

(g) To repay the federal government for any excess payments made to hospitals from the fund if the assessments or payment increases set forth in this chapter are deemed out of compliance with federal statutes and regulations and all appeals have been exhausted. In such a case, the department may require hospitals receiving excess payments to refund the payments in question to the fund. The state in turn shall return funds to the federal government in the same proportion as the original financing. If a hospital is unable to refund payments, the state shall develop a payment plan and/or deduct moneys from future medicaid payments.

NEW SECTION. Sec. 4. ASSESSMENTS. (1) An assessment is imposed as set forth in this subsection effective after the date when the applicable conditions under section 17(1) of this act have been satisfied through June 30, 2013, for the purpose of funding restoration

of reimbursement rates under sections 9(1) and 13(2)(a) of this act and funding payments made subsequent to the initial payments under sections 11 and 12 of this act. Payments under this subsection are due and payable on the first day of each calendar quarter after the department sends notice of assessment to affected hospitals. However, the initial assessment is not due and payable less than thirty calendar days after notice of the amount due has been provided to affected hospitals.

(a) For the period beginning on the date the applicable conditions under section 17(1) of this act are met through December 31, 2010:

(i) Each prospective payment system hospital shall pay an assessment of thirty-two dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(ii) Each critical access hospital shall pay an assessment of ten dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(b) For the period beginning on January 1, 2011:

(i) Each prospective payment system hospital shall pay an assessment of forty dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(ii) Each critical access hospital shall pay an assessment of ten dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(c) For the period beginning July 1, 2011, through June 30, 2013:

(i) Each prospective payment system hospital shall pay an assessment of forty-four dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(ii) Each critical access hospital shall pay an assessment of ten dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(d)(i) For purposes of (a) and (b) of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare inpatient days for each hospital that is not exempt from the assessment as described in section 5 of this act for the relevant state fiscal year 2008 portions included in the hospital's fiscal year end reports 2007 and/or 2008 cost reports. The department shall use nonmedicare hospital inpatient day data for each hospital taken from the centers for medicare and medicaid services' hospital 2552-96 cost report data file as of November 30, 2009, or equivalent data collected by the department.

(ii) For purposes of (c) of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare hospital inpatient days for each hospital that is not exempt from the assessment under section 5 of this act, taken from the most recent publicly available hospital 2552-96 cost report data file or successor data file available through the centers for medicare and medicaid services, as of a date to be determined by the department. If cost report data are unavailable from the foregoing source for any hospital subject to the assessment, the department shall collect such information directly from the hospital.

(2) An assessment is imposed in the amounts set forth in this section for the purpose of funding the restoration of the rates under sections 9(2) and 13(2)(b) of this act and funding the initial payments under sections 11 and 12 of this act, which shall be due and payable within thirty calendar days after the department has transmitted a notice of assessment to hospitals. Such notice shall be transmitted immediately upon determination by the secretary that the applicable conditions established by section 17(1) of this act have been met.

(a) Prospective payment system hospitals.

(i) Each prospective payment system hospital shall pay an assessment of thirty dollars for each annual nonmedicare hospital inpatient day up to sixty thousand per year, multiplied by a ratio, the numerator of which is the number of days between June 30, 2009, and the day after the applicable conditions established by section 17(1) of this act have been met and the denominator of which is three hundred sixty-five.

(ii) Each prospective payment system hospital shall pay an assessment of one dollar for each annual nonmedicare hospital inpatient day over and above sixty thousand per year, multiplied by a ratio, the numerator of which is the number of days between June 30, 2009, and the day after the applicable conditions established by section 17(1) of this act have been met and the denominator of which is three hundred sixty-five.

(b) Each critical access hospital shall pay an assessment of ten dollars for each annual nonmedicare hospital inpatient day, multiplied by a ratio, the numerator of which is the number of days between June 30, 2009, and the day after the applicable conditions established by section 17(1) of this act have been met and the denominator of which is three hundred sixty-five.

(c) For purposes of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare inpatient days for each hospital that is not exempt from the assessment as described in section 5 of this act for the relevant state fiscal year 2008 portions included in the hospital's fiscal year end reports 2007 and/or 2008 cost reports. The department shall use nonmedicare hospital inpatient day data for each hospital taken from the centers for medicare and medicaid services' hospital 2552-96 cost report data file as of November 30, 2009, or equivalent data collected by the department.

(3) An assessment is imposed as set forth in this subsection for the period February 1, 2010, through June 30, 2013, for the purpose of funding increased hospital payments under sections 10 and 13(3) of this act, which shall be due and payable on the first day of each calendar quarter after the department has sent notice of the assessment to each affected hospital, provided that the initial assessment shall be transmitted only after the secretary has determined that the applicable conditions established by section 17(1) of this act have been satisfied and shall be payable no less than thirty calendar days after the department sends notice of the amount due to affected hospitals. The initial assessment shall include the full amount due from February 1, 2010, through the date of the notice.

(a) For the period February 1, 2010, through December 31, 2010:

(i) Prospective payment system hospitals.

(A) Each prospective payment system hospital shall pay an assessment of one hundred dollars for each annual nonmedicare hospital inpatient day up to sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(B) Each prospective payment system hospital shall pay an assessment of five dollars for each annual nonmedicare hospital inpatient day over and above sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(ii) Each psychiatric hospital and each rehabilitation hospital shall pay an assessment of twenty-four dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(b) For the period beginning on January 1, 2011:

(i) Prospective payment system hospitals.

(A) Each prospective payment system hospital shall pay an assessment of one hundred twenty-seven dollars for each annual nonmedicare inpatient day up to sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(B) Each prospective payment system hospital shall pay an assessment of seven dollars for each annual nonmedicare inpatient day over and above sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five. The department may adjust the assessment or the number of nonmedicare hospital inpatient days used to calculate the assessment amount if necessary to maintain compliance with federal statutes and regulations related to medicaid program health care-related taxes.

(ii) Each psychiatric hospital and each rehabilitation hospital shall pay an assessment of thirty dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(c) For the period beginning July 1, 2011, through June 30, 2013:

(i) Prospective payment system hospitals.

(A) Each prospective payment system hospital shall pay an assessment of one hundred thirty-three dollars for each annual nonmedicare hospital inpatient day up to sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(B) Each prospective payment system hospital shall pay an assessment of seven dollars for each annual nonmedicare inpatient day over and above sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five. The department may adjust the assessment or the number of nonmedicare hospital inpatient days if necessary to maintain compliance with federal statutes and regulations related to medicaid program health care-related taxes.

(ii) Each psychiatric hospital and each rehabilitation hospital shall pay an assessment of thirty dollars for each annual nonmedicare inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(d)(i) For purposes of (a) and (b) of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare inpatient days for each hospital that is not exempt from the assessment as described in section 5 of this act for the relevant state fiscal year 2008 portions included in the hospital's fiscal year end reports 2007 and/or 2008 cost reports. The department shall use nonmedicare hospital inpatient day data for each hospital taken from the centers for medicare and medicaid services' hospital 2552-96 cost report data file as of November 30, 2009, or equivalent data collected by the department.

(ii) For purposes of (c) of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare hospital inpatient days for each hospital that is not exempt from the assessment under section 5 of this act, taken from the most recent publicly available hospital 2552-96 cost report data file or successor data file available through the centers for medicare and medicaid services, as of a date to be determined by the department. If cost report data are unavailable from the foregoing source for any hospital subject to the assessment, the department shall collect such information directly from the hospital.

(4) Notwithstanding the provisions of section 8 of this act, nothing in this act is intended to prohibit a hospital from including assessment amounts paid in accordance with this section on their medicare and medicaid cost reports.

NEW SECTION. Sec. 5. EXEMPTIONS. The following hospitals are exempt from any assessment under this chapter provided that if and to the extent any exemption is held invalid by a court of competent jurisdiction or by the centers for medicare and medicaid services, hospitals previously exempted shall be liable for assessments due after the date of final invalidation:

(1) Hospitals owned or operated by an agency of federal or state government, including but not limited to western state hospital and eastern state hospital;

(2) Washington public hospitals that participate in the certified public expenditure program;

(3) Hospitals that do not charge directly or indirectly for hospital services; and

(4) Long-term acute care hospitals.

NEW SECTION. Sec. 6. ADMINISTRATION AND COLLECTION. (1) The department, in cooperation with the office of financial management, shall develop rules for determining the amount to be assessed to individual hospitals, notifying individual hospitals of the assessed amount, and collecting the amounts due. Such rule making shall specifically include provision for:

(a) Transmittal of quarterly notices of assessment by the department to each hospital informing the hospital of its nonmedicare hospital inpatient days and the assessment amount due and payable. Such quarterly notices shall be sent to each hospital at least thirty calendar days prior to the due date for the quarterly assessment payment.

(b) Interest on delinquent assessments at the rate specified in RCW 82.32.050.

(c) Adjustment of the assessment amounts as follows:

(i) For each fiscal year beginning July 1, 2010, the assessment amounts under section 4 (1) and (3) of this act may be adjusted as follows:

(A) If sufficient other funds for hospitals, including any increase in federal financial participation for hospital payments in addition to what is provided under section 5001 of P.L. No. 111-5 or any extensions thereof, are available to support the reimbursement rates and other payments under section 9, 10, 11, 12, or 13 of this act without utilizing the full assessment authorized under section 4 (1) or (3) of this act, the department shall reduce the amount of the assessment for prospective payment system, psychiatric, and rehabilitation hospitals proportionately to the minimum level necessary to support those reimbursement rates and other payments.

(B) Provided that none of the conditions set forth in section 17(2) of this act have occurred, if the department's forecasts indicate that the assessment amounts under section 4 (1) and (3) of this act, together with all other available funds, are not sufficient to support the reimbursement rates and other payments under section 9, 10, 11, 12, or 13 of this act, the department shall increase the assessment rates for prospective payment system, psychiatric, and rehabilitation hospitals proportionately to the amount necessary to support those reimbursement rates and other payments, plus a contingency factor up to ten percent of the total assessment amount.

(C) Any positive balance remaining in the fund at the end of the fiscal year shall be applied to reduce the assessment amount for the subsequent fiscal year.

(ii) Any adjustment to the assessment amounts pursuant to this subsection, and the data supporting such adjustment, including but not limited to relevant data listed in subsection (2) of this section, must be submitted to the Washington state hospital association for review and comment at least sixty calendar days prior to implementation of such adjusted assessment amounts. Any review and comment provided by the Washington state hospital association shall not limit the ability of the Washington state hospital association or its members to challenge an adjustment or other action by the department that is not made in accordance with this chapter.

(2) By November 30th of each year, the department shall provide the following data to the Washington state hospital association:

(a) The fund balance;

(b) The amount of assessment paid by each hospital;

(c) The annual medicaid fee-for-service payments for inpatient hospital services and outpatient hospital services; and

(d) The medicaid healthy options inpatient and outpatient payments as reported by all hospitals to the department on disproportionate share hospital applications. The department shall amend the disproportionate share hospital application and reporting

instructions as needed to ensure that the foregoing data is reported by all hospitals as needed in order to comply with this subsection (2)(d).

(3) The department shall determine the number of nonmedicare hospital inpatient days for each hospital for each assessment period.

(4) To the extent necessary, the department shall amend the contracts between the managed care organizations and the department and between regional support networks and the department to incorporate the provisions of section 13 of this act. The department shall pursue amendments to the contracts as soon as possible after the effective date of this act. The amendments to the contracts shall, among other provisions, provide for increased payment rates to managed care organizations in accordance with section 13 of this act.

NEW SECTION. Sec. 7. LOCAL ASSESSMENTS OR TAXES NOT AUTHORIZED. Nothing in this chapter shall be construed to authorize any unit of local government to impose a tax or assessment on hospitals, including but not limited to a tax or assessment measured by a hospital's income, earnings, bed days, or other similar measures.

NEW SECTION. Sec. 8. ASSESSMENT PART OF OPERATING OVERHEAD. The incidence and burden of assessments imposed under this chapter shall be on hospitals and the expense associated with the assessments shall constitute a part of the operating overhead of hospitals. Hospitals shall not increase charges or billings to patients or third-party payers as a result of the assessments under this chapter. The department may require hospitals to submit certified statements by their chief financial officers or equivalent officials attesting that they have not increased charges or billings as a result of the assessments.

NEW SECTION. Sec. 9. RESTORATION OF JUNE 30, 2009, REIMBURSEMENT RATES. Upon satisfaction of the applicable conditions set forth in section 17(1) of this act, the department shall:

(1) Restore medicaid inpatient and outpatient reimbursement rates to levels as if the four percent medicaid inpatient and outpatient rate reductions did not occur on July 1, 2009; and

(2) Recalculate the amount payable to each hospital that submitted an otherwise allowable claim for inpatient and outpatient medicaid-covered services rendered from and after July 1, 2009, up to and including the date when the applicable conditions under section 17(1) of this act have been satisfied, as if the four percent medicaid inpatient and outpatient rate reductions did not occur effective July 1, 2009, and, within sixty calendar days after the date upon which the applicable conditions set forth in section 17(1) of this act have been satisfied, remit the difference to each hospital.

NEW SECTION. Sec. 10. INCREASED HOSPITAL PAYMENTS. (1) Upon satisfaction of the applicable conditions set forth in section 17(1) of this act and for services rendered on or after February 1, 2010, the department shall increase the medicaid inpatient and outpatient fee-for-service hospital reimbursement rates in effect on June 30, 2009, by the percentages specified below:

(a) Prospective payment system hospitals:

(i) Inpatient psychiatric services: Twelve percent;

(ii) Inpatient services: Twelve percent;

(iii) Outpatient services: Thirty-two percent.

(b) Harborview medical center and University of Washington medical center:

(i) Inpatient psychiatric services: Three percent;

(ii) Inpatient services: Three percent;

(iii) Outpatient services: Twenty-one percent.

(c) Rehabilitation hospitals:

(i) Inpatient services: Twelve percent;

(ii) Outpatient services: Thirty-two percent;

(d) Psychiatric hospitals:

(i) Inpatient psychiatric services: Twelve percent;

(ii) Inpatient services: Twelve percent.

(2) For claims processed for services rendered on or after February 1, 2010, but prior to satisfaction of the applicable conditions

specified in section 17(1) of this act, the department shall, within sixty calendar days after satisfaction of those conditions, calculate the amount payable to hospitals in accordance with this section and remit the difference to each hospital that has submitted an otherwise allowable claim for payment for such services.

(3) By December 1, 2012, the department will submit a study to the legislature with recommendations on the amount of the assessments necessary to continue to support hospital payments for the 2013-15 biennium. The evaluation will assess medicaid hospital payments relative to medicaid hospital costs. The study should address current federal law, including any changes on scope of medicaid coverage and provisions related to provider taxes. The study should also address the state's economic forecast. Based on the forecast, the department should recommend the amount of assessment needed to support future hospital payments and the departmental administrative expenses. Recommendations should be developed with the fiscal committees of the legislature, office of financial management and the Washington state hospital association.

NEW SECTION. Sec. 11. CRITICAL ACCESS HOSPITAL PAYMENTS. Upon satisfaction of the applicable conditions set forth in section 17(1) of this act, the department shall pay critical access hospitals that do not qualify for or receive a small rural disproportionate share payment in the subject state fiscal year an access payment of fifty dollars for each medicaid inpatient day, exclusive of days on which a swing bed is used for subacute care, from and after July 1, 2009. Initial payments to hospitals, covering the period from July 1, 2009, to the date when the applicable conditions under section 17(1) of this act are satisfied, shall be made within sixty calendar days after such conditions are satisfied. Subsequent payments shall be made to critical access hospitals on an annual basis at the time that disproportionate share eligibility and payment for the state fiscal year are established. These payments shall be in addition to any other amount payable with respect to services provided by critical access hospitals and shall not reduce any other payments to critical access hospitals.

NEW SECTION. Sec. 12. DISPROPORTIONATE SHARE HOSPITAL PAYMENTS. Upon satisfaction of the applicable conditions set forth in section 17(1) of this act, small rural disproportionate share payments shall be increased to one hundred twenty percent of the level in effect as of June 30, 2009, for the period from and after July 1, 2009, until July 1, 2013. Initial payments, covering the period from July 1, 2009, to the date when the applicable conditions under section 17(1) of this act are satisfied, shall be made within sixty calendar days after those conditions are satisfied. Subsequent payments shall be made directly to hospitals by the department on a periodic basis.

NEW SECTION. Sec. 13. INCREASED MANAGED CARE PAYMENTS AND CORRESPONDING PAYMENTS TO HOSPITALS. Subject to the applicable conditions set forth in section 17(1) of this act, the department shall:

(1) Amend medicaid-managed care and regional support network contracts as necessary in order to ensure compliance with this chapter;

(2) With respect to the inpatient and outpatient rates established by section 9 of this act:

(a) Upon satisfaction of the applicable conditions under section 17(1) of this act, increase payments to managed care organizations and regional support networks as necessary to ensure that hospitals are reimbursed in accordance with section 9(1) of this act for services rendered from and after the date when applicable conditions under section 17(1) of this act have been satisfied, and pay an additional amount equal to the estimated amount of additional state taxes on managed care organizations or regional support networks due as a result of the payments under this section, and require managed care organizations and regional support networks to make payments to each hospital in accordance with section 9 of this act. The increased payments made to hospitals pursuant to this subsection shall be in

addition to any other amounts payable to hospitals by managed care organizations or regional support networks and shall not affect any other payments to hospitals;

(b) Within sixty calendar days after satisfaction of the applicable conditions under section 17(1) of this act, calculate the additional amount due to each hospital to pay claims submitted for inpatient and outpatient medicaid-covered services rendered from and after July 1, 2009, through the date when the applicable conditions under section 17(1) of this act have been satisfied, based on the rates required by section 9(2) of this act, make payments to managed care organizations and regional support networks in amounts sufficient to pay the additional amounts due to each hospital plus an additional amount equal to the estimated amount of additional state taxes on managed care organizations or regional support networks due as a result of the payments under this subsection, and require managed care organizations and regional support networks to make payments to each hospital in accordance with the department's calculations within forty-five calendar days after the department disburses funds for those purposes.

(3) With respect to the inpatient and outpatient hospital rates established by section 10 of this act:

(a) Upon satisfaction of the applicable conditions under section 17(1) of this act, increase payments to managed care organizations and regional support networks as necessary to ensure that hospitals are reimbursed in accordance with section 10 of this act, and pay an additional amount equal to the estimated amount of additional state taxes on managed care organizations or regional support networks due as a result of the payments under this section;

(b) Require managed care organizations and regional support networks to reimburse hospitals for hospital inpatient and outpatient services rendered after the date that the applicable conditions under section 17(1) of this act are satisfied at rates no lower than the combined rates established by sections 9 and 10 of this act;

(c) Within sixty calendar days after satisfaction of the applicable conditions under section 17(1) of this act, calculate the additional amount due to each hospital to pay claims submitted for inpatient and outpatient medicaid-covered services rendered from and after February 1, 2010, through the date when the applicable conditions under section 17(1) of this act are satisfied based on the rates required by section 10 of this act, make payments to managed care organizations and regional support networks in amounts sufficient to pay the additional amounts due to each hospital plus an additional amount equal to the estimated amount of additional state taxes on managed care organizations or regional support networks, and require managed care organizations and regional support networks to make payments to each hospital in accordance with the department's calculations within forty-five calendar days after the department disburses funds for those purposes;

(d) Require managed care organizations that contract with health care organizations that provide, directly or by contract, health care services on a prepaid or capitated basis to make payments to health care organizations for any of the hospital payments that the managed care organizations would have been required to pay to hospitals under this section if the managed care organizations did not contract with those health care organizations, and require the managed care organizations to require those health care organizations to make equivalent payments to the hospitals that would have received payments under this section if the managed care organizations did not contract with the health care organizations;

(4) The department shall ensure that the increases to the medicaid fee schedules as described in section 10 of this act are included in the development of healthy options premiums.

(5) The department may require managed care organizations and regional support networks to demonstrate compliance with this section.

NEW SECTION. Sec. 14. QUALITY INCENTIVE PAYMENTS. (1) The department, in collaboration with the health care authority, the department of health, the department of labor and industries, the Washington state hospital association, the Puget Sound health alliance, and the forum, a collaboration of health carriers, physicians, and hospitals in Washington state, shall design a system of hospital quality incentive payments. The design of the system shall be submitted to the relevant policy and fiscal committees of the legislature by December 15, 2010. The system shall be based upon the following principles:

(a) Evidence-based treatment and processes shall be used to improve health care outcomes for hospital patients;

(b) Effective purchasing strategies to improve the quality of health care services should involve the use of common quality improvement measures by public and private health care purchasers, while recognizing that some measures may not be appropriate for application to specialty pediatric, psychiatric, or rehabilitation hospitals;

(c) Quality measures chosen for the system should be consistent with the standards that have been developed by national quality improvement organizations, such as the national quality forum, the federal centers for medicare and medicaid services, or the federal agency for healthcare research and quality. New reporting burdens to hospitals should be minimized by giving priority to measures hospitals are currently required to report to governmental agencies, such as the hospital compare measures collected by the federal centers for medicare and medicaid services;

(d) Benchmarks for each quality improvement measure should be set at levels that are feasible for hospitals to achieve, yet represent real improvements in quality and performance for a majority of hospitals in Washington state; and

(e) Hospital performance and incentive payments should be designed in a manner such that all noncritical access hospitals in Washington are able to receive the incentive payments if performance is at or above the benchmark score set in the system established under this section.

(2) Upon satisfaction of the applicable conditions set forth in section 17(1) of this act, and for state fiscal year 2013 and each fiscal year thereafter, assessments may be increased to support an additional one percent increase in inpatient hospital rates for noncritical access hospitals that meet the quality incentive benchmarks established under this section.

NEW SECTION. Sec. 15. A new section is added to chapter 70.47 RCW to read as follows:

The increases in inpatient and outpatient reimbursement rates included in chapter 74.--- RCW (the new chapter created in section 23 of this act) shall not be reflected in hospital payment rates for services provided to basic health enrollees under this chapter.

NEW SECTION. Sec. 16. MULTIHOSPITAL LOCATIONS, NEW HOSPITALS, AND CHANGES IN OWNERSHIP. (1) If an entity owns or operates more than one hospital subject to assessment under this chapter, the entity shall pay the assessment for each hospital separately. However, if the entity operates multiple hospitals under a single medicaid provider number, it may pay the assessment for the hospitals in the aggregate.

(2) Notwithstanding any other provision of this chapter, if a hospital subject to the assessment imposed under this chapter ceases to conduct hospital operations throughout a state fiscal year, the assessment for the quarter in which the cessation occurs shall be adjusted by multiplying the assessment computed under section 4 (1) and (3) of this act by a fraction, the numerator of which is the number of days during the year which the hospital conducts, operates, or maintains the hospital and the denominator of which is three hundred sixty-five. Immediately prior to ceasing to conduct, operate, or maintain a hospital, the hospital shall pay the adjusted assessment for the fiscal year to the extent not previously paid.

(3) Notwithstanding any other provision of this chapter, in the case of a hospital that commences conducting, operating, or maintaining a hospital that is not exempt from payment of the assessment under section 5 of this act and that did not conduct, operate, or maintain such hospital throughout the cost reporting year used to determine the assessment amount, the assessment for that hospital shall be computed on the basis of the actual number of nonmedicare inpatient days reported to the department by the hospital on a quarterly basis. The hospital shall be eligible to receive increased payments under this chapter beginning on the date it commences hospital operations.

(4) Notwithstanding any other provision of this chapter, if a hospital previously subject to assessment is sold or transferred to another entity and remains subject to assessment, the assessment for that hospital shall be computed based upon the cost report data previously submitted by that hospital. The assessment shall be allocated between the transferor and transferee based on the number of days within the assessment period that each owned, operated, or maintained the hospital.

NEW SECTION. Sec. 17. CONDITIONS. (1) The assessment, collection, and disbursement of funds under this chapter shall be conditional upon:

(a) Withdrawal of those aspects of any pending state plan amendments previously submitted to the centers for medicare and medicaid services that are inconsistent with this chapter, specifically any pending state plan amendment related to the four percent rate reductions for inpatient and outpatient hospital rates and elimination of the small rural disproportionate share hospital payment program as implemented July 1, 2009;

(b) Approval by the centers for medicare and medicaid services of any state plan amendments or waiver requests that are necessary in order to implement the applicable sections of this chapter;

(c) To the extent necessary, amendment of contracts between the department and managed care organizations in order to implement this chapter; and

(d) Certification by the office of financial management that appropriations have been adopted that fully support the rates established in this chapter for the upcoming fiscal year.

(2) This chapter does not take effect or ceases to be imposed, and any moneys remaining in the fund shall be refunded to hospitals in proportion to the amounts paid by such hospitals, if and to the extent that:

(a) An appellate court or the centers for medicare and medicaid services makes a final determination that any element of this chapter, other than section 11 of this act, cannot be validly implemented;

(b) Medicaid inpatient or outpatient reimbursement rates for hospitals are reduced below the combined rates established by sections 9 and 10 of this act;

(c) Except for payments to the University of Washington medical center and harborview medical center, payments to hospitals required under sections 9, 10, 12, and 13 of this act are not eligible for federal matching funds;

(d) Other funding available for the medicaid program is not sufficient to maintain medicaid inpatient and outpatient reimbursement rates for hospitals and small rural disproportionate share payments at one hundred percent of the levels in effect on July 1, 2009; or

(e) The fund is used as a substitute for or to supplant other funds, except as authorized by section 3(3)(e) of this act.

NEW SECTION. Sec. 18. SEVERABILITY. (1) The provisions of this chapter are not severable: If the conditions set forth in section 17(1) of this act are not satisfied or if any of the circumstances set forth in section 17(2) of this act should occur, this entire chapter shall have no effect from that point forward, except that if the payment under section 11 of this act, or the application thereof to any hospital or circumstances does not receive approval by the

centers for medicare and medicaid services as described in section 17(1)(b) of this act or is determined to be unconstitutional or otherwise invalid, the other provisions of this chapter or its application to hospitals or circumstances other than those to which it is held invalid shall not be affected thereby.

(2) In the event that any portion of this chapter shall have been validly implemented and the entire chapter is later rendered ineffective under this section, prior assessments and payments under the validly implemented portions shall not be affected.

(3) In the event that the payment under section 11 of this act, or the application thereof to any hospital or circumstances does not receive approval by the centers for medicare and medicaid services as described in section 17(1)(b) of this act or is determined to be unconstitutional or otherwise invalid, the amount of the assessment shall be adjusted under section 6(1)(c) of this act.

Sec. 19. 2009 c 564 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES-- MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2010)	\$1,597,387,000
General Fund--State Appropriation (FY 2011)	\$1,984,797,000
General Fund--Federal Appropriation	\$5,210,672,000
General Fund--Private/Local Appropriation	\$12,903,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation	\$15,076,000
Tobacco Prevention and Control Account--	
State Appropriation	\$3,766,000

TOTAL APPROPRIATION \$8,824,601,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(4) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate- setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the department's discretion. During either the interim cost settlement or the final cost

settlement, the department shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The department shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(6) \$1,110,000 of the general fund--federal appropriation and \$1,105,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$9,818,000 of the general fund--state appropriation for fiscal year 2011, and \$9,865,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2009-11 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit reports to the governor and legislature by November 1, 2009, and by November 1, 2010, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2010 and fiscal year 2011, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program, (b) one half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2009-11 biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when

requested. \$6,570,000 of the general fund--state appropriation for fiscal year 2010, which is appropriated in section 204(1) of this act, and \$1,500,000 of the general fund--state appropriation for fiscal year 2011, which is appropriated in section 204(1) of this act, are provided solely for state grants for the participating hospitals. Sufficient amounts are appropriated in this section for the remaining state grants for the participating hospitals.

(9) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(10) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(11) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is at least equivalent to the benefit provided in the 2003-05 biennium.

(12) \$93,000 of the general fund--state appropriation for fiscal year 2010 and \$93,000 of the general fund--federal appropriation are provided solely for the department to pursue a federal Medicaid waiver pursuant to Second Substitute Senate Bill No. 5945 (Washington health partnership plan). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(13) The department shall require managed health care systems that have contracts with the department to serve medical assistance clients to limit any reimbursements or payments the systems make to providers not employed by or under contract with the systems to no more than the medical assistance rates paid by the department to providers for comparable services rendered to clients in the fee-for-service delivery system.

(14) Appropriations in this section are sufficient for the department to continue to fund family planning nurses in the community services offices.

(15) The department, in coordination with stakeholders, will conduct an analysis of potential savings in utilization of home dialysis. The department shall present its findings to the appropriate house of representatives and senate committees by December 2010.

(16) A maximum of \$166,875,000 of the general fund--state appropriation and \$38,389,000 of the general fund--federal appropriation may be expended in the fiscal biennium for the general assistance-unemployable medical program, and these amounts are provided solely for this program. Of these amounts, \$10,749,000 of the general fund--state appropriation for fiscal year 2010 and \$10,892,000 of the general fund--federal appropriation are provided solely for payments to hospitals for providing outpatient services to low income patients who are recipients of general assistance-unemployable. Pursuant to RCW 74.09.035, the department shall not expend for the general assistance medical care services program any amounts in excess of the amounts provided in this subsection.

(17) If the department determines that it is feasible within the amounts provided in subsection (16) of this section, and without the loss of federal disproportionate share hospital funds, the department shall contract with the carrier currently operating a managed care pilot project for the provision of medical care services to general assistance-unemployable clients. Mental health services shall be included in the services provided through the managed care system. If the department determines that it is feasible, effective October 1, 2009, in addition to serving clients in the pilot counties, the carrier shall expand managed care services to clients residing in at least the following counties: Spokane, Yakima, Chelan, Kitsap, and Cowlitz. If the department determines that it is feasible, the carrier shall complete implementation into the remaining counties. Total per person costs to the state, including outpatient and inpatient services and any additional costs due to stop loss agreements, shall not exceed the per capita payments projected for the general assistance-unemployable eligibility category, by fiscal year, in the February 2009 medical assistance expenditures forecast. The department, in

collaboration with the carrier, shall seek to improve the transition rate of general assistance clients to the federal supplemental security income program.

(18) The department shall evaluate the impact of the use of a managed care delivery and financing system on state costs and outcomes for general assistance medical clients. Outcomes measured shall include state costs, utilization, changes in mental health status and symptoms, and involvement in the criminal justice system.

(19) The department shall report to the governor and the fiscal committees of the legislature by June 1, 2010, on its progress toward achieving a twenty percentage point increase in the generic prescription drug utilization rate.

(20) State funds shall not be used by hospitals for advertising purposes.

(21) The department shall seek a medicaid state plan amendment to create a professional services supplemental payment program for University of Washington medicine professional providers no later than July 1, 2009. The department shall apply federal rules for identifying the shortfall between current fee-for-service medicaid payments to participating providers and the applicable federal upper payment limit. Participating providers shall be solely responsible for providing the local funds required to obtain federal matching funds. Any incremental costs incurred by the department in the development, implementation, and maintenance of this program will be the responsibility of the participating providers. Participating providers will retain the full amount of supplemental payments provided under this program, net of any potential costs for any related audits or litigation brought against the state. The department shall report to the governor and the legislative fiscal committees on the prospects for expansion of the program to other qualifying providers as soon as feasibility is determined but no later than December 31, 2009. The report will outline estimated impacts on the participating providers, the procedures necessary to comply with federal guidelines, and the administrative resource requirements necessary to implement the program. The department will create a process for expansion of the program to other qualifying providers as soon as it is determined feasible by both the department and providers but no later than June 30, 2010.

(22) \$9,350,000 of the general fund--state appropriation for fiscal year 2010, \$8,313,000 of the general fund--state appropriation for fiscal year 2011, and \$20,371,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of section 902 of this act.

(23) \$506,000 of the general fund--state appropriation for fiscal year 2011 and \$657,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1373 (children's mental health). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(24) Pursuant to 42 U.S.C. Sec. 1396(a)(25), the department shall pursue insurance claims on behalf of medicaid children served through its in-home medically intensive child program under WAC 388-551-3000. The department shall report to the Legislature by December 31, 2009, on the results of its efforts to recover such claims.

(25) The department may, on a case-by-case basis and in the best interests of the child, set payment rates for medically intensive home care services to promote access to home care as an alternative to hospitalization. Expenditures related to these increased payments shall not exceed the amount the department would otherwise pay for hospitalization for the child receiving medically intensive home care services.

(26) \$425,000 of the general fund--state appropriation for fiscal year 2010, \$425,000 of the general fund--state appropriation for fiscal

year 2011, and \$1,580,000 of the general fund--federal appropriation are provided solely to continue children's health coverage outreach and education efforts under RCW 74.09.470. These efforts shall rely on existing relationships and systems developed with local public health agencies, health care providers, public schools, the women, infants, and children program, the early childhood education and assistance program, child care providers, newborn visiting nurses, and other community-based organizations. The department shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(27) The department, in conjunction with the office of financial management, shall ~~((reduce outpatient and inpatient hospital rates and))~~ implement a prorated inpatient payment policy. ~~((In determining the level of reductions needed, the department shall include in its calculations services paid under fee for service, managed care, and certified public expenditure payment methods; but reductions shall not apply to payments for psychiatric inpatient services or payments to critical access hospitals.))~~

(28) The department will pursue a competitive procurement process for antihemophilic products, emphasizing evidence-based medicine and protection of patient access without significant disruption in treatment.

(29) The department will pursue several strategies towards reducing pharmacy expenditures including but not limited to increasing generic prescription drug utilization by 20 percentage points and promoting increased utilization of the existing mail-order pharmacy program.

(30) The department shall reduce reimbursement for over-the-counter medications while maintaining reimbursement for those over-the-counter medications that can replace more costly prescription medications.

(31) The department shall seek public-private partnerships and federal funds that are or may become available to implement health information technology projects under the federal American recovery and reinvestment act of 2009.

(32) The department shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race.

(33) The department shall direct graduate medical education funds to programs that focus on primary care training.

(34) \$79,000 of the general fund--state appropriation for fiscal year 2010 and \$53,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1845 (medical support obligations).

(35) \$63,000 of the general fund--state appropriation for fiscal year 2010, \$583,000 of the general fund--state appropriation for fiscal year 2011, and \$864,000 of the general fund--federal appropriation are provided solely to implement Engrossed House Bill No. 2194 (extraordinary medical placement for offenders). The department shall work in partnership with the department of corrections to identify services and find placements for offenders who are released through the extraordinary medical placement program. The department shall collaborate with the department of corrections to identify and track cost savings to the department of corrections, including medical cost savings, and to identify and track expenditures incurred by the aging and disability services program for community services and by the medical assistance program for medical expenses. A joint report regarding the identified savings and expenditures shall be provided to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010. If this bill

is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(36) Sufficient amounts are provided in this section to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with RCW 74.09.520.

Sec. 20. RCW 43.84.092 and 2009 c 479 s 31, 2009 c 472 s 5, and 2009 c 451 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment

account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4) shall first be reduced by the

allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 21. EXPIRATION. This chapter expires July 1, 2013.

NEW SECTION. Sec. 22. Upon expiration of chapter 74.--RCW (the new chapter created in section 24 of this act), inpatient and outpatient hospital reimbursement rates shall return to a rate structure no higher than the rate structure in effect as of July 1, 2009, as if the four percent medicaid inpatient and outpatient rate reductions did not occur on July 1, 2009, or as otherwise specified in the 2013-15 biennial operating appropriations act.

NEW SECTION. Sec. 23. EMERGENCY. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 24. NEW CHAPTER. Sections 1 through 14, 16 through 18, and 21 of this act constitute a new chapter in Title 74 RCW."

On page 1, line 3 of the title, after "Washington;" strike the remainder of the title and insert "amending 2009 c 564 s 209 (unmodified); reenacting and amending RCW 43.84.092; adding a new section to chapter 70.47 RCW; adding a new chapter to Title 74 RCW; creating a new section; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate Amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956 and asked the Senate for a conference thereon. The Speaker (Representative Morris presiding) appointed Representatives Cody, Pettigrew and Schmick as conferees.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

MESSAGE FROM THE SENATE

March 19, 2010

Mr. Speaker:

The Senate has passed SECOND ENGROSSED SUBSTITUTE SENATE BILL 6143 and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2493, by Representatives Cody, Williams, Pedersen, Kagi, Nelson, Orwall, McCoy, Dickerson, White, Hunt, Darneille, Moeller and Roberts

Concerning the taxation of cigarettes and other tobacco products.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2493 was substituted for House Bill No. 2493 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2493 was read the second time.

Representative Hunter moved the adoption of amendment (1718).

On page 7, after line 4, strike all of subsection (1)(c) and insert the following:

"(c) For moist snuff, as established in this subsection (1)(c) and computed on the net weight listed by the manufacturer:

(i) On each single unit consumer-sized can or package whose net weight is one and two-tenths ounces or less, a rate per single unit that is equal to the greater of 2.526 dollars or eighty-three and one-half percent of the cigarette tax under chapter 82.24 RCW multiplied by twenty; or

(ii) On each single unit consumer-sized can or package whose net weight is more than one and two-tenths ounces, a proportionate tax at the rate established in (c)(i) of this subsection (1) on each ounce or fractional part of an ounce; and"

Representative Hunter spoke in favor of the adoption of the amendment.

Amendment (1718) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Hunter and Morrell spoke in favor of the passage of the bill.

Representatives Orcutt, Schmick, Kirby, Ericksen and Ericksen (again) spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2493.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2493, and the bill passed the House by the following vote: Yeas, 54; Nays, 42; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Flannigan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kirby, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Kelley and Roach.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2493, having received the constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

SUPPLEMENTAL INTRODUCTION & FIRST READING

2ESSB 6143 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to modifying excise tax laws to preserve funding for public schools, colleges, and universities, as well as other public systems essential for the safety, health, and security of all Washingtonians; amending RCW 82.04.220, 82.04.2907, 82.04.460, 82.04.080, 82.32.090, 82.12.020, 82.45.033, 82.45.070, 82.45.080, 82.45.100, 82.45.220, 43.07.390, 82.04.423, 82.04.4266, 82.04.4266, 82.04.260, 82.04.250, 82.04.250, 82.04.250, 82.04.298, 82.04.334, 82.04.4463, 82.04.4463, 82.08.806, 82.32.550, 82.45.195, 35.102.150, 48.14.080, 82.04.360, 82.45.010, 82.45.080, 82.32.145, 82.60.020, 82.60.020, 82.62.010, 82.62.010, 82.04.4282, 82.08.037, 82.12.037, 82.08.890, 82.12.890, 54.28.011, 82.08.962, 82.12.962, 82.08.0293, 82.08.0293, 82.12.0293, 82.04.4451, 82.32.045, 82.08.020, 82.08.020, 44.04.120, 82.08.0206, 36.100.040, 67.28.181, and 82.14.410; reenacting and amending RCW 82.45.010, 82.04.260, 82.04.261, 82.04.440, 82.04.360, and 82.08.064; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.32 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; creating new sections; repealing RCW 82.04.44525, 82.08.811, 82.12.811, and 82.04.394; providing effective dates; providing expiration dates; and declaring an emergency.

2ESB 6221 by Senator Fairley

AN ACT Relating to the clarifying and expanding participation in the Washington state local government investment pool; and amending RCW 43.250.010, 43.250.020, and 43.250.040.

There being no objection, SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6143 and SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6221 were read the first time, and under suspension of the rules were placed on the second reading calendar.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:30 a.m., March 20, 2010, the 6th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTH DAY

House Chamber, Olympia, Saturday, March 20, 2010

The House was called to order at 9:30 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Melinda McCrady and Lisa Fenton. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Kirk Pearson, 39th District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Relating to revenue and taxation. Revised for 1st Substitute: Modifying excise tax laws to preserve funding for public schools, colleges, and universities, as well as other public systems essential for the safety, health, and security of all Washingtonians.

The bill was read the second time.

There being no objection, amendments (1722) and (1724) were withdrawn.

Representative Hunter moved the adoption of amendment (1720).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In order to preserve funding for education, public safety, health care, environmental protection, and safety net services for children, elderly, disabled, and vulnerable people, it is the intent of the legislature to close obsolete tax preferences, clarify the legislature's intent regarding existing tax policy, and to ensure balanced tax policy while bolstering emerging industries.

PART I**Minimum Nexus Standards**

NEW SECTION. Sec. 101. (1) The legislature finds that out-of-state businesses that do not have a physical presence in Washington earn significant income from Washington residents from providing services or collecting royalties on the use of intangible property in this state. The legislature further finds that these businesses receive significant benefits and opportunities provided by the state, such as: Laws providing protection of business interests or regulating consumer credit; access to courts and judicial process to enforce business rights, including debt collection and intellectual property rights; an orderly and regulated marketplace; and police and fire

protection and a transportation system benefiting in-state agents and other representatives of out-of-state businesses. Therefore, the legislature intends to extend the state's business and occupation tax to these companies to ensure that they pay their fair share of the cost of services that this state renders and the infrastructure it provides.

(2)(a) The legislature also finds that the current cost apportionment method in RCW 82.04.460(1) for apportioning most service income has been difficult for both taxpayers and the department to apply due in large part (i) to the difficulty in assigning certain costs of doing business inside or outside of this state, and (ii) to its dissimilarity with the apportionment methods used in other states for their business activity taxes.

(b) The legislature further finds that there is a trend among states to adopt a single factor apportionment formula based on sales. The legislature recognizes that adoption of a sales factor only apportionment method has the advantages of simplifying apportionment and making Washington a more attractive place for businesses to expand their property and payroll. For these reasons, the legislature adopts single factor sales apportionment for purposes of apportioning royalty income and certain service income for state business and occupation tax purposes.

(c) Nothing in this act may be construed, however, to authorize apportionment of the gross income or value of products taxable under the following business and occupation tax classifications: Retailing, wholesaling, manufacturing, processing for hire, extracting, extracting for hire, printing, government contracting, public road construction, the classifications in RCW 82.04.280 (2), (4), (6), and (7), and any other activity not specifically included in the definition of apportionable activities in RCW 82.04.460.

(d) Nothing in this part is intended to modify the nexus and apportionment requirements for local gross receipts business and occupation taxes.

Sec. 102. RCW 82.04.220 and 1961 c 15 s 82.04.220 are each amended to read as follows:

(1) There is levied and (~~shall be~~) collected from every person that has a substantial nexus with this state a tax for the act or privilege of engaging in business activities. (~~Such~~) The tax (~~shall be~~) is measured by the application of rates against value of products, gross proceeds of sales, or gross income of the business, as the case may be.
(2) A person who has a substantial nexus with this state in any tax year will be deemed to have a substantial nexus with this state for the following tax year.

NEW SECTION. Sec. 103. A new section is added to chapter 82.04 RCW to read as follows:

"Engaging within this state" and "engaging within the state," when used in connection with any apportionable activity as defined in RCW 82.04.460, means that a person generates gross income of the business from sources within this state, such as customers or intangible property located in this state, regardless of whether the person is physically present in this state.

NEW SECTION. Sec. 104. A new section is added to chapter 82.04 RCW to read as follows:

(1) A person engaging in business is deemed to have substantial nexus with this state if the person is:

(a) An individual and is a resident or domiciliary of this state;

(b) A business entity and is organized or commercially domiciled in this state; or

(c) A nonresident individual or a business entity that is organized or commercially domiciled outside this state, and in any tax year the person has:

- (i) More than fifty thousand dollars of property in this state;
- (ii) More than fifty thousand dollars of payroll in this state;
- (iii) More than two hundred fifty thousand dollars of receipts from this state; or

(iv) At least twenty-five percent of the person's total property, total payroll, or total receipts in this state.

(2)(a) Property counting toward the thresholds in subsection (1)(c)(i) and (iv) of this section is the average value of the taxpayer's property, including intangible property, owned or rented and used in this state during the tax year.

(b)(i) Property owned by the taxpayer, other than loans and credit card receivables owned by the taxpayer, is valued at its original cost basis. Loans and credit card receivables owned by the taxpayer are valued at their outstanding principal balance, without regard to any reserve for bad debts. However, if a loan or credit card receivable is charged off in whole or in part for federal income tax purposes, the portion of the loan or credit card receivable charged off is deducted from the outstanding principal balance.

(ii) Property rented by the taxpayer is valued at eight times the net annual rental rate. For purposes of this subsection, "net annual rental rate" means the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

(c) The average value of property must be determined by averaging the values at the beginning and ending of the tax year; but the department may require the averaging of monthly values during the tax year if reasonably required to properly reflect the average value of the taxpayer's property.

(d)(i) For purposes of this subsection (2), loans and credit card receivables are deemed owned and used in this state as follows:

(A) Loans secured by real property, personal property, or both real and personal property, are deemed owned and used in the state if the real property or personal property securing the loan is located within this state. If the property securing the loan is located both within this state and one or more other states, the loan is deemed owned and used in this state if more than fifty percent of the fair market value of the real or personal property is located within this state. If more than fifty percent of the fair market value of the real or personal property is not located within any one state, then the loan is deemed owned and used in this state if the borrower is located in this state. The determination of whether the real or personal property securing a loan is located within this state must be made, as of the time the original agreement was made, and any and all subsequent substitutions of collateral must be disregarded.

(B) Loans not secured by real or personal property are deemed owned and used in this state if the borrower is located in this state.

(C) Credit card receivables are deemed owned and used in this state if the billing address of the cardholder is in this state.

(ii)(A) Except as otherwise provided in (d)(ii)(B) of this subsection (2), the definitions in the multistate tax commission's recommended formula for the apportionment and allocation of net income of financial institutions as existing on the effective date of this section or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, apply to this section.

(B) "Credit card" means a card or device existing for the purpose of obtaining money, property, labor, or services on credit.

(e) Notwithstanding anything else to the contrary in this subsection, property counting toward the thresholds in subsection (1)(c)(i) and (iv) of this section does not include a person's ownership of, or rights in, computer software as defined in RCW 82.04.215, including computer software used in providing a digital automated

service; master copies of software; and digital goods and digital codes residing on servers located in this state.

(3)(a) Payroll counting toward the thresholds in subsection (1)(c)(ii) and (iv) of this section is the total amount paid by the taxpayer for compensation in this state during the tax year plus nonemployee compensation paid to representative third parties in this state. Nonemployee compensation paid to representative third parties includes the gross amount paid to nonemployees who represent the taxpayer in interactions with the taxpayer's clients and includes sales commissions.

(b) Employee compensation is paid in this state if the compensation is properly reportable to this state for unemployment compensation tax purposes, regardless of whether the compensation was actually reported to this state.

(c) Nonemployee compensation is paid in this state if the service performed by the representative third party occurs entirely or primarily within this state.

(d) For purposes of this subsection, "compensation" means wages, salaries, commissions, and any other form of remuneration paid to employees or nonemployees and defined as gross income under 26 U.S.C. Sec. 61 of the federal internal revenue code of 1986, as existing on the effective date of this section.

(4) Receipts counting toward the thresholds in subsection (1)(c)(iii) and (iv) of this section are those amounts included in the numerator of the receipts factor under section 105 of this act and, for financial institutions, those amounts included in the numerator of the receipts factor under the rule adopted by the department as authorized in RCW 82.04.460(2).

(5)(a) Each December, the department must review the cumulative percentage change in the consumer price index. The department must adjust the thresholds in subsection (1)(c)(i) through (iii) of this section if the consumer price index has changed by five percent or more since the later of the effective date of this section, or the date that the thresholds were last adjusted under this subsection. For purposes of determining the cumulative percentage change in the consumer price index, the department must compare the consumer price index available as of December 1st of the current year with the consumer price index as of the later of the effective date of this section, or the date that the thresholds were last adjusted under this subsection. The thresholds must be adjusted to reflect that cumulative percentage change in the consumer price index. The adjusted thresholds must be rounded to the nearest one thousand dollars. Any adjustment will apply to tax periods that begin after the adjustment is made.

(b) As used in this subsection, "consumer price index" means the consumer price index for all urban consumers (CPI-U) available from the bureau of labor statistics of the United States department of labor.

(6) Subsections (1) through (5) of this section only apply with respect to the taxes imposed under this chapter on apportionable activities as defined in RCW 82.04.460. For purposes of the taxes imposed under this chapter on any activity not included in the definition of apportionable activities in RCW 82.04.460, a person is deemed to have a substantial nexus with this state if the person has a physical presence in this state, which need only be demonstrably more than a slightest presence. For purposes of this subsection, a person is physically present in this state if the person has property or employees in this state. A person is also physically present in this state if the person, either directly or through an agent or other representative, engages in activities in this state that are significantly associated with the person's ability to establish or maintain a market for its products in this state.

NEW SECTION. Sec. 105. A new section is added to chapter 82.04 RCW to read as follows:

(1) The apportionable income of a person within the scope of RCW 82.04.460(1) is apportioned to Washington by multiplying its apportionable income by the receipts factor. Persons who are subject

to tax under more than one of the tax classifications enumerated in RCW 82.04.460(4)(a) (i) through (ix) must calculate a separate receipts factor for each tax classification that the person is taxable under.

(2) For purposes of subsection (1) of this section, the receipts factor is a fraction and is calculated as provided in subsections (3) and (4) of this section and, for financial institutions, as provided in the rule adopted by the department under the authority of RCW 82.04.460(2).

(3)(a) The numerator of the receipts factor is the total gross income of the business of the taxpayer attributable to this state during the tax year from engaging in an apportionable activity. The denominator of the receipts factor is the total gross income of the business of the taxpayer from engaging in an apportionable activity everywhere in the world during the tax year.

(b) Except as otherwise provided in this section, for purposes of computing the receipts factor, gross income of the business generated from each apportionable activity is attributable to the state:

(i) Where the customer received the benefit of the taxpayer's service or, in the case of gross income from royalties, where the customer used the taxpayer's intangible property.

(ii) If the customer received the benefit of the service or used the intangible property in more than one state, gross income of the business must be attributed to the state in which the benefit of the service was primarily received or in which the intangible property was primarily used.

(iii) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i) or (ii) of this subsection (3), gross income of the business must be attributed to the state from which the customer ordered the service or, in the case of royalties, the office of the customer from which the royalty agreement with the taxpayer was negotiated.

(iv) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i), (ii), or (iii) of this subsection (3), gross income of the business must be attributed to the state to which the billing statements or invoices are sent to the customer by the taxpayer.

(v) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i), (ii), (iii), or (iv) of this subsection (3), gross income of the business must be attributed to the state from which the customer sends payment to the taxpayer.

(vi) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i), (ii), (iii), (iv), or (v) of this subsection (3), gross income of the business must be attributed to the state where the customer is located as indicated by the customer's address: (A) Shown in the taxpayer's business records maintained in the regular course of business; or (B) obtained during consummation of the sale or the negotiation of the contract for services or for the use of the taxpayer's intangible property, including any address of a customer's payment instrument when readily available to the taxpayer and no other address is available.

(vii) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i), (ii), (iii), (iv), (v), or (vi) of this subsection (3), gross income of the business must be attributed to the commercial domicile of the taxpayer.

(viii) For purposes of this subsection (3)(b), "customer" means a person or entity to whom the taxpayer makes a sale or renders services or from whom the taxpayer otherwise receives gross income of the business. "Customer" includes anyone who pays royalties or charges in the nature of royalties for the use of the taxpayer's intangible property.

(c) Gross income of the business from engaging in an apportionable activity must be excluded from the denominator of the receipts factor if, in respect to such activity, at least some of the activity is performed in this state, and the gross income is attributable under (b) of this subsection (3) to a state in which the taxpayer is not

taxable. For purposes of this subsection (3)(c), "not taxable" means that the taxpayer is not subject to a business activities tax by that state, except that a taxpayer is taxable in a state in which it would be deemed to have a substantial nexus with that state under the standards in section 104(1) of this act regardless of whether that state imposes such a tax. "Business activities tax" means a tax measured by the amount of, or economic results of, business activity conducted in a state. The term includes taxes measured in whole or in part on net income or gross income or receipts. "Business activities tax" does not include a sales tax, use tax, or a similar transaction tax, imposed on the sale or acquisition of goods or services, whether or not denominated a gross receipts tax or a tax imposed on the privilege of doing business.

(d) This subsection (3) does not apply to financial institutions with respect to apportionable income taxable under RCW 82.04.290. Financial institutions must calculate the receipts factor as provided in subsection (4) of this section and the rule adopted by the department under the authority of RCW 82.04.460(2) with respect to apportionable income taxable under RCW 82.04.290. Financial institutions that are subject to tax under any other tax classification enumerated in RCW 82.04.460(4)(a) (i) through (v) and (vii) through (x) must calculate a separate receipts factor, as provided in this section, for each of the other tax classifications that the financial institution is taxable under.

(4) A taxpayer may calculate the receipts factor for the current tax year based on the most recent calendar year for which information is available for the full calendar year. If a taxpayer does not calculate the receipts factor for the current tax year based on previous calendar year information as authorized in this subsection, the business must use current year information to calculate the receipts factor for the current tax year. In either case, a taxpayer must correct the reporting for the current tax year when complete information is available to calculate the receipts factor for that year, but not later than October 31st of the following tax year. Interest will apply to any additional tax due on a corrected tax return. Interest must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the original return was due, and will accrue until the additional taxes are paid. Penalties as provided in RCW 82.32.090 will apply to any such additional tax due only if the current tax year reporting is not corrected and the additional tax is not paid by October 31st of the following tax year. Interest as provided in RCW 82.32.060 will apply to any tax paid in excess of that properly due on a return as a result of a taxpayer using previous calendar year data or incomplete current-year data to calculate the receipts factor.

(5) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Apportionable activities" and "apportionable income" have the same meaning as in RCW 82.04.460.

(b) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision of a foreign country.

Sec. 106. RCW 82.04.2907 and 2009 c 535 s 407 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of receiving income from royalties (~~(or charges in the nature of royalties for the granting of intangible rights, such as copyrights, licenses, patents, or franchise fees)~~), the amount of tax with respect to ~~((such))~~ the business ~~((shall be))~~ is equal to the gross income from royalties (~~(or charges in the nature of royalties from the business))~~ multiplied by the rate of 0.484 percent.

(2) For the purposes of this section, "gross income from royalties" means compensation for the use of intangible property, ~~((such as))~~ including charges in the nature of royalties, regardless of where the intangible property will be used. For purposes of this subsection, "intangible property" includes copyrights, patents, licenses,

franchises, trademarks, trade names, and similar items. ~~((H))~~ "Gross income from royalties" does not include compensation for any natural resource, the licensing of prewritten computer software to the end user, or the licensing ~~((or use))~~ of digital goods, digital codes, or digital automated services to the end user as defined in RCW 82.04.190(11).

Sec. 107. RCW 82.04.2907 and 2010 c . . . (SHB 2620) s 302 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of receiving income from royalties ~~((or charges in the nature of royalties for the granting of intangible rights, such as copyrights, licenses, patents, or franchise fees)),~~ the amount of tax with respect to the business is equal to the gross income from royalties ~~((or charges in the nature of royalties from the business))~~ multiplied by the rate of 0.484 percent.

(2) For the purposes of this section, "gross income from royalties" means compensation for the use of intangible property, ~~((such as))~~ including charges in the nature of royalties, regardless of where the intangible property will be used. For purposes of this subsection, "intangible property" includes copyrights, patents, licenses, franchises, trademarks, trade names, and similar items. ~~((H))~~ "Gross income from royalties" does not include compensation for any natural resource, the licensing of prewritten computer software to the end user, or the licensing of digital goods, digital codes, or digital automated services to the end user as defined in RCW 82.04.190(11).

Sec. 108. RCW 82.04.460 and 2004 c 174 s 6 are each amended to read as follows:

(1) Except as otherwise provided in this section, any person ((rendering services)) earning apportionable income taxable under ((RCW 82.04.290 or 82.04.2908)) this chapter and ((maintaining places of business both within and without this state which contribute to the rendition of such services shall)) also taxable in another state, must, for the purpose of computing tax liability under ((RCW 82.04.290 or 82.04.2908)) this chapter, apportion to this state, in accordance with section 105 of this act, that portion of the person's ((gross)) apportionable income ((which is)) derived from ((services rendered)) business activities performed within this state. ((Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of the taxpayer's total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.))

(2) ((Notwithstanding the provision of subsection (1) of this section, persons doing business both within and without the state who receive gross income from service charges, as defined in RCW 63.14.010 (relating to amounts charged for granting the right or privilege to make deferred or installment payments) or who receive gross income from engaging in business as financial institutions within the scope of chapter 82.14A RCW (relating to city taxes on financial institutions) shall apportion or allocate gross income taxable under RCW 82.04.290 to this state pursuant to rules promulgated by the department consistent with uniform rules for apportionment or allocation developed by the states.)) The department must by rule provide a method of apportioning the apportionable income of financial institutions, where such apportionable income is taxable under RCW 82.04.290. The rule adopted by the department must, to the extent feasible, be consistent with the multistate tax commission's recommended formula for the apportionment and allocation of net income of financial institutions as existing on the effective date of this section or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, except that:

(a) The department's rule must provide for a single factor apportionment method based on the receipts factor; and

(b) The definition of "financial institution" contained in appendix A to the multistate tax commission's recommended formula for the

apportionment and allocation of net income of financial institutions is advisory only.

(3) The department ~~((shall))~~ may by rule provide a method or methods of apportioning or allocating gross income derived from sales of telecommunications service and competitive telephone service(s) taxed under this chapter, if the gross proceeds of sales subject to tax under this chapter do not fairly represent the extent of the taxpayer's income attributable to this state. ~~((The rules shall be, so far as feasible, consistent with the methods of apportionment contained in this section and shall require the consideration of those facts, circumstances, and apportionment factors as will result in an equitable and constitutionally permissible division of the services.))~~ The rule must provide for an equitable and constitutionally permissible division of the tax base.

(4) For purposes of this section, the following definitions apply unless the context clearly requires otherwise:

(a) "Apportionable income" means gross income of the business generated from engaging in apportionable activities, including income received from apportionable activities performed outside this state if the income would be taxable under this chapter if received from activities in this state, less the exemptions and deductions allowable under this chapter. For purposes of this subsection, "apportionable activities" means only those activities taxed under:

(i) RCW 82.04.255;

(ii) RCW 82.04.260 (3), (4), (5), (6), (7), (8), (9), and (12);

(iii) RCW 82.04.280(5);

(iv) RCW 82.04.285;

(v) RCW 82.04.286;

(vi) RCW 82.04.290;

(vii) RCW 82.04.2907;

(viii) RCW 82.04.2908;

(ix) RCW 82.04.263, but only to the extent of any activity that would be taxable under any of the provisions enumerated under (a)(i) through (viii) of this subsection (4) if the tax classification in RCW 82.04.263 did not exist; and

(x) RCW 82.04.260(13) and 82.04.280(1), but only with respect to advertising.

(b)(i) "Taxable in another state" means that the taxpayer is subject to a business activities tax by another state on its income received from engaging in apportionable activities; or the taxpayer is not subject to a business activities tax by another state on its income received from engaging in apportionable activities, but any other state has jurisdiction to subject the taxpayer to a business activities tax on such income under the substantial nexus standards in section 104(1) of this act.

(ii) For purposes of this subsection (4)(b), "business activities tax" and "state" have the same meaning as in section 105 of this act.

Sec. 109. RCW 82.04.080 and 1961 c 15 s 82.04.080 are each amended to read as follows:

(1) "Gross income of the business" means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(2) Financial institutions must determine gains realized from trading in stocks, bonds, and other evidences of indebtedness on a net annualized basis. For purposes of this subsection, a financial institution means a person within the scope of the rule adopted by the department under the authority of RCW 82.04.460(2).

NEW SECTION. Sec. 110. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received by a financial institution from an affiliated person if the amounts are received from transactions that are required to be at arm's length under sections 23A or 23B of the federal reserve act as existing on the effective date of this section or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. For purposes of this subsection, "financial institution" has the same meaning as in RCW 82.04.080.

(2) As used in this section, "affiliated" means under common control. "Common control" means the possession, directly or indirectly, of more than fifty percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

NEW SECTION. Sec. 111. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received by investment conduits or securitization entities from cash and securities.

(2) For purposes of this section, the following definitions apply:

(a) "Investment conduit" means an entity formed by a financial institution as defined in RCW 82.04.080 for the express purpose of holding or owning cash or securities if the entity formed:

- (i) Has no employees;
- (ii) Has no direct profit-making motive;
- (iii) Owns no tangible assets, other than cash or securities;
- (iv) Holds or owns cash or securities solely as a conduit, allocating its income to holders of its ownership interests; and

(v) Has, within twelve months of its organization or initial capitalization date, issued ownership interests to other than affiliated persons, equal to or greater than twenty-five percent of its total issued ownership interests.

(b) "Securities" has the same meaning as in section 2 of the securities act of 1933 and includes eligible assets as defined by Rule 3a-7 of the investment company act, as the law and rule exist on the effective date of this section or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(c) "Securitization entity" means an entity created by a bank holding company if the entity created:

- (i) Has no employees;
- (ii) Has no direct profit-making motive;
- (iii) Owns no tangible assets, other than cash, fixed or revolving discrete pools of credit or charge card receivables originated by a financial institution, or securities;

(iv) Acts solely as a conduit, allocating its income to holders of its ownership interests; and

(v) Has as its sole business activities the:

(A) Acquisition of such discrete pools of credit or charge card receivables; and

(B) Issuance or causing the issuance of securities primarily to persons not affiliated with the entity.

(d) "Bank holding company" has the same meaning as provided in the bank holding company act of 1956, as existing on the effective date of this section or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(e) "No direct profit-making motive" means that all of an entity's income, less a reasonable servicing fee, is paid to holders of its ownership interests.

(f) "Ownership interest" means interests categorized as debt or equity for purposes of federal tax or generally accepted accounting principles.

(g) "Affiliated" has the same meaning as in section 110 of this act.

PART II

Tax Avoidance Transactions

NEW SECTION. Sec. 201. A new section is added to chapter 82.32 RCW to read as follows:

(1)(a) Unless otherwise specifically provided in statute, the department must respect the form of a transaction, except where the form of the transaction or a related series of transactions is adopted for the purpose of:

(i) Disguising income received, or otherwise avoiding tax on income, from a person that is not affiliated with the taxpayer;

(ii) Disguising the purchase or sale of property or services from or to a person that is not affiliated with the taxpayer; or

(iii) Avoiding the tax imposed in RCW 82.12.020 on the use of property in this state that is owned by an entity organized outside of Washington.

(b) For purposes of this subsection, "affiliated" means under common control. "Control" means the possession, directly or indirectly, of more than fifty percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

(2)(a) The department must, as resources allow, adopt rules to assist in determining when to disregard the form of a transaction or a related series of transactions adopted for the purposes described in subsection (1)(a)(i) through (iii) of this section. In adopting rules, the department may consider the following judicial doctrines, except to the extent such doctrines are inconsistent with express provisions contained in Washington state statutes:

- (i) The sham transaction doctrine;
- (ii) The economic substance doctrine;
- (iii) The business purpose doctrine;
- (iv) The substance over form doctrine;
- (v) The step transaction doctrine; and
- (vi) The assignment of income doctrine.

(b) The adoption of a rule as required under this subsection is not a condition precedent for the department to use the authority provided in this section. Any rules adopted under this section must include examples of transactions that the department will disregard for tax purposes.

(3) The provisions of this section are cumulative and nonexclusive and do not affect any other remedies provided to the department under statutory or common law.

NEW SECTION. Sec. 202. A new section is added to chapter 82.32 RCW to read as follows:

(1)(a) The department may not use section 201 of this act to disregard any transaction, plan, or arrangement initiated before April 1, 2010, if, in respect to such transaction, plan, or arrangement, the taxpayer had reported its tax liability in conformance with either specific written instructions provided by the department to the taxpayer, a determination published under the authority of RCW 82.32.410, or other document published by the department.

(b) This section does not apply if the transaction, plan, or arrangement engaged in by the taxpayer differs materially from the transaction, plan, or arrangement that was addressed in the specific written instructions, published determination, or other published document.

(2) For purposes of this section, "specific written instructions" means tax reporting instructions provided to a taxpayer and which specifically identifies the taxpayer to whom the instructions apply. Specific written instructions may be provided as part of an audit, tax assessment, determination, closing agreement, or in response to a binding ruling request.

Sec. 203. RCW 82.32.090 and 2006 c 256 s 6 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there ~~((shall be))~~ is assessed a penalty of five percent of the amount of the tax; and if the tax is not received on or before the last day of the month following the due date, there ~~((shall be))~~ is assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if the tax is not received on or before the last day of

the second month following the due date, there ~~((shall be))~~ is assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added shall be less than five dollars.

(2) If the department of revenue determines that any tax has been substantially underpaid, there ~~((shall be))~~ is assessed a penalty of five percent of the amount of the tax determined by the department to be due. If payment of any tax determined by the department to be due is not received by the department by the due date specified in the notice, or any extension thereof, there ~~((shall be))~~ is assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if payment of any tax determined by the department to be due is not received on or before the thirtieth day following the due date specified in the notice of tax due, or any extension thereof, there ~~((shall be))~~ is assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added ~~((shall))~~ may be less than five dollars. As used in this section, "substantially underpaid" means that the taxpayer has paid less than eighty percent of the amount of tax determined by the department to be due for all of the types of taxes included in, and for the entire period of time covered by, the department's examination, and the amount of underpayment is at least one thousand dollars.

(3) If a warrant ~~((be))~~ is issued by the department ~~((of revenue))~~ for the collection of taxes, increases, and penalties, there ~~((shall be))~~ is added thereto a penalty of ten percent of the amount of the tax, but not less than ten dollars.

(4) If the department finds that a person has engaged in any business or performed any act upon which a tax is imposed under this title and that person has not obtained from the department a registration certificate as required by RCW 82.32.030, the department ~~((shall))~~ must impose a penalty of five percent of the amount of tax due from that person for the period that the person was not registered as required by RCW 82.32.030. The department ~~((shall))~~ may not impose the penalty under this subsection (4) if a person who has engaged in business taxable under this title without first having registered as required by RCW 82.32.030, prior to any notification by the department of the need to register, obtains a registration certificate from the department.

(5) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department ~~((shall))~~ must add a penalty of ten percent of the amount of the additional tax found due because of the failure to follow the instructions. A taxpayer disregards specific written instructions when the department ~~((of revenue))~~ has informed the taxpayer in writing of the taxpayer's tax obligations and the taxpayer fails to act in accordance with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department ~~((shall))~~ may not assess the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the department to that taxpayer. Specific written instructions may be given as a part of a tax assessment, audit, determination, or closing agreement, provided that such specific written instructions ~~((shall))~~ apply only to the taxpayer addressed or referenced on such documents. Any specific written instructions by the department ~~((of revenue shall))~~ must be clearly identified as such and ~~((shall))~~ must inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

(6) If the department finds that all or any part of a deficiency resulted from engaging in a disregarded transaction, as described in section 201(1)(a) (i), (ii), or (iii) of this act, the department must assess a penalty of thirty-five percent of the additional tax found to be due as a result of engaging in a transaction disregarded by the department under section 201(1)(a) (i), (ii), or (iii) of this act. The penalty provided in this subsection may be assessed together with any other applicable penalties provided in this section on the same tax

found to be due, except for the evasion penalty provided in subsection (7) of this section. The department may not assess the penalty under this subsection if, before the department discovers the taxpayer's use of a transaction described under section 201(1)(a) (i), (ii), or (iii) of this act, the taxpayer discloses its participation in the transaction to the department.

~~((7))~~ (7) If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable ~~((hereunder))~~, a further penalty of fifty percent of the additional tax found to be due ~~((shall))~~ must be added.

~~((7))~~ (8) The penalties imposed under subsections (1) through (4) of this section can each be imposed on the same tax found to be due. This subsection does not prohibit or restrict the application of other penalties authorized by law.

~~((8))~~ (9) The department ~~((of revenue))~~ may not impose both the evasion penalty and the penalty for disregarding specific written instructions or the penalty provided in subsection (6) of this section on the same tax found to be due.

~~((9))~~ (10) For the purposes of this section, "return" means any document a person is required by the state of Washington to file to satisfy or establish a tax or fee obligation that is administered or collected by the department ~~((of revenue))~~, and that has a statutorily defined due date.

NEW SECTION. Sec. 204. (1) The legislature finds that this state's tax policy with respect to the taxation of transactions between affiliated entities and the income derived from such transactions (intercompany transactions) has motivated some taxpayers to engage in transactions designed solely or primarily to minimize the tax effects of intercompany transactions. The legislature further finds that some intercompany transactions result from taxpayers that are required to establish affiliated entities to comply with regulatory mandates and that transactions between such affiliates effectively increases the tax burden in this state on the affiliated group of entities.

(2) Therefore, as existing resources allow, the department of revenue is directed to conduct a review of the state's tax policy with respect to the taxation of intercompany transactions. The review must include the impacts of such transactions under the state's business and occupation tax and state and local sales and use taxes. The department may include other taxes in the review as it deems appropriate.

(3) In conducting the review, the department must examine how this state's tax policy compares to the tax policy of other states with respect to the taxation of intercompany transactions. The department's review must include an analysis of potential alternatives to the current policy of taxing intercompany transactions, including their estimated revenue impacts if practicable.

(4) In conducting this review, the department may seek input from members of the business community and others as it deems appropriate.

(5) The department must report its findings to the fiscal committees of the house of representatives and senate by December 1, 2010. However, if the department has not completed its review by December 1, 2010, the department must provide the fiscal committees of the legislature with a brief status report by December 1, 2010, and the final report by December 1, 2011.

Sec. 205. RCW 82.12.020 and 2009 c 535 s 305 are each amended to read as follows:

(1) There is ~~((hereby))~~ levied and ~~((there shall be))~~ collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any:

(a) Article of tangible personal property ~~((purchased at retail, or))~~ acquired by ~~((lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7)))~~ the user in any manner, including tangible personal property acquired at a casual or isolated sale, and

including by-products used by the manufacturer thereof, except as otherwise provided in this chapter, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state;

(b) Prewritten computer software, regardless of the method of delivery, but excluding prewritten computer software that is either provided free of charge or is provided for temporary use in viewing information, or both;

(c) Services defined as a retail sale in RCW 82.04.050 (2)(a) or (g), (3)(a), or (6)(b), excluding services defined as a retail sale in RCW 82.04.050(6)(b) that are provided free of charge;

(d) Extended warranty; or

(e)(i) Digital good, digital code, or digital automated service, including the use of any services provided by a seller exclusively in connection with digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(ii) With respect to the use of digital goods, digital automated services, and digital codes acquired by purchase, the tax imposed in this subsection (1)(e) applies in respect to:

(A) Sales in which the seller has granted the purchaser the right of permanent use;

(B) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(C) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(D) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(iii) With respect to digital goods, digital automated services, and digital codes acquired other than by purchase, the tax imposed in this subsection (1)(e) applies regardless of whether or not the consumer has a right of permanent use or is obligated to make continued payment as a condition of use.

(2) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property, extended warranty, digital good, digital code, digital automated service, or service taxable under RCW 82.04.050 (2)(a) or (g), (3)(a), or (6)(b), if the sale to, or the use by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(3)(a) Except as provided in this section, payment of the tax imposed by this chapter or chapter 82.08 RCW by one purchaser or user of tangible personal property, extended warranty, digital good, digital code, digital automated service, or other service does not have the effect of exempting any other purchaser or user of the same property, extended warranty, digital good, digital code, digital automated service, or other service from the taxes imposed by such chapters.

(b) The tax imposed by this chapter does not apply:

(i) If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor;

(ii) In respect to the use of any article of tangible personal property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use;

(iii) In respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961; or

(iv) To the use of digital goods or digital automated services, which were obtained through the use of a digital code, if the sale of the digital code to, or the use of the digital code by, the present user or

the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(4)(a) Except as provided in (b) of this subsection (4), the tax is levied and must be collected in an amount equal to the value of the article used, value of the digital good or digital code used, value of the extended warranty used, or value of the service used by the taxpayer, multiplied by the applicable rates in effect for the retail sales tax under RCW 82.08.020.

(b) In the case of a seller required to collect use tax from the purchaser, the tax must be collected in an amount equal to the purchase price multiplied by the applicable rate in effect for the retail sales tax under RCW 82.08.020.

(5) For purposes of the tax imposed in this section, "person" includes anyone within the definition of "buyer," "purchaser," and "consumer" in RCW 82.08.010.

Sec. 206. RCW 82.45.010 and 2008 c 116 s 3 and 2008 c 6 s 701 are each reenacted and amended to read as follows:

(1) As used in this chapter, the term "sale" (~~(shall have)~~) has its ordinary meaning and (~~(shall)~~) includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a twelve-month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert (~~(shall)~~) must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department (~~(of revenue shall)~~) must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department (~~(shall)~~) must consider the following:

~~((a))~~ (i) Persons (~~(shall)~~) must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

~~((b))~~ (ii) When persons are not commonly owned or controlled, they (~~(shall)~~) must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions (~~(shall be)~~) are considered separate acquisitions.

(3) The term "sale" (~~(shall)~~) does not include:

(a) A transfer by gift, devise, or inheritance.

(b) A transfer of any leasehold interest other than of the type mentioned above.

(c) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.

(d) The partition of property by tenants in common by agreement or as the result of a court decree.

(e) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.

(f) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.

(g) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.

(h) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.

(i) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.

(j) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.

(k) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.

(l) The sale of any grave or lot in an established cemetery.

(m) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.

(n) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.

(o) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner (~~PROVIDED, That~~). ~~However~~, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than ~~((+))~~ (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, ~~((2))~~ (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or ~~((3))~~ (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes ~~(shall)~~ become due and payable on the original transfer as otherwise provided by law.

(p)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of ~~(section)~~ 26

U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.

(ii) However, the transfer described in (p)(i) of this subsection cannot be preceded or followed within a twelve-month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (p)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(p)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(p)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.

(q) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

Sec. 207. RCW 82.45.033 and 1993 sp.s. c 25 s 505 are each amended to read as follows:

(1) As used in this chapter, the term "controlling interest" has the following meaning:

~~((+))~~ (a) In the case of a corporation, either fifty percent or more of the total combined voting power of all classes of stock of the corporation entitled to vote, or fifty percent of the capital, profits, or beneficial interest in the voting stock of the corporation; and

~~((2))~~ (b) In the case of a partnership, association, trust, or other entity, fifty percent or more of the capital, profits, or beneficial interest in such partnership, association, trust, or other entity.

(2) The department may, at the department's option, enforce the obligation of the seller under this chapter as provided in this subsection (2):

(a) In the transfer or acquisition of a controlling interest as defined in subsection (1)(a) of this section, either against the corporation in which a controlling interest is transferred or acquired, against the person or persons who acquired the controlling interest in the corporation or, when the corporation is not a publicly traded company, against the person or persons who transferred the controlling interest in the corporation; and

(b) In the transfer or acquisition of a controlling interest as defined in subsection (1)(b) of this section, either against the entity in which a controlling interest is transferred or acquired or against the person or persons who transferred or acquired the controlling interest in the entity.

Sec. 208. RCW 82.45.070 and 1969 ex.s. c 223 s 28A.45.070 are each amended to read as follows:

The tax ~~(herein)~~ provided for in this chapter and any interest or penalties thereon ~~(shall be)~~ is a specific lien upon each ~~(piece)~~ parcel of real property located in this state that is either sold or that is owned by an entity in which a controlling interest has been transferred or acquired. The lien attaches from the time of sale until the tax ~~(shall have been)~~ is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages.

Sec. 209. RCW 82.45.080 and 1980 c 154 s 3 are each amended to read as follows:

(1) The tax levied under this chapter ~~(shall be)~~ is the obligation of the seller and the department ~~(of revenue)~~ may, at the department's option, enforce the obligation through an action of debt against the seller or the department may proceed in the manner prescribed for the foreclosure of mortgages ~~(and resort to)~~. The department's use of one course of enforcement ~~(shall)~~ is not ~~(be)~~ an election not to pursue the other.

(2) For purposes of this section and notwithstanding any other provisions of law, the seller is the parent corporation of a wholly owned subsidiary, when such subsidiary is the transferor to a third-party transferee and the subsidiary is dissolved before paying the tax imposed under this chapter.

Sec. 210. RCW 82.45.100 and 2007 c 111 s 112 are each amended to read as follows:

(1) Payment of the tax imposed under this chapter is due and payable immediately at the time of sale, and if not paid within one month thereafter ~~((shall))~~ will bear interest from the time of sale until the date of payment.

(a) Interest imposed before January 1, 1999, ~~((shall be))~~ is computed at the rate of one percent per month.

(b) Interest imposed after December 31, 1998, ~~((shall be))~~ is computed on a monthly basis at the rate as computed under RCW 82.32.050(2). The rate so computed ~~((shall))~~ must be adjusted on the first day of January of each year for use in computing interest for that calendar year. The department ~~((of revenue shall))~~ must provide written notification to the county treasurers of the variable rate on or before December 1st of the year preceding the calendar year in which the rate applies.

(2) In addition to the interest described in subsection (1) of this section, if the payment of any tax is not received by the county treasurer or the department of revenue, as the case may be, within one month of the date due, there ~~((shall be))~~ is assessed a penalty of five percent of the amount of the tax; if the tax is not received within two months of the date due, there ~~((shall))~~ will be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within three months of the date due, there ~~((shall))~~ will be assessed a total penalty of twenty percent of the amount of the tax. The payment of the penalty described in this subsection ~~((shall be))~~ is collectible from the seller only, and RCW 82.45.070 does not apply to the penalties described in this subsection.

(3) If the tax imposed under this chapter is not received by the due date, the transferee ~~((shall be))~~ is personally liable for the tax, along with any interest as provided in subsection (1) of this section, unless

~~((a))~~ an instrument evidencing the sale is recorded in the official real property records of the county in which the property conveyed is located

~~((b))~~ Either the transferor or transferee notifies the department of revenue in writing of the occurrence of the sale within thirty days following the date of the sale

(4) If upon examination of any affidavits or from other information obtained by the department or its agents it appears that all or a portion of the tax is unpaid, the department ~~((shall))~~ must assess against the taxpayer the additional amount found to be due plus interest and penalties as provided in subsections (1) and (2) of this section. The department ~~((shall))~~ must notify the taxpayer by mail, or electronically as provided in RCW 82.32.135, of the additional amount and the same ~~((shall))~~ becomes due and ~~((shall))~~ must be paid within thirty days from the date of the notice, or within such further time as the department may provide.

(5) No assessment or refund may be made by the department more than four years after the date of sale except upon a showing of:

(a) Fraud or misrepresentation of a material fact by the taxpayer;

(b) A failure by the taxpayer to record documentation of a sale or otherwise report the sale to the county treasurer; or

(c) A failure of the transferor or transferee to report the sale under RCW 82.45.090(2).

(6) Penalties collected on taxes due under this chapter under subsection (2) of this section and RCW 82.32.090 (2) through (7) ~~((shall))~~ must be deposited in the housing trust fund as described in chapter 43.185 RCW.

Sec. 211. RCW 82.45.220 and 2005 c 326 s 3 are each amended to read as follows:

(1) An organization that fails to report a transfer of the controlling interest in the organization under RCW 43.07.390 to the secretary of state and is later determined to be subject to real estate excise taxes due to the transfer, ~~((shall be))~~ is subject to the provisions of RCW 82.45.100 as well as the evasion penalty in RCW 82.32.090~~((6))~~ (7).

(2) Subsection (1) of this section also applies to the failure to report to the secretary of state the granting of an option to acquire an interest in the organization if the exercise of the option would result in a sale as defined in RCW 82.45.010(2).

Sec. 212. RCW 43.07.390 and 2005 c 326 s 2 are each amended to read as follows:

(1)~~(a)~~ The secretary of state ~~((shall))~~ must adopt rules requiring any entity that is required to file an annual report with the secretary of state, including entities under Titles 23, 23B, 24, and 25 RCW, to disclose: (i) Any transfer ~~((of))~~ of the controlling interest ~~((of))~~ in the entity ~~((and any interest in real property)); and (ii) the granting of any option to acquire an interest in the entity if the exercise of the option would result in a sale as defined in RCW 82.45.010(2).~~

(b) The disclosure requirement in this subsection only applies to entities owning an interest in real property located in this state.

(2) This information ~~((shall))~~ must be made available to the department of revenue upon request for the purposes of tracking the transfer of the controlling interest in entities owning real property and to determine when the real estate excise tax is applicable in such cases.

(3) For the purposes of this section, "controlling interest" has the same meaning as provided in RCW 82.45.033.

PART III

Modifying and Placing a Cap on the First Mortgage Deduction

NEW SECTION. Sec. 301. In 1980, the legislature adopted a business and occupation tax deduction to financial businesses for amounts derived from interest received on investments or loans primarily secured by first mortgages or trust deeds on nontransient residential properties which was codified in RCW 82.04.4292. However, the Washington state supreme court in *Homestreet, Inc. v. Dep't of Revenue*, 166 Wn.2d 444 (2009) held that a mortgage lender was entitled to a business and occupation tax deduction under RCW 82.04.4292 for the portion of interest it retained for servicing loans and mortgage-backed securities that it sold on a service-retained basis on the secondary market. The legislature finds that inclusion of interest retained for servicing loans and mortgage-backed securities was not within the legislative intent when the deduction provided in 82.04.4292 was adopted in 1980. Therefore, by this act, the legislature declares that the deduction provided by RCW 82.04.4292 does not apply to fees that are received in exchange for services, regardless of whether the source of the fees is or may have been interest when paid by a borrower.

Sec. 302. RCW 82.04.4292 and 1980 c 37 s 12 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax by those engaged in banking, loan, security or other financial businesses, amounts derived from interest received on investments or loans primarily secured by first mortgages or trust deeds on nontransient residential properties.

(2) Interest deductible under this section includes the portion of fees charged to borrowers, including points and loan origination fees, that is recognized over the life of the loan as an adjustment to yield in the taxpayer's books and records according to generally accepted accounting principles.

(3) Subsections (1) and (2) of this section notwithstanding, the following is a nonexclusive list of items that are not deductible under this section:

(a) Fees for specific services such as: Document preparation fees; finder fees; brokerage fees; title examination fees; fees for credit checks; notary fees; loan application fees; interest lock-in fees if the

loan is not made; servicing fees, including servicing fees received by lenders when they sell loans or mortgage-backed or mortgage-related securities in the secondary market while retaining the right to service the loans or securities and receive a portion of the interest payments as the servicing fee; and similar fees or amounts;

(b) Fees received in consideration for an agreement to make funds available for a specific period of time at specified terms, commonly referred to as commitment fees;

(c) Any other fees, or portion of a fee, that is not recognized over the life of the loan as an adjustment to yield in the taxpayer's books and records according to generally accepted accounting principles; and

(d) Gains on the sale of valuable rights such as:

(i) Service release premiums, which are amounts received when servicing rights are sold; and

(ii) Gains on the sale of loans.

(4) The total amount a person may deduct under this section for any calendar year may not exceed one hundred twenty million dollars.

PART IV

Repealing the Nonresident Sales Tax Exemption

NEW SECTION. Sec. 401. RCW 82.08.0273 (Exemptions--Sales to nonresidents of tangible personal property, digital goods, and digital codes for use outside the state--Proof of nonresident status--Penalties) and 2009 c 535 s 512, 2007 c 135 s 2, 2003 c 53 s 399, 1993 c 444 s 1, 1988 c 96 s 1, 1982 1st ex.s. c 5 s 1, & 1980 c 37 s 39 are each repealed.

NEW SECTION. Sec. 402. RCW 82.08.0273 (Exemptions--Sales to nonresidents of tangible personal property, digital goods, and digital codes for use outside the state--Proof of nonresident status--Penalties) and 2010 c . . . (E2SHB 1597) s 215, 2009 c 535 s 512, 2007 c 135 s 2, 2003 c 53 s 399, 1993 c 444 s 1, 1988 c 96 s 1, 1982 1st ex.s. c 5 s 1, & 1980 c 37 s 39 are each repealed.

PART V

Direct Seller Business and Occupation Tax Exemption

NEW SECTION. Sec. 501. (1) A business and occupation tax exemption is provided in RCW 82.04.423 for certain out-of-state sellers that sell consumer products exclusively to or through a direct seller's representative. The intent of the legislature in enacting this exemption was to provide a narrow exemption for out-of-state businesses engaged in direct sales of consumer products, typically accomplished through in-home parties or door-to-door selling.

(2) In *Dot Foods, Inc. v. Dep't of Revenue*, Docket No. 81022-2 (September 10, 2009), the Washington supreme court held that the exemption in RCW 82.04.423 applied to a taxpayer: (a) That sold nonconsumer products through its representative in addition to consumer products; and (b) whose consumer products were ultimately sold at retail in permanent retail establishments.

(3) The legislature finds that most out-of-state businesses selling consumer products in this state will either be eligible for the exemption under RCW 82.04.423 or could easily restructure their business operations to qualify for the exemption. As a result, the legislature expects that the broadened interpretation of the direct sellers' exemption will lead to large and devastating revenue losses. This comes at a time when the state's existing budget is facing a two billion six hundred million dollar shortfall, which could grow, while at the same time the demand for state and state-funded services is also growing. Moreover, the legislature further finds that RCW 82.04.423 provides preferential tax treatment for out-of-state businesses over their in-state competitors and now creates a strong incentive for in-state businesses to move their operations outside Washington.

(4) Therefore, the legislature finds that it is necessary to reaffirm the legislature's intent in establishing the direct sellers' exemption and prevent the loss of revenues resulting from the expanded interpretation of the exemption by amending RCW 82.04.423 retroactively to conform the exemption to the original intent of the

legislature and by prospectively ending the direct sellers' exemption as of the effective date of this section.

Sec. 502. RCW 82.04.423 and 1983 1st ex.s. c 66 s 5 are each amended to read as follows:

(1) Prior to April 1, 2010, this chapter ((shall)) does not apply to any person in respect to gross income derived from the business of making sales at wholesale or retail if such person:

(a) Does not own or lease real property within this state; and

(b) Does not regularly maintain a stock of tangible personal property in this state for sale in the ordinary course of business; and

(c) Is not a corporation incorporated under the laws of this state; and

(d) Makes sales in this state exclusively to or through a direct seller's representative.

(2) For purposes of this section, the term "direct seller's representative" means a person who buys only consumer products on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise than in a permanent retail establishment, or who sells at retail, or solicits the sale at retail of, only consumer products in the home or otherwise than in a permanent retail establishment; and

(a) Substantially all of the remuneration paid to such person, whether or not paid in cash, for the performance of services described in this subsection is directly related to sales or other output, including the performance of services, rather than the number of hours worked; and

(b) The services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee with respect to such purposes for federal tax purposes.

(3) Nothing in this section ((shall)) may be construed to imply that a person exempt from tax under this section was engaged in a business activity taxable under this chapter prior to ((the enactment of this section)) August 23, 1983.

PART VI

Business and Occupation Tax Preferences for Manufacturers of Products Derived from Certain Agricultural Products

NEW SECTION. Sec. 601. (1)(a) In 1967, the legislature amended RCW 82.04.260 in chapter 149, Laws of 1967 ex. sess. to authorize a preferential business and occupation tax rate for slaughtering, breaking, and/or processing perishable meat products and/or selling the same at wholesale. The legislature finds that RCW 82.04.260(4) was interpreted by the state supreme court on January 13, 2005, in *Agrilink Foods, Inc. v. Department of Revenue*, 153 Wn.2d 392 (2005). The supreme court held that the preferential business and occupation tax rate on the slaughtering, breaking, and/or processing of perishable meat products applied to the processing of perishable meat products into nonperishable finished products, such as canned food.

(b) The legislature intends to narrow the exemption provided for slaughtering, breaking, and/or processing perishable meat products and/or selling such products at wholesale by requiring that the end product be a perishable meat product; a nonperishable meat product that is comprised primarily of animal carcass by weight or volume, other than a canned meat product; or a meat by-product.

(2)(a) A business and occupation tax exemption is provided for (i) manufacturing by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, and (ii) selling such products at wholesale by the manufacturer to purchasers who transport the goods out of state in the ordinary course of business. This exemption expires July 1, 2012, and is replaced by a preferential business and occupation tax rate.

(b) The legislature finds that the rationale of the *Agrilink* decision, if applied to these tax preferences, could result in preferential tax

treatment for any processed food product that contained any fresh fruit or vegetable as an ingredient, however small the amount.

(c) The legislature intends to narrow the tax preference provided to fruit and vegetable manufacturers by requiring that the end product be comprised either (i) exclusively of fruits and/or vegetables, or (ii) of any combination of fruits, vegetables, and certain other substances that, cumulatively, may not exceed the amount of fruits and vegetables contained in the product measured by weight or volume.

NEW SECTION. Sec. 602. A new section is added to chapter 82.04 RCW to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Perishable meat products, by slaughtering, breaking, or processing, if the finished product is a perishable meat product; as to such persons the tax imposed is equal to the value of the perishable meat products manufactured, or, in the case of a processor for hire, the gross income of the business, multiplied by the rate of 0.138 percent;

(b) Meat products, by dehydration, curing, smoking, or any combination of these activities, if the finished meat products are not canned; as to such persons the tax imposed is equal to the value of the meat products manufactured, or, in the case of a processor for hire, the gross income of the business, multiplied by the rate of 0.138 percent;

(c) Hides, tallow, meat meal, and other similar meat by-products, if such products are derived in part from animals and manufactured in a rendering plant licensed under chapter 16.68 RCW; as to such persons the tax imposed is equal to the value of the products manufactured, or, in the case of a processor for hire, the gross income of the business, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of selling at wholesale:

(a) Perishable meat products; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent;

(b) Meat products that have been manufactured by the seller by dehydration, curing, smoking, or any combination of such activities, if the finished meat products are not canned; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent;

(c) Hides, tallow, meat meal, and other similar meat by-products, if such products are derived in part from animals and manufactured by the seller in a rendering plant; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Animal" means all members of the animal kingdom except humans, fish, and insects.

(b) "Carcass" means all or any parts, including viscera, of a slaughtered animal.

(c) "Fish" means any water-breathing animal, including shellfish.

(d) "Hide" means any unprocessed animal pelt or skin.

(e)(i) "Meat products" means:

(A) Products comprised exclusively of animal carcass; and

(B) Products, such as jerky, sausage, and other cured meat products, that are comprised primarily of animal carcass by weight or volume and may also contain water; nitrates; nitrites; acids; binders and extenders; natural or synthetic casings; colorings; flavorings such as soy sauce, liquid smoke, seasonings, citric acid, sugar, molasses, corn syrup, and vinegar; and similar substances.

(ii) Except as provided in (e)(i) of this subsection (3), "meat products" does not include products containing any cereal grains or cereal-grain products, dairy products, legumes and legume products, fruit or vegetable products as defined in RCW 82.04.260, and similar ingredients, unless the ingredient is used as a flavoring. For purposes

of this subsection, "flavoring" means a substance that contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf, or any other edible substance of plant origin, whose primary function in food is flavoring or seasoning rather than nutritional, and which may legally appear as "natural flavor," "flavor," or "flavorings" in the ingredient statement on the label of the meat product.

(iii) "Meat products" includes only products that are intended for human consumption as food or animal consumption as feed.

(f) "Perishable" means having a high risk of spoilage within thirty days of manufacture without any refrigeration or freezing.

(g) "Rendering plant" means any place of business or location where dead animals or any part or portion thereof, or packing house refuse, are processed for the purpose of obtaining the hide, skin, grease residue, or any other by-product whatsoever.

Sec. 603. RCW 82.04.4266 and 2006 c 354 s 3 are each amended to read as follows:

(1) This chapter (~~shall~~) does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing fruit(~~s~~) or vegetable(~~s~~) products by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables; or

(b) Selling at wholesale fruit(~~s~~) or vegetable(~~s~~) products manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2)(a) "Fruit or vegetable products" means:

(i) Products comprised exclusively of fruits, vegetables, or both; and

(ii) Products comprised of fruits, vegetables, or both, and which may also contain water, sugar, salt, seasonings, preservatives, binders, stabilizers, flavorings, yeast, and similar substances. However, the amount of all ingredients contained in the product, other than fruits, vegetables, and water, may not exceed the amount of fruits and vegetables contained in the product measured by weight or volume.

(b) "Fruit or vegetable products" includes only products that are intended for human consumption as food or animal consumption as feed.

(3) This section expires July 1, 2012.

Sec. 604. RCW 82.04.4266 and 2010 c . . . (SHB 3066) s 111 are each amended to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing fruit(~~s~~) or vegetable(~~s~~) products by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables; or

(b) Selling at wholesale fruit(~~s~~) or vegetable(~~s~~) products manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2)(a) "Fruit or vegetable products" means:

(i) Products comprised exclusively of fruits, vegetables, or both; and

(ii) Products comprised of fruits, vegetables, or both, and which may also contain water, sugar, salt, seasonings, preservatives, binders, stabilizers, flavorings, yeast, and similar substances. However, the amount of all ingredients contained in the product, other than fruits,

vegetables, and water, may not exceed the amount of fruits and vegetables contained in the product measured by weight or volume.

(b) "Fruit or vegetable products" includes only products that are intended for human consumption as food or animal consumption as feed.

(3) A person claiming the exemption provided in this section must file a complete annual survey with the department under RCW 82.32.--- (section 102, chapter . . . (SHB 3066), Laws of 2010).

~~((3))~~ (4) This section expires July 1, 2012.

Sec. 605. RCW 82.04.260 and 2009 c 479 s 64, 2009 c 461 s 1, and 2009 c 162 s 34 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business ~~((shall be))~~ is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2012, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business ~~((shall be))~~ is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c) Beginning July 1, 2012, dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed ~~((shall be))~~ is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

~~(d)~~ (i) Beginning July 1, 2012, fruit((s)) or vegetable((s)) products by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruit((s)) or vegetable((s)) products manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business ~~((shall be))~~ is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(ii) For purposes of this subsection, "fruit or vegetable products" means:

(A) Products comprised exclusively of fruits, vegetables, or both; or

(B) Products comprised of fruits, vegetables, or both, and which may also contain water, sugar, salt, seasonings, preservatives, binders, stabilizers, flavorings, yeast, and similar substances. However, the amount of all ingredients contained in the product, other than fruits, vegetables, and water, may not exceed the amount of fruits and vegetables contained in the product measured by weight or volume;

(iii) "Fruit and vegetable products" includes only products that are intended for human consumption as food or animal consumption as feed;

(e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business ~~((shall be))~~ is equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(f) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business ~~((shall be))~~ is equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business ~~((shall be))~~ is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities ~~((shall be))~~ is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

~~(4) (Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.~~

~~(5))~~ (5)) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities ~~((shall be))~~ is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

~~((6))~~ (5) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities ~~((shall be))~~ is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

~~((7))~~ (6) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business ~~((shall be))~~ is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection ~~((shall be))~~ are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to

plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

~~((8))~~ (7)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business ~~((shall be))~~ is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state ~~((shall))~~ must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

~~((9))~~ (8) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities ~~((shall be))~~ is equal to the gross income of such business multiplied by the rate of 0.484 percent.

~~((10))~~ (9) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities ~~((shall be))~~ is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

~~((11))~~ (10)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business ~~((shall))~~, in the case of manufacturers, ~~((be))~~ is equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, ~~((be))~~ is equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through ~~((the later of))~~ June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection ~~((11))~~ (10) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business ~~((shall))~~, in the case of manufacturers, ~~((be))~~ is equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, ~~((be))~~ is equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection ~~((11))~~ (10), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection ~~((11))~~ (10) must report as required under RCW 82.32.545.

(e) This subsection ~~((11))~~ (10) does not apply on and after July 1, 2024.

~~((12))~~ (11)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business ~~((shall))~~, in the case of extractors, ~~((be))~~ is equal to the value of products, including by-products, extracted, or in the case of extractors for hire, ~~((be))~~ is equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through

June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business ~~((shall))~~, in the case of manufacturers, ~~((be))~~ is equal to the value of products, including by-products, manufactured, or in the case of processors for hire, ~~((be))~~ is equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business ~~((shall be))~~ is equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) Until July 1, 2024, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business ~~((shall be))~~ is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection ~~((12))~~ (11)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection ~~((12))~~ (11)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

~~((43))~~ (12) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities ~~((shall be))~~ is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

~~((44))~~ (13) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.2904 percent.

Sec. 606. RCW 82.04.260 and 2010 c . . . (SHB 3066) s 107 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2012, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c) Beginning July 1, 2012, dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(d)(i) Beginning July 1, 2012, fruit((s)) or vegetable((s)) products by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruit((s)) or vegetable((s)) products manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(ii) For purposes of this subsection, "fruit or vegetable products" means:

(A) Products comprised exclusively of fruits, vegetables, or both;

(B) Products comprised of fruits, vegetables, or both, and which may also contain water, sugar, salt, seasonings, preservatives, binders, stabilizers, flavorings, yeast, and similar substances. However, the amount of all ingredients contained in the product, other than fruits, vegetables, and water, may not exceed the amount of fruits and vegetables contained in the product measured by weight or volume;

(iii) "Fruit and vegetable products" includes only products that are intended for human consumption as food or animal consumption as feed;

(e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(f) Wood biomass fuel as defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) ~~((Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.~~

~~((5))~~ Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

~~((6))~~ (5) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

~~((7))~~ (6) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export

mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

~~((8))~~ (7)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

~~((9))~~ (8) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

~~((10))~~ (9) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

~~((11))~~ (10)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection (11) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection ~~((11))~~ (10), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection ~~((11))~~ (10) must file a complete annual report with the department under RCW 82.32.--- (section 103, chapter . . . (SHB 3066), Laws of 2010).

(e) This subsection ~~((11))~~ (10) does not apply on and after July 1, 2024.

~~((12))~~ (11)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the

business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) Until July 1, 2024, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection ~~((12))~~ (11)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection ~~((12))~~ (11)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection (~~((42))~~) (11) must file a complete annual survey with the department under RCW 82.32.--- (section 102, chapter . . . (SHB 3066), Laws of 2010).

~~((43))~~ (12) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

~~((44))~~ (13)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.2904 percent.

(b) A person reporting under the tax rate provided in this subsection (~~((44))~~) (13) must file a complete annual report with the department under RCW 82.32.--- (section 103, chapter . . . (SHB 3066), Laws of 2010).

Sec. 607. RCW 82.04.250 and 2008 c 81 s 5 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of making sales at retail, except persons taxable as retailers under other provisions of this chapter, as to such persons, the amount of tax with respect to such business (~~((shall be))~~) is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, except persons taxable under RCW 82.04.260(~~((44))~~) (10) or subsection (3) of this section, as to such persons, the amount of tax with respect to such business (~~((shall be))~~) is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

(3) Upon every person classified by the federal aviation administration as a federal aviation regulation part 145 certificated repair station and that is engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, as to such persons, the amount of tax with respect to such business (~~((shall be))~~) is equal to the gross proceeds of sales of the business, multiplied by the rate of .2904 percent.

Sec. 608. RCW 82.04.250 and 2007 c 54 s 5 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of making sales at retail, except persons taxable as retailers under other provisions of this chapter, as to such persons, the amount of tax with respect to such business (~~((shall be))~~) is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, except persons taxable under RCW 82.04.260(~~((44))~~) (10), as to such persons, the amount of tax with respect to such

business (~~((shall be))~~) is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

Sec. 609. RCW 82.04.261 and 2007 c 54 s 7 and 2007 c 48 s 4 are each reenacted and amended to read as follows:

(1) In addition to the taxes imposed under RCW 82.04.260(~~((42))~~) (11), a surcharge is imposed on those persons who are subject to any of the taxes imposed under RCW 82.04.260(~~((42))~~) (11). Except as otherwise provided in this section, the surcharge is equal to 0.052 percent. The surcharge is added to the rates provided in RCW 82.04.260(~~((42))~~) (11) (a), (b), (c), and (d). The surcharge and this section expire July 1, 2024.

(2) All receipts from the surcharge imposed under this section (~~((shall))~~) must be deposited into the forest and fish support account created in RCW 76.09.405.

(3)(a) The surcharge imposed under this section (~~((shall be))~~) is suspended if:

(i) Receipts from the surcharge total at least eight million dollars during any fiscal biennium; or

(ii) The office of financial management certifies to the department that the federal government has appropriated at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington for any federal fiscal year.

(b)(i) The suspension of the surcharge under (a)(i) of this subsection (3) (~~((shall))~~) takes effect on the first day of the calendar month that is at least thirty days after the end of the month during which the department determines that receipts from the surcharge total at least eight million dollars during the fiscal biennium. The surcharge (~~((shall be))~~) is imposed again at the beginning of the following fiscal biennium.

(ii) The suspension of the surcharge under (a)(ii) of this subsection (3) (~~((shall))~~) takes effect on the later of the first day of October of any federal fiscal year for which the federal government appropriates at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington, or the first day of a calendar month that is at least thirty days following the date that the office of financial management makes a certification to the department under subsection (5) of this section. The surcharge (~~((shall be))~~) is imposed again on the first day of the following July.

(4)(a) If, by October 1st of any federal fiscal year, the office of financial management certifies to the department that the federal government has appropriated funds for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington but the amount of the appropriation is less than two million dollars, the department (~~((shall))~~) must adjust the surcharge in accordance with this subsection.

(b) The department (~~((shall))~~) must adjust the surcharge by an amount that the department estimates will cause the amount of funds deposited into the forest and fish support account for the state fiscal year that begins July 1st and that includes the beginning of the federal fiscal year for which the federal appropriation is made, to be reduced by twice the amount of the federal appropriation for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington.

(c) Any adjustment in the surcharge (~~((shall))~~) takes effect at the beginning of a calendar month that is at least thirty days after the date that the office of financial management makes the certification under subsection (5) of this section.

(d) The surcharge (~~((shall be))~~) is imposed again at the rate provided in subsection (1) of this section on the first day of the following state fiscal year unless the surcharge is suspended under

subsection (3) of this section or adjusted for that fiscal year under this subsection.

(e) Adjustments of the amount of the surcharge by the department are final and ~~((shall))~~ may not be used to challenge the validity of the surcharge imposed under this section.

(f) The department ~~((shall))~~ must provide timely notice to affected taxpayers of the suspension of the surcharge or an adjustment of the surcharge.

(5) The office of financial management ~~((shall))~~ must make the certification to the department as to the status of federal appropriations for tribal participation in forest and fish report-related activities.

Sec. 610. RCW 82.04.298 and 2008 c 49 s 1 are each amended to read as follows:

(1) The amount of tax with respect to a qualified grocery distribution cooperative's sales of groceries or related goods for resale, excluding items subject to tax under ~~((RCW 82.04.260(4)))~~ section 602 of this act, to customer-owners of the grocery distribution cooperative is equal to the gross proceeds of sales of the grocery distribution cooperative multiplied by the rate of one and one-half percent.

(2) A qualified grocery distribution cooperative is allowed a deduction from the gross proceeds of sales of groceries or related goods for resale, excluding items subject to tax under ~~((RCW 82.04.260(4)))~~ section 602 of this act, to customer-owners of the grocery distribution cooperative that is equal to the portion of the gross proceeds of sales for resale that represents the actual cost of the merchandise sold by the grocery distribution cooperative to customer-owners.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Grocery distribution cooperative" means an entity that sells groceries and related items to customer-owners of the grocery distribution cooperative and has customer-owners, in the aggregate, who own a majority of the outstanding ownership interests of the grocery distribution cooperative or of the entity controlling the grocery distribution cooperative. "Grocery distribution cooperative" includes an entity that controls a grocery distribution cooperative.

(b) "Qualified grocery distribution cooperative" means:

(i) A grocery distribution cooperative that has been determined by a court of record of the state of Washington to be not engaged in wholesaling or making sales at wholesale, within the meaning of RCW 82.04.270 or any similar provision of a municipal ordinance that imposes a tax on gross receipts, gross proceeds of sales, or gross income, with respect to purchases made by customer-owners, and subsequently changes its form of doing business to make sales at wholesale of groceries or related items to its customer-owners; or

(ii) A grocery distribution cooperative that has acquired substantially all of the assets of a grocery distribution cooperative described in (b)(i) of this subsection.

(c) "Customer-owner" means a person who has an ownership interest in a grocery distribution cooperative and purchases groceries and related items at wholesale from that grocery distribution cooperative.

(d) "Controlling" means holding fifty percent or more of the voting interests of an entity and having at least equal power to direct or cause the direction of the management and policies of the entity, whether through the ownership of voting securities, by contract, or otherwise.

Sec. 611. RCW 82.04.334 and 2007 c 48 s 3 are each amended to read as follows:

This chapter does not apply to any sale of standing timber excluded from the definition of "sale" in RCW 82.45.010(3). The definitions in RCW 82.04.260~~((+2))~~ (11) apply to this section.

Sec. 612. RCW 82.04.440 and 2006 c 300 s 8 and 2006 c 84 s 6 are each reenacted and amended to read as follows:

(1) Every person engaged in activities that are subject to tax under two or more provisions of RCW 82.04.230 through 82.04.298, inclusive, ~~((shall be))~~ is taxable under each provision applicable to those activities.

(2) Persons taxable under RCW 82.04.2909(2), 82.04.250, 82.04.270, 82.04.294(2), or 82.04.260 (1)~~(b), (c), ((+4;))~~ or (d), (10), or (11), or ((+2)) section 602(2) of this act with respect to selling products in this state, including those persons who are also taxable under RCW 82.04.261, ~~((shall be))~~ are allowed a credit against those taxes for any (a) manufacturing taxes paid with respect to the manufacturing of products so sold in this state, and/or (b) extracting taxes paid with respect to the extracting of products so sold in this state or ingredients of products so sold in this state. Extracting taxes taken as credit under subsection (3) of this section may also be taken under this subsection, if otherwise allowable under this subsection. The amount of the credit ~~((shall))~~ may not exceed the tax liability arising under this chapter with respect to the sale of those products.

(3) Persons taxable as manufacturers under RCW 82.04.240 or 82.04.260 (1)(b) or ~~((+2))~~ (11), including those persons who are also taxable under RCW 82.04.261, ~~((shall be))~~ are allowed a credit against those taxes for any extracting taxes paid with respect to extracting the ingredients of the products so manufactured in this state. The amount of the credit ~~((shall))~~ may not exceed the tax liability arising under this chapter with respect to the manufacturing of those products.

(4) Persons taxable under RCW 82.04.230, 82.04.240, 82.04.2909(1), 82.04.294(1), 82.04.2404, or 82.04.260 (1), (2), ~~((+4;))~~ (10), or (11), or ((+2)) section 602(1) of this act, including those persons who are also taxable under RCW 82.04.261, with respect to extracting or manufacturing products in this state ~~((shall be))~~ are allowed a credit against those taxes for any (i) gross receipts taxes paid to another state with respect to the sales of the products so extracted or manufactured in this state, (ii) manufacturing taxes paid with respect to the manufacturing of products using ingredients so extracted in this state, or (iii) manufacturing taxes paid with respect to manufacturing activities completed in another state for products so manufactured in this state. The amount of the credit ~~((shall))~~ may not exceed the tax liability arising under this chapter with respect to the extraction or manufacturing of those products.

(5) For the purpose of this section:

(a) "Gross receipts tax" means a tax:

(i) Which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and

(ii) Which is also not, pursuant to law or custom, separately stated from the sales price.

(b) "State" means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

(c) "Manufacturing tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a manufacturer, and includes (i) the taxes imposed in RCW 82.04.240, 82.04.2404, 82.04.2909(1), 82.04.260 (1), (2), ~~((+4;))~~ (10), and (11), ((and +2)) section 602(1) of this act, and 82.04.294(1); (ii) the tax imposed under RCW 82.04.261 on persons who are engaged in business as a manufacturer; and (iii) similar gross receipts taxes paid to other states.

(d) "Extracting tax" means a gross receipts tax imposed on the act or privilege of engaging in business as an extractor, and includes (i) the tax imposed on extractors in RCW 82.04.230 and 82.04.260~~((+2))~~ (11); (ii) the tax imposed under RCW 82.04.261 on persons who are engaged in business as an extractor; and (iii) similar gross receipts taxes paid to other states.

(e) "Business", "manufacturer", "extractor", and other terms used in this section have the meanings given in RCW 82.04.020 through

82.04.212, notwithstanding the use of those terms in the context of describing taxes imposed by other states.

Sec. 613. RCW 82.04.4463 and 2008 c 81 s 8 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for property taxes and leasehold excise taxes paid during the calendar year.

(2) The credit is equal to:

(a)(i)(A) Property taxes paid on buildings, and land upon which the buildings are located, constructed after December 1, 2003, and used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(B) Leasehold excise taxes paid with respect to buildings constructed after January 1, 2006, the land upon which the buildings are located, or both, if the buildings are used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(C) Property taxes or leasehold excise taxes paid on, or with respect to, buildings constructed after June 30, 2008, the land upon which the buildings are located, or both, and used exclusively for aerospace product development or in providing aerospace services, by persons not within the scope of (a)(i)(A) and (B) of this subsection (2) and are: (I) Engaged in manufacturing tooling specifically designed for use in manufacturing commercial airplanes or their components; or (II) taxable under RCW 82.04.290(3) or 82.04.250(3); or

(ii) Property taxes attributable to an increase in assessed value due to the renovation or expansion, after: (A) December 1, 2003, of a building used exclusively in manufacturing commercial airplanes or components of such airplanes; and (B) June 30, 2008, of buildings used exclusively for aerospace product development or in providing aerospace services, by persons not within the scope of (a)(ii)(A) of this subsection (2) and are: (I) Engaged in manufacturing tooling specifically designed for use in manufacturing commercial airplanes or their components; or (II) taxable under RCW 82.04.290(3) or 82.04.250(3); and

(b) An amount equal to:

(i)(A) Property taxes paid, by persons taxable under RCW 82.04.260(~~((44))~~) (10)(a), on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after December 1, 2003;

(B) Property taxes paid, by persons taxable under RCW 82.04.260(~~((44))~~) (10)(b), on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after June 30, 2008; or

(C) Property taxes paid, by persons taxable under RCW (~~82.04.0250(3)~~ ~~[82.04.250(3)]~~) 82.04.250(3) or 82.04.290(3), on computer hardware, computer peripherals, and software exempt under RCW 82.08.975 or 82.12.975 and acquired after June 30, 2008.

(ii) For purposes of determining the amount eligible for credit under (i)(A) and (B) of this subsection (2)(b), the amount of property taxes paid is multiplied by a fraction.

(~~((4))~~) (A) The numerator of the fraction is the total taxable amount subject to the tax imposed under RCW 82.04.260(~~((44))~~) (10) (a) or (b) on the applicable business activities of manufacturing commercial airplanes, components of such airplanes, or tooling specifically designed for use in the manufacturing of commercial airplanes or components of such airplanes.

(~~((4))~~) (B) The denominator of the fraction is the total taxable amount subject to the tax imposed under all manufacturing classifications in chapter 82.04 RCW.

(~~((4))~~) (C) For purposes of both the numerator and denominator of the fraction, the total taxable amount refers to the total taxable amount required to be reported on the person's returns for the calendar year before the calendar year in which the credit under this section is earned. The department may provide for an alternative method for calculating the numerator in cases where the tax rate provided in

RCW 82.04.260(~~((44))~~) (10) for manufacturing was not in effect during the full calendar year before the calendar year in which the credit under this section is earned.

(~~((4))~~) (D) No credit is available under (b)(i)(A) or (B) of this subsection (2) if either the numerator or the denominator of the fraction is zero. If the fraction is greater than or equal to nine-tenths, then the fraction is rounded to one.

(~~((4))~~) (E) As used in (~~((4))~~) (b)(ii)(C) of this subsection (2)(~~((b)(ii)(C))~~), "returns" means the tax returns for which the tax imposed under this chapter is reported to the department.

(3) The definitions in this subsection apply throughout this section, unless the context clearly indicates otherwise.

(a) "Aerospace product development" has the same meaning as provided in RCW 82.04.4461.

(b) "Aerospace services" has the same meaning given in RCW 82.08.975.

(c) "Commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(4) A credit earned during one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year, but may not be carried over a second year. No refunds may be granted for credits under this section.

(5) In addition to all other requirements under this title, a person taking the credit under this section must report as required under RCW 82.32.545.

(6) This section expires July 1, 2024.

Sec. 614. RCW 82.04.4463 and 2010 c . . . (SHB 3066) s 116 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for property taxes and leasehold excise taxes paid during the calendar year.

(2) The credit is equal to:

(a)(i)(A) Property taxes paid on buildings, and land upon which the buildings are located, constructed after December 1, 2003, and used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(B) Leasehold excise taxes paid with respect to buildings constructed after January 1, 2006, the land upon which the buildings are located, or both, if the buildings are used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(C) Property taxes or leasehold excise taxes paid on, or with respect to, buildings constructed after June 30, 2008, the land upon which the buildings are located, or both, and used exclusively for aerospace product development, manufacturing tooling specifically designed for use in manufacturing commercial airplanes or their components, or in providing aerospace services, by persons not within the scope of (a)(i)(A) and (B) of this subsection (2) and are taxable under RCW 82.04.290(3), 82.04.260(~~((44))~~) (10)(b), or 82.04.250(3); or

(ii) Property taxes attributable to an increase in assessed value due to the renovation or expansion, after: (A) December 1, 2003, of a building used exclusively in manufacturing commercial airplanes or components of such airplanes; and (B) June 30, 2008, of buildings used exclusively for aerospace product development, manufacturing tooling specifically designed for use in manufacturing commercial airplanes or their components, or in providing aerospace services, by persons not within the scope of (a)(ii)(A) of this subsection (2) and are taxable under RCW 82.04.290(3), 82.04.260(~~((44))~~) (10)(b), or 82.04.250(3); and

(b) An amount equal to:

(i)(A) Property taxes paid, by persons taxable under RCW 82.04.260(~~((44))~~) (10)(a), on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after December 1, 2003;

(B) Property taxes paid, by persons taxable under RCW 82.04.260(~~((4+))~~) (10)(b), on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after June 30, 2008; or

(C) Property taxes paid, by persons taxable under RCW 82.04.250(3) or 82.04.290(3), on computer hardware, computer peripherals, and software exempt under RCW 82.08.975 or 82.12.975 and acquired after June 30, 2008.

(ii) For purposes of determining the amount eligible for credit under (i)(A) and (B) of this subsection (2)(b), the amount of property taxes paid is multiplied by a fraction.

(A) The numerator of the fraction is the total taxable amount subject to the tax imposed under RCW 82.04.260(~~((4+))~~) (10) (a) or (b) on the applicable business activities of manufacturing commercial airplanes, components of such airplanes, or tooling specifically designed for use in the manufacturing of commercial airplanes or components of such airplanes.

(B) The denominator of the fraction is the total taxable amount subject to the tax imposed under all manufacturing classifications in chapter 82.04 RCW.

(C) For purposes of both the numerator and denominator of the fraction, the total taxable amount refers to the total taxable amount required to be reported on the person's returns for the calendar year before the calendar year in which the credit under this section is earned. The department may provide for an alternative method for calculating the numerator in cases where the tax rate provided in RCW 82.04.260(~~((4+))~~) (10) for manufacturing was not in effect during the full calendar year before the calendar year in which the credit under this section is earned.

(D) No credit is available under (b)(i)(A) or (B) of this subsection (2) if either the numerator or the denominator of the fraction is zero. If the fraction is greater than or equal to nine-tenths, then the fraction is rounded to one.

(E) As used in (b)(ii)(C) of this subsection (2)(~~((b)(ii))~~), "returns" means the tax returns for which the tax imposed under this chapter is reported to the department.

(3) The definitions in this subsection apply throughout this section, unless the context clearly indicates otherwise.

(a) "Aerospace product development" has the same meaning as provided in RCW 82.04.4461.

(b) "Aerospace services" has the same meaning given in RCW 82.08.975.

(c) "Commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(4) A credit earned during one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year, but may not be carried over a second year. No refunds may be granted for credits under this section.

(5) In addition to all other requirements under this title, a person claiming the credit under this section must file a complete annual report with the department under RCW 82.32.--- (section 103, chapter . . . (SHB 3066), Laws of 2010).

(6) This section expires July 1, 2024.

Sec. 615. RCW 82.08.806 and 2009 c 461 s 5 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales, to a printer or publisher, of computer equipment, including repair parts and replacement parts for such equipment, when the computer equipment is used primarily in the printing or publishing of any printed material, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the computer equipment. This exemption applies only to computer equipment not otherwise exempt under RCW 82.08.02565.

(2) A person taking the exemption under this section must keep records necessary for the department to verify eligibility under this section. This exemption is available only when the purchaser

provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller (~~((shall))~~) must retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection (3) apply throughout this section, unless the context clearly requires otherwise.

(a) "Computer" has the same meaning as in RCW 82.04.215.

(b) "Computer equipment" means a computer and the associated physical components that constitute a computer system, including monitors, keyboards, printers, modems, scanners, pointing devices, and other computer peripheral equipment, cables, servers, and routers. "Computer equipment" also includes digital cameras and computer software.

(c) "Computer software" has the same meaning as in RCW 82.04.215.

(d) "Primarily" means greater than fifty percent as measured by time.

(e) "Printer or publisher" means a person, as defined in RCW 82.04.030, who is subject to tax under RCW 82.04.260(~~((4+))~~) (13) or 82.04.280(1).

(4) "Computer equipment" does not include computer equipment that is used primarily for administrative purposes including but not limited to payroll processing, accounting, customer service, telemarketing, and collection. If computer equipment is used simultaneously for administrative and nonadministrative purposes, the administrative use (~~((shall))~~) must be disregarded during the period of simultaneous use for purposes of determining whether the computer equipment is used primarily for administrative purposes.

Sec. 616. RCW 82.32.550 and 2008 c 81 s 12 are each amended to read as follows:

~~(1)((a) Chapter 1, Laws of 2003 2nd sp. sess. takes effect on the first day of the month in which the governor and a manufacturer of commercial airplanes sign a memorandum of agreement regarding an affirmative final decision to site a significant commercial airplane final assembly facility in Washington state. The department shall provide notice of the effective date of chapter 1, Laws of 2003 2nd sp. sess. to affected taxpayers, the legislature, and others as deemed appropriate by the department.~~

~~— (b) Chapter 1, Laws of 2003 2nd sp. sess. is contingent upon the siting of a significant commercial airplane final assembly facility in the state of Washington. If a memorandum of agreement under subsection (1) of this section is not signed by June 30, 2005, chapter 1, Laws of 2003 2nd sp. sess. is null and void.~~

~~— (c)(i) The rate in RCW 82.04.260(11)(a)(ii) takes effect July 1, 2007.~~

~~— (ii) If on December 31, 2007, final assembly of a superefficient airplane has not begun in Washington state, the department shall provide notice of such to affected taxpayers, the legislature, and others as deemed appropriate by the department.~~

~~— (2) The definitions in this subsection apply throughout this section.~~

~~— (a)) "Commercial airplane" has its ordinary meaning, which is an airplane certified by the federal aviation administration for transporting persons or property, and any military derivative of such an airplane.~~

~~((b)) (2) "Component" means a part or system certified by the federal aviation administration for installation or assembly into a commercial airplane.~~

~~((c) "Final assembly of a superefficient airplane" means the activity of assembling an airplane from components parts necessary for its mechanical operation such that the finished commercial airplane is ready to deliver to the ultimate consumer.~~

~~— (d) "Significant commercial airplane final assembly facility" means a location with the capacity to produce at least thirty-six superefficient airplanes a year.~~

—(c) "Siting" means a final decision by a manufacturer to locate a significant commercial airplane final assembly facility in Washington state.

—(f)) (3) "Superefficient airplane" means a twin aisle airplane that carries between two hundred and three hundred fifty passengers, with a range of more than seven thousand two hundred nautical miles, a cruising speed of approximately mach .85, and that uses fifteen to twenty percent less fuel than other similar airplanes on the market.

Sec. 617. RCW 82.45.195 and 2007 c 48 s 7 are each amended to read as follows:

A sale of standing timber is exempt from tax under this chapter if the gross income from such sale is taxable under RCW 82.04.260((42)) (11)(d).

Sec. 618. RCW 35.102.150 and 2009 c 461 s 4 are each amended to read as follows:

Notwithstanding RCW 35.102.130, a city that imposes a business and occupation tax must allocate a person's gross income from the activities of printing, and of publishing newspapers, periodicals, or magazines, to the principal place in this state from which the taxpayer's business is directed or managed. As used in this section, the activities of printing, and of publishing newspapers, periodicals, or magazines are those activities to which the tax rates in RCW 82.04.260((14)) (13) and 82.04.280(1) apply.

Sec. 619. RCW 48.14.080 and 2009 c 535 s 1102 are each amended to read as follows:

(1) As to insurers, other than title insurers and taxpayers under RCW 48.14.0201, the taxes imposed by this title ((shall be)) are in lieu of all other taxes, except as otherwise provided in this section.

(2) Subsection (1) of this section does not apply with respect to:

(a) Taxes on real and tangible personal property;

(b) Excise taxes on the sale, purchase, use, or possession of (i) real property; (ii) tangible personal property; (iii) extended warranties; (iv) services, including digital automated services as defined in RCW 82.04.192; and (v) digital goods and digital codes as those terms are defined in RCW 82.04.192; and

(c) The tax imposed in RCW 82.04.260((40)) (9), regarding public and nonprofit hospitals.

(3) For the purposes of this section, the term "taxes" includes taxes imposed by the state or any county, city, town, municipal corporation, quasi-municipal corporation, or other political subdivision.

PART VII

Suspending the Sales and Use Tax Exemption for Livestock Nutrient Equipment and Facilities

Sec. 701. RCW 82.08.890 and 2009 c 469 s 601 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to eligible persons of:

(a) Qualifying livestock nutrient management equipment;

(b) Labor and services rendered in respect to installing, repairing, cleaning, altering, or improving qualifying livestock nutrient management equipment; and

(c)(i) Labor and services rendered in respect to repairing, cleaning, altering, or improving of qualifying livestock nutrient management facilities, or to tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities in the course of repairing, cleaning, altering, or improving of such facilities.

(ii) The exemption provided in this subsection (1)(c) does not apply to the sale of or charge made for: (A) Labor and services rendered in respect to the constructing of new, or replacing previously existing, qualifying livestock nutrient management facilities; or (B) tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities during the course of constructing new, or replacing previously existing, qualifying livestock nutrient management facilities.

(2) The exemption provided in subsection (1) of this section applies to sales made after the livestock nutrient management plan is: (a) Certified under chapter 90.64 RCW; (b) approved as part of the permit issued under chapter 90.48 RCW; or (c) approved as required under subsection (4)(c)(iii) of this section.

(3)(a) The department of revenue must provide an exemption certificate to an eligible person upon application by that person. The department of agriculture must provide a list of eligible persons, as defined in subsection (4)(c)(i) and (ii) of this section, to the department of revenue. Conservation districts must maintain lists of eligible persons as defined in subsection (4)(c)(iii) of this section to allow the department of revenue to verify eligibility. The application must be in a form and manner prescribed by the department and must contain information regarding the location of the dairy or animal feeding operation and other information the department may require.

(b) A person claiming an exemption under this section must keep records necessary for the department to verify eligibility under this section. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(4) The definitions in this subsection apply to this section and RCW 82.12.890 unless the context clearly requires otherwise:

(a) "Animal feeding operation" means a lot or facility, other than an aquatic animal production facility, where the following conditions are met:

(i) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and

(ii) Crops, vegetation, forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.

(b) "Conservation district" means a subdivision of state government organized under chapter 89.08 RCW.

(c) "Eligible person" means a person: (i) Licensed to produce milk under chapter 15.36 RCW who has a certified dairy nutrient management plan, as required by chapter 90.64 RCW; (ii) who owns an animal feeding operation and has a permit issued under chapter 90.48 RCW; or (iii) who owns an animal feeding operation and has a nutrient management plan approved by a conservation district as meeting natural resource conservation service field office technical guide standards and who possesses an exemption certificate under RCW 82.08.855.

(d) "Handling and treatment of livestock manure" means the activities of collecting, storing, moving, or transporting livestock manure, separating livestock manure solids from liquids, or applying livestock manure to the agricultural lands of an eligible person other than through the use of pivot or linear type traveling irrigation systems.

(e) "Permit" means either a state waste discharge permit or a national pollutant discharge elimination system permit, or both.

(f) "Qualifying livestock nutrient management equipment" means the following tangible personal property for exclusive use in the handling and treatment of livestock manure, including repair and replacement parts for such equipment: (i) Aerators; (ii) agitators; (iii) augers; (iv) conveyers; (v) gutter cleaners; (vi) hard-hose reel traveler irrigation systems; (vii) lagoon and pond liners and floating covers; (viii) loaders; (ix) manure composting devices; (x) manure spreaders; (xi) manure tank wagons; (xii) manure vacuum tanks; (xiii) poultry house cleaners; (xiv) poultry house flame sterilizers; (xv) poultry house washers; (xvi) poultry litter saver machines; (xvii) pipes; (xviii) pumps; (xix) scrapers; (xx) separators; (xxi) slurry injectors and hoses; and (xxii) wheelbarrows, shovels, and pitchforks.

(g) "Qualifying livestock nutrient management facilities" means the following structures and facilities for exclusive use in the handling and treatment of livestock manure: (i) Flush systems; (ii) lagoons;

(iii) liquid livestock manure storage structures, such as concrete tanks or glass-lined steel tanks; and (iv) structures used solely for the dry storage of manure, including roofed stacking facilities.

(5) The exemption under this section does not apply to sales made from April 1, 2010, through June 30, 2013.

Sec. 702. RCW 82.12.890 and 2009 c 469 s 602 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use by an eligible person of:

- (a) Qualifying livestock nutrient management equipment;
- (b) Labor and services rendered in respect to installing, repairing, cleaning, altering, or improving qualifying livestock nutrient management equipment; and

(c)(i) Tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities in the course of repairing, cleaning, altering, or improving of such facilities.

(ii) The exemption provided in this subsection (1)(c) does not apply to the use of tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities during the course of constructing new, or replacing previously existing, qualifying livestock nutrient management facilities.

(2)(a) To be eligible, the equipment and facilities must be used exclusively for activities necessary to maintain a livestock nutrient management plan.

(b) The exemption applies to the use of tangible personal property and labor and services made after the livestock nutrient management plan is: (i) Certified under chapter 90.64 RCW; (ii) approved as part of the permit issued under chapter 90.48 RCW; or (iii) approved as required under RCW 82.08.890(4)(c)(iii).

(3) The exemption certificate and recordkeeping requirements of RCW 82.08.890 apply to this section. The definitions in RCW 82.08.890 apply to this section.

(4) The exemption under this section does not apply to the use of tangible personal property and services if first use of the property or services occurs in this state from April 1, 2010, through June 30, 2013.

PART VIII

Ending the Preferential Business and Occupation Tax Treatment Received by Directors of Corporations

NEW SECTION. Sec. 801. (1) In adopting the state's business and occupation tax, the legislature intended to tax virtually all business activities carried on within the state. See Simpson Inv. Co. v. Dep't of Revenue, 141 Wn.2d 139, 149 (2000). The legislature recognizes that the business and occupation tax applies to all activities engaged in with the object of gain, benefit, or advantage to the taxpayer or to another person or class, directly or indirectly, unless a specific exemption applies.

(2) One of the major business and occupation tax exemptions is provided in RCW 82.04.360 for income earned as an employee or servant as distinguished from income earned as an independent contractor. The legislature's intent in providing this exemption was to exempt employee wages from the business and occupation tax but not to exempt income earned as an independent contractor.

(3) The legislature finds that corporate directors are not employees or servants of the corporation whose board they serve on and therefore are not entitled to a business and occupation tax exemption under RCW 82.04.360. The legislature further finds that there are no business and occupation tax exemptions for compensation received for serving as a member of a corporation's board of directors.

(4) The legislature also finds that there is a widespread misunderstanding among corporate directors that the business and occupation tax does not apply to the compensation they receive for serving as a director of a corporation. It is the legislature's

expectation that the department of revenue will take appropriate measures to ensure that corporate directors understand and comply with their business and occupation tax obligations with respect to their director compensation. However, because of the widespread misunderstanding by corporate directors of their liability for business and occupation tax on director compensation, the legislature finds that it is appropriate in this unique situation to provide limited relief against the retroactive assessment of business and occupation taxes on corporate director compensation.

(5) The legislature also reaffirms its intent that all income of all independent contractors is subject to business and occupation tax unless specifically exempt under the Constitution or laws of this state or the United States.

Sec. 802. RCW 82.04.360 and 1991 c 324 s 19 and 1991 c 275 s 2 are each reenacted and amended to read as follows:

(1) This chapter (~~shall~~) does not apply to any person in respect to his or her employment in the capacity of an employee or servant as distinguished from that of an independent contractor. For the purposes of this section, the definition of employee (~~shall~~) includes those persons that are defined in section 3121(d)(3)(B) of the federal internal revenue code of 1986, as amended through January 1, 1991.

(2) ~~((A booth renter, as defined by RCW 18.16.020, is an independent contractor for purposes of this chapter.))~~ Until April 1, 2010, this chapter does not apply to amounts received by an individual from a corporation as compensation for serving as a member of that corporation's board of directors. Beginning April 1, 2010, such amounts are taxable under RCW 82.04.290(2).

Sec. 803. RCW 82.04.360 and 2010 c . . . (E2SHB 1597) s 207 are each amended to read as follows:

(1) This chapter does not apply to any person in respect to his or her employment in the capacity of an employee or servant as distinguished from that of an independent contractor. For the purposes of this section, the definition of employee (~~shall~~) includes those persons that are defined in section 3121(d)(3)(B) of the federal internal revenue code of 1986, as amended through January 1, 1991.

(2) Until April 1, 2010, this chapter does not apply to amounts received by an individual from a corporation as compensation for serving as a member of that corporation's board of directors. Beginning April 1, 2010, such amounts are taxable under RCW 82.04.290(2).

(3) A booth renter is an independent contractor for purposes of this chapter. For purposes of this (~~sub~~)section, "booth renter" means any person who:

(a) Performs cosmetology, barbering, esthetics, or manicuring services for which a license is required under chapter 18.16 RCW; and

(b) Pays a fee for the use of salon or shop facilities and receives no compensation or other consideration from the owner of the salon or shop for the services performed.

PART IX

Airplane Excise Tax

Sec. 901. RCW 82.48.030 and 1983 2nd ex.s. c 3 s 22 are each amended to read as follows:

(1) The amount of the tax imposed by this chapter for each calendar year (~~shall be~~) is as follows:

(a) Except as otherwise provided in this subsection, aircraft with a date of manufacture on or before December 31, 1970:

Type of aircraft	((Registration fee)) <u>Tax</u>
Single engine fixed wing	\$ ((50)) <u>100</u>
Small multi-engine fixed wing	((65)) <u>130</u>

Large multi-engine fixed wing	((80)) <u>160</u>
Turboprop multi-engine fixed wing	((400)) <u>6,750</u>
((Turbojet multi-engine fixed wing	125))
Helicopter	((75)) <u>150</u>
Sailplane	((20)) <u>40</u>
Lighter than air	((20)) <u>40</u>
Home built	((20)) <u>40</u>

(4) For the purposes of this section, "maximum certificated takeoff weight" means the maximum takeoff weight authorized by the terms of the aircraft airworthiness certificate.

Sec. 902. RCW 82.48.080 and 1995 c 170 s 2 are each amended to read as follows:

The secretary ~~((shall))~~ must regularly pay to the state treasurer the excise taxes collected under this chapter, ~~((which shall be credited by the state treasurer as follows: Ninety percent to the general fund and ten percent to the aeronautics account in the transportation fund for administrative expenses))~~ for deposit into the general fund.

**PART X
Tax Debts**

Sec. 1001. RCW 82.32.145 and 1995 c 318 s 2 are each amended to read as follows:

(1) ~~((Upon termination, dissolution, or abandonment of a corporate or limited liability company business, any officer, member, manager, or other person having control or supervision of retail sales tax funds collected and held in trust under RCW 82.08.050, or who is charged with the responsibility for the filing of returns or the payment of retail sales tax funds collected and held in trust under RCW 82.08.050, shall be personally liable for any unpaid taxes and interest and penalties on those taxes, if such officer or other person willfully fails to pay or to cause to be paid any taxes due from the corporation pursuant to chapter 82.08 RCW. For the purposes of this section, any retail sales taxes that have been paid but not collected shall be deductible from the retail sales taxes collected but not paid.~~

~~For purposes of this subsection "willfully fails to pay or to cause to be paid" means that the failure was the result of an intentional, conscious, and voluntary course of action.~~

~~(2) The officer, member or manager, or other person shall be liable only for taxes collected which)) Whenever the department has issued a warrant under RCW 82.32.210 for the collection of unpaid retail sales tax funds collected and held in trust under RCW 82.08.050 from a limited liability business entity and that business entity has been terminated, dissolved, or abandoned, or is insolvent, the department may pursue collection of the entity's unpaid sales taxes, including penalties and interest on those taxes, against any or all of the responsible individuals. For purposes of this subsection, "insolvent" means the condition that results when the sum of the entity's debts exceeds the fair market value of its assets. The department may presume that an entity is insolvent if the entity refuses to disclose to the department the nature of its assets and liabilities.~~

~~(2) Personal liability under this section may be imposed for state and local sales taxes.~~

~~(3)(a) For a responsible individual who is the current or a former chief executive or chief financial officer, liability under this section applies regardless of fault or whether the individual was or should have been aware of the unpaid sales tax liability of the limited liability business entity.~~

~~(b) For any other responsible individual, liability under this section applies only if he or she willfully fails to pay or to cause to be paid to the department the sales taxes due from the limited liability business entity.~~

~~(4)(a) Except as provided in this subsection (4)(a), a responsible individual who is the current or a former chief executive or chief financial officer is liable under this section only for sales tax liability accrued during the period that he or she was the chief executive or chief financial officer. However, if the responsible individual had the responsibility or duty to remit payment of the limited liability business entity's sales taxes to the department during any period of time that the person was not the chief executive or chief financial officer, that individual is also liable for sales tax liability that became due during the period that he or she had the duty to remit payment of~~

(b) Except as otherwise provided in this subsection, aircraft with a date of manufacture after December 31, 1970:

<u>Type of aircraft</u>	<u>Tax</u>
<u>Single engine fixed wing</u>	<u>\$ 338</u>
<u>Small multi-engine fixed wing</u>	<u>439</u>
<u>Large multi-engine fixed wing</u>	<u>540</u>
<u>Turboprop multi-engine fixed wing</u>	<u>6,750</u>
<u>Helicopter</u>	<u>338</u>
<u>Sailplane</u>	<u>135</u>
<u>Lighter than air</u>	<u>135</u>
<u>Home built</u>	<u>135</u>

(c) Turbojet multi-engine fixed wing aircraft:

<u>Maximum Certificated Takeoff Weight</u>	<u>Tax</u>
<u>Up to 19,999 pounds</u>	<u>\$ 13,500</u>
<u>20,000 to 24,999 pounds</u>	<u>18,000</u>
<u>25,000 to 44,999 pounds</u>	<u>22,500</u>
<u>45,000 to 84,999 pounds</u>	<u>33,750</u>
<u>85,000 and over</u>	<u>45,000</u>

(2) The amount of tax imposed under subsection (1) of this section for each calendar year ~~((shall))~~ must be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon an aircraft registered for the first time in this state after the last day of any month ~~((shall))~~ may only be levied for the remaining months of the calendar year including the month in which the aircraft is being registered ~~((: PROVIDED, That))~~. However, the minimum amount payable ~~((shall be))~~ is three dollars.

(3) An aircraft ~~((shall be))~~ is deemed registered for the first time in this state when such aircraft was not previously registered by this state for the year immediately preceding the year in which application for registration is made.

the limited liability business entity's taxes to the department but was not the chief executive or chief financial officer.

(b) All other responsible individuals are liable under this section only for sales tax liability that became due during the period he or she had the ((control, supervision,)) responsibility((s)) or duty to ((act for the corporation described in subsection (1) of this section, plus interest and penalties on those taxes.

—((3)) remit payment of the limited liability business entity's taxes to the department.

(5) Persons ((liable under)) described in subsection ((4)) (3)(b) of this section are exempt from liability under this section in situations where nonpayment of the ((retail sales tax funds held in trust)) limited liability business entity's sales taxes is due to reasons beyond their control as determined by the department by rule.

((4)) (6) Any person having been issued a notice of assessment under this section is entitled to the appeal procedures under RCW 82.32.160, 82.32.170, 82.32.180, 82.32.190, and 82.32.200.

((5) This section applies only in situations where the department has determined that there is no reasonable means of collecting the retail sales tax funds held in trust directly from the corporation.

—((6)) (7) This section does not relieve the ((corporation or)) limited liability ((company)) business entity of ((other tax liabilities)) its sales tax liability or otherwise impair other tax collection remedies afforded by law.

((7)) (8) Collection authority and procedures prescribed in this chapter apply to collections under this section.

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Chief executive" means: The president of a corporation; or for other entities or organizations other than corporations or if the corporation does not have a president as one of its officers, the highest ranking executive manager or administrator in charge of the management of the company or organization.

(b) "Chief financial officer" means: The treasurer of a corporation; or for entities or organizations other than corporations or if a corporation does not have a treasurer as one of its officers, the highest senior manager who is responsible for overseeing the financial activities of the entire company or organization.

(c) "Limited liability business entity" means a type of business entity that generally shields its owners from personal liability for the debts, obligations, and liabilities of the entity, or a business entity that is managed or owned in whole or in part by an entity that generally shields its owners from personal liability for the debts, obligations, and liabilities of the entity. Limited liability business entities include corporations, limited liability companies, limited liability partnerships, trusts, general partnerships and joint ventures in which one or more of the partners or parties are also limited liability business entities, and limited partnerships in which one or more of the general partners are also limited liability business entities.

(d) "Manager" has the same meaning as in RCW 25.15.005.

(e) "Member" has the same meaning as in RCW 25.15.005, except that the term only includes members of member-managed limited liability companies.

(f) "Officer" means any officer or assistant officer of a corporation, including the president, vice-president, secretary, and treasurer.

(g)(i) "Responsible individual" includes any current or former officer, manager, member, partner, or trustee of a limited liability business entity with an unpaid tax warrant issued by the department.

(ii) "Responsible individual" also includes any current or former employee or other individual, but only if the individual had the responsibility or duty to remit payment of the limited liability business entity's unpaid sales tax liability reflected in a tax warrant issued by the department.

(iii) Whenever any taxpayer has one or more limited liability business entities as a member, manager, or partner, "responsible

individual" also includes any current and former officers, members, or managers of the limited liability business entity or entities or of any other limited liability business entity involved directly in the management of the taxpayer. For purposes of this subsection (9)(g)(iii), "taxpayer" means a limited liability business entity with an unpaid tax warrant issued against it by the department.

(h) "Willfully fails to pay or to cause to be paid" means that the failure was the result of an intentional, conscious, and voluntary course of action.

PART XI

Repealing the Sales and Use Tax Exemptions for Bottled Water

NEW SECTION. Sec. 1101. In order to preserve funding to protect Washington state's natural resources, it is the legislature's intent to use revenue generated from assessing a sales tax on bottled water on natural resource and environmental protection activities.

Sec. 1102. RCW 82.08.0293 and 2009 c 483 s 2 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 ((shall)) does not apply to sales of food and food ingredients. "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include:

(a) "Alcoholic beverages," which means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume; and

(b) "Tobacco," which means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(2) The exemption of "food and food ingredients" provided for in subsection (1) of this section ((shall)) does not apply to prepared food, soft drinks, bottled water, or dietary supplements.

(a) "Prepared food" means:

(i) Food sold in a heated state or heated by the seller;

(ii) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food; or

(iii) Two or more food ingredients mixed or combined by the seller for sale as a single item, except:

(A) Food that is only cut, repackaged, or pasteurized by the seller; or

(B) Raw eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal food and drug administration in chapter 3, part 401.11 of The Food Code, published by the food and drug administration, as amended or renumbered as of January 1, 2003, so as to prevent foodborne illness.

(b) "Prepared food" does not include the following food or food ingredients, if the food or food ingredients are sold without eating utensils provided by the seller:

(i) Food sold by a seller whose proper primary North American industry classification system (NAICS) classification is manufacturing in sector 311, except subsector 3118 (bakeries), as provided in the "North American industry classification system--United States, 2002";

(ii) Food sold in an unheated state by weight or volume as a single item; or

(iii) Bakery items. The term "bakery items" includes bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, or tortillas.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain: Milk or milk products; soy, rice, or similar milk substitutes; or greater than fifty percent of vegetable or fruit juice by volume.

(d) "Dietary supplement" means any product, other than tobacco, intended to supplement the diet that:

(i) Contains one or more of the following dietary ingredients:

- (A) A vitamin;
- (B) A mineral;
- (C) An herb or other botanical;
- (D) An amino acid;

(E) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or

(F) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in this subsection;

(ii) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(iii) Is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label as required pursuant to 21 C.F.R. Sec. 101.36, as amended or renumbered as of January 1, 2003.

(e) "Bottled water" means water that is placed in a sealed container or package for human consumption or other consumer uses. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain: (i) Antimicrobial agents; (ii) fluoride; (iii) carbonation; (iv) vitamins, minerals, and electrolytes; (v) oxygen; (vi) preservatives; and (vii) only those flavors, extracts, or essences derived from a spice or fruit. "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section (~~shall apply~~) applies to food and food ingredients that are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) That are provided to senior citizens, individuals with disabilities, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" means a facility:

(i) That meets the definition of a qualified low-income housing project under (~~Title~~) 26 U.S.C. Sec. 42 of the federal internal revenue code, as existing on August 1, 2009;

(ii) That has been partially funded under (~~Title~~) 42 U.S.C. Sec. 1485 (~~of the federal internal revenue code~~); and

(iii) For which the lessor or operator has at any time been entitled to claim a federal income tax credit under (~~Title~~) 26 U.S.C. Sec. 42 of the federal internal revenue code.

(4)(a) Subsection (1) of this section notwithstanding, the retail sale of food and food ingredients is subject to sales tax under RCW 82.08.020 if the food and food ingredients are sold through a vending machine, and in this case the selling price for purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.

(b) This subsection (4) does not apply to hot prepared food and food ingredients, other than food and food ingredients which are heated after they have been dispensed from the vending machine.

(c) For tax collected under this subsection (4), the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.

Sec. 1103. RCW 82.08.0293 and 2010 c . . . (E2SHB 1597) s 216 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of food and food ingredients. "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include:

(a) "Alcoholic beverages," which means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume; and

(b) "Tobacco," which means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(2) The exemption of "food and food ingredients" provided for in subsection (1) of this section does not apply to prepared food, soft drinks, bottled water, or dietary supplements. For purposes of this subsection, the following definitions apply:

(a) "Dietary supplement" means any product, other than tobacco, intended to supplement the diet that:

(i) Contains one or more of the following dietary ingredients:

- (A) A vitamin;
- (B) A mineral;
- (C) An herb or other botanical;
- (D) An amino acid;

(E) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or

(F) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in this subsection;

(ii) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(iii) Is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label as required pursuant to 21 C.F.R. Sec. 101.36, as amended or renumbered as of January 1, 2003.

(b)(i) "Prepared food" means:

(A) Food sold in a heated state or heated by the seller;

(B) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food; or

(C) Two or more food ingredients mixed or combined by the seller for sale as a single item, except:

(I) Food that is only cut, repackaged, or pasteurized by the seller; or

(II) Raw eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal food and drug administration in chapter 3, part 401.11 of The Food Code, published by the food and drug administration, as amended or renumbered as of January 1, 2003, so as to prevent foodborne illness.

(ii) "Prepared food" does not include the following food or food ingredients, if the food or food ingredients are sold without eating utensils provided by the seller:

(A) Food sold by a seller whose proper primary North American industry classification system (NAICS) classification is manufacturing in sector 311, except subsector 3118 (bakeries), as provided in the "North American industry classification system--United States, 2002";

(B) Food sold in an unheated state by weight or volume as a single item; or

(C) Bakery items. The term "bakery items" includes bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, or tortillas.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain: Milk or milk products; soy, rice, or similar milk substitutes; or greater than fifty percent of vegetable or fruit juice by volume.

(d) "Bottled water" means water that is placed in a sealed container or package for human consumption or other consumer uses. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain: (i) Antimicrobial agents; (ii) fluoride; (iii) carbonation; (iv) vitamins, minerals, and electrolytes; (v) oxygen; (vi) preservatives; and (vii) only those flavors, extracts, or essences derived from a spice or fruit. "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section applies to food and food ingredients that are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) That are provided to senior citizens, individuals with disabilities, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" means a facility:

(i) That meets the definition of a qualified low-income housing project under 26 U.S.C. Sec. 42 of the federal internal revenue code, as existing on August 1, 2009;

(ii) That has been partially funded under 42 U.S.C. Sec. 1485 (~~of the federal internal revenue code~~); and

(iii) For which the lessor or operator has at any time been entitled to claim a federal income tax credit under 26 U.S.C. Sec. 42 of the federal internal revenue code.

(4)(a) Subsection (1) of this section notwithstanding, the retail sale of food and food ingredients is subject to sales tax under RCW 82.08.020 if the food and food ingredients are sold through a vending machine. Except as provided in (b) of this subsection, the selling price of food and food ingredients sold through a vending machine for purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.

(b) For soft drinks and hot prepared food and food ingredients, other than food and food ingredients which are heated after they have been dispensed from the vending machine, the selling price is the total gross receipts of such sales divided by the sum of one plus the sales tax rate expressed as a decimal.

(c) For tax collected under this subsection (4), the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.

Sec. 1104. RCW 82.12.0293 and 2009 c 483 s 4 are each amended to read as follows:

(1) The provisions of this chapter (~~shall~~) do not apply in respect to the use of food and food ingredients for human consumption. "Food and food ingredients" has the same meaning as in RCW 82.08.0293.

(2) The exemption of "food and food ingredients" provided for in subsection (1) of this section (~~shall~~) does not apply to prepared food, soft drinks, bottled water, or dietary supplements. "Prepared food," "soft drinks," (~~and~~) "dietary supplements," and "bottled water" have the same meanings as in RCW 82.08.0293.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section (~~shall~~) apply to food and food ingredients which are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) Which are provided to senior citizens, individuals with disabilities, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" has the same meaning as in RCW 82.08.0293.

NEW SECTION. Sec. 1105. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of bottled water for human use dispensed or to be dispensed to patients, pursuant to a prescription for use in the cure, mitigation, treatment, or prevention of disease or medical condition.

(2) The definitions in this subsection apply to this section.

(a) "Bottled water" has the same meaning as provided in RCW 82.08.0293.

(b) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to prescribe.

NEW SECTION. Sec. 1106. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply in respect to the use of bottled water for human use dispensed or to be dispensed to patients, pursuant to a prescription for use in the cure, mitigation, treatment, or prevention of disease or medical condition. The definitions in section 1105 of this act apply to this section.

NEW SECTION. Sec. 1107. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of bottled water for human use to persons who do not otherwise have a readily available source of potable water and who provide the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(2) The department may waive the requirement for an exemption certificate in the event of disaster or similar circumstance.

NEW SECTION. Sec. 1108. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply in respect to the use of bottled water for human use by persons who do not otherwise have a readily available source of potable water.

PART XII

Imposing Sales and Use Tax on Custom Software

NEW SECTION. Sec. 1201. In order to preserve funding for higher education, it is the legislature's intent to use revenue generated from assessing a sales and use tax on custom software to support the state's institutions of higher education and financial aid programs including the state need grant.

Sec. 1202. RCW 82.04.050 and 2009 c 563 s 301 and 2009 c 535 s 301 are each reenacted and amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business

and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a seller's permit or uniform exemption certificate in conformity with RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term ~~((shall))~~ includes every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280 (2) and (7), 82.04.290, and 82.04.2908; or

(f) Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection (7) of this section, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

(2) The term "sale at retail" or "retail sale" includes the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of self-service laundry facilities, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and ~~((shall))~~ also includes the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The constructing, repairing, or improving of any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The cleaning, fumigating, razing, or moving of existing buildings or structures, but may not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) Automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it ~~((shall be))~~ is presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(g) The installing, repairing, altering, or improving of digital goods for consumers;

(h) Persons taxable under ~~a)((b), (c), (d), (e), (f), and))~~ through (g) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection ~~((shall))~~ may be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section may be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" includes the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services.

(4)(a) The term also includes:

(i) The renting or leasing of tangible personal property to consumers; and

(ii) Providing tangible personal property along with an operator for a fixed or indeterminate period of time. A consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (4)(a)(ii), an operator must do more than maintain, inspect, or set up the tangible personal property.

(b) The term does not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term also includes the providing of "competitive telephone service," "telecommunications service," or "ancillary services," as those terms are defined in RCW 82.04.065, to consumers.

(6)(a) The term also includes the sale of prewritten computer software other than a sale to a person who presents a seller's permit or uniform exemption certificate in conformity with RCW 82.04.470, regardless of the method of delivery to the end user. For purposes of this subsection (6)(a), the sale of prewritten computer software includes the sale of or charge made for a key or an enabling or activation code, where the key or code is required to activate prewritten computer software and put the software into use. There is no separate sale of the key or code from the prewritten computer software, regardless of how the sale may be characterized by the vendor or by the purchaser.

~~(The term "retail sale" does not include the sale of or charge made for:~~

~~(i) Custom software; or~~

~~(ii) The customization of prewritten computer software.)~~

(b) The term also includes the charge made to consumers for the right to access and use prewritten computer software, where possession of the software is maintained by the seller or a third party, regardless of whether the charge for the service is on a per use, per user, per license, subscription, or some other basis.

(7)(a) The term also includes the sale of or charge made for custom software and the customization of prewritten computer software to a consumer, regardless of the method of delivery to the consumer.

(b) The term also includes the charge made to consumers for the right to access and use custom software and customized prewritten computer software, where possession of the software is maintained by the seller or a third party.

(8) The term also includes the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, "extended warranty" means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of extended warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the agreement. For purposes of this subsection, "sales price" has the same meaning as in RCW 82.08.010.

~~((8))~~ (9)(a) The term also includes the following sales to consumers of digital goods, digital codes, and digital automated services:

(i) Sales in which the seller has granted the purchaser the right of permanent use;

(ii) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(iii) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(iv) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(b) A retail sale of digital goods, digital codes, or digital automated services under this subsection ~~((8))~~ (9) includes any services provided by the seller exclusively in connection with the digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(c) For purposes of this subsection, "permanent" means perpetual or for an indefinite or unspecified length of time. A right of

permanent use is presumed to have been granted unless the agreement between the seller and the purchaser specifies or the circumstances surrounding the transaction suggest or indicate that the right to use terminates on the occurrence of a condition subsequent.

~~((9))~~ (10) The term does not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

~~((10))~~ (11) The term also does not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor does it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; and (c) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under ~~((Title))~~ 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

~~((11))~~ (12) The term does not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor does the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor does the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other by-products of weapons production and nuclear research and development.

~~((12))~~ (13) The term does not include the sale of or charge made for labor, services, or tangible personal property pursuant to agreements providing maintenance services for bus, rail, or rail fixed guideway equipment when a regional transit authority is the recipient of the labor, services, or tangible personal property, and a transit agency, as defined in RCW 81.104.015, performs the labor or services.

Sec. 1203. RCW 82.04.050 and 2010 c . . . (SHB 2758) s 14 are each amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such

tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term includes every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280 (2) and (7), 82.04.290, and 82.04.2908; or

(f) Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection (7) of this section, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

(2) The term "sale at retail" or "retail sale" includes the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of self-service laundry facilities, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and also includes the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The constructing, repairing, or improving of any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The cleaning, fumigating, razing, or moving of existing buildings or structures, but does not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" means those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) Automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it is presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(g) The installing, repairing, altering, or improving of digital goods for consumers;

(h) Persons taxable under (a), ~~((b), (c), (d), (e), (f), and)~~ through (g) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection may be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section may be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" includes the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services.

(4)(a) The term also includes:

(i) The renting or leasing of tangible personal property to consumers; and

(ii) Providing tangible personal property along with an operator for a fixed or indeterminate period of time. A consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (4)(a)(ii), an operator must do more than maintain, inspect, or set up the tangible personal property.

(b) The term does not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term also includes the providing of "competitive telephone service," "telecommunications service," or "ancillary services," as those terms are defined in RCW 82.04.065, to consumers.

(6)(a) The term also includes the sale of prewritten computer software to a consumer, regardless of the method of delivery to the end user. For purposes of this subsection (6)(a), the sale of prewritten computer software includes the sale of or charge made for a key or an

enabling or activation code, where the key or code is required to activate prewritten computer software and put the software into use. There is no separate sale of the key or code from the prewritten computer software, regardless of how the sale may be characterized by the vendor or by the purchaser.

~~((The term "retail sale" does not include the sale of or charge made for:~~

~~— (i) Custom software; or~~

~~— (ii) The customization of prewritten computer software.)~~

(b) The term also includes the charge made to consumers for the right to access and use prewritten computer software, where possession of the software is maintained by the seller or a third party, regardless of whether the charge for the service is on a per use, per user, per license, subscription, or some other basis.

(7)(a) The term also includes the sale of or charge made for custom software and the customization of prewritten computer software to a consumer, regardless of the method of delivery to the consumer.

(b) The term also includes the charge made to consumers for the right to access and use custom software and customized prewritten computer software, where possession of the software is maintained by the seller or a third party.

(8) The term also includes the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, "extended warranty" means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of extended warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the agreement. For purposes of this subsection, "sales price" has the same meaning as in RCW 82.08.010.

~~((8))~~ (9)(a) The term also includes the following sales to consumers of digital goods, digital codes, and digital automated services:

(i) Sales in which the seller has granted the purchaser the right of permanent use;

(ii) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(iii) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(iv) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(b) A retail sale of digital goods, digital codes, or digital automated services under this subsection ~~((8))~~ (9) includes any services provided by the seller exclusively in connection with the digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(c) For purposes of this subsection, "permanent" means perpetual or for an indefinite or unspecified length of time. A right of permanent use is presumed to have been granted unless the agreement between the seller and the purchaser specifies or the circumstances surrounding the transaction suggest or indicate that the right to use terminates on the occurrence of a condition subsequent.

~~((9))~~ (10) The term does not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

~~((10))~~ (11) The term also does not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor does it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; and (c) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under ~~((Title))~~ 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

~~((11))~~ (12) The term does not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor does the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor does the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development.

~~((12))~~ (13) The term does not include the sale of or charge made for labor, services, or tangible personal property pursuant to agreements providing maintenance services for bus, rail, or rail fixed guideway equipment when a regional transit authority is the recipient of the labor, services, or tangible personal property, and a transit agency, as defined in RCW 81.104.015, performs the labor or services.

Sec. 1204. RCW 82.04.050 and 2010 c . . . (SHB 2620) s 201 and 2010 c . . . (E2SHB 1597) s 202 are each reenacted and amended to read as follows:

(1)(a) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who:

(i) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(ii) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(iii) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(iv) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(v) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065; or

(vi) Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection (7) of this section, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

(b) The term includes every sale of tangible personal property that is used or consumed or to be used or consumed in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property is resold or used as provided in (a)(i) through (vi) of this subsection following such use.

(c) The term also means every sale of tangible personal property to persons engaged in any business that is taxable under RCW 82.04.280 (1), (2), and (7), 82.04.290, and 82.04.2908.

(2) The term "sale at retail" or "retail sale" includes the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of self-service laundry facilities, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The constructing, repairing, or improving of any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The cleaning, fumigating, razing, or moving of existing buildings or structures, but does not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" means those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) Automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it is presumed that the sale of and charge made for the furnishing of

lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(g) The installing, repairing, altering, or improving of digital goods for consumers;

(h) Persons taxable under (a)(~~(b), (c), (d), (e), (f), and~~) through (g) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection may be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section may be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" includes the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services.

(4)(a) The term also includes the renting or leasing of tangible personal property to consumers.

(b) The term does not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term also includes the providing of "competitive telephone service," "telecommunications service," or "ancillary services," as those terms are defined in RCW 82.04.065, to consumers.

(6)(a) The term also includes the sale of prewritten computer software to a consumer, regardless of the method of delivery to the end user. For purposes of this subsection (6)(a), the sale of prewritten computer software includes the sale of or charge made for a key or an enabling or activation code, where the key or code is required to activate prewritten computer software and put the software into use. There is no separate sale of the key or code from the prewritten computer software, regardless of how the sale may be characterized by the vendor or by the purchaser.

~~((The term "retail sale" does not include the sale of or charge made for:~~

~~—(i) Custom software; or~~

~~—(ii) The customization of prewritten computer software.))~~

(b)(i) The term also includes the charge made to consumers for the right to access and use prewritten computer software, where possession of the software is maintained by the seller or a third party, regardless of whether the charge for the service is on a per use, per user, per license, subscription, or some other basis.

(ii)(A) The service described in (b)(i) of this subsection (6) includes the right to access and use prewritten computer software to perform data processing.

(B) For purposes of this subsection (6)(b)(ii), "data processing" means the systematic performance of operations on data to extract the required information in an appropriate form or to convert the data to usable information. Data processing includes check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities.

(7)(a) The term also includes the sale of or charge made for custom software and the customization of prewritten computer software to a consumer, regardless of the method of delivery to the consumer.

(b) The term also includes the charge made to consumers for the right to access and use custom software and customized prewritten computer software, where possession of the software is maintained by the seller or a third party.

(8) The term also includes the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, "extended warranty" means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of extended warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the agreement. For purposes of this subsection, "sales price" has the same meaning as in RCW 82.08.010.

~~((8))~~ (9)(a) The term also includes the following sales to consumers of digital goods, digital codes, and digital automated services:

(i) Sales in which the seller has granted the purchaser the right of permanent use;

(ii) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(iii) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(iv) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(b) A retail sale of digital goods, digital codes, or digital automated services under this subsection ~~((8))~~ (9) includes any services provided by the seller exclusively in connection with the digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(c) For purposes of this subsection, "permanent" means perpetual or for an indefinite or unspecified length of time. A right of permanent use is presumed to have been granted unless the agreement between the seller and the purchaser specifies or the circumstances surrounding the transaction suggest or indicate that the right to use terminates on the occurrence of a condition subsequent.

~~((9))~~ (10) The term also includes the charge made for providing tangible personal property along with an operator for a fixed or indeterminate period of time. A consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection ~~((9))~~ (10), an operator must do more than maintain, inspect, or set up the tangible personal property.

(11) The term does not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

~~((4))~~ (12) The term also does not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment

of fruit for the prevention of scald, fungus, mold, or decay, nor does it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; and (c) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

~~((14))~~ (13) The term does not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor does the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor does the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other by-products of weapons production and nuclear research and development.

~~((12))~~ (14) The term does not include the sale of or charge made for labor, services, or tangible personal property pursuant to agreements providing maintenance services for bus, rail, or rail fixed guideway equipment when a regional transit authority is the recipient of the labor, services, or tangible personal property, and a transit agency, as defined in RCW 81.104.015, performs the labor or services.

(15) The term does not include the sale for resale of any service described in this section if the sale would otherwise constitute a "sale at retail" and "retail sale" under this section.

Sec. 1205. RCW 82.04.060 and 2009 c 535 s 403 are each amended to read as follows:

"Sale at wholesale" or "wholesale sale" means:

(1) Any sale, which is not a sale at retail, of:

(a) Tangible personal property;

(b) Services defined as a retail sale in RCW 82.04.050(2) (a) or (g);

(c) Amusement or recreation services as defined in RCW 82.04.050(3)(a);

(d) Prewritten computer software;

(e) Services described in RCW 82.04.050 (6)(b) or (7);

(f) Extended warranties as defined in RCW 82.04.050(7);

(g) Competitive telephone service, ancillary services, or telecommunications service as those terms are defined in RCW 82.04.065; or

(h) Digital goods, digital codes, or digital automated services; and

(2) Any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers. For the purposes of this subsection (2), "real or personal property" does not include any natural products named in RCW 82.04.100.

Sec. 1206. RCW 82.04.060 and 2010 c . . . (E2SHB 1597) s 203 are each amended to read as follows:

"Sale at wholesale" or "wholesale sale" means:

(1) Any sale, which is not a sale at retail, of:

- (a) Tangible personal property;
 - (b) Services defined as a retail sale in RCW 82.04.050(2) (a) or (g);
 - (c) Amusement or recreation services as defined in RCW 82.04.050(3)(a);
 - (d) Prewritten computer software;
 - (e) Services described in RCW 82.04.050 (6)(b) or (7);
 - (f) Extended warranties as defined in RCW 82.04.050(7);
 - (g) Competitive telephone service, ancillary services, or telecommunications service as those terms are defined in RCW 82.04.065; or
 - (h) Digital goods, digital codes, or digital automated services;
- (2) Any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers. For the purposes of this subsection (2), "real or personal property" does not include any natural products named in RCW 82.04.100; and
- (3) The sale of any service for resale, if the sale is excluded from the definition of "sale at retail" and "retail sale" in RCW 82.04.050(14).

Sec. 1207. RCW 82.04.190 and 2009 c 535 s 302 are each amended to read as follows:

"Consumer" means the following:

- (1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale or (d) of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon or (e) of satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7), if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person;
- (2)(a) Any person engaged in any business activity taxable under RCW 82.04.290 or 82.04.2908; (b) any person who purchases, acquires, or uses any competitive telephone service, ancillary services, or telecommunications service as those terms are defined in RCW 82.04.065, other than for resale in the regular course of business; (c) any person who purchases, acquires, or uses any service defined in RCW 82.04.050(2) (a) or (g), other than for resale in the regular course of business or for the purpose of satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7); (d) any person who purchases, acquires, or uses any amusement and recreation service defined in RCW 82.04.050(3)(a), other than for resale in the regular course of business; (e) any person who purchases or acquires an extended warranty as defined in RCW 82.04.050(7) other than for resale in the regular course of business; and (f) any person who is an end user of software. For purposes of this subsection (2)(f) and RCW 82.04.050(6), a person who purchases or otherwise acquires prewritten computer software, who provides services described in RCW 82.04.050(6)(b) and who will charge

consumers for the right to access and use the prewritten computer software, is not an end user of the prewritten computer software;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right-of-way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation; also, any person engaged in the business of clearing land and moving earth of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW. Any such person (~~shall be~~) is a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person, except that consumer does not include any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, or any instrumentality thereof, if the investment project would qualify for sales and use tax deferral under chapter 82.63 RCW if undertaken by a private entity;

(7) Any person who is a lessor of machinery and equipment, the rental of which is exempt from the tax imposed by RCW 82.08.020 under RCW 82.08.02565, with respect to the sale of or charge made for tangible personal property consumed in respect to repairing the machinery and equipment, if the tangible personal property has a useful life of less than one year. Nothing contained in this or any other subsection of this section (~~shall~~) may be construed to modify any other definition of "consumer";

(8) Any person engaged in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other by-products of weapons production and nuclear research and development;

(9) Any person who is an owner, lessee, or has the right of possession of tangible personal property that, under the terms of an extended warranty as defined in RCW 82.04.050(7), has been repaired or is replacement property, but only with respect to the sale of or charge made for the repairing of the tangible personal property or the replacement property;

(10) Any person who purchases, acquires, or uses services described in RCW 82.04.050 (6)(b) or (7) other than for resale in the regular course of business; and

(11)(a) Any end user of a digital product or digital code.

(b)(i) For purposes of this subsection, "end user" means any taxpayer as defined in RCW 82.12.010 other than a taxpayer who receives by contract a digital product for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution or exhibition of the product, in whole or in part, to others. A person that purchases digital products or digital codes for the purpose of giving away such products or codes will not be considered to have engaged in the distribution or redistribution of such products or codes and will be treated as an end user;

(ii) If a purchaser of a digital code does not receive the contractual right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates, then the purchaser of the digital code is an end user. If the purchaser of the digital code receives the contractual right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates, then the purchaser of the digital code is not an end user. A purchaser of a digital code who has the contractual right to further redistribute the digital code is an end user if that purchaser does not have the right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates.

Sec. 1208. RCW 82.04.190 and 2010 c . . . (E2SHB 1597) s 204 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose of:

(a) Resale as tangible personal property in the regular course of business;

(b) Incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers;

(c) Consuming such property in producing for sale as a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(d) Consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7), if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person;

(2)(a) Any person engaged in any business activity taxable under RCW 82.04.290 or 82.04.2908; (b) any person who purchases, acquires, or uses any competitive telephone service, ancillary services, or telecommunications service as those terms are defined in RCW 82.04.065, other than for resale in the regular course of

business; (c) any person who purchases, acquires, or uses any service defined in RCW 82.04.050(2) (a) or (g), other than for resale in the regular course of business or for the purpose of satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7); (d) any person who purchases, acquires, or uses any amusement and recreation service defined in RCW 82.04.050(3)(a), other than for resale in the regular course of business; (e) any person who purchases or acquires an extended warranty as defined in RCW 82.04.050(7) other than for resale in the regular course of business; and (f) any person who is an end user of software. For purposes of this subsection (2)(f) and RCW 82.04.050(6), a person who purchases or otherwise acquires prewritten computer software, who provides services described in RCW 82.04.050(6)(b) and who will charge consumers for the right to access and use the prewritten computer software, is not an end user of the prewritten computer software;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right-of-way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation; also, any person engaged in the business of clearing land and moving earth of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW. Any such person is a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person, except that consumer does not include any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, or any instrumentality thereof, if the investment project would qualify for

sales and use tax deferral under chapter 82.63 RCW if undertaken by a private entity;

(7) Any person who is a lessor of machinery and equipment, the rental of which is exempt from the tax imposed by RCW 82.08.020 under RCW 82.08.02565, with respect to the sale of or charge made for tangible personal property consumed in respect to repairing the machinery and equipment, if the tangible personal property has a useful life of less than one year. Nothing contained in this or any other subsection of this section may be construed to modify any other definition of "consumer";

(8) Any person engaged in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other by-products of weapons production and nuclear research and development;

(9) Any person who is an owner, lessee, or has the right of possession of tangible personal property that, under the terms of an extended warranty as defined in RCW 82.04.050(7), has been repaired or is replacement property, but only with respect to the sale of or charge made for the repairing of the tangible personal property or the replacement property;

(10) Any person who purchases, acquires, or uses services described in RCW 82.04.050 (6)(b) or (7) other than for resale in the regular course of business;

(11)(a) Any end user of a digital product or digital code.

(b)(i) For purposes of this subsection, "end user" means any taxpayer as defined in RCW 82.12.010 other than a taxpayer who receives by contract a digital product for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution or exhibition of the product, in whole or in part, to others. A person that purchases digital products or digital codes for the purpose of giving away such products or codes will not be considered to have engaged in the distribution or redistribution of such products or codes and will be treated as an end user;

(ii) If a purchaser of a digital code does not receive the contractual right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates, then the purchaser of the digital code is an end user. If the purchaser of the digital code receives the contractual right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates, then the purchaser of the digital code is not an end user. A purchaser of a digital code who has the contractual right to further redistribute the digital code is an end user if that purchaser does not have the right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates; and

(12) Any person who provides services described in RCW 82.04.050(9). Any such person is a consumer with respect to the purchase, acquisition, or use of the tangible personal property that the person provides along with an operator in rendering services defined as a retail sale in RCW 82.04.050(9). Any such person may also be a consumer under other provisions of this section.

Sec. 1209. RCW 82.04.215 and 2003 c 168 s 601 are each amended to read as follows:

(1) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(2) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task. All software is classified as either prewritten or custom. Consistent with this definition "computer software" includes only those sets of coded instructions intended for use by an end user and specifically excludes retained rights in software and master copies of software.

(3) "Custom software" means computer software created for a single person.

(4) "Customization of prewritten computer software" means any alteration, modification, or development of applications using or incorporating prewritten computer software for a specific person. "Customization of prewritten computer software" includes individualized configuration of software to work with other software and computer hardware but does not include routine installation. Customization of prewritten computer software does not change the underlying character or taxability of the original prewritten computer software.

(5) "Master copies" of software means copies of software from which a software developer, author, inventor, publisher, licensor, sublicensor, or distributor makes copies for sale or license.

(6) "Prewritten computer software" means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than such purchaser. Where a person modifies or enhances computer software of which such persons is not the author or creator, the person (~~shall be~~) is deemed to be the author or creator only of the person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; however where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement (~~shall~~) does not constitute prewritten computer software.

(7) "Retained rights" means any and all rights, including intellectual property rights such as those rights arising from copyrights, patents, and trade secret laws, that are owned or are held under contract or license by a software developer, author, inventor, publisher, licensor, sublicensor, or distributor.

NEW SECTION. Sec. 1210. RCW 82.04.29001 (Creation and distribution of custom software--Customization of prewritten computer software--Taxable services) and 2003 c 168 s 602 & 1998 c 332 s 4 are each repealed.

Sec. 1211. RCW 82.08.02088 and 2009 c 535 s 701 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to the sale of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050 (6)(b) or (7) to a buyer that provides the seller with an exemption certificate claiming multiple points of use. An exemption certificate claiming multiple points of use must be in a form and contain such information as required by the department.

(2) A buyer is entitled to use an exemption certificate claiming multiple points of use only if the buyer is a business or other organization and the digital goods or digital automated services purchased, or the digital goods or digital automated services to be obtained by the digital code purchased, or the prewritten computer software or services defined as a retail sale in RCW 82.04.050 (6)(b) or (7) purchased will be concurrently available for use within and outside this state. A buyer is not entitled to use an exemption certificate claiming multiple points of use for digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(b) purchased for personal use.

(3) A buyer claiming an exemption under this section must report and pay the tax imposed in RCW 82.12.020 and any local use taxes imposed under the authority of chapter 82.14 RCW and RCW

81.104.170 directly to the department in accordance with RCW 82.12.02088 and 82.14.457.

(4) For purposes of this section, "concurrently available for use within and outside this state" means that employees or other agents of the buyer may use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050 (6)(b) or (7) simultaneously from one or more locations within this state and one or more locations outside this state. A digital code is concurrently available for use within and outside this state if employees or other agents of the buyer may use the digital goods or digital automated services to be obtained by the code simultaneously at one or more locations within this state and one or more locations outside this state.

Sec. 1212. RCW 82.12.010 and 2009 c 535 s 304 are each amended to read as follows:

For the purposes of this chapter:

(1) "Purchase price" means the same as sales price as defined in RCW 82.08.010;

(2)(a) "Value of the article used" (~~(shall be)~~) is the purchase price for the article of tangible personal property, the use of which is taxable under this chapter. The term also includes, in addition to the purchase price, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used (~~(shall)~~) must be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules as the department may prescribe.

(b) In case the articles used are acquired by bailment, the value of the use of the articles so used (~~(shall)~~) must be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe. In case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used (~~(shall)~~) must be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules as the department of revenue may prescribe.

(c) In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than one hundred eighty days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used (~~(shall)~~) must be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in (a) of this subsection.

(d) In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used (~~(shall)~~) must be determined according to the value of the ingredients of such articles.

(e) In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used (~~(shall)~~) must be determined by: (i) The retail selling price of such new or improved product when first offered for sale; or (ii) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(f) In the case of an article purchased with a direct pay permit under RCW 82.32.087, the value of the article used (~~(shall be)~~) is determined by the purchase price of such article if, but for the use of the direct pay permit, the transaction would have been subject to sales tax;

(3) "Value of the service used" means the purchase price for the digital automated service or other service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value thereof, the value of the service used (~~(shall)~~) must be determined as nearly as possible according to the retail selling price at place of use of similar services of like quality and character under rules the department may prescribe;

(4) "Value of the extended warranty used" means the purchase price for the extended warranty, the use of which is taxable under this chapter. If the extended warranty is received by gift or under conditions wherein the purchase price does not represent the true value of the extended warranty, the value of the extended warranty used (~~(shall)~~) must be determined as nearly as possible according to the retail selling price at place of use of similar extended warranties of like quality and character under rules the department may prescribe;

(5) "Value of the digital good or digital code used" means the purchase price for the digital good or digital code, the use of which is taxable under this chapter. If the digital good or digital code is acquired other than by purchase, the value of the digital good or digital code must be determined as nearly as possible according to the retail selling price at place of use of similar digital goods or digital codes of like quality and character under rules the department may prescribe;

(6) "Use," "used," "using," or "put to use" have their ordinary meaning, and mean:

(a) With respect to tangible personal property, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption within this state;

(b) With respect to a service defined in RCW 82.04.050(2)(a), the first act within this state after the service has been performed by which the taxpayer takes or assumes dominion or control over the article of tangible personal property upon which the service was performed (as a consumer), and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

(c) With respect to an extended warranty, the first act within this state after the extended warranty has been acquired by which the taxpayer takes or assumes dominion or control over the article of tangible personal property to which the extended warranty applies, and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

(d) With respect to a digital good or digital code, the first act within this state by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the digital good or digital code;

(e) With respect to a digital automated service, the first act within this state by which the taxpayer, as a consumer, uses, enjoys, or otherwise receives the benefit of the service;

(f) With respect to a service defined as a retail sale in RCW 82.04.050 (6)(b) or (7), the first act within this state by which the taxpayer, as a consumer, accesses the (~~prewritten~~) computer software; and

(g) With respect to a service defined as a retail sale in RCW 82.04.050(2)(g), the first act within this state after the service has been performed by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the digital good upon which the service was performed;

(7) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW;

(8)(a)(i) Except as provided in (a)(ii) of this subsection (8), "retailer" means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter.

(ii) "Retailer" does not include a professional employer organization when a covered employee coemployed with the client under the terms of a professional employer agreement engages in activities that constitute a sale of tangible personal property, extended warranty, digital good, digital code, or a sale of any digital automated service or service defined as a retail sale in RCW 82.04.050 (2)(a) or (g), (3)(a), (~~(6)(b)~~) or (7) that is subject to the tax imposed by this chapter. In such cases, the client, and not the professional employer organization, is deemed to be the retailer and is responsible for collecting and remitting the tax imposed by this chapter.

(b) For the purposes of (a) of this subsection, the terms "client," "covered employee," "professional employer agreement," and "professional employer organization" have the same meanings as in RCW 82.04.540;

(9) "Extended warranty" has the same meaning as in RCW 82.04.050(7);

(10) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, (~~shall have~~) has full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, (~~shall~~) also means any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. With respect to property distributed to persons within this state by a consumer as defined in this subsection (10), the use of the property (~~shall be~~) is deemed to be by such consumer.

Sec. 1213. RCW 82.12.020 and 2009 c 535 s 305 are each amended to read as follows:

(1) There is (~~hereby~~) levied and (~~there shall be~~) collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any:

(a) Article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7), including tangible personal property acquired at a casual or isolated sale, and including by-products used by the manufacturer thereof, except as otherwise provided in this chapter, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state;

(b) Prewritten computer software, regardless of the method of delivery, but excluding prewritten computer software that is either provided free of charge or is provided for temporary use in viewing information, or both;

(c) Services defined as a retail sale in RCW 82.04.050 (2)(a) or (g), (3)(a), (~~(6)(b)~~) or (7), excluding services defined as a retail sale in RCW 82.04.050(6)(b) that are provided free of charge;

(d) Extended warranty; or

(e)(i) Digital good, digital code, or digital automated service, including the use of any services provided by a seller exclusively in connection with digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(ii) With respect to the use of digital goods, digital automated services, and digital codes acquired by purchase, the tax imposed in this subsection (1)(e) applies in respect to:

(A) Sales in which the seller has granted the purchaser the right of permanent use;

(B) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(C) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(D) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(iii) With respect to digital goods, digital automated services, and digital codes acquired other than by purchase, the tax imposed in this subsection (1)(e) applies regardless of whether or not the consumer has a right of permanent use or is obligated to make continued payment as a condition of use.

(2) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property, extended warranty, digital good, digital code, digital automated service, or service taxable under RCW 82.04.050 (2)(a) or (g), (3)(a), (~~(6)(b)~~) or (7), if the sale to, or the use by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(3)(a) Except as provided in this section, payment of the tax imposed by this chapter or chapter 82.08 RCW by one purchaser or user of tangible personal property, extended warranty, digital good, digital code, digital automated service, or other service does not have the effect of exempting any other purchaser or user of the same property, extended warranty, digital good, digital code, digital automated service, or other service from the taxes imposed by such chapters.

(b) The tax imposed by this chapter does not apply:

(i) If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor;

(ii) In respect to the use of any article of tangible personal property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use;

(iii) In respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961; or

(iv) To the use of digital goods or digital automated services, which were obtained through the use of a digital code, if the sale of the digital code to, or the use of the digital code by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(4)(a) Except as provided in (b) of this subsection (4), the tax is levied and must be collected in an amount equal to the value of the article used, value of the digital good or digital code used, value of the extended warranty used, or value of the service used by the taxpayer,

multiplied by the applicable rates in effect for the retail sales tax under RCW 82.08.020.

(b) In the case of a seller required to collect use tax from the purchaser, the tax must be collected in an amount equal to the purchase price multiplied by the applicable rate in effect for the retail sales tax under RCW 82.08.020.

PART XIII

PUD Privilege Tax Clarification

Sec. 1301. RCW 54.28.011 and 1957 c 278 s 12 are each amended to read as follows:

"Gross revenue" ~~((shall))~~ means the amount received from the sale of electric energy, which also includes any regularly recurring charge billed to consumers as a condition of receiving electric energy, and excluding any tax levied by a municipal corporation upon the district pursuant to RCW 54.28.070.

PART XIV

Temporarily Increasing the Business and Occupation Tax on Service Businesses while Increasing the Small Business Credit for the Same Businesses

NEW SECTION. Sec. 1401. A new section is added to chapter 82.04 RCW to read as follows:

(1) Beginning July 1, 2010, through June 30, 2013, an additional rate of tax of .25 percent is added to the rate provided for in RCW 82.04.285 and 82.04.290(2)(a).

(2)(a) The additional rate in subsection (1) of this section does not apply to persons engaged in the business of scientific research and development services including but not limited to research and development in the physical, engineering, and life sciences (such as agriculture, bacteriological, biotechnology, chemical, life sciences, and physical science research and development laboratories or services) and research and development in the social sciences and humanities (such as archaeological, behavioral, cognitive, economic, language, and learning research or development services).

(b) The additional rate in subsection (1) of this section does not apply to persons engaging within this state in business as a hospital, as defined in RCW 70.41.020.

Sec. 1402. RCW 82.04.4451 and 1997 c 238 s 2 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed against the amount of tax otherwise due under this chapter, as provided in this section. The maximum credit for a taxpayer, except for taxpayers subject to tax under RCW 82.04.290(2)(a) and 82.04.285, for a reporting period is thirty-five dollars multiplied by the number of months in the reporting period, as determined under RCW 82.32.045. The maximum credit for a taxpayer, which reports at least fifty percent of its taxable income under RCW 82.04.290(2)(a) and 82.04.285, for a reporting period is seventy dollars multiplied by the number of months in the reporting period, as determined under RCW 82.32.045.

(2) When the amount of tax otherwise due under this chapter is equal to or less than the maximum credit, a credit is allowed equal to the amount of tax otherwise due under this chapter.

(3) When the amount of tax otherwise due under this chapter exceeds the maximum credit, a reduced credit is allowed equal to twice the maximum credit, minus the tax otherwise due under this chapter, but not less than zero.

(4) The department may prepare a tax credit table consisting of tax ranges using increments of no more than five dollars and a corresponding tax credit to be applied to those tax ranges. The table shall be prepared in such a manner that no taxpayer will owe a greater amount of tax by using the table than would be owed by performing the calculation under subsections (1) through (3) of this section. A table prepared by the department under this subsection ~~((shall))~~ must be used by all taxpayers in taking the credit provided in this section.

Sec. 1403. RCW 82.32.045 and 2006 c 256 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within twenty-five days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. For these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(4) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than twenty-eight thousand dollars per year, except for businesses paying at least fifty percent of their tax under RCW 82.04.290(2)(a) and 82.04.285, the amount of business activities taxable under chapter 82.04 RCW is less than fifty-six thousand dollars per year;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twenty-four thousand dollars per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

PART XV

Property Management Salaries

NEW SECTION. Sec. 1501. RCW 82.04.394 (Exemptions-- Amounts received by property management company for on-site personnel) and 1998 c 338 s 2 are each repealed.

PART XVI

Convention Center Taxes

Sec. 1601. RCW 67.40.140 and 1995 c 386 s 2 are each amended to read as follows:

When remitting sales tax receipts to the state under RCW 82.14.050, the city treasurer, or its designee, ~~((shall))~~ must at the same time remit the sales taxes collected under RCW 67.40.130 for the municipality. ~~((The sum so collected and paid over on behalf of the municipality shall be credited against the amount of the tax otherwise due to the state from those same taxpayers under RCW 82.08.020(1).))~~

Sec. 1602. RCW 67.40.190 and 1995 c 386 s 7 are each amended to read as follows:

(1) Moneys received from any tax imposed under RCW 67.40.130 shall be used for the purpose of providing funds to the corporation for the costs associated with paying all or any part of the cost associated with: The financing, design, acquisition, construction, equipping, operating, maintaining, and reequipping of convention center facilities; the acquisition, construction, and relocation costs of replacement housing; and repayment of loans and advances from the state, including loans authorized previously under this chapter, or to pay or secure the payment of all or part of the principal of or interest on any state bonds issued for purposes authorized under this chapter.

(2) If any of the revenue from any local sales tax authorized under RCW 67.40.130 ~~((shall have))~~ has been encumbered or pledged by the state to secure the payment of any state bonds as authorized under RCW 67.40.030, then as long as that agreement or pledge ~~((shall be))~~ is in effect, the legislature shall not withdraw from the municipality the authority to levy and collect the tax ~~((or the tax credit))~~ authorized under RCW 67.40.130 ~~((and 67.40.140)).~~

Sec. 1603. RCW 82.14.410 and 2001 c 6 s 1 are each amended to read as follows:

(1) A local sales and use tax change adopted after December 1, 2000, must provide an exemption for those sales of lodging for which, but for the exemption, the total sales tax rate imposed on sales of lodging would exceed the greater of:

(a) Twelve percent; or

(b) The total sales tax rate that would have applied to the sale of lodging if the sale were made on December 1, 2000.

(2) For the purposes of this section:

(a) "Local sales and use tax change" is defined as provided in RCW 82.14.055.

(b) "Sale of lodging" means the sale of or charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property.

(c) "Total sales tax rate" means the combined rates of all state and local taxes imposed under this chapter and chapters 36.100, 67.28, 67.40, and 82.08 RCW, and any other tax authorized after March 29, 2001, if the tax is in the nature of a sales tax collected from the buyer, but excluding taxes imposed under RCW 81.104.170 before December 1, 2000, and taxes imposed under RCW 67.40.130.

Sec. 1604. RCW 67.28.181 and 2004 c 79 s 8 are each amended to read as follows:

(1) The legislative body of any municipality may impose an excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW. The rate of tax (~~shall~~) may not exceed the lesser of two percent or a rate that, when combined with all other taxes imposed upon sales of lodging within the municipality under this chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals twelve percent. A tax under this chapter (~~shall~~) may not be imposed in increments smaller than tenths of a percent.

(2) Notwithstanding subsection (1) of this section:

(a) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100 or both with a total rate exceeding four percent before July 27, 1997, such total authorization (~~shall~~) must continue through January 31, 1999, and thereafter the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January 31, 1999.

(b) If a city or town, other than a municipality imposing a tax under (a) of this subsection, is located in a county that imposed taxes under this chapter with a total rate of four percent or more on January 1, 1997, the city or town may not impose a tax under this section.

(c) If a city has a population of four hundred thousand or more and is located in a county with a population of one million or more, the rate of tax imposed under this chapter by the city (~~shall~~) may not exceed the lesser of four percent or a rate that, when combined with all other taxes imposed upon sales of lodging in the municipality under this chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals (~~fifteen~~) seventeen and two-tenths percent.

(d) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100, or both, at a rate equal to six percent before January 1, 1998, the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January 1, 1998.

(3) Any county ordinance or resolution adopted under this section (~~shall~~) must contain a provision allowing a credit against the county tax for the full amount of any city or town tax imposed under this section upon the same taxable event.

PART XVII

Miscellaneous Provisions

NEW SECTION. Sec. 1701. (1) Except as provided in subsection (2) of this section, if any provision of Part I of this act or its application to any person or circumstance is held invalid, the

remainder of Part I of this act or the application of the provision to other persons or circumstances is not affected.

(2) If a court of competent jurisdiction, in a final judgment not subject to appeal, adjudges any provision of section 104(1)(c) of this act unconstitutional or otherwise invalid, Part I of this act is null and void in its entirety.

NEW SECTION. Sec. 1702. Part I of this act applies with respect to gross income of the business, as defined in RCW 82.04.080, including gross income from royalties as defined in RCW 82.04.2907, generated on and after July 1, 2010. For purposes of calculating the thresholds in section 104(1)(c) of this act for the 2010 tax year, property, payroll, and receipts are based on the entire 2010 tax year.

NEW SECTION. Sec. 1703. Part II of this act must be construed liberally to effectuate the legislature's intent to ensure that all businesses and individuals pay their fair share of taxes.

NEW SECTION. Sec. 1704. (1) Except as provided in subsection (2) of this section, section 201 of this act applies to tax periods beginning January 1, 2006.

(2) Section 201 of this act does not apply to any tax periods ending before April 1, 2010, that were included in a completed field audit conducted by the department.

NEW SECTION. Sec. 1705. Sections 502, 802, and 803 of this act apply both retroactively and prospectively.

NEW SECTION. Sec. 1706. In accordance with Article VIII, section 5 of the state Constitution, sections 802, 803, and 1705 of this act do not authorize refunds of business and occupation tax validly collected before April 1, 2010, on amounts received by an individual from a corporation as compensation for serving as a member of that corporation's board of directors.

NEW SECTION. Sec. 1707. Section 502 of this act does not affect any final judgments, not subject to appeal, entered by a court of competent jurisdiction before the effective date of this section.

NEW SECTION. Sec. 1708. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1709. Except as otherwise provided in this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect April 1, 2010.

NEW SECTION. Sec. 1710. Part XIV of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2010.

NEW SECTION. Sec. 1711. Sections 603, 605, 613, and 1202 of this act expire June 10, 2010.

NEW SECTION. Sec. 1712. Sections 604, 606, 614, and 1203 of this act take effect June 10, 2010.

NEW SECTION. Sec. 1713. Sections 106, 802, 1102, 1203, 1205, and 1207 of this act expire July 1, 2010.

NEW SECTION. Sec. 1714. Parts II and III and sections 101 through 105, 107 through 111, 402, 803, 1103, 1204, 1206, and 1208 of this act take effect July 1, 2010.

NEW SECTION. Sec. 1715. Section 607 of this act expires July 1, 2011.

NEW SECTION. Sec. 1716. Section 608 of this act takes effect July 1, 2011.

NEW SECTION. Sec. 1717. Part IX of this act takes effect January 1, 2011.

NEW SECTION. Sec. 1718. Section 1301 of this act applies prospectively only."

Correct the title.

Representative Santos moved the adoption of amendment (1723) to amendment (1720).

Beginning on page 15, line 27 of the amendment, strike all of sections 201 through 203

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Santos, Orcutt and Hunter spoke in favor of the adoption of the amendment to the amendment.

Amendment (1723) to amendment (1720) was adopted.

Representative Hunter moved the adoption of amendment (1725) to amendment (1720).

On page 126, line 14 of the amendment, strike "July" and insert "May"

On page 132, line 28 of the amendment, strike "Parts II and" and insert "Part"

Representative Hunter spoke in favor of the adoption of the amendment to the amendment.

Representative Orcutt spoke against the adoption of the amendment to the amendment.

Amendment (1725) to amendment (1720) was adopted.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1720) as amended.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 54 - YEAS; 41 - NAYS.

Amendment (1720) was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Liias, Springer, Quall, Simpson, Conway, Dickerson, Kagi, Carlyle, Springer (again), Eddy and Hunter spoke in favor of the passage of the bill.

Representatives Orcutt, Alexander, Hinkle, Parker, Taylor, Ericksen, Haler, Short, Armstrong, Shea, Smith, Schmick, Miloscia, Bailey, Dammeier, Anderson and Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Engrossed Substitute Senate Bill No. 6143, as amended by the House.

MOTIONS

On motion of Representative Jacks, Representatives Kelley and Van de Wege were excused. On motion of Representative Hinkle, Representative Roach was excused.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 6143, as amended by the

House, and the bill passed the House by the following vote: Yeas, 53; Nays, 42; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Miloscia, Morrell, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Kelley, Roach and Van De Wege.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 20, 2010

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL 6884
SUBSTITUTE SENATE BILL 6889

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 20, 2010

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL 2360
HOUSE BILL 2676
HOUSE BILL 2677

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SSB 6884 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove and Shin)

AN ACT Relating to the practice of counseling; amending RCW 18.19.020; and declaring an emergency.

SSB 6889 by Senate Committee on Ways & Means (originally sponsored by Senators McDermott, Kohl-Welles, Kline, Murray, Prentice, Keiser, McAuliffe, Kauffman and Hewitt)

AN ACT Relating to the governance and financing of the Washington state convention and trade center; amending RCW 36.100.010, 36.100.020, 36.100.030, 36.100.040, 36.100.060, and 36.100.100; adding new sections to chapter 36.100 RCW; creating new sections; repealing RCW 67.40.010, 67.40.025, 67.40.027, 67.40.030, 67.40.040,

67.40.045, 67.40.050, 67.40.055, 67.40.060, 67.40.070,
67.40.080, 67.40.090, 67.40.100, 67.40.105, 67.40.107,
67.40.110, 67.40.120, 67.40.130, 67.40.140, 67.40.150,
67.40.160, 67.40.170, 67.40.180, 67.40.190, 67.40.900,
67.40.020, and 39.94.020; and providing contingent effective
dates.

There being no objection, SUBSTITUTE SENATE BILL NO.
6884 and SUBSTITUTE SENATE BILL NO. 6889 were read the
first time, and under suspension of the rules were placed on the
second reading calendar.

There being no objection, the House advanced to the eleventh
order of business.

There being no objection, the House adjourned until 10:00
a.m., March 22, 2010, the 8th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

EIGHTH DAY

House Chamber, Olympia, Monday, March 22, 2010

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Samantha Casne and Jessica McCarthy. The Speaker led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Phyllis Kenney, 46th District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6706, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Murray, Delvin, Kastama, Shin, Marr, Kilmer and Kohl-Welles)

Concerning the commercialization of research at state universities.

The bill was read the second time.

Representative Kenney moved the adoption of amendment (1672).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

(1) It is the intent of the legislature that state universities engage in the commercialization of research and other economic development and workforce development activities that benefit the intermediate and long-term economic vitality of Washington. State universities are expected to develop and strengthen university-industry relationships through the conduct of research, the support of company formation and job generation, and collaborative training. The state universities, using in-house university resources and not contractors, must perform one or more of the following functions:

- (a) Provide collaborative research and technology transfer opportunities;
- (b) Publicize their commercialization processes and include an explanation of how to access commercialization resources at the universities;
- (c) Develop mechanisms for pairing researchers, entrepreneurs, and investors. Such mechanisms are to include, but are not limited to, developing guides, web sites, or workshops on funding opportunities, on entrepreneurship and the process of starting a company, and on university-industry relations;
- (d) Host events to connect researchers to entrepreneurs, investors, and individuals from the state's technology-based industries; and

(e) Provide opportunities for training undergraduate and graduate students through direct involvement in research and industry interactions.

(2) In carrying out the functions in this section, the universities may work with and through the higher education coordinating board.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

To support the formation of companies created around the technologies developed at state universities, the state universities are authorized to establish and administer bridge-funding programs for start-up companies using funds from the federal government and the private sector."

Correct the title.

Representative Anderson moved the adoption of amendment (1676) to amendment (1672).

On page 1, line 5 of the striking amendment, after "state" insert "and regional"

On page 1, line 8 of the striking amendment, after "State" insert "and regional"

On page 1, line 11 of the striking amendment, after "state" insert "and regional"

On page 2, line 4 of the striking amendment, after "at state" strike "universities, the state" and insert "and regional universities, the state and regional"

Representative Anderson spoke in favor of the adoption of the amendment to the amendment.

Representative Maxwell spoke against the adoption of the amendment to the amendment.

Amendment (1676) to amendment (1672) was not adopted.

Representative Anderson moved the adoption of amendment (1675) to amendment (1672).

On page 1, line 12 of the striking amendment, after "using" strike all material through "contractors" and insert "a collaborative process that may include both in-house resources and independent contractors with necessary technical expertise or innovative processes"

Representatives Anderson and Kenney spoke in favor of the adoption of the amendment to the amendment.

Amendment (1675) to amendment (1672) was adopted.

Representative Chase moved the adoption of amendment (1673) to amendment (1672).

On page 1, after line 30 of the striking amendment, insert the following:

"(3) The state universities must deposit into the state general fund seven percent of the license or royalty income a state university receives from licensing any intellectual property derived

from commercialization of research funded by the university. A state university must ensure that contracts or other commitments entered into pursuant to its commercialization of university research contain provisions necessary to implement this subsection."

Representatives Chase and Hasegawa spoke in favor of the adoption of the amendment to the amendment.

Representatives Anderson and Maxwell spoke against the adoption of the amendment to the amendment.

Amendment (1673) to amendment (1672) was not adopted.

Representative Chase moved the adoption of amendment (1674) to amendment (1672).

On page 1, after line 30 of the striking amendment, insert the following:

"(3) The state universities must identify the anticipated return on investment to the state derived from the commercialization of research funded by the university, including but not limited to income from royalty rights and intellectual property rights, and ensure that, in any contracts or other commitments made by the university, such revenue derived from the return on investment is deposited in the state general fund."

Representative Chase spoke in favor of the adoption of the amendment to the amendment.

Representatives Anderson and Maxwell spoke against the adoption of the amendment to the amendment.

Amendment (1674) amendment (1672) was not adopted.

Representative Anderson moved the adoption of amendment (1677) to amendment (1672).

On page 2, after line 7 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 3.** (1) The state's research universities shall, pursuant to RCW 42.52.220, update their written administrative processes to address the reasonable use of university facilities, services, and commercialization resources by university research employees to support start-up companies that are created around the technologies developed at these universities. By September 1, 2010, the universities must report on the adopted administrative processes to the senate committees on higher education and workforce development and on economic development, trade and innovation and the house committees on higher education and on community and economic development and trade.

(2) This section expires December 31, 2010."

Representative Anderson spoke in favor of the adoption of the amendment to the amendment.

Representative Kenney spoke against the adoption of the amendment to the amendment.

Amendment (1677) to amendment (1672) was not adopted.

Amendment (1672) was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kenney, Anderson, Hasegawa, Hunter and Linville spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6706, as amended by the House.

POINT OF ORDER

Representative Carlyle: "Mr. Speaker, I have a business relationship that has an indirect business relationship with a research and development project associated with the University and I ask for recusal for voting on this measure".

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "The member is recused from this vote".

MOTIONS

On motion of Representative Santos, Representatives Kelley and Morris were excused. On motion of Representative Hinkle, Representatives Crouse, Hope and Roach were excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6706, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; Nays, 2; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Hasegawa and Williams.

Excused: Representatives Carlyle, Crouse, Hope, Kelley, Morris and Roach.

SUBSTITUTE SENATE BILL NO. 6706, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND ENGROSSED SENATE BILL NO. 6221, by Senator Fairley

Concerning clarification and expansion of eligibility to use the state's local government investment pool.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs, was adopted. (For Committee amendment, see Journal, Day 44, February 23, 2010).

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Hunt spoke in favor of the passage of the bill.

Representative Armstrong spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Engrossed Senate Bill No. 6221, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 6221, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 33; Absent, 0; Excused, 5.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Crouse, Hope, Kelley, Morris and Roach.

SECOND ENGROSSED SENATE BILL NO. 6221, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6727, by Senate Committee on Ways & Means (originally sponsored by Senators Marr and Brown)

Concerning health sciences and services authorities.

The bill was read the second time.

Representative Hunter moved the adoption of the committee amendment by the Committee on Finance. (For Committee amendment, see Journal, Day 4, March 18, 2010).

Representative Warnick moved the adoption of amendment (1721) to the committee amendment.

On page 3, after line 14 of the amendment, insert the following:

"Sec. 2. RCW 35.104.040 and 2007 c 251 s 4 are each amended to read as follows:

(1) The higher education coordinating board may approve applications submitted by local governments for an area's designation as a health sciences and services authority under this chapter. The director ~~((shall))~~ **must** determine the division to review applications submitted by local governments under this chapter. The application for designation ~~((shall))~~ **must** be in the form and manner and contain

such information as the higher education coordinating board may prescribe, provided the application ~~((shall))~~:

(a) Contains sufficient information to enable the director to determine the viability of the proposal;

(b) Demonstrates that an ordinance or resolution has been passed by the legislative authority of a local government that delineates the boundaries of an area that may be designated an authority;

(c) ~~((Be))~~ **is** submitted on behalf of the local government, or, if that office does not exist, by the legislative body of the local government;

(d) Demonstrates that the public funds directed to programs or facilities in the authority will leverage private sector resources and contributions to activities to be performed;

(e) Provides a plan or plans for the development of the authority as an entity to advance as a cluster for health sciences education, health sciences research, biotechnology development, biotechnology product commercialization, and/or health care services; and

(f) Demonstrates that the state has previously provided funds to health sciences and services programs or facilities in the applicant city, town, or county.

(2) The director ~~((shall))~~ **must** determine the division to develop criteria to evaluate the application. The criteria ~~((shall))~~ **must** include:

(a) The presence of infrastructure capable of spurring development of the area as a center of health sciences and services;

(b) The presence of higher education facilities where undergraduate or graduate coursework or research is conducted; and

(c) The presence of facilities in which health services are provided.

(3) There ~~((shall))~~ **may** be no more than ~~((one authority))~~ **two authorities** statewide.

(4) An authority may only be created in a county with a population of less than one million persons and located east of the crest of the Cascade mountains.

(5) The director may reject or approve an application. When denying an application, the director must specify the application's deficiencies. The decision regarding such designation as it relates to a specific local government is final; however, a rejected application may be resubmitted.

(6) Applications are due by December 31, ~~((2007))~~ **2010**, and must be processed within sixty days of submission.

(7) The director may, at his or her discretion, amend the boundaries of an authority upon the request of the local government.

(8) The higher education coordinating board may adopt any rules necessary to implement this chapter ~~((251, Laws of 2007 within one hundred twenty days of July 22, 2007)).~~

(9) The higher education coordinating board must develop evaluation and performance measures in order to evaluate the effectiveness of the programs in the authorities that are funded with public resources. A report to the legislature ~~((shall be))~~ **is** due on a biennial basis beginning December 1, 2009. In addition, the higher education coordinating board ~~((shall))~~ **must** develop evaluation criteria that enables the local governments to measure the effectiveness of the program.

Sec. 3. RCW 82.14.480 and 2007 c 251 s 11 are each amended to read as follows:

(1) The legislative authority of a local jurisdiction that has created a health sciences and services authority under RCW 35.104.030 prior to January 1, 2010, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and ~~((shall))~~ **must** be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the local jurisdiction. The rate of the tax ~~((shall))~~ **may** not exceed 0.020 percent of the selling price in the case of a sales tax or the value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section (~~shall~~) must be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department of revenue (~~shall~~) must perform the collection of the tax on behalf of the authority at no cost to the authority.

(3) The amounts received under this section may only be used in accordance with RCW 35.104.060 or to finance and retire the indebtedness incurred pursuant to RCW 35.104.070, in whole or in part.

(4) This section expires January 1, 2023."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Warnick, Hinkle, Kenney, Hasegawa and Invillie spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Hunter and Dunshee spoke against the adoption of the amendment to the committee amendment.

There being no objection, the House deferred further action on Substitute Senate Bill No. 6727 and the bill held its place on the second reading calendar.

There being no objection, the House advanced to the seventh order of business.

MESSAGE FROM THE SENATE

March 20, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2753 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** This act may be known and cited as the Washington works housing act of 2010.

Sec. 2. RCW 43.180.160 and 2009 c 291 s 1 are each amended to read as follows:

(1) The total amount of outstanding indebtedness of the commission may not exceed six billion dollars at any time. The calculation of outstanding indebtedness shall include the initial principal amount of an issue and shall not include interest that is either currently payable or that accrues as a part of the face amount of an issue payable at maturity or earlier redemption. Outstanding indebtedness shall not include notes or bonds as to which the obligation of the commission has been satisfied and discharged by refunding or for which payment has been provided by reserves or otherwise.

(2)(a) The Washington works housing program is created to increase opportunities for nonprofit organizations and public agencies to purchase, acquire, build, and own real property to be used for affordable housing for low and moderate-income households. The Washington works housing program is intended to provide access to new funding mechanisms and build long-term community equity by increasing the stock of permanently affordable housing owned by nonprofit organizations and public agencies.

(b) The Washington works housing program is intended to provide these opportunities for public agencies and nonprofit organizations, including those materially participating as a managing member or general partner of a partnership, limited liability company, or equivalent organization, through the issuance of tax exempt or taxable revenue bonds issued by the commission in conjunction with a subsidy necessary to make bond issues to finance affordable housing properties financially feasible. The program is intended to

provide financing for affordable housing that will meet the following income and rent restrictions during the period of initial bond indebtedness and thereafter:

(c) During the period of initial bond indebtedness under the program, the owner of the property must meet one of the following requirements: A minimum of twenty percent of the units will be occupied by households earning less than fifty percent of area median income and an additional thirty-one percent of the units will be occupied by persons earning less than eighty percent of area median income; or forty percent of the units will be occupied by households earning less than sixty percent of area median income and an additional eleven percent of the units will be occupied by households earning less than eighty percent of area median income.

(d) After the initial bond indebtedness is retired, the rents charged for units in the project will be adjusted to be sufficient to pay reasonable operation and maintenance expenses, including necessary capital needs, and to make reasonable deposits into a reserve account with the intent of providing affordable housing to very low or low-income households for the remaining useful life of the property. The reasonableness of the rent levels must be periodically approved by the commission based on information provided by the owner of the property about income, expenses, and necessary reserve levels. The determination of the commission regarding the reasonableness of the rent levels will be final.

(e) The commission will enter into a recorded regulatory agreement with the borrower at the time of the issuance of bonds under the program for the purpose of ensuring that the property will meet the income and rent restrictions established in this section. The commission may charge such compliance fees as necessary to ensure enforcement of the income and rent restrictions during the useful life of the property.

(3) One billion dollars of the outstanding indebtedness of the commission is for the primary purpose of implementing the Washington works housing program.

(4) If no subsidies are available to make the program in subsection (2) of this section feasible; then the commission may pass a resolution stating these facts and authorize the use of a portion of the one billion dollars of indebtedness intended for the program to support its other bond programs until such time as the one billion dollars is exhausted or subsidies are available to make the program feasible.

Sec. 3. RCW 39.86.100 and 2001 c 330 s 1 are each amended to read as follows:

The federal (~~tax reform act~~) internal revenue code of 1986, as amended imposes (~~an annual~~) ceilings on the aggregate amount of (~~federally tax exempt private activity~~) certain types of bonds, including tax-exempt private activity bonds (~~for housing, student loans, exempt facilities, small issue industrial, redevelopment, and certain public utility projects~~) and other types, that may be issued during any calendar year by or on behalf of states and their political subdivisions. (~~In 2001, the ceiling will be increased to sixty-two dollars and fifty cents per capita and in 2002 the ceiling will be increased to seventy-five dollars per capita, to be indexed annually, for 2003 and every year thereafter. However, a study by the department of community development indicates that the dollar amount of the state ceiling is considerably less than the anticipated dollar amount for which issuers would need an allocation from the state ceiling.~~) The (~~tax reform act of 1986~~) code provides a formula for allocating the annual tax-exempt private activity bond ceiling among various issuers of private activity bonds for housing, student loans, exempt facilities, and redevelopment projects within a state, but permits each state to enact a different allocation method that is appropriate to that state's needs. In addition, congress might, from time to time, amend the code by authorizing state ceilings on additional types of bonds. The purpose of this chapter is to provide a flexible and efficient method of allocating the annual state ceiling in

Washington in a manner that recognizes the need of the state and its political subdivisions to finance activities or projects that satisfy a substantial public purpose.

Sec. 4. RCW 39.86.110 and 2009 c 565 s 23 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Agency" means the department of commerce.
- (2) ~~("Board" means the community economic revitalization board established under chapter 43.160 RCW.~~
- ~~(3))~~ (3) "Bond use category" means: (a) Any of the following categories of bonds which are subject to the annual state tax-exempt private activity bond ceiling: ((a)) (i) Housing, ((b)) (ii) student loans, ((c)) (iii) small issue, ((d)) (iv) exempt facility, ((e)) (v) redevelopment, ((f) public utility; and (g)) and (vi) remainder; and (b) any other categories of bonds described in the code for which there is a separate ceiling, with the exception of bonds designated solely for school district purposes.

~~((4))~~ (3) "Bonds" means bonds, notes, or other obligations of an issuer.

~~((5))~~ (4) "Carryforward" is an allocation or reallocation of the state ceiling which is carried from one calendar year to a later year, in accordance with the code.

~~((6))~~ (5) "Code" means the federal internal revenue code of 1986 ~~(as it exists on May 8, 1987. It also means the code as amended after May 8, 1987, but only if the amendments are approved by the agency under RCW 39.86.180), as amended.~~

~~((7))~~ (6) "Director" means the director of the agency or the director's designee.

~~((8))~~ (7) "Exempt facility" means the bond use category which includes all bonds which are exempt facility bonds as described in the code, except those for qualified residential rental projects.

~~((9))~~ (8) "Firm and convincing evidence" means documentation that satisfies the director that the issuer is committed to the prompt financing of, and will issue ~~(tax exempt)~~ bonds for, the project or program for which it requests an allocation from the state ceiling.

~~((10))~~ (9) "Housing" means the bond use category which includes: (a) Mortgage revenue bonds and mortgage credit certificates as described in the code; and (b) exempt facility bonds for qualified residential rental projects as described in the code.

~~((11))~~ (10) "Initial allocation" means the portion or dollar value of the annual state tax-exempt private activity bond ceiling which initially in each calendar year is allocated to a bond use category for the issuance of private activity bonds, in accordance with RCW 39.86.120.

~~((12))~~ (11) "Issuer" means the state, any agency or instrumentality of the state, any political subdivision, or any other entity authorized to issue ~~(private activity)~~ bonds under state law.

(12) "Original allocation" means any allocation of bond authority by a mandatory formula in the code, except for the initial allocations of the annual state ceiling on tax-exempt private activity bonds.

(13) "Private activity bonds" means obligations that are private activity bonds as defined in the code or bonds for purposes described in section 1317(25) of the ~~(tax reform act)~~ federal internal revenue code of 1986, as amended.

(14) "Program" means the activities for which housing bonds ~~(or student loan bonds)~~ may be issued.

(15) ~~("Public utility" means the bond use category which includes those bonds described in section 1317(25) of the tax reform act of 1986.~~

~~(16))~~ (16) "Redevelopment" means the bond use category which includes qualified redevelopment bonds as described in the code.

~~((17))~~ (16) "Remainder" means that portion of the annual state tax-exempt private activity bond ceiling remaining after initial allocations are made under RCW 39.86.120 for any other bond use category.

~~((18))~~ (17) "Small issue" means the bond use category which includes all industrial development bonds that constitute qualified small issue bonds, as described in the code.

~~((19))~~ (18) "State" means the state of Washington.

~~((20))~~ (19) "State ceiling" means the volume limitation for each calendar year on ~~(tax exempt private activity)~~ specific bond ~~(s))~~ types, including tax-exempt private activity bonds and other bonds, as imposed by the code.

~~((21))~~ (20) "Student loans" means the bond use category which includes qualified student loan bonds as described in the code.

NEW SECTION. Sec. 5. A new section is added to chapter 39.86 RCW to read as follows:

Original allocations or any reallocations of state bond ceilings other than the tax-exempt private activity bond ceiling must be determined by formula as provided in the code, or by department rule if no formula is provided in the code.

Sec. 6. RCW 39.86.120 and 2001 c 330 s 2 are each amended to read as follows:

(1) Except as provided in subsections (2) and (4) of this section, the initial allocation of the state ceiling shall be for each year as follows:

BOND USE CATEGORY	(2001 2002 and THEREAFTER	<u>ALTERNATIVE ALLOCATION))</u> 2010 and THEREAFTER
Housing	((27.5% 30.0%)	32.0%
Small Issue	((24.5% 24.0%)	25.0%
Exempt Facility	((19.5% 19.0%)	20.0%
Student Loans	((14.5% 14.0%)	15.0%
Public Utility	((10.0% 10.0%)	0.0%
Remainder and Redevelopment	((4.0% 3.0%)	8.0%

(2) Initial allocations may be modified by the agency only to reflect an issuer's carryforward amount. Any reduction of the initial allocation shall be added to the remainder and be available for allocation or reallocation.

(3) The remainder shall be allocated by the agency among one or more issuers from any bond use category with regard to the criteria specified in RCW 39.86.130.

(4) Should any bond use category no longer be subject to the state ceiling due to federal or state provisions of law, the agency shall divide the amount of that initial allocation among the remaining categories as necessary or appropriate with regard to the criteria specified in RCW 39.86.130. ~~((Upon the earlier of: (a) Exhaustion of the seven hundred fifty million dollar authority under I.R.C. 1317(25), or any new federal legislation increasing the amount of authority, or creating additional authority; or (b) waiver of the authority described under (a) of this subsection due to alternative federal authority that does not use a state volume cap, then the alternative allocation schedule in subsection (1) of this section will be used.))~~

(5)(a) Prior to ~~((September 4))~~ July 1st of each calendar year, any available portion of an initial allocation may be allocated or reallocated only to an issuer within the same bond use category, except that the remainder category, or portions thereof, may be allocated at any time to any bond use category.

(b) Beginning ~~((September 4))~~ July 1st of each calendar year, the agency may allocate or reallocate any available portion of the state

ceiling to any bond use category with regard to the criteria specified in RCW 39.86.130.

Sec. 7. RCW 39.86.130 and 1987 c 297 s 4 are each amended to read as follows:

(1) In granting an allocation, reallocation, or carryforward of the state ceiling as provided in this chapter, the agency shall consider existing state priorities and other such criteria, including but not limited to, the following criteria:

- (a) Need of issuers to issue ~~((private activity))~~ bonds within a bond use category subject to a state ceiling;
- (b) Amount of the state ceiling available;
- (c) Public benefit and purpose to be satisfied, including economic development, educational opportunity, and public health, safety, or welfare;
- (d) Cost or availability of alternative methods of financing for the project or program; and
- (e) Certainty of using the allocation which is being requested.

(2) In determining whether to allocate an amount of the state ceiling to an issuer within any bond use category, the agency shall consider, but is not limited to, the following criteria for each of the bond use categories:

- (a) Housing: Criteria which comply with RCW 43.180.200.
- (b) Student loans: Criteria which comply with the applicable provisions of Title 28B RCW and rules adopted by the higher education coordinating board or applicable state agency dealing with student financial aid.
- (c) Small issue: ~~((Recommendation by the board regarding how the amount of the state ceiling set aside for the small issue bond use category shall be allocated among issuers.))~~ Factors which may include:

- (i) The number of employment opportunities the project is likely to create or retain in relation to the amount of the bond issuance;
- (ii) The level of unemployment existing in the geographic area likely to be affected by the project;
- (iii) A commitment to providing employment opportunities to low-income persons in cooperation with the employment security department;
- (iv) Geographic distribution of projects;
- (v) The number of persons who will benefit from the project;
- (vi) Consistency with criteria identified in subsection (1) of this section; and
- (vii) Order in which requests were received ~~((and~~ ~~—(viii) Requirements of the board's umbrella bond program)).~~

(d) Exempt facility or redevelopment: Factors which may include:

- (i) State issuance needs;
- (ii) Consistency with criteria identified in subsection (1) of this section;
- (iii) Order in which requests were received;
- (iv) The proportionate number of persons in relationship to the size of the community who will benefit from the project; and
- (v) The unique timing and issuance needs of large scale projects that may require allocations in more than one year.

(e) Public utility: Factors which may include:

- (i) Consistency with criteria identified in subsection (1) of this section; and
- (ii) Timing needs for issuance of bonds over a multi-year period.

Sec. 8. RCW 39.86.140 and 1987 c 297 s 5 are each amended to read as follows:

(1) No issuer may receive an allocation of the state ceiling without a certificate of approval from the agency.

~~(2)((+))~~ For each state ceiling allocation request, an issuer shall submit to the agency, no sooner than ninety days prior to the beginning of a calendar year for which an allocation of the state ceiling is being requested, a form identifying:

~~((+))~~ (a) The amount of the allocation sought;

~~((+))~~ (b) The bond use category from which the allocation sought would be made;

~~((+))~~ (c) The project or program for which the allocation is requested;

~~((+))~~ (d) The financing schedule for which the allocation is needed; and

~~((+))~~ (e) Any other such information required by the agency, including information which corresponds to the allocation criteria of RCW 39.86.130.

~~((b) Nothing in (a) of this subsection precludes a public utility issuer from filing and the agency from considering a request at such times as may be appropriate in order to meet the criteria set forth in RCW 39.86.130(2)(e)(i).))~~

(3) The agency may approve or deny an allocation for all or a portion of the issuer's request. Any denied request, however, shall remain on file with the agency for the remainder of the calendar year and shall be considered for receiving any allocation, reallocation, or carryforward of unused portions of the state ceiling during that period.

(4) After receiving an allocation request, the agency shall mail to the requesting issuer a written certificate of approval or notice of denial for an allocation amount, by a date no later than the latest of the following:

(a) ~~(Forty five days from May 8, 1987;~~

~~(b))~~ February 1st of the calendar year ~~((, other than 1987,))~~ for which the request is made;

~~((+))~~ (b) Fifteen days from the date the agency receives an allocation request; or

~~((d))~~ (c) Fifteen days from the date the agency receives a recommendation by the board with regard to a small issue allocation request, should the board choose to review individual requests.

(5)(a) For requests of the state ceiling of any calendar year, the following applies to all bond use categories except housing and student loans:

(i) Except for housing and student loans, any allocations granted prior to April 1st, for which bonds have not been issued by ~~((September 1))~~ July 1st of the same calendar year, shall revert to the agency on ~~((September 1))~~ July 1st of the same calendar year for reallocation unless an extension or carryforward is granted;

(ii) Except for housing and student loans, any allocations granted on or after April 1st, for which bonds have not been issued by ~~((December 15))~~ October 15th of the same calendar year, shall revert to the agency on ~~((December 15))~~ October 15th of the same calendar year for reallocation unless an extension or carryforward is granted.

(b) For each calendar year, any housing or student loan allocations, for which bonds have not been issued by December 15th of the same calendar year, shall revert to the agency on December 15th of the same calendar year for reallocation unless an extension or carryforward is granted.

(6) An extension of the deadlines provided by subsection (5) of this section may be granted by the agency for the approved allocation amount or a portion thereof, based on:

(a) Firm and convincing evidence that the bonds will be issued before the end of the calendar year if the extension is granted; and

(b) Any other criteria the agency deems appropriate.

(7) If an issuer determines that bonds subject to the state ceiling will not be issued for the project or program for which an allocation was granted, the issuer shall promptly notify the agency in writing so that the allocation may be canceled and the amount may be available for reallocation.

(8) Bonds subject to the state ceiling may be issued only to finance the project or program for which a certificate of approval is granted.

(9) Within three business days of the date that bonds for which an allocation of the state ceiling is granted have been delivered to the original purchasers, the issuer shall mail to the agency a written notification of the bond issuance. In accordance with chapter 39.44

RCW, the issuer shall also complete bond issuance information on the form provided by the agency.

(10) If the total amount of ~~((tax-exempt))~~ bonds issued under the authority of a state ceiling for a project or program is less than the amount allocated, the remaining portion of the allocation shall revert to the agency for reallocation in accordance with the criteria in RCW 39.86.130. If the amount of ~~((tax-exempt))~~ bonds actually issued under the authority of a state ceiling is greater than the amount allocated, the entire allocation shall be disallowed.

Sec. 9. RCW 39.86.150 and 1987 c 297 s 6 are each amended to read as follows:

(1) Beginning ~~((September 1))~~ July 1st of each calendar year, the agency may allocate or reallocate any portions of the annual state tax-exempt private activity bond ceiling for which no certificate of approval is in effect. Reallocations may also be made from the remainder category at any time during the year.

(2) Prior to the end of each calendar year, the agency shall allocate or reallocate any unused portions of the state ceiling among one or more issuers as carryforward, to be used within three years, in accordance with the code and relevant criteria described in RCW 39.86.130.

(3) Reallocations of state bond ceilings other than the annual tax-exempt private activity bond ceiling may be made by the agency in accordance with the code or as established in agency rule when not specified in the code.

Sec. 10. RCW 39.86.170 and 1987 c 297 s 8 are each amended to read as follows:

A fee schedule shall be established by rule by the agency to assist in support of bond allocation activities. Fees shall reflect costs actually incurred or expected to be incurred by the agency in its bond allocation and bond users clearinghouse activities.

Sec. 11. RCW 39.86.190 and 2009 c 518 s 19 are each amended to read as follows:

By February 1st of each even-numbered year, the agency shall summarize for the legislature each previous year's bond allocation requests and issuance. Beginning in ~~((June of 1988))~~ February 2010 and thereafter in ~~((June))~~ February of each even-numbered year, the agency shall also submit a biennial report summarizing usage of the bond allocation proceeds and any policy concerns for future bond allocations.

NEW SECTION. Sec. 12. RCW 39.86.200 (Ratification) and 1987 c 297 s 11 are each repealed."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.180.160, 39.86.100, 39.86.120, 39.86.130, 39.86.140, 39.86.150, 39.86.170, and 39.86.190; reenacting and amending RCW 39.86.110; adding a new section to chapter 39.86 RCW; creating a new section; and repealing RCW 39.86.200."

and the same is herewith transmitted.

Thomas Hoeman, Secretary

THIRD READING

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2753 and advanced the bill, as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2753, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2753, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 71; Nays, 22; Absent, 0; Excused, 5.

Voting yea: Representatives Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Chandler, Condotta, DeBolt, Ericksen, Fagan, Herrera, Johnson, Klippert, Kretz, Kristiansen, Nealey, Orcutt, Pearson, Rodne, Ross, Schmick, Shea, Short and Taylor.

Excused: Representatives Crouse, Hope, Kelley, Morris and Roach.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2753, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 19, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 3014 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.60.010 and 1985 c 232 s 1 are each amended to read as follows:

The legislature finds that there are several areas in the state that are characterized by very high levels of unemployment and poverty. The ~~((legislative legislature))~~ legislature further finds that economic stagnation is the primary cause of this high unemployment rate and poverty; that new state policies are necessary in order to promote economic stimulation and new employment opportunities in these distressed areas; and that policies providing incentives for economic growth in these distressed areas are essential. For these reasons, the legislature ~~((hereby))~~ reestablishes a tax deferral program to be effective solely in distressed ~~((areas and under circumstances where the deferred tax payments are for investments or costs that result in the creation of a specified number of jobs))~~ counties. The legislature declares that this limited program serves the vital public purpose of creating employment opportunities and reducing poverty in the distressed ~~((areas))~~ counties of the state.

Sec. 2. RCW 82.60.020 and 2010 c ... (SHB 3066) s 138 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means ~~((a))~~;

(a) Through June 30, 2010, a rural county as defined in RCW 82.14.370; and

(b) Beginning July 1, 2010, a qualifying county.

(4)(a) "Eligible investment project" means an investment project that is located, as of the date the application required by RCW 82.60.030 is received by the department, in an eligible area as defined in subsection (3) of this section.

(b) ~~(The lessor or owner of a qualified building is not eligible for a deferral unless:~~

~~—(i) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or~~

~~—(ii)(A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;~~

~~—(B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.60.070; and~~

~~—(C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.~~

~~—(e))~~ "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(4), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects ~~((which))~~ that have already received deferrals under this chapter.

(5) "Initiation of construction" has the same meaning as in RCW 82.63.010.

(6) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(7) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes:

(a) Before July 1, 2010: (i) Computer programming, the production of computer software, and other computer-related services, but only when the computer programming, production of computer software, or other computer-related services are performed by a manufacturer as defined in RCW 82.04.110 and contribute to the production of a new, different, or useful substance or article of tangible personal property for sale; (ii) the activities performed by research and development laboratories and commercial testing laboratories(,); and (iii) the conditioning of vegetable seeds; and

(b) Beginning July 1, 2010: (i) The activities performed by research and development laboratories and commercial testing laboratories; and (ii) the conditioning of vegetable seeds.

(8) "Person" has the meaning given in RCW 82.04.030.

(9) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral ~~((shall))~~ must be determined by apportionment of the costs of construction under rules adopted by the department.

(10) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the entire tax year. The term "entire tax year" means a full-time position that is filled for a period of twelve consecutive months. The term "full-time" means at least thirty-five hours a week, four hundred

fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

(11) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Qualifying county" means a county that has an unemployment rate, as determined by the employment security department, which is at least twenty percent above the state average for the three calendar years immediately preceding the year in which the list of qualifying counties is established or updated, as the case may be, as provided in section 3 of this act.

(13) "Recipient" means a person receiving a tax deferral under this chapter.

~~((13))~~ (14) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

NEW SECTION. Sec. 3. A new section is added to chapter 82.60 RCW to read as follows:

The department, with the assistance of the employment security department, must establish a list of qualifying counties effective July 1, 2010. The list of qualifying counties is effective for a twenty- four month period and must be updated by July 1st of the year that is two calendar years after the list was established or last updated, as the case may be.

NEW SECTION. Sec. 4. A new section is added to chapter 82.60 RCW to read as follows:

The lessor or owner of a qualified building is not eligible for a deferral unless:

(1) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.60.070; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

Sec. 5. RCW 82.60.030 and 1994 sp.s. c 1 s 2 are each amended to read as follows:

(1) Application for deferral of taxes under this chapter must be made before initiation of the construction of the investment project or acquisition of equipment or machinery. The application ~~((shall))~~ must be made to the department in a form and manner prescribed by the department. The application ~~((shall))~~ must contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department ~~((shall))~~ must rule on the application within sixty days.

(2) This section expires July 1, 2020.

Sec. 6. RCW 82.60.040 and 2004 c 25 s 4 are each amended to read as follows:

(1) The department (~~(shall)~~) must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project (~~(that is located in an eligible area as defined in RCW 82.60.020)~~).

(2) The department (~~(shall)~~) must keep a running total of all deferrals granted under this chapter during each fiscal biennium.

(3) This section expires July 1, (~~2010~~) 2020.

Sec. 7. RCW 82.60.049 and 2004 c 25 s 5 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved under RCW 43.31C.020 (~~(or a county containing a community empowerment zone)~~).

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment for which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone or the county in which the zone is located. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) The qualified employment position must be filled by the end of the calendar year following the year in which the project is certified as operationally complete. If a person does not meet the requirements for qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

Sec. 8. RCW 82.60.060 and 2000 c 106 s 5 are each amended to read as follows:

(1) The recipient (~~(shall)~~) must begin paying the deferred taxes in the third year after the date certified by the department as the date on which the (~~(construction)~~) investment project has been operationally completed. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years with amounts of payment scheduled as follows:

Repayment Year	% of Deferred Tax Repaid
1	10%
2	15%
3	20%
4	25%
5	30%

(2) The department may authorize an accelerated repayment schedule upon request of the recipient.

(3) Interest (~~(shall)~~) may not be charged on any taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

Sec. 9. RCW 82.60.070 and 2010 c ... (SHB 3066) s 139 are each amended to read as follows:

(1)(a) Each recipient of a deferral of taxes granted under this chapter must file a complete annual survey with the department under RCW 82.32. . . (section 102, chapter . . . (SHB 3066), Laws of 2010). If the economic benefits of the deferral are passed to a lessee as provided in (~~(RCW 82.60.020(4))~~) section 4 of this act, the lessee must file a complete annual survey, and the applicant is not required to file a complete annual survey.

(b) The department must use the information reported on the annual survey required by this section to study the tax deferral program authorized under this chapter. The department must report to the legislature by December 1, (~~2009~~) 2019. The report must measure the effect of the program on job creation, the number of jobs created for residents of eligible areas, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(2) Except as provided in section 10 of this act, if, on the basis of a survey under (~~(section)~~) RCW 82.32. . . (section 102, chapter . . . (SHB 3066), Laws of 2010) or other information, the department finds that an investment project is not eligible for tax deferral under this chapter, the amount of deferred taxes outstanding for the project is, according to the repayment schedule in RCW 82.60.060, will be immediately due. For purposes of this subsection (2)(a), the repayment schedule in RCW 82.60.060 is tolled during the period of time that a taxpayer is receiving relief from repayment of deferred taxes under section 10 of this act.

(3) A recipient who must repay deferred taxes under subsection (2) of this section because the department has found that an investment project is not eligible for tax deferral under this chapter is no longer required to file annual surveys under RCW 82.32. . . (section 102, chapter . . . (SHB 3066), Laws of 2010) beginning on the date an investment project is used for nonqualifying purposes.

(4) Notwithstanding any other provision of this section or RCW 82.32. . . (section 102, chapter . . . (SHB 3066), Laws of 2010), deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

NEW SECTION. Sec. 10. A new section is added to chapter 82.60 RCW to read as follows:

(1) Subject to the conditions in this section, a person is not liable for the amount of deferred taxes outstanding for an investment project when the person temporarily ceases to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities in a county with a population of less than twenty thousand persons for a period not to exceed twenty- four months from the date that the department sent its assessment for the amount of outstanding deferred taxes to the taxpayer.

(2) The relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions

maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the number of qualified employment positions employed at the investment project at the time the deferral was approved by the department. If a person has been approved for more than one deferral under this chapter, relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the highest number of qualified employment positions at the investment project at the time any of the deferrals were approved by the department. If, at any time during the twenty-four month period after the department has sent the taxpayer an assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities, the number of qualified employment positions falls below the ten percent threshold in this subsection, the amount of deferred taxes outstanding for the project is immediately due.

(3) The lessor of an investment project for which a deferral has been granted under this chapter who has passed the economic benefits of the deferral to the lessee is not eligible for relief from the payment of deferred taxes under this section.

(4) A person seeking relief from the payment of deferred taxes under this section must apply to the department in a form and manner prescribed by the department. The application required under this subsection must be received by the department within thirty days of the date that the department sent its assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities. The department must approve applications that meet the requirements in this section for relief from the payment of deferred taxes.

(5) A person is entitled to relief under this section only once.

(6) A person whose application for relief from the payment of deferred taxes has been approved under this section must continue to file an annual survey as required under RCW 82.60.070(1) or any successor statute. In addition, the person must file, in a form and manner prescribed by the department, a report on the status of the business and the outlook for commencing manufacturing or research and development activities.

Sec. 11. RCW 82.62.010 and 2010 c ... (E2SHB 1597) s 232 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means ~~((an area))~~ a "rural county" as defined in RCW ~~((82.60.020))~~ 82.14.370.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average qualified employment positions at the specific facility will be at least fifteen percent greater in the four consecutive full calendar quarters after the calendar quarter during which the first qualified employment position is filled than the applicant's average qualified employment positions at the same facility in the four consecutive full calendar quarters immediately preceding the calendar quarter during which the first qualified employment position is filled.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010~~((4))~~ or that portion of a business project creating qualified full-time employment positions outside an eligible area.

(5) "First qualified employment position" means the first qualified employment position filled for which a credit under this chapter is sought.

(6) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes:

(a) Before July 1, 2010: (i) Computer programming, the production of computer software, and other computer-related services, but only when the computer programming, production of computer software, or other computer-related services are performed by a manufacturer as defined in RCW 82.04.110 and contribute to the production of a new, different, or useful substance or article of tangible personal property for sale; and (ii) the activities performed by research and development laboratories and commercial testing laboratories; and

(b) Beginning July 1, 2010, the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8)(a)(i) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during four consecutive full calendar quarters.

(ii) For seasonal employers, "qualified employment position" also includes the equivalent of a full-time employee in work hours for four consecutive full calendar quarters.

(b) For purposes of this subsection, "full time" means a normal work week of at least thirty-five hours.

(c) Once a permanent, full-time employee has been employed, a position does not cease to be a qualified employment position solely due to periods in which the position goes vacant, as long as:

(i) The cumulative period of any vacancies in that position is not more than one hundred twenty days in the four-quarter period; and

(ii) During a vacancy, the employer is training or actively recruiting a replacement permanent, full-time employee for the position.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(11) "Seasonal employee" means an employee of a seasonal employer who works on a seasonal basis. For the purposes of this subsection and subsection (12) of this section, "seasonal basis" means a continuous employment period of less than twelve consecutive months.

(12) "Seasonal employer" means a person who regularly hires more than fifty percent of its employees to work on a seasonal basis.

NEW SECTION. Sec. 12. RCW 82.60.900 and 82.60.901 are each decodified.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) RCW 82.60.050 (Expiration of RCW 82.60.030 and 82.60.040) and 2004 c 25 s 6, 1994 sp.s. c 1 s 7, 1993 sp.s. c 25 s 404, 1988 c 41 s 5, & 1985 c 232 s 10; and

(2) RCW 82.60.110 (Competing projects--Impact study) and 1998 c 245 s 169 & 1994 sp.s. c 1 s 8.

NEW SECTION. Sec. 14. Except for section 3 of this act, this act takes effect July 1, 2010."

On page 1, line 2 of the title, after "counties;" strike the remainder of the title and insert "amending RCW 82.60.010, 82.60.020, 82.60.030, 82.60.040, 82.60.049, 82.60.060, 82.60.070, and 82.62.010; adding new sections to chapter 82.60 RCW;

decodifying RCW 82.60.900 and 82.60.901; repealing RCW 82.60.050 and 82.60.110; providing an effective date; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House refused to concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3014 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 22, 2010

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL 6737 and passed the bill as amended by the House and the same is herewith transmitted.

Thomas Hoemann, Secretary

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SECOND ENGROSSED SENATE BILL NO. 6221 passed the House.

There being no objection, the rules were suspended and Second Engrossed Senate Bill No. 6221 was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SECOND ENGROSSED SENATE BILL NO. 6221, by Senator Fairley

Concerning clarification and expansion of eligibility to use the state's local government investment pool.

There being no objection, the committee amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Engrossed Senate Bill No. 6221.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Senate Bill No. 6221, and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh,

Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Roach.

SECOND ENGROSSED SENATE BILL NO. 6221, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6889, by Senate Committee on Ways & Means (originally sponsored by Senators McDermott, Kohl-Welles, Kline, Murray, Prentice, Keiser, McAuliffe, Kauffman and Hewitt)

Concerning the governance and financing of the Washington state convention and trade center.

The bill was read the second time.

Representative Hunter moved the adoption of amendment (1728).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that conventions and trade shows provide both direct and indirect civic and economic benefits. It is the intent of the legislature to provide for the transfer of the governance and financing of the state convention and trade center to a public facilities district formed by a county with a population of one million five hundred thousand or more to acquire, own, and operate the convention and trade center. The legislature also intends to replace, in connection with such transfer, the authority under chapter 67.40 RCW of the state and city to impose excise taxes on the sale of or charge made for the furnishing of lodging to fund the state convention and trade center with authority for the public facilities district to impose lodging taxes at these rates, without affecting the existing authority of the state, county, cities, and other municipal corporations to impose taxes on the sale or charge made for the furnishing of lodging under existing caps on the aggregate rate that may be charged.

(2) The legislature further finds that the location of the convention and trade center particularly benefits and increases the occupancy of larger hotels and other lodging facilities in the city in which it is located and to a lesser extent in the remainder of the county in which it is located. The legislature finds that imposing excise taxes on the sale of or charge made for the furnishing of lodging at the rates authorized in section 5 of this act is an appropriate method of paying for the cost of acquiring, constructing, owning, remodeling, maintaining, equipping, reequipping, repairing, altering, and operating a convention and trade center.

Sec. 2. RCW 36.100.010 and 2002 c 218 s 26 are each amended to read as follows:

(1) ~~((A))~~ One or more public facilities districts may be created in any county and ~~((shall))~~ must be coextensive with the boundaries of the county.

(2) A public facilities district (~~(shall be)~~) is created upon adoption of a resolution providing for the creation of such a district by the county legislative authority in which the proposed district is located.

(3) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(4) Except as provided in RCW 36.100.040 (4) and (5), no taxes authorized under this chapter may be assessed or levied unless a majority of the voters of the public facilities district has approved such tax at a general or special election. A single ballot proposition may both validate the imposition of the sales and use tax under RCW 82.14.048 and the excise tax under RCW 36.100.040(1).

(5)(a) A public facilities district (~~(shall)~~) constitutes a body corporate and (~~(shall)~~) possesses all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, including contracts with public and private parties, to acquire, own, sell, transfer, lease, and otherwise acquire or dispose of property, to grant concessions under terms approved by the public facilities district, and to sue and be sued.

(b) A public facilities district created by a county with a population of one million five hundred thousand or more to acquire, own, and operate a convention and trade center transferred from a public nonprofit corporation may continue to contract with the Seattle- King county convention and visitors' bureau or its successor in interest for marketing the convention and trade center facility and services.

(6) A public facilities district may enter into contracts with a county for the purpose of exercising any powers of a community renewal agency under chapter 35.81 RCW.

(7) The (~~(county)~~) legislative authority (~~(or the city council)~~) of a city or county, the board of directors of a public nonprofit corporation, or the state of Washington may transfer property to (~~(the)~~) a public facilities district created under this chapter, with or without consideration. No property that is encumbered with debt or that is in need of major capital renovation may be transferred to the district without the agreement of the district and revenues adequate to retire the existing indebtedness.

(8) A public facilities district may enter into agreements with the state, any municipal corporation, or any other governmental entity for the design, financing, acquisition, development, construction, reconstruction, lease, remodeling, alteration, maintenance, equipping, reequipping, repair, operation, or management of one or more facilities of the parties thereto. Agreements may provide that any party to the contract designs, finances, acquires, develops, constructs, reconstructs, remodels, alters, maintains, equips, reequips, repairs, and operates one or more facilities for the other party or parties to the contract. A public facilities district may enter into an agreement with the state, any municipal corporation, or other public or private entity that will assist a public facilities district in the financing of all or any part of a district facility on such terms as may be determined by agreement between the respective parties, including without limitation by a loan, guaranty, or other financing agreement.

Sec. 3. RCW 36.100.020 and 1995 3rd sp.s. c 1 s 302 are each amended to read as follows:

(1)(a) A public facilities district (~~(shall)~~) must be governed by a board of directors consisting of five (~~(or)~~) seven, or nine members as provided in this section.

(b) If the largest city in the county has a population that is at least forty percent of the total county population, the board of directors of the public facilities district (~~(shall)~~) must consist of five members selected as follows:

(~~(b)~~) (i) Two members appointed by the county legislative authority to serve for four-year staggered terms;

(~~(b)~~) (ii) Two members appointed by the city council of the largest city in the county to serve for four-year staggered terms; and
(~~(c)~~) (iii) One person to serve for a four-year term who is selected by the other directors.

(c)(i) Except as provided in (c)(ii) of this subsection (1), if the largest city in the county has a population of less than forty percent of the total county population, the county legislative authority (~~(shall)~~) must establish in the resolution creating the public facilities district whether the board of directors of the public facilities district has either five or seven members, and the county legislative authority (~~(shall)~~) must appoint the members of the board of directors to reflect the interests of cities and towns in the county, as well as the unincorporated area of the county.

(ii) However, if the county has a population of one million five hundred thousand or more, the largest city in the county has a population of less than forty percent of the total county population, and the county operates under a county charter, which provides for an elected county executive, the members of the board of directors must be appointed as follows:

(A) If the public facilities district is created to construct a baseball stadium as defined in RCW 82.14.0485, three members (~~(shall)~~) must be appointed by the governor and the remaining members (~~(shall)~~) must be appointed by the county executive subject to confirmation by the county legislative authority. Of the members appointed by the governor, the speaker of the house of representatives and the majority leader of the senate (~~(shall)~~) must each recommend to the governor a person to be appointed to the board; and

(B) If the public facilities district is created to acquire, own, and operate a convention and trade center, following the expiration of the terms of the initial board of directors, three members must be appointed by the governor, three members must be nominated by the county executive subject to confirmation by the county legislative authority, and three members must be nominated by the mayor of the city in which the convention and trade center is located subject to confirmation by the city legislative authority. Members of the board of directors may not be members of the legislative authority of the county or any city within the county.

(d) The initial board of directors of a public facilities district created in a county of one million five hundred thousand or more to acquire, own, and operate a convention and trade center must be comprised of the nine members of the board of the public nonprofit corporation that transfers the convention and trade center to the public facilities district under section 8 of this act. The governor must designate which of the initial board members must serve two-year terms and which must serve four-year terms and identify the board positions to which successors to initial directors are to be appointed by the county and the city.

(2) At least one member on the board of directors (~~(shall)~~) must be representative of the lodging industry in the public facilities district before the public facilities district imposes the excise tax under RCW 36.100.040(1). Of the members of the board of directors of a public facilities district created in a county of one million five hundred thousand or more to acquire, own, and operate a convention and trade center, one of the governor's appointments and one of the county's appointments must be representative of the lodging industry in the public facilities district and one of the city's appointments must be representative of organized labor, except that these requirements do not apply to the initial board of such district.

(3) Members of the board of directors (~~(shall)~~) must serve four-year terms of office, except that two of the initial five board members (~~(or)~~) three of the initial seven board members (~~(shall)~~), and four of the initial nine board members must serve two-year terms of office.

(4) A vacancy (~~(shall)~~) must be filled in the same manner as the original appointment was made and the person appointed to fill a vacancy (~~(shall)~~) must serve for the remainder of the unexpired term of the office for the position to which he or she was appointed.

(5) Any director may be removed from office by the person or entity that appointed or confirmed such director for any reason or for no reason as follows: A director appointed by the governor may be removed from office by the governor(-); ~~and any ((other)) director confirmed by a city or county legislative authority may be removed from office by action of at least two-thirds of the members of the legislative authority ((which made the appointment)) that confirmed the director.~~

Sec. 4. RCW 36.100.030 and 2003 c 376 s 1 are each amended to read as follows:

(1) A public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, and operate (a) sports facilities, entertainment facilities, convention facilities, including without limitation any convention and trade center transferred from a public nonprofit corporation under section 8(1) of this act, or regional centers as defined in RCW 35.57.020, and (b) for districts formed after January 1, 2000, recreational facilities other than ski areas, together with contiguous parking facilities. The taxes that are provided for in this chapter may only be imposed for these purposes, including without limitation implementing any redemption, prepayment, or legal defeasance of outstanding obligations under section 8(3)(a) of this act.

(2) A public facilities district may enter into agreements under chapter 39.34 RCW for the ~~((joint provision and operation))~~ design, financing, acquisition, development, construction, reconstruction, lease, remodeling, alteration, maintenance, equipping, reequipping, repair, operation, or management of such facilities and may enter into contracts under chapter 39.34 RCW where any party to the contract provides and operates such facilities for the other party or parties to the contract. A public facilities district may enter into agreements under chapter 39.34 RCW that will assist a public facilities district in the financing of all or any part of a district facility on such terms as may be determined by agreement between the respective parties, including without limitation by a loan, guaranty, or other financing agreement.

(3) Notwithstanding the establishment of a career, civil, or merit service system, a public facilities district may contract with a public or private entity for the operation or management of its public facilities.

(4) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any of its public facilities.

(5) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations.

Sec. 5. RCW 36.100.040 and 2008 c 137 s 5 are each amended to read as follows:

(1) A public facilities district may impose an excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW, except that no such tax may be levied on any premises having fewer than forty lodging units. ~~((However))~~ Except for any tax imposed under subsection (4) or (5) of this section, if a public facilities district has not imposed such an excise tax prior to December 31, 1995, the public facilities district may only impose the excise tax if a ballot proposition authorizing the imposition of the tax has been approved by a simple majority vote of voters of the public facilities district voting on the proposition.

(2) The rate of the tax ~~((shall))~~ may not exceed two percent and the proceeds of the tax ~~((shall))~~ may only be used for the acquisition, design, construction, remodeling, maintenance, equipping, reequipping, repairing, and operation of its public facilities. This excise tax ~~((shall))~~ may not be imposed until the district has approved the proposal to acquire, design, and construct the public facilities.

~~(3) ((A public facilities district may not impose the tax authorized in this section if, after the tax authorized in this section was imposed, the effective combined rate of state and local excise taxes, including sales and use taxes and excise taxes on lodging, imposed on the sale of or charge made for furnishing of lodging in any jurisdiction in the public facilities district exceeds eleven and one-half percent.~~

~~—(4)) Except for a public facilities district created within a county with a population of one million five hundred thousand or more for the purpose of acquiring, owning, and operating a convention and trade center, a public facilities district may not impose the tax authorized in this section if, after the tax authorized in this section was imposed, the effective combined rate of state and local excise taxes, including sales and use taxes and excise taxes on lodging, imposed on the sale of or charge made for furnishing of lodging in any jurisdiction in the public facilities district exceeds eleven and one-half percent.~~

~~—(4) To replace the tax authorized by RCW 67.40.090, a public facilities district created within a county with a population of one million five hundred thousand or more for the purpose of acquiring, owning, and operating a convention and trade center may impose an excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW, except that no such tax may be levied on any premises having fewer than sixty lodging units. The rate of the tax may not exceed seven percent within the portion of the district that corresponds to the boundaries of the largest city within the public facilities district and may not exceed 2.8 percent in the remainder of the district. The tax imposed under this subsection (4) may not be collected prior to the transfer date defined in section 8 of this act.~~

~~(5) To replace the tax authorized by RCW 67.40.130, a public facilities district created within a county with a population of one million five hundred thousand or more for the purpose of acquiring, owning, and operating a convention and trade center may impose an additional excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW, except that no such tax may be levied on any premises having fewer than sixty lodging units. The rate of the additional excise tax may not exceed two percent and may be imposed only within the portion of the district that corresponds to the boundaries of the largest city within the public facilities district and may not be imposed in the remainder of the district. The tax imposed under this subsection (5) may not be collected prior to the transfer date specified in section 8 of this act. The tax imposed under this subsection (5) must be credited against the amount of the tax otherwise due to the state from those same taxpayers under chapter 82.08 RCW. The tax under this subsection (5) may be imposed only for the purpose of paying or securing the payment of the principal of and interest on obligations issued or incurred by the public facilities district and paying annual payment amounts to the state under subsection (6)(a) of this section. The authority to impose the additional excise tax under this subsection (5) expires on the date that is the earlier of (a) July 1, 2029, or (b) the date on which all obligations issued or incurred by the public facilities district to implement any redemption, prepayment, or legal defeasance of outstanding obligations under section 8(3)(a) of this act are no longer outstanding.~~

~~(6)(a) Commencing with the first full fiscal year of the state after the transfer date defined in section 8 of this act and for so long as a public facilities district imposes a tax under subsection (5) of this section, the public facilities district must transfer to the state of Washington on June 30th of each state fiscal year an annual payment amount.~~

~~(b) For the purposes of this subsection (6), "annual payment amount" means an amount equal to revenues received by the public facilities district in the fiscal year from the additional excise tax imposed under subsection (5) of this section plus an interest charge calculated on one-half the annual payment amount times an interest~~

rate equal to the average annual rate of return for the prior calendar year in the Washington state local government investment pool created in chapter 43.250 RCW.

(c)(i) If the public facilities district in any fiscal year is required to apply additional lodging excise tax revenues to the payment of principal and interest on obligations it issues or incurs, and the public facilities district is unable to pay all or any portion of the annual payment amount to the state, the deficiency is deemed to be a loan from the state to the public facilities district for the purpose of assisting the district in paying such principal and interest and must be repaid by the public facilities district to the state after providing for the payment of the principal of and interest on obligations issued or incurred by the public facilities district, all on terms established by an agreement between the state treasurer and the public facilities district executed prior to the transfer date. Any agreement between the state treasurer and the public facilities district must specify the term for the repayment of the deficiency in the annual payment amount with an interest rate equal to the twenty bond general obligation bond buyer index plus one percentage point.

(ii) Outstanding obligations to repay any loans deemed to have been made to the public facilities district as provided in any such agreements between the state treasurer and the public facilities district survive the expiration of the additional excise tax under subsection (5) of this section.

(iii) For the purposes of this subsection (6)(c), "additional lodging excise tax revenues" mean the tax revenues received by the public facilities district under subsection (5) of this section.

(7) A public facilities district is authorized to pledge any of its revenues, including without limitation revenues from the taxes authorized in this section, to pay or secure the payment of obligations issued or incurred by the public facilities district, subject to the terms established by the board of directors of the public facilities district. So long as a pledge of the taxes authorized under this section is in effect, the legislature may not withdraw or modify the authority to levy and collect the taxes at the rates permitted under this section and may not increase the annual payment amount to be transferred to the state under subsection (6) of this section.

(8) The department of revenue must perform the collection of such taxes on behalf of the public facilities district at no cost to the district, and the state treasurer must distribute those taxes as available on a monthly basis to the district or, upon the direction of the district, to a fiscal agent, paying agent or trustee for obligations issued or incurred by the district.

(9) Except as expressly provided in this chapter, all of the provisions contained in RCW 82.08.050 and 82.08.060 and chapter 82.32 RCW have full force and application with respect to taxes imposed under the provisions of this section.

(10) The taxes imposed in this section (~~do~~) do not apply to sales of temporary medical housing exempt under RCW 82.08.997.

Sec. 6. RCW 36.100.060 and 1999 c 165 s 15 are each amended to read as follows:

(1) To carry out the purpose of this chapter, a public facilities district may issue general obligation bonds, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to one-half of one percent of the value of taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015. A public facilities district additionally may issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, when authorized by the voters of the public facilities district pursuant to Article VIII, section 6 of the state Constitution, and to provide for the retirement thereof by excess property tax levies as provided in this chapter.

(2) General obligation bonds may be issued with a maturity of up to thirty years, and must be issued and sold in accordance with the provisions of chapter 39.46 RCW. If the public facilities district is formed by a county with a population of one million five hundred thousand or more to acquire, own, and operate a convention and trade center, general obligation bonds may be issued with a maturity of up to forty years, and (~~shall~~) must be issued and sold in accordance with the provisions of chapter 39.46 RCW. In addition to the powers vested in it under RCW 39.46.030, a public facilities district created by a county with a population of one million five hundred thousand or more to acquire, own, and operate a convention and trade center may appoint, and may specify the rights and duties of, trustees with respect to its bonds, and such trustees may receive, hold, disburse, invest, and reinvest funds on the district's behalf and for the protection of the district's bond owners.

(3) The general obligation bonds may be payable from the operating revenues of the public facilities district in addition to the tax receipts of the district.

(4) The excise tax imposed pursuant to RCW 36.100.040 (~~shall~~) (1) terminates upon final payment of all bonded indebtedness for its public facilities, except that the excise tax may be reauthorized by a public vote, in the same manner as originally authorized, for funding of additional public facilities or a regional center.

Sec. 7. RCW 36.100.100 and 1995 c 396 s 7 are each amended to read as follows:

The treasurer of the county in which a public facilities district is located (~~shall~~) must be the ex officio treasurer of the district, unless the board of directors of a public facilities district created in a county of one million five hundred thousand or more designates by resolution another person having experience in financial or fiscal matters as the treasurer of the district. Such a treasurer possesses all of the powers, responsibilities, and duties of, and is subject to the same restrictions as provided by law for, a county treasurer with regard to district financial matters. Such treasurer must be bonded for not less than twenty-five thousand dollars.

NEW SECTION. Sec. 8. A new section is added to chapter 36.100 RCW to read as follows:

(1) On the transfer date the board of directors of a public nonprofit corporation formed under RCW 67.40.020 that owns and operates a state convention and trade center must transfer all lands, facilities, equipment, assets, other interests in real, personal, and intangible property, and interests under contracts, leases, licenses, and agreements under the control of that board of directors to a public facilities district created as provided in RCW 36.100.010 by the county in which the convention and trade center is located pursuant to an agreement with the public facilities district, subject to the review and approval of the state treasurer.

(2) No real estate excise tax or other excise tax may be imposed with respect to the transfer of assets of the public nonprofit corporation to the public facilities district.

(3) For the purposes of this section, "transfer date" means the date on or prior to June 30, 2011, on which provision has been made for all of the following, pursuant to agreements and other necessary arrangements approved by the state treasurer:

(a) The redemption, prepayment, or legal defeasance on or prior to the transfer date of all outstanding borrowings and other financing obligations of the state of Washington and the public nonprofit corporation with respect to the state convention and trade center, including state bonds and certificates of participation and related financing contracts;

(b) The transfer to the public facilities district on the transfer date of the balances on deposit in the state convention and trade center operations account, the state convention and trade center account and other accounts relating to the state convention and trade center, including the revenues identified under (g)(ii) of this subsection (3);

(c) The imposition by the public facilities district of excise taxes on the sale of or charge made for the furnishing of lodging under RCW 36.100.040 (4) and (5) at the maximum rates permitted in those subsections;

(d) The transfer of all other assets and liabilities and, to the extent permissible by their terms, the assignment or transfer of all contracts and agreements of the public nonprofit corporation from the public nonprofit corporation to the public facilities district;

(e) The execution of an agreement settling all claims in the case of Tourism Alliance, a Washington nonprofit corporation; Craig Schafer; Claridge LLC, a Washington limited liability company; R.C. Hedreen Corporation, a Washington corporation; and on behalf of taxpayers, Andrew Olsen, Amy L. Dee, Christopher M. Dee, Clipper Navigation, Inc., a Washington corporation v. State of Washington and James L. McIntire, in his official capacity as State Treasurer of the State of Washington;

(f) The payment or provision for payment of all fees, costs, and expenses incurred by the state of Washington and the public nonprofit corporation to effect such transfer;

(g) An agreement of the public facilities district to transfer to the state on June 30, 2011, an amount equal to (i) the revenues from the tax imposed under RCW 36.100.040(5) during the state fiscal year ending June 30, 2011, plus (ii) the revenues from the tax imposed under RCW 67.40.130 during the state fiscal year ending June 30, 2011; and

(h) The agreement between the state treasurer and the public facilities district, referred to in section 5(6)(c)(i).

NEW SECTION. Sec. 9. A new section is added to chapter 36.100 RCW to read as follows:

(1) Except as provided in chapters 35.101, 67.28, and 82.14 RCW, after January 1, 1983, no city, town, or county in which the tax under RCW 36.100.040 (4) and (5) is imposed may impose a license fee or tax on the act or privilege of engaging in business to furnish lodging by a hotel, rooming house, tourist court, motel, trailer camp, or similar facilities in excess of the rate imposed upon other persons engaged in the business of making sales at retail.

(2) For the purposes of this section, "sales at retail" has the same meaning as provided in RCW 82.04.050.

NEW SECTION. Sec. 10. A new section is added to chapter 36.100 RCW to read as follows:

Nothing in this act may be construed to limit the authority of a public nonprofit corporation under chapter 67.40 RCW prior to the effective date of section 14 of this act.

NEW SECTION. Sec. 11. A new section is added to chapter 36.100 RCW to read as follows:

Bonds issued under this chapter are hereby made securities in which all public officers and public bodies of the state and its political subdivisions, all insurance companies, trust companies in their commercial departments, savings banks, cooperative banks, banking associations, investment companies, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in obligations of the state may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any state or municipal officer or any agency or political subdivision of the state for any purpose for which the deposit of bonds and other obligations of the state are now or may hereafter be authorized by law.

NEW SECTION. Sec. 12. A new section is added to chapter 36.100 RCW to read as follows:

(1) Any county with a population of one million five hundred thousand or more that creates a public facilities district pursuant to this chapter to acquire, own, and operate a convention and trade center transferred from a public nonprofit corporation is authorized to acquire by condemnation property or property rights as may be necessary to carry out the purposes of such district. If the legislative

body of such county chooses to exercise its authority to acquire property by eminent domain on behalf of such public facilities district, it must do so pursuant to the procedures set forth in chapter 8.08 RCW.

(2) The accomplishment of the activities authorized by this chapter is declared to be a strictly public purpose of the municipality or municipal entities authorized to perform the same.

(3) The powers and authority conferred by this section are in addition and supplemental to existing powers or authority. Nothing contained in this section limits any other powers or authority of any agency, political subdivision, or unit of local government of this state.

Sec. 13. RCW 39.94.020 and 2010 c ... (SB 6218) s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Credit enhancement" includes insurance, letters of credit, lines of credit, or other similar agreements which enhance the security for the payment of the state's or an other agency's obligations under financing contracts.

(2) "Financing contract" means any contract entered into by the state for itself or on behalf of an other agency which provides for the use and purchase of real or personal property by the state and provides for payment by the state over a term of more than one year, and which provides that title to the subject property may secure performance of the state or transfer to the state or an other agency by the end of the term, upon exercise of an option, for a nominal amount or for a price determined without reference to fair market value. Financing contracts include, but are not limited to, conditional sales contracts, financing leases, lease purchase contracts, or refinancing contracts, but do(es) not include operating or true leases. For purposes of this chapter, the term "financing contract" does not include any nonrecourse financing contract or other obligation payable only from money or other property received from private sources and not payable from any public money or property. The term "financing contract" includes a "master financing contract."

(3) "Master financing contract" means a financing contract which provides for the use and purchase of property by the state, and which may include more than one financing contract and appropriation.

(4) "Other agency" means any commission established under Title 15 RCW, a library or regional library, an educational service district, the superintendent of public instruction, the school directors' association, a health district, a public facilities district, or any county, city, town, school district, or other municipal corporation or quasi-municipal corporation.

(5) "State" means the state, agency, department, or instrumentality of the state, the state board for community and technical colleges, and any state institution of higher education.

(6) "State finance committee" means the state finance committee under chapter 43.33 RCW.

(7) "Trustee" means a bank or trust company, within or without the state, authorized by law to exercise trust powers.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) RCW 67.40.010 (Legislative finding) and 1983 2nd ex.s. c 1 s 1 & 1982 c 34 s 1;

(2) RCW 67.40.025 (State convention and trade center operations account--Operating revenues--Expenditures) and 2008 c 329 s 916, 1988 ex.s. c 1 s 2, 1987 1st ex.s. c 8 s 3, & 1985 c 233 s 2;

(3) RCW 67.40.027 (Compensation and travel expenses of board members) and 1985 c 233 s 3;

(4) RCW 67.40.030 (General obligation bonds--Authorized--Appropriation required) and 1990 c 181 s 1, 1988 ex.s. c 1 s 3, 1987 1st ex.s. c 3 s 12, 1985 c 233 s 1, 1983 2nd ex.s. c 1 s 3, & 1982 c 34 s 3;

(5) RCW 67.40.040 (Deposit of proceeds in state convention and trade center account and appropriate subaccounts--Credit against

future borrowings--Use) and 2008 c 329 s 917, 2008 c 328 s 6011, 2007 c 228 s 106, 2005 c 518 s 936, 2003 1st sp.s. c 25 s 929, 1995 c 386 s 13, 1991 sp.s. c 13 s 11, 1990 c 181 s 2, 1988 ex.s. c 1 s 4, 1987 1st ex.s. c 8 s 4, 1985 c 57 s 66, 1983 2nd ex.s. c 1 s 4, & 1982 c 34 s 4;

(6) RCW 67.40.045 (Authorization to borrow from state treasury for project completion costs--Limits--"Project completion" defined--Legislative intent--Application) and 1995 c 386 s 14, 1993 sp.s. c 12 s 9, 1992 c 4 s 1, 1991 c 2 s 1, 1990 c 181 s 3, 1988 ex.s. c 1 s 9, & 1987 1st ex.s. c 8 s 1;

(7) RCW 67.40.050 (Administration of proceeds) and 1982 c 34 s 5;

(8) RCW 67.40.055 (Transfer of funds to account--Repayment of borrowed funds with interest) and 1988 ex.s. c 1 s 5 & 1987 1st ex.s. c 8 s 11;

(9) RCW 67.40.060 (Retirement of bonds from nondebt-limit proprietary appropriated bond retirement account--Transfer from accounts--Pledge and promise--Remedies of bondholders) and 2005 c 487 s 9, 1997 c 456 s 25, 1987 1st ex.s. c 8 s 5, 1983 2nd ex.s. c 1 s 5, & 1982 c 34 s 6;

(10) RCW 67.40.070 (Legislature may provide additional means for payment of bonds) and 1982 c 34 s 7;

(11) RCW 67.40.080 (Bonds legal investment for public funds) and 1982 c 34 s 8;

(12) RCW 67.40.090 (Lodging tax imposed in King county--Rates-- Proceeds) and 2002 c 178 s 4, 1995 c 386 s 15, 1991 c 2 s 3, 1988 ex.s. c 1 s 6, 1987 1st ex.s. c 8 s 6, & 1982 c 34 s 9;

(13) RCW 67.40.100 (Limitation on license fees and taxes on hotels, motels, rooming houses, trailer camps, etc.) and 1997 c 452 s 15, 1990 c 242 s 1, 1988 ex.s. c 1 s 25, & 1982 c 34 s 10;

(14) RCW 67.40.105 (Exemption from tax--Emergency lodging for homeless persons--Conditions) and 1988 c 61 s 3;

(15) RCW 67.40.107 (Exemption from tax--Temporary medical housing) and 2008 c 137 s 4;

(16) RCW 67.40.110 (Use of revenues from convention and trade center facilities excise tax by cities for professional sports franchise facilities limited) and 1997 c 452 s 19 & 1987 1st ex.s. c 8 s 8;

(17) RCW 67.40.120 (Contracts for marketing facility and services) and 2002 c 182 s 1, 1997 c 452 s 20, 1991 c 336 s 2, & 1988 ex.s. c 1 s 8;

(18) RCW 67.40.130 (Convention and trade facilities--Tax on transient lodging authorized--Rates) and 1995 c 386 s 1;

(19) RCW 67.40.140 (Convention and trade facilities--Remittance of tax--Credit) and 1995 c 386 s 2;

(20) RCW 67.40.150 (Convention and trade facilities--Contract of administration and collection to department of revenue--Disposition of tax--Procedure) and 1995 c 386 s 3;

(21) RCW 67.40.160 (Convention and trade facilities--Tax on construction--Disposition) and 1995 c 386 s 4;

(22) RCW 67.40.170 (Convention and trade facilities--Use of collected taxes) and 1995 c 386 s 5;

(23) RCW 67.40.180 (Convention and trade facilities--Use of funds-- Acceptance by board of directors of funding commitment) and 1995 c 386 s 6;

(24) RCW 67.40.190 (Convention and trade facilities--Use of funds-- Encumbered revenue) and 1995 c 386 s 7; and

(25) RCW 67.40.900 (Severability--1982 c 34) and 1982 c 34 s 13.

NEW SECTION. Sec. 15. RCW 67.40.020 (State convention and trade center--Public nonprofit corporation authorized--Board of directors-- Powers and duties) and 1995 c 386 s 12, 1993 c 500 s 9, 1988 ex.s. c 1 s 1, 1987 1st ex.s. c 8 s 2, 1984 c 210 s 1, 1983 2nd ex.s. c 1 s 2, & 1982 c 34 s 2 are each repealed.

NEW SECTION. Sec. 16. Section 14 of this act is effective contingent upon the transfer date occurring in section 8 of this act. If the transfer date occurs in section 8 of this act, section 14 of this act is

effective on the transfer date. For the purposes of this section, "transfer date" has the same meaning as provided in section 8 of this act.

NEW SECTION. Sec. 17. Section 15 of this act is effective contingent upon the transfer date occurring in section 8 of this act. If the transfer date occurs in section 8 of this act, section 15 of this act is effective thirty days after the transfer date in section 8 of this act. For the purposes of this section, "transfer date" has the same meaning as provided in section 8 of this act.

NEW SECTION. Sec. 18. The state treasurer must provide written notice of the effective dates in sections 16 and 17 of this act to the department of revenue, the office of the code reviser, and others as deemed appropriate by the state treasurer.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 20. The provisions of this chapter must be liberally construed to effect the policies and purposes of this chapter."

Correct the title.

Representatives Hunter and Orcutt spoke in favor of the adoption of the amendment.

Amendment (1728) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6889, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6889, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Wood.

Voting nay: Representatives Ericksen, Hasegawa, Ormsby, Santos, Simpson and Mr. Speaker.

Excused: Representative Roach.

SUBSTITUTE SENATE BILL NO. 6889, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6712, by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, Shin and Kilmer)

Extending expiring tax incentives for certain clean alternative fuel vehicles, producers of certain biofuels, and federal aviation regulation part 145 certificated repair stations.

The bill was read the second time.

There being no objection, the committee amendment was not adopted.

Amendments (1708) and (1709) were ruled out of order.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6712.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6712, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chase, Hasegawa and Kagi.

Excused: Representative Roach.

SUBSTITUTE SENATE BILL NO. 6712, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 6675, by Senate Committee on Ways & Means (originally sponsored by Senators Murray, Pflug, Shin, Kastama, Kohl-Welles and Kilmer)

Creating the Washington global health technologies and product development competitiveness program and allowing certain tax credits for program contributions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was before the House for purpose of amendment. (For Committee amendment, see Journal, Day 4, March 18, 2010).

Representative Chase moved the adoption of amendment (1715) to the committee amendment:

On page 3, line 33 of the amendment, after "Only the" strike all material through "board's" on line 35 and insert "director of the department of commerce or the director's"

Representative Chase spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Orcutt and Kenney spoke against the adoption of the amendment to the committee amendment.

Amendment (1715) to the committee amendment was not adopted.

Representative Chase moved the adoption of amendment (1714) to the committee amendment.

Beginning on page 4, line 8 of the amendment, strike all of section 4

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representatives Chase, Hasegawa, Kenney, Simpson, Chase (again) and Anderson spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Orcutt, Kenney Hunter and Hunter (again) spoke against the adoption of the amendment to the committee amendment.

Amendment (1714) to the committee amendment was not adopted.

The committee amendment was adopted

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kenney, Orcutt and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 6675, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 6675, as amended by the House, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan,

Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Chase, Ericksen, Goodman, Hasegawa, Hunter, Roberts, Simpson and Williams.

Excused: Representative Roach.

SECOND SUBSTITUTE SENATE BILL NO. 6675, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 22, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2782 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. (1) The legislature finds that:

(a) Low-income families and individuals often face significant barriers to receiving the services and benefits that they are qualified to receive. These services are essential to meeting individuals' basic needs, and provide critical support to low-income individuals who are working or who have disabilities that prevent them from working;

(b) Each year millions of federal dollars go unclaimed due to underutilization of benefits such as tax credits, health care coverage, and food support;

(c) State agencies have been engaged in an effort to implement an online benefit portal to simplify and streamline access to state, federal, and local benefits that include a broad array of public benefits;

(d) Access to education and training gives low-income individuals and families the opportunity to acquire the skills they need to become successfully employed and attain self-sufficiency; and

(e) Agencies have been engaged in efforts to increase access to training and education for recipients of federal food assistance.

(2) The legislature therefore intends to strengthen existing efforts by providing enhanced structure and direction to ensure that a strong partnership among colleges, state agencies, community partners, and philanthropy be established. The legislature also intends to provide an efficient, effective, integrated approach to the delivery of basic support services and education and training programs. The integrated approach should include the creation of a one-stop-shop, online benefits portal where individuals can apply for a broad array of services, including public benefits and education and training support, and the expansion of the food stamp employment and training program.

(3) The legislature further finds that:

(a) The general assistance program can be reformed to better support the ability of persons who are unable to work due to physical or mental health impairments to either return to work, or transition to federal supplemental security income benefits; and

(b) Persons who are homeless and suffering from mental illness or chemical dependency are particularly vulnerable, because homelessness is a substantial barrier to successful participation in, and completion of, needed treatment services.

(4) Through the reforms included in this act, the legislature intends to end the general assistance program and establish the disability lifeline program, and to implement multiple strategies designed to improve the employment and basic support outcomes of persons receiving disability lifeline benefits. The legislature further intends to focus services on persons who are homeless and have a mental illness or chemical dependency by providing housing

vouchers as an alternative to a cash grant so that these persons can be in stable housing and thus have a greater opportunity to succeed in treatment.

NEW SECTION. Sec. 2. A new section is added to chapter 74.04 RCW to read as follows:

OPPORTUNITY PORTAL. (1) An online opportunity portal shall be established to provide the public with more effective access to available state, federal, and local services. The secretary of the department of social and health services shall act as the executive branch sponsor of the portal planning process. Under the leadership of the secretary, the department shall:

(a) Identify and select an appropriate solution and acquisition approach to integrate technology systems to create a user-friendly electronic tool for Washington residents to apply for benefits;

(b) Facilitate the adaptation of state information technology systems to allow applications generated through the opportunity portal and other compatible electronic application systems to seamlessly link to appropriate state information systems;

(c) Ensure that the portal provides access to a broad array of state, federal, and local services, including but not limited to: Health care services, higher education financial aid, tax credits, civic engagement, nutrition assistance, energy assistance, family support, and disability lifeline benefits as defined in sections 4 through 13 of this act;

(d) Design an implementation strategy for the portal that maximizes collaboration with community-based organizations to facilitate its use by low-income individuals and families;

(e) Provide access to the portal at a wide array of locations including but not limited to: Community or technical colleges, community college campuses where community service offices are collocated, community-based organizations, libraries, churches, food banks, state agencies, early childhood education sites, and labor unions;

(f) Ensure project resources maximize available federal and private funds for development and initial operation of the opportunity portal. Any incidental costs to state agencies shall be derived from existing resources. This subsection does not obligate or preclude the appropriation of future state funding for the opportunity portal;

(g) Determine the solution and acquisition approach by June 1, 2010.

(2) By December 1, 2011, and annually thereafter, the department of social and health services shall report to the legislature and governor. The report shall include data and information on implementation and outcomes of the opportunity portal, including any increases in the use of public benefits and increases in federal funding.

(3) The department shall develop a plan for implementing paperless application processes for the services included in the opportunity portal for which the electronic exchange of application information is possible. The plan should include a goal of achieving, to the extent possible, the transition of these services to paperless application processes by July 1, 2012. The plan must comply with federal statutes and regulations and must allow applicants to submit applications by alternative means to ensure that access to benefits will not be restricted.

(4) To the extent that the department enters into a contractual relationship to accomplish the purposes of this section, such contract or contracts shall be performance-based.

NEW SECTION. Sec. 3. A new section is added to chapter 74.04 RCW to read as follows:

BASIC FOOD EMPLOYMENT AND TRAINING PROGRAM.

(1) The department, the employment security department, and the state board for community and technical colleges shall work in partnership to expand the food stamp employment and training program. Subject to federal approval, the program shall be expanded to three additional community colleges or other community-based locations in 2010 and shall expand capacity at participating colleges.

To the greatest extent possible, expansion shall be geographically diverse. The agencies shall:

(a) Identify and seek out partnerships with community-based organizations that can provide support services and case management to participants through performance-based contracts in the food stamp employment and training program, and do not replace the positions or work of department employees;

(b) Identify eligible nonfederal matching funds to draw down the federal match for food stamp employment and training services. Matching funds may include: Local funds, foundation grants, employer- paid costs, and the state allocation to community and technical colleges.

(2) Employment and training funds may be allocated for: Educational programs to develop skills for employability, vocational education, English as a second language courses, adult basic education, GED courses, remedial programs, job readiness training, case management, intake, assessment, evaluation, and barrier removal and support services such as tuition, books, child care, transportation, housing, and counseling services.

(3) The department shall annually track and report outcomes including those achieved through performance-based contracts as follows: Federal funding received, the number of participants served, achievement points, the number of participants who enter employment during or after participation in the food stamp employment and training program, and the average wage of jobs attained. The report shall be submitted to the governor and appropriate committees of the legislature on November 1st of each year, beginning in 2010.

(4) For purposes of this section, "food stamp employment and training program" refers to a program established and administered through the employment security department and the department of social and health services.

Sec. 4. RCW 74.04.005 and 2003 1st sp.s. c 10 s 1 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Public assistance" or "assistance"--Public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, ~~((general assistance))~~ disability lifeline benefits and federal aid assistance.

(2) "Department"--The department of social and health services.

(3) "County or local office"--The administrative office for one or more counties or designated service areas.

(4) "Director" or "secretary" means the secretary of social and health services.

(5) "Disability lifeline program" means a program that provides aid and support in accordance with the conditions set out in this subsection.

(a) Aid and assistance shall be provided to persons who are not eligible to receive federal aid assistance, other than basic food benefits transferred electronically and medical assistance and meet one of the following conditions:

(i) Are pregnant and in need, based upon the current income and resource requirements of the federal temporary assistance for needy families program; or

(ii) Are incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department. The standard for incapacity in this subsection, as evidenced by the ninety-day duration standard, is not intended to be as stringent as federal supplemental security income disability standards; and

(A) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law;

(B) Have furnished the department their social security number. If the social security number cannot be furnished because it has not

been issued or is not known, an application for a number shall be made prior to authorization of benefits, and the social security number shall be provided to the department upon receipt;

(C) Have not refused or failed without good cause to participate in drug or alcohol treatment if an assessment by a certified chemical dependency counselor indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in drug or alcohol dependency treatment, when needed outpatient drug or alcohol treatment is not available to the person in the county of his or her residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

(D) Have not refused or failed without good cause to participate in vocational rehabilitation services, if an assessment conducted under section 5 of this act indicates that the person might benefit from such services. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in vocational rehabilitation services, or when vocational rehabilitation services are not available to the person in the county of his or her residence.

(b)(i) Persons who initially apply and are found eligible for disability lifeline benefits based upon incapacity from gainful employment under (a) of this subsection on or after September 2, 2010, who are homeless and have been assessed as needing chemical dependency or mental health treatment or both, must agree, as a condition of eligibility for the disability lifeline program, to accept a housing voucher in lieu of a cash grant if a voucher is available. The department shall establish the dollar value of the housing voucher. The dollar value of the housing voucher may differ from the value of the cash grant. Persons receiving a housing voucher under this subsection also shall receive a cash stipend of fifty dollars per month.

(ii) If the department of commerce has determined under section 8 of this act that sufficient housing is not available, persons described in this subsection who apply for disability lifeline benefits during the time period that housing is not available shall receive a cash grant in lieu of a cash stipend and housing voucher.

(iii) Persons who refuse to accept a housing voucher under this subsection but otherwise meet the eligibility requirements of (a) of this subsection are eligible for medical care services benefits under RCW 74.09.035, subject to the time limits in (h) of this subsection.

(c) The following persons are not eligible for the disability lifeline program:

(i) Persons who are unemployable due primarily to alcohol or drug addiction. These persons shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. This subsection shall not be construed to prohibit the department from granting disability lifeline benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the disability lifeline program;

(ii) Persons who refuse or fail to cooperate in obtaining federal aid assistance, without good cause.

(d) Disability lifeline benefits shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in (a) of this subsection, and who will accept available services that can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

(i) First failure: One week;

(ii) Second failure within six months: One month;

(iii) Third and subsequent failure within one year: Two months.

(e) Persons who are likely eligible for federal supplemental security income benefits shall be moved into the disability lifeline expedited component of the disability lifeline program. Persons placed in the expedited component of the program may, if otherwise eligible, receive disability lifeline benefits pending application for federal supplemental security income benefits. The monetary value of any disability lifeline benefit that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

(f) For purposes of determining whether a person is incapacitated from gainful employment under (a) of this subsection:

(i) The department shall adopt by rule medical criteria for disability lifeline incapacity determinations to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information; and

(ii) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

(g) Persons receiving disability lifeline benefits based upon a finding of incapacity from gainful employment who remain otherwise eligible shall have their benefits discontinued unless the recipient demonstrates no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacitation.

(h)(i) Beginning September 1, 2010, no person who is currently receiving or becomes eligible for disability lifeline program benefits shall be eligible to receive benefits under the program for more than twenty-four months in a sixty-month period. For purposes of this subsection, months of receipt of general assistance-unemployable benefits count toward the twenty-four month limit. Months during which a person received benefits under the expedited component of the disability lifeline or general assistance program or under the aged, blind, or disabled component of the disability lifeline or general assistance program shall not be included when determining whether a person has been receiving benefits for more than twenty-four months. On or before July 1, 2010, the department must review the cases of all persons who have received disability lifeline benefits or general assistance unemployable benefits for at least twenty months as of that date. On or before September 1, 2010, the department must review the cases of all remaining persons who have received disability lifeline benefits for at least twelve months as of that date. The review should determine whether the person meets the federal supplemental security income disability standard and, if the person does not meet that standard, whether the receipt of additional services could lead to employability. If a need for additional services is identified, the department shall provide case management services, such as assistance with arranging transportation or locating stable housing, that will facilitate the person's access to needed services. A person may not be determined ineligible due to exceeding the time limit unless he or she has received a case review under this subsection finding that the person does not meet the federal supplemental security income disability standard.

(ii) The time limits established under this subsection expire June 30, 2013.

(i) No person may be considered an eligible individual for disability lifeline benefits with respect to any month if during that month the person:

(i) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

(ii) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

(6) "Disability lifeline expedited" means a component of the disability lifeline program under which persons receiving disability lifeline benefits have been determined, after examination by an appropriate health care provider, to be likely to be eligible for federal supplemental security income benefits based on medical and behavioral health evidence that meets the disability standards used for the federal supplemental security income program.

(7) "Federal aid assistance"--The specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

((6)(a) "General assistance"--Aid to persons in need who:

(i) Are not eligible to receive federal aid assistance, other than food stamps or food stamp benefits transferred electronically and medical assistance; however, an individual who refuses or fails to cooperate in obtaining federal aid assistance, without good cause, is not eligible for general assistance;

(ii) Meet one of the following conditions:

(A) Pregnant: PROVIDED, That need is based on the current income and resource requirements of the federal temporary assistance for needy families program; or

(B) Subject to chapter 165, Laws of 1992, incapacitated from gainful employment by reason of bodily or mental infirmity that will likely continue for a minimum of ninety days as determined by the department.

(C) Persons who are unemployable due to alcohol or drug addiction are not eligible for general assistance. Persons receiving general assistance on July 26, 1987, or becoming eligible for such assistance thereafter, due to an alcohol or drug related incapacity, shall be referred to appropriate assessment, treatment, shelter, or supplemental security income referral services as authorized under chapter 74.50 RCW. Referrals shall be made at the time of application or at the time of eligibility review. Alcoholic and drug addicted clients who are receiving general assistance on July 26, 1987, may remain on general assistance if they otherwise retain their eligibility until they are assessed for services under chapter 74.50 RCW. Subsection (6)(a)(ii)(B) of this section shall not be construed to prohibit the department from granting general assistance benefits to alcoholics and drug addicts who are incapacitated due to other physical or mental conditions that meet the eligibility criteria for the general assistance program;

(iii) Are citizens or aliens lawfully admitted for permanent residence or otherwise residing in the United States under color of law; and

(iv) Have furnished the department their social security account number. If the social security account number cannot be furnished because it has not been issued or is not known, an application for a number shall be made prior to authorization of assistance, and the social security number shall be provided to the department upon receipt.

(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii), and (c) of this section, general assistance shall be provided to the following recipients of federal aid assistance:

(i) Recipients of supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse; or

(ii) To the extent authorized by the legislature in the biennial appropriations act, to recipients of temporary assistance for needy families whose needs are not being met because of a temporary reduction in monthly income below the entitled benefit payment level

caused by loss or reduction of wages or unemployment compensation benefits or some other unforeseen circumstances. The amount of general assistance authorized shall not exceed the difference between the entitled benefit payment level and the amount of income actually received.

—(c) General assistance shall be provided only to persons who are not members of assistance units receiving federal aid assistance, except as provided in subsection (6)(a)(ii)(A) and (b) of this section, and will accept available services which can reasonably be expected to enable the person to work or reduce the need for assistance unless there is good cause to refuse. Failure to accept such services shall result in termination until the person agrees to cooperate in accepting such services and subject to the following maximum periods of ineligibility after reapplication:

—(i) First failure: One week;

—(ii) Second failure within six months: One month;

—(iii) Third and subsequent failure within one year: Two months.

—(d) Persons found eligible for general assistance based on incapacity from gainful employment may, if otherwise eligible, receive general assistance pending application for federal supplemental security income benefits. Any general assistance that is subsequently duplicated by the person's receipt of supplemental security income for the same period shall be considered a debt due the state and shall by operation of law be subject to recovery through all available legal remedies.

—(e) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

—(f) The process implementing the medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontroverted medical opinion must set forth clear and convincing reasons for doing so.

—(g) Recipients of general assistance based upon a finding of incapacity from gainful employment who remain otherwise eligible shall have their benefits discontinued unless the recipient demonstrates no material improvement in their medical or mental condition. The department may discontinue benefits when there was specific error in the prior determination that found the recipient eligible by reason of incapacitation. Recipients of general assistance based upon pregnancy who relinquish their child for adoption, remain otherwise eligible, and are not eligible to receive benefits under the federal temporary assistance for needy families program shall not have their benefits terminated until the end of the month in which the period of six weeks following the birth of the recipient's child falls. Recipients of the federal temporary assistance for needy families program who lose their eligibility solely because of the birth and relinquishment of the qualifying child may receive general assistance through the end of the month in which the period of six weeks following the birth of the child falls.

—(h) No person may be considered an eligible individual for general assistance with respect to any month if during that month the person:

—(i) Is fleeing to avoid prosecution of, or to avoid custody or confinement for conviction of, a felony, or an attempt to commit a felony, under the laws of the state of Washington or the place from which the person flees; or

—(ii) Is violating a condition of probation, community supervision, or parole imposed under federal or state law for a felony or gross misdemeanor conviction.

—(7)) (8) "Applicant"--Any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

((8)) (9) "Recipient"--Any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

((9)) (10) "Standards of assistance"--The level of income required by an applicant or recipient to maintain a level of living specified by the department.

((10)) (11) "Resource"--Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent. The department may by rule designate resources that an applicant may retain and not be ineligible for public assistance because of such resources. Exempt resources shall include, but are not limited to:

(A) A home that an applicant, recipient, or their dependents is living in, including the surrounding property;

(B) Household furnishings and personal effects;

(C) A motor vehicle, other than a motor home, used and useful having an equity value not to exceed five thousand dollars;

(D) A motor vehicle necessary to transport a ((physically disabled)) household member with a physical disability. This exclusion is limited to one vehicle per ((physically disabled)) person with a physical disability;

(E) All other resources, including any excess of values exempted, not to exceed one thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance. The department shall also allow recipients of temporary assistance for needy families to exempt savings accounts with combined balances of up to an additional three thousand dollars;

(F) Applicants for or recipients of ((general assistance)) disability lifetime benefits shall have their eligibility based on resource limitations consistent with the temporary assistance for needy families program rules adopted by the department; and

(G) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property: PROVIDED, That:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

((11)) (12) "Income"--(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him or her to decrease his or her need for public assistance or to aid in rehabilitating him or her or

his or her dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In addition, for cash assistance the department may disregard income pursuant to RCW 74.08A.230 and 74.12.350.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

~~((12))~~ (13) "Need"--The difference between the applicant's or recipient's standards of assistance for himself or herself and the dependent members of his or her family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his or her family.

~~((13))~~ (14) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

~~((14))~~ (15) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

NEW SECTION. Sec. 5. A new section is added to chapter 74.04 RCW to read as follows:

REFERRAL TO THE DIVISION OF VOCATIONAL REHABILITATION. (1) The economic services administration shall work jointly with the division of vocational rehabilitation to develop an assessment tool that must be used to determine whether the programs offered by the division of vocational rehabilitation could assist persons receiving disability lifeline benefits in returning to the work force. The assessment tool shall be completed no later than December 1, 2010. The economic services administration shall begin using the tool no later than January 1, 2011. No later than December 30, 2011, the department shall report on the use of the tool and to what extent the programs offered by the division of vocational rehabilitation have been successful in returning persons receiving disability lifeline benefits to the work force.

(2) After January 1, 2011, all persons receiving disability lifeline benefits shall be assessed to determine whether they would likely benefit from a program offered by the division of vocational rehabilitation. If the assessment indicates that the person might benefit, the economic services administration shall make a referral to the division of vocational rehabilitation. If the person is found eligible for a program with the division of vocational rehabilitation, he or she must participate in that program to remain eligible for the monthly stipend and housing voucher or a cash grant. If the person refuses to participate or does not complete the program, the department shall terminate the cash stipend and housing voucher or cash grant but may not terminate medical coverage and food benefits.

NEW SECTION. Sec. 6. A new section is added to chapter 74.04 RCW to read as follows:

REFERRAL TO THE DEPARTMENT OF VETERANS AFFAIRS. During the application process for disability lifeline benefits, the department shall inquire of each applicant whether he or she has ever served in the United States military service. If the applicant answers in the affirmative, the department shall confer with a veterans benefit specialist with the Washington state department of veterans affairs or a contracted veterans service officer in the community to determine whether the applicant is eligible for any

benefits or programs offered to veterans by either the state or the federal government.

NEW SECTION. Sec. 7. A new section is added to chapter 74.04 RCW to read as follows:

EARLY SSI TRANSITION PROJECT. (1) To ensure that persons who are likely eligible for supplemental security income benefits are transitioned from disability lifeline benefits to disability lifeline expedited and the medicaid program, and then to the supplemental security income program as quickly as practicable, the department shall implement the early supplemental security income transition project starting in King, Pierce, and Spokane counties no later than July 1, 2010, and extending statewide no later than October 1, 2011. The program shall be implemented through performance-based contracts with managed health care systems providing medical care services under RCW 74.09.035 or other qualified entities. The participants shall have the following responsibilities and duties under this program:

(a) The entities with whom the department contracts to provide the program shall be responsible for:

(i) Systematically screening persons receiving disability lifeline benefits at the point of eligibility determination or shortly thereafter to determine if the persons should be referred for medical or behavioral health evaluations to determine whether they are likely eligible for supplemental security income;

(ii) Immediately sharing the results of the disability screening with the department;

(iii) Managing disability lifeline incapacity evaluation examinations to provide timely access to needed medical and behavioral health evaluations and standardizing health care providers' conduct of incapacity evaluations. To maximize the timeliness and efficiency of incapacity evaluation examinations, the department must strongly consider contracting with a managed health care system with a network of health care providers that are trained and have agreed to conduct disability lifeline medical and psychological incapacity and recertification exams. The department may obtain medical evidence and other relevant information from sources other than the contracted entity if such evidence is available at the time of a person's application for disability lifeline benefits and is sufficient to support a determination that the person is incapacitated;

(iv) Maintaining a centralized appointment and clinical data system; and

(v) Assisting persons receiving disability lifeline benefits with obtaining additional medical or behavioral health examinations needed to meet the disability standard for federal supplemental security income benefits and with submission of applications for supplemental security income benefits.

(b) The department shall be responsible for:

(i) Determining incapacity and eligibility for disability lifeline benefits;

(ii) Making timely determinations that a person receiving disability lifeline benefits is likely eligible for supplemental security income based on medical evidence and other relevant information provided by a contracted entity, and immediately referring such persons to a contracted entity for services;

(iii) Developing standardized procedures for sharing data and information with the contracted entities to ensure timely identification of clients who have not been transferred to the disability lifeline expedited program within four months of their date of application, but who may, upon further review, be appropriately transferred to that program;

(iv) Providing case management, in partnership with the managed health care system or contracted entity, to support persons' transition to federal supplemental security income and medicaid benefits; and

(v) Identifying a savings determination methodology, in consultation with the contracted entities, the office of financial

management, and the legislature, on or before implementation of the project.

(2) Early supplemental security income transition project contracts shall include the following performance goals:

(a) Persons receiving disability lifeline benefits should be screened within thirty days of entering the program to determine the propriety of their transfer to the disability lifeline expedited program; and

(b) Seventy-five percent of persons receiving disability lifeline benefits that appear likely to qualify for supplemental security income benefits shall be transferred to the disability lifeline expedited program within four months of their application for disability lifeline benefits.

(3) The initial focus of the efforts of the early supplemental security income transition project shall be on persons who have been receiving disability lifeline or general assistance unemployable benefits for twelve or more months as of September 1, 2010.

(4) No later than December 1, 2011, the department shall report to the governor and appropriate policy and fiscal committees on whether the early supplemental security income transition project performance goals in subsection (2) of this section were met, including the reasons those goals were or were not met.

(5) Pursuant to RCW 41.06.142(3), performance-based contracting under this section is expressly mandated by the legislature and is not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

The statewide expansion of the program under this section shall be considered expressly mandated by the legislature and not be subject to the provisions of RCW 41.06.142 (1), (4), and (5).

NEW SECTION. Sec. 8. A new section is added to chapter 43.330 RCW to read as follows:

DISABILITY LIFELINE HOUSING VOUCHER PROGRAM.

(1) To address the housing issues faced by the disability lifeline applicants in RCW 74.04.005(5)(b), the department of commerce and the department of social and health services shall jointly develop a housing voucher program. The departments also shall develop housing resources to be used by the applicants in RCW 74.04.005(5)(b). To the greatest extent possible, the housing resources shall follow the supportive housing model. The department of commerce shall administer the housing voucher program and shall:

(a) Identify the current supply of private and public housing including acquisition and rental of existing housing stock;

(b) Develop funding strategies for the development of housing resources; and

(c) Design the voucher program to maximize the ability of the department of social and health services to recover federal funding.

(2) If the department of commerce determines that the housing supply is inadequate to meet the need for those applicants qualifying for housing vouchers under RCW 74.04.005(5)(b), those applicants shall instead receive a cash grant administered by the department of social and health services. Upon the department of commerce's determination that the housing supply is adequate to meet the needs of the applicants in RCW 74.04.005(5)(b), housing vouchers rather than cash grants shall be issued to these applicants who apply on or after the department's determination.

(3) The department of commerce and the department of social and health services shall evaluate the impact of the use of housing vouchers under this section and report to the governor and relevant policy and fiscal committees of the legislature by November 30, 2012, on the following items:

(a) The supply, affordability, appropriateness, and use of stable housing;

(b) The following outcomes for persons receiving disability lifeline housing vouchers:

(i) Participation in and completion of chemical dependency or mental health treatment;

(ii) Contact with law enforcement, including arrest and conviction data;

(iii) Use of emergency room services; and

(iv) Involuntary commitment under chapter 71.05 RCW.

NEW SECTION. Sec. 9. A new section is added to chapter 70.47 RCW to read as follows:

BASIC HEALTH PLAN ENROLLMENT. In order to ensure continuity of health care coverage and avoid deterioration in health status, persons who have lost eligibility for disability lifeline benefits under RCW 74.04.005(5) due to improvement in their health status and who are eligible for subsidized basic health coverage shall be given priority for enrollment in the basic health plan. If the administrator closes or limits subsidized enrollment, to the extent funding is available, the basic health plan must continue to accept and process applications for subsidized enrollment from persons described in this section.

NEW SECTION. Sec. 10. A new section is added to chapter 70.96A RCW to read as follows:

ACCESS TO CHEMICAL DEPENDENCY TREATMENT. If an assessment by a certified chemical dependency counselor indicates a need for drug or alcohol treatment, in order to enable a person receiving disability lifeline benefits to improve his or her health status and transition from disability lifeline benefits to employment, or transition to federal disability benefits, the person must be given high priority for enrollment in treatment, within funds appropriated for that treatment. However, first priority for receipt of treatment services must be given to pregnant women and parents of young children. This section expires June 30, 2013. Persons who are terminated from disability lifeline benefits under RCW 74.04.005(5)(h) and are actively engaged in chemical dependency treatment during the month they are terminated shall be provided the opportunity to complete their current course of treatment.

NEW SECTION. Sec. 11. A new section is added to chapter 74.04 RCW to read as follows:

By December 1, 2012, the Washington state institute for public policy shall submit a report to the governor and the relevant policy and fiscal committees of the legislature that:

(1) Analyzes the experience of persons who have been terminated from disability lifeline benefits pursuant to RCW 74.04.005(5). The report shall include at least the following information:

(a) The number of persons terminated from the program who transition to supplemental security income benefits;

(b) The number of persons who become employed;

(c) The rate at which the affected persons use hospital emergency room services;

(d) The number of persons involuntarily committed under chapter 71.05 RCW;

(e) The number of persons arrested or convicted of criminal offenses; and

(f) The mortality rate of the affected persons; and

(2) Reports as to whether the case review standards and early supplemental security income transition project performance goals in RCW 74.04.005(5) have been met by the department.

Sec. 12. RCW 10.101.010 and 1998 c 79 s 2 are each amended to read as follows:

The following definitions shall be applied in connection with this chapter:

(1) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, (~~general assistance~~) disability lifeline benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(2) "Indigent and able to contribute" means a person who, at any stage of a court proceeding, is unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are less than the anticipated cost of counsel but sufficient for the person to pay a portion of that cost.

(3) "Anticipated cost of counsel" means the cost of retaining private counsel for representation on the matter before the court.

(4) "Available funds" means liquid assets and disposable net monthly income calculated after provision is made for bail obligations. For the purpose of determining available funds, the following definitions shall apply:

(a) "Liquid assets" means cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in motor vehicles. A motor vehicle necessary to maintain employment and having a market value not greater than three thousand dollars shall not be considered a liquid asset.

(b) "Income" means salary, wages, interest, dividends, and other earnings which are reportable for federal income tax purposes, and cash payments such as reimbursements received from pensions, annuities, social security, and public assistance programs. It includes any contribution received from any family member or other person who is domiciled in the same residence as the defendant and who is helping to defray the defendant's basic living costs.

(c) "Disposable net monthly income" means the income remaining each month after deducting federal, state, or local income taxes, social security taxes, contributory retirement, union dues, and basic living costs.

(d) "Basic living costs" means the average monthly amount spent by the defendant for reasonable payments toward living costs, such as shelter, food, utilities, health care, transportation, clothing, loan payments, support payments, and court-imposed obligations.

Sec. 13. RCW 13.34.030 and 2009 c 520 s 21 and 2009 c 397 s 1 are each reenacted and amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of social and health services.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

(7) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

(8) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(9) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(10) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(11) "Housing assistance" means appropriate referrals by the department or other supervising agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(12) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, (~~general assistance~~) disability lifeline benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(13) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

(14) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing assistance, capable of preventing the need for out-of-home placement while protecting the child.

(15) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

(16) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

(17) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(18) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 with whom the department has entered into a performance-based contract to provide child welfare services as defined in RCW 74.13.020.

Sec. 14. RCW 26.19.071 and 2009 c 84 s 3 are each amended to read as follows:

(1) **Consideration of all income.** All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent. Only the income of the parents of the children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation.

(2) **Verification of income.** Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) **Income sources included in gross monthly income.** Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

- (a) Salaries;
- (b) Wages;
- (c) Commissions;
- (d) Deferred compensation;
- (e) Overtime, except as excluded for income in subsection (4)(h) of this section;
- (f) Contract-related benefits;
- (g) Income from second jobs, except as excluded for income in subsection (4)(h) of this section;

- (h) Dividends;
- (i) Interest;
- (j) Trust income;
- (k) Severance pay;
- (l) Annuities;
- (m) Capital gains;
- (n) Pension retirement benefits;
- (o) Workers' compensation;
- (p) Unemployment benefits;
- (q) Maintenance actually received;
- (r) Bonuses;
- (s) Social security benefits;
- (t) Disability insurance benefits; and
- (u) Income from self-employment, rent, royalties, contracts, proprietorship of a business, or joint ownership of a partnership or closely held corporation.

(4) **Income sources excluded from gross monthly income.** The following income and resources shall be disclosed but shall not be included in gross income:

- (a) Income of a new spouse or new domestic partner or income of other adults in the household;
- (b) Child support received from other relationships;
- (c) Gifts and prizes;
- (d) Temporary assistance for needy families;
- (e) Supplemental security income;
- (f) ~~((General assistance))~~ Disability lifeline benefits;
- (g) Food stamps; and
- (h) Overtime or income from second jobs beyond forty hours per week averaged over a twelve-month period worked to provide for a current family's needs, to retire past relationship debts, or to retire child support debt, when the court finds the income will cease when the party has paid off his or her debts.

Receipt of income and resources from temporary assistance for needy families, supplemental security income, ~~((general assistance))~~ disability lifeline benefits, and food stamps shall not be a reason to deviate from the standard calculation.

(5) **Determination of net income.** The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

- (a) Federal and state income taxes;
- (b) Federal insurance contributions act deductions;
- (c) Mandatory pension plan payments;
- (d) Mandatory union or professional dues;
- (e) State industrial insurance premiums;
- (f) Court-ordered maintenance to the extent actually paid;
- (g) Up to five thousand dollars per year in voluntary retirement contributions actually made if the contributions show a pattern of contributions during the one-year period preceding the action establishing the child support order unless there is a determination that the contributions were made for the purpose of reducing child support; and

(h) Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

Items deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) **Imputation of income.** The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's work history, education, health, and age, or any other relevant factors. A court shall not impute income to a parent who is gainfully employed on a full-time basis, unless the court finds that the parent is voluntarily underemployed and finds that the parent is purposely underemployed to reduce the parent's child support obligation. Income shall not be imputed for an unemployable parent.

Income shall not be imputed to a parent to the extent the parent is unemployed or significantly underemployed due to the parent's efforts to comply with court-ordered reunification efforts under chapter 13.34 RCW or under a voluntary placement agreement with an agency supervising the child. In the absence of records of a parent's actual earnings, the court shall impute a parent's income in the following order of priority:

- (a) Full-time earnings at the current rate of pay;
- (b) Full-time earnings at the historical rate of pay based on reliable information, such as employment security department data;
- (c) Full-time earnings at a past rate of pay where information is incomplete or sporadic;
- (d) Full-time earnings at minimum wage in the jurisdiction where the parent resides if the parent has a recent history of minimum wage earnings, is recently coming off public assistance, (~~general assistance-unemployable~~) disability lifeline benefits, supplemental security income, or disability, has recently been released from incarceration, or is a high school student;
- (e) Median net monthly income of year-round full-time workers as derived from the United States bureau of census, current population reports, or such replacement report as published by the bureau of census.

Sec. 15. RCW 31.04.540 and 2009 c 149 s 8 are each amended to read as follows:

(1) To the extent that implementation of this section does not conflict with federal law resulting in the loss of federal funding, proprietary reverse mortgage loan advances made to a borrower must be treated as proceeds from a loan and not as income for the purpose of determining eligibility and benefits under means-tested programs of aid to individuals.

(2) Undisbursed reverse mortgage funds must be treated as equity in the borrower's home and not as proceeds from a loan, resources, or assets for the purpose of determining eligibility and benefits under means-tested programs of aid to individuals.

(3) This section applies to any law or program relating to payments, allowances, benefits, or services provided on a means-tested basis by this state including, but not limited to, optional state supplements to the federal supplemental security income program, low-income energy assistance, property tax relief, (~~general assistance~~) disability lifeline benefits, and medical assistance only to the extent this section does not conflict with Title 19 of the federal social security act.

Sec. 16. RCW 70.123.110 and 1997 c 59 s 9 are each amended to read as follows:

(~~General assistance~~) Disability lifeline benefits or temporary assistance for needy families payments shall be made to otherwise eligible individuals who are residing in a secure shelter, a housing network or other shelter facility which provides shelter services to persons who are victims of domestic violence. Provisions shall be made by the department for the confidentiality of the shelter addresses where victims are residing.

Sec. 17. RCW 73.08.005 and 2009 c 35 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct costs" includes those allowable costs that can be readily assigned to the statutory objectives of this chapter, consistent with the cost principles promulgated by the federal office of management and budget in circular No. A-87, dated May 10, 2004.

(2) "Family" means the spouse or domestic partner, surviving spouse, surviving domestic partner, and dependent children of a living or deceased veteran.

(3) "Indigent" means a person who is defined as such by the county legislative authority using one or more of the following definitions:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, (~~general assistance~~) disability lifeline benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income;

(b) Receiving an annual income, after taxes, of up to one hundred fifty percent or less of the current federally established poverty level, or receiving an annual income not exceeding a higher qualifying income established by the county legislative authority; or

(c) Unable to pay reasonable costs for shelter, food, utilities, and transportation because his or her available funds are insufficient.

(4) "Indirect costs" includes those allowable costs that are generally associated with carrying out the statutory objectives of this chapter, but the identification and tracking of those costs cannot be readily assigned to a specific statutory objective without an accounting effort that is disproportionate to the benefit received. A county legislative authority may allocate allowable indirect costs to its veterans' assistance fund if it is accomplished in a manner consistent with the cost principles promulgated by the federal office of management and budget in circular No. A-87, dated May 10, 2004.

(5) "Veteran" has the same meaning as defined in RCW 41.04.005 and 41.04.007, and includes a current member of the national guard or armed forces reserves who has been deployed to serve in an armed conflict.

(6) "Veterans' advisory board" means a board established by a county legislative authority under the authority of RCW 73.08.035.

(7) "Veterans' assistance fund" means an account in the custody of the county auditor, or the chief financial officer in a county operating under a charter, that is funded by taxes levied under the authority of RCW 73.08.080.

(8) "Veterans' assistance program" means a program approved by the county legislative authority under the authority of RCW 73.08.010 that is fully or partially funded by the veterans' assistance fund authorized by RCW 73.08.080.

Sec. 18. RCW 74.04.0052 and 1997 c 58 s 502 are each amended to read as follows:

(1) The department shall determine, after consideration of all relevant factors and in consultation with the applicant, the most appropriate living situation for applicants under eighteen years of age, unmarried, and pregnant who are eligible for (~~general assistance as defined in RCW 74.04.005(6)(a)(ii)(A))~~ disability lifeline benefits. An appropriate living situation shall include a place of residence that is maintained by the applicant's parents, parent, legal guardian, or other adult relative as their or his or her own home and that the department finds would provide an appropriate supportive living arrangement. It also includes a living situation maintained by an agency that is licensed under chapter 74.15 RCW that the department finds would provide an appropriate supportive living arrangement. Grant assistance shall not be provided under this chapter if the applicant does not reside in the most appropriate living situation, as determined by the department.

(2) A pregnant minor residing in the most appropriate living situation, as provided under subsection (1) of this section, is presumed to be unable to manage adequately the funds paid to the minor or on behalf of the dependent child or children and, unless the minor provides sufficient evidence to rebut the presumption, shall be subject to the protective payee requirements provided for under RCW 74.12.250 and 74.08.280.

(3) The department shall consider any statements or opinions by either parent of the unmarried minor parent or pregnant minor applicant as to an appropriate living situation for the minor, whether in the parental home or other situation. If the parents or a parent of the minor request, they or he or she shall be entitled to a hearing in juvenile court regarding designation of the parental home or other relative placement as the most appropriate living situation for the pregnant or parenting minor.

The department shall provide the parents or parent with the opportunity to make a showing that the parental home, or home of the other relative placement, is the most appropriate living situation. It shall be presumed in any administrative or judicial proceeding conducted under this subsection that the parental home or other relative placement requested by the parents or parent is the most appropriate living situation. This presumption is rebuttable.

(4) In cases in which the minor is unmarried and unemployed, the department shall, as part of the determination of the appropriate living situation, provide information about adoption including referral to community-based organizations providing counseling.

(5) For the purposes of this section, "most appropriate living situation" shall not include a living situation including an adult male who fathered the qualifying child and is found to meet the elements of rape of a child as set forth in RCW 9A.44.079.

Sec. 19. RCW 74.04.120 and 1979 c 141 s 301 are each amended to read as follows:

Allocations of state and federal funds shall be made upon the basis of need within the respective counties as disclosed by the quarterly budgets, considered in conjunction with revenues available for the satisfaction of that need: PROVIDED, That in preparing his quarterly budget for federal aid assistance, the administrator shall include the aggregate of the individual case load approved by the department to date on the basis of need and the secretary shall approve and allocate an amount sufficient to service the aggregate case load as included in said budget, and in the event any portion of the budgeted case load cannot be serviced with moneys available for the particular category for which an application is made the committee may on the administrator's request authorize the transfer of sufficient ~~((general assistance))~~ disability lifeline program funds to the appropriation for such category to service such case load and secure the benefit of federal matching funds.

Sec. 20. RCW 74.04.230 and 1982 c 204 s 16 are each amended to read as follows:

Persons eligible for ~~((general assistance under RCW 74.04.005))~~ disability lifeline benefits are eligible for mental health services to the extent that they meet the client definitions and priorities established by chapter 71.24 RCW.

Sec. 21. RCW 74.04.266 and 1977 ex.s. c 215 s 1 are each amended to read as follows:

In determining need for ~~((general assistance for unemployable persons as defined in RCW 74.04.005(6)(a)))~~ disability lifeline benefits, the department may by rule and regulation establish a monthly earned income exemption in an amount not to exceed the exemption allowable under disability programs authorized in Title XVI of the federal social security act.

Sec. 22. RCW 74.04.620 and 1983 1st ex.s. c 41 s 37 are each amended to read as follows:

(1) The department is authorized to establish a program of state supplementation to the national program of supplemental security income consistent with Public Law 92-603 and Public Law 93-66 to those persons who are in need thereof in accordance with eligibility requirements established by the department.

(2) The department is authorized to establish reasonable standards of assistance and resource and income exemptions specifically for such program of state supplementation which shall be consistent with the provisions of the Social Security Act.

(3) The department is authorized to make payments to applicants for supplemental security income, pursuant to agreements as provided in Public Law 93-368, who are otherwise eligible for ~~((general assistance))~~ disability lifeline benefits.

(4) Any agreement between the department and a supplemental security income applicant providing for the reimbursement of interim assistance to the department shall provide, if the applicant has been represented by an attorney, that twenty-five percent of the reimbursement received shall be withheld by the department and all

or such portion thereof as has been approved as a fee by the United States department of health and human services shall be released directly to the applicant's attorney. The secretary may maintain such records as are deemed appropriate to measure the cost and effectiveness of such agreements and may make recommendations concerning the continued use of such agreements to the legislature.

Sec. 23. RCW 74.04.770 and 1997 c 59 s 11 are each amended to read as follows:

The department shall establish consolidated standards of need each fiscal year which may vary by geographical areas, program, and family size, for temporary assistance for needy families, refugee assistance, supplemental security income, and ~~((general assistance))~~ disability lifeline benefits. Standards for temporary assistance for needy families, refugee assistance, and ~~((general assistance))~~ disability lifeline benefits shall be based on studies of actual living costs and generally recognized inflation indices and shall include reasonable allowances for shelter, fuel, food, transportation, clothing, household maintenance and operations, personal maintenance, and necessary incidentals. The standard of need may take into account the economies of joint living arrangements, but unless explicitly required by federal statute, there shall not be proration of any portion of assistance grants unless the amount of the grant standard is equal to the standard of need.

The department is authorized to establish rateable reductions and grant maximums consistent with federal law.

Payment level will be equal to need or a lesser amount if rateable reductions or grant maximums are imposed. In no case shall a recipient of supplemental security income receive a state supplement less than the minimum required by federal law.

The department may establish a separate standard for shelter provided at no cost.

Sec. 24. RCW 74.08.043 and 1981 1st ex.s. c 6 s 12 are each amended to read as follows:

In determining the living requirements of otherwise eligible applicants and recipients of supplemental security income and ~~((general assistance))~~ disability lifeline benefits, the department is authorized to consider the need for personal and special care and supervision due to physical and mental conditions.

Sec. 25. RCW 74.08.278 and 1979 c 141 s 327 are each amended to read as follows:

In order to comply with federal statutes and regulations pertaining to federal matching funds and to provide for the prompt payment of initial grants and adjusting payments of grants the secretary is authorized to make provisions for the cash payment of assistance by the secretary or county administrators by the establishment of a central operating fund. The secretary may establish such a fund with the approval of the state auditor from moneys appropriated to the department for the payment of ~~((general assistance))~~ disability lifeline benefits in a sum not to exceed one million dollars. Such funds shall be deposited as agreed upon by the secretary and the state auditor in accordance with the laws regulating the deposits of public funds. Such security shall be required of the depository in connection with the fund as the state treasurer may prescribe. Moneys remaining in the fund shall be returned to the general fund at the end of the biennium, or an accounting of proper expenditures from the fund shall be made to the state auditor. All expenditures from such central operating fund shall be reimbursed out of and charged to the proper program appropriated by the use of such forms and vouchers as are approved by the secretary of the department and the state auditor. Expenditures from such fund shall be audited by the director of financial management and the state auditor from time to time and a report shall be made by the state auditor and the secretary as are required by law.

Sec. 26. RCW 74.08.335 and 1997 c 59 s 13 are each amended to read as follows:

Temporary assistance for needy families and (~~general assistance~~) disability lifeline benefits shall not be granted to any person who has made an assignment or transfer of property for the purpose of rendering himself or herself eligible for the assistance. There is a rebuttable presumption that a person who has transferred or transfers any real or personal property or any interest in property within two years of the date of application for the assistance without receiving adequate monetary consideration therefor, did so for the purpose of rendering himself or herself eligible for the assistance. Any person who transfers property for the purpose of rendering himself or herself eligible for assistance, or any person who after becoming a recipient transfers any property or any interest in property without the consent of the secretary, shall be ineligible for assistance for a period of time during which the reasonable value of the property so transferred would have been adequate to meet the person's needs under normal conditions of living: PROVIDED, That the secretary is hereby authorized to allow exceptions in cases where undue hardship would result from a denial of assistance.

Sec. 27. RCW 74.08A.210 and 1997 c 58 s 302 are each amended to read as follows:

- (1) In order to prevent some families from developing dependency on temporary assistance for needy families, the department shall make available to qualifying applicants a diversion program designed to provide brief, emergency assistance for families in crisis whose income and assets would otherwise qualify them for temporary assistance for needy families.
- (2) Diversion assistance may include cash or vouchers in payment for the following needs:
 - (a) Child care;
 - (b) Housing assistance;
 - (c) Transportation-related expenses;
 - (d) Food;
 - (e) Medical costs for the recipient's immediate family;
 - (f) Employment-related expenses which are necessary to keep or obtain paid unsubsidized employment.
- (3) Diversion assistance is available once in each twelve-month period for each adult applicant. Recipients of diversion assistance are not included in the temporary assistance for needy families program.
- (4) Diversion assistance may not exceed one thousand five hundred dollars for each instance.
- (5) To be eligible for diversion assistance, a family must otherwise be eligible for temporary assistance for needy families.
- (6) Families ineligible for temporary assistance for needy families or (~~general assistance~~) disability lifeline benefits due to sanction, noncompliance, the lump sum income rule, or any other reason are not eligible for diversion assistance.
- (7) Families must provide evidence showing that a bona fide need exists according to subsection (2) of this section in order to be eligible for diversion assistance.

An adult applicant may receive diversion assistance of any type no more than once per twelve-month period. If the recipient of diversion assistance is placed on the temporary assistance for needy families program within twelve months of receiving diversion assistance, the prorated dollar value of the assistance shall be treated as a loan from the state, and recovered by deduction from the recipient's cash grant.

Sec. 28. RCW 74.09.010 and 2007 c 3 s 2 are each amended to read as follows:

As used in this chapter:

- (1) "Children's health program" means the health care services program provided to children under eighteen years of age and in households with incomes at or below the federal poverty level as annually defined by the federal department of health and human services as adjusted for family size, and who are not otherwise eligible for medical assistance or the limited casualty program for the medically needy.

(2) "Committee" means the children's health services committee created in section 3 of this act.

(3) "County" means the board of county commissioners, county council, county executive, or tribal jurisdiction, or its designee. A combination of two or more county authorities or tribal jurisdictions may enter into joint agreements to fulfill the requirements of RCW 74.09.415 through 74.09.435.

(4) "Department" means the department of social and health services.

(5) "Department of health" means the Washington state department of health created pursuant to RCW 43.70.020.

(6) "Internal management" means the administration of medical assistance, medical care services, the children's health program, and the limited casualty program.

(7) "Limited casualty program" means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(8) "Medical assistance" means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.

(9) "Medical care services" means the limited scope of care financed by state funds and provided to (~~general assistance~~) disability lifeline benefits recipients, and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW.

(10) "Nursing home" means nursing home as defined in RCW 18.51.010.

(11) "Poverty" means the federal poverty level determined annually by the United States department of health and human services, or successor agency.

(12) "Secretary" means the secretary of social and health services.

(13) "Full benefit dual eligible beneficiary" means an individual who, for any month: Has coverage for the month under a medicare prescription drug plan or medicare advantage plan with part D coverage; and is determined eligible by the state for full medicaid benefits for the month under any eligibility category in the state's medicaid plan or a section 1115 demonstration waiver that provides pharmacy benefits.

Sec. 29. RCW 74.09.035 and 1987 c 406 s 12 are each amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to recipients of (~~general assistance~~) disability lifeline benefits, persons denied disability lifeline benefits under RCW 74.04.005(5)(b) or section 5 of this act who otherwise meet the requirements of RCW 74.04.005(5)(a), and recipients of alcohol and drug addiction services provided under chapter 74.50 RCW, in accordance with medical eligibility requirements established by the department. To the extent authorized in the operating budget, upon implementation of a federal medicaid 1115 waiver providing federal matching funds for medical care services, these services also may be provided to persons who have been terminated from disability lifeline benefits under RCW 74.04.005(5)(h).

(2) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the department, except that adult dental, and routine foot care shall not be included unless there is a specific appropriation for these services.

(3) The department shall enter into performance-based contracts with one or more managed health care systems for the provision of the medical care services to recipients of disability lifeline benefits. The contract must provide for integrated delivery of medical and mental health services.

(4) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions. In addition, the department may include a

prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

~~((4))~~ (5) Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded, as that term is described by federal law, who are eligible for medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

~~((5))~~ (6) Payments made by the department under this program shall be the limit of expenditures for medical care services solely from state funds.

~~((6))~~ (7) Eligibility for medical care services shall commence with the date of certification for ~~((general assistance))~~ disability lifeline benefits or the date of eligibility for alcohol and drug addiction services provided under chapter 74.50 RCW.

Sec. 30. RCW 74.09.555 and 2005 c 503 s 12 are each amended to read as follows:

(1) The department shall adopt rules and policies providing that when persons with a mental disorder, who were enrolled in medical assistance immediately prior to confinement, are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The department, in collaboration with the Washington association of sheriffs and police chiefs, the department of corrections, and the regional support networks, shall establish procedures for coordination between department field offices, institutions for mental disease, and correctional institutions, as defined in RCW 9.94.049, that result in prompt reinstatement of eligibility and speedy eligibility determinations for persons who are likely to be eligible for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services applications on behalf of confined persons in anticipation of their release from confinement;

(b) Expeditious review of applications filed by or on behalf of confined persons and, to the extent practicable, completion of the review before the person is released;

(c) Mechanisms for providing medical assistance services identity cards to persons eligible for medical assistance services immediately upon their release from confinement; and

(d) Coordination with the federal social security administration, through interagency agreements or otherwise, to expedite processing of applications for federal supplemental security income or social security disability benefits, including federal acceptance of applications on behalf of confined persons.

(3) Where medical or psychiatric examinations during a person's confinement indicate that the person is disabled, the correctional institution or institution for mental diseases shall provide the department with that information for purposes of making medical assistance eligibility and enrollment determinations prior to the person's release from confinement. The department shall, to the maximum extent permitted by federal law, use the examination in making its determination whether the person is disabled and eligible for medical assistance.

(4) For purposes of this section, "confined" or "confinement" means incarcerated in a correctional institution, as defined in RCW 9.94.049, or admitted to an institute for mental disease, as defined in 42 C.F.R. part 435, Sec. 1009 on July 24, 2005.

(5) For purposes of this section, "likely to be eligible" means that a person:

(a) Was enrolled in medicaid or supplemental security income or ~~((general assistance))~~ the disability lifeline program immediately

before he or she was confined and his or her enrollment was terminated during his or her confinement; or

(b) Was enrolled in medicaid or supplemental security income or ~~((general assistance))~~ the disability lifeline program at any time during the five years before his or her confinement, and medical or psychiatric examinations during the person's confinement indicate that the person continues to be disabled and the disability is likely to last at least twelve months following release.

(6) The economic services administration shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined person who is likely to be eligible for medicaid.

Sec. 31. RCW 74.50.060 and 1989 1st ex.s. c 18 s 3 are each amended to read as follows:

(1) The department shall establish a shelter assistance program to provide, within available funds, shelter for persons eligible under this chapter. "Shelter," "shelter support," or "shelter assistance" means a facility under contract to the department providing room and board in a supervised living arrangement, normally in a group or dormitory setting, to eligible recipients under this chapter. This may include supervised domiciliary facilities operated under the auspices of public or private agencies. No facility under contract to the department shall allow the consumption of alcoholic beverages on the premises. The department may contract with counties and cities for such shelter services. To the extent possible, the department shall not displace existing emergency shelter beds for use as shelter under this chapter. In areas of the state in which it is not feasible to develop shelters, due to low numbers of people needing shelter services, or in which sufficient numbers of shelter beds are not available, the department may provide shelter through an intensive protective payee program, unless the department grants an exception on an individual basis for less intense supervision.

(2) Persons continuously eligible for the ~~((general assistance--unemployable program))~~ disability lifeline program since July 25, 1987, who transfer to the program established by this chapter, have the option to continue their present living situation, but only through a protective payee.

NEW SECTION. Sec. 32. A new section is added to chapter 74.08A RCW to read as follows:

Recipients exempted from active work search activities due to incapacity or a disability shall receive disability lifeline benefits as they relate to the facilitation of enrollment in the federal supplemental security income program, access to chemical dependency treatment, referrals to vocational rehabilitation, and other services needed to assist the recipient in becoming employable. Disability lifeline benefits shall not supplant cash assistance and other services provided through the temporary assistance for needy families program. To the greatest extent possible, services shall be funded through the temporary assistance for needy families appropriations.

NEW SECTION. Sec. 33. This act shall be known and cited as the security lifeline act.

NEW SECTION. Sec. 34. Except for section 10 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 35. Section 10 of this act takes effect July 1, 2010.

NEW SECTION. Sec. 36. If private funding sufficient to implement and operate the portal authorized under section 2 of this act is not secured by December 31, 2010, section 2 of this act is null and void.

NEW SECTION. Sec. 37. Sections 1 through 10 and 29 of this act shall be implemented within the amounts appropriated specifically for these purposes in the omnibus operating appropriations act."

On page 1, line 1 of the title, after "lifeline act;" strike the remainder of the title and insert "amending RCW 74.04.005, 10.101.010, 26.19.071, 31.04.540, 70.123.110, 73.08.005, 74.04.0052, 74.04.120, 74.04.230, 74.04.266, 74.04.620, 74.04.770, 74.08.043, 74.08.278, 74.08.335, 74.08A.210, 74.09.010, 74.09.035, 74.09.555, and 74.50.060; reenacting and amending RCW 13.34.030; adding new sections to chapter 74.04 RCW; adding a new section to chapter 43.330 RCW; adding a new section to chapter 70.47 RCW; adding a new section to chapter 70.96A RCW; adding a new section to chapter 74.08A RCW; creating new sections; providing an effective date; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

There being no objection, the House advanced to the seventh order of business.

THIRD READING

SENATE AMENDMENT TO HOUSE BILL

Representative Dickerson moved that the House concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2782 and advanced the bill, as amended by the Senate, to final passage.

Representative Dickerson spoke in favor of the adoption of the motion.

Representative Dammeier spoke against the adoption of the motion.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the motion to concur in the Senate amendment to Engrossed Second Substitute House Bill No. 2782.

ROLL CALL

The clerk called the roll on the motion to concur in the Senate amendment to Engrossed Second Substitute House Bill No. 2782, and the motion was adopted by following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Williams.

Excused: Representative Roach.

The motion was adopted.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Dickerson spoke in favor of the passage of the bill.

Representative Dammeier spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2782, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2782, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Williams.

Excused: Representative Roach.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2782, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 3197, by Representatives Sullivan, Linville, Seaquist, Ericks and Haigh

Transferring funds from the budget stabilization account to the general fund.

The bill was read the second time.

With the consent of the House, amendments (1664), (1665), (1666) and (1667) were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan, Priest and Ross spoke in favor of the passage of the bill.

Representatives Alexander, Anderson and Orcutt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 3197.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3197, and the bill passed the House by the following vote: Yeas, 69; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Fagan, Haler, Hope, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Pearson, Rodne, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Roach.

HOUSE BILL NO. 3197, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Hudgins to preside.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 23, 2010, the 9th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

NINTH DAY

House Chamber, Olympia, Tuesday, March 23, 2010

The House was called to order at 9:55 a.m. by the Speaker (Representative Ericks presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

ENGROSSED HOUSE BILL NO. 2360
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2617
HOUSE BILL NO. 2676
HOUSE BILL NO. 2677
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2753
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
2782
SUBSTITUTE SENATE BILL NO. 6572

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 24, 2010, the 10th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

JOURNAL OF THE HOUSE
SIXTY FIRST LEGISLATURE - FIRST SPECIAL SESSION

TENTH DAY

House Chamber, Olympia, Wednesday, March 24, 2010

The House was called to order at 12:45 p.m. by the Speaker (Representative White presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 24, 2010

Mr. Speaker:

The President has signed:

SECOND ENGROSSED SENATE BILL 6221
SUBSTITUTE SENATE BILL 6712
ENGROSSED SUBSTITUTE SENATE BILL 6737

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 23, 2010

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL 2360
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2617
HOUSE BILL 2676
HOUSE BILL 2677
ENGROSSED SUBSTITUTE HOUSE BILL 2753
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2782

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 25, 2010, the 11th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - FIRST SPECIAL SESSION

ELEVENTH DAY

House Chamber, Olympia, Thursday, March 25, 2010

The House was called to order at 11:50 a.m. by the Speaker.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

SIGNED BY THE SPEAKER

The Speaker signed the following:

SECOND ENGROSSED SENATE BILL NO. 6221
SUBSTITUTE SENATE BILL NO. 6712
ENGROSSED SUBSTITUTE SENATE BILL NO. 6737

The Speaker called upon Representative Hasegawa to preside.

MESSAGES FROM THE SENATE

March 25, 2010

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE CONCURRENT RESOLUTION 8409 and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 25, 2010

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SECOND SUBSTITUTE SENATE BILL 6675
SUBSTITUTE SENATE BILL 6706
and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 26, 2010, the 12th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

TWELFTH DAY

House Chamber, Olympia, Friday, March 26, 2010

The House was called to order at 9:55 a.m. by the Speaker (Representative Hasegawa presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

INTRODUCTIONS AND FIRST READING

SSCR 8409 by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Keiser)

Forming a joint select committee on health reform implementation.

Referred to Committee on Rules.

There being no objection, the resolution listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1690, and the bill was placed on the third reading calendar.

There being no objection, the Committee on Capital Budget was relieved of HOUSE BILL NO. 2452, and the bill was placed on the second reading calendar.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 12:00 p.m., March 29, 2010, the 15th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - FIRST SPECIAL SESSION

FIFTEENTH DAY

House Chamber, Olympia, Monday, March 29, 2010

The House was called to order at 3:11 p.m. by the Speaker.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

March 29, 2010

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL 6675
SUBSTITUTE SENATE BILL 6706

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SIGNED BY THE SPEAKER

The Speaker signed the following:

SECOND SUBSTITUTE SENATE BILL NO. 6675
SUBSTITUTE SENATE BILL NO. 6706

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 30, 2010, the 16th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

JOURNAL OF THE HOUSE
SIXTY FIRST LEGISLATURE - FIRST SPECIAL SESSION

SIXTEENTH DAY

House Chamber, Olympia, Tuesday, March 30, 2010

The House was called to order at 9:55 a.m. by the Speaker.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 31, 2010, the 16 Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - FIRST SPECIAL SESSION

SEVENTEENTH DAY

House Chamber, Olympia, Wednesday, March 31, 2010

The House was called to order at 9:55 a.m. by the Speaker (Representative Kessler presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., April 1, 2010, the 18th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

EIGHTEENTH DAY

House Chamber, Olympia, Thursday, April 1, 2010

The House was called to order at 2:13 p.m. by the Speaker (Representative Simpson presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 1, 2010

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL 6889 and passed the bill as amended by the House and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 1, 2010

Mr. Speaker:

The Senate has passed:

SENATE BILL 6220
SUBSTITUTE SENATE BILL 6846

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 2, 2010, the 19th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - FIRST SPECIAL SESSION

NINETEENTH DAY

House Chamber, Olympia, Friday, April 2, 2010

April 2, 2010

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Courtney Barnes and Rose Baran. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Jeff Morris, 40th District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

INTRODUCTIONS AND FIRST READING

HB 3217 by Representatives Campbell and McCune

AN ACT Relating to a Washington small business taxpayer bill of rights; amending RCW 82.32.105; and adding a new chapter to Title 82 RCW.

Referred to Committee on Finance.

SB 6220 by Senators Fraser and Brandland

AN ACT Relating to determination of the terms and conditions of bonds, notes, and other evidences of indebtedness of the state of Washington; and amending RCW 39.42.030 and 43.33.130.

SSB 6846 by Senate Committee on Ways & Means (originally sponsored by Senators Brandland, Regala and Fraser)

AN ACT Relating to enhanced 911 emergency communications services; amending RCW 82.14B.010, 82.14B.040, 82.14B.042, 82.14B.060, 82.14B.061, 82.14B.150, 82.14B.160, 82.14B.200, 38.52.510, 38.52.520, 38.52.530, 38.52.532, 38.52.545, 38.52.550, 38.52.561, and 43.79A.040; reenacting and amending RCW 82.14B.020, 82.14B.030, and 38.52.540; adding new sections to chapter 82.14B RCW; creating a new section; repealing RCW 82.14B.070, 82.14B.090, and 82.14B.100; prescribing penalties; and providing effective dates.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exceptions of SUBSTITUTE SENATE BILL NO. 6846 and SENATE BILL NO. 6220 which were read the first time, and under suspension of the rules, were placed on the second reading calendar.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL 6889
and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6846, by Senate Committee on Ways & Means (originally sponsored by Senators Brandland, Regala and Fraser)

Concerning enhanced 911 emergency communications services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCoy, Hurst, Morris and Simpson spoke in favor of the passage of the bill.

Representatives Orcutt and Hinkle spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6846.

MOTIONS

On motion of Representative Santos, Representatives Haigh, Maxwell, Rolfes and Wood were excused. On motion of Representative Hinkle, Representatives Anderson, Bailey, Hope and Short were excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6846, and the bill passed the House by the following vote: Yeas, 56; Nays, 34; Absent, 0; Excused, 8.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Springer,

Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Anderson, Bailey, Haigh, Hope, Maxwell, Rolfes, Short and Wood.

SUBSTITUTE SENATE BILL NO. 6846, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6220, by Senators Fraser and Brandland

Concerning determination of the terms and conditions of bonds, notes, and other evidences of indebtedness of the state of Washington.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Warnick and Dunshee (again) spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6220.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6220, and the bill passed the House by the following vote: Yeas, 67; Nays, 23; Absent, 0; Excused, 8.

Voting yea: Representatives Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Chandler, Condotta, Crouse, DeBolt, Ericksen, Fagan, Haler, Hasegawa, Johnson, Klippert, Kretz, Kristiansen, Nealey, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea and Taylor.

Excused: Representatives Anderson, Bailey, Haigh, Hope, Maxwell, Rolfes, Short and Wood.

SENATE BILL NO. 6220, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6884, by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove and Shin)

Concerning the practice of counseling.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6884.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6884, and the bill passed the House by the following vote: Yeas, 82; Nays, 8; Absent, 0; Excused, 8.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Fagan, Finn, Flannigan, Goodman, Green, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Crouse, DeBolt, Ericksen, Liias, Shea and Taylor.

Excused: Representatives Anderson, Bailey, Haigh, Hope, Maxwell, Rolfes, Short and Wood.

SUBSTITUTE SENATE BILL NO. 6884, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

MESSAGE FROM THE SENATE

March 22, 2010

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE HOUSE BILL NO. 3201 and asks the House to concur.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House advanced to the seventh order of business.

THIRD READING

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 3201 and advanced the bill, as amended by the Senate, to final passage.

Representative Pettigrew spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

FINAL PASSAGE OF HOUSE BILL

AS SENATE AMENDED

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of SUBSTITUTE HOUSE BILL NO. 3201, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of SUBSTITUTE HOUSE BILL NO. 3201, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 53; Nays, 37; Absent, 0; Excused, 8.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liiias, Linville, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Finn, Haler, Herrera, Hinkle, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Anderson, Bailey, Haigh, Hope, Maxwell, Rolfes, Short and Wood.

SUBSTITUTE HOUSE BILL NO. 3201, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 25, 2010

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3014. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill, as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.60.010 and 1985 c 232 s 1 are each amended to read as follows:

The legislature finds that there are several areas in the state that are characterized by very high levels of unemployment and poverty. The ~~((legislative legislature))~~ legislature further finds that economic stagnation is the primary cause of this high unemployment rate and poverty; that new state policies are necessary in order to promote economic stimulation and new employment opportunities in these distressed areas; and that policies providing incentives for economic growth in these distressed areas are essential. For these reasons, the legislature ~~((hereby))~~ reestablishes a tax deferral program to be effective solely in distressed ~~((areas and under circumstances where the deferred tax payments are for investments or costs that result in the creation of a specified number of jobs))~~ counties. The legislature declares that this limited program serves the vital public purpose of creating employment opportunities and reducing poverty in the distressed ~~((areas))~~ counties of the state.

Sec. 2. RCW 82.60.020 and 2010 c ... (SHB 3066) s 138 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means ((a)):

(a) Through June 30, 2010, a rural county as defined in RCW 82.14.370; and

(b) Beginning July 1, 2010, a qualifying county.

(4)(a) "Eligible investment project" means an investment project that is located, as of the date the application required by RCW 82.60.030 is received by the department, in an eligible area as defined in subsection (3) of this section.

(b) ((The lessor or owner of a qualified building is not eligible for a deferral unless:

(i) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(ii)(A) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(B) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.60.070; and

(C) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

(c)) "Eligible investment project" does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(4), other than that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part, or investment projects ((which)) that have already received deferrals under this chapter.

(5) "Initiation of construction" has the same meaning as in RCW 82.63.010.

(6) "Investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(7) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes:

(a) Before July 1, 2010: (i) Computer programming, the production of computer software, and other computer-related services, but only when the computer programming, production of computer software, or other computer-related services are performed by a manufacturer as defined in RCW 82.04.110 and contribute to the production of a new, different, or useful substance or article of tangible personal property for sale; (ii) the activities performed by research and development laboratories and commercial testing laboratories((-)); and (iii) the conditioning of vegetable seeds; and

(b) Beginning July 1, 2010: (i) The activities performed by research and development laboratories and commercial testing laboratories; and (ii) the conditioning of vegetable seeds.

(8) "Person" has the meaning given in RCW 82.04.030.

(9) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for manufacturing ((and)) or research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral ~~((shall))~~ must be determined by apportionment of the costs of construction under rules adopted by the department.

(10) "Qualified employment position" means a permanent full-time employee employed in the eligible investment project during the

entire tax year. The term "entire tax year" means a full-time position that is filled for a period of twelve consecutive months. The term "full-time" means at least thirty-five hours a week, four hundred fifty-five hours a quarter, or one thousand eight hundred twenty hours a year.

(11) "Qualified machinery and equipment" means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(12) "Qualifying county" means a county that has an unemployment rate, as determined by the employment security department, which is at least twenty percent above the state average for the three calendar years immediately preceding the year in which the list of qualifying counties is established or updated, as the case may be, as provided in section 3 of this act.

(13) "Recipient" means a person receiving a tax deferral under this chapter.

~~((13))~~ (14) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

NEW SECTION. Sec. 3. A new section is added to chapter 82.60 RCW to read as follows:

The department, with the assistance of the employment security department, must establish a list of qualifying counties effective July 1, 2010. The list of qualifying counties is effective for a twenty-four month period and must be updated by July 1st of the year that is two calendar years after the list was established or last updated, as the case may be.

NEW SECTION. Sec. 4. A new section is added to chapter 82.60 RCW to read as follows:

The lessor or owner of a qualified building is not eligible for a deferral unless:

(1) The underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or

(2)(a) The lessor by written contract agrees to pass the economic benefit of the deferral to the lessee;

(b) The lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey required under RCW 82.60.070; and

(c) The economic benefit of the deferral passed to the lessee is no less than the amount of tax deferred by the lessor and is evidenced by written documentation of any type of payment, credit, or other financial arrangement between the lessor or owner of the qualified building and the lessee.

Sec. 5. RCW 82.60.030 and 1994 sp.s. c 1 s 2 are each amended to read as follows:

(1) Application for deferral of taxes under this chapter must be made before initiation of the construction of the investment project or acquisition of equipment or machinery. The application ~~((shall))~~ **must** be made to the department in a form and manner prescribed by the department. The application ~~((shall))~~ **must** contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time

schedules for completion and operation, and other information required by the department. The department ~~((shall))~~ **must** rule on the application within sixty days.

(2) This section expires July 1, 2020.

Sec. 6. RCW 82.60.040 and 2004 c 25 s 4 are each amended to read as follows:

(1) The department ~~((shall))~~ **must** issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project ~~((that is located in an eligible area as defined in RCW 82.60.020)).~~

(2) The department ~~((shall))~~ **must** keep a running total of all deferrals granted under this chapter during each fiscal biennium.

(3) This section expires July 1, ~~((2010))~~ **2020.**

Sec. 7. RCW 82.60.049 and 2004 c 25 s 5 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Eligible area" also means a designated community empowerment zone approved under RCW 43.31C.020 ~~((or a county containing a community empowerment zone)).~~

(b) "Eligible investment project" also means an investment project in an eligible area as defined in this section.

(2) In addition to the provisions of RCW 82.60.040, the department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW, on each eligible investment project that is located in an eligible area, if the applicant establishes that at the time the project is operationally complete:

(a) The applicant will hire at least one qualified employment position for each seven hundred fifty thousand dollars of investment for which a deferral is requested; and

(b) The positions will be filled by persons who at the time of hire are residents of the community empowerment zone. As used in this subsection, "resident" means the person makes his or her home in the community empowerment zone or the county in which the zone is located. A mailing address alone is insufficient to establish that a person is a resident for the purposes of this section. The persons must be hired after the date the application is filed with the department.

(3) All other provisions and eligibility requirements of this chapter apply to applicants eligible under this section.

(4) The qualified employment position must be filled by the end of the calendar year following the year in which the project is certified as operationally complete. If a person does not meet the requirements for qualified employment positions by the end of the second calendar year following the year in which the project is certified as operationally complete, all deferred taxes are immediately due.

Sec. 8. RCW 82.60.060 and 2000 c 106 s 5 are each amended to read as follows:

(1) The recipient ~~((shall))~~ **must** begin paying the deferred taxes in the third year after the date certified by the department as the date on which the ~~((construction))~~ **investment** project has been operationally completed. The first payment will be due on December 31st of the third calendar year after such certified date, with subsequent annual payments due on December 31st of the following four years with amounts of payment scheduled as follows:

Repayment Year	% of Deferred Tax Repaid
1	10%
2	15%
3	20%
4	25%

(2) The department may authorize an accelerated repayment schedule upon request of the recipient.

(3) Interest ~~((shall))~~ may not be charged on any taxes deferred under this chapter for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this chapter. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

Sec. 9. RCW 82.60.070 and 2010 c ... (SHB 3066) s 139 are each amended to read as follows:

(1)(a) Each recipient of a deferral of taxes granted under this chapter must file a complete annual survey with the department under RCW 82.32. . . (section 102, chapter . . . (SHB 3066), Laws of 2010). If the economic benefits of the deferral are passed to a lessee as provided in ~~((RCW 82.60.020(4)))~~ section 4 of this act, the lessee must file a complete annual survey, and the applicant is not required to file a complete annual survey.

(b) The department must use the information reported on the annual survey required by this section to study the tax deferral program authorized under this chapter. The department must report to the legislature by December 1, ~~((2009))~~ 2019. The report must measure the effect of the program on job creation, the number of jobs created for residents of eligible areas, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(2) Except as provided in section 10 of this act, if, on the basis of a survey under ~~((section))~~ RCW 82.32. . . (section 102, chapter . . . (SHB 3066), Laws of 2010) or other information, the department finds that an investment project is not eligible for tax deferral under this chapter, the amount of deferred taxes outstanding for the project ~~((is)),~~ according to the repayment schedule in RCW 82.60.060, is immediately due. For purposes of this subsection (2)(a), the repayment schedule in RCW 82.60.060 is tolled during the period of time that a taxpayer is receiving relief from repayment of deferred taxes under section 10 of this act.

(3) A recipient who must repay deferred taxes under subsection (2) of this section because the department has found that an investment project is not eligible for tax deferral under this chapter is no longer required to file annual surveys under RCW 82.32. . . (section 102, chapter . . . (SHB 3066), Laws of 2010) beginning on the date an investment project is used for nonqualifying purposes.

(4) Notwithstanding any other provision of this section or RCW 82.32. . . (section 102, chapter . . . (SHB 3066), Laws of 2010), deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

NEW SECTION. Sec. 10. A new section is added to chapter 82.60 RCW to read as follows:

(1) Subject to the conditions in this section, a person is not liable for the amount of deferred taxes outstanding for an investment project when the person temporarily ceases to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities in a county with a population of less than twenty thousand persons for a period not to exceed twenty- four months from the date that the department sent its assessment for the amount of outstanding deferred taxes to the taxpayer.

(2) The relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the number of qualified employment positions employed at the investment project at the time the deferral was approved by the department. If a person has been approved for more than one deferral under this chapter, relief from repayment of deferred taxes under this section does not apply unless the number of qualified employment positions maintained at the investment project after manufacturing or research and development activities are temporarily ceased is at least ten percent of the highest number of qualified employment positions at the investment project at the time any of the deferrals were approved by the department. If, at any time during the twenty-four month period after the department has sent the taxpayer an assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities, the number of qualified employment positions falls below the ten percent threshold in this subsection, the amount of deferred taxes outstanding for the project is immediately due.

(3) The lessor of an investment project for which a deferral has been granted under this chapter who has passed the economic benefits of the deferral to the lessee is not eligible for relief from the payment of deferred taxes under this section.

(4) A person seeking relief from the payment of deferred taxes under this section must apply to the department in a form and manner prescribed by the department. The application required under this subsection must be received by the department within thirty days of the date that the department sent its assessment for outstanding deferred taxes resulting from the person temporarily ceasing to use its qualified buildings and qualified machinery and equipment for manufacturing or research and development activities. The department must approve applications that meet the requirements in this section for relief from the payment of deferred taxes.

(5) A person is entitled to relief under this section only once.

(6) A person whose application for relief from the payment of deferred taxes has been approved under this section must continue to file an annual survey as required under RCW 82.60.070(1) or any successor statute. In addition, the person must file, in a form and manner prescribed by the department, a report on the status of the business and the outlook for commencing manufacturing or research and development activities.

Sec. 11. RCW 82.62.010 and 2010 c ... (E2SHB 1597) s 232 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Department" means the department of revenue.

(3) "Eligible area" means ~~((an area))~~ a "rural county" as defined in RCW ~~((82.60.020))~~ 82.14.370.

(4)(a) "Eligible business project" means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility, provided the applicant's average qualified employment positions at the specific facility will be at least fifteen percent greater in the four consecutive full calendar quarters after the calendar quarter during which the first qualified employment position is filled than the applicant's average qualified employment positions at the same facility in the four consecutive full calendar quarters immediately preceding the calendar quarter during which the first qualified employment position is filled.

(b) "Eligible business project" does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010~~((4))~~ or that portion of a business project creating qualified full-time employment positions outside an eligible area.

(5) "First qualified employment position" means the first qualified employment position filled for which a credit under this chapter is sought.

(6) "Manufacturing" means the same as defined in RCW 82.04.120. "Manufacturing" also includes:

(a) Before July 1, 2010: (i) Computer programming, the production of computer software, and other computer-related services, but only when the computer programming, production of computer software, or other computer-related services are performed by a manufacturer as defined in RCW 82.04.110 and contribute to the production of a new, different, or useful substance or article of tangible personal property for sale; and (ii) the activities performed by research and development laboratories and commercial testing laboratories; and

(b) Beginning July 1, 2010, the activities performed by research and development laboratories and commercial testing laboratories.

(7) "Person" has the meaning given in RCW 82.04.030.

(8)(a)(i) "Qualified employment position" means a permanent full-time employee employed in the eligible business project during four consecutive full calendar quarters.

(ii) For seasonal employers, "qualified employment position" also includes the equivalent of a full-time employee in work hours for four consecutive full calendar quarters.

(b) For purposes of this subsection, "full time" means a normal work week of at least thirty-five hours.

(c) Once a permanent, full-time employee has been employed, a position does not cease to be a qualified employment position solely due to periods in which the position goes vacant, as long as:

(i) The cumulative period of any vacancies in that position is not more than one hundred twenty days in the four-quarter period; and

(ii) During a vacancy, the employer is training or actively recruiting a replacement permanent, full-time employee for the position.

(9) "Recipient" means a person receiving tax credits under this chapter.

(10) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun, but only when such activities are intended to ultimately result in the production of a new, different, or useful substance or article of tangible personal property for sale. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

(11) "Seasonal employee" means an employee of a seasonal employer who works on a seasonal basis. For the purposes of this subsection and subsection (12) of this section, "seasonal basis" means a continuous employment period of less than twelve consecutive months.

(12) "Seasonal employer" means a person who regularly hires more than fifty percent of its employees to work on a seasonal basis.

NEW SECTION. Sec. 12. RCW 82.60.900 and 82.60.901 are each decodified.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) RCW 82.60.050 (Expiration of RCW 82.60.030 and 82.60.040) and 2004 c 25 s 6, 1994 sp.s. c 1 s 7, 1993 sp.s. c 25 s 404, 1988 c 41 s 5, & 1985 c 232 s 10; and

(2) RCW 82.60.110 (Competing projects--Impact study) and 1998 c 245 s 169 & 1994 sp.s. c 1 s 8.

NEW SECTION. Sec. 14. Except for section 3 of this act, this act takes effect July 1, 2010.

NEW SECTION. Sec. 15. The amendments to the definitions of "manufacturing" and "research and development" in sections 2 and 11 of this act apply retroactively as well as prospectively."

On page 1, line 2 of the title, after "counties;" strike the remainder of the title and insert "amending RCW 82.60.010, 82.60.020, 82.60.030, 82.60.040, 82.60.049, 82.60.060, 82.60.070, and 82.62.010; adding new sections to chapter 82.60 RCW; decodifying RCW 82.60.900 and 82.60.901; repealing RCW 82.60.050 and 82.60.110; providing an effective date; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 3014 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hunter, Kessler and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 3014, as amended by the Senate.

MOTION

On motion of Representative Hinkle, Representative Crouse was excused.

ROLL CALL

The Clerk called the roll on the final passage of ENGROSSED SUBSTITUTE HOUSE BILL NO. 3014, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 83; Nays, 6; Absent, 0; Excused, 9.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haler, Herrera, Hinkle, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Mr. Speaker.

Voting nay: Representatives Carlyle, Dickerson, Hasegawa, Hudgins, Hunter and Orwall.

Excused: Representatives Anderson, Bailey, Crouse, Haigh, Hope, Maxwell, Rolfes, Short and Wood.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3014, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Ross announced the birth of Noah Michael Hope, Representative Hope and his wife Sarai's first child, and asked the Chamber to acknowledge them.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

0)

ENGROSSED SUBSTITUTE SENATE BILL NO. 6503, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Closing state agencies on specified dates.

The bill was read the second time.

With the consent of the House, amendments (1735), (1679), (1678), (1730) and (1702) were withdrawn.

Representative Ericks moved the adoption of amendment (1733).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature declares that unprecedented revenue shortfalls necessitate immediate action to reduce expenditures during the 2009-2011 fiscal biennium. From the effective date of this section, it is the intent of the legislature that state agencies of the legislative branch, judicial branch, and executive branch including institutions of higher education, shall achieve a reduction in government operating expenses as provided in this act. It is the legislature's intent that, to the extent that the reductions in expenditures reduce compensation costs, agencies and institutions shall strive to preserve family wage jobs by reducing the impact of temporary layoffs on lower-wage jobs.

NEW SECTION. Sec. 2. State agencies and institutions shall achieve reductions in compensation expenditures for employees employed by general government state agencies in Washington management services, or exempt positions as managers, as defined in RCW 41.06.022, as provided in the omnibus appropriations act. These reductions shall be sufficient to attain a savings of \$10 million general fund--state for fiscal year 2011. Savings in other funds and accounts shall be achieved as provided in the omnibus appropriations act.

NEW SECTION. Sec. 3. (1)(a) The office of financial management shall certify to each executive branch state agency and institution of higher education the compensation reduction amount to be achieved by that agency or institution. Each agency and institution shall achieve compensation expenditure reductions as provided in the omnibus appropriations act.

(b) Each executive branch state agency other than institutions of higher education may submit to the office of financial management a compensation reduction plan to achieve the cost reductions as provided in the omnibus appropriations act. The compensation reduction plan of each executive branch agency may include, but is not limited to, employee leave without pay, including additional mandatory and voluntary temporary layoffs, reductions in the agency workforce, compensation reductions, and reduced work hours, as well as voluntary retirement, separation, and other incentive programs authorized by section 912, chapter 564, Laws of 2009. The amount of compensation cost reductions to be achieved by each agency shall be adjusted to reflect voluntary and mandatory temporary layoffs at the agency during the 2009-2011 fiscal biennium and implemented prior to January 1, 2010, but not adjusted by other compensation reduction plans adopted as a result of the enactment of chapter 564, Laws of 2009, or the enactment of other compensation cost reduction measures applicable to the 2009-2011 fiscal biennium.

(c) Each institution of higher education must submit to the office of financial management a compensation and operations reduction plan to achieve at least the cost reductions as provided in the omnibus appropriations act. For purposes of the reduction plan, the state board of community and technical colleges shall submit a single plan on behalf of all community and technical colleges. The reduction plan of each institution may include, but is not limited to, employee leave without pay, including mandatory and voluntary temporary layoffs, reductions in the institution workforce, compensation reductions, and reduced work hours, as well as voluntary retirement, separation, incentive programs authorized by section 912, chapter 564, Laws of 2009, as well as other reductions to the cost of operations. The amount of cost reductions to be achieved by each institution shall be adjusted to reflect voluntary and mandatory temporary layoffs at the institution during the 2009-2011 fiscal biennium and implemented prior to January 1, 2010, but not adjusted by other compensation reduction plans adopted as a result of the enactment of chapter 564, Laws of 2009, or the enactment of other compensation cost reduction measures applicable to the 2009-2011 fiscal biennium.

(d) The director of financial management shall review, approve, and submit to the legislative fiscal committees those executive branch state agencies and higher education institution plans that achieves the cost reductions as provided in the omnibus appropriations act. For those executive branch state agencies and institutions of higher education that do not have an approved compensation and operations reduction plan, the institution shall be closed on the dates specified in subsection (2) of this section.

(e) For each agency of the legislative branch, the chief clerk of the house of representatives and the secretary of the senate shall review and approve a plan of employee mandatory and voluntary leave for the 2009-2011 fiscal biennium that achieves the cost reductions as provided in the omnibus appropriations act. The amount of compensation cost reductions to be achieved shall be adjusted, if necessary, to reflect voluntary and mandatory temporary layoffs at the agencies during the 2009-2011 fiscal biennium and implemented prior to January 1, 2010.

(f) For each agency of the judicial branch, the supreme court shall review and approve a plan of employee mandatory and voluntary leave for the 2009-2011 fiscal biennium that achieve the cost reductions as provided in the omnibus appropriations act. The amount of compensation cost reductions to be achieved shall be adjusted, if necessary, to reflect voluntary and mandatory temporary layoffs at the agencies during the 2009-2011 fiscal biennium and implemented prior to January 1, 2010.

(2) Each state agency of the executive, legislative, and judicial branch, and any institution that does not have an approved plan in accordance with subsection (1) of this section shall be closed on the following dates in addition to the legal holidays specified in RCW 1.16.050:

- (a) Monday, July 12, 2010;
- (b) Friday, August 6, 2010;
- (c) Tuesday, September 7, 2010;
- (d) Monday, October 11, 2010;
- (e) Monday, December 27, 2010;
- (f) Friday, January 28, 2011;
- (g) Tuesday, February 22, 2011;
- (h) Friday, March 11, 2011;
- (i) Friday, April 22, 2011;
- (j) Friday, June 10, 2011.

(3) If the closure of state agencies or institutions under subsection (2) of this section prevents the performance of any action, the action shall be considered timely if performed on the next business day.

(4) The following activities of state agencies and institutions of higher education are exempt from subsections (1) and (2) of this section:

(a) Direct custody, supervision, and patient care in: (i) Corrections; (ii) juvenile rehabilitation; (iii) institutional care of veterans, or individuals with mental illness, and individuals with developmental disabilities; (iv) state hospitals, the University of Washington medical center, and Harborview medical center; (v) the special commitment center; (vi) the school for the blind; (vii) the state center for childhood deafness and hearing loss; and (viii) the Washington youth academy;

(b) Direct protective services to children and other vulnerable populations, child support enforcement, disability determination services, complaint investigators, and residential care licensors and surveyors in the department of social and health services and the department of health;

(c) Washington state patrol investigative services and field enforcement;

(d) Hazardous materials response or emergency response and cleanup;

(e) Emergency public health and patient safety response and the public health laboratory;

(f) Military operations and emergency management within the military department;

(g) Firefighting;

(h) Enforcement officers in the department of fish and wildlife, the liquor control board, the gambling commission, the department of financial institutions, and the department of natural resources;

(i) State parks operated by the parks and recreation commission;

(j) In institutions of higher education, classroom instruction, operations not funded from state funds or tuition, campus police and security, emergency management and response, work performed by student employees if the duties were not previously assigned to nonstudents during the current or prior school year, and student health care;

(k) Operations of liquor control board business enterprises and games conducted by the state lottery;

(l) Agricultural commodity commissions and boards, and agricultural inspection programs operated by the department of agriculture;

(m) The unemployment insurance program and reemployment services of the employment security department;

(n) The workers' compensation program and workplace safety and health compliance activities of the department of labor and industries;

(o) The operation, maintenance, and construction of state ferries and state highways;

(p) The department of revenue;

(q) Licensing service offices in the department of licensing that are open no more than two days per week, and no licensing service office closures may occur on Saturdays as a result of this section;

(r) The governor, lieutenant governor, legislative agencies, and the office of financial management, during sessions of the legislature under Article II, section 12 of the state Constitution and the twenty-day veto period under Article IV, section 12 of the state Constitution;

(s) The office of the attorney general, except for management and administrative functions not directly related to civil, criminal, or administrative actions;

(t) The labor relations office of the office of financial management through November 1, 2010; and

(u) The minimal use of state employees on the specified closure dates as necessary to protect public assets and information technology systems, and to maintain public safety.

(5)(a) The closure of an office of a state agency or institution of higher education under this section shall result in the temporary layoff of the employees of the agency or institution. The compensation of the employees shall be reduced proportionately to the duration of the temporary layoff. Temporary layoffs under this section shall not affect the employees' vacation leave accrual, seniority, health

insurance, or sick leave credits. For the purposes of chapter 430, Laws of 2009, the compensation reductions under this section are deemed to be an integral part of an employer's expenditure reduction efforts and shall not result in the loss of retirement benefits in any state defined benefit retirement plan for an employee whose period of average final compensation includes a portion of the period from the effective date of this section through June 30, 2011.

(b)(i) During the closure of an office or institution under this section, any employee with a monthly full-time equivalent salary of two thousand five hundred dollars or less may, at the employee's option, use accrued vacation leave in lieu of temporary layoff during the closure. Solely for this purpose, and during the 2009-2011 fiscal biennium only, the department of personnel shall adopt rules to permit employees with less than six months of continuous state employment to use accrued vacation leave.

(ii) If an employee with a monthly full-time equivalent salary of two thousand five hundred dollars or less has no accrued vacation leave, that employee may use shared leave, if approved by the agency director, and if made available through donations under RCW 41.04.665 in lieu of temporary layoff during the closure.

(6) Except as provided in subsection (4) of this section, for employees not scheduled to work on a day specified in subsection (2) of this section, the employing agency must designate an alternative day during that month on which the employee is scheduled to work that the employee will take temporary leave without pay.

(7) To the extent that the implementation of this section is subject to collective bargaining under chapter 41.80 RCW, the bargaining shall be conducted pursuant to section 4 of this act. To the extent that the implementation of this section is subject to collective bargaining under chapters 28B.52, 41.56, 41.76, or 47.64 RCW, the bargaining shall be conducted pursuant to these chapters.

(8) For all or a portion of the employees of an agency of the executive branch, the office of financial management may approve the substitution of temporary layoffs on an alternative date during that month for any date specified in subsection (2) of this section as necessary for the critical work of any agency.

NEW SECTION. Sec. 4. A new section is added to chapter 41.80 RCW to read as follows:

(1) To the extent that the implementation of section 3 of this act is subject to collective bargaining:

(a) For institutions of higher education that have elected to have negotiations conducted by the governor or governor's designee in accordance with RCW 41.80.010(4), and that have an approved compensation reduction plan under section 3(1) of this act, negotiations regarding impacts of the compensation reduction plan shall be conducted between the governor or governor's designee and a coalition at each college, college district, or university of all of the exclusive bargaining representatives subject to chapter 41.80 RCW;

(b) For institutions of higher education that have elected to have negotiations conducted by the governor or governor's designee in accordance with RCW 41.80.010(4), and that do not have an approved compensation reduction plan under section 3(1) of this act, negotiations regarding impacts of the temporary layoffs under section 3(2) of this act shall be conducted between the governor or governor's designee and one coalition of all of the exclusive bargaining representatives subject to chapter 41.80 RCW;

(c) For institutions of higher education that have not elected to have negotiations conducted by the governor or governor's designee under RCW 41.80.010(4), negotiations regarding impacts of section 3 of this act shall be conducted between each institution of higher education and the exclusive bargaining representatives;

(d) For agencies that have an approved compensation reduction plan under section 3(1) of this act, negotiations regarding impacts of the compensation reduction plan shall be conducted between the governor or governor's designee and a coalition at each agency of all

of the exclusive bargaining representatives subject to chapter 41.80 RCW; and

(e) For agencies that do not have an approved compensation reduction plan under section 3(1) of this act, negotiations regarding impacts of the temporary layoffs under section 3(2) of this act shall be conducted between the governor or governor's designee and the exclusive bargaining representatives subject to chapter 41.80 RCW.

(2) This section expires June 30, 2011.

Sec. 5. RCW 42.04.060 and 2009 c 428 s 1 are each amended to read as follows:

Except as provided in section 3 of this act, all state elective and appointive officers shall keep their offices open for the transaction of business for a minimum of forty hours per week, except weeks that include state legal holidays. Customary business hours must be posted on the agency or office's web site and made known by other means designed to provide the public with notice.

((This section shall not apply to the courts of record of this state or to their officers nor to the office of the attorney general and the lieutenant governor.))

Sec. 6. RCW 41.26.030 and 2009 c 523 s 3 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Accumulated contributions" means the employee's contributions made by a member, including any amount paid under RCW 41.50.165(2), plus accrued interest credited thereon.

(2) "Actuarial reserve" means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay the member's future benefits during the period of retirement.

(3) "Actuarial valuation" means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(4)(a) "Basic salary" for plan 1 members, means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(b) "Basic salary" for plan 2 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay. In any year in which a member serves in the legislature the member shall have the option of having such member's basic salary be the greater of:

(i) The basic salary the member would have received had such member not served in the legislature; or

(ii) Such member's actual basic salary received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because basic salary under (b)(i) of this subsection is greater than basic salary under (b)(ii) of this subsection shall be paid by the member for both member and employer contributions.

(5)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(b) "Beneficiary" for plan 2 members, means any person in receipt of a retirement allowance or other benefit provided by this

chapter resulting from service rendered to an employer by another person.

(6)(a) "Child" or "children" means an unmarried person who is under the age of eighteen or mentally or physically disabled as determined by the department, except a person who is disabled and in the full time care of a state institution, who is:

(i) A natural born child;

(ii) A stepchild where that relationship was in existence prior to the date benefits are payable under this chapter;

(iii) A posthumous child;

(iv) A child legally adopted or made a legal ward of a member prior to the date benefits are payable under this chapter; or

(v) An illegitimate child legitimized prior to the date any benefits are payable under this chapter.

(b) A person shall also be deemed to be a child up to and including the age of twenty years and eleven months while attending any high school, college, or vocational or other educational institution accredited, licensed, or approved by the state, in which it is located, including the summer vacation months and all other normal and regular vacation periods at the particular educational institution after which the child returns to school.

(7) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(8) "Director" means the director of the department.

(9) "Disability board" for plan 1 members means either the county disability board or the city disability board established in RCW 41.26.110.

(10) "Disability leave" means the period of six months or any portion thereof during which a member is on leave at an allowance equal to the member's full salary prior to the commencement of disability retirement. The definition contained in this subsection shall apply only to plan 1 members.

(11) "Disability retirement" for plan 1 members, means the period following termination of a member's disability leave, during which the member is in receipt of a disability retirement allowance.

(12) "Domestic partners" means two adults who have registered as domestic partners under RCW 26.60.020.

(13) "Employee" means any law enforcement officer or firefighter as defined in subsections (16) and (18) of this section.

(14)(a) "Employer" for plan 1 members, means the legislative authority of any city, town, county, or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or firefighter, any authorized association of such municipalities, and, except for the purposes of RCW 41.26.150, any labor guild, association, or organization, which represents the firefighters or law enforcement officers of at least seven cities of over 20,000 population and the membership of each local lodge or division of which is composed of at least sixty percent law enforcement officers or firefighters as defined in this chapter.

(b) "Employer" for plan 2 members, means the following entities to the extent that the entity employs any law enforcement officer and/or firefighter:

(i) The legislative authority of any city, town, county, or district;

(ii) The elected officials of any municipal corporation;

(iii) The governing body of any other general authority law enforcement agency; or

(iv) A four-year institution of higher education having a fully operational fire department as of January 1, 1996.

(15)(a) "Final average salary" for plan 1 members, means (i) for a member holding the same position or rank for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position or rank at time of retirement; (ii) for any other member, including a civil service member who has not served a minimum of twelve months in the same position or rank preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month

period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by twenty-four; (iii) in the case of disability of any member, the basic salary payable to such member at the time of disability retirement; (iv) in the case of a member who hereafter vests pursuant to RCW 41.26.090, the basic salary payable to such member at the time of vesting.

(b) "Final average salary" for plan 2 members, means the monthly average of the member's basic salary for the highest consecutive sixty service credit months of service prior to such member's retirement, termination, or death. Periods constituting authorized unpaid leaves of absence may not be used in the calculation of final average salary. (c) In calculating final average salary under (a) or (b) of this subsection, the department of retirement systems shall include any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer.

(16) "Firefighter" means:

(a) Any person who is serving on a full time, fully compensated basis as a member of a fire department of an employer and who is serving in a position which requires passing a civil service examination for firefighter, and who is actively employed as such;

(b) Anyone who is actively employed as a full time firefighter where the fire department does not have a civil service examination;

(c) Supervisory firefighter personnel;

(d) Any full time executive secretary of an association of fire protection districts authorized under RCW 52.12.031. The provisions of this subsection (16)(d) shall not apply to plan 2 members;

(e) The executive secretary of a labor guild, association or organization (which is an employer under ~~((RCW 41.26.030(14) as now or hereafter amended))~~ subsection (14) of this section), if such individual has five years previous membership in a retirement system established in chapter 41.16 or 41.18 RCW. The provisions of this subsection (16)(e) shall not apply to plan 2 members;

(f) Any person who is serving on a full time, fully compensated basis for an employer, as a fire dispatcher, in a department in which, on March 1, 1970, a dispatcher was required to have passed a civil service examination for firefighter;

(g) Any person who on March 1, 1970, was employed on a full time, fully compensated basis by an employer, and who on May 21, 1971, was making retirement contributions under the provisions of chapter 41.16 or 41.18 RCW; and

(h) Any person who is employed on a full-time, fully compensated basis by an employer as an emergency medical technician.

(17) "General authority law enforcement agency" means any agency, department, or division of a municipal corporation, political subdivision, or other unit of local government of this state, and any agency, department, or division of state government, having as its primary function the detection and apprehension of persons committing infractions or violating the traffic or criminal laws in general, but not including the Washington state patrol. Such an agency, department, or division is distinguished from a limited authority law enforcement agency having as one of its functions the apprehension or detection of persons committing infractions or violating the traffic or criminal laws relating to limited subject areas, including but not limited to, the state departments of natural resources and social and health services, the state gambling commission, the state lottery commission, the state parks and recreation commission, the state utilities and transportation commission, the state liquor control board, and the state department of corrections.

(18) "Law enforcement officer" beginning January 1, 1994, means any person who is commissioned and employed by an

employer on a full time, fully compensated basis to enforce the criminal laws of the state of Washington generally, with the following qualifications:

(a) No person who is serving in a position that is basically clerical or secretarial in nature, and who is not commissioned shall be considered a law enforcement officer;

(b) Only those deputy sheriffs, including those serving under a different title pursuant to county charter, who have successfully completed a civil service examination for deputy sheriff or the equivalent position, where a different title is used, and those persons serving in unclassified positions authorized by RCW 41.14.070 except a private secretary will be considered law enforcement officers;

(c) Only such full time commissioned law enforcement personnel as have been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise expressly provided for and designated by city charter provision or by ordinance enacted by the legislative body of the city shall be considered city police officers;

(d) The term "law enforcement officer" also includes the executive secretary of a labor guild, association or organization (which is an employer under ~~((RCW 41.26.030(14)))~~ subsection (14) of this section) if that individual has five years previous membership in the retirement system established in chapter 41.20 RCW. The provisions of this subsection (18)(d) shall not apply to plan 2 members; and

(e) The term "law enforcement officer" also includes a person employed on or after January 1, 1993, as a public safety officer or director of public safety, so long as the job duties substantially involve only either police or fire duties, or both, and no other duties in a city or town with a population of less than ten thousand. The provisions of this subsection (18)(e) shall not apply to any public safety officer or director of public safety who is receiving a retirement allowance under this chapter as of May 12, 1993.

(19) "Medical services" for plan 1 members, shall include the following as minimum services to be provided. Reasonable charges for these services shall be paid in accordance with RCW 41.26.150.

(a) Hospital expenses: These are the charges made by a hospital, in its own behalf, for

(i) Board and room not to exceed semiprivate room rate unless private room is required by the attending physician due to the condition of the patient.

(ii) Necessary hospital services, other than board and room, furnished by the hospital.

(b) Other medical expenses: The following charges are considered "other medical expenses", provided that they have not been considered as "hospital expenses".

(i) The fees of the following:

(A) A physician or surgeon licensed under the provisions of chapter 18.71 RCW;

(B) An osteopathic physician and surgeon licensed under the provisions of chapter 18.57 RCW;

(C) A chiropractor licensed under the provisions of chapter 18.25 RCW.

(ii) The charges of a registered graduate nurse other than a nurse who ordinarily resides in the member's home, or is a member of the family of either the member or the member's spouse.

(iii) The charges for the following medical services and supplies:

(A) Drugs and medicines upon a physician's prescription;

(B) Diagnostic X-ray and laboratory examinations;

(C) X-ray, radium, and radioactive isotopes therapy;

(D) Anesthesia and oxygen;

(E) Rental of iron lung and other durable medical and surgical equipment;

(F) Artificial limbs and eyes, and casts, splints, and trusses;

(G) Professional ambulance service when used to transport the member to or from a hospital when injured by an accident or stricken by a disease;

(H) Dental charges incurred by a member who sustains an accidental injury to his or her teeth and who commences treatment by a legally licensed dentist within ninety days after the accident;

(I) Nursing home confinement or hospital extended care facility;

(J) Physical therapy by a registered physical therapist;

(K) Blood transfusions, including the cost of blood and blood plasma not replaced by voluntary donors;

(L) An optometrist licensed under the provisions of chapter 18.53 RCW.

(20) "Member" means any firefighter, law enforcement officer, or other person as would apply under subsections (16) or (18) of this section whose membership is transferred to the Washington law enforcement officers' and firefighters' retirement system on or after March 1, 1970, and every law enforcement officer and firefighter who is employed in that capacity on or after such date.

(21) "Plan 1" means the law enforcement officers' and firefighters' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(22) "Plan 2" means the law enforcement officers' and firefighters' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977.

(23) "Position" means the employment held at any particular time, which may or may not be the same as civil service rank.

(24) "Regular interest" means such rate as the director may determine.

(25) "Retiree" for persons who establish membership in the retirement system on or after October 1, 1977, means any member in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by such member.

(26) "Retirement fund" means the "Washington law enforcement officers' and firefighters' retirement system fund" as provided for herein.

(27) "Retirement system" means the "Washington law enforcement officers' and firefighters' retirement system" provided herein.

(28)(a) "Service" for plan 1 members, means all periods of employment for an employer as a firefighter or law enforcement officer, for which compensation is paid, together with periods of suspension not exceeding thirty days in duration. For the purposes of this chapter service shall also include service in the armed forces of the United States as provided in RCW 41.26.190. Credit shall be allowed for all service credit months of service rendered by a member from and after the member's initial commencement of employment as a firefighter or law enforcement officer, during which the member worked for seventy or more hours, or was on disability leave or disability retirement. Only service credit months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter.

(i) For members retiring after May 21, 1971 who were employed under the coverage of a prior pension act before March 1, 1970, "service" shall also include (A) such military service not exceeding five years as was creditable to the member as of March 1, 1970, under the member's particular prior pension act, and (B) such other periods of service as were then creditable to a particular member under the provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no event shall credit be allowed for any service rendered prior to March 1, 1970, where the member at the time of rendition of such service was employed in a position covered by a prior pension act, unless such service, at the time credit is claimed therefor, is also creditable under the provisions of such prior act.

(ii) A member who is employed by two employers at the same time shall only be credited with service to one such employer for any month during which the member rendered such dual service.

(b) "Service" for plan 2 members, means periods of employment by a member for one or more employers for which basic salary is earned for ninety or more hours per calendar month which shall constitute a service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for at least seventy hours but less than ninety hours per calendar month shall constitute one-half service credit month. Periods of employment by a member for one or more employers for which basic salary is earned for less than seventy hours shall constitute a one-quarter service credit month.

Members of the retirement system who are elected or appointed to a state elective position may elect to continue to be members of this retirement system.

Service credit years of service shall be determined by dividing the total number of service credit months of service by twelve. Any fraction of a service credit year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits.

If a member receives basic salary from two or more employers during any calendar month, the individual shall receive one service credit month's service credit during any calendar month in which multiple service for ninety or more hours is rendered; or one-half service credit month's service credit during any calendar month in which multiple service for at least seventy hours but less than ninety hours is rendered; or one-quarter service credit month during any calendar month in which multiple service for less than seventy hours is rendered.

(29) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(30) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(31) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(32) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(33) "Surviving spouse" means the surviving widow or widower of a member. "Surviving spouse" shall not include the divorced spouse of a member except as provided in RCW 41.26.162.

Sec. 7. RCW 41.32.010 and 2008 c 204 s 1 and 2008 c 175 s 1 are each reenacted and amended to read as follows:

As used in this chapter, unless a different meaning is plainly required by the context:

(1)(a) "Accumulated contributions" for plan 1 members, means the sum of all regular annuity contributions and, except for the purpose of withdrawal at the time of retirement, any amount paid under RCW 41.50.165(2) with regular interest thereon.

(b) "Accumulated contributions" for plan 2 members, means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the director and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Member reserve" means the fund in which all of the accumulated contributions of members are held.

(5)(a) "Beneficiary" for plan 1 members, means any person in receipt of a retirement allowance or other benefit provided by this chapter.

(b) "Beneficiary" for plan 2 and plan 3 members, means any person in receipt of a retirement allowance or other benefit provided

by this chapter resulting from service rendered to an employer by another person.

(6) "Contract" means any agreement for service and compensation between a member and an employer.

(7) "Creditable service" means membership service plus prior service for which credit is allowable. This subsection shall apply only to plan 1 members.

(8) "Dependent" means receiving one-half or more of support from a member.

(9) "Disability allowance" means monthly payments during disability. This subsection shall apply only to plan 1 members.

(10)(a) "Earnable compensation" for plan 1 members, means:

(i) All salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year. In all cases where compensation includes maintenance the employer shall fix the value of that part of the compensation not paid in money.

(ii) For an employee member of the retirement system teaching in an extended school year program, two consecutive extended school years, as defined by the employer school district, may be used as the annual period for determining earnable compensation in lieu of the two fiscal years.

(iii) "Earnable compensation" for plan 1 members also includes the following actual or imputed payments, which are not paid for personal services:

(A) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation and the individual shall receive the equivalent service credit.

(B) If a leave of absence, without pay, is taken by a member for the purpose of serving as a member of the state legislature, and such member has served in the legislature five or more years, the salary which would have been received for the position from which the leave of absence was taken shall be considered as compensation earnable if the employee's contribution thereon is paid by the employee. In addition, where a member has been a member of the state legislature for five or more years, earnable compensation for the member's two highest compensated consecutive years of service shall include a sum not to exceed thirty-six hundred dollars for each of such two consecutive years, regardless of whether or not legislative service was rendered during those two years.

(iv) For members employed less than full time under written contract with a school district, or community college district, in an instructional position, for which the member receives service credit of less than one year in all of the years used to determine the earnable compensation used for computing benefits due under RCW 41.32.497, 41.32.498, and 41.32.520, the member may elect to have earnable compensation defined as provided in RCW 41.32.345. For the purposes of this subsection, the term "instructional position" means a position in which more than seventy-five percent of the member's time is spent as a classroom instructor (including office hours), a librarian, a psychologist, a social worker, a nurse, a physical therapist, an occupational therapist, a speech language pathologist or audiologist, or a counselor. Earnable compensation shall be so defined only for the purpose of the calculation of retirement benefits and only as necessary to insure that members who receive fractional service credit under RCW 41.32.270 receive benefits proportional to those received by members who have received full-time service credit.

(v) "Earnable compensation" does not include:

(A) Remuneration for unused sick leave authorized under RCW 41.04.340, 28A.400.210, or 28A.310.490;

(B) Remuneration for unused annual leave in excess of thirty days as authorized by RCW 43.01.044 and 43.01.041.

(b) "Earnable compensation" for plan 2 and plan 3 members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States Internal Revenue Code, but shall exclude lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

"Earnable compensation" for plan 2 and plan 3 members also includes the following actual or imputed payments which, except in the case of (b)(ii)(B) of this subsection, are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position or payments by an employer to an individual in lieu of reinstatement in a position which are awarded or granted as the equivalent of the salary or wages which the individual would have earned during a payroll period shall be considered earnable compensation, to the extent provided above, and the individual shall receive the equivalent service credit.

(ii) In any year in which a member serves in the legislature the member shall have the option of having such member's earnable compensation be the greater of:

(A) The earnable compensation the member would have received had such member not served in the legislature; or

(B) Such member's actual earnable compensation received for teaching and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions.

(c) In calculating earnable compensation under (a) or (b) of this subsection, the department of retirement systems shall include any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer.

(11) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(12) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(13) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(14) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(15) "Member" means any teacher included in the membership of the retirement system who has not been removed from membership under RCW 41.32.878 or 41.32.768. Also, any other employee of the public schools who, on July 1, 1947, had not elected to be exempt from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the member reserve.

(16) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system: PROVIDED, That where a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered. The provisions of this subsection shall apply only to plan 1 members.

(17) "Pension" means the moneys payable per year during life from the pension reserve.

(18) "Pension reserve" is a fund in which shall be accumulated an actuarial reserve adequate to meet present and future pension

liabilities of the system and from which all pension obligations are to be paid.

(19) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable. The provisions of this subsection shall apply only to plan 1 members.

(20) "Prior service contributions" means contributions made by a member to secure credit for prior service. The provisions of this subsection shall apply only to plan 1 members.

(21) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(22) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to the member's individual account in the member reserve. This subsection shall apply only to plan 1 members.

(23) "Regular interest" means such rate as the director may determine.

(24)(a) "Retirement allowance" for plan 1 members, means monthly payments based on the sum of annuity and pension, or any optional benefits payable in lieu thereof.

(b) "Retirement allowance" for plan 2 and plan 3 members, means monthly payments to a retiree or beneficiary as provided in this chapter.

(25) "Retirement system" means the Washington state teachers' retirement system.

(26)(a) "Service" for plan 1 members means the time during which a member has been employed by an employer for compensation.

(i) If a member is employed by two or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service is rendered.

(ii) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(iii) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(b) "Service" for plan 2 and plan 3 members, means periods of employment by a member for one or more employers for which earnable compensation is earned subject to the following conditions:

(i) A member employed in an eligible position or as a substitute shall receive one service credit month for each month of September through August of the following year if he or she earns earnable compensation for eight hundred ten or more hours during that period and is employed during nine of those months, except that a member may not receive credit for any period prior to the member's employment in an eligible position except as provided in RCW 41.32.812 and 41.50.132(2).

(ii) Any other member employed in an eligible position or as a substitute who earns earnable compensation during the period from September through August shall receive service credit according to one of the following methods, whichever provides the most service credit to the member:

(A) If a member is employed either in an eligible position or as a substitute teacher for nine months of the twelve month period between September through August of the following year but earns earnable compensation for less than eight hundred ten hours but for at least six hundred thirty hours, he or she will receive one-half of a service credit month for each month of the twelve month period;

(B) If a member is employed in an eligible position or as a substitute teacher for at least five months of a six-month period between September through August of the following year and earns earnable compensation for six hundred thirty or more hours within the

six-month period, he or she will receive a maximum of six service credit months for the school year, which shall be recorded as one service credit month for each month of the six-month period;

(C) All other members employed in an eligible position or as a substitute teacher shall receive service credit as follows:

(I) A service credit month is earned in those calendar months where earnable compensation is earned for ninety or more hours;

(II) A half-service credit month is earned in those calendar months where earnable compensation is earned for at least seventy hours but less than ninety hours; and

(III) A quarter-service credit month is earned in those calendar months where earnable compensation is earned for less than seventy hours.

(iii) Any person who is a member of the teachers' retirement system and who is elected or appointed to a state elective position may continue to be a member of the retirement system and continue to receive a service credit month for each of the months in a state elective position by making the required member contributions.

(iv) When an individual is employed by two or more employers the individual shall only receive one month's service credit during any calendar month in which multiple service for ninety or more hours is rendered.

(v) As authorized by RCW 28A.400.300, up to forty-five days of sick leave may be creditable as service solely for the purpose of determining eligibility to retire under RCW 41.32.470. For purposes of plan 2 and plan 3 "forty-five days" as used in RCW 28A.400.300 is equal to two service credit months. Use of less than forty-five days of sick leave is creditable as allowed under this subsection as follows:

(A) Less than eleven days equals one-quarter service credit month;

(B) Eleven or more days but less than twenty-two days equals one-half service credit month;

(C) Twenty-two days equals one service credit month;

(D) More than twenty-two days but less than thirty-three days equals one and one-quarter service credit month;

(E) Thirty-three or more days but less than forty-five days equals one and one-half service credit month.

(vi) As authorized in RCW 41.32.065, service earned in an out-of-state retirement system that covers teachers in public schools may be applied solely for the purpose of determining eligibility to retire under RCW 41.32.470.

(vii) The department shall adopt rules implementing this subsection.

(27) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(28) "Service credit month" means a full service credit month or an accumulation of partial service credit months that are equal to one.

(29) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity. The term includes state, educational service district, and school district superintendents and their assistants and all employees certificated by the superintendent of public instruction; and in addition thereto any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

(30) "Average final compensation" for plan 2 and plan 3 members, means the member's average earnable compensation of the highest consecutive sixty service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.32.810(2).

(31) "Retiree" means any person who has begun accruing a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member.

(32) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(33) "Director" means the director of the department.

(34) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(35) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(36) "Substitute teacher" means:

(a) A teacher who is hired by an employer to work as a temporary teacher, except for teachers who are annual contract employees of an employer and are guaranteed a minimum number of hours; or

(b) Teachers who either (i) work in ineligible positions for more than one employer or (ii) work in an ineligible position or positions together with an eligible position.

(37)(a) "Eligible position" for plan 2 members from June 7, 1990, through September 1, 1991, means a position which normally requires two or more uninterrupted months of creditable service during September through August of the following year.

(b) "Eligible position" for plan 2 and plan 3 on and after September 1, 1991, means a position that, as defined by the employer, normally requires five or more months of at least seventy hours of earnable compensation during September through August of the following year.

(c) For purposes of this chapter an employer shall not define "position" in such a manner that an employee's monthly work for that employer is divided into more than one position.

(d) The elected position of the superintendent of public instruction is an eligible position.

(38) "Plan 1" means the teachers' retirement system, plan 1 providing the benefits and funding provisions covering persons who first became members of the system prior to October 1, 1977.

(39) "Plan 2" means the teachers' retirement system, plan 2 providing the benefits and funding provisions covering persons who first became members of the system on and after October 1, 1977, and prior to July 1, 1996.

(40) "Plan 3" means the teachers' retirement system, plan 3 providing the benefits and funding provisions covering persons who first become members of the system on and after July 1, 1996, or who transfer under RCW 41.32.817.

(41) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items compiled by the bureau of labor statistics, United States department of labor.

(42) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(43) "Index B" means the index for the year prior to index A.

(44) "Index year" means the earliest calendar year in which the index is more than sixty percent of index A.

(45) "Adjustment ratio" means the value of index A divided by index B.

(46) "Annual increase" means, initially, fifty-nine cents per month per year of service which amount shall be increased each July 1st by three percent, rounded to the nearest cent.

(47) "Member account" or "member's account" for purposes of plan 3 means the sum of the contributions and earnings on behalf of the member in the defined contribution portion of plan 3.

(48) "Separation from service or employment" occurs when a person has terminated all employment with an employer. Separation from service or employment does not occur, and if claimed by an employer or employee may be a violation of RCW 41.32.055, when an employee and employer have a written or oral agreement to resume employment with the same employer following termination. Mere expressions or inquiries about postretirement employment by an employer or employee that do not constitute a commitment to reemploy the employee after retirement are not an agreement under this section.

(49) "Employed" or "employee" means a person who is providing services for compensation to an employer, unless the person is free from the employer's direction and control over the performance of work. The department shall adopt rules and interpret this subsection consistent with common law.

Sec. 8. RCW 41.37.010 and 2007 c 492 s 11 and 2007 c 294 s 1 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Retirement system" means the Washington public safety employees' retirement system provided for in this chapter.

(2) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Employer" means the Washington state department of corrections, the Washington state parks and recreation commission, the Washington state gambling commission, the Washington state patrol, the Washington state department of natural resources, and the Washington state liquor control board; any county corrections department; or any city corrections department not covered under chapter 41.28 RCW.

(5) "Member" means any employee employed by an employer on a full-time basis:

(a) Who is in a position that requires completion of a certified criminal justice training course and is authorized by their employer to arrest, conduct criminal investigations, enforce the criminal laws of the state of Washington, and carry a firearm as part of the job;

(b) Whose primary responsibility is to ensure the custody and security of incarcerated or probationary individuals as a corrections officer, probation officer, or jailer;

(c) Who is a limited authority Washington peace officer, as defined in RCW 10.93.020, for an employer; or

(d) Whose primary responsibility is to supervise members eligible under this subsection.

(6)(a) "Compensation earnable" for members, means salaries or wages earned by a member during a payroll period for personal services, including overtime payments, and shall include wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States internal revenue code, but shall exclude nonmoney maintenance compensation and lump sum or other payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, or any form of severance pay.

(b) "Compensation earnable" for members also includes the following actual or imputed payments, which are not paid for personal services:

(i) Retroactive payments to an individual by an employer on reinstatement of the employee in a position, or payments by an employer to an individual in lieu of reinstatement, which are awarded or granted as the equivalent of the salary or wage which the individual would have earned during a payroll period shall be considered compensation earnable to the extent provided in this subsection, and the individual shall receive the equivalent service credit;

(ii) In any year in which a member serves in the legislature, the member shall have the option of having such member's compensation earnable be the greater of:

(A) The compensation earnable the member would have received had such member not served in the legislature; or

(B) Such member's actual compensation earnable received for nonlegislative public employment and legislative service combined. Any additional contributions to the retirement system required because compensation earnable under (b)(ii)(A) of this subsection is greater than compensation earnable under (b)(ii)(B) of this subsection shall be paid by the member for both member and employer contributions;

(iii) Assault pay only as authorized by RCW 27.04.100, 72.01.045, and 72.09.240;

(iv) Compensation that a member would have received but for a disability occurring in the line of duty only as authorized by RCW 41.37.060;

(v) Compensation that a member receives due to participation in the leave sharing program only as authorized by RCW 41.04.650 through 41.04.670; and

(vi) Compensation that a member receives for being in standby status. For the purposes of this section, a member is in standby status when not being paid for time actually worked and the employer requires the member to be prepared to report immediately for work, if the need arises, although the need may not arise.

(7) "Service" means periods of employment by a member on or after July 1, 2006, for one or more employers for which compensation earnable is paid. Compensation earnable earned for ninety or more hours in any calendar month shall constitute one service credit month. Compensation earnable earned for at least seventy hours but less than ninety hours in any calendar month shall constitute one-half service credit month of service. Compensation earnable earned for less than seventy hours in any calendar month shall constitute one-quarter service credit month of service. Time spent in standby status, whether compensated or not, is not service.

Any fraction of a year of service shall be taken into account in the computation of such retirement allowance or benefits.

(a) Service in any state elective position shall be deemed to be full-time service.

(b) A member shall receive a total of not more than twelve service credit months of service for such calendar year. If an individual is employed in an eligible position by one or more employers the individual shall receive no more than one service credit month during any calendar month in which multiple service for ninety or more hours is rendered.

(8) "Service credit year" means an accumulation of months of service credit which is equal to one when divided by twelve.

(9) "Service credit month" means a month or an accumulation of months of service credit which is equal to one.

(10) "Membership service" means all service rendered as a member.

(11) "Beneficiary" means any person in receipt of a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer by another person.

(12) "Regular interest" means such rate as the director may determine.

(13) "Accumulated contributions" means the sum of all contributions standing to the credit of a member in the member's individual account, including any amount paid under RCW 41.50.165(2), together with the regular interest thereon.

(14)(a) "Average final compensation" means the member's average compensation earnable of the highest consecutive sixty months of service credit months prior to such member's retirement, termination, or death. Periods constituting authorized leaves of absence may not be used in the calculation of average final compensation except under RCW 41.37.290.

(b) In calculating average final compensation under (a) of this subsection, the department of retirement systems shall include any compensation forgone by a member employed by a state agency or institution during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the employer.

(15) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of employment.

(16) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(17) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(18) "Retirement allowance" means monthly payments to a retiree or beneficiary as provided in this chapter.

(19) "Employee" or "employed" means a person who is providing services for compensation to an employer, unless the person is free from the employer's direction and control over the performance of work. The department shall adopt rules and interpret this subsection consistent with common law.

(20) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the director.

(21) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(22) "Eligible position" means any permanent, full-time position included in subsection (5) of this section.

(23) "Ineligible position" means any position which does not conform with the requirements set forth in subsection (22) of this section.

(24) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

(25) "Retiree" means any person who has begun accruing a retirement allowance or other benefit provided by this chapter resulting from service rendered to an employer while a member.

(26) "Director" means the director of the department.

(27) "State elective position" means any position held by any person elected or appointed to statewide office or elected or appointed as a member of the legislature.

(28) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(29) "Plan" means the Washington public safety employees' retirement system plan 2.

(30) "Index" means, for any calendar year, that year's annual average consumer price index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

(31) "Index A" means the index for the year prior to the determination of a postretirement adjustment.

(32) "Index B" means the index for the year prior to index A.

(33) "Adjustment ratio" means the value of index A divided by index B.

(34) "Separation from service" occurs when a person has terminated all employment with an employer.

Sec. 9. RCW 43.43.120 and 2009 c 549 s 5124 and 2009 c 522 s 1 are each reenacted and amended to read as follows:

As used in (~~RCW 43.43.120~~) this section and RCW 43.43.130 through 43.43.320, unless a different meaning is plainly required by the context:

(1) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the director.

(2) "Annual increase" means as of July 1, 1999, seventy-seven cents per month per year of service which amount shall be increased each subsequent July 1st by three percent, rounded to the nearest cent.

(3)(a) "Average final salary," for members commissioned prior to January 1, 2003, shall mean the average monthly salary received by a member during the member's last two years of service or any consecutive two-year period of service, whichever is the greater, as an employee of the Washington state patrol; or if the member has less than two years of service, then the average monthly salary received by the member during the member's total years of service.

(b) "Average final salary," for members commissioned on or after January 1, 2003, shall mean the average monthly salary received by a member for the highest consecutive sixty service credit months; or if

the member has less than sixty months of service, then the average monthly salary received by the member during the member's total months of service.

(c) In calculating average final salary under (a) or (b) of this subsection, the department of retirement systems shall include any compensation forgone by the member during the 2009-2011 fiscal biennium as a result of reduced work hours, mandatory or voluntary leave without pay, or temporary layoffs if the reduced compensation is an integral part of the employer's expenditure reduction efforts, as certified by the chief.

(4) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(5)(a) "Cadet," for a person who became a member of the retirement system after June 12, 1980, is a person who has passed the Washington state patrol's entry-level oral, written, physical performance, and background examinations and is, thereby, appointed by the chief as a candidate to be a commissioned officer of the Washington state patrol.

(b) "Cadet," for a person who became a member of the retirement system before June 12, 1980, is a trooper cadet, patrol cadet, or employee of like classification, employed for the express purpose of receiving the on-the-job training required for attendance at the state patrol academy and for becoming a commissioned trooper. "Like classification" includes: Radio operators or dispatchers; persons providing security for the governor or legislature; patrol officers; drivers' license examiners; weighmasters; vehicle safety inspectors; central wireless operators; and warehouse workers.

(6) "Contributions" means the deduction from the compensation of each member in accordance with the contribution rates established under chapter 41.45 RCW.

(7) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(8) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(9) "Director" means the director of the department of retirement systems.

(10) "Domestic partners" means two adults who have registered as domestic partners under RCW (~~26.60.020~~) 26.60.040.

(11) "Employee" means any commissioned employee of the Washington state patrol.

(12) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(13) "Lieutenant governor" means the lieutenant governor of the state of Washington.

(14) "Member" means any person included in the membership of the retirement fund.

(15) "Plan 2" means the Washington state patrol retirement system plan 2, providing the benefits and funding provisions covering commissioned employees who first become members of the system on or after January 1, 2003.

(16) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(17) "Regular interest" means interest compounded annually at such rates as may be determined by the director.

(18) "Retirement board" means the board provided for in this chapter.

(19) "Retirement fund" means the Washington state patrol retirement fund.

(20) "Retirement system" means the Washington state patrol retirement system.

(21)(a) "Salary," for members commissioned prior to July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040, or any voluntary overtime, earned on or after July 1, 2001.

(b) "Salary," for members commissioned on or after July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040 or any voluntary overtime, lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, holiday pay, or any form of severance pay.

(22) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for seventy or more hours in any given calendar month shall constitute one month of service. An employee who is reinstated in accordance with RCW 43.43.110 shall suffer no loss of service for the period reinstated subject to the contribution requirements of this chapter. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(23) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(24) "State treasurer" means the treasurer of the state of Washington.

~~((25))~~ Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender.

Sec. 10. RCW 41.04.665 and 2008 c 36 s 3 are each amended to read as follows:

(1) An agency head may permit an employee to receive leave under this section if:

(a)(i) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature;

(ii) The employee has been called to service in the uniformed services;

(iii) A state of emergency has been declared anywhere within the United States by the federal or any state government and the employee has needed skills to assist in responding to the emergency or its aftermath and volunteers his or her services to either a governmental agency or to a nonprofit organization engaged in humanitarian relief in the devastated area, and the governmental agency or nonprofit organization accepts the employee's offer of volunteer services; ~~((e))~~

(iv) The employee is a victim of domestic violence, sexual assault, or stalking; or

(v) During the 2009-2011 fiscal biennium only, the employee is eligible to use leave in lieu of temporary layoff under section 3(5) of this act;

(b) The illness, injury, impairment, condition, call to service, emergency volunteer service, or consequence of domestic violence, sexual assault, temporary layoff under section 3(5) of this act, or stalking has caused, or is likely to cause, the employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment;

(c) The employee's absence and the use of shared leave are justified;

(d) The employee has depleted or will shortly deplete his or her:

(i) Annual leave and sick leave reserves if he or she qualifies under (a)(i) of this subsection;

(ii) Annual leave and paid military leave allowed under RCW 38.40.060 if he or she qualifies under (a)(ii) of this subsection; or

(iii) Annual leave if he or she qualifies under (a)(iii) ~~((e))~~, (iv), or (v) of this subsection;

(e) The employee has abided by agency rules regarding:

(i) Sick leave use if he or she qualifies under (a)(i) or (iv) of this subsection; or

(ii) Military leave if he or she qualifies under (a)(ii) of this subsection; and

(f) The employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if he or she qualifies under (a)(i) of this subsection.

(2) The agency head shall determine the amount of leave, if any, which an employee may receive under this section. However, an employee shall not receive a total of more than two hundred sixty-one days of leave, except that shared leave received under the uniformed service shared leave pool in RCW 41.04.685 is not included in this total.

(3) An employee may transfer annual leave, sick leave, and his or her personal holiday, as follows:

(a) An employee who has an accrued annual leave balance of more than ten days may request that the head of the agency for which the employee works transfer a specified amount of annual leave to another employee authorized to receive leave under subsection (1) of this section. In no event may the employee request a transfer of an amount of leave that would result in his or her annual leave account going below ten days. For purposes of this subsection (3)(a), annual leave does not accrue if the employee receives compensation in lieu of accumulating a balance of annual leave.

(b) An employee may transfer a specified amount of sick leave to an employee requesting shared leave only when the donating employee retains a minimum of one hundred seventy-six hours of sick leave after the transfer.

(c) An employee may transfer, under the provisions of this section relating to the transfer of leave, all or part of his or her personal holiday, as that term is defined under RCW 1.16.050, or as such holidays are provided to employees by agreement with a school district's board of directors if the leave transferred under this subsection does not exceed the amount of time provided for personal holidays under RCW 1.16.050.

(4) An employee of an institution of higher education under RCW 28B.10.016, school district, or educational service district who does not accrue annual leave but does accrue sick leave and who has an accrued sick leave balance of more than twenty-two days may request that the head of the agency for which the employee works transfer a specified amount of sick leave to another employee authorized to receive leave under subsection (1) of this section. In no event may such an employee request a transfer that would result in his or her sick leave account going below twenty-two days. Transfers of sick leave under this subsection are limited to transfers from employees who do not accrue annual leave. Under this subsection, "sick leave" also includes leave accrued pursuant to RCW 28A.400.300(2) or 28A.310.240(1) with compensation for illness, injury, and emergencies.

(5) Transfers of leave made by an agency head under subsections (3) and (4) of this section shall not exceed the requested amount.

(6) Leave transferred under this section may be transferred from employees of one agency to an employee of the same agency or, with the approval of the heads of both agencies, to an employee of another state agency. However, leave transferred to or from employees of school districts or educational service districts is limited to transfers to or from employees within the same employing district.

(7) While an employee is on leave transferred under this section, he or she shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(a) All salary and wage payments made to employees while on leave transferred under this section shall be made by the agency employing the person receiving the leave. The value of leave transferred shall be based upon the leave value of the person receiving the leave.

(b) In the case of leave transferred by an employee of one agency to an employee of another agency, the agencies involved shall arrange for the transfer of funds and credit for the appropriate value of leave.

(i) Pursuant to rules adopted by the office of financial management, funds shall not be transferred under this section if the transfer would violate any constitutional or statutory restrictions on the funds being transferred.

(ii) The office of financial management may adjust the appropriation authority of an agency receiving funds under this section only if and to the extent that the agency's existing appropriation authority would prevent it from expending the funds received.

(iii) Where any questions arise in the transfer of funds or the adjustment of appropriation authority, the director of financial management shall determine the appropriate transfer or adjustment.

(8) Leave transferred under this section shall not be used in any calculation to determine an agency's allocation of full time equivalent staff positions.

(9) The value of any leave transferred under this section which remains unused shall be returned at its original value to the employee or employees who transferred the leave when the agency head finds that the leave is no longer needed or will not be needed at a future time in connection with the illness or injury for which the leave was transferred or for any other qualifying condition. Before the agency head makes a determination to return unused leave in connection with an illness or injury, or any other qualifying condition, he or she must receive from the affected employee a statement from the employee's doctor verifying that the illness or injury is resolved. To the extent administratively feasible, the value of unused leave which was transferred by more than one employee shall be returned on a pro rata basis.

(10) An employee who uses leave that is transferred to him or her under this section may not be required to repay the value of the leave that he or she used.

NEW SECTION. Sec. 11. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Armstrong moved the adoption of amendment (1734) to amendment (1733).

Beginning on page 1, line 3 of the amendment, strike sections 1 through 5 and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 41.04 RCW to read as follows:

(1) Beginning June 1, 2010, and until the June 30, 2011, the salaries or wages paid to all employees of all state agencies and institutions of higher education are reduced by one and three quarters percent. In conjunction with this one and three quarters percent reduction in pay, no state employee shall be required to take

mandatory days of leave without pay between June 1, 2010 and June 30, 2011.

(2) It is the intent of the Legislature that state elected officials whose salaries are set by the salary commission offer a similar reduction to their salaries as called for in subsection (1) of this section, and are thereby strongly encouraged to make a similar one and three quarters percent of salary donation to a worthy charitable cause.

(3) The appropriations for state agencies, including institutions of higher education, are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect savings resulting from reducing salaries and wages, and to facilitate the transfer of moneys from dedicated funds and accounts the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

(4) It is the intent of the legislature that the reduction of employee salaries and wages made pursuant to this section be considered as integral to agency spending reduction efforts, consistent with chapter 430, laws of 2009 (Senate Bill 6157 - calculating compensation for pension purposes), and sections 2 through 5 of this act."

Renumber the remaining sections consecutively, correct any references accordingly, and correct the title.

Beginning on page 38, line 14 of the amendment, strike section 10

Renumber the remaining sections consecutively, correct any references accordingly, and correct the title.

Representatives Armstrong, Alexander, Armstrong (again) and Flannigan spoke in favor of the adoption of the amendment to the amendment.

Representative Linville spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1734) to amendment (1733) to Engrossed Substitute Senate Bill No. 6503.

MOTION

On motion of Representative Hinkle, Representative DeBolt was excused.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1734) to amendment (1733) to Engrossed Substitute Senate Bill No. 6503 and the amendment was not adopted by the following vote: Yeas, 37; Nays, 51; Absent, 0; Excused, 10.

Voting yea: Representatives Alexander, Angel, Armstrong, Campbell, Chandler, Condotta, Dammeier, Driscoll, Eddy, Ericksen, Fagan, Finn, Flannigan, Haler, Herrera, Hinkle, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warmick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Goodman, Green, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roach, Roberts, Santos, Seaquist, Sells, Simpson,

Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Excused: Representatives Anderson, Bailey, Crouse, DeBolt, Haigh, Hope, Maxwell, Rolfes, Short and Wood.

Amendment (1734) to amendment (1733) was not adopted.

Representative Ross moved the adoption of amendment (1736) to amendment (1733).

On page 1, after line 13 of the amendment, insert the following:
"In addition, the legislature finds that the governor's 2010 supplemental operating budget request contains requests for funds to implement the compensation and fringe benefits provisions of the bargaining agreements negotiated with state employees following the conclusion of the 2009 legislative session. As provided for in 41.80.010(3)(b), those requests for funds are hereby rejected as a whole."

On page 8, after line 22 of the amendment, insert the following:
"Sec. 5. RCW 1.16.050 and 2007 c 61 s 2 are each amended to read as follows:

(1) The following are legal holidays: Sunday; the first day of January, commonly called New Year's Day; the third Monday of January, being celebrated as the anniversary of the birth of Martin Luther King, Jr.; the third Monday of February to be known as Presidents' Day and to be celebrated as the anniversary of the births of Abraham Lincoln and George Washington; the last Monday of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the eleventh day of November, to be known as Veterans' Day; the fourth Thursday in November, to be known as Thanksgiving Day; the day immediately following Thanksgiving Day; and the twenty-fifth day of December, commonly called Christmas Day.

~~(Employees)~~ Except as provided in subsection (2) of this section, employees of the state and its political subdivisions, except employees of school districts and except those nonclassified employees of institutions of higher education who hold appointments or are employed under contracts to perform services for periods of less than twelve consecutive months, shall be entitled to one paid holiday per calendar year in addition to those specified in this section. Each employee of the state or its political subdivisions may select the day on which the employee desires to take the additional holiday provided for herein after consultation with the employer pursuant to guidelines to be promulgated by rule of the appropriate personnel authority, or in the case of local government by ordinance or resolution of the legislative authority.

If any of the above specified state legal holidays are also federal legal holidays but observed on different dates, only the state legal holidays shall be recognized as a paid legal holiday for employees of the state and its political subdivisions except that for port districts and the law enforcement and public transit employees of municipal corporations, either the federal or the state legal holiday, but in no case both, may be recognized as a paid legal holiday for employees.

Whenever any legal holiday, other than Sunday, falls upon a Sunday, the following Monday shall be the legal holiday.

Whenever any legal holiday falls upon a Saturday, the preceding Friday shall be the legal holiday.

Nothing in this section shall be construed to have the effect of adding or deleting the number of paid holidays provided for in an agreement between employees and employers of political subdivisions of the state or as established by ordinance or resolution of the local government legislative authority.

The legislature declares that the thirteenth day of January shall be recognized as Korean-American day but shall not be considered a legal holiday for any purposes.

The legislature declares that the twelfth day of October shall be recognized as Columbus day but shall not be considered a legal holiday for any purposes.

The legislature declares that the ninth day of April shall be recognized as former prisoner of war recognition day but shall not be considered a legal holiday for any purposes.

The legislature declares that the twenty-sixth day of January shall be recognized as Washington army and air national guard day but shall not be considered a legal holiday for any purposes.

The legislature declares that the seventh day of August shall be recognized as purple heart recipient recognition day but shall not be considered a legal holiday for any purposes.

The legislature declares that the second Sunday in October be recognized as Washington state children's day but shall not be considered a legal holiday for any purposes.

The legislature declares that the sixteenth day of April shall be recognized as Mother Joseph day and the fourth day of September as Marcus Whitman day, but neither shall be considered legal holidays for any purpose.

The legislature declares that the seventh day of December be recognized as Pearl Harbor remembrance day but shall not be considered a legal holiday for any purpose.

The legislature declares that the nineteenth day of February be recognized as civil liberties day of remembrance but shall not be considered a legal holiday for any purpose.

The legislature declares that the nineteenth day of June be recognized as Juneteenth, a day of remembrance for the day the slaves learned of their freedom, but shall not be considered a legal holiday for any purpose.

(2) From the effective date of this act through June 30, 2011, no employee of a state agency or public institution of higher education may receive compensation for the paid personal holiday specified in subsection (1) of this section."

Renumber the remaining sections consecutively, correct any references accordingly, and correct the title.

Representatives Ross, Ross (again), Armstrong and Armstrong (again) spoke in favor of the adoption of the amendment to the amendment.

Representatives Sullivan, Conway and Sullivan (again) spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1736) to amendment (1733) to Engrossed Substitute Senate Bill No. 6503.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1736) to amendment (1733) to Engrossed Substitute Senate Bill No. 6503 and the amendment was not adopted by the following vote: Yeas, 36; Nays, 52; Absent, 0; Excused, 10.

Voting yea: Representatives Alexander, Angel, Armstrong, Campbell, Chandler, Condotta, Dammeier, Driscoll, Ericksen, Fagan, Flannigan, Haler, Herrera, Hinkle, Hurst, Johnson, Kagi, Kelley, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kenney, Kessler, Kirby, Liias, Linville, McCoy, Miloscia,

Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Excused: Representatives Anderson, Bailey, Crouse, DeBolt, Haigh, Hope, Maxwell, Rolfes, Short and Wood.

Amendment (1736) to amendment (1733) was not adopted.

Representative Williams moved the adoption of amendment (1738) to amendment (1733).

0)

On page 3, line 14 of the amendment, after "(e)" insert "(i)"

On page 3, after line 22 of the amendment, insert the following:

"(ii) The legislature finds that it should not be exempt from the sacrifice incurred by state employees, including those employed by the legislative branch. However, legislative salaries cannot be adjusted by the legislature itself. Therefore, the chief clerk of the House and secretary of the Senate are directed to reduce the per diem compensation paid to legislators during the 2011 session by an amount equivalent to the reduction in employee compensation costs achieved under this act for the average legislative employee."

Representatives Williams and Hererra spoke in favor of the adoption of the amendment to the amendment.

Representatives Sullivan and Walsh spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 31 - YEAS; 57 - NAYS.

Amendment (1738) to amendment (1733) was not adopted.

Representative Cody moved the adoption of amendment (1737) to amendment (1733).

0)

On page 6, line 8 of the amendment, after "November 1, 2010;" strike "and"

On page 6, line 11 of the amendment, after "safety" insert: "; and (v) The operations of the office of the insurance commissioner that are funded by industry regulatory fees"

Representative Cody spoke in favor of the adoption of the amendment to the amendment.

Representatives Alexander and Armstrong spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 50 - YEAS; 38 - NAYS.

Amendment (1737) to amendment (1733) was adopted.

Amendment (1733) was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Sullivan spoke in favor of the passage of the bill.

Representatives Armstrong, Williams, Alexander, Hunt, Ross, Simpson, Orcutt and Campbell spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6503, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6503, as amended by the House, and the bill passed the House by the following vote: Yeas, 50; Nays, 38; Absent, 0; Excused, 10.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Hasegawa, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Van De Wege, White and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Campbell, Chandler, Condotta, Dammeier, Ericksen, Fagan, Haler, Herrera, Hinkle, Hudgins, Hunt, Johnson, Klippert, Kretz, Kristiansen, Liias, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Simpson, Smith, Taylor, Upthegrove, Wallace, Walsh, Warnick and Williams.

Excused: Representatives Anderson, Bailey, Crouse, DeBolt, Haigh, Hope, Maxwell, Rolfes, Short and Wood.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6503, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

With the consent of the House, HOUSE BILL NO. 2452, HOUSE BILL NO. 3147, HOUSE BILL NO. 3216, and HOUSE BILL NO. 3193 were removed from the second reading calendar and returned to the Committee on Rules.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., April 5, 2010, the 22nd Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - FIRST SPECIAL SESSION

TWENTY SECOND DAY

House Chamber, Olympia, Monday, April 5, 2010

The House was called to order at 9:55 a.m. by the Speaker.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

SIGNED BY THE SPEAKER

The Speaker signed the following:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 3014
SUBSTITUTE HOUSE BILL NO. 3201
SUBSTITUTE SENATE BILL NO. 6889

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., April 6, 2010, the 23rd Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

JOURNAL OF THE HOUSE
SIXTY FIRST LEGISLATURE - FIRST SPECIAL SESSION

TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, April 6, 2010

The House was called to order at 9:55 a.m. by the Speaker (Representative Williams presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., April 7, 2010, the 24th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, April 7, 2010

The House was called to order at 5:11 p.m. by the Speaker.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 7, 2010

Mr. Speaker:

The President has signed:

SENATE BILL 6220
SUBSTITUTE SENATE BILL 6846
SUBSTITUTE SENATE BILL 6884

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 7, 2010

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL 3014
SUBSTITUTE HOUSE BILL 3201

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SIGNED BY THE SPEAKER

The Speaker signed the following:

SENATE BILL NO. 6220
SUBSTITUTE SENATE BILL NO. 6846
SUBSTITUTE SENATE BILL NO. 6884

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., April 8, 2010, the 25th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

JOURNAL OF THE HOUSE
SIXTY FIRST LEGISLATURE - FIRST SPECIAL SESSION

TWENTY FIFTH DAY

House Chamber, Olympia, Thursday, April 8, 2010

The House was called to order at 4:11 p.m. by the Speaker
(Representative Santos presiding.)

Reading of the Journal of the previous day was dispensed with
and it was ordered to stand approved.

There being no objection, the House advanced to the eleventh
order of business.

There being no objection, the House adjourned until 9:55 a.m.,
April 9, 2010, the 26th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - FIRST SPECIAL SESSION

TWENTY SIXTH DAY

House Chamber, Olympia, Friday, April 9, 2010

The House was called to order at 2:41 p.m. by the Speaker.

Thomas Hoemann, Secretary

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the seventh order of business.

There being no objection, the House advanced to the fourth order of business.

THIRD READING**INTRODUCTION & FIRST READING**

There being no objection, the House granted the request for a conference on Second Engrossed Substitute Senate Bill No. 6143. The Speaker appointed Representatives Hunter, Hasegawa and Orcutt as conferees.

HB 3218 by Representatives Hudgins and Hunt

AN ACT Relating to boards and commissions; amending 2010 1st sp.s. c 7 s 132 (uncodified); amending 2010 1st sp.s. c 7 s 150 (uncodified); repealing 2010 1st sp.s. c 7 s 151 (uncodified); providing an effective date; and declaring an emergency.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 2:00 p.m., April 10, 2010, the 27th Day of the First Special Session.

HB 3219 by Representatives Goodman, Rodne, Pedersen, Hudgins, Chase and Upthegrove

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

AN ACT Relating to technical corrections to the Revised Code of Washington; amending RCW 6.17.160, 6.27.140, 24.55.075, 36.16.050, 36.70A.070, 41.45.150, 67.28.180, and 82.45.180; amending 2010 c 204 s 1105 (uncodified); amending 2010 1st sp.s. c 7 s 132 (uncodified); amending 2010 1st sp.s. c 7 s 150 (uncodified); reenacting RCW 28B.67.030; repealing 2010 1st sp.s. c 7 s 151 (uncodified); providing an effective date; and declaring an emergency.

HB 3220 by Representatives Hasegawa and Chase

AN ACT Relating to providing a permanent and stable source of funding for the state community colleges; amending RCW 28B.50.090 and 84.52.010; adding a new section to chapter 84.52 RCW; and creating a new section.

Referred to Committee on Higher Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exceptions of HOUSE BILL NO. 3218 and HOUSE BILL NO. 3219 which were read the first time, and under suspension of the rules, were placed on the second reading calendar.

MESSAGE FROM THE SENATE

March 25, 2010

Mr. Speaker:

The Senate refuses to concur in the House amendment to SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6143 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Prentice, Murray, Zarelli and the same is herewith transmitted.

TWENTY SEVENTH DAY

House Chamber, Olympia, Saturday, April 10, 2010

The House was called to order at 2:00 p.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Katy Payne and Samantha Payne. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Judy Warnick, 13th District.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

SECOND READING**SENATE JOINT RESOLUTION NO. 8225, by Senators Fraser, Brandland and Prentice****Resolving to define "interest" in the state Constitution.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint resolution was placed on final passage.

Representatives Ormsby and Warnick spoke in favor of the passage of the joint resolution.

Representative Ericksen spoke against the passage of the joint resolution.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Joint Resolution No. 8225.

MOTIONS

On motion of Representative Santos, Representative Wood was excused. On motion of Representative Hinkle, Representative Shea was excused.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Resolution No. 8225, and the joint resolution passed the House by the following vote: Yeas, 69; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Appleton, Armstrong, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall,

Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Bailey, Campbell, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Ross, Schmick, Short, Taylor and Walsh.

Excused: Representatives Shea and Wood.

SENATE JOINT RESOLUTION NO. 8225, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Senate Joint Resolution No. 8225.
Matthew Shea, 4th District

SECOND READING**HOUSE BILL NO. 1690, by Representatives Hasegawa, Hunt, Hudgins, Anderson and Kenney****Authorizing alternative public works contracting procedures.**

The bill was read the second time.

Representative Dammeier moved the adoption of amendment (1739).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The establishment of alternative public works contracting procedures authorized for use by public bodies has been a complex, controversial, and challenging undertaking, but it has been successful. The key to the successful adoption and consideration of these procedures has depended, in great part, on the review and oversight mechanisms put in place by the legislature in chapter 39.10 RCW, as well as the countless hours of dedicated work by numerous stakeholders over many years. It is the intent of the legislature to clarify that, unless otherwise specifically provided for in law, public bodies that want to use an alternative public works contracting procedure may use only those procedures specifically authorized in chapter 39.10 RCW.

Sec. 2. RCW 39.10.200 and 2007 c 494 s 1 are each amended to read as follows:

The legislature finds that the traditional process of awarding public works contracts in lump sum to the lowest responsible bidder is a fair and objective method of selecting a contractor. However, under certain circumstances, alternative public works contracting procedures may best serve the public interest if such procedures are implemented in an open and fair process based on objective and equitable criteria. The purpose of this chapter is to authorize the use of certain supplemental alternative public works contracting procedures, to prescribe appropriate requirements to ensure that such

contracting procedures serve the public interest, and to establish a process for evaluation of such contracting procedures. It is the intent of the legislature to establish that, unless otherwise specifically provided for in law, public bodies may use only those alternative public works contracting procedures specifically authorized in this chapter, subject to the requirements of this chapter.

Sec. 3. RCW 39.10.230 and 2009 c 75 s 1 are each amended to read as follows:

The board has the following powers and duties:

(1) Develop and recommend to the legislature policies to further enhance the quality, efficiency, and accountability of capital construction projects through the use of traditional and alternative delivery methods in Washington, and make recommendations regarding expansion, continuation, elimination, or modification of the alternative public works contracting methods;

(2) Evaluate the use of existing contracting procedures and the potential future use of other alternative contracting procedures including competitive negotiation contracts;

(3) ~~(Develop guidelines to be used by the committee for the review and approval of design build demonstration projects that procure operations and maintenance services)~~ Submit recommendations to the appropriate committees of the legislature evaluating alternative contracting procedures that are not authorized under this chapter;

(4) Appoint members of the committee; and

(5) Develop and administer questionnaires designed to provide quantitative and qualitative data on alternative public works contracting procedures on which evaluations are based.

Sec. 4. RCW 43.131.408 and 2007 c 494 s 507 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2014:

(1) RCW 39.10.200 and section 2 of this act, 2007 c 494 s 1, & 1994 c 132 s 1;

(2) RCW 39.10.210 and 2007 c 494 s 101 & 2005 c 469 s 3;

(3) RCW 39.10.220 and 2007 c 494 s 102 & 2005 c 377 s 1;

(4) RCW 39.10.230 and section 3 of this act, 2009 c 75 s 1, 2007 c 494 s 103, & 2005 c 377 s 2;

(5) RCW 39.10.240 and 2007 c 494 s 104;

(6) RCW 39.10.250 and 2007 c 494 s 105;

(7) RCW 39.10.260 and 2007 c 494 s 106;

(8) RCW 39.10.270 and 2007 c 494 s 107;

(9) RCW 39.10.280 and 2007 c 494 s 108;

(10) RCW 39.10.290 and 2007 c 494 s 109;

(11) RCW 39.10.300 and 2007 c 494 s 201, 2003 c 352 s 2, 2003 c 300 s 4, 2002 c 46 s 1, & 2001 c 328 s 2;

~~(12) ((RCW 39.10.310 and 2007 c 494 s 202 & 1994 c 132 s 8; —(13)))~~ RCW 39.10.320 and 2007 c 494 s 203 & 1994 c 132 s 7;

~~((14))~~ (13) RCW 39.10.330 and 2007 c 494 s 204;

~~((15))~~ (14) RCW 39.10.340 and 2007 c 494 s 301, 2003 c 352 s 3, 2003 c 300 s 5, 2002 c 46 s 2, & 2001 c 328 s 3;

~~((16))~~ (15) RCW 39.10.350 and 2007 c 494 s 302;

~~((17))~~ (16) RCW 39.10.360 and 2007 c 494 s 303;

~~((18))~~ (17) RCW 39.10.370 and 2007 c 494 s 304;

~~((19))~~ (18) RCW 39.10.380 and 2007 c 494 s 305;

~~((20))~~ (19) RCW 39.10.390 and 2007 c 494 s 306;

~~((21))~~ (20) RCW 39.10.400 and 2007 c 494 s 307;

~~((22))~~ (21) RCW 39.10.410 and 2007 c 494 s 308;

~~((23))~~ (22) RCW 39.10.420 and 2007 c 494 s 401 & 2003 c 301 s 1;

~~((24))~~ (23) RCW 39.10.430 and 2007 c 494 s 402;

~~((25))~~ (24) RCW 39.10.440 and 2007 c 494 s 403;

~~((26))~~ (25) RCW 39.10.450 and 2007 c 494 s 404;

~~((27))~~ (26) RCW 39.10.460 and 2007 c 494 s 405;

~~((28))~~ (27) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s 10;

~~((29))~~ (28) RCW 39.10.480 and 1994 c 132 s 9;
~~((30))~~ (29) RCW 39.10.490 and 2007 c 494 s 501 & 2001 c 328 s 5;

~~((31))~~ (30) RCW 39.10.500 and 2007 c 494 s 502;

~~((32))~~ (31) RCW 39.10.510 and 2007 c 494 s 503;

~~((33))~~ (32) RCW 39.10.900 and 1994 c 132 s 13;

~~((34))~~ (33) RCW 39.10.901 and 1994 c 132 s 14; and

~~((35))~~ (34) RCW 39.10.903 and 2007 c 494 s 510."

Correct the title.

Representatives Dammeier and Hasegawa spoke in favor of the adoption of the amendment.

Amendment (1739) was adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dammeier and Hasegawa spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1690.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1690, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Mr. Speaker.

Excused: Representatives Shea and Wood.

ENGROSSED HOUSE BILL NO. 1690, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on Engrossed House Bill No. 1690.

Matthew Shea, 4th District

MESSAGE FROM THE SENATE

April 10, 2010

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956, and under suspension of the rules returned ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956 to second reading for the

purpose of amendment. The Senate further adopted amendment 2956-S2.E and passed the measure as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. PURPOSE, FINDINGS, AND INTENT. (1) The purpose of this chapter is to provide for a safety net assessment on certain Washington hospitals, which will be used solely to augment funding from all other sources and thereby obtain additional funds to restore recent reductions and to support additional payments to hospitals for medicaid services.

(2) The legislature finds that:

(a) Washington hospitals, working with the department of social and health services, have proposed a hospital safety net assessment to generate additional state and federal funding for the medicaid program, which will be used to partially restore recent inpatient and outpatient reductions in hospital reimbursement rates and provide for an increase in hospital payments; and

(b) The hospital safety net assessment and hospital safety net assessment fund created in this chapter allows the state to generate additional federal financial participation for the medicaid program and provides for increased reimbursement to hospitals.

(3) In adopting this chapter, it is the intent of the legislature:

(a) To impose a hospital safety net assessment to be used solely for the purposes specified in this chapter;

(b) That funds generated by the assessment shall be used solely to augment all other funding sources and not as a substitute for any other funds;

(c) That the total amount assessed not exceed the amount needed, in combination with all other available funds, to support the reimbursement rates and other payments authorized by this chapter; and

(d) To condition the assessment on receiving federal approval for receipt of additional federal financial participation and on continuation of other funding sufficient to maintain hospital inpatient and outpatient reimbursement rates and small rural disproportionate share payments at least at the levels in effect on July 1, 2009.

"NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Certified public expenditure hospital" means a hospital participating in the department's certified public expenditure payment program as described in WAC 388-550-4650 or successor rule.

(2) "Critical access hospital" means a hospital as described in RCW 74.09.5225.

(3) "Department" means the department of social and health services.

(4) "Fund" means the hospital safety net assessment fund established under section 3 of this act.

(5) "Hospital" means a facility licensed under chapter 70.41 RCW.

(6) "Long-term acute care hospital" means a hospital which has an average inpatient length of stay of greater than twenty-five days as determined by the department of health.

(7) "Managed care organization" means an organization having a certificate of authority or certificate of registration from the office of the insurance commissioner that contracts with the department under a comprehensive risk contract to provide prepaid health care services to eligible clients under the department's medicaid managed care programs, including the healthy options program.

(8) "Medicaid" means the medical assistance program as established in Title XIX of the social security act and as administered in the state of Washington by the department of social and health services.

(9) "Medicare cost report" means the medicare cost report, form 2552-96, or successor document.

(10) "Nonmedicare hospital inpatient day" means total hospital inpatient days less medicare inpatient days, including medicare days reported for medicare managed care plans, as reported on the medicare cost report, form 2552-96, or successor forms, excluding all skilled and nonskilled nursing facility days, skilled and nonskilled swing bed days, nursery days, observation bed days, hospice days, home health agency days, and other days not typically associated with an acute care inpatient hospital stay.

(11) "Prospective payment system hospital" means a hospital reimbursed for inpatient and outpatient services provided to medicaid beneficiaries under the inpatient prospective payment system and the outpatient prospective payment system as defined in WAC 388-550-1050. For purposes of this chapter, prospective payment system hospital does not include a hospital participating in the certified public expenditure program or a bordering city hospital located outside of the state of Washington and in one of the bordering cities listed in WAC 388-501-0175 or successor regulation.

(12) "Psychiatric hospital" means a hospital facility licensed as a psychiatric hospital under chapter 71.12 RCW.

(13) "Regional support network" has the same meaning as provided in RCW 71.24.025.

(14) "Rehabilitation hospital" means a medicare-certified freestanding inpatient rehabilitation facility.

(15) "Secretary" means the secretary of the department of social and health services.

(16) "Small rural disproportionate share hospital payment" means a payment made in accordance with WAC 388-550-5200 or subsequently filed regulation.

"NEW SECTION. Sec. 3. HOSPITAL SAFETY NET ASSESSMENT FUND. (1) A dedicated fund is hereby established within the state treasury to be known as the hospital safety net assessment fund. The purpose and use of the fund shall be to receive and disburse funds, together with accrued interest, in accordance with this chapter. Moneys in the fund, including interest earned, shall not be used or disbursed for any purposes other than those specified in this chapter. Any amounts expended from the fund that are later recouped by the department on audit or otherwise shall be returned to the fund.

(a) Any unexpended balance in the fund at the end of a fiscal biennium shall carry over into the following biennium and shall be applied to reduce the amount of the assessment under section 6(1)(c) of this act.

(b) Any amounts remaining in the fund on July 1, 2013, shall be used to make increased payments in accordance with sections 10 and 13 of this act for any outstanding claims with dates of service prior to July 1, 2013. Any amounts remaining in the fund after such increased payments are made shall be refunded to hospitals, pro rata according to the amount paid by the hospital, subject to the limitations of federal law.

(2) All assessments, interest, and penalties collected by the department under sections 4 and 6 of this act shall be deposited into the fund.

(3) Disbursements from the fund may be made only as follows:

(a) Subject to appropriations and the continued availability of other funds in an amount sufficient to maintain the level of medicaid hospital rates in effect on July 1, 2009;

(b) Upon certification by the secretary that the conditions set forth in section 17(1) of this act have been met with respect to the assessments imposed under section 4 (1) and (2) of this act, the payments provided under section 9 of this act, payments provided under section 13(2) of this act, and any initial payments under sections 11 and 12 of this act, funds shall be disbursed in the amount necessary to make the payments specified in those sections;

(c) Upon certification by the secretary that the conditions set forth in section 17(1) of this act have been met with respect to the assessments imposed under section 4(3) of this act and the payments

provided under sections 10 and 14 of this act, payments made subsequent to the initial payments under sections 11 and 12 of this act, and payments under section 13(3) of this act, funds shall be disbursed periodically as necessary to make the payments as specified in those sections;

(d) To refund erroneous or excessive payments made by hospitals pursuant to this chapter;

(e) The sum of forty-nine million three-hundred thousand dollars per biennium may be expended in lieu of state general fund payments to hospitals. An additional sum of seventeen million five-hundred thousand dollars for the 2009-2011 fiscal biennium may be expended in lieu of state general fund payments to hospitals if additional federal financial participation under section 5001 of P.L. No. 111-5 is extended beyond December 31, 2010;

(f) The sum of one million dollars per biennium may be disbursed for payment of administrative expenses incurred by the department in performing the activities authorized by this chapter;

(g) To repay the federal government for any excess payments made to hospitals from the fund if the assessments or payment increases set forth in this chapter are deemed out of compliance with federal statutes and regulations and all appeals have been exhausted. In such a case, the department may require hospitals receiving excess payments to refund the payments in question to the fund. The state in turn shall return funds to the federal government in the same proportion as the original financing. If a hospital is unable to refund payments, the state shall develop a payment plan and/or deduct moneys from future medicaid payments.

NEW SECTION. Sec. 4. ASSESSMENTS. (1) An assessment is imposed as set forth in this subsection effective after the date when the applicable conditions under section 17(1) of this act have been satisfied through June 30, 2013, for the purpose of funding restoration of reimbursement rates under sections 9(1) and 13(2)(a) of this act and funding payments made subsequent to the initial payments under sections 11 and 12 of this act. Payments under this subsection are due and payable on the first day of each calendar quarter after the department sends notice of assessment to affected hospitals. However, the initial assessment is not due and payable less than thirty calendar days after notice of the amount due has been provided to affected hospitals.

(a) For the period beginning on the date the applicable conditions under section 17(1) of this act are met through December 31, 2010:

(i) Each prospective payment system hospital shall pay an assessment of thirty-two dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(ii) Each critical access hospital shall pay an assessment of ten dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(b) For the period beginning on January 1, 2011 and ending on June 30, 2011:

(i) Each prospective payment system hospital shall pay an assessment of forty dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(ii) Each critical access hospital shall pay an assessment of ten dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(c) For the period beginning July 1, 2011, through June 30, 2013:

(i) Each prospective payment system hospital shall pay an assessment of forty-four dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(ii) Each critical access hospital shall pay an assessment of ten dollars for each annual nonmedicare hospital inpatient day, multiplied

by the number of days in the assessment period divided by three hundred sixty-five.

(d)(i) For purposes of (a) and (b) of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare inpatient days for each hospital that is not exempt from the assessment as described in section 5 of this act for the relevant state fiscal year 2008 portions included in the hospital's fiscal year end reports 2007 and/or 2008 cost reports. The department shall use nonmedicare hospital inpatient day data for each hospital taken from the centers for medicare and medicaid services' hospital 2552-96 cost report data file as of November 30, 2009, or equivalent data collected by the department.

(ii) For purposes of (c) of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare hospital inpatient days for each hospital that is not exempt from the assessment under section 5 of this act, taken from the most recent publicly available hospital 2552-96 cost report data file or successor data file available through the centers for medicare and medicaid services, as of a date to be determined by the department. If cost report data are unavailable from the foregoing source for any hospital subject to the assessment, the department shall collect such information directly from the hospital.

(2) An assessment is imposed in the amounts set forth in this section for the purpose of funding the restoration of the rates under sections 9(2) and 13(2)(b) of this act and funding the initial payments under sections 11 and 12 of this act, which shall be due and payable within thirty calendar days after the department has transmitted a notice of assessment to hospitals. Such notice shall be transmitted immediately upon determination by the secretary that the applicable conditions established by section 17(1) of this act have been met.

(a) Prospective payment system hospitals.

(i) Each prospective payment system hospital shall pay an assessment of thirty dollars for each annual nonmedicare hospital inpatient day up to sixty thousand per year, multiplied by a ratio, the numerator of which is the number of days between June 30, 2009, and the day after the applicable conditions established by section 17(1) of this act have been met and the denominator of which is three hundred sixty-five.

(ii) Each prospective payment system hospital shall pay an assessment of one dollar for each annual nonmedicare hospital inpatient day over and above sixty thousand per year, multiplied by a ratio, the numerator of which is the number of days between June 30, 2009, and the day after the applicable conditions established by section 17(1) of this act have been met and the denominator of which is three hundred sixty-five.

(b) Each critical access hospital shall pay an assessment of ten dollars for each annual nonmedicare hospital inpatient day, multiplied by a ratio, the numerator of which is the number of days between June 30, 2009, and the day after the applicable conditions established by section 17(1) of this act have been met and the denominator of which is three hundred sixty-five.

(c) For purposes of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare inpatient days for each hospital that is not exempt from the assessment as described in section 5 of this act for the relevant state fiscal year 2008 portions included in the hospital's fiscal year end reports 2007 and/or 2008 cost reports. The department shall use nonmedicare hospital inpatient day data for each hospital taken from the centers for medicare and medicaid services' hospital 2552-96 cost report data file as of November 30, 2009, or equivalent data collected by the department.

(3) An assessment is imposed as set forth in this subsection for the period February 1, 2010, through June 30, 2013, for the purpose of funding increased hospital payments under sections 10 and 13(3)

of this act, which shall be due and payable on the first day of each calendar quarter after the department has sent notice of the assessment to each affected hospital, provided that the initial assessment shall be transmitted only after the secretary has determined that the applicable conditions established by section 17(1) of this act have been satisfied and shall be payable no less than thirty calendar days after the department sends notice of the amount due to affected hospitals. The initial assessment shall include the full amount due from February 1, 2010, through the date of the notice.

(a) For the period February 1, 2010, through December 31, 2010:

(i) Prospective payment system hospitals.

(A) Each prospective payment system hospital shall pay an assessment of one hundred nineteen dollars for each annual nonmedicare hospital inpatient day up to sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(B) Each prospective payment system hospital shall pay an assessment of five dollars for each annual nonmedicare hospital inpatient day over and above sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(ii) Each psychiatric hospital and each rehabilitation hospital shall pay an assessment of thirty-one dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(b) For the period beginning on January 1, 2011 and ending on June 30, 2011:

(i) Prospective payment system hospitals.

(A) Each prospective payment system hospital shall pay an assessment of one hundred fifty dollars for each annual nonmedicare inpatient day up to sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(B) Each prospective payment system hospital shall pay an assessment of six dollars for each annual nonmedicare inpatient day over and above sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five. The department may adjust the assessment or the number of nonmedicare hospital inpatient days used to calculate the assessment amount if necessary to maintain compliance with federal statutes and regulations related to medicaid program health care-related taxes.

(ii) Each psychiatric hospital and each rehabilitation hospital shall pay an assessment of thirty-nine dollars for each annual nonmedicare hospital inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(c) For the period beginning July 1, 2011, through June 30, 2013:

(i) Prospective payment system hospitals.

(A) Each prospective payment system hospital shall pay an assessment of one hundred fifty-six dollars for each annual nonmedicare hospital inpatient day up to sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(B) Each prospective payment system hospital shall pay an assessment of six dollars for each annual nonmedicare inpatient day over and above sixty thousand per year, multiplied by the number of days in the assessment period divided by three hundred sixty-five. The department may adjust the assessment or the number of nonmedicare hospital inpatient days if necessary to maintain compliance with federal statutes and regulations related to medicaid program health care-related taxes.

(ii) Each psychiatric hospital and each rehabilitation hospital shall pay an assessment of thirty-nine dollars for each annual nonmedicare inpatient day, multiplied by the number of days in the assessment period divided by three hundred sixty-five.

(d)(i) For purposes of (a) and (b) of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare

inpatient days for each hospital that is not exempt from the assessment as described in section 5 of this act for the relevant state fiscal year 2008 portions included in the hospital's fiscal year end reports 2007 and/or 2008 cost reports. The department shall use nonmedicare hospital inpatient day data for each hospital taken from the centers for medicare and medicaid services' hospital 2552-96 cost report data file as of November 30, 2009, or equivalent data collected by the department.

(ii) For purposes of (c) of this subsection, the department shall determine each hospital's annual nonmedicare hospital inpatient days by summing the total reported nonmedicare hospital inpatient days for each hospital that is not exempt from the assessment under section 5 of this act, taken from the most recent publicly available hospital 2552-96 cost report data file or successor data file available through the centers for medicare and medicaid services, as of a date to be determined by the department. If cost report data are unavailable from the foregoing source for any hospital subject to the assessment, the department shall collect such information directly from the hospital.

(4) Notwithstanding the provisions of section 8 of this act, nothing in this act is intended to prohibit a hospital from including assessment amounts paid in accordance with this section on their medicare and medicaid cost reports.

NEW SECTION. Sec. 5. EXEMPTIONS. The following hospitals are exempt from any assessment under this chapter provided that if and to the extent any exemption is held invalid by a court of competent jurisdiction or by the centers for medicare and medicaid services, hospitals previously exempted shall be liable for assessments due after the date of final invalidation:

(1) Hospitals owned or operated by an agency of federal or state government, including but not limited to western state hospital and eastern state hospital;

(2) Washington public hospitals that participate in the certified public expenditure program;

(3) Hospitals that do not charge directly or indirectly for hospital services; and

(4) Long-term acute care hospitals.

NEW SECTION. Sec. 6. ADMINISTRATION AND COLLECTION. (1) The department, in cooperation with the office of financial management, shall develop rules for determining the amount to be assessed to individual hospitals, notifying individual hospitals of the assessed amount, and collecting the amounts due. Such rule making shall specifically include provision for:

(a) Transmittal of quarterly notices of assessment by the department to each hospital informing the hospital of its nonmedicare hospital inpatient days and the assessment amount due and payable. Such quarterly notices shall be sent to each hospital at least thirty calendar days prior to the due date for the quarterly assessment payment.

(b) Interest on delinquent assessments at the rate specified in RCW 82.32.050.

(c) Adjustment of the assessment amounts as follows:

(i) For each fiscal year beginning July 1, 2010, the assessment amounts under section 4 (1) and (3) of this act may be adjusted as follows:

(A) If sufficient other funds for hospitals, excluding any extension of section 5001 of P.L. No. 111-5, are available to support the reimbursement rates and other payments under section 9, 10, 11, 12, or 13 of this act without utilizing the full assessment authorized under section 4 (1) or (3) of this act, the department shall reduce the amount of the assessment for prospective payment system, psychiatric, and rehabilitation hospitals proportionately to the minimum level necessary to support those reimbursement rates and other payments.

(B) Provided that none of the conditions set forth in section 17(2) of this act have occurred, if the department's forecasts indicate that the

assessment amounts under section 4 (1) and (3) of this act, together with all other available funds, are not sufficient to support the reimbursement rates and other payments under section 9, 10, 11, 12, or 13 of this act, the department shall increase the assessment rates for prospective payment system, psychiatric, and rehabilitation hospitals proportionately to the amount necessary to support those reimbursement rates and other payments, plus a contingency factor up to ten percent of the total assessment amount.

(C) Any positive balance remaining in the fund at the end of the fiscal year shall be applied to reduce the assessment amount for the subsequent fiscal year.

(ii) Any adjustment to the assessment amounts pursuant to this subsection, and the data supporting such adjustment, including but not limited to relevant data listed in subsection (2) of this section, must be submitted to the Washington state hospital association for review and comment at least sixty calendar days prior to implementation of such adjusted assessment amounts. Any review and comment provided by the Washington state hospital association shall not limit the ability of the Washington state hospital association or its members to challenge an adjustment or other action by the department that is not made in accordance with this chapter.

(2) By November 30th of each year, the department shall provide the following data to the Washington state hospital association:

- (a) The fund balance;
- (b) The amount of assessment paid by each hospital;
- (c) The annual medicaid fee-for-service payments for inpatient hospital services and outpatient hospital services; and

(d) The medicaid healthy options inpatient and outpatient payments as reported by all hospitals to the department on disproportionate share hospital applications. The department shall amend the disproportionate share hospital application and reporting instructions as needed to ensure that the foregoing data is reported by all hospitals as needed in order to comply with this subsection (2)(d).

(3) The department shall determine the number of nonmedicare hospital inpatient days for each hospital for each assessment period.

(4) To the extent necessary, the department shall amend the contracts between the managed care organizations and the department and between regional support networks and the department to incorporate the provisions of section 13 of this act. The department shall pursue amendments to the contracts as soon as possible after the effective date of this act. The amendments to the contracts shall, among other provisions, provide for increased payment rates to managed care organizations in accordance with section 13 of this act.

NEW SECTION. Sec. 7. LOCAL ASSESSMENTS OR TAXES NOT AUTHORIZED. Nothing in this chapter shall be construed to authorize any unit of local government to impose a tax or assessment on hospitals, including but not limited to a tax or assessment measured by a hospital's income, earnings, bed days, or other similar measures.

NEW SECTION. Sec. 8. ASSESSMENT PART OF OPERATING OVERHEAD. The incidence and burden of assessments imposed under this chapter shall be on hospitals and the expense associated with the assessments shall constitute a part of the operating overhead of hospitals. Hospitals shall not increase charges or billings to patients or third-party payers as a result of the assessments under this chapter. The department may require hospitals to submit certified statements by their chief financial officers or equivalent officials attesting that they have not increased charges or billings as a result of the assessments.

NEW SECTION. Sec. 9. RESTORATION OF JUNE 30, 2009, REIMBURSEMENT RATES. Upon satisfaction of the applicable conditions set forth in section 17(1) of this act, the department shall:

(1) Restore medicaid inpatient and outpatient reimbursement rates to levels as if the four percent medicaid inpatient and outpatient rate reductions did not occur on July 1, 2009; and

(2) Recalculate the amount payable to each hospital that submitted an otherwise allowable claim for inpatient and outpatient medicaid-covered services rendered from and after July 1, 2009, up to and including the date when the applicable conditions under section 17(1) of this act have been satisfied, as if the four percent medicaid inpatient and outpatient rate reductions did not occur effective July 1, 2009, and, within sixty calendar days after the date upon which the applicable conditions set forth in section 17(1) of this act have been satisfied, remit the difference to each hospital.

NEW SECTION. Sec. 10. INCREASED HOSPITAL PAYMENTS. (1) Upon satisfaction of the applicable conditions set forth in section 17(1) of this act and for services rendered on or after February 1, 2010, the department shall increase the medicaid inpatient and outpatient fee-for-service hospital reimbursement rates in effect on June 30, 2009, by the percentages specified below:

- (a) Prospective payment system hospitals:
 - (i) Inpatient psychiatric services: Thirteen percent;
 - (ii) Inpatient services: Thirteen percent;
 - (iii) Outpatient services: Thirty-six and eighty-three one-hundredths percent.

(b) Harborview medical center and University of Washington medical center:

- (i) Inpatient psychiatric services: Three percent;
- (ii) Inpatient services: Three percent;
- (iii) Outpatient services: Twenty-one percent.

(c) Rehabilitation hospitals:

- (i) Inpatient services: Thirteen percent;
- (ii) Outpatient services: Thirty-six and eighty-three one-hundredths percent;

(d) Psychiatric hospitals:

- (i) Inpatient psychiatric services: Thirteen percent;
- (ii) Inpatient services: Thirteen percent.

(2) For claims processed for services rendered on or after February 1, 2010, but prior to satisfaction of the applicable conditions specified in section 17(1) of this act, the department shall, within sixty calendar days after satisfaction of those conditions, calculate the amount payable to hospitals in accordance with this section and remit the difference to each hospital that has submitted an otherwise allowable claim for payment for such services.

(3) By December 1, 2012, the department will submit a study to the legislature with recommendations on the amount of the assessments necessary to continue to support hospital payments for the 2013-15 biennium. The evaluation will assess medicaid hospital payments relative to medicaid hospital costs. The study should address current federal law, including any changes on scope of medicaid coverage, provisions related to provider taxes, and impacts of federal health care reform legislation. The study should also address the state's economic forecast. Based on the forecast, the department should recommend the amount of assessment needed to support future hospital payments and the departmental administrative expenses. Recommendations should be developed with the fiscal committees of the legislature, office of financial management and the Washington state hospital association.

NEW SECTION. Sec. 11. CRITICAL ACCESS HOSPITAL PAYMENTS. Upon satisfaction of the applicable conditions set forth in section 17(1) of this act, the department shall pay critical access hospitals that do not qualify for or receive a small rural disproportionate share payment in the subject state fiscal year an access payment of fifty dollars for each medicaid inpatient day, exclusive of days on which a swing bed is used for subacute care, from and after July 1, 2009. Initial payments to hospitals, covering the period from July 1, 2009, to the date when the applicable conditions under section 17(1) of this act are satisfied, shall be made within sixty calendar days after such conditions are satisfied. Subsequent payments shall be made to critical access hospitals on an annual basis at the time that disproportionate share eligibility and

payment for the state fiscal year are established. These payments shall be in addition to any other amount payable with respect to services provided by critical access hospitals and shall not reduce any other payments to critical access hospitals.

NEW SECTION. Sec. 12. DISPROPORTIONATE SHARE HOSPITAL PAYMENTS. Upon satisfaction of the applicable conditions set forth in section 17(1) of this act, small rural disproportionate share payments shall be increased to one hundred twenty percent of the level in effect as of June 30, 2009, for the period from and after July 1, 2009, until July 1, 2013. Initial payments, covering the period from July 1, 2009, to the date when the applicable conditions under section 17(1) of this act are satisfied, shall be made within sixty calendar days after those conditions are satisfied. Subsequent payments shall be made directly to hospitals by the department on a periodic basis.

NEW SECTION. Sec. 13. INCREASED MANAGED CARE PAYMENTS AND CORRESPONDING PAYMENTS TO HOSPITALS. Subject to the applicable conditions set forth in section 17(1) of this act, the department shall:

(1) Amend medicaid-managed care and regional support network contracts as necessary in order to ensure compliance with this chapter;

(2) With respect to the inpatient and outpatient rates established by section 9 of this act:

(a) Upon satisfaction of the applicable conditions under section 17(1) of this act, increase payments to managed care organizations and regional support networks as necessary to ensure that hospitals are reimbursed in accordance with section 9(1) of this act for services rendered from and after the date when applicable conditions under section 17(1) of this act have been satisfied, and pay an additional amount equal to the estimated amount of additional state taxes on managed care organizations or regional support networks due as a result of the payments under this section, and require managed care organizations and regional support networks to make payments to each hospital in accordance with section 9 of this act. The increased payments made to hospitals pursuant to this subsection shall be in addition to any other amounts payable to hospitals by managed care organizations or regional support networks and shall not affect any other payments to hospitals;

(b) Within sixty calendar days after satisfaction of the applicable conditions under section 17(1) of this act, calculate the additional amount due to each hospital to pay claims submitted for inpatient and outpatient medicaid-covered services rendered from and after July 1, 2009, through the date when the applicable conditions under section 17(1) of this act have been satisfied, based on the rates required by section 9(2) of this act, make payments to managed care organizations and regional support networks in amounts sufficient to pay the additional amounts due to each hospital plus an additional amount equal to the estimated amount of additional state taxes on managed care organizations or regional support networks due as a result of the payments under this subsection, and require managed care organizations and regional support networks to make payments to each hospital in accordance with the department's calculations within forty-five calendar days after the department disburses funds for those purposes.

(3) With respect to the inpatient and outpatient hospital rates established by section 10 of this act:

(a) Upon satisfaction of the applicable conditions under section 17(1) of this act, increase payments to managed care organizations and regional support networks as necessary to ensure that hospitals are reimbursed in accordance with section 10 of this act, and pay an additional amount equal to the estimated amount of additional state taxes on managed care organizations or regional support networks due as a result of the payments under this section;

(b) Require managed care organizations and regional support networks to reimburse hospitals for hospital inpatient and outpatient services rendered after the date that the applicable conditions under

section 17(1) of this act are satisfied at rates no lower than the combined rates established by sections 9 and 10 of this act;

(c) Within sixty calendar days after satisfaction of the applicable conditions under section 17(1) of this act, calculate the additional amount due to each hospital to pay claims submitted for inpatient and outpatient medicaid-covered services rendered from and after February 1, 2010, through the date when the applicable conditions under section 17(1) of this act are satisfied based on the rates required by section 10 of this act, make payments to managed care organizations and regional support networks in amounts sufficient to pay the additional amounts due to each hospital plus an additional amount equal to the estimated amount of additional state taxes on managed care organizations or regional support networks, and require managed care organizations and regional support networks to make payments to each hospital in accordance with the department's calculations within forty-five calendar days after the department disburses funds for those purposes;

(d) Require managed care organizations that contract with health care organizations that provide, directly or by contract, health care services on a prepaid or capitated basis to make payments to health care organizations for any of the hospital payments that the managed care organizations would have been required to pay to hospitals under this section if the managed care organizations did not contract with those health care organizations, and require the managed care organizations to require those health care organizations to make equivalent payments to the hospitals that would have received payments under this section if the managed care organizations did not contract with the health care organizations;

(4) The department shall ensure that the increases to the medicaid fee schedules as described in section 10 of this act are included in the development of healthy options premiums.

(5) The department may require managed care organizations and regional support networks to demonstrate compliance with this section.

NEW SECTION. Sec. 14. QUALITY INCENTIVE PAYMENTS. (1) The department, in collaboration with the health care authority, the department of health, the department of labor and industries, the Washington state hospital association, the Puget Sound health alliance, and the forum, a collaboration of health carriers, physicians, and hospitals in Washington state, shall design a system of hospital quality incentive payments. The design of the system shall be submitted to the relevant policy and fiscal committees of the legislature by December 15, 2010. The system shall be based upon the following principles:

(a) Evidence-based treatment and processes shall be used to improve health care outcomes for hospital patients;

(b) Effective purchasing strategies to improve the quality of health care services should involve the use of common quality improvement measures by public and private health care purchasers, while recognizing that some measures may not be appropriate for application to specialty pediatric, psychiatric, or rehabilitation hospitals;

(c) Quality measures chosen for the system should be consistent with the standards that have been developed by national quality improvement organizations, such as the national quality forum, the federal centers for medicare and medicaid services, or the federal agency for healthcare research and quality. New reporting burdens to hospitals should be minimized by giving priority to measures hospitals are currently required to report to governmental agencies, such as the hospital compare measures collected by the federal centers for medicare and medicaid services;

(d) Benchmarks for each quality improvement measure should be set at levels that are feasible for hospitals to achieve, yet represent real improvements in quality and performance for a majority of hospitals in Washington state; and

(e) Hospital performance and incentive payments should be designed in a manner such that all noncritical access hospitals in Washington are able to receive the incentive payments if performance is at or above the benchmark score set in the system established under this section.

(2) Upon satisfaction of the applicable conditions set forth in section 17(1) of this act, and for state fiscal year 2013 and each fiscal year thereafter, assessments may be increased to support an additional one percent increase in inpatient hospital rates for noncritical access hospitals that meet the quality incentive benchmarks established under this section.

NEW SECTION. Sec. 15. A new section is added to chapter 70.47 RCW to read as follows:

The increases in inpatient and outpatient reimbursement rates included in chapter 74--- RCW (the new chapter created in section 23 of this act) shall not be reflected in hospital payment rates for services provided to basic health enrollees under this chapter.

NEW SECTION. Sec. 16. MULTIHOSPITAL LOCATIONS, NEW HOSPITALS, AND CHANGES IN OWNERSHIP. (1) If an entity owns or operates more than one hospital subject to assessment under this chapter, the entity shall pay the assessment for each hospital separately. However, if the entity operates multiple hospitals under a single medicaid provider number, it may pay the assessment for the hospitals in the aggregate.

(2) Notwithstanding any other provision of this chapter, if a hospital subject to the assessment imposed under this chapter ceases to conduct hospital operations throughout a state fiscal year, the assessment for the quarter in which the cessation occurs shall be adjusted by multiplying the assessment computed under section 4 (1) and (3) of this act by a fraction, the numerator of which is the number of days during the year which the hospital conducts, operates, or maintains the hospital and the denominator of which is three hundred sixty-five. Immediately prior to ceasing to conduct, operate, or maintain a hospital, the hospital shall pay the adjusted assessment for the fiscal year to the extent not previously paid.

(3) Notwithstanding any other provision of this chapter, in the case of a hospital that commences conducting, operating, or maintaining a hospital that is not exempt from payment of the assessment under section 5 of this act and that did not conduct, operate, or maintain such hospital throughout the cost reporting year used to determine the assessment amount, the assessment for that hospital shall be computed on the basis of the actual number of nonmedicare inpatient days reported to the department by the hospital on a quarterly basis. The hospital shall be eligible to receive increased payments under this chapter beginning on the date it commences hospital operations.

(4) Notwithstanding any other provision of this chapter, if a hospital previously subject to assessment is sold or transferred to another entity and remains subject to assessment, the assessment for that hospital shall be computed based upon the cost report data previously submitted by that hospital. The assessment shall be allocated between the transferor and transferee based on the number of days within the assessment period that each owned, operated, or maintained the hospital.

NEW SECTION. Sec. 17. CONDITIONS. (1) The assessment, collection, and disbursement of funds under this chapter shall be conditional upon:

(a) Withdrawal of those aspects of any pending state plan amendments previously submitted to the centers for medicare and medicaid services that are inconsistent with this chapter, specifically any pending state plan amendment related to the four percent rate reductions for inpatient and outpatient hospital rates and elimination of the small rural disproportionate share hospital payment program as implemented July 1, 2009;

(b) Approval by the centers for medicare and medicaid services of any state plan amendments or waiver requests that are necessary in order to implement the applicable sections of this chapter;

(c) To the extent necessary, amendment of contracts between the department and managed care organizations in order to implement this chapter; and

(d) Certification by the office of financial management that appropriations have been adopted that fully support the rates established in this chapter for the upcoming fiscal year.

(2) This chapter does not take effect or ceases to be imposed, and any moneys remaining in the fund shall be refunded to hospitals in proportion to the amounts paid by such hospitals, if and to the extent that:

(a) An appellate court or the centers for medicare and medicaid services makes a final determination that any element of this chapter, other than section 11 of this act, cannot be validly implemented;

(b) Medicaid inpatient or outpatient reimbursement rates for hospitals are reduced below the combined rates established by sections 9 and 10 of this act;

(c) Except for payments to the University of Washington medical center and harborview medical center, payments to hospitals required under sections 9, 10, 12, and 13 of this act are not eligible for federal matching funds;

(d) Other funding available for the medicaid program is not sufficient to maintain medicaid inpatient and outpatient reimbursement rates for hospitals and small rural disproportionate share payments at one hundred percent of the levels in effect on July 1, 2009; or

(e) The fund is used as a substitute for or to supplant other funds, except as authorized by section 3(3)(e) of this act.

NEW SECTION. Sec. 18. SEVERABILITY. (1) The provisions of this chapter are not severable: If the conditions set forth in section 17(1) of this act are not satisfied or if any of the circumstances set forth in section 17(2) of this act should occur, this entire chapter shall have no effect from that point forward, except that if the payment under section 11 of this act, or the application thereof to any hospital or circumstances does not receive approval by the centers for medicare and medicaid services as described in section 17(1)(b) of this act or is determined to be unconstitutional or otherwise invalid, the other provisions of this chapter or its application to hospitals or circumstances other than those to which it is held invalid shall not be affected thereby.

(2) In the event that any portion of this chapter shall have been validly implemented and the entire chapter is later rendered ineffective under this section, prior assessments and payments under the validly implemented portions shall not be affected.

(3) In the event that the payment under section 11 of this act, or the application thereof to any hospital or circumstances does not receive approval by the centers for medicare and medicaid services as described in section 17(1)(b) of this act or is determined to be unconstitutional or otherwise invalid, the amount of the assessment shall be adjusted under section 6(1)(c) of this act.

Sec. 19. 2009 c 564 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2010)	\$1,597,387,000
General Fund--State Appropriation (FY 2011)	\$1,984,797,000
General Fund--Federal Appropriation	\$5,210,672,000
General Fund--Private/Local Appropriation	\$12,903,000
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation	\$15,076,000
Tobacco Prevention and Control Account--	
State Appropriation	\$3,766,000

TOTAL APPROPRIATION \$8,824,601,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(4) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate- setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the department's discretion. During either the interim cost settlement or the final cost settlement, the department shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The department shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(6) \$1,110,000 of the general fund--federal appropriation and \$1,105,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$9,818,000 of the general fund--state appropriation for fiscal year 2011, and \$9,865,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2009-11 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit reports to the governor and legislature by November 1, 2009, and by November 1,

2010, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2010 and fiscal year 2011, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2009-11 biennial operating appropriations act (chapter 564, Laws of 2009) and in effect on July 1, 2009, (b) one half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2009-11 biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$6,570,000 of the general fund-- state appropriation for fiscal year 2010, which is appropriated in section 204(1) of this act, and \$1,500,000 of the general fund--state appropriation for fiscal year 2011, which is appropriated in section 204(1) of this act, are provided solely for state grants for the participating hospitals. Sufficient amounts are appropriated in this section for the remaining state grants for the participating hospitals. CPE hospitals will receive the inpatient and outpatient reimbursement rate restorations in section 9 and rate increases in section 10 (1) (b) of Engrossed Second Substitute House Bill 2956 (hospital safety net assessment) funded through the hospital safety net assessment fund rather than through the baseline mechanism specified in this section.

(9) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(10) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(11) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is at least equivalent to the benefit provided in the 2003-05 biennium.

(12) \$93,000 of the general fund--state appropriation for fiscal year 2010 and \$93,000 of the general fund--federal appropriation are provided solely for the department to pursue a federal Medicaid

waiver pursuant to Second Substitute Senate Bill No. 5945 (Washington health partnership plan). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(13) The department shall require managed health care systems that have contracts with the department to serve medical assistance clients to limit any reimbursements or payments the systems make to providers not employed by or under contract with the systems to no more than the medical assistance rates paid by the department to providers for comparable services rendered to clients in the fee-for-service delivery system.

(14) Appropriations in this section are sufficient for the department to continue to fund family planning nurses in the community services offices.

(15) The department, in coordination with stakeholders, will conduct an analysis of potential savings in utilization of home dialysis. The department shall present its findings to the appropriate house of representatives and senate committees by December 2010.

(16) A maximum of \$166,875,000 of the general fund--state appropriation and \$38,389,000 of the general fund--federal appropriation may be expended in the fiscal biennium for the general assistance-unemployable medical program, and these amounts are provided solely for this program. Of these amounts, \$10,749,000 of the general fund--state appropriation for fiscal year 2010 and \$10,892,000 of the general fund--federal appropriation are provided solely for payments to hospitals for providing outpatient services to low income patients who are recipients of general assistance-unemployable. Pursuant to RCW 74.09.035, the department shall not expend for the general assistance medical care services program any amounts in excess of the amounts provided in this subsection.

(17) If the department determines that it is feasible within the amounts provided in subsection (16) of this section, and without the loss of federal disproportionate share hospital funds, the department shall contract with the carrier currently operating a managed care pilot project for the provision of medical care services to general assistance-unemployable clients. Mental health services shall be included in the services provided through the managed care system. If the department determines that it is feasible, effective October 1, 2009, in addition to serving clients in the pilot counties, the carrier shall expand managed care services to clients residing in at least the following counties: Spokane, Yakima, Chelan, Kitsap, and Cowlitz. If the department determines that it is feasible, the carrier shall complete implementation into the remaining counties. Total per person costs to the state, including outpatient and inpatient services and any additional costs due to stop loss agreements, shall not exceed the per capita payments projected for the general assistance-unemployable eligibility category, by fiscal year, in the February 2009 medical assistance expenditures forecast. The department, in collaboration with the carrier, shall seek to improve the transition rate of general assistance clients to the federal supplemental security income program.

(18) The department shall evaluate the impact of the use of a managed care delivery and financing system on state costs and outcomes for general assistance medical clients. Outcomes measured shall include state costs, utilization, changes in mental health status and symptoms, and involvement in the criminal justice system.

(19) The department shall report to the governor and the fiscal committees of the legislature by June 1, 2010, on its progress toward achieving a twenty percentage point increase in the generic prescription drug utilization rate.

(20) State funds shall not be used by hospitals for advertising purposes.

(21) The department shall seek a medicaid state plan amendment to create a professional services supplemental payment program for University of Washington medicine professional providers no later than July 1, 2009. The department shall apply federal rules for identifying the shortfall between current fee-for-service medicaid

payments to participating providers and the applicable federal upper payment limit. Participating providers shall be solely responsible for providing the local funds required to obtain federal matching funds. Any incremental costs incurred by the department in the development, implementation, and maintenance of this program will be the responsibility of the participating providers. Participating providers will retain the full amount of supplemental payments provided under this program, net of any potential costs for any related audits or litigation brought against the state. The department shall report to the governor and the legislative fiscal committees on the prospects for expansion of the program to other qualifying providers as soon as feasibility is determined but no later than December 31, 2009. The report will outline estimated impacts on the participating providers, the procedures necessary to comply with federal guidelines, and the administrative resource requirements necessary to implement the program. The department will create a process for expansion of the program to other qualifying providers as soon as it is determined feasible by both the department and providers but no later than June 30, 2010.

(22) \$9,350,000 of the general fund--state appropriation for fiscal year 2010, \$8,313,000 of the general fund--state appropriation for fiscal year 2011, and \$20,371,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of section 902 of this act.

(23) \$506,000 of the general fund--state appropriation for fiscal year 2011 and \$657,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1373 (children's mental health). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(24) Pursuant to 42 U.S.C. Sec. 1396(a)(25), the department shall pursue insurance claims on behalf of medicaid children served through its in-home medically intensive child program under WAC 388-551-3000. The department shall report to the Legislature by December 31, 2009, on the results of its efforts to recover such claims.

(25) The department may, on a case-by-case basis and in the best interests of the child, set payment rates for medically intensive home care services to promote access to home care as an alternative to hospitalization. Expenditures related to these increased payments shall not exceed the amount the department would otherwise pay for hospitalization for the child receiving medically intensive home care services.

(26) \$425,000 of the general fund--state appropriation for fiscal year 2010, \$425,000 of the general fund--state appropriation for fiscal year 2011, and \$1,580,000 of the general fund--federal appropriation are provided solely to continue children's health coverage outreach and education efforts under RCW 74.09.470. These efforts shall rely on existing relationships and systems developed with local public health agencies, health care providers, public schools, the women, infants, and children program, the early childhood education and assistance program, child care providers, newborn visiting nurses, and other community-based organizations. The department shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(27) The department, in conjunction with the office of financial management, shall ~~((reduce outpatient and inpatient hospital rates and))~~ implement a prorated inpatient payment policy. ~~((In determining the level of reductions needed, the department shall include in its calculations services paid under fee for service, managed care, and certified public expenditure payment methods; but~~

~~reductions shall not apply to payments for psychiatric inpatient services or payments to critical access hospitals.)~~

(28) The department will pursue a competitive procurement process for antihemophilic products, emphasizing evidence-based medicine and protection of patient access without significant disruption in treatment.

(29) The department will pursue several strategies towards reducing pharmacy expenditures including but not limited to increasing generic prescription drug utilization by 20 percentage points and promoting increased utilization of the existing mail-order pharmacy program.

(30) The department shall reduce reimbursement for over-the-counter medications while maintaining reimbursement for those over-the-counter medications that can replace more costly prescription medications.

(31) The department shall seek public-private partnerships and federal funds that are or may become available to implement health information technology projects under the federal American recovery and reinvestment act of 2009.

(32) The department shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race.

(33) The department shall direct graduate medical education funds to programs that focus on primary care training.

(34) \$79,000 of the general fund--state appropriation for fiscal year 2010 and \$53,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1845 (medical support obligations).

(35) \$63,000 of the general fund--state appropriation for fiscal year 2010, \$583,000 of the general fund--state appropriation for fiscal year 2011, and \$864,000 of the general fund--federal appropriation are provided solely to implement Engrossed House Bill No. 2194 (extraordinary medical placement for offenders). The department shall work in partnership with the department of corrections to identify services and find placements for offenders who are released through the extraordinary medical placement program. The department shall collaborate with the department of corrections to identify and track cost savings to the department of corrections, including medical cost savings, and to identify and track expenditures incurred by the aging and disability services program for community services and by the medical assistance program for medical expenses. A joint report regarding the identified savings and expenditures shall be provided to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010. If this bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(36) Sufficient amounts are provided in this section to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with RCW 74.09.520.

Sec. 20. RCW 43.84.092 and 2009 c 479 s 31, 2009 c 472 s 5, and 2009 c 451 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act.

Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the hospital safety net assessment fund, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual

surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 21. EXPIRATION. This chapter expires July 1, 2013.

NEW SECTION. Sec. 22. Upon expiration of chapter 74--RCW (the new chapter created in section 24 of this act), inpatient and outpatient hospital reimbursement rates shall return to a rate structure no higher than the rate structure in effect as of July 1, 2009, as if the four percent medicaid inpatient and outpatient rate reductions did not occur on July 1, 2009, or as otherwise specified in the 2013-15 biennial operating appropriations act.

NEW SECTION. Sec. 23. EMERGENCY. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 24. NEW CHAPTER. Sections 1 through 14, 16 through 18, and 21 of this act constitute a new chapter in Title 74 RCW."

Correct the title.

and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

There being no objection, the House advanced to the seventh order of business.

THIRD READING

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Pettigrew spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2956, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2956, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Representatives Angel, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Fagan, Haler, Herrera, Hunter, Klippert, Kretz, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Roach, Schmick, Short, Simpson, Smith and Williams.

Excused: Representatives Shea and Wood.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2956, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Engrossed Second Substitute House Bill No. 2956.

Matthew Shea, 4th District

Format changed to accommodate text.

CONFERENCE COMMITTEE REPORT

April 10, 2010

Second Engrossed Substitute Senate Bill No. 6143

Includes "New Item": YES

Mr. Speaker:

We of your Conference Committee, to whom was referred SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, , modifying excise tax laws to preserve funding for public schools, colleges, and universities, as other public systems essential for the safety, health, and security of all Washingtonians, have had the same under consideration and we recommend that:

All previous amendments not be adopted and that the attached striking amendment (H-5847.5/10) be adopted

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In order to preserve funding for education, public safety, health care, environmental protection, and safety net services for children, elderly, disabled, and vulnerable people, it is the intent of the legislature to close obsolete tax preferences, clarify the legislature's intent regarding existing tax policy, and to ensure balanced tax policy while bolstering emerging industries.

PART I

Minimum Nexus Standards

NEW SECTION. Sec. 101. (1) The legislature finds that out-of-state businesses that do not have a physical presence in Washington earn significant income from Washington residents from providing services or collecting royalties on the use of intangible property in this state. The legislature further finds that these businesses receive significant benefits and opportunities provided by the state, such as: Laws providing protection of business interests or regulating consumer credit; access to courts and judicial process to enforce business rights, including debt collection and intellectual property rights; an orderly and regulated marketplace; and police and fire protection and a transportation system benefiting in-state agents and other representatives of out-of-state businesses. Therefore, the legislature intends to extend the state's business and occupation tax to these companies to ensure that they pay their fair share of the cost of services that this state renders and the infrastructure it provides.

(2)(a) The legislature also finds that the current cost apportionment method in RCW 82.04.460(1) for apportioning most service income has been difficult for both taxpayers and the department to apply due in large part (i) to the difficulty in assigning certain costs of doing business inside or outside of this state, and (ii) to its dissimilarity with the apportionment methods used in other states for their business activity taxes.

(b) The legislature further finds that there is a trend among states to adopt a single factor apportionment formula based on sales. The legislature recognizes that adoption of a sales factor only apportionment method has the advantages of simplifying apportionment and making Washington a more attractive place for businesses to expand their property and payroll. For these reasons, the legislature adopts single factor sales apportionment for purposes of apportioning royalty income and certain service income for state business and occupation tax purposes.

(c) Nothing in this act may be construed, however, to authorize apportionment of the gross income or value of products taxable under the following business and occupation tax classifications: Retailing, wholesaling, manufacturing, processing for hire, extracting, extracting for hire, printing, government contracting, public road construction, the classifications in RCW 82.04.280 (2), (4), (6), and (7), and any other activity not specifically included in the definition of apportionable activities in RCW 82.04.460.

(d) Nothing in this part is intended to modify the nexus and apportionment requirements for local gross receipts business and occupation taxes.

Sec. 102. RCW 82.04.220 and 1961 c 15 s 82.04.220 are each amended to read as follows:

(1) There is levied and ((shall be)) collected from every person that has a substantial nexus with this state a tax for the act or privilege of engaging in business activities. ((Such)) The tax ((shall be)) is measured by the application of rates against value of products, gross proceeds of sales, or gross income of the business, as the case may be.

(2) A person who has a substantial nexus with this state in any tax year will be deemed to have a substantial nexus with this state for the following tax year.

NEW SECTION. Sec. 103. A new section is added to chapter 82.04 RCW to read as follows:

"Engaging within this state" and "engaging within the state," when used in connection with any apportionable activity as defined in RCW 82.04.460, means that a person generates gross income of the business from sources within this state, such as customers or intangible property located in this state, regardless of whether the person is physically present in this state.

NEW SECTION. Sec. 104. A new section is added to chapter 82.04 RCW to read as follows:

(1) A person engaging in business is deemed to have substantial nexus with this state if the person is:

(a) An individual and is a resident or domiciliary of this state;

(b) A business entity and is organized or commercially domiciled in this state; or

(c) A nonresident individual or a business entity that is organized or commercially domiciled outside this state, and in any tax year the person has:

(i) More than fifty thousand dollars of property in this state;

(ii) More than fifty thousand dollars of payroll in this state;

(iii) More than two hundred fifty thousand dollars of receipts from this state; or

(iv) At least twenty-five percent of the person's total property, total payroll, or total receipts in this state.

(2)(a) Property counting toward the thresholds in subsection (1)(c)(i) and (iv) of this section is the average value of the taxpayer's property, including intangible property, owned or rented and used in this state during the tax year.

(b)(i) Property owned by the taxpayer, other than loans and credit card receivables owned by the taxpayer, is valued at its original cost basis. Loans and credit card receivables owned by the taxpayer are valued at their outstanding principal balance, without regard to any reserve for bad debts. However, if a loan or credit card receivable is charged off in whole or in part for federal income tax purposes, the portion of the loan or credit card receivable charged off is deducted from the outstanding principal balance.

(ii) Property rented by the taxpayer is valued at eight times the net annual rental rate. For purposes of this subsection, "net annual rental rate" means the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals.

(c) The average value of property must be determined by averaging the values at the beginning and ending of the tax year; but the department may require the averaging of monthly values during the tax year if reasonably required to properly reflect the average value of the taxpayer's property.

(d)(i) For purposes of this subsection (2), loans and credit card receivables are deemed owned and used in this state as follows:

(A) Loans secured by real property, personal property, or both real and personal property, are deemed owned and used in the state if the real property or personal property securing the loan is located within this state. If the property securing the loan is located both within this state and one or more other states, the loan is deemed owned and used in this state if more than fifty percent of the fair market value of the real or personal property is located within this state. If more than fifty percent of the fair market value of the real or personal property is not located within any one state, then the loan is deemed owned and used in this state if the borrower is located in this state. The determination of whether the real or personal property securing a loan is located within this state must be made, as of the time the original agreement was made, and any and all subsequent substitutions of collateral must be disregarded.

(B) Loans not secured by real or personal property are deemed owned and used in this state if the borrower is located in this state.

(C) Credit card receivables are deemed owned and used in this state if the billing address of the cardholder is in this state.

(ii)(A) Except as otherwise provided in (d)(ii)(B) of this subsection (2), the definitions in the multistate tax commission's recommended formula for the apportionment and allocation of net income of financial institutions as existing on the effective date of this section or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, apply to this section.

(B) "Credit card" means a card or device existing for the purpose of obtaining money, property, labor, or services on credit.

(e) Notwithstanding anything else to the contrary in this subsection, property counting toward the thresholds in subsection (1)(c)(i) and (iv) of this section does not include a person's ownership of, or rights in, computer software as defined in RCW 82.04.215, including computer software used in providing a digital automated service; master copies of software; and digital goods and digital codes residing on servers located in this state.

(3)(a) Payroll counting toward the thresholds in subsection (1)(c)(ii) and (iv) of this section is the total amount paid by the taxpayer for compensation in this state during the tax year plus nonemployee compensation paid to representative third parties in this state. Nonemployee compensation paid to representative third parties includes the gross amount paid to nonemployees who represent the taxpayer in interactions with the taxpayer's clients and includes sales commissions.

(b) Employee compensation is paid in this state if the compensation is properly reportable to this state for unemployment compensation tax purposes, regardless of whether the compensation was actually reported to this state.

(c) Nonemployee compensation is paid in this state if the service performed by the representative third party occurs entirely or primarily within this state.

(d) For purposes of this subsection, "compensation" means wages, salaries, commissions, and any other form of remuneration paid to employees or nonemployees and defined as gross income under 26 U.S.C. Sec. 61 of the federal internal revenue code of 1986, as existing on the effective date of this section.

(4) Receipts counting toward the thresholds in subsection (1)(c)(iii) and (iv) of this section are those amounts included in the numerator of the receipts factor under section 105 of this act and, for financial institutions, those amounts included in the numerator of the receipts factor under the rule adopted by the department as authorized in RCW 82.04.460(2).

(5)(a) Each December, the department must review the cumulative percentage change in the consumer price index. The department must adjust the thresholds in subsection (1)(c)(i) through (iii) of this section if the consumer price index has changed by five percent or more since the later of the effective date of this section, or the date that the thresholds were last adjusted under this subsection. For purposes of determining the cumulative percentage change in the consumer price index, the department must compare the consumer price index available as of December 1st of the current year with the consumer price index as of the later of the effective date of this section, or the date that the thresholds were last adjusted under this subsection. The thresholds must be adjusted to reflect that cumulative percentage change in the consumer price index. The adjusted thresholds must be rounded to the nearest one thousand dollars. Any adjustment will apply to tax periods that begin after the adjustment is made.

(b) As used in this subsection, "consumer price index" means the consumer price index for all urban consumers (CPI-U) available from the bureau of labor statistics of the United States department of labor.

(6) Subsections (1) through (5) of this section only apply with respect to the taxes imposed under this chapter on apportionable activities as defined in RCW 82.04.460. For purposes of the taxes imposed under this chapter on any activity not included in the definition of apportionable activities in RCW 82.04.460, a person is deemed to have a substantial nexus with this state if the person has a physical presence in this state, which need only be demonstrably more than a slightest presence. For purposes of this subsection, a person is physically present in this state if the person has property or employees in this state. A person is also physically present in this state if the person, either directly or through an agent or other representative, engages in activities in this state that are significantly associated with the person's ability to establish or maintain a market for its products in this state.

NEW SECTION. Sec. 105. A new section is added to chapter 82.04 RCW to read as follows:

(1) The apportionable income of a person within the scope of RCW 82.04.460(1) is apportioned to Washington by multiplying its apportionable income by the receipts factor. Persons who are subject to tax under more than one of the tax classifications enumerated in RCW 82.04.460(4)(a) (i) through (x) must calculate a separate receipts factor for each tax classification that the person is taxable under.

(2) For purposes of subsection (1) of this section, the receipts factor is a fraction and is calculated as provided in subsections (3) and (4) of this section and, for financial institutions, as provided in the rule adopted by the department under the authority of RCW 82.04.460(2).

(3)(a) The numerator of the receipts factor is the total gross income of the business of the taxpayer attributable to this state during the tax year from engaging in an apportionable activity. The denominator of the receipts factor is the total gross income of the business of the taxpayer from engaging in an apportionable activity everywhere in the world during the tax year.

(b) Except as otherwise provided in this section, for purposes of computing the receipts factor, gross income of the business generated from each apportionable activity is attributable to the state:

(i) Where the customer received the benefit of the taxpayer's service or, in the case of gross income from royalties, where the customer used the taxpayer's intangible property.

(ii) If the customer received the benefit of the service or used the intangible property in more than one state, gross income of the business must be attributed to the state in which the benefit of the service was primarily received or in which the intangible property was primarily used.

(iii) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i) or (ii) of this subsection (3), gross income of the business must be attributed to the state from which the customer ordered the service or, in the case of royalties, the office of the customer from which the royalty agreement with the taxpayer was negotiated.

(iv) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i), (ii), or (iii) of this subsection (3), gross income of the business must be attributed to the state to which the billing statements or invoices are sent to the customer by the taxpayer.

(v) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i), (ii), (iii), or (iv) of this subsection (3), gross income of the business must be attributed to the state from which the customer sends payment to the taxpayer.

(vi) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i), (ii), (iii), (iv), or (v) of this subsection (3), gross income of the business must be attributed to the state where the customer is located as indicated by the customer's address: (A) Shown in the taxpayer's business records maintained in the regular course of business; or (B) obtained during consummation of the sale or the negotiation of the contract for services or for the use of the taxpayer's intangible property, including any address of a customer's payment instrument when readily available to the taxpayer and no other address is available.

(vii) If the taxpayer is unable to attribute gross income of the business under the provisions of (b)(i), (ii), (iii), (iv), (v), or (vi) of this subsection (3), gross income of the business must be attributed to the commercial domicile of the taxpayer.

(viii) For purposes of this subsection (3)(b), "customer" means a person or entity to whom the taxpayer makes a sale or renders services or from whom the taxpayer otherwise receives gross income of the business. "Customer" includes anyone who pays royalties or charges in the nature of royalties for the use of the taxpayer's intangible property.

(c) Gross income of the business from engaging in an apportionable activity must be excluded from the denominator of the receipts factor if, in respect to such activity, at least some of the activity is performed in this state, and the gross income is attributable under (b) of this subsection (3) to a state in which the taxpayer is not taxable. For purposes of this subsection (3)(c), "not taxable" means that the taxpayer is not subject to a business activities tax by that state, except that a taxpayer is taxable in a state in which it would be deemed to have a substantial nexus with that state under the standards in section 104(1) of this act regardless of whether that state imposes such a tax. "Business activities tax" means a tax measured by the amount of, or economic results of, business activity conducted in a state. The term includes taxes measured in whole or in part on net income or gross income or receipts. "Business activities tax" does not include a sales tax, use tax, or a similar transaction tax, imposed on the sale or acquisition of goods or services, whether or not denominated a gross receipts tax or a tax imposed on the privilege of doing business.

(d) This subsection (3) does not apply to financial institutions with respect to apportionable income taxable under RCW 82.04.290. Financial institutions must calculate the receipts factor as provided in subsection (4) of this section and the rule adopted by the department under the authority of RCW 82.04.460(2) with respect to apportionable income taxable under RCW 82.04.290. Financial institutions that are subject to tax under any other tax classification enumerated in RCW 82.04.460(4)(a) (i) through (v) and (vii) through (x) must calculate a separate receipts factor, as provided in this section, for each of the other tax classifications that the financial institution is taxable under.

(4) A taxpayer may calculate the receipts factor for the current tax year based on the most recent calendar year for which information is available for the full calendar year. If a taxpayer does not calculate the receipts factor for the current tax year based on previous calendar year information as authorized in this subsection, the business must use current year information to calculate the receipts factor for the current tax year. In either case, a taxpayer must correct the reporting for the current tax year when complete information is available to calculate the receipts factor for that year, but not later than October 31st of the following tax year. Interest will apply to any additional tax due on a corrected tax return. Interest must be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the original return was due, and will accrue until the additional taxes are paid. Penalties as provided in RCW 82.32.090 will apply to any such additional tax due only if the current tax year reporting is not corrected and the additional tax is not paid by October 31st of the following tax year. Interest as provided in RCW 82.32.060 will apply to any tax paid in excess of that properly due on a return as a result of a taxpayer using previous calendar year data or incomplete current-year data to calculate the receipts factor.

(5) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Apportionable activities" and "apportionable income" have the same meaning as in RCW 82.04.460.

(b) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any foreign country or political subdivision of a foreign country.

Sec. 106. RCW 82.04.2907 and 2009 c 535 s 407 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of receiving income from royalties (~~or charges in the nature of royalties for the granting of intangible rights, such as copyrights, licenses, patents, or franchise fees~~), the amount of tax with respect to (~~such~~) the business (~~shall be~~) is equal to the gross income from royalties (~~or charges in the nature of royalties from the business~~) multiplied by the rate of 0.484 percent.

(2) For the purposes of this section, "gross income from royalties" means compensation for the use of intangible property, (~~such as~~) including charges in the nature of royalties, regardless of where the intangible property will be used. For purposes of this subsection, "intangible property" includes copyrights, patents, licenses, franchises, trademarks, trade names, and similar items. (~~It~~) "Gross income from royalties" does not include compensation for any natural resource, the licensing of prewritten computer software to the end user, or the licensing (~~or use~~) of digital goods, digital codes, or digital automated services to the end user as defined in RCW 82.04.190(11).

Sec. 107. RCW 82.04.2907 and 2010 c 111 (SHB 2620) s 302 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of receiving income from royalties (~~(or charges in the nature of royalties for the granting of intangible rights, such as copyrights, licenses, patents, or franchise fees)~~), the amount of tax with respect to the business is equal to the gross income from royalties (~~(or charges in the nature of royalties from the business)~~) multiplied by the rate of 0.484 percent.

(2) For the purposes of this section, "gross income from royalties" means compensation for the use of intangible property, (~~such as~~) including charges in the nature of royalties, regardless of where the intangible property will be used. For purposes of this subsection, "intangible property" includes copyrights, patents, licenses, franchises, trademarks, trade names, and similar items. (~~(#)~~) "Gross income from royalties" does not include compensation for any natural resource, the licensing of prewritten computer software to the end user, or the licensing of digital goods, digital codes, or digital automated services to the end user as defined in RCW 82.04.190(11).

Sec. 108. RCW 82.04.460 and 2004 c 174 s 6 are each amended to read as follows:

(1) ~~Except as otherwise provided in this section, any person (rendering services) earning apportionable income taxable under (RCW 82.04.290 or 82.04.2908) this chapter and (maintaining places of business both within and without this state which contribute to the rendition of such services shall) also taxable in another state, must, for the purpose of computing tax liability under (RCW 82.04.290 or 82.04.2908) this chapter, apportion to this state, in accordance with section 105 of this act, that portion of the person's (gross) apportionable income (which is) derived from (services rendered) business activities performed within this state. (Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of the taxpayer's total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.)~~

(2) ~~(Notwithstanding the provision of subsection (1) of this section, persons doing business both within and without the state who receive gross income from service charges, as defined in RCW 63.14.010 (relating to amounts charged for granting the right or privilege to make deferred or installment payments) or who receive gross income from engaging in business as financial institutions within the scope of chapter 82.14A RCW (relating to city taxes on financial institutions) shall apportion or allocate gross income taxable under RCW 82.04.290 to this state pursuant to rules promulgated by the department consistent with uniform rules for apportionment or allocation developed by the states.) The department must by rule provide a method of apportioning the apportionable income of financial institutions, where such apportionable income is taxable under RCW 82.04.290. The rule adopted by the department must, to the extent feasible, be consistent with the multistate tax commission's recommended formula for the apportionment and allocation of net income of financial institutions as existing on the effective date of this section or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section, except that:~~

(a) The department's rule must provide for a single factor apportionment method based on the receipts factor; and

(b) The definition of "financial institution" contained in appendix A to the multistate tax commission's recommended formula for the apportionment and allocation of net income of financial institutions is advisory only.

(3) ~~The department (shall) may by rule provide a method or methods of apportioning or allocating gross income derived from sales of telecommunications service and competitive telephone service(s) taxed under this chapter, if the gross proceeds of sales subject to tax under this chapter do not fairly represent the extent of the taxpayer's income attributable to this state. (The rules shall be, so far as feasible, consistent with the methods of apportionment contained in this section and shall require the consideration of those facts, circumstances, and apportionment factors as will result in an equitable and constitutionally permissible division of the services.) The rule must provide for an equitable and constitutionally permissible division of the tax base.~~

(4) For purposes of this section, the following definitions apply unless the context clearly requires otherwise:

(a) "Apportionable income" means gross income of the business generated from engaging in apportionable activities, including income received from apportionable activities performed outside this state if the income would be taxable under this chapter if received from activities in this state, less the exemptions and deductions allowable under this chapter. For purposes of this subsection, "apportionable activities" means only those activities taxed under:

(i) RCW 82.04.255;

(ii) RCW 82.04.260 (3), (4), (5), (6), (7), (8), (9), and (12);

(iii) RCW 82.04.280(5);

(iv) RCW 82.04.285;

(v) RCW 82.04.286;

(vi) RCW 82.04.290;

(vii) RCW 82.04.2907;

(viii) RCW 82.04.2908;

(ix) RCW 82.04.263, but only to the extent of any activity that would be taxable under any of the provisions enumerated under (a)(i) through (viii) of this subsection (4) if the tax classification in RCW 82.04.263 did not exist; and

(x) RCW 82.04.260(13) and 82.04.280(1), but only with respect to advertising.

(b)(i) "Taxable in another state" means that the taxpayer is subject to a business activities tax by another state on its income received from engaging in apportionable activities; or the taxpayer is not subject to a business activities tax by another state on its income received from engaging in apportionable activities, but any other state has jurisdiction to subject the taxpayer to a business activities tax on such income under the substantial nexus standards in section 104(1) of this act.

(ii) For purposes of this subsection (4)(b), "business activities tax" and "state" have the same meaning as in section 105 of this act.

Sec. 109. RCW 82.04.080 and 1961 c 15 s 82.04.080 are each amended to read as follows:

(1) "Gross income of the business" means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(2) Financial institutions must determine gains realized from trading in stocks, bonds, and other evidences of indebtedness on a net annualized basis. For purposes of this subsection, a financial institution means a person within the scope of the rule adopted by the department under the authority of RCW 82.04.460(2).

NEW SECTION. Sec. 110. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received by a financial institution from an affiliated person if the amounts are received from transactions that are required to be at arm's length under sections 23A or 23B of the federal reserve act as existing on the effective date of this section or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. For purposes of this subsection, "financial institution" has the same meaning as in RCW 82.04.080.

(2) As used in this section, "affiliated" means under common control. "Common control" means the possession, directly or indirectly, of more than fifty percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

NEW SECTION. Sec. 111. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received by investment conduits or securitization entities from cash and securities.

(2) For purposes of this section, the following definitions apply:

(a) "Investment conduit" means an entity formed by a financial institution as defined in RCW 82.04.080 for the express purpose of holding or owning cash or securities if the entity formed:

(i) Has no employees;

(ii) Has no direct profit-making motive;

(iii) Owns no tangible assets, other than cash or securities;

(iv) Holds or owns cash or securities solely as a conduit, allocating its income to holders of its ownership interests; and

(v) Has, within twelve months of its organization or initial capitalization date, issued ownership interests to other than affiliated persons, equal to or greater than twenty-five percent of its total issued ownership interests.

(b) "Securities" has the same meaning as in section 2 of the securities act of 1933 and includes eligible assets as defined by Rule 3a-7 of the investment company act, as the law and rule exist on the effective date of this section or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(c) "Securitization entity" means an entity created by a bank holding company if the entity created:

(i) Has no employees;

(ii) Has no direct profit-making motive;

(iii) Owns no tangible assets, other than cash, fixed or revolving discrete pools of credit or charge card receivables originated by a financial institution, or securities;

(iv) Acts solely as a conduit, allocating its income to holders of its ownership interests; and

(v) Has as its sole business activities the:

(A) Acquisition of such discrete pools of credit or charge card receivables; and

(B) Issuance or causing the issuance of securities primarily to persons not affiliated with the entity.

(d) "Bank holding company" has the same meaning as provided in the bank holding company act of 1956, as existing on the effective date of this section or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(e) "No direct profit-making motive" means that all of an entity's income, less a reasonable servicing fee, is paid to holders of its ownership interests.

(f) "Ownership interest" means interests categorized as debt or equity for purposes of federal tax or generally accepted accounting principles.

(g) "Affiliated" has the same meaning as in section 110 of this act.

NEW SECTION. Sec. 112. A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax interest and fees on loans secured by commercial aircraft primarily used to provide routine air service and owned by:

(a) An air carrier, as defined in RCW 82.42.030, which is primarily engaged in the business of providing passenger air service;

(b) An affiliate of such air carrier; or

(c) A parent entity for which such air carrier is an affiliate.

(2) The deduction authorized under this section is not available to any person who is physically present in this state as determined under section 104(6) of this act.

(3) For purposes of this section, the following definitions apply:

(a) "Affiliate" means a person is "affiliated," as defined in section 110 of this act, with another person; and

(b) "Commercial aircraft" means a commercial airplane as defined in RCW 82.32.550.

PART II

Tax Avoidance Transactions

NEW SECTION. Sec. 201. A new section is added to chapter 82.32 RCW to read as follows:

(1) It is the legislature's intent to require all taxpayers to pay their fair share of taxes. To accomplish this purpose, it is the legislature's intent to stop transactions or arrangements that are designed to unfairly avoid taxes.

(2) The department must disregard, for tax purposes, the tax avoidance transactions or arrangements that are described in subsection (3) of this section. The department must deny the tax benefit that would otherwise result from the tax avoidance transaction or arrangement. In determining whether the department must disregard a transaction or arrangement described under subsection (3) of this section, the department may consider:

(a) Whether an arrangement or transaction changes in a meaningful way, apart from its tax effects, the economic positions of the participants in the arrangement when considered as a whole;

(b) Whether substantial nontax reasons exist for entering into an arrangement or transaction;

(c) Whether an arrangement or transaction is a reasonable means of accomplishing a substantial nontax purpose;

(d) An entities' relative contributions to the work that generates income;

(e) The location where work is performed; and

(f) Other relevant factors.

(3) This section applies only to the following transactions or arrangements:

(a) Arrangements that are, in form, a joint venture or similar arrangement between a construction contractor and the owner or developer of a construction project but that are, in substance, substantially guaranteed payments for the purchase of construction services characterized by a failure of the parties' agreement to provide for the contractor to share substantial profits and bear significant risk of loss in the venture;

(b) Arrangements through which a taxpayer attempts to avoid tax under chapter 82.04 RCW by disguising income received, or otherwise avoiding tax on income, from a person that is not affiliated with the taxpayer from business activities that would be taxable in Washington by moving that income to another entity that would not be taxable in Washington; and

(c) Arrangements through which a taxpayer attempts to avoid tax under chapter 82.08 or 82.12 RCW by engaging in a transaction to disguise its purchase or use of tangible personal property by vesting legal title or other ownership interest in another entity over which the taxpayer exercises control in such a manner as to effectively retain control of the tangible personal property.

(4) In determining whether a transaction or arrangement comes within the scope of subsection (3) of this section, the department is not required to prove a taxpayer's subjective intent in engaging in the transaction or arrangement.

(5) The department must adopt rules to assist in determining whether a transaction or arrangement is within the scope of subsection (3) of this section. The adoption of a rule as required under this subsection is not a condition precedent for the department's exercise of the authority provided in this section. Any rules adopted under this section must include examples of transactions that the department will disregard for tax purposes.

(6) This section does not affect the department's authority to apply any other remedies available under statutory or common law.

(7) For purposes of this section, "affiliated" means under common control. "Control" means the possession, directly or indirectly, of more than fifty percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

NEW SECTION. Sec. 202. A new section is added to chapter 82.32 RCW to read as follows:

(1)(a) The department may not use section 201 of this act to disregard any transaction or arrangement initiated before the effective date of this section, if, in respect to such transaction or arrangement, the taxpayer had reported its tax liability in conformance with either specific written instructions provided by the department to the taxpayer, a determination published under the authority of RCW 82.32.410, or other document made available by the department to the general public.

(b) This section does not apply if the transaction or arrangement engaged in by the taxpayer differs materially from the transaction or arrangement that was addressed in the specific written instructions, published determination, or other document made available by the department to the general public.

(2) Section 201 of this act does not apply to any tax periods ending before May 1, 2010, that were included in a completed field audit conducted by the department.

(3) For purposes of this section, "specific written instructions" means tax reporting instructions provided to a taxpayer and which specifically identify the taxpayer to whom the instructions apply. Specific written instructions may be provided as part of an audit, tax assessment, determination, closing agreement, or in response to a binding ruling request.

Sec. 203. RCW 82.32.090 and 2006 c 256 s 6 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there ~~((shall be))~~ is assessed a penalty of five percent of the amount of the tax; and if the tax is not received on or before the last day of the month following the due date, there ~~((shall be))~~ is assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if the tax is not received on or before the last day of the second month following the due date, there ~~((shall be))~~ is assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added shall be less than five dollars.

(2) If the department of revenue determines that any tax has been substantially underpaid, there ~~((shall be))~~ is assessed a penalty of five percent of the amount of the tax determined by the department to be due. If payment of any tax determined by the department to be due is not received by the department by the due date specified in the notice, or any extension thereof, there ~~((shall be))~~ is assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if payment of any tax determined by the department to be due is not received on or before the thirtieth day following the due date specified in the notice of tax due, or any extension thereof, there ~~((shall be))~~ is assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added ~~((shall))~~ may be less than five dollars. As used in this section, "substantially underpaid" means that the taxpayer has paid less than eighty percent of the amount of tax determined by the department to be due for all of the types of taxes included in, and for the entire period of time covered by, the department's examination, and the amount of underpayment is at least one thousand dollars.

(3) If a warrant ~~((be))~~ is issued by the department of revenue for the collection of taxes, increases, and penalties, there ~~((shall be))~~ is added thereto a penalty of ten percent of the amount of the tax, but not less than ten dollars.

(4) If the department finds that a person has engaged in any business or performed any act upon which a tax is imposed under this title and that person has not obtained from the department a registration certificate as required by RCW 82.32.030, the department ~~((shall))~~ must impose a penalty of five percent of the amount of tax due from that person for the period that the person was not registered as required by RCW 82.32.030. The department ~~((shall))~~ may not impose the penalty under this subsection (4) if a person who has engaged in business taxable under this title without first having registered as required by RCW 82.32.030, prior to any notification by the department of the need to register, obtains a registration certificate from the department.

(5) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department ~~((shall))~~ must add a penalty of ten percent of the amount of the additional tax found due because of the failure to follow the instructions. A taxpayer disregards specific written instructions when the department ~~((of revenue))~~ has informed the taxpayer in writing of the taxpayer's tax obligations and the taxpayer fails to act in accordance with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department ~~((shall))~~ may not assess the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the department to that taxpayer. Specific written instructions may be given as a part of a tax assessment, audit, determination, or closing agreement, provided that such specific written instructions ~~((shall))~~ apply only to the taxpayer addressed or referenced on such documents. Any specific written instructions by the department ~~((of revenue shall))~~ must be clearly identified as such and ~~((shall))~~ must inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

(6) If the department finds that all or any part of a deficiency resulted from engaging in a disregarded transaction, as described in section 201(3) of this act, the department must assess a penalty of thirty-five percent of the additional tax found to be due as a result of engaging in a transaction disregarded by the department under section 201(2) of this act. The penalty provided in this subsection may be assessed together with any other applicable penalties provided in this section on the same tax found to be due, except for the evasion penalty provided in subsection (7) of this section. The department may not assess the penalty under this subsection if, before the department discovers the taxpayer's use of a transaction described under section 201(3) of this act, the taxpayer discloses its participation in the transaction to the department.

~~(7)~~ If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due ~~((shall))~~ must be added.

~~((7))~~ (8) The penalties imposed under subsections (1) through (4) of this section can each be imposed on the same tax found to be due. This subsection does not prohibit or restrict the application of other penalties authorized by law.

~~((8))~~ (9) The department ~~((of revenue))~~ may not impose ~~((both))~~ the evasion penalty ~~((and))~~ in combination with the penalty for disregarding specific written instructions or the penalty provided in subsection (6) of this section on the same tax found to be due.

~~((9))~~ (10) For the purposes of this section, "return" means any document a person is required by the state of Washington to file to satisfy or establish a tax or fee obligation that is administered or collected by the department ~~((of revenue))~~, and that has a statutorily defined due date.

NEW SECTION. Sec. 204. A new section is added to chapter 82.32 RCW to read as follows:

There is hereby created a joint tax avoidance review committee which is a bipartisan committee consisting of three members of the senate, two from the majority caucus and one from the minority caucus, and three members of the house of representatives, two from the majority caucus and one from the minority caucus. The senate members of the committee must be appointed by the majority leader of the senate, and the house members of the committee must be appointed by the speaker of the house. The appointing authorities must also appoint one alternate member from each of the two largest caucuses of each legislative chamber.

(1)(a) Members and alternates must be appointed as soon as possible after the effective date of this section, and their terms continue until such persons no longer wish to serve on the committee or no longer serve in the legislature, whichever occurs first.

(b) A vacancy must be filled by the appointment of a legislator from the same legislative chamber and caucus as the original appointment. The appropriate appointing authority must make the appointment within thirty days of the vacancy occurring. Former committee members and alternates may be reappointed to the committee.

(2) The committee must choose its chair and vice-chair from among its membership. The committee meets at the call of the chair. The chair of the committee must cause all meeting notices and committee documents to be sent to the committee members and alternates.

(3) Staff support for the committee must be provided by the senate committee services and the house of representatives office of program research.

(4) The committee must:

(a) Generally monitor the department's implementation of Part II of this act, providing timely advice to the department in any rule making undertaken pursuant to the authority granted under section 201 of this act;

(b) Seek input from stakeholders and other legislators as the committee may determine is desirable and useful in the furtherance of its mission herein described;

(c) Review other cases, identified by the department, of tax avoidance transactions not described in section 201 of this act that may represent examples of arrangements that circumvent the policies of this state and thus unfairly avoid taxes;

(d) Consider the need for an explicit statutory construction standard to provide direction to the courts on the interpretation of Part II of this act; and

(e) Provide a report to the fiscal committees of the house of representatives and senate by December 31, 2010, which must include:

(i) Recommended legislation on any matters that the committee deems advisable, including amendments to sections 201, 202, and 203 of this act; and

(ii) Recommendations for future legislative oversight of the department's implementation of sections 201, 202, and 203 of this act.

(5) For the purposes of this section, the disclosure of otherwise confidential tax information to the members of the committee is deemed to fall within the exception provided by RCW 82.32.330(3)(d).

(6) This section expires July 1, 2011.

NEW SECTION. Sec. 205. (1) The legislature finds that this state's tax policy with respect to the taxation of transactions between affiliated entities and the income derived from such transactions (intercompany transactions) has motivated some taxpayers to engage in transactions designed solely or primarily to minimize the tax effects of intercompany transactions. The legislature further finds that some intercompany transactions result from taxpayers that are required to establish affiliated entities to comply with regulatory mandates and that transactions between such affiliates effectively increases the tax burden in this state on the affiliated group of entities.

(2) Therefore, as existing resources allow, the department of revenue is directed to conduct a review of the state's tax policy with respect to the taxation of intercompany transactions. The review must include the impacts of such transactions under the state's business and occupation tax and state and local sales and use taxes. The department may include other taxes in the review as it deems appropriate.

(3) In conducting the review, the department must examine how this state's tax policy compares to the tax policy of other states with respect to the taxation of intercompany transactions. The department's review must include an analysis of potential alternatives to the current policy of taxing intercompany transactions, including their estimated revenue impacts if practicable.

(4) In conducting this review, the department may seek input from members of the business community and others as it deems appropriate.

(5) The department must report its findings to the fiscal committees of the house of representatives and senate by December 1, 2010. However, if the department has not completed its review by December 1, 2010, the department must provide the fiscal committees of the legislature with a brief status report by December 1, 2010, and the final report by December 1, 2011.

Sec. 206. RCW 82.12.020 and 2009 c 535 s 305 are each amended to read as follows:

(1) There is ~~((hereby))~~ levied and ~~((there shall be))~~ collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any:

(a) Article of tangible personal property ~~((purchased at retail, or))~~ acquired by ~~((lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7)))~~ the user in any manner, including tangible personal property acquired at a casual or isolated sale, and including by-products

used by the manufacturer thereof, except as otherwise provided in this chapter, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state;

(b) Prewritten computer software, regardless of the method of delivery, but excluding prewritten computer software that is either provided free of charge or is provided for temporary use in viewing information, or both;

(c) Services defined as a retail sale in RCW 82.04.050 (2)(a) or (g), (3)(a), or (6)(b), excluding services defined as a retail sale in RCW 82.04.050(6)(b) that are provided free of charge;

(d) Extended warranty; or

(e)(i) Digital good, digital code, or digital automated service, including the use of any services provided by a seller exclusively in connection with digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(ii) With respect to the use of digital goods, digital automated services, and digital codes acquired by purchase, the tax imposed in this subsection (1)(e) applies in respect to:

(A) Sales in which the seller has granted the purchaser the right of permanent use;

(B) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(C) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(D) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(iii) With respect to digital goods, digital automated services, and digital codes acquired other than by purchase, the tax imposed in this subsection (1)(e) applies regardless of whether or not the consumer has a right of permanent use or is obligated to make continued payment as a condition of use.

(2) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property, extended warranty, digital good, digital code, digital automated service, or service taxable under RCW 82.04.050 (2)(a) or (g), (3)(a), or (6)(b), if the sale to, or the use by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(3)(a) Except as provided in this section, payment of the tax imposed by this chapter or chapter 82.08 RCW by one purchaser or user of tangible personal property, extended warranty, digital good, digital code, digital automated service, or other service does not have the effect of exempting any other purchaser or user of the same property, extended warranty, digital good, digital code, digital automated service, or other service from the taxes imposed by such chapters.

(b) The tax imposed by this chapter does not apply:

(i) If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor;

(ii) In respect to the use of any article of tangible personal property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use;

(iii) In respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961; or

(iv) To the use of digital goods or digital automated services, which were obtained through the use of a digital code, if the sale of the digital code to, or the use of the digital code by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

(4)(a) Except as provided in (b) of this subsection (4), the tax is levied and must be collected in an amount equal to the value of the article used, value of the digital good or digital code used, value of the extended warranty used, or value of the service used by the taxpayer, multiplied by the applicable rates in effect for the retail sales tax under RCW 82.08.020.

(b) In the case of a seller required to collect use tax from the purchaser, the tax must be collected in an amount equal to the purchase price multiplied by the applicable rate in effect for the retail sales tax under RCW 82.08.020.

(5) For purposes of the tax imposed in this section, "person" includes anyone within the definition of "buyer," "purchaser," and "consumer" in RCW 82.08.010.

Sec. 207. RCW 82.45.010 and 2008 c 116 s 3 and 2008 c 6 s 701 are each reenacted and amended to read as follows:

(1) As used in this chapter, the term "sale" (~~(shall have)~~) has its ordinary meaning and (~~(shall)~~) includes any conveyance, grant, assignment, quitclaim, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person at the purchaser's direction, and title to the property is retained by the vendor as security for the payment of the purchase price. The term also includes the grant, assignment, quitclaim, sale, or transfer of improvements constructed upon leased land.

(2)(a) The term "sale" also includes the transfer or acquisition within any twelve-month period of a controlling interest in any entity with an interest in real property located in this state for a valuable consideration.

(b) For the sole purpose of determining whether, pursuant to the exercise of an option, a controlling interest was transferred or acquired within a twelve-month period, the date that the option agreement was executed is the date on which the transfer or acquisition of the controlling interest is deemed to occur. For all other purposes under this chapter, the date upon which the option is exercised is the date of the transfer or acquisition of the controlling interest.

(c) For purposes of this subsection, all acquisitions of persons acting in concert (~~(shall)~~) must be aggregated for purposes of determining whether a transfer or acquisition of a controlling interest has taken place. The department (~~(of revenue shall)~~) must adopt standards by rule to determine when persons are acting in concert. In adopting a rule for this purpose, the department (~~(shall)~~) must consider the following:

~~((a))~~ (i) Persons (~~(shall)~~) must be treated as acting in concert when they have a relationship with each other such that one person influences or controls the actions of another through common ownership; and

~~((b))~~ (ii) When persons are not commonly owned or controlled, they (~~(shall)~~) must be treated as acting in concert only when the unity with which the purchasers have negotiated and will consummate the transfer of ownership interests supports a finding that they are acting as a single entity. If the acquisitions are completely independent, with each purchaser buying without regard to the identity of the other purchasers, then the acquisitions (~~(shall be)~~) are considered separate acquisitions.

- (3) The term "sale" (~~shall~~) does not include:
- (a) A transfer by gift, devise, or inheritance.
 - (b) A transfer of any leasehold interest other than of the type mentioned above.
 - (c) A cancellation or forfeiture of a vendee's interest in a contract for the sale of real property, whether or not such contract contains a forfeiture clause, or deed in lieu of foreclosure of a mortgage.
 - (d) The partition of property by tenants in common by agreement or as the result of a court decree.
 - (e) The assignment of property or interest in property from one spouse or one domestic partner to the other spouse or other domestic partner in accordance with the terms of a decree of dissolution of marriage or state registered domestic partnership or in fulfillment of a property settlement agreement.
 - (f) The assignment or other transfer of a vendor's interest in a contract for the sale of real property, even though accompanied by a conveyance of the vendor's interest in the real property involved.
 - (g) Transfers by appropriation or decree in condemnation proceedings brought by the United States, the state or any political subdivision thereof, or a municipal corporation.
 - (h) A mortgage or other transfer of an interest in real property merely to secure a debt, or the assignment thereof.
 - (i) Any transfer or conveyance made pursuant to a deed of trust or an order of sale by the court in any mortgage, deed of trust, or lien foreclosure proceeding or upon execution of a judgment, or deed in lieu of foreclosure to satisfy a mortgage or deed of trust.
 - (j) A conveyance to the federal housing administration or veterans administration by an authorized mortgagee made pursuant to a contract of insurance or guaranty with the federal housing administration or veterans administration.
 - (k) A transfer in compliance with the terms of any lease or contract upon which the tax as imposed by this chapter has been paid or where the lease or contract was entered into prior to the date this tax was first imposed.
 - (l) The sale of any grave or lot in an established cemetery.
 - (m) A sale by the United States, this state or any political subdivision thereof, or a municipal corporation of this state.
 - (n) A sale to a regional transit authority or public corporation under RCW 81.112.320 under a sale/leaseback agreement under RCW 81.112.300.
 - (o) A transfer of real property, however effected, if it consists of a mere change in identity or form of ownership of an entity where there is no change in the beneficial ownership. These include transfers to a corporation or partnership which is wholly owned by the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner (~~(=PROVIDED, That)~~). However, if thereafter such transferee corporation or partnership voluntarily transfers such real property, or such transferor, spouse or domestic partner, or children of the transferor or the transferor's spouse or domestic partner voluntarily transfer stock in the transferee corporation or interest in the transferee partnership capital, as the case may be, to other than ~~((4))~~ (i) the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, ~~((2))~~ (ii) a trust having the transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner as the only beneficiaries at the time of the transfer to the trust, or ~~((3))~~ (iii) a corporation or partnership wholly owned by the original transferor and/or the transferor's spouse or domestic partner or children of the transferor or the transferor's spouse or domestic partner, within three years of the original transfer to which this exemption applies, and the tax on the subsequent transfer has not been paid within sixty days of becoming due, excise taxes (~~shall~~) become due and payable on the original transfer as otherwise provided by law.
 - (p)(i) A transfer that for federal income tax purposes does not involve the recognition of gain or loss for entity formation, liquidation or dissolution, and reorganization, including but not limited to nonrecognition of gain or loss because of application of ~~(section)~~ 26 U.S.C. Sec. 332, 337, 351, 368(a)(1), 721, or 731 of the internal revenue code of 1986, as amended.
 - (ii) However, the transfer described in (p)(i) of this subsection cannot be preceded or followed within a twelve-month period by another transfer or series of transfers, that, when combined with the otherwise exempt transfer or transfers described in (p)(i) of this subsection, results in the transfer of a controlling interest in the entity for valuable consideration, and in which one or more persons previously holding a controlling interest in the entity receive cash or property in exchange for any interest the person or persons acting in concert hold in the entity. This subsection (3)(p)(ii) does not apply to that part of the transfer involving property received that is the real property interest that the person or persons originally contributed to the entity or when one or more persons who did not contribute real property or belong to the entity at a time when real property was purchased receive cash or personal property in exchange for that person or persons' interest in the entity. The real estate excise tax under this subsection (3)(p)(ii) is imposed upon the person or persons who previously held a controlling interest in the entity.
 - (q) A qualified sale of a manufactured/mobile home community, as defined in RCW 59.20.030, that takes place on or after June 12, 2008, but before December 31, 2018.

Sec. 208. RCW 82.45.033 and 1993 sp.s. c 25 s 505 are each amended to read as follows:

- (1) As used in this chapter, the term "controlling interest" has the following meaning:
- ~~((4))~~ (a) In the case of a corporation, either fifty percent or more of the total combined voting power of all classes of stock of the corporation entitled to vote, or fifty percent of the capital, profits, or beneficial interest in the voting stock of the corporation; and
 - ~~((2))~~ (b) In the case of a partnership, association, trust, or other entity, fifty percent or more of the capital, profits, or beneficial interest in such partnership, association, trust, or other entity.
- (2) The department may, at the department's option, enforce the obligation of the seller under this chapter as provided in this subsection (2):
- (a) In the transfer or acquisition of a controlling interest as defined in subsection (1)(a) of this section, either against the corporation in which a controlling interest is transferred or acquired, against the person or persons who acquired the controlling interest in the corporation or, when the corporation is not a publicly traded company, against the person or persons who transferred the controlling interest in the corporation; and
 - (b) In the transfer or acquisition of a controlling interest as defined in subsection (1)(b) of this section, either against the entity in which a controlling interest is transferred or acquired or against the person or persons who transferred or acquired the controlling interest in the entity.

Sec. 209. RCW 82.45.070 and 1969 ex.s. c 223 s 28A.45.070 are each amended to read as follows:

The tax (~~herein~~) provided for in this chapter and any interest or penalties thereon (~~shall be~~) is a specific lien upon each (~~piece~~) parcel of real property located in this state that is either sold or that is owned by an entity in which a controlling interest has been transferred or acquired. The lien attaches from the time of sale until the tax (~~shall have been~~) is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages.

Sec. 210. RCW 82.45.080 and 1980 c 154 s 3 are each amended to read as follows:

(1) The tax levied under this chapter (~~(shall be)~~) is the obligation of the seller and the department (~~(of revenue)~~) may, at the department's option, enforce the obligation through an action of debt against the seller or the department may proceed in the manner prescribed for the foreclosure of mortgages (~~(and resort to)~~). The department's use of one course of enforcement (~~(shall)~~) is not (~~(be)~~) an election not to pursue the other.

(2) For purposes of this section and notwithstanding any other provisions of law, the seller is the parent corporation of a wholly owned subsidiary, when such subsidiary is the transferor to a third-party transferee and the subsidiary is dissolved before paying the tax imposed under this chapter.

Sec. 211. RCW 82.45.100 and 2007 c 111 s 112 are each amended to read as follows:

(1) Payment of the tax imposed under this chapter is due and payable immediately at the time of sale, and if not paid within one month thereafter (~~(shall)~~) will bear interest from the time of sale until the date of payment.

(a) Interest imposed before January 1, 1999, (~~(shall be)~~) is computed at the rate of one percent per month.

(b) Interest imposed after December 31, 1998, (~~(shall be)~~) is computed on a monthly basis at the rate as computed under RCW 82.32.050(2). The rate so computed (~~(shall)~~) must be adjusted on the first day of January of each year for use in computing interest for that calendar year. The department (~~(of revenue shall)~~) must provide written notification to the county treasurers of the variable rate on or before December 1st of the year preceding the calendar year in which the rate applies.

(2) In addition to the interest described in subsection (1) of this section, if the payment of any tax is not received by the county treasurer or the department of revenue, as the case may be, within one month of the date due, there (~~(shall be)~~) is assessed a penalty of five percent of the amount of the tax; if the tax is not received within two months of the date due, there (~~(shall)~~) will be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within three months of the date due, there (~~(shall)~~) will be assessed a total penalty of twenty percent of the amount of the tax. The payment of the penalty described in this subsection (~~(shall be)~~) is collectible from the seller only, and RCW 82.45.070 does not apply to the penalties described in this subsection.

(3) If the tax imposed under this chapter is not received by the due date, the transferee (~~(shall be)~~) is personally liable for the tax, along with any interest as provided in subsection (1) of this section, unless(~~(~~

~~(a)) an instrument evidencing the sale is recorded in the official real property records of the county in which the property conveyed is located(~~(~~~~

~~(b) Either the transferor or transferee notifies the department of revenue in writing of the occurrence of the sale within thirty days following the date of the sale)).~~

(4) If upon examination of any affidavits or from other information obtained by the department or its agents it appears that all or a portion of the tax is unpaid, the department (~~(shall)~~) must assess against the taxpayer the additional amount found to be due plus interest and penalties as provided in subsections (1) and (2) of this section. The department (~~(shall)~~) must notify the taxpayer by mail, or electronically as provided in RCW 82.32.135, of the additional amount and the same (~~(shall)~~) becomes due and (~~(shall)~~) must be paid within thirty days from the date of the notice, or within such further time as the department may provide.

(5) No assessment or refund may be made by the department more than four years after the date of sale except upon a showing of:

(a) Fraud or misrepresentation of a material fact by the taxpayer;

(b) A failure by the taxpayer to record documentation of a sale or otherwise report the sale to the county treasurer; or

(c) A failure of the transferor or transferee to report the sale under RCW 82.45.090(2).

(6) Penalties collected on taxes due under this chapter under subsection (2) of this section and RCW 82.32.090 (2) through (~~((7))~~) (8) (~~(shall)~~) must be deposited in the housing trust fund as described in chapter 43.185 RCW.

Sec. 212. RCW 82.45.220 and 2005 c 326 s 3 are each amended to read as follows:

(1) An organization that fails to report a transfer of the controlling interest in the organization under RCW 43.07.390 to the secretary of state and is later determined to be subject to real estate excise taxes due to the transfer, (~~(shall be)~~) is subject to the provisions of RCW 82.45.100 as well as the evasion penalty in RCW 82.32.090(~~((6))~~) (7).

(2) Subsection (1) of this section also applies to the failure to report to the secretary of state the granting of an option to acquire an interest in the organization if the exercise of the option would result in a sale as defined in RCW 82.45.010(2).

Sec. 213. RCW 43.07.390 and 2005 c 326 s 2 are each amended to read as follows:

(1)(a) The secretary of state (~~(shall)~~) must adopt rules requiring any entity that is required to file an annual report with the secretary of state, including entities under Titles 23, 23B, 24, and 25 RCW, to disclose: (i) Any transfer (~~((in))~~) of the controlling interest (~~((of))~~) in the entity (~~(and any interest in real property)~~); and (ii) the granting of any option to acquire an interest in the entity if the exercise of the option would result in a sale as defined in RCW 82.45.010(2).

(b) The disclosure requirement in this subsection only applies to entities owning an interest in real property located in this state.

(2) This information (~~(shall)~~) must be made available to the department of revenue upon request for the purposes of tracking the transfer of the controlling interest in entities owning real property and to determine when the real estate excise tax is applicable in such cases.

(3) For the purposes of this section, "controlling interest" has the same meaning as provided in RCW 82.45.033.

PART III**Modifying the First Mortgage Deduction****Sec. 301. RCW 82.04.4292 and 1980 c 37 s 12 are each amended to read as follows:**

(1) In computing tax there may be deducted from the measure of tax by those engaged in banking, loan, security or other financial businesses, (~~(amounts derived from))~~ interest received on investments or loans primarily secured by first mortgages or trust deeds on nontransient residential properties.

(2) Interest deductible under this section includes the portion of fees charged to borrowers, including points and loan origination fees, that is recognized over the life of the loan as an adjustment to yield in the taxpayer's books and records according to generally accepted accounting principles.

(3) Subsections (1) and (2) of this section notwithstanding, the following is a nonexclusive list of items that are not deductible under this section:

(a) Fees for specific services such as: Document preparation fees; finder fees; brokerage fees; title examination fees; fees for credit checks; notary fees; loan application fees; interest lock-in fees if the loan is not made; servicing fees; and similar fees or amounts;

(b) Fees received in consideration for an agreement to make funds available for a specific period of time at specified terms, commonly referred to as commitment fees;

(c) Any other fees, or portion of a fee, that is not recognized over the life of the loan as an adjustment to yield in the taxpayer's books and records according to generally accepted accounting principles;

(d) Gains on the sale of valuable rights such as service release premiums, which are amounts received when servicing rights are sold; and

(e) Gains on the sale of loans, except deferred loan origination fees and points deductible under subsection (2) of this section, are not to be considered part of the proceeds of sale of the loan.

(4) Notwithstanding subsection (3) of this section, in computing tax there may be deducted from the measure of tax by those engaged in banking, loan, security, or other financial businesses, amounts received for servicing loans primarily secured by first mortgages or trust deeds on nontransient residential properties, including such loans that secure mortgage-backed or mortgage-related securities, but only if:

(a)(i) The loans were originated by the person claiming a deduction under this subsection (4) and that person either sold the loans on the secondary market or securitized the loans and sold the securities on the secondary market; or

(ii)(A) The person claiming a deduction under this subsection (4) acquired the loans from the person that originated the loans through a merger or acquisition of substantially all of the assets of the person who originated the loans, or the person claiming a deduction under this subsection (4) is affiliated with the person that originated the loans. For purposes of this subsection, "affiliated" means under common control. "Control" means the possession, directly or indirectly, of more than fifty percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise; and

(B) Either the person who originated the loans or the person claiming a deduction under this subsection (4) sold the loans on the secondary market or securitized the loans and sold the securities on the secondary market; and

(b) The amounts received for servicing the loans are determined by a percentage of the interest paid by the borrower and are only received if the borrower makes interest payments.

PART IV

Direct Seller Business and Occupation Tax Exemption

NEW SECTION. Sec. 401. (1) A business and occupation tax exemption is provided in RCW 82.04.423 for certain out-of-state sellers that sell consumer products exclusively to or through a direct seller's representative. The intent of the legislature in enacting this exemption was to provide a narrow exemption for out-of-state businesses engaged in direct sales of consumer products, typically accomplished through in-home parties or door-to-door selling.

(2) In *Dot Foods, Inc. v. Dep't of Revenue*, Docket No. 81022-2 (September 10, 2009), the Washington supreme court held that the exemption in RCW 82.04.423 applied to a taxpayer: (a) That sold nonconsumer products through its representative in addition to consumer products; and (b) whose consumer products were ultimately sold at retail in permanent retail establishments.

(3) The legislature finds that most out-of-state businesses selling consumer products in this state will either be eligible for the exemption under RCW 82.04.423 or could easily restructure their business operations to qualify for the exemption. As a result, the legislature expects that the broadened interpretation of the direct sellers' exemption will lead to large and devastating revenue losses. This comes at a time when the state's existing budget is facing a two billion six hundred million dollar shortfall, which could grow, while at the same time the demand for state and state-funded services is also growing. Moreover, the legislature further finds that RCW 82.04.423 provides preferential tax treatment for out-of-state businesses over their in-state competitors and now creates a strong incentive for in-state businesses to move their operations outside Washington.

(4) Therefore, the legislature finds that it is necessary to reaffirm the legislature's intent in establishing the direct sellers' exemption and prevent the loss of revenues resulting from the expanded interpretation of the exemption by amending RCW 82.04.423 retroactively to conform the exemption to the original intent of the legislature and by prospectively ending the direct sellers' exemption as of the effective date of this section.

Sec. 402. RCW 82.04.423 and 1983 1st ex.s. c 66 s 5 are each amended to read as follows:

(1) Prior to the effective date of this section, this chapter ((shall)) does not apply to any person in respect to gross income derived from the business of making sales at wholesale or retail if such person:

(a) Does not own or lease real property within this state; and

(b) Does not regularly maintain a stock of tangible personal property in this state for sale in the ordinary course of business; and

(c) Is not a corporation incorporated under the laws of this state; and

(d) Makes sales in this state exclusively to or through a direct seller's representative.

(2) For purposes of this section, the term "direct seller's representative" means a person who buys only consumer products on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise than in a permanent retail establishment, or who sells at retail, or solicits the sale at retail of, only consumer products in the home or otherwise than in a permanent retail establishment; and

(a) Substantially all of the remuneration paid to such person, whether or not paid in cash, for the performance of services described in this subsection is directly related to sales or other output, including the performance of services, rather than the number of hours worked; and

(b) The services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee with respect to such purposes for federal tax purposes.

(3) Nothing in this section ((shall)) may be construed to imply that a person exempt from tax under this section was engaged in a business activity taxable under this chapter prior to ((the enactment of this section)) August 23, 1983.

PART V

Business and Occupation Tax Preferences for Manufacturers of Products Derived from Certain Agricultural Products

NEW SECTION. Sec. 501. (1)(a) In 1967, the legislature amended RCW 82.04.260 in chapter 149, Laws of 1967 ex. sess. to authorize a preferential business and occupation tax rate for slaughtering, breaking, and/or processing perishable meat products and/or selling the same at wholesale. The legislature finds that RCW 82.04.260(4) was interpreted by the state supreme court on January 13, 2005, in *AgriLink Foods, Inc.*

v. *Department of Revenue*, 153 Wn.2d 392 (2005). The supreme court held that the preferential business and occupation tax rate on the slaughtering, breaking, and/or processing of perishable meat products applied to the processing of perishable meat products into nonperishable finished products, such as canned food.

(b) The legislature intends to narrow the exemption provided for slaughtering, breaking, and/or processing perishable meat products and/or selling such products at wholesale by requiring that the end product be a perishable meat product; a nonperishable meat product that is comprised primarily of animal carcass by weight or volume, other than a canned meat product; or a meat by-product.

(2)(a) A business and occupation tax exemption is provided for (i) manufacturing by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, and (ii) selling such products at wholesale by the manufacturer to purchasers who transport the goods out of state in the ordinary course of business. This exemption expires July 1, 2012, and is replaced by a preferential business and occupation tax rate.

(b) The legislature finds that the rationale of the *AgriLink* decision, if applied to these tax preferences, could result in preferential tax treatment for any processed food product that contained any fresh fruit or vegetable as an ingredient, however small the amount.

(c) The legislature intends to narrow the tax preference provided to fruit and vegetable manufacturers by requiring that the end product be comprised either (i) exclusively of fruits and/or vegetables, or (ii) of any combination of fruits, vegetables, and certain other substances that, cumulatively, may not exceed the amount of fruits and vegetables contained in the product measured by weight or volume.

NEW SECTION. Sec. 502. A new section is added to chapter 82.04 RCW to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Perishable meat products, by slaughtering, breaking, or processing, if the finished product is a perishable meat product; as to such persons the tax imposed is equal to the value of the perishable meat products manufactured, or, in the case of a processor for hire, the gross income of the business, multiplied by the rate of 0.138 percent;

(b) Meat products, by dehydration, curing, smoking, or any combination of these activities, if the finished meat products are not canned; as to such persons the tax imposed is equal to the value of the meat products manufactured, or, in the case of a processor for hire, the gross income of the business, multiplied by the rate of 0.138 percent;

(c) Hides, tallow, meat meal, and other similar meat by-products, if such products are derived in part from animals and manufactured in a rendering plant licensed under chapter 16.68 RCW; as to such persons the tax imposed is equal to the value of the products manufactured, or, in the case of a processor for hire, the gross income of the business, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of selling at wholesale:

(a) Perishable meat products; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent;

(b) Meat products that have been manufactured by the seller by dehydration, curing, smoking, or any combination of such activities, if the finished meat products are not canned; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent;

(c) Hides, tallow, meat meal, and other similar meat by-products, if such products are derived in part from animals and manufactured by the seller in a rendering plant; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Animal" means all members of the animal kingdom except humans, fish, and insects.

(b) "Carcass" means all or any parts, including viscera, of a slaughtered animal.

(c) "Fish" means any water-breathing animal, including shellfish.

(d) "Hide" means any unprocessed animal pelt or skin.

(e)(i) "Meat products" means:

(A) Products comprised exclusively of animal carcass; and

(B) Products, such as jerky, sausage, and other cured meat products, that are comprised primarily of animal carcass by weight or volume and may also contain water; nitrates; nitrites; acids; binders and extenders; natural or synthetic casings; colorings; flavorings such as soy sauce, liquid smoke, seasonings, citric acid, sugar, molasses, corn syrup, and vinegar; and similar substances.

(ii) Except as provided in (e)(i) of this subsection (3), "meat products" does not include products containing any cereal grains or cereal-grain products, dairy products, legumes and legume products, fruit or vegetable products as defined in RCW 82.04.260, and similar ingredients, unless the ingredient is used as a flavoring. For purposes of this subsection, "flavoring" means a substance that contains the flavoring constituents derived from a spice, fruit or fruit juice, vegetable or vegetable juice, edible yeast, herb, bark, bud, root, leaf, or any other edible substance of plant origin, whose primary function in food is flavoring or seasoning rather than nutritional, and which may legally appear as "natural flavor," "flavor," or "flavorings" in the ingredient statement on the label of the meat product.

(iii) "Meat products" includes only products that are intended for human consumption as food or animal consumption as feed.

(f) "Perishable" means having a high risk of spoilage within thirty days of manufacture without any refrigeration or freezing.

(g) "Rendering plant" means any place of business or location where dead animals or any part or portion thereof, or packing house refuse, are processed for the purpose of obtaining the hide, skin, grease residue, or any other by-product whatsoever.

Sec. 503. RCW 82.04.4266 and 2006 c 354 s 3 are each amended to read as follows:

(1) This chapter (~~shall~~) does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing fruit(~~s~~) or vegetable(~~s~~) products by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables;

or

(b) Selling at wholesale fruit(~~s~~) or vegetable(~~s~~) products manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2)(a) "Fruit or vegetable products" means:

(i) Products comprised exclusively of fruits, vegetables, or both; and

(ii) Products comprised of fruits, vegetables, or both, and which may also contain water, sugar, salt, seasonings, preservatives, binders, stabilizers, flavorings, yeast, and similar substances. However, the amount of all ingredients contained in the product, other than fruits, vegetables, and water, may not exceed the amount of fruits and vegetables contained in the product measured by weight or volume.

(b) "Fruit or vegetable products" includes only products that are intended for human consumption as food or animal consumption as feed.

(3) This section expires July 1, 2012.

Sec. 504. RCW 82.04.4266 and 2010 c 114 (SHB 3066) s 111 are each amended to read as follows:

(1) This chapter does not apply to the value of products or the gross proceeds of sales derived from:

(a) Manufacturing fruit((s)) or vegetable((s)) products by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables; or

(b) Selling at wholesale fruit((s)) or vegetable((s)) products manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state. A person taking an exemption under this subsection (1)(b) must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state.

(2)(a) "Fruit or vegetable products" means:

(i) Products comprised exclusively of fruits, vegetables, or both; and

(ii) Products comprised of fruits, vegetables, or both, and which may also contain water, sugar, salt, seasonings, preservatives, binders, stabilizers, flavorings, yeast, and similar substances. However, the amount of all ingredients contained in the product, other than fruits, vegetables, and water, may not exceed the amount of fruits and vegetables contained in the product measured by weight or volume.

(b) "Fruit or vegetable products" includes only products that are intended for human consumption as food or animal consumption as feed.

(3) A person claiming the exemption provided in this section must file a complete annual survey with the department under RCW 82.32.---
(section 102, chapter 114 (SHB 3066), Laws of 2010).

~~((3))~~ (4) This section expires July 1, 2012.

Sec. 505. RCW 82.04.260 and 2009 c 479 s 64, 2009 c 461 s 1, and 2009 c 162 s 34 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business (~~(shall be)~~) is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2012, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business (~~(shall be)~~) is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c) Beginning July 1, 2012, dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed (~~(shall be)~~) is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(d)(i) Beginning July 1, 2012, fruit((s)) or vegetable((s)) products by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruit((s)) or vegetable((s)) products manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business (~~(shall be)~~) is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(ii) For purposes of this subsection, "fruit or vegetable products" means:

(A) Products comprised exclusively of fruits, vegetables, or both; or

(B) Products comprised of fruits, vegetables, or both, and which may also contain water, sugar, salt, seasonings, preservatives, binders, stabilizers, flavorings, yeast, and similar substances. However, the amount of all ingredients contained in the product, other than fruits, vegetables, and water, may not exceed the amount of fruits and vegetables contained in the product measured by weight or volume;

(iii) "Fruit and vegetable products" includes only products that are intended for human consumption as food or animal consumption as feed;

(e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business (~~(shall be)~~) is equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(f) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business (~~(shall be)~~) is equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business (~~(shall be)~~) is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities (~~(shall be)~~) is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

~~(4) (Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.~~

~~(5))~~ Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities ~~((shall be))~~ is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

~~((6))~~ (5) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities ~~((shall be))~~ is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

~~((7))~~ (6) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business ~~((shall be))~~ is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection ~~((shall be))~~ are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

~~((8))~~ (7)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business ~~((shall be))~~ is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state ~~((shall))~~ must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

~~((9))~~ (8) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities ~~((shall be))~~ is equal to the gross income of such business multiplied by the rate of 0.484 percent.

~~((10))~~ (9) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities ~~((shall be))~~ is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

~~((11))~~ (10)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business ~~((shall))~~, in the case of manufacturers, ~~((be))~~ is equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, ~~((be))~~ is equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through ~~((the later of))~~ June 30, 2007; and

(ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection ~~((11))~~ (10) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business ~~((shall))~~, in the case of manufacturers, ~~((be))~~ is equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, ~~((be))~~ is equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection ~~((11))~~ (10), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection ~~((11))~~ (10) must report as required under RCW 82.32.545.

(e) This subsection ~~((11))~~ (10) does not apply on and after July 1, 2024.

~~((12))~~ (11)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business ~~((shall))~~, in the case of extractors, ~~((be))~~ is equal to the value of products, including by-products, extracted, or in the case of extractors for hire, ~~((be))~~ is equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business ~~((shall))~~, in the case of manufacturers, ~~((be))~~ is equal to the value of products, including by-products, manufactured, or in the case of processors for hire, ~~((be))~~ is equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that person from timber or timber products; as to such persons the amount of the tax with respect to the business ~~((shall be))~~ is equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) Until July 1, 2024, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business ~~((shall be))~~ is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For

purposes of this subsection (~~((42))~~) (11)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection (~~((42))~~) (11)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

~~((43))~~ (12) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities (~~(shall be)~~) is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

~~((44))~~ (13) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.2904 percent.

Sec. 506. RCW 82.04.260 and 2010 c 114 (SHB 3066) s 107 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola by-products, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business is equal to the value of the flour, pearl barley, oil, canola meal, or canola by-product manufactured, multiplied by the rate of 0.138 percent;

(b) Beginning July 1, 2012, seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; or selling manufactured seafood products that remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing, to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales, multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(c) Beginning July 1, 2012, dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including by-products from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(d) ~~(1)~~ Beginning July 1, 2012, fruit(~~(s)~~) or vegetable(~~(s)~~) products by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables, or selling at wholesale fruit(~~(s)~~) or vegetable(~~(s)~~) products manufactured by the seller by canning, preserving, freezing, processing, or dehydrating fresh fruits or vegetables and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business is equal to the value of the products manufactured or the gross proceeds derived from such sales multiplied by the rate of 0.138 percent. Sellers must keep and preserve records for the period required by RCW 82.32.070 establishing that the goods were transported by the purchaser in the ordinary course of business out of this state;

(ii) For purposes of this subsection, "fruit or vegetable products" means:

(A) Products comprised exclusively of fruits, vegetables, or both; or

(B) Products comprised of fruits, vegetables, or both, and which may also contain water, sugar, salt, seasonings, preservatives, binders, stabilizers, flavorings, yeast, and similar substances. However, the amount of all ingredients contained in the product, other than fruits, vegetables, and water, may not exceed the amount of fruits and vegetables contained in the product measured by weight or volume;

(iii) "Fruit and vegetable products" includes only products that are intended for human consumption as food or animal consumption as feed;

(e) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent; and

(f) Wood biomass fuel as defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business is equal to the value of wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business is equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

~~(4) (Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed is equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.~~

~~(5))~~ Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

~~(6))~~ (5) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities is equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

~~(7))~~ (6) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business is equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection are exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

~~(8))~~ (7)(a) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business is equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

(b) If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state must be determined in accordance with the methods of apportionment required under RCW 82.04.460.

~~(9))~~ (8) Upon every person engaging within this state as an insurance producer or title insurance agent licensed under chapter 48.17 RCW or a surplus line broker licensed under chapter 48.15 RCW; as to such persons, the amount of the tax with respect to such licensed activities is equal to the gross income of such business multiplied by the rate of 0.484 percent.

~~(10))~~ (9) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities is equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter.

~~(11))~~ (10)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, or making sales, at retail or wholesale, of commercial airplanes or components of such airplanes, manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of:

- (i) 0.4235 percent from October 1, 2005, through June 30, 2007; and
- (ii) 0.2904 percent beginning July 1, 2007.

(b) Beginning July 1, 2008, upon every person who is not eligible to report under the provisions of (a) of this subsection ~~((11))~~ (10) and is engaging within this state in the business of manufacturing tooling specifically designed for use in manufacturing commercial airplanes or components of such airplanes, or making sales, at retail or wholesale, of such tooling manufactured by the seller, as to such persons the amount of tax with respect to such business is, in the case of manufacturers, equal to the value of the product manufactured and the gross proceeds of sales of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of 0.2904 percent.

(c) For the purposes of this subsection ~~((11))~~ (10), "commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person reporting under the tax rate provided in this subsection ~~((11))~~ (10) must file a complete annual report with the department under RCW 82.32.--- (section 103, chapter 114 (SHB 3066), Laws of 2010).

(e) This subsection ~~((11))~~ (10) does not apply on and after July 1, 2024.

~~((12))~~ (11)(a) Until July 1, 2024, upon every person engaging within this state in the business of extracting timber or extracting for hire timber; as to such persons the amount of tax with respect to the business is, in the case of extractors, equal to the value of products, including by-products, extracted, or in the case of extractors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(b) Until July 1, 2024, upon every person engaging within this state in the business of manufacturing or processing for hire: (i) Timber into timber products or wood products; or (ii) timber products into other timber products or wood products; as to such persons the amount of the tax with respect to the business is, in the case of manufacturers, equal to the value of products, including by-products, manufactured, or in the case of processors for hire, equal to the gross income of the business, multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(c) Until July 1, 2024, upon every person engaging within this state in the business of selling at wholesale: (i) Timber extracted by that person; (ii) timber products manufactured by that person from timber or other timber products; or (iii) wood products manufactured by that

person from timber or timber products; as to such persons the amount of the tax with respect to the business is equal to the gross proceeds of sales of the timber, timber products, or wood products multiplied by the rate of 0.4235 percent from July 1, 2006, through June 30, 2007, and 0.2904 percent from July 1, 2007, through June 30, 2024.

(d) Until July 1, 2024, upon every person engaging within this state in the business of selling standing timber; as to such persons the amount of the tax with respect to the business is equal to the gross income of the business multiplied by the rate of 0.2904 percent. For purposes of this subsection ~~((42))~~ (11)(d), "selling standing timber" means the sale of timber apart from the land, where the buyer is required to sever the timber within thirty months from the date of the original contract, regardless of the method of payment for the timber and whether title to the timber transfers before, upon, or after severance.

(e) For purposes of this subsection, the following definitions apply:

(i) "Biocomposite surface products" means surface material products containing, by weight or volume, more than fifty percent recycled paper and that also use nonpetroleum-based phenolic resin as a bonding agent.

(ii) "Paper and paper products" means products made of interwoven cellulosic fibers held together largely by hydrogen bonding. "Paper and paper products" includes newsprint; office, printing, fine, and pressure-sensitive papers; paper napkins, towels, and toilet tissue; kraft bag, construction, and other kraft industrial papers; paperboard, liquid packaging containers, containerboard, corrugated, and solid-fiber containers including linerboard and corrugated medium; and related types of cellulosic products containing primarily, by weight or volume, cellulosic materials. "Paper and paper products" does not include books, newspapers, magazines, periodicals, and other printed publications, advertising materials, calendars, and similar types of printed materials.

(iii) "Recycled paper" means paper and paper products having fifty percent or more of their fiber content that comes from postconsumer waste. For purposes of this subsection ~~((42))~~ (11)(e)(iii), "postconsumer waste" means a finished material that would normally be disposed of as solid waste, having completed its life cycle as a consumer item.

(iv) "Timber" means forest trees, standing or down, on privately or publicly owned land. "Timber" does not include Christmas trees that are cultivated by agricultural methods or short-rotation hardwoods as defined in RCW 84.33.035.

(v) "Timber products" means:

(A) Logs, wood chips, sawdust, wood waste, and similar products obtained wholly from the processing of timber, short-rotation hardwoods as defined in RCW 84.33.035, or both;

(B) Pulp, including market pulp and pulp derived from recovered paper or paper products; and

(C) Recycled paper, but only when used in the manufacture of biocomposite surface products.

(vi) "Wood products" means paper and paper products; dimensional lumber; engineered wood products such as particleboard, oriented strand board, medium density fiberboard, and plywood; wood doors; wood windows; and biocomposite surface products.

(f) Except for small harvesters as defined in RCW 84.33.035, a person reporting under the tax rate provided in this subsection ~~((42))~~ (11) must file a complete annual survey with the department under RCW 82.32.--- (section 102, chapter 114 (SHB 3066), Laws of 2010).

~~((43))~~ (12) Upon every person engaging within this state in inspecting, testing, labeling, and storing canned salmon owned by another person, as to such persons, the amount of tax with respect to such activities is equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

~~((44))~~ (13)(a) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.2904 percent.

(b) A person reporting under the tax rate provided in this subsection ~~((44))~~ (13) must file a complete annual report with the department under RCW 82.32.--- (section 103, chapter 114 (SHB 3066), Laws of 2010).

Sec. 507. RCW 82.04.250 and 2008 c 81 s 5 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of making sales at retail, except persons taxable as retailers under other provisions of this chapter, as to such persons, the amount of tax with respect to such business ~~((shall be))~~ is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, except persons taxable under RCW 82.04.260~~((44))~~ (10) or subsection

(3) of this section, as to such persons, the amount of tax with respect to such business ~~((shall be))~~ is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

(3) Upon every person classified by the federal aviation administration as a federal aviation regulation part 145 certificated repair station and that is engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, as to such persons, the amount of tax with respect to such business ~~((shall be))~~ is equal to the gross proceeds of sales of the business, multiplied by the rate of .2904 percent.

Sec. 508. RCW 82.04.250 and 2010 1st sp.s. c 11 (SSB 6712) s 1 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of making sales at retail, except persons taxable as retailers under other provisions of this chapter, as to such persons, the amount of tax with respect to such business is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, except persons taxable under RCW 82.04.260~~((44))~~ (10) or subsection (3) of this section, as to such persons, the amount of tax with respect to such business is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

(3) Until July 1, 2024, upon every person classified by the federal aviation administration as a federal aviation regulation part 145 certificated repair station and that is engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, as to such persons, the amount of tax with respect to such business is equal to the gross proceeds of sales of the business, multiplied by the rate of .2904 percent.

Sec. 509. RCW 82.04.250 and 2007 c 54 s 5 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of making sales at retail, except persons taxable as retailers under other provisions of this chapter, as to such persons, the amount of tax with respect to such business ~~((shall be))~~ is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent.

(2) Upon every person engaging within this state in the business of making sales at retail that are exempt from the tax imposed under chapter 82.08 RCW by reason of RCW 82.08.0261, 82.08.0262, or 82.08.0263, except persons taxable under RCW 82.04.260~~((44))~~ (10), as to such persons, the amount of tax with respect to such business ~~((shall be))~~ is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.484 percent.

Sec. 510. RCW 82.04.261 and 2007 c 54 s 7 and 2007 c 48 s 4 are each reenacted and amended to read as follows:

(1) In addition to the taxes imposed under RCW 82.04.260~~((42))~~ (11), a surcharge is imposed on those persons who are subject to any of the taxes imposed under RCW 82.04.260~~((42))~~ (11). Except as otherwise provided in this section, the surcharge is equal to 0.052 percent. The surcharge is added to the rates provided in RCW 82.04.260~~((42))~~ (11) (a), (b), (c), and (d). The surcharge and this section expire July 1, 2024.

(2) All receipts from the surcharge imposed under this section ~~((shall))~~ must be deposited into the forest and fish support account created in RCW 76.09.405.

(3)(a) The surcharge imposed under this section ~~((shall be))~~ is suspended if:

(i) Receipts from the surcharge total at least eight million dollars during any fiscal biennium; or

(ii) The office of financial management certifies to the department that the federal government has appropriated at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington for any federal fiscal year.

(b)(i) The suspension of the surcharge under (a)(i) of this subsection (3) ~~((shall))~~ takes effect on the first day of the calendar month that is at least thirty days after the end of the month during which the department determines that receipts from the surcharge total at least eight million dollars during the fiscal biennium. The surcharge ~~((shall be))~~ is imposed again at the beginning of the following fiscal biennium.

(ii) The suspension of the surcharge under (a)(ii) of this subsection (3) ~~((shall))~~ takes effect on the later of the first day of October of any federal fiscal year for which the federal government appropriates at least two million dollars for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington, or the first day of a calendar month that is at least thirty days following the date that the office of financial management makes a certification to the department under subsection (5) of this section. The surcharge ~~((shall be))~~ is imposed again on the first day of the following July.

(4)(a) If, by October 1st of any federal fiscal year, the office of financial management certifies to the department that the federal government has appropriated funds for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington but the amount of the appropriation is less than two million dollars, the department ~~((shall))~~ must adjust the surcharge in accordance with this subsection.

(b) The department ~~((shall))~~ must adjust the surcharge by an amount that the department estimates will cause the amount of funds deposited into the forest and fish support account for the state fiscal year that begins July 1st and that includes the beginning of the federal fiscal year for which the federal appropriation is made, to be reduced by twice the amount of the federal appropriation for participation in forest and fish report-related activities by federally recognized Indian tribes located within the geographical boundaries of the state of Washington.

(c) Any adjustment in the surcharge ~~((shall))~~ takes effect at the beginning of a calendar month that is at least thirty days after the date that the office of financial management makes the certification under subsection (5) of this section.

(d) The surcharge ~~((shall be))~~ is imposed again at the rate provided in subsection (1) of this section on the first day of the following state fiscal year unless the surcharge is suspended under subsection (3) of this section or adjusted for that fiscal year under this subsection.

(e) Adjustments of the amount of the surcharge by the department are final and ~~((shall))~~ may not be used to challenge the validity of the surcharge imposed under this section.

(f) The department ~~((shall))~~ must provide timely notice to affected taxpayers of the suspension of the surcharge or an adjustment of the surcharge.

(5) The office of financial management ~~((shall))~~ must make the certification to the department as to the status of federal appropriations for tribal participation in forest and fish report-related activities.

Sec. 511. RCW 82.04.298 and 2008 c 49 s 1 are each amended to read as follows:

(1) The amount of tax with respect to a qualified grocery distribution cooperative's sales of groceries or related goods for resale, excluding items subject to tax under ~~((RCW 82.04.260(4)))~~ section 502 of this act, to customer-owners of the grocery distribution cooperative is equal to the gross proceeds of sales of the grocery distribution cooperative multiplied by the rate of one and one-half percent.

(2) A qualified grocery distribution cooperative is allowed a deduction from the gross proceeds of sales of groceries or related goods for resale, excluding items subject to tax under ~~((RCW 82.04.260(4)))~~ section 502 of this act, to customer-owners of the grocery distribution cooperative that is equal to the portion of the gross proceeds of sales for resale that represents the actual cost of the merchandise sold by the grocery distribution cooperative to customer-owners.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Grocery distribution cooperative" means an entity that sells groceries and related items to customer-owners of the grocery distribution cooperative and has customer-owners, in the aggregate, who own a majority of the outstanding ownership interests of the grocery distribution cooperative or of the entity controlling the grocery distribution cooperative. "Grocery distribution cooperative" includes an entity that controls a grocery distribution cooperative.

(b) "Qualified grocery distribution cooperative" means:

(i) A grocery distribution cooperative that has been determined by a court of record of the state of Washington to be not engaged in wholesaling or making sales at wholesale, within the meaning of RCW 82.04.270 or any similar provision of a municipal ordinance that imposes a tax on gross receipts, gross proceeds of sales, or gross income, with respect to purchases made by customer-owners, and subsequently changes its form of doing business to make sales at wholesale of groceries or related items to its customer-owners; or

(ii) A grocery distribution cooperative that has acquired substantially all of the assets of a grocery distribution cooperative described in (b)(i) of this subsection.

(c) "Customer-owner" means a person who has an ownership interest in a grocery distribution cooperative and purchases groceries and related items at wholesale from that grocery distribution cooperative.

(d) "Controlling" means holding fifty percent or more of the voting interests of an entity and having at least equal power to direct or cause the direction of the management and policies of the entity, whether through the ownership of voting securities, by contract, or otherwise.

Sec. 512. RCW 82.04.334 and 2007 c 48 s 3 are each amended to read as follows:

This chapter does not apply to any sale of standing timber excluded from the definition of "sale" in RCW 82.45.010(3). The definitions in RCW 82.04.260(~~(12)~~) (11) apply to this section.

Sec. 513. RCW 82.04.440 and 2006 c 300 s 8 and 2006 c 84 s 6 are each reenacted and amended to read as follows:

(1) Every person engaged in activities that are subject to tax under two or more provisions of RCW 82.04.230 through 82.04.298, inclusive, (~~shall be~~) is taxable under each provision applicable to those activities.

(2) Persons taxable under RCW 82.04.2909(2), 82.04.250, 82.04.270, 82.04.294(2), or 82.04.260 (1)(~~b~~), (c), (~~(4)~~) or (d), (10), or (11), or (~~(12)~~) section 502(2) of this act with respect to selling products in this state, including those persons who are also taxable under RCW 82.04.261, (~~shall be~~) are allowed a credit against those taxes for any (a) manufacturing taxes paid with respect to the manufacturing of products so sold in this state, and/or (b) extracting taxes paid with respect to the extracting of products so sold in this state or ingredients of products so sold in this state. Extracting taxes taken as credit under subsection (3) of this section may also be taken under this subsection, if otherwise allowable under this subsection. The amount of the credit (~~shall~~) may not exceed the tax liability arising under this chapter with respect to the sale of those products.

(3) Persons taxable as manufacturers under RCW 82.04.240 or 82.04.260 (1)(~~b~~) or (~~(12)~~) (11), including those persons who are also taxable under RCW 82.04.261, (~~shall be~~) are allowed a credit against those taxes for any extracting taxes paid with respect to extracting the ingredients of the products so manufactured in this state. The amount of the credit (~~shall~~) may not exceed the tax liability arising under this chapter with respect to the manufacturing of those products.

(4) Persons taxable under RCW 82.04.230, 82.04.240, 82.04.2909(1), 82.04.294(1), 82.04.2404, or 82.04.260 (1), (2), (~~(4)~~) (10), or (11), or (~~(12)~~) section 502(1) of this act, including those persons who are also taxable under RCW 82.04.261, with respect to extracting or manufacturing products in this state (~~shall be~~) are allowed a credit against those taxes for any (i) gross receipts taxes paid to another state with respect to the sales of the products so extracted or manufactured in this state, (ii) manufacturing taxes paid with respect to the manufacturing of products using ingredients so extracted in this state, or (iii) manufacturing taxes paid with respect to manufacturing activities completed in another state for products so manufactured in this state. The amount of the credit (~~shall~~) may not exceed the tax liability arising under this chapter with respect to the extraction or manufacturing of those products.

(5) For the purpose of this section:

(a) "Gross receipts tax" means a tax:

(i) Which is imposed on or measured by the gross volume of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and

(ii) Which is also not, pursuant to law or custom, separately stated from the sales price.

(b) "State" means (i) the state of Washington, (ii) a state of the United States other than Washington, or any political subdivision of such other state, (iii) the District of Columbia, and (iv) any foreign country or political subdivision thereof.

(c) "Manufacturing tax" means a gross receipts tax imposed on the act or privilege of engaging in business as a manufacturer, and includes (i) the taxes imposed in RCW 82.04.240, 82.04.2404, 82.04.2909(1), 82.04.260 (1), (2), (~~(4)~~) (10), and (11), (~~and (12)~~) section 502(1) of this act, and 82.04.294(1); (ii) the tax imposed under RCW 82.04.261 on persons who are engaged in business as a manufacturer; and (iii) similar gross receipts taxes paid to other states.

(d) "Extracting tax" means a gross receipts tax imposed on the act or privilege of engaging in business as an extractor, and includes (i) the tax imposed on extractors in RCW 82.04.230 and 82.04.260(~~(12)~~) (11); (ii) the tax imposed under RCW 82.04.261 on persons who are engaged in business as an extractor; and (iii) similar gross receipts taxes paid to other states.

(e) "Business", "manufacturer", "extractor", and other terms used in this section have the meanings given in RCW 82.04.020 through 82.04.212, notwithstanding the use of those terms in the context of describing taxes imposed by other states.

Sec. 514. RCW 82.04.4463 and 2008 c 81 s 8 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for property taxes and leasehold excise taxes paid during the calendar year.

(2) The credit is equal to:

(a)(i)(A) Property taxes paid on buildings, and land upon which the buildings are located, constructed after December 1, 2003, and used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(B) Leasehold excise taxes paid with respect to buildings constructed after January 1, 2006, the land upon which the buildings are located, or both, if the buildings are used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(C) Property taxes or leasehold excise taxes paid on, or with respect to, buildings constructed after June 30, 2008, the land upon which the buildings are located, or both, and used exclusively for aerospace product development or in providing aerospace services, by persons not within the scope of (a)(i)(A) and (B) of this subsection (2) and are: (I) Engaged in manufacturing tooling specifically designed for use in manufacturing commercial airplanes or their components; or (II) taxable under RCW 82.04.290(3) or 82.04.250(3); or

(ii) Property taxes attributable to an increase in assessed value due to the renovation or expansion, after: (A) December 1, 2003, of a building used exclusively in manufacturing commercial airplanes or components of such airplanes; and (B) June 30, 2008, of buildings used exclusively for aerospace product development or in providing aerospace services, by persons not within the scope of (a)(ii)(A) of this subsection (2) and are: (I) Engaged in manufacturing tooling specifically designed for use in manufacturing commercial airplanes or their components; or (II) taxable under RCW 82.04.290(3) or 82.04.250(3); and

(b) An amount equal to:

(i)(A) Property taxes paid, by persons taxable under RCW 82.04.260(~~(11)~~) (10)(a), on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after December 1, 2003;

(B) Property taxes paid, by persons taxable under RCW 82.04.260(~~(11)~~) (10)(b), on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after June 30, 2008; or

(C) Property taxes paid, by persons taxable under RCW (~~82.04.0250(3)~~ [82.04.250(3)]) 82.04.250(3) or 82.04.290(3), on computer hardware, computer peripherals, and software exempt under RCW 82.08.975 or 82.12.975 and acquired after June 30, 2008.

(ii) For purposes of determining the amount eligible for credit under (i)(A) and (B) of this subsection (2)(b), the amount of property taxes paid is multiplied by a fraction.

~~((H))~~ (A) The numerator of the fraction is the total taxable amount subject to the tax imposed under RCW 82.04.260~~((H))~~ (10) (a) or (b) on the applicable business activities of manufacturing commercial airplanes, components of such airplanes, or tooling specifically designed for use in the manufacturing of commercial airplanes or components of such airplanes.

~~((H))~~ (B) The denominator of the fraction is the total taxable amount subject to the tax imposed under all manufacturing classifications in chapter 82.04 RCW.

~~((H))~~ (C) For purposes of both the numerator and denominator of the fraction, the total taxable amount refers to the total taxable amount required to be reported on the person's returns for the calendar year before the calendar year in which the credit under this section is earned. The department may provide for an alternative method for calculating the numerator in cases where the tax rate provided in RCW 82.04.260~~((H))~~ (10) for manufacturing was not in effect during the full calendar year before the calendar year in which the credit under this section is earned.

~~((V))~~ (D) No credit is available under (b)(i)(A) or (B) of this subsection (2) if either the numerator or the denominator of the fraction is zero. If the fraction is greater than or equal to nine-tenths, then the fraction is rounded to one.

~~((V))~~ (E) As used in ~~((H))~~ (b)(ii)(C) of this subsection (2)~~((b)(ii)(C))~~, "returns" means the tax returns for which the tax imposed under this chapter is reported to the department.

(3) The definitions in this subsection apply throughout this section, unless the context clearly indicates otherwise.

(a) "Aerospace product development" has the same meaning as provided in RCW 82.04.4461.

(b) "Aerospace services" has the same meaning given in RCW 82.08.975.

(c) "Commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(4) A credit earned during one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year, but may not be carried over a second year. No refunds may be granted for credits under this section.

(5) In addition to all other requirements under this title, a person taking the credit under this section must report as required under RCW 82.32.545.

(6) This section expires July 1, 2024.

Sec. 515. RCW 82.04.4463 and 2010 c 114 (SHB 3066) s 116 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for property taxes and leasehold excise taxes paid during the calendar year.

(2) The credit is equal to:

(a)(i)(A) Property taxes paid on buildings, and land upon which the buildings are located, constructed after December 1, 2003, and used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(B) Leasehold excise taxes paid with respect to buildings constructed after January 1, 2006, the land upon which the buildings are located, or both, if the buildings are used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(C) Property taxes or leasehold excise taxes paid on, or with respect to, buildings constructed after June 30, 2008, the land upon which the buildings are located, or both, and used exclusively for aerospace product development, manufacturing tooling specifically designed for use in manufacturing commercial airplanes or their components, or in providing aerospace services, by persons not within the scope of (a)(i)(A) and (B) of this subsection (2) and are taxable under RCW 82.04.290(3), 82.04.260~~((H))~~ (10)(b), or 82.04.250(3); or

(ii) Property taxes attributable to an increase in assessed value due to the renovation or expansion, after: (A) December 1, 2003, of a building used exclusively in manufacturing commercial airplanes or components of such airplanes; and (B) June 30, 2008, of buildings used exclusively for aerospace product development, manufacturing tooling specifically designed for use in manufacturing commercial airplanes or their components, or in providing aerospace services, by persons not within the scope of (a)(ii)(A) of this subsection (2) and are taxable under RCW 82.04.290(3), 82.04.260~~((H))~~ (10)(b), or 82.04.250(3); and

(b) An amount equal to:

(i)(A) Property taxes paid, by persons taxable under RCW 82.04.260~~((H))~~ (10)(a), on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after December 1, 2003;

(B) Property taxes paid, by persons taxable under RCW 82.04.260~~((H))~~ (10)(b), on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 and acquired after June 30, 2008; or

(C) Property taxes paid, by persons taxable under RCW 82.04.250(3) or 82.04.290(3), on computer hardware, computer peripherals, and software exempt under RCW 82.08.975 or 82.12.975 and acquired after June 30, 2008.

(ii) For purposes of determining the amount eligible for credit under (i)(A) and (B) of this subsection (2)(b), the amount of property taxes paid is multiplied by a fraction.

(A) The numerator of the fraction is the total taxable amount subject to the tax imposed under RCW 82.04.260~~((H))~~ (10) (a) or (b) on the applicable business activities of manufacturing commercial airplanes, components of such airplanes, or tooling specifically designed for use in the manufacturing of commercial airplanes or components of such airplanes.

(B) The denominator of the fraction is the total taxable amount subject to the tax imposed under all manufacturing classifications in chapter 82.04 RCW.

(C) For purposes of both the numerator and denominator of the fraction, the total taxable amount refers to the total taxable amount required to be reported on the person's returns for the calendar year before the calendar year in which the credit under this section is earned. The department may provide for an alternative method for calculating the numerator in cases where the tax rate provided in RCW 82.04.260~~((H))~~ (10) for manufacturing was not in effect during the full calendar year before the calendar year in which the credit under this section is earned.

(D) No credit is available under (b)(i)(A) or (B) of this subsection (2) if either the numerator or the denominator of the fraction is zero. If the fraction is greater than or equal to nine-tenths, then the fraction is rounded to one.

(E) As used in (b)(ii)(C) of this subsection (2)~~((b)(ii)(C))~~, "returns" means the tax returns for which the tax imposed under this chapter is reported to the department.

(3) The definitions in this subsection apply throughout this section, unless the context clearly indicates otherwise.

(a) "Aerospace product development" has the same meaning as provided in RCW 82.04.4461.

(b) "Aerospace services" has the same meaning given in RCW 82.08.975.

(c) "Commercial airplane" and "component" have the same meanings as provided in RCW 82.32.550.

(4) A credit earned during one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year, but may not be carried over a second year. No refunds may be granted for credits under this section.

(5) In addition to all other requirements under this title, a person claiming the credit under this section must file a complete annual report with the department under RCW 82.32.--- (section 103, chapter 114 (SHB 3066), Laws of 2010).

(6) This section expires July 1, 2024.

Sec. 516. RCW 82.08.806 and 2009 c 461 s 5 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales, to a printer or publisher, of computer equipment, including repair parts and replacement parts for such equipment, when the computer equipment is used primarily in the printing or publishing of any printed material, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the computer equipment. This exemption applies only to computer equipment not otherwise exempt under RCW 82.08.02565.

(2) A person taking the exemption under this section must keep records necessary for the department to verify eligibility under this section. This exemption is available only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller (~~(shall)~~) must retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection (3) apply throughout this section, unless the context clearly requires otherwise.

(a) "Computer" has the same meaning as in RCW 82.04.215.

(b) "Computer equipment" means a computer and the associated physical components that constitute a computer system, including monitors, keyboards, printers, modems, scanners, pointing devices, and other computer peripheral equipment, cables, servers, and routers. "Computer equipment" also includes digital cameras and computer software.

(c) "Computer software" has the same meaning as in RCW 82.04.215.

(d) "Primarily" means greater than fifty percent as measured by time.

(e) "Printer or publisher" means a person, as defined in RCW 82.04.030, who is subject to tax under RCW 82.04.260(~~((14))~~) (13) or 82.04.280(1).

(4) "Computer equipment" does not include computer equipment that is used primarily for administrative purposes including but not limited to payroll processing, accounting, customer service, telemarketing, and collection. If computer equipment is used simultaneously for administrative and nonadministrative purposes, the administrative use (~~(shall)~~) must be disregarded during the period of simultaneous use for purposes of determining whether the computer equipment is used primarily for administrative purposes.

Sec. 517. RCW 82.32.550 and 2008 c 81 s 12 are each amended to read as follows:

~~(1) Chapter 1, Laws of 2003 2nd sp. sess. takes effect on the first day of the month in which the governor and a manufacturer of commercial airplanes sign a memorandum of agreement regarding an affirmative final decision to site a significant commercial airplane final assembly facility in Washington state. The department shall provide notice of the effective date of chapter 1, Laws of 2003 2nd sp. sess. to affected taxpayers, the legislature, and others as deemed appropriate by the department.~~

~~(b) Chapter 1, Laws of 2003 2nd sp. sess. is contingent upon the siting of a significant commercial airplane final assembly facility in the state of Washington. If a memorandum of agreement under subsection (1) of this section is not signed by June 30, 2005, chapter 1, Laws of 2003 2nd sp. sess. is null and void.~~

~~(c)(i) The rate in RCW 82.04.260(11)(a)(ii) takes effect July 1, 2007.~~

~~(ii) If on December 31, 2007, final assembly of a superefficient airplane has not begun in Washington state, the department shall provide notice of such to affected taxpayers, the legislature, and others as deemed appropriate by the department.~~

~~(2) The definitions in this subsection apply throughout this section.~~

~~(a)) "Commercial airplane" has its ordinary meaning, which is an airplane certified by the federal aviation administration for transporting persons or property, and any military derivative of such an airplane.~~

~~((b)) (2) "Component" means a part or system certified by the federal aviation administration for installation or assembly into a commercial airplane.~~

~~((c) "Final assembly of a superefficient airplane" means the activity of assembling an airplane from components parts necessary for its mechanical operation such that the finished commercial airplane is ready to deliver to the ultimate consumer.~~

~~(d) "Significant commercial airplane final assembly facility" means a location with the capacity to produce at least thirty six superefficient airplanes a year.~~

~~(e) "Siting" means a final decision by a manufacturer to locate a significant commercial airplane final assembly facility in Washington state.~~

~~(f)) (3) "Superefficient airplane" means a twin aisle airplane that carries between two hundred and three hundred fifty passengers, with a range of more than seven thousand two hundred nautical miles, a cruising speed of approximately mach .85, and that uses fifteen to twenty percent less fuel than other similar airplanes on the market.~~

Sec. 518. RCW 82.45.195 and 2007 c 48 s 7 are each amended to read as follows:

A sale of standing timber is exempt from tax under this chapter if the gross income from such sale is taxable under RCW 82.04.260(~~((12))~~) (11)(d).

Sec. 519. RCW 35.102.150 and 2009 c 461 s 4 are each amended to read as follows:

Notwithstanding RCW 35.102.130, a city that imposes a business and occupation tax must allocate a person's gross income from the activities of printing, and of publishing newspapers, periodicals, or magazines, to the principal place in this state from which the taxpayer's business is directed or managed. As used in this section, the activities of printing, and of publishing newspapers, periodicals, or magazines are those activities to which the tax rates in RCW 82.04.260(~~((44))~~) (13) and 82.04.280(1) apply.

Sec. 520. RCW 48.14.080 and 2009 c 535 s 1102 are each amended to read as follows:

(1) As to insurers, other than title insurers and taxpayers under RCW 48.14.0201, the taxes imposed by this title (~~(shall be)~~) are in lieu of all other taxes, except as otherwise provided in this section.

(2) Subsection (1) of this section does not apply with respect to:

(a) Taxes on real and tangible personal property;

(b) Excise taxes on the sale, purchase, use, or possession of (i) real property; (ii) tangible personal property; (iii) extended warranties; (iv) services, including digital automated services as defined in RCW 82.04.192; and (v) digital goods and digital codes as those terms are defined in RCW 82.04.192; and

(c) The tax imposed in RCW 82.04.260(~~((10))~~) (9), regarding public and nonprofit hospitals.

(3) For the purposes of this section, the term "taxes" includes taxes imposed by the state or any county, city, town, municipal corporation, quasi-municipal corporation, or other political subdivision.

PART VI

Suspending the Sales and Use Tax Exemption for Livestock Nutrient Equipment and Facilities

Sec. 601. RCW 82.08.890 and 2009 c 469 s 601 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to eligible persons of:

(a) Qualifying livestock nutrient management equipment;

(b) Labor and services rendered in respect to installing, repairing, cleaning, altering, or improving qualifying livestock nutrient management equipment; and

(c)(i) Labor and services rendered in respect to repairing, cleaning, altering, or improving of qualifying livestock nutrient management facilities, or to tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities in the course of repairing, cleaning, altering, or improving of such facilities.

(ii) The exemption provided in this subsection (1)(c) does not apply to the sale of or charge made for: (A) Labor and services rendered in respect to the constructing of new, or replacing previously existing, qualifying livestock nutrient management facilities; or (B) tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities during the course of constructing new, or replacing previously existing, qualifying livestock nutrient management facilities.

(2) The exemption provided in subsection (1) of this section applies to sales made after the livestock nutrient management plan is: (a) Certified under chapter 90.64 RCW; (b) approved as part of the permit issued under chapter 90.48 RCW; or (c) approved as required under subsection (4)(c)(iii) of this section.

(3)(a) The department of revenue must provide an exemption certificate to an eligible person upon application by that person. The department of agriculture must provide a list of eligible persons, as defined in subsection (4)(c)(i) and (ii) of this section, to the department of revenue. Conservation districts must maintain lists of eligible persons as defined in subsection (4)(c)(iii) of this section to allow the department of revenue to verify eligibility. The application must be in a form and manner prescribed by the department and must contain information regarding the location of the dairy or animal feeding operation and other information the department may require.

(b) A person claiming an exemption under this section must keep records necessary for the department to verify eligibility under this section. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(4) The definitions in this subsection apply to this section and RCW 82.12.890 unless the context clearly requires otherwise:

(a) "Animal feeding operation" means a lot or facility, other than an aquatic animal production facility, where the following conditions are met:

(i) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and

(ii) Crops, vegetation, forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.

(b) "Conservation district" means a subdivision of state government organized under chapter 89.08 RCW.

(c) "Eligible person" means a person: (i) Licensed to produce milk under chapter 15.36 RCW who has a certified dairy nutrient management plan, as required by chapter 90.64 RCW; (ii) who owns an animal feeding operation and has a permit issued under chapter 90.48 RCW; or (iii) who owns an animal feeding operation and has a nutrient management plan approved by a conservation district as meeting natural resource conservation service field office technical guide standards and who possesses an exemption certificate under RCW 82.08.855.

(d) "Handling and treatment of livestock manure" means the activities of collecting, storing, moving, or transporting livestock manure, separating livestock manure solids from liquids, or applying livestock manure to the agricultural lands of an eligible person other than through the use of pivot or linear type traveling irrigation systems.

(e) "Permit" means either a state waste discharge permit or a national pollutant discharge elimination system permit, or both.

(f) "Qualifying livestock nutrient management equipment" means the following tangible personal property for exclusive use in the handling and treatment of livestock manure, including repair and replacement parts for such equipment: (i) Aerators; (ii) agitators; (iii) augers; (iv) conveyers; (v) gutter cleaners; (vi) hard-hose reel traveler irrigation systems; (vii) lagoon and pond liners and floating covers; (viii) loaders; (ix) manure composting devices; (x) manure spreaders; (xi) manure tank wagons; (xii) manure vacuum tanks; (xiii) poultry house cleaners; (xiv) poultry house flame sterilizers; (xv) poultry house washers; (xvi) poultry litter saver machines; (xvii) pipes; (xviii) pumps; (xix) scrapers; (xx) separators; (xxi) slurry injectors and hoses; and (xxii) wheelbarrows, shovels, and pitchforks.

(g) "Qualifying livestock nutrient management facilities" means the following structures and facilities for exclusive use in the handling and treatment of livestock manure: (i) Flush systems; (ii) lagoons; (iii) liquid livestock manure storage structures, such as concrete tanks or glass-lined steel tanks; and (iv) structures used solely for the dry storage of manure, including roofed stacking facilities.

(5) The exemption under this section does not apply to sales made from the effective date of this section through June 30, 2013.

Sec. 602. RCW 82.12.890 and 2009 c 469 s 602 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use by an eligible person of:

(a) Qualifying livestock nutrient management equipment;

(b) Labor and services rendered in respect to installing, repairing, cleaning, altering, or improving qualifying livestock nutrient management equipment; and

(c)(i) Tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities in the course of repairing, cleaning, altering, or improving of such facilities.

(ii) The exemption provided in this subsection (1)(c) does not apply to the use of tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities during the course of constructing new, or replacing previously existing, qualifying livestock nutrient management facilities.

(2)(a) To be eligible, the equipment and facilities must be used exclusively for activities necessary to maintain a livestock nutrient management plan.

(b) The exemption applies to the use of tangible personal property and labor and services made after the livestock nutrient management plan is: (i) Certified under chapter 90.64 RCW; (ii) approved as part of the permit issued under chapter 90.48 RCW; or (iii) approved as required under RCW 82.08.890(4)(c)(iii).

(3) The exemption certificate and recordkeeping requirements of RCW 82.08.890 apply to this section. The definitions in RCW 82.08.890 apply to this section.

(4) The exemption under this section does not apply to the use of tangible personal property and services if first use of the property or services in this state occurs from the effective date of this section through June 30, 2013.

PART VII

Ending the Preferential Business and Occupation Tax Treatment Received by Directors of Corporations

NEW SECTION. Sec. 701. (1) In adopting the state's business and occupation tax, the legislature intended to tax virtually all business activities carried on within the state. See *Simpson Inv. Co. v. Dep't of Revenue*, 141 Wn.2d 139, 149 (2000). The legislature recognizes that the business and occupation tax applies to all activities engaged in with the object of gain, benefit, or advantage to the taxpayer or to another person or class, directly or indirectly, unless a specific exemption applies.

(2) One of the major business and occupation tax exemptions is provided in RCW 82.04.360 for income earned as an employee or servant as distinguished from income earned as an independent contractor. The legislature's intent in providing this exemption was to exempt employee wages from the business and occupation tax but not to exempt income earned as an independent contractor.

(3) The legislature finds that corporate directors are not employees or servants of the corporation whose board they serve on and therefore are not entitled to a business and occupation tax exemption under RCW 82.04.360. The legislature further finds that there are no business and occupation tax exemptions for compensation received for serving as a member of a corporation's board of directors.

(4) The legislature also finds that there is a widespread misunderstanding among corporate directors that the business and occupation tax does not apply to the compensation they receive for serving as a director of a corporation. It is the legislature's expectation that the department of revenue will take appropriate measures to ensure that corporate directors understand and comply with their business and occupation tax obligations with respect to their director compensation. However, because of the widespread misunderstanding by corporate directors of their liability for business and occupation tax on director compensation, the legislature finds that it is appropriate in this unique situation to provide limited relief against the retroactive assessment of business and occupation taxes on corporate director compensation.

(5) The legislature also reaffirms its intent that all income of all independent contractors is subject to business and occupation tax unless specifically exempt under the Constitution or laws of this state or the United States.

Sec. 702. RCW 82.04.360 and 2010 c 106 (E2SHB 1597) s 207 are each amended to read as follows:

(1) This chapter does not apply to any person in respect to his or her employment in the capacity of an employee or servant as distinguished from that of an independent contractor. For the purposes of this section, the definition of employee (~~shall~~) includes those persons that are defined in section 3121(d)(3)(B) of the federal internal revenue code of 1986, as amended through January 1, 1991.

(2) Until the effective date of this section, this chapter does not apply to amounts received by an individual from a corporation as compensation for serving as a member of that corporation's board of directors. Beginning on the effective date of this section, such amounts are taxable under RCW 82.04.290(2).

(3) A booth renter is an independent contractor for purposes of this chapter. For purposes of this (~~sub~~)section, "booth renter" means any person who:

(a) Performs cosmetology, barbering, esthetics, or manicuring services for which a license is required under chapter 18.16 RCW; and

(b) Pays a fee for the use of salon or shop facilities and receives no compensation or other consideration from the owner of the salon or shop for the services performed.

PART VIII

Tax Debts

Sec. 801. RCW 82.32.145 and 1995 c 318 s 2 are each amended to read as follows:

~~(1) (Upon termination, dissolution, or abandonment of a corporate or limited liability company business, any officer, member, manager, or other person having control or supervision of retail sales tax funds collected and held in trust under RCW 82.08.050, or who is charged with the responsibility for the filing of returns or the payment of retail sales tax funds collected and held in trust under RCW 82.08.050, shall be personally liable for any unpaid taxes and interest and penalties on those taxes, if such officer or other person willfully fails to pay or to cause to be paid any taxes due from the corporation pursuant to chapter 82.08 RCW. For the purposes of this section, any retail sales taxes that have been paid but not collected shall be deductible from the retail sales taxes collected but not paid.~~

~~For purposes of this subsection "willfully fails to pay or to cause to be paid" means that the failure was the result of an intentional, conscious, and voluntary course of action.~~

~~(2) The officer, member or manager, or other person shall be liable only for taxes collected which)) Whenever the department has issued a warrant under RCW 82.32.210 for the collection of unpaid retail sales tax funds collected and held in trust under RCW 82.08.050 from a limited liability business entity and that business entity has been terminated, dissolved, or abandoned, or is insolvent, the department may pursue collection of the entity's unpaid sales taxes, including penalties and interest on those taxes, against any or all of the responsible individuals. For purposes of this subsection, "insolvent" means the condition that results when the sum of the entity's debts exceeds the fair market value of its assets. The department may presume that an entity is insolvent if the entity refuses to disclose to the department the nature of its assets and liabilities.~~

~~(2) Personal liability under this section may be imposed for state and local sales taxes.~~

~~(3)(a) For a responsible individual who is the current or a former chief executive or chief financial officer, liability under this section applies regardless of fault or whether the individual was or should have been aware of the unpaid sales tax liability of the limited liability business entity.~~

~~(b) For any other responsible individual, liability under this section applies only if he or she willfully fails to pay or to cause to be paid to the department the sales taxes due from the limited liability business entity.~~

~~(4)(a) Except as provided in this subsection (4)(a), a responsible individual who is the current or a former chief executive or chief financial officer is liable under this section only for sales tax liability accrued during the period that he or she was the chief executive or chief financial officer. However, if the responsible individual had the responsibility or duty to remit payment of the limited liability business entity's sales taxes to the department during any period of time that the person was not the chief executive or chief financial officer, that individual is also liable for~~

sales tax liability that became due during the period that he or she had the duty to remit payment of the limited liability business entity's taxes to the department but was not the chief executive or chief financial officer.

~~(b) All other responsible individuals are liable under this section only for sales tax liability that became due during the period he or she had the ((control, supervision,)) responsibility((;)) or duty to ((act for the corporation described in subsection (1) of this section, plus interest and penalties on those taxes.~~

~~(3)) remit payment of the limited liability business entity's taxes to the department.~~

~~(5) Persons ((liable under)) described in subsection ((4)) (3)(b) of this section are exempt from liability under this section in situations where nonpayment of the ((retail sales tax funds held in trust)) limited liability business entity's sales taxes is due to reasons beyond their control as determined by the department by rule.~~

~~((4)) (6) Any person having been issued a notice of assessment under this section is entitled to the appeal procedures under RCW 82.32.160, 82.32.170, 82.32.180, 82.32.190, and 82.32.200.~~

~~((5) This section applies only in situations where the department has determined that there is no reasonable means of collecting the retail sales tax funds held in trust directly from the corporation.~~

~~(6)) (7) This section does not relieve the ((corporation or)) limited liability ((company)) business entity of ((other tax liabilities)) its sales tax liability or otherwise impair other tax collection remedies afforded by law.~~

~~((7)) (8) Collection authority and procedures prescribed in this chapter apply to collections under this section.~~

(9) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Chief executive" means: The president of a corporation; or for other entities or organizations other than corporations or if the corporation does not have a president as one of its officers, the highest ranking executive manager or administrator in charge of the management of the company or organization.

(b) "Chief financial officer" means: The treasurer of a corporation; or for entities or organizations other than corporations or if a corporation does not have a treasurer as one of its officers, the highest senior manager who is responsible for overseeing the financial activities of the entire company or organization.

(c) "Limited liability business entity" means a type of business entity that generally shields its owners from personal liability for the debts, obligations, and liabilities of the entity, or a business entity that is managed or owned in whole or in part by an entity that generally shields its owners from personal liability for the debts, obligations, and liabilities of the entity. Limited liability business entities include corporations, limited liability companies, limited liability partnerships, trusts, general partnerships and joint ventures in which one or more of the partners or parties are also limited liability business entities, and limited partnerships in which one or more of the general partners are also limited liability business entities.

(d) "Manager" has the same meaning as in RCW 25.15.005.

(e) "Member" has the same meaning as in RCW 25.15.005, except that the term only includes members of member-managed limited liability companies.

(f) "Officer" means any officer or assistant officer of a corporation, including the president, vice-president, secretary, and treasurer.

(g)(i) "Responsible individual" includes any current or former officer, manager, member, partner, or trustee of a limited liability business entity with an unpaid tax warrant issued by the department.

(ii) "Responsible individual" also includes any current or former employee or other individual, but only if the individual had the responsibility or duty to remit payment of the limited liability business entity's unpaid sales tax liability reflected in a tax warrant issued by the department.

(iii) Whenever any taxpayer has one or more limited liability business entities as a member, manager, or partner, "responsible individual" also includes any current and former officers, members, or managers of the limited liability business entity or entities or of any other limited liability business entity involved directly in the management of the taxpayer. For purposes of this subsection (9)(g)(iii), "taxpayer" means a limited liability business entity with an unpaid tax warrant issued against it by the department.

(h) "Willfully fails to pay or to cause to be paid" means that the failure was the result of an intentional, conscious, and voluntary course of action.

PART IX

Repealing the Sales and Use Tax Exemptions for Bottled Water and Candy

Sec. 901. RCW 82.08.0293 and 2009 c 483 s 2 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 ~~((shall))~~ does not apply to sales of food and food ingredients. "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include:

(a) "Alcoholic beverages," which means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume; and

(b) "Tobacco," which means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(2) Until July 1, 2013, the exemption of "food and food ingredients" provided for in subsection (1) of this section ((shall)) does not apply to prepared food, soft drinks, bottled water, candy, or dietary supplements. Beginning July 1, 2013, the exemption of "food and food ingredients" provided for in subsection (1) of this section does not apply to prepared food, soft drinks, candy, or dietary supplements.

(a) "Prepared food" means:

(i) Food sold in a heated state or heated by the seller;

(ii) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food; or

(iii) Two or more food ingredients mixed or combined by the seller for sale as a single item, except:

(A) Food that is only cut, repackaged, or pasteurized by the seller; or

(B) Raw eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal food and drug administration in chapter 3, part 401.11 of The Food Code, published by the food and drug administration, as amended or renumbered as of January 1, 2003, so as to prevent foodborne illness.

(b) "Prepared food" does not include the following food or food ingredients, if the food or food ingredients are sold without eating utensils provided by the seller:

(i) Food sold by a seller whose proper primary North American industry classification system (NAICS) classification is manufacturing in sector 311, except subsector 3118 (bakeries), as provided in the "North American industry classification system--United States, 2002";

(ii) Food sold in an unheated state by weight or volume as a single item; or

(iii) Bakery items. The term "bakery items" includes bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, or tortillas.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain: Milk or milk products; soy, rice, or similar milk substitutes; or greater than fifty percent of vegetable or fruit juice by volume.

(d) "Dietary supplement" means any product, other than tobacco, intended to supplement the diet that:

(i) Contains one or more of the following dietary ingredients:

(A) A vitamin;

(B) A mineral;

(C) An herb or other botanical;

(D) An amino acid;

(E) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or

(F) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in this subsection;

(ii) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(iii) Is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label as required pursuant to 21 C.F.R. Sec. 101.36, as amended or renumbered as of January 1, 2003.

(e) "Candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation containing flour and does not require refrigeration.

(f) "Bottled water" means water that is placed in a sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain: (i) Antimicrobial agents; (ii) fluoride; (iii) carbonation; (iv) vitamins, minerals, and electrolytes; (v) oxygen; (vi) preservatives; and (vii) only those flavors, extracts, or essences derived from a spice or fruit. "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section (~~shall apply~~) applies to food and food ingredients that are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) That are provided to senior citizens, individuals with disabilities, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" means a facility:

(i) That meets the definition of a qualified low-income housing project under ~~((Title))~~ 26 U.S.C. Sec. 42 of the federal internal revenue code, as existing on August 1, 2009;

(ii) That has been partially funded under ~~((Title))~~ 42 U.S.C. Sec. 1485 ~~((of the federal internal revenue code))~~; and

(iii) For which the lessor or operator has at any time been entitled to claim a federal income tax credit under ~~((Title))~~ 26 U.S.C. Sec. 42 of the federal internal revenue code.

(4)(a) Subsection (1) of this section notwithstanding, the retail sale of food and food ingredients is subject to sales tax under RCW 82.08.020 if the food and food ingredients are sold through a vending machine, and in this case the selling price for purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.

(b) This subsection (4) does not apply to hot prepared food and food ingredients, other than food and food ingredients which are heated after they have been dispensed from the vending machine.

(c) For tax collected under this subsection (4), the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.

Sec. 902. RCW 82.08.0293 and 2010 c 106 (E2SHB 1597) s 216 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of food and food ingredients. "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include:

(a) "Alcoholic beverages," which means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume; and

(b) "Tobacco," which means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(2) Until July 1, 2013, the exemption of "food and food ingredients" provided in subsection (1) of this section does not apply to prepared food, soft drinks, bottled water, candy, or dietary supplements. Beginning July 1, 2013, the exemption of "food and food ingredients" provided for in subsection (1) of this section does not apply to prepared food, soft drinks, candy, or dietary supplements. For purposes of this subsection, the following definitions apply:

(a) "Dietary supplement" means any product, other than tobacco, intended to supplement the diet that:

(i) Contains one or more of the following dietary ingredients:

- (A) A vitamin;
- (B) A mineral;
- (C) An herb or other botanical;
- (D) An amino acid;
- (E) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or
- (F) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in this subsection;
- (ii) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and
- (iii) Is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label as required pursuant to 21 C.F.R. Sec. 101.36, as amended or renumbered as of January 1, 2003.
- (b)(i) "Prepared food" means:
- (A) Food sold in a heated state or heated by the seller;
- (B) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food; or
- (C) Two or more food ingredients mixed or combined by the seller for sale as a single item, except:
- (I) Food that is only cut, repackaged, or pasteurized by the seller; or
- (II) Raw eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal food and drug administration in chapter 3, part 401.11 of The Food Code, published by the food and drug administration, as amended or renumbered as of January 1, 2003, so as to prevent foodborne illness.
- (ii) "Prepared food" does not include the following food or food ingredients, if the food or food ingredients are sold without eating utensils provided by the seller:
- (A) Food sold by a seller whose proper primary North American industry classification system (NAICS) classification is manufacturing in sector 311, except subsector 3118 (bakeries), as provided in the "North American industry classification system--United States, 2002";
- (B) Food sold in an unheated state by weight or volume as a single item; or
- (C) Bakery items. The term "bakery items" includes bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, or tortillas.
- (c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain: Milk or milk products; soy, rice, or similar milk substitutes; or greater than fifty percent of vegetable or fruit juice by volume.
- (d) "Candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation containing flour and does not require refrigeration.
- (e) "Bottled water" means water that is placed in a sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain: (i) Antimicrobial agents; (ii) fluoride; (iii) carbonation; (iv) vitamins, minerals, and electrolytes; (v) oxygen; (vi) preservatives; and (vii) only those flavors, extracts, or essences derived from a spice or fruit. "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.
- (3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section applies to food and food ingredients that are furnished, prepared, or served as meals:
- (a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);
- (b) That are provided to senior citizens, individuals with disabilities, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW; or
- (c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" means a facility:
- (i) That meets the definition of a qualified low-income housing project under 26 U.S.C. Sec. 42 of the federal internal revenue code, as existing on August 1, 2009;
- (ii) That has been partially funded under 42 U.S.C. Sec. 1485 (~~of the federal internal revenue code~~); and
- (iii) For which the lessor or operator has at any time been entitled to claim a federal income tax credit under 26 U.S.C. Sec. 42 of the federal internal revenue code.
- (4)(a) Subsection (1) of this section notwithstanding, the retail sale of food and food ingredients is subject to sales tax under RCW 82.08.020 if the food and food ingredients are sold through a vending machine. Except as provided in (b) of this subsection, the selling price of food and food ingredients sold through a vending machine for purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.
- (b) For soft drinks and hot prepared food and food ingredients, other than food and food ingredients which are heated after they have been dispensed from the vending machine, the selling price is the total gross receipts of such sales divided by the sum of one plus the sales tax rate expressed as a decimal.
- (c) For tax collected under this subsection (4), the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.
- Sec. 903. RCW 82.12.0293 and 2009 c 483 s 4 are each amended to read as follows:**
- (1) The provisions of this chapter (~~shall~~) do not apply in respect to the use of food and food ingredients for human consumption. "Food and food ingredients" has the same meaning as in RCW 82.08.0293.
- (2) Until July 1, 2013, the exemption of "food and food ingredients" provided for in subsection (1) of this section (~~shall~~) does not apply to prepared food, soft drinks, bottled water, candy, or dietary supplements. Beginning July 1, 2013, the exemption of "food and food ingredients" provided for in subsection (1) of this section does not apply to prepared food, soft drinks, candy, or dietary supplements. "Prepared food," "soft drinks," (~~and~~) "dietary supplements," "candy," and "bottled water" have the same meanings as in RCW 82.08.0293.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section (~~shall~~) apply to food and food ingredients which are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) Which are provided to senior citizens, individuals with disabilities, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" has the same meaning as in RCW 82.08.0293.

NEW SECTION. Sec. 904. A new section is added to chapter 82.08 RCW to read as follows:

(1) Subject to the conditions in this section, the tax levied by RCW 82.08.020 does not apply to sales of bottled water for human use dispensed or to be dispensed to patients, pursuant to a prescription for use in the cure, mitigation, treatment, or prevention of disease or other medical condition. For purposes of this section, "prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to prescribe.

(2) Except for sales of bottled water delivered to the buyer in a reusable container that is not sold with the water, sellers must collect tax on sales subject to this exemption. Any buyer that has paid at least twenty-five dollars in state and local sales taxes on purchases of bottled water subject to this exemption may apply for a refund of the taxes directly from the department in a form and manner prescribed by the department. The department must deny any refund application if the amount of the refund requested is less than twenty-five dollars. No refund may be made for taxes paid more than four years after the end of the calendar year in which the tax was paid to the seller.

(3) The provisions of RCW 82.32.060 apply to refunds authorized under this section.

(4) With respect to sales of bottled water delivered to the buyer in a reusable container that is not sold with the water, buyers claiming the exemption provided in this section must provide the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

NEW SECTION. Sec. 905. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply in respect to the use of bottled water for human use dispensed or to be dispensed to patients, pursuant to a prescription for use in the cure, mitigation, treatment, or prevention of disease or medical condition. "Prescription" has the same meaning as in section 904 of this act.

NEW SECTION. Sec. 906. A new section is added to chapter 82.08 RCW to read as follows:

(1) Subject to the conditions in this section, the tax levied by RCW 82.08.020 does not apply to sales of bottled water for human use to persons who do not otherwise have a readily available source of potable water.

(2) Except for sales of bottled water delivered to the buyer in a reusable container that is not sold with the water, sellers must collect tax on sales subject to this exemption. Any buyer that has paid at least twenty-five dollars in state and local sales taxes on purchases of bottled water subject to this exemption may apply for a refund of the taxes directly from the department in a form and manner prescribed by the department. The department must deny any refund application if the amount of the refund requested is less than twenty-five dollars. No refund may be made for taxes paid more than four years after the end of the calendar year in which the tax was paid to the seller.

(3) The provisions of RCW 82.32.060 apply to refunds authorized under this section.

(4)(a) With respect to sales of bottled water delivered to the buyer in a reusable container that is not sold with the water, buyers claiming the exemption provided in this section must provide the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(b) The department may waive the requirement for an exemption certificate in the event of disaster or similar circumstance.

NEW SECTION. Sec. 907. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply in respect to the use of bottled water for human use by persons who do not otherwise have a readily available source of potable water.

NEW SECTION. Sec. 908. A new section is added to chapter 82.04 RCW to read as follows:

(1)(a) Subject to the requirements and limits in this section, candy manufacturers are entitled to a credit against the tax due under this chapter. The credit equals one thousand dollars for:

(i) Each full-time employment position that has been maintained in this state on a full-time basis for a continuous period of at least twelve consecutive months; or

(ii) Each full-time equivalent seasonal employee hired by a seasonal employer.

(b) Once a full-time employment position has been filled, the position does not cease to be maintained for a continuous period solely due to periods in which the position goes vacant, as long as:

(i) The cumulative period of any vacancies in that position is not more than one hundred twenty days in the twelve consecutive month period for which the position must be filled to earn a credit under this section; and

(ii) During any vacancy, the employer is training or actively recruiting a replacement permanent, full-time employee for the position.

(c) For full-time employment positions initially filled before July 1, 2010:

(i) The twelve consecutive month period for which the position must be filled to earn a credit under this section begins on the later of August 1, 2009, or the date that the employment position was initially filled; and

(ii) A second credit may be earned if the employment position is maintained on a full-time basis for an additional twelve consecutive month period.

(2)(a) The credit may only be claimed on a tax return filed electronically with the department using the department's online tax filing service, unless the department grants a waiver for good cause shown. For purposes of this subsection, "good cause" has the same meaning as in RCW 82.32.080(8)(a) (i), (ii), (iii), and (vi) and (b).

(b) Credit may be claimed only on tax returns originally due after July 31, 2010.

(c) The department must disallow any credit claimed on tax returns filed with the department after July 31, 2012.

(3)(a) Credits claimed may not exceed the tax otherwise due under this chapter on the manufacturing and retail or wholesale sale of candy manufactured by the taxpayer.

(b) No refunds may be granted for credits under this section.

(c) The credit provided in this section is in addition to any other credit that may be available to the candy manufacturer with respect to the same employment positions.

(4) No application is necessary for the credit. Candy manufacturers claiming the credit must keep records necessary for the department to verify eligibility under this section.

(5) A candy manufacturer claiming credit under this section must report to the department as provided in RCW 82.32.--- (section 103, chapter 114 (SHB 3066), Laws of 2010).

(6) The employment security department must provide to the department such information needed by the department to verify eligibility under this section.

(7) Pursuant to chapter 43.136 RCW, the citizen commission for performance measurement of tax preferences must schedule the credit under this section for a tax preference review by the joint legislative audit and review committee in 2011.

(8) For purposes of this section, the following definitions apply:

(a) "Candy" has the same meaning as in RCW 82.08.0293.

(b) "Candy manufacturer" means a person that manufactures candy. For purposes of this subsection "manufactures" has the same meaning as "to manufacture" in RCW 82.04.120.

(c) "Full-time" means a normal work week of at least thirty-five hours.

(d) "Seasonal employee" means an employee of a seasonal employer who works on a seasonal basis. "Seasonal basis" means a continuous employment period of less than twelve consecutive months.

(e) "Seasonal employer" means a person who regularly hires more than ten percent of its employees to work on a seasonal basis.

NEW SECTION. Sec. 909. If any provision of section 908 of this act or its application to any person or circumstance is held unconstitutional: (1) Section 908 of this act is considered invalid in its entirety; and (2) section 908 of this act and the application of any provision of that section to any person or circumstance is considered null and void and of no effect.

NEW SECTION. Sec. 910. A new section is added to chapter 82.32 RCW to read as follows:

(1) The department must compile a list of products meeting the definition of candy in RCW 82.08.0293 and products that are similar to candy but do not meet that definition. The list must identify each item as either subject to sales or use tax or not subject to sales or use tax. The list will be made in a form and manner prescribed by the department and must be made available on the department's internet web site. The list must also provide information about how to request a binding ruling from the department on the taxability of products not on the list.

(2) In compiling the list described in subsection (1) of this section, the department may:

(a) Evaluate the experiences of other member states of the streamlined sales and use tax agreement that impose retail sales tax on candy;

(b) Accept technical assistance from persons that sell, market, or distribute candy; and

(c) Consider any other resource the department finds useful in compiling the list.

(3) The creation of a list under subsection (1) of this section and any modifications to the list are not subject to the rule-making provisions of chapter 34.05 RCW.

(4) For products that are not identified on the list created by the department under subsection (1) of this section, taxpayers may request a binding written ruling from the department on the taxability of the product.

PART X

PUD Privilege Tax Clarification

Sec. 1001. RCW 54.28.011 and 1957 c 278 s 12 are each amended to read as follows:

"Gross revenue" (~~shall~~) means the amount received from the sale of electric energy, which also includes any regularly recurring charge billed to consumers as a condition of receiving electric energy, and excluding any tax levied by a municipal corporation upon the district pursuant to RCW 54.28.070.

PART XI

Temporarily Increasing the Business and Occupation Tax on Service Businesses while Increasing the Small Business Credit for the Same Businesses

NEW SECTION. Sec. 1101. A new section is added to chapter 82.04 RCW to read as follows:

(1) Beginning May 1, 2010, through June 30, 2013, an additional rate of tax of 0.30 percent is added to the rate provided for in RCW 82.04.255, 82.04.285, and 82.04.290(2)(a).

(2)(a) The additional rate in subsection (1) of this section does not apply to persons engaging within this state in business as a hospital. "Hospital" has the meaning provided in chapter 70.41 RCW but also includes any hospital that comes within the scope of chapter 71.12 RCW if the hospital is also licensed under chapter 70.41 RCW.

(b) The additional rate in subsection (1) of this section does not apply to amounts received from performing scientific research and development services including but not limited to research and development in the physical, engineering, and life sciences (such as agriculture, bacteriological, biotechnology, chemical, life sciences, and physical science research and development laboratories or services).

Sec. 1102. RCW 82.04.4451 and 1997 c 238 s 2 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed against the amount of tax otherwise due under this chapter, as provided in this section. ~~((The maximum credit for a taxpayer))~~ Except for taxpayers that report at least fifty percent of their taxable amount under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285, the maximum credit for a taxpayer for a reporting period is thirty-five dollars multiplied by the number of months in the reporting period, as determined under RCW 82.32.045. For a taxpayer that reports at least fifty percent of its taxable amount under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285, the maximum credit for a reporting period is seventy dollars multiplied by the number of months in the reporting period, as determined under RCW 82.32.045.

(2) When the amount of tax otherwise due under this chapter is equal to or less than the maximum credit, a credit is allowed equal to the amount of tax otherwise due under this chapter.

(3) When the amount of tax otherwise due under this chapter exceeds the maximum credit, a reduced credit is allowed equal to twice the maximum credit, minus the tax otherwise due under this chapter, but not less than zero.

(4) The department may prepare a tax credit table consisting of tax ranges using increments of no more than five dollars and a corresponding tax credit to be applied to those tax ranges. The table shall be prepared in such a manner that no taxpayer will owe a greater amount of tax by using the table than would be owed by performing the calculation under subsections (1) through (3) of this section. A table prepared by the department under this subsection ~~((shall))~~ must be used by all taxpayers in taking the credit provided in this section.

Sec. 1103. RCW 82.32.045 and 2006 c 256 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within twenty-five days after the end of the month in which the taxable activities occur.

(2) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. For these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) The department of revenue may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(4) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than:

(i) Twenty-eight thousand dollars per year; or

(ii) Forty-six thousand six hundred and sixty-seven dollars per year for persons generating at least fifty percent of their taxable amount from activities taxable under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than twenty-four thousand dollars per year; and

(c) The person is not required to collect or pay to the department of revenue any other tax or fee which the department is authorized to collect.

PART XII

Property Management Salaries

Sec. 1201. RCW 82.04.394 and 1998 c 338 s 2 are each amended to read as follows:

(1) This chapter does not apply to:

(a) Amounts received by a nonprofit property management company from the owner of a property for gross wages and benefits paid directly to or on behalf of on-site personnel from property management trust accounts that are required to be maintained under RCW ~~((48.85.310))~~ 18.85.285; or

(b) Amounts received by a property management company from a housing authority for gross wages and benefits paid directly to or on behalf of on-site personnel from property management trust accounts that are required to be maintained under RCW 18.85.285.

(2) ~~((As used in))~~ The definitions in this subsection apply to this section((,)).

(a) "On-site personnel" means a person who meets all of the following conditions: ~~((a))~~ (i) The person works primarily at the owner's property; ~~((b))~~ (ii) the person's duties include leasing property units, maintaining the property, collecting rents, or similar activities; and ~~((c))~~ (iii) under a written property management agreement: ~~((A))~~ (A) The person's compensation is the ultimate obligation of the property owner and not the property manager; ~~((B))~~ (B) the property manager is liable for payment only as agent of the owner; and ~~((C))~~ (C) the property manager is the agent of the owner with respect to the on-site personnel and that all actions, including, but not limited to, hiring, firing, compensation, and conditions of employment, taken by the property manager with respect to the on-site personnel are subject to the approval of the property owner.

(b) "Nonprofit property management company" means a property management company that is exempt from tax under 26 U.S.C. Sec. 501(c) of the federal internal revenue code, as it exists on January 1, 2010.

(c) "Housing authority" means a city or county housing authority created pursuant to chapter 35.82 RCW.

Sec. 1202. RCW 82.04.394 and 2010 c 106 (E2SHB 1597) s 209 are each amended to read as follows:

(1) This chapter does not apply to:

(a) Amounts received by a nonprofit property management company from the owner of a property for gross wages and benefits paid directly to or on behalf of on-site personnel from property management trust accounts that are required to be maintained under RCW 18.85.285; or

(b) Amounts received by a property management company from a housing authority for gross wages and benefits paid directly to or on behalf of on-site personnel from property management trust accounts that are required to be maintained under RCW 18.85.285.

(2) ~~((As used in))~~ The definitions in this subsection apply to this section((,)).

(a) "On-site personnel" means a person who meets all of the following conditions: ~~((a))~~ (i) The person works primarily at the owner's property; ~~((b))~~ (ii) the person's duties include leasing property units, maintaining the property, collecting rents, or similar activities; and ~~((c))~~ (iii) under a written property management agreement: ~~((A))~~ (A) The person's compensation is the ultimate obligation of the property owner and not the property manager; ~~((B))~~ (B) the property manager is liable for payment only as agent of the owner; and ~~((C))~~ (C) the property manager is the agent of the owner with respect to the on-site personnel and that all actions, including, but not limited to, hiring, firing, compensation, and conditions of employment, taken by the property manager with respect to the on-site personnel are subject to the approval of the property owner.

(b) "Nonprofit property management company" means a property management company that is exempt from tax under 26 U.S.C. Sec. 501(c) of the federal internal revenue code, as it exists on January 1, 2010.

(c) "Housing authority" means a city or county housing authority created pursuant to chapter 35.82 RCW.

PART XIII

Temporarily Increasing Beer Taxes

Sec. 1301. RCW 66.24.290 and 2009 c 479 s 43 are each amended to read as follows:

(1) Any microbrewer or domestic brewery or beer distributor licensed under this title may sell and deliver beer and strong beer to holders of authorized licenses direct, but to no other person, other than the board. Any certificate of approval holder authorized to act as a distributor under RCW 66.24.270 shall pay the taxes imposed by this section.

(a) Every such brewery or beer distributor shall report all sales to the board monthly, pursuant to the regulations, and shall pay to the board as an added tax for the privilege of manufacturing and selling the beer and strong beer within the state a tax of one dollar and thirty cents per barrel of thirty-one gallons on sales to licensees within the state and on sales to licensees within the state of bottled and canned beer, including strong beer, shall pay a tax computed in gallons at the rate of one dollar and thirty cents per barrel of thirty-one gallons.

(b) Any brewery or beer distributor whose applicable tax payment is not postmarked by the twentieth day following the month of sale will be assessed a penalty at the rate of two percent per month or fraction thereof. Beer and strong beer shall be sold by breweries and distributors in sealed barrels or packages.

(c) The moneys collected under this subsection shall be distributed as follows: (i) Three-tenths of a percent shall be distributed to border areas under RCW 66.08.195; and (ii) of the remaining moneys: (A) Twenty percent shall be distributed to counties in the same manner as under RCW 66.08.200; and (B) eighty percent shall be distributed to incorporated cities and towns in the same manner as under RCW 66.08.210.

(d) Any licensed retailer authorized to purchase beer from a certificate of approval holder with a direct shipment endorsement or a brewery or microbrewery shall make monthly reports to the liquor control board on beer purchased during the preceding calendar month in the manner and upon such forms as may be prescribed by the board.

(2) An additional tax is imposed on all beer and strong beer subject to tax under subsection (1) of this section. The additional tax is equal to two dollars per barrel of thirty-one gallons. All revenues collected during any month from this additional tax shall be deposited in the state general fund by the twenty-fifth day of the following month.

(3)(a) An additional tax is imposed on all beer and strong beer subject to tax under subsection (1) of this section. The additional tax is equal to ninety-six cents per barrel of thirty-one gallons through June 30, 1995, two dollars and thirty-nine cents per barrel of thirty-one gallons for the period July 1, 1995, through June 30, 1997, and four dollars and seventy-eight cents per barrel of thirty-one gallons thereafter.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection (3) shall be deposited in the state general fund.

(4) An additional tax is imposed on all beer and strong beer that is subject to tax under subsection (1) of this section that is in the first sixty thousand barrels of beer and strong beer by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of the exemption under subsection (3)(b) of this section. The additional tax is equal to one dollar and forty-eight and two-tenths cents per barrel of thirty-one gallons. By the twenty-fifth day of the following month, three percent of the revenues collected from this additional tax shall be distributed to border areas under RCW 66.08.195 and the remaining moneys shall be transferred to the state general fund.

(5)(a) From the effective date of this section through June 30, 2013, an additional tax is imposed on all beer and strong beer subject to tax under subsection (1) of this section. The additional tax is equal to fifteen dollars and fifty cents per barrel of thirty-one gallons.

(b) The additional tax imposed under this subsection does not apply to the sale of the first sixty thousand barrels of beer each year by breweries that are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051 of the federal internal revenue code, as existing on July 1, 1993, or such subsequent date as may be provided by the board by rule consistent with the purposes of this exemption.

(c) All revenues collected from the additional tax imposed under this subsection shall be deposited in the state general fund.

(6) The board may make refunds for all taxes paid on beer and strong beer exported from the state for use outside the state.

~~((6))~~ (7) The board may require filing with the board of a bond to be approved by it, in such amount as the board may fix, securing the payment of the tax. If any licensee fails to pay the tax when due, the board may forthwith suspend or cancel his or her license until all taxes are paid.

PART XIV

Temporarily Imposing Taxes on Carbonated Beverages

NEW SECTION. Sec. 1401. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1)(a) "Carbonated beverage" means any packaged nonalcoholic liquid intended for human consumption that contains carbonation by natural or artificial means and any of the following substances: Caffeine, extracts, fruit juice or concentrated fruit juice, herbs, sweeteners, or syrup. "Packaged" includes cans, bottles, and other similar sealed containers. "Syrup" means a concentrated mixture in either liquid or powdered form that contains sugar or a sugar substitute and that is an ingredient used to make carbonated beverages.

(b) "Carbonated beverage" does not include carbonated bottled water. For the purpose of this subsection, "bottled water" has the same meaning as provided in section 901 of this act.

(2) "Ounce" means United States fluid ounce.

(3) "Previously taxed carbonated beverages" means carbonated beverages to which the tax under this chapter has been previously imposed.

(4) Except for terms defined in this section, the definitions in chapters 82.04, 82.08, and 82.12 RCW apply to this chapter.

NEW SECTION. Sec. 1402. (1) From the effective date of this section through June 30, 2013, a tax is imposed on every person for the privilege of selling, at wholesale or retail, carbonated beverages in this state. The rate of the tax is equal to two cents per twelve ounces of carbonated beverages sold in this state.

(2)(a) In calculating the amount of tax due under this section, if the total amount of carbonated beverages sold in this state during the reporting period is not a whole number, the taxable quantity must be rounded as provided in (b) of this subsection.

(b) For a fraction of an ounce that is equal to or greater than one-half ounce, the taxable quantity must be rounded up to the nearest ounce. For a fraction of an ounce that is less than one-half ounce, the taxable quantity must be rounded down to the nearest ounce.

(3) Chapter 82.32 RCW applies to the tax imposed in this section. The tax reporting frequency for the tax imposed in this section must coincide with the taxpayer's reporting frequency for the tax imposed in chapter 82.04 RCW.

(4) The department may require taxpayers to report the taxable quantity of carbonated beverages in units of measure other than ounces.

(5) The tax imposed in this section is in addition to all other taxes imposed in this title on the same taxable event.

NEW SECTION. Sec. 1403. (1) The tax imposed in this chapter does not apply to any successive sale of previously taxed carbonated beverages.

(2) Any person claiming the exemption provided in this section must maintain documentation establishing that the carbonated beverages were previously taxed under this chapter. The documentation may be in the form of information on the invoice, or certification from the previous

seller, stating: (a) That all or a specific stated portion of the carbonated beverages were previously subject to the tax imposed in this chapter; and (b) the amount of tax remitted or to be remitted to the department in respect of the carbonated beverages.

NEW SECTION. Sec. 1404. (1) For each calendar year, the tax imposed in this chapter does not apply in respect to the first ten million dollars of carbonated beverages sold in this state by any bottler as measured by the gross proceeds of sales of carbonated beverages at retail and wholesale by the bottler. If a bottler is affiliated with any other bottler or distributor, the ten million dollar threshold for the exemption in this subsection (1) is based on the combined gross proceeds of sales by all affiliated persons from all sales at wholesale and retail of carbonated beverages in this state during the calendar year.

(2) Successive sales by any person of carbonated beverages exempt under subsection (1) of this section are also exempt from the tax imposed in this chapter. Any person claiming the exemption provided in this subsection (2) must maintain documentation establishing that the carbonated beverages were previously sold in this state by a person exempt under subsection (1) of this section. The documentation may be in the form of information on the invoice, or certification from the previous seller, stating that the carbonated beverages were previously exempt under subsection (1) of this section.

(3) For purposes of this section, the following definitions apply:

(a) "Affiliated" has the same meaning as provided in section 110 of this act.

(b) "Bottler" means a person who bottles, cans, or otherwise packages carbonated beverages in beverage containers.

(c) "Distributor" means a person, other than a bottler, that makes sales at wholesale of carbonated beverages.

NEW SECTION. Sec. 1405. The tax imposed in this chapter does not apply to any activity or person that the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States.

NEW SECTION. Sec. 1406. This part constitutes a new chapter in Title 82 RCW.

PART XV

Limiting the Bad Debt Deduction

NEW SECTION. Sec. 1501. The legislature intends with sections 1502 and 1503 of this act to supersede the holding of the supreme court of the state of Washington in *Puget Sound National Bank v. Department of Revenue*, 123 Wn.2d 284 (1994).

Sec. 1502. RCW 82.08.037 and 2007 c 6 s 102 are each amended to read as follows:

(1) A seller is entitled to a credit or refund for sales taxes previously paid on bad debts, as that term is used in 26 U.S.C. Sec. 166, as amended or renumbered as of January 1, 2003.

(2) For purposes of this section, "bad debts" does not include:

(a) Amounts due on property that remains in the possession of the seller until the full purchase price is paid;

(b) Expenses incurred in attempting to collect debt; ~~((and))~~

(c) Debts sold or assigned by the seller to third parties, where the third party is without recourse against the seller; and

(d) Repossessed property.

(3) If a credit or refund of sales tax is taken for a bad debt and the debt is subsequently collected in whole or in part, the tax on the amount collected must be paid and reported on the return filed for the period in which the collection is made.

(4) Payments on a previously claimed bad debt are applied first proportionally to the taxable price of the property or service and the sales or use tax thereon, and secondly to interest, service charges, and any other charges.

(5) If the seller uses a certified service provider as defined in RCW 82.32.020 to administer its sales tax responsibilities, the certified service provider may claim, on behalf of the seller, the credit or refund allowed by this section. The certified service provider must credit or refund the full amount received to the seller.

(6) The department ~~((shall))~~ must allow an allocation of bad debts among member states to the streamlined sales tax agreement, as defined in RCW 82.58.010(1), if the books and records of the person claiming bad debts support the allocation.

(7) A person's right to claim a credit or refund under this section is not assignable. No person other than the original seller in the transaction that generated the bad debt or, as provided in subsection (5) of this section, a certified service provider, is entitled to claim a credit or refund under this section. If the original seller in the transaction that generated the bad debt has sold or assigned the debt instrument to a third party with recourse, the original seller may claim a credit or refund under this section only after the debt instrument is reassigned by the third party to the original seller.

Sec. 1503. RCW 82.12.037 and 2007 c 6 s 103 are each amended to read as follows:

(1) A seller is entitled to a credit or refund for use taxes previously paid on bad debts, as that term is used in 26 U.S.C. Sec. 166, as amended or renumbered as of January 1, 2003.

(2) For purposes of this section, "bad debts" does not include:

(a) Amounts due on property that remains in the possession of the seller until the full purchase price is paid;

(b) Expenses incurred in attempting to collect debt; ~~((and))~~

(c) Debts sold or assigned by the seller to third parties, where the third party is without recourse against the seller; and

(d) Repossessed property.

(3) If a credit or refund of use tax is taken for a bad debt and the debt is subsequently collected in whole or in part, the tax on the amount collected must be paid and reported on the return filed for the period in which the collection is made.

(4) Payments on a previously claimed bad debt are applied first proportionally to the taxable price of the property or service and the sales or use tax thereon, and secondly to interest, service charges, and any other charges.

(5) If the seller uses a certified service provider as defined in RCW 82.32.020 to administer its use tax responsibilities, the certified service provider may claim, on behalf of the seller, the credit or refund allowed by this section. The certified service provider must credit or refund the full amount received to the seller.

(6) The department ~~((shall))~~ must allow an allocation of bad debts among member states to the streamlined sales and use tax agreement, as defined in RCW 82.58.010(1), if the books and records of the person claiming bad debts support the allocation.

(7) A person's right to claim a credit or refund under this section is not assignable. No person other than the original seller in the transaction that generated the bad debt or, as provided in subsection (5) of this section, a certified service provider, is entitled to claim a credit or refund under this section. If the original seller in the transaction that generated the bad debt has sold or assigned the debt

instrument to a third party with recourse, the original seller may claim a credit or refund under this section only after the debt instrument is reassigned by the third party to the original seller.

**PART XVI
Data Centers**

Sec. 1601. RCW 82.08.--- and 2010 1st sp.s. c 1 (ESSB 6789) s 2 are each amended to read as follows:

(1) An exemption from the tax imposed by RCW 82.08.020 is provided for sales to qualifying businesses of eligible server equipment to be installed, without intervening use, in an eligible computer data center, and to charges made for labor and services rendered in respect to installing eligible server equipment. The exemption also applies to sales to qualifying businesses of eligible power infrastructure, including labor and services rendered in respect to constructing, installing, repairing, altering, or improving eligible power infrastructure.

(2)(a) In order to claim the exemption under this section, a qualifying business must submit an application to the department for an exemption certificate. The application must include the information necessary, as required by the department, to determine that a business qualifies for the exemption under this section. The department must issue exemption certificates to qualifying businesses. The department may assign a unique identification number to each exemption certificate issued under this section.

(b) A qualifying business claiming the exemption under this section must present the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3)(a) ~~((A qualifying business must establish))~~ Within six years of the ((first day of the calendar quarter in which the business first receives an exemption under this section or section 3 of this act that it has)) date that the department issued an exemption certificate under this section to a qualifying business with respect to an eligible computer data center, the qualifying business must establish that net employment at the eligible computer data center has increased ((employment in a computer data center)) by a minimum of:

(i) Thirty-five family wage ((jobs from the date the eligible computer data center first became operational)) employment positions; or
(ii) Three family wage employment positions for each twenty thousand square feet of space or less that is newly dedicated to housing working servers at the eligible computer data center. For qualifying businesses that lease space at an eligible computer data center, the number of family wage employment positions that must be increased under this subsection (3)(a)(ii) is based only on the space occupied by the lessee in the eligible computer data center.

(b) In calculating the net increase in family wage employment positions:

(i) The owner of an eligible computer data center, in addition to its own net increase in family wage employment positions, may include:

(A) The net increase in family wage employment positions employed by qualifying businesses leasing space within the eligible computer data center from the owner; and

(B) The net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(ii)(A) Lessees of the owner of an eligible computer data center, in addition to their own net increase in family wage employment positions, may include:

(I) A portion of the net increase in family wage employment positions employed by the owner; and

(II) A portion of the net increase in family wage employment positions described in (c)(ii)(B) of this subsection (3).

(B) The portion of the net increase in family wage employment positions to be counted under this subsection (3)(b)(ii) by each lessee must be in proportion to the amount of space in the eligible computer data center occupied by the lessee compared to the total amount of space in the eligible computer data center occupied by all lessees that are qualifying businesses.

(c)(i) For purposes of this subsection, family wage ((jobs)) employment positions are new permanent employment positions requiring forty hours of weekly work, or their equivalent, on a full-time basis at the eligible computer data center and ((paying)) receiving a wage equivalent to or greater than one hundred fifty percent of the per capita personal income of the county in which the qualified project is located. ((The qualifying business must provide)) An employment position may not be counted as a family wage employment position unless the employment position is entitled to health insurance coverage ((for employees)) provided by the employer of the employment position. For purposes of this subsection (3)(c), "new permanent employment position" means an employment position that did not exist or that had not previously been filled as of the date that the department issued an exemption certificate to the owner or lessee of an eligible computer data center, as the case may be.

(ii)(A) Family wage employment positions include positions filled by employees of the owner of the eligible computer data center and by employees of qualifying businesses leasing space from the owner of the eligible computer data center.

(B) Family wage employment positions also include individuals performing work at an eligible computer data center as an independent contractor hired by the owner of the eligible computer data center or as an employee of an independent contractor hired by the owner of the eligible computer data center, if the work is necessary for the operation of the computer data center, such as security and building maintenance, and provided that all of the requirements in (c)(i) of this subsection (3) are met.

~~((b))~~ (d) All previously exempted sales and use taxes are immediately due and payable for a qualifying business that does not meet the requirements of this subsection.

(4) A qualifying business claiming an exemption under this section or RCW 82.12.--- (section 3, chapter 1 (ESSB 6789), Laws of 2010 1st sp. sess.) must complete an annual report with the department as required under section 103, chapter 114 (SHB 3066), Laws of 2010.

(5)(a) The exemption provided in this section does not apply to:

(i) Any person who has received the benefit of the deferral program under chapter 82.60 RCW on: (A) The construction, renovation, or expansion of a structure or structures used as a computer data center; or (B) machinery or equipment used in a computer data center; and

(ii) Any person affiliated with a person within the scope of (a)(i) of this subsection (5). For purposes of this subsection, "affiliated" means that one person has a direct or indirect ownership interest of at least twenty percent in another person.

(b) If a person claims an exemption under this section and subsequently receives the benefit of the deferral program under chapter 82.60 RCW on either the construction, renovation, or expansion of a structure or structures used as a computer data center or machinery or equipment used in a computer data center, the person must repay the amount of taxes exempted under this section. Interest as provided in chapter 82.32 RCW applies to amounts due under this section until paid in full.

(6) For purposes of this section the following definitions apply unless the context clearly requires otherwise:

(a)(i) "Computer data center" means a facility comprised of one or more buildings, which may be comprised of multiple businesses, constructed or refurbished specifically, and used primarily, to house working servers, where the facility has the following characteristics: (A) Uninterruptible power supplies, generator backup power, or both; (B) sophisticated fire suppression and prevention systems; and (C) enhanced

physical security, such as: Restricted access to the facility to selected personnel; permanent security guards; video camera surveillance; an electronic system requiring passcodes, keycards, or biometric scans, such as hand scans and retinal or fingerprint recognition; or similar security features.

(ii) For a computer data center comprised of multiple buildings, each separate building constructed or refurbished specifically, and used primarily, to house working servers is considered a computer data center if it has all of the characteristics listed in (a)(i)(A) through (C) of this subsection (6).

(iii) A facility comprised of one building or more than one building must have a combined square footage of at least one hundred thousand square feet.

(b) "Electronic data storage and data management services" include, but are not limited to: Providing data storage and backup services, providing computer processing power, hosting enterprise software applications, and hosting web sites. The term also includes providing services such as e-mail, web browsing and searching, media applications, and other online services, regardless of whether a charge is made for such services.

(c)(i) "Eligible computer data center" means a computer data center:

(A) Located in a rural county as defined in RCW 82.14.370;

(B) Having at least twenty thousand square feet dedicated to housing working servers, where the server space has not previously been dedicated to housing working servers; and

(C) For which the commencement of construction occurs after March 31, 2010, and before July 1, 2011. For purposes of this section, "commencement of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for construction of the computer data center. The construction of a computer data center includes the expansion, renovation, or other improvements made to existing facilities, including leased or rented space. "Commencement of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of a computer data center.

(ii) With respect to facilities in existence on April 1, 2010 that are expanded, renovated, or otherwise improved after March 31, 2010, an eligible computer data center includes only the portion of the computer data center meeting the requirements in (c)(i)(B) of this subsection (6).

(d) "Eligible power infrastructure" means all fixtures and equipment necessary for the transformation, distribution, or management of electricity that is required to operate eligible server equipment within an eligible computer data center. The term includes electrical substations, generators, wiring, and cogeneration equipment.

(e) "Eligible server equipment" means the original server equipment installed in an eligible computer data center on or after April 1, 2010, and replacement server equipment. For purposes of this subsection (6)(e), "replacement server equipment" means server equipment that: (i) Replaces existing server equipment, if the sale or use of the server equipment to be replaced qualified for an exemption under this section or RCW 82.12.--- (section 3, chapter 1 (ESSB 6789), Laws of 2010 1st sp. sess.); and (ii) is installed and put into regular use before April 1, 2018.

(f) "Qualifying business" means a business entity that exists for the primary purpose of engaging in commercial activity for profit and that is the owner (~~or lessee~~) of an eligible computer data center or the lessee of at least twenty thousand square feet within an eligible computer data center dedicated to housing working servers, where the server space has not previously been dedicated to housing working servers. The term does not include the state or federal government or any of their departments, agencies, and institutions; tribal governments; political subdivisions of this state; or any municipal, quasi-municipal, public, or other corporation created by the state or federal government, tribal government, municipality, or political subdivision of the state.

(g) "Server" means blade or rack-mount server computers used in a computer data center exclusively to provide electronic data storage and data management services for internal use by the owner or lessee of the computer data center, for clients of the owner or lessee of the computer data center, or both. "Server" does not include personal computers.

(h) "Server equipment" means the server chassis and all computer hardware contained within the server chassis. "Server equipment" also includes computer software necessary to operate the server. "Server equipment" does not include the racks upon which the server chassis is installed, and computer peripherals such as keyboards, monitors, printers, mice, and other devices that work outside of the computer.

(7) This section expires April 1, 2018.

Sec. 1602. RCW 82.12.--- and 2010 1st sp. s c 1 (ESSB 6789) s 3 are each amended to read as follows:

(1) An exemption from the tax imposed by RCW 82.12.020 is provided for the use by qualifying businesses of eligible server equipment to be installed, without intervening use, in an eligible computer data center, and to the use of labor and services rendered in respect to installing such server equipment. The exemption also applies to the use of power infrastructure, including labor and services rendered in respect to installing, repairing, altering, or improving such infrastructure.

(2) A qualifying business is not eligible for the exemption under this section unless the department issued an exemption certificate to the qualifying business for the exemption provided in RCW 82.08.---(section 2, chapter 1 (ESSB 6789), Laws of 2010 1st sp. sess.).

(3)(a) The exemption provided in this section does not apply to:

(i) Any person who has received the benefit of the deferral program under chapter 82.60 RCW on: (A) The construction, renovation, or expansion of a structure or structures used as a computer data center; or (B) machinery or equipment used in a computer data center; and

(ii) Any person affiliated with a person within the scope of (a)(i) of this subsection (3). For purposes of this subsection, "affiliated" means that one person has a direct or indirect ownership interest of at least twenty percent in another person.

(b) If a person has received the benefit of the exemption under this section and subsequently receives the benefit of the deferral program under chapter 82.60 RCW on either the construction, renovation, or expansion of a structure or structures used as a computer data center or machinery or equipment used in a computer data center, the person must repay the amount of taxes exempted under this section. Interest as provided in chapter 82.32 RCW applies to amounts due under this subsection (3)(b) until paid in full. A person is not required to repay taxes under this subsection with respect to property and services for which the person is required to repay taxes under RCW 82.08.---(section 2, chapter 1 (ESSB 6789), Laws of 2010 1st sp. sess.).

(4) The definitions and requirements in RCW 82.08.--- (section 2, chapter 1 (ESSB 6789), Laws of 2010 1st sp. sess.) apply to this section.

(5) This section expires April 1, 2018.

**PART XVII
Miscellaneous Provisions**

NEW SECTION. Sec. 1701. If a court of competent jurisdiction, in a final judgment not subject to appeal, adjudges any provision of section 104(1)(c) of this act unconstitutional or otherwise invalid, Part I of this act is null and void in its entirety.

NEW SECTION. Sec. 1702. Part I of this act applies with respect to gross income of the business, as defined in RCW 82.04.080, including gross income from royalties as defined in RCW 82.04.2907, generated on and after June 1, 2010. For purposes of calculating the thresholds in section 104(1)(c) of this act for the 2010 tax year, property, payroll, and receipts are based on the entire 2010 tax year.

NEW SECTION. Sec. 1703. Except as provided in section 202 of this act, section 201 of this act applies to tax periods beginning January 1, 2006.

NEW SECTION. Sec. 1704. Sections 402 and 702 of this act apply both retroactively and prospectively.

NEW SECTION. Sec. 1705. In accordance with Article VIII, section 5 of the state Constitution, sections 702 and 1704 of this act do not authorize refunds of business and occupation tax validly collected before July 1, 2010, on amounts received by an individual from a corporation as compensation for serving as a member of that corporation's board of directors.

NEW SECTION. Sec. 1706. Section 402 of this act does not affect any final judgments, not subject to appeal, entered by a court of competent jurisdiction before the effective date of this section.

NEW SECTION. Sec. 1707. Except as provided in section 1701 of this act, if any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1708. Except as otherwise provided in this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect May 1, 2010.

NEW SECTION. Sec. 1709. Parts III and XIII and sections 101 through 106, 108 through 112, 501 through 503, 505, 507, 510 through 514, 516 through 519, 901, 903 through 911, and 1201 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 1, 2010.

NEW SECTION. Sec. 1710. Sections 106, 901, and 1201 of this act expire July 1, 2010.

NEW SECTION. Sec. 1711. Sections 503, 505, and 514 of this act expire June 10, 2010.

NEW SECTION. Sec. 1712. Sections 504, 506, and 515 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect June 10, 2010.

NEW SECTION. Sec. 1713. Parts VI, VII, and XIV and sections 107, 702, 902, and 1202 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2010.

NEW SECTION. Sec. 1714. Section 507 of this act expires July 13, 2010.

NEW SECTION. Sec. 1715. Section 508 of this act takes effect July 13, 2010.

NEW SECTION. Sec. 1716. Section 508 of this act expires July 1, 2011.

NEW SECTION. Sec. 1717. Section 509 of this act takes effect July 1, 2011.

NEW SECTION. Sec. 1718. Section 1001 of this act applies prospectively only.

NEW SECTION. Sec. 1719. Sections 1502 and 1503 of this act apply to claims for credit or refund filed with the department of revenue after June 30, 2010."

Correct the title.

Signed by Senators Prentice and Murray.

Signed by Representatives Hasegawa and Hunter.

There being no objection, the House adopted the conference committee report on SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6143 and advanced the bill, as recommended by the conference committee, to final passage.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representative Hunter spoke in favor of the passage of the bill as recommended by the conference committee.

Representatives Orcutt, Klippert, Pearson and Ericksen spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Morris presiding) stated the question before the House to be final passage of Second Engrossed Substitute Senate Bill No. 6143, as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 6143, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 52; Nays, 44; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Santos, Schmick, Seaquist, Short, Simpson, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Shea and Wood.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 6143, as recommended by the conference committee, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on Second Engrossed Substitute Senate Bill No. 6143.

Matthew Shea, 4th District

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:00 a.m.,
April 12, 2010, the 29th Day of the 1st Special Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY FIRST LEGISLATURE - FIRST SPECIAL SESSION

TWENTY NINTH DAY

House Chamber, Olympia, Monday, April 12, 2010

The House was called to order at 9:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Sherry Burkhart and Billie Schubert. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Richard De San Lazaro.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

SECOND READING**HOUSE BILL NO. 3219, by Representatives Goodman, Rodne, Pedersen, Hudgins, Chase and Upthegrove****Making technical corrections to the Revised Code of Washington.**

The bill was read the second time.

Representative Armstrong moved the adoption of amendment (1744).

On page 29, after line 17, insert the following:

"**NEW SECTION, Sec. 15.** The following acts or parts of acts are each repealed:

- (1) 2010 1st sp.s. c 7 s 137 (uncodified);
- (2) 2010 1st sp.s. c 7 s 138; and
- (3) 2010 1st sp.s. c 7 s 139."

Correct the title.

POINT OF ORDER

Representative Hudgins: "I reluctantly ask for a scope and object ruling on the amendment before us to the underlying bill."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Bills of this nature are initiated by the Code Reviser to correct drafting errors, typos and other mechanical difficulties of the bill. These bills do not include substantive policy decisions initiated in this legislature. The effect of this amendment is to reinstate a board that was eliminated by a legislative body. That is a policy decision and is therefore substantive and thus amendment 1744 is beyond the scope and object of the bill. Representative Hudgins, your point of order is well taken."

Amendment (1744) was ruled out of order.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 3219.

MOTIONS

On motion of Representative Santos, Representatives Ericks, Liias and Clibborn were excused. On motion of Representative Hinkle, Representative Kretz was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3219, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Clibborn, Ericks, Kretz and Liias.

HOUSE BILL NO. 3219, having received the necessary constitutional majority, was declared passed.

There being no objection, the House resumed consideration of SUBSTITUTE SENATE BILL NO. 6727. (see Day 8 of the 1st Special Session)

SUBSTITUTE SENATE BILL NO. 6727, by Senate Committee on Ways & Means (originally sponsored by Senators Marr and Brown)**Concerning health sciences and services authorities.**

Representative Warnick moved the adoption of amendment (1721) to the committee amendment.

On page 3, after line 14 of the amendment, insert the following:

"**Sec. 2. RCW 35.104.040 and 2007 c 251 s 4 are each amended to read as follows:**

(1) The higher education coordinating board may approve applications submitted by local governments for an area's designation as a health sciences and services authority under this chapter. The director ~~((shall))~~ must determine the division to review applications submitted by local governments under this chapter. The application for designation ~~((shall))~~ must be in the form and manner and contain such information as the higher education coordinating board may prescribe, provided the application ~~((shall))~~:

- (a) Contains sufficient information to enable the director to determine the viability of the proposal;
- (b) Demonstrates that an ordinance or resolution has been passed by the legislative authority of a local government that delineates the boundaries of an area that may be designated an authority;
- (c) ~~((Be))~~ Is submitted on behalf of the local government, or, if that office does not exist, by the legislative body of the local government;
- (d) Demonstrates that the public funds directed to programs or facilities in the authority will leverage private sector resources and contributions to activities to be performed;
- (e) Provides a plan or plans for the development of the authority as an entity to advance as a cluster for health sciences education, health sciences research, biotechnology development, biotechnology product commercialization, and/or health care services; and
- (f) Demonstrates that the state has previously provided funds to health sciences and services programs or facilities in the applicant city, town, or county.

(2) The director ~~((shall))~~ must determine the division to develop criteria to evaluate the application. The criteria ~~((shall))~~ must include:

- (a) The presence of infrastructure capable of spurring development of the area as a center of health sciences and services;
- (b) The presence of higher education facilities where undergraduate or graduate coursework or research is conducted; and
- (c) The presence of facilities in which health services are provided.

(3) There ~~((shall))~~ may be no more than ~~((one authority))~~ two authorities statewide.

(4) An authority may only be created in a county with a population of less than one million persons and located east of the crest of the Cascade mountains.

(5) The director may reject or approve an application. When denying an application, the director must specify the application's deficiencies. The decision regarding such designation as it relates to a specific local government is final; however, a rejected application may be resubmitted.

(6) Applications are due by December 31, ~~((2007))~~ 2010, and must be processed within sixty days of submission.

(7) The director may, at his or her discretion, amend the boundaries of an authority upon the request of the local government.

(8) The higher education coordinating board may adopt any rules necessary to implement this chapter ~~((251, Laws of 2007 within one hundred twenty days of July 22, 2007))~~.

(9) The higher education coordinating board must develop evaluation and performance measures in order to evaluate the effectiveness of the programs in the authorities that are funded with public resources. A report to the legislature ~~((shall be))~~ is due on a biennial basis beginning December 1, 2009. In addition, the higher education coordinating board ~~((shall))~~ must develop evaluation criteria that enables the local governments to measure the effectiveness of the program.

Sec. 3. RCW 82.14.480 and 2007 c 251 s 11 are each amended to read as follows:

(1) The legislative authority of a local jurisdiction that has created a health sciences and services authority under RCW 35.104.030, prior to January 1, 2010, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and ~~((shall))~~ must be collected from those persons

who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the local jurisdiction. The rate of the tax ~~((shall))~~ may not exceed 0.020 percent of the selling price in the case of a sales tax or the value of the article used in the case of a use tax.

(2) The tax imposed under subsection (1) of this section ~~((shall))~~ must be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department of revenue ~~((shall))~~ must perform the collection of the tax on behalf of the authority at no cost to the authority.

(3) The amounts received under this section may only be used in accordance with RCW 35.104.060 or to finance and retire the indebtedness incurred pursuant to RCW 35.104.070, in whole or in part.

(4) This section expires January 1, 2023."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Johnson, Wallace, Warnick, Kenney and Hinkle spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1721) to the committee amendment was adopted.

Representative Driscoll moved the adoption of amendment (1727) to the committee amendment.

On page 3, line 24 of the amendment, after "transfers." strike all material through "authority." on line 26

Representative Driscoll spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (1727) to the committee amendment was adopted.

The committee amendment was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6727, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6727, as amended by the House, and the bill passed the House by the following vote: Yeas, 71; Nays, 23; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Cody, Conway, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Condotta, Crouse, Dammeier, Ericksen, Fagan, Haler, Herrera, Klippert,

Kristiansen, McCune, Nealey, Orcutt, Pearson, Roach, Roberts, Rodne, Schmick, Shea, Short, Taylor and Walsh.

Excused: Representatives Clibborn, Ericks, Kretz and Liias.

SUBSTITUTE SENATE BILL NO. 6727 as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6870, by Senator Hargrove

Containing costs for services to sexually violent predators.

The bill was read the second time.

With the consent of the House, amendments (1693), (1662) and (1713) were withdrawn.

Representative Hudgins moved the adoption of amendment (1692).

On page 6, beginning on line 19, strike all of section 4
Correct the title.

Representatives Hudgins and Pearson spoke in favor of the adoption of the amendment.

Amendment (1692) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pearson and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6870, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6870, as amended by the House, and the bill passed the House by the following vote: Yeas, 85; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kelley, Kenney, Kessler, Kirby, Klippert, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Carlyle, Ericksen, Herrera, Kagi, Orcutt, Ormsby, Orwall, Taylor and Upthegrove.

Excused: Representatives Clibborn, Ericks, Kretz and Liias.

ENGROSSED SENATE BILL NO. 6870 as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 12, 2010

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL 2576 and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MESSAGE FROM THE SENATE

April 12, 2010

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2694 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.50 RCW to read as follows:

(1) RCW 28B.50.901 assigns responsibility for the north Snohomish, Island, and Skagit counties' higher education consortium to Everett Community College. In April of 2009, Everett Community College opened Gray Wolf Hall, the new home of the University Center of North Puget Sound. The University Center currently offers over twenty bachelor's and master's degrees from six partner universities.

(2) Although Everett Community College offers an associate degree nursing program that graduates approximately seventy to ninety students per year, the University Center does not offer a bachelor of science in nursing. Some graduates of the Everett Community College program are able to articulate to the bachelor of science in nursing program offered by the University of Washington-Bothell at its Bothell campus or in Mt. Vernon but current capacity is not sufficient for all of the graduates who are both interested and qualified.

(3) Despite recent growth in nursing education capacity, shortages still persist for registered nurses. According to a June 2007 study by the Washington, Wyoming, Alaska, Montana, and Idaho center for health workforce studies, the average age of Washington's registered nurses was forty-eight years. More than a third were fifty-five years of age or older. Consequently, the high rate of registered nurses retiring from nursing practice over the next two decades will significantly reduce the supply. This reduction comes at the same time as the state's population grows and ages. The registered nurse education capacity in Washington has a large impact on the supply of registered nurses in the state. If the rate of graduation in registered nursing does not increase, projections show that supply in Washington will begin to decline by 2015. In contrast, if graduation rates increased by four hundred per year, the supply of registered nurses would meet estimated demand by the year 2021.

(4) Subject to specific funding to support up to fifty full-time equivalent students in a bachelor of nursing program, the University Center at Everett Community College, in partnership with the University of Washington-Bothell, shall offer a bachelor of science in nursing program with capacity for up to fifty full-time students.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2010.

NEW SECTION. Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2010, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "Center;" strike the remainder of the title and insert "adding a new section to chapter 28B.50 RCW; creating a new section; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

There being no objection, the House advanced to the seventh order of business.

THIRD READING

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2694 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Sells and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2694, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2694, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Ericks and Kretz.

HOUSE BILL NO. 2694, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 12, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2630 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that in times of severe economic recession, the state has a special obligation to help unemployed and low-income citizens access the training and education necessary to help them find and keep living wage jobs. The legislature also finds that during times of recession, when state revenues are at their lowest, demand for education and training are at their highest, making it especially important for the legislature to set clear goals and make the most efficient use of limited state resources.

(2) The legislature therefore intends to expand training and education programs, which have proven to be successful, to help Washington citizens receive the training they need. These programs include the worker retraining program, the opportunity grant program, and the opportunity internship program. The legislature further intends to create more effective intake and outreach systems to reach the greatest number of citizens and connect them to the resources they need, including college, apprenticeship, and preapprenticeship.

Sec. 2. RCW 28C.04.390 and 1999 c 121 s 1 are each amended to read as follows:

(1) The college board worker retraining program funds shall be used for training programs and related support services, including financial aid, counseling, referral to training resources, job referral, and job development that:

(a) Are consistent with the unified plan for workforce development;

(b) Provide increased enrollments for dislocated workers;

(c) Provide customized training opportunities for dislocated workers; and

(d) Provide increased enrollments and support services, including financial aid for those students not receiving unemployment insurance benefits, that do not replace or supplant any existing enrollments, programs, support services, or funding sources.

(2) The college board shall develop a plan for use of the worker retraining program funds in conjunction with the workforce training customer advisory committee established in subsection (3) of this section. In developing the plan the college board shall:

(a) Provide that applicants for worker retraining program funds shall solicit financial support for training programs and give priority in receipt of funds to those applicants which are most successful in matching public dollars with financial support;

(b) Provide that applicants for worker retraining program funds shall develop training programs in partnership with local businesses, industry associations, labor, and other partners as appropriate and give priority in receipt of funds to those applicants who develop customized training programs in partnership with local businesses, industry associations, and labor organizations;

(c) Give priority in receipt of funds to those applicants serving rural areas;

(d) Ensure that applicants receiving worker retraining program funds gather information from local workforce development councils on employer workforce needs, including the needs of businesses with less than twenty-five employees; ~~(and)~~

(e) Provide for specialized vocational training at a private career school or college at the request of a recipient eligible under subsection (1)(b) of this section. Available tuition for the training is limited to the amount that would otherwise be payable per enrolled quarter to a public institution; and

(f) Give priority in receipt of funds to those applicants working toward careers in the aerospace, health care, advanced manufacturing, construction, forest product, and renewable energy industries; high-demand occupations in strategic industry clusters identified in the state comprehensive plan and the workforce development councils' local comprehensive plans for workforce educational training as identified in RCW 28C.18.080 and 28C.18.150; and occupations and industries identified by community and technical colleges in collaboration with local workforce development councils. For purposes of this section, health care includes long-term care.

(3) The executive director of the college board shall appoint a workforce training customer advisory committee by July 1, 1999, to:

(a) Assist in the development of the plan for the use of the college board worker retraining program funds and recommend guidelines to the college board for the operation of worker retraining programs;

(b) Recommend selection criteria for worker retraining programs and grant applicants for receipt of worker retraining program grants;

(c) Provide advice to the college board on other workforce development activities of the community and technical colleges;

(d) Recommend selection criteria for job skills grants, consistent with criteria established in this chapter and chapter 121, Laws of 1999. Such criteria shall include a prioritization of job skills applicants in rural areas;

(e) Recommend guidelines to the college board for the operation of the job skills program; and

(f) Recommend grant applicants for receipt of job skills program grants.

(4) Members of the workforce training customer advisory committee shall consist of three college system representatives selected by the executive director of the college board, three representatives of business selected from nominations provided by statewide business organizations, and three representatives of labor selected from nominations provided by a statewide labor organization representing a cross-section of workers in the state.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW to read as follows:

By July 1, 2010, and within existing resources, the college board may create a single web site for the purpose of advertising the availability of opportunity express funding to Washington citizens; explaining that opportunity express helps people who want to pursue college and apprenticeship for certain targeted industries; and explaining that opportunity express includes the following tracks: Worker retraining for unemployed adults; training programs approved by the commissioner of the employment security department, training programs administered by labor and management partnerships, and training programs prioritized by industry, for unemployed adults and incumbent workers; opportunity internships for high school students; and opportunity grants for low-income adults. The web site may also direct interested individuals to the appropriate local intake office. The web site may also include a link to the Washington state department of labor and industries apprenticeship program.

Sec. 4. RCW 28C.18.164 and 2009 c 238 s 4 are each amended to read as follows:

(1) Opportunity internship consortia may apply to the board to offer an opportunity internship program.

(a) The board, in consultation with the Washington state apprenticeship and training council, may select those consortia that demonstrate the strongest commitment and readiness to implement a high quality opportunity internship program for low-income high school students. The board shall place a priority on consortia with demonstrated experience working with similar populations of students and demonstrated capacity to assist a large number of students through the progression of internship or preapprenticeship, high school graduation, postsecondary education, and retention in a high-demand occupation. The board shall place a priority on programs that emphasize secondary career and technical education and nonbaccalaureate postsecondary education; however, programs that target four-year postsecondary degrees are eligible to participate.

(b)(i) Except as provided in (b)(ii) of this subsection (1), the board shall enter into a contract with each consortium selected to participate in the program. No more than ten consortia per year shall be selected to participate in the program, and to the extent possible, the board shall assure a geographic distribution of consortia in regions across the state emphasizing a variety of targeted industries. Each consortium may select no more than one hundred low-income high school students per year to participate in the program.

(ii) For fiscal years 2011 through 2013, the board shall enter into a contract with each consortium selected to participate in the program. No more than twelve consortia per year shall be selected to participate in the program, and to the extent possible, the board shall assure a geographic distribution of consortia in regions across the state emphasizing a variety of targeted industries. No more than five thousand low-income high school students per year may be selected to participate in the program.

(2) Under the terms of an opportunity internship program contract, an opportunity internship consortium shall commit to the following activities which shall be conducted using existing federal, state, local, or private funds available to the consortium:

(a) Identify high-demand occupations in targeted industries for which opportunity internships or preapprenticeships shall be developed and provided;

(b) Develop and implement the components of opportunity internships, including paid or unpaid internships or preapprenticeships of at least ninety hours in length in high-demand occupations with employers in the consortium, mentoring and guidance for students who participate in the program, assistance with applications for postsecondary programs and financial aid, and a guarantee of a job interview with a participating employer for all opportunity internship graduates who successfully complete a postsecondary program of study;

(c) Once the internship or preapprenticeship components have been developed, conduct outreach efforts to inform low-income high school students about high-demand occupations, the opportunity internship program, options for postsecondary programs of study, and the incentives and opportunities provided to students who participate in the program;

(d) Obtain appropriate documentation of the low-income status of students who participate in the program;

(e) Maintain communication with opportunity internship graduates of the consortium who enroll in postsecondary programs of study; and

(f) Submit an annual report to the board on the progress of and participation in the opportunity internship program of the consortium.

(3) Opportunity internship consortia are encouraged to:

(a) Provide paid opportunity internships or preapprenticeships, including during the summer months to encourage students to stay enrolled in high school;

(b) Work with high schools to offer opportunity internships as approved worksite learning experiences where students can earn high school credit;

(c) Designate the local workforce development council as fiscal agent for the opportunity internship program contract;

(d) Work with area high schools to incorporate the opportunity internship program into comprehensive guidance and counseling programs such as the navigation 101 program; and

(e) Coordinate the opportunity internship program with other workforce development and postsecondary education programs, including opportunity grants, the college bound scholarship program, federal workforce investment act initiatives, and college access challenge grants.

(4) The board shall seek federal funds that may be used to support the opportunity internship program, including providing the incentive payments under RCW 28C.18.168.

NEW SECTION. Sec. 5. A new section is added to chapter 28B.50 RCW to read as follows:

A separate and identifiable account, which shall be known as the opportunity express account, is established. Moneys in the account may be spent only after appropriation. Moneys in the account shall be used only for the worker retraining program, training programs approved by the commissioner of the employment security department, training programs administered by labor and management partnerships, industry-prioritized training programs,

training programs that facilitate career progression in health care occupations, the opportunity internship program, and the opportunity grant program, and for administrative costs related to these programs. Moneys in the account shall be used to supplement, not supplant, existing funding for the opportunity grant program.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 28C.04.390 and 28C.18.164; adding new sections to chapter 28B.50 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoeman , Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2630 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Probst and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2630, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2630, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 88; Nays, 8; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Crouse, Klippert, Kristiansen, Shea, Short and Taylor.

Excused: Representatives Ericks and Kretz.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2630, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 12, 2010

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE SENATE BILL 6503
SENATE JOINT RESOLUTION 8225

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 12, 2010

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SENATE BILL 6870 and passed the bill, as amended by the House and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 12, 2010

Mr. Speaker:

The Senate has passed HOUSE BILL 3219 and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6444, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice and Tom)

Making 2010 operating supplemental appropriations. Revised for 1st Substitute: Making 2010 supplemental operating appropriations.

The bill was read the second time.

Representative Linville moved the adoption of amendment (1743).

Strike everything after the enacting clause and insert the following:

Format changed to accommodate text.

**"PART I
GENERAL GOVERNMENT**

Sec. 101. 2009 c 564 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2010)((~~\$33,500,000~~))
\$33,505,000

General Fund--State Appropriation (FY 2011)((~~\$33,379,000~~))
\$32,146,000

TOTAL APPROPRIATION.....((~~\$66,879,000~~))

\$65,651,000

Sec. 102. 2009 c 564 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2010)	(\$24,957,000)
<u>\$24,960,000</u>	
General Fund--State Appropriation (FY 2011)	(\$27,182,000)
<u>\$25,631,000</u>	
TOTAL APPROPRIATION	(\$52,139,000)
<u>\$50,591,000</u>	

Sec. 103. 2009 c 564 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2010)	\$2,874,000
General Fund--State Appropriation (FY 2011)	(\$2,884,000)
<u>\$3,152,000</u>	
TOTAL APPROPRIATION	(\$5,758,000)
<u>\$6,026,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2009-11 work plan as necessary to efficiently manage workload.
- (2) Within the amounts appropriated in this section, the committee shall conduct a review of the effect of risk management practices on tort payouts. This review shall include an analysis of the state's laws, policies, procedures, and practices as they relate to the conduct of post-incident reviews and the impact of such reviews on the state's conduct and liability.
- (3) Within the amounts appropriated in this section, the committee shall conduct a review of the state's workplace safety and health program. The review shall examine workplace safety inspection, enforcement, training, and outreach efforts compared to other states and federal programs; analyze workplace injury and illness rates and trends in Washington; identify factors that may influence workplace safety and health; and identify practices that may improve workplace safety and health and/or impact insurance costs.
- (4) Within the amounts appropriated in this section, the committee shall prepare an evaluation of the implementation of legislation designed to improve communication, collaboration, and expedited medicaid attainment with regard to persons released from confinement who have mental health or chemical dependency disorders. The review shall evaluate the implementation of: (a) Chapter 166, Laws of 2004 (E2SSB 6358); (b) sections 507 and 508 of chapter 504, Laws of 2005 (E2SSB 5763); (c) sections 12 and 13 of chapter 503, Laws of 2005 (E2SHB 1290); and (d) section 8 of chapter 359, Laws of 2007 (2SHB 1088). The departments of corrections and social and health services, the administrative office of the courts, institutions for mental disease, city and county jails, city and county courts, county clerks, and mental health and chemical dependency treatment providers shall provide the committee with information necessary for the study.
- (5) Within the amount appropriated in this section, the joint legislative audit and review committee shall conduct a review of the state's recreational boating programs. This review shall include examination of the following:
 - (a) Revenue sources for state recreational boating programs;
 - (b) Expenditures for state boating programs;
 - (c) Methods of administering state recreational boating programs, including the roles of both state and local government entities; and
 - (d) Approaches other states have taken to funding and administering their recreational boating programs.

The committee shall complete the review by October 31, 2010.
- ~~((7))~~ (6) Within the amount appropriated in this section, the joint legislative audit and review committee shall examine the operations of employment and day services as provided by the department of social and health services, division of developmental disabilities and administered by the counties. The examination shall include a thorough review of the contracts for all services including, but not limited to, employment services, day services, child development services and other uses of state dollars for county administration of services to the developmentally disabled. In its final report, due to the legislature by September 1, 2010, the joint legislative audit and review committee shall provide: A description of how funds are used and the rates paid to vendors, and a recommendation on best practices the agency may use for the development of a consistent, outcome-based contract for services provided under contract with the counties.
- ~~((8))~~ (7) Within the amount appropriated in this section, the joint legislative audit and review committee shall conduct a study of the relationship between the cost of school districts and their enrollment size. The study shall be completed by June 2010 and shall include:
 - (a) An analysis of how categories of costs vary related to size, including but not limited to facility costs, transportation costs, educational costs, and administrative costs;
 - (b) A review of other factors that may impact costs, such as revenues available from local levies and other sources, geographic dispersion, demographics, level of services received from educational service districts, and whether districts operate a high school;
 - (c) Case studies on the change in cost patterns occurring after school district consolidations and for school districts operating under state oversight condition specified in RCW 28A.505.110; and
 - (d) A review of available research on nonfinancial benefits and impacts associated with school and school district size.
- (8) \$200,000 of the general fund--state appropriation for fiscal year 2011 is provided for the committee to contract with a consultant specializing in medicaid programs nationwide to review Washington state's medicaid program and report on cost containment strategies for the 2011-13 biennial budget. The report is due to the fiscal committees of the legislature by June 1, 2011.
- (9) \$50,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the joint legislative audit and review committee to complete a report that includes the following: (a) An analysis of the availability within eastern Washington of helicopters that are privately owned or owned by nonstate governmental entities that are sufficiently outfitted to participate in wildfire suppression efforts of the department of natural resources; (b) a comparison of the costs to the department of natural resources for maintaining the existing helicopter fleet versus entering into exclusive use contracts with the helicopters noted in (a) of this subsection; and (c) an analysis that compares the use and funding of helicopters utilized for wildfire suppression in the states of California, Oregon, Idaho, and Montana. The committee shall submit the report to the appropriate fiscal committees of the legislature and the office of financial management no later than December 1, 2010.
- (10)(a) The task force for reform of executive and legislative procedures dealing with tax preferences is hereby established. The task force must:

(i) Review current executive and legislative budget and policy practices and procedures associated with the recommendation, development, and consideration of tax preferences, assess the effectiveness of budgeting requirements and practices, the general rigor of justifications and evaluations typically provided during legislative consideration of tax preferences, and the role and value of methodologies currently used to measure the public benefits and costs, including opportunity costs, of tax preferences, as defined in RCW 43.136.021.

(ii) Consider but not be limited to, the factors listed in RCW 43.136.055.

(b) The task force may make recommendations to improve the effectiveness of the review process conducted by the citizen commission on performance measurement of tax preferences process as described in chapter 43.136 RCW. The task force may also recommend changes or improvements in the manner in which both the executive branch and legislative branch of state government address tax preferences generally, including those in effect as well as those that may be hereafter proposed, in order to protect the public interest and assure transparency, fairness, and equity in the state tax code.

(c) The task force may recommend structural or procedural changes that it feels will enhance both executive and legislative procedures and ensure consistent and rigorous examination of such preferences.

(d) The task force must report its recommendations to the governor and legislative fiscal committees by November 15, 2010.

(e) The task force has eleven voting members as follows:

(i) One member is the state treasurer;

(ii) One member is the chair of the joint legislative audit and review committee;

(iii) One member is the director of financial management;

(iv) A member, four in all, of each of the two largest caucuses of the senate and the two largest caucuses of the house of representatives, appointed by the chair of each caucus; and

(v) An appointee who is not a legislator, four in all, of each of the two largest caucuses of the senate and the two largest caucuses of the house of representatives, appointed by the chair of each caucus.

(f) Persons appointed by the caucus chairs under (e)(v) of this subsection should be individuals who have a basic understanding of state tax policy, government operations, and public services.

(g) The task force must elect a chair from among its members. Decisions of the task force must be made using the sufficient consensus model. For the purposes of this subsection, "sufficient consensus" means the point at which the substantial majority of the commission favors taking a particular action. The chair may determine when a vote must be taken. The task force must allow a minority report to be included with a decision of the task force if requested by a member of the task force.

(h) The joint legislative audit and review committee must provide clerical, technical, and management personnel to the task force to serve as the task force's staff. The staff of the legislative fiscal committees, legislative counsel, and the office of financial management must also provide technical assistance to the task force. The department of revenue must provide necessary support and information to the joint task force.

(i) The task force must meet at least once a quarter and may hold additional meetings at the call of the chair or by a majority vote of the members of the task force. The members of the task force must be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 104. 2009 c 564 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2010)	\$1,748,000
General Fund--State Appropriation (FY 2011)	(\$1,927,000)
<u>\$1,916,000</u>	
TOTAL APPROPRIATION.....	(\$3,675,000)
<u>\$3,664,000</u>	

Sec. 105. 2009 c 564 s 105 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund--State Appropriation (FY 2010)	\$200,000
General Fund--State Appropriation (FY 2011)	(\$25,000)
<u>\$20,000</u>	
(Health Care Authority Administrative Account--State	
Appropriation	\$735,000)
Department of Retirement Systems Expense	
Account--State Appropriation.....	(\$3,309,000)
<u>\$3,305,000</u>	
TOTAL APPROPRIATION.....	(\$4,269,000)
<u>\$3,525,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$25,000 of the department of retirement systems--state appropriation is provided solely for the continued study of local government liabilities for postretirement medical benefits for members of plan 1 of the law enforcement officers' and firefighters' retirement system.
- (2) \$51,000 of the department of retirement systems expense account--state appropriation is provided solely for the state actuary to contract with the Washington state institute for public policy for a study of the disability benefits provided to the plan 2 and plan 3 members of the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system. Among the options the institute shall examine include statutory changes to the retirement systems and insurance products. The institute shall report its findings and recommendations to the select committee on pension policy by November 1, 2009.
- (3) \$30,000 of the department of retirement systems expense account--state appropriation is provided solely for the state actuary to contract with the Washington state institute for public policy to continue the study of long-term disability benefits for public employees as authorized by subsection (2) of this section during the 2010 legislative interim. The purpose of the study is to develop the options identified in the 2009 legislative interim disability benefit study, including options related to the public employees' benefits board programs, other long-term disability insurance programs, and public employee retirement system benefits. The institute shall report no later than November 17, 2010, new findings

and any additional recommendations on the options to the select committee on pension policy, the senate committee on ways and means, and the house committee on ways and means. The Washington state institute for public policy shall work with the health care authority to coordinate analysis and recommendations with its contracted disability vendor and appropriate stakeholders.

(4) \$175,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the office of the state actuary to conduct an independent assessment of alternatives for assuring the long-term financial solvency of the guaranteed education tuition program including suspension of the program. In conducting this review, the office may contract for assistance, and shall consult with the higher education coordinating board, the operating budget committees of the legislature, the office of financial management, and the state's public colleges and universities. The office shall report findings, an assessment of the major alternatives, and suggested actions to the governor and to the relevant legislative committees by November 15, 2009.

**Sec. 106. 2009 c 564 s 106 (uncodified) is amended to read as follows:
FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund--State Appropriation (FY 2010)	(\$8,651,000))
<u>\$8,652,000</u>	
General Fund--State Appropriation (FY 2011)	(\$8,519,000))
<u>\$8,506,000</u>	
TOTAL APPROPRIATION	(\$17,170,000))
<u>\$17,158,000</u>	

**Sec. 107. 2009 c 564 s 107 (uncodified) is amended to read as follows:
FOR THE STATUTE LAW COMMITTEE**

General Fund--State Appropriation (FY 2010)	(\$4,610,000))
<u>\$4,611,000</u>	
General Fund--State Appropriation (FY 2011)	(\$5,029,000))
<u>\$4,864,000</u>	
TOTAL APPROPRIATION	(\$9,639,000))
<u>\$9,475,000</u>	

**Sec. 108. 2009 c 564 s 108 (uncodified) is amended to read as follows:
FOR THE REDISTRICTING COMMISSION**

General Fund--State Appropriation (FY 2011)	(\$610,000))
<u>\$1,115,000</u>	

The appropriations in this section are subject to the following conditions and limitations: \$505,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the support of legislative redistricting efforts. Prior to the appointment of the redistricting commission, the secretary of the senate and chief clerk of the house of representatives may jointly authorize the expenditure of these funds to facilitate preparations for the 2012 redistricting effort. Following the appointment of the commission, the house of representatives and senate shall enter into an interagency agreement with the commission authorizing the continued expenditure of these funds for legislative redistricting support.

**Sec. 109. 2009 c 564 s 110 (uncodified) is amended to read as follows:
FOR THE SUPREME COURT**

General Fund--State Appropriation (FY 2010)	(\$6,912,000))
<u>\$6,891,000</u>	
General Fund--State Appropriation (FY 2011)	(\$6,948,000))
<u>\$6,795,000</u>	
TOTAL APPROPRIATION	(\$13,860,000))
<u>\$13,686,000</u>	

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**Sec. 110. 2009 c 564 s 111 (uncodified) is amended to read as follows:
FOR THE LAW LIBRARY**

General Fund--State Appropriation (FY 2010)	(\$1,924,000))
<u>\$1,925,000</u>	
General Fund--State Appropriation (FY 2011)	(\$1,922,000))
<u>\$1,659,000</u>	
TOTAL APPROPRIATION	(\$3,846,000))
<u>\$3,584,000</u>	

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**Sec. 111. 2009 c 564 s 112 (uncodified) is amended to read as follows:
FOR THE COURT OF APPEALS**

General Fund--State Appropriation (FY 2010)	(\$15,793,000))
<u>\$15,632,000</u>	
General Fund--State Appropriation (FY 2011)	(\$15,895,000))

\$15,969,000
 TOTAL APPROPRIATION ((\$31,688,000))
\$31,601,000

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

Sec. 112. 2009 c 564 s 113 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2010) ((\$1,032,000))
\$1,043,000
 General Fund--State Appropriation (FY 2011) ((\$1,082,000))
\$1,064,000
 TOTAL APPROPRIATION ((\$2,114,000))
\$2,107,000

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

Sec. 113. 2009 c 564 s 114 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2010) ((\$53,607,000))
\$52,644,000
 General Fund--State Appropriation (FY 2011) ((\$51,812,000))
\$52,562,000
General Fund--Federal Appropriation \$979,000
 Judicial Information Systems Account--State
 Appropriation ((\$29,676,000))
\$33,406,000
 Judicial Stabilization Trust Account--State
 Appropriation \$6,598,000
 TOTAL APPROPRIATION ((\$141,693,000))
\$146,189,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,800,000 of the general fund--state appropriation for fiscal year 2010 and \$1,800,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(2)(a) \$8,252,000 of the general fund--state appropriation for fiscal year 2010 and \$8,253,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2009-11 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(4) \$5,700,000 of the judicial information systems account--state appropriation is provided solely for modernization and integration of the judicial information system.

(a) Of this amount, \$1,700,000 is for the development of a comprehensive enterprise-level information technology strategy and detailed business and operational plans in support of that strategy, and \$4,000,000 is to continue to modernize and integrate current systems and enhance case management functionality on an incremental basis.

(b) The amount provided in this subsection may not be expended without prior approval by the judicial information system committee (~~in consultation with the information services board~~). The administrator shall regularly submit project plan updates for approval to the judicial information system committee (~~and the information services board~~).

(c) The judicial information system committee (~~and the information services board~~) shall review project progress on a regular basis and may require quality assurance plans. The judicial information systems committee (~~and the information services board~~) shall provide a report to

the appropriate committees of the legislature no later than November 1, 2011, on the status of the judicial information system modernization and integration, and the consistency of the project with the state's architecture, infrastructure and statewide enterprise view of service delivery.

(d) \$100,000 of the judicial information systems account--state appropriation is provided solely for the administrative office of the courts, in coordination with the judicial information system committee, to conduct an independent third-party executive-level review of the judicial information system. This review shall examine, at a minimum, the scope of the current project plan, governance structure, and organizational change management procedures. The review will also benchmark the system plans against similarly sized projects in other states or localities, review the large scale program risks, and estimate life cycle costs, including capital and on-going operational expenditures.

(5) \$3,000,000 of the judicial information systems account--state appropriation is provided solely for replacing computer equipment at state courts, and at state judicial agencies. The administrator for the courts shall prioritize equipment replacement purchasing and shall fund those items that are most essential or critical. By October 1, 2010, the administrative office of the courts shall report to the appropriate legislative fiscal committees on expenditures for equipment under this subsection.

(6) \$12,000 of the judicial information systems account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1954 (sealing juvenile records). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) \$106,000 of the general fund--state appropriation for fiscal year 2010 and \$106,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the twenty-third superior court judge position in Pierce county. The funds appropriated in this subsection shall be expended only if the judge is appointed and serving on the bench.

(8) It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

(9) \$44,000 of the judicial information systems account--state appropriation is provided solely to implement chapter 272, Laws of 2010 (SHB 2680: guardianship).

(10) \$274,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the office of public guardianship to provide guardianship services for low-income incapacitated persons.

(11) \$3,797,000 of the judicial information systems account--state appropriation is provided solely for continued planning and implementation of improvements to the court case management system.

Sec. 114. 2009 c 564 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2010)	\$25,385,000
General Fund--State Appropriation (FY 2011)	(\$24,592,000)
<u>\$24,591,000</u>	
Judicial Stabilization Trust Account--State	
Appropriation	\$2,923,000
TOTAL APPROPRIATION	(\$52,900,000)
<u>\$52,899,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

(2) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

Sec. 115. 2009 c 564 s 116 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2010)	\$11,175,000
General Fund--State Appropriation (FY 2011)	(\$11,105,000)
<u>\$10,984,000</u>	
Judicial Stabilization Trust Account--State	
Appropriation	(\$1,160,000)
<u>\$1,155,000</u>	
TOTAL APPROPRIATION	(\$23,440,000)
<u>\$23,314,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2010 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2011 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

Sec. 116. 2009 c 564 s 117 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2010)	(\$5,880,000)
<u>\$5,836,000</u>	
General Fund--State Appropriation (FY 2011)	(\$5,876,000)
<u>\$5,705,000</u>	

Economic Development Strategic Reserve Account--State

Appropriation.....	\$1,500,000
TOTAL APPROPRIATION.....	(\$13,256,000)
<u>\$13,041,000</u>	

The appropriations in this section are subject to the following conditions and limitations: ((+)) \$1,500,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.

Sec. 117. 2009 c 564 s 118 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2010).....	(\$770,000)
<u>\$752,000</u>	
General Fund--State Appropriation (FY 2011).....	(\$788,000)
<u>\$765,000</u>	
General Fund--Private/Local Appropriation.....	(\$90,000)
<u>\$88,000</u>	
TOTAL APPROPRIATION.....	(\$1,648,000)
<u>\$1,605,000</u>	

Sec. 118. 2009 c 564 s 119 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2010).....	(\$2,267,000)
<u>\$2,249,000</u>	
General Fund--State Appropriation (FY 2011).....	(\$2,264,000)
<u>\$2,212,000</u>	
TOTAL APPROPRIATION.....	(\$4,531,000)
<u>\$4,461,000</u>	

Sec. 119. 2010 c 3 s 101 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2010).....	(\$20,649,000)
<u>\$21,105,000</u>	
General Fund--State Appropriation (FY 2011).....	(\$17,733,000)
<u>\$14,869,000</u>	
General Fund--Federal Appropriation.....	(\$8,121,000)
<u>\$8,082,000</u>	
Archives and Records Management Account--State	
Appropriation.....	(\$8,863,000)
<u>\$8,990,000</u>	
Charitable Organization Education Account--State	
Appropriation.....	\$76,000
Department of Personnel Service Account--State	
Appropriation.....	(\$760,000)
<u>\$757,000</u>	
Election Account--State Appropriation.....	\$77,000
Local Government Archives Account--State	
Appropriation.....	(\$11,777,000)
<u>\$11,515,000</u>	
Election Account--Federal Appropriation.....	(\$29,715,000)
<u>\$31,163,000</u>	
TOTAL APPROPRIATION.....	(\$97,618,000)
<u>\$96,634,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,101,000 of the general fund--state appropriation for fiscal year 2010 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$1,897,000 of the general fund--state appropriation for fiscal year 2010 and \$2,076,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2009-2011 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) The appropriations in this section are based upon savings assumed from the implementation of Senate Bill No. 6122 (election costs).

(4) ~~(The secretary of state shall not reduce the services provided by the talking book and Braille library below the service level provided in fiscal year 2008.~~

~~(5))~~ In implementing budget reductions, the office of the secretary of state must make its first priority to maintain funding for the elections division.

(5) \$76,000 of the charitable organization education account--state appropriation for fiscal year 2011 is provided solely to implement Second Substitute House Bill No. 2576 (corporation and charity fees). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(6) \$77,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for deposit to the election account.

Sec. 120. 2009 c 564 s 121 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2010)	(\$266,000)
<u>\$275,000</u>	
General Fund--State Appropriation (FY 2011)	(\$276,000)
<u>\$262,000</u>	
TOTAL APPROPRIATION	(\$542,000)
<u>\$537,000</u>	

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 121. 2009 c 564 s 122 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2010)	(\$236,000)
<u>\$216,000</u>	
General Fund--State Appropriation (FY 2011)	(\$224,000)
<u>\$236,000</u>	
TOTAL APPROPRIATION	(\$460,000)
<u>\$452,000</u>	

Sec. 122. 2009 c 564 s 123 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State

Appropriation	(\$14,802,000)
<u>\$14,686,000</u>	

Sec. 123. 2009 c 564 s 124 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2010)	\$722,000
General Fund--State Appropriation (FY 2011)	(\$729,000)
<u>\$717,000</u>	
State Auditing Services Revolving	
Account--State Appropriation	(\$12,061,000)
<u>\$10,749,000</u>	
TOTAL APPROPRIATION	(\$13,512,000)
<u>\$12,188,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$722,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$729,000)~~ \$717,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) Within the amounts appropriated in this section, the state auditor shall continue to complete the annual audit of the state's comprehensive annual financial report and the annual federal single audit consistent with the auditing standards generally accepted in the United States and the standards applicable to financial audits contained in government auditing standards, issued by the comptroller general of the United States, and OMB circular A-133, audits of states, local governments, and nonprofit organizations.

(4) The legislature finds that the major changes in personnel funding in this budget and the long term effects of the ongoing economic recession combine with structural changes in the nature of work and employment in many state agencies to require a continuing review of the workforce examination begun under chapter 534, Laws of 2009 (exempt employment practices). The legislature notes the ongoing management reforms of the Washington management service being undertaken by the department of personnel, and anticipates a continuing legislative committee examination of the architecture and cost of the state's career and executive workforce. To that end, the office of state auditor is invited to provide by September 1, 2010, a general survey of new and best practices for executive and career workforce management now in use by other states and relevant industries.

Sec. 124. 2010 c 3 s 102 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2010)	\$168,000
General Fund--State Appropriation (FY 2011)	(\$209,000)
<u>\$206,000</u>	
TOTAL APPROPRIATION	(\$377,000)
<u>\$374,000</u>	

Sec. 125. 2010 c 3 s 103 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2010)	(\$5,285,000)
<u>\$5,732,000</u>	
General Fund--State Appropriation (FY 2011)	(\$5,614,000)
<u>\$5,848,000</u>	
General Fund--Federal Appropriation	\$4,026,000
New Motor Vehicle Arbitration Account--State	
Appropriation	(\$1,346,000)
<u>\$1,350,000</u>	
Legal Services Revolving Account--State	
Appropriation	(\$221,515,000)
<u>\$220,909,000</u>	
Tobacco Prevention and Control Account--State	
Appropriation	\$270,000
TOTAL APPROPRIATION	(\$238,056,000)
<u>\$238,135,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on ways and means.

(3) The office of the attorney general is authorized to expend \$2,100,000 from the Zyprexa and other cy pres awards towards consumer protection costs in accordance with uses authorized in the court orders.

(4) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(5) The executive ethics board must produce a report by the end of the calendar year for the legislature regarding performance measures on the efficiency and effectiveness of the board, as well as on performance measures to measure and monitor the ethics and integrity of all state agencies.

(6) \$53,000 of the legal services revolving account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 3026 (school district compliance with state and federal civil rights laws).

Sec. 126. 2010 c 3 s 104 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2010)	\$766,000
General Fund--State Appropriation (FY 2011)	(\$759,000)
<u>\$742,000</u>	
TOTAL APPROPRIATION	(\$1,525,000)
<u>\$1,508,000</u>	

The appropriations in this section are subject to the following conditions and limitations: \$13,000 of the general fund--state appropriation for fiscal year 2010 and \$7,000 of the general fund-- state appropriation for fiscal year 2011 are for the implementation of Second Substitute House Bill No. 2106 (improving child welfare outcomes through the phased implementation of strategic and proven reforms). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

Sec. 127. 2010 c 3 s 105 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE

General Fund--State Appropriation (FY 2010)	(\$51,015,000)
<u>\$49,670,000</u>	
General Fund--State Appropriation (FY 2011)	(\$51,813,000)
<u>\$40,577,000</u>	
General Fund--Federal Appropriation	(\$384,540,000)
<u>\$381,918,000</u>	
General Fund--Private/Local Appropriation.....	(\$16,266,000)
<u>\$10,622,000</u>	
Public Works Assistance Account--State	
Appropriation	(\$2,990,000)
<u>\$2,974,000</u>	
Tourism Development and Promotion Account--State	
Appropriation	\$1,003,000
Drinking Water Assistance Administrative	
Account--State Appropriation.....	(\$439,000)
<u>\$433,000</u>	
Lead Paint Account--State Appropriation	(\$18,000)
<u>\$35,000</u>	
Building Code Council Account--State Appropriation	(\$1,286,000)
<u>\$688,000</u>	
Home Security Fund Account--State Appropriation	(\$23,498,000)
<u>\$25,486,000</u>	
Affordable Housing for All Account--State	
Appropriation	(\$11,900,000)
<u>\$11,896,000</u>	
Washington Auto Theft Prevention Authority	
Account--State Appropriation.....	\$300,000
Independent Youth Housing Account--State	
Appropriation	(\$80,000)
<u>\$220,000</u>	
<u>County Research Services Account--State Appropriation.....</u>	<u>\$469,000</u>
Community Preservation and Development Authority	
Account--State Appropriation.....	\$350,000
Financial Fraud and Identity Theft Crimes Investigation	
and Prosecution Account--State Appropriation	\$1,166,000
Low-Income Weatherization Assistance Account--State.....	
Appropriation	(\$8,382,000)
<u>\$6,882,000</u>	
<u>City and Town Research Services Account--State</u>	
<u>Appropriation</u>	<u>\$2,246,000</u>
Manufacturing Innovation and Modernization	
Account--State Appropriation.....	(\$246,000)
<u>\$230,000</u>	
Community and Economic Development Fee	
Account--State Appropriation.....	(\$1,833,000)
<u>\$6,922,000</u>	
Washington Housing Trust Account--State	
Appropriation	(\$15,372,000)
<u>\$15,348,000</u>	
<u>Prostitution Prevention and Intervention Account--</u>	
<u>State Appropriation</u>	<u>\$125,000</u>
Public Facility Construction Loan Revolving	
Account--State Appropriation.....	(\$755,000)
<u>\$754,000</u>	
TOTAL APPROPRIATION.....	(\$573,252,000)
<u>\$560,314,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) ((~~\$2,520,000~~) \$2,378,000) of the general fund--state appropriation for fiscal year 2010 and ((~~\$2,521,000~~) \$2,379,000) of the general fund--state appropriation for fiscal year 2011 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities.
- (2) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement section 2(7) of Engrossed Substitute House Bill No. 1959 (land use and transportation planning for marine container ports).

(4) \$102,000 of the building code council account--state appropriation is provided solely for the implementation of sections 3 and 7 of Engrossed Second Substitute Senate Bill No. 5854 (built environment pollution). If sections 3 and 7 of the bill are not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(5)(a) \$10,500,000 of the general fund--federal appropriation is provided for training and technical assistance associated with low income weatherization programs. Subject to federal requirements, the department shall provide: (i) Up to \$4,000,000 to the state board for community and technical colleges to provide workforce training related to weatherization and energy efficiency; (ii) up to \$3,000,000 to the Bellingham opportunity council to provide workforce training related to energy efficiency and weatherization; and (iii) up to \$3,500,000 to community-based organizations and to community action agencies consistent with the provisions of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). Any funding remaining shall be expended in project 91000013, weatherization, in the omnibus capital appropriations act, Substitute House Bill No. 1216 (capital budget).

(b) \$6,787,000 of the general fund--federal appropriation is provided solely for the state energy program, including not less than \$5,000,000 to provide credit enhancements consistent with the provisions of Engrossed Second Substitute Senate Bill No. 5649 (energy efficiency in buildings).

(c) Of the general fund--federal appropriation the department shall provide: \$14,500,000 to the Washington State University for the purpose of making grants for pilot projects providing community-wide urban, residential, and commercial energy efficiency upgrades consistent with the provisions of Engrossed Second Substitute Senate Bill No. 5649 (energy efficiency in buildings); \$500,000 to Washington State University to conduct farm energy assessments. In contracting with the Washington State University for the provision of these services, the total administration of Washington State University and the department shall not exceed 3 percent of the amounts provided.

(d) \$38,500,000 of the general fund--federal appropriation is provided for deposit in the energy recovery act account to establish a revolving loan program, consistent with the provisions of Engrossed Substitute House Bill No. 2289 (expanding energy freedom program).

(e) \$10,646,000 of the general fund--federal appropriation is provided pursuant to the energy efficiency and conservation block grant under the American reinvestment and recovery act. The department may use up to \$3,000,000 of the amount provided in this subsection to provide technical assistance for energy programs administered by the agency under the American reinvestment and recovery act.

(6) \$14,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5560 (state agency climate leadership). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) \$22,400,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program and is contingent upon the department transferring: \$1,200,000 to the department of corrections for security threat mitigation, \$2,336,000 to the department of corrections for offender reentry, \$1,960,000 to the Washington state patrol for law enforcement activities, \$2,087,000 to the department of social and health services, division of alcohol and substance abuse for drug courts, and \$428,000 to the department of social and health services for sex abuse recognition training. The remaining funds shall be distributed by the department to local jurisdictions.

(8) \$20,000 of the general fund--state appropriation for fiscal year 2010 and \$20,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant to KCTS public television to support Spanish language programming and the V-me Spanish language channel.

(9) \$500,000 of the general fund--state appropriation for fiscal year 2010 and \$500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(10) \$30,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6015 (commercialization of technology). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(11) By June 30, 2011, the department shall request information that describes what jurisdictions have adopted, or are in the process of adopting, plans that address RCW 36.70A.020 and helps achieve the greenhouse gas emission reductions established in RCW 70.235.020. This information request in this subsection applies to jurisdictions that are required to review and if necessary revise their comprehensive plans (~~by December 1, 2011,~~) in accordance with RCW 36.70A.130.

(12) During the 2009-11 fiscal biennium, the department shall allot all of its appropriations subject to allotment by object, account, and expenditure authority code to conform with the office of financial management's definition of an option 2 allotment. For those funds subject to allotment but not appropriation, the agency shall submit option 2 allotments to the office of financial management.

(13) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant for the state's participation in the Pacific Northwest economic region.

(14) \$712,000 of the general fund--state appropriation for fiscal year 2010 and \$712,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the office of crime victims advocacy. These funds shall be contracted with the 39 county prosecuting attorneys' offices to support victim-witness services. The funds must be prioritized to ensure a full-time victim-witness coordinator in each county. The office may retain only the amount currently allocated for this activity for administrative costs.

(15) \$306,000 of the general fund--state appropriation for fiscal year 2010 and \$306,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant to the retired senior volunteer program.

(16) \$65,000 of the general fund--state appropriation for fiscal year 2010 (~~and \$65,000 of the general fund--state appropriation for fiscal year 2011 are~~) is provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(17) \$371,000 of the general fund--state appropriation for fiscal year 2010 and \$371,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the northwest agriculture business center.

(18) The department shall administer its growth management act technical assistance so that smaller cities receive proportionately more assistance than larger cities or counties. (~~Pass through grants shall continue to be funded under 2007-09 policy.~~)

(19) \$212,000 of the general fund--federal appropriation is provided solely for implementation of Second Substitute House Bill No. 1172 (development rights transfer). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(20) \$69,000 of the general fund--state appropriation for fiscal year 2010 and \$66,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(21) \$350,000 of the community development and preservation authority account--state appropriation is provided solely for a grant to a community development authority established under chapter 43.167 RCW. The community preservation and development's board of directors may contract with nonprofit community organizations to aid in mitigating the effects of increased public impact on urban neighborhoods due to events in stadia that have a capacity of over 50,000 spectators.

(22) \$300,000 of the Washington auto theft prevention authority account--state appropriation is provided solely for a contract with a community group to build local community capacity and economic development within the state by strengthening political relationships between economically distressed communities and governmental institutions. The community group shall identify opportunities for collaboration and initiate activities and events that bring community organizations, local governments, and state agencies together to address the impacts of poverty, political disenfranchisement, and economic inequality on communities of color. These funds must be matched by other nonstate sources on an equal basis.

(23) \$1,800,000 of the home security fund--state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.

(24) \$5,000,000 of the home security fund--state appropriation is provided solely for the operation, repair, and staffing of shelters in the homeless family shelter program.

(25) \$253,000 of the general fund--state appropriation for fiscal year 2010 and \$283,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington new Americans program.

(26) \$438,000 of the general fund--state appropriation for fiscal year 2010 and \$438,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington asset building coalitions.

(27) Funding provided to microenterprise development organizations for fiscal year 2011 shall not be reduced by more than ten percent from funding levels in the 2009-11 operating budget.

(28) Within existing resources, the department of commerce shall convene a work group that includes a representative designated by each of the following: The department, the economic development commission, the Washington technology center, the Spokane intercollegiate research and technology institute, the University of Washington center for commercialization and Washington State University's office of economic development and global engagement. To better align the missions of state supported entities conducting commercialization, the work group shall prepare and submit a report to the legislature no later than December 1, 2010, that identifies gaps and overlaps in programs, evaluates strategies to reduce administrative overhead expenses, and recommends changes which would amplify and accelerate innovation-driver job creation in the state.

(29) \$3,231,000 of the general fund--state appropriation for fiscal year 2010 and \$3,231,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for associate development organizations.

(30) \$5,400,000 of the community and economic development fee account is provided as follows: \$1,000,000 is provided solely for the department of commerce for services for homeless families through the Washington families fund; \$2,600,000 is provided solely for housing trust fund operations and maintenance; \$800,000 is provided solely for housing trust fund portfolio management; \$500,000 is provided solely for foreclosure counseling and support; and \$500,000 is provided solely for use as a reserve in the account.

(31)(a) The economic development commission must develop a biennial budget request for approval by the office of financial management. The commission must adopt an annual budget and work plan in accordance with the omnibus appropriations bill approved by the legislature.

(b) Of state appropriated funds for the operation of the commission, the state agency serving as the commission's fiscal agent may use no more than ten percent of funds appropriated for commission personnel costs and no more than three percent of funds in the Washington state economic development commission account to cover administrative expenses.

(c) The commission may accept gifts, grants, donations, sponsorships, or contributions from any federal, state, or local governmental agency or program, or any private source, and expend the same for any purpose consistent with this chapter.

(d) The Washington state economic development commission account is created in the custody of the state treasurer. All receipts from gifts, grants, donations, sponsorships, or contributions must be deposited into the account. State appropriated funds may not be deposited into the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. Expenditures from the account may be used only for purposes related to carrying out the mission, roles, and responsibilities of the commission. Only the commission, or the commission's designee, may authorize expenditures from the account.

(32) \$250,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the department to administer a competitive grant program to fund economic development activities designed to further regional cluster growth and to integrate its sector-based and cluster-based strategies with its support for the development of innovation partnership zones. Grant recipients must provide matching funds equal to the size of the grant. Grants may be awarded to support the formation of sector associations or cluster associations, the identification of the technology and commercialization needs of a sector or cluster, facilitating working relationships between a sector association or cluster association and an innovation partnership zone, expanding the operations of an innovation partnership zone, and developing and implementing plans to meet the technology development and commercialization needs of industry sectors, industry clusters, and innovation partnership zones. The projects receiving grants must not duplicate the purpose or efforts of industry skill panels but priority must be given to applicants that complement industry skill panels and will use the grant funds to build linkages and joint projects.

(33) \$100,000 of the general fund--state appropriation for fiscal year 2011 is provided solely to:

(a) Develop a rural manufacturer export outreach program in conjunction with impact Washington. The program must provide outreach services to rural manufacturers in Washington to inform them of the importance of and opportunities in international trade, and to inform them of the export assistance programs available to assist these businesses to become exporters; and

(b) Develop export loan or loan guarantee programs in conjunction with the Washington economic development finance authority and the appropriate federal and private entities.

(34) \$1,000,000 of the general fund--state appropriation for fiscal year 2011 is provided solely to implement the provisions of chapter 13, Laws of 2010 (global health program).

(35) \$50,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the creation of the Washington entrepreneurial development and small business reference service in the department of commerce.

(a) The department must:

(i) In conjunction with and drawing on information compiled by the work force training and education coordinating board and the Washington economic development commission:

(A) Establish and maintain an inventory of the public and private entrepreneurial training and technical assistance services, programs, and resources available in the state;

(B) Disseminate information about available entrepreneurial development and small business assistance services, programs, and resources via in-person presentations and electronic and printed materials and undertake other activities to raise awareness of entrepreneurial training and small business assistance offerings; and

(C) Evaluate the extent to which existing entrepreneurial training and technical assistance programs in the state are effective and represent a consistent, integrated approach to meeting the needs of start-up and existing entrepreneurs;

(ii) Assist providers of entrepreneurial development and small business assistance services in applying for federal and private funding to support the entrepreneurial development and small business assistance activities in the state;

(iii) Distribute awards for excellence in entrepreneurial training and small business assistance; and

(iv) Report to the governor, the economic development commission, the work force training and education coordinating board, and the appropriate legislative committees its recommendations for statutory changes necessary to enhance operational efficiencies or enhance coordination related to entrepreneurial development and small business assistance.

(b) In carrying out the duties under this section, the department must seek the advice of small business owners and advocates, the Washington economic development commission, the work force training and education coordinating board, the state board for community and technical colleges, the employment security department, the Washington state microenterprise association, associate development organizations, impact Washington, the Washington quality award council, the Washington technology center, the small business export finance assistance center, the Spokane intercollegiate research and technology institute, representatives of the University of Washington business school and the Washington State University college of business and economics, the office of minority and women's business enterprises, the Washington economic development finance authority, and staff from small business development centers.

(c) The director may appoint an advisory board or convene such other individuals or groups as he or she deems appropriate to assist in carrying out the department's duties under this section.

(36) The investing in innovation account is created in the custody of the state treasurer. Funds may be directed to the account from federal, state, and private sources. Expenditures from the account may be used only to carry out the investing in innovation grants program established under RCW 70.210.030, and other innovation and commercialization purposes consistent with the federal, state, or private and other funding guidelines that apply to the funds deposited in the account. Only the executive director of the Washington technology center or the executive director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(37) \$50,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for a grant to HistoryLink.

(38) \$50,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the Washington quality award council created in RCW 43.06.335 to provide training to small manufacturers and other businesses as well as to technical assistance providers from the department of commerce, impact Washington, small business development centers, associate development organizations, and other organizations. The training shall be in continuous quality improvement, performance measurement, strategic planning, and other approaches designed to reduce operating costs, improve effectiveness, and increase productivity in businesses receiving assistance.

(39) \$50,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the manufacturing innovation and modernization account created in RCW 43.338.030.

Sec. 128. 2010 c 3 s 106 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2010)	\$711,000
General Fund--State Appropriation (FY 2011)	(\$785,000)
<u>\$772,000</u>	
TOTAL APPROPRIATION	(\$1,496,000)
<u>\$1,483,000</u>	

The appropriations in this section are subject to the following conditions and limitations: The economic and revenue forecast council, in its quarterly revenue forecasts, shall forecast the total revenue for the state lottery.

Sec. 129. 2010 c 3 s 107 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2010)	(\$21,599,000)
<u>\$21,189,000</u>	
General Fund--State Appropriation (FY 2011)	(\$20,670,000)
<u>\$20,152,000</u>	
General Fund--Federal Appropriation	(\$23,597,000)
<u>\$27,103,000</u>	
General Fund--Private/Local Appropriation.....	\$1,270,000
State Auditing Services Revolving	
Account--State Appropriation.....	\$25,000
Economic Development Strategic Reserve Account--	
State Appropriation	(\$280,000)
<u>\$278,000</u>	

TOTAL APPROPRIATION..... (\$67,441,000)
\$70,017,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$188,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Second Substitute Senate Bill No. 5945 (Washington health partnership plan). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(2) The office of financial management shall conduct a study on alternatives for consolidating or transferring activities and responsibilities of the state lottery commission, state horse racing commission, state liquor control board, and the state gambling commission to achieve cost savings and regulatory efficiencies. In conducting the study, the office of financial management shall consult with the legislative fiscal committees. Further, the office of financial management shall establish an advisory group to include, but not be limited to, representatives of affected businesses, state agencies or entities, local governments, and stakeholder groups. The office of financial management shall submit a final report to the governor and the legislative fiscal committees by November 15, 2009.

~~(3) ((\$500,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for a study of the feasibility of closing state institutional facilities and a plan on eliminating beds in the state institutional facility inventory. The office of financial management shall contract with consultants with expertise related to the subject matters included in this study. The office of financial management and the consultants shall consult with the department of social and health services, the department of corrections, stakeholder groups that represent the people served in these institutions, labor organizations that represent employees who work in these institutions and other persons or entities with expertise in the areas being studied.~~

~~—(a) For the purposes of this study, "state institutional facilities" means facilities operated by the department of corrections to house persons convicted of a criminal offense. Green Hill school and Maple Lane school operated by the department of social and health services juvenile rehabilitation administration, and residential habilitation centers operated by the department of social and health services.~~

~~—(b) In conducting this study, the consultants shall consider the following factors as appropriate:~~

~~—(i) The availability of alternate facilities including alternatives and opportunities for consolidation with other facilities, impacts on those alternate facilities, and any related capital costs;~~

~~—(ii) The cost of operating the facility, including the cost of providing services and the cost of maintaining or improving the physical plant of the facility;~~

~~—(iii) The geographic factors associated with the facility, including the impact of the facility on the local economy and the economic impact of its closure, and alternative uses for a facility recommended for closure;~~

~~—(iv) The costs associated with closing the facility, including the continuing costs following the closure of the facility;~~

~~—(v) Number and type of staff and the impact on the facility staff including other employment opportunities if the facility is closed;~~

~~—(vi) The savings that will accrue to the state from closure or consolidation of a facility and the impact any closure would have on funding the associated services; and~~

~~—(vii) For the residential habilitation centers, the impact on clients in the facility being recommended for closure and their families, including ability to get alternate services and impact on being moved to another facility.~~

~~—(c) The office of financial management shall submit a final report to the governor and the ways and means committees of the house of representatives and senate by November 1, 2009. The report shall provide a recommendation and a plan to eliminate 1,580 beds in the department of corrections facilities, 235 beds from juvenile rehabilitation facilities, and 250 funded beds in the residential habilitation centers through closure or consolidation of facilities. The report shall include an assessment of each facility studied, where and how the services should be provided, and any costs or savings associated with each recommendation. In considering the recommendations of the report, the governor and the legislature shall not consider closure of any state institutional facility unless the report recommended the facility for closure.) \$25,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the office to contract with the Washington state quality award program to provide training for state managers and employees.~~

~~(4) \$110,000 of the general fund--state appropriation for fiscal year 2011 is provided solely to implement Second Substitute Senate Bill No. 6578 (multiagency permitting teams). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.~~

~~(5) The office of financial management shall, with the assistance of the natural resources cabinet as created in executive order 09-07, reduce the number of facilities being leased by the state by consolidating, wherever possible, regional offices and storage facilities of the natural resource agencies. The office of financial management and the natural resources cabinet shall submit a report on the progress of this effort and the associated savings to the appropriate fiscal committees of the legislature no later than December 1, 2010.~~

~~(6) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the office of financial management to hire an independent consultant to conduct an assessment. The consultant shall be agreed upon by a wide range of interested stakeholders including organization leaders representing residents of residential habilitation centers. The assessment shall include interviews with all residential habilitation center residents or guardians of residents to determine the optimum setting for these individuals and shall include the option and choice to remain in a residential habilitation center. The assessment shall note when the recommendation of the consultant differs from the choice of the individual. The assessment shall also determine service and placements that are underfunded or underserved in community settings and determine resources and options for funding sources necessary to adequately fund community-based services for people with developmental disabilities. The resulting report will be due to the legislature on December 1, 2010.~~

~~(7)(a) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$150,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the purposes of the office of financial management:~~

~~(i) Conducting a technical and financial analysis of the state's plan for the consolidated state data center and office building; and~~

~~(ii) Developing a strategic business plan outlining the various options for use of the site that maximize taxpayer value consistent with the terms of the finance lease and related agreements.~~

~~(b) The analysis required in (a)(i) of this subsection must consist of, at a minimum, an assessment of the following issues:~~

~~(i) The total capital and operational costs for the proposed data center and office building;~~

~~(ii) The occupancy rate for the consolidated state data center, as compared to total capacity, that will result in revenue exceeding total capital and operating expenses;~~

(iii) The potential reallocation of resources that could result from the consolidation of state data centers and office space; and
(iv) The potential return on investment for the consolidated state data center and office building that may be realized without impairing any existing contractual rights under the terms of the financing lease and related agreements.

(c) This review must build upon the analysis and migration strategy for the consolidated state data center being prepared for the department of information services.

(d) The strategic plan must be submitted to the governor and the legislature by December 1, 2010.

(8) Appropriations in this section include amounts sufficient to implement Engrossed Substitute House Bill No. 3178 (technology efficiencies).

Sec.130. 2009 c 564 s 131 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving

Account--State Appropriation..... ((\$33,473,000))
\$33,978,000

The appropriation in this section is subject to the following conditions and limitations: \$725,000 of the administrative hearings revolving account--state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 2782 (security lifeline act). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 131. 2009 c 564 s 132 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State

Appropriation ((\$22,025,000))
\$20,057,000

Higher Education Personnel Services Account--State

Appropriation ((\$1,716,000))
\$1,578,000

TOTAL APPROPRIATION..... ((\$23,741,000))
\$21,635,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) In coordination with efforts under section 119(4) of this act, the department of personnel shall provide, by September 1, 2010, a synopsis of current and recent survey data regarding employee satisfaction and the department's overall assessment of career and executive workforce management concerns.

Sec. 132. 2009 c 564 s 133 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State

Appropriation ((\$27,776,000))
\$26,777,000

Sec. 133. 2009 c 564 s 134 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2010) ((\$253,000))
\$250,000

General Fund--State Appropriation (FY 2011) ((\$260,000))
\$255,000

TOTAL APPROPRIATION..... ((\$513,000))
\$505,000

Sec. 134. 2009 c 564 s 135 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2010) \$243,000

General Fund--State Appropriation (FY 2011) ((\$244,000))
\$236,000

TOTAL APPROPRIATION..... ((\$487,000))
\$479,000

Sec. 135. 2009 c 564 s 136 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense

Account--State Appropriation..... ((\$49,504,000))
\$48,332,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$148,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5303 (transferring members of retirement systems). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(2) \$66,000 of the department of retirement systems expense account--state appropriation is provided for the department of retirement systems to make revisions to various administrative processes as necessary to implement Engrossed Second Substitute Senate Bill No. 5688 (registered domestic partners). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(3) \$12,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5542 or House Bill No. 1678 (minimum disability benefits). If neither bill is enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(4) \$45,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1445 (Washington state patrol retirement system domestic partners). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(5) \$45,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed House Bill No. 1616 (law enforcement officers' and firefighters' retirement system plan 2 domestic partners). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(6) \$56,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1548 (military service credit purchases). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) \$35,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1953 (department of fish and wildlife enforcement officers' past service credit). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(8) \$58,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1541 (plan 2/3 half-time educational employee service credit). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(9) \$31,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed House Bill No. 2519 (public safety death benefits). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 136. 2010 c 3 s 108 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2010)	(\$108,215,000)
<u>\$109,472,000</u>	
General Fund--State Appropriation (FY 2011)	(\$106,995,000)
<u>\$112,319,000</u>	
Timber Tax Distribution Account--State	
Appropriation	(\$5,904,000)
<u>\$5,933,000</u>	
Waste Reduction/Recycling/Litter	
Control--State Appropriation	\$130,000
Waste Tire Removal Account--State Appropriation	\$2,000
Real Estate Excise Tax Grant Account--State	
Appropriation	(\$1,050,000)
<u>\$3,429,000</u>	
State Toxics Control Account--State Appropriation.....	\$87,000
Oil Spill Prevention Account--State Appropriation.....	\$19,000
TOTAL APPROPRIATION.....	(\$222,402,000)
<u>\$231,391,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$469,000 of the general fund--state appropriation for fiscal year 2010 and \$374,000 of the general fund--state appropriation for fiscal year 2011 are for the implementation of Substitute Senate Bill No. 5368 (annual property revaluation). If the bill is not enacted by June 30, 2009, the amounts in this subsection shall lapse.

(2) \$4,653,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$4,424,000)~~ \$4,242,000 of the general fund--state appropriation for fiscal year 2011 are for the implementation of revenue enhancement strategies. The strategies must include increased out-of-state auditing and compliance, the purchase of third party data sources for enhanced audit selection, and increased traditional auditing and compliance efforts.

(3) \$3,127,000 of the general fund--state appropriation for fiscal year 2010 and \$1,737,000 of the general fund--state appropriation for fiscal year 2011 are for the implementation of Senate Bill No. 6173 (sales tax compliance). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(4) \$1,294,000 of the general fund--state appropriation for fiscal year 2010 and \$3,085,000 of the general fund--state appropriation for fiscal year 2011 are for the implementation of Second Engrossed Substitute Senate Bill No. 6143 (excise tax law modifications). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(5) \$163,000 of the general fund--state appropriation for fiscal year 2011 is provided solely to implement Substitute Senate Bill No. 6846 (enhanced 911 services). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(6) \$1,200,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for making the necessary preparations for implementation of the working families tax exemption pursuant to RCW 82.08.0206 in 2012.

Sec. 137. 2009 c 564 s 138 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State	
Appropriation	(\$29,581,000)
<u>\$29,352,000</u>	

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,471,000 of the state investment board expense account--state appropriation is provided solely for development of a risk management information system, with the intent that further expenditures for this project be made only by appropriation.

(2) The state investment board shall include funding for any future salary increases authorized under RCW 43.33A.100 in the agency's budget request submitted in accordance with chapter 43.88 RCW in advance of granting related salary increases. The biennial salary survey required under RCW 43.33A.100 shall also be provided to the office of financial management and to the fiscal committees of the legislature as part of the state investment board's biennial budget submittal, and shall include the total amount of compensation increases proposed, as well as recommended salary ranges.

Sec. 138. 2010 c 3 s 109 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2010)	(\$1,342,000))
<u>\$1,346,000</u>	
General Fund--State Appropriation (FY 2011)	(\$1,346,000))
<u>\$1,318,000</u>	
TOTAL APPROPRIATION.....	(\$2,688,000))
<u>\$2,664,000</u>	

Sec. 139. 2009 c 564 s 140 (uncodified) is amended to read as follows:

FOR THE MUNICIPAL RESEARCH COUNCIL

County Research Services Account--State Appropriation.....	(\$940,000))
<u>\$471,000</u>	
City and Town Research Services--State	
Appropriation.....	(\$4,515,000))
<u>\$2,258,000</u>	
TOTAL APPROPRIATION.....	(\$5,455,000))
<u>\$2,729,000</u>	

Sec. 140. 2009 c 564 s 141 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation.....	(\$3,622,000))
<u>\$3,674,000</u>	

Sec. 141. 2009 c 564 s 142 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2010)	\$815,000
General Fund--State Appropriation (FY 2011)	(\$811,000))
<u>\$3,963,000</u>	
General Fund--Federal Appropriation	(\$5,738,000))
<u>\$2,956,000</u>	
<u>Building Code Council Account--State</u>	
Appropriation	\$593,000
General Fund--Private/Local Appropriation.....	\$84,000
General Administration Service Account--State	
Appropriation.....	(\$35,044,000))
<u>\$31,748,000</u>	
TOTAL APPROPRIATION.....	(\$42,408,000))
<u>\$40,159,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,000 of the general fund--state appropriation for fiscal year 2010 and \$28,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the purposes of section 8 of Engrossed Second Substitute Senate Bill No. 5854 (built environment pollution). If section 8 of the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) \$3,545,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the payment of facilities and services charges, utilities and contracts charges, public and historic facilities charges, and capital projects surcharges allocable to the senate, house of representatives, statute law committee, and joint legislative systems committee. The department shall allocate charges attributable to these agencies among the affected revolving funds. The department shall enter into an interagency agreement with these agencies by July 1, 2010, to establish performance standards, prioritization of preservation and capital improvement projects, and quality assurance provisions for the delivery of services under this subsection. The agencies named in this subsection shall continue to enjoy all of the same rights of occupancy, support, and space use on the capitol campus as historically established.

(3) \$84,000 of the general fund--private/local appropriation and \$593,000 of the building code council account--state appropriation are provided solely to implement Engrossed Second Substitute House Bill No. 2658 (refocusing the department of commerce, including transferring programs). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

Sec. 142. 2010 c 3 s 110 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund--State Appropriation (FY 2010)	\$1,086,000
General Fund--State Appropriation (FY 2011)	(\$1,086,000))
<u>\$1,080,000</u>	
General Fund--Federal Appropriation	\$701,000
General Fund--Private/Local Appropriation.....	\$178,000

Data Processing Revolving Account--State

Appropriation	(\$7,824,000))
<u>\$7,601,000</u>	
TOTAL APPROPRIATION.....	(\$10,697,000))
<u>\$10,646,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the purposes of Engrossed Second Substitute House Bill No. 1701 (high-speed internet), including expenditure for deposit to the community technology opportunity account. If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) The department shall implement some or all of the following strategies to achieve savings on information technology expenditures through: (a) Holistic virtualization strategies; (b) wide-area network optimization strategies; (c) replacement of traditional telephone communications systems with alternatives; and (d) migration of external voice mail systems to internal voice mail systems coordinated by the department. The department shall report to the office of financial management and the fiscal committees of the legislature semiannually on progress made towards the implementation of savings strategies and the savings realized to date. No later than June 30, 2011, the department shall submit a final report on its findings and savings realized to the office of financial management and the fiscal committees of the legislature.

(3) \$178,000 of the general fund--private/local appropriation is provided solely for the implementation of the opportunity portal under Second Substitute House Bill No. 2782 (security lifeline act). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(4) Appropriations in this section include amounts sufficient to implement Engrossed Substitute House Bill No. 3178 (technology efficiencies).

Sec. 143. 2009 c 564 s 144 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation	(\$1,943,000))
<u>\$1,939,000</u>	
Insurance Commissioners Regulatory Account--State	
Appropriation	(\$47,978,000))
<u>\$48,452,000</u>	
TOTAL APPROPRIATION.....	(\$49,921,000))
<u>\$50,391,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$410,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 5480 (discount health plans). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(2) \$598,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 5195 (life settlements model act). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(3) \$551,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Second Substitute Senate Bill No. 5346 (health care administration simplification). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(4) \$40,000 of the insurance commissioner's regulatory account appropriation is to implement Engrossed Substitute House Bill No. 2560 (joint underwriting associations).

(5) \$227,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1714 (association health plans).

Sec. 144. 2009 c 564 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State

Appropriation	(\$3,016,000))
<u>\$3,649,000</u>	

The appropriation in this section is subject to the following conditions and limitations: \$150,000 of the certified public accountants' account appropriation is provided solely for the board to contract with a consultant or consultants to conduct an independent investigation. Each consultant must be a governmental entity or an independent firm of legal consultants. Each consultant must be familiar with the administrative procedure act, chapter 34.05 RCW. The consultant or consultants shall produce a report that includes, but is not limited to, an evaluation of the efficiency and effectiveness of the board's practices, policies, and procedures, and an evaluation of the efficacy, economy, and accountability of merging the board into the department of licensing. The consultant or consultants shall deliver a report to the appropriate committees of the legislature on or before December 1, 2010.

Sec. 145. 2009 c 564 s 147 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State

Appropriation	(\$5,123,000))
<u>\$4,830,000</u>	

The appropriation in this section is subject to the following conditions and limitations: Pursuant to RCW 43.135.055, the commission is authorized to increase licensing fees during the 2009-2011 fiscal biennium as necessary to support the appropriation in this section.

Sec. 146. 2009 c 564 s 148 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

Liquor Control Board Construction and Maintenance

Account--State Appropriation.....	\$8,817,000
Liquor Revolving Account--State Appropriation.....	((\$200,506,000))
<u>\$156,580,000</u>	
TOTAL APPROPRIATION.....	((\$209,323,000))
<u>\$165,397,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,306,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to open five new state stores.
- (2) \$40,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to open ten new contract stores.
- (3) \$3,059,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to increase state and local revenues from new retail strategies including opening nine state stores on Sunday, opening state liquor stores on seven holidays, opening six mall locations during the holiday season, and increasing lottery sales.
- (4) \$173,000 of the liquor revolving account--state appropriation is provided solely for the Engrossed House Bill No. 2040 (beer and wine regulation commission). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (5) \$130,000 of the liquor revolving account appropriation is provided to implement chapter 141, Laws of 2010 (SSB 6329).
- (6) Within the amounts appropriated in this section, the liquor control board shall monitor the tasting endorsement authorized by chapter 141, Laws of 2010 (SSB 6329) and report to the appropriate committees of the legislature by June 30, 2011, on the enforcement of the endorsement. The report must include the number of compliance checks conducted by the liquor board during tasting activities, whether the checks were conducted with the knowledge of the licensee, the number of compliance checks passed, the number and type of notices of violation issued, the penalties imposed for the violations, the number of complaints received about tasting activities, and other information related to the enforcement of the endorsement. If the bill is not enacted by June 30, 2010, the requirements of this subsection shall be null and void.
- (7) The board shall prepare a plan to transition selected state liquor stores to contract stores. The plan must identify stores for transition that the board determines will result in the greatest efficiency and cost-effectiveness for the state. The plan must provide for the conversion of at least twenty state liquor stores to contract liquor stores and for that conversion to occur between July 1, 2011, and July 1, 2013. The plan must also include an analysis of the revenue generating capacity and costs for the stores before and after the conversion as well as an analysis of access to liquor by intoxicated and underage persons. The board shall submit the plan to the appropriate policy and fiscal committees of the legislature by November 1, 2010.

Sec. 147. 2009 c 564 s 150 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund--Federal Appropriation.....	<u>\$267,000</u>
General Fund--Private/Local Appropriation.....	<u>\$5,547,000</u>
Public Service Revolving Account--State	
Appropriation.....	((\$31,306,000))
<u>\$31,200,000</u>	
Pipeline Safety Account--State Appropriation.....	((\$3,194,000))
<u>\$3,187,000</u>	
Pipeline Safety Account--Federal Appropriation.....	((\$1,536,000))
<u>\$1,518,000</u>	
TOTAL APPROPRIATION.....	((\$36,036,000))
<u>\$41,719,000</u>	

The appropriations in this section are subject to the following conditions and limitations: Pursuant to RCW 43.135.055, the commission is authorized to increase solid waste regulatory fees to the extent necessary to raise \$100,000 in fiscal year 2011 for enforcement activities under RCW 81.77.080.

Sec. 148. 2010 c 3 s 111 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2010).....	((\$10,084,000))
<u>\$9,350,000</u>	
General Fund--State Appropriation (FY 2011).....	((\$10,190,000))
<u>\$8,874,000</u>	
General Fund--Federal Appropriation.....	((\$149,101,000))
<u>\$168,599,000</u>	
Enhanced 911 Account--State Appropriation.....	((\$39,598,000))
<u>\$44,508,000</u>	
Disaster Response Account--State Appropriation.....	((\$28,194,000))
<u>\$28,350,000</u>	
Disaster Response Account--Federal Appropriation.....	((\$91,263,000))
<u>\$114,496,000</u>	
Military Department Rent and Lease Account--State	
Appropriation.....	((\$615,000))
<u>\$612,000</u>	
Military Department Active State Service Account--Federal	
Appropriation.....	((\$200,000))

<u>\$592,000</u>	
Worker and Community Right-to-Know Account--State	
Appropriation	\$341,000
Nisqually Earthquake Account--State Appropriation	(\$144,000)
<u>\$307,000</u>	
Nisqually Earthquake Account--Federal Appropriation.....	(\$856,000)
<u>\$1,067,000</u>	
TOTAL APPROPRIATION	(\$330,586,000)
<u>\$377,096,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$28,194,000)~~) \$28,326,000 of the disaster response account-- state appropriation and (~~(\$91,263,000)~~) \$114,496,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report (~~(quarterly)~~) to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2009-2011 biennium based on current revenue and expenditure patterns.

(2) (~~(\$144,000)~~) \$307,000 of the Nisqually earthquake account-- state appropriation and (~~(\$856,000)~~) \$1,067,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report (~~(quarterly)~~) to the office of financial management and the legislative fiscal committees on October 1st and February 1st of each year detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2009-2011 biennium based on current revenue and expenditure patterns.

(3) \$85,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee; and

(b) The department shall submit (~~(a quarterly)~~) an annual report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; and incremental changes from the previous estimate (~~(-planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and~~

~~—(c) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district).~~

(4) \$500,000 of the general fund--state appropriation for fiscal year 2010 (~~(and \$500,000 of the general fund--state appropriation for fiscal year 2011 are)~~) is provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and (~~(shall)~~) may not use any of the funds for administrative purposes.

Sec. 149. 2009 c 564 s 149 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'

Administrative Account--State Appropriation	(\$1,044,000)
<u>\$1,052,000</u>	

Sec. 150. 2009 c 564 s 152 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2010)	(\$3,128,000)
<u>\$2,667,000</u>	

General Fund--State Appropriation (FY 2011)	(\$3,130,000)
<u>\$2,635,000</u>	

Higher Education Personnel Services Account--State

Appropriation	\$250,000
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Department of Personnel Service Account--State

Appropriation	(\$3,290,000)
<u>\$3,263,000</u>	

TOTAL APPROPRIATION	(\$9,548,000)
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\$8,815,000

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for implementation of Engrossed Substitute Senate Bill No. 6726 (language access provider bargaining).

Sec. 151. 2010 c 3 s 112 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2010)	\$1,371,000
General Fund--State Appropriation (FY 2011)	(\$1,349,000)

\$1,382,000

General Fund--Federal Appropriation	(\$1,653,000)
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<u>\$2,293,000</u>	
General Fund--Private/Local Appropriation.....	\$14,000
TOTAL APPROPRIATION.....	(\$4,387,000)
<u>\$5,060,000</u>	

The appropriations in this section are subject to the following conditions and limitations: \$44,000 of the general fund--state appropriation for fiscal year 2011 is provided for implementation of Substitute House Bill No. 2704 (Washington main street program). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 152. 2010 c 3 s 113 (uncodified) is amended to read as follows:

FOR THE GROWTH MANAGEMENT HEARINGS BOARD

General Fund--State Appropriation (FY 2010)	(\$1,623,000)
<u>\$1,642,000</u>	
General Fund--State Appropriation (FY 2011)	(\$1,549,000)
<u>\$1,424,000</u>	
TOTAL APPROPRIATION.....	(\$3,172,000)
<u>\$3,066,000</u>	

The appropriations in this section are subject to the following conditions and limitations: \$13,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for Substitute House Bill No. 2935 (hearings boards/environment and land use). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 153. 2009 c 564 s 155 (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account--State	
Appropriation.....	\$60,127,000
State Convention and Trade Center Operating	
Account--State Appropriation.....	(\$56,995,000)
<u>\$56,694,000</u>	
TOTAL APPROPRIATION.....	(\$117,122,000)
<u>\$116,821,000</u>	

(End of part)

**PART II
HUMAN SERVICES**

Sec. 201. 2009 c 564 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP), the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county, during the 2009-2011 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot project, times the number of clients enrolled in the pilot project. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(5)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2010, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2010 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year 2010 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoptions support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director

of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(6) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

(7) With the objective of improving and enhancing the efficiency and effectiveness of the audit and oversight program, the department shall identify streamlining opportunities in the areas described in (a) through (d) of this subsection. The goals of these activities are to leverage department resources to better fulfill the obligations of all aspects of audit and oversight programs in an era of resource constraints and to assure that the burden of audits and other oversight activities on the state's businesses, organizations, and individuals is as minimal as practical.

(a) The department shall complete an assessment of expanding the use of technology and automated data matches for identification and recovery of third party resources, including data matches with pharmacy benefit managers (PBM). The department shall submit a report to the governor and the relevant fiscal and policy committees of the legislature by September 1, 2010, that identifies resources needed to implement the enhanced data matching capability and the actions and timelines necessary for implementation of automated production data matching capability.

(b) The department shall complete a comprehensive review of multiple licensing and certification reviews, onsite surveys, and contract oversight obligations that require provider site visits or require provider response. The department shall identify all related oversight and review activities and identify opportunities for consolidation of multiple clinical and business management review activities as appropriate with a view to minimizing the cost of both conducting and receiving the audits or other review or oversight activities.

(c) The department shall expand its provider audit capacity through its provider one payment system. The department shall identify medicaid payment system enhancements that will maximize new technical capabilities. The department shall explore new technical capabilities of its fraud and abuse detection system to identify more efficient ways to correlate audit efforts to the levels of risk and materiality. Results of focused audits must be used to enhance educational materials. The department shall report to the governor and legislature by December 1, 2010, on the status of developing this audit capacity.

(d) The department shall conduct a review and assessment of audit processes and timeframes. The department shall review audit outcomes from the past three fiscal years and will concentrate on identifying opportunities to shorten timeframes between the various stages of an audit, including the letter of intent to audit, records collection to issuance of the draft audit, dispute resolution activities, issuance of the final audit, and administrative hearings. The department shall initiate a provider outreach and education program to include communication materials that clearly identify expectations of the department and the provider being audited. The department must develop and publish an orientation to medicaid audits publication by October 1, 2010, that includes audit requirements, expectations of providers and the department, and associated timelines. The department shall report to the governor and relevant policy and fiscal committees of the legislature by December 1, 2010, on the status of these activities.

Sec. 202. 2010 c 3 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2010)	(\$314,698,000)
<u>\$315,002,000</u>	
General Fund--State Appropriation (FY 2011)	(\$316,181,000)
<u>\$306,947,000</u>	
General Fund--Federal Appropriation	(\$494,889,000)
<u>\$506,248,000</u>	
General Fund--Private/Local Appropriation.....	(\$828,000)
<u>\$3,320,000</u>	
Home Security Fund Appropriation	(\$8,389,000)
<u>\$10,183,000</u>	
Domestic Violence Prevention Account--State	
Appropriation	\$1,154,000
Education Legacy Trust Account--State Appropriation	\$725,000
TOTAL APPROPRIATION.....	(\$1,136,864,000)
<u>\$1,143,579,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$5,563,000 of the general fund--state appropriation for fiscal year 2010 and \$5,563,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for intensive family preservation services as defined in RCW 74.14C.010 and for evidence-based services that prevent out of home placement and reduce length of stay in the child welfare system.~~

~~---~~ ~~(2) \$993,000) \$937,000 of the general fund--state appropriation for fiscal year 2010 and (\$993,000) \$742,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to ((seventeen)) thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.~~

~~((3) \$375,000) (2) \$369,000 of the general fund--state appropriation for fiscal year 2010, ((375,000) \$366,000 of the general fund--state appropriation for fiscal year 2011, and ((322,000) \$316,000 of the general fund--federal appropriation are provided solely for up to three~~

nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

~~((4))~~ (3) \$2,500,000 of the general fund--state appropriation for fiscal year 2010 and ~~((2,500,000))~~ \$93,000 of the general fund--state appropriation for fiscal year 2011, and \$2,407,000 of the home security fund--state appropriation are provided solely for secure crisis residential centers. Within appropriated amounts, the department shall collaborate with providers to maintain no less than forty-five beds that are geographically representative of the state. The department shall examine current secure crisis residential staffing requirements, flexible payment options, center specific waivers, and other appropriate methods to accomplish this outcome.

~~((5))~~ (4) A maximum of ~~((76,831,000))~~ \$73,209,000 of the general fund--state appropriations and ~~((56,901,000))~~ \$54,596,000 of the general fund--federal appropriations for the 2009-11 biennium shall be expended for behavioral rehabilitative services and these amounts are provided solely for this purpose. The department shall work with behavioral rehabilitative service providers to safely keep youth with emotional, behavioral, or medical needs at home, with relatives, or with other permanent placement resources and decrease the length of ~~((stay))~~ service through improved emotional, behavioral, or medical outcomes for children in behavioral rehabilitative services in order to achieve the appropriated levels.

(a) Contracted providers shall act in good faith and accept the hardest to ~~((place))~~ serve children, to the greatest extent possible, in order to improve their emotional, behavioral, or medical conditions.

(b) The department and the contracted provider shall mutually agree and establish an exit date for when the child is to exit the behavioral rehabilitative service provider. The department and the contracted provider should mutually agree, to the greatest extent possible, on a viable placement for the child to go to once the child's treatment process has been completed. The child shall exit only when the emotional, behavioral, or medical condition has improved or if the provider has not shown progress toward the outcomes specified in the signed contract at the time of exit. This subsection (b) does not prevent or eliminate the department's responsibility for removing the child from the provider if the child's emotional, behavioral, or medical condition worsens or is threatened.

(c) The department is encouraged to use performance-based contracts with incentives directly tied to outcomes described in this section. The contracts should incentivize contracted providers to accept the hardest to ~~((place))~~ serve children and incentivize improvement in children's emotional, mental, and medical well-being within the established exit date. The department is further encouraged to increase the use of behavioral rehabilitative service group homes, wrap around services to facilitate and support placement of youth at home with relatives, or other permanent resources, and other means to control expenditures.

(d) The total foster care per capita amount shall not increase more than four percent in the 2009-11 biennium and shall not include behavioral rehabilitative service.

~~((6))~~ (5) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

~~((7) Within amounts appropriated in this section,))~~ (6) \$14,460,000 of the general fund--state appropriation for fiscal year 2011 and \$6,231,000 of the general fund--federal appropriation are provided solely for the department to provide contracted prevention and early intervention services. The legislature recognizes the need for flexibility as the department transitions to performance-based contracts. The following services are included in the prevention and early intervention block grant: Crisis family intervention services, family preservation services, intensive family preservation services, evidence-based programs, public health nurses, and early family support services. The legislature intends for the department to maintain and build on existing evidence-based and research-based programs with the goal of utilizing contracted prevention and intervention services to keep children safe at home and to safely reunify families. Priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts and shall provide the legislature and governor a report regarding the allocation of resources in this subsection by September 30, 2010. The department shall expend federal funds under this subsection in compliance with federal regulations.

~~((8) \$37,000))~~ (7) \$36,000 of the general fund--state appropriation for fiscal year 2010, ~~((37,000))~~ \$36,000 of the general fund--state appropriation for fiscal year 2011, and ~~((32,000))~~ \$31,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 465, Laws of 2007 (child welfare).

~~((9))~~ (8) \$125,000 of the general fund--state appropriation for fiscal year 2010 and \$125,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for continuum of care services. \$100,000 of this amount is for Casey family partners and \$25,000 of this amount is for volunteers of America crosswalk in fiscal year 2010. \$100,000 of this amount is for Casey family partners and \$25,000 of this amount is for volunteers of America crosswalk in fiscal year 2011.

~~((10) \$616,000))~~ (9) \$1,904,000 of the general fund--state appropriation for fiscal year 2010, ~~((616,000))~~ \$1,832,000 of the general fund--state appropriation for fiscal year 2011, and ~~((368,000))~~ \$357,000 of the general fund--federal appropriation are provided solely to contract with medical professionals for comprehensive safety assessments of high-risk families and for foster care assessments. The safety assessments will use validated assessment tools to guide intervention decisions through the identification of additional safety and risk factors. ~~((800,000 of this amount is for))~~ The department will maintain the availability of comprehensive foster care assessments and follow up services for children in out-of-home care who do not have permanent plans, comprehensive safety assessments for families receiving in-home child protective services or family voluntary services(- \$800,000 of this amount is for), and comprehensive safety assessments ((€)) for families with an infant age birth to fifteen days where the infant was, at birth, diagnosed as substance exposed and the department received an intake referral related to the infant due to the substance exposure. The department must consolidate contracts, streamline administration, and explore efficiencies to achieve savings.

~~((11) \$7,970,000))~~ (10) \$7,679,000 of the general fund--state appropriation for fiscal year 2010, ~~((7,711,000))~~ \$6,643,000 of the general fund--state appropriation for fiscal year 2011, and ~~((5,177,000))~~ \$4,971,000 of the general fund--federal appropriation are provided solely for court-ordered supervised visits between parents and dependent children and for sibling visits. The department shall work collaboratively with the juvenile dependency courts and revise the supervised visit reimbursement procedures to stay within appropriations without impeding reunification outcomes between parents and dependent children. The department shall report to the legislative fiscal committees ~~((quarterly))~~ on

September 30, 2010, and December 30, 2010, the number of children in foster care who receive supervised visits, their frequency, length of time of each visit, and whether reunification is attained.

~~((12) \$1,789,000)~~ (11) \$145,000 of the general fund--state appropriation for fiscal year 2010, \$871,000 of the general fund--state appropriation for fiscal year 2011, and \$773,000 of the home security fund--state appropriation is provided solely for street youth program services.

~~((13) \$1,584,000)~~ (12) \$1,522,000 of the general fund--state appropriation for fiscal year 2010, ~~(\$1,584,000)~~ \$1,340,000 of the general fund--state appropriation for fiscal year 2011, and ~~(\$1,586,000)~~ \$1,464,000 of the general fund--federal appropriation are provided solely for the department to recruit foster parents. The recruitment efforts shall include collaborating with community-based organizations and current or former foster parents to recruit foster parents.

~~((14))~~ (13) \$493,000 of the general fund--state appropriation for fiscal year 2010, \$303,000 of the general fund--state appropriation for fiscal year 2011, \$466,000 of the general fund--private/local appropriation, and \$725,000 of the education legacy trust account-- state appropriation ~~(is)~~ are provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. Funding is provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist. The department shall utilize private matching funds to maintain educational advocacy services.

~~((15) \$1,300,000)~~ (14) \$1,677,000 of the home security fund account--state appropriation is provided solely for HOPE beds.

~~((16) \$5,300,000)~~ (15) \$5,193,000 of the home security fund account--state appropriation is provided solely for the crisis residential centers.

~~((17))~~ (16) The appropriations in this section reflect reductions in the appropriations for the children's administration administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

~~((18))~~ (17) Within the amounts appropriated in this section, the department shall contract for a pilot project with family and community networks in Whatcom county and up to four additional counties to provide services. The pilot project shall be designed to provide a continuum of services that reduce out-of-home placements and the lengths of stay for children in out-of-home placement. The department and the community networks shall collaboratively select the additional counties for the pilot project and shall collaboratively design the contract. Within the framework of the pilot project, the contract shall seek to maximize federal funds. The pilot project in each county shall include the creation of advisory and management teams which include members from neighborhood-based family advisory committees, residents, parents, youth, providers, and local and regional department staff. The Whatcom county team shall facilitate the development of outcome-based protocols and policies for the pilot project and develop a structure to oversee, monitor, and evaluate the results of the pilot projects. The department shall report the costs and savings of the pilot project to the appropriate committees of the legislature by November 1 of each year.

~~((19))~~ (18) \$157,000 of the general fund--state appropriation for fiscal year 2010 and \$157,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to contract with a nonprofit entity for a reunification pilot project in Whatcom and Skagit counties. The contract for the reunification pilot project shall include a rate of \$46.16 per hour for evidence-based interventions, in combination with supervised visits, to provide 3,564 hours of services to reduce the length of stay for children in the child welfare system. The contract shall also include evidence-based intensive parenting skills building services and family support case management services for 38 families participating in the reunification pilot project. The contract shall include the flexibility for the nonprofit entity to subcontract with trained providers.

~~((20))~~ (19) \$303,000 of the general fund--state appropriation for fiscal year 2010, \$418,000 of the general fund--state appropriation for fiscal year 2011, and \$257,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1961 (increasing adoptions act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

~~((21) \$100,000)~~ (20) \$98,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$100,000)~~ \$98,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to contract with an agency that is working in partnership with, and has been evaluated by, the University of Washington school of social work to implement promising practice constellation hub models of foster care support.

~~((22))~~ (21) The legislature intends for the department to reduce the time a child remains in the child welfare system. The department shall establish a measurable goal and report progress toward meeting that goal to the legislature by January 15 of each fiscal year of the 2009- 11 fiscal biennium. To the extent that actual caseloads exceed those assumed in this section, it is the intent of the legislature to address those issues in a manner similar to all other caseload programs.

(22) \$715,000 of the general fund--state appropriation for fiscal year 2010 and \$715,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for services provided through children's advocacy centers.

(23) \$11,000 of the general fund--state appropriation for fiscal year 2011 and \$3,000 of the general fund--federal appropriation are provided solely for implementation of chapter 224, Laws of 2010 (confinement alternatives). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(24) \$1,867,000 of the general fund--state appropriation for fiscal year 2010, \$1,790,000 of the general fund--state appropriation for fiscal year 2011, and \$4,673,000 of the general fund--federal appropriation are provided solely for the department to contract for medicaid treatment child care (MTCC) services. Children's administration case workers, local public health nurses and case workers from the temporary assistance for needy families program shall refer children to MTCC services, as long as the children meet the eligibility requirements as outlined in the Washington state plan for the MTCC services.

(25) The department shall contract for at least one pilot project with adolescent services providers to deliver a continuum of short-term crisis stabilization services. The pilot project shall include adolescent services provided through secure crisis residential centers, crisis residential centers, and hope beds. The department shall work with adolescent service providers to maintain availability of adolescent services and maintain the delivery of services in a geographically representative manner. The department shall examine current staffing requirements, flexible payment options, center- specific licensing waivers, and other appropriate methods to achieve savings and streamline the delivery of services. The legislature intends for the pilot project to provide flexibility to the department to improve outcomes and to achieve more efficient utilization of existing resources, while meeting the statutory goals of the adolescent services programs. The department shall provide an update to the appropriate legislative committees and governor on the status of the pilot project implementation by December 1, 2010.

(26) To ensure expenditures remain within available funds appropriated in this section as required by RCW 74.13A.005 and 74.13A.020, the secretary shall not set the amount of any adoption assistance payment or payments, made pursuant to RCW 26.33.320 and 74.13A.005 through 74.13A.080, to more than ninety percent of the foster care maintenance payment for that child had he or she remained in a foster family home during the same period. This subsection does not apply to adoption assistance agreements in existence on the effective date of this section.

(27) Receipts from fees per chapter 289, Laws of 2010, as deposited into the prostitution prevention and intervention account for services provided to sexually exploited children as defined in RCW 13.32A.030 in secure and semi-secure crisis residential centers with access to staff trained to meet their specific needs shall be used to expand capacity for secure crisis residential centers and not supplant existing funding.

Sec. 203. 2010 c 3 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2010)	(\$104,185,000)
<u>\$103,437,000</u>	
General Fund--State Appropriation (FY 2011)	(\$92,392,000)
<u>\$97,761,000</u>	
General Fund--Federal Appropriation	(\$6,565,000)
<u>\$1,715,000</u>	
General Fund--Private/Local Appropriation.....	(\$1,900,000)
<u>\$1,899,000</u>	
Washington Auto Theft Prevention Authority Account-- State Appropriation	\$3,896,000
Juvenile Accountability Incentive Account--Federal Appropriation	(\$2,801,000)
<u>\$2,805,000</u>	
State Efficiency and Restructuring Account--State Appropriation	\$4,958,000
<u>TOTAL APPROPRIATION.....</u>	<u>(\$211,739,000)</u>
<u>\$216,471,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the general fund--state appropriation for fiscal year 2010 and \$353,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) ~~(\$3,578,000)~~ \$3,408,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$3,578,000)~~ \$2,898,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,716,000 of the general fund--state appropriation for fiscal year 2010 and \$3,716,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) ~~(\$1,506,000)~~ \$1,427,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$1,506,000)~~ \$1,206,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,066,000 of the general fund--state appropriation for fiscal year 2010 and \$3,066,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2010 and \$1,287,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) ~~(For the fiscal year ending June 30, 2010, the juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the special sex offender disposition alternative funds, the mental health disposition alternative, sentencing disposition alternative, and evidence based program expansion grants to juvenile courts for the purpose of serving youth adjudicated in the juvenile justice system. Evidence based programs, based on the criteria established by the Washington state institute for public policy, and disposition alternatives will be funding priorities. Funds may be used for promising practices when approved by juvenile rehabilitation administration, based on criteria established in consultation with Washington state institute for public policy and the juvenile courts.~~

— By September 1, 2009, a committee with four members, in consultation with Washington state institute for public policy, shall develop a funding formula that takes into account the juvenile courts average daily population of program eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative. The committee shall have one representative from the juvenile rehabilitation administration, one representative from the office of financial management, one representative from the office of the administrator of the courts, and one representative from the juvenile courts. Decision making will be by majority rule.

— By September 1, 2010, the Washington state institute for public policy shall provide a report to the office of financial management and the legislature on the administration of the block grant authorized in this subsection. The report shall include the criteria used for allocating the funding as a block grant and the participation targets and actual participation in the programs subject to the block grant.

— (b) By December 1, 2009, the committee established in (a) of this subsection, in consultation with Washington state institute for public policy, shall propose to the office of financial management and the legislature changes in the process of funding and managing, including accountability and information collection and dissemination, grants to juvenile courts for serving youth adjudicated in the juvenile court system use in the fiscal year ending June 30, 2011. The proposal shall include, but is not limited to: A process of making a block grant of funds consistent with (a) of this subsection; a program of data collection and measurement criteria for receiving the funds which will include targets of the number of youth served in identified evidence-based programs and disposition alternatives in which the juvenile courts and office of the administrator of the courts will have responsibility for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data; and necessary changes to the Washington administrative code.

— (c) Within the funds provided for criminal justice analysis in section 610(4) of this act, the Washington state institute for public policy shall conduct an analysis of the costs per participant of evidence-based programs by the juvenile courts and by December 1, 2009, shall report the results of this analysis to the juvenile rehabilitation administration, the juvenile courts, office of the administrator of the courts, the office of financial management, and the fiscal committees of the legislature)) For the fiscal year ending June 30, 2011, the juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the mental health disposition alternative, and the sentencing disposition alternative for the purpose of serving youth adjudicated in the juvenile justice system. In making the block grant, the juvenile rehabilitation administration shall follow the following formula and will prioritize evidence-based programs and disposition alternatives and take into account juvenile courts program-eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative: (i) Thirty-seven and one-half percent for the at-risk population of youth ten to seventeen years old; (ii) fifteen percent for moderate and high-risk youth; (iii) twenty-five percent for evidence-based program participation; (iv) seventeen and one-half percent for minority populations; (v) three percent for the chemical dependency disposition alternative; and (vi) two percent for the mental health and sentencing dispositional alternatives. Funding for the special sex offender disposition alternative (SSODA) shall not be included in the block grant, but allocated on the average daily population in juvenile courts. Funding for the evidence-based expansion grants shall be excluded from the block grant formula. Funds may be used for promising practices when approved by the juvenile rehabilitation administration and juvenile courts, through the community juvenile accountability act committee, based on the criteria established in consultation with Washington state institute for public policy and the juvenile courts.

— (b) It is the intent of the legislature that the juvenile rehabilitation administration phase the implementation of the formula provided in subsection (1) of this section by including a stop-loss formula of three percent in fiscal year 2011, five percent in fiscal year 2012, and five percent in fiscal year 2013. It is further the intent of the legislature that the evidence-based expansion grants be incorporated into the block grant formula by fiscal year 2013 and SSODA remain separate unless changes would result in increasing the cost benefit savings to the state as identified in (c) of this subsection.

— (c) The juvenile rehabilitation administration and the juvenile courts shall establish a block grant funding formula oversight committee with equal representation from the juvenile rehabilitation administration and the juvenile courts. The purpose of this committee is to assess the ongoing implementation of the block grant funding formula, utilizing data-driven decision making and the most current available information. The committee will be cochaired by the juvenile rehabilitation administration and the juvenile courts, who will also have the ability to change members of the committee as needed to achieve its purpose. Initial members will include one juvenile court representative from the finance committee, the community juvenile accountability act committee, the risk assessment quality assurance committee, the executive board of the Washington association of juvenile court administrators, the Washington state center for court research, and a representative of the superior court judges association; two representatives from the juvenile rehabilitation administration headquarters program oversight staff, two representatives of the juvenile rehabilitation administration regional office staff, one representative of the juvenile rehabilitation administration fiscal staff and a juvenile rehabilitation administration division director. The committee may make changes to the formula categories other than the evidence-based program and disposition alternative categories if it is determined the changes will increase statewide service delivery or effectiveness of evidence-based program or disposition alternative resulting in increased cost benefit savings to the state. Long-term cost benefit must be considered. Percentage changes may occur in the evidence-based program or disposition alternative categories of the formula should it be determined the changes will increase evidence-based program or disposition alternative delivery and increase the cost benefit to the state. These outcomes will also be considered in determining when evidence-based expansion or special sex offender disposition alternative funds should be included in the block grant or left separate.

— (d) The juvenile courts and administrative office of the courts shall be responsible for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data. The juvenile rehabilitation administration and the juvenile courts will work collaboratively to develop program outcomes that reinforce the greatest cost benefit to the state in the implementation of evidence-based practices and disposition alternatives.

— (e) By December 1, 2010, the Washington state institute for public policy shall report to the office of financial management and appropriate committees of the legislature on the administration of the block grant authorized in this subsection. The report shall include the criteria used for allocating the funding as a block grant and the participation targets and actual participation in the programs subject to the block grant.

(8) \$3,700,000 of the Washington auto theft prevention authority account--state appropriation is provided solely for competitive grants to community-based organizations to provide at-risk youth intervention services, including but not limited to, case management, employment services, educational services, and street outreach intervention programs. Projects funded should focus on preventing, intervening, and suppressing behavioral problems and violence while linking at-risk youth to pro-social activities. The department may not expend more than

\$1,850,000 per fiscal year. The costs of administration must not exceed four percent of appropriated funding for each grant recipient. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services upon the youth and the community.

(9) The appropriations in this section assume savings associated with the transfer of youthful offenders age eighteen or older whose sentences extend beyond age twenty-one to the department of corrections to complete their sentences. Prior to transferring an offender to the department of corrections, the juvenile rehabilitation administration shall evaluate the offender to determine the offender's physical and emotional suitability for transfer.

Sec. 204. 2010 c 3 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2010)	(\$266,677,000)
<u>\$273,648,000</u>	
General Fund--State Appropriation (FY 2011)	(\$296,619,000)
<u>\$278,530,000</u>	
General Fund--Federal Appropriation	(\$463,180,000)
<u>\$519,456,000</u>	
General Fund--Private/Local Appropriation.....	(\$14,868,000)
<u>\$16,674,000</u>	
Hospital Safety Net Assessment Fund--State	
Appropriation	\$3,476,000
TOTAL APPROPRIATION.....	(\$1,041,344,000)
<u>\$1,091,784,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,689,000 of the general fund--state appropriation for fiscal year 2010 and \$113,689,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for persons and services not covered by the medicaid program. This is a reduction of \$11,606,000 each fiscal year from the nonmedicaid funding that was allocated for expenditure by regional support networks during fiscal year 2009 prior to supplemental budget reductions. This \$11,606,000 reduction shall be distributed among regional support networks proportional to each network's share of the total state population. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) ~~(\$16,900,000)~~ \$10,400,000 of the general fund--state appropriation for fiscal year 2010 ~~(and \$16,900,000)~~, \$9,100,000 of the general fund--state appropriation for fiscal year 2011, and \$1,300,000 of the general fund--federal appropriation are provided solely for the department and regional support networks to contract for implementation of high-intensity program for active community treatment (PACT) teams ~~(-and other proven program approaches that the department concurs will enable the regional support network to achieve significant reductions in the number of beds the regional support network would otherwise need to use at the state hospitals))~~. The department shall work with regional support networks and the center for medicare and medicaid services to integrate eligible components of the PACT service delivery model into medicaid capitation rates no later than January 2011, while maintaining consistency with all essential elements of the PACT evidence-based practice model.

(c) \$6,500,000 of the general fund--state appropriation for fiscal year 2010 and \$6,500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the western Washington regional support networks to provide either community- or hospital campus-based services for persons who require the level of care provided by the program for adaptive living skills (PALS) at western state hospital.

~~(d)~~ (d) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 617 per day during the first quarter of fiscal year 2010, and 587 per day thereafter. Beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. The department shall separately charge regional support networks for persons served in the PALS program.

~~((f))~~ (e) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

~~((e))~~ (f) \$4,582,000 of the general fund--state appropriation for fiscal year 2010 and \$4,582,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

~~((f))~~ (g) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

~~((g))~~ (h) \$750,000 of the general fund--state appropriation for fiscal year 2010 and \$750,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

~~((h))~~ (i) \$1,500,000 of the general fund--state appropriation for fiscal year 2010 and \$1,500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

~~((H))~~ (j) The department shall return to the Spokane regional support network fifty percent of the amounts assessed against the network during the last six months of calendar year 2009 for state hospital utilization in excess of its contractual limit. The regional support network shall use these funds for operation during its initial months of a new sixteen-bed evaluation and treatment facility that will enable the network to reduce its use of the state hospital, and for diversion and community support services for persons with dementia who would likely otherwise require care at the state hospital.

~~((H))~~ (k) The department is directed to identify and implement program efficiencies and benefit changes in its delivery of medicaid managed-care services that are sufficient to operate within the state and federal appropriations in this section. Such actions may include but are not limited to methods such as adjusting the care access standards; improved utilization management of ongoing, recurring, and high-intensity services; and increased uniformity in provider payment rates. The department shall ensure that the capitation rate adjustments necessary to accomplish these efficiencies and changes are distributed uniformly and equitably across all regional support networks statewide. The department is directed to report to the relevant legislative fiscal and policy committees at least thirty days prior to implementing rate adjustments reflecting these changes.

~~((H))~~ (l) In developing the new medicaid managed care rates under which the public mental health managed care system will operate during the five years beginning in fiscal year 2011, the department should seek to estimate the reasonable and necessary cost of efficiently and effectively providing a comparable set of medically necessary mental health benefits to persons of different acuity levels regardless of where in the state they live. Actual prior period spending in a regional administrative area shall not be a key determinant of future payment rates. The department shall report to the office of financial management and to the relevant fiscal and policy committees of the legislature on its proposed new waiver and mental health managed care rate-setting approach by October 1, 2009, and again at least sixty days prior to implementation of new capitation rates.

(m) In implementing the new public mental health managed care payment rates for fiscal year 2011, the department shall to the maximum extent possible within each regional support network's allowable rate range establish rates so that there is no increase or decrease in the total state and federal funding that the regional support network would receive if it were to continue to be paid at its October 2009 through June 2010 rates. The department shall additionally revise the draft rates issued January 28, 2010, to more accurately reflect the lower practitioner productivity inherent in the delivery of services in extremely rural regions in which a majority of the population reside in frontier counties, as defined and designated by the national center for frontier communities.

~~((H))~~ (n) \$1,529,000 of the general fund--state appropriation for fiscal year 2010 and \$1,529,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

~~((H))~~ (o) The legislature intends and expects that regional support networks and contracted community mental health agencies shall make all possible efforts to, at a minimum, maintain current compensation levels of direct care staff. Such efforts shall include, but not be limited to, identifying local funding that can preserve client services and staff compensation, achieving administrative reductions at the regional support network level, and engaging stakeholders on cost-savings ideas that maintain client services and staff compensation. For purposes of this section, "direct care staff" means persons employed by community mental health agencies whose primary responsibility is providing direct treatment and support to people with mental illness, or whose primary responsibility is providing direct support to such staff in areas such as client scheduling, client intake, client reception, client records-keeping, and facilities maintenance.

(p) Regional support networks may use local funds to earn additional federal medicaid match, provided the locally matched rate does not exceed the upper-bound of their federally allowable rate range, and provided that the enhanced funding is used only to provide medicaid state plan or waiver services to medicaid clients. Additionally, regional support networks may use a portion of the state funds allocated in accordance with (a) of this subsection to earn additional medicaid match, but only to the extent that the application of such funds to medicaid services does not diminish the level of crisis and commitment, community inpatient, residential care, and outpatient services presently available to persons not eligible for medicaid.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2010)	((\$120,637,000))
<u>\$119,423,000</u>	
General Fund--State Appropriation (FY 2011)	((\$124,995,000))
<u>\$123,012,000</u>	
General Fund--Federal Appropriation	((\$151,160,000))
<u>\$153,425,000</u>	
General Fund--Private/Local Appropriation.....	((\$65,868,000))
<u>\$64,614,000</u>	
TOTAL APPROPRIATION	((\$462,660,000))
<u>\$460,474,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$231,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries,

benefits, supplies, and equipment for one full- time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(c) \$45,000 of the general fund--state appropriation for fiscal year 2010 and \$45,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(d) \$200,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for support of the psychiatric security review panel established pursuant to Senate Bill No. 6610. If Senate Bill No. 6610 is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2010)	\$1,819,000
General Fund--State Appropriation (FY 2011)	(\$1,812,000)
<u>\$2,092,000</u>	
General Fund--Federal Appropriation	\$2,142,000
TOTAL APPROPRIATION	(\$5,773,000)
<u>\$6,053,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,511,000 of the general fund--state appropriation for fiscal year 2010 and \$1,511,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for children's evidence based mental health services. Funding is sufficient to continue serving children at the same levels as fiscal year 2009.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for consultation, training, and technical assistance to regional support networks on strategies for effective service delivery in very sparsely populated counties.

(c) \$60,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the department to contract with the Washington state institute for public policy for completion of the research reviews to be conducted in accordance with chapter 263, Laws of 2010.

(d) \$60,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the department to contract with the Washington state institute for public policy for completion of the research reviews to be conducted in accordance with section 1, chapter 280, Laws of 2010.

(e) \$60,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for implementation of sections 2 and 3, chapter 280, Laws of 2010. The department shall use these funds to contract with the Washington state institute for public policy for completion of an assessment of (i) the extent to which the number of persons involuntarily committed for 3, 14, and 90 days is likely to increase as a result of the revised commitment standards; (ii) the availability of community treatment capacity to accommodate that increase; (iii) strategies for cost-effectively leveraging state, local, and private resources to increase community involuntary treatment capacity; and (iv) the extent to which increases in involuntary commitments are likely to be offset by reduced utilization of correctional facilities, publicly-funded medical care, and state psychiatric hospitalizations.

(f) By October 1, 2010, the department shall report to the governor and appropriate committees of the legislature with (i) a report on improving services for children who are at greatest risk of requiring long-term inpatient and residential care due to the severity of their emotional impairments; and (ii) an inventory of current publicly funded efforts in Washington to identify children at risk of emotional impairments and to provide intervention before a mental disorder manifests itself. The report on improving services for children at risk of long-term care shall be developed by the division of behavioral health and recovery services in consultation with treatment specialists, regional support networks, behavioral health provider organizations, and consumer and family representatives. It shall include potential alternatives for services to children at risk of long-term, intensive mental health care and recommend specific proposals regarding program components, delivery system organization, and cost estimates. The proposals may include short and long-term alternatives to reach statewide equity in access to high-intensity services with a primary focus on children who are at risk of out-of- home placement or who are high system utilizers. Evidence-based and research-based practices shall be included as options to the extent that they provide appropriate services for children at risk of long- term, intensive mental health care. The inventory shall include, but is not limited to, activities that focus on prevention rather than solely on clinical or medical treatment and that rely on strategies such as those identified by the national academies' institute of medicine as effective in preventing childhood emotional impairments. The inventory shall be developed by the family policy council in consultation with public health departments, special education experts, managed health care plans, regional support networks, the University of Washington's children's mental health evidence-based practice institute, and behavioral health provider organizations.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2010)	(\$4,077,000)
<u>\$4,078,000</u>	
General Fund--State Appropriation (FY 2011)	(\$4,094,000)
<u>\$4,070,000</u>	
General Fund--Federal Appropriation	(\$7,227,000)
<u>\$7,219,000</u>	
TOTAL APPROPRIATION	(\$15,398,000)
<u>\$15,367,000</u>	

The department is authorized and encouraged to continue its contract with the Washington state institute for public policy to provide a longitudinal analysis of long-term mental health outcomes as directed in chapter 334, Laws of 2001 (mental health performance audit); to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders); and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

Sec. 205. 2010 c 3 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2010)	((\$311,589,000))
<u>\$307,348,000</u>	
General Fund--State Appropriation (FY 2011)	((\$366,489,000))
<u>\$338,299,000</u>	
General Fund--Federal Appropriation	((\$849,263,000))
<u>\$902,900,000</u>	
.....	TOTAL APPROPRIATION
((\$1,527,341,000))	
<u>\$1,548,547,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b)(i) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients. In doing so, the department shall comply with all maintenance of effort requirements contained in the American reinvestment and recovery act.

(ii) \$508,000 of the general fund--state appropriation for fiscal year 2011 and \$822,000 of the general fund--federal appropriation are provided solely for the department to partially restore the reductions to in-home care that are taken in (b)(i) of this subsection. The department will use the same formula to restore personal care hours that it used to reduce personal care hours.

(c) Amounts appropriated in this section are sufficient to develop and implement the use of a consistent, statewide outcome-based vendor contract for employment and day services by April 1, 2011. The rates paid to vendors under this contract shall also be made consistent. In its description of activities the agency shall include activity listings and dollars appropriated for: Employment services, day services, child development services and county administration of services to the developmentally disabled. The department shall begin reporting to the office of financial management on these activities beginning in fiscal year 2010.

~~(d) ((\$5,593,000 of the general fund--state appropriation for fiscal year 2010, \$4,002,000 of the general fund--state appropriation for fiscal year 2011, and \$14,701,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. First priority shall be given to children who are at risk of institutionalization. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.~~

~~(e)(i) \$493,000 of the general fund--state appropriation for fiscal year 2010, \$1,463,000 of the general fund--state appropriation for fiscal year 2011, and \$2,741,000 of the general fund--federal appropriation are provided solely for community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (A) clients being diverted or discharged from the state psychiatric hospitals; (B) clients participating in the dangerous mentally ill offender program; (C) clients participating in the community protection program; and (D) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 per day in fiscal year 2010 and \$356 per day in fiscal year 2011. In order to maximize the number of clients served and ensure the cost effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry forward expenditures do not exceed the amounts estimated.~~

~~(ii) The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.~~

~~(f) \$302,000 of the general fund--state appropriation for fiscal year 2010, \$831,000 of the general fund--state appropriation for fiscal year 2011, and \$1,592,000 of the general fund--federal appropriation are provided solely for health care benefits pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.~~

~~(g)(i) \$682,000 of the general fund--state appropriation for fiscal year 2010, \$1,651,000 of the general fund--state appropriation for fiscal year 2011, and \$1,678,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.~~

(ii) The federal portion of the amounts in this subsection (g) is contingent upon federal approval of participation in contributions to the trust and shall remain unallotted and placed in reserve status until the office of financial management and the department of social and health services receive federal approval.

(iii) Expenditures for the purposes specified in this subsection (g) shall not exceed the amounts provided in this subsection.

~~(h) (f) Within the amounts appropriated in this subsection (1), the department shall implement all necessary rules to facilitate the transfer to a department home and community-based services (HCBS) waiver of all eligible individuals who (i) currently receive services under the existing state-only employment and day program or the existing state-only residential program, and (ii) otherwise meet the waiver eligibility requirements. The amounts appropriated are sufficient to ensure that all individuals currently receiving services under the state-only employment and day and state-only residential programs who are not transferred to a department HCBS waiver will continue to receive services.~~

~~((i)) Adult day health services shall only be authorized for in-home clients.~~

~~(f))~~ (g) In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

~~((h))~~ (h) The department shall not pay a home care agency licensed under chapter 70.127 RCW for personal care services provided by a family member, pursuant to Substitute House Bill No. 2361 (modifying state payments for in-home care).

~~((i))~~ (i) Within the appropriations of this section, the department shall reduce all seventeen payment levels of the seventeen-level payment system from the fiscal year 2009 levels for boarding homes, boarding homes contracted as assisted living, and adult family homes. Excluded from the reductions are exceptional care rate add-ons. The long-term care program may develop add-ons to pay exceptional care rates to adult family homes and boarding homes with specialty contracts to provide support for the following specifically eligible clients:

(i) Persons with AIDS or HIV-related diseases who might otherwise require nursing home or hospital care;

(ii) Persons with Alzheimer's disease and related dementia who might otherwise require nursing home care; and

(iii) Persons with co-occurring mental illness and long-term care needs who are eligible for expanded community services and who might otherwise require state and local psychiatric hospital care.

Within amounts appropriated, exceptional add-on rates for AIDS/HIV, dementia specialty care, and expanded community services may be standardized within each program.

~~((j))~~ (j) The amounts appropriated in this subsection reflect a reduction in funds available for employment and day services. In administering this reduction the department shall negotiate with counties and their vendors so that this reduction, to the greatest extent possible, is achieved by reducing vendor rates and allowable contract administrative charges (overhead) and not through reductions to direct client services or direct service delivery or programs.

~~((k))~~ Within the amounts allotted for employment and day services in this section, the department shall prioritize the funding of employment services for students graduating from high school during fiscal years 2010 and 2011. However, nothing in this subsection is intended to displace services for other recipients of employment services.

~~((l))~~ (k) As part of the needs assessment instrument, the department may collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department may ensure that this information is collected as part of the client assessment process.

(l) \$116,000 of the general fund--state appropriation for fiscal year 2010, \$2,689,000 of the general fund--state appropriation for fiscal year 2011, and \$1,772,000 of the general fund--federal appropriation are provided solely for employment services and required waiver services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients. Fifty percent of the general fund appropriation shall be utilized for graduates served on a home and community-based services waiver and fifty percent of the general fund appropriation shall be used for nonwaiver clients.

(m) The division of developmental disabilities shall not reduce funding for county employment contracts. Funding for this purpose shall be maintained at the amount appropriated for this purpose in chapter 564, Laws of 2009.

(n) The department shall, by September 30, 2010, provide a report to the legislature on the implementation of chapter 571, Laws of 2009 (Substitute House Bill No. 2361). The report shall provide an analysis of the savings and/or costs to the agency associated with the implementation of the bill. Additionally, the report shall provide a full accounting of the relative hourly costs of agency providers and individual providers.

(o) The department shall establish a working group with representatives of the home care industry to identify and eliminate or mitigate administrative burdens. The make-up of this working group shall be limited to:

(i) The state unit on aging chief of the aging and disabilities service administration (ADSA);

(ii) Other ADSA representatives as the state unit on aging chief deems necessary;

(iii) A representative from the department of health facility services licensing;

(iv) No more than seven representatives of the home care industry, to include:

(A) A representative of each of the three home care associations;

(B) A for-profit agency with at least seven area agency on aging contracts;

(C) A nonprofit with at least seven area agency on aging contracts;

(D) An agency that serves persons with developmental disabilities; and

(E) An agency that is a community action program;

(v) No more than two area agency on aging directors; and

(vi) Representatives from each of the two labor unions which represent home care workers.

The department is authorized to assign work group members consistent with this subsection (l)(s). The working group shall hold its first meeting no later than May 1, 2010, and shall meet at least monthly or as needed until the group has accomplished its goals. The work group shall provide a report on its findings to the legislative fiscal committees by January 1, 2011.

(p) The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served in each of the following categories: (i) Residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services; (v) clients being diverted or discharged from the state psychiatric hospitals; (vi) clients participating in the dangerous mentally ill offender program; (vii) clients participating in the community protection program; or (viii) mental health crisis diversion outplacements. The department shall strive to serve these clients in the most cost-effective manner.

(q) \$81,000 of the general fund--state appropriation for fiscal year 2010, \$599,000 of the general fund--state appropriation for fiscal year 2011, and \$1,111,000 of the general fund--federal appropriation are provided solely for the department to provide employment and day services for eligible students who are currently on a waiver and will graduate from high school during fiscal years 2010 and 2011.

(r) \$100,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for direct support to families of individuals with developmental disabilities to provide instruction in self-advocacy.

(s) \$100,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for direct support of local organizations that utilize parent-to-parent networks and communication to promote access and quality of care for individuals with developmental disabilities and their families.

(t) The automatic award of additional hours of personal care for people with special meal preparation or incontinence needs is eliminated. Authorization of service hours will be based upon the individual's assessed needs.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2010)	(\$61,612,000))
<u>\$61,422,000</u>	
General Fund--State Appropriation (FY 2011)	(\$74,185,000))
<u>\$65,685,000</u>	
General Fund--Federal Appropriation	(\$202,160,000))
<u>\$210,473,000</u>	
General Fund--Private/Local Appropriation.....	\$22,441,000
TOTAL APPROPRIATION	(\$360,398,000))
<u>\$360,021,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) The developmental disabilities program is authorized to use funds appropriated in this subsection to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(c) \$721,000 of the general fund--state appropriation for fiscal year 2010 and \$721,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(d) In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2010)	(\$1,420,000))
<u>\$1,407,000</u>	
General Fund--State Appropriation (FY 2011)	(\$1,372,000))
<u>\$1,379,000</u>	
General Fund--Federal Appropriation	(\$1,360,000))
<u>\$1,319,000</u>	
TOTAL APPROPRIATION	(\$4,152,000))
<u>\$4,105,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2010)	\$15,000
General Fund--State Appropriation (FY 2011)	\$15,000
General Fund--Federal Appropriation	(\$21,066,000))
<u>\$9,631,000</u>	
TOTAL APPROPRIATION	(\$21,096,000))
<u>\$9,631,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations in this subsection are available solely for the infant toddler early intervention program.

Sec. 206. 2010 c 3 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2010)	(\$584,741,000))
<u>\$616,837,000</u>	
General Fund--State Appropriation (FY 2011)	(\$693,325,000))
<u>\$638,535,000</u>	
General Fund--Federal Appropriation	(\$1,805,958,000))
<u>\$1,953,289,000</u>	
General Fund--Private/Local Appropriation.....	(\$19,973,000))

<u>\$18,013,000</u>	
Traumatic Brain Injury Account--State Appropriation.....	(\$1,816,000)
<u>\$4,136,000</u>	
TOTAL APPROPRIATION.....	(\$3,105,813,000)
<u>\$3,230,810,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed ~~((156.37))~~ \$169.85 for fiscal year 2010 and shall not exceed ~~((158.74))~~ \$166.24 for fiscal year 2011, including the rate add-on described in subsection (12) of this section. There will be no adjustments for economic trends and conditions in fiscal years 2010 and 2011. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(2) After examining actual nursing facility cost information, the legislature finds that the medicaid nursing facility rates calculated pursuant to Substitute House Bill No. 3202 or Substitute Senate Bill No. 6872 (nursing facility medicaid payments) provide sufficient reimbursement to efficient and economically operating nursing facilities and bears a reasonable relationship to costs.

(3) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2010 and no new certificates of capital authorization for fiscal year 2011 and shall grant no rate add-ons to payment rates for capital improvements not requiring a certificate of need and a certificate of capital authorization for fiscal year 2011.

~~((3))~~ (4) The long-term care program may develop and pay enhanced rates for exceptional care to nursing homes for persons with traumatic brain injuries who are transitioning from hospital care. The cost per patient day for caring for these clients in a nursing home setting may be equal to or less than the cost of caring for these clients in a hospital setting.

~~((4))~~ (5) Within the appropriations of this section, the department shall reduce all seventeen payment levels of the seventeen-level payment system from the fiscal year 2009 levels for boarding homes, boarding homes contracted as assisted living, and adult family homes. Excluded from the reductions are exceptional care rate add-ons. The long-term care program may develop add-ons to pay exceptional care rates to adult family homes and boarding homes with specialty contracts to provide support for the following specifically eligible clients:

- (a) Persons with AIDS or HIV-related diseases who might otherwise require nursing home or hospital care;
- (b) Persons with Alzheimer's disease and related dementia who might otherwise require nursing home care; and
- (c) Persons with co-occurring mental illness and long-term care needs who are eligible for expanded community services and who might otherwise require state and local psychiatric hospital care.

Within amounts appropriated, exceptional add-on rates for AIDS/HIV, dementia specialty care, and expanded community services may be standardized within each program.

~~((5))~~ (6)(a) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients. In doing so, the department shall comply with all maintenance of effort requirements contained in the American reinvestment and recovery act.

(b) \$3,070,000 of the general fund--state appropriation for fiscal year 2011 and \$4,980,000 of the general fund--federal appropriation are provided solely for the department to partially restore the reduction to in-home care that are taken in (a) of this subsection. The department will use the same formula to restore personal care hours that it used to reduce personal care hours.

~~((6))~~ (7) \$536,000 of the general fund--state appropriation for fiscal year 2010, \$1,477,000 of the general fund--state appropriation for fiscal year 2011, and \$2,830,000 of the general fund--federal appropriation are provided solely for health care benefits pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

~~((7))~~ (8)(a) \$1,212,000 of the general fund--state appropriation for fiscal year 2010, \$2,934,000 of the general fund--state appropriation for fiscal year 2011, and \$2,982,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(b) \$330,000 of the general fund--state appropriation for fiscal year 2010, \$660,000 of the general fund--state appropriation for fiscal year 2011, and \$810,000 of the general fund--federal appropriation are provided solely for transfer from the department to the training partnership, as provided in RCW 74.39A.360, for infrastructure and instructional costs associated with training of individual providers, pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(c) The federal portion of the amounts in this subsection is contingent upon federal approval of participation in contributions to the trust and shall remain unallotted and placed in reserve status until the office of financial management and the department of social and health services receive federal approval.

(d) Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection.

~~((8))~~ (9) Within the amounts appropriated in this section, the department may expand the new freedom waiver program to accommodate new waiver recipients throughout the state. As possible, and in compliance with current state and federal laws, the department shall allow current waiver recipients to transfer to the new freedom waiver.

~~((9))~~ (10) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

~~((10) Adult day health services shall only be authorized for in-home clients.)~~

(11) \$3,955,000 of the general fund--state appropriation for fiscal year 2010, \$4,239,000 of the general fund--state appropriation for fiscal year 2011, and \$10,190,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers

to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

(12) Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection. The department shall adopt rules to implement the terms of this subsection.

(13) \$1,840,000 of the general fund--state appropriation for fiscal year 2010 and \$1,877,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for operation of the volunteer (~~ehore~~) services program. Funding shall be prioritized towards serving populations traditionally served by long-term care services to include senior citizens and persons with disabilities.

(14) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(15) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPEs) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(16) The department shall contract for housing with service models, such as cluster care, to create efficiencies in service delivery and responsiveness to unscheduled personal care needs by clustering hours for clients that live in close proximity to each other.

(17) The department shall not pay a home care agency licensed under chapter 70.127 RCW for personal care services provided by a family member, pursuant to Substitute House Bill No. 2361 (modifying state payments for in-home care).

(18) (~~(\$204,000)~~) \$209,000 of the general fund--state appropriation for fiscal year 2010, (~~(\$1,099,000)~~) \$781,000 of the general fund-- state appropriation for fiscal year 2011, and (~~(\$1,697,000)~~) \$1,293,000 of the general fund--federal appropriation are provided solely to implement Engrossed House Bill No. 2194 (extraordinary medical placement for offenders). The department shall work in partnership with the department of corrections to identify services and find placements for offenders who are released through the extraordinary medical placement program. The department shall collaborate with the department of corrections to identify and track cost savings to the department of corrections, including medical cost savings and to identify and track expenditures incurred by the aging and disability services program for community services and by the medical assistance program for medical expenses. A joint report regarding the identified savings and expenditures shall be provided to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010. If this bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(19) (~~Sufficient funding is provided in this section for the department to implement Engrossed Second Substitute House Bill No. 1935 (adult family homes). During the 2009-11 biennium, the initial licensing fee for an adult family home shall be set at \$900.00. During the 2009-11 biennium, the annual licensing renewal fee shall be set at \$100.00.~~) In accordance with RCW 18.51.050, 18.20.050, and 43.135.055, the department is authorized to increase nursing facility and boarding home fees in fiscal year 2011 as necessary to meet the actual costs of conducting the licensure, inspection, and regulatory programs.

(a) \$1,035,000 of the general fund--private/local appropriation assumes that the current annual renewal license fee for nursing facilities shall be increased to \$327 per bed beginning in fiscal year 2011.

(b) \$1,806,000 of the general fund--local appropriation assumes that the current annual renewal license fee for boarding homes shall be increased to \$106 per bed beginning in fiscal year 2011.

(20) The department shall, by September 30, 2010, provide a report to the legislature on the implementation of chapter 571, Laws of 2009 (Substitute House Bill No. 2361). The report shall provide an analysis of the savings and/or costs to the agency associated with the implementation of the bill. Additionally, the report shall provide a full accounting of the relative hourly costs of agency providers and individual providers.

(21) The department shall establish a working group with representatives of the home care industry to identify and eliminate or mitigate administrative burdens. The make-up of this working group shall be limited to:

(a) The state unit on aging chief of the aging and disabilities service administration (ADSA);

(b) Other ADSA representatives as the state unit on aging chief deems necessary;

(c) A representative from the department of health facility services licensing;

(d) No more than seven representatives of the home care industry, to include:

(i) A representative of each of the three home care associations;

(ii) A for-profit agency with at least seven area agency on aging contracts;

(iii) A nonprofit with at least seven area agency on aging contracts;

(iv) An agency that serves persons with developmental disabilities; and

(v) An agency that is a community action program;

(e) No more than two area agency on aging directors; and

(f) Representatives from each of the two labor unions which represent home care workers.

The department is authorized to assign work group members consistent with this subsection. The working group shall hold its first meeting no later than May 1, 2010, and shall meet at least monthly or as needed until the group has accomplished its goals. The work group shall provide a report on its findings to the legislative fiscal committees by January 1, 2011.

(22) \$2,566,000 of the traumatic brain injury account--state appropriation is provided solely to continue services for persons with traumatic brain injury (TBI) as defined in RCW 74.31.020 through 74.31.050. The TBI advisory council shall provide a report to the legislature by December 1, 2010, on the effectiveness of the functions overseen by the council and shall provide recommendations on the development of critical services for individuals with traumatic brain injury.

(23) The automatic award of additional hours of personal care for people with special meal preparation or incontinence needs is eliminated. Authorization of service hours will be based upon the individual's assessed needs.

(24) For calendar year 2009, the department shall calculate split settlements covering two periods January 1, 2009, through June 30, 2009, and July 1, 2009, through December 31, 2009. For the second period beginning July 1, 2009, the department may partially or totally waive settlements only in specific cases where a nursing home can demonstrate significant decreases in costs from the first period.

(25) \$72,000 of the traumatic brain injury account appropriation and \$116,000 of the general fund--federal appropriation are provided solely for a direct care rate add-on to any nursing facility specializing in the care of residents with traumatic brain injuries where more than 50 percent of residents are classified with this condition based upon the federal minimum data set assessment.

(26) \$69,000 of the general fund--state appropriation for fiscal year 2010, \$1,289,000 of the general fund--state appropriation for fiscal year 2011, and \$2,050,000 of the general fund--federal appropriation are provided solely for the department to maintain enrollment in the adult day health services program. New enrollments are authorized for up to 1,575 clients or to the extent that appropriated funds are available to cover additional clients.

(27) \$1,000,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the department to contract for the provision of an individual provider referral registry.

(28) \$100,000 of the general fund--state appropriation for fiscal year 2011 and \$100,000 of the general fund--federal appropriation are provided solely for the department to contract with a consultant to evaluate and make recommendations on a pay-for-performance payment subsidy system. The department shall organize one workgroup meeting with the consultant where nursing home stakeholders may provide input on pay-for-performance ideas. The consultant shall review pay-for-performance strategies used in other states to sustain and enhance quality-improvement efforts in nursing facilities. The evaluation shall include a review of the centers for medicare and medicaid services demonstration project to explore the feasibility of pay-for-performance systems in medicare certified nursing facilities. The consultant shall develop a report to include:

(a) Best practices used in other states for pay-for-performance strategies incorporated into medicaid nursing home payment systems;

(b) The relevance of existing research to Washington state;

(c) A summary and review of suggestions for pay-for-performance strategies provided by nursing home stakeholders in Washington state; and

(d) An evaluation of the effectiveness on a variety of performance measures.

(29) \$4,100,000 of the general fund--state appropriation for fiscal year 2010, \$4,174,000 of the general fund--state appropriation for fiscal year 2011, and \$8,124,000 of the general fund--federal appropriation are provided for the operation of the management services division of the aging and disability services administration. This includes but is not limited to the budget, contracts, accounting, decision support, information technology, and rate development activities for programs administered by the aging and disability services administration. Nothing in this subsection is intended to exempt the management services division of the aging and disability services administration from reductions directed by the secretary. However, funds provided in this subsection shall not be transferred elsewhere within the department nor used for any other purpose.

Sec. 207. 2010 c 3 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2010)	((\$557,452,000))
<u>\$564,492,000</u>	
General Fund--State Appropriation (FY 2011)	((\$587,973,000))
<u>\$581,459,000</u>	
General Fund--Federal Appropriation	((\$1,139,899,000))
<u>\$1,223,832,000</u>	
General Fund--Private/Local Appropriation.....	((\$27,920,000))
<u>\$31,816,000</u>	
Administrative Contingency Account--State	
Appropriation	((\$29,136,000))
<u>\$24,336,000</u>	
TOTAL APPROPRIATION.....	((\$2,342,380,000))
<u>\$2,425,935,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$303,196,000)~~) \$303,393,000 of the general fund--state appropriation for fiscal year 2010, (~~(\$309,755,000)~~) \$285,913,000 of the general fund--state appropriation for fiscal year 2011, (~~(\$29,136,000)~~) \$24,336,000 of the administrative contingency account-- state appropriation, and \$778,606,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. The department shall use moneys from the administrative contingency account for WorkFirst job placement services provided by the employment security department. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. In addition, within the amounts provided for WorkFirst the department shall:

(a) Establish a career services work transition program;

(b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(c) Submit a report electronically by October 1, 2009, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2009-2011 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

(d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund-- federal by activity;

(e) Maintain the fiscal year 2009 grant standard for the temporary assistance for needy families grant.

(2) The WorkFirst subcabinet, in partnership with the department of social and health services, shall review and prepare a report on services provided and accessed by both general population clients and limited English proficiency clients. The review shall include information on efficiencies and outcomes related to client services for each client population. The report should identify services and expenditures related to client outcomes in fiscal year 2010. The report on these programs and client outcomes shall be reported to the appropriate committees of the legislature no later than December 15, 2010.

(3) The department and the office of financial management shall electronically report quarterly the expenditures, maintenance of effort allotments, expenditure amounts, and caseloads for the WorkFirst program to the legislative fiscal committees.

~~((3))~~ (4) \$16,783,000 of the general fund--state appropriation for fiscal year 2011 and \$62,000,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program in order to maintain services to January 2011. The legislature intends to work with the governor to design and implement fiscal and programmatic modifications to provide for the sustainability of the program. The funding in this subsection assumes that no other expenditure reductions will be made prior to January 2011 other than those assumed in the appropriation levels in this act.

(5) ~~((84,856,000))~~ \$94,322,000 of the general fund--state appropriation for fiscal year 2010 and ~~((95,173,000))~~ \$97,168,000 of the general fund--state appropriation for fiscal year 2011, net of recoveries, are provided solely for cash assistance and other services to recipients in the ~~((general assistance unemployable program))~~ cash program pursuant to chapter 8, Laws of 2010 1st sp. sess. (security lifeline act), including persons in the unemployable, expedited, and aged, blind, and disabled components of the program. It is the intent of the legislature that the lifeline incapacity determination and progressive evaluation process regulations be carefully designed to accurately identify those persons who have been or will be incapacitated for at least ninety days. The incapacity determination and progressive evaluation process regulations in effect on January 1, 2010, cannot be amended until at least September 30, 2010; except that provisions related to the use of administrative review teams may be amended, and obsolete terminology and functional assessment language may be updated on or after July 1, 2010, in a manner that only minimally impacts the outcome of incapacity evaluations. After September 30, 2010, the incapacity determination and progressive evaluation process regulations may be amended only if the reports under (a) and (b) of this subsection have been submitted, and find that expenditures will exceed the appropriated level by three percent or more.

(a) The department and the caseload forecast council shall, by September 21, 2010, submit a report to the legislature based upon the most recent caseload forecast and actual expenditure data available, as to whether expenditures for the lifeline-unemployable grants in fiscal year 2011 will exceed \$69,648,000 for fiscal year 2011 in the 2010 supplemental operating budget by three percent or more. If expenditures will exceed the appropriated amount for lifeline- unemployable grants by three percent or more, the department may adopt regulations modifying incapacity determination and progressive evaluation process regulations after September 30, 2010.

(b) On or before September 21, 2010, the department shall submit a report to the relevant policy and fiscal committees of the legislature that includes the following information regarding any regulations proposed for adoption that would modify the lifeline incapacity determination and progressive evaluation process:

(i) A copy of the proposed changes and a concise description of the changes;

(ii) A description of the persons who would likely be affected by adoption of the regulations, including their impairments, age, education, and work history;

(iii) An estimate of the number of persons who, on a monthly basis through June 2013, would be denied lifeline benefits if the regulations were adopted, expressed as a number, as a percentage of total applicants, and as a percentage of the number of persons granted lifeline benefits in each month;

(iv) An estimate of the number of persons who, on a monthly basis through June 2013, would have their lifeline benefits terminated following an eligibility review if the regulations were adopted, expressed as a number, as a percentage of the number of persons who have had an eligibility review in each month, and as a percentage of the total number of persons currently receiving lifeline-unemployable benefits in each month; and

(v) Intended improvements in employment or treatment outcomes among persons receiving lifeline benefits that could be attributable to the changes in the regulations.

(c) Within these amounts:

~~((a))~~ (i) The department shall aggressively pursue opportunities to transfer ~~((general assistance unemployable))~~ lifeline clients to general assistance expedited coverage and to facilitate client applications for federal supplemental security income when the client's incapacities indicate that he or she would be likely to meet the federal disability criteria for supplemental security income. The department shall initiate and file the federal supplemental security income interim agreement as quickly as possible in order to maximize the recovery of federal funds;

~~((b))~~ (ii) The department shall review the ~~((general assistance))~~ lifeline caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

~~((c))~~ (iii) The department shall actively coordinate with local workforce development councils to expedite access to worker retraining programs for ~~((general assistance unemployable))~~ lifeline clients in those regions of the state with the greatest number of such clients;

~~((d))~~ (iv) By July 1, 2009, the department shall enter into an interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veteran's services. This agreement must include outstationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services; and

~~((e))~~ (v) In addition to any earlier evaluation that may have been conducted, the department shall intensively evaluate those clients who have been receiving ~~((general assistance unemployable))~~ lifeline benefits for twelve months or more as of July 1, 2009, or thereafter, if the available medical and incapacity related evidence indicates that the client is unlikely to meet the disability standard for federal supplemental security income benefits. The evaluation shall identify services necessary to eliminate or minimize barriers to employment, including mental health treatment, substance abuse treatment and vocational rehabilitation services. The department shall expedite referrals to chemical dependency treatment, mental health and vocational rehabilitation services for these clients.

~~((f))~~ (vi) The appropriations in this subsection reflect a change in the earned income disregard policy for ~~((general assistance unemployable))~~ lifeline clients. It is the intent of the legislature that the department shall adopt the temporary assistance for needy families earned income policy for ~~((general assistance unemployable))~~ the lifeline program.

~~((4))~~ (6) \$750,000 of the general fund--state appropriation for fiscal year 2010 and \$750,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for naturalization services.

~~((5))~~ (7)(a) \$3,550,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for refugee employment services, of which \$2,650,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services; and \$3,550,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for refugee employment services, of which \$2,650,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services.

(b) The legislature intends that the appropriation in this subsection for the 2009-11 fiscal biennium will maintain funding for refugee programs at a level at least equal to expenditures on these programs in the 2007-09 fiscal biennium.

~~((6))~~ (8) The appropriations in this section reflect reductions in the appropriations for the economic services administration's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

(9) \$855,000 of the general fund--state appropriation for fiscal year 2011, \$719,000 of the general fund--federal appropriation, and \$2,907,000 of the general fund--private/local appropriation are provided solely for the implementation of the opportunity portal, the food stamp employment and training program, and the disability lifeline program under Second Substitute House Bill No. 2782 (security lifeline act). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(10) \$200,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the department to award grants to small mutual assistance or small community-based organizations that contract with the department for immigrant and refugee assistance services. The funds shall be awarded to provide funding for community groups to provide transitional assistance, language skills, and other resources to improve refugees' economic self-sufficiency through the effective use of social services, financial services, and medical assistance.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for increased funding for limited English proficiency pathway programs.

Sec. 208. 2010 c 3 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2010)	(\$82,028,000)
<u>\$81,982,000</u>	
General Fund--State Appropriation (FY 2011)	(\$84,682,000)
<u>\$82,393,000</u>	
General Fund--Federal Appropriation	(\$145,604,000)
<u>\$148,034,000</u>	
General Fund--Private/Local Appropriation.....	(\$2,719,000)
<u>\$2,718,000</u>	
Criminal Justice Treatment Account--State	
Appropriation	(\$17,747,000)
<u>\$17,743,000</u>	
Problem Gambling Account--State Appropriation.....	(\$1,459,000)
<u>\$1,456,000</u>	
TOTAL APPROPRIATION.....	(\$334,239,000)
<u>\$334,326,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable patients.

(3) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(4) \$2,247,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the implementation of the lifeline program under Second Substitute House Bill No. 2782 (security lifeline act). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(5) \$3,500,000 of the general fund--federal appropriation (from the substance abuse prevention and treatment federal block grant) is provided solely for the continued funding of existing county drug and alcohol use prevention programs.

Sec. 209. 2010 c 3 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2010)	(\$1,598,043,000)
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<u>\$1,697,774,000</u>	
General Fund--State Appropriation (FY 2011)	((<u>\$1,985,797,000</u>))
<u>\$1,787,138,000</u>	
General Fund--Federal Appropriation	((<u>\$5,212,855,000</u>))
<u>\$6,084,386,000</u>	
General Fund--Private/Local Appropriation.....	((<u>\$12,903,000</u>))
<u>\$37,249,000</u>	
Emergency Medical Services and Trauma Care Systems	
Trust Account--State Appropriation.....	((<u>\$15,076,000</u>))
<u>\$15,075,000</u>	
Tobacco Prevention and Control Account--	
State Appropriation	((<u>\$3,766,000</u>))
<u>\$4,464,000</u>	
<u>Hospital Safety Net Assessment Fund--State</u>	
<u>Appropriation</u>	<u>\$260,036,000</u>
TOTAL APPROPRIATION	((<u>\$8,828,440,000</u>))
<u>\$9,886,122,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(4) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate- setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the department's discretion. During either the interim cost settlement or the final cost settlement, the department shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The department shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(6) \$1,110,000 of the general fund--federal appropriation and \$1,105,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$9,818,000 of the general fund--state appropriation for fiscal year 2011, and \$9,865,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2009-11 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit reports to the governor and legislature by November 1, 2009, and by November 1, 2010, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2010 and fiscal year 2011, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program based on the reimbursement rates developed, implemented, and consistent with policies approved in the 2009-11 biennial operating appropriations act (chapter 564, Laws of 2009) and in effect on July 1, 2009, (b) one half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2009-11 biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be

made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$20,403,000 of the general fund--state appropriation for fiscal year 2010, of which \$6,570,000 ((of the general fund--state appropriation for fiscal year 2010, which)) is appropriated in section 204(1) of this act, and (((\$1,500,000 of the general fund--state appropriation for fiscal year 2011, which)) \$29,480,000 of the general fund--state appropriation for fiscal year 2011, of which \$6,570,000 is appropriated in section 204(1) of this act, are provided solely for state grants for the participating hospitals. ((Sufficient amounts are appropriated in this section for the remaining state grants for the participating hospitals--)) CPE hospitals will receive the inpatient and outpatient reimbursement rate restorations in section 9 and rate increases in section 10(1)(b) of Engrossed Second Substitute House Bill No. 2956 (hospital safety net assessment) funded through the hospital safety net assessment fund rather than through the baseline mechanism specified in this subsection.

(9) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(10) \$93,000 of the general fund--state appropriation for fiscal year 2010 and \$93,000 of the general fund--federal appropriation are provided solely for the department to pursue a federal Medicaid waiver pursuant to Second Substitute Senate Bill No. 5945 (Washington health partnership plan). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(11) The department shall require managed health care systems that have contracts with the department to serve medical assistance clients to limit any reimbursements or payments the systems make to providers not employed by or under contract with the systems to no more than the medical assistance rates paid by the department to providers for comparable services rendered to clients in the fee-for-service delivery system.

(12) A maximum of (((\$166,875,000 of the general fund--state appropriation and \$38,389,000 of the general fund--federal)) \$241,141,000 in total funds from the general fund--state, general fund--federal, and tobacco and prevention control account--state appropriations) may be expended in the fiscal biennium for the ((general assistance unemployable)) medical program pursuant to chapter 8, Laws of 2010 1st sp. sess. (security lifeline act), and these amounts are provided solely for this program. Of these amounts, \$10,749,000 of the general fund--state appropriation for fiscal year 2010 and \$10,892,000 of the general fund--federal appropriation are provided solely for payments to hospitals for providing outpatient services to low income patients who are recipients of ((general assistance unemployable)) lifeline benefits. Pursuant to RCW 74.09.035, the department shall not expend for the ((general assistance)) lifeline medical care services program any amounts in excess of the amounts provided in this subsection.

(13) ((If the department determines that it is feasible within the amounts provided in subsection (16) of this section, and without the loss of federal disproportionate share hospital funds, the department shall contract with the carrier currently operating a managed care pilot project for the provision of medical care services to general assistance unemployable clients.)) Mental health services shall be included in the services provided through the managed care system((- If the department determines that it is feasible, effective October 1, 2009, in addition to serving clients in the pilot counties, the carrier shall expand managed care services to clients residing in at least the following counties: Spokane, Yakima, Chelan, Kitsap, and Cowlitz. If the department determines that it is feasible, the carrier shall complete implementation into the remaining counties. Total per person costs to the state, including outpatient and inpatient services and any additional costs due to stop loss agreements, shall not exceed the per capita payments projected for the general assistance unemployable eligibility category, by fiscal year, in the February 2009 medical assistance expenditures forecast)) for lifeline clients under chapter 8, Laws of 2010 1st sp. sess. In transitioning lifeline clients to managed care, the department shall attempt to deliver care to lifeline clients through medical homes in community and migrant health centers. The department, in collaboration with the carrier, shall seek to improve the transition rate of ((general assistance)) lifeline clients to the federal supplemental security income program. The department shall renegotiate the contract with the managed care plan that provides services for lifeline clients to maximize state retention of future hospital savings as a result of improved care coordination. The department, in collaboration with stakeholders, shall propose a new name for the lifeline program.

(14) The department shall evaluate the impact of the use of a managed care delivery and financing system on state costs, savings, and outcomes for ((general assistance)) lifeline medical clients. Outcomes measured shall include state costs, utilization, changes in mental health status and symptoms, and involvement in the criminal justice system. Outcomes measured shall also include the total costs or savings resulting from utilization changes due to care management, and how much of those costs or savings accrued to the state and the managed care organization. The department shall provide a report on these outcomes to the relevant policy and fiscal committees of the legislature by November 1, 2010. Monthly encounter data shall be included in the report.

(15) The department shall report to the governor and the fiscal committees of the legislature by June 1, 2010, on its progress toward achieving a twenty percentage point increase in the generic prescription drug utilization rate.

(16) State funds shall not be used by hospitals for advertising purposes.

(17) \$24,356,000 of the general fund--private/local appropriation and \$35,707,000 of the general fund--federal appropriation are provided solely for the implementation of professional services supplemental payment programs. The department shall seek a medicaid state plan amendment to create a professional services supplemental payment program for University of Washington medicine professional providers no later than July 1, 2009. The department shall apply federal rules for identifying the shortfall between current fee-for-service medicaid payments to participating providers and the applicable federal upper payment limit. Participating providers shall be solely responsible for providing the local funds required to obtain federal matching funds. Any incremental costs incurred by the department in the development, implementation, and maintenance of this program will be the responsibility of the participating providers. Participating providers will retain the full amount of supplemental payments provided under this program, net of any potential costs for any related audits or litigation brought against the state. The department shall report to the governor and the legislative fiscal committees on the prospects for expansion of the program to other qualifying providers as soon as feasibility is determined but no later than December 31, 2009. The report will outline estimated impacts on the participating providers, the procedures necessary to comply with federal guidelines, and the administrative resource requirements necessary to implement the program. The department will create a process for expansion of the program to other qualifying providers as soon as it is determined feasible by both the department and providers but no later than June 30, 2010.

(18) (((\$9,350,000)) \$9,075,000 of the general fund--state appropriation for fiscal year 2010, (((\$8,343,000)) \$8,588,000 of the general fund--state appropriation for fiscal year 2011, and (((\$20,371,000)) \$39,747,000 of the general fund--federal appropriation are provided solely for

development and implementation of a replacement system for the existing medicaid management information system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of section 902 of this act.

(19) \$506,000 of the general fund--state appropriation for fiscal year 2011 and \$657,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1373 (children's mental health). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(20) Pursuant to 42 U.S.C. Sec. 1396(a)(25), the department shall pursue insurance claims on behalf of medicaid children served through its in-home medically intensive child program under WAC 388-551-3000. The department shall report to the Legislature by December 31, 2009, on the results of its efforts to recover such claims.

(21) The department may, on a case-by-case basis and in the best interests of the child, set payment rates for medically intensive home care services to promote access to home care as an alternative to hospitalization. Expenditures related to these increased payments shall not exceed the amount the department would otherwise pay for hospitalization for the child receiving medically intensive home care services.

(22) ~~\$425,000 of the general fund--state appropriation for fiscal year 2011,~~ and ~~(\$1,580,000)~~ \$790,000 of the general fund-- federal appropriation are provided solely to continue children's health coverage outreach and education efforts under RCW 74.09.470. These efforts shall rely on existing relationships and systems developed with local public health agencies, health care providers, public schools, the women, infants, and children program, the early childhood education and assistance program, child care providers, newborn visiting nurses, and other community-based organizations. The department shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(23) The department, in conjunction with the office of financial management, shall ~~((reduce outpatient and inpatient hospital rates and))~~ implement a prorated inpatient payment policy. ~~((In determining the level of reductions needed, the department shall include in its calculations services paid under fee for service, managed care, and certified public expenditure payment methods; but reductions shall not apply to payments for psychiatric inpatient services or payments to critical access hospitals.))~~

(24) The department will pursue a competitive procurement process for antihemophilic products, emphasizing evidence-based medicine and protection of patient access without significant disruption in treatment.

(25) The department will pursue several strategies towards reducing pharmacy expenditures including but not limited to increasing generic prescription drug utilization by 20 percentage points and promoting increased utilization of the existing mail-order pharmacy program.

(26) The department shall reduce reimbursement for over-the-counter medications while maintaining reimbursement for those over-the-counter medications that can replace more costly prescription medications.

(27) The department shall seek public-private partnerships and federal funds that are or may become available to implement health information technology projects under the federal American recovery and reinvestment act of 2009.

(28) The department shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race.

(29) \$260,036,000 of the hospital safety net assessment fund--state appropriation and \$255,448,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2956 (hospital safety net assessment). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

~~(30)~~ \$79,000 of the general fund--state appropriation for fiscal year 2010 and \$53,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1845 (medical support obligations).

~~((30))~~ (31) \$63,000 of the general fund--state appropriation for fiscal year 2010, \$583,000 of the general fund--state appropriation for fiscal year 2011, and \$864,000 of the general fund--federal appropriation are provided solely to implement Engrossed House Bill No. 2194 (extraordinary medical placement for offenders). The department shall work in partnership with the department of corrections to identify services and find placements for offenders who are released through the extraordinary medical placement program. The department shall collaborate with the department of corrections to identify and track cost savings to the department of corrections, including medical cost savings, and to identify and track expenditures incurred by the aging and disability services program for community services and by the medical assistance program for medical expenses. A joint report regarding the identified savings and expenditures shall be provided to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010. If this bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

~~((31))~~ (32) \$73,000 of the general fund--state appropriation for fiscal year 2011 and \$50,000 of the general fund--federal appropriation is provided solely for supplemental services that will be provided to offenders in lieu of a prison sentence pursuant to chapter 224, Laws of 2010 (Substitute Senate Bill No. 6639).

(33) Sufficient amounts are provided in this section to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with RCW 74.09.520.

(34) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect providers, direct client services, or direct service delivery or programs.

(35) The department shall contract with an organization that provides medication therapy management services to increase the use of lower cost alternative medications, improve patient compliance with prescribed regimens, reduce harmful side effects from medication, and ensure that medications achieve their desired therapeutic results. The department shall not contract for these services unless the contractor guarantees that the services will generate savings, as measured by the department's actual experience after implementation, that are greater than the cost of the contracted services.

(36) \$331,000 of the general fund--state appropriation for fiscal year 2010, \$331,000 of the general fund--state appropriation for fiscal year 2011, and \$1,228,000 of the general fund--federal appropriation are provided solely for the department to support the activities of the Washington poison center. The department shall seek federal authority to receive matching funds from the federal government through the children's health insurance program.

(37) \$528,000 of the general fund--state appropriation and \$2,955,000 of the general fund--federal appropriation are provided solely for the implementation of the lifeline program under chapter 8, Laws of 2010 1st sp. sess. (security lifeline act).

(38) If the cost of a brand name drug, after receiving discounted prices and rebates, is less than the cost of the generic version of the drug for the medical assistance program, the brand name drug shall be purchased.

(39) The department shall propose a new medicaid prescription drug pricing benchmark to replace the average wholesale price (AWP), and report on the transition plan, the potential impact on stakeholders, and impact on state expenditures for the 2011-13 biennium to the governor and the fiscal committees of the legislature by November 1, 2010. This effort will include collaboration with stakeholders and be consistent with the recommendations of the American medicaid pharmacy administrators association and the national association of medicaid directors working group on post-AWP pricing and reimbursement.

(40) Sufficient amounts are provided in this section to provide medicaid school-based medical services.

(41) The department shall pursue all opportunities to maximize discounted drug pricing through the 340B drug pricing program in section 340B of the public health service act. The department shall report its findings to the governor and the fiscal committees of the legislature by December 1, 2010.

(42) The department shall develop a transition plan from a fee-for- service delivery system to a managed care delivery system for aged, blind, and disabled clients eligible for medical assistance coverage by June 1, 2011.

(43) Reductions in dental services are to be achieved by focusing on the fastest growing areas of dental care. Reductions in preventative care, particularly for children, will be avoided to the extent possible.

(44) The department shall develop the capability to implement apple health for kids express lane eligibility enrollments for children receiving basic food assistance by June 30, 2011.

(45)(a) The department, in coordination with the health care authority, shall actively continue to negotiate a medicaid section 1115 waiver with the federal centers for medicare and medicaid services that would provide federal matching funds for services provided to persons enrolled in the basic health plan under chapter 70.47 RCW and the medical care services program under RCW 74.09.035.

(b) If the waiver in (a) of this subsection is granted, the department and the health care authority may implement the waiver if it allows the program to remain within appropriated levels, after providing notice of its terms and conditions to the relevant policy and fiscal committees of the legislature in writing thirty days prior to the planned implementation date of the waiver.

(46) \$850,000 of the general fund--state appropriation for fiscal year 2010, \$666,000 of the general fund--state appropriation for fiscal year 2011, and \$1,516,000 of the general fund--federal appropriation are provided solely for maintaining employer-sponsored insurance program staff, coordination of benefits unit staff, the payment integrity audit team, and family planning nursing.

(47) For healthy options managed care rates established on or after July 1, 2010, the department shall pay health plans operating in the same county the same base capitation rates for that county, with plan- specific adjustments related to risk characteristics of the plan's members including age, gender, and diagnostic-based risk adjustments, such as chronic disability payment system risk scores. The department shall provide preliminary rates for the upcoming fiscal year to all the healthy options plans and the fiscal committees of the legislature by September 30, 2010.

Sec. 210. 2010 c 3 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2010)	(\$10,451,000))
<u>\$10,327,000</u>	
General Fund--State Appropriation (FY 2011)	(\$10,125,000))
<u>\$10,077,000</u>	
General Fund--Federal Appropriation	(\$83,534,000))
<u>\$107,961,000</u>	
Telecommunications Devices for the Hearing and	
Speech Impaired--State Appropriation	(\$1,979,000))
<u>\$5,976,000</u>	
TOTAL APPROPRIATION	(\$106,089,000))
<u>\$134,341,000</u>	

The appropriations in this section are subject to the following conditions and limitations: The vocational rehabilitation program shall coordinate closely with the economic services program to serve (~~general assistance unemployable~~) lifeline clients under chapter 8, Laws of 2010 1st sp. sess, who are referred for eligibility determination and vocational rehabilitation services, and shall make every effort, within the requirements of the federal rehabilitation act of 1973, to serve these clients.

Sec. 211. 2010 c 3 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2010)	(\$49,818,000))
<u>\$48,827,000</u>	
General Fund--State Appropriation (FY 2011)	(\$47,259,000))
<u>\$46,922,000</u>	
TOTAL APPROPRIATION	(\$97,077,000))
<u>\$95,749,000</u>	

Sec. 212. 2010 c 3 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2010)	(\$34,425,000))
<u>\$33,604,000</u>	
General Fund--State Appropriation (FY 2011)	(\$34,627,000))
<u>\$29,407,000</u>	

General Fund--Federal Appropriation	(\$55,169,000)
<u>\$51,119,000</u>	
General Fund--Private/Local Appropriation.....	(\$1,526,000)
<u>\$1,121,000</u>	
Institutional Impact Account--State Appropriation	\$22,000
TOTAL APPROPRIATION.....	(\$125,747,000)
<u>\$115,273,000</u>	

The appropriations in this section are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(1) (~~(\$150,000)~~) \$333,000 of the general fund--state appropriation for fiscal year 2010 and (~~(\$150,000)~~) \$300,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$445,000 of the general fund--state appropriation for fiscal year 2010 and \$445,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(3) \$178,000 of the general fund--state appropriation for fiscal year 2010 and \$178,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the juvenile detention alternatives initiative.

(4) Amounts appropriated in this section reflect a reduction to the family policy council. The family policy council shall reevaluate staffing levels and administrative costs to ensure to the extent possible a maximum ratio of grant moneys provided and administrative costs.

(5) Amounts appropriated in this section reflect a reduction to the council on children and families. The council on children and families shall reevaluate staffing levels and administrative costs to ensure to the extent possible a maximum ratio of grant moneys provided and administrative costs.

(6) The department shall not reduce funding to the governor's juvenile justice advisory committee from the amounts appropriated for this purpose in chapter 564, Laws of 2009.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2010 is provided for the department, in collaboration with the department of health and the health care authority, to report to the fiscal committees of the legislature by November 1, 2010, on estimates of the full costs and savings to all state-purchased health care from the inclusion of coverage for the diagnosis and treatment of autism spectrum disorders for individuals less than twenty-one years of age. Autism spectrum disorders are defined to mean any of the pervasive developmental disorders defined by the most recent edition of the diagnostic and statistical manual of mental disorders. Coverage must include all medically necessary care which is defined to include any care, treatment, intervention, service, or item that is prescribed, provided, or ordered by a licensed physician or licensed psychologist. Treatment of autism spectrum disorders includes the following care prescribed, ordered, or provided for an individual diagnosed with one of the autism spectrum disorders by a licensed physician or licensed psychologist who determines the care to be medically necessary: (a) Habilitative or rehabilitative care; (b) pharmacy care, except when plans do not offer any pharmacy benefits; (c) psychiatric care; and (d) psychological care. The estimates should fully consider all potential offsets to currently funded care and services and should consider including the coverage of the diagnosis and treatment of autism spectrum disorders within the currently mandated provision of mental health benefits.

Sec. 213. 2009 c 564 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2010)	(\$53,431,000)
<u>\$61,985,000</u>	
General Fund--State Appropriation (FY 2011)	(\$53,472,000)
<u>\$61,461,000</u>	
General Fund--Federal Appropriation	(\$49,494,000)
<u>\$56,572,000</u>	
TOTAL APPROPRIATION.....	(\$156,397,000)
<u>\$180,018,000</u>	

Sec. 214. 2009 c 564 s 214 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2010)	(\$206,295,000)
<u>\$208,258,000</u>	
General Fund--State Appropriation (FY 2011)	(\$182,138,000)
<u>\$159,306,000</u>	
General Fund--Federal Appropriation	(\$6,302,000)
<u>\$34,727,000</u>	
State Health Care Authority Administration Account--	
State Appropriation	(\$35,261,000)
<u>\$34,880,000</u>	
Medical Aid Account--State Appropriation	(\$529,000)
<u>\$527,000</u>	
TOTAL APPROPRIATION.....	(\$430,525,000)
<u>\$437,698,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4)(a) In order to maximize the funding appropriated for the basic health plan, the health care authority is directed to make modifications that will reduce the total number of subsidized enrollees to approximately 65,000 by January 1, 2010. In addition to the reduced enrollment, other modifications may include changes in enrollee premium obligations, changes in benefits, enrollee cost-sharing, and termination of the enrollment of individuals concurrently enrolled in a medical assistance program as provided in Substitute House Bill No. 2341.

(b) The health care authority shall coordinate with the department of social and health services to negotiate a medicaid section 1115 waiver with the federal centers for medicare and medicaid services that would provide matching funds for services provided to persons enrolled in the basic health plan under chapter 70.47 RCW.

(c) If the waiver in (b) of this subsection is granted, the health care authority may implement the waiver if it allows the program to remain within appropriated levels, after providing notice of its terms and conditions to the relevant policy and fiscal committees of the legislature in writing thirty days prior to the planned implementation date of the waiver.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2010 and \$250,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute Senate Bill No. 5360 (community collaboratives). If the bill is not enacted by June 30, 2009, the amounts provided in this section shall lapse.

(6) The ~~((department))~~ authority shall seek public-private partnerships and federal funds that are or may become available to implement health information technology projects under the federal American recovery and reinvestment act of 2009.

(7)(a) \$2,495,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the authority for grants to two pilot projects, one each based in Spokane and Whatcom counties, to provide a full continuum of health care services to low-income adults. The pilot project in Spokane county shall aim for an enrollment of five hundred individuals and the pilot project in Whatcom county shall aim for an enrollment of one thousand individuals. All individuals enrolled in the pilot projects shall meet the criteria in (b) of this subsection. Grantees must demonstrate experience in working with an established network of health care providers in the county capable of providing continuity of health care services that may include a primary care medical home and catastrophic insurance coverage, to low-income adults. Expectations of grantees will include: Coordinating public, private, and volunteer efforts within the county to maximize participation within the grant funds available; and providing continuity of care to participants that promotes improved health outcomes as determined by the health care authority. Grantees will submit reports as directed by the health care authority.

(b) In order to participate in a pilot, eligible low-income adults must have an income at or below two hundred percent of the federal poverty level; reside in the county where the project is based; be on the basic health waiting list at the time of application to participate; have no other health insurance coverage; and not be eligible for full-scope medical assistance programs, federal medicare programs, or health insurance through their employer. Grantees may require participants to meet other criteria, such as qualifying for health insurance coverage and paying premiums or other costs in order to participate in the pilot.

(c) The authority, in collaboration with the grantees of the pilots in (a) of this subsection, shall seek any federal funds that may be available with the enactment of federal health care reform.

(8) In the event that the authority markets a nonsubsidized version of the basic health plan, the authority must also provide information on other health care coverage options to potential clients.

(9) \$20,000 of the general fund--state appropriation for fiscal year 2010 and \$63,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of chapter 220, Laws of 2010 (accountable care organizations).

Sec. 215. 2010 c 3 s 212 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2010)	\$2,638,000
General Fund--State Appropriation (FY 2011)	(\$2,533,000)
<u>\$2,511,000</u>	
General Fund--Federal Appropriation	(\$1,299,000)
<u>\$1,584,000</u>	
TOTAL APPROPRIATION	(\$6,470,000)
<u>\$6,733,000</u>	

Sec. 216. 2009 c 564 s 216 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--

State Appropriation	\$20,000
Accident Account--State Appropriation	(\$18,453,000)

<u>\$18,139,000</u>	
Medical Aid Account--State Appropriation	((\$18,453,000))
<u>\$18,139,000</u>	
TOTAL APPROPRIATION.....	((\$36,926,000))
<u>\$36,298,000</u>	

Sec. 217. 2009 c 564 s 217 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--State Appropriation (FY 2010)	((\$19,146,000))
<u>\$17,273,000</u>	
General Fund--State Appropriation (FY 2011)	((\$19,176,000))
<u>\$17,843,000</u>	
General Fund--Federal Appropriation	\$143,000
General Fund--Private/Local Appropriation.....	((\$200,000))
<u>\$1,303,000</u>	
Death Investigations Account--State Appropriation.....	\$148,000
Municipal Criminal Justice Assistance Account--	
State Appropriation	\$460,000
Washington Auto Theft Prevention Authority Account--	
State Appropriation	\$5,844,000
TOTAL APPROPRIATION.....	((\$44,974,000))
<u>\$43,014,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$1,874,000 of the general fund--state appropriation for fiscal year 2010 and \$1,922,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for 10 additional basic law enforcement academies in fiscal year 2010 and 10 additional basic law enforcement academies in fiscal year 2011.~~

—(2)) \$1,191,000 of the general fund--state appropriation for fiscal year 2010 and \$1,191,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington association of sheriffs and police chiefs to continue to develop, maintain, and operate the jail booking and reporting system (JBRS) and the statewide automated victim information and notification system (SAVIN).

((~~3~~)) (2) \$5,000,000 of the general fund--state appropriation for fiscal year 2010 and \$5,000,000 of the general fund--state appropriation for fiscal year 2011, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130. The Washington association of sheriffs and police chiefs shall:

(a) Enter into performance-based agreements with units of local government to ensure that registered offender address and residency are verified:

- (i) For level I offenders, every twelve months;
- (ii) For level II offenders, every six months; and
- (iii) For level III offenders, every three months.

For the purposes of this subsection, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.

(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program; and

(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by December 31, each year.

The Washington association of sheriffs and police chiefs may retain up to three percent of the amount provided in this subsection for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing-to-register offenses.

((~~4~~)) (3) \$30,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Second Substitute House Bill No. 2078 (persons with developmental disabilities in correctional facilities or jails). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(4) \$171,000 of the general fund--local appropriation is provided solely to purchase ammunition for the basic law enforcement academy. Jurisdictions with one hundred or more full-time commissioned officers shall reimburse to the criminal justice training commission the costs of ammunition, based on the average cost of ammunition per cadet, for cadets that they enroll in the basic law enforcement academy.

(5) The criminal justice training commission may not run a basic law enforcement academy class of fewer than 30 students.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for continuing the enforcement of illegal drug laws in the rural pilot project enforcement areas as set forth in chapter 339, Laws of 2006.

Sec. 218. 2009 c 564 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2010)	((\$24,224,000))
<u>\$24,975,000</u>	
General Fund--State Appropriation (FY 2011)	((\$25,237,000))
<u>\$19,336,000</u>	
(General Fund--Federal Appropriation.....	\$100,000)
General Fund--Federal Appropriation	((\$10,000,000))
<u>\$10,100,000</u>	
Asbestos Account--State Appropriation	((\$924,000))
<u>\$923,000</u>	

Electrical License Account--State Appropriation	(\$43,162,000)
<u>\$36,977,000</u>	
Farm Labor Revolving Account--Private/Local Appropriation	\$28,000
Worker and Community Right-to-Know Account--	
State Appropriation	(\$1,979,000)
<u>\$1,987,000</u>	
Public Works Administration Account--State	
Appropriation	(\$5,764,000)
<u>\$6,021,000</u>	
Manufactured Home Installation Training Account--	
State Appropriation	(\$138,000)
<u>\$143,000</u>	
Accident Account--State Appropriation	(\$248,281,000)
<u>\$250,509,000</u>	
Accident Account--Federal Appropriation	(\$13,622,000)
<u>\$13,621,000</u>	
Medical Aid Account--State Appropriation	(\$249,537,000)
<u>\$249,232,000</u>	
Medical Aid Account--Federal Appropriation	\$3,186,000
Plumbing Certificate Account--State Appropriation	(\$1,693,000)
<u>\$1,704,000</u>	
Pressure Systems Safety Account--State Appropriation	(\$3,775,000)
<u>\$4,144,000</u>	
TOTAL APPROPRIATION	(\$631,650,000)
<u>\$622,886,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase fees related to factory assembled structures, contractor registration, electricians, plumbers, asbestos removal, boilers, elevators, and manufactured home installers. These increases are necessary to support expenditures authorized in this section, consistent with chapters 43.22, 18.27, 19.28, and 18.106 RCW, RCW 49.26.130, and chapters 70.79, 70.87, and 43.22A RCW.

(2) \$424,000 of the accident account--state appropriation and \$76,000 of the medical aid account--state appropriation are provided solely for implementation of a community agricultural worker safety grant at the department of agriculture. The department shall enter into an interagency agreement with the department of agriculture to implement the grant.

(3) \$4,850,000 of the medical aid account--state appropriation is provided solely to continue the program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(4) \$150,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(5) The department shall continue to conduct utilization reviews of physical and occupational therapy cases at the 24th visit. The department shall continue to report performance measures and targets for these reviews on the agency web site. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(6) The appropriations in this section reflect reductions in the appropriations for the department of labor and industries' administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing administrative costs only.

(7) \$500,000 of the accident account--state appropriation is provided solely for the department to contract with one or more independent experts to oversee and assist the department's implementation of improvements to the rating plan under chapter 51.18 RCW, in collaboration with the department and with the department's work group of retrospective rating and workers' compensation stakeholders. The independent experts will validate the impact of recommended changes on retrospective rating participants and nonparticipants, confirm implementation technology changes, and provide other implementation assistance as determined by the department.

(8) \$194,000 of the accident account--state appropriation and \$192,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5346 (health care administrative procedures). ~~((If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.))~~

(9) \$131,000 of the accident account--state appropriation and \$128,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5613 (stop work orders). ~~((If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.))~~

(10) \$68,000 of the accident account--state appropriation and \$68,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5688 (registered domestic partners). ~~((If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.))~~

(11) \$320,000 of the accident account--state appropriation and \$147,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5873 (apprenticeship utilization). ~~((If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.))~~

~~(15))~~ (12) \$73,000 of the general fund--state appropriation for fiscal year 2010, \$66,000 of the general fund--state appropriation for fiscal year 2011, \$606,000 of the accident account--state appropriation, and \$600,000 of the medical aid account--state appropriation are provided solely for the implementation of House Bill No. 1555 (underground economy). ~~((If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.~~

~~(16))~~ (13) \$574,000 of the accident account--state appropriation and \$579,000 of the medical account--state appropriation are provided solely for the implementation of House Bill No. 1402 (industrial insurance appeals). ~~((If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.))~~

(14) Within statutory guidelines, the boiler program shall explore opportunities to increase program efficiency. Strategies may include the consolidation of routine multiple inspections to the same site and trip planning to ensure the least number of miles traveled.

(15) \$16,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the crime victims compensation program to pay claims for mental health services for crime victim compensation program clients who have an established relationship with a mental health provider and subsequently obtain coverage under the medicaid program or the medical care services program under chapter 74.09 RCW. Prior to making such payment, the program must have determined that payment for the specific treatment or provider is not available under the medicaid or medical care services program. In addition, the program shall make efforts to contact any healthy options or medical care services health plan in which the client may be enrolled to help the client obtain authorization to pay the claim on an out-of-network basis.

(16) \$48,000 of the accident account--state appropriation and \$48,000 of the medical aid account--state appropriation are provided solely for the implementation of Substitute House Bill No. 2789 (issuance of subpoenas for purposes of agency investigations of underground economic activity). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(17) \$71,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for implementation of Senate Bill No. 6349 (farm internship program). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(18) \$127,000 of the general fund--state appropriation for fiscal year 2010 and \$133,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to provide benefits in excess of the cap established by sections 1 and 2, chapter 122, Laws of 2010. These benefits shall be paid for claimants who were determined eligible for and who were receiving crime victims' compensation benefits because they were determined to be permanently and totally disabled, as defined by RCW 51.08.160, prior to April 1, 2010. The director shall establish, by May 1, 2010, a process to aid crime victims' compensation recipients in identifying and applying for appropriate alternative benefit programs.

(19) \$155,000 of the public works administration account--state appropriation is provided solely for the implementation of Engrossed House Bill No. 2805 (offsite prefabricated items). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 219. 2010 c 3 s 213 (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2010)	\$1,882,000
General Fund--State Appropriation (FY 2011)	(\$1,886,000)
<u>\$1,864,000</u>	
TOTAL APPROPRIATION	(\$3,768,000)
<u>\$3,746,000</u>	

Sec. 220. 2009 c 564 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2010)	\$1,913,000
General Fund--State Appropriation (FY 2011)	(\$1,899,000)
<u>\$1,865,000</u>	
Charitable, Educational, Penal, and Reformatory	
Institutions Account--State Appropriation	\$10,000
TOTAL APPROPRIATION	(\$3,822,000)
<u>\$3,788,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2010)	\$4,885,000
General Fund--State Appropriation (FY 2011)	(\$4,943,000)
<u>\$4,964,000</u>	
General Fund--Federal Appropriation	(\$1,842,000)
<u>\$2,382,000</u>	
General Fund--Private/Local Appropriation	(\$3,491,000)
<u>\$4,512,000</u>	
Veterans Innovations Program Account--State	
Appropriation	(\$648,000)
<u>\$897,000</u>	
Veteran Estate Management Account--Private/Local	
Appropriation	(\$1,069,000)
<u>\$1,072,000</u>	

TOTAL APPROPRIATION..... (\$16,878,000)
\$18,712,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The department shall collaborate with the department of social and health services to identify and assist eligible general assistance unemployable clients to access the federal department of veterans affairs benefits.
- (b) \$648,000 of the veterans innovations program account--state appropriation is provided solely for the department to continue support for returning combat veterans through the veterans innovation program, including emergency financial assistance through the defenders' fund and long-term financial assistance through the competitive grant program.
- (c) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2010) ((\$3,638,000))
\$3,318,000
 General Fund--State Appropriation (FY 2011) ((\$2,845,000))
\$2,371,000
 General Fund--Federal Appropriation ((\$50,791,000))
\$50,353,000
 General Fund--Private/Local Appropriation..... ((\$31,734,000))
\$34,189,000
 TOTAL APPROPRIATION..... (\$89,008,000)
\$90,231,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.
- (b) The reductions in this subsection shall be achieved through savings from contract revisions and shall not impact the availability of goods and services for residents of the three state veterans homes.

Sec. 221. 2010 c 3 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2010) ((\$107,413,000))
\$98,414,000
 General Fund--State Appropriation (FY 2011) ((\$82,806,000))
\$81,735,000
 General Fund--Federal Appropriation ((\$480,871,000))
\$564,379,000
 General Fund--Private/Local Appropriation..... ((\$138,846,000))
\$162,237,000
 Hospital Data Collection Account--State Appropriation..... ((\$326,000))
\$218,000
 Health Professions Account--State Appropriation ((\$76,218,000))
\$82,850,000
 Aquatic Lands Enhancement Account--State Appropriation \$603,000
 Emergency Medical Services and Trauma Care Systems
 Trust Account--State Appropriation..... ((\$13,531,000))
\$13,206,000
 Safe Drinking Water Account--State Appropriation ((\$2,723,000))
\$2,731,000
 Drinking Water Assistance Account--Federal
 Appropriation ((\$22,817,000))
\$22,862,000
 Waterworks Operator Certification--State
 Appropriation ((\$1,519,000))
\$1,522,000
 Drinking Water Assistance Administrative Account--
 State Appropriation \$326,000
 State Toxics Control Account--State Appropriation..... ((\$3,600,000))
\$4,106,000
 Medical Test Site Licensure Account--State
 Appropriation ((\$2,117,000))
\$2,261,000
 Youth Tobacco Prevention Account--State Appropriation \$1,512,000
 Public Health Supplemental Account--Private/Local

Appropriation.....	(((\$3,525,000))
<u>\$3,804,000</u>	
<u>Community and Economic Development Fee Account--State</u>	
Appropriation.....	\$298,000
Accident Account--State Appropriation.....	(((\$295,000))
<u>\$292,000</u>	
Medical Aid Account--State Appropriation.....	\$48,000
Tobacco Prevention and Control Account--	
State Appropriation.....	(((\$46,852,000))
<u>\$44,196,000</u>	
Biotoxin Account--State Appropriation.....	(((\$1,165,000))
<u>\$1,163,000</u>	
TOTAL APPROPRIATION.....	(((\$987,113,000))
<u>\$1,088,763,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) In accordance with RCW 43.70.250 and 43.135.055, the department is authorized to establish and raise fees in fiscal year 2011 as necessary to meet the actual costs of conducting business and the appropriation levels in this section. This authorization applies to fees for the review of sewage tank designs, fees related to regulation and inspection of farmworker housing, and fees associated with the following professions: Acupuncture, dental, denturist, mental health counselor, nursing, nursing assistant, optometry, radiologic technologist, recreational therapy, respiratory therapy, social worker, cardiovascular invasive specialist, and practitioners authorized under chapter 18.240 RCW.

(3) Pursuant to RCW 43.135.055 and RCW 43.70.250, the department is authorized to establish fees by the amount necessary to fully support the cost of activities related to the administration of long-term care worker certification. The department is further authorized to increase fees by the amount necessary to implement the regulatory requirements of the following bills: House Bill No. 1414 (health care assistants), House Bill No. 1740 (dental residency licenses), and House Bill No. 1899 (retired active physician licenses).

~~((3))~~ (4) \$764,000 of the health professions account--state appropriation is provided solely for the medical quality assurance commission to maintain disciplinary staff and associated costs sufficient to reduce the backlog of disciplinary cases and to continue to manage the disciplinary caseload of the commission.

~~((4))~~ (5) \$57,000 of the general fund--state appropriation for fiscal year 2010 and \$58,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. ~~((There shall be no change to the current annual fees for new or renewed licenses for the midwifery program.))~~ The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery. The appropriations in this section assume that the current application and renewal fee for midwives shall be increased by fifty dollars and all other fees for midwives be adjusted accordingly.

~~((5))~~ (6) Funding for the human papillomavirus vaccine shall not be included in the department's universal vaccine purchase program in fiscal year 2010. Remaining funds for the universal vaccine purchase program shall be used to continue the purchase of all other vaccines included in the program until May 1, 2010, ~~((or until state funds are exhausted,))~~ at which point state funding for the universal vaccine purchase program shall be discontinued. ~~((Funds from section 317 of the federal public health services act direct assistance shall not be used in lieu of state funds.))~~

~~((6))~~ (7) Beginning July 1, 2010, the department, in collaboration with the department of social and health services, shall maximize the use of existing federal funds, including section 317 of the federal public health services act direct assistance as well as federal funds that may become available under the American recovery and reinvestment act, in order to continue to provide immunizations for low-income, nonmedicaid eligible children up to three hundred percent of the federal poverty level in state-sponsored health programs.

~~((7))~~ (8) The department shall eliminate outreach activities for the health care directives registry and use the remaining amounts to maintain the contract for the registry and minimal staffing necessary to administer the basic entry functions for the registry.

~~((8))~~ (9) Funding in this section reflects a temporary reduction of resources for the 2009-11 fiscal biennium for the state board of health to conduct health impact reviews.

~~((9))~~ (10) Pursuant to RCW 43.135.055 and 43.70.125, the department is authorized to adopt rules to establish a fee schedule to apply to applicants for initial certification surveys of health care facilities for purposes of receiving federal health care program reimbursement. The fees shall only apply when the department has determined that federal funding is not sufficient to compensate the department for the cost of conducting initial certification surveys. The fees for initial certification surveys may be established as follows: Up to \$1,815 for ambulatory surgery centers, up to \$2,015 for critical access hospitals, up to \$980 for end stage renal disease facilities, up to \$2,285 for home health agencies, up to \$2,285 for hospice agencies, up to \$2,285 for hospitals, up to \$520 for rehabilitation facilities, up to \$690 for rural health clinics, and up to \$7,000 for transplant hospitals.

~~((10))~~ (11) Funding for family planning grants for fiscal year 2011 is reduced in the expectation that federal funding shall become available to expand coverage of services for individuals through programs at the department of social and health services. In the event that such funding is not provided, the legislature intends to continue funding through a supplemental appropriation at fiscal year 2010 levels. \$4,500,000 of the

general fund--state appropriation is provided solely for the department of health-funded family planning clinic grants due to federal funding not becoming available.

~~((11))~~ (12) \$16,000,000 of the tobacco prevention and control account--state appropriation is provided solely for local health jurisdictions to conduct core public health functions as defined in RCW 43.70.514.

~~((12))~~ (13) \$100,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1414 (health care assistants). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

~~((13))~~ (14) \$42,000 of the health professions account--state appropriation is provided solely to implement Substitute House Bill No. 1740 (dentistry license issuance). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.

~~((14))~~ (15) \$23,000 of the health professions account--state appropriation is provided solely to implement Second Substitute House Bill No. 1899 (retired active physician licenses). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.

~~((15))~~ (16) \$12,000 of the general fund--state appropriation for fiscal year 2010 and \$67,000 of the general fund--private/local appropriation are provided solely to implement House Bill No. 1510 (birth certificates). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.

~~((16))~~ (17) \$31,000 of the health professions account is provided for the implementation of Second Substitute Senate Bill No. 5850 (human trafficking). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.

~~((17))~~ (18) \$282,000 of the health professions account is provided for the implementation of Substitute Senate Bill No. 5752 (dentists cost recovery). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.

~~((18))~~ (19) \$106,000 of the health professions account is provided for the implementation of Substitute Senate Bill No. 5601 (speech language assistants). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.

(20) Subject to existing resources, the department of health is encouraged to examine, in the ordinary course of business, current and prospective programs, treatments, education, and awareness of cardiovascular disease that are needed for a thriving and healthy Washington.

(21) \$400,500 from the health professions account is appropriated to fund nursing commission programs related to discipline, impaired practitioner programs, and expedited credentialing. Funding comes from a reduction in the \$20 fees that nurses pay for access to University of Washington library resources.

(22) \$390,000 of the health professions account--state appropriation is provided solely to implement chapter 169, Laws of 2010 (nursing assistants). The amount provided in this subsection is from fee revenue authorized by Engrossed Substitute Senate Bill No. 6582.

(23) \$10,000 of the health professions account--state appropriation for fiscal year 2010 and \$40,000 of the health professions account--state appropriation for fiscal year 2011 are provided solely for the department to study cost effective options for collecting demographic data related to the health care professions workforce to be submitted to the legislature by December 1, 2010.

(24) \$66,000 of the health professions account--state appropriation is provided solely to implement chapter 209, Laws of 2010 (pain management).

(25) \$10,000 of the health professions account--state appropriation is provided solely to implement chapter 92, Laws of 2010 (cardiovascular invasive specialists).

(26) \$23,000 of the general fund--state appropriation is provided solely to implement chapter 182, Laws of 2010 (tracking ephedrine, etc.).

(27) The department is authorized to coordinate a tobacco cessation media campaign using all appropriate media with the purpose of maximizing the use of quit-line services and youth smoking prevention.

(28) For all contracts for smoking cessation and awareness services agreed to after the effective date of this section, at least ten percent of the value of that contract shall be dedicated to supporting smoking cessation and prevention programs for underserved and hard to reach populations, including populations with smoking rates higher than the state average.

(29) It is the intent of the legislature that the reductions in appropriations to the AIDS/HIV programs shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing these programs.

(30) \$400,000 of the state toxics control account--state appropriation is provided solely for granting to a willing local public entity to provide emergency water supplies or water treatment for households with individuals at high public health risk from nitrate- contaminated wells in the lower Yakima basin.

(31) \$100,000 of the state toxics control account--state appropriation is provided solely for an interagency contract to the department of ecology to grant to agencies involved in improving groundwater quality in the lower Yakima Valley. These agencies will develop a local plan for improving water quality and reducing nitrate contamination. The department of ecology will report to the appropriate committees of the legislature and to the office of financial management no later than December 1, 2010, summarizing progress towards developing and implementing this plan.

NEW SECTION. Sec. 222. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS. The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2010, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2010 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 223. 2010 c 3 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2010)	(\$55,622,000)
<u>\$55,772,000</u>	
General Fund--State Appropriation (FY 2011)	(\$56,318,000)
<u>\$55,417,000</u>	

TOTAL APPROPRIATION.....((\$111,940,000))
\$111,189,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Within funds appropriated in this section, the department shall seek contracts for chemical dependency vendors to provide chemical dependency treatment of offenders in corrections facilities, including corrections centers and community supervision facilities, which have demonstrated effectiveness in treatment of offenders and are able to provide data to show a successful treatment rate.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2010 and \$35,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long- term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2010)((\$456,657,000))
\$458,503,000

General Fund--State Appropriation (FY 2011)((\$626,303,000))
\$600,657,000

General Fund--Federal Appropriation((\$185,131,000))
\$186,719,000

~~General Fund--Private/Local Appropriation~~ \$3,536,000

Washington Auto Theft Prevention Authority Account--
 State Appropriation((\$5,960,000))
\$5,936,000

State Efficiency and Restructuring Account--State
 Appropriation \$34,522,000

TOTAL APPROPRIATION.....((\$1,277,587,000))
\$1,286,337,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(c) During the 2009-11 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(d) The Harborview medical center and the University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(e) A political subdivision which is applying for funding to mitigate one-time impacts associated with construction or expansion of a correctional institution, consistent with WAC 137-12A-030, may apply for the mitigation funds in the fiscal biennium in which the impacts occur or in the immediately succeeding fiscal biennium.

(f) Within amounts provided in this subsection, the department, jointly with the department of social and health services, shall identify the number of offenders released through the extraordinary medical placement program, the cost savings to the department of corrections, including estimated medical cost savings, and the costs for medical services in the community incurred by the department of social and health services. The department and the department of social and health services shall jointly report to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010.

(g) \$11,863,000 of the general fund--state appropriation for fiscal year 2010, \$11,864,000 of the general fund--state appropriation for fiscal year 2011, and \$2,336,000 of the general fund-private/local appropriation are provided solely for in-prison evidence-based programs and for the reception diagnostic center program as part of the offender re-entry initiative.

(h) The department shall appropriately transition offenders from custody as close as possible to the offender's earned release date without adversely affecting public safety. The number of offenders held beyond their earned release date should not exceed the number of offenders held beyond their earned release date in fiscal year 2008. By June 1, 2010, the department shall provide a report on its offender population to the office of financial management and the legislative fiscal committees. The report shall include (i) an explanation for the increase in the adult inmate population between the November 2009 forecast and the February 2010 forecast; (ii) an explanation for the increase in the number of offenders held beyond their earned release date between fiscal year 2008 and calendar year 2009; and (iii) a description of the department's actions to reduce and maintain the number of offenders held beyond their earned release date to the population level from fiscal year 2008, and a timetable for achieving that goal.

(i) The appropriations in this subsection are based on savings assumed from decreasing the offender population at the McNeil Island corrections center to 256 minimum security offenders, decreasing the offender population at the Larch corrections center to 240 offenders, the closure of the Ahtanum View corrections center, and the closure of the Pine Lodge corrections center for women.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2010)	(\$151,249,000))
<u>\$150,729,000</u>	
General Fund--State Appropriation (FY 2011)	(\$141,785,000))
<u>\$139,945,000</u>	
TOTAL APPROPRIATION	(\$293,034,000))
<u>\$290,674,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$2,083,000 of the general fund--state appropriation for fiscal year 2010 and \$2,083,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Senate Bill No. 5525 (state institutions/release). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(c) The appropriations in this subsection are based upon savings assumed from the implementation of Engrossed Substitute Senate Bill No. 5288 (supervision of offenders).

(d) \$2,791,000 of the general fund--state appropriation for fiscal year 2010 and \$3,166,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for evidence-based community programs and for community justice centers as part of the offender re- entry initiative.

(e) \$418,300 of the general fund--state appropriation for fiscal year 2010 is provided solely for the purposes of settling all claims in *Hilda Solis, Secretary of Labor, United States Department of Labor v. State of Washington, Department of Corrections, United States District Court, Western District of Washington, Cause No. C08-cv-05362-RJB*. The expenditure of this amount is contingent on the release of all claims in the case, and total settlement costs shall not exceed the amount provided in this subsection. If settlement is not fully executed by June 30, 2010, the amount provided in this subsection shall lapse.

(f) \$984,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for supplemental services that will be provided to offenders in lieu of a prison sentence, pursuant to chapter 224, Laws of 2010 (confinement alternatives).

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2010)	\$2,574,000
General Fund--State Appropriation (FY 2011)	(\$2,565,000))
<u>\$2,547,000</u>	
TOTAL APPROPRIATION	(\$5,139,000))
<u>\$5,121,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations: \$132,000 of the general fund--state appropriation for fiscal year 2010 and \$132,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2010)	(\$40,455,000))
<u>\$40,728,000</u>	
General Fund--State Appropriation (FY 2011)	(\$40,450,000))
<u>\$40,084,000</u>	
TOTAL APPROPRIATION	(\$80,905,000))
<u>\$80,812,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state prison institutions may use funds appropriated in this subsection to rent uniforms from correctional industries in accordance with existing legislative mandates.

(b) The state prison medical facilities may use funds appropriated in this subsection to purchase goods and supplies through hospital or other group purchasing organizations when it is cost effective to do so.

Sec. 224. 2009 c 564 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2010)	(\$2,544,000))
<u>\$2,504,000</u>	
General Fund--State Appropriation (FY 2011)	(\$2,550,000))
<u>\$2,390,000</u>	
General Fund--Federal Appropriation	(\$18,125,000))
<u>\$18,116,000</u>	
General Fund--Private/Local Appropriation.....	(\$20,000))

<u>\$30,000</u>	
TOTAL APPROPRIATION	(((23,239,000)))
<u>\$23,040,000</u>	

The amounts appropriated in this section are subject to the following conditions and limitations: Sufficient amounts are appropriated in this section to support contracts for services that provide employment support and help with life activities for deaf and blind individuals in King county.

Sec. 225. 2010 c 3 s 216 (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2010)	\$962,000
General Fund--State Appropriation (FY 2011)	(((960,000)))
<u>\$948,000</u>	
TOTAL APPROPRIATION	(((1,922,000)))
<u>\$1,910,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the sentencing guidelines commission, in partnership with the courts, shall develop a plan to implement an evidence-based system of community custody for adult felons that will include the consistent use of evidence-based risk and needs assessment tools, programs, supervision modalities, and monitoring of program integrity. The plan for the evidence-based system of community custody shall include provisions for identifying cost-effective rehabilitative programs; identifying offenders for whom such programs would be cost-effective; monitoring the system for cost-effectiveness; and reporting annually to the legislature. In developing the plan, the sentencing guidelines shall consult with: The Washington state institute for public policy; the legislature; the department of corrections; local governments; prosecutors; defense attorneys; victim advocate groups; law enforcement; the Washington federation of state employees; and other interested entities. The sentencing guidelines commission shall report its recommendations to the governor and the legislature by December 1, 2009.

(2)(a) Except as provided in subsection (b), during the 2009-11 biennium, the reports required by RCW 9.94A.480(2) and 9.94A.850(2) (d) and (h) shall be prepared within the available funds and may be delayed or suspended at the discretion of the commission.

(b) The commission shall submit the analysis described in section 15 of Engrossed Substitute Senate Bill No. 5288 no later than December 1, 2011.

(3) Within the amounts appropriated in this section, the sentencing guidelines commission shall survey the practices of other states relating to offenders who violate any conditions of their community custody. In conducting the survey, the sentencing guidelines commission shall perform a review of the research studies to determine if a mandatory minimum confinement policy is an evidence-based practice, investigate the implementation of such a policy in other states, and estimate the fiscal impacts of implementing such a policy in Washington state. The sentencing guidelines commission shall report its findings to the governor and the legislature by December 1, 2010.

Sec. 226. 2009 c 564 s 226 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2010)	(((7,054,000)))
<u>\$2,054,000</u>	
General Fund--State Appropriation (FY 2011)	(((53,000)))
<u>\$5,053,000</u>	
General Fund--Federal Appropriation	(((320,561,000)))
<u>\$324,135,000</u>	
General Fund--Private/Local Appropriation.....	(((33,825,000)))
<u>\$33,640,000</u>	
Unemployment Compensation Administration	
Account--Federal Appropriation.....	(((332,904,000)))
<u>\$362,740,000</u>	
Administrative Contingency Account--State	
Appropriation	(((293,000)))
<u>\$345,000</u>	
Employment Service Administrative Account--	
State Appropriation	(((37,195,000)))
<u>\$37,775,000</u>	
TOTAL APPROPRIATION	(((731,885,000)))
<u>\$765,742,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:

(1) (~~(\$55,029,000)~~) \$59,829,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) and (f) of the social security act (Reed act). This amount is authorized to continue current unemployment insurance functions and department services to employers and job seekers.

(2) \$32,067,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) and (f) of the social security act (Reed act). This amount is authorized to fund the replacement of the unemployment insurance tax information system (TAXIS) for the employment security department. This section is subject to section 902 of this act.

(3) \$110,000 of the unemployment compensation administration account--federal appropriation is provided solely for implementation of Senate Bill No. 5804 (leaving part time work voluntarily). ~~((If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.))~~

(4) \$1,263,000 of the unemployment compensation administration account--federal appropriation is provided solely for implementation of Senate Bill No. 5963 (unemployment insurance). ~~((If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.))~~

(5) \$159,000 of the unemployment compensation account--federal appropriation is provided solely for the implementation of House Bill No. 1555 (underground economy) from funds made available to the state by section 903(d) of the social security act (Reed act).

(6) ~~((\$293,000))~~ \$295,000 of the administrative contingency--state appropriation for fiscal year 2010 is provided solely for the implementation of House Bill No. 2227 (evergreen jobs act). ~~((If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.))~~

(7) \$7,000,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Senate Bill No. 5809 (WorkForce employment and training). ~~((If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.))~~

(8) \$444,000 of the unemployment compensation administration account--federal appropriation is provided solely for the implementation of Substitute Senate Bill No. 6524 (unemployment insurance penalties and contribution rates) from funds made available to the state by section 903(d) or (f) of the social security act (Reed 12 act). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(9) \$232,000 of the unemployment compensation administration account--federal appropriation from funds made available to the state by section 903(c) or (f) of the social security act (Reed act) is provided solely for the implementation of Substitute House Bill No. 2789 (underground economic activity). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 227. 2009 c 564 s 221 (uncodified) is amended to read as follows:

FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2010)	\$1,229,000
((General Fund--State Appropriation (FY 2011).....	(\$1,221,000)
<hr/>	
	TOTAL APPROPRIATION
	<u>\$2,450,000</u>)

(End of Part)

PART III

NATURAL RESOURCES

Sec. 301. 2009 c 564 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2010)	\$441,000
General Fund--State Appropriation (FY 2011)	((<u>\$445,000</u>))
	<u>\$440,000</u>
General Fund--Federal Appropriation	\$30,000
General Fund--Private/Local Appropriation.....	((<u>\$864,000</u>))
	<u>\$845,000</u>
TOTAL APPROPRIATION.....	((<u>\$1,780,000</u>))
	<u>\$1,756,000</u>

Sec. 302. 2010 c 3 s 301 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2010)	((<u>\$59,991,000</u>))
	<u>\$58,552,000</u>
General Fund--State Appropriation (FY 2011)	((<u>\$58,047,000</u>))
	<u>\$52,725,000</u>
General Fund--Federal Appropriation	((<u>\$82,452,000</u>))
	<u>\$82,079,000</u>
General Fund--Private/Local Appropriation.....	((<u>\$16,668,000</u>))
	<u>\$16,688,000</u>
Special Grass Seed Burning Research Account--State	
Appropriation	\$14,000
Reclamation Account--State Appropriation	((<u>\$3,679,000</u>))
	<u>\$3,649,000</u>
Flood Control Assistance Account--State	
Appropriation	((<u>\$1,965,000</u>))
	<u>\$1,943,000</u>
State Emergency Water Projects Revolving	
Account--State Appropriation	<u>\$240,000</u>
Waste Reduction/Recycling/Litter Control--State	
Appropriation	((<u>\$14,554,000</u>))
	<u>\$12,467,000</u>
State Drought Preparedness Account--State	
Appropriation	<u>\$4,000,000</u>
State and Local Improvements Revolving Account	
(Water Supply Facilities)--State Appropriation	((<u>\$426,000</u>))
	<u>\$424,000</u>
Freshwater Aquatic Algae Control Account--State	

Appropriation.....	(\$509,000)
<u>\$508,000</u>	
Water Rights Tracking System Account--State	
Appropriation.....	\$116,000
Site Closure Account--State Appropriation.....	(\$706,000)
<u>\$922,000</u>	
Wood Stove Education and Enforcement Account--	
State Appropriation.....	\$612,000
Worker and Community Right-to-Know Account--	
State Appropriation.....	(\$1,670,000)
<u>\$1,663,000</u>	
State Toxics Control Account--State	
Appropriation.....	(\$101,705,000)
<u>\$106,642,000</u>	
State Toxics Control Account--Private/Local	
Appropriation.....	(\$383,000)
<u>\$379,000</u>	
Local Toxics Control Account--State Appropriation.....	(\$24,730,000)
<u>\$24,690,000</u>	
Water Quality Permit Account--State Appropriation.....	(\$37,433,000)
<u>\$37,018,000</u>	
Underground Storage Tank Account--State	
Appropriation.....	(\$3,298,000)
<u>\$3,270,000</u>	
Biosolids Permit Account--State Appropriation.....	(\$1,413,000)
<u>\$1,866,000</u>	
Hazardous Waste Assistance Account--State	
Appropriation.....	(\$5,930,000)
<u>\$5,880,000</u>	
Air Pollution Control Account--State Appropriation.....	(\$2,030,000)
<u>\$2,111,000</u>	
Oil Spill Prevention Account--State Appropriation.....	(\$10,688,000)
<u>\$10,599,000</u>	
Air Operating Permit Account--State Appropriation.....	(\$2,783,000)
<u>\$2,758,000</u>	
Freshwater Aquatic Weeds Account--State	
Appropriation.....	(\$1,699,000)
<u>\$1,693,000</u>	
Oil Spill Response Account--State Appropriation.....	(\$7,078,000)
<u>\$7,077,000</u>	
Metals Mining Account--State Appropriation.....	\$14,000
Water Pollution Control Revolving Account--State	
Appropriation.....	(\$465,000)
<u>\$535,000</u>	
Water Pollution Control Revolving Account--Federal	
Appropriation.....	(\$1,940,000)
<u>\$2,210,000</u>	
<u>Water Rights Processing Account--State Appropriation.....</u>	<u>\$68,000</u>
TOTAL APPROPRIATION.....	(\$442,998,000)
<u>\$443,412,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.
- (2) \$240,000 of the woodstove education and enforcement account-- state appropriation is provided solely for citizen outreach efforts to improve understanding of burn curtailments, the proper use of wood heating devices, and public awareness of the adverse health effects of woodsmoke pollution.
- (3) \$3,000,000 of the general fund--private/local appropriation is provided solely for contracted toxic-site cleanup actions at sites where multiple potentially liable parties agree to provide funding.
- (4) \$3,600,000 of the local toxics account--state appropriation is provided solely for the standby emergency rescue tug stationed at Neah Bay.
- (5) \$811,000 of the state toxics account--state appropriation is provided solely for oversight of toxic cleanup at facilities that treat, store, and dispose of hazardous wastes.
- (6) \$1,456,000 of the state toxics account--state appropriation is provided solely for toxic cleanup at sites where willing parties negotiate prepayment agreements with the department and provide necessary funding.

(7) \$558,000 of the state toxics account--state appropriation and \$3,000,000 of the local toxics account--state appropriation are provided solely for grants and technical assistance to Puget Sound-area local governments engaged in updating shoreline master programs.

(8) \$950,000 of the state toxics control account--state appropriation is provided solely for measuring water and habitat quality to determine watershed health and assist salmon recovery, beginning in fiscal year 2011.

(9) RCW 70.105.280 authorizes the department to assess reasonable service charges against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that involves both a nonradioactive hazardous component and a radioactive component. Service charges may not exceed the costs to the department in carrying out the duties in RCW 70.105.280. The current service charges do not meet the costs of the department to carry out its duties. Pursuant to RCW 43.135.055 and 70.105.280, the department is authorized to increase the service charges no greater than 18 percent for fiscal year 2010 and no greater than 15 percent for fiscal year 2011. Such service charges shall include all costs of public participation grants awarded to qualified entities by the department pursuant to RCW 70.105D.070(5) for facilities at which such grants are recognized as a component of a community relations or public participation plan authorized or required as an element of a consent order, federal facility agreement or agreed order entered into or issued by the department pursuant to any federal or state law governing investigation and remediation of releases of hazardous substances. Public participation grants funded by such service charges shall be in addition to, and not in place of, any other grants made pursuant to RCW 70.105D.070(5). Costs for the public participation grants shall be billed individually to the mixed waste facility associated with the grant.

(10) The department is authorized to increase the following fees in the 2009-2011 biennium as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Environmental lab accreditation, dam safety and inspection, biosolids permitting, air emissions new source review, and manufacturer registration and renewal.

(11) \$63,000 of the state toxics control account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 5797 (solid waste handling permits). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(12) \$225,000 of the general fund--state appropriation for fiscal year 2010 and \$193,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(13) \$150,000 of the general fund--state appropriation for fiscal year 2010 and \$150,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for watershed planning implementation grants to continue ongoing efforts to develop and implement water agreements in the Nooksack Basin and the Bertrand watershed. These amounts are intended to support project administration; monitoring; negotiations in the Nooksack watershed between tribes, the department, and affected water users; continued implementation of a flow augmentation project; plan implementation in the Fishtap watershed; and the development of a water bank.

(14) \$215,000 of the general fund--state appropriation for fiscal year 2010 and \$235,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to provide watershed planning implementation grants for WRIA 32 to implement Substitute House Bill No. 1580 (pilot local water management program). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(15) \$200,000 of the general fund--state appropriation for fiscal year 2010 and \$200,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the purpose of supporting the trust water rights program and processing trust water right transfer applications that improve instream flow.

(16)(a) The department shall convene a stock water working group that includes: Legislators, four members representing agricultural interests, three members representing environmental interests, the attorney general or designee, the director of the department of ecology or designee, the director of the department of agriculture or designee, and affected federally recognized tribes shall be invited to send participants.

(b) The group shall review issues surrounding the use of permit- exempt wells for stock-watering purposes and may develop recommendations for legislative action.

(c) The working group shall meet periodically and report its activities and recommendations to the governor and the appropriate legislative committees by December 1, 2009.

(17) \$73,000 of the water quality permit account--state appropriation is provided solely to implement Substitute House Bill No. 1413 (water discharge fees). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(18) The department shall continue to work with the Columbia Snake River irrigators' association to determine how seasonal water operation and maintenance conservation can be utilized. In implementing this proviso, the department shall also consult with the Columbia River policy advisory group as appropriate.

(19) The department shall track any changes in costs, wages, and benefits that would have resulted if House Bill No. 1716 (public contract living wages), as introduced in the 2009 regular session of the legislature, were enacted and made applicable to contracts and related subcontracts entered into, renewed, or extended during the 2009-11 biennium. The department shall submit a report to the house of representatives commerce and labor committee and the senate labor, commerce, and consumer protection committee by December 1, 2011. The report shall include data on any aggregate changes in wages and benefits that would have resulted during the 2009-11 biennium.

(20) Within amounts appropriated in this section the department shall develop recommendations by December 1, 2009, for a convenient and effective mercury-containing light recycling program for residents, small businesses, and small school districts throughout the state. The department shall consider options including but not limited to, a producer-funded program, a recycler-supported or recycle fee program, a consumer fee at the time of purchase, general fund appropriations, or a currently existing dedicated account. The department shall involve and consult with stakeholders including persons who represent retailers, waste haulers, recyclers, mercury-containing light manufacturers or wholesalers, cities, counties, environmental organizations and other interested parties. The department shall report its findings and recommendations for a recycling program for mercury-containing lights to the appropriate committees of the legislature by December 1, 2009.

(21) ~~((During the 2009-11 biennium, the department shall implement its cost reimbursement authority for processing water right applications using a competitive bidding process. For each cost reimbursement application, the department shall obtain cost proposals and other necessary information from at least three prequalified costs reimbursement consultants and shall select the lowest responsive bidder.~~

~~---~~ ~~((22))~~ \$140,000 of the freshwater aquatic algae control account-- state appropriation is provided solely for grants to cities, counties, tribes, special purpose districts, and state agencies for capital and operational expenses used to manage and study excessive saltwater algae with an emphasis on the periodic accumulation of sea lettuce on Puget Sound beaches.

~~---~~ ~~((23))~~ (22) By December 1, 2009, the department in consultation with local governments shall conduct a remedial action grant financing alternatives report. The report shall address options for financing the remedial action grants identified in the department's report, entitled "House

Bill 1761, Model Toxics Control Accounts Ten-Year Financing Plan" and shall include but not be limited to the following: (a) Capitalizing cleanup costs using debt insurance; (b) capitalizing cleanup costs using prefunded cost-cap insurance; (c) other contractual instruments with local governments; and (d) an assessment of overall economic benefits of the remedial action grants funded using the instruments identified in this section.

(23) \$220,000 of the site closure account--state appropriation is provided solely for litigation expenses associated with the lawsuit filed by energy solutions, inc., against the Northwest interstate compact on low-level radioactive waste management and its executive director.

(24) \$68,000 of the water rights processing account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6267 (water rights processing). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(25) \$10,000 of the state toxics control account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5543 (mercury-containing lights). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(26) \$300,000 of the state toxics control account--state appropriation is provided solely for piloting and evaluating two coordinated, multijurisdictional permitting teams for nontransportation projects.

(27)(a) \$4,000,000 of the state drought preparedness account--state appropriation is provided solely for response to a drought declaration pursuant to chapter 43.83B RCW. If such a drought declaration occurs, the department of ecology may provide funding to public bodies as defined in RCW 43.83B.050 in connection with projects and measures designed to alleviate drought conditions that may affect public health and safety, drinking water supplies, agricultural activities, or fish and wildlife survival.

(b) Projects or measures for which funding will be provided must be connected with a water system, water source, or water body that is receiving, or has been projected to receive, less than seventy-five percent of normal water supply, as the result of natural drought conditions. This reduction in water supply must be such that it is causing, or will cause, undue hardship for the entities or fish or wildlife depending on the water supply. The department shall issue guidelines outlining grant program and matching fund requirements within ten days of a drought declaration.

Sec. 303. 2010 c 3 s 302 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2010)	(\$23,326,000))
<u>\$23,176,000</u>	
General Fund--State Appropriation (FY 2011)	(\$22,729,000))
<u>\$20,311,000</u>	
General Fund--Federal Appropriation	(\$5,902,000))
<u>\$6,892,000</u>	
General Fund--Private/Local Appropriation.....	\$73,000
Winter Recreation Program Account--State	
Appropriation	(\$1,558,000))
<u>\$1,556,000</u>	
Off Road Vehicle Account--State Appropriation	\$239,000
Snowmobile Account--State Appropriation	\$4,842,000
Aquatic Lands Enhancement Account--State Appropriation	(\$363,000))
<u>\$368,000</u>	
Recreation Resources Account--State Appropriation.....	\$9,802,000
NOVA Program Account--State Appropriation	\$9,560,000
Parks Renewal and Stewardship Account--State	
Appropriation	(\$71,778,000))
<u>\$72,975,000</u>	
Parks Renewal and Stewardship Account--	
Private/Local Appropriation.....	\$300,000
TOTAL APPROPRIATION	(\$150,472,000))
<u>\$150,094,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$79,000 of the general fund--state appropriation for fiscal year 2010 and \$79,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant for the operation of the Northwest avalanche center.

(2) Proceeds received from voluntary donations given by motor vehicle registration applicants shall be used solely for the operation and maintenance of state parks.

(3) With the passage of Substitute House Bill No. 2339 (state parks system donation), the legislature finds that it has provided sufficient funds to ensure that all state parks remain open during the 2009-11 biennium. The commission shall not close state parks (~~unless the bill is not enacted by June 30, 2009, or revenue collections are insufficient to fund the ongoing operation of state parks. By January 10, 2010, the commission shall provide a report to the legislature on their budget and resources related to operating parks for the remainder of the biennium~~).

(4) The commission shall not close or transfer Tolmie state park.

(5) The commission shall work with the department of general administration to evaluate the commission's existing leases with the intention of increasing net revenue to state parks. The commission shall provide to the office of financial management and the legislative fiscal committees no later than September 30, 2009, a list of leases the commission proposes be managed by the department of general administration.

Sec. 304. 2009 c 564 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund--State Appropriation (FY 2010)	(\$1,511,000))
<u>\$1,486,000</u>	
General Fund--State Appropriation (FY 2011)	(\$1,558,000))

<u>\$1,480,000</u>	
General Fund--Federal Appropriation	(\$10,431,000)
<u>\$10,322,000</u>	
General Fund--Private/Local Appropriation.....	\$250,000
Aquatic Lands Enhancement Account--State Appropriation	\$278,000
Firearms Range Account--State Appropriation	\$39,000
Recreation Resources Account--State Appropriation.....	(\$2,805,000)
<u>\$2,710,000</u>	
NOVA Program Account--State Appropriation	(\$1,062,000)
<u>\$1,049,000</u>	
TOTAL APPROPRIATION.....	(\$17,934,000)
<u>\$17,614,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$204,000 of the general fund--state appropriation for fiscal year 2010 and \$244,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute House Bill No. 2157 (salmon recovery). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) The recreation and conservation office, under the direction of the salmon recovery funding board, shall assess watershed and regional-scale capacity issues relating to the support and implementation of salmon recovery. The assessment shall examine priority setting and incentives to further promote coordination to ensure that effective and efficient mechanisms for delivery of salmon recovery funding board funds are being utilized. The salmon recovery funding board shall distribute its operational funding to the appropriate entities based on this assessment.

(3) The recreation and conservation office shall negotiate an agreement with the Puget Sound partnership to consolidate or share certain administrative functions currently performed by each agency independently. The agencies shall proportionately share the costs of such shared functions. Examples of shared functions may include, but are not limited to, support for personnel, information technology, grant and contract management, invasive species work, legislative coordination, and policy and administrative support of various boards and councils.

(4) The biodiversity council shall be extended through fiscal year 2011.

Sec. 305. 2009 c 564 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2010)	(\$1,079,000)
<u>\$1,108,000</u>	
General Fund--State Appropriation (FY 2011)	(\$1,074,000)
<u>\$1,104,000</u>	
TOTAL APPROPRIATION.....	(\$2,153,000)
<u>\$2,212,000</u>	

The appropriations in this section are subject to the following conditions and limitations: \$46,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for tenant improvement costs associated with moving the office to a new location.

Sec. 306. 2010 c 3 s 303 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2010)	(\$7,575,000)
<u>\$7,556,000</u>	
General Fund--State Appropriation (FY 2011)	(\$7,590,000)
<u>\$7,285,000</u>	
General Fund--Federal Appropriation	(\$1,179,000)
<u>\$1,178,000</u>	
TOTAL APPROPRIATION.....	(\$16,344,000)
<u>\$16,019,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) In order to maintain a high degree of customer service and accountability for conservation districts, \$125,000 is to support the conservation commission's administrative activities related to the processing of conservation district invoices and budgeting.

(2) \$38,000 of the general fund--state appropriation for fiscal year 2011 is provided solely to the Kittitas conservation district for infrastructure improvements to facilitate and enhance wildlife habitat related to the wild horse coordinated resource management plan.

Sec. 307. 2010 c 3 s 304 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2010)	(\$40,686,000)
<u>\$41,263,000</u>	
General Fund--State Appropriation (FY 2011)	(\$38,891,000)
<u>\$34,337,000</u>	
General Fund--Federal Appropriation	(\$86,330,000)
<u>\$85,799,000</u>	
General Fund--Private/Local Appropriation.....	(\$47,490,000)
<u>\$47,211,000</u>	
Off Road Vehicle Account--State Appropriation	(\$415,000)
<u>\$413,000</u>	
Aquatic Lands Enhancement Account--State Appropriation	(\$6,757,000)

<u>\$6,739,000</u>	
Recreational Fisheries Enhancement--State	
Appropriation	(\$3,640,000)
<u>\$3,472,000</u>	
Warm Water Game Fish Account--State Appropriation	(\$2,877,000)
<u>\$2,861,000</u>	
Eastern Washington Pheasant Enhancement Account--	
State Appropriation	(\$848,000)
<u>\$851,000</u>	
Aquatic Invasive Species Enforcement Account--	
State Appropriation	\$207,000
Aquatic Invasive Species Prevention Account--	
State Appropriation	(\$844,000)
<u>\$833,000</u>	
Wildlife Account--State Appropriation	(\$76,178,000)
<u>\$86,878,000</u>	
<u>Wildlife Account--Federal Appropriation</u>	<u>\$101,000</u>
<u>Wildlife Account--Private/Local Appropriation</u>	<u>\$39,000</u>
Game Special Wildlife Account--State Appropriation	(\$2,381,000)
<u>\$2,367,000</u>	
Game Special Wildlife Account--Federal	
Appropriation	(\$8,928,000)
<u>\$3,426,000</u>	
Game Special Wildlife Account--Private/Local	
Appropriation	\$487,000
Wildlife Rehabilitation Account--State Appropriation	(\$270,000)
<u>\$269,000</u>	
Regional Fisheries Salmonid Recovery Account--	
Federal Appropriation	\$5,001,000
Oil Spill Prevention Account--State Appropriation	(\$884,000)
<u>\$876,000</u>	
Oyster Reserve Land Account--State Appropriation	(\$918,000)
<u>\$916,000</u>	
TOTAL APPROPRIATION	(\$324,032,000)
<u>\$324,346,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$294,000 of the aquatic lands enhancement account--state appropriation is provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.
- (2) \$355,000 of the general fund--state appropriation for fiscal year 2010 and \$422,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to implement a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program. For the purposes of the pilot project:
 - (a) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;
 - (b) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;
 - (c) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;
 - (d) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and
 - (e) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;
- (3) Prior to submitting its 2011-2013 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.
- (4) Within existing funds, the department shall continue implementing its capital program action plan dated September 1, 2007, including the purchase of the necessary maintenance and support costs for the capital programs and engineering tools. The department shall report to the office of financial management and the appropriate committees of the legislature, its progress in implementing the plan, including improvements instituted in its capital program, by September 30, ~~(2011)~~ 2010.
- (5) \$1,232,000 of the state wildlife account--state appropriation is provided solely to implement Substitute House Bill No. 1778 (fish and wildlife). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(6) \$400,000 of the general fund--state appropriation for fiscal year 2010 and \$400,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(7) ~~(\$100,000)~~ \$50,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$100,000)~~ \$50,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for removal of derelict gear in Washington waters.

(8) The department of fish and wildlife shall dispose of all ~~(fixed wing)~~ Cessna aircraft it currently owns. The proceeds from the aircraft shall be deposited into the state wildlife account. Disposal of the aircraft must occur no later than June 30, 2010. The department shall coordinate with the department of natural resources on the installation of fire surveillance equipment into its Partenavia aircraft. The department shall make its Partenavia aircraft available to the department of natural resources on a cost-reimbursement basis for its use in coordinating fire suppression efforts. The two agencies shall develop an interagency agreement that defines how they will share access to the plane.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for an electron project fish passage study consistent with the recommendations and protocols contained in the 2008 electron project downstream fish passage final report.

(10) \$60,000 of the general fund--state appropriation for fiscal year 2010 and \$60,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(11) If sufficient new revenues are not identified to continue hatchery operations, within the constraints of legally binding tribal agreements, the department shall dispose of, by removal, sale, lease, reversion, or transfer of ownership, the following hatcheries: McKernan, Colville, Omak, Bellingham, Arlington, and Mossyrock. Disposal of the hatcheries must occur by June 30, 2011, and any proceeds received from disposal shall be deposited in the state wildlife account. Within available funds, the department shall provide quarterly reports on the progress of disposal to the office of financial management and the appropriate fiscal committees of the legislature. The first report shall be submitted no later than September 30, 2009.

(12) \$100,000 of the eastern Washington pheasant enhancement account--state appropriation is provided solely for the department to support efforts to enhance permanent and temporary pheasant habitat on public and private lands in Grant, Franklin, and Adams counties. The department may support efforts by entities including conservation districts, nonprofit organizations, and landowners, and must require such entities to provide significant nonstate matching resources, which may be in the form of funds, material, or labor.

(13) Within the amounts appropriated in this section, the department of fish and wildlife shall develop a method for allocating its administrative and overhead costs proportionate to program fund use. As part of its 2011-2013 biennial operating budget, the department shall submit a decision package that rebalances expenditure authority for all agency funds based upon proportionate contributions.

(14) Within the amounts appropriated in this section, the department shall identify additional opportunities for partnerships in order to keep fish hatcheries operational. Such partnerships shall aim to maintain fish production and salmon recovery with less reliance on state operating funds.

(15) Within the amounts appropriated in this section, the department shall work with stakeholders to develop a long-term funding model that sustains the department's work of conserving species and habitat, providing sustainable recreational and commercial opportunities and using sound business practices. The funding model analysis shall assess the appropriate uses of each fund source and whether the department's current and projected revenue levels are adequate to sustain its current programs. The department shall report its recommended funding model including supporting analysis and stakeholder participation summary to the office of financial management and the appropriate committees of the legislature by October 1, 2010.

(16) By October 1, 2010, the department shall enter into an interagency agreement with the department of natural resources for land management services for the department's wildlife conservation and recreation lands. Land management services may include but are not limited to records management, real estate services such as surveying, and land acquisition and disposal services. The interagency agreement shall describe business processes, service delivery expectations, cost, and timing. In the agreement, the department shall define its roles and responsibilities. A draft agreement shall be submitted to the office of financial management and the appropriate fiscal committees of the legislature by July 1, 2010.

(17) Prior to opening game management unit 490 to public hunting, the department shall complete an environmental impact statement that includes an assessment of how public hunting activities will impact the ongoing protection of the public water supply.

(18) The department must work with appropriate stakeholders to facilitate the disposition of salmon to best utilize the resource, increase revenues to regional fisheries enhancement groups, and enhance the provision of nutrients to food banks. By November 1, 2010, the department must provide a report to the appropriate committees of the legislature summarizing these discussions, outcomes, and recommendations. After November 1, 2010, the department shall not solicit or award a surplus salmon disposal contract without first giving due consideration to implementing the recommendations developed during the stakeholder process.

(19) \$50,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for increased fish production at Voight Creek hatchery.

Sec. 308. 2009 c 564 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2010)	(\$40,275,000))
<u>\$48,822,000</u>	
General Fund--State Appropriation (FY 2011)	(\$40,857,000))
<u>\$37,513,000</u>	
General Fund--Federal Appropriation	(\$26,731,000))
<u>\$28,784,000</u>	
General Fund--Private/Local Appropriation.....	(\$1,371,000))
<u>\$2,369,000</u>	
Forest Development Account--State Appropriation	(\$41,765,000))
<u>\$41,640,000</u>	
Off Road Vehicle Account--State Appropriation	(\$4,236,000))
<u>\$4,406,000</u>	

Surveys and Maps Account--State Appropriation	(\$2,543,000)
<u>\$2,332,000</u>	
Aquatic Lands Enhancement Account--State	
Appropriation	(\$7,217,000)
<u>\$8,315,000</u>	
Resources Management Cost Account--State	
Appropriation	(\$78,951,000)
<u>\$78,704,000</u>	
Surface Mining Reclamation Account--State	
Appropriation	(\$3,490,000)
<u>\$3,494,000</u>	
Disaster Response Account--State Appropriation	\$5,000,000
Forest and Fish Support Account--State Appropriation	\$8,000,000
Aquatic Land Dredged Material Disposal Site	
Account--State Appropriation	(\$1,336,000)
<u>\$1,333,000</u>	
Natural Resources Conservation Areas Stewardship	
Account--State Appropriation	(\$34,000)
<u>\$184,000</u>	
State Toxics Control Account--State Appropriation	(\$80,000)
<u>\$720,000</u>	
Air Pollution Control Account--State Appropriation	(\$569,000)
<u>\$568,000</u>	
NOVA Program Account--State Appropriation	(\$982,000)
<u>\$974,000</u>	
Derelict Vessel Removal Account--State	
Appropriation	(\$1,754,000)
<u>\$1,749,000</u>	
Agricultural College Trust Management Account--	
State Appropriation	(\$2,643,000)
<u>\$1,941,000</u>	
TOTAL APPROPRIATION	(\$267,834,000)
<u>\$276,848,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,355,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$1,299,000)~~ \$349,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.
- (2) ~~(\$11,128,000)~~ \$22,670,000 of the general fund--state appropriation for fiscal year 2010, \$11,128,000 of the general fund-- state appropriation for fiscal year 2011, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.
- (3) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.
- (4) \$600,000 of the derelict vessel removal account--state appropriation is provided solely for removal of derelict and abandoned vessels that have the potential to contaminate Puget Sound.
- (5) \$666,000 of the general fund--federal appropriation is provided solely to implement House Bill No. 2165 (forest biomass energy project). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (6) \$5,000 of the general fund--state appropriation for fiscal year 2010 and \$5,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Substitute House Bill No. 1038 (specialized forest products). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.
- (7) \$440,000 of the state general fund--state appropriation for fiscal year 2010 and \$440,000 of the state general fund--state appropriation for fiscal year 2011 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp at the level provided in fiscal year 2008. The department shall consider using up to \$2,000,000 of the general fund--federal appropriation to support and utilize correctional camp crews to implement natural resource projects approved by the federal government for federal stimulus funding.
- (8) The department of natural resources shall dispose of the King Air aircraft it currently owns. Before disposal and within existing funds, the department shall transfer specialized equipment for fire surveillance to the department of fish and wildlife's Partenavia aircraft. Disposal of the aircraft must occur no later than June 30, 2010, and the proceeds from the sale of the aircraft shall be deposited into the ~~((natural resources equipment revolving fund))~~ forest and fish support account. ~~((At the expiration of current leases))~~ No later than June 30, 2011, the department shall lease facilities in eastern Washington sufficient to house the necessary aircraft, mechanics, and pilots used for forest fire prevention and suppression.

(9) \$30,000 of the general fund--state appropriation for fiscal year 2010 and \$30,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(10) \$1,030,000 of the aquatic lands enhancement account--state appropriation for fiscal year 2011 is provided solely for continuing scientific studies already underway as part of the adaptive management process. Funds may not be used to initiate new studies unless the department secures new federal funding for the adaptive management process.

(11) Within available funds, the department of natural resources shall review the statutory method for determining aquatic lands lease rates for private marinas, public marinas not owned and operated by port districts, yacht clubs, and other entities leasing state land for boat moorage. The review shall consider alternative methods for determining rents for these entities for a fair distribution of rent, consistent with the department management mandates for state aquatic lands.

(12) \$40,000 of the general fund--state appropriation for fiscal year 2011 and \$100,000 of the aquatic lands enhancement account--state appropriation are provided solely to install up to twenty mooring buoys in Eagle Harbor and to remove abandoned boats, floats, and other trespassing structures.

(13) By October 1, 2010, the department shall enter into an interagency agreement with the department of fish and wildlife for providing land management services on the department of fish and wildlife's wildlife conservation and recreation lands. Land management services may include but are not limited to records management, real estate services such as surveying, and land acquisition and disposal services. The interagency agreement shall describe business processes, service delivery expectations, cost, and timing. A draft agreement shall be submitted to the office of financial management and the appropriate fiscal committees of the legislature by July 1, 2010.

(14) \$41,000 of the forest development account--state appropriation, \$44,000 of the resources management cost account--state appropriation, and \$2,000 of the agricultural college trust management account--state appropriation are provided solely for the implementation of Second Substitute House Bill No. 2481 (DNR forest biomass agreements). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(15) The department may not include shellfish growers in its aquatic habitat conservation plan if those growers have been issued a federal nationwide or individual permit by the United States army corps of engineers, in consultation with the United States fish and wildlife service and the national marine fisheries service, which concludes that shellfish cultivation activities on department-managed aquatic lands will not pose jeopardy to threatened or endangered species under the federal endangered species act.

Sec. 309. 2010 c 3 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2010)	(\$12,329,000)
<u>\$12,320,000</u>	
General Fund--State Appropriation (FY 2011)	(\$11,271,000)
<u>\$16,219,000</u>	
General Fund--Federal Appropriation	(\$11,565,000)
<u>\$20,947,000</u>	
General Fund--Private/Local Appropriation.....	(\$194,000)
<u>\$193,000</u>	
Aquatic Lands Enhancement Account--State	
Appropriation	(\$2,559,000)
<u>\$2,551,000</u>	
State Toxics Control Account--State Appropriation.....	(\$4,298,000)
<u>\$4,724,000</u>	
Water Quality Permit Account--State Appropriation	\$61,000
TOTAL APPROPRIATION.....	(\$42,277,000)
<u>\$57,015,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the aquatic lands enhancement account appropriation is provided solely for funding to the Pacific county noxious weed control board to eradicate remaining spartina in Willapa Bay.

(2) \$19,000 of the general fund--state appropriation for fiscal year 2010 and \$6,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Substitute Senate Bill No. 5797 (solid waste handling permits). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(3) The department is authorized to establish or increase the following fees in the 2009-11 biennium as necessary to meet the actual costs of conducting business: Christmas tree grower licensing, nursery dealer licensing, plant pest inspection and testing, and commission merchant licensing.

(4) \$5,420,000 of the general fund--state appropriation for fiscal year 2011 and \$2,782,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6341 (food assistance/department of agriculture). Within amounts appropriated in this subsection, \$65,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to this contract. If the bill is not enacted by June 30, 2010, the amounts provided in this subsection shall lapse.

(5) The department shall, if public or private funds are available, partner with eligible public and private entities with experience in food collection and distribution to review funding sources for eight full-time volunteers in the AmeriCorps VISTA program to conduct outreach to local growers, agricultural donors, and community volunteers. Public and private partners shall also be utilized to coordinate gleaning unharvested tree fruits and fresh produce for distribution to individuals throughout Washington state.

(6) When reducing laboratory activities and functions, the department shall not impact any research or analysis pertaining to bees.

Sec. 310. 2009 c 564 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust

Account--State Appropriation..... ((~~\$638,000~~))
\$636,000

Sec. 311. 2010 c 3 s 306 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2010) ((~~\$3,172,000~~))
\$3,143,000

General Fund--State Appropriation (FY 2011) ((~~\$3,143,000~~))
\$2,864,000

General Fund--Federal Appropriation ((~~\$3,623,000~~))
\$7,214,000

Aquatic Lands Enhancement Account--State Appropriation ((~~\$500,000~~))
\$493,000

State Toxics Control Account--State Appropriation..... ((~~\$896,000~~))
\$794,000

TOTAL APPROPRIATION..... ((~~\$11,334,000~~))
\$14,508,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$305,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for measuring water and habitat quality to determine watershed health and assist salmon recovery.

(2) ((~~\$896,000~~)) \$794,000 of the state toxics control account-- state appropriation is provided solely for activities that contribute to Puget Sound protection and recovery, including provision of independent advice and assessment of the state's oil spill prevention, preparedness, and response programs, including review of existing activities and recommendations for any necessary improvements. The partnership may carry out this function through an existing committee, such as the ecosystem coordination board or the leadership council, or may appoint a special advisory council. Because this is a unique statewide program, the partnership may invite participation from outside the Puget Sound region.

(3) Within the amounts appropriated in this section, the Puget Sound partnership shall facilitate an ongoing monitoring consortium to integrate monitoring efforts for storm water, water quality, watershed health, and other indicators to enhance monitoring efforts in Puget Sound.

(4) The Puget Sound partnership shall work with Washington State University and the environmental protection agency to secure funding for the beach watchers program.

(5) ((~~\$877,000~~)) \$839,000 of the general fund--state appropriation for fiscal year 2010 and ((~~\$877,000~~)) \$764,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely to support public education and volunteer programs. The partnership is directed to distribute the majority of funding as grants to local organizations, local governments, and education, communication, and outreach network partners. The partnership shall track progress for this activity through the accountability system of the Puget Sound partnership.

(6) The Puget Sound partnership shall negotiate an agreement with the recreation and conservation office to consolidate or share certain administrative functions currently performed by each agency independently. The agencies shall proportionately share the costs of such shared functions. Examples of shared functions may include, but are not limited to, support for personnel, information technology, grant and contract management, invasive species work, legislative coordination, and policy and administrative support of various boards and councils.

(End of part)

**PART IV
TRANSPORTATION**

Sec. 401. 2010 c 3 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2010) \$1,436,000
General Fund--State Appropriation (FY 2011) ((~~\$1,535,000~~))

\$1,524,000

Architects' License Account--State Appropriation ((~~\$767,000~~))
\$923,000

Professional Engineers' Account--State

Appropriation ((~~\$3,586,000~~))
\$3,568,000

Real Estate Commission Account--State Appropriation ((~~\$10,047,000~~))
\$9,987,000

Master License Account--State Appropriation \$15,718,000

Uniform Commercial Code Account--State Appropriation ((~~\$3,100,000~~))
\$3,090,000

Real Estate Education Account--State Appropriation \$276,000

Real Estate Appraiser Commission Account--State

Appropriation ((~~\$1,692,000~~))
\$1,683,000

Business and Professions Account--State

Appropriation ((~~\$15,270,000~~))
\$15,188,000

Real Estate Research Account--State Appropriation..... ((~~\$320,000~~))
\$471,000

Geologists' Account--State Appropriation.....	\$53,000
Derelict Vessel Removal Account--State Appropriation.....	\$31,000
TOTAL APPROPRIATION.....	(\$53,831,000)
<u>\$53,948,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) Pursuant to RCW 43.135.055, the department is authorized to increase fees for cosmetologists, funeral directors, cemeteries, court reporters and appraisers. These increases are necessary to support the expenditures authorized in this section, consistent with RCW 43.24.086.
- (2) \$1,352,000 of the business and professions account--state appropriation is provided solely to implement Substitute Senate Bill No. 5391 (tattoo and body piercing). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (3) \$358,000 of the business and professions account--state appropriation is provided solely to implement Senate Bill No. 6126 (professional athletics). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (4) \$151,000 of the real estate research account appropriation is provided solely to implement chapter 156, Laws of 2010 (real estate broker licensure fees).
- (5) \$158,000 of the architects' license account--state appropriation is provided solely to implement chapter 129, Laws of 2010 (architect licensing).
- (6) \$60,000 of the master license account--state appropriation is provided solely to implement chapter 174, Laws of 2010 (vaccine association). The amount provided in this subsection shall be from fee revenue authorized in chapter 174, Laws of 2010.

Sec. 402. 2010 c 3 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2010)	(\$40,668,000)
<u>\$38,977,000</u>	
General Fund--State Appropriation (FY 2011)	(\$39,566,000)
<u>\$36,059,000</u>	
General Fund--Federal Appropriation	(\$11,401,000)
<u>\$15,793,000</u>	
General Fund--Private/Local Appropriation.....	(\$3,568,000)
<u>\$4,986,000</u>	
Death Investigations Account--State Appropriation.....	(\$6,022,000)
<u>\$5,580,000</u>	
Enhanced 911 Account--State Appropriation.....	(\$589,000)
<u>\$603,000</u>	
County Criminal Justice Assistance Account--State Appropriation	(\$3,122,000)
<u>\$3,146,000</u>	
Municipal Criminal Justice Assistance Account--State Appropriation	(\$1,245,000)
<u>\$1,255,000</u>	
Fire Service Trust Account--State Appropriation.....	\$131,000
Disaster Response Account--State Appropriation	\$8,002,000
Fire Service Training Account--State Appropriation	(\$8,717,000)
<u>\$8,821,000</u>	
Aquatic Invasive Species Enforcement Account--State Appropriation	\$54,000
State Toxics Control Account--State Appropriation.....	(\$504,000)
<u>\$509,000</u>	
Fingerprint Identification Account--State Appropriation	(\$7,371,000)
<u>\$10,454,000</u>	
TOTAL APPROPRIATION.....	(\$130,960,000)
<u>\$134,370,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
- (2) \$8,000,000 of the disaster response account--state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.
- (3) The 2010 legislature will review the use of king air planes by the executive branch and the adequacy of funding in this budget regarding maintaining and operating the planes to successfully accomplish their mission.
- (4) The appropriations in this section reflect reductions in the appropriations for the agency's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.
- (5) \$400,000 of the fire service training account--state appropriation is provided solely for the firefighter apprenticeship training program.

(6) \$48,000 of the fingerprint identification account--state appropriation is provided solely to implement Substitute House Bill No. 1621 (consumer loan companies). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(7) In accordance with RCW 43.43.942, 46.52.085, and 43.135.055, the state patrol is authorized to increase the following fees in fiscal year 2011 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Collision records requests; fire training academy courses; and fire training academy dorm accommodations.

(8) \$24,000 of the fingerprint identification account--state appropriation is provided solely for implementation of chapter 47, Laws of 2010 (criminal background checks).

(End of part)

**PART V
EDUCATION**

Sec. 501. 2009 c 564 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation (FY 2010)	((\$34,798,000))
<u>\$35,415,000</u>	
General Fund--State Appropriation (FY 2011)	((\$32,969,000))
<u>\$33,610,000</u>	
General Fund--Federal Appropriation	((\$86,571,000))
<u>\$87,081,000</u>	
TOTAL APPROPRIATION	((\$154,338,000))
<u>\$156,106,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of (~~(\$22,532,000)~~) \$23,096,000 of the general fund-- state appropriation for fiscal year 2010 and (~~(\$21,023,000)~~) \$21,926,000 of the general fund--state appropriation for fiscal year 2011 is for state agency operations.

(a) (~~(\$11,792,000)~~) \$11,226,000 of the general fund--state appropriation for fiscal year 2010 and (~~(\$11,325,000)~~) \$10,367,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Within amounts appropriated in this subsection (1)(a), the office of the superintendent of public instruction, consistent with WAC 392-121-182 (alternative learning experience requirements) which requires documentation of alternative learning experience student headcount and full-time equivalent (FTE) enrollment claimed for basic education funding, shall provide, (~~(via the)~~) monthly (report of school district enrollment), accurate monthly headcount and FTE enrollments for students in (~~(internet)~~) alternative learning experience (ALE) programs as well as information about resident and serving districts.

(iii) Within amounts provided in this subsection (1)(a), the state superintendent of public instruction shall share best practices with school districts regarding strategies for increasing efficiencies and economies of scale in school district noninstructional operations through shared service arrangements and school district cooperatives, as well as other practices.

(b) \$250,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for a statewide school district reorganization commission.

(i) The commission shall develop and recommend a comprehensive plan for the reorganization of Washington school districts for review and potential adoption by the legislature.

(ii) The commission shall be composed of the following members: A representative of the state board of education selected by the members of the board; two representatives of school administrators selected by the Washington association of school administrators, with one representative each from eastern and western Washington; two representatives of school board directors selected by the Washington state school directors' association, with one representative each from eastern and western Washington; one representative of certificated instructional school employees selected by the Washington education association; an individual with experience as a demographer or as a participant on the redistricting commission under chapter 44.05 RCW selected by the governor.

(iii) The commission shall develop objective criteria, ranked in priority order, for the reorganization of Washington school districts to include consideration of but not be limited to criteria in RCW 28A.315.015 and 28A.315.205. Based on the adopted objective criteria, the commission shall develop a comprehensive plan for the reorganization and reduction of Washington school districts. The plan may also result in a reorganization of the number and boundaries of educational service districts.

(iv) The commission shall submit a final comprehensive school district reorganization plan to the superintendent of public instruction, the governor, and the legislature by December 1, 2012, to include the following: A list of the recommended school districts and educational service districts and their respective boundaries; recommended procedures and timelines for phased-in implementation of the reorganization plan; procedures and timelines for determination, adjustment, and transfer of assets and liabilities among school districts, including bonded indebtedness; procedures and timelines for determination and election of school district and educational service district boards of directors; and any other relevant elements the commission deems essential for legislative and gubernatorial consideration.

(c) \$25,000 of the general fund--state appropriation for fiscal year 2011 is provided to the office of the superintendent of public instruction solely to convene a science, technology, engineering, and mathematics (STEM) working group to develop a comprehensive plan with a shared vision, goals, and measurable objectives to improve policies and practices to ensure that a pathway is established for elementary schools, middle schools, high schools, postsecondary degree programs, and careers in the areas of STEM, including improving practices for recruiting, preparing, hiring, retraining, and supporting teachers and instructors while creating pathways to boost student success, close the achievement gap, and prepare every student to be college and career ready. The working group shall be composed of the director of STEM at the office of the superintendent of public instruction who shall be the chair of the working group, and at least one representative from the state board of education, professional educator standards board, state board of community and technical colleges, higher education coordinating board, workforce training and education coordinating board, the achievement gap oversight and accountability committee, and others with appropriate expertise. The

working group shall develop a comprehensive plan and a report with recommendations, including a timeline for specific actions to be taken, which is due to the governor and the appropriate committees of the legislature by December 1, 2010.

~~(d)~~ ~~(\$927,000)~~ \$920,000 of the general fund--state appropriation for fiscal year 2010 and \$941,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for research and development activities associated with the development of options for new school finance systems, including technical staff, reprogramming, and analysis of alternative student funding formulae. Within this amount is \$150,000 for the state board of education for further development of accountability systems, and \$150,000 for the professional educator standards board for continued development of teacher certification and evaluation systems.

~~((b))~~ ~~(e)~~ \$965,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$965,000)~~ \$946,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

~~((e))~~ ~~(f)~~ \$5,366,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$5,264,000)~~ \$3,312,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the professional educator standards board for the following:

(i) \$1,070,000 in fiscal year 2010 and ~~(\$1,070,000)~~ \$1,058,000 in fiscal year 2011 are for the operation and expenses of the Washington professional educator standards board ~~(including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program)~~;

(ii) ~~(\$3,431,000)~~ \$4,106,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$3,431,000)~~ \$2,066,000 of the general fund--state appropriation for fiscal year 2011 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board, including the pipeline for paraeducators program and the retooling to teach conditional loan programs. Funding within this subsection (1)(f)(ii) is also provided for the recruiting Washington teachers program. ~~(Of these amounts:~~

~~—(A) \$500,000 each year is for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;~~

~~—(B) \$2,372,000 for fiscal year 2010 and \$2,372,000 for fiscal year 2011 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special education or bilingual education;~~

~~—(C) Any remaining amounts in this subsection (c) shall be used to continue existing alternative routes to certification programs; and~~

~~—(D) Candidates seeking math and science endorsements under (A) and (B) of this subsection shall receive priority for funding;~~

~~(iii) \$231,000 of the general fund--state appropriation for fiscal year 2010 and \$231,000 of the general fund--state appropriation for fiscal year 2011 are for the recruiting Washington teachers program;~~

~~(iv) \$200,000 of the general fund--state appropriation for fiscal year 2010 and \$200,000 of the general fund--state appropriation for fiscal year 2011 provided in this subsection are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators program;~~

~~(v) \$244,000 of the general fund--state appropriation for fiscal year 2010 and \$244,000 of the general fund--state appropriation for fiscal year 2011 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program. The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework; and~~

~~(vi) (iii) \$102,000 of the general fund--state appropriation for fiscal year 2010 is provided for the implementation of Second Substitute Senate Bill No. 5973 (student achievement gap). (The professional educator standards board (PESB) will convene a workgroup to identify a list of model standards for cultural competency and make recommendations to the education committees of the legislature on the strengths and weaknesses of those standards. Funding is also included here in the amount of \$10,000 for the PESB to develop an interagency agreement with the center for the improvement of student learning to participate.~~

~~(d) \$1,099,000)~~ \$100,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the ongoing work of the achievement gap oversight and accountability committee and implementation of the committee's recommendations.

(iv) During the 2009-2011 fiscal biennium, the professional educator standards board is exempt from the provisions of chapter 7, Laws of 2010 1st sp. sess. (eliminating boards and commissions).

(g) \$1,349,000 of the general fund--state appropriation for fiscal year 2010 and \$144,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

~~((e))~~ ~~(\$1,227,000)~~ (h) \$1,140,000 of the general fund--state appropriation for fiscal year 2010 and \$1,227,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

~~((f))~~ ~~(i) \$75,000 of the general fund--state appropriation for fiscal year 2010 (and \$75,000 of the general fund--state appropriation for fiscal year 2011 are)~~ is provided solely to promote the financial literacy of students. The effort will be coordinated through the financial education public-private partnership. It is expected that nonappropriated funds available to the public-private partnership will be sufficient to continue financial literacy activities.

~~((g))~~ ~~(j)~~ To the maximum extent possible, in adopting new agency rules or making any changes to existing rules or policies related to the fiscal provisions in the administration of part V of this act, the office of the superintendent of public instruction shall attempt to request approval through the normal legislative budget process.

~~((h))~~ ~~(k) \$44,000 of the general fund--state appropriation for fiscal year 2010 and \$45,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute Senate Bill No. 5248 (enacting the interstate compact on educational opportunity for military children).~~

~~((i))~~ ~~(l) \$700,000 of the general fund--state appropriation for fiscal year 2010 and \$700,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute Senate Bill No. 5410 (online learning).~~

~~((j))~~ ~~(m) \$25,000 of the general fund--state appropriation for fiscal year 2010 and \$25,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.~~

(n) \$2,518,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the implementation of Substitute House Bill No. 2776 (K-12 education funding). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(o) \$133,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the implementation of Engrossed Second Substitute House Bill No. 3026 (state and federal civil rights laws). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(p) Beginning in the 2010-11 school year, the superintendent of public instruction shall require all districts receiving general apportionment funding for alternative learning experience (ALE) programs as defined in WAC 392-121-182 to provide separate financial accounting of expenditures for the ALE programs offered in district or with a provider, including but not limited to private companies and multidistrict cooperatives.

(q) \$55,000 of the general fund--state appropriation for fiscal year 2011 is provided to the office of the superintendent of public instruction solely to convene a technical working group to establish standards, guidelines, and definitions for what constitutes a basic education program for highly capable students and the appropriate funding structure for such a program, and to submit recommendations to the legislature for consideration. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders. The working group must consult with and seek input from nationally recognized experts; researchers and academics on the unique educational, emotional, and social needs of highly capable students and how to identify such students; representatives of national organizations and associations for educators of or advocates for highly capable students; school district representatives who are educators, counselors, and classified school employees involved with highly capable programs; parents of students who have been identified as highly capable; representatives from the federally recognized tribes; and representatives of cultural, linguistic, and racial minority groups and the community of persons with disabilities. The working group shall make recommendations to the quality education council and to appropriate committees of the legislature by December 1, 2010. The recommendations shall take into consideration that access to the program for highly capable students is not an individual entitlement for any particular student. The recommendations shall seek to minimize underrepresentation of any particular demographic or socioeconomic group by better identification, not lower standards or quotas, and shall include the following:

(i) Standardized state-level identification procedures, standards, criteria, and benchmarks, including a definition or definitions of a highly capable student. Students who are both highly capable and are students of color, are poor, or have a disability must be addressed;

(ii) Appropriate programs and services that have been shown by research and practice to be effective with highly capable students but maintain options and flexibility for school districts, where possible;

(iii) Program administration, management, and reporting requirements for school districts;

(iv) Appropriate educator qualifications, certification requirements, and professional development and support for educators and other staff who are involved in programs for highly capable students;

(v) Self-evaluation models to be used by school districts to determine the effectiveness of the program and services provided by the school district for highly capable programs;

(vi) An appropriate state-level funding structure; and

(vii) Other topics deemed to be relevant by the working group.

(r) \$1,000,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for contracting with a college scholarship organization with expertise in conducting outreach to students concerning eligibility for the Washington college bound scholarship consistent with chapter 405, Laws of 2007.

(s) \$24,000 of the general fund--state appropriation for fiscal year 2010 and \$140,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Substitute Senate Bill No. 6759 (requiring a plan for a voluntary program of early learning as a part of basic education). If the bill is not enacted by June 30, 2010, the amounts provided in this subsection (1)(r) shall lapse.

(t) \$950,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for office of the attorney general costs related to *McCleary v. State of Washington*.

(2) (~~(\$12,836,000)~~) \$12,320,000 of the general fund--state appropriation for fiscal year 2010, (~~(\$12,407,000)~~) \$11,685,000 of the general fund--state appropriation for fiscal year 2011, and \$55,890,000 of the general fund--federal appropriation are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2010 and \$2,541,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iii) \$9,670,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(iv) \$96,000 of the general fund--state appropriation for fiscal year 2010 and \$96,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(v) \$70,000 of the general fund--state appropriation for fiscal year 2010 (~~and \$70,000 of the general fund--state appropriation for fiscal year 2011 are~~) is provided solely for the youth suicide prevention program.

(vi) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(b) TECHNOLOGY

(i) ~~(\$1,939,000)~~ \$1,842,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$1,939,000)~~ \$1,745,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(ii) \$1,475,000 of the general fund--state appropriation for fiscal year 2010, \$1,045,000 of the general fund--state appropriation for fiscal year 2011, and \$435,000 of the general fund--federal appropriation are provided solely for implementing a comprehensive data system to include financial, student, and educator data. The office of the superintendent of public instruction will convene a data governance group to create a comprehensive needs-requirement document, conduct a gap analysis, and define operating rules and a governance structure for K-12 data collections. ~~(A preliminary report shall be submitted to the fiscal committees and the education policy committees of the house of representatives and senate by November 2009.~~

~~—(iii) \$1,656,000 of the general fund—federal appropriation for fiscal year 2010 and \$2,483,000 of the general fund—federal appropriation for fiscal year 2011 of the American recovery and reinvestment act (ARRA) 2009 funds for education technology are provided solely for distribution to school districts, by formula, as provided in the ARRA and related federal guidelines. \$4,139,000 of the general fund—federal appropriation of the American recovery and reinvestment act (ARRA) 2009 funds for education technology shall be awarded to local education agencies through a competitive grant process.)~~

(c) GRANTS AND ALLOCATIONS

(i) \$1,329,000 of the general fund--state appropriation for fiscal year 2010 and \$1,329,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the special services pilot project to include up to seven participating districts. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.016.

(ii) \$750,000 of the general fund--state appropriation for fiscal year 2010 and \$750,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(iii) \$25,000 of the general fund--state appropriation for fiscal year 2010 ~~(and \$25,000 of the general fund—state appropriation for fiscal year 2011 are)~~ is provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(iv) \$175,000 of the general fund--state appropriation for fiscal year 2010 and \$175,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for incentive grants for districts and pilot projects to develop preapprenticeship programs. Incentive grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(v) ~~(\$3,219,000)~~ \$2,898,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$3,220,000)~~ \$3,120,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the dissemination of the navigation 101 curriculum to all districts. The funding shall support electronic student planning tools and software for analyzing the impact of navigation 101 on student performance, as well as grants to a maximum of one hundred school districts each year, based on progress and need for the implementation of the navigation 101 program. The implementation grants shall be awarded to a cross-section of school districts reflecting a balance of geographic and demographic characteristics. Within the amounts provided, the office of the superintendent of public instruction will create a navigation 101 accountability model to analyze the impact of the program.

(vi) ~~(\$675,000)~~ \$627,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$675,000)~~ \$337,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of a statewide program for comprehensive dropout prevention, intervention, and retrieval.

(vii) ~~(\$50,000)~~ \$40,000 of the general fund--state appropriation for fiscal year 2010 ~~(and \$50,000 of the general fund—state appropriation for fiscal year 2011 are)~~ is provided solely for program initiatives to address the educational needs of Latino students and families. Using the full amounts of the appropriations under this subsection (2)(c)(vii), the office of the superintendent of public instruction shall contract with the Seattle community coalition of compaña quetzal to provide for three initiatives: (A) Early childhood education; (B) parent leadership training; and (C) high school success and college preparation programs.

(viii) ~~(\$75,000)~~ \$60,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a pilot project to encourage bilingual high school students to pursue public school teaching as a profession. Using the full amounts of the appropriation under this subsection, the office of the superintendent of public instruction shall contract with the Latino/a educational achievement project (LEAP) to work with school districts to identify and mentor not fewer than fifty bilingual students in their junior year of high school, encouraging them to become bilingual instructors in schools with high English language learner populations. Students shall be mentored by bilingual teachers and complete a curriculum developed and approved by the participating districts.

(ix) \$145,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$145,000)~~ \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the office of the superintendent of public instruction to enhance the reading skills of students with dyslexia by implementing the findings of the dyslexia pilot program. Funds shall be used to provide information and training to classroom teachers and reading specialists, for development of a dyslexia handbook, and to take other statewide actions to improve the reading skills of students with dyslexia. The training program shall be delivered regionally through the educational service districts.

(x) \$97,000 of the general fund--state appropriation for fiscal year 2010 and \$97,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to support vocational student leadership organizations.

(xi) ~~(\$25,000 of the general—state appropriation for fiscal year 2010 and \$25,000 of the general fund—state appropriation for fiscal year 2011 are provided solely for the communities in school program in Pierce county.)~~ \$150,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for drop-out prevention programs at the office of the superintendent of public instruction including the jobs for America's graduates (JAG) program.

Sec. 502. 2009 c 564 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2010)	(\$5,083,217,000))
<u>\$5,126,153,000</u>	
General Fund--State Appropriation (FY 2011)	(\$5,103,543,000))
<u>\$5,159,625,000</u>	
TOTAL APPROPRIATION	(\$10,186,760,000))
<u>\$10,285,778,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2009-10 and 2010-11 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

~~(ii)(A)(I) (Fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades K-4 for districts that enroll fewer than 25 percent of their total full-time equivalent student enrollment in grades K-4 in digital or online learning programs defined in WAC 392-121-182.~~

~~—(B) All other districts shall be allocated a minimum of forty-nine certificated instructional staff units per 1,000 full-time equivalent (FTE) students in grades K through four, and shall be allocated additional certificated instructional staff units to equal the documented staffing level in grades K through four, up to a maximum of fifty-three and two-tenths certificated instructional staff units per 1,000 FTE students.~~

~~—(C) Certificated instructional staff allocations in this subsection (2)(a)(ii) exceeding the statutory minimums established in RCW 28A.150.260 shall not be considered part of basic education.) For districts that enroll fewer than 25 percent of their total full-time equivalent student enrollment in grades K through three in digital or online learning programs as defined in WAC 392-121-182, fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades K through three.~~

~~—(I) For all other districts, a minimum of forty-nine certificated instructional staff units per 1,000 full-time equivalent (FTE) students in grades K through three, with additional certificated instructional staff units to equal the documented staffing level in grades K through three, up to a maximum of fifty-three and two-tenths certificated instructional staff units per 1,000 FTE students.~~

~~—(B)(I) For districts that enroll fewer than 25 percent of their total full-time equivalent student enrollment in grade four in digital or online learning programs defined in WAC 392-121-182: For the 2009-10 school year, fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grade four, and for the 2010-11 school year, forty-seven and forty-three one-hundredths certificated instructional staff units per thousand full-time equivalent students in grade four.~~

~~—(II) For all other districts:~~

~~For the 2009-10 school year, a minimum of forty-six certificated instructional staff units per 1,000 full-time equivalent (FTE) students in grade four, and additional certificated instructional staff units to equal the documented staffing level in grade four, up to a maximum of fifty-three and two-tenths certificated instructional staff units per 1,000 FTE students.~~

~~For the 2010-11 school year, a minimum of forty-six certificated instructional staff units per 1,000 full-time equivalent (FTE) students in grade four, and additional certificated instructional staff units to equal the documented staffing level in grade four, up to a maximum of forty-seven and forty-three one-hundredths certificated instructional staff units per 1,000 FTE students;~~

~~(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 5-12;~~

~~(iv) Certificated staff allocations in this subsection (2)(a) exceeding the statutory minimums established in RCW 28A.150.260 shall not be considered part of basic education;~~

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; ~~(and)~~

~~(B) Middle school vocational STEM programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.8 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and~~

~~(C) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2010-11 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;~~

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational- secondary programs and vocational middle-school shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2009-10 and 2010-11 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (h) of this section, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each 58.75 average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 14.43 percent in the 2009-10 school year and 14.43 percent in the 2010- 11 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of ~~((46.58))~~ 16.59 percent in the 2009-10 school year and ~~((46.58))~~ 16.59 percent in the 2010-11 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (g) of this section, there shall be provided a maximum of \$10,179 per certificated staff unit in the 2009-10 school year and a maximum of ~~((10,445))~~ \$10,424 per certificated staff unit in the 2010- 11 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$24,999 per certificated staff unit in the 2009-10 school year and a maximum of ~~((25,449))~~ \$25,399 per certificated staff unit in the 2010-11 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$19,395 per certificated staff unit in the 2009-10 school year and a maximum of ~~((19,744))~~ \$19,705 per certificated staff unit in the 2010-11 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$607.44 for the 2009-10 and 2010-11 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) Funding in this section is sufficient to provide additional service year credits to educational staff associates pursuant to chapter 403, Laws of 2007.

(10)(a) The superintendent may distribute a maximum of ~~((7,288,000))~~ \$7,286,000 outside the basic education formula during fiscal years 2010 and 2011 as follows:

(i) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$567,000 may be expended in fiscal year 2010 and a maximum of ~~((577,000))~~ \$576,000 may be expended in fiscal year 2011;

- (ii) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2010 fiscal year and a maximum of \$2,385,000 for the 2011 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;
- (iii) A maximum of ~~(\$404,000)~~ \$403,000 may be expended for school district emergencies; and
- (iv) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(b) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(11) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 4.0 percent from the 2008-09 school year to the 2009-10 school year and 4.0 percent from the 2009-10 school year to the 2010-11 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (g) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

(13) General apportionment payments to the Steilacoom historical school district shall reflect changes to operation of the Harriet Taylor elementary school consistent with the timing of reductions in correctional facility capacity and staffing.

Sec. 503. 2009 c 564 s 503 (unmodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 22, 2009, at 08:22 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 22, 2009, at 08:22 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 14.43 percent for school year 2009-10 and 14.43 percent for school year 2010-11 for certificated staff and for classified staff ~~((16.58))~~ 16.59 percent for school year 2009-10 and ~~((16.58))~~ 16.59 percent for the 2010-11 school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
34,237	35,162	36,120	37,080	40,161	42,145	41,047	44,128	46,115
34,698	35,635	36,606	37,608	40,721	42,695	41,503	44,617	46,589
35,137	36,083	37,064	38,144	41,248	43,242	41,963	45,067	47,061
35,589	36,545	37,536	38,650	41,749	43,791	42,398	45,494	47,538
36,033	37,031	38,028	39,180	42,297	44,354	42,855	45,971	48,030
36,492	37,494	38,501	39,718	42,823	44,921	43,319	46,425	48,523
36,963	37,943	38,984	40,262	43,352	45,462	43,794	46,885	48,993
37,790	38,786	39,841	41,187	44,324	46,491	44,685	47,820	49,989
39,002	40,052	41,132	42,590	45,768	48,016	46,086	49,266	51,512
	41,363	42,497	44,008	47,260	49,584	47,503	50,757	53,081

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43,877	45,498	48,794	51,195	48,995	52,291	54,692
	47,032	50,399	52,849	50,528	53,897	56,345
	48,517	52,048	54,571	52,122	55,545	58,068
		53,737	56,335	53,773	57,234	59,831
		55,434	58,165	55,471	59,042	61,663
		56,877	59,679	56,913	60,577	63,266
		58,014	60,871	58,051	61,788	64,531

BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
34,237	35,162	36,120	37,080	40,161	42,145	41,047	44,128	46,115
34,698	35,635	36,606	37,608	40,721	42,695	41,503	44,617	46,589
35,137	36,083	37,064	38,144	41,248	43,242	41,963	45,067	47,061
35,589	36,545	37,536	38,650	41,749	43,791	42,398	45,494	47,538
36,033	37,031	38,028	39,180	42,297	44,354	42,855	45,971	48,030
36,492	37,494	38,501	39,718	42,823	44,921	43,319	46,425	48,523
36,963	37,943	38,984	40,262	43,352	45,462	43,794	46,885	48,993
37,790	38,786	39,841	41,187	44,324	46,491	44,685	47,820	49,989
39,002	40,052	41,132	42,590	45,768	48,016	46,086	49,266	51,512
	41,363	42,497	44,008	47,260	49,584	47,503	50,757	53,081
		43,877	45,498	48,794	51,195	48,995	52,291	54,692
			47,032	50,399	52,849	50,528	53,897	56,345
			48,517	52,048	54,571	52,122	55,545	58,068
				53,737	56,335	53,773	57,234	59,831
				55,434	58,165	55,471	59,042	61,663
				56,877	59,679	56,913	60,577	63,266
				58,014	60,871	58,051	61,788	64,531))

BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR Ph.D.
<u>34,048</u>	<u>34,968</u>	<u>35,920</u>	<u>36,875</u>	<u>39,939</u>	<u>41,913</u>	<u>40,820</u>	<u>43,885</u>	<u>45,860</u>
<u>34,506</u>	<u>35,439</u>	<u>36,403</u>	<u>37,400</u>	<u>40,496</u>	<u>42,459</u>	<u>41,274</u>	<u>44,370</u>	<u>46,332</u>

<u>34,943</u>	<u>35,884</u>	<u>36,859</u>	<u>37,933</u>	<u>41,020</u>	<u>43,004</u>	<u>41,731</u>	<u>44,818</u>	<u>46,802</u>
<u>35,393</u>	<u>36,343</u>	<u>37,329</u>	<u>38,437</u>	<u>41,518</u>	<u>43,549</u>	<u>42,164</u>	<u>45,243</u>	<u>47,276</u>
<u>35,834</u>	<u>36,826</u>	<u>37,818</u>	<u>38,964</u>	<u>42,064</u>	<u>44,110</u>	<u>42,618</u>	<u>45,718</u>	<u>47,765</u>
<u>36,290</u>	<u>37,287</u>	<u>38,288</u>	<u>39,498</u>	<u>42,586</u>	<u>44,673</u>	<u>43,080</u>	<u>46,169</u>	<u>48,256</u>
<u>36,759</u>	<u>37,734</u>	<u>38,769</u>	<u>40,039</u>	<u>43,113</u>	<u>45,211</u>	<u>43,552</u>	<u>46,626</u>	<u>48,723</u>
<u>37,582</u>	<u>38,572</u>	<u>39,621</u>	<u>40,960</u>	<u>44,079</u>	<u>46,235</u>	<u>44,438</u>	<u>47,556</u>	<u>49,713</u>
<u>38,787</u>	<u>39,831</u>	<u>40,905</u>	<u>42,355</u>	<u>45,516</u>	<u>47,751</u>	<u>45,832</u>	<u>48,994</u>	<u>51,228</u>
	<u>41,135</u>	<u>42,262</u>	<u>43,765</u>	<u>46,999</u>	<u>49,310</u>	<u>47,241</u>	<u>50,477</u>	<u>52,788</u>
		<u>43,635</u>	<u>45,247</u>	<u>48,524</u>	<u>50,913</u>	<u>48,724</u>	<u>52,003</u>	<u>54,390</u>
			<u>46,772</u>	<u>50,121</u>	<u>52,557</u>	<u>50,249</u>	<u>53,599</u>	<u>56,034</u>
			<u>48,249</u>	<u>51,761</u>	<u>54,269</u>	<u>51,835</u>	<u>55,238</u>	<u>57,748</u>
				<u>53,440</u>	<u>56,024</u>	<u>53,476</u>	<u>56,918</u>	<u>59,501</u>
				<u>55,128</u>	<u>57,844</u>	<u>55,165</u>	<u>58,716</u>	<u>61,322</u>
				<u>56,563</u>	<u>59,349</u>	<u>56,599</u>	<u>60,242</u>	<u>62,917</u>
				<u>57,693</u>	<u>60,535</u>	<u>57,731</u>	<u>61,447</u>	<u>64,174</u>

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.
- (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.
- (e) "Credits" means college quarter hour credits and equivalent in- service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 2 and the salary schedules in subsection (4)(a) of this section include one learning improvement day for the 2009-10 school year and zero learning improvement days for the 2010-11 school year. A school district is eligible for the learning improvement day funds only if the learning improvement day has been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional day shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school-wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

Sec. 504. 2009 c 564 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS	
General Fund--State Appropriation (FY 2010)	(((\$4,215,000)))
<u>(\$4,414,000)</u>	
General Fund--State Appropriation (FY 2011)	((\$14,172,000))
<u>(\$1,806,000)</u>	
General Fund--Federal Appropriation	((\$6,000))

(\$1,000)

TOTAL APPROPRIATION ((~~\$9,963,000~~))
(\$6,221,000)

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary adjustments shall be provided to all districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

(b) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These adjustments shall ensure a minimum salary allocation for certificated administrative staff of \$57,986 in the 2009-10 school year and \$57,986 in the 2010-11 school year.

(c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These salary adjustments ensure a minimum salary allocation for classified staff of \$31,865 in the 2009- 10 school year and \$31,865 in the 2010-11 school year.

(d) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at rates 13.79 percent for the 2009-10 school year and 13.79 percent for the 2010-11 school year for certificated staff and ((~~13.09~~)) 13.09 percent for the 2009-10 school year and ((~~13.09~~)) 13.09 percent for the 2010-11 school year for classified staff.

(e) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act. The appropriations in this section provide incremental fringe benefit alterations based on formula adjustments as follows:

	School Year	
	2009-10	2010-11
Pupil Transportation (per weighted pupil mile)	\$0	\$0
Highly Capable (per formula student)	(\$1.49)	((\$1.49)) <u>\$2.98</u>
Transitional Bilingual Education (per eligible bilingual student)	(\$3.93)	((\$3.93)) <u>\$7.86</u>
Learning Assistance (per formula student)	(\$1.18)	((\$1.18)) <u>\$2.36</u>

(f) The appropriations in this section include no salary adjustments for substitute teachers.

(2) ((~~\$44,188,000~~)) \$44,213,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$732.00 per month for the 2009-10 and 2010-11 school years. The appropriations in this section provide for a rate increase to \$745.00 per month for the 2009-10 school year and \$768.00 per month for the 2010-11 school year. The adjustments to health insurance benefits are at the following rates:

	School Year	
	2009-10	2010-11
Pupil Transportation (per weighted pupil mile)	\$0.12	\$0.33
Highly Capable (per formula student)	((\$0.82)) <u>\$0.79</u>	\$2.22
Transitional Bilingual Education (per eligible bilingual student)	((\$2.10)) <u>\$2.11</u>	\$5.83
Learning Assistance (per formula student)	\$0.54	\$1.49

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505, 2009 c 564 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2010) ((~~\$307,357,000~~))
\$317,116,000
 General Fund--State Appropriation (FY 2011) ((~~\$307,070,000~~))
\$296,747,000
 TOTAL APPROPRIATION ((~~\$614,427,000~~))
\$613,863,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$878,000 of this fiscal year 2010 appropriation and a maximum of ~~(\$894,000)~~ \$892,000 of the fiscal year 2011 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) Allocations for transportation of students shall be based on reimbursement rates of \$48.15 per weighted mile in the 2009-10 school year and ~~(\$48.40)~~ \$48.37 per weighted mile in the 2010-11 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(4) The office of the superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(5) The superintendent of public instruction shall base depreciation payments for school district buses on the pre-sales tax five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

(6) Funding levels in this section reflect reductions from the implementation of Substitute House Bill No. 1292 (authorizing waivers from the one hundred eighty-day school year requirement in order to allow four-day school weeks).

Sec. 506. 2009 c 564 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2010)	\$3,159,000
General Fund--State Appropriation (FY 2011)	\$3,159,000
General Fund--Federal Appropriation	(\$281,988,000)
<u>\$391,988,000</u>	
TOTAL APPROPRIATION	(\$288,306,000)
<u>\$398,306,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund--state appropriation for fiscal year 2010 and \$3,000,000 of the general fund--state appropriation for fiscal year 2011 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the 2011 fiscal year appropriation are provided for summer food programs for children in low-income areas.

(3) \$59,000 of the general fund--state appropriation for fiscal year 2010 and \$59,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to chapter 287, Laws of 2005 (requiring school breakfast programs in certain schools).

~~((4) \$1,588,000 of the general fund--federal appropriation of American recovery and reinvestment act of 2009 (ARRA) funds is provided solely for equipment assistance to school food authorities (SFAs) participating in the national school lunch program (NSLP). Local SFAs may apply to the office of the superintendent of public instruction to receive grants in accordance with provisions of the ARRA. As stipulated in the ARRA, priority will be given to SFAs for equipment for schools in which at least 50 percent of the students are eligible for free or reduced priced meals.))~~

Sec. 507. 2009 c 564 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2010)	(\$640,959,000)
<u>\$632,136,000</u>	
General Fund--State Appropriation (FY 2011)	(\$652,388,000)
<u>\$650,856,000</u>	
General Fund--Federal Appropriation	(\$656,052,000)
<u>\$664,601,000</u>	
Education Legacy Trust Account--State	
Appropriation	\$756,000
TOTAL APPROPRIATION	(\$1,950,155,000)
<u>\$1,948,349,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: (a) The first category includes (i) children birth through age two who are eligible for the optional program for special education eligible developmentally delayed infants and toddlers, and (ii) students eligible for the mandatory special education program and who are age three or four, or five and not yet enrolled in kindergarten; and (b) the second category includes students who are eligible for the mandatory special education program and who are age five and enrolled in kindergarten and students age six through 21.

(5)(a) For the 2009-10 and 2010-11 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten, as defined in subsection (4) of this section, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools in the 2009-10 school year. In the 2010-11 school year, the per student allocation under this subsection (5)(b) shall include the same factors as in the 2009-10 school year, but shall also include the classified staff enhancements included in section 502(3)(b).

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age four enrollment and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, (~~(\$73,668,000)~~ \$44,269,000) of the general fund--state appropriation and \$29,574,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (8) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for special education-eligible students. Awards associated with (b) and (c) of this subsection shall not exceed the total of a district's specific determination of need.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services. The safety net awards to school districts shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999. The state safety net oversight committee shall ensure that safety net documentation and awards are based on current medicaid revenue amounts.

(g) The office of the superintendent of public instruction, at the conclusion of each school year, shall recover safety net funds that were distributed prospectively but for which districts were not subsequently eligible.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) The office of the superintendent of public instruction shall review and streamline the application process to access safety net funds, provide technical assistance to school districts, and annually survey school districts regarding improvement to the process.

(12) A maximum of \$678,000 may be expended from the general fund-- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high- cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(15) \$262,000 of the general fund--state appropriation for fiscal year 2010 and \$251,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(16) ~~(\$221,357,000 of the general fund-- federal appropriation of American recovery and reinvestment act of 2009 funds is provided solely for the individuals with disabilities education act (IDEA), Part B, for distribution to school districts. The funds' use is to be consistent with the current IDEA, Part B statutory and regulatory requirements.~~

~~---~~(17)) \$50,000 of the general fund--state appropriation for fiscal year 2010, \$50,000 of the general fund--state appropriation for fiscal 2011, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction.

Sec. 508. 2009 c 564 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2010)	\$8,394,000
General Fund--State Appropriation (FY 2011)	(\$8,395,000)
<u>\$8,319,000</u>	
TOTAL APPROPRIATION	(\$16,789,000)
<u>\$16,713,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$3,355,000 of the general fund--state appropriation for fiscal year 2010 and \$3,355,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for regional professional development related to mathematics and science curriculum and instructional strategies. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support. The office of superintendent of public instruction shall also allocate to each educational service district additional amounts provided in section 504 of this act for compensation increases associated with the salary amounts and staffing provided in this subsection (2).

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 509. 2009 c 564 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2010)	(\$42,921,000)
<u>\$93,141,000</u>	
General Fund--State Appropriation (FY 2011)	(\$209,997,000)
<u>\$286,911,000</u>	
General Fund--Federal Appropriation	(\$176,284,000)
<u>\$157,043,000</u>	
TOTAL APPROPRIATION	(\$429,202,000)
<u>\$537,095,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

~~---~~(1) \$157,043,000 of the general fund--federal appropriation for fiscal year 2010 is provided solely for American recovery and reinvestment act of 2009 (ARRA) fiscal stabilization funds to restore state reductions for local effort assistance payments.

(2) \$21,808,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for implementation of Substitute House Bill No. 2893 (school levies). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

Sec. 510. 2009 c 564 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2010)	(\$18,943,000)
<u>\$18,059,000</u>	
General Fund--State Appropriation (FY 2011)	(\$17,992,000)
<u>\$19,006,000</u>	

TOTAL APPROPRIATION.....(~~(\$36,935,000)~~)
\$37,065,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.
- (3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.
- (4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.
- (5) (~~(\$329,000)~~) \$228,000 of the general fund--state appropriation for fiscal year 2010 and (~~(\$329,000)~~) \$228,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.
- (6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 511. 2009 c 564 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2010) (~~(\$9,430,000)~~)
\$9,189,000
 General Fund--State Appropriation (FY 2011) (~~(\$9,437,000)~~)
\$9,188,000
 TOTAL APPROPRIATION (~~(\$18,867,000)~~)
\$18,377,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$401.08 per funded student for the 2009-10 school year and \$401.08 per funded student for the 2010-11 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of 2.314 percent of each district's full-time equivalent basic education enrollment.
- (3) \$90,000 of the fiscal year 2010 appropriation and \$90,000 of the fiscal year 2011 appropriation are provided for the Washington destination imagination network and future problem-solving programs.
- (4) \$170,000 of the fiscal year 2010 appropriation and \$170,000 of the fiscal year 2011 appropriation are provided for the centrum program at Fort Worden state park.

Sec. 512. 2009 c 564 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation (~~(\$43,450,000)~~)
\$43,886,000

Sec. 513. 2010 c 3 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2010) (~~(\$93,681,000)~~)
\$93,642,000
 General Fund--State Appropriation (FY 2011) (~~(\$102,512,000)~~)
\$99,313,000
 General Fund--Federal Appropriation \$152,626,000
 Education Legacy Trust Account--State
 Appropriation (~~(\$95,112,000)~~)
\$102,881,000
 TOTAL APPROPRIATION (~~(\$443,931,000)~~)
\$448,462,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) (~~(\$36,806,000)~~) \$35,804,000 of the general fund--state appropriation for fiscal year 2010, \$34,516,000 of the general fund-- state appropriation for fiscal year 2011, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,868,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington (~~assessments of student learning (WASL))~~ state assessment system, including: (i) Development and implementation of retake assessments for high school students who are not successful in one or more content areas (~~of the WASL~~); and (ii) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on

development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student (~~(WASLE)~~ assessment results, on or around June 10th of each year.

(2) \$3,249,000 of the general fund--state appropriation for fiscal year 2010 and \$3,249,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the design of the state assessment system and the implementation of end of course assessments for high school math.

(3) Within amounts provided in subsections (1) and (2) of this section, the superintendent of public instruction, in consultation with the state board of education, shall develop a statewide high school end-of-course assessment measuring student achievement of the state science standards in biology to be implemented statewide in the 2011-12 school year. By December 1, 2010, the superintendent of public instruction shall recommend whether additional end-of-course assessments in science should be developed and in which content areas. Any recommendation for additional assessments must include an implementation timeline and the projected cost to develop and administer the assessments.

(4) \$1,014,000 of the education legacy trust account appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of two additional professional development days for fourth and fifth grade teachers during the 2008-2009 school year. The allocations shall be made based on the calculations of certificated instructional staff units for fourth and fifth grade provided in section 502 of this act and on the calculations of compensation provided in sections 503 and 504 of this act. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

~~((4))~~ (5) \$3,241,000 of the education legacy trust fund appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of three additional professional development days for middle and high school math and science teachers during the 2008-2009 school year, as well as specialized training for one math and science teacher in each middle school and high school during the 2008-2009 school year. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

~~((5) \$3,850,000)~~ (6) \$3,773,000 of the education legacy trust account--state appropriation is provided solely for a math and science instructional coaches program pursuant to chapter 396, Laws of 2007. Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities for up to twenty-five instructional coaches in middle and high school math and twenty-five instructional coaches in middle and high school science in each year of the biennium; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program.

~~((6) \$1,781,000)~~ (7) \$1,740,000 of the general fund--state appropriation for fiscal year 2010 and ~~((1,943,000))~~ \$1,775,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding. The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. If Second Substitute Senate Bill No. 5676 is enacted the allocations are formula-driven, otherwise the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

~~((7))~~ (8) \$139,000 of the general fund--state appropriation for fiscal year 2010 and \$139,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

~~((8) \$1,579,000)~~ (9) \$1,473,000 of the general fund--state appropriation for fiscal year 2010 and ~~((1,579,000))~~ \$395,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events. Funding shall be distributed to the various LASER activities in a manner proportional to LASER program spending during the 2007-2009 biennium.

~~((9) \$81,010,000)~~ (10) \$88,981,000 of the education legacy trust account--state appropriation is provided solely for grants for voluntary full-day kindergarten at the highest poverty schools, as provided in chapter 400, Laws of 2007. The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who enrolls for the voluntary full-day program in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide full-day kindergarten programs for 20 percent of kindergarten enrollment. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced priced lunch eligibility rates in each school. Additionally, as a condition of funding, school districts must agree to provide the full-day program to the children of parents who request it in each eligible school. For the purposes of calculating a school district levy base, funding provided in this subsection shall be considered a state block grant program under RCW 84.52.0531.

(a) Of the amounts provided in this subsection, a maximum of \$272,000 may be used for administrative support of the full-day kindergarten program within the office of the superintendent of public instruction.

(b) Student enrollment pursuant to this program shall not be included in the determination of a school district's overall K-12 FTE for the allocation of student achievement programs and other funding formulas unless specifically stated.

~~((10))~~ (11) \$700,000 of the general fund--state appropriation for fiscal year 2010 and \$900,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

~~((11))~~ (12) \$105,754,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

~~((12) \$1,546,000)~~ (13) \$1,960,000 of the general fund--state appropriation for fiscal year 2010 and ~~((3,046,000))~~ \$1,523,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Funding in this subsection ~~((may))~~ shall be used for focused assistance programs for individual schools ~~((as well as))~~ or school districts. The office of the superintendent of public instruction shall report to the fiscal committees of the legislature by September 1, 2011, providing an accounting of the uses of focused assistance funds during the 2009-11 fiscal biennium, including a list of schools served and the types of services provided.

~~((13) \$30,702,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.))~~

(14) \$1,667,000 of the general fund--state appropriation for fiscal year 2010 and \$1,667,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to eliminate the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.

(15) \$5,285,000 of the general fund--state appropriation for fiscal year 2010 and \$5,285,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

(16) ~~((1,056,000))~~ \$1,003,000 of the general fund--state appropriation for fiscal year 2010 and \$1,056,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2009 through August 31, 2011.

(17) ~~((3,594,000))~~ \$3,269,000 of the general fund--state appropriation for fiscal year 2010 and \$3,594,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(18) ~~((1,959,000))~~ \$1,861,000 of the general fund--state appropriation for fiscal year 2010 and \$1,959,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(19) \$225,000 of the general fund--state appropriation for fiscal year 2010 and \$225,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

(20) ~~((250,000))~~ \$246,000 of the education legacy trust account--state appropriation is provided solely for costs associated with the office of the superintendent of public instruction's statewide director of technology position.

(21)(a) ~~((28,270,000))~~ \$28,715,000 of the general fund--state appropriation for fiscal year 2010 and ~~((36,513,000))~~ \$36,168,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,000 per teacher beginning in the 2007-08 school year and adjusted for inflation in each school year thereafter in which Initiative 732 cost of living adjustments are provided ~~((National board certified teachers who become public school principals shall continue to receive this bonus for as long as they are principals and maintain the national board certification))~~;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner; and

(iv) During the 2009-10 and 2010-11 school years, and within the available state and federal appropriations, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The assessment fee for national certification is provided in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the assessment fee, not including the initial up-front candidacy payment, as set by the national board for professional teaching standards and administered by the office of the superintendent of public instruction. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees.

(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits.

(22) ~~((2,750,000))~~ \$2,475,000 of the general fund--state appropriation for fiscal year 2010 and ~~((2,750,000))~~ \$912,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. This funding may additionally be used to support FIRST Robotics programs. In fiscal year 2011, if equally matched by private donations, \$300,000 of the appropriation shall be used to support FIRST Robotics programs, including FIRST Robotics professional development.

(23) \$150,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the implementation of House Bill No. 2621 (K-12 school resource programs). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(24) \$300,000 of the general fund--state appropriation for fiscal year 2010 ((and \$300,000 of the general fund--state appropriation for fiscal year 2011 are)) is provided solely for the local farms-healthy kids program as described in chapter 215, Laws of 2008. The program is suspended in the 2011 fiscal year, and not eliminated.

~~((24))~~ (25) \$2,348,000 of the general fund--state appropriation for fiscal year 2010 and ~~((2,348,000))~~ \$2,000,000 of the general fund--state appropriation for fiscal year 2011 are ~~(appropriated)~~ provided solely for a beginning educator support program. School districts and/or regional consortia may apply for grant funding beginning in the 2009-10 school year. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together, and teacher observation time with accomplished peers. \$250,000 may be used to provide state-wide professional development opportunities for mentors and beginning educators. The superintendent of public instruction shall adopt rules to establish and operate a research-based beginning educator support program no later than August 31, 2009. OSPI must evaluate the program's progress and may contract for this work. A report to the legislature about the beginning educator support program is due November 1, 2010.

~~((25) \$4,400,000)~~ (26) \$4,290,000 of the education legacy trust account--state appropriation is provided solely for the development and implementation of diagnostic assessments, consistent with the recommendations of the Washington assessment of student learning work group.

~~((26) \$70,000 of the general fund--state appropriation for fiscal year 2010 is provided solely))~~ (27) Funding within this section is provided for implementation of Engrossed Substitute Senate Bill No. 5414 (statewide assessments and curricula).

~~((27))~~ (28) \$530,000 of the general fund--state appropriation for fiscal year 2010 and \$530,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(29) Funding for the community learning center program, established in RCW 28A.215.060, and providing grant funding for the 21st century after-school program, is suspended and not eliminated.

(30) \$2,357,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6696 (education reform). Of the amount provided, \$142,000 is provided to the professional educators' standards board and \$120,000 is provided to the system of the educational service districts, to fulfill their respective duties under the bill.

Sec. 514. 2009 c 564 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2010)	((77,994,000))
<u>\$76,419,000</u>	
General Fund--State Appropriation (FY 2011)	((80,937,000))
<u>\$77,672,000</u>	
General Fund--Federal Appropriation	((45,263,000))
<u>\$65,263,000</u>	
TOTAL APPROPRIATION	((204,194,000))
<u>\$219,354,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$901.46 per eligible bilingual student in the 2009-10 school year and \$901.46 in the 2010-11 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to track current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

Sec. 515. 2009 c 564 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2010)	((101,067,000))
<u>\$103,865,000</u>	
General Fund--State Appropriation (FY 2011)	((102,237,000))
<u>\$110,312,000</u>	
General Fund--Federal Appropriation	((543,925,000))
<u>\$553,925,000</u>	
Education Legacy Trust Account--State	
Appropriation	\$47,980,000
TOTAL APPROPRIATION	((795,209,000))
<u>\$816,082,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$281.71 per funded student for the 2009-10 school year and ~~((282-63))~~ \$283.00 per funded student for the 2010-11 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K- 12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to the amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to school districts with high concentrations of poverty and English language learner students, subject to the following rules and conditions:

(i) To qualify for additional funding under this subsection, a district's October headcount enrollment in grades kindergarten through grade twelve must have at least twenty percent enrolled in the transitional bilingual instruction program based on an average of the program headcount taken in October and May of the prior school year; and must also have at least forty percent eligible for free or reduced price lunch based on October headcount enrollment in grades kindergarten through twelve in the prior school year.

(ii) Districts meeting the specifications in (d)(i) of this subsection shall receive additional funded students for the learning assistance program at the rates specified in subsection (1)(b) of this section. The number of additional funded student units shall be calculated by subtracting twenty percent from the district's percent transitional bilingual instruction program enrollment as defined in (d)(i) of this subsection, and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(2) Allocations made pursuant to subsection (1) of this section shall be adjusted to reflect ineligible applications identified through the annual income verification process required by the national school lunch program, as recommended in the report of the state auditor on the learning assistance program dated February, 2010.

(3) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

~~((3))~~ (4) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

~~((4))~~ (5) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

~~((5))~~ (6) Within amounts appropriated in this section, funding is provided for the implementation of extended learning programs required in chapter 328, Laws of 2008.

~~((6) \$51,970,000 of the general fund--federal appropriation for fiscal year 2010 and \$77,955,000 of the general fund--federal appropriation for fiscal year 2011 of American recovery and reinvestment act of 2009 (ARRA) Title I, Part A funds are in addition to regular Title I, Part A allocations solely for allocation to eligible school districts in accordance with the guidelines of ARRA.~~

~~—(7) \$48,981,000 of the general fund--federal appropriation from the American recovery and reinvestment act of 2009 (ARRA) is for school improvement. This consists of 4 percent, or \$5,413,000 of the Title I, Part A recovery funds which must be set aside for school improvement as well as \$43,568,000 in additional school improvement funds--)~~

Sec. 516. 2009 c 564 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAMS

General Fund--State Appropriation (FY 2010)	\$19,000
General Fund--State Appropriation (FY 2011)	((104,101,000))
	<u>\$25,730,000</u>
General Fund--Federal Appropriation	\$200,295,000
TOTAL APPROPRIATION	((304,396,000))
	<u>\$226,044,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$131.16 per FTE student for the 2009-10 school year and ~~((99.32))~~ \$0 per FTE student for the 2010-11 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

(4) \$200,295,000 of the general fund--federal appropriation for fiscal year 2010 is provided solely for American recovery and reinvestment act of 2009 (ARRA) fiscal stabilization funds to restore state reductions for the student achievement program.

Sec. 517. 2009 c 564 s 518 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2010, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2010 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and student achievement and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

(End of part)

PART VI HIGHER EDUCATION

Sec. 601. 2009 c 564 s 601 (uncodified) is amended to read as follows:

The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4) The colleges of education for institutions with appropriations in sections 606 through 611 shall develop a plan, by October 30, 2009, to increase the number of math and science teacher endorsements and certificates granted by the institution. The plan shall address the college's math and science teacher endorsement and certification completion goal for each of the next six years, beginning with the 2010-2011 academic year, and shall be reported to the governor, the relevant policy committees of the legislature, the higher education coordinating board (HECB) and the professional educator standards board (PESB). Plan components may address: Student advising practices, increased outreach and recruitment efforts to under-represented populations, linkages with university mathematics and science departments, and implementation of redesigned, innovative endorsement and certification programs. To accomplish this work, enrollments may need to be shifted from low-need endorsement and certificate areas to math and science. A report shall be made each October 30th to the HECB and PESB regarding the degree to which plan goals have been met and activities undertaken to support those outcomes.

(5) In accordance with RCW 28B.10.920 through 28B.10.922, the state performance agreement committee and each public four-year institution of higher education shall develop performance agreements for the period September 1, 2009, through June 30, 2015. The agreements shall reflect the level of state, tuition, and other resources appropriated or authorized for each institution in this act and in the omnibus 2009-11 omnibus capital budget act, as well as reasonably anticipated changes in such resources for the two subsequent biennia as required to accomplish the higher education master plan as adopted by the legislature. The agreements shall build upon each institution's actual performance relative to the 2011 targets previously negotiated between the institution, the higher education coordinating board, and the office of financial management, and shall include measurable performance targets, benchmarks, and goals in areas including but not limited to:

- (a) Student enrollment levels, by campus;
- (b) Baccalaureate and advanced degree production;
- (c) Baccalaureate and advanced degree production in high employer- demand fields;
- (d) Undergraduate retention and graduation rates;
- (e) Time-to-degree for students entering as freshmen, and as upper- division transfers;
- (f) Efficiency to degree; and
- (g) Capital investment as required to (i) maintain existing capacity, and (ii) meet enrollment targets in accordance with the master plan as adopted by the legislature.

Each institution shall report progress toward its performance targets during the preceding academic year to the state performance agreement committee prior to November 1, 2010. The higher education coordinating board shall consolidate and summarize the institutional reports, and provide them to the relevant policy and fiscal committees of the legislature by December 1, 2010.

(6) To facilitate transparency and compliance with the American recovery and reinvestment act, the institutions of higher education receiving state and federal appropriations under sections 605 through 611 of this act shall allot anticipated state, federal, and tuition expenditures by budget program and fiscal year. The office of financial management shall notify the legislative ways and means committees of the proposed allotments at least ten days prior to their approval.

(7) To the extent permitted by the applicable personnel system rules, and to the extent collectively bargained with represented employees, institutions of higher education are encouraged to achieve the reductions in full-time-equivalent employment and payroll levels necessary to operate within this budget through strategies that will minimize impacts on employees, their families, their communities, and short- and longer-term accomplishment of institutional mission. Institutions are encouraged to utilize strategies such as reduced work- hours per day or week, voluntary leave without pay, and temporary furloughs that enable employees to maintain permanent employment status. Institutions are further encouraged to implement such strategies in ways that will enable employees to maintain full insurance benefits, full retirement service credit, and a living wage.

(8)(a) For institutions receiving appropriations in section 605 of this act the only allowable salary increases provided are those with normally occurring promotions and increases related to faculty and staff retention, to the extent permitted by Engrossed Substitute Senate Bill No. 5460, ~~((and))~~ House Bill No. 2328, and Substitute Senate Bill No. 6382. In fiscal year 2010 and fiscal year 2011, the state board for community and technical colleges may use salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) For each institution of higher education receiving appropriations under sections 606 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention, to the extent permitted by Engrossed Substitute Senate Bill No. 5460 (~~(and)~~), House Bill No. 2328, and Substitute Senate Bill No. 6382; and

(ii) Institutions may provide salary increases from other sources to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015, to the extent permitted by Engrossed Substitute Senate Bill No. 5460 (~~(and)~~), House Bill No. 2328, and Substitute Senate Bill No. 6382. Any salary increase granted under the authority of this subsection (8)(c)(ii) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that state general fund support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (8)(c)(ii).

Sec. 602. 2009 c 564 s 602 (uncodified) is amended to read as follows:

(1) Within the funds appropriated in this act, each institution of higher education is expected to enroll and educate at least the following numbers of full-time equivalent state-supported students per academic year:

	2009-10 Annual Average	2010-11 Annual Average
University of Washington	36,546	37,162
Washington State University	22,250	22,250
Central Washington University	((8,477)) <u>8,469</u>	((8,734)) <u>8,808</u>
Eastern Washington University	((8,469)) <u>8,477</u>	((8,808)) <u>8,734</u>
The Evergreen State College	4,213	4,213
Western Washington University	11,373	11,762
State Board for Community & Technical Colleges Adult Students	139,237	((139,237)) <u>143,046</u>
Running Start Students	11,558	11,558

(2) In achieving or exceeding these enrollment targets, each institution shall seek to:

(a) Maintain and to the extent possible increase enrollment opportunities at branch campuses;

(b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and

(c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(3) By September 1, 2009, each institution shall report to the higher education committees and the relevant fiscal committees of the legislature on its plans for achieving the objectives in this section.

(4) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments budgeted for each of their campuses.

Sec. 603. 2009 c 564 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2010)	((620,071,000))
<u>\$631,804,000</u>	
General Fund--State Appropriation (FY 2011)	((642,509,000))
<u>\$629,745,000</u>	
General Fund--Federal Appropriation	\$17,171,000
Education Legacy Trust Account--State Appropriation	((95,125,000))
<u>\$95,035,000</u>	
<u>Opportunity Express Account--State Appropriation</u>	<u>\$18,556,000</u>
TOTAL APPROPRIATION	((1,374,876,000))
<u>\$1,392,311,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$28,761,000 of the general fund--state appropriation for fiscal year 2010 (~~(and)~~), \$28,761,000 of the general fund--state appropriation for fiscal year 2011, and \$17,556,000 of the opportunity express account--state appropriation are provided solely as special funds for training and

related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 6,200 full-time equivalent students in fiscal year 2010 and at least ~~((6,200))~~ 9,984 full-time equivalent students in fiscal year 2011.

(2) \$2,725,000 of the general fund--state appropriation for fiscal year 2010 and \$2,725,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(3) Of the amounts appropriated in this section, \$3,500,000 is provided solely for the student achievement initiative.

(4) When implementing the appropriations in this section, the state board and the trustees of the individual community and technical colleges shall minimize impact on academic programs, maximize reductions in administration, and shall at least maintain, and endeavor to increase, enrollment opportunities and degree and certificate production in high employer-demand fields of study at their academic year 2008-09 levels.

(5) Within the board's 2009-11 biennial budget allocation to Bellevue College, and pursuant to RCW 28B.50.810, the college may implement, on a tuition and fee basis, an additional applied baccalaureate degree in interior design. This program is intended to provide students with additional opportunities to earn baccalaureate degrees and to respond to emerging job and economic growth opportunities. The program reviews and approval decisions required by RCW 28B.50.810 (3) and (4) shall be completed by July 31, 2009, so that the degree may be offered during the 2009-10 academic year.

(6) In accordance with the recommendations of the higher education coordinating board's 2008 *Kitsap region higher education center study*, the state board shall facilitate development of university centers by allocating thirty 2-year and 4-year partnership full-time enrollment equivalencies to Olympic College and ten 2-year and 4-year partnership full-time enrollment equivalencies to Peninsula College. The colleges shall use the allocations to establish a partnership with a baccalaureate university or universities for delivery of upper division degree programs in the Kitsap region. The Olympic and Peninsula Community College districts shall additionally work together to ensure coordinated development of these and other future baccalaureate opportunities through coordinated needs assessment, planning, and scheduling.

(7) By September 1, 2009, the state board for community and technical colleges, the higher education coordinating board, and the office of financial management shall review and to the extent necessary revise current 2009-11 performance measures and targets based on the level of state, tuition, and other resources appropriated or authorized in this act and in the omnibus 2009-11 omnibus capital budget act. The boards and the office of financial management shall additionally develop new performance targets for the 2011-13 and the 2013-15 biennia that will guide and measure the community and technical college system's contributions to achievement of the state's higher education master plan goals.

(8) \$2,250,000 of the general fund--state appropriation for fiscal year 2010 and \$2,250,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the hospital employee education and training program under which labor, management, and college partnerships develop or expand and evaluate training programs for incumbent hospital workers that lead to careers in nursing and other high-demand health care occupations. The board shall report student progress, outcomes, and costs to the relevant fiscal and policy committees of the legislature by November 2009 and November 2010.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) \$1,112,000 of the general fund--state appropriation for fiscal year 2010 and \$1,113,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the state board to enhance online distance learning and open courseware technology. Funds shall be used to support open courseware, open textbooks, open licenses to increase access, affordability and quality of courses in higher education. The state board for community and technical colleges shall select the most appropriate courses to support open courseware based solely upon criteria of maximizing the value of instruction and reducing costs of textbooks and other instructional materials for the greatest number of students in higher education, regardless of the type of institution those students attend.

(11) \$158,000 of the general fund--state appropriation for fiscal year 2011 is provided solely to implement House Bill No. 2694 (B.S. in nursing/university center). If the bill is not enacted by June 30, 2010, the amount provided in this subsection shall lapse.

(12)(a) The labor education and research center is transferred from The Evergreen State College to south Seattle community college and shall begin operations on July 1, 2010.

(b) At least \$164,000 of the general fund--state appropriation for fiscal year 2011 shall be expended on the labor education and research center to provide outreach programs and direct educational and research services to labor unions and worker-centered organizations.

(13) \$1,000,000 of the opportunity express account--state appropriation is provided solely for the opportunity grant program as specified in RCW 28B.50.271.

(14) \$1,750,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the state board for community and technical colleges to contract with the aerospace training and research center on Paine field in Everett, Washington to support industry- identified training in the aerospace sector.

(15) Sufficient amounts are provided in this section to implement the food stamp employment and training program under Second Substitute House Bill No. 2782 (security lifeline act).

Sec. 604. 2009 c 564 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2010)	((\$269,552,000))
<u>\$269,571,000</u>	
General Fund--State Appropriation (FY 2011)	((\$297,130,000))
<u>\$271,092,000</u>	
General Fund--Federal Appropriation	((\$24,730,000))
<u>\$43,971,000</u>	
Education Legacy Trust Account--State	
Appropriation	((\$54,408,000))
<u>\$54,534,000</u>	
Accident Account--State Appropriation	((\$6,712,000))

<u>\$6,750,000</u>	
Medical Aid Account--State Appropriation	(((\$6,524,000))
<u>\$6,540,000</u>	
Biotoxin Account--State Appropriation.....	(((\$450,000))
<u>\$449,000</u>	
TOTAL APPROPRIATION.....	(((\$659,506,000))
<u>\$652,907,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

- (1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.
- (2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.
- (3) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for forestry research by the Olympic natural resources center.
- (4) \$150,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the William D. Ruckelshaus center for facilitation, support, and analysis to support the nurse staffing steering committee in its work to apply best practices related to patient safety and nurse staffing.
- (5) \$54,000 of the general fund--state appropriation for fiscal year 2010 and \$54,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the University of Washington geriatric education center to provide a voluntary adult family home certification program. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program shall complete fifty- two hours of class requirements as established by the University of Washington geriatric education center. Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department of social and health services. The department of social and health services shall adopt rules implementing the provisions of this subsection.
- (6) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$52,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the center for international trade in forest products in the college of forest resources.
- (7)(a) \$183,000 of the general fund--state appropriation for fiscal year 2011 is for the technology law and public policy clinic at the University of Washington school of law to prepare a comprehensive report identifying and analyzing trends in the telecommunications industry and pathways for telecommunications regulatory reform. The report must include, but not be limited to, a review of the following issues: (i) The taxation treatment of all telecommunications services that provide the same or functionally equivalent services; (ii) the character and degree of competition in the telecommunications market; (iii) the regulatory, legal, and economic barriers to adequate competition, actual or perceived, that exist; (iv) what changes could be made in policy, law, or administrative rule to address any actual or perceived barriers to competition; and (v) the role of the utilities and transportation commission in the oversight and regulation of telecommunications services.
- (b) The technology law and public policy clinic shall consult with local governments, public utility districts, telecommunications service providers, the utilities and transportation commission, the department of revenue, and other stakeholders in preparing its analysis and report.
- (c) By December 1, 2011, the technology law and public policy clinic shall issue a report to the legislature with recommendations on legislative action that may be necessary in order to effectuate telecommunications regulatory reform in Washington.
- (8) \$250,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for joint planning to increase the number of residency positions and programs in eastern Washington and Spokane within the existing Washington, Wyoming, Alaska, Montana, Idaho (WWAMI) regional medical education program partnership between the University of Washington school of medicine, Washington State University, and area physicians and hospitals. The joint planning efforts are to include preparation of applications for new residency programs in family medicine, internal medicine, obstetrics, psychiatry and general surgery; business plans for those new programs; and for increasing the number of positions in existing programs among regional academic and hospital partners and networks. The results of the joint planning efforts, including the status of the application preparation and business plan, must be reported to the house of representatives committee on higher education and the senate committee on higher education and workforce development by December 1, 2010.
- (9) \$25,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for implementation of chapter 164, Laws of 2010 (local government infrastructure). The University of Washington shall use a qualified researcher to report the percentage probability that the application's assumptions and estimates of jobs created and increased tax receipts will be achieved by the projects. In making this report, the qualified researcher shall work with the department of revenue and the applicants to develop a series of factors that are based on available economic metrics and sound principles.

Sec. 605. 2009 c 564 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2010)	(((\$178,578,000))
<u>\$169,462,000</u>	
General Fund--State Appropriation (FY 2011)	(((\$196,163,000))
<u>\$178,283,000</u>	
General Fund--Federal Appropriation	\$15,772,000
Education Legacy Trust Account--State Appropriation	(((\$34,696,000))
<u>\$34,435,000</u>	
TOTAL APPROPRIATION.....	(((\$425,209,000))
<u>\$397,952,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3) When implementing reductions for fiscal year 2010 and fiscal year 2011, Washington State University shall minimize reductions to extension services and agriculture extension services. Agriculture extension includes:

(a) Faculty with extension appointments working within the following departments in the college of agricultural, human, and natural resource sciences with extension appointments: Animal sciences, crop and soil sciences, entomology, horticulture, and plant pathology;

(b) The portion of county extension educators' appointments assigned to the "agricultural programs" area;

(c) Staff with extension appointments and extension operating allocations located at the irrigated agriculture research and extension center (Prosser), northwest Washington research and extension center (Mt. Vernon), and tree fruit research and extension center (Wenatchee); and

(d) Extension contributions to the center for precision agricultural systems, center for sustaining agriculture and natural resources, and the agriculture weather network.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for research related to honeybee colony collapse disease.

(5) \$100,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the small business development center. The center must, consistent with the scope, goals, deliverables, and timeline of work specified in the annual cooperative agreement with the United States small business administration:

(a) Develop and maintain a state comprehensive plan for the coordination and integration of small business and entrepreneurial development programs and the operations of a statewide small business and entrepreneurial development system. The plan must include but not be limited to setting measurable goals, objectives, and priorities;

(b) Advocate for the state's small business and entrepreneurial development system and for meeting the needs of small start-ups and existing entrepreneurs;

(c) Work with private and public entrepreneurial development and small business assistance providers to develop entrepreneurial training and small business assistance instructional materials and curricula that meet the particular entrepreneurial development and small business assistance needs of rural and low-income communities and small manufacturers interested in exporting; and

(d) Identify policies to reduce administrative and other barriers to efficient delivery and coordination of small business and entrepreneurial assistance.

Sec. 606. 2009 c 564 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2010)	(\$34,685,000)
<u>\$34,689,000</u>	
General Fund--State Appropriation (FY 2011)	(\$40,796,000)
<u>\$36,666,000</u>	
General Fund--Federal Appropriation	\$5,522,000
Education Legacy Trust Account--State	
Appropriation	(\$16,087,000)
<u>\$16,041,000</u>	
TOTAL APPROPRIATION	(\$97,090,000)
<u>\$92,918,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3) At least \$200,000 of the general fund--state appropriation for fiscal year 2010 and at least \$200,000 of the general fund--state appropriation for fiscal year 2011 shall be expended on the northwest autism center.

Sec. 607. 2009 c 564 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2010)	(\$30,284,000)
<u>\$30,289,000</u>	
General Fund--State Appropriation (FY 2011)	(\$37,580,000)
<u>\$33,803,000</u>	
General Fund--Federal Appropriation	\$6,975,000
Education Legacy Trust Account--State	
Appropriation	(\$19,076,000)
<u>\$19,012,000</u>	
TOTAL APPROPRIATION	(\$93,915,000)
<u>\$90,079,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

Sec. 608. 2009 c 564 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2010)	(\$20,512,000))
<u>\$20,514,000</u>	
General Fund--State Appropriation (FY 2011)	(\$22,865,000))
<u>\$18,505,000</u>	
General Fund--Federal Appropriation	\$2,366,000
Education Legacy Trust Account--State Appropriation	(\$5,450,000))
<u>\$5,417,000</u>	
TOTAL APPROPRIATION	(\$51,193,000))
<u>\$46,802,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the college shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3)(a) At least \$100,000 of the general fund--state appropriation for fiscal year 2010 (~~and at least \$100,000 of the general fund--state appropriation for fiscal year 2011~~) shall be expended on the labor education and research center.

(b) In fiscal year 2011 the labor education and research center shall be transferred from The Evergreen State College to south Seattle community college.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state institute for public policy to report to the legislature regarding efficient and effective programs and policies. The report shall calculate the return on investment to taxpayers from evidence-based prevention and intervention programs and policies that influence crime, K-12 education outcomes, child maltreatment, substance abuse, mental health, public health, public assistance, employment, and housing. The institute for public policy shall provide the legislature with a comprehensive list of programs and policies that improve these outcomes for children and adults in Washington and result in more cost-efficient use of public resources. The institute shall submit interim reports by December 15, 2009, and October 1, 2010, and a final report by June 30, 2011. The institute may receive additional funds from a private organization for the purpose of conducting this study.

(5) To the extent federal or private funding is available for this purpose, the Washington state institute for public policy and the center for reinventing public education at the University of Washington shall examine the relationship between participation in pension systems and teacher quality and mobility patterns in the state. The department of retirement systems shall facilitate researchers' access to necessary individual-level data necessary to effectively conduct the study. The researchers shall ensure that no individually identifiable information will be disclosed at any time. An interim report on project findings shall be completed by November 15, 2010, and a final report shall be submitted to the governor and to the relevant committees of the legislature by October 15, 2011.

(6) At least \$200,000 of the general fund--state appropriation for fiscal year 2010 and at least \$200,000 of the general fund--state appropriation for fiscal year 2011 shall be expended on the Washington center for undergraduate education.

(7) \$15,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the Washington state institute for public policy to examine the need for and methods to increase the availability of nonfood items, such as personal hygiene supplies, soaps, paper products, and other items, to needy persons in the state. The study shall examine existing private and public programs that provide such products, and develop recommendations for the most cost-effective incentives for private and public agencies to increase local distribution outlets and local and regional networks of supplies. A final report shall be delivered to the legislature and the governor by December 1, 2009.

(8) \$17,000 of the general fund--state appropriation for fiscal year 2010 and \$42,000 of the general fund--state appropriation for fiscal year 2011 are provided to the Washington state institute for public policy to implement Second Substitute House Bill No. 2106 (child welfare outcomes). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(9) \$54,000 of the general fund--state appropriation for fiscal year 2010 and \$23,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Substitute Senate Bill No. 5882 (racial disproportionality). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the Washington state institute of public policy to evaluate the adequacy of and access to financial aid and independent living programs for youth in foster care. The examination shall include opportunities to improve efficiencies within these programs. The institute shall report its findings by December 1, 2009.

(11) \$75,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the Washington state institute for public policy to conduct an assessment of the general assistance unemployable program and other similar programs. The assessment shall include a review of programs in other states that provide similar services and will include recommendations on promising approaches that both improve client outcomes and reduce state costs. A report is due by December 1, 2009.

(12) To the extent funds are available, the Washington state institute for public policy is encouraged to continue the longitudinal analysis of long-term mental health outcomes directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the

impacts of chapter 214, Laws of 1999 (mentally ill offenders); and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

(13) \$50,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the institute for public policy to provide research support to the council on quality education.

(14) At least \$119,207 of the general fund--state appropriation for fiscal year 2011 shall be expended on the longhouse center.

(15) At least \$103,146 of the general fund--state appropriation for fiscal year 2011 shall be expended on the Northwest Indian applied research institute.

Sec. 609. 2009 c 564 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2010)	(\$43,141,000))
<u>\$43,146,000</u>	
General Fund--State Appropriation (FY 2011)	(\$52,752,000))
<u>\$48,391,000</u>	
General Fund--Federal Appropriation	\$8,885,000
Education Legacy Trust Account--State	
Appropriation	(\$13,036,000))
<u>\$12,917,000</u>	
TOTAL APPROPRIATION	(\$117,814,000))
<u>\$113,339,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

Sec. 610. 2009 c 564 s 612 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2010)	(\$6,611,000))
<u>\$6,402,000</u>	
General Fund--State Appropriation (FY 2011)	(\$6,203,000))
<u>\$5,561,000</u>	
General Fund--Federal Appropriation	(\$4,352,000))
<u>\$4,332,000</u>	
TOTAL APPROPRIATION	(\$17,166,000))
<u>\$16,295,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the funds appropriated in this section, the higher education coordinating board shall complete a system design planning project that defines how the current higher education delivery system can be shaped and expanded over the next ten years to best meet the needs of Washington citizens and businesses for high quality and accessible post-secondary education. The board shall propose policies and specific, fiscally feasible implementation recommendations to accomplish the goals established in the *2008 strategic master plan for higher education*. The project shall specifically address the roles, missions, and instructional delivery systems both of the existing and of proposed new components of the higher education system; the extent to which specific academic programs should be expanded, consolidated, or discontinued and how that would be accomplished; the utilization of innovative instructional delivery systems and pedagogies to reach both traditional and nontraditional students; and opportunities to consolidate institutional administrative functions. The study recommendations shall also address the proposed location, role, mission, academic program, and governance of any recommended new campus, institution, or university center. During the planning process, the board shall inform and actively involve the chairs from the senate and house of representatives committees on higher education, or their designees. The board shall report the findings and recommendations of this system design planning project to the governor and the appropriate committees of the legislature by December 1, 2009.

(2) \$146,000 of the general fund--state appropriation for fiscal year 2010 and \$65,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the higher education coordinating board to administer Engrossed Second Substitute House Bill No. 2021 (revitalizing student financial aid). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(3) ~~(\$227,000)~~ \$167,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$11,000)~~ \$71,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Engrossed Second Substitute House Bill No. 1946 (regarding higher education online technology). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(4) ~~(\$400,000)~~ \$350,000 of the general fund--state appropriation for fiscal year 2010 and ~~(\$400,000)~~ \$200,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for the higher education coordinating board to contract with the Pacific Northwest university of health sciences to conduct training and education of health care professionals to promote osteopathic physician services in rural and underserved areas of the state.

Sec. 611. 2009 c 564 s 613 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2010)	(\$204,332,000))
<u>\$188,332,000</u>	
General Fund--State Appropriation (FY 2011)	(\$229,711,000))

<u>\$122,218,000</u>	
General Fund--Federal Appropriation	(\$13,124,000)
<u>\$13,129,000</u>	
Education Legacy Trust Account--State	
Appropriation	(\$88,062,000)
<u>\$116,060,000</u>	
<u>Opportunity Pathways Account--State Appropriation</u>	<u>\$73,500,000</u>
TOTAL APPROPRIATION	(\$535,229,000)
<u>\$513,239,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$191,704,000)~~) \$178,726,000 of the general fund--state appropriation for fiscal year 2010, (~~(\$232,929,000)~~) \$120,572,000 of the general fund--state appropriation for fiscal year 2011, (~~(\$80,190,000)~~) \$109,188,000 of the education legacy trust account appropriation, \$73,500,000 of the opportunity pathways appropriation, and (~~(\$2,446,000)~~) \$2,545,000 of the general fund--federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program including up to a four percent administrative allowance; the Washington scholars program; and the Washington award for vocational excellence. State need grant and the Washington award for vocational excellence (~~and state work study awards~~) shall be adjusted to offset the cost of the resident undergraduate tuition increases, limited to those tuition increases authorized under this act. The Washington scholars program shall provide awards sufficient to offset ninety percent of the total tuition and fee award.

(2)(a) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(b) Grant awards for students at private four-year colleges shall be set at the same level as the student would receive if attending one of the public research universities.

(3) (~~(\$1,000,000 of the education legacy trust account--state appropriation is provided solely to encourage more students to teach secondary mathematics and science. \$500,000 of this amount is for the future teacher scholarship and conditional loan program. \$500,000 of this amount is provided to support state work study positions for students to intern in secondary schools and classrooms.)~~) To the maximum extent practicable, the board shall provide state work study subsidies only to resident students during the 2010-11 academic year. Additionally, in order to provide work opportunities to as many resident students as possible, the board is encouraged to increase the proportion of student wages that is to be paid by both proprietary and nonprofit, public, and private employers.

(4) \$3,872,000 of the education legacy trust account--state appropriation is provided solely for the passport to college scholarship program pursuant to chapter 28B.117 RCW. The higher education coordinating board shall contract with a college scholarship organization with expertise in managing scholarships for low-income, high-potential students and foster care children and young adults to administer the program. Of the amount in this subsection, \$39,000 is provided solely for the higher education coordinating board for administration of the contract and the remaining shall be contracted out to the organization for the following purposes:

(a) \$384,000 is provided solely for program administration, and

(b) \$3,449,000 is provided solely for student financial aid for up to 151 students and to fund student support services. Funds are provided for student scholarships, provider training, and for incentive payments to the colleges they attend for individualized student support services which may include, but are not limited to, college and career advising, counseling, tutoring, costs incurred for students while school is not in session, personal expenses, health insurance, and emergency services.

(5) \$1,250,000 of the general fund--state appropriation for fiscal year 2010 (~~and \$1,250,000 of the general fund--state appropriation for fiscal year 2011 are~~) is provided solely for the health professional scholarship and loan program. The funds provided in this subsection shall be: (a) Prioritized for health care deliver sites demonstrating a commitment to serving the uninsured; and (b) allocated between loan repayments and scholarships proportional to current program allocations.

(6) For fiscal year 2010 and fiscal year 2011, the board shall defer loan or conditional scholarship repayments to the future teachers conditional scholarship and loan repayment program for up to one year for each participant if the participant has shown evidence of efforts to find a teaching job but has been unable to secure a teaching job per the requirements of the program.

(7) \$246,000 of the general fund--state appropriation for fiscal year 2010 and \$246,000 of the general fund--state appropriation for fiscal year 2011 are for community scholarship matching grants and its administration. To be eligible for the matching grant, nonprofit groups organized under section 501(c)(3) of the federal internal revenue code must demonstrate they have raised at least \$2,000 in new moneys for college scholarships after the effective date of this section. Groups may receive no more than one \$2,000 matching grant per year and preference shall be given to groups affiliated with scholarship America. Up to a total of \$46,000 per year of the amount appropriated in this section may be awarded to a nonprofit community organization to administer scholarship matching grants, with preference given to an organization affiliated with scholarship America.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2010 and \$500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for state need grants provided to students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Total state expenditures on this program shall not exceed the amounts provided in this subsection.

(9) (~~(\$3,000,000)~~) \$2,500,000 of the education legacy trust account--state appropriation is provided solely for the gaining early awareness and readiness for undergraduate programs project.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2010 (~~and \$75,000 of the general fund--state appropriation for fiscal year 2011 are~~) is provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(11) \$200,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for continuation of the leadership 1000 scholarship sponsorship and matching program.

(12) In 2010 and 2011, the board shall continue to designate Washington scholars and scholar-alternates and to recognize them at award ceremonies as provided in RCW 28A.600.150, but state funding is provided for award of only one scholarship per legislative district during the 2010-11 academic year. After the 2010-11 academic year, and as provided in RCW 28B.76.660, the board may distribute grants to these eligible students to the extent that funds are appropriated for this purpose.

Sec. 612. 2009 c 564 s 614 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2010)	(((\$1,587,000))
<u>\$1,465,000</u>	
General Fund--State Appropriation (FY 2011)	(((\$1,556,000))
<u>\$1,444,000</u>	
General Fund--Federal Appropriation	(((\$54,262,000))
<u>\$54,020,000</u>	
TOTAL APPROPRIATION	(((\$57,405,000))
<u>\$56,929,000</u>	

The appropriations in this section are subject to the following conditions and limitations: ((=))

(1) \$60,000 of the general fund--state appropriation for fiscal year 2010 and \$60,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) In 2010 and 2011, the board shall continue to designate recipients of the Washington award for vocational excellence and to recognize them at award ceremonies as provided in RCW 28C.04.535, but state funding is provided for award of only one scholarship per legislative district during the 2010-11 academic year. After the 2010-11 academic year, and as provided in RCW 28B.76.670, the board may distribute grants to these eligible students to the extent that funds are appropriated for this purpose.

Sec. 613. 2009 c 564 s 615 (uncodified) is amended to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2010)	\$1,598,000
General Fund--State Appropriation (FY 2011)	(((\$1,611,000))
<u>\$1,490,000</u>	
TOTAL APPROPRIATION	(((\$3,209,000))
<u>\$3,088,000</u>	

The appropriations in this section are subject to the following conditions and limitations: Within existing resources, the Spokane intercollegiate research and technology institute shall coordinate with the Washington technology center to identify gaps and overlaps in programs and evaluate strategies to reduce administrative overhead expenses per section 122(27) of this act.

Sec. 614. 2009 c 564 s 616 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2010)	(((\$60,478,000))
<u>\$60,400,000</u>	
General Fund--State Appropriation (FY 2011)	(((\$61,045,000))
<u>\$21,241,000</u>	
General Fund--Federal Appropriation	(((\$244,859,000))
<u>\$265,305,000</u>	
Opportunity Pathways Account--State Appropriation	\$40,000,000
TOTAL APPROPRIATION	(((\$366,382,000))
<u>\$386,946,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) (((\$55,696,000)) \$54,878,000 of the general fund--state appropriation for fiscal year 2010 and (((\$55,696,000)) \$14,685,000 of the general fund--state appropriation for fiscal year 2011, and \$40,000,000 of the opportunity pathways account appropriation are provided solely for early childhood education and assistance program services. This appropriation temporarily reduces the number of slots for the 2009-11 fiscal biennium for the early childhood education and assistance program. The department shall reduce slots where providers serve both federal headstart and early childhood education and assistance program children, to the greatest extent possible, in order to achieve no reduction of slots across the state. The amounts in this subsection also reflect reductions to the administrative expenditures for the early childhood education and assistance program. The department shall reduce administrative expenditures, to the greatest extent possible, prior to reducing early childhood education and assistance program slots. Of these amounts, \$10,284,000 is a portion of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(2) \$1,000,000 of the general fund--federal appropriation is provided to the department to contract with Thrive by Five, Washington for a pilot project for a quality rating and improvement system to provide parents with information they need to choose quality child care and education programs and to improve the quality of early care and education programs. The department in collaboration with Thrive by Five shall operate the pilot projects in King, Yakima, Clark, Spokane, and Kitsap counties. The department shall use child care development fund quality money for this purpose.

(3) \$425,000 of the general fund--state appropriation for fiscal year 2010, (((\$425,000)) \$213,000 of the general fund--state appropriation for fiscal year 2011, and \$850,000 of the general fund-- federal appropriation are provided solely for child care resource and referral network

services. The general fund--federal funding represents moneys from the American recovery and reinvestment act of 2009 (child care development block grant).

(4) \$750,000 of the general fund--state appropriation for fiscal year 2010, \$750,000 of the general fund--state appropriation for fiscal year 2011, and \$1,500,000 of the general fund--federal appropriation are provided solely for the career and wage ladder program created by chapter 507, Laws of 2005. The general fund--federal funding represents moneys from the American recovery and reinvestment act of 2009 (child care development block grant).

(5) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to work with stakeholders and the office of the superintendent of public instruction to identify and test a kindergarten assessment process and tools in geographically diverse school districts. School districts may participate in testing the kindergarten assessment process on a voluntary basis. The department shall report to the legislature on the kindergarten assessment process not later than January 15, 2011. Expenditure of amounts provided in this subsection is contingent on receipt of an equal match from private sources. As matching funds are made available, the department may expend the amounts provided in this subsection.

(6) \$1,600,000 of the general fund--federal appropriation is provided solely for the department to fund programs to improve the quality of infant and toddler child care through training, technical assistance, and child care consultation.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2010 and \$200,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(8) The legislature notes that the department of early learning is developing a plan for improving child care licensing and is consulting, as practicable, with parents, licensed child care providers, and stakeholders from the child care community. The plan shall outline the processes and specify the resources necessary for improvements such as continuing licenses, child care licensing technology, and weighted child care regulations, including development of risk-based decision making models and inclusive, evidence-based rule making. The department shall submit to the appropriate committees of the legislature a plan by January 15, 2011.

(9) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(10) The department shall use child care development fund money to satisfy the federal audit requirement of the improper payments act (IPIA) of 2002. In accordance with the IPIA's rules, the money spent on the audits will not count against the five percent state limit on administrative expenditures.

(11) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care.

(12) The appropriations in this section reflect reductions in the appropriations for the department's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

(13) \$500,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for the department to contract with the private-public partnership established in chapter 43.215 RCW for home visitation programs. Of this amount, \$200,000 of the general fund-- state appropriation for fiscal year 2011 is provided solely for expenditure into the home visiting services account created in Part IX of this act to be used for contracts for home visitation with the private-public partnership.

(14) In accordance to RCW 43.215.255(2) and 43.135.055, the department is authorized to increase child care center licensure fees by fifty-two dollars for the first twelve children and an additional four dollars per additional child in fiscal year 2011 for costs to the department for the licensure activity, including costs of necessary inspection.

Sec. 615. 2009 c 564 s 617 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2010)	\$5,902,000
General Fund--State Appropriation (FY 2011)	(\$5,908,000)
<u>\$5,985,000</u>	
General Fund--Private/Local Appropriation.....	(\$1,928,000)
<u>\$1,942,000</u>	
TOTAL APPROPRIATION.....	(\$13,738,000)
<u>\$13,829,000</u>	

The appropriations in this section are subject to the following conditions and limitations: \$271,000 of the general fund-- private/local appropriation is provided solely for the school for the blind to offer short course programs, allowing students the opportunity to leave their home schools for short periods and receive intensive training. The school for the blind shall provide this service to the extent that it is funded by contracts with school districts and educational services districts.

Sec. 616. 2009 c 564 s 618 (uncodified) is amended to read as follows:

FOR THE ((STATE SCHOOL FOR THE DEAF)) WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

General Fund--State Appropriation (FY 2010)	(\$8,592,000)
<u>\$8,593,000</u>	
General Fund--State Appropriation (FY 2011)	(\$8,656,000)
<u>\$8,782,000</u>	
General Fund--Private/Local Appropriation.....	\$526,000
TOTAL APPROPRIATION.....	(\$17,774,000)
<u>\$17,901,000</u>	

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund--private/local appropriation is provided solely for the operation of the shared reading video outreach program. The school for the deaf shall provide this service to the extent it is funded by contracts with school districts and educational service districts.

(2) \$25,000 of the general fund--state appropriation for fiscal year 2010 and \$25,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1879 (deaf and hard of hearing). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

Sec. 617. 2009 c 564 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2010)	(\$1,876,000)
<u>\$1,844,000</u>	
General Fund--State Appropriation (FY 2011)	(\$1,883,000)
<u>\$1,347,000</u>	
General Fund--Federal Appropriation	(\$1,923,000)
<u>\$1,944,000</u>	
General Fund--Private/Local Appropriation.....	(\$1,054,000)
<u>\$1,052,000</u>	
TOTAL APPROPRIATION.....	(\$6,736,000)
<u>\$6,187,000</u>	

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

Sec. 618. 2009 c 564 s 620 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2010)	\$2,592,000
General Fund--State Appropriation (FY 2011)	(\$2,636,000)
<u>\$2,607,000</u>	
TOTAL APPROPRIATION.....	(\$5,228,000)
<u>\$5,199,000</u>	

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

Sec. 619. 2009 c 564 s 621 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2010)	\$1,612,000
General Fund--State Appropriation (FY 2011)	(\$1,655,000)
<u>\$1,632,000</u>	
TOTAL APPROPRIATION.....	(\$3,267,000)
<u>\$3,244,000</u>	

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

(End of part)

PART VII

SPECIAL APPROPRIATIONS

Sec. 701. 2009 c 564 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2010)	(\$854,991,000)
<u>\$842,590,000</u>	
General Fund--State Appropriation (FY 2011)	(\$901,265,000)
<u>\$894,284,000</u>	
State Building Construction Account--State Appropriation	\$11,707,000
Columbia River Basin Water Supply Development Account-- State Appropriation	(\$92,000)
<u>\$117,000</u>	
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation	\$11,000

State Taxable Building Construction Account--State	
Appropriation	\$1,136,000
Gardner-Evans Higher Education Construction Account--	
State Appropriation	\$260,000
Debt-Limit Reimbursable Bond Retirement Account--State	
Appropriation	(\$2,619,000)
<u>\$2,612,000</u>	
TOTAL APPROPRIATION	(\$1,772,081,000)
<u>\$1,752,717,000</u>	

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2010 shall be expended into the debt-limit general fund bond retirement account by June 30, 2010.

Sec. 702. 2009 c 564 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2010)	(\$26,463,000)
<u>\$26,436,000</u>	
General Fund--State Appropriation (FY 2011)	(\$27,811,000)
<u>\$27,773,000</u>	
School Construction and Skill Centers Building	
Account--State Appropriation	\$477,000
Nondebt-Limit Reimbursable Bond Retirement Account--	
State Appropriation	(\$141,507,000)
<u>\$140,872,000</u>	
TOTAL APPROPRIATION	(\$196,258,000)
<u>\$195,558,000</u>	

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2010 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2010.

Sec. 703. 2009 c 564 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2010)	\$1,357,000
General Fund--State Appropriation (FY 2011)	\$1,357,000
State Building Construction Account--State	
Appropriation	\$1,273,000
Columbia River Basin Water Supply Development	
Account--State Appropriation	(\$6,000)
<u>\$9,000</u>	
Hood Canal Aquatic Rehabilitation Bond Account--	
State Appropriation	\$1,000
State Taxable Building Construction Account--State	
Appropriation	\$72,000
Gardner-Evans Higher Education Construction	
Account--State Appropriation	\$18,000
School Construction and Skill Centers Building	
Account--State Appropriation	\$30,000
TOTAL APPROPRIATION	(\$4,114,000)
<u>\$4,117,000</u>	

Sec. 704. 2009 c 564 s 708 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE--COUNTY PUBLIC HEALTH ASSISTANCE

General Fund--State Appropriation (FY 2010)	\$24,000,000
((General Fund--State Appropriation (FY 2011))	\$24,000,000
TOTAL APPROPRIATION	(\$48,000,000)

The appropriations in this section are subject to the following conditions and limitations: The director of the department of ((community, trade, and economic development)) commerce shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2010	((FY 2011	FY 2010-11 Biennium
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TWENTY NINTH DAY, APRIL 12, 2010

2031

Adams County Health District	\$30,951	\$30,951	\$61,902
Asotin County Health District	\$67,714	\$67,714	\$135,428
Benton-Franklin Health District	\$1,165,612	\$1,165,612	\$2,331,224
Chelan-Douglas Health District	\$184,761	\$184,761	\$369,522
Clallam County Health and Human Services Department	\$141,752	\$141,752	\$283,504
Southwest Washington Health District	\$1,084,473	\$1,084,473	\$2,168,946
Columbia County Health District	\$40,529	\$40,529	\$81,058
Cowlitz County Health Department	\$278,560	\$278,560	\$557,120
Garfield County Health District	\$15,028	\$15,028	\$30,056
Grant County Health District	\$118,595	\$118,596	\$237,191
Grays Harbor Health Department	\$183,870	183,870	\$367,740
Island County Health Department	\$91,892	\$91,892	\$183,784
Jefferson County Health and Human Services	\$85,782	\$85,782	\$171,564
Seattle-King County Department of Public Health	\$9,531,747	\$9,531,747	\$19,063,494
Bremerton-Kitsap County Health District	\$554,669	\$554,669	\$1,109,338
Kittitas County Health Department	\$92,499	\$92,499	\$184,998
Klickitat County Health Department	\$62,402	\$62,402	\$124,804
Lewis County Health Department	\$105,801	\$105,801	\$211,602
Lincoln County Health Department	\$29,705	\$29,705	\$59,410
Mason County Department of Health Services	\$95,988	\$95,988	\$191,976
Okanogan County Health District	\$63,458	\$63,458	\$126,916
Pacific County Health Department	\$77,427	\$77,427	\$154,854
Tacoma-Pierce County Health Department	\$2,820,590	\$2,820,590	\$5,641,180
San Juan County Health and Community Services	\$37,531	\$37,531	\$75,062
Skagit County Health Department	\$223,927	\$223,927	\$447,854
Snohomish Health District	\$2,258,207	\$2,258,207	\$4,516,414
Spokane County Health District	\$2,101,429	\$2,101,429	\$4,202,858
Northeast Tri-County Health District	\$110,454	\$110,454	\$220,908
Thurston County Health Department	\$600,419	\$600,419	\$1,200,838
Wahkiakum County Health Department	\$13,773	\$13,772	\$27,545
Walla Walla County-City Health Department	\$172,062	\$172,062	\$344,124
Whatcom County Health Department	\$855,863	\$855,863	\$1,711,726
Whitman County Health Department	\$78,733	\$78,733	\$157,466

Yakima Health District	\$623,797	\$623,797	\$1,247,594
TOTAL APPROPRIATIONS	\$24,000,000	\$24,000,000	\$48,000,000)

NEW SECTION. Sec. 705. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE DEPARTMENT OF HEALTH--COUNTY PUBLIC HEALTH ASSISTANCE

General Fund--State Appropriation (FY 2011) \$24,000,000

The appropriations in this section are subject to the following conditions and limitations: The director of the department of health shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2011
Adams County Health District	\$30,951
Asotin County Health District	\$67,714
Benton-Franklin Health District	\$1,165,612
Chelan-Douglas Health District	\$184,761
Clallam County Health and Human Services Department	\$141,752
Southwest Washington Health District	\$1,084,473
Columbia County Health District	\$40,529
Cowlitz County Health Department	\$278,560
Garfield County Health District	\$15,028
Grant County Health District	\$118,596
Grays Harbor Health Department	183,870
Island County Health Department	\$91,892
Jefferson County Health and Human Services	\$85,782
Seattle-King County Department of Public Health	\$9,531,747
Bremerton-Kitsap County Health District	\$554,669
Kittitas County Health Department	\$92,499
Klickitat County Health Department	\$62,402
Lewis County Health Department	\$105,801
Lincoln County Health Department	\$29,705
Mason County Department of Health Services	\$95,988
Okanogan County Health District	\$63,458
Pacific County Health Department	\$77,427
Tacoma-Pierce County Health Department	\$2,820,590
San Juan County Health and Community Services	\$37,531
Skagit County Health Department	\$223,927
Snohomish Health District	\$2,258,207

Spokane County Health District	\$2,101,429
Northeast Tri-County Health District	\$110,454
Thurston County Health Department	\$600,419
Wahkiakum County Health Department	\$13,772
Walla Walla County-City Health Department	\$172,062
Whatcom County Health Department	\$855,863
Whitman County Health Department	\$78,733
Yakima Health District	\$623,797
TOTAL APPROPRIATIONS	\$24,000,000

Sec. 706. 2009 c 564 s 710 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2009, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund--State Appropriation (FY 2010)	\$51,500,000
General Fund--State Appropriation (FY 2011)	((\$54,300,000))
<u>\$55,400,000</u>	
TOTAL APPROPRIATION	((\$105,800,000))
<u>\$106,900,000</u>	

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2010)	\$11,570,000
General Fund--State Appropriation (FY 2011)	((\$12,860,000))
<u>\$10,860,000</u>	
TOTAL APPROPRIATION	((\$24,430,000))
<u>\$22,430,000</u>	

Sec. 707. 2009 c 564 s 717 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CAPITOL BUILDING CONSTRUCTION ACCOUNT

General Fund--State Appropriation (FY 2010)	((\$2,312,000))
<u>\$1,912,000</u>	
General Fund--State Appropriation (FY 2011)	\$3,615,000
TOTAL APPROPRIATION	((\$5,927,000))
<u>\$5,527,000</u>	

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the capitol building construction account.

NEW SECTION. Sec. 708. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--WASHINGTON MANAGEMENT SERVICES AND EXEMPT MANAGEMENT SERVICES REDUCTIONS

General Fund--State Appropriation (FY 2011)	(\$10,000,000)
Special Account Salary/Insurance Increase	
Account--State Revolving Account Appropriation.....	(\$14,100,000)
TOTAL APPROPRIATION	(\$24,100,000)

The appropriations for state agencies are subject to the following conditions and limitations:

(1) Appropriations are adjusted to reflect changes to agency appropriations to reflect savings resulting from Washington management services and exempt management services reductions provided in section 2 of Engrossed Substitute Senate Bill No. 6503 (closing state agencies on specified dates): The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP documents TL1 - 2010 dated April 10, 2010. If the bill is not enacted by June 30, 2010, the appropriation reductions provided in this section shall lapse. To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

(2) Appropriations in this act reflect reduced appropriations resulting from the enactment of section 3 of Engrossed Substitute Senate Bill No. 6503.

NEW SECTION. Sec. 709. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- (1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:
 - (a) Gerald S. Morrow, claim number 99970006..... \$20,567
 - (b) Darrell R. Baumgart, claim number 99970007 \$4,528
 - (c) William Davis, claim number 99970008..... \$8,093
 - (d) Gene T. Strader, claim number 99970009..... \$33,875
 - (e) Cecilio Cortez, claim number 99970012..... \$17,055
 - (f) Alexander D. Coble, claim number 99970013 \$302,110
 - (g) James W. Jolly, claim number 99970017..... \$28,884
 - (h) James Jay Olsen, claim number 99970018 \$97,220
 - (i) Todd E. Miller, claim number 99970019..... \$6,957
 - (j) Sean S. DeHart, claim number 99970021 \$52,062
 - (k) Thomas L. Raglin, Jr., claim number 99970022 \$4,360
 - (l) Matthew Smitham, claim number 99970016..... \$8,100
 - (m) John R. Frederick, claim number 99970020 \$7,719
 - (n) Justin C. Federmeier, claim number 99970023..... \$29,728
 - (o) David R. Palmer, claim number 99970024 \$4,250
 - (p) Ian K. Berghoffer, claim number 99970026 \$33,455
 - (q) Darryl L. Koenen, claim number 99970027..... \$23,077
 - (r) Lee J. Stites, claim number 99970028 \$7,502
 - (s) Bobby G. Ewing, claim number 99970029 \$51,093
- (2) Payment of death benefit, pursuant to RCW 41.04.017: Estate of Erik Anderson, claim number 99970014 \$150,000

NEW SECTION. Sec. 710. A new section is added to 2009 c 564 (uncodified) to read as follows:

STRATEGIC PRINTING STRATEGY. (1) The office of financial management shall work with the appropriate state agencies to generate savings of \$1,500,000 from the state general fund that can arise from a strategic printing strategy. From appropriations in this act, the office of financial management shall reduce general fund--state allotments by \$1,500,000 for fiscal year 2011 to reflect the savings from the strategic printing strategy. The allotment reductions shall be placed in unallotted status and remain unexpended.

(2) The office of financial management, with the assistance of the department of information services and the department of printing, shall conduct an analysis of the state's printing processes to identify the most reasonable strategies of attaining a statewide savings target of \$1,500,000 without affecting direct program activities. The strategies shall include, but not be limited to, standardizing envelopes, utilizing print management, and streamlining processes. Pursuant to RCW 41.06.142(3), the strategies shall also include, on the approval of the office of financial management, pilot projects to authorize state agencies and institutions to directly acquire printing services. The analysis shall identify savings by agency and fund that will result from the implementation of a strategic printing strategy. The results of this analysis shall then be provided to the director of financial management and appropriate legislative committees by July 1, 2010. The director shall use the analysis as the basis to achieve the savings identified in subsection (1) of this section.

NEW SECTION. Sec. 711. A new section is added to 2009 c 564 (uncodified) to read as follows:

INFORMATION TECHNOLOGY. Pursuant to section 11, chapter 282, Laws of 2010 (state government technology use), the office of financial management shall work with the appropriate state agencies to generate savings of \$30,000,000 from technology efficiencies from the state general fund. From appropriations in this act, the office of financial management shall reduce general fund--state allotments by \$30,000,000 for fiscal year 2011. The office of financial management shall, utilizing existing fund balance, reduce the data processing revolving account rates in an amount to reflect up to half of the reductions identified in this section. The allotment reductions shall be placed in unallotted status and remain unexpended. Nothing in this section is intended to impact revenue collection efforts by the department of revenue.

NEW SECTION. Sec. 712. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2010) \$620,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute funds to Jefferson county (\$197,000), Skagit county (\$390,000), and Franklin county (\$33,000) for extraordinary criminal justice costs.

Sec. 713. 2009 c 564 s 720 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CONTRIBUTIONS TO RETIREMENT SYSTEMS

~~((General Fund--State Appropriation (FY 2010)..... \$400,000
 General Fund--State Appropriation (FY 2011) \$400,000
 Special Account Retirement System Contribution
 — Increase Revolving Account Appropriation..... \$1,000,000

 \$1,800,000~~

~~—The appropriations in this section are subject to the following conditions and limitations:
 —(1) The) Appropriations in this ((section are provided solely to increase)) act include agency and institution appropriations and public school funding allocations to reflect increased employer contribution rates in the public employees' retirement system and the school employees' retirement system as a result of the provisions of Substitute Senate Bill No. 6157 (calculating compensation for public retirement purposes). ((If the bill is not enacted by June 30, 2009, the amounts provided in this section shall lapse.
 —(2) To facilitate the transfer of moneys to dedicated funds and accounts, the state treasurer shall transfer sufficient moneys to each dedicated fund or account from the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.))~~

NEW SECTION. Sec. 714. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--OPPORTUNITY EXPRESS ACCOUNT

General Fund--State Appropriation (FY 2011) \$18,556,000

The appropriation in this section is provided solely for expenditure into the opportunity express account--state.

Sec. 715. 2010 c 247 s 502 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--REVISED EMPLOYER HEALTH BENEFIT RATES

Aeronautics Account--State	(\$3,000)
<u>\$10,000</u>	
State Patrol Highway Account--State	(\$618,000)
<u>\$1,877,000</u>	
Motorcycle Safety Education Account--State	(\$2,000)
<u>\$5,000</u>	
High Occupancy Toll Lanes Operations Account--State	(\$2,000)
<u>\$5,000</u>	
Rural Arterial Trust Account--State.....	(\$2,000)
<u>\$5,000</u>	
Wildlife Account--State	(\$2,000)
<u>\$5,000</u>	
Highway Safety Account--State	(\$261,000)
<u>\$791,000</u>	
Highway Safety Account--Federal	(\$6,000)
<u>\$19,000</u>	
Motor Vehicle Account--State.....	(\$1,076,000)
<u>\$3,262,000</u>	
Puget Sound Ferry Operations Account--State.....	(\$527,000)
<u>\$1,601,000</u>	
Urban Arterial Trust Account--State	(\$2,000)
<u>\$5,000</u>	
Transportation Improvement Account--State	(\$2,000)
<u>\$5,000</u>	
County Arterial Preservation Account--State	(\$2,000)
<u>\$5,000</u>	
Department of Licensing Services Account--State.....	(\$3,000)
<u>\$10,000</u>	
Multimodal Transportation Account--State.....	(\$13,000)
<u>\$39,000</u>	
Tacoma Narrows Toll Bridge Account--State	(\$3,000)
<u>\$10,000</u>	

Appropriations are adjusted to reflect changes to appropriations to reflect changes in the employer cost of providing health benefit coverage. The office of financial management shall update agency appropriations schedules to reflect the changes in funding levels in this section as identified by agency and fund in LEAP transportation document GLB-2010A. From the applicable accounts, the office of financial management shall adjust allotments to the respective agencies by an amount that conforms with funding adjustments enacted in the 2010 supplemental omnibus operating appropriations act. Any allotment reductions under this section must be placed in reserve status and remain unexpended.

NEW SECTION. Sec. 716. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT COMPLIANCE

Motor Vehicle Account--State Appropriation \$2,425,000

The appropriation in this section is subject to the following conditions and limitations: The motor vehicle account appropriation is provided solely for the department of transportation program delivery management and support program's compliance with its national pollution discharge elimination system permit. The department's work may include the competition of system development, reporting, and planning to meet deadlines in the current biennium.

NEW SECTION. Sec. 717. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--AGENCY REALLOCATION AND REALIGNMENT COMMISSION

General Fund--State Appropriation (FY 2011) \$250,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The agency reallocation and realignment of Washington (ARROW) commission on restructuring state government is established, with members as provided in this section.
 - (a) The governor, the president of the senate, and the speaker of the house of representatives shall each appoint two members to the commission, each of whom shall have broad statewide policy and fiscal experience. Each appointing authority shall appoint a member to replace any member who resigns.

(b) The commission shall choose its chair from among its membership or may select a representative of the administering higher education institution as chair. The president of the senate and the speaker of the house, or their mutually selected designee, shall convene the initial meeting of the commission and shall preside until a chair is chosen.

(2) The commission shall:

- (a) Review budget, revenue, and caseload forecasts and estimates over the ensuing six-year period;
- (b) Examine current operations and organization of state government, assuming no expansion of current funding sources; and
- (c) Evaluate operational and organizational restructuring possibilities to find cost savings and efficiencies in order to maintain or enhance governmental functions with fewer resources.

(3) The commission may make proposals to:

- (a) Adopt methods and procedures for reducing expenditures to the lowest amount consistent with the efficient performance of essential services, activities, and functions;
- (b) Eliminate duplication and overlapping of services, activities, and functions, and time-consuming or wasteful practices;
- (c) Consolidate services, activities, and functions of a similar nature;
- (d) Abolish services, activities, and functions to improve the efficient operation of government;
- (e) Eliminate state departments and agencies, create new state departments and agencies, reorganize existing state departments and agencies, and transfer functions and responsibilities among state departments and agencies;
- (f) Define or redefine the duties and responsibilities of state officers; and
- (g) Revise present provisions for continuing appropriations of state funds of whatever kind for whatever purpose, eliminate any such existing provisions, or adopt new provisions.

(4) Staffing and administrative support to the commission shall be provided by a university or college that volunteers to do so.

(5) Commissioners are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 from funds appropriated to the commission.

(6) The expenses of the commission shall be paid out of funds appropriated to the commission, funds made available by the university or college administering the commission, and gifts, grants, and donations.

(7) The commission shall report its findings and recommendations, including proposed legislation, to the appropriate committees of the legislature. Recommendations may be in bill form as proposed legislation, as appropriations or revenue proposals, revisions to administrative rules, or other appropriate formats.

(8) The office of the code reviser shall assist the commission with bill drafting as needed.

(9) This section expires June 30, 2011.

(End of part)

PART VIII

OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2009 c 564 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance	
premium distributions	(\$8,268,000)
<u>\$7,572,000</u>	
General Fund Appropriation for public utility	
district excise tax distributions	(\$48,771,000)
<u>\$47,342,000</u>	
General Fund Appropriation for prosecuting	
attorney distributions.....	\$6,281,000
General Fund Appropriation for boating	
safety and education distributions	\$4,854,000
General Fund Appropriation for other tax	
distributions.....	\$50,000
General Fund Appropriation for habitat conservation	
program distributions	\$3,000,000
Death Investigations Account Appropriation for distribution	
to counties for publicly funded autopsies.....	\$2,544,000
Aquatic Lands Enhancement Account Appropriation for	
harbor improvement revenue distribution	\$170,000
Timber Tax Distribution Account Appropriation for	
distribution to "timber" counties	(\$69,288,000)
<u>\$36,651,000</u>	
County Criminal Justice Assistance Appropriation	(\$66,374,000)
<u>\$68,528,000</u>	
Municipal Criminal Justice Assistance	
Appropriation	(\$25,622,000)
<u>\$27,175,000</u>	
City-County Assistance Account Appropriation for local	
government financial assistance distribution	(\$28,564,000)
<u>\$27,366,000</u>	
Liquor Excise Tax Account Appropriation for liquor	
excise tax distribution.....	(\$50,950,000)
<u>\$58,268,000</u>	

Streamline Sales and Use Tax Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes	(\$65,038,000)
<u>\$50,056,000</u>	
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation	(\$7,308,000)
<u>\$7,315,000</u>	
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians	(\$4,676,000)
<u>\$4,644,000</u>	
Liquor Revolving Account Appropriation for liquor profits distribution	(\$80,435,000)
<u>\$68,741,000</u>	
Liquor Revolving Account Appropriation for additional liquor profits distribution to local governments	\$18,677,000
TOTAL APPROPRIATION	(\$490,870,000)
<u>\$439,234,000</u>	

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 802. A new section is added to 2009 c 564 (uncodified) to read as follows:

FOR THE STATE TREASURER--TRANSFERS. If the forecast adopted by the state economic and revenue forecast council in March 2011 anticipates that less than one hundred thirteen million five hundred thousand dollars of state lottery revenue will be deposited into the opportunity pathways account in fiscal year 2011, the state treasurer shall transfer sufficient funds from the state general fund to the opportunity pathways account to assure that deposits into the opportunity pathways account total one hundred thirteen million five hundred thousand dollars in fiscal year 2011.

Sec. 803. 2009 c 564 s 805 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

State Treasurer's Service Account: For transfer to the state general fund, ((\$10,400,000)) <u>\$16,400,000</u> for fiscal year 2010 and ((\$10,400,000)) <u>\$16,400,000</u> for fiscal year 2011	(\$20,800,000)
<u>\$32,800,000</u>	
Waste Reduction, Recycling and Litter Control Account: For transfer to the state general fund, ((\$2,000,000)) <u>\$3,000,000</u> for fiscal year 2010 and ((\$2,000,000)) <u>\$3,000,000</u> for fiscal year 2011	(\$4,000,000)
<u>\$6,000,000</u>	
State Toxics Control Account: For transfer to the state general fund, \$15,340,000 for fiscal year 2010 and ((\$14,400,000)) <u>\$17,780,000</u> for fiscal year 2011	(\$29,740,000)
<u>\$33,120,000</u>	
Local Toxics Control Account: For transfer to the state general fund, \$37,060,000 for fiscal year 2010 and ((\$36,000,000)) <u>\$48,759,000</u> for fiscal year 2011	(\$73,060,000)
<u>\$85,819,000</u>	
Education Construction Account: For transfer to the state general fund, ((\$93,362,000)) <u>\$105,228,000</u> for fiscal year 2010 and ((\$100,401,000)) <u>\$106,451,000</u> for fiscal year 2011	(\$193,763,000)
<u>\$211,679,000</u>	
Aquatics Lands Enhancement Account: For transfer to the state general fund, ((\$5,050,000)) <u>\$8,520,000</u> for fiscal year 2010 and \$5,050,000 for fiscal year 2011	(\$10,100,000)
<u>\$13,570,000</u>	
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account	\$28,600,000
Economic Development Strategic Reserve Account: For transfer to the state general fund, \$2,500,000 for fiscal year 2010 and \$2,500,000 for fiscal year 2011	\$5,000,000

Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed by more than (\$26,000,000) <u>\$42,200,000</u> the actual amount of the annual payment to the tobacco settlement account	((\$204,098,000))
<u>\$220,298,000</u>	
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed (\$26,000,000) <u>\$42,200,000</u> less than the actual amount of the strategic contribution supplemental payment to the tobacco settlement account.....	((\$39,170,000))
<u>\$22,970,000</u>	
General Fund: For transfer to the streamline sales and use tax account, (\$31,447,000) <u>\$24,274,000</u> for fiscal year 2010 and (\$33,591,000) <u>24,182,000</u> for fiscal year 2011	((\$65,038,000))
<u>\$48,456,000</u>	
State Convention and Trade Center Account: For transfer to the state convention and trade center operations account, \$1,000,000 for fiscal year 2010 and \$3,100,000 for fiscal year 2011.....	\$4,100,000
Tobacco Prevention and Control Account: For transfer to the state general fund for fiscal year 2010	\$1,961,000
Nisqually Earthquake Account: For transfer to the disaster response account for fiscal year 2010	\$500,000
Judicial Information Systems Account: For transfer to the state general fund, (\$2,500,000) <u>\$3,250,000</u> for fiscal year 2010 and (\$2,500,000) <u>\$3,250,000</u> for fiscal year 2011.....	((\$5,000,000))
<u>\$6,500,000</u>	
Department of Retirement Systems Expense Account: For transfer to the state general fund, <u>\$1,000,000</u> for fiscal year 2010 and <u>\$1,500,000</u> for fiscal year 2011	((\$1,500,000))
<u>\$2,500,000</u>	
State Emergency Water Projects Account: For transfer to the state general fund, \$390,000 for fiscal year 2011	\$390,000
The Charitable, Educational, Penal, and Reformatory Institutions Account: For transfer to the state general fund, \$5,550,000 for fiscal year 2010 and \$5,550,000 for fiscal year 2011	\$11,100,000
Energy Freedom Account: For transfer to the state general fund, (\$2,978,000) <u>\$4,038,000</u> for fiscal year 2010 and \$2,978,000 for fiscal year 2011	((\$5,956,000))
<u>\$7,016,000</u>	
Thurston County Capital Facilities Account: For transfer to the state general fund, (\$4,194,000) <u>\$8,604,000</u> for fiscal year 2010 and (\$4,194,000) <u>\$5,538,000</u> for fiscal year 2011	((\$8,388,000))
<u>\$14,142,000</u>	
Public Works Assistance Account: For transfer to the state general fund, (\$184,000,000) <u>\$279,640,000</u> for fiscal year 2010 and (\$184,000,000) <u>\$229,560,000</u> for fiscal year 2011	((\$368,000,000))
<u>\$509,200,000</u>	
Budget Stabilization Account: For transfer to the state general fund for fiscal year 2010	\$45,130,000
<u>Budget Stabilization Account: For transfer to the state general fund for fiscal year 2010 if House Bill No. 3197 is not enacted by June 30, 2010.....</u>	<u>\$95,986,000</u>
Liquor Revolving Account: For transfer to the state general fund, \$31,000,000 for fiscal year 2010 and (\$31,000,000) <u>\$25,500,000</u> for fiscal year 2011	((\$62,000,000))
<u>\$56,500,000</u>	

Public Works Assistance Account: For transfer to the city-county assistance account, \$5,000,000 on July 1, 2009, and \$5,000,000 on July 1, 2010.....	\$10,000,000
Public Works Assistance Account: For transfer to the drinking water assistance account, ((\$4,000,000)) \$6,930,000 for fiscal year 2010 and \$4,000,000 for fiscal year 2011	((\$8,000,000))
<u>\$10,930,000</u>	
Shared Game Lottery Account: For transfer to the education legacy trust account, \$3,600,000 for fiscal year 2010 and \$2,400,000 for fiscal year 2011.....	\$6,000,000
State Lottery Account: For transfer to the education legacy trust account, \$9,500,000 for fiscal year 2010 and \$9,500,000 for fiscal year 2011.....	\$19,000,000
College Faculty Awards Trust Fund: For transfer to the state general fund for fiscal year 2010, an amount not to exceed the actual cash balance of the fund	\$4,000,000
Washington Distinguished Professorship Trust Fund: For transfer to the state general fund for fiscal year 2010, an amount not to exceed the actual cash balance of the fund	\$6,000,000
Washington Graduate Fellowship Trust Account: For transfer to the state general fund for fiscal year 2010, an amount not to exceed the actual cash balance of the fund	\$2,000,000
GET Ready for Math and Science Scholarship Account: For transfer to the state general fund for fiscal year 2010, an amount not to exceed the actual cash balance not comprised of or needed to match private contributions	\$1,800,000
Financial Services Regulation Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2010 and \$2,000,000 for fiscal year 2011.....	\$4,000,000
Data Processing Revolving Fund: For transfer to the state general fund, \$5,632,000 for fiscal year 2010.....	\$5,632,000
Public Service Revolving Account: For transfer to the state general fund, \$8,000,000 for fiscal year 2010 and \$7,000,000 for fiscal year 2011.....	\$15,000,000
Water Quality Capital Account: For transfer to the state general fund, \$278,000 for fiscal year 2011.....	\$278,000
Performance Audits of Government Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2010 and \$5,000,000 for fiscal year 2011.....	\$15,000,000
Job Development Account: For transfer to the state general fund, \$20,930,000 for fiscal year 2010.....	\$20,930,000
Savings Incentive Account: For transfer to the state general fund, \$10,117,000 for fiscal year 2010.....	\$10,117,000
Education Savings Account: For transfer to the state general fund, \$100,767,000 for fiscal year 2010.....	\$100,767,000
Cleanup Settlement Account: For transfer to the state efficiency and restructuring account for fiscal year 2011	\$39,480,000
Disaster Response Account: For transfer to the state drought preparedness account, \$4,000,000 for fiscal year 2010.....	\$4,000,000
Washington State Convention and Trade Center Account:	

<u>For transfer to the state general fund, \$10,000,000 for fiscal year 2011. The transfer in this section shall occur on June 30, 2011, only if by that date the Washington state convention and trade center is not transferred to a public facilities district pursuant to Substitute Senate Bill No. 6889 (convention and trade center).....</u>	<u>\$10,000,000</u>
<u>Institutional Welfare/Betterment Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2010 and \$2,000,000 for fiscal year 2011.....</u>	<u>\$4,000,000</u>
<u>Insurance Commissioners Regulatory Account: For transfer to the state general fund, \$5,000,000 on June 30, 2010, and \$5,000,000 on June 30, 2011.....</u>	<u>\$10,000,000</u>
<u>Future Teacher Conditional Scholarship Account: For transfer to the state general fund, \$2,150,000 for fiscal year 2010 and \$2,150,000 for fiscal year 2011.....</u>	<u>\$4,300,000</u>
<u>Fingerprint Identification Account: For transfer to the state general fund, \$800,000 for fiscal year 2011.....</u>	<u>\$800,000</u>
<u>Prevent or Reduce Owner-Occupied Foreclosure Program Account: For transfer to the financial education public-private partnership account for fiscal year 2010, an amount not to exceed the actual cash balance of the fund as of June 30, 2010.....</u>	<u>\$300,000</u>

Sec. 804. 2010 c 247 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Tacoma Narrows Toll Bridge Account--State Appropriation: For transfer to the Motor Vehicle Account--State.....	\$5,288,000
(2) Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State.....	(((\$4,000,000)) \$54,100,000
(3) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State.....	\$2,000,000
(4) License Plate Technology Account--State Appropriation: For transfer to the Highway Safety Account--State.....	\$2,750,000
(5) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State.....	\$9,000,000
(6) Highway Safety Account--State Appropriation: For transfer to the Multimodal Transportation Account--State.....	\$18,750,000
(7) Department of Licensing Services Account--State Appropriation: For transfer to the Motor Vehicle Account--State.....	\$1,300,000
(8) Advanced Right-of-Way Account: For transfer to the Motor Vehicle Account--State.....	\$14,000,000
(9)((40)) State Route Number 520 Civil Penalties Account--State Appropriation: For transfer to the State Route Number 520 Corridor Account--State.....	\$190,000
((41)) (10) Advanced Environmental Mitigation Revolving Account--State Appropriation: For transfer to the Motor Vehicle Account--State.....	\$5,000,000
((42)) (11) Regional Mobility Grant Program Account--State Appropriation: For transfer to the Multimodal Transportation Account--State.....	\$4,000,000
((43)) (12) Motor Vehicle Account--State Appropriation: For transfer to the State Patrol Highway Account--State.....	(((\$4,000,000)) \$5,600,000

((44)) (13) The transfers identified in this section are subject to the following conditions and limitations:

(a) The amount transferred in subsection (1) of this section represents repayment of operating loans and reserve payments provided to the Tacoma Narrows toll bridge account from the motor vehicle account in the 2005-07 fiscal biennium. However, if Engrossed Substitute Senate Bill No. 6499 is enacted by June 30, 2010, the transfer in subsection (1) of this section shall not occur.

(b) Any cash balance in the waste tire removal account in excess of one million dollars must be transferred to the motor vehicle account for the purpose of road wear-related maintenance on state and local public highways.

(c) The transfer in subsection (~~((40))~~) (9) of this section represents toll revenue collected from toll violations.

(End of part)

**PART IX
MISCELLANEOUS**

Sec. 901. 2010 c 3 s 601 (uncodified) is amended to read as follows:

NEW HIRES. (1) From the effective date of this section until July 1, 2011, state agencies of the legislative, executive, and judicial branches shall not establish new staff positions or fill vacant existing staff positions except as specifically authorized by this section.

(2) The following activities of state agencies are exempt from subsection (1) of this section:

(a) Direct custody, supervision, and patient care in corrections, juvenile rehabilitation, institutional care of veterans, the mentally ill, developmentally disabled, state hospitals, the special commitment center, and the schools for the blind and the deaf;

(b) Direct protective services to children and other vulnerable populations in the department of social and health services;

(c) Washington state patrol investigative services and field enforcement;

(d) Hazardous materials response and emergency cleanup;

(e) Emergency public health and patient safety response and the public health laboratory;

(f) Military operations and emergency management within the military department;

(g) Firefighting;

(h) Enforcement officers in the department of fish and wildlife, the liquor control board, the gambling commission, and the department of natural resources;

(i) Park rangers at the parks and recreation commission;

(j) Seasonal employment by natural resources agencies to the extent that employment levels do not exceed the prior fiscal year;

(k) Seasonal employment in the department of transportation maintenance programs to the extent that employment levels do not exceed the prior fiscal year;

(l) Employees hired on a seasonal basis by the department of agriculture for inspection and certification of agricultural products and for insect detection;

(m) Activities directly related to tax and fee collection, revenue generation, auditing, and recovery;

(n) In institutions of higher education, any positions directly related to academic programs, as well as positions not funded from state funds or tuition, positions that are filled by enrolled students at their own institution as student workers, positions in campus police and security, positions related to emergency management and response, and positions related to student health care and counseling;

(o) Operations of the state lottery and liquor control board business enterprises;

(p) The unemployment insurance program of the employment security department; and

(q) Activities that are necessary to receive or maintain federal funds by the state.

(3) The exemptions specified in subsection (2) of this section do not require the establishment of new staff positions or the filling of vacant staff positions in the activities specified.

(4) Exceptions to this section may be granted under section 605 of this act.

(5) Also exempted from this section are positions related to facility realignments in the department of corrections, positions related to the transfer of programs between state agencies assumed in this act, and disability determination staff funded solely by federal funds.

NEW SECTION. Sec. 902. A new section is added to 2009 c 564 (uncodified) to read as follows:

AGENCY STAFFING. (1) By July 1, 2010, all state agencies must prepare and submit to the office of financial management staffing plans for fiscal year 2011. The first plan must list, by month and by job class, the number of budgeted FTEs, salaries, and benefits for the state general fund. The second plan must list, by month and by job class, the number of budgeted FTEs, salaries, and benefits for the total of all other allotted funds. The plans must be submitted at the same organizational level of detail as funds are appropriated to the agency. Agency allotments and staffing plans submitted to the office of financial management must be consistent.

(2) Agencies may only allot FTEs to the extent that the funding allotment contains sufficient funding to fully support those positions. To the extent that allotted FTEs would exceed available funding to support those positions, agencies shall request that the office of financial management revise their full-time equivalent staff allotment to the funded level; legislative and judicial agencies shall report the revised level to the office of financial management. The office of financial management shall summarize, by agency, the changes made under this subsection and provide that information to the appropriate fiscal committees of the legislature by October 1, 2010.

(3) Each agency shall report to the office of financial management the number of FTEs filled, by job class, as of July 1, 2010. The information must be provided at the same level of detail as is contained in the staffing plan. For any positions that are vacant on that date, the agency shall list the date that position was last filled. The office of financial management shall summarize information provided under this subsection and report to the appropriate fiscal committees of the legislature by October 1, 2010.

NEW SECTION. Sec. 903. A new section is added to 2009 c 564 (uncodified) to read as follows:

STATE HOUSING FINANCE COMMISSION--FORECLOSURE REVIEW. In an effort to reduce the number of residential foreclosures while protecting the interests of both borrowers and beneficiaries, the state housing finance commission shall conduct a review of the effectiveness of RCW 61.24.031, which requires a beneficiary or authorized agent to contact the borrower before issuing a notice of default for the purposes of assessing the borrower's financial ability to repay the debt and discussing alternatives to foreclosure. The commission's review of the process shall, at a minimum, examine whether the contact requirement has resulted in an increase in the number of loan modifications and whether additional statutory provisions, such as mandatory mediation, are needed to produce effective communication between beneficiaries and borrowers. The state housing finance commission shall report its findings and any recommendations for legislation to the appropriate committees of the legislature by November 30, 2010.

NEW SECTION. Sec. 904. A new section is added to 2009 c 564 (uncodified) to read as follows:

COLLECTIVE BARGAINING AGREEMENT--WSRCC ADULT FAMILY HOME PROVIDERS. Appropriations in this act reflect the collective bargaining agreement reached between the governor and the Washington state residential care council of adult family homes under the provisions of chapter 41.56 RCW.

NEW SECTION. Sec. 905. A new section is added to 2009 c 564 (uncodified) to read as follows:

For purposes of RCW 43.88.110(7), any cash deficit in existence at the close of fiscal year 2010 shall be liquidated over the remainder of the 2009-2011 fiscal biennium.

Sec. 906. 2009 c 564 s 914 (uncodified) is amended to read as follows:

COMPENSATION--INSURANCE BENEFITS. Appropriations for state agencies in this act are sufficient for nonrepresented and represented state employee health benefits for state agencies, including institutions of higher education and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$745 per eligible employee for fiscal year 2010. For fiscal year 2011 the monthly employer funding rate shall not exceed (~~(\$768)~~) \$850 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. During the 2009-11 fiscal biennium, the board may only authorize benefit plans and premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented under the personnel system reform act of 2002.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(d) The conditions in this section apply to benefits for nonrepresented employees, employees represented by the super coalition, and represented employees outside of the super coalition, including employees represented under chapter 47.64 RCW.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2010, through the remainder of the 2009-11 fiscal biennium, the subsidy shall be \$182.89.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$59.59 per month beginning September 1, 2009, and (~~(\$64.90)~~) \$62.48 beginning September 1, 2010;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$59.59 each month beginning September 1, 2009, and (~~(\$64.90)~~) \$62.48 beginning September 1, 2010, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

Sec. 907. 2010 c 247 s 503 (uncodified) is amended to read as follows:

COMPENSATION--INSURANCE BENEFITS. Appropriations for state agencies in this act are sufficient for nonrepresented and represented state employee health benefits for state agencies, and are subject to the following conditions and limitations:

(1)(a) Unless otherwise provided in the 2010 supplemental omnibus operating appropriations act, the monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$745 per eligible employee for fiscal year 2010. For fiscal year 2011, the monthly employer funding rate shall not exceed (~~(\$795)~~) \$850 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments; increases in point-of-service cost sharing; the implementation of managed competition; or make other changes to benefits consistent with RCW 41.05.065. During the 2009-11 fiscal biennium, the board may only authorize benefit plans and premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented under the personnel system reform act of 2002.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(d) The conditions in this section apply to benefits for nonrepresented employees, employees represented by the super coalition, and represented employees outside of the super coalition, including employees represented under chapter 47.64 RCW.

(2) Unless otherwise provided in the 2010 supplemental omnibus operating appropriations act, the health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2010, through December 31, 2010, the subsidy shall be \$182.89. Beginning January 1, 2011, the subsidy shall be \$182.89 per month.

NEW SECTION. Sec. 908. A new section is added to 2009 c 564 (uncodified) to read as follows:

(1) During the 2009-2011 fiscal biennium, every state agency shall implement processes to make all renewal notices available to customers via electronic means by July 1, 2012. The appropriations in this act provide funding for this purpose.

(2) Every state agency shall encourage customers to opt-in for an electronic renewal notice in lieu of physical renewal notice.

(3) For purposes of this section:

(a) "Renewal notices" includes, but is not limited to, notices for the renewal of licenses, registrations, and permits; and

(b) "State agency" includes every state office, department, division, bureau, board, and commission of the state.

NEW SECTION. Sec. 909. A new section is added to 2009 c 564 (uncodified) to read as follows:

CORE FUNCTIONS OF GOVERNMENT REVIEW. (1) The legislature intends to evaluate whether the state agencies and activities are performing in the most efficient manner.

(2) By August 1, 2010, the joint legislative audit and review committee must select one of the priorities of government results and determine the relative priority of each activity based on the activity's contribution to the overall objectives of the priorities of government results area.

(3) The state auditor must select at least one but not more than four of the highest priority activities identified under subsection (2) of this section to be the subject of performance audits. The activities must be selected for performance audits under this subsection based on the evidence that the program or activity would likely benefit from the evaluation or review. The performance audit shall be conducted using generally accepted government auditing standards and may include an evaluation of: (a) Ways to improve performance, streamline operations, and provide cost-effective service to citizens; (b) programs and services that can be eliminated, reduced, consolidated, or enhanced; and (c) gaps and overlaps in the programs and services and recommendations for improving, eliminating, blending, or separating functions to correct gaps or overlaps.

(4) The state auditor must select at least one of the lowest priority activities identified in subsection (2) of this section to be the subject of an activity assessment. The assessment must address the following questions:

- (a) Does the activity continue to serve the purpose for which it was created?
- (b) In comparison to other programs and priorities, does this purpose continue to merit the use of the state's limited resources?
- (c) Does this activity continue to contribute to the priorities of government identified?
- (d) Are there better alternatives for the use of these resources or to accomplish the objective of the activity?

(5) The performance audits conducted under subsection (3) of this section and the assessments under subsection (4) of this section must be completed by June 30, 2011.

Sec. 910. RCW 13.06.050 and 1993 c 415 s 7 are each amended to read as follows:

No county shall be entitled to receive any state funds provided by this chapter until its application and plan are approved, and unless and until the minimum standards prescribed by the department of social and health services are complied with and then only on such terms as are set forth in this section. In addition, any county making application for state funds under this chapter that also operates a juvenile detention facility must have standards of operations in place that include: Intake and admissions, medical and health care, communication, correspondence, visiting and telephone use, security and control, sanitation and hygiene, juvenile rights, rules and discipline, property, juvenile records, safety and emergency procedures, programming, release and transfer, training and staff development, and food service.

(1) ~~For the 2009-2011 fiscal biennium, the~~ distribution of funds to a county or a group of counties (~~shall~~) may be based on criteria including but not limited to the county's per capita income, regional or county at-risk populations, juvenile crime or arrest rates, rates of poverty, size of racial minority populations, existing programs, and the effectiveness and efficiency of consolidating local programs towards reducing commitments to state correctional facilities for offenders whose standard range disposition does not include commitment of the offender to the department and reducing reliance on other traditional departmental services.

(2) The secretary will reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in meeting the terms and conditions of the approved plan and contract. Funds received by participating counties under this chapter shall not be used to replace local funds for existing programs.

(3) The secretary, in conjunction with the human rights commission, shall evaluate the effectiveness of programs funded under this chapter in reducing racial disproportionality. The secretary shall investigate whether implementation of such programs has reduced disproportionality in counties with initially high levels of disproportionality. The analysis shall indicate which programs are cost-effective in reducing disproportionality in such areas as alternatives to detention, intake and risk assessment standards pursuant to RCW 13.40.038, alternatives to incarceration, and in the prosecution and adjudication of juveniles. The secretary shall report his or her findings to the legislature by December 1, 1994, and December 1 of each year thereafter.

NEW SECTION. Sec. 911. A new section is added to 2009 c 564 (uncodified) to read as follows:

(1) Except for the activities and organizations provided in subsection (2) of this section, all small agencies with fewer than 176 FTEs shall utilize the office of financial management small agency client services for budget, accounting, and payroll services. The director of financial management shall define the transition process and specific agency requirements.

(2) The following activities and organizations are not subject to the requirements of subsection (1) of this section:

(a) The processing of invoices and budgeting provided for conservation districts by agencies established under chapters 89.08 and 89.10 RCW;

(b) The accounting requirements of the state housing finance commission and its affiliates established under chapters 43.180, 28B.07, and 43.340 RCW; and

(c) The accounting requirements of the health care facilities authority established under chapter 70.37 RCW, and the economic development finance authority established under chapter 43.163 RCW.

Sec. 912. RCW 15.76.115 and 2001 2nd sp.s. c 16 s 1 are each amended to read as follows:

The fair fund is created in the custody of the state treasury. All moneys received by the department of agriculture for the purposes of this fund and from RCW 67.16.105(4) shall be deposited into the fund. At the beginning of fiscal year 2002 and each fiscal year thereafter, the state treasurer shall transfer into the fair fund from the general fund the sum of two million dollars, except for fiscal year 2011 the state treasurer shall transfer into the fair fund from the general fund the sum of one million one hundred three thousand dollars. Expenditures from the fund may be used only for assisting fairs in the manner provided in this chapter. Only the director of agriculture or the director's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 913. RCW 28A.300.380 and 2000 c 84 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall maintain support for statewide coordination for career and technical student organizations by providing program staff support that is available to assist in meeting the needs of career and technical student organizations and their members and students. ~~((The superintendent shall provide at least one full-time equivalent program staff for purposes of implementing this section.))~~ The superintendent may provide additional support to the organizations through contracting with independent coordinators.

(2) Career and technical student organizations eligible for technical assistance and other support services under this section are organizations recognized as career and technical student organizations by:

- (a) The United States department of education; or

(b) The superintendent of public instruction, if such recognition is recommended by the Washington association for career and technical education.

(3) Career and technical student organizations eligible for technical assistance and other support services under this section include, but are not limited to: The national FFA organization; family, career, and community leaders of America; skillsUSA; distributive education clubs of America; future business leaders of America; and the technology student association.

Sec. 914. RCW 28B.50.837 and 2009 c 564 s 1803 are each amended to read as follows:

(1) The Washington community and technical college exceptional faculty awards program is established. The program shall be administered by the college board. The college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community and technical college exceptional faculty awards program shall be deposited in the college faculty awards trust fund. At the request of the college board, the treasurer shall release the state matching funds to the local endowment fund of the college or its foundation. No appropriation is necessary for the expenditure of moneys from the fund. Expenditures from the fund may be used solely for the exceptional faculty awards program. During the ~~((2007-2009))~~ 2009-2011 fiscal biennium, the legislature may transfer from the college faculty awards trust fund to the state general fund such amounts as reflect the excess fund balance in the account ~~((fund))~~.

Sec. 915. RCW 28B.76.565 and 2009 c 564 s 1805 are each amended to read as follows:

Funds appropriated by the legislature for the distinguished professorship program shall be deposited in the distinguished professorship trust fund. At the request of the higher education coordinating board under RCW 28B.76.575, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund. During the ~~((2007-2009))~~ 2009-2011 fiscal biennium, the legislature may transfer from the distinguished professorship trust fund to the state general fund such amounts as reflect the excess fund balance in the account ~~((fund))~~.

Sec. 916. RCW 28B.76.610 and 2009 c 564 s 1806 are each amended to read as follows:

Funds appropriated by the legislature for the graduate fellowship program shall be deposited in the graduate fellowship trust fund. At the request of the higher education coordinating board under RCW 28B.76.620, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund. During the ~~((2007-2009))~~ 2009-2011 fiscal biennium, the legislature may transfer from the graduate fellowship trust fund to the state general fund such amounts as reflect the excess fund balance in the account ~~((fund))~~.

Sec. 917. RCW 28B.102.080 and 2007 c 396 s 9 are each amended to read as follows:

(1) The future teachers conditional scholarship account is created in the custody of the state treasurer. An appropriation is not required for expenditures of funds from the account. The account is not subject to allotment procedures under chapter 43.88 RCW except for moneys used for program administration.

(2) The board shall deposit in the account all moneys received for the future teachers conditional scholarship and loan repayment program and for conditional loan programs under chapter 28A.660 RCW. The account shall be self-sustaining and consist of funds appropriated by the legislature for the future teachers conditional scholarship and loan repayment program, private contributions to the program, receipts from participant repayments from the future teachers conditional scholarship and loan repayment program, and conditional loan programs established under chapter 28A.660 RCW. Beginning July 1, 2004, the board shall also deposit into the account: (a) All funds from the institution of higher education loan account that are traceable to any conditional scholarship program for teachers or prospective teachers established by the legislature before June 10, 2004; and (b) all amounts repaid by individuals under any such program.

(3) Expenditures from the account may be used solely for conditional loans and loan repayments to participants in the future teachers conditional scholarship and loan repayment program established by this chapter, conditional scholarships for participants in programs established in chapter 28A.660 RCW, and costs associated with program administration by the board.

(4) Disbursements from the account may be made only on the authorization of the board.

(5) During the 2009-2011 fiscal biennium, the legislature may transfer from the future teachers conditional scholarship account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 918. RCW 28B.105.110 and 2009 c 564 s 1807 and 2009 c 564 s 920 are each reenacted and amended to read as follows:

(1) The GET ready for math and science scholarship account is created in the custody of the state treasurer.

(2) The board shall deposit into the account all money received for the GET ready for math and science scholarship program from appropriations and private sources. The account shall be self-sustaining.

(3) Expenditures from the account shall be used for scholarships to eligible students and for purchases of GET units. Purchased GET units shall be owned and held in trust by the board. Expenditures from the account shall be an equal match of state appropriations and private funds raised by the program administrator. During the 2009-2011 fiscal biennium, expenditures from the account not to exceed five percent may be used by the program administrator to carry out the provisions of RCW 28B.105.090.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the board.

(7) During the 2007-2009 fiscal biennium, the legislature may transfer state appropriations to the GET ready for math and science scholarship account that have not been matched by private contributions to the state general fund.

(8) During the 2009-2011 fiscal biennium, the legislature may transfer from the GET ready for math and science scholarship account to the state general fund such amounts as have not been donated from or matched by private contributions.

Sec. 919. RCW 38.52.105 and 2005 c 422 s 2 are each amended to read as follows:

The disaster response account is created in the state treasury. Moneys may be placed in the account from legislative appropriations and transfers, federal appropriations, or any other lawful source. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for support of state agency and local government disaster response and recovery efforts and to reimburse the workers' compensation funds and self-insured employers under RCW 51.16.220. ~~((During the 2001-03 biennium, funds from the account may also be used for costs associated with national security preparedness activities.))~~ During the 2009-2011 fiscal biennium, the legislature may

transfer from the disaster response account to the state drought preparedness account such amounts as reflect the excess fund balance of the account to support expenditures related to a state drought declaration.

Sec. 920. RCW 43.17.390 and 2009 c 564 s 931 are each amended to read as follows:

Starting ~~((in 2012))~~ June 30, 2010, and at least once every three years thereafter, each agency with more than three hundred full-time equivalent employees shall apply to the Washington state quality award, or similar organization, for an independent assessment of its quality management, accountability, and performance system. The assessment shall evaluate the effectiveness of all elements of its management, accountability, and performance system, including: Leadership, strategic planning, customer focus, analysis and information, employee performance management, and process improvement. The purpose of the assessment is to recognize best practice and identify improvement opportunities.

Sec. 921. RCW 43.20A.725 and 2004 c 254 s 1 are each amended to read as follows:

(1) The department, through the sole authority of the office or its successor organization, shall maintain a program whereby an individual of school age or older who possesses a hearing or speech impairment is provided with telecommunications equipment, software, and/or peripheral devices, digital or otherwise, that is determined by the office to be necessary for such a person to access and use telecommunications transmission services effectively.

(2) The department, through the sole authority of the office or its successor organization, shall maintain a program where telecommunications relay services of a human or electronic nature will be provided to connect hearing impaired, deaf-blind, or speech impaired persons with persons who do not have a hearing or speech impairment. Such telecommunications relay services shall provide the ability for an individual who has a hearing or speech impairment to engage in voice, tactile, or visual communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech impairment to communicate using voice or visual communication services by wire or radio subject to subsection (4)(b) of this section.

(3) The telecommunications relay service and equipment distribution program may operate in such a manner as to provide communications transmission opportunities that are capable of incorporating new technologies that have demonstrated benefits consistent with the intent of this chapter and are in the best interests of the citizens of this state.

(4) The office shall administer and control the award of money to all parties incurring costs in implementing and maintaining telecommunications services, programs, equipment, and technical support services according to this section. The relay service contract shall be awarded to an individual company registered as a telecommunications company by the utilities and transportation commission, to a group of registered telecommunications companies, or to any other company or organization determined by the office as qualified to provide relay services, contingent upon that company or organization being approved as a registered telecommunications company prior to final contract approval. The relay system providers and telecommunications equipment vendors shall be selected on the basis of cost-effectiveness and utility to the greatest extent possible under the program and technical specifications established by the office.

(a) To the extent funds are available under the then-current rate and not otherwise held in reserve or required for other purposes authorized by this chapter, the office may award contracts for communications and related services and equipment for hearing impaired or speech impaired individuals accessing or receiving services provided by, or contracted for, the department to meet access obligations under Title 2 of the federal Americans with disabilities act or related federal regulations.

(b) The office shall perform its duties under this section with the goal of achieving functional equivalency of access to and use of telecommunications services similar to the enjoyment of access to and use of such services experienced by an individual who does not have a hearing or speech impairment only to the extent that funds are available under the then-current rate and not otherwise held in reserve or required for other purposes authorized by this chapter.

(5) The program shall be funded by a telecommunications relay service (TRS) excise tax applied to each switched access line provided by the local exchange companies. The office shall determine, in consultation with the office's program advisory committee, the budget needed to fund the program on an annual basis, including both operational costs and a reasonable amount for capital improvements such as equipment upgrade and replacement. The budget proposed by the office, together with documentation and supporting materials, shall be submitted to the office of financial management for review and approval. The approved budget shall be given by the department in an annual budget to the department of revenue no later than March 1st prior to the beginning of the fiscal year. The department of revenue shall then determine the amount of telecommunications relay service excise tax to be placed on each switched access line and shall inform local exchange companies and the utilities and transportation commission of this amount no later than May 1st. The department of revenue shall determine the amount of telecommunications relay service excise tax to be collected in the following fiscal year by dividing the total of the program budget, as submitted by the office, by the total number of switched access lines in the prior calendar year, as reported to the department of revenue under chapter 82.14B RCW, and shall not exercise any further oversight of the program under this subsection other than administering the collection of the telecommunications relay service excise tax as provided in RCW 82.72.010 through 82.72.090. The telecommunications relay service excise tax shall not exceed nineteen cents per month per access line. The telecommunications relay service excise tax shall be separately identified on each ratepayer's bill with the following statement: "Funds federal ADA requirement." All proceeds from the telecommunications relay service excise tax shall be put into a fund to be administered by the office through the department. During the 2009-2011 fiscal biennium, the funds may also be used to provide individualized employment services and employment-related counseling to people with disabilities, and technical assistance to employers about the employment of people with disabilities. "Switched access line" has the meaning provided in RCW 82.14B.020.

(6) The telecommunications relay service program and equipment vendors shall provide services and equipment consistent with the requirements of federal law for the operation of both interstate and intrastate telecommunications services for the hearing impaired or speech impaired. The department and the utilities and transportation commission shall be responsible for ensuring compliance with federal requirements and shall provide timely notice to the legislature of any legislation that may be required to accomplish compliance.

(7) The department shall adopt rules establishing eligibility criteria, ownership obligations, financial contributions, and a program for distribution to individuals requesting and receiving such telecommunications devices distributed by the office, and other rules necessary to administer programs and services consistent with this chapter.

Sec. 922. RCW 43.43.839 and 1995 c 169 s 2 are each amended to read as follows:

The fingerprint identification account is created in the custody of the state treasurer. All receipts from incremental charges of fingerprint checks requested for noncriminal justice purposes and electronic background requests shall be deposited in the account. Receipts for fingerprint checks by the federal bureau of investigation may also be deposited in the account. Expenditures from the account may be used only for the cost

of record checks. Only the chief of the state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. No appropriation is required for expenditures prior to July 1, 1997. After June 30, 1997, the account shall be subject to appropriation. During the 2009-2011 fiscal biennium, the legislature may transfer from the fingerprint identification account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 923. RCW 43.43.944 and 2007 c 520 s 6034 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

- (a) All fees received by the Washington state patrol for fire service training;
- (b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940;
- (c) Twenty percent of all moneys received by the state on fire insurance premiums; and
- (d) General fund--state moneys appropriated into the account by the legislature.

(2) Moneys in the account may be appropriated only for fire service training. The state patrol may use amounts appropriated from the fire service training account under this section to contract with the Washington state firefighters apprenticeship trust for the operation of the firefighter joint apprenticeship training program. The contract may call for payments on a monthly basis. ~~During the (2007-2009))~~ 2009-2011 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol ((and additional sanitary wastewater treatment capacity at the state fire service training center)).

(3) Any general fund--state moneys appropriated into the account shall be allocated solely to the firefighter joint apprenticeship training program. The Washington state patrol may contract with outside entities for the administration and delivery of the firefighter joint apprenticeship training program.

Sec. 924. RCW 43.60A.185 and 2006 c 343 s 8 are each amended to read as follows:

The veterans innovations program account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for purposes of the veterans innovations program. During the 2009-2011 fiscal biennium, the funds may be used for contracting for veterans' claims assistance services.

Sec. 925. RCW 43.131.406 and 2006 c 343 s 11 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2017:

- (1) 2006 c 343 s 1 (uncodified);
- (2) RCW 43.60A.160 and 2006 c 343 s 3;
- (3) RCW 43.60A.165 and 2006 c 343 s 4;
- (4) RCW 43.60A.170 and 2006 c 343 s 5;
- (5) RCW 43.60A.175 and 2006 c 343 s 6;
- (6) RCW 43.60A.180 and 2006 c 343 s 7; and
- (7) RCW 43.60A.185 and section 924 of this act and 2006 c 343 s 8.

Sec. 926. RCW 43.70.110 and 2009 c 403 s 5 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. Physicians regulated pursuant to chapter 18.71 RCW who reside and practice in Washington and obtain or renew a retired active license are exempt from such fees. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

- (a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;
- (b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the license fees shall include up to an additional twenty-five dollars to be transferred by the department to the University of Washington for the purposes of RCW 43.70.112. During the 2009-2011 fiscal biennium, five dollars of the current twenty-dollar fee received from registered nurses under this subsection may be expended by the department of health exclusively for the purposes of funding approved treatment programs for impaired registered nurses, registered nursing license processing functions, and disciplinary activities related to registered nurses.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

Sec. 927. RCW 43.78.030 and 1994 c 82 s 1 are each amended to read as follows:

The public printer shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court, and the court of appeals and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities. This section shall not apply to the printing of the supreme court and the court of appeals reports, to the printing of bond certificates or bond offering disclosure documents, to the printing of educational publications of the state historical societies, or to any printing done or contracted for by institutions of higher education: PROVIDED, That institutions of higher education, in consultation with the public printer, develop vendor selection procedures comparable to those used by the public printer for contracted printing jobs. Where any institution or institution of higher learning of the state is

or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer. Any printing and binding of whatever description as may be needed by any institution or agency of the state department of social and health services not at Olympia, or the supreme court or the court of appeals or any officer thereof, the estimated cost of which shall not exceed one thousand dollars, may be done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of the agency so ordering, the saving in time and processing justifies the award to such local private printing concern.

Beginning on July 1, 1989, and on July 1 of each succeeding odd-numbered year, the dollar limit specified in this section shall be adjusted as follows: The office of financial management shall calculate such limit by adjusting the previous biennium's limit by an appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest fifty dollars.

During the 2009-2011 fiscal biennium, this section does not apply to pilot printing projects authorized by the office of financial management to allow state agencies and institutions to directly acquire printing services.

Sec. 928. RCW 43.79.460 and 2009 c 518 s 21 are each amended to read as follows:

(1) The savings incentive account is created in the custody of the state treasurer. The account shall consist of all moneys appropriated to the account by the legislature. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account.

(2) Within the savings incentive account, the state treasurer may create subaccounts to be credited with incentive savings attributable to individual state agencies, as determined by the office of financial management in consultation with the legislative fiscal committees. Moneys deposited in the subaccounts may be expended only on the authorization of the agency's executive head or designee and only for the purpose of one-time expenditures to improve the quality, efficiency, and effectiveness of services to customers of the state, such as one-time expenditures for employee training, employee incentives, technology improvements, new work processes, or performance measurement. Funds may not be expended from the account to establish new programs or services, expand existing programs or services, or incur ongoing costs that would require future expenditures.

(3) For purposes of this section, "incentive savings" means state general fund appropriations that are unspent as of June 30th of a fiscal year, excluding any amounts included in across-the-board reductions under RCW 43.88.110 and excluding unspent appropriations for:

(a) Caseload and enrollment in entitlement programs, except to the extent that an agency has clearly demonstrated that efficiencies have been achieved in the administration of the entitlement program. "Entitlement program," as used in this section, includes programs for which specific sums of money are appropriated for pass-through to third parties or other entities;

(b) Enrollments in state institutions of higher education;

(c) A specific amount contained in a condition or limitation to an appropriation in the biennial appropriations act, if the agency did not achieve the specific purpose or objective of the condition or limitation;

(d) Debt service on state obligations; and

(e) State retirement system obligations.

(4) The office of financial management, after consulting with the legislative fiscal committees, shall report the amount of savings incentives achieved.

(5) For fiscal year 2009, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2008. For fiscal year 2010, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2009.

Sec. 929. RCW 43.79.465 and 2009 c 4 s 903 are each amended to read as follows:

The education savings account is created in the state treasury. The account shall consist of all moneys appropriated to the account by the legislature.

(1) Ten percent of legislative appropriations to the education savings account shall be distributed as follows: (a) Fifty percent to the distinguished professorship trust fund under RCW 28B.76.565; (b) seventeen percent to the graduate fellowship trust fund under RCW 28B.76.610; and (c) thirty-three percent to the college faculty awards trust fund under RCW 28B.50.837.

(2) The remaining moneys in the education savings account may be appropriated solely for (a) common school construction projects that are eligible for funding from the common school construction account, (b) technology improvements in the common schools, (c) during the 2001-03 fiscal biennium, technology improvements in public higher education institutions, ~~((and))~~ (d) during the 2007-2009 fiscal biennium, the legislature may transfer from the education savings account to the state general fund such amounts as reflect the excess fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2008, and (e) for fiscal year 2010, the legislature may transfer from the education savings account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent general fund appropriations for fiscal year 2009.

Sec. 930. RCW 43.89.010 and 2000 2nd sp.s. c 4 s 7 are each amended to read as follows:

The chief of the Washington state patrol is hereby authorized to establish a communications network which will inter-connect the law enforcement agencies of the state and its political subdivisions into a unified written communications system. The chief of the Washington state patrol is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain the communications network.

(1) The communications network shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or other public agency.

(2) This section does not prohibit the occasional use of the state's communications network by any other state or public agency thereof when the messages transmitted relate to the enforcement of the criminal laws of the state.

(3) The chief of the Washington state patrol shall fix the monthly operational charge to be paid by any department or agency of state government, or any city, county, city and county, or other public agency participating in the communications network: **PROVIDED**, That in computing charges to be made against a city, county, or city and county the state shall bear at least fifty percent of the costs of such service as its share in providing a modern unified communications network to the law enforcement agencies of the state. Of the fees collected pursuant to this section, one-half shall be deposited in the motor vehicle fund and one-half shall be deposited in the state patrol highway account. However, for the 2009-2011 fiscal biennium the fees collected pursuant to this section shall be deposited in the state general fund.

(4) The chief of the Washington state patrol is authorized to arrange for the connection of the communications network with the law enforcement communications system of any adjacent state, or the Province of British Columbia, Canada.

Sec. 931. RCW 43.105.080 and 1999 c 80 s 8 are each amended to read as follows:

There is created a revolving fund to be known as the data processing revolving fund in the custody of the state treasurer. The revolving fund shall be used for the acquisition of equipment, software, supplies, and services and the payment of salaries, wages, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies and equipment, including the payment of principal and interest on bonds issued for capital projects, by the department, Washington State University's computer services center, the department of personnel's personnel information systems division, the office of financial management's financial systems management group, and other users as jointly determined by the department and the office of financial management. The revolving fund is subject to the allotment procedure provided under chapter 43.88 RCW. Disbursements from the revolving fund for the services component of the department are not subject to appropriation. Disbursements for the strategic planning and policy component of the department are subject to appropriation. All disbursements from the fund are subject to the allotment procedures provided under chapter 43.88 RCW. The department shall establish and implement a billing structure to assure all agencies pay an equitable share of the costs.

During the 2009-2011 fiscal biennium, the legislature may transfer from the data processing revolving account to the state general fund such amounts as reflect the excess fund balance associated with the information technology pool.

As used in this section, the word "supplies" shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and 43.19.200.

Sec. 932. RCW 43.155.050 and 2009 c 564 s 940 are each amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. During the 2009-2011 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund and the city-county assistance account such amounts as reflect the excess fund balance of the account.

(2) The job development fund is hereby established in the state treasury. Moneys in the job development fund may be spent only after appropriation. During the 2009-2011 fiscal biennium, the legislature may transfer from the job development fund to the general fund such amounts as reflect the excess fund balance of the fund.

NEW SECTION. Sec. 933. A new section is added to chapter 43.215 RCW to read as follows:

(1)(a) The home visiting services account is created in the custody of the state treasurer. Revenues to the account shall consist of appropriations by the legislature and all other sources deposited in the account.

(b) Expenditures from the account shall be used for state matching funds for the purposes of the program established in this section including administrative expenses. Only the director or the director's designee may authorize expenditures from the account. Authorizations for expenditures may be given only after private funds are committed and available.

(c) Expenditures from the account are exempt from the appropriations and allotment provisions of chapter 43.88 RCW. However, amounts used for program administration by the department are subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.

(2) The department must expend moneys from the account to provide state matching funds for partnership activities to implement home visiting services and administer the infrastructure necessary to develop, support, and evaluate evidence-based, research-based, and promising home visiting programs.

(3) Activities eligible for funding through the account include, but are not limited to:

(a) Home visiting services that achieve one or more of the following: (i) Enhancing child development and well-being by alleviating the effects on child development of poverty and other known risk factors; (ii) reducing the incidence of child abuse and neglect; or (iii) promoting school readiness for young children and their families; and

(b) Development and maintenance of the infrastructure for home visiting programs, including training, quality improvement, and evaluation.

(4) Beginning July 1, 2010, the department shall contract with the nongovernmental private-public partnership designated in RCW 43.215.070 to administer programs funded through the home visiting services account. The department shall monitor performance and provide periodic reports on the use outcomes of the home visiting services account.

(5) The nongovernmental private-public partnership shall, in the administration of the programs:

(a) Fund programs through a competitive bid process; and

(b) Convene an advisory committee of early learning and home visiting experts, including one representative from the department, to advise the partnership regarding research and the distribution of funds from the account to eligible programs.

(6) To promote continuity for families receiving home visiting services through programs funded on the effective date of this section, those programs funded under chapter 43.121 RCW shall be funded through June 30, 2012, based on availability of funds and the achievement of stated performance goals. This section does not require any program to receive continuous funding beyond June 30, 2012. Organizations that may receive program funding include local health departments; nonprofit, neighborhood-based, community, regional, or statewide organizations; and federally recognized Indian tribes located in the state.

Sec. 934. RCW 43.320.110 and 2005 c 518 s 932 are each amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, except as provided in RCW 43.320.115, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of

financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

During the ~~((2005-2007))~~ 2009-2011 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 935. RCW 43.320.165 and 2009 c 386 s 2 are each amended to read as follows:

The prevent or reduce owner-occupied foreclosure program account is created in the custody of the state treasurer. All receipts from the appropriation in section 4, chapter 322, Laws of 2008 as well as receipts from private contributions and all other sources that are specifically designated for the prevent or reduce owner-occupied foreclosure program must be deposited into the account. Expenditures from the account may be used solely for the purpose of preventing or reducing owner-occupied foreclosures through the prevent or reduce owner-occupied foreclosure program as described in RCW 43.320.160. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2009-2011 fiscal biennium, the legislature may transfer from the prevent or reduce owner-occupied foreclosure program account to the financial education public-private partnership account such amounts as reflect the excess fund balance of the account.

Sec. 936. RCW 46.09.170 and 2009 c 564 s 944 and 2009 c 187 s 2 are each reenacted and amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty- three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

(a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the board for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the board receives under RCW 46.09.110, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The board may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the board's project evaluation. Funds remaining after such a waiver must be allocated in accordance with board policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the 2009-2011 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to the department of natural resources to install consistent off-road vehicle signage at department-managed recreation sites, and to implement the recreation opportunities on department-managed lands in the Reiter block and Ahtanum state forest, and to the state parks and recreation commission. The legislature finds that the appropriation of funds from the NOVA account during the 2009-2011 fiscal biennium for maintenance and operation of state parks ~~(and)~~ or to improve accessibility for boaters and off-road vehicle users at state parks will benefit boaters and off-road vehicle users and others who use nonhighway and nonmotorized recreational facilities. ~~((This appropriation is))~~ The appropriations under this subsection are not required to follow the specific distribution specified in subsection (2) of this section.

Sec. 937. RCW 48.02.190 and 2009 c 161 s 1 are each amended to read as follows:

(1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state, every health care service contractor, as defined in RCW 48.44.010, every health maintenance organization, as defined in RCW 48.46.020, or self-funded multiple employer welfare arrangement, as defined in RCW 48.125.010, registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW 48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapters 48.44 and 48.46 RCW. "Class three" organizations shall consist of self-funded multiple employer welfare arrangements as defined in RCW 48.125.010.

(b)(i) "Receipts" means (A) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (B) prepayments to health care service contractors, as defined in RCW 48.44.010, health

maintenance organizations, as defined in RCW 48.46.020, or participant contributions to self-funded multiple employer welfare arrangements, as defined in RCW 48.125.010, less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(ii) Participant contributions, under chapter 48.125 RCW, used to determine the receipts in this state under this section shall be determined in the same manner as premiums taxable in this state are determined under RCW 48.14.090.

(c) "Regulatory surcharge" means the fees imposed by this section.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations as a regulatory surcharge. Each class of organization shall contribute a sufficient amount to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) The regulatory surcharge shall be calculated separately for each class of organization. The regulatory surcharge collected from each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year. However, the regulatory surcharge must not exceed one-eighth of one percent of receipts and the minimum regulatory surcharge shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1st, calculate and bill each organization for the amount of the regulatory surcharge. The regulatory surcharge shall be due and payable no later than June 15th of each year. However, if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such regulatory surcharge within the time specified, the commissioner may use the regulatory surcharge factors for the prior year as the basis for the regulatory surcharge and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. Any organization failing to pay the regulatory surcharges by June 30th shall pay the same penalties as the penalties for failure to pay taxes when due under RCW 48.14.060. The regulatory surcharge required by this section is in addition to all other taxes and fees now imposed or that may be subsequently imposed.

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future regulatory surcharges.

(7)(a) Each insurer may annually collect regulatory surcharges remitted in preceding years by means of a policyholder surcharge on premiums charged for all kinds of insurance. The recoupment shall be at a uniform rate reasonably calculated to collect the regulatory surcharge remitted by the insurer.

(b) If an insurer fails to collect the entire amount of the recoupment in the first year under this section, it may repeat the recoupment procedure provided for in this subsection (7) in succeeding years until the regulatory surcharge is fully collected or a de minimis amount remains uncollected. Any such de minimis amount may be collected as provided in (d) of this subsection.

(c) The amount and nature of any recoupment shall be separately stated on either a billing or policy declaration sent to an insured. The amount of the recoupment must not be considered a premium for any purpose, including the premium tax or agents' commissions.

(d) An insurer may elect not to collect the regulatory surcharge from its insured. In such a case, the insurer may recoup the regulatory surcharge through its rates, if the following requirements are met:

(i) The insurer remits the amount of surcharge not collected by election under this subsection; and

(ii) The surcharge is not considered a premium for any purpose, including the premium tax or agents' commission.

(8) During the 2009-2011 fiscal biennium, the legislature may transfer from the insurance commissioner's regulatory account to the state general fund such amounts as reflect the excess fund balance in the account.

Sec. 938. RCW 67.40.040 and 2008 c 329 s 917 and 2008 c 328 s 6011 are each reenacted and amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For expenditures authorized in RCW 67.40.170, and during the ~~((2007-2009))~~ 2009-2011 fiscal biennium, ~~((the legislature may transfer from the state convention and trade center account to the Washington housing trust account such amounts as reflect the excess fund balance in the account; and during the 2007-2009 biennium,))~~ the legislature may transfer from the state convention and trade center account to the general fund such amounts as reflect the excess fund balance in the account;

(iii) For acquisition, design, and construction of the state convention and trade center;

(iv) For debt service for the acquisition, design, and construction and retrofit of the museum of history and industry museum property or other future expansions of the convention center as approved by the legislature; and

(v) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and

trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

(5) Subject to the conditions in subsection (6) of this section, starting in fiscal year 2008, and except for the 2009-2011 fiscal biennium in which no transfers shall be made, the state treasurer shall transfer:

(a) The sum of four million dollars, or as much as may be available pursuant to conditions set forth in this section, from the state convention and trade center account to the tourism enterprise account, with the maximum transfer being four million dollars per fiscal year; and

(b) The sum of five hundred thousand dollars, or as much as may be available pursuant to conditions set forth in this section, from the state convention and trade center account to the tourism development and promotion account, with the maximum transfer being five hundred thousand dollars per fiscal year.

(6)(a) Funds required for debt service payments and reserves for bonds issued under RCW 67.40.030; for debt service authorized under RCW 67.40.170; and for the issuance and sale of financial instruments associated with the acquisition, design, construction, and retrofit of the museum of history and industry museum property or for other future expansions of the center, as approved by the legislature, shall be maintained within the state convention and trade center account.

(b) Except for during the 2009-2011 fiscal biennium, during which no reserve shall be retained, no less than six million one hundred fifty thousand dollars per year shall be retained in the state convention and trade center account for funding capital maintenance as required by the center's long-term capital plan, facility enhancements, unanticipated replacements, and operating reserves for the convention center operation. This amount shall be escalated annually as follows:

(i) Four percent for annual inflation for capital maintenance, repairs, and replacement;

(ii) An additional two percent for enhancement to the facility; and

(iii) An additional three percent for growth in expenditure due to aging of the facility and the need to maintain an operating reserve.

(c) Sufficient funds shall be reserved within the state convention and trade center account to fund operating appropriations for the annual operation of the convention center.

Sec. 939. RCW 66.08.170 and 2009 c 564 s 947 are each amended to read as follows:

There shall be a fund, known as the "liquor revolving fund", which shall consist of all license fees, permit fees, penalties, forfeitures, and all other moneys, income, or revenue received by the board. The state treasurer shall be custodian of the fund. All moneys received by the board or any employee thereof, except for change funds and an amount of petty cash as fixed by the board within the authority of law shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the liquor revolving fund. During the 2009-2011 fiscal biennium, the legislature may transfer funds from the liquor revolving ~~((account-fund))~~ fund to the state general fund and may direct an additional amount of liquor profits to be distributed to local governments. Neither the transfer of funds nor the additional distribution of liquor profits to local governments during the 2009-2011 fiscal biennium may reduce the excess fund distributions that otherwise would occur under RCW 66.08.190. Licensee sales are exempt from any increases to the price of liquor made by the board during the 2009-2011 fiscal biennium for the purpose of implementing any transfers to the state general fund or additional distribution of liquor profits. This exemption includes price increases implemented for such purposes during the 2009-2011 fiscal biennium prior to the effective date of this section but applies only to sales made on or after July 1, 2010. Disbursements from the revolving fund shall be on authorization of the board or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the liquor revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund.

Sec. 940. RCW 67.70.044 and 2009 c 576 s 1 are each amended to read as follows:

(1) Pursuant to RCW 67.70.040(1)(a), the commission may enter into the multistate agreement establishing a shared game lottery known as "The Big Game," that was entered into by party state lotteries in August 1996 and subsequently amended and a shared game lottery known as "Powerball."

(2) The shared game lottery account is created as a separate account outside the state treasury. The account is managed, maintained, and controlled by the commission and consists of all revenues received from the sale of shared game lottery tickets or shares, and all other moneys credited or transferred to it from any other fund or source under law. The account is allotted according to chapter 43.88 RCW. During the 2009-2011 fiscal biennium, the legislature may transfer from the shared game lottery account to the education legacy trust account such amounts as reflect the excess fund balance of the account.

Sec. 941. RCW 67.70.230 and 1985 c 375 s 4 are each amended to read as follows:

There is hereby created and established a separate account, to be known as the state lottery account. Such account shall be managed, maintained, and controlled by the commission and shall consist of all revenues received from the sale of lottery tickets or shares, and all other moneys credited or transferred thereto from any other fund or source pursuant to law. The account shall be a separate account outside the state treasury. No appropriation is required to permit expenditures and payment of obligations from the account. During the 2009-2011 fiscal biennium, the legislature may transfer from the state lottery account to the education legacy trust account such amounts as reflect the excess fund balance of the account.

Sec. 942. RCW 70.105D.070 and 2009 c 564 s 951 are each amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship;

(xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150; ~~(and)~~

(xiii) During the 2009-2011 fiscal biennium, shoreline update technical assistance; and

(xiv) During the 2009-2011 fiscal biennium, multijurisdictional permitting teams.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

(c) To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(d) To facilitate and expedite cleanups using funds from the local toxics control account, during the 2009-2011 fiscal biennium the director may establish grant-funded accounts to hold and disperse local toxics control account funds and funds from local governments to be used for remedial actions.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) Except during the 2009-2011 fiscal biennium, one percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the local toxics control account to either the state general fund or the oil spill prevention account, or both such amounts as reflect excess fund balance in the account.

(9) During the 2009-2011 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay, local government shoreline update grants, private and public sector diesel equipment retrofit, and oil spill prevention, preparedness, and response activities.

(10) During the 2009-2011 fiscal biennium, the legislature may transfer from the state toxics control account to the state general fund such amounts as reflect the excess fund balance in the account.

Sec. 943. RCW 74.31.030 and 2007 c 356 s 4 are each amended to read as follows:

(1) By July 30, 2007, the department shall designate a staff person who shall be responsible for the following:

- (a) Coordinating policies, programs, and services for individuals with traumatic brain injuries; and
- (b) Providing staff support to the council created in RCW 74.31.020.

(2) The department shall provide data and information to the council established under RCW 74.31.020 that is requested by the council and is in the possession or control of the department.

(3) By December 1, 2007, the department shall provide a preliminary report to the legislature and the governor, and shall provide a final report by December 1, 2008, containing recommendations for a comprehensive statewide plan to address the needs of individuals with traumatic brain injuries, including the use of public-private partnerships and a public awareness campaign. The comprehensive plan should be created in collaboration with the council and should consider the following:

- (a) Building provider capacity and provider training;
- (b) Improving the coordination of services;
- (c) The feasibility of establishing agreements with private sector agencies to develop services for individuals with traumatic brain injuries;

and

- (d) Other areas the council deems appropriate.

(4) By December 1, 2007, the department shall:

(a) Provide information and referral services to individuals with traumatic brain injuries until the statewide referral and information network is developed. The referral services may be funded from the traumatic brain injury account established under RCW 74.31.060; ~~(and)~~

(b) Encourage and facilitate the following:

- (i) Collaboration among state agencies that provide services to individuals with traumatic brain injuries;
- (ii) Collaboration among organizations and entities that provide services to individuals with traumatic brain injuries; and
- (iii) Community participation in program implementation; and

(c) During the 2009-2011 fiscal biennium:

(i) Secure funding to develop housing specifically for traumatic brain injured individuals by leveraging federal and private fund sources;

(ii) Expand support group services with an emphasis on persons returning from active military duty with traumatic brain injury and their families;

(iii) Establish training and outreach to first responders and emergency medical staff for care related to traumatic brain injury; and

(iv) Improve awareness of health insurance coverage options and promote best practices in private health insurance coverage.

(5) By December 1, 2007, and by December 1st each year thereafter, the department shall issue a report to the governor and the legislature containing the following:

- (a) A summary of action taken by the department to meet the needs of individuals with traumatic brain injuries; and
- (b) Recommendations for improvements in services to address the needs of individuals with traumatic brain injuries.

Sec. 944. RCW 74.31.060 and 2007 c 356 s 7 are each amended to read as follows:

The traumatic brain injury account is created in the state treasury. Two dollars of the fee imposed under RCW 46.63.110(7)(c) must be deposited into the account. Moneys in the account may be spent only after appropriation, and may be used only to provide a public awareness campaign and services relating to traumatic brain injury under RCW 74.31.040 and 74.31.050, for information and referral services, and for costs of required department staff who are providing support for the council and information and referral services under RCW 74.31.020 and 74.31.030. During the 2009-2011 fiscal biennium, money in the account may also be spent on long-term care services and the services authorized in RCW 74.31.030(4)(c). The secretary of the department of social and health services has the authority to administer the funds.

Sec. 945. RCW 70.93.180 and 2009 c 564 s 950 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the "waste reduction, recycling, and litter control account". Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Fifty percent to the department of ecology, for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for use in litter collection programs, to be distributed under RCW 70.93.220. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide, for the biennial litter survey under RCW 70.93.200(8), and for statewide public awareness programs under RCW 70.93.200(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, and recycling, so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b) Twenty percent to the department for local government funding programs for waste reduction, litter control, and recycling activities by cities and counties under RCW 70.93.250, to be administered by the department of ecology; and

(c) Thirty percent to the department of ecology for waste reduction and recycling efforts.

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70.93.220 for the remainder of the funds, so that the most effective waste reduction, litter control, and recycling programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) During the 2009-2011 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. ~~((For purposes of subsection (1) of this section, this transfer shall be treated as an expenditure for litter collection.))~~ Additionally, during the 2009-2011 fiscal biennium, subsection (1)(a), (b), and (c) of this section is suspended.

NEW SECTION. **Sec. 946.** A new section is added to chapter 43.79 RCW to read as follows:

The legislature recognizes that efforts to restructure state operations to achieve greater efficiency are often impeded by the lack of a financing tool to support the transition and phase-down of state operations. The state efficiency and restructuring account is established in the state treasury to finance efforts to restructure state operations and achieve budget savings. Moneys from the account may be expended only after appropriation. As directed by the legislature, the state treasurer must transfer funds from specified accounts into the state efficiency and restructuring account to support appropriations from that account. The state treasurer must maintain a record of such transfers and must calculate repayment obligations to any accounts providing surplus funds for a term of eight years at an interest rate that is five tenths of a percent higher than the interest rate that the account would have earned without the transfer. The state treasurer must submit a report of all such repayment obligations to the office of financial management by September 1st of each year. The governor's budget request under RCW 43.88.060 must include sufficient funds to meet the biennial repayment obligation.

Sec. 947. RCW 70.105D.130 and 2008 c 106 s 1 are each amended to read as follows:

(1) The cleanup settlement account is created in the state treasury. The account is not intended to replace the state toxics control account established under RCW 70.105D.070. All receipts from the sources identified in subsection (2) of this section must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as identified in subsection (4) of this section.

(2) The following receipts must be deposited into the cleanup settlement account:

(a) Receipts from settlements or court orders that direct payment to the account and resolve a person's liability or potential liability under this chapter for either or both of the following:

(i) Conducting future remedial action at a specific facility, if it is not feasible to require the person to conduct the remedial action based on the person's financial insolvency, limited ability to pay, or insignificant contribution under RCW 70.105D.040(4)(a);

(ii) Assessing or addressing the injury to natural resources caused by the release of a hazardous substance from a specific facility; and

(b) Receipts from investment of the moneys in the account.

(3) If a settlement or court order does not direct payment of receipts described in subsection (2)(a) of this section into the cleanup settlement account, then the receipts from any payment to the state must be deposited into the state toxics control account.

(4) Expenditures from the cleanup settlement account may only be used to conduct remedial actions at the specific facility or to assess or address the injury to natural resources caused by the release of hazardous substances from that facility for which the moneys were deposited in the account. Conducting remedial actions or assessing or addressing injury to natural resources includes direct expenditures and indirect expenditures such as department oversight costs. During the 2009-2011 fiscal biennium, the legislature may transfer excess fund balances in the account into the state efficiency and restructuring account. Transfers of excess fund balances made under this section shall be made only to the extent amounts transferred with required repayments do not impair the ten-year spending plan administered by the department of ecology for environmental remedial actions dedicated for any designated clean-up site associated with the Everett smelter and Tacoma smelter, including plumes, or former Asarco mine sites. The cleanup settlement account must be repaid with interest under provisions of the state efficiency and restructuring account.

(5) The department shall track moneys received, interest earned, and moneys expended separately for each facility.

(6) After the department determines that all remedial actions at a specific facility, and all actions assessing or addressing injury to natural resources caused by the release of hazardous substances from that facility, are completed, including payment of all related costs, any moneys remaining for the specific facility must be transferred to the state toxics control account established under RCW 70.105D.070.

(7) The department shall provide the office of financial management and the fiscal committees of the legislature with a report by October 31st of each year regarding the activity within the cleanup settlement account during the previous fiscal year.

Sec. 948. RCW 70.146.100 and 2007 c 233 s 1 are each amended to read as follows:

(1) The water quality capital account is created in the state treasury. Moneys in the water quality capital account may be spent only after appropriation.

(2) Expenditures from the water quality capital account may only be used: (a) To make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other moneys are made available on a cost-sharing basis, for the capital component of water pollution control facilities and activities; (b) for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities; or (c) to defray any part of the capital component of the payments made by a public body to a service provider under a service agreement entered into under RCW 70.150.060. During the 2009-2011 fiscal biennium, the legislature may transfer from the water quality capital account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 949. RCW 79.105.150 and 2009 c 564 s 959 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2009-2011 fiscal biennium, the aquatic lands enhancement account may also be used for scientific research as part of the adaptive management process. During the 2009-11 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the state general fund such amounts as reflect excess fund balance of the account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 950. RCW 80.01.080 and 2006 c 3 s 2 are each amended to read as follows:

There is created in the state treasury a public service revolving fund. Regulatory fees payable by all types of public service companies shall be deposited to the credit of the public service revolving fund. Except for expenses payable out of the pipeline safety account, all expense of operation of the Washington utilities and transportation commission shall be payable out of the public service revolving fund.

During the ~~((2003-2005))~~ 2009-2011 fiscal biennium, the legislature may transfer from the public service revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund.

~~((Due to the extraordinarily high winter energy costs, during the 2005-2007 fiscal biennium, no more than seven million six hundred thousand dollars, as appropriated in section 1, chapter 3, Laws of 2006, shall be payable out of the public service revolving fund to provide energy assistance to customers in accordance with the low income energy assistance program.))~~

Sec. 951. RCW 80.36.430 and 2009 c 564 s 960 are each amended to read as follows:

(1) The Washington telephone assistance program shall be funded by a telephone assistance excise tax on all switched access lines and by funds from any federal government or other programs for this purpose. Switched access lines are defined in RCW 82.14B.020. The telephone assistance excise tax shall be applied equally to all residential and business access lines not to exceed fourteen cents per month. The department shall submit an approved annual budget for the Washington telephone assistance program to the department of revenue no later than March 1st prior to the beginning of each fiscal year. The department of revenue shall then determine the amount of telephone assistance excise tax to be placed on each switched access line and shall inform local exchange companies and the utilities and transportation commission of this amount no later than May 1st. The department of revenue shall determine the amount of telephone assistance excise tax by dividing the total of the program budget funded by the telephone assistance excise tax, as submitted by the department, by the total number of switched access lines in the prior calendar year. The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." All money collected from the telephone assistance excise tax shall be transferred to a telephone assistance fund administered by the department.

(2) Local exchange companies shall bill the fund for their expenses incurred in offering the telephone assistance program, including administrative and program expenses. The department shall disburse the money to the local exchange companies. The department is exempted from having to conclude a contract with local exchange companies in order to effect this reimbursement. The department shall recover its administrative costs from the fund. The department may specify by rule the range and extent of administrative and program expenses that will be reimbursed to local exchange companies.

(3) The department shall enter into an agreement with the department of ~~((community, trade, and economic development))~~ commerce for an amount not to exceed eight percent of the prior fiscal year's total revenue for the administrative and program expenses of providing community service voice mail services. The community service voice mail service may include toll-free lines in community action agencies through which recipients can access their community service voice mailboxes at no charge.

(4) During the 2009-2011 biennium, the department shall enter into an agreement with the ~~((military department))~~ WIN 211 organization for ~~((one million dollars to))~~ operational support ~~((the WIN 211 program))~~.

Sec. 952. RCW 82.14.495 and 2009 c 4 s 907 are each amended to read as follows:

(1) The streamlined sales and use tax mitigation account is created in the state treasury. The state treasurer shall transfer into the account from the general fund amounts as directed in RCW 82.14.500. Expenditures from the account may be used only for the purpose of mitigating the negative fiscal impacts to local taxing jurisdictions as a result of RCW 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020. During the ~~((2007-2009))~~ 2009-2011 fiscal biennium, the legislature may transfer from the streamlined sales and use tax mitigation account to the state general fund such amounts as reflect the excess fund balance of the account.

(2) Beginning July 1, 2008, the state treasurer, as directed by the department, shall distribute the funds in the streamlined sales and use tax mitigation account to local taxing jurisdictions in accordance with RCW 82.14.500.

(3) The definitions in this subsection apply throughout this section and RCW 82.14.390 and 82.14.500.

(a) "Agreement" means the same as in RCW 82.32.020.

(b) "Local taxing jurisdiction" means counties, cities, transportation authorities under RCW 82.14.045, public facilities districts under chapters 36.100 and 35.57 RCW, public transportation benefit areas under RCW 82.14.440, and regional transit authorities under chapter 81.112 RCW, that impose a sales and use tax.

(c) "Loss" or "losses" means the local sales and use tax revenue reduction to a local taxing jurisdiction resulting from the sourcing provisions in RCW 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020.

(d) "Net loss" or "net losses" means a loss offset by any voluntary compliance revenue.

(e) "Voluntary compliance revenue" means the local sales tax revenue gain to each local taxing jurisdiction reported to the department from persons registering through the central registration system authorized under the agreement.

(f) "Working day" has the same meaning as in RCW 82.45.180.

Sec. 953. RCW 83.100.230 and 2008 c 329 s 924 are each amended to read as follows:

The education legacy trust account is created in the state treasury. Money in the account may be spent only after appropriation.

Expenditures from the account may be used only for deposit into the student achievement fund and for expanding access to higher education through funding for new enrollments and financial aid, and other educational improvement efforts. During the ~~((2007-2009))~~ 2009-2011 fiscal biennium, moneys in the account may also be transferred into the state general fund.

NEW SECTION. **Sec. 954.** A new section is added to 2009 c 564 (uncodified) to read as follows:

JOINT LEGISLATIVE SELECT COMMITTEE ON HEALTH REFORM IMPLEMENTATION.

The joint legislative select committee on health reform implementation is established. The joint legislative select committee on health reform implementation shall be co-chaired by the chairs of the health committees of the senate and the house of representatives, and leadership of the two largest caucuses in the senate and the house of representatives shall each appoint two additional legislators to serve on the committee. The

co-chairs may direct the formation of advisory committees, if desired, to focus on specific topic areas, such as insurance regulation, access and expansion of public and private programs, and workforce issues, and may invite interested stakeholders and additional experts to advise the committee. All participation in the joint select committee and any advisory committees is without compensation.

This section expires June 30, 2011.

NEW SECTION. Sec. 955. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 956. Section 910 of this act expires June 30, 2011.

NEW SECTION. Sec. 957. Section 935 of this act expires June 30, 2011.

NEW SECTION. Sec. 958. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 13.06.050, 15.76.115, 28A.300.380, 28B.50.837, 28B.76.565, 28B.76.610, 28B.102.080, 38.52.105, 43.17.390, 43.20A.725, 43.43.839, 43.43.944, 43.60A.185, 43.131.406, 43.70.110, 43.78.030, 43.79.460, 43.79.465, 43.89.010, 43.105.080, 43.155.050, 43.320.110, 43.320.165, 48.02.190, 66.08.170, 67.70.044, 67.70.230, 70.105D.070, 74.31.030, 74.31.060, 70.93.180, 70.105D.130, 70.146.100, 79.105.150, 80.01.080, 80.36.430, 82.14.495, and 83.100.230; amending 2010 c 3 ss 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 301, 302, 303, 304, 305, 306, 401, 402, 501, and 601; amending 2009 c 564 ss 101, 102, 103, 104, 105, 106, 107, 108, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 121, 122, 123, 124, 131, 132, 133, 134, 135, 136, 138, 140, 141, 142, 144, 145, 147, 148, 150, 149, 152, 155, 201, 213, 214, 216, 217, 220, 224, 226, 221, 301, 304, 305, 308, 310, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 514, 515, 516, 518, 601, 602, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 701, 703, 704, 708, 710, 717, 720, 801, 805, and 914; amending 2010 c 247 ss 502, 407, and 503; reenacting and amending RCW 28B.105.110, 46.09.170, and 67.40.040; adding a new section to chapter 43.79 RCW; adding new sections to 2009 c 564 (uncodified); creating a new section; repealing RCW 43.60A.160, 43.60A.165, 43.60A.170, 43.60A.175, 43.60A.180, and 43.60A.185; repealing 2009 c 564 ss 111 and 720 (uncodified); making appropriations; providing expiration dates; and declaring an emergency."

Representative Williams moved the adoption of amendment (1745) to amendment (1743).

On page 49, beginning on line 35, strike subsection (7)

Representatives Williams, Conway, Hasegawa and Simpson spoke in favor of the adoption of the amendment to the amendment.

Representatives Takko, Hunter, Alexander and Ericksen spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1745) to amendment (1743) to Engrossed Substitute Senate Bill No. 6444.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to Engrossed Substitute Senate Bill No. 6444 and the amendment was not adopted by the following vote: Yeas, 27; Nays, 70; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Chase, Conway, Dickerson, Dunshee, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Kenney, Kirby, Liias, McCoy, Miloscia, Morrell, Ormsby, Priest, Roberts, Sells, Simpson, Upthegrove, White, Williams and Wood.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Eddy, Ericks, Ericksen, Fagan, Finn, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kessler, Klippert, Kristiansen, Linville, Maxwell, McCune, Moeller, Morris, Nealey, Nelson, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick and Mr. Speaker.

Excused: Representative Kretz.

Amendment (1745) to amendment (1743) was not adopted.

With the consent of the House, amendment (1747) was withdrawn.

Representative Williams moved the adoption of amendment (1746) to amendment (1743).

On page 68, line 26, increase the general fund-state appropriation for fiscal year 2011 by \$5,833,000

On page 68, strike all material on lines 36 and 37

On page 69, line 2, correct the total.

On page 285, line 15, strike "\$39,480,000" and insert "\$34,522,000"

Representatives Williams and Alexander spoke in favor of the adoption of the amendment to the amendment.

Representative Ericks spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained. The Speaker (Representative Morris presiding) divided the House. The result was 45 - YEAS; 52 - NAYS.

Amendment (1746) to amendment (1743) was not adopted.

Representative Williams moved the adoption of amendment (1748) to amendment (1743).

On page 108, line 1, decrease the general fund--state appropriation for fiscal year 2010 by \$571,000

On page 108, line 3, increase the general fund--state appropriation for fiscal year 2011 by \$2,835,000

On page 108, line 5, increase the general fund--federal appropriation by \$2,246,000

On page 108, line 17, correct the total

On page 119, line 5, after "(46)" strike "\$850,000" and insert "\$704,000"

On page 119, line 6, after "2010," strike "\$666,000" and insert "\$812,000"

On page 119, after line 19 insert the following:

"(48) Every effort shall be made to maintain current employment levels and achieve administrative savings through vacancies and employee attrition. Efficiencies shall be implemented as soon as possible in order to minimize actual reduction in force. The department shall implement a management strategy that minimizes disruption of service and negative impacts on employees."

Representatives Williams and Hunt spoke in favor of the adoption of the amendment to the amendment.

Amendment (1748) to amendment (1743) was adopted.

Representative Shea moved the adoption of amendment (1749) to amendment (1743).

On page 318, beginning on line 2 of the amendment, after "commission" strike all material through "biennium" on page 318, line 3

On page 318, line 4 of the amendment, after "operation of" strike "state"

On page 318, line 4 of the amendment, strike "~~(and)~~or" and insert "and"

On page 318, beginning on line 5 of the amendment, after "users" strike all material through "subsection are" and insert ". This appropriation is"

Representative Shea and Shea (again) spoke in favor of the adoption of the amendment to the amendment.

Representative Linville spoke against the adoption of the amendment to the amendment.

Amendment (1749) to amendment (1743) was not adopted.

Amendment (1743) was adopted as amended.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sullivan, Ericks, Darneille, Haigh, Pettigrew and Linville spoke in favor of the passage of the bill.

Representatives Alexander, Orcutt, Hinkle, Priest, Bailey, Dammeier and DeBolt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6444, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6444, as amended by the House, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Simpson, Smith, Taylor, Walsh, Warnick and Williams.

Excused: Representative Kretz.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6444, as amended by the House, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representatives Linville and Alexander thanked the operating budget staff and asked the Chamber to acknowledge them.

MESSAGES FROM THE SENATE

April 12, 2010
Mr. Speaker:

The President has signed ENGROSSED SENATE BILL 6870 and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 12, 2010
Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SENATE BILL 6870 and passed the bill, as amended by the House and the same is herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 12, 2010
Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1690 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The establishment of alternative public works contracting procedures authorized for use by public bodies has been a complex, controversial, and challenging undertaking, but it has been successful. The key to the successful adoption and consideration of these procedures has depended, in great part, on the review and oversight mechanisms put in place by the legislature in chapter 39.10 RCW, as well as the countless hours of dedicated work by numerous stakeholders over many years. It is the intent of the legislature to clarify that, unless otherwise specifically provided for in law, public bodies that want to use an alternative public works contracting procedure may use only those procedures specifically authorized in chapter 39.10 RCW.

Sec. 2. RCW 39.10.200 and 2007 c 494 s 1 are each amended to read as follows:

The legislature finds that the traditional process of awarding public works contracts in lump sum to the lowest responsible bidder is a fair and objective method of selecting a contractor. However, under certain circumstances, alternative public works contracting procedures may best serve the public interest if such procedures are implemented in an open and fair process based on objective and equitable criteria. The purpose of this chapter is to authorize the use of certain supplemental alternative public works contracting procedures, to prescribe appropriate requirements to ensure that such contracting procedures serve the public interest, and to establish a process for evaluation of such contracting procedures. It is the intent of the legislature to establish that, unless otherwise specifically provided for in law, public bodies may use only those alternative public works contracting procedures specifically authorized in this chapter, subject to the requirements of this chapter.

Sec. 3. RCW 39.10.230 and 2009 c 75 s 1 are each amended to read as follows:

The board has the following powers and duties:

(1) Develop and recommend to the legislature policies to further enhance the quality, efficiency, and accountability of capital construction projects through the use of traditional and alternative delivery methods in Washington, and make recommendations regarding expansion, continuation, elimination, or modification of the alternative public works contracting methods;

(2) Evaluate the use of existing contracting procedures and the potential future use of other alternative contracting procedures including competitive negotiation contracts;

(3) ~~((Develop guidelines to be used by the committee for the review and approval of design-build demonstration projects that procure operations and maintenance services))~~ Submit recommendations to the appropriate committees of the legislature evaluating alternative contracting procedures that are not authorized under this chapter;

(4) Appoint members of the committee; and

(5) Develop and administer questionnaires designed to provide quantitative and qualitative data on alternative public works contracting procedures on which evaluations are based.

"Sec. 4. RCW 35.82.200 and 1965 c 7 s 35.82.200 are each amended to read as follows:

(1) In addition to the powers conferred upon an authority by other provisions of this chapter, an authority is empowered to borrow money or accept contributions, grants or other financial assistance from the federal government for or in aid of any housing project within its area of operation, to take over or lease or manage any housing project or undertaking constructed or owned by the federal government, and to these ends, to comply with such conditions and enter into such mortgages, trust indentures, leases or agreements as may be necessary, convenient or desirable. It is the purpose and intent of this chapter to authorize every authority to do any and all things necessary or desirable to secure the financial aid or cooperation

of the federal government in the undertaking, construction, maintenance or operation of any housing project by such authority.

(2) All housing authorities shall be subject to the provisions of chapter 39.10 RCW except where alternative requirements or procedures of federal law or federal regulation are authorized.

(3) The requirements of chapter 39.12 RCW regarding prevailing wages shall apply to housing authority public works except where specifically preempted by federal law or federal regulation."

Sec. 5. RCW 43.131.408 and 2007 c 494 s 507 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2014:

(1) RCW 39.10.200 and section 2 of this act, 2007 c 494 s 1₂ & 1994 c 132 s 1;

(2) RCW 39.10.210 and 2007 c 494 s 101 & 2005 c 469 s 3;

(3) RCW 39.10.220 and 2007 c 494 s 102 & 2005 c 377 s 1;

(4) RCW 39.10.230 and section 3 of this act, 2009 c 75 s 1, 2007 c 494 s 103₂ & 2005 c 377 s 2;

(5) RCW 39.10.240 and 2007 c 494 s 104;

(6) RCW 39.10.250 and 2007 c 494 s 105;

(7) RCW 39.10.260 and 2007 c 494 s 106;

(8) RCW 39.10.270 and 2007 c 494 s 107;

(9) RCW 39.10.280 and 2007 c 494 s 108;

(10) RCW 39.10.290 and 2007 c 494 s 109;

(11) RCW 39.10.300 and 2007 c 494 s 201, 2003 c 352 s 2, 2003 c 300 s 4, 2002 c 46 s 1, & 2001 c 328 s 2;

~~((12))~~ ~~(RCW 39.10.310 and 2007 c 494 s 202 & 1994 c 132 s 8;~~

~~((13))~~ RCW 39.10.320 and 2007 c 494 s 203 & 1994 c 132 s 7;

~~((14))~~ (13) RCW 39.10.330 and 2007 c 494 s 204;

~~((15))~~ (14) RCW 39.10.340 and 2007 c 494 s 301, 2003 c 352 s 3, 2003 c 300 s 5, 2002 c 46 s 2, & 2001 c 328 s 3;

~~((16))~~ (15) RCW 39.10.350 and 2007 c 494 s 302;

~~((17))~~ (16) RCW 39.10.360 and 2007 c 494 s 303;

~~((18))~~ (17) RCW 39.10.370 and 2007 c 494 s 304;

~~((19))~~ (18) RCW 39.10.380 and 2007 c 494 s 305;

~~((20))~~ (19) RCW 39.10.390 and 2007 c 494 s 306;

~~((21))~~ (20) RCW 39.10.400 and 2007 c 494 s 307;

~~((22))~~ (21) RCW 39.10.410 and 2007 c 494 s 308;

~~((23))~~ (22) RCW 39.10.420 and 2007 c 494 s 401 & 2003 c 301 s 1;

~~((24))~~ (23) RCW 39.10.430 and 2007 c 494 s 402;

~~((25))~~ (24) RCW 39.10.440 and 2007 c 494 s 403;

~~((26))~~ (25) RCW 39.10.450 and 2007 c 494 s 404;

~~((27))~~ (26) RCW 39.10.460 and 2007 c 494 s 405;

~~((28))~~ (27) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s 10;

~~((29))~~ (28) RCW 39.10.480 and 1994 c 132 s 9;

~~((30))~~ (29) RCW 39.10.490 and 2007 c 494 s 501 & 2001 c 328 s 5;

~~((31))~~ (30) RCW 39.10.500 and 2007 c 494 s 502;

~~((32))~~ (31) RCW 39.10.510 and 2007 c 494 s 503;

~~((33))~~ (32) RCW 39.10.900 and 1994 c 132 s 13;

~~((34))~~ (33) RCW 39.10.901 and 1994 c 132 s 14; and

~~((35))~~ (34) RCW 39.10.903 and 2007 c 494 s 510."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, strike the title, and insert "an act relating to public works projects; and amending RCW 35.82.070, 39.10.200, 39.10.230, and 43.131.408; and creating a new section."

Renumber the sections consecutively and correct any internal references accordingly.

and the same is herewith transmitted.

Thomas Hoeman , Secretary

There being no objection, the House advanced to the seventh order of business.

THIRD READING

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1690 and advanced the bill, as amended by the Senate, to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hasegawa and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1690, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1690, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Fagan, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nealey, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Kretz.

ENGROSSED HOUSE BILL NO. 1690, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 12, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2493 with the following amendment:

On page 9, at the beginning of line 10, strike "April" and insert "May"

On page 9, line 14, after "after" strike "April" and insert "May"

On page 9, at the beginning of line 23, strike "April" and insert "May"

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2493 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Cody and Hunter spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2493, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2493, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse,

Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kirby, Klippert, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Sullivan, Taylor, Walsh and Warnick.

Excused: Representative Kretz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2493, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

MESSAGE FROM THE SENATE

April 12, 2010

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL 6444 and passed the bill, as amended by the House and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

MESSAGE FROM THE SENATE

April 12, 2010

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2561 with the following amendment:

Format changed to accommodate text.

Strike everything after the enacting clause and insert the following:

**"PART I
SHORT TITLE AND INTENT**

NEW SECTION. Sec. 101. This act may be known and cited as the jobs act.

NEW SECTION. Sec. 102. The legislature intends to create jobs in every corner of Washington state by issuing bonds, which will catalyze energy savings and repair work at public schools and state colleges and universities.

It is the intent of the legislature that these investments will create jobs quickly and directly, at a time when the state's residents need jobs. It is the further intent of the legislature that these investments both accelerate innovation in the energy efficiency sector and create locally developed technologies and companies to provide sustainable jobs. The legislature intends to prioritize the use of innovative technologies and facilitate the development of a sustainable innovation cluster that creates and installs highly efficient building technologies and creates jobs.

The legislature intends that these job-creating projects save taxpayers money, with an estimated one hundred twenty-six million dollars saved each year in public schools through reduced energy and operational costs, and improve the health and safety of those buildings. The energy savings are equivalent to the use of an estimated ninety thousand houses. It is also the intent of the legislature that these job-creating projects lead to reduced pollutants, as the weatherization and energy efficiency projects will reduce pollution emissions by an estimated amount equivalent to removing an estimated one hundred thirty thousand cars from the roads each year.

**PART II
BOND AUTHORIZATION**

NEW SECTION. Sec. 201. (1) For the purpose of creating jobs by constructing needed capital improvements to public facilities for energy, utility, and operational cost savings, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of five hundred five million dollars, or so much thereof as may be required, for this purpose and all costs incidental thereto. The bonds issued under the authority of this section are known as jobs act bonds.

(2) Bonds authorized in this section must be sold in the manner, at the time or times, in amounts, and at such prices as the state finance committee determines.

(3) The authorization to issue bonds contained in this chapter does not expire until the full authorization has been issued.

(4) No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 202. (1) The nondebt-limit general fund bond retirement account must be used for the payment of the principal of and interest on the bonds authorized in section 201 of this act.

(2) The state finance committee must, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 201 of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 201 of this act, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the nondebt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. Sec. 203. (1) Bonds issued under this section and sections 201 and 202 of this act must state that they are a general obligation of the state of Washington, must pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and must contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

**PART III
PROGRAM REQUIREMENTS, APPROPRIATIONS, AND REVENUE PROVISIONS**

NEW SECTION. Sec. 301. (1) The department of commerce, in consultation with the department of general administration and the Washington State University energy program, shall administer the jobs act.

(2) The department of general administration must develop guidelines that are consistent with national and international energy savings performance standards for the implementation of energy savings performance contracting projects by the energy savings performance contractors by December 31, 2010.

(3) The definitions in this section apply throughout this chapter and section 302 of this act unless the context clearly requires otherwise.

(a) "Cost-effectiveness" means that the present value to higher education institutions and school districts of the energy reasonably expected to be saved or produced by a facility, activity, measure, or piece of equipment over its useful life, including any compensation received from a utility or the Bonneville power administration, is greater than the net present value of the costs of implementing, maintaining, and operating such facility, activity, measure, or piece of equipment over its useful life, when discounted at the cost of public borrowing.

(b) "Energy cost savings" means savings realized in expenses for energy use and expenses associated with water, wastewater, or solid waste systems.

(c) "Energy equipment" means energy management systems and any equipment, materials, or supplies that are expected, upon installation, to reduce the energy use or energy cost of an existing building or facility, and the services associated with the equipment, materials, or supplies, including but not limited to design, engineering, financing, installation, project management, guarantees, operations, and maintenance. Reduction in energy use or energy cost may also include reductions in the use or cost of water, wastewater, or solid waste.

(d) "Energy savings performance contracting" means the process authorized by chapter 39.35C RCW by which a company contracts with a public agency to conduct energy audits and guarantee energy savings from energy efficiency.

(e) "Innovative measures" means advanced or emerging technologies, systems, or approaches that may not yet be in common practice but improve energy efficiency, accelerate deployment, or reduce energy usage, and become widely commercially available in the future if proven successful in demonstration programs without compromising the guaranteed performance or measurable energy and operational cost savings anticipated. Examples of innovative measures include, but are not limited to, advanced energy and systems operations monitoring, diagnostics, and controls systems for buildings; novel heating, cooling, ventilation, and water heating systems; advanced windows and insulation technologies, highly efficient lighting technologies, designs, and controls; and integration of renewable energy sources into buildings, and energy savings verification technologies and solutions.

(f) "Operational cost savings" means savings realized from parts, service fees, capital renewal costs, and other measurable annual expenses to maintain and repair systems. This definition does not mean labor savings related to existing facility staff.

(g) "Public facilities" means buildings, building components, and major equipment or systems owned by public school districts and public higher education institutions.

NEW SECTION. Sec. 302. (1) Within appropriations specifically provided for the purposes of this chapter, the department of commerce, in consultation with the department of general administration, and the Washington State University energy program shall establish a competitive process to solicit and evaluate applications from public school districts, public higher education institutions, and other state agencies. Final grant awards shall be determined by the department of commerce.

(2) Grants must be awarded in competitive rounds, based on demand and capacity, with at least five percent of each grant round awarded to small public school districts with fewer than one thousand full-time equivalent students, based on demand and capacity.

(3) Within each competitive round, projects must be weighted and prioritized based on the following criteria and in the following order:

(a) Leverage ratio: In each round, the higher the leverage ratio of nonstate funding sources to state jobs act grant, the higher the project ranking.

(b) Energy savings: In each round, the higher the energy savings, the higher the project ranking. Applicants must submit documentation that demonstrates energy and operational cost savings resulting from the installation of the energy equipment and improvements. The energy savings analysis must be performed by a licensed engineer and documentation must include but is not limited to the following:

(i) A description of the energy equipment and improvements;

(ii) A description of the energy and operational cost savings; and

(iii) A description of the extent to which the project employs collaborative and innovative measures and encourages demonstration of new and emerging technologies with high energy savings or energy cost reductions.

(c) Expediency of expenditure: Project readiness to spend funds must be prioritized so that the legislative intent to expend funds quickly is met.

(4) Projects that do not use energy savings performance contracting must: (a) Verify energy and operational cost savings, as defined in section 301 of this act, for ten years or until the energy and operational costs savings pay for the project, whichever is shorter; (b) follow the department of general administration's energy savings performance contracting project guidelines developed pursuant to section 301 of this act; and (c) employ a licensed engineer for the energy audit and construction. The department of commerce may require third-party verification of savings if a project is not implemented by an energy savings performance contractor selected by the department of general administration through the request of qualifications process. Third-party verification must be conducted either by an energy savings performance contractor selected by the department of general administration through a request for qualifications, a licensed engineer specializing in energy conservation, or by a project resource conservation manager or educational service district resource conservation manager.

(5) To intensify competition, the department of commerce may only award funds to the top eighty-five percent of projects applying in a round until the department of commerce determines a final round is appropriate. Projects that do not receive a grant award in one round may reapply in subsequent rounds.

(6) To match federal grants and programs that require state matching funds and produce significantly higher efficiencies in operations and utilities, the level of innovation criteria may be increased for the purposes of weighted scoring to capture those federal dollars for selected projects that require a higher level of innovation and regional collaboration.

(7) Grant amounts awarded to each project must allow for the maximum number of projects funded with the greatest energy and cost benefit.

(8)(a) The department of commerce must use bond proceeds to pay one-half of the preliminary audit, up to five cents per square foot, if the project does not meet the school district's and higher education institution's predetermined cost-effectiveness criteria. School districts and higher education institutions must pay the other one-half of the cost of the preliminary audit if the project does not meet their predetermined cost-effectiveness criteria.

(b) The energy savings performance contractor may not charge for an investment grade audit if the project does not meet the school district's and higher education institution's predetermined cost-effectiveness criteria. School districts and higher education institutions must pay the full price of an investment grade audit if they do not proceed with a project that meets the school district's and higher education institution's predetermined cost-effectiveness criteria.

(9) The department of commerce may charge projects administrative fees and may pay the department of general administration and the Washington State University energy program administration fees in an amount determined through a memorandum of understanding.

(10) The department of commerce and the department of general administration must submit a joint report to the appropriate committees of the legislature and the office of financial management on the timing and use of the grant funds, program administrative function, compliance with apprenticeship utilization requirements in RCW 39.04.320, compliance with prevailing wage requirements, and administration fees by the end of each fiscal year, until the funds are fully expended and all savings verification requirements are fulfilled.

NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF COMMERCE--JOBS ACT

The appropriation in this section is subject to the following conditions and limitations: The appropriation is for fiscal year 2011 and is provided solely for grants to public school districts and public higher education institutions for energy and operational cost savings improvements to public facilities and related projects that result in energy and operational cost savings under the provision and requirements of sections 301 and 302 of this act. Related projects are those projects that must be completed in order for the energy efficiency improvements to be effective.

Appropriation:

Washington Works Account--State	\$500,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$500,000,000	

NEW SECTION. Sec. 304. The legislature intends to increase general state revenues to pay for a portion of the increased debt service costs for voter-approved bonds and for debt-limit bonds authorized by the legislature for projects awarded grants under sections 301 and 302 of this act for energy efficiency projects in public facilities.

Sec. 305. RCW 82.08.0293 and 2010 1st sp.s. c ... (2ESSB 6143) s 902 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of food and food ingredients. "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include:

(a) "Alcoholic beverages," which means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume; and

(b) "Tobacco," which means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

(2) ~~((Until July 1, 2013,))~~ The exemption of "food and food ingredients" provided for in subsection (1) of this section does not apply to prepared food, soft drinks, bottled water, candy, or dietary supplements. ~~((Beginning July 1, 2013, the exemption of "food and food ingredients" provided for in subsection (1) of this section does not apply to prepared food, soft drinks, candy, or dietary supplements.))~~ For purposes of this subsection, the following definitions apply:

(a) "Dietary supplement" means any product, other than tobacco, intended to supplement the diet that:

(i) Contains one or more of the following dietary ingredients:

(A) A vitamin;

(B) A mineral;

(C) An herb or other botanical;

(D) An amino acid;

(E) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or

(F) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in this subsection;

(ii) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(iii) Is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label as required pursuant to 21 C.F.R. Sec. 101.36, as amended or renumbered as of January 1, 2003.

(b)(i) "Prepared food" means:

(A) Food sold in a heated state or heated by the seller;

(B) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food; or

(C) Two or more food ingredients mixed or combined by the seller for sale as a single item, except:

(I) Food that is only cut, repackaged, or pasteurized by the seller; or

(II) Raw eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal food and drug administration in chapter 3, part 401.11 of The Food Code, published by the food and drug administration, as amended or renumbered as of January 1, 2003, so as to prevent foodborne illness.

(ii) "Prepared food" does not include the following food or food ingredients, if the food or food ingredients are sold without eating utensils provided by the seller:

(A) Food sold by a seller whose proper primary North American industry classification system (NAICS) classification is manufacturing in sector 311, except subsector 3118 (bakeries), as provided in the "North American industry classification system--United States, 2002";

(B) Food sold in an unheated state by weight or volume as a single item; or

(C) Bakery items. The term "bakery items" includes bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, or tortillas.

(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. Soft drinks do not include beverages that contain: Milk or milk products; soy, rice, or similar milk substitutes; or greater than fifty percent of vegetable or fruit juice by volume.

(d) "Candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" does not include any preparation containing flour and does not require refrigeration.

(e) "Bottled water" means water that is placed in a sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain: (i) Antimicrobial agents; (ii) fluoride; (iii) carbonation; (iv) vitamins, minerals, and electrolytes; (v) oxygen; (vi) preservatives; and (vii) only those flavors, extracts, or essences derived from a spice or fruit. "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section applies to food and food ingredients that are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) That are provided to senior citizens, individuals with disabilities, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" means a facility:

(i) That meets the definition of a qualified low-income housing project under 26 U.S.C. Sec. 42 of the federal internal revenue code, as existing on August 1, 2009;

(ii) That has been partially funded under 42 U.S.C. Sec. 1485; and

(iii) For which the lessor or operator has at any time been entitled to claim a federal income tax credit under 26 U.S.C. Sec. 42 of the federal internal revenue code.

(4)(a) Subsection (1) of this section notwithstanding, the retail sale of food and food ingredients is subject to sales tax under RCW 82.08.020 if the food and food ingredients are sold through a vending machine. Except as provided in (b) of this subsection, the selling price of food and food ingredients sold through a vending machine for purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.

(b) For soft drinks and hot prepared food and food ingredients, other than food and food ingredients which are heated after they have been dispensed from the vending machine, the selling price is the total gross receipts of such sales divided by the sum of one plus the sales tax rate expressed as a decimal.

(c) For tax collected under this subsection (4), the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.

Sec. 306. RCW 82.12.0293 and 2010 1st sp.s. c ... (2ESSB 6143) s 903 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of food and food ingredients for human consumption. "Food and food ingredients" has the same meaning as in RCW 82.08.0293.

(2) ~~((Until July 1, 2013,))~~ The exemption of "food and food ingredients" provided for in subsection (1) of this section does not apply to prepared food, soft drinks, bottled water, candy, or dietary supplements. ~~((Beginning July 1, 2013, the exemption of "food and food ingredients" provided for in subsection (1) of this section does not apply to prepared food, soft drinks, candy, or dietary supplements.))~~ "Prepared food," "soft drinks," "dietary supplements," "candy," and "bottled water" have the same meanings as in RCW 82.08.0293.

(3) Notwithstanding anything in this section to the contrary, the exemption of "food and food ingredients" provided in this section ~~((apply))~~ applies to food and food ingredients which are furnished, prepared, or served as meals:

(a) Under a state administered nutrition program for the aged as provided for in the older Americans act (P.L. 95-478 Title III) and RCW 74.38.040(6);

(b) Which are provided to senior citizens, individuals with disabilities, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW; or

(c) That are provided to residents, sixty-two years of age or older, of a qualified low-income senior housing facility by the lessor or operator of the facility. The sale of a meal that is billed to both spouses of a marital community or both domestic partners of a domestic partnership meets the age requirement in this subsection (3)(c) if at least one of the spouses or domestic partners is at least sixty-two years of age. For purposes of this subsection, "qualified low-income senior housing facility" has the same meaning as in RCW 82.08.0293.

**PART IV
TECHNICAL PROVISIONS**

NEW SECTION. Sec. 401. (1) The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 201 of this act, and section 202 of this act may not be deemed to provide an exclusive method for the payment.

(2) The office of the state treasurer must determine a mechanism to allow individual Washington state residents to purchase jobs act bonds.

NEW SECTION. Sec. 402. The bonds authorized by this chapter constitute a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

NEW SECTION. Sec. 403. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds provided for in this act, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance.

NEW SECTION. Sec. 404. The Washington works account is created in the state treasury. All receipts from bonds authorized under section 201 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. The proceeds from the sale of the bonds authorized in section 201 of this act must be deposited in the account. Moneys in the account must be used exclusively for:

(1) The purposes of sections 301, 302, and 303 of this act, which includes energy and operational cost savings improvements and related projects that result in energy and operational cost savings for public school districts and public higher education institutions; and

(2) The payment of the expenses incurred in connection with the sale and issuance of the bonds.

NEW SECTION. Sec. 405. If the state finance committee deems it necessary to issue any portion of the bonds authorized in this chapter as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such taxable bonds must be transferred to the state taxable building construction account in lieu of any deposits otherwise provided by section 404 of this act. The state treasurer must submit written notice to the director of financial management if it is determined that any such transfer to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation. For purposes of this section, "nontaxable bond proceeds" includes proceeds from bonds issued as tax exempt bonds and proceeds from taxable bonds eligible for direct federal subsidy under federal internal revenue service rules.

Sec. 406. RCW 39.94.040 and 2003 c 6 s 2 are each amended to read as follows:

(1) Except as provided in RCW 28B.10.022, the state may not enter into any financing contract for itself if the aggregate principal amount payable thereunder is greater than an amount to be established from time to time by the state finance committee or participate in a program providing for the issuance of certificates of participation, including any contract for credit enhancement, without the prior approval of the state finance committee. Except as provided in RCW 28B.10.022, the state finance committee shall approve the form of all financing contracts or a standard format for all financing contracts. The state finance committee also may:

(a) Consolidate existing or potential financing contracts into master financing contracts with respect to property acquired by one or more agencies, departments, instrumentalities of the state, the state board for community and technical colleges, or a state institution of higher learning; or to be acquired by another agency;

(b) Approve programs providing for the issuance of certificates of participation in master financing contracts for the state or for other agencies;

(c) Enter into agreements with trustees relating to master financing contracts; and

(d) Make appropriate rules for the performance of its duties under this chapter.

(2) In the performance of its duties under this chapter, the state finance committee may consult with representatives from the department of general administration, the office of financial management, and the department of information services.

(3) With the approval of the state finance committee, the state also may enter into agreements with trustees relating to financing contracts and the issuance of certificates of participation.

(4) Except for financing contracts for real property used for the purposes described under chapter 28B.140 RCW, the state may not enter into any financing contract for real property of the state without prior approval of the legislature.

(5) The state may not enter into any financing contract on behalf of another agency without the approval of such a financing contract by the governing body of the other agency. For the purposes of this requirement, a financing contract must be treated as used for real

property if it is being entered into by the state for the acquisition of land; the acquisition of an existing building; the construction of a new building; or a major remodeling, renovation, rehabilitation, or rebuilding of an existing building. Prior approval of the legislature is not required under this chapter for a financing contract entered into by the state under this chapter for energy conservation improvements to existing buildings where such improvements include (a) fixtures and equipment that are not part of a major remodeling, renovation, rehabilitation, or rebuilding of the building, or (b) other improvements to the building that are being performed for the primary purpose of energy conservation. Such energy conservation improvements must be determined eligible for financing under this chapter by the office of financial management in accordance with financing guidelines established by the state treasurer, and are to be treated as personal property for the purposes of this chapter.

**PART V
REFERENDUM PROVISIONS**

NEW SECTION. Sec. 501. (1) The secretary of state shall submit sections 101 through 203 and 401 through 405 of this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 and Article VIII, section 3 of the state Constitution and the laws adopted to facilitate their operation.

(2) If the people ratify this act as specified under subsection (1) of this section, revenues generated shall be spent as detailed in this act.

(3) Pursuant to RCW 29A.72.050(6), the statement of subject and concise description for the ballot title shall read: "The legislature has passed Engrossed House Bill No. 2561 (this act), concerning job creation through energy efficiency projects in school buildings. This bill would promote job creation by authorizing bonds to construct energy efficiency savings improvements to schools, including higher education buildings."

NEW SECTION. Sec. 502. Sections 303 through 306 of this act are contingent upon approval by the voters of sections 101 through 203 and 401 through 405 of this act. If sections 101 through 203 and 401 through 405 of this act are not approved by the voters by December 1, 2010, sections 303 through 306 of this act are null and void.

NEW SECTION. Sec. 503. Sections 201 through 203, 301, 302, and 401 through 405 of this act constitute a new chapter in Title 43 RCW.

**PART VI
MISCELLANEOUS PROVISIONS**

NEW SECTION. Sec. 601. This act takes effect if Second Engrossed Substitute Senate Bill No. 6143 is enacted by the legislature during the 2010 1st special session."

On page 1, line 2 of the title, after "facilities" strike the remainder of the title and insert "and raising revenue therefor; amending RCW 82.08.0293, 82.12.0293, and 39.94.040; adding a new chapter to Title 43 RCW; creating new sections; making an appropriation; providing a contingent effective date; providing for submission of certain sections of this act to a vote of the people; and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

THIRD READING

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2561 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Dunshee, Hurst, Goodman and Morrell spoke in favor of the passage of the bill.

Representatives Warnick, Orcutt, Priest, DeBolt, Anderson, Rodne and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2561, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2561, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller,

Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Kretz.

ENGROSSED HOUSE BILL NO. 2561, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION & FIRST READING

HCR 4410 by Representatives Kessler and Kretz

Adjourning sine die.

SCR 8414 by Senators Brown and Hewitt

Returning bills to their house of origin.

MOTION

Representative Angel moved that the rules be suspended and that HOUSE BILL NO. 3221 be advanced to second reading and read in full.

Representative Angel spoke in favor of the adoption of the motion.

Representative Kessler spoke against the adoption of the motion.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the motion to suspend the rules and advance House Bill No. 3221 to second reading.

ROLL CALL

The Clerk called the roll on the adoption of the motion to suspend the rules and advance House Bill No. 3221 to second reading and the motion was not adopted by the following vote: Yeas, 36; Nays, 61; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Kretz.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4410 and SENATE CONCURRENT RESOLUTION NO. 8414 were read the first time, and under suspension of the rules were placed on the second reading calendar.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

ENGROSSED HOUSE BILL NO. 1690
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2493
 SECOND SUBSTITUTE HOUSE BILL NO. 2576
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2630
 HOUSE BILL NO. 2694
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
 2956
 HOUSE BILL NO. 3219
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6503
 ENGROSSED SENATE BILL NO. 6870
 SENATE JOINT RESOLUTION NO. 8225

The Speaker called upon Representative Morris to preside.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6409, by Senate Committee on Ways & Means (originally sponsored by Senators Kastama, Rockefeller, Shin and Kohl-Welles)

Creating the Washington investment in excellence account. Revised for 2nd Substitute: Creating the Washington opportunity pathways account.

The bill was read the second time.

Representative Chandler moved the adoption of amendment (1731).

On page 1, beginning on line 6, strike all of section 1 and insert the following:

"**NEW SECTION. Sec. 1.** It is the intent of the legislature to continue to use lottery account revenues for education construction and to affirm the uses of lottery accounts as provided in chapter 67.70.240 RCW and chapter 67.70.340 RCW."

On page 2, beginning on line 11, after "treasury." strike all language through "teams)." on line 22

On page 2, beginning on line 23, strike all of sections 3 through 6

Renumber the remaining sections consecutively and correct any internal references accordingly

Correct the title.

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Ericks spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1731) to Engrossed Second Substitute Senate Bill No. 6409.

ROLL CALL

The Clerk called the roll on the adoption amendment (1731) to Engrossed Second Substitute Senate Bill No. 6409 and the amendment was not adopted by the following vote: Yeas, 36; Nays, 61; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Condotta, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes,

Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Kretz.

Amendment (1731) was not adopted.

Representative Chandler moved the adoption of amendment (1741).

On page 1, beginning on line 6, strike all of section 1

Renumber remaining sections consecutively and correct the title and internal references accordingly.

On page 2, beginning on line 11, after "for" strike all material through "teams" on line 22 and insert "the student achievement program in RCW 28A.505.220"

On page 5, line 29, after "the" strike "higher education coordinating board" and insert "office of superintendent of public instruction"

On page 5, line 33, after "to the" strike everything through "education" on line 34 and insert "education, ways and means"

Representatives Chandler and Ross spoke in favor of the adoption of the amendment.

Representative Sullivan spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (1741) to Engrossed Second Substitute Senate Bill No. 6409.

ROLL CALL

The Clerk called the roll on the adoption of amendment (1741) to Engrossed Second Substitute Senate Bill No. 6409 and the amendment was not adopted by the following vote: Yeas, 36; Nays, 61; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Kretz.

Amendment (1741) was not adopted.

Representative Chandler moved the adoption of amendment (1732).

On page 2, line 10, strike "The" and insert "On July 1, 2011, the"

On page 2, line 34, strike "2010" and insert "2011"

On page 5, line 25, after "July 1," strike "2010" and insert "2011"

On page 5, line 28, after "6." strike "In" and insert "Prior to the creation of the Washington opportunity pathways account or any deposits into the account, the state lottery commission shall, in"

On page 5, line 29, after "board," strike "the state lottery commission shall upon the effective date of this section"

On page 5, line 31, after "develop" strike "and begin implementation of"

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Ericks spoke against the adoption of the amendment.

Amendment (1732) was not adopted.

Representative Chandler moved the adoption of amendment (1742).

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that institutions of higher education are key to the future employment opportunities of Washington citizens and to the economic well-being of the state. The legislature further finds that current student financial aid programs are underfunded and subject to the unpredictability of the state budget. It is the intent of the legislature to direct increases in lottery account moneys toward stabilizing and increasing existing resources for opportunity grants, get ready for math and science scholarships, passport to college scholarships, college bound scholarships, the state work study program, the state need grant, Washington scholars awards, and the Washington award for vocational excellence.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.76 RCW to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW (state need grant program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to college promise), and 28B.118 RCW (college bound scholarship).

Sec. 3. RCW 67.70.340 and 2009 c 576 s 2 and 2009 c 479 s 45 are each reenacted and amended to read as follows:

(1) The legislature recognizes that creating a shared game lottery could result in less revenue being raised by the existing state lottery ticket sales. The legislature further recognizes that the fund most impacted by this potential event is the education construction account. Therefore, it is the intent of the legislature to use some of the proceeds from the shared game lottery to make up the difference that the potential state lottery revenue loss would have on the education construction account. The legislature further intends to use some of the proceeds from the shared game lottery to fund programs and services related to problem and pathological gambling.

(2) The education construction account is expected to receive one hundred two million dollars annually from state lottery games other than the shared game lottery. For fiscal year 2003 and thereafter, if the amount of lottery revenues earmarked for the education construction account is less than one hundred two million dollars, the commission, after making the transfer required under subsection (3) of this section, must transfer sufficient moneys from revenues derived from the shared game lottery into the education construction account to bring the total revenue up to one hundred two million dollars.

(3)(a) The commission shall transfer, from revenue derived from the shared game lottery, to the problem gambling account created in

RCW 43.20A.892, an amount equal to the percentage specified in (b) of this subsection of net receipts. For purposes of this subsection, "net receipts" means the difference between (i) revenue received from the sale of lottery tickets or shares and revenue received from the sale of shared game lottery tickets or shares; and (ii) the sum of payments made to winners.

(b) In fiscal year 2006, the percentage to be transferred to the problem gambling account is one-tenth of one percent. In fiscal year 2007 and subsequent fiscal years, the percentage to be transferred to the problem gambling account is thirteen one-hundredths of one percent.

(4) The commission shall transfer the remaining net revenues, if any, derived from the shared game lottery "Powerball" authorized in RCW 67.70.044(1) after the transfers pursuant to this section into the state general fund for the student achievement program under RCW 28A.505.220.

(5) The remaining net revenues, if any, in the shared game lottery account after the transfers pursuant to this section shall be deposited into the ~~((general fund))~~ Washington opportunity pathways account.

NEW SECTION. Sec. 4. In consultation with independent experts and in collaboration with the higher education coordinating board, the state lottery commission shall upon the effective date of this act develop and begin implementation of a strategy and plan for actively marketing the state lottery as an essential contributor to higher education. The commission shall report to the appropriate committees of the legislature on the key messages, components, performance objectives, and anticipated revenue impacts of the strategy by December 1, 2010.

NEW SECTION. Sec. 5. The joint legislative audit and review committee shall conduct a review of marketing and vendor expenditures and incentive payment programs at the state lottery commission to identify cost savings and efficiencies to maximize contributions to beneficiaries under this act. This review shall include examination of the following:

(1) The expenditures at the state lottery commission related to marketing and vendors compared with ticket sales. This review shall include an analysis of: Marketing expenses for fiscal years 2005 to 2010 and the impact on ticket sales; the impact to sales of tickets from the change in lottery beneficiaries provided in this act from the education construction fund to the Washington opportunity pathways account; and the competitive bidding process for vendors in Washington. In its final report on this subject, due to the legislature by November 2010, the joint legislative audit and review committee shall provide: A description of the competitive contracting processes for marketing services and vendors, and any marketing programs or expenditures funded through the lottery administrative account; an all-state survey of marketing and vendor contractors for other state lotteries; identification of whether there are duplicative or unproductive marketing activities; identification of whether savings may occur from changing vendors; and an analysis of marketing expenses and ticket sales for fiscal year 2000 through the months of fiscal year 2011 for which data are available.

(2) The incentive payment program for employees at the state lottery commission. This review shall include an analysis of the state's laws, policies, procedures, and practices as they relate to incentive payments. In its final report on this subject, due to the legislature by November 2010, the joint legislative audit and review committee shall provide: A description of how the incentive payment program at the state lottery commission operates, and comparison to best practices for outcome-based performance payments."

Correct the title.

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Sullivan spoke against the adoption of the amendment.

Amendment (1742) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Probst spoke in favor of the passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6409.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6409, and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Uptegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Flannigan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kristiansen, McCune, Miloscia, Nealey, Orcutt, Ormsby, Parker, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Wood.

Excused: Representative Kretz.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6409, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Kessler: "Eighteen years ago I decided to run for the state legislature representing a district that had 19% unemployment, a rural area of our state, and I have never looked back and never regretted these eighteen years. One of my proudest achievements for all of us who have worked together on this is to provide direction for One Washington. One of my dearest friends, the good gentleman from the 16th District, Uncle Bill, who is no longer with us, taught of the importance of trying to tear down the Cascade Curtain. I tried my darndest in my eighteen years to tear down the urban-rural divide and I think we've made huge strides. I have appreciated the friendship and leadership of Mr. Speaker from the 43rd District, and working with him these past twelve years, and working with the good lady from the 37th who has been on our leadership team. We've all bonded and become quite good friends. We brought a very diverse group of viewpoints to the leadership team which was always very interesting and I love that perspective. I love that our caucus this year passed a bill that provides jobs in Eastern Washington. I love that we don't look at that as, well that's politically not our area so we're not going to

help them. I love that about my caucus, I love that I've been a part of that. I appreciated you Mr. Speaker, you are just amazing. I watch you handle all the fairly tedious discussions and I think what a wonderful job you are doing and I'm so glad you represent us. I don't know where the other Mr. Speaker is half the time. I came in with some people that I care very deeply for that are still here. My good friend from the 40th who made me weep when I said goodbye when I knew he was leaving. Representative Quall and I sat at the same table in 1992 at a reorganization meeting and we just hit it off immediately. My good friend from the 42nd, our Ways & Means chair, and I have shared many years together, many good times together and many hard times together. We've had new leadership with our good lady from the 25th, Representative Morrell. She has just brought, she is a nurse, she is the one that picked me up this year, drove me to the doctor, took me to a cardiologist in Puyallup and said get in there and get taken care of. My good friend, the Minority Leader from the 20th, Representative DeBolt. He and I have always respected the institution and the fact that we can disagree. I have loved working with your freshmen when they come in to office to try and help them be successful to get some piece of legislation passed because it must feel pretty crummy to be in the minority and not have that ability for your members. I've loved it that my caucus thinks that is okay. I have a special friend in this, all of you by the way, I really appreciate, respect and have various degrees of friendship with but always great affection for all of you. The fine lady from the 32nd who has made early learning her passion, which is also a passion of mine. I so respect what she has done and I think it has made an incredible difference and will make an incredible difference for our children. Children learn from the minute they are born, in fact they actually learn when they are still in the mothers' womb. They do learn and the more they learn the better prepared they are and the better off they are in their lives. They are ready for school. So for our emphasis on early learning I really totally appreciate the good lady from the 32nd. Being a part of this place is an amazing experience that few people ever have. We have done things like make sure that all children in the State of Washington are covered by healthcare. We didn't wait for Congress we didn't wait for some politically correct time, we just knew it was right that our children should all have healthcare. We stuck up for that in these terrible times and this great recession as well. Our children are being covered by healthcare and it feels incredibly great to be a part of a group of men and women who have provided that for our children. You won't believe this, but in 1993 I actually voted for education reform. We've been working on that ever since and we keep making strides. I am so glad to live in a state where education is the paramount duty of our constitution. It challenges us to be ever vigilant in making sure we're actually funding that basic education. We've had the ability to change laws that change lives, that saved lives, that make lives better, that allow some people to go to college whose families have never ever been to college. And then we can do little things that we do for our constituents and those are very special to each and every one of us. This year the gentleman from the 45th had a bill

that included something that was very dear to the heart of one of my constituents. He called me about a year and a half ago and said that his relative was married to a man who beat her up, domestic violence. He killed her and the gentleman told me that he prohibited the family from having her body taken care of and a burial because he was in charge of the disposition of her remains. The bill that the good gentleman from the 45th passed this year included that no victim of a domestic violence murder would ever have to have her perpetrator continue that violence against her after she is gone, that the disposition would not be put in the hands of the person accused of that murder. I know each and every one of you have so many stories like that where you are able to, because of the positions that we all have, were able to do great and small things together and I'm privileged to have served with all of you. Now I'm sad that I'm leaving but I'm really glad, just so you know I am really actually glad, I think it's time. I love you all, it's been fun being in the trenches with you because sometimes those trenches are deep and very, very difficult and I hope that we all appreciate our differences because that's what makes this place function, that's what makes this place very special and that's what makes each and every one of you very special because we can really make a difference. We have made a difference and we continue to make a difference. I will watch you on TVW, but I don't actually get it where I live, so I won't be making a big habit of it. But if I'm anywhere there is TVW I will watch you and be somewhat nostalgic that I won't be here any longer. Thank you for the privilege of serving with all of you. That is my deal, I'm retiring. I'm almost 70, for God's sake, it's time. To my seat mates, my wonderful Senator and my wonderful seat mate who could save me if I did start to croak on the floor, you've just been a joy to serve with and we've had each others' backs. The Senator and I have had each others' backs for eighteen years and it's been a real pleasure, he prays for me and that has got to be good, so thank you again, all of you. I wish you all well and please be kind to one another. Thank you."

POINTS OF PERSONAL PRIVILEGE

Representatives Van De Wege, DeBolt, Quall, Armstrong, Linville, Orcutt, Santos, Morris and Mr. Speaker thanked Representative Kessler for her service to the people of the 24th District and the State of Washington, and wished her well in her retirement.

MESSAGE FROM THE SENATE

April 12, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2836 with the following amendment:

Format changed to accommodate text.

Strike everything after the enacting clause and insert the following:

On page 1, line 2 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 43.155.0
 "NEW SECTION. Sec. 1. A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2011, out of the several funds specified in this act.

PART 1 GENERAL GOVERNMENT

Sec. 1001. 2009 c 497 s 1005 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Local and Community Projects (20064008)

The reappropriation in this section is subject to the following conditions and limitations: (1) \$64,319 of the remaining reappropriation for El Centro de la raza may be used for building infrastructure. (2) \$10,000 of the remaining reappropriation for miracle league handicapped baseball may be used for pre-grading and resurfacing construction. (3) \$1,394,107 of the remaining reappropriation for MOBIUS/inland northwest science and technology center may be used for building design ((and)), construction, and renovation. (4) \$500,000 of the remaining reappropriation for the Soundway property preservation project may be used by the city of Seattle, in cooperation with the nature consortium for habitat, recreation improvements, or stewardship of the property, if the city of Seattle enacts pending city legislation to preserve the property and place it under the jurisdiction of city of Seattle parks and recreation. (5) The reappropriation is adjusted for the transfer of the Vancouver national historical reserve west barracks project to the Washington state historical society and the termination of the following projects that are no longer viable: (a) Snohomish senior center and (b) central area motivation program (CAMP).

Reappropriation:

State Building Construction Account--State.....	(\$10,658,000)
<u>\$9,258,000</u>	
Prior Biennia (Expenditures).....	\$37,141,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$47,799,000))	
<u>\$46,399,000</u>	

Sec. 1002. 2009 c 497 s 1013 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Job and Economic Development Grants (20064950)

The ((~~re~~))appropriation in this section is subject to the following conditions and limitations:

- (1) The ((~~re~~))appropriation is subject to the provisions of section 107, chapter 371, Laws of 2006.
- (2) The ((~~re~~))appropriation is subject to the project list in section 107, chapter 371, Laws of 2006.
- (3) Up to \$1,000,000 of the ((~~re~~))appropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.
- (4) Up to \$2,200,000 of the ((~~re~~))appropriation is provided solely for military communities infrastructure projects. Military communities infrastructure projects shall include:

(a) Grants to counties and cities for the purchase of development easements and the purchase of real property in fee simple to restrict the use of accident potential zones and clear zones. The office of financial management shall establish a competitive process for selecting projects to receive the grants. Final allocation of these grants shall be at the discretion and with the approval of the director of the office of financial management.

The grants are subject to the following conditions:

- (i) The county or city must be subject to and in compliance with RCW 36.70A.530;
 - (ii) The grants may not be used to remove encroachments into these zones allowed by county or city zoning or permitting actions;
 - (iii) The county or city must have an encroachment prevention plan preventing future encroachment into these zones; and
 - (iv) The grant provided by the state must not exceed one-third of the project cost with funds from local and federal sources providing the balance of the funds.
- (b) Up to \$481,000 of the ((~~re~~))appropriation is provided solely for improvements to a military department site on Fairchild air force base.

Reappropriation:

Public Works Assistance Account--State.....	(\$14,172,000)
<u>\$1,733,000</u>	

Appropriation:

State Building Construction Account--State.....	\$12,439,000
Prior Biennia (Expenditures).....	\$35,828,000
Future Biennia (Projected Costs)	\$50,000,000
TOTAL \$50,000,000	

Sec. 1003. 2009 c 497 s 1029 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Local and Community Projects (20084001)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125 and other requirements for community projects administered by the department.
- (2) The reappropriation is subject to the provisions of section 1008, chapter 328, Laws of 2008.
- (3) \$1,000,000 of the remaining reappropriation for the Evergreen school district health and biosciences academy may be used for land acquisition. If the facility is not constructed by June 30, 2015, the school district shall reimburse the state an amount equal to \$1,000,000 increased by the average percentage appreciation in property values for undeveloped land in the surrounding area between the date the school district acquired the property and June 30, 2015 or the date the school district disposes of the property.
- (4) \$600,000 of the remaining reappropriation for the institute for community leadership may be used for land acquisition.
- (5) \$250,000 of the remaining reappropriation for the Pacific Northwest ilocandia association may be used for acquisition and renovation.

(6) \$200,000 of the remaining reappropriation for the library connection at Greenbridge may be used for construction and equipment.

(7) \$1,000,000 of the remaining reappropriation for the Evergreen school district health and biosciences academy may be used for land acquisition.

(8) The remaining reappropriation for the Mobius/inland northwest science and technology center may be used for building design, construction and renovation.

(9) The reappropriation is adjusted for the transfer of the Vancouver national historical reserve project to the Washington state historical society; the reduction of \$1,400,000 from the Tacoma narrows bridge lights project; and the termination of the following projects that are no longer viable: (a) Camp kilworth land acquisition - Federal Way, (b) Kitsap SEED, and (c) Seatac world war I memorial plaza.

Reappropriation:

State Building Construction Account--State..... ((\$61,200,000))
\$56,650,000

Prior Biennia (Expenditures)..... \$71,694,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$132,894,000))
\$128,344,000

Sec. 1004. 2009 c 497 s 1019 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Public Works Trust Fund (20074005)

Reappropriation:

Public Works Assistance Account--State..... ((\$232,000,000))
\$132,000,000

State Taxable Building Construction Account--
 State \$95,000,000
 Subtotal Reappropriation..... ((\$327,000,000))
\$227,000,000

Appropriation:

State Taxable Building Construction Account--
State
\$100,000,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$327,000,000

Sec. 1005. 2009 c 497 s 1023 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Job Development Fund Grants (20074010)

The ((re))appropriation in this section is subject to the following conditions and limitations:

(1) The ((re))appropriation is subject to the provisions of section 1032, chapter 520, Laws of 2007.

~~((The appropriation in this section is subject to the following conditions and limitations: The))~~ (2) \$3,000,000 of the appropriation is provided solely for a grant to the port of Grays Harbor for the bulk liquid facility project.

Reappropriation:

Job Development Account--State ((\$22,228,000))
\$4,298,000

Appropriation:

~~((Job Development Account--State~~ \$3,000,000))
State Building Construction Account--State..... \$20,930,000

Prior Biennia (Expenditures)..... \$24,702,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$49,930,000

Sec. 1006. 2009 c 497 s 1030 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Community Development Fund (20084850)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is subject to the provisions of section 1014, chapter 328, Laws of 2008.

(2) \$105,521 of the remaining reappropriation for El Centro de la raza center may be used for building infrastructure.

(3) \$1,000,000 of the remaining reappropriation for the Salishan housing community project may be used for infrastructure and housing.

(4) The reappropriation is adjusted for the termination of the homesight center project which is no longer viable.

Reappropriation:

State Building Construction Account--State.....	(\$9,715,000)
<u>\$9,465,000</u>	
Prior Biennia (Expenditures).....	\$11,451,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$21,166,000))	
<u>\$20,916,000</u>	

Sec. 1007. 2009 c 497 s 1031 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE
Belfair Sewer Improvements (20084852)

Reappropriation:

State Building Construction Account--State.....	\$5,500,000
((Public Works Assistance Account--State	\$4,800,000
<u>Subtotal Reappropriation</u>	<u>\$10,300,000</u>)

Appropriation:

<u>State Building Construction Account--State</u>	<u>\$4,800,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$10,300,000	

Sec. 1008. 2009 c 497 s 1034 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE
Quillayute Valley Wood-Fire Boiler (20084858)

Reappropriation:

Energy Freedom Account--State.....	(\$1,000,000)
<u>\$20,000</u>	

Appropriation:

<u>State Building Construction Account--State</u>	<u>\$980,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$1,000,000	

Sec. 1009. 2009 c 497 s 1035 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE
Snohomish County Biodiesel (20084859)

Reappropriation:

Energy Freedom Account--State.....	(\$500,000)
<u>\$419,000</u>	

Appropriation:

<u>State Building Construction Account--State</u>	<u>\$81,000</u>
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$500,000	

Sec. 1010. 2009 c 497 s 1039 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE
Drinking Water State Revolving Fund Loan Program (30000005)

Appropriation:

Drinking Water Assistance Account--State	(\$8,000,000)
<u>\$10,930,000</u>	
Drinking Water Assistance Repayment Account--State	\$31,201,000
Subtotal Appropriation	(\$39,201,000)
<u>\$42,131,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$215,974,000
TOTAL ((\$255,175,000))	
<u>\$258,105,000</u>	

Sec. 1011. 2009 c 497 s 1040 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE
Building for the Arts Grants (30000006)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Projects must be selected based on their readiness to proceed.
- (2) The appropriation is provided solely for the following list of projects:

Admiral Theatre-No Theatre Left Behind	\$140,000
(Artspace Everett Lofts	\$1,000,000
Building a Foundation for Discovery	\$250,000
Campus Consolidation (Cornish)	\$375,000
Convert Key Bank to Everett's Plaza Theatre	\$500,000
Cottage Renovation (Hedgebrook)	\$20,000
Downstairs at the 5th	\$800,000
Federal Way Performing Arts Center	\$325,000
Gateway Center (Lummi)	\$150,000
James Center for the Performing Arts (Sequim)	\$150,000
Langston Hughes Performing Arts Center	\$475,000
Legacy Project (Imagine)	\$200,000
Modular Classrooms for Dance (Gladish)	\$30,000
Mt. Baker Theatre	\$1,000,000
Museum Expansion (Maryhill)	\$1,500,000
New Hands On Children's Museum	\$1,000,000
Reconstruction of First Stage (Issaquah)	\$400,000
Seattle Opera Center	\$650,000
Stage Two (Whidbey)	\$450,000
Vashon Arts Center	\$1,115,000
Visual Arts Education Center (Snohomish County)	\$1,000,000
Viva Vera Capital Campaign	\$70,000
 Total	 (\$11,600,000) <u>\$10,600,000</u>

Appropriation:

State Building Construction Account--State.....	((\$11,600,000))
<u>\$10,600,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$48,000,000
TOTAL ((\$59,600,000))	
<u>\$58,600,000</u>	

Sec. 1012. 2009 c 497 s 1045 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE
 Housing Assistance, Weatherization, and Affordable Housing (30000013)

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$7,000,000 of the appropriations is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. The operation of the facilities built under this section shall be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects. Any of this appropriation that is not obligated by June 30, 2011, shall be added to the amount appropriated for the general pool of projects.
- (2) \$3,000,000 of the appropriations is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.
- (3) \$10,000 of the appropriations is provided solely to the (~~Ballard food bank/ Ballard homes for all coalition~~) St. Luke's Lutheran Church/Interfaith Task Force on Homelessness for the construction of a mobile camp facility.
- (4) \$2,500,000 of the appropriations is provided solely for the development of farm infrastructure improvements. Any of this appropriation that is not obligated by June 30, 2011, must be added to the amount appropriated for the general pool of projects.
- (5) \$1,000,000 from the taxable bonds account is provided solely for the development or preservation of farmworker housing for migrant and seasonal farmworkers located on private farms.
- (6) \$5,000,000 of the appropriation from the state building construction account is provided solely to build low- income housing units in underserved communities and to concurrently develop capacity in these same communities. Underserved communities of concern are those that have high levels of poverty, specifically, thirty percent of the local median income; experience chronic homelessness; and lack affordable housing. Underserved communities include veterans, immigrants, refugees, and those communities of color disproportionately impacted by chronic homelessness and lack of affordable housing. The department shall collaborate with representatives of underserved communities and organizations committed to assistance in these efforts to prioritize and plan distribution of funding.
- (7) The department may not make loans from capital bond proceeds appropriated in this section if the appropriations are also obligated for other grants or loans or if the anticipated repayments of the loans are from future state legislative appropriations.
- (8) The legislature recognizes and supports the housing priorities reflected in the American recovery and reinvestment act of 2009 with the estimated amount of \$144,000,000 provided solely for the following programs:
 - (a) The community development fund's neighborhood stabilization fund to purchase and rehabilitate foreclosed vacant properties and to help create affordable housing and stabilize neighborhoods.
 - (b) The public housing capital fund to assist housing authorities build and rehabilitate low-income housing stock. Housing authorities are required to give priority consideration to the rehabilitation of vacant rental units and capital projects that are already underway or included in the five-year capital fund plans.
 - (c) HOME funding to the Washington state housing finance commission for a competitive program pursuant to the qualified allocation plan to owners of projects who have received or receive simultaneously an award of low-income housing tax credits under section 42(h) of the internal revenue code of 1986.
 - (d) Weatherization appropriated in section 1052 of this act for grants and loans to local energy programs for weatherization of multifamily and single family homes.
- (9) \$5,000,000 is provided solely for two geographically diverse projects that serve security lifeline clients who are homeless and have a mental or behavioral health disorder. This housing must be provided in coordination with community agencies who can offer supportive services.
- (10) Up to \$25,000,000 of the appropriation is for the department of commerce to contract with the Washington state housing finance commission to provide equity funding and administration necessary to implement the Washington works housing program and to facilitate nonprofit entities' use of tax-exempt multifamily bonds issued by the Washington state housing finance commission. The projects receiving these funds shall meet the affordability requirement for the period after initial bond indebtedness, as established in section 2(2) of chapter 6, Laws of 2010.

Appropriation:

State Building Construction Account--State	(\$30,000,000)
<u>\$34,500,000</u>	
State Taxable Building Construction	
Account--State	(\$60,000,000)
<u>\$85,500,000</u>	
Washington Housing Trust Account--State	\$10,000,000
Subtotal Appropriation	(\$100,000,000)
<u>\$130,000,000</u>	
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000,000
TOTAL ((\$500,000,000))	
<u>\$530,000,000</u>	

Sec. 1013. 2009 c 497 s 1046 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Community Schools (91000002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following:

- (1) The acquisition, rehabilitation, expansion, or improvement of surplus school buildings to be converted into community facilities for the delivery of nonresidential coordinated services for children and families.

(a) Eligible applicants include local governments, nonprofit organizations, nonprofit early learning providers, and tribal governments. Only the following surplus schools may be eligible for grant funding under this section: Fauntleroy school, University Heights school, and Martin Luther King elementary school.

(b) As part of the grant process, applicants must submit a comprehensive plan for the use of the surplus school that includes information on the following:

- (i) A list of partner entities that will assist the lead eligible applicant to provide or coordinate services for children and families;
- (ii) A memorandum of understanding between the lead eligible applicant and each partner; and

(iii) An examination of capital and operating funding sources that applicants intend to apply to the project and coordinated services at each school to be served, whether such funding is derived from grants under this section or from other federal, state, local, or private sources.

(c) Project applicants must demonstrate that the proposed project is ready to proceed, will make timely use of the funds, and requires state funding to accomplish a discrete, usable phase of the project that may include acquisition.

(d) If grant funds under this subsection are used for the acquisition of surplus school facilities, the sale proceeds must be used by the local school board disposing of such property for renovation, replacement, or new construction of school facilities in the district, but shall not be used as local match for projects receiving state school construction assistance grants.

(e) In contracts for grants authorized under this subsection, the department shall include provisions that require that capital improvements must be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities must be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(2) The construction of a non-mobile facility, accessible to students in central and eastern Washington for the purpose of financial literacy education, for the eastern and western Washington junior achievement world initiative.

(3) \$1,500,000 of the appropriation in this section is provided solely for acquisition of the Martin Luther King elementary school. This is in addition to the amount provided for the Martin Luther King elementary school in section 1033, chapter 497, Laws of 2009.

Appropriation:

State Building Construction Account--State.....((~~\$5,000,000~~))
\$6,500,000

Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) \$0

TOTAL ((~~\$5,000,000~~))
\$6,500,000

Sec. 1014. 2009 c 497 s 1048 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ((COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)) COMMERCE

Local and Community Projects (30000019)

The appropriation in this section is subject to the following conditions and limitations:

(1) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(7) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(8) The appropriation is provided solely for the following list of projects:

Local Community Projects

7th St. Theater	\$330,000
Arc of Tri-Cities	\$900,000
Bellevue Clinic--Seattle Children's Hospital	\$2,000,000
Blessed Sacrament Food and Emergency Facilities Renovation	\$200,000
Children's Village Expansion Project	\$500,000

Clark County Food Distribution Facility	\$1,500,000
Coal Creek YMCA (Newcastle)	\$800,000
Dawson Place Child Advocacy Center	\$1,000,000
Federal Way National Little League Field Lighting Project and Monument Entry Sign	\$177,000
Harlequin Theater	\$235,000
Home Dialysis Center and Professional Workforce Training	\$250,000
Kirkland Park Place Redevelopment	\$2,000,000
Livingston Baker Fire and Life Safety	\$750,000
Marshland Diking District	\$500,000
Marysville Boys & Girls Club	\$500,000
McClure Middle School Energy Saving Performance Contract Demonstration Project	\$1,000,000
Mountains to Sound Greenway	\$100,000
Mukilteo Boys & Girls Club	\$150,000
Neighborcare Health Clinic and Rainier Beach Medical Clinic	\$1,000,000
Parkland at Japanese Gulch	\$1,000,000
Petrovitsky Park Upgrade	\$750,000
Phoenix House	\$200,000
Poulsbo Marine Center	\$500,000
Public Broadcasting Frequency Expansion	\$223,000
((Ready by Five Early Learning Center	\$1,000,000))
Renovations to Mill Creek City Annex Building	\$30,000
Snohomish County Emergency Center	\$1,000,000
South Tacoma Community Center	\$1,000,000
Whatcom Hospice House	\$700,000
Zina Linnik	\$950,000

Appropriation:

State Building Construction Account--State.....	((\$21,245,000))
<u>\$20,245,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL ((\$21,245,000))	
<u>\$20,245,000</u>	

NEW SECTION. Sec. 1015. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

2010 Local and Community Projects (30000082)

The appropriation in this section is subject to the following conditions and limitations:

(1) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(2) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(3) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(4) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(6).

(5) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.

(6) Except as directed otherwise prior to the effective date of this section, the department shall not expend the appropriations in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.

(7) The appropriation is provided solely for the following list of projects:

Local Community Projects

Aviation High School	\$2,000,000
Children's Village Expansion	\$250,000
East King County Performing Arts Center (PACE)	\$2,000,000
Hanford Reach Interpretive Center	\$500,000
Junior Achievement (Statewide JA World Initiative)	\$1,500,000
Lake Boren Park - Replace Unsafe Playground	\$325,000
Museum of Flight Space Gallery	\$3,000,000
Pike Market Workforce Childcare Facility	\$1,000,000
Rainier Beach Medical & Dental Clinic (Neighborcare Health)	\$500,000
Relocation of NAVES Mental Health Center in Brien	\$1,000,000
Restoration of Historic Piciform Theater	\$250,000
San Juan Island Farmers Market - Purchase Historic Building	\$375,000
South King County Multi service Center	\$300,000
Spokane Aerospace Technology Center Design	\$400,000
Urban League Village at Colman School/NW African American Museum	\$100,000
West Hill/Skyway Area Infrastructure	\$250,000

Appropriation:

State Building Construction Account--State.....	\$13,750,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,750,000

NEW SECTION. Sec. 1016. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Jobs Act for K-12 Public Schools and Higher Education Institutions (91000085)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for grants to public school districts and public higher education institutions for operational cost savings improvements to public school district and higher education facilities and related projects that result in energy and operational cost savings. Related projects are those projects that must be completed in order for the energy efficiency improvements to be effective. Grants may also be used for loan interest payments over the term of a loan.

(2) The department of commerce, in consultation with the department of general administration, the office of the superintendent of public instruction, and the Washington State University energy program shall establish a competitive process to solicit and evaluate applications from public school districts and public higher education institutions. Final grant awards shall be determined by the department of commerce.

(3) The definitions in this section apply throughout this section.

(a) "Cost-effectiveness" means that the present value to public school districts and public higher education institutions of the energy reasonably expected to be saved or produced by a facility, activity, measure, or piece of equipment over its useful life, including any compensation received from a utility or the Bonneville power administration, is greater than the net present value of the costs of implementing, maintaining, and operating such facility, activity, measure, or piece of equipment over its useful life, when discounted at the cost of public borrowing.

(b) "Energy equipment" means energy management systems and any equipment, materials, or supplies that are expected, upon installation, to reduce the energy use or energy cost of an existing building or facility, and the services associated with the equipment, materials, or supplies, including but not limited to design, engineering, financing, installation, project management, guarantees, operations, and maintenance. Reduction in energy use or energy cost may also include reductions in the use or cost of water, wastewater, or solid waste.

(c) "Energy cost savings" means savings realized in expenses for energy use and expenses associated with water, wastewater, or solid waste systems.

(d) "Energy savings performance contracting" means the process authorized by chapter 39.35C RCW by which a company contracts with a public agency to conduct energy audits and guarantee energy savings from energy efficiency.

(e) "Operational cost savings" means savings realized from parts, service fees, capital renewal costs, and other measurable annual expenses to maintain and repair systems. This definition does not mean labor savings related to existing facility staff.

(f) "Public facilities" means buildings, building components, and major equipment or systems owned by public school districts and public higher education institutions.

(g) "Innovative measures" means advanced or emerging technologies, systems or approaches that may not yet be in common practice but improve energy efficiency, accelerate deployment, or reduce energy usage, and become widely commercially available in the future if proven successful in demonstration programs without compromising the guaranteed performance or measurable energy and operational cost savings anticipated. Examples of innovative measures include, but are not limited to, advanced energy and systems operations monitoring, diagnostics and controls systems for buildings; novel heating, cooling, ventilation and water heating systems; advanced windows and insulation technologies, highly efficient lighting technologies, designs, and controls; and integration of renewable energy sources into buildings, and energy savings verification technologies and solutions.

(4) Grants must be awarded in competitive rounds, based on demand and capacity, with at least five percent of each grant round awarded to small public school districts with fewer than 1,000 full-time equivalent students, based on demand and capacity.

(5) Within each competitive round, projects must be weighted and prioritized based on the following criteria and in the following order:

(a) Leverage ratio: In each round, the higher the leverage ratio of nonstate funding sources to state jobs act grant, the higher the project ranking.

(b) Energy savings: In each round, the higher the energy savings, the higher the project ranking. Applicants must submit documentation that demonstrates energy and operational cost savings resulting from the installation of the energy equipment and improvements. The energy savings analysis shall be performed by a licensed engineer, and the documentation must include but is not limited to the following:

(i) A description of the energy equipment and improvements;

(ii) A description of the energy and operational cost savings; and

(iii) A description of the extent to which the project employs collaborative and innovative measures and encourages demonstration of new and emerging technologies with high energy-savings or energy cost- reductions.

(c) Expediency of expenditure: Project readiness to spend funds must be prioritized so that the legislative intent to expend funds quickly is met.

(6) Projects that do not use energy savings performance contracting must: (a) Verify energy and operational cost savings for ten years or until the energy and operational costs savings pay for the project, whichever is shorter; (b) follow the department of general administration's energy savings performance contracting project guidelines; and (c) employ a licensed engineer for the energy audit and construction. The department of commerce may require third-party verification of savings if a project is not implemented by an energy savings performance contractor selected by the department of general administration through the request of qualifications process. Third-party verification must be conducted either by an energy savings performance contractor selected by the department of general administration through a request for qualifications, a licensed engineer that is a certified energy manager, a project resource conservation manager, or educational service district resource conservation manager.

(7) To intensify competition, the department of commerce may only award funds to the top eighty-five percent of projects applying in a round until the department of commerce determines a final round is appropriate. Projects that do not receive a grant award in one round may reapply in subsequent rounds.

(8) To match federal grants and programs that require state matching funds and produce significantly higher efficiencies in operations and utilities, the level of innovation criteria may be increased for the purposes of weighted scoring to capture those federal dollars for selected projects that require a higher level of innovation and regional collaboration.

(9) Grant amounts awarded to each project must allow for the maximum number of projects funded with the greatest energy and cost benefit.

(10)(a) The department of commerce must use bond proceeds to pay one-half of the preliminary audit, up to five cents per square foot, if the project does not meet the school district's and higher education institution's predetermined cost-effectiveness criteria. Public school districts and public higher education institutions must pay the other one-half of the cost of the preliminary audit if the project does not meet their predetermined cost-effectiveness criteria.

(b) The energy savings performance contractor shall not charge for an investment grade audit if the project does not meet the school district's and higher education institution's predetermined cost- effectiveness criteria. Public school districts and public higher education institutions must pay the full price of an investment grade audit if they do not proceed with a project that meets the school district's and higher education institution's predetermined cost- effectiveness criteria.

(11) The department of commerce may charge projects administrative fees and may pay the department of general administration, the Washington State University energy program, and the office of the superintendent of public instruction administration fees in an amount determined through a memorandum of understanding.

(12) The department of commerce and the department of general administration must submit a joint report to the appropriate committees of the legislature and the office of financial management on the timing and use of the grant funds, program administrative function, compliance with apprenticeship utilization requirements in RCW 39.04.320, compliance with prevailing wage requirements, and administration fees by the end of each fiscal year, until the funds are fully expended and all savings verification requirements are fulfilled.

Appropriation:

State Building Construction Account--State.....	\$50,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$50,000,000	

NEW SECTION. Sec. 1017. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

Energy Regional Innovation Cluster Match (91000080)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to support facilities to be located in Washington state to increase the competitiveness of state or regional proposals for federal energy innovation and research funding. State funding must not exceed twenty percent of the total program or project funds. If a Washington state research organization is not awarded federal funding for energy innovation and research by June 30, 2011, the remaining appropriation in this section may be allotted for export assistance as provided in section 1018 of this act.

Appropriation:

Public Facility Construction Loan Revolving Account--State.....	\$5,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$5,500,000	

NEW SECTION. Sec. 1018. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF COMMERCE

CERB - Export Assistance Grants and Loans (92000069)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for loans and grants to local governments and public institutions of higher education for technical assistance and infrastructure to support growth of export of Washington state products and services.

Appropriation:

Public Facility Construction Loan Revolving Account--State.....	\$3,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$3,000,000	

Sec. 1019. 2009 c 497 s 1054 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Cowlitz River Dredging (20082856)

Reappropriation:

State Building Construction Account--State.....	\$313,000
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Appropriation:

State Building Construction Account--State.....	\$500,000
Prior Biennia (Expenditures).....	\$687,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$1,000,000))	
<u>\$1,500,000</u>	

Sec. 1020. 2009 c 497 s 1055 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Catastrophic Flood Relief (20084850)

The reappropriation in this section is subject to the following conditions and limitations:

(1) \$1,640,000 of the reappropriation is provided solely for nonfederal matching funds and state agency costs associated with the army corps of engineers flood hazard mitigation projects for the Chehalis river basin.

(2) \$1,200,000 of the total reappropriation is provided solely for the Chehalis basin flood control authority to develop governance agreements for development, operation, and maintenance of flood hazard mitigation measures throughout the basin. The development of the governance agreements shall include preliminary estimates of local property tax options necessary to support the maintenance and operation of the twin city levy project and tax options necessary to support other possible flood control measures throughout the basin. The agreements must be executed by July 1, 2011.

(3)(a) \$2,000,000 of the reappropriation is provided solely for the following studies of flood mitigation measures: (i) Studies contracted prior to the effective date of this act; (ii) a study to evaluate the feasibility of a combination of the United States' army corps of engineers twin city project, with other retention structures, and nonstructural flood mitigation measures to be completed by June 30, 2011; (iii) a study to determine how ecosystem services, including nonstructural alternatives, would likely mitigate downstream flooding to be completed by December 2010; (iv) continuation of the general investigation of basin wide flood control measures by the United States' army corps of engineers; (v) an independent peer review of completed geotechnical and hydrological studies of possible upper basin retention structures to be completed by October 2010; (vi) a study of the effect of possible retention structures and other flood control measures on fish in the basin to be completed by June 2011, provided that the fish study shall not examine options for retention structures that the peer review in this section determines is not feasible.

(b) From the effective date of this act and prior to any expenditure on new studies, the Chehalis basin flood authority must submit any new study proposal to the basinwide general investigation project manager of the United States army corps of engineers for review. Based upon the United States army corps of engineers review of the proposal, the Chehalis basin flood authority must develop a proposed scope of work for the study that ensures, to the fullest extent possible, that the study will be eligible for federal work-in-kind credit.

(c) The Chehalis basin flood authority must: (i) In consultation with the department of ecology, select qualified experts to conduct the peer review of geotechnical and hydrological studies; and (ii) consult with the Washington state department of fish and wildlife, the confederated tribes of the Chehalis reservation, and the Lewis county public utility district to develop and agree upon a scope of work for, and select a qualified expert to, conduct the fish study. The peer review must be submitted to the office of financial management before funds are allotted for the fish study.

(4) \$300,000 of the reappropriation is provided solely for an early flood warning system.

(5) It is the intent of the legislature to fulfill the commitment of section 101, chapter 179, Laws of 2008 and chapter 180, Laws of 2008, by appropriating funds when the federal match requirement is needed.

Reappropriation:

State Building Construction Account--State.....	(\$47,351,000)
<u>\$5,140,000</u>	
Prior Biennia (Expenditures).....	(\$2,649,000)
<u>\$3,450,000</u>	
Future Biennia (Projected Costs)	(\$0)
<u>\$41,410,000</u>	
TOTAL	\$50,000,000

NEW SECTION. Sec. 1021. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Risk Pool (91000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a risk pool to complete projects within the scope described in budget documents submitted as part of the governor's capital budget request and consistent with legislative history. This section only applies to projects included in this 2010 supplemental capital budget with reduced appropriations. The office of financial management may allot portions of this appropriation ten days after notifying the senate ways and means committee and the house of representatives capital budget committee. The notification must include an explanation of the need and the amount for the allotment to complete the scope of an approved project.

Appropriation:

State Building Construction Account--State.....	\$4,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 1022. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

Port Angeles Economic Development Agreement (30000024)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to carry out paragraph 2.C. of the economic development agreement associated with the case of *Lower Elwha Klallam Tribe et al v. State et al*, Thurston county superior court, cause No. 05-2-01595-8. The state has already provided \$250,000 to carry out that paragraph. After disbursement of the appropriation in this section, the state will provide no further funding under the economic development agreement.

Appropriation:

State Building Construction Account--State.....	\$250,000
Prior Biennia (Expenditures).....	\$0

Future Biennia (Projected Costs)	\$0
TOTAL \$250,000	

NEW SECTION. Sec. 1023. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT. (1) Due to the downturn of the economy and the direct effects on the state bond debt limit, the legislature intends to reduce bond debt while focusing resources on maintaining and creating jobs. Therefore, the legislature directs the office of financial management to work with state agencies to achieve savings in the amount of \$50,000,000 by reducing previously approved allotments or by withholding approval of planned allotments for those projects that have not shown substantial progress under the criteria established in subsection (2) of this section or from projects with savings identified pursuant to section 6012 of this act.

(2) A project is subject to allotment reduction or non-approval of a planned allotment under this section if:

(a)(i) It is a state project administered by a state agency; or

(ii) It is a grant or a loan project for which a state agency allocates funding to a non-state entity;

(b) Appropriations for the project were made in the 2009-11 or previous omnibus capital appropriations acts from the state building construction account, state taxable building construction account, or any other debt limit bond account, not including projects receiving 2010 supplemental capital budget appropriations, minor works projects, or the school construction assistance grant program; and

(c) The project has failed to secure all required and appropriate transaction elements necessary to execute contracts with the administering state agency by November 30, 2010. Required and appropriate transaction elements may include, but are not limited to, matching funds, permits, environmental reviews, and required contracts and partnership agreements.

(3) Amounts attributable to allotment reductions or non-approval of planned allotments made under this section must be placed in or remain in unallotted status and remain unexpended.

(4) By December 31, 2010, the office of financial management must report to the house of representatives capital budget committee and the senate ways and means committee on the projects for which allotments were reduced or for which approval was withheld, including a list of the specific projects and related funds remaining in unallotted status.

(5) Agencies and prospective grant or loan recipients are encouraged to reapply or request funds in the 2011-13 biennial capital appropriations act for projects for which allotments were reduced or not approved under this section.

Sec. 1024. 2009 c 497 s 1065 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

O'Brien Building Improvements (20081007)

The appropriation in this section is subject to the following conditions and limitations: Upon completion of the project, temporary modular buildings shall be removed, and the parking lot shall be restored and landscaped within budget.

Reappropriation:

State Building Construction Account--State	\$1,500,000
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Appropriation:

State Building Construction Account--State	(\$9,671,000)
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\$8,220,000

Prior Biennia (Expenditures)	\$1,481,000
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Future Biennia (Projected Costs)	(\$5,329,000)
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\$0

TOTAL ((\$17,981,000))
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\$11,201,000

Sec. 1025. 2009 c 497 s 1071 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Capital Lake Plan Completion (20082953)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided for lake management efforts to control invasive species. The Capital Lake adaptive management planning process must be suspended.

Reappropriation:

State Building Construction Account--State	(\$200,000)
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\$100,000

Prior Biennia (Expenditures)	\$300,000
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Future Biennia (Projected Costs)	\$0
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TOTAL ((\$500,000))
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\$400,000

Sec. 1026. 2009 c 497 s 1075 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Powerhouse: Improvements and Preservation (30000056)

Appropriation:

State Building Construction Account--State	(\$1,459,000)
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\$1,240,000

Prior Biennia (Expenditures)	\$0
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Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$1,459,000~~))

\$1,240,000

**Sec. 1027. 2009 c 497 s 1060 (uncodified) is amended to read as follows:
 FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Transportation Building Preservation (20021008)**

Reappropriation:

Thurston County Capital Facilities Account--State ((~~\$2,500,000~~))

\$395,000

Appropriation:

State Building Construction Account--State \$2,105,000

Prior Biennia (Expenditures)..... \$7,116,000

Future Biennia (Projected Costs) \$22,706,000

TOTAL \$32,322,000

**Sec. 1028. 2009 c 497 s 1061 (uncodified) is amended to read as follows:
 FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Highway-License Building Repair and Renewal (20061013)**

Reappropriation:

Thurston County Capital Facilities Account--State ((~~\$100,000~~))

\$76,000

Appropriation:

State Building Construction Account--State \$24,000

Prior Biennia (Expenditures)..... \$3,423,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,523,000

**Sec. 1029. 2009 c 497 s 1063 (uncodified) is amended to read as follows:
 FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Natural Resources Building Repairs and Renewal (20061014)**

Reappropriation:

State Vehicle Parking Account--State \$30,000

Thurston County Capital Facilities Account--State ((~~\$100,000~~))

\$22,000

Subtotal Reappropriation ((~~\$130,000~~))

\$52,000

Appropriation:

State Building Construction Account--State \$78,000

Prior Biennia (Expenditures)..... \$2,853,000

Future Biennia (Projected Costs) \$4,520,000

TOTAL \$7,503,000

**Sec. 1030. 2009 c 497 s 1064 (uncodified) is amended to read as follows:
 FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Minor Works - Infrastructure Preservation (20081004)**

Reappropriation:

~~((Thurston County Capital Facilities Account--State \$136,000))~~

State Building Construction Account--State \$584,000

~~((Subtotal Reappropriation \$720,000))~~

Appropriation:

State Building Construction Account--State \$136,000

Prior Biennia (Expenditures)..... \$4,401,000

Future Biennia (Projected Costs) \$0

TOTAL \$5,121,000

**Sec. 1031. 2009 c 497 s 1068 (uncodified) is amended to read as follows:
 FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Minor Works - Facility Preservation (20081015)**

Reappropriation:

State Building Construction Account--State.....	\$380,000
(Thurston County Capital Facilities Account--State.....)	\$723,000
<u>Subtotal Reappropriation.....</u>	<u>\$1,103,000)</u>

Appropriation:

<u>State Building Construction Account--State.....</u>	<u>\$723,000</u>
Prior Biennia (Expenditures).....	\$5,583,000
Future Biennia (Projected Costs)	\$0
TOTAL \$6,686,000	

**Sec. 1032. 2009 c 497 s 1073 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
Minor Works Preservation (30000012)

Appropriation:

State Building Construction Account--State.....	(\$2,800,000)
<u>\$3,400,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$34,109,000
TOTAL (\$36,909,000)	
<u>\$37,509,000</u>	

NEW SECTION. Sec. 1033. A new section is added to 2009 c 497 (uncodified) to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Capitol Campus Heating System Improvements (30000486)

Appropriation:

State Building Construction Account--State.....	\$200,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$1,800,000
TOTAL.....	\$2,000,000

**Sec. 1034. 2009 c 497 s 1081 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**
Pro Arts Building (91000002)

~~((The appropriation in this section is subject to the following conditions and limitations: Pre-design and design funds are provided solely to develop a new office building. Up to \$225,000 may be used to develop the pre-design for the Pro Arts site to include a new office building that may house tenants from the general administration building including the office of financial management, the Puget Sound partnership, the office of the state treasurer, and other small commissions and agencies. The pre-design shall be developed with representatives from the capitol campus design advisory committee, the department of general administration, and the office of financial management. The pre-design shall be used to develop the optimum use of space for the Pro Arts site, identify any required mitigation, parking requirements, schedule of construction, and cost of construction. The pre-design shall be provided to the appropriate fiscal committees of the legislature and the office of financial management by February 1, 2010. The allotment for design funds will be made after the pre-design is approved by the office of financial management and the appropriate fiscal committees of the legislature.))~~

Appropriation:

State Building Construction Account--State.....	(\$2,000,000)
<u>\$225,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL (\$2,000,000)	
<u>\$225,000</u>	

NEW SECTION. Sec. 1035. A new section is added to 2009 c 497 (uncodified) to read as follows:
FOR THE MILITARY DEPARTMENT
Camp Murray New Primary Gate Entrance (30000482)

Appropriation:

General Fund--Federal	\$3,270,000
Military Department Capital Account--State	\$1,657,000
Subtotal Appropriation	\$4,927,000
Prior Biennia (Expenditures).....	\$0

Future Biennia (Projected Costs) \$0
 TOTAL \$4,927,000

Sec. 1036. 2009 c 497 s 1086 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works Preservation (30000002)

Appropriation:

General Fund--Federal ((\$3,069,000))
\$8,672,000
 State Building Construction Account--State..... \$1,709,000
 Subtotal Appropriation ((\$4,778,000))
\$10,381,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$18,700,000
 TOTAL ((\$23,478,000))
\$29,081,000

Sec. 1037. 2009 c 497 s 1087 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

Minor Works Program (30000003)

Appropriation:

General Fund--Federal ((\$679,000))
\$3,139,000

 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$10,229,000
 TOTAL ((\$10,908,000))
\$13,368,000

NEW SECTION. Sec. 1038. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE MILITARY DEPARTMENT

Combined Support Maintenance Shop (20082006)

Appropriation:

General Fund--Federal \$4,736,000

 Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$22,164,000
 TOTAL \$26,900,000
 (End of part)

**PART 2
HUMAN SERVICES**

Sec. 2001. 2009 c 497 s 2001 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Replace Hawthorne Hall Dormitory (20082001)

~~((The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall allot funds for the dormitory construction at the criminal justice training commission only after the recommendation of the steering committee participating in the analysis in section 1057 of this act has been provided to the legislative fiscal committees and submitted to the office of financial management for review.~~

~~Appropriation:~~

~~State Building Construction Account--State (\$16,745,000))~~

Reappropriation:

State Building Construction Account--State \$632,000

 Prior Biennia (Expenditures)..... \$1,293,000
 Future Biennia (Projected Costs) ((\$0))
\$16,934,000
 TOTAL ((\$18,670,000))
\$18,859,000

Sec. 2002. 2009 c 497 s 2002 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

School Mapping (30000011)

The appropriation in this section is subject to the following conditions and limitations: The legislature intends to complete half of the remaining community and technical college mapping with this appropriation (~~and to appropriate funding for the remaining half of unmapped square feet in community and technical colleges in the 2011-13 biennium~~).

Appropriation:

State Building Construction Account--State.....	(((\$500,000))
<u>\$1,100,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	(((\$546,000))
<u>\$0</u>	
TOTAL (((\$1,046,000))	
<u>\$1,100,000</u>	

NEW SECTION. Sec. 2003. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

Central Office Roof Replacement and Fall Restraint Upgrade (30000012)

Appropriation:

Accident Account--State	\$1,250,000
Medical Aid Account--State	\$1,250,000
Subtotal Appropriation	\$2,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$2,500,000	

Sec. 2004. 2009 c 497 s 2027 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Eastern State Hospital: Roof Replacements (30000846)

Appropriation:

State Building Construction Account--State.....	(((\$1,085,000))
<u>\$922,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$1,088,000
TOTAL (((\$2,173,000))	
<u>\$2,010,000</u>	

Sec. 2005. 2009 c 497 s 2014 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Special Commitment Center: Utility Replacements (20081504)

The reappropriation and appropriation in this section are subject to the following conditions and limitations: It is the intent of the appropriation and reappropriation to replace essential utilities, such as sanitary sewer, high voltage electrical, and fiber optic communications, serving the special commitment center and McNeil corrections center on McNeil Island by replacing the Island's electrical feed from the shoreline landing to the McNeil corrections center generator building, and continuing on to the special commitment center. The department shall coordinate the work with the department of corrections for the most cost-effective approach to the work.

Reappropriation:

State Building Construction Account--State.....	\$2,900,000
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Appropriation:

State Building Construction Account--State.....	(((\$3,490,000))
<u>\$2,966,000</u>	
Prior Biennia (Expenditures).....	\$140,000
Future Biennia (Projected Costs)	\$0
TOTAL (((\$6,530,000))	
<u>\$6,006,000</u>	

NEW SECTION. Sec. 2006. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Capacity to Replace Maple Lane School (92000005)

Appropriation:

State Building Construction Account--State.....	\$760,000
Prior Biennia (Expenditures).....	\$0

Future Biennia (Projected Costs)	\$1,025,000
TOTAL \$1,785,000	

Sec. 2007. 2009 c 497 s 2034 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (30000013)

The appropriation in this section is subject to the following conditions and limitations: \$38,462,000 is provided from the American recovery and reinvestment act of 2009.

Appropriation:

Drinking Water Assistance Account--Federal	(\$24,348,000)
<u>\$38,348,000</u>	
Drinking Water Assistance Account--Federal	
American Recovery and Reinvestment Act	\$38,462,000
Subtotal Appropriation	(\$62,810,000)
<u>\$76,810,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL (\$62,810,000)	
<u>\$76,810,000</u>	

Sec. 2008. 2009 c 497 s 2037 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

State Veterans Cemetery (20082004)

Reappropriation:

General Fund--Federal	\$6,815,000
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Appropriation:

General Fund--Federal	<u>\$1,909,000</u>
Prior Biennia (Expenditures).....	\$1,010,000
Future Biennia (Projected Costs)	\$0
TOTAL (\$7,825,000)	
<u>\$9,734,000</u>	

Sec. 2009. 2009 c 497 s 2038 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works - Facilities Preservation (30000003)

Appropriation:

State Building Construction Account--State.....	(\$500,000)
<u>\$775,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$6,585,000
TOTAL (\$7,085,000)	
<u>\$7,360,000</u>	

Sec. 2010. 2009 c 497 s 2067 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women: Roof Replacement (30000178)

Appropriation:

State Building Construction Account--State.....	(\$1,832,000)
<u>\$1,557,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL (\$1,832,000)	
<u>\$1,557,000</u>	

NEW SECTION. Sec. 2011. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Housing Units, Kitchen, and Site Work (30000482)

Appropriation:

State Building Construction Account--State.....	\$5,990,000
Public Safety Reimbursable Bond Account.....	\$829,000
Subtotal Appropriation	\$6,819,000

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$44,000,000
TOTAL	\$50,819,000

Sec. 2012. 2009 c 497 s 2072 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Clallam Bay Corrections Center: Replace 5 Towers and Housing Roofs (30000108)

The appropriation in this section is subject to the following conditions and limitations: The funding is provided solely for the replacement of roofs on offender housing units.

Appropriation:

State Building Construction Account--State.....	((\$3,000,000))
<u>\$2,550,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((\$3,000,000))
<u>\$2,550,000</u>	

Sec. 2013. 2009 c 497 s 2075 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: Water Line Replacements (30000137)

Appropriation:

State Building Construction Account--State.....	((\$1,809,000))
<u>\$1,538,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	((\$1,809,000))
<u>\$1,538,000</u>	

Sec. 2014. 2009 c 497 s 2078 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Kitchen Improvements (20061007)

Reappropriation:

State Building Construction Account--State.....	((\$402,000))
<u>\$0</u>	

Prior Biennia (Expenditures).....	\$228,000
Future Biennia (Projected Costs)	\$0
TOTAL	((\$630,000))
<u>\$228,000</u>	

Sec. 2015. 2009 c 497 s 2068 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

300 Minimum Security Bed Expansion - Three Locations (20082850)

Reappropriation:

State Building Construction Account--State.....	((\$321,000))
<u>\$15,000</u>	

Prior Biennia (Expenditures).....	\$156,000
Future Biennia (Projected Costs)	\$0
TOTAL	((\$477,000))
<u>\$171,000</u>	

Sec. 2016. 2009 c 497 s 2054 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Replace Roofs (20081007)

Reappropriation:

State Building Construction Account--State.....	((\$1,200,000))
<u>\$180,000</u>	

Prior Biennia (Expenditures).....	\$589,000
Future Biennia (Projected Costs)	\$0
TOTAL	((\$1,789,000))
<u>\$769,000</u>	

Sec. 2017. 2009 c 497 s 2064 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Mission Creek Corrections Center for Women: 100-Bed Expansion (20082020)

Reappropriation:

State Building Construction Account--State..... ((~~\$5,331,000~~))
\$4,419,000

Prior Biennia (Expenditures)..... \$1,296,000

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$6,627,000~~))

\$5,715,000

NEW SECTION. Sec. 2018. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Westside Corrections Complex: Siting and Predesign (92000032)

Appropriation:

State Building Construction Account--State..... \$2,600,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,600,000

(End of part)

PART 3

NATURAL RESOURCES

Sec. 3001. 2009 c 497 s 3059 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Kittitas Groundwater Study (30000029)

The appropriation in this section is subject to the following conditions and limitations:

By September 30, 2010, if, after consultation with major Yakima basin governments and stakeholders, the department of ecology and Kittitas county reach an agreement on a preferred approach, including the appropriate geographic scope and administering entity, the appropriation may be fully or partially redirected for the following purposes:

(1) Funds may be provided to develop and implement water banking and transfer methods and agreements that are fully protective of senior water rights and that protect domestic groundwater users and improve the profitability of farming operations. The legislature finds such activities to be in the public interest because they can help sustain the viability of the agricultural economy and enhance the certainty of water supplies for domestic groundwater users.

(2) Funds may be provided to lease or purchase water rights to create a reserve water supply for domestic groundwater users that have a groundwater right with a priority date later than May 10, 1905, as well as for all out-of-priority groundwater users. In securing water for such domestic groundwater users, strong preference shall be given to the use of water banking and transfer methods that provide alternatives to permanent purchase and dry-up of agricultural water rights in the basin, including dry-year options, water banking, long-term water supply lease agreements, long-term agricultural land fallowing agreements, and reduced consumptive use through efficiency or alternative cropping arrangements while maintaining historic return flows.

(3) A portion of the appropriation may be used for administrative costs, not to exceed four percent, and other costs associated with leasing or acquiring and transferring the water rights. All costs shall be fully recovered from participating domestic water users for their prorated portion of the cost, including but not limited to the costs of securing a water right or rights for this purpose, costs associated with the development and implementation of alternative agricultural water transfer methods, associated annual operational costs, and federal water service contract costs owed to the United States bureau of reclamation. Funds recovered in this manner shall be deposited in the state and local improvement revolving fund and may be used for any purpose provided in this section.

Appropriation:

State and Local Improvements Revolving Account
(Water Supply Facilities)--State \$700,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL \$700,000

Sec. 3002. 2009 c 497 s 3039 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Flood Protection Study (20082855)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the department to conduct a study to determine the number of decertified levees in the state and to identify strategies for maintaining accreditation, re-accrediting, or recertifying ((the)) levees so that they ((provide)) are recognized by federal agencies as providing optimum protection for the communities protected by the levees. The department must prioritize areas to include in the study based on population and the economic impact of potential flood damage.

The study must include the following components:

- (1) A working group of levee managers, local agencies, and stakeholders to advise and inform the study;
- (2) ~~((A))~~ In-state examples of the costs and processes of technical review of the structural integrity of levee systems;
- (3) An inventory, map, and ~~((rate the effectiveness))~~ description of the level of protection of existing levee systems; ~~((and))~~
- (4) The development of strategies and actions needed to improve the existing levee system and to ensure certification by the United States army corps of engineers for one-hundred year flood protection;
- (5) The identification of current funding sources and the amounts available for levee improvements; and
- (6) Recommendation for additional new funding sources and options.
- (7) The study must be completed and a report provided to the appropriate legislative committees by ~~((July))~~ December 1, 2010.
- (8) The study under this section is exempt from the provisions of section 602, chapter 3, Laws of 2010 and section 7, chapter 5, Laws of 2009.

Reappropriation:

State Building Construction Account--State.....	\$280,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$280,000	

Sec. 3003. 2009 c 497 s 3007 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (20052851)

Reappropriation:

State Building Construction Account--State.....	\$2,800,000
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Appropriation:

State Building Construction Account--State.....	(\$2,850,000)
<u>\$7,250,000</u>	
Prior Biennia (Expenditures).....	\$4,147,000
Future Biennia (Projected Costs)	\$4,000,000
TOTAL (\$13,797,000)	
<u>\$18,197,000</u>	

Sec. 3004. 2009 c 497 s 3049 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Upper Columbia River Black Sand Beach Cleanup (30000016)

Appropriation:

State Building Construction Account--State.....	(\$3,000,000)
<u>\$500,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL (\$3,000,000)	
<u>\$500,000</u>	

Sec. 3005. 2009 c 497 s 3054 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Storm Water Retrofit and Low-Impact Development Grant Program (30000097)

The appropriations in this section are subject to the following terms and conditions:

(1) \$1,343,000 of the state toxics control account--state appropriation is provided solely for storm water retrofit and low- impact development in the city of Bremerton.

(2) \$6,929,000 of the local toxics control account--state appropriation and \$1,071,000 of the state toxics control account--state appropriation is provided solely for local governments to build staffing capacity to address storm water in their communities and to improve storm water research, data management, and monitoring.

(3) The remaining moneys must be allocated through a grant process to local governments covered by national pollutant discharge elimination system municipal phase I or phase II permits to fund local government projects or activities that mitigate or prevent contamination of storm water or the recontamination of receiving waters previously remediated under federal or state-approved activities.

Appropriation:

State Building Construction Account--State.....	(\$3,000,000)
<u>\$30,334,000</u>	
State Toxics Control Account--State.....	<u>\$15,737,000</u>
State and Local Improvements Revolving Account - Waste Disposal Facilities.....	\$1,284,000
State and Local Improvements Revolving Account - Waste Disposal Facilities, 1980.....	\$325,000
<u>Local Toxics Control Account--State.....</u>	<u>\$6,929,000</u>

Subtotal Appropriation	(\$4,609,000)
<u>\$54,609,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL ((\$4,609,000))	
<u>\$54,609,000</u>	

Sec. 3006. 2009 c 497 s 3060 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000039)

The appropriation in this section is subject to the following conditions and limitations: \$3,000,000 is provided solely for the city of Bothell to remediate soil contamination.

Appropriation:

State Building Construction Account--State	\$37,700,000
Local Toxics Control Account--State	<u>\$38,211,000</u>
.....	Subtotal Appropriation
<u>\$75,911,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$180,000,000
TOTAL ((\$217,700,000))	
<u>\$255,911,000</u>	

Sec. 3007. 2009 c 497 s 3020 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Breazeale Interpretive Center (20082856)

Reappropriation:

General Fund--Federal	((\$270,000))
<u>\$419,000</u>	

Prior Biennia (Expenditures).....	((\$225,000))
<u>\$76,000</u>	
Future Biennia (Projected Costs)	\$0
TOTAL \$495,000	

NEW SECTION. Sec. 3008. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Settlement Funding to Clean Up Toxic Sites (30000145)

Appropriation:

Cleanup Settlement Account--State	\$8,500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$8,500,000	

NEW SECTION. Sec. 3009. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Cleanup Asarco Contamination on Vashon/Maury Islands and Mines (91000009)

The appropriation in this section is subject to the following conditions and limitations: \$4,100,000 of the cleanup settlement account appropriation and \$10,900,000 of the state toxics control account appropriation are provided solely for the department of ecology to assist King County in the acquisition and remediation of property on Vashon and Maury Islands. The properties are in the Tacoma smelter plume area and are contaminated with arsenic and other heavy metals from the Asarco smelter.

Appropriation:

Cleanup Settlement Account--State	\$4,100,000
State Toxics Control Account--State.....	\$10,900,000
Subtotal Appropriation	\$15,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$15,000,000	

NEW SECTION. Sec. 3010. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Clean Up Toxic Sites - Puget Sound (30000144)

The appropriation in this section is subject to the following conditions and limitations: \$17,500,000 of the cleanup settlement account--state appropriation is provided solely for cleanup activities associated with the Asarco contamination in Everett.

Appropriation:

State Building Construction Account--State.....	\$511,000
Cleanup Settlement Account--State	\$18,300,000
State Toxics Control Account--State.....	\$22,387,000
Subtotal Appropriation	\$41,198,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$41,198,000	

NEW SECTION. Sec. 3011. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Reducing Diesel Particle Emissions in Tacoma (30000139)

The appropriation in this section is provided contingent upon the department working with the Port of Tacoma to establish a diesel idling reduction program. The department shall report to the legislature by December 1, 2010, on the progress of the diesel idling reduction program and other efforts to reduce diesel particle emissions in Tacoma.

Appropriation:

Air Pollution Control Account--State	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$1,000,000	

NEW SECTION. Sec. 3012. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Reducing Wood Smoke Particle Emissions in Tacoma (30000140)

Appropriation:

Air Pollution Control Account--State	\$600,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$600,000	

NEW SECTION. Sec. 3013. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Fund Program Match (91000008)

Appropriation:

Public Works Assistance Account--State.....	\$1,400,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$1,400,000	

NEW SECTION. Sec. 3014. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Fund Program (30000142)

Appropriation:

Water Pollution Control Revolving	
Account--State.....	\$25,000,000
Water Pollution Control Revolving	
Account--Federal.....	\$12,000,000
Subtotal Appropriation	\$37,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$37,000,000	

Sec. 3015. 2009 c 497 s 3052 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Safe Soils Remediation Program (30000019)

Appropriation:

State Building Construction Account--State.....	((\$4,000,000))
<u>\$2,380,000</u>	
Cleanup Settlement Account--State.....	\$1,620,000
<u>Subtotal Appropriation</u>	
	<u>\$4,000,000</u>

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$4,000,000	

NEW SECTION. Sec. 3016. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Wastewater Treatment and Water Reclamation (92000041)

The appropriation in this section is provided solely for wastewater treatment and reclamation projects as follows:

Project	Funding
Potlatch wastewater treatment and reclamation.....	\$1,645,000
Willapa Harbor sewer project	\$1,000,000
Omak sanitary sewer project	\$450,000
Sultan wastewater treatment facility	\$335,000

Appropriation:

State Building Construction Account--State.....	\$3,430,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$3,430,000	

Sec. 3017. 2009 c 497 s 3093 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Flaming Geysers State Park Park-wide Infrastructure Redevelopment (30000173)

Appropriation:

State Building Construction Account--State.....	((\$3,533,000))
<u>\$3,003,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL ((\$3,533,000))	
<u>\$3,003,000</u>	

Sec. 3018. 2009 c 497 s 3094 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Dash Point State Park Sanitary Sewer Collection System (30000269)

Appropriation:

State Building Construction Account--State.....	((\$3,820,000))
<u>\$3,247,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL ((\$3,820,000))	
<u>\$3,247,000</u>	

Sec. 3019. 2009 c 497 s 3090 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Illahee State Park Wastewater Treatment Upgrade (30000447)

Appropriation:

State Building Construction Account--State.....	((\$1,850,000))
<u>\$1,572,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0

TOTAL ((~~\$1,850,000~~))

\$1,572,000

Sec. 3020. 2009 c 497 s 3091 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Cama Beach State Park (30000101)

Appropriation:

State Building Construction Account--State ((~~\$3,265,000~~))

\$2,775,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$3,265,000~~))

\$2,775,000

Sec. 3021. 2009 c 497 s 3085 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Federal Grant Authority (30000006)

The appropriation in this section is provided contingent upon the commission providing advance notice to the appropriate fiscal committees of the legislature and the office of financial management before applying for federal grants for acquisition of park lands and facilities. The commission shall submit this information in the form of a report that explains the funding source, the match and use requirements, a description of the project that will be funded, and a description of future impacts to the operating budget.

Appropriation:

General Fund--Federal ((~~\$990,000~~))

\$1,990,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$4,000,000

TOTAL ((~~\$4,990,000~~))

\$5,990,000

NEW SECTION. Sec. 3022. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Deception Pass State Park - Wastewater System (30000483)

Appropriation:

State Building Construction Account--State \$300,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$2,600,000

TOTAL \$2,900,000

Sec. 3023. 2009 c 497 s 3109 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Wildlife and Recreation Program (20044002)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State \$1,499,000

Habitat Conservation Account--State ((~~\$4,789,000~~))

\$4,319,000

Subtotal Reappropriation ((~~\$6,288,000~~))

\$5,818,000

Prior Biennia (Expenditures)..... \$38,712,000

Future Biennia (Projected Costs) \$0

TOTAL ((~~\$45,000,000~~))

\$44,530,000

Sec. 3024. 2009 c 497 s 3133 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Wildlife Recreation Grants (20084011)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are provided solely for the approved list of projects in LEAP capital document No. 2007-3 as developed on March 17, 2007, and LEAP capital document No. 2008-1 as developed on February 13, 2008.

(2) If additional funds are available after funding the farmlands preservation account projects approved in subsection (1) of this section, the committee may: Provide one-time grants of up to \$25,000 each to counties requesting assistance in developing farmlands preservation strategies for the purpose of seeking grants from the farmlands preservation account in future grant cycles.

(3) Funds reappropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) must be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

(4) Up to \$627,299 of the reappropriation from the riparian protection account is provided solely for the Chehalis river surge plain natural area preserve. This amount may not be expended for the project until the department of natural resources has completed a management plan for the preserve that maintains recreational access and that management plan is presented to the house of representatives capital budget and senate ways and means committees.

Reappropriation:

Farmlands Preservation Account--State.....	(\$5,300,000))
<u>\$4,319,000</u>	
Riparian Protection Account--State	\$12,500,000
Habitat Conservation Account--State	\$23,956,000
Outdoor Recreation Account--State.....	\$22,994,000
Subtotal Reappropriation	(\$64,750,000))
<u>\$63,769,000</u>	
Prior Biennia (Expenditures).....	\$35,250,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$100,000,000))	
<u>\$99,019,000</u>	

Sec. 3025. 2009 c 497 s 3138 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (30000007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the list of projects in LEAP capital document No. 2009-3, developed March 9, 2009.

Appropriation:

State Building Construction Account--State.....	(\$5,025,000))
<u>\$4,025,000</u>	
<u>Aquatic Lands Enhancement Account--State</u>	<u>\$1,000,000</u>
.....Subtotal Appropriation	
<u>\$5,025,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$20,100,000
TOTAL \$25,125,000	

Sec. 3026. 2009 c 497 s 3157 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Voights Creek Hatchery (20081003)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$200,000 of the amount appropriated is provided solely for the repair necessary to restore the facility for limited operations;

(2) \$550,000 of the amount appropriated is provided (~~solely~~) for property acquisition and permitting. No later than June 1, 2010, the department shall submit to the office of financial management and the fiscal committees of the legislature construction costs that total no more than fourteen million dollars.

If the department does not acquire property, the amount provided in this subsection shall lapse; and

(3) \$50,000 of the amount appropriated is provided solely for the department to participate in a work group with the Puyallup Tribe of Indians that will make recommendations no later than December 1, 2009, regarding the options for improving production from hatcheries along the Puyallup river system while reducing cost. Options to be considered include shifting production among the hatcheries, consolidation of hatcheries, and shifting responsibilities for construction, maintenance and operations of hatcheries.

Reappropriation:

State Building Construction Account--State.....	\$150,000
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Appropriation:

State Building Construction Account--State.....	\$800,000
Prior Biennia (Expenditures).....	\$355,000
Future Biennia (Projected Costs)	\$1,800,000

TOTAL \$3,105,000

**Sec. 3027. 2009 c 497 s 3168 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
Mitigation Projects and Dedicated Funding (20082048)**

((The reappropriation in this section is subject to the following conditions and limitations:)) (1) The reappropriation and the appropriation in this section are provided contingent upon the department providing advance notice to the appropriate fiscal committees of the legislature and the office of financial management before applying for federal grants for acquisition of fish and wildlife habitat lands. The department shall submit this information in the form of a report that explains the funding source, the match and use requirements, a description of the project that will be funded, and a description of future impacts to the operating budget.

(2) Up to \$2,300,000 of the reappropriation is provided solely for capital projects and engineering to pay the total cost of labor and materials provided by the department of fish and wildlife.

Reappropriation:

General Fund--Federal \$9,000,000

Appropriation:

General Fund--Private/Local \$2,500,000

Game Special Wildlife Account--Federal \$600,000

Game Special Wildlife Account--Private/Local \$900,000

General Fund--Federal ~~(\$25,000,000)~~

\$31,000,000

Subtotal Appropriation ~~(\$29,000,000)~~

\$35,000,000

Prior Biennia (Expenditures)..... \$19,125,000

Future Biennia (Projected Costs) \$114,800,000

TOTAL ~~(\$171,925,000)~~

\$177,925,000

**Sec. 3028. 2009 c 497 s 3169 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
Minor Works - Facility Preservation (30000149)**

Appropriation:

State Building Construction Account--State..... ~~(\$677,000)~~

\$420,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$10,000,000

TOTAL ~~(\$10,677,000)~~

\$10,420,000

NEW SECTION. Sec. 3029. A new section is added to 2009 c 497 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE
Leque Island Highway 532 Road Protection (92000019)**

Appropriation:

State Building Construction Account--State..... \$680,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL \$680,000

**Sec. 3030. 2009 c 497 s 3172 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
Minor Works - Road Maintenance and Abandonment Plan (30000022)**

Appropriation:

State Building Construction Account--State..... ~~(\$1,000,000)~~

\$950,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$4,050,000

TOTAL ~~(\$5,050,000)~~

\$5,000,000

**Sec. 3031. 2009 c 497 s 3178 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF FISH AND WILDLIFE
Minor Works - Dam and Dike (30000145)**

Appropriation:

State Building Construction Account--State..... ((\$943,000))
\$897,000

Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) \$3,780,000
TOTAL ((~~\$4,723,000~~))

\$4,677,000

Sec. 3032. 2009 c 497 s 3182 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Programmatic (30000179)

Appropriation:

State Building Construction Account--State..... ((~~\$400,000~~))
\$250,000

Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) \$5,500,000
TOTAL ((~~\$5,900,000~~))

\$5,750,000

NEW SECTION. Sec. 3033. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Carpenter Creek Estuary Restoration (92000023)

The appropriation in this section is provided solely for estuary restoration in Carpenter Creek.

Appropriation:

State Building Construction Account--State..... \$2,784,000

Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) \$0
TOTAL \$2,784,000

NEW SECTION. Sec. 3034. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Puget Sound General Investigation for Nearshore Restoration (92000025)

Appropriation:

State Toxics Control Account--State..... \$1,030,000

Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) \$0
TOTAL \$1,030,000

NEW SECTION. Sec. 3035. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

Puget Sound Flood Plain Restoration Projects (91000004)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$185,000 of the appropriation is provided solely for the South Fork Nooksack River and tributaries restoration project.
- (2) \$381,000 of the appropriation is provided solely for the Nooksack Forks large woody debris placement project.

Appropriation:

State Building Construction Account--State..... \$566,000

Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) \$0
TOTAL \$566,000

Sec. 3036. 2009 c 497 s 3197 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Resources Real Property Replacement (30000051)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for acquisition of working forest lands at risk of conversion to nonforest uses and working natural resource lands that will protect and enhance the value of trust land holdings. The legislature finds that the chronic loss of working forest lands threatens the long-term prospects of the timber products and other natural resource industries, which in turn threatens the long-term economic return for the beneficiaries of state trust lands. Acquisition of these lands is intended to help stabilize the primary source of revenue to trust land beneficiaries. The department shall submit a report to the

appropriate committees of the legislature by October 1, 2010, and every two years thereafter, indicating the lands purchased under this section, showing the locations, acres, purchase price, and within that purchase price, the value of the property attributed to the future value of timber harvests given an expected rate of return for timber lands, and the value of the property attributed to future development of the property. It is the intent of the legislature to lease the development rights of these conversion lands and retain them as long-term working natural resource lands under the sustainable harvest plan. Working forest lands acquired under this section shall be managed at a level equal to or greater than seventy-five percent of the expected harvest under the sustainable harvest plan.

The department shall not proceed with the Ice Harbor land exchange prior to June 30, 2011.

Appropriation:

Natural Resources Real Property Replacement	
Account--State.....	\$50,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$200,000,000
TOTAL	\$250,000,000

Sec. 3037. 2009 c 497 s 3203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer (30000066)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The total appropriation is provided to the department solely to transfer from trust status, or enter into fifty year leases for, certain trust lands of statewide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, housing and essential government services, or recreation purposes. The approved list of properties for lease or transfer is identified in the LEAP capital document No. 2009-2a, developed April 23, 2009.
- (2) Property transferred under this section must be appraised and transferred at fair market value. The value of the timber transferred must be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The value of the land transferred must be deposited in the natural resources real property replacement account.
- (3) Property subject to lease agreements under this section must be appraised at fair market value. Lease terms must be fifty years with options to renew for an additional fifty years. Lease payments must be lump sum payments for the entire term of the lease at the beginning of the lease. The department shall calculate such lump sum payments using professional appraisal standards. These lease payments may not exceed the fee simple purchase price based on current fair market value and must be deposited by the department to the common school construction account in the same manner as lease revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040.
- (4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs and shall not exceed (~~one and nine-tenths~~) two and six-tenths percent of the appropriation.
- (5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.
- (6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer and lease agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose. Transfer and lease agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the original intended public purpose and the department and legislature approves such uses.
- (7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.
- (8) The department shall execute trust land transfers that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the total value of transferred property is timber value and is deposited in the common school construction account. To achieve the eighty percent requirement, the department may choose to lease properties originally intended as transfers.
- (9) \$4,189,000 of the amount appropriated is provided solely for fifty-year leases of development rights from timber lands at risk of conversion to non-timber land uses purchased from appropriations in the 2007-2009 fiscal period.
- (10) (~~On June 30, 2011,~~) The state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction account and the appropriations in this section shall be reduced by an equivalent amount.

Appropriation:

State Building Construction Account--State.....	\$100,133,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$400,000,000
TOTAL	\$500,133,000

NEW SECTION. Sec. 3038. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Hazard Reduction and Biomass Equipment (91000003)

The appropriation in this section is subject to the following conditions and limitations:

(1) The natural resources equipment account appropriation in this section is provided solely for the purchase of forest biomass feedstock processing equipment appropriate for forest biomass-to-energy projects in eastern Washington in areas with a scarcity of primary wood processing facilities, or for making grants on a competitive basis to local governments or nonprofit entities in such local areas for purchase of such equipment. Equipment purchased, either by the department or a grantee, must be made available for lease, or other lawful means of conveyance, or be operated directly, for use in forest biomass-to-energy projects in an area of eastern Washington with a scarcity of primary wood processing facilities. In providing for the use of such equipment, consideration shall be given by the department or grantee in the opportunity for the forest biomass-to-energy project to promote forest treatments to improve forest health and/or remove hazardous buildup of forest fuels. Consideration may also be given to generating jobs in counties with high rates of unemployment.

(2) The state building construction account--state appropriation is provided solely for forest improvement treatments on forest lands of eastern Washington with the five highest priority fire and disease hazards in Stevens, Ferry, Lincoln, Pend Oreille, Okanogan, Yakima, Kittitas, and Spokane counties. Forest treatments on private lands funded by this appropriation require an agreement with the property owner that includes a commitment to maintain the improvements to forest health.

Appropriation:

Natural Resources Equipment Account	\$750,000
State Building Construction Account--State	\$2,000,000
Subtotal Appropriation	\$2,750,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$2,750,000	

NEW SECTION. Sec. 3039. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Removal/Cleanup of Asarco Docks in Ruston/Commencement Bay (91000004)

Appropriation:

Resource Management Cost Account--State	\$2,050,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$2,050,000	

NEW SECTION. Sec. 3040. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Puget Sound Cleanup and Recovery (92000003)

The appropriation in this section is subject to the following conditions and limitations: \$1,030,000 of the cleanup settlement account--state appropriation is provided solely for removal of contaminated pilings and habitat restoration in Commencement Bay. These funds are provided contingent upon receiving concurrence from the department of ecology that the project is aligned with the ten year plan for cleaning up Asarco-related contamination.

Appropriation:

Cleanup Settlement Account--State	\$1,030,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$1,030,000	

NEW SECTION. Sec. 3041. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Riparian Easement Program (30000070)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$600,000 of the forest and fish support account appropriation is provided contingent upon the sale of the king air by the department. The office of financial management shall allot only an amount that is equivalent to the proceeds received from the sale of the king air and no more than \$600,000.

(2) If the appropriation in this section is less than the level demanded in submitted applications, the department of natural resources shall prioritize the use of the funds as follows:

(3) Highest priority shall be given to applications that include one or more of the following conditions, in the following priority order: (a) The greatest proportion of riparian buffer impacted in the related forest practices application; (b) lands in deferred tax status of classified timber land or classified open space as defined in RCW 84.34.020; (c) lands at greatest risk of conversion to other land uses as determined by county zoning and land classifications and proximity to urban growth areas or other areas of concentrated land development; (d) lands that are certified by a forest certification recognized by the department; (e) the applicant has not received a forestry riparian easement since July 1, 2007; (f) the applicant is not a nonprofit organization; (g) the applicant has been waiting three years or more for a forestry easement purchase; and (h) the application does not include any of the conditions specified in subsection (2) of this section.

(4) The lowest priority shall be given to applications that include any of the following conditions: (a) The forest management activities for the aggregated ownership of the landowner referenced in the application, his or her spouse, and his or her children exceed the small forest landowner definition in RCW 76.13.120(2)(c); (b) the applicant has had legal ownership for less than five years, except when the applicant is a

lineal descendant of a landowner meeting this condition; (c) the applicant has an outstanding violation of the forest practices act under chapter 76.09 RCW; (d) the applicant is in default on a financial obligation to an agency of the state including noncompliance with a child support order under RCW 74.20A.320; (e) the application is for land on which other conservation easements have been executed and recorded on the title; or (f) the land is owned by a nonprofit organization that does not have deferred tax designations of either classified timber land or classified open space as defined in RCW 84.34.020 and does not have a county-recognized forest management plan.

(5) The department of natural resources shall use legally binding affidavits to obtain from the applicants any supplemental information necessary to assist in prioritizing the use of the funds appropriated in this section. The department must verify the prioritized use of the funds appropriated in this section by: (a) Investigating a random subset of affidavits for easements purchased for an amount less than one hundred thousand dollars; and (b) investigating all easements purchased for an amount in excess of one hundred thousand dollars.

(6) The department shall work with interested stakeholders to develop recommendations for changes to the ongoing eligibility, prioritization, and policy provisions of the forestry riparian easement program specified in RCW 76.13.120. In developing these recommendations, the department and the interested stakeholders shall consider the inclusion of the conditions utilized in this section to establish eligibility and prioritization of funding. The department and the interested stakeholders shall submit final recommendations in the form of legislation to the office of financial management and the legislature by October 1, 2010.

Appropriation:

State Building Construction Account--State.....	\$500,000
Forest and Fish Support Account--State	\$600,000
Subtotal Appropriation	\$1,100,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,100,000

NEW SECTION. Sec. 3042. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

Elk River Estuarine Lands Acquisition (91000007)

Appropriation:

General Fund--Federal	\$1,000,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

(End of part)

**PART 4
TRANSPORTATION**

Sec. 4001. 2009 c 497 s 4008 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

Commute Trip Reduction for Thurston County State Agencies (92000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of chapter 427, Laws of 2009 (Substitute Senate Bill No. 6088 (commute trip reduction)).

Appropriation:

State Vehicle Parking Account--State.....	(\$734,000)
<u>\$650,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$734,000)
<u>\$650,000</u>	

NEW SECTION. Sec. 4002. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

Freight Mobility Study - SR 12 & Schouweiler Road (91000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the department of transportation to conduct a study on improving freight mobility on state route no. 12 in the vicinity of Elma. The study shall include a review of possible improvements to freight mobility at Schouweiler Road.

Appropriation:

State Building Construction Account--State.....	\$500,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 4003. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE WASHINGTON STATE PATROL

High Speed Driving Simulators (92000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the purchase of two mobile high speed driving simulators. The Washington state patrol must assist in the purchase of the simulators and vehicles for transporting the simulators, and transfer ownership of the simulators and vehicles to the appropriate agency after consultation with stakeholders. The Washington state patrol must train the trainers on the use of the simulators. The simulators are intended to move among local police and sheriff departments in order to reduce the risks to officers and the public from high speed pursuits.

Appropriation:

State Building Construction Account--State.....	\$600,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$600,000	

(End of part)
PART 5
EDUCATION

Sec. 5001. 2009 c 497 s 5007 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Vocational Skills Centers (20084300)

Reappropriation:

State Building Construction Account--State.....	(\$58,546,000)
<u>\$55,546,000</u>	
Prior Biennia (Expenditures).....	\$15,161,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$73,707,000))	
<u>\$70,707,000</u>	

Sec. 5002. 2009 c 497 s 5008 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Northeast King County Skills Center (20084855)

Appropriation:

School Construction/Skills Center Building	
Account--State.....	(\$9,049,000)
<u>\$8,052,000</u>	
Prior Biennia (Expenditures).....	\$550,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$9,599,000))	
<u>\$8,602,000</u>	

Sec. 5003. 2009 c 497 s 5009 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

North Central Technical Skills Center (20084861)

Appropriation:

School Construction/Skills Center Building	
Account--State.....	(\$4,007,000)
<u>\$3,960,000</u>	
Prior Biennia (Expenditures).....	\$50,000
Future Biennia (Projected Costs)	\$18,500,000
TOTAL ((\$22,557,000))	
<u>\$22,510,000</u>	

Sec. 5004. 2009 c 497 s 5002 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

School Construction Assistance Grants (20084200)

The appropriation and the reappropriation in this section are subject to the following conditions and limitations:

For school construction projects funded through the school construction assistance grant program, the superintendent of public instruction shall require mapping the design of new facilities and remapping the design of facilities to be remodeled.

Reappropriation:

Common School Construction Account--State.....	\$176,922,000
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Appropriation:

State Building Construction Account--State.....	\$137,267,000
Prior Biennia (Expenditures).....	\$477,570,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$791,759,000

Sec. 5005. 2009 c 497 s 5013 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Vocational Skills Center Minor Capital Projects (30000002)

Appropriation:

School Construction and Skill Centers Building	
Account--State.....	(\$3,694,000)
<u>\$3,594,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	(\$3,694,000)
<u>\$3,594,000</u>	

Sec. 5006. 2009 c 497 s 5014 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

2009-11 School Construction Assistance Grant Program (30000031)

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~(The office of the superintendent of public instruction shall develop a tracking system to increase accuracy in predicting the timing of school district claims for reimbursement for school construction assistance grants. The office of the superintendent of public instruction shall also improve its communication with school districts regarding the status of grant projects and create requirements regarding the timing of reimbursement claims. The office of the superintendent of public instruction shall submit a report on the progress of the new tracking and communication system to the appropriate committees of the legislature by November 15, 2009. The report must include a list of school district capital projects receiving state funding and each project's anticipated final reimbursement date.~~

~~—(2)) In calculating square foot eligibility for state assistance grants, kindergarten student headcount shall not be reduced by fifty percent.~~

(2) For school construction projects funded through the school construction assistance grant program, the superintendent of public instruction shall require mapping the design of new facilities and remapping the design of facilities to be remodeled.

(3) Up to \$17,000,000 of the state building construction account-- state appropriation in this section is for the Grand Coulee Dam school district school project, contingent on the availability of sufficient contributions from federal, local, or private sources to make up the remainder of the total cost of the project. The Grand Coulee Dam school district is faced with a unique set of local funding barriers and federal funds may substitute as the usual requirement for school district participation. In the event sufficient matching contributions are not secured, these funds shall lapse.

(4) \$250,000 of the common school construction account--state appropriation is provided solely for the office of the superintendent of public instruction to develop a K-12 facility inventory and condition system based on option number 3, described in the joint legislative audit and review committee's January 2010 report, "K-12 Pilot Facility Inventory, Condition and Use System" as providing semi- customized information capabilities with complete state data. The office of the superintendent of public instruction must require school districts to submit any energy audits completed for K-12 public school buildings to be incorporated in the inventory system. It is the legislature's intent to improve the availability of information regarding the local use of state funds provided for school maintenance. Although school facilities are constructed by, and the property of, local jurisdictions, the legislature encourages school districts to invest in activities that extend the useful life of school district facilities. The state's general taxpayers have an interest in information regarding these local decisions since state policy has been to contribute funds in the biennial omnibus operating budget for facilities' maintenance and to contribute capital budget funds to eligible districts for renovation and replacement of buildings. In light of 2010 legislation enacting changes to RCW 28A.150.260 that increase state funding for school maintenance from \$73.27 per annual average full-time equivalent K-12 student to \$153.18 per student by the 2015-16 school year, with annual adjustments for inflation thereafter, it is the legislature's intent to facilitate development of an information system that will provide better data regarding school districts' use of any state funds provided to assist with maintenance and to monitor facilities' conditions.

Appropriation:

State Building Construction Account--State.....	(\$369,920,000)
<u>\$259,000,000</u>	
Common School Construction Account--State.....	(\$259,029,000)
<u>\$200,826,000</u>	
Common School Construction Account--Federal.....	(\$2,500,000)
<u>\$1,700,000</u>	
School Construction and Skill Centers Building	
Account--Bond--State.....	(\$58,284,000)
<u>\$59,428,000</u>	
Subtotal Appropriation	(\$689,733,000)
<u>\$520,954,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$3,921,000,000
TOTAL ((\$4,610,733,000))	
<u>\$4,441,954,000</u>	

Sec. 5007. 2009 c 497 s 5011 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

~~((Health, Safety,))~~ Energy Efficiency and Small Repair Grants (91000007)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$3,000,000 of the appropriation is provided solely for nonrecurring costs associated with school facility repairs and renovations necessary for health and safety. The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria for providing funding for specific projects to stay within the appropriation level provided in this section. The criteria must include, but are not limited to, the following: (a) Limiting recipient district applications to one hundred thousand dollars per three-year period; (b) limiting districts eligible to receive the grant only once in any three-year period; and (c) requiring any district receiving funding provided in this section to demonstrate a consistent commitment to addressing school facilities needs.

(2) ~~((The))~~ \$50,000,000 of the new appropriation is provided solely for energy operational cost savings ~~((and safety and health infrastructure))~~ improvements to school facilities ~~((initiated after July 1, 2009))~~. The appropriation must be distributed using the performance-based contracting method of delivering energy operational cost savings ~~((and safety and health infrastructure))~~ improvements to public facilities ~~((, unless the minimal cost or the immediacy of the project makes performance based contracting impracticable. If the minimal cost or immediacy of the project makes performance based contracting impracticable, the school district must receive a waiver from the office of the superintendent of public instruction in order to use the appropriation to address safety and health needs))~~.

(3) The superintendent of public instruction must report to the appropriate committees of the legislature and the office of financial management on the timing and use of the funds by the end of each fiscal year, until the funds are fully expended.

(4) \$100,000 of the appropriation is provided solely to the Monroe public schools for retrofitting the Frank Wagner Elementary chimney.

Appropriation:

State Building Construction Account--State.....	(\$20,000,000)
<u>\$70,000,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL ((\$20,000,000))	
<u>\$70,000,000</u>	

NEW SECTION. Sec. 5008. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE WASHINGTON STATE CENTER FOR CHILDHOOD DEAFNESS AND HEARING LOSS

Lloyd Auditorium Emergency Repairs (30000012)

Appropriation:

State Building Construction Account--State.....	\$2,500,000
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Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL \$2,500,000	

Sec. 5009. 2009 c 497 s 5027 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Balmer Hall Reconstruction (20081004)

The reappropriation in this section is subject to the following conditions and limitations: For construction of the facility identified in this section, the university is authorized to issue a bond or bonds financed from building fee and trust land revenue deposited into the university bond retirement account in accordance with RCW 28B.20.700 through 28B.20.740, provided that: (1) The total amount of debt to be serviced from the building account shall not exceed \$42,800,000; (2) if bonds for the project are issued as build America bonds, federal refunds on the bond interest cost shall be deposited into the University of Washington building account proportional to this project's share of the total bond issuance; and (3) for the portion of the project that is serviced by building fee and trust land revenues, the university shall select the financing method that results in the lowest cost to the University of Washington building account.

Reappropriation:

State Building Construction Account--State.....	\$3,000,000
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Prior Biennia (Expenditures).....	\$1,000,000
Future Biennia (Projected Costs)	(\$38,600,000)
<u>\$0</u>	

TOTAL ((~~\$42,600,000~~))

\$4,000,000

Sec. 5010. 2009 c 497 s 5029 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Interdisciplinary Academic Building (20082003)

The reappropriation in this section is subject to the following conditions and limitations: In conjunction with the reappropriation in this section, the University of Washington is authorized to issue a bond or bonds in an amount not to exceed \$53,554,000 in value for construction of the molecular engineering building identified in this section. The bond shall be financed from building fee and trust land revenues deposited into the university's bond retirement account, in accordance with RCW 28B.20.700 through 28B.20.740, provided that: (1) If bonds for the project are issued as build America bonds, federal refunds on the bond interest cost shall be deposited into the University of Washington building account proportional to this project's share of the total bond issuance; and (2) for the portion of the project that is serviced by building fee and trust land revenues, the university shall select the financing method that results in the lowest cost to the University of Washington building account.

Reappropriation:

State Building Construction Account--State.....	\$1,000,000
Prior Biennia (Expenditures).....	\$4,000,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	\$5,000,000

Sec. 5011. 2009 c 497 s 5024 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Clark Hall Renovation (20061007)

Reappropriation:

Education Construction Account--State.....	(\$2,000,000)
<u>\$967,000</u>	

Appropriation:

State Building Construction Account--State.....	\$183,000
Prior Biennia (Expenditures).....	\$16,054,000
Future Biennia (Projected Costs)	\$0
TOTAL ((<u>\$18,054,000</u>))	
<u>\$17,204,000</u>	

Sec. 5012. 2009 c 497 s 5023 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Savery Hall Renovation (20061005)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State.....	(\$11,000,000)
<u>\$10,822,000</u>	
Prior Biennia (Expenditures).....	\$50,510,000
Future Biennia (Projected Costs)	\$0
TOTAL ((<u>\$61,510,000</u>))	
<u>\$61,332,000</u>	

Sec. 5013. 2009 c 497 s 5026 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Denny Hall Renovation (20081002)

Reappropriation:

State Building Construction Account--State.....	(\$1,700,000)
<u>\$0</u>	
Prior Biennia (Expenditures).....	\$3,200,000
Future Biennia (Projected Costs)	(\$47,992,000)
<u>\$49,692,000</u>	
TOTAL ((<u>\$53,692,000</u>))	
<u>\$52,892,000</u>	

Sec. 5014. 2009 c 497 s 5028 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Intermediate Student Service and Classroom Improvements (20081005)

Reappropriation:

Education Construction Account--State.....	(\$7,245,000)
<u>\$311,000</u>	

Appropriation:

State Building Construction Account--State.....	\$6,934,000
Prior Biennia (Expenditures).....	\$6,036,000

Future Biennia (Projected Costs)	\$0
TOTAL \$13,281,000	

Sec. 5015. 2009 c 497 s 5037 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Lewis Hall Renovation (20081003)

Reappropriation:

State Building Construction Account--State	(\$1,000,000)
<u>\$478,000</u>	

Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$23,585,000
TOTAL ((\$25,585,000))	
<u>\$25,063,000</u>	

Sec. 5016. 2009 c 497 s 5030 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma (20082005)

The appropriations in this section are subject to the following conditions and limitations: For construction of the facility identified in this section, the university is authorized to issue a bond or bonds financed from building fee and trust land revenue deposited into the university bond retirement account in accordance with RCW 28B.20.700 through 28B.20.740, provided that: (1) The total amount of debt to be serviced for this project from the building account shall not exceed \$7,450,000; (2) if bonds for all or a portion of the project are issued as build America bonds, federal refunds on the bond interest cost shall be deposited into the University of Washington building account proportional to this project's share of the total bond issuance; and (3) for the portion of the project that is serviced by building fee and trust land revenues, the university shall select the financing method that results in the lowest cost to the University of Washington building account.

Reappropriation:

State Building Construction Account--State	\$4,000,000
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Appropriation:

State Building Construction Account--State	(\$34,000,000)
<u>\$16,768,000</u>	

University of Washington Building Account--State	\$14,007,000
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<u>Subtotal Appropriation</u>	<u>\$30,775,000</u>
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Prior Biennia (Expenditures)	\$2,150,000
Future Biennia (Projected Costs)	(\$17,044,000)
<u>\$0</u>	
TOTAL ((\$57,194,000))	
<u>\$36,925,000</u>	

Sec. 5017. 2009 c 497 s 5041 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

University of Washington Building	
Account--State	(\$25,825,000)
<u>\$20,741,000</u>	

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$103,300,000
TOTAL	(\$129,125,000)
<u>\$124,041,000</u>	

Sec. 5018. 2009 c 497 s 5035 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma - Land Acquisition (20092003)

~~(Reappropriation:~~

Education Construction Account--State	\$469,000)
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Appropriation:

University of Washington Building Account--State	\$2,469,000
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Prior Biennia (Expenditures)	\$1,531,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$2,000,000))	
<u>\$4,000,000</u>	

Sec. 5019. 2009 c 497 s 5039 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON
Minor Works - Facility Preservation (30000027)

Appropriation:

State Building Construction Account--State.....	(\$26,000,000))
<u>\$19,135,000</u>	
University of Washington Building	
Account--State.....	(\$8,175,000))
<u>\$15,040,000</u>	
Subtotal Appropriation	\$34,175,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$146,000,000
TOTAL	\$180,175,000

Sec. 5020. 2009 c 497 s 5055 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY
Minor Works - Preservation (30000065)

Appropriation:

State Building Construction Account--State.....	(\$16,128,000))
<u>\$23,903,000</u>	
Washington State University Building Account--	
State	(\$10,000,000))
<u>\$2,225,000</u>	
Subtotal Appropriation	\$26,128,000
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,128,000

Sec. 5021. 2009 c 497 s 5047 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY
WSU Vancouver - Applied Technology and Classroom Building (20062950)

In conjunction with the appropriation in this section, Washington State University is authorized to issue a bond or bonds in an amount not to exceed \$10,000,000 in value for construction of the facility identified in this section. The bond must be financed from building fee and trust land revenues deposited into the university's bond retirement account in accordance with RCW 28B.30.700 through 28B.30.780.

Reappropriation:

State Building Construction Account--State.....	\$1,500,000
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Appropriation:

State Building Construction Account--State.....	(\$26,742,000))
<u>\$23,593,000</u>	
Prior Biennia (Expenditures).....	\$3,420,000
Future Biennia (Projected Costs)	\$0
TOTAL	(\$31,662,000))
<u>\$28,513,000</u>	

Sec. 5022. 2009 c 497 s 5054 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY
WSU Spokane - Riverpoint Biomedical & Health Sciences (20162953)

Appropriation:

State Building Construction Account--State.....	(\$4,340,000))
<u>\$7,840,000</u>	
Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	(\$39,775,000))
<u>\$70,775,000</u>	
TOTAL	(\$44,115,000))
<u>\$78,615,000</u>	

Sec. 5023. 2009 c 497 s 5056 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY
Minor Works - Program (30000066)

Appropriation:

State Building Construction Account--State.....	(\$7,042,000))
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\$17,527,000

~~((Washington State University Building Account--~~

State	\$10,485,000
Subtotal Appropriation	\$17,527,000))

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$3,073,000
TOTAL \$20,600,000	

Sec. 5024. 2009 c 497 s 5057 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE UNIVERSITY

Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

Washington State University Building Account--
State ((~~\$10,115,000~~))

\$28,375,000

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$40,460,000
TOTAL ((\$50,575,000))	

\$68,835,000

Sec. 5025. 2009 c 497 s 5064 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON UNIVERSITY

Patterson Hall Remodel (20062002)

Reappropriation:

State Building Construction Account--State..... \$400,000

Appropriation:

State Building Construction Account--State..... ((~~\$26,600,000~~))

\$24,170,000

Prior Biennia (Expenditures).....	\$1,734,000
Future Biennia (Projected Costs)	\$34,416,000
TOTAL ((\$63,150,000))	

\$60,720,000

Sec. 5026. 2009 c 497 s 5061 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code Requirements (20081002)

Reappropriation:

Education Construction Account--State..... ((~~\$1,500,000~~))

\$157,000

Appropriation:

State Building Construction Account--State..... \$1,343,000

Prior Biennia (Expenditures).....	\$2,500,000
Future Biennia (Projected Costs)	\$0
TOTAL \$4,000,000	

Sec. 5027. 2009 c 497 s 5065 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON UNIVERSITY

Preventive Maintenance and Building System Repairs (30000044)

Appropriation:

Eastern Washington University Capital Projects
Account--State..... ((~~\$2,217,000~~))

\$4,409,000

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$8,868,000
TOTAL ((\$11,085,000))	

\$13,277,000

Sec. 5028. 2009 c 497 s 5068 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (30000054)

Appropriation:

State Building Construction Account--State.....	((<u>\$3,000,000</u>))
<u>\$1,375,000</u>	
<u>Eastern Washington University Capital Projects</u>	
	<u>Account--State</u>
<u>\$1,625,000</u>	
Subtotal Appropriation
<u>\$3,000,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL \$15,000,000	

Sec. 5029. 2009 c 497 s 5079 (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (30000009)

Appropriation:

State Building Construction Account--State.....	((<u>\$690,000</u>))
<u>\$601,000</u>	
<u>Central Washington University Capital Projects</u>	
Account--State.....	((<u>\$2,050,000</u>))
<u>\$2,139,000</u>	
Subtotal Appropriation	\$2,740,000

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL \$14,740,000	

Sec. 5030. 2009 c 497 s 5080 (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (30000016)

Appropriation:

~~((State Building Construction Account--State))~~

Central Washington University Capital Projects

	<u>Account--State</u>
<u>\$2,610,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL \$14,610,000	

Sec. 5031. 2009 c 497 s 5083 (uncodified) is amended to read as follows:

FOR THE CENTRAL WASHINGTON UNIVERSITY

Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

Central Washington University Capital

Project Account--State.....	((<u>\$2,422,000</u>))
<u>\$4,407,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$9,688,000
TOTAL ((<u>\$12,110,000</u>))	
<u>\$14,095,000</u>	

Sec. 5032. 2009 c 497 s 5092 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

Minor Works - Preservation (30000003)

Appropriation:

State Building Construction Account--State.....	((<u>\$760,000</u>))
<u>\$4,007,000</u>	
<u>The Evergreen State College Capital Projects</u>	
Account--State.....	((<u>\$3,765,000</u>))
<u>\$518,000</u>	
Subtotal Appropriation	\$4,525,000

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$0

TOTAL \$4,525,000

**Sec. 5033. 2009 c 497 s 5094 (uncodified) is amended to read as follows:
FOR THE EVERGREEN STATE COLLEGE**

Laboratory and Art Annex Building Renovation (30000026)

Appropriation:

~~((State Building Construction Account--State))~~ The

Evergreen State College Capital Projects

Account--State..... \$4,849,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL \$4,849,000

**Sec. 5034. 2009 c 497 s 5093 (uncodified) is amended to read as follows:
FOR THE EVERGREEN STATE COLLEGE**

Minor Works - Health, Safety, Code Compliance (30000016)

Appropriation:

State Building Construction Account--State..... ~~(\$2,515,000)~~

\$1,953,000

The Evergreen State College Capital Projects

..... Account--State

\$562,000

..... Subtotal Appropriation

\$2,515,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL \$2,515,000

**Sec. 5035. 2009 c 497 s 5097 (uncodified) is amended to read as follows:
FOR THE EVERGREEN STATE COLLEGE**

Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

The Evergreen State College Capital Projects

Account--State..... ~~(\$760,000)~~

\$4,007,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL ~~(\$760,000)~~

\$4,007,000

**NEW SECTION. Sec. 5036. A new section is added to 2009 c 497 (uncodified) to read as follows:
FOR THE EVERGREEN STATE COLLEGE**

Feasibility Study of Biomass Gasification Project (92000007)

Appropriation:

State Building Construction Account--State..... \$125,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) \$0

TOTAL \$125,000

**Sec. 5037. 2009 c 497 s 5104 (uncodified) is amended to read as follows:
FOR THE WESTERN WASHINGTON UNIVERSITY**

Minor Works - Program (20082093)

Reappropriation:

State Building Construction Account--State..... \$1,500,000

Western Washington University Capital Projects

Account--State..... ~~(\$2,500,000)~~

\$587,000

Subtotal Reappropriation..... ~~(\$4,000,000)~~

\$2,087,000

Appropriation:

State Building Construction Account--State..... \$1,913,000

Prior Biennia (Expenditures)..... \$6,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$10,000,000

Sec. 5038. 2009 c 497 s 5100 (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY

Miller Hall Renovation (20041953)

Reappropriation:

State Building Construction Account--State..... \$2,000,000

Appropriation:

State Building Construction Account--State..... ((\$54,625,000))
\$45,744,000

Prior Biennia (Expenditures)..... \$3,773,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$60,398,000~~))
\$51,517,000

Sec. 5039. 2009 c 497 s 5111 (uncodified) is amended to read as follows:

FOR THE WESTERN WASHINGTON UNIVERSITY

Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

Western Washington University Capital Projects
 Account--State..... ((\$3,614,000))
\$5,814,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$14,456,000
 TOTAL ((~~\$18,070,000~~))
\$20,270,000

NEW SECTION. Sec. 5040. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Vancouver National Historic Reserve West Barracks (91000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(2)(a) The Washington state historical society shall include provisions in the contract under this section that require that: (i) Capital improvements be held by the grantee for a specified period of time that is appropriate to the amount of the grant; and (ii) the facility be used to provide a public benefit.

(b) If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Appropriation:

State Building Construction Account--State..... \$1,000,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,000,000

NEW SECTION. Sec. 5041. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Vancouver National Historic Reserve Visitors Center (91000001)

Appropriation:

State Building Construction Account..... \$750,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$750,000

Sec. 5042. 2009 c 497 s 5115 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Projects (20044004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is adjusted for the termination of the Bigelow House preservation association project which is no longer viable.

Reappropriation:

State Building Construction Account--State..... ~~(\$690,000)~~
\$657,000

Prior Biennia (Expenditures)..... \$3,310,000
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(\$4,000,000)~~
\$3,967,000

Sec. 5043. 2009 c 497 s 5116 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Statewide - Washington Heritage Project Grants (20064004)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of section ~~((733)) 212~~, chapter ~~((488)) 371~~, Laws of ~~((2005)) 2006~~.
- (2) The reappropriation is adjusted for the termination of the Village Theatre project which is no longer viable.

Reappropriation:

State Building Construction Account--State..... ~~(\$1,318,000)~~
\$1,253,000

Prior Biennia (Expenditures)..... \$3,346,000
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(\$4,664,000)~~
\$4,599,000

Sec. 5044. 2009 c 497 s 5118 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Grants (20074004)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the project list in section 5137, chapter 520, Laws of 2007.
- (2) The reappropriation is adjusted for the termination of the Martin Luther King Ballet project which is no longer viable.
- (3) The reappropriation for the historic Seattle PDA project is transferred to the Center for Wooden Boats.

Reappropriation:

State Building Construction Account--State..... ~~(\$7,630,000)~~
\$7,580,000

Prior Biennia (Expenditures)..... \$2,370,000
 Future Biennia (Projected Costs) \$0
 TOTAL ~~(\$10,000,000)~~
\$9,950,000

Sec. 5045. 2009 c 497 s 5120 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Project Capital Grants (30000011)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided solely for the following list of projects.
- (3) The 2011-13 projects must be selected based on their readiness to proceed.

Project	Recommended
Wenatchee Valley Museum	\$150,000
West Point Light Station	\$300,000
Des Moines Field House	\$420,000
Washington Hall	\$381,000
Percival Landing	\$567,000
Roslyn City Hall & Library	\$194,000

((Spokane County courthouse	\$500,000))
Snoqualmie Chapel car #5	\$125,000
Edmonds Carnegie Library museum	\$48,000
Ilwaco museum collections	\$41,000
Minkler Mansion	\$200,000
Cheney house for a museum	\$87,000
Longview Columbia theatre	\$1,000,000
Chinook School	\$350,000
Territorial Courthouse of 1858	\$167,000
Hanford Interpretive Center	\$147,000
Carnegie Library Museum	\$883,000
Dynamite Train Canopy	\$50,000
King Street Station	\$750,000
Lakewood Carriage House	\$110,000
Lincoln School	\$175,000
Quincy Pioneer Church	\$195,000
Ezra Meeker Mansion	\$100,000
Port Townsend Storage Facility	\$450,000
Puyallup Church Spire	\$17,000
Morris House and Washington Harbor School	\$27,000
Kalama Interpretive Center	\$212,000
Foss Waterway Seaport Building	\$750,000
Pioneer State Bank Building	\$201,000
Kirkman House	\$32,000
Malo Sawmill	\$70,000
Stimson-Green Mansion	\$23,000
Lightship #83	\$335,000
Masonic Temple Building	\$350,000
Wilkeson Centennial Monument	\$10,000
Eddon Boatyard ways and dock	\$243,000
Commencement Restoration	\$86,000
Vessel Shenandoah	\$179,000
((Walt's Mill	\$75,000))

TOTAL	((<u>\$10,000,000</u>))
	<u>\$9,425,000</u>

Appropriation:

State Building Construction Account--State.....	((<u>\$10,000,000</u>))
<u>\$9,425,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL ((<u>\$50,000,000</u>))	
<u>\$49,425,000</u>	

Sec. 5046. 2009 c 497 s 5174 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Wood Construction Center (20081216)

Reappropriation:

State Building Construction Account--State.....	\$2,000,000
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Appropriation:

State Building Construction Account--State.....	((<u>\$24,645,000</u>))
<u>\$19,760,000</u>	

Prior Biennia (Expenditures).....	\$549,000
Future Biennia (Projected Costs)	\$0
TOTAL ((<u>\$27,194,000</u>))	
<u>\$22,309,000</u>	

Sec. 5047. 2009 c 497 s 5176 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Business and Humanities Center (20081218)

Reappropriation:

State Building Construction Account--State.....	\$1,200,000
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Appropriation:

State Building Construction Account--State.....	((<u>\$33,627,000</u>))
<u>\$29,644,000</u>	

Prior Biennia (Expenditures).....	\$1,100,000
Future Biennia (Projected Costs)	\$0
TOTAL ((<u>\$35,927,000</u>))	
<u>\$31,944,000</u>	

Sec. 5048. 2009 c 497 s 5127 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College - Science Building (20012687)

Reappropriation:

State Building Construction Account--State.....	((<u>\$1,773,000</u>))
<u>\$855,000</u>	

Prior Biennia (Expenditures).....	\$30,123,000
Future Biennia (Projected Costs)	\$0
TOTAL.....	((<u>\$31,896,000</u>))
<u>\$30,978,000</u>	

Sec. 5049. 2009 c 497 s 5180 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College - Trades and Industry Building (20081222)

Reappropriation:

State Building Construction Account--State.....	\$11,000
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Appropriation:

State Building Construction Account--State.....	((<u>\$2,625,000</u>))
<u>\$1,707,000</u>	

Prior Biennia (Expenditures).....	\$127,000
Future Biennia (Projected Costs)	((<u>\$28,737,000</u>))
<u>\$29,655,000</u>	
TOTAL	\$31,500,000

**Sec. 5050. 2009 c 497 s 5171 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Facility Preservation - Roof Repairs (20081010)**

Reappropriation:

Education Construction Account--State.....	(\$2,500,000)
<u>\$392,000</u>	
State Building Construction Account--State.....	\$1,000,000
Subtotal Reappropriation.....	(\$3,500,000)
<u>\$1,392,000</u>	

Appropriation:

State Building Construction Account--State.....	<u>\$2,108,000</u>
Prior Biennia (Expenditures).....	\$4,176,000
Future Biennia (Projected Costs).....	\$0
TOTAL	\$7,676,000

**Sec. 5051. 2009 c 497 s 5182 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Skagit Valley College - Academic and Student Services Building (20081224)**

Reappropriation:

State Building Construction Account--State.....	\$35,000
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Appropriation:

State Building Construction Account--State.....	(\$2,116,000)
<u>\$1,730,000</u>	
Prior Biennia (Expenditures).....	\$101,000
Future Biennia (Projected Costs).....	(\$28,949,000)
<u>\$29,335,000</u>	
TOTAL	\$31,201,000

**Sec. 5052. 2009 c 497 s 5210 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Roof Repairs "A" (30000010)**

Appropriation:

State Building Construction Account--State.....	(\$8,493,000)
<u>\$2,627,000</u>	
Community/Technical College Capital Projects	Account--State
<u>\$6,854,000</u>	
<hr/>	
	Subtotal Appropriation
<u>\$9,481,000</u>	

Prior Biennia (Expenditures).....	\$0
Future Biennia (Projected Costs).....	(\$24,000,000)
<u>\$42,000,000</u>	
TOTAL	(\$32,493,000)
<u>\$51,481,000</u>	

**Sec. 5053. 2009 c 497 s 5183 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Lower Columbia College - Health and Science Building (20081225)**

Appropriation:

State Building Construction Account--State.....	(\$2,969,000)
<u>\$2,187,000</u>	
Prior Biennia (Expenditures).....	\$2,500,000
Future Biennia (Projected Costs).....	(\$36,405,000)
<u>\$37,187,000</u>	
TOTAL	\$41,874,000

**Sec. 5054. 2009 c 497 s 5184 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Grays Harbor College - Science and Math Building (20081226)**

Reappropriation:

State Building Construction Account--State.....	\$45,000
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Appropriation:

State Building Construction Account--State..... ((\$3,583,000))
\$2,292,000

Prior Biennia (Expenditures)..... \$231,000

Future Biennia (Projected Costs) ((\$40,478,000))

\$41,769,000

TOTAL \$44,337,000

Sec. 5055. 2009 c 497 s 5217 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College - Seattle Maritime Academy (30000120)

Appropriation:

State Building Construction Account--State..... ((\$2,839,000))
\$1,337,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) ((\$15,483,000))

\$16,985,000

TOTAL \$18,322,000

Sec. 5056. 2009 c 497 s 5218 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College - Palmer Martin Building (30000121)

Appropriation:

State Building Construction Account--State..... ((\$1,464,000))
\$997,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) ((\$13,509,000))

\$13,976,000

TOTAL \$14,973,000

Sec. 5057. 2009 c 497 s 5219 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College - Technology Building Renewal (30000129)

Appropriation:

State Building Construction Account--State..... ((\$2,976,000))
\$2,084,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) ((\$22,337,000))

\$23,229,000

TOTAL \$25,313,000

Sec. 5058. 2009 c 497 s 5220 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College - Science Math and Technology Building (30000130)

Appropriation:

State Building Construction Account--State..... ((\$1,700,000))
\$1,315,000

Prior Biennia (Expenditures)..... \$0

Future Biennia (Projected Costs) ((\$15,545,000))

\$15,930,000

TOTAL \$17,245,000

Sec. 5059. 2009 c 497 s 5204 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College - Health Careers Center (20082701)

Reappropriation:

State Building Construction Account--State..... \$15,000

Appropriation:

State Building Construction Account--State..... ((\$2,946,000))
\$1,811,000

Prior Biennia (Expenditures)..... \$240,000
 Future Biennia (Projected Costs) ((~~\$35,565,000~~))
\$36,700,000
 TOTAL \$38,766,000

**Sec. 5060. 2009 c 497 s 5205 (uncodified) is amended to read as follows:
 FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Bellevue Community College - Health Science Building (20082702)**

Appropriation:
 State Building Construction Account--State..... ((~~\$4,350,000~~))
\$2,910,000

Prior Biennia (Expenditures)..... \$144,000
 Future Biennia (Projected Costs) ((~~\$36,506,000~~))
\$37,946,000
 TOTAL \$41,000,000

**Sec. 5061. 2009 c 497 s 5206 (uncodified) is amended to read as follows:
 FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Bates Technical College - Mohler Communications Technology Center (20082703)**

Reappropriation:
 State Building Construction Account--State..... \$20,000

Appropriation:
 State Building Construction Account--State..... ((~~\$1,755,000~~))
\$1,192,000

Prior Biennia (Expenditures)..... \$153,000
 Future Biennia (Projected Costs) ((~~\$23,398,000~~))
\$23,961,000
 TOTAL \$25,326,000

**Sec. 5062. 2009 c 497 s 5208 (uncodified) is amended to read as follows:
 FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Clark College - Health and Advanced Technologies Building (20082705)**

Reappropriation:
 State Building Construction Account--State..... \$14,000

Appropriation:
 State Building Construction Account--State..... ((~~\$2,506,000~~))
\$2,324,000

Prior Biennia (Expenditures)..... \$236,000
 Future Biennia (Projected Costs) ((~~\$33,598,000~~))
\$33,780,000
 TOTAL \$36,354,000

**Sec. 5063. 2009 c 497 s 5165 (uncodified) is amended to read as follows:
 FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Lake Washington Technical College - Allied Health Building (20062697)**

Reappropriation:
 State Building Construction Account--State..... \$900,000

Appropriation:
 State Building Construction Account--State..... ((~~\$25,986,000~~))
\$23,876,000

Prior Biennia (Expenditures)..... \$1,029,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$27,915,000~~))
\$25,805,000

**Sec. 5064. 2009 c 497 s 5177 (uncodified) is amended to read as follows:
 FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Spokane Falls Community College - Chemistry and Life Science Building (20081219)**

Reappropriation:
 State Building Construction Account--State..... \$1,200,000

Appropriation:

State Building Construction Account--State.....	(\$27,800,000)
<u>\$21,007,000</u>	
Prior Biennia (Expenditures).....	\$1,320,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$30,320,000))	
<u>\$23,527,000</u>	

**Sec. 5065. 2009 c 497 s 5178 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Spokane Community College - Technical Education Building (20081220)**

Reappropriation:

State Building Construction Account--State.....	\$1,600,000
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Appropriation:

State Building Construction Account--State.....	(\$30,718,000)
<u>\$24,037,000</u>	
Prior Biennia (Expenditures).....	\$793,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$33,111,000))	
<u>\$26,430,000</u>	

**Sec. 5066. 2009 c 497 s 5191 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Spokane Falls Community College - Music Building 15 Renovation (20081320)**

Reappropriation:

State Building Construction Account--State.....	\$475,000
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Appropriation:

State Building Construction Account--State.....	(\$13,806,000)
<u>\$10,459,000</u>	
Prior Biennia (Expenditures).....	\$667,000
Future Biennia (Projected Costs)	\$0
TOTAL ((\$14,948,000))	
<u>\$11,601,000</u>	

**Sec. 5067. 2009 c 497 s 5151 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Green River Community College - Humanities and Classroom Building Debt Service (20061205)**

The appropriations in this section are subject to the following conditions and limitations: The community/technical college capital projects account appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for debt service on the capital project account certificate of participation issued for construction of this facility. The state board shall work with the office of the state treasurer to identify ways to expedite repayment of the debt incurred on this project that is in excess of actual project costs in order to minimize unnecessary demands upon building account revenue.

Reappropriation:

State Building Construction Account--State.....	\$1,054,000
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Appropriation:

<u>Community/Technical College Capital Projects</u>	Account--State
<u>\$4,044,000</u>	

Prior Biennia (Expenditures).....	\$1,827,000
Future Biennia (Projected Costs)	(\$0)
<u>\$36,432,000</u>	
TOTAL ((\$2,881,000))	
<u>\$43,357,000</u>	

**Sec. 5068. 2009 c 497 s 5181 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Bellingham Technical College - Instructional Resource Center Debt Service (20081223)**

The appropriations in this section are subject to the following conditions and limitations: The community/technical college capital projects account appropriation is provided solely for debt service on the capital project account certificate of participation issued for construction of this facility. The state board shall authorize only as much debt as is needed to complete the project, not to exceed a total of \$27,000,000.

Reappropriation:

State Building Construction Account--State..... \$1,000,000
 Appropriation:
Community/Technical College Capital Projects
 Account--State
\$2,288,000

Prior Biennia (Expenditures)..... (\$0)
\$824,000
 Future Biennia (Projected Costs) (\$0)
\$37,994,000
 TOTAL ((~~\$1,000,000~~))
\$42,106,000

Sec. 5069. 2009 c 497 s 5190 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Spokane Community College - Building 7 Renovation (20081319)

Reappropriation:
 State Building Construction Account--State..... \$986,000
 Appropriation:
 State Building Construction Account--State..... (~~\$9,748,000~~)
\$8,343,000

Prior Biennia (Expenditures)..... \$23,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$10,757,000~~))
\$9,352,000

Sec. 5070. 2009 c 497 s 5192 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Pierce College Fort Steilacoom - Cascade Core (20081321)

Reappropriation:
 State Building Construction Account--State..... \$1,200,000
 Appropriation:
 State Building Construction Account--State..... (~~\$15,000,000~~)
\$13,099,000

Community/Technical College Capital Projects
 Account--State
\$8,500,000
 Subtotal Appropriation
\$21,599,000

Prior Biennia (Expenditures)..... \$1,042,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$17,242,000~~))
\$23,841,000

Sec. 5071. 2009 c 497 s 5168 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 North Seattle Community College - Employment Resource Center (20062851)

Reappropriation:
 State Building Construction Account--State..... \$700,000
 Appropriation:
 State Building Construction Account--State..... (~~\$5,000,000~~)
\$7,676,000

Prior Biennia (Expenditures)..... \$1,790,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((~~\$7,490,000~~))
\$10,166,000

Sec. 5072. 2009 c 497 s 5135 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Clark College - East County Satellite (20041689)

Reappropriation:
 Gardner-Evans Higher Education Construction

Account--State.....((~~\$5,000,000~~))
\$4,780,000

Prior Biennia (Expenditures)..... \$24,876,000
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$29,876,000~~))
\$29,656,000

**Sec. 5073. 2009 c 497 s 5195 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Bellevue Community College - L Building Emergency Repairs (20081850)**

Reappropriation:

State Building Construction Account--State.....((~~\$1,460,000~~))
\$387,000

Prior Biennia (Expenditures)..... \$203,000
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$1,663,000~~))
\$590,000

**Sec. 5074. 2009 c 497 s 5223 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Preservation (30000210)**

Appropriation:

~~((State Building Construction Account--State.....\$15,116,000))~~
Community/Technical College Capital Projects
..... Account--State
\$16,000,000

Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) \$0
TOTAL ((~~\$15,116,000~~))
\$16,000,000

**Sec. 5075. 2009 c 497 s 5179 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Everett Community College - Index Hall Replacement (20081221)**

Reappropriation:

State Building Construction Account--State..... \$1,150,000

Appropriation:

State Building Construction Account--State.....((~~\$2,301,000~~))
\$2,157,000

Prior Biennia (Expenditures)..... \$1,650,000
Future Biennia (Projected Costs)((~~\$40,205,000~~))
\$40,349,000
TOTAL \$45,306,000

**Sec. 5076. 2009 c 497 s 5213 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Program (30000078)**

Appropriation:

State Building Construction Account--State..... \$3,858,000
Community/Technical College Capital Projects
Account--State.....((~~\$9,714,000~~))
\$12,227,000
Subtotal Appropriation((~~\$13,572,000~~))
\$16,085,000

Prior Biennia (Expenditures)..... \$0
Future Biennia (Projected Costs) \$80,000,000
TOTAL ((~~\$93,572,000~~))
\$96,085,000

**Sec. 5077. 2009 c 497 s 5164 (uncodified) is amended to read as follows:
FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Spokane Falls Community College - Campus Classrooms (20062696)**

Reappropriation:

State Building Construction Account--State..... ((\$1,450,000))
\$883,000

Prior Biennia (Expenditures)..... \$434,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$1,884,000))

\$1,317,000

NEW SECTION. Sec. 5078. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Construction Contingency Pool (92000007)

The appropriation in this section is provided solely for allocation by the state board for community and technical colleges for major construction and renovation projects that confront emergent and unavoidable costs in excess of the construction contingency and management reserves included in the project appropriation. The board shall report at least quarterly to the office of financial management and the legislative capital budget committees on requests for and allocations from the pool.

Appropriation:

State Building Construction Account--State..... \$3,076,000
 Gardner-Evans Higher Education Construction
 Account--State..... \$263,000
 Subtotal Appropriation \$3,339,000

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,339,000

Sec. 5079. 2009 c 497 s 5224 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

Community and Technical Colleges Capital
 Projects Account--State..... ((\$22,800,000))
\$0

Prior Biennia (Expenditures)..... \$0
 Future Biennia (Projected Costs) \$91,208,000
 TOTAL ((\$114,008,000))

\$91,208,000

Sec. 5080. 2009 c 497 s 5143 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Centralia Community College - Science Building (20042850)

Reappropriation:

State Building Construction Account--State..... \$194,000
 Gardner-Evans Higher Education Construction
 Account--State..... ((\$3,000,000))
\$2,737,000

Subtotal Reappropriation..... ((\$3,194,000))

\$2,931,000

Prior Biennia (Expenditures)..... \$28,919,000
 Future Biennia (Projected Costs) \$0
 TOTAL ((\$32,113,000))

\$31,850,000

Sec. 5081. 2009 c 497 s 5167 (uncodified) is amended to read as follows:

FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park Technical College - Allied Health Care Facility (20062699)

Reappropriation:

State Building Construction Account--State..... ((\$1,020,000))
\$323,000

Prior Biennia (Expenditures)..... \$1,425,000
 Future Biennia (Projected Costs) \$0

TOTAL (~~(\$2,445,000)~~)
\$1,748,000

(End of part)

PART 6

MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS

Sec. 6001. 2009 c 497 s 6009 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Department of corrections: ~~(Enter into a financing contract for up to \$17,958,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or build work release beds, violator beds, or other community based re-entry facilities.)~~ Enter into a financing contract for up to \$12,400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to move correctional industries facilities and operations from McNeil island corrections center to Stafford creek corrections center.

(2) Community and technical colleges:

(a) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to 40 acres of land.

(b) Enter into a financing contract on behalf of Bellingham Technical College for up to \$1,390,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an instructional resource center.

(c) Enter into a financing contract on behalf of Bellingham Technical College for up to ~~(\$28,968,000)~~ \$27,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an instructional resource center. The cost of this financing contract shall be paid from the community and technical colleges capital projects account. This facility shall be eligible for maintenance and operations funding on the same terms as if constructed with state general obligation bonds.

(d) Enter into a financing contract on behalf of Edmonds Community College for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to provide space for allied health and construction industry.

(e) Contingent upon the sale and purchase specified in section 5071 of this act, enter into a financing contract on behalf of Spokane Community College for up to \$3,400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the Riverpoint One building.

(f) Enter into a financing contract on behalf of North Seattle Community College for up to \$8,900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an employment resource center.

(g) Enter into a financing contract on behalf of Everett Community College for up to \$25,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a student fitness and health center.

(h) Enter into a financing contract on behalf of Wenatchee Valley Community College for up to \$2,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase a music and art center.

(i) Enter into a financing contract on behalf of Green River Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a 40,000 square foot addition to Green River Kent station.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the water and environment center.

(k) Enter into a financing contract pursuant to chapter 39.94 RCW on behalf of Green River Community College for up to \$26,532,000 plus financing expenses and required reserves to construct a new classrooms facility as specified in project 20061205. The cost of this financing contract shall be paid from the community and technical colleges capital projects account. This facility shall be eligible for maintenance and operations funding on the same terms as if constructed with state general obligation bonds.

(3) Parks and recreation commission: Enter into a financing contract for up to \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Mount Spokane lodge. The parks and recreation commission shall use energy savings performance contracting if practicable. The lodge shall be operated by a private concessionaire under a contract with the parks and recreation commission that is a qualified management contract under the applicable internal revenue service guidelines.

(4) Department of general administration: Enter into a financing contract for up to \$27,144,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the John L. O'Brien building, subject to approval of the project scope by the speaker of the house of representatives and the chief clerk of the house of representatives.

(5) Department of ecology: Enter into a financing contract for up to \$11,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to rebuild the east wall of the department of ecology's headquarters building in Lacey, Washington.

(6) Washington State University: Enter into a financing contract for up to \$15,000,000 plus financing expenses and required reserve pursuant to chapter 39.94 RCW for a student information system.

(7) Department of social and health services: Enter into a financing contract for up to \$15,850,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct or renovate specialized housing and treatment facilities for youth committed to the juvenile rehabilitation administration. The debt service is to be paid with the savings associated with closure of the Maple Lane school.

NEW SECTION. Sec. 6002. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION--ENERGY SAVINGS PERFORMANCE CONTRACTING. (1) The department of general administration, in fulfilling its requirement to maintain a registry of energy service contractors pursuant to RCW 39.35A.050, shall update the preapproved list of energy services companies that are qualified to provide services to public facilities in the state by June 30, 2010.

(2) The department of general administration must develop guidelines that are consistent with national and international energy savings performance standards for the implementation of energy savings performance contracting projects June 30, 2010.

NEW SECTION. Sec. 6003. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT. The office of financial management budget instructions, required by chapter 43.88 RCW, must instruct all agencies submitting budget requests for building renovations and improvements and operating budget requests for facility leases to conduct preliminary energy audits if proposed renovations or improvements involve building envelope, heating, ventilating, air conditioning, controls, and lighting. The budget instructions must also direct agencies to contact the department of general administration for assistance, if necessary.

NEW SECTION. Sec. 6004. A new section is added to 2009 c 497 (uncodified) to read as follows:

DEBT AFFORDABILITY STUDY. The office of the state treasurer shall prepare a debt affordability study by December 1, 2010, that provides an assessment of the state's current debt portfolio and an analysis of the impact of future debt issuance. The study must include but is not limited to: An overview of the state's outstanding and projected debt; the structure of the debt portfolio; the cost of existing debt; sources of funds for interest, principal, or lease payments; and the purposes for which debt instruments and financing contracts are issued. To assist with this work, the office of the state treasurer shall convene and staff a work group to include staff from the fiscal committees of the state house of representatives and state senate and the office of financial management.

NEW SECTION. Sec. 6005. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR SPOKANE COMMUNITY COLLEGE. The Washington state military department shall transfer building 100 and 5.47 acres of associated land at Geiger field to Spokane community college for the development of a Spokane aerospace technology center.

Sec. 6006. 2008 c 5 s 1 (uncodified) is amended to read as follows:

Pursuant to chapter 43.155 RCW, the following project loans recommended by the public works board are authorized to be made with funds appropriated from the public works assistance account, and no loan authorized in this act shall bear an interest rate greater than one-half of one percent:

- (1) Arlington--sanitary sewer project--expand and upgrade the wastewater treatment plant and biosolids composting facility to meet new discharge limitations, produce a higher quality effluent, and accommodate future growth..... \$10,000,000
- (2) Auburn--street project--reconstruct approximately 0.3 miles of roadway with four travel lanes to bring up to current arterial and truck route standards and modify intersection to optimize efficiency and level of service \$1,800,000
- (3) Blaine--sanitary sewer project--construct a new wastewater treatment plant and section of outfall pipe to increase treatment capacity, produce reuse quality water, and improve Puget Sound water quality for shellfish..... \$10,000,000
- (4) Bonney Lake--domestic water project--replace approximately 71,000 linear feet of leaky water mains to reduce current water loss by ten percent \$5,352,000
- (5) Bonney Lake--sanitary sewer project--replace approximately 12,000 linear feet of failing interceptor sewer pipes \$4,648,000
- (6) Buckley--sanitary sewer project--rebuild the wastewater treatment plant to provide nutrient removal and meet state and federal discharge regulations and the construction of an interceptor \$5,000,000
- (7) Camas--sanitary sewer project--construct improvements to the wastewater treatment facilities to provide class A biosolids at the main sewage pump station \$10,000,000
- (8) Clark county--road project--construct new road segments, widen roadways, improve and redesign intersections, and install and modify traffic signals necessary to improve a major interchange with two freeways \$10,000,000
- (9) Clark regional wastewater district--sanitary sewer project-- modify existing and construct new wastewater facilities to process approximately 4.65 million gallons more of wastewater per day and ensure treatment processes continue to be in compliance with current regulations..... \$8,000,000
- (10) Coal creek utility district--sanitary sewer project--construct sewer lift station, approximately 1,250 lineal feet of gravity sewer main, and 500 feet of force main to provide public sewer to approximately 25 properties on a lake that have private septic systems that have failed or are in prefailure status \$898,875
- (11) College Place--domestic water project--construct two steel tanks, a booster station, approximately 6,000 feet of transmission line, 3,400 feet of water mains, three pressure reducing valves, and associated telemetry to rectify a deficiency in fire flow and standby water storage protection \$4,710,051
- (12) Cowlitz county public utility district No. 1--domestic water project--construction of approximately six new groundwater supply wells, 2,100 feet of raw water piping a new water treatment plant producing approximately 20 million gallons per day of potable water, and approximately 4,350 feet of transmission main to connect to the system to replace current water supply that is being impacted by increasing water sediment \$3,213,000
- (13) Ephrata--domestic water project--replace approximately 68,000 feet of failing water mains, 50,000 feet of failing water service pipes, and the resurfacing of 20 miles of overlaying roadway, including approximately 100 fire hydrants, 400 catch basins, 15 storm sewer drywells, 22,000 feet of curb and gutter, and 16,000 feet of storm sewer pipe..... \$6,605,727
- (14) Freeland water district--domestic water project--connect a new well and new reservoir to the existing system, rehabilitate the existing well, and install new equipment to increase system reliability, redundancy, and capacity. Install new chlorination equipment to improve water quality \$347,516
- (15) Gig Harbor--sanitary sewer project--improvements to the wastewater treatment plant including new equipment and electrical work, add a third clarifier, install ultraviolet disinfection, and extend and upsize the outfall \$10,000,000
- (16) Highline water district--domestic water project--construction of 11,350 feet of transmission main and looping of pipes to eliminate low pressures and fire flows and improve water quality, and create a new pressure zone to correct high pressures..... \$5,390,418

- (17) Karcher creek sewer district--sanitary sewer project--install a new sewer system, including a lift station and approximately 3,600 lineal feet of sewer main, in conjunction with a road project to service approximately 17 homes that will lose their septic systems due to the road project \$1,358,130
- (18) Kennewick--sanitary sewer project--construct improvements to critical wastewater treatment plant processes to enhance reliability, improve energy efficiency and redundancy, as well as increase the capacity of the sludge pumping station..... \$5,500,000
- (19) Kent--street project--construct two bridges, one for the roadway over a set of railroad tracks, and one for railroad tracks over a lowered roadway. This will grade separate the tracks from the roadway to provide safe and reliable operations twenty-four hours a day \$10,000,000
- (20) King county--sanitary sewer project--construct 13,100 lineal feet of pipe to convey approximately 9 million gallons per day of reclaimed water to reduce withdrawals of 250-acre feet per year from the Sammamish river..... \$7,000,000
- (21) La Center--sanitary sewer project--upgrade wastewater treatment plant to reduce the levels of nitrogen discharged in the effluent and approximately doubling the operation of the plant and producing class A reuse water \$10,000,000
- (22) Lake Forest Park water district--domestic water project-- replace approximately 6,915 lineal feet of undersized and corroded water pipes to improve safety and reliability of the system by reducing pipe failures and increasing fire flow \$917,935
- (23) Lake Stevens--sanitary sewer project--construct a new wastewater treatment plant, 9,500 feet of interceptor line, a pump station, and an outfall pipe in partnership with Lake Stevens sewer district \$10,000,000
- (24) Lake Stevens sewer district--sanitary sewer project--construct a new wastewater treatment plant, 9,500 feet of interceptor line, a pump station, and an outfall pipe in partnership with the city of Lake Stevens \$10,000,000
- (25) Lakewood--sanitary sewer project--construct 3 pump stations, approximately 17,200 linear feet of force mains, 13,500 linear feet of gravity collector pipe line, and 320 side sewer stubs to service two neighborhoods currently served exclusively by septic systems..... \$1,840,000
- (26) LOTT alliance--sanitary sewer project--construct approximately 7,400 feet of force main and replace existing pump station with new 1,000 gallon per minute pump station..... \$4,003,807
- (27) Mansfield--sanitary sewer project--expand and rehabilitate wastewater treatment lagoons and effluent spray irrigation system as well as remove the discharge of groundwater from basement sump pumps to the collection system..... \$235,600
- (28) Midway sewer district--sanitary sewer project--replace approximately 16,500 lineal feet of sewer mains and 50 manholes to reduce infiltration and inflow \$3,782,500
- (29) Mount Vernon--sanitary sewer project--upgrade existing wastewater treatment plant, including a new pretreatment facility, 4 additional clarifiers, upgrade aeration basins, installation of an ultraviolet disinfection system, and odor control system \$10,000,000
- (30) Newcastle--road project--reconstruct, widen, and signalize approximately 5,200 linear feet of road to 2 lanes in each direction, add left turn lanes, sidewalks, bicycle lanes, install lighting systems, replace two-lane bridge with a four-lane bridge, and install new traffic signals \$5,000,000
- (31) Olympia--sanitary sewer project--install approximately 6,500 linear feet of sewer mains and construct a lift station to serve 63 homes with failing on-site sewage systems..... \$1,808,375
- (32) Olympus Terrace sewer district--sanitary sewer project-- rehabilitate approximately 9,350 linear feet of sewer trunkline, construct approximately 9,800 linear feet of high-flow storm water bypass piping for excess flow, construct approximately 4,150 linear feet of road access, and restore creek habitat \$8,000,000
- (33) Omak--sanitary sewer project(~~--add 2 compost containers, convert storage tank to sludge holding tank, and install a second headworks screen to increase the wastewater treatment plant capacity by 35 percent~~)..... \$450,000
- (34) Port Angeles--sanitary sewer project--construct approximately 11,500 feet of sewer main, modify a storage tank, and modify the wastewater treatment plant \$10,000,000
- (35) Regional board of mayors--solid waste project--close landfill site by capping and sealing with a soil cap \$859,500
- (36) Regional board of mayors--solid waste project--construct a new solid waste transfer station, including structures and equipment..... \$1,541,000
- (37) Ronald wastewater district--sanitary sewer project-- rehabilitate 2 lift stations by replacing pumps, valves, fittings, piping, odor control systems, and electrical equipment..... \$955,400
- (38) Seattle--domestic water project--replace floating pumps with land-based pump station with a maximum capacity of approximately 250 million gallons per day, including 8 pumps, concrete structure, a tunnel, approximately 4,000 feet of pipeline, and a standby generator. \$10,000,000
- (39) Sedro-Woolley--sanitary sewer project--rehabilitate or replace 4 interceptor segments totaling approximately 29,700 linear feet, install 2 pump stations, and upgrade the secondary clarifier in order to lift a building moratorium..... \$6,023,491
- (40) Shelton--sanitary sewer project--construct a satellite reclamation plant with a capacity of approximately 0.4 million gallons per day to produce class A reclaimed water, approximately 22,000 linear feet of sewer pipelines, and approximately 25,000 linear feet of reclaimed water force main \$2,079,360
- (41) Shelton--sanitary sewer project--replace approximately 38,480 linear feet of mainline sewers to reduce inflow and infiltration..... \$5,737,500
- (42) Skagit county sewer district No. 2--sanitary sewer project-- upgrade wastewater treatment plant to a water reclamation facility to provide class A reclaimed water with a capacity of approximately 0.35 million gallons per day..... \$10,000,000
- (43) Snohomish--sanitary sewer project--construct approximately 1,900 feet of sewer pipe, a new pump station with a capacity of approximately 8,000 gallons per minute, and approximately 4,300 feet of force main to reduce overflows \$2,000,000
- (44) Snohomish--sanitary sewer project(~~--upgrade existing wastewater treatment plant including a new influent flow structure, screens, aerators, effluent filtration, ultraviolet disinfection, effluent pump station, improvements to the existing lagoons, and electrical improvements~~) \$4,500,000
- (45) Snohomish county--road project--construct a new, approximately two-mile, two-lane truck route around the city of Granite Falls, including 3 roundabouts to improve safety and air quality in the downtown area \$10,000,000

(46) Southwest Suburban sewer district--sanitary sewer project-- replace and/or slipline approximately 5,470 feet of trunk/interceptor sewer main and construct a new lift station to reduce overflows \$3,268,250

(47) Tacoma--domestic water project--replace 3 open-topped concrete reservoirs with 2 enclosed concrete reservoirs of approximately 33 million gallons each and related piping to comply with the safe drinking water act and a bilateral compliance agreement \$10,000,000

(48) Tekoa--sanitary sewer system--reconstruct approximately 1,000 feet of failing sewer line and manholes to reduce significant groundwater infiltration \$135,115

(49) Three rivers regional wastewater authority--sanitary sewer project--construct 2 clarifiers and associated piping to replace 2 failed clarifiers at the wastewater plant..... \$6,630,750

(50) Washougal--sanitary sewer project--construct a new wastewater treatment plant headworks, including a fine screen, grit removal, and replace approximately 150 linear feet of gravity sewer, and make improvements to the lagoons, including 450 linear feet of piping, modify overflow structures, and a new pump \$3,100,000

(51) Yakima--domestic water project--develop a new, approximately 3,000 gallon per minute, domestic water well, including drilling, placement of casing, a new pump house, and connection to the existing water distribution system in order to augment the water supply during drought conditions \$2,257,200

(52) Yakima--street project--construct 2 underpasses and reconstruct 3 lanes on each roadway under a railroad mainline to accommodate additional rail and reduce traffic and emergency response delays and air pollution \$3,000,000

Sec. 6007. RCW 43.155.050 and 2009 c 564 s 940 are each amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. During the 2009-2011 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund and the city-county assistance account such amounts as reflect the excess fund balance of the account. During the 2009-2011 fiscal biennium, sums in the public works assistance account may be used for the water pollution control revolving fund program match in section 3013 of this act.

(2) The job development fund is hereby established in the state treasury. Moneys in the job development fund may be spent only after appropriation.

Sec. 6008. RCW 28B.20.725 and 1969 ex.s. c 223 s 28B.20.725 are each amended to read as follows:

The board is hereby empowered:

- (1) To reserve the right to issue bonds later on a parity with any bonds being issued;
- (2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;
- (3) To authorize the transfer of money from the University of Washington building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;
- (4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;
- (5) To authorize the transfer to the University of Washington building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. However, during the 2009-2011 fiscal biennium, the legislature may transfer to the University of Washington building account moneys that are in excess of the debt service due within one year of the date of transfer on all outstanding bonds payable out of the bond retirement fund.

Sec. 6009. RCW 28B.30.750 and 1969 ex.s. c 223 s 28B.30.750 are each amended to read as follows:

The board is hereby empowered:

- (1) To reserve the right to issue bonds later on a parity with any bonds being issued;
- (2) To authorize the investing of moneys in the bond retirement fund and any reserve account therein;
- (3) To authorize the transfer of money from the Washington State University building account to the bond retirement fund when necessary to prevent a default in the payments required to be made out of such fund;
- (4) To create a reserve account or accounts in the bond retirement fund to secure the payment of the principal of and interest on any bonds;
- (5) To authorize the transfer to the Washington State University building account of any money on deposit in the bond retirement fund in excess of debt service for a period of three years from the date of such transfer on all outstanding bonds payable out of such fund. However, during the 2009-2011 fiscal biennium, the legislature may transfer to the Washington State University building account moneys that are in excess of the debt service due within one year of the date of transfer on all outstanding bonds payable out of the bond retirement fund.

NEW SECTION. Sec. 6010. A new section is added to 2009 c 497 (uncodified) to read as follows:

FOR THE STATE TREASURER--TRANSFERS

University of Washington bond retirement fund:

For transfer to the University of Washington building account for fiscal year 2010 \$14,000,000

Sec. 6011. RCW 43.160.080 and 2008 c 327 s 11 are each amended to read as follows:

There shall be a fund in the state treasury known as the public facilities construction loan revolving account, which shall consist of all moneys collected under this chapter and any moneys appropriated to it by law. Disbursements from the revolving account shall be on authorization of the board. In order to maintain an effective expenditure and revenue control, the public facilities construction loan revolving account shall be subject in all respects to chapter 43.88 RCW. During the 2009-2011 biennium, sums in the public facilities construction loan revolving account may be used for community economic revitalization board export assistance grants and loans in section 1018 of this act and for matching funds for the federal energy regional innovation cluster in section 1017 of this act.

Sec. 6012. 2009 c 497 s 6004 (uncodified) is amended to read as follows:

(1) The office of financial management may ~~((authorize a))~~ transfer ~~((of))~~ appropriation authority provided for a capital project that is in excess of the amount required for the completion of ~~((such))~~ the project ~~((to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.~~

~~—(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.~~

~~—(3)), based on the authorized scope, to the risk pool in section 1021.~~

~~—(2) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.~~

~~((4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.~~

~~—(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.))~~

(3) The office of financial management shall not allot any portion of a capital budget appropriation for: (a) Contingencies above the amount required for completion of a project as described in budget documents submitted as part of the governor's capital budget request or consistent with legislative history; (b) proposed alternates submitted in bid documents if agencies cannot document a programmatic need and an operational budget savings resulting from the completion of the alternate project component that would pay for the cost of the alternate within eight years; or (c) for any equipment costs or project scope beyond what was described in the budget documents submitted as part of the governor's capital budget request.

(4) The office of financial management shall submit a monthly report of approved allotments, subject to this section, by project. The report shall include the accepted base bid and any approved alternates with the analysis demonstrating sufficient operational budget savings.

Sec. 6013. RCW 90.71.370 and 2009 c 479 s 74 are each amended to read as follows:

(1) By December 1, 2008, and by September 1st of each even-numbered year beginning in 2010, the council shall provide to the governor and the appropriate fiscal committees of the senate and house of representatives its recommendations for the funding necessary to implement the action agenda in the succeeding biennium. The recommendations shall:

- (a) Identify the funding needed by action agenda element;
- (b) Address funding responsibilities among local, state, and federal governments, as well as nongovernmental funding; and
- (c) Address funding needed to support the work of the partnership, the panel, the ecosystem work group, and entities assisting in coordinating local efforts to implement the plan.

(2) In the 2008 report required under subsection (1) of this section, the council shall include recommendations for projected funding needed through 2020 to implement the action agenda; funding needs for science panel staff; identify methods to secure stable and sufficient funding to meet these needs; and include proposals for new sources of funding to be dedicated to Puget Sound protection and recovery. In preparing the science panel staffing proposal, the council shall consult with the panel.

(3) By November 1st of each odd-numbered year beginning in 2009, the council shall produce a state of the Sound report that includes, at a minimum:

(a) An assessment of progress by state and nonstate entities in implementing the action agenda, including accomplishments in the use of state funds for action agenda implementation;

(b) A description of actions by implementing entities that are inconsistent with the action agenda and steps taken to remedy the inconsistency;

(c) The comments by the panel on progress in implementing the plan, as well as findings arising from the assessment and monitoring program;

(d) A review of citizen concerns provided to the partnership and the disposition of those concerns;

(e) A review of the expenditures of funds to state agencies for the implementation of programs affecting the protection and recovery of Puget Sound, and an assessment of whether the use of the funds is consistent with the action agenda; and

(f) An identification of all funds provided to the partnership, and recommendations as to how future state expenditures for all entities, including the partnership, could better match the priorities of the action agenda.

(4)(a) The council shall review state programs that fund facilities and activities that may contribute to action agenda implementation. By November 1, 2009, the council shall provide initial recommendations regarding program changes to the governor and appropriate fiscal and policy committees of the senate and house of representatives. By November 1, 2010, the council shall provide final recommendations regarding program changes, including proposed legislation to implement the recommendation, to the governor and appropriate fiscal and policy committees of the senate and house of representatives.

(b) The review in this subsection shall be conducted with the active assistance and collaboration of the agencies administering these programs, and in consultation with local governments and other entities receiving funding from these programs:

- (i) Water pollution control facilities financing, chapter 70.146 RCW;

- (ii) The water pollution control revolving fund, chapter 90.50A RCW;
 - (iii) The public works assistance account, chapter 43.155 RCW;
 - (iv) The aquatic lands enhancement account, RCW 79.105.150;
 - (v) The state toxics control account and local toxics control account and clean-up program, chapter 70.105D RCW;
 - (vi) The acquisition of habitat conservation and outdoor recreation land, chapter 79A.15 RCW;
 - (vii) The salmon recovery funding board, RCW 77.85.110 through 77.85.150;
 - (viii) The community economic revitalization board, chapter 43.160 RCW;
 - (ix) Other state financial assistance to water quality-related projects and activities; and
 - (x) Water quality financial assistance from federal programs administered through state programs or provided directly to local governments in the Puget Sound basin.
- (c) The council's review shall include but not be limited to:
- (i) Determining the level of funding and types of projects and activities funded through the programs that contribute to implementation of the action agenda;
 - (ii) Evaluating the procedures and criteria in each program for determining which projects and activities to fund, and their relationship to the goals and priorities of the action agenda;
 - (iii) Assessing methods for ensuring that the goals and priorities of the action agenda are given priority when program funding decisions are made regarding water quality-related projects and activities in the Puget Sound basin and habitat-related projects and activities in the Puget Sound basin;
 - (iv) Modifying funding criteria so that projects, programs, and activities that are inconsistent with the action agenda are ineligible for funding;
 - (v) Assessing ways to incorporate a strategic funding approach for the action agenda within the outcome-focused performance measures required by RCW 43.41.270 in administering natural resource-related and environmentally based grant and loan programs.

(5) During the 2009-11 fiscal biennium, the council's review must result in a ranking of projects affecting the protection and recovery of the Puget Sound basin that are proposed in the governor's capital budget submitted under RCW 43.88.060. The ranking shall include recommendations for reallocation of total requested funds for Puget Sound basin projects to achieve the greatest positive outcomes for protection and recovery of Puget Sound and shall be submitted to the appropriate fiscal committees of the legislature no later than February 1, 2011.

Sec. 6014. RCW 39.10.210 and 2007 c 494 s 101 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Alternative public works contracting procedure" means the design-build, general contractor/construction manager, and job order contracting procedures authorized in RCW 39.10.300, 39.10.340, and 39.10.420, respectively.
- (2) "Board" means the capital projects advisory review board.
- (3) "Committee" means the project review committee.
- (4) "Design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.
- (5) "Total contract cost" means the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, and the percent fee on the negotiated maximum allowable construction cost.
- (6) "General contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to provide services during the design phase and to act as construction manager and general contractor during the construction phase.
- (7) "Job order contract" means a contract in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of negotiated, definitive work orders for public works as defined in RCW 39.04.010.
- (8) "Job order contractor" means a registered or licensed contractor awarded a job order contract.
- (9) "Maximum allowable construction cost" means the maximum cost of the work to construct the project including a percentage for risk contingency, negotiated support services, and approved change orders.
- (10) "Negotiated support services" means items a general contractor would normally manage or perform on a construction project including, but not limited to surveying, hoisting, safety enforcement, provision of toilet facilities, temporary heat, cleanup, and trash removal.
- (11) "Percent fee" means the percentage amount to be earned by the general contractor/construction manager as overhead and profit.
- (12) "Public body" means any general or special purpose government, including but not limited to state agencies, institutions of higher education, counties, cities, towns, ports, school districts, and special purpose districts, provided that for the 2009-2011 fiscal biennium, the definition of public body for this chapter does not include public bodies funded in section 1012 of this act if alternative requirements or procedures of federal law or regulations are authorized.
- (13) "Certified public body" means a public body certified to use design-build or general contractor/construction manager contracting procedures, or both, under RCW 39.10.270.
- (14) "Public works project" means any work for a public body within the definition of "public work" in RCW 39.04.010.
- (15) "Total project cost" means the cost of the project less financing and land acquisition costs.
- (16) "Unit price book" means a book containing specific prices, based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor. The prices may include: All the costs of materials; labor; equipment; overhead, including bonding costs; and profit for performing the items of work. The unit prices for labor must be at the rates in effect at the time the individual work order is issued.
- (17) "Work order" means an order issued for a definite scope of work to be performed pursuant to a job order contract.

Sec. 6015. RCW 39.94.040 and 2003 c 6 s 2 are each amended to read as follows:

- (1) Except as provided in RCW 28B.10.022, the state may not enter into any financing contract for itself if the aggregate principal amount payable thereunder is greater than an amount to be established from time to time by the state finance committee or participate in a program providing for the issuance of certificates of participation, including any contract for credit enhancement, without the prior approval of the state finance committee. Except as provided in RCW 28B.10.022, the state finance committee shall approve the form of all financing contracts or a standard format for all financing contracts. The state finance committee also may:

(a) Consolidate existing or potential financing contracts into master financing contracts with respect to property acquired by one or more agencies, departments, instrumentalities of the state, the state board for community and technical colleges, or a state institution of higher learning; or to be acquired by an other agency;

(b) Approve programs providing for the issuance of certificates of participation in master financing contracts for the state or for other agencies;

(c) Enter into agreements with trustees relating to master financing contracts; and

(d) Make appropriate rules for the performance of its duties under this chapter.

(2) In the performance of its duties under this chapter, the state finance committee may consult with representatives from the department of general administration, the office of financial management, and the department of information services.

(3) With the approval of the state finance committee, the state also may enter into agreements with trustees relating to financing contracts and the issuance of certificates of participation.

(4) Except for financing contracts for real property used for the purposes described under chapter 28B.140 RCW, the state may not enter into any financing contract for real property of the state without prior approval of the legislature. For the purposes of this requirement, a financing contract must be treated as used for real property if it is being entered into by the state for the acquisition of land; the acquisition of an existing building; the construction of a new building; or a major remodeling, renovation, rehabilitation, or rebuilding of an existing building. Prior approval of the legislature is not required under this chapter for a financing contract entered into by the state under this chapter for energy conservation improvements to existing buildings where such improvements include: (a) Fixtures and equipment that are not part of a major remodeling, renovation, rehabilitation, or rebuilding of the building, or (b) other improvements to the building that are being performed for the primary purpose of energy conservation. Such energy conservation improvements must be determined eligible for financing under this chapter by the office of financial management in accordance with financing guidelines established by the state treasurer, and are to be treated as personal property for the purposes of this chapter.

(5) The state may not enter into any financing contract on behalf of an other agency without the approval of such a financing contract by the governing body of the other agency.

NEW SECTION. Sec. 6016. The following acts or parts of acts are each repealed:

(1) 2009 c 497 s 1089 (uncodified);

(2) 2009 c 497 s 2030 (uncodified);

(3) 2009 c 497 s 2079 (uncodified);

(4) 2009 c 497 s 3098 (uncodified);

(5) 2009 c 497 s 4009 (uncodified);

(6) 2009 c 497 s 5043 (uncodified);

(7) 2009 c 497 s 5059 (uncodified);

(8) 2009 c 497 s 5072 (uncodified);

(9) 2009 c 497 s 5084 (uncodified);

(10) 2009 c 497 s 5098 (uncodified);

(11) 2009 c 497 s 5112 (uncodified); and

(12) RCW 39.86.200 (Ratification) and 1987 c 297 s 11.

NEW SECTION. Sec. 6017. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6018. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

50, 28B.20.725, 28B.30.750, 43.160.080, 90.71.370, 39.10.210, and 39.94.040; amending 2009 c 497 ss 1005, 1013, 1029, 1019, 1023, 1030, 1031, 1034, 1035, 1039, 1040, 1045, 1046, 1048, 1054, 1055, 1065, 1071, 1075, 1060, 1061, 1063, 1064, 1068, 1073, 1081, 1086, 1087, 2001, 2002, 2027, 2014, 2034, 2037, 2038, 2067, 2072, 2075, 2078, 2068, 2054, 2064, 3059, 3039, 3007, 3049, 3054, 3060, 3020, 3052, 3093, 3094, 3090, 3091, 3085, 3109, 3133, 3138, 3157, 3168, 3169, 3172, 3178, 3182, 3197, 3203, 4008, 5007, 5008, 5009, 5002, 5013, 5014, 5011, 5027, 5029, 5024, 5023, 5026, 5028, 5037, 5030, 5041, 5035, 5039, 5055, 5047, 5054, 5056, 5057, 5064, 5061, 5065, 5068, 5079, 5080, 5083, 5092, 5094, 5093, 5097, 5104, 5100, 5111, 5115, 5116, 5118, 5120, 5174, 5176, 5127, 5180, 5171, 5182, 5210, 5183, 5184, 5217, 5218, 5219, 5220, 5204, 5205, 5206, 5208, 5165, 5177, 5178, 5191, 5151, 5181, 5190, 5192, 5168, 5135, 5195, 5223, 5179, 5213, 5164, 5224, 5143, 5167, 6009, and 6004 (uncodified); amending 2008 c 5 s 1 (uncodified); adding new sections to 2009 c 497 (uncodified); creating a new section; repealing RCW 39.86.200; repealing 2009 c 497 ss 1089, 2030, 2079, 3098, 4009, 5043, 5059, 5072, 5084, 5098, and 5112 (uncodified); and declaring an emergency."

and the same is herewith transmitted.

Brad Hendrickson, Deputy, Secretary

THIRD READING**SENATE AMENDMENT TO HOUSE BILL**

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2836 and advanced the bill, as amended by the Senate, to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Dunshee spoke in favor of the passage of the bill.

Representatives Warnick and Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2836, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2836, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kristiansen, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Kretz.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2836, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representatives Dunshee and Warnick thanked the capital budget staff and asked the Chamber to acknowledge them.

MESSAGE FROM THE SENATE

April 12, 2010

Mr. Speaker:

The Senate has passed HOUSE BILL 3197 and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

HOUSE BILL NO. 3197
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO.
6143
ENGROSSED SUBSTITUTE SENATE BILL NO. 6444

The Speaker called upon Representative Morris to preside.

MESSAGE FROM THE SENATE

April 12, 2010

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL 6872 and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, ENGROSSED SUBSTITUTE SENATE BILL NO. 6872 was read the first time, and under suspension of the rules was placed on the second reading calendar.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6872, by Senate Committee on Ways & Means (originally sponsored by Senator Keiser)

Concerning medicaid nursing facility payments.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6872.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6872, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Armstrong, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Fagan, Herrera, Hope, Johnson, Klippert, Kristiansen, Liias, McCune, Nealey, Orcutt, Parker, Pearson, Priest, Roach, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Walsh and Williams.

Excused: Representative Kretz.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6872, having received the necessary constitutional majority, was declared passed.

HOUSE CONCURRENT RESOLUTION NO. 4410, by Representatives Kessler and Kretz

Adjourning sine die.

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of House Concurrent Resolution No. 4410.

HOUSE CONCURRENT RESOLUTION NO. 4410 was adopted.

SENATE CONCURRENT RESOLUTION NO. 8414, by Senators Brown and Hewitt

Returning bills to their house of origin.

The concurrent resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the concurrent resolution was placed on final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8414.

SENATE CONCURRENT RESOLUTION NO. 8414 was adopted.

MESSAGES FROM THE SENATE

April 12, 2010

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION 4410 and the same is herewith transmitted.

Brad Hendrickson, Deputy Secretary

April 12, 2010

Mr. Speaker:

The President has signed SENATE CONCURRENT RESOLUTION 8414 and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

ENGROSSED SUBSTITUTE HOUSE BILL 2836
HOUSE CONCURRENT RESOLUTION NO. 4410
SENATE CONCURRENT RESOLUTION NO. 8414

The Speaker called upon Representative Morris to preside.

MESSAGES FROM THE SENATE

April 12, 2010

Mr. Speaker:

The President has signed:

ENGROSSED SUBSTITUTE HOUSE BILL 2836
HOUSE CONCURRENT RESOLUTION 4410

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 12, 2010

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL 1690
ENGROSSED SUBSTITUTE HOUSE BILL 2493
SECOND SUBSTITUTE HOUSE BILL 2576
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2630
HOUSE BILL 2694
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2956
HOUSE BILL 3219

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 12, 2010

Mr. Speaker:

The President has signed:

ENGROSSED HOUSE BILL 2561
HOUSE BILL 3197

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 12, 2010

Mr. Speaker:

The President has signed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL 6409
SUBSTITUTE SENATE BILL 6727
ENGROSSED SUBSTITUTE SENATE BILL 6872

and the same are herewith transmitted.

Thomas Hoemann, Secretary

MOTIONS

On motion of Representative Kessler, the reading of the Journal of the 29th Day of the 2010 1st Special Session of the 61st Legislature was dispensed with and ordered to stand approved.

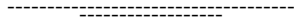
On motion of Representative Kessler, the 2010 1st Special Session of the 61st Legislature was adjourned SINE DIE.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

HOUSE LEGISLATIVE LEADERS

Sixty First Legislature
2010 Regular Session
















DEMOCRATIC LEADERSHIP















Frank Chopp	Speaker
Jeff Morris	Speaker Pro Tempore
Jim Moeller	Deputy Speaker Pro Tempore
Lynn Kessler	Majority Leader
Dawn Morrell	Majority Caucus Chair
Sharon Tomiko Santos	Majority Whip
Zachary Hudgins	Majority Floor Leader
Larry Springer	Majority Caucus Liaison
Deb Eddy	Majority Caucus Vice Chair
Tami Green	Assistant Majority Floor Leader
Kevin Van De Wege	Deputy Majority Whip
Reuven Carlyle	Assistant Majority Whip
Scott White	Assistant Majority Whip
Jim Jacks	Assistant Majority Whip















REPUBLICAN LEADERSHIP














Richard DeBolt	Minority Leader
Joel Kretz	Deputy Minority Leader
Dan Kristiansen	Minority Caucus Chair
Bill Hinkle	Minority Whip
Doug Ericksen	Minority Floor Leader
Maureen Walsh	Minority Caucus Vice Chair
Charles Ross	Assistant Minority Floor Leader
Jaime Herrera	Assistant Minority Floor Leader
Kevin Parker	Assistant Minority Whip
Mike Hope	Assistant Minority Whip
Brad Klippert	Assistant Minority Whip















2010 HOUSE MEMBERSHIP ROSTER















MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
 Alexander, Gary District 20 (R) Lewis, Thurston (P)	1997-2009	7915 Lorna Dr SE Olympia WA 98503	1944 - WA	Deputy Auditor, Finance
 Anderson, Glenn District 5 (R) King (P)	2001-2009	PO Box 1682 Issaquah WA 98027	1958 - AL	Business Consultant
 Angel, Jan District 26 (R) Kitsap (P), Pierce (P)	2009	PO Box 40600 Olympia WA 98504	1946 - CO	Legislator
 Appleton, Sherry District 23 (D) Kitsap (P)	2005-2009	PO Box 2112 Poulsbo WA 98370	1942 - RI	Legislator
 Armstrong, Mike District 12 (R) Chelan, Douglas, Grant (P), Okanogan (P)	2001-2009	PO Box 40600 Olympia WA 98504	1957 - WA	Chelan Public Utilities Dist
 Bailey, Barbara District 10 (R) Island, Skagit (P), Snohomish (P)	2003-2009	PO Box 40600 Olympia WA 98504	1944 - MI	Mgmt / Training Consultant
 Blake, Brian District 19 (D) Cowlitz (P), Grays Harbor (P), Pacific, Wahkiakum	Appt. 12/17/2002, 2003-2009	PO Box 40600 Olympia WA 98504	1960 - WA	Env. Specialist, Logger
 Campbell, Tom District 2 (R) Pierce (P), Thurston (P)	1993-1996, 1999-2009	PO Box 40600 Olympia WA 98504	1954 - NY	Chiropractic Physician
 Carlyle, Reuven District 36 (D) King (P)	2009	PO Box 40600 Olympia WA 98504	1965 - CA	Wireless Software Entrepreneur
 Chandler, Bruce District 15 (R) Clark (P), Klickitat, Skamania, Yakima (P)	1999-2009	PO Box 40600 Olympia WA 98504	1952 - WA	Orchardist
 Chase, Maralyn District 32 (D) King (P), Snohomish (P)	Appt. 1/7/2002, 2003-2009	18560 1st Ave NE Ste E-750 Shoreline WA 98155	1942 - WA	Legislator
 Chopp, Frank District 43 (D) King (P)	1995-2009	PO Box 40600 Olympia WA 98504	1953 - WA	Community Service
 Clibborn, Judy District 41 (D) King (P)	2003-2009	PO Box 40600 Olympia WA 98504	1943 - OK	Legislator















MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
 Cody, Eileen District 34 (D) King (P)	Appt. 6/2/1994, 1995-2009	5209 36th Ave SW Seattle WA 98126	1954 - IA	Registered Nurse
 Condotta, Cary District 12 (R) Chelan, Douglas, Grant (P), Okanogan (P)	2003-2009	PO Box 40600 Olympia WA 98504	1957 - WA	Self-Employer, Motor Sports Dealer
 Conway, Steve District 29 (D) Pierce (P)	Appt. 1/26/1993, 1994-2009	PO Box 40600 Olympia WA 98504	1944 - OR	Labor Relations Specialist
 Crouse, Larry District 4 (R) Spokane (P)	1995-2009	PO Box 40600 Olympia WA 98504	1944 - WA	Legislator
 Dammeier, Bruce District 25 (R) Pierce (P)	2009	2803 41 st St SE Puyallup WA 98374	1961 - WA	Small Business Owner, Printer N.W.
 Darneille, Jeannie District 27 (D) Pierce (P)	2001-2009	PO Box 7753 Tacoma WA 98417	1949 - AK	Non-profit Consultant
 DeBolt, Richard District 20 (R) Lewis, Thurston (P)	1997-2009	PO Box 40600 Olympia WA 98504	1965 - WA	Public Relations
 Dickerson, Mary Lou District 36 (D) King (P)	Appt. 11/28/1994, 1995-2009	2208 NW Market St Ste 310A Seattle WA 98107	1946 - OR	Legislator
 Driscoll, John District 6 (D) Spokane (P)	2009	PO Box 40600 Olympia WA 98504	1957 - IL	Health Care Adm.
 Dunshee, Hans District 44 (D) Snohomish (P)	1993-1994; 1997-2009	506 10th St Snohomish WA 98290	1953 - CA	Former Septic Designer
 Eddy, Deborah District 48 (D) King (P)	2007-2009	PO Box 40600 Olympia WA 98504	1950 - WV	Attorney/Legal Consultant
 Ericks, Mark District 1 (D) King (P), Snohomish (P)	2005-2009	8818 192nd St SE Snohomish WA 98296	1951 - WA	Chief of Police (Ret.)
 Ericksen, Doug District 42 (R) Whatcom (P)	1999-2009	PO Box 40600 Olympia WA 98504	1969 - WA	Legislator
 Fagan, Susan District 9 (R) Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	Appt. 12/1/2009	829 SE Edge Knoll Dr Pullman WA 99163	1947 - WA	Public Affairs Exec

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
 Finn, Fred District 35 (D) Grays Harbor (P), Kitsap (P), Mason, Thurston (P)	2009	PO Box 40600 Olympia WA 98504	1945 - NY	Attorney/Real Estate Renovator
 Flannigan, Dennis District 27 (D) Pierce (P)	2003-2009	1521 N 5th St Tacoma WA 98403	1939 - WA	Observer
 Goodman, Roger District 45 (D) King (P)	2007-2009	PO Box 40600 Olympia WA 98504	1961 – RI	Attorney
 Green, Tami District 28 (D) Pierce (P)	2005-2009	PO Box 40600 Olympia WA 98504	1959 – NE	RN/Healthcare Organizer
 Haigh, Kathy District 35 (D) Grays Harbor (P), Kitsap (P), Mason, Thurston (P)	1999-2009	81 SE Walker Park Rd Shelton WA 98584	1950 - OH	Veterinarian
 Haler, Larry District 8 (R) Benton (P)	2005-2009	719 Jadwin Ste 6 Richland WA 99352	1951 – IO	Program Manager
 Hasegawa, Bob District 11 (D) King (P)	2005-2009	PO Box 84331 Seattle WA 98124	1952 - WA	
 Herrera, Jaime District 18 (R) Clark (P), Cowlitz (P)	Appt. 11/29/2007; 2008-2009	109 SW 1 st St, Suite 262 Battle Ground WA 98604	1978 – CA	Legislator
 Hinkle, Bill District 13 (R) Grant (P), Kittitas, Yakima (P)	2003-2009	311 Anderson Ln Cle Elum WA 98922	1956 - WA	Proj Dev & Mrkting Consultant
 Hope, Mike District 44 (R) Snohomish (P)	Appt. 12/9/2008; 2009	PO Box 40600 Olympia WA 98504	1975 – OH	Police Officer Business Owner
 Hudgins, Zack District 11 (D) King (P)	Appt. 12/09/2002; 2003-2009	PO Box 40600 Olympia WA 98504	1968 – TX	High Technology Manager
 Hunt, Sam District 22 (D) Thurston (P)	2001-2009	4030 San Mar Dr NE Olympia WA 98506	1942 - MT	Retired
 Hunter, Ross District 48 (D) King (P)	2003-2009	PO Box 40600 Olympia WA 98504	1961 – PA	Retired Software Executive
 Hurst, Christopher District 31 (D) King (P), Pierce (P)	1999-2009	PO Box 40600 Olympia WA 98504	1954 - WA	Retired Police Detective

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
 Jacks, Jim District 49 (D) Clark (P)	2009	PO Box 40600 Olympia WA 98504	1970 - WA	Business Development
 Johnson, Norm District 14 (R) Yakima (P)	2009	55 W Washington Ave #83 Yakima WA 98903	1938 - WA	Retired Educator
 Kagi, Ruth District 32 (D) King (P), Snohomish (P)	1999-2009	19553 35th Ave NE Lk Forest Park WA 98155	1945 - WA	Legislator
 Kelley, Troy District 28 (D) Pierce (P)	2007-2009	PO Box 40600 Olympia WA 98504	1964 - CA	Small Business Owner
 Kenney, Phyllis Gutierrez District 46 (D) King (P)	Appt. 1/13/1997, 1998-2009	12345 30th Ave NE Ste E Seattle WA 98125	1936 - MT	Consultant, Community Relation
 Kessler, Lynn District 24 (D) Clallam, Grays Harbor (P), Jefferson	1993-2009	PO Box 40600 Olympia WA 98504	1941 - WA	Legislator
 Kirby, Steve District 29 (D) Pierce (P)	2001-2009	9415 Tacoma Ave S Tacoma WA 98444	1951 - WA	Legislator
 Klippert, Brad District 8 (R) Benton (P)	2009	1101 W Canal Dr Kennewick WA 99336	1957 - WA	Legislator
 Kretz, Joel District 7 (R) Ferry, Lincoln, Okanogan (P), Pend Oreille, Spokane (P), Stevens	2005-2009	1014 Toroda Creek Rd Wayconda WA 98859	1957 - WA	Rancher
 Kristiansen, Dan District 39 (R) King (P), Skagit (P), Snohomish (P), Whatcom (P)	2003-2009	PO Box 2007 Snohomish WA 98291	1962 - WA	Legislator
 Liias, Marko District 21 (D) Snohomish (P)	Appt. 1/7/2008; 2009	PO Box 40600 Olympia WA 98504	1981 - WA	Legislator
 Linville, Kelli District 42 (D) Whatcom (P)	1993-1994; 1997-2009	PO Box 40600 Olympia WA 98504	1948 - WA	Legislator /Small Business
 Maxwell, Marcie District 41 (D) King (P)	2009	PO Box 2048 Renton, WA 98055	1955 - WA	Realtor/Business Owner
 McCoy, John District 38 (D) Snohomish (P)	2003-2009	PO Box 40600 Olympia WA 98504	1943 - WA	General Manager


MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
 McCune, Jim District 2 (R) Pierce (P), Thurston (P)	Elected. 11/19/1997, 1998; 2005-2009	PO Box 40600 Olympia WA 98504	1950 - WA	Copper River Salmon Prod Prvdr
 Miloscia, Mark District 30 (D) King (P)	1999-2009	30720 19th Ave S Federal Way WA 98003	1958 - MS	Legislator
 Moeller, Jim District 49 (D) Clark (P)	2003-2009	PO Box 40600 Olympia WA 98504	1955 - WA	Substance Abuse Counselor
 Morrell, Dawn District 25 (D) Pierce (P)	2003-2009	2106 Manorwood Dr SE Puyallup WA 98374	1949 - ID	Registered Nurse
 Morris, Jeff District 40 (D) San Juan, Skagit (P), Whatcom (P)	1997-2009	3610 Mohawk Ct. Mount Vernon WA 98273	1964 - WA	CEO Energy Horizon
 Neally, Terry Benton (P), Columbia, Franklin (P), Walla Walla	Appt. 12/1/2009	PO Box 40600 Olympia WA 98504	1947 - WA	Attorney
 Nelson, Sharon District 34 (D) King (P)	Appt. 11/5/2007; 2009	PO Box 40600 Olympia WA 98504	1951 - MN	Legislator
 O'Brien, Al District 1 (D) King (P), Snohomish (P)	1997-2009	PO Box 40600 Olympia WA 98504	1943 - WA	Retired Seattle Police Dept.
 Orcutt, Ed District 18 (R) Clark (P), Cowlitz (P)	Appt. 1/4/2002, 2003-2009	PO Box 1280 Kalama WA 98625	1963 - ME	Consulting Forester
 Ormsby, Timm District 3 (D) Spokane (P)	Appt. 9/30/2003, 2004-2009	PO Box 40600 Olympia WA 98504	1959 - WA	Cement Mason
 Orwall, Tina District 33 (D) King (P)	2009	19005 4 th Ave SW Normandy Park WA 98166	1965 - FL	Strategic Planner
 Parker, Kevin District 6 (R) Spokane (P)	2009	8 W 28 th Ave Spokane WA 99203	1973 - OR	Business Owner
 Pearson, Kirk District 39 (R) King (P), Skagit (P), Snohomish (P), Whatcom (P)	2001-2009	105 Pearson Ln Monroe WA 98272	1958 - WA	Former Congressional Aide
 Pedersen, Jamie District 43 (D) King (P)	2007-2008	PO Box 40600 Olympia WA 98504	1968 - WA	Lawyer

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
 Pettigrew, Eric District 37 (D) King (P)	2003-2009	PO Box 28660 Seattle WA 98118	1960 - CA	Director of Urban Development
 Priest, Skip District 30 (R) King (P)	2003-2009	PO Box 40600 Olympia WA 98504	1950 - NY	Land Mgmt. & Bus. Consultant
 Probst, Tim District 17 (D) Clark (P)	2009	3205 NE 160 th St Ridgefield WA 98642	1970 - OH	CEO - WA Workforce Assn.
 Quall, Dave District 40 (D) San Juan, Skagit (P), Whatcom (P)	1993-2009	P O Box 1142 Mount Vernon WA 98273	1936 - WA	Retired
 Roach, Dan District 31 (R) King (P), Pierce (P)	2001-2009	PO Box 40600 Olympia WA 98504	1972 - CA	Owner, Roach Gymnastics, Inc.
 Roberts, Mary Helen District 21 (D) Snohomish (P)	2005-2009	3924 149th Pl SW Lynnwood WA 98087	1947 - OR	Legislator
 Rodne, Jay District 5 (R) King (P)	Appt. 1/20/2004, 2005-2009	PO Box 40600 Olympia WA 98504	1966 - MN	Attorney
 Rolfes, Christine District 23 (D) Kitsap (P)	2007-2009	PO Box 40600 Olympia WA 98504	1967 - NY	Legislator
 Ross, Charles District 14 (R) Yakima (P)	2007-2009	PO Box 845 Naches WA 98937	1971 - VA	Funeral Director
 Santos, Sharon Tomiko District 37 (D) King (P)	1999-2009	PO Box 40600 Olympia WA 98504	1961 - CA	Legislator
 Schmick, Joe District 9 (R) Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	Appt. 11/26/2007; 2008-2009	PO Box 40600 Olympia WA 98504	1958 - WA	Farmer
 Seaquist, Larry District 26 (D) Kitsap (P), Pierce (P)	2007-2009	PO Box 40600 Olympia WA 98504	1938 - ID	Writer
 Sells, Mike District 38 (D) Snohomish (P)	2005-2009	2812 Lombard Ave. Ste 210 Everett WA 98201	1945 - WA	Labor Official
 Shea, Matthew District 4 (R) Spokane (P)	2009	17828 E Elliot Rd Mead WA 99021	1974 - WA	Attorney

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
 Short, Shelly District 7 (R) Ferry, Lincoln, Okanogan (P), Pend Oreille, Spokane (P), Stevens	2009	PO Box 40600 Olympia WA 98504	1962 - WA	Legislator
 Simpson, Geoff District 47 (D) King (P)	2001-2009	16624 SE 254th Pl Covington WA 98042	1962 - WA	Fire Fighter
 Smith, Norma District 10 (R) Island, Skagit (P), Snohomish (P)	Appt. 1/8/2008; 2009	PO Box 40600 Olympia WA 98504	1951 - FL	Communications
 Springer, Larry District 45 (D) King (P)	2005-2009	700 20th Ave West Kirkland WA 98033	1947 - WA	Retail Store Owner
 Sullivan, Pat District 47 (D) King (P)	2005-2009	26513 168th Pl SE Covington WA 98042	1962 - MT	Legislator
 Takko, Dean District 19 (D) Cowlitz (P), Grays Harbor (P), Pacific, Wahkiakum	Appt. 12/21/2004, 2005- 2009	PO Box 40600 Olympia WA 98504	1950 - WA	Legislator
 Taylor, David District 15 (R) Clark (P), Klickitat, Skamania, Yakima (P)	Appt. 3/30/2009	PO Box 40600 Olympia WA 98504	1972 -- WA	Consultant
 Upthegrove, Dave District 33 (D) King (P)	Appt. 1/7/2002, 2003-2009	21925 7th Ave S Apt 119 Des Moines WA 98198	1971 - WA	Legislator
 Van De Wege, Kevin District 24 (D) Clallam, Grays Harbor (P), Jefferson	2007-2009	PO Box 40600 Olympia WA 98504	1974 - WA	Firefighter/Paramedic
 Wallace, Deb District 17 (D) Clark (P)	2003-2009	822 NE 130th Ct Vancouver WA 98684	1957 - WA	Economic Development Director
 Walsh, Maureen District 16 (R) Benton (P), Columbia, Franklin (P), Walla Walla	2005-2009	1227 Murphy Lane SE College Place WA 99324	1960 - OH	Small Business Owner
 Warnick, Judy District 13 (R) Grant (P), Kittitas, Yakima (P)	2007-2009	PO Box 40600 Olympia WA 98504	1950 - WA	Small Business Owner
 White, Scott District 46 (D) King (P)	2009	9009 27 th Ave NE Seattle WA 98115	1970 - WA	Legislator
 Williams, Brendan District 22 (D) Thurston (P)	2005-2009	PO Box 40600 Olympia WA 98504	1968 - OR	Attorney

HOUSE MEMEBERSHIP ROSTER

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MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR BIRTH PLACE	OCCUPATION
 Wood, Alex District 3 (D) Spokane (P)	1997-2009	935 W Glass Ave Apt 103 Spokane WA 99205	1946 - Canada	Legislator

BILLS, MEMORIALS AND RESOLUTIONS PASSED

*indicates multiple effective dates

Sixty First Legislature
2010 Regular Session

Chapter	Bill	Description	Effective	Veto
	E2SHB 1096	Small business/st purchasing		Vetoed
	HB 2575	Capital projects review brd		Vetoed
	SSB 6343	WA food policy forum		Vetoed
	2SSB 6575	Underground economy		Vetoed
1	SSB 6382	State govt compensation	2/15/2010	
2	SHB 2998	Suspending monetary awards	2/15/2010	
3	ESHB 2921	Operating supp 2010	2/15/2010 *	
4	ESSB 6130	Initiative measure no. 960	2/24/2010	
5	ESB 5041	Veteran-owned businesses	6/10/2010	
6	SSB 5046	Symphony musicians	6/10/2010	
7	ESSB 6241	Community facilities distr's	6/10/2010	
8	SSB 6239	Gender-based terms	6/10/2010 *	
9	ESB 5516	Drug overdose prevention	6/10/2010	
10	SB 5582	Chief for a day program	6/10/2010	
11	SSB 6831	Estates and trusts	3/10/2010	
12	2ESB 5617	Early learning council	6/10/2010	
13	SSB 6197	Group life insurance	6/10/2010	
14	SSB 6211	Agricultural scenic corridor	6/10/2010	
15	SSB 6213	Railroad grade crossings	6/10/2010	
16	SB 6227	Opticianry students	6/10/2010	
17	SB 6229	Dairy inspection program	6/10/2010	
18	SSB 6251	Surplus line brokers	7/26/2010	
19	SSB 6271	Annexations by cities	6/10/2010	
20	E2SHB 1418	Dropout reengagement system	6/10/2010	
21	SHB 1545	Higher education annuities	6/10/2010	
22	SHB 2789	Underground economy activity	6/10/2010	
23	HB 1576	Tax on marine fuel	6/10/2010	
24	ESHB 2399	Solid waste collection	7/1/2010	
25	SHB 2649	Unemployment insurance/RCW	6/10/2010 *	
26	HB 2406	Joint leg audit & review com	6/10/2010	
27	SHB 2585	Insurance, generally	6/10/2010	
28	SHB 2422	Escape notice requirements	6/10/2010	
29	HB 2428	Locating surplus funds/fees	6/10/2010	
30	SHB 2704	WA main street program	7/1/2010	
31	SHB 2429	Resale of motor vehicles	6/10/2010	
32	ESHB 2496	Ballot design	6/10/2010	
33	SHB 2546	Electrical trainee training	7/1/2011	
34	ESHB 2564	Escrow agents	6/10/2010	
35	HB 2608	Residential mortgage loaning	7/1/2010	
36	SSB 6298	Public funds/credit unions	7/1/2011	
37	SHB 2661	WSU extension energy program	6/10/2010	
38	EHB 2667	Forest fire response	6/10/2010	
39	SHB 2678	Nonprofit race meets	6/10/2010	
40	SHB 2684	Opportunity centers	6/10/2010	
41	HB 2877	Educational employees/stock	6/10/2010	
42	SHB 3145	Wage complaints	6/10/2010	
43	SB 6209	Park & ride lots/road funds	6/10/2010	
44	SSB 6273	Durable medical equipment	6/10/2010	
45	SB 6275	Harbor lines	6/10/2010	
46	ESSB 6286	Flood control zone districts	6/10/2010	
47	SB 6288	Criminal background checks	6/10/2010	
48	SB 6330	Human trafficking posters	6/10/2010	
49	SB 6450	Court reporters	6/10/2010	
50	SB 6453	LEOFF plan 2 shared leave	6/10/2010	
51	SB 6467	Honorary degrees	6/10/2010	
52	2SHB 2396	Emer cardiac & stroke care	6/10/2010	
53	HB 2465	Breath test instruments	6/10/2010	
54	SHB 2487	Deferred prosecution costs	6/10/2010	

Chapter	Bill	Description	Effective	Veto
55	SHB 2555	L & I subpoenas/electricians	6/10/2010	
56	HB 2592	Impounds/incentive towing	6/10/2010	
57	HB 2598	Dredged riverbed materials	6/10/2010	
58	HB 2707	PUD commissioner	6/10/2010	
59	HB 2740	Land use decision	6/10/2010	
60	HB 2823	Retirees resuming service	6/10/2010	
61	HB 2858	Higher education purchasing	6/10/2010	
62	SB 6279	Regional transit facilities	6/10/2010	
63	ESB 6287	Annexation to fire district	3/15/2010	
64	SSB 6749	Commercial real estate	6/10/2010	
65	SB 6297	Speech-language pathology	6/10/2010 *	
66	SSB 6299	Animal inspection	6/10/2010	
67	ESSB 6306	Crop adjusters	6/27/2011	
68	SSB 6341	Food assistance/dept of ag	7/1/2010	
69	SSB 6367	Agency web sites/pub records	6/10/2010	
70	SSB 6556	Agricultural burning fees	6/10/2010	
71	SSB 6357	Academic credit/experiences	6/10/2010	
72	SSB 6524	Unemployment insurance rates	6/10/2010 *	
73	SSB 6371	Money transmitters	6/10/2010	
74	SSB 6577	Transportation policy goals	6/10/2010	
75	SSB 6342	Washington soldiers' home	6/10/2010	
76	SB 6365	Motor vehicle emissions exem	6/10/2010	
77	SSB 6510	State route 166 extension	6/10/2010	
78	SB 6543	Tree fruit research comm	6/10/2010	
79	SSB 6544	Plat approval time limits	6/10/2010	
80	SB 6546	PERS/dir. of fire protection	3/17/2010	
81	SB 6555	State route number 908	6/10/2010	
82	SSB 6558	Railroad crossing petitions	6/10/2010	
83	SB 6627	Prescriptions by ARNPs	6/10/2010	
84	SSB 6634	Dairy nutrient mgmt records	6/10/2010 *	
85	SSB 6591	Human rights commission	6/10/2010	
86	HB 1080	Fire protection facilities	6/10/2010	
87	EHB 2830	Credit union regulation	3/17/2010	
88	EHB 2831	Banks and trust companies	3/17/2010	
89	ESHB 3032	Normal wear & tear/vehicles	6/10/2010	
90	2EHB 1876	Disabled veterans/donations	6/10/2010	
91	SHB 2403	Military leave/pub employees	6/10/2010	
92	SHB 2430	Cardio invasive specialists	6/10/2010	
93	HB 2419	Foreign and alien insurers	6/10/2010	
94	HB 2490	Intellectual disabilities	6/10/2010	
95	HB 2510	Public hospital districts	6/10/2010	
96	SHB 2515	Biodiesel fuel labeling	6/10/2010	
97	ESHB 2842	Insurer receiverships	6/10/2010	
98	HB 2861	Certified court reporters	6/10/2010	
99	ESHB 2913	High school programs	6/10/2010 *	
100	HB 2996	OSPI record check info rules	6/10/2010	
101	SB 6540	Combined fund drive	6/10/2010	
102	SHB 2990	Water-sewer districts	6/10/2010	
103	HB 1541	Half-time edu employment	6/10/2010	
104	E2SHB 1560	Higher ed collec bargaining	6/10/2010	
105	2SHB 1591	Trans benefit district funds	6/10/2010	
106	E2SHB 1597	Tax programs administration	7/1/2010 *	
107	EHB 1653	Shoreline & growth mgmt acts	3/18/2010	
108	SHB 1913	Process servers	6/10/2010	
109	HB 2460	Organic products	6/10/2010	
110	HB 2521	Health plan conversion right	6/10/2010	
111	SHB 2620	Excise taxation	7/1/2010	
112	SHB 2758	Wholesale sales/excise tax	6/10/2010 *	
113	SHB 2828	Hospital infection reports	3/18/2010	
114	SHB 3066	Tax reporting surveys	6/10/2010	
115	SB 6218	Financing contracts payment	6/10/2010	
116	SSB 6337	Inmate savings accounts	7/1/2010	
117	SSB 6356	Access to emergency vehicles	6/10/2010	
118	SSB 6395	Rights of speech & petition	6/10/2010	
119	SSB 6398	Threat/malicious harassment	6/10/2010	

Chapter	Bill	Description	Effective	Veto
120	SSB 6674	Motor carrier liability	6/10/2010	
121	SB 6487	Chiropractic service/payment	6/10/2010	
122	E2SSB 6504	Crime victims' compensation	6/10/2010 *	
123	SB 6745	Veterinary technicians	6/10/2010 *	
124	SSB 6816	Farm implement permits	6/10/2010	
125	HB 1880	Ballot envelopes	6/10/2010	PV
126	2SHB 2481	DNR forest biomass agreemnts	6/10/2010 *	
127	ESHB 3179	Local excise tax provisions	6/10/2010	
128	SSB 5295	Publ records exemptions comm	6/10/2010	
129	ESSB 5529	Architects	6/10/2010 *	
130	ESSB 5543	Mercury reduction	6/10/2010	
131	ESSB 5704	Flood district creation	6/10/2010	
132	2ESSB 5742	Crime-free rental housing	6/10/2010	
133	SSB 6202	Vulnerable adults	6/10/2010	
134	SSB 6192	Juvenile cases/restitution	6/10/2010	
135	ESB 6261	Utility services collections	6/10/2010	
136	SB 6418	Annexation to fire prot dist	6/10/2010	
137	SB 6206	Tax incentive accountability	6/10/2010	
138	SSB 6208	Temp ag directional signs	6/10/2010	
139	SB 6219	Certif of deposit investment	6/10/2010	
140	SSB 6248	Bisphenol A	6/10/2010	
141	SSB 6329	Beer and wine tasting	6/10/2010	
142	SSB 6332	Human trafficking	6/10/2010	
143	SSB 6340	Forensic investigation councl	6/10/2010	
144	SSB 6346	Electric vehicles	6/10/2010	
145	SSB 6350	Marine waters management	6/10/2010	
146	SSB 6373	Greenhouse gas emissions	6/10/2010	
147	SSB 6557	Brake friction material	6/10/2010	
148	SSB 6459	Rental property inspection	6/10/2010	
149	ESB 6764	Judgments/tortious conduct	6/10/2010	
150	E2SSB 6561	Juvenile offender records	6/10/2010	
151	E2SHB 1149	Security breach protection	7/1/2010	
152	SHB 2527	Energy facil site eval councl	6/10/2010	
153	ESHB 2538	High-density urban developmnt	6/10/2010	
154	E2SHB 2539	Source separated materials	6/10/2010	
155	HB 3007	Airport property rental	6/10/2010	
156	HB 2697	Real estate broker licensure	7/1/2010	
157	HB 2734	Community health centers	6/10/2010	
158	SHB 2745	Lead-based paint program	6/10/2010	
159	SHB 3105	Alternative fuel vehicles	6/10/2010	
160	SSB 6349	Farm internship program	6/10/2010	PV
161	SB 6379	Vehicles & vessels	7/1/2011 *	
162	2SSB 6578	Multiagency permitting teams	3/22/2010	
163	SB 6401	General contractor projects	6/10/2010	
164	E2SSB 6609	Local govt infrastructure	6/10/2010	
165	2SSB 6667	Business assistance programs	6/10/2010	
166	2SSB 6679	Export finance assist center	6/10/2010	
167	SSB 6692	Electric generation/biomass	6/10/2010	
168	ESSB 6724	Shared leave program	3/23/2010	
169	ESSB 6582	Nursing assistant credential	6/10/2010	
170	SSB 6647	Civil air patrol/emergencies	6/10/2010	
171	SB 6804	Gambling treatmnt/DSHS rules	6/10/2010	
172	ESHB 1714	Association health plans	6/10/2010	
173	HB 2540	Licensure of dentists	6/10/2010	
174	2SHB 2551	WA vaccine association	3/23/2010	
175	ESHB 1956	Homeless person encampments	6/10/2010	
176	SHB 2596	Child advocacy centers	6/10/2010	
177	SHB 2443	Controlled substances act	6/10/2010	
178	ESHB 2547	Motor vehicle franchises	6/10/2010	
179	ESHB 3040	Appraisal mgmt companies	7/1/2011	
180	HB 2735	Children/dependency matters	6/10/2010	
181	ESHB 2747	Use of restraints	6/10/2010	
182	E2SHB 2961	Tracking ephedrine, etc.	6/10/2010	
183	HB 2973	Resident students/military	6/10/2010	
184	HB 1966	Drivers & wheelchair users	8/1/2010	

Chapter	Bill	Description	Effective	Veto
185	2SHB 1761	Ethical use/legisl web sites	6/10/2010	
186	SHB 2402	Farmers market/property tax	6/10/2010	
187	SHB 2420	Industries/working land base	6/10/2010	
188	ESHB 2541	Forest products industry	6/10/2010	
189	SHB 2503	Natural resources board	6/10/2010	
190	ESHB 2518	Interpreter oath requiremnts	6/10/2010	
191	HB 2681	Compensation for p-t judges	6/10/2010	
192	SHB 2525	Public facilities districts	6/10/2010	
193	SHB 2593	F & W dept. shellfish mgmt	6/10/2010	
194	2SHB 2603	Small businesses/compliance	6/10/2010	
195	SHB 2651	Port districts/job training	6/10/2010	
196	SHB 2657	Limited liability companies	6/10/2010	
197	HB 2659	Timber purchase reporting	6/10/2010	
198	HB 2748	Public port association dues	6/10/2010	
199	ESHB 2925	Hydroelectric facilities	6/10/2010	PV
200	SHB 2962	County treasurers/prop taxes	6/10/2010	
201	HB 3030	Irrigation district admin	6/10/2010	
202	ESSB 6658	Community solar projects	6/10/2010	
203	SSB 6520	William D. Ruckelshaus Ctr	6/10/2010	
204	2SHB 2016	Campaign laws	3/25/2010 *	PV
205	SB 6243	Pub disclosure comm filings	6/10/2010	
206	SSB 6344	Campaign contribution limits	6/10/2010	
207	SSB 6688	Nonpartisan elective office	6/10/2010	
208	SHB 2533	Persons not guilty/insanity	6/10/2010	
209	ESHB 2876	Pain management	6/10/2010	PV
210	SHB 2935	Hearing brds/envir, land use	7/1/2010 *	
211	SSB 6214	Growth mgmt hearings boards	7/1/2010	
212	SHB 3046	Nonprofit corporations	3/25/2010	
213	HB 3061	Industrial insurance	6/10/2010	
214	SHB 3124	DUI with child in car/report	6/10/2010	
215	ESSB 5902	Persons with disabilities	6/10/2010	
216	SSB 6611	Comprehensive land use plan	6/10/2010	
217	SSB 6207	Golf cart zones/local govts	6/10/2010	PV
218	SB 6308	Sp commitment ctr computers	6/10/2010	
219	SB 6481	Forest practice jurisdiction	6/10/2010	
220	ESSB 6522	Accountable care projects	6/10/2010	
221	SB 6826	Subagent service fees	6/10/2010	PV
222	SB 6833	State treasurer/funds, accts	6/10/2010	
223	SSB 6345	Wireless communications	6/10/2010	
224	SSB 6639	Confinement alternatives	6/10/2010	
225	SSB 6339	Wax and ceramic materials	7/1/2010	
226	2SSB 6702	Juveniles in adult jails	6/10/2010	
227	ESHB 2424	Sexual exploitation/children	6/10/2010	
228	SHB 2686	Dental services not covered	6/10/2010	
229	ESHB 2752	Safety of runaway youth	6/10/2010	
230	ESHB 2560	Joint underwriting assn's	3/29/2010	
231	2SHB 2731	At-risk children program	6/10/2010	PV
232	2SHB 2867	Early learning	6/10/2010	
233	SB 6593	Infant & toddler program	7/1/2010	
234	SSB 6759	Voluntary early learning	6/10/2010	
235	E2SSB 6696	Education reform	6/10/2010	
236	SHB 2776	K-12 education funding	6/10/2010 *	PV
237	SHB 2893	School levies	3/29/2010 *	PV
238	HB 2621	K-12 schools resource progs	6/10/2010	
239	SHB 2801	Antiharassment strategies	6/10/2010	
240	E2SHB 3026	State & fed civil rights law	6/10/2010 **	
241	SHB 3036	School district debt	6/10/2010	
242	SSB 6363	School crosswalk violations	7/1/2010	
243	ESSB 6403	Vulnerable students	6/10/2010	PV
244	ESSB 6604	Student learning plans	6/10/2010	
245	SSB 6355	Higher education system	6/10/2010	
246	ESSB 6359	Cmty & tech college system	6/10/2010	
247	ESSB 6381	Trans supp budget 2009-11	3/30/2010	PV
248	ESSB 6392	SR 520 tolling revenue use	6/10/2010	PV
249	ESSB 6499	Tolls: collection, use, etc.	6/10/2010 **	

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Chapter	Bill	Description	Effective	Veto
250	ESSB 6774	Transp benefit districts	6/10/2010	
251	SHB 2179	Transportation improvements	6/10/2010	
252	ESHB 2464	Vehicles in emergency zones	1/1/2011	
253	SHB 2939	Driver abstract/not at fault	10/31/2010	PV
254	HB 2625	Bail for felony offenses	1/1/2011 *	
255	SSB 6293	Criminal assistance/1st deg	6/10/2010	
256	SSB 6673	Bail practices task force	6/10/2010	
257	E2SHB 1317	Criminal justice employees	6/10/2010	
258	SSB 6548	Suspending parole, probation	6/10/2010 *	
259	SHB 1679	Public safety personnel	6/10/2010	
260	SHB 2196	Military service credit	6/10/2010	
261	EHB 2519	Pub safety employee benefits	6/10/2010	
262	SHB 2717	Leave from state facilities	6/10/2010	
263	ESB 6610	Persons w/ mental illnesses	6/10/2010	
264	SHB 2226	Retired law enforcement	6/10/2010	
265	SHB 2534	Verifying offender addresses	6/10/2010	
266	SSB 6361	Sex offender notification	6/10/2010	
267	SSB 6414	Offender registration	6/10/2010	
268	SHB 2466	Ignition interlock devices	6/10/2010	
269	2SHB 2742	DUI accountability	1/1/2011	
270	2SHB 2436	Vehicle license fraud	7/1/2010	
271	E2SHB 2658	Refocusing dept. of commerce	7/1/2010	PV
272	SHB 2680	Guardianship program	6/10/2010	
273	E2SHB 3141	Delivery of TANF	6/10/2010	PV
274	ESHB 2777	Domestic violence provisions	6/10/2010	PV
275	SHB 2775	State building code council	6/10/2010	
276	EHB 2805	Public works/off-site prefab	6/10/2010	
277	SHB 2841	Std health questionnaire	6/10/2010	
278	ESHB 2986	Pub trans governing bodies	6/10/2010	
279	SHB 3016	Child support orders	6/10/2010	
280	2SHB 3076	Involuntary treatment act	6/10/2010 **	
281	SB 6855	Community center taxation	6/10/2010	
282	ESHB 3178	State govt technology use	6/10/2010 **	PV
283	ESHB 3209	Managing ferry system costs	4/1/2010	PV
284	SSB 5798	Medical marijuana	6/10/2010	
285	E2SSB 6267	Water right processing	6/10/2010	PV
286	SSB 6280	East Asian medicine	6/10/2010 *	
287	ESSB 6468	Weatherization/residential	6/10/2010	
288	SSB 6470	Indian children/dependency	6/10/2010	
289	ESSB 6476	Sex crimes involving minors	6/10/2010 *	PV
290	SSB 6485	Craft distilleries	6/10/2010	
291	SSB 6832	Child welfare services	6/10/2010	
292	ESSB 6538	Small groups/insurance	6/10/2010 **	
293	SSB 6584	State health care authority	6/10/2010	
294	SSB 6590	Law enf officer conduct	6/10/2010	
295	SSB 6614	Bonneville power admin	6/10/2010	
296	ESSB 6726	Language access providers	6/10/2010	PV

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Sixty First Legislature

2010 First Special Session

Chapter	Bill	Description	Effective	Note
1 X1	ESSB 6789	Equipment in data centers	4/1/2010	
2 X1	EHB 2672	Aluminum smelters/tax relief	Contingency	
3 X1	EHB 2360	AIDS grants/dept of health	Contingency	

4 X1	HB 2676	Energy conservation loans	Contingency	
5 X1	HB 2677	Water conservation loans	Contingency	
6 X1	ESHB 2753	WA works housing program	Contingency	
7 X1	E2SHB 2617	Boards and commissions	6/10/2010 *	
8 X1	E2SHB 2782	Security lifeline act	3/29/2010 *	PV
9 X1	SSB 6572	Eliminating accounts	7/1/2010	PV
10 X1	2ESB 6221	Local govt investment pool	7/13/2010	
11 X1	SSB 6712	Extending tax incentives	7/13/2010	
12 X1	ESSB 6737	Air ambulance tax exemption	7/13/2010	
13 X1	2SSB 6675	Global health program	7/13/2010	
14 X1	SSB 6706	Research at st. universities	7/13/2010	
15 X1	SSB 6889	Convention and trade center	7/13/2010	
16 X1	ESHB 3014	Rural co. investmnt projects	7/1/2010 *	
17 X1	SHB 3201	Infant disorders screening	7/13/2010	
18 X1	SB 6220	State indebtedness/evidences	7/13/2010	
19 X1	SSB 6846	Enhanced 911 services	10/1/2010 *	
20 X1	SSB 6884	Practice of counseling	4/13/2010	
21 X1	EHB 1690	Public works projects	7/13/2010	
22 X1	ESHB 2493	Cigarette & tobacco taxation	5/1/2010	
23 X1	2ESSB 6143	Excise tax law modifications	Contingency	
24 X1	E2SHB 2630	Opportunity express program	7/13/2010	PV
25 X1	HB 2694	BS in nursing/University Ctr	7/1/2010 **	
26 X1	HB 3219	RCW technical corrections	7/13/2010 *	PV
27 X1	E2SSB 6409	Opportunity pathways account	7/13/2010	PV
28 X1	ESB 6870	Sexually violent predators	7/13/2010	
29 X1	2SHB 2576	Fees/corporations, charities	7/13/2010	
30 X1	E2SHB 2956	Hospital safety net	4/27/2010	
31 X1	HB 3197	Budget stabilization account	7/13/2010	
32 X1	ESSB 6503	Closing state agencies	4/27/2010	PV
33 X1	SSB 6727	Health sciences and services	7/13/2010	
34 X1	ESSB 6872	Nursing facilities/medicaid	7/1/2010 *	PV
35 X1	EHB 2561	Energy cost savings & jobs	7/13/2010 **	
36 X1	ESHB 2836	Capital supp budget 2010	5/4/2010	PV
37 X1	ESSB 6444	Operating supp budget 2010	5/4/2010	PV

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Sixty First Legislature

2010 Regular Session

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	E2SHB 1096	Small business/st purchasing		Vetoed
	HB 2575	Capital projects review brd		Vetoed
	SSB 6343	WA food policy forum		Vetoed
	2SSB 6575	Underground economy		Vetoed
1	SSB 6382	State govt compensation	2/15/2010	
2	SHB 2998	Suspending monetary awards	2/15/2010	
3	ESHB 2921	Operating supp 2010	2/15/2010 *	
4	ESSB 6130	Initiative measure no. 960	2/24/2010	
5	ESB 5041	Veteran-owned businesses	6/10/2010	
6	SSB 5046	Symphony musicians	6/10/2010	
7	ESSB 6241	Community facilities distr's	6/10/2010	
8	SSB 6239	Gender-based terms	6/10/2010 *	
9	ESB 5516	Drug overdose prevention	6/10/2010	
10	SB 5582	Chief for a day program	6/10/2010	
11	SSB 6831	Estates and trusts	3/10/2010	
12	2ESB 5617	Early learning council	6/10/2010	
13	SSB 6197	Group life insurance	6/10/2010	
14	SSB 6211	Agricultural scenic corridor	6/10/2010	
15	SSB 6213	Railroad grade crossings	6/10/2010	
16	SB 6227	Opticianry students	6/10/2010	
17	SB 6229	Dairy inspection program	6/10/2010	
18	SSB 6251	Surplus line brokers	7/26/2010	
19	SSB 6271	Annexations by cities	6/10/2010	
20	E2SHB 1418	Dropout reengagement system	6/10/2010	
21	SHB 1545	Higher education annuities	6/10/2010	
22	SHB 2789	Underground economy activity	6/10/2010	
23	HB 1576	Tax on marine fuel	6/10/2010	
24	ESHB 2399	Solid waste collection	7/1/2010	
25	SHB 2649	Unemployment insurance/RCW	6/10/2010 *	
26	HB 2406	Joint leg audit & review com	6/10/2010	
27	SHB 2585	Insurance, generally	6/10/2010	
28	SHB 2422	Escape notice requirements	6/10/2010	
29	HB 2428	Locating surplus funds/fees	6/10/2010	
30	SHB 2704	WA main street program	7/1/2010	
31	SHB 2429	Resale of motor vehicles	6/10/2010	
32	ESHB 2496	Ballot design	6/10/2010	
33	SHB 2546	Electrical trainee training	7/1/2011	
34	ESHB 2564	Escrow agents	6/10/2010	
35	HB 2608	Residential mortgage loaning	7/1/2010	
36	SSB 6298	Public funds/credit unions	7/1/2011	
37	SHB 2661	WSU extension energy program	6/10/2010	
38	EHB 2667	Forest fire response	6/10/2010	
39	SHB 2678	Nonprofit race meets	6/10/2010	
40	SHB 2684	Opportunity centers	6/10/2010	
41	HB 2877	Educational employees/stock	6/10/2010	
42	SHB 3145	Wage complaints	6/10/2010	

Chapter	Bill	Description	Effective	Veto
43	SB 6209	Park & ride lots/road funds	6/10/2010	
44	SSB 6273	Durable medical equipment	6/10/2010	
45	SB 6275	Harbor lines	6/10/2010	
46	ESSB 6286	Flood control zone districts	6/10/2010	
47	SB 6288	Criminal background checks	6/10/2010	
48	SB 6330	Human trafficking posters	6/10/2010	
49	SB 6450	Court reporters	6/10/2010	
50	SB 6453	LEOFF plan 2 shared leave	6/10/2010	
51	SB 6467	Honorary degrees	6/10/2010	
52	2SHB 2396	Emer cardiac & stroke care	6/10/2010	
53	HB 2465	Breath test instruments	6/10/2010	
54	SHB 2487	Deferred prosecution costs	6/10/2010	
55	SHB 2555	L & I subpoenas/electricians	6/10/2010	
56	HB 2592	Impounds/incentive towing	6/10/2010	
57	HB 2598	Dredged riverbed materials	6/10/2010	
58	HB 2707	PUD commissioner	6/10/2010	
59	HB 2740	Land use decision	6/10/2010	
60	HB 2823	Retirees resuming service	6/10/2010	
61	HB 2858	Higher education purchasing	6/10/2010	
62	SB 6279	Regional transit facilities	6/10/2010	
63	ESB 6287	Annexation to fire district	3/15/2010	
64	SSB 6749	Commercial real estate	6/10/2010	
65	SB 6297	Speech-language pathology	6/10/2010 *	
66	SSB 6299	Animal inspection	6/10/2010	
67	ESSB 6306	Crop adjusters	6/27/2011	
68	SSB 6341	Food assistance/dept of ag	7/1/2010	
69	SSB 6367	Agency web sites/pub records	6/10/2010	
70	SSB 6556	Agricultural burning fees	6/10/2010	
71	SSB 6357	Academic credit/experiences	6/10/2010	
72	SSB 6524	Unemployment insurance rates	6/10/2010 *	
73	SSB 6371	Money transmitters	6/10/2010	
74	SSB 6577	Transportation policy goals	6/10/2010	
75	SSB 6342	Washington soldiers' home	6/10/2010	
76	SB 6365	Motor vehicle emissions exem	6/10/2010	
77	SSB 6510	State route 166 extension	6/10/2010	
78	SB 6543	Tree fruit research comm	6/10/2010	
79	SSB 6544	Plat approval time limits	6/10/2010	
80	SB 6546	PERS/dir. of fire protection	3/17/2010	
81	SB 6555	State route number 908	6/10/2010	
82	SSB 6558	Railroad crossing petitions	6/10/2010	
83	SB 6627	Prescriptions by ARNPs	6/10/2010	
84	SSB 6634	Dairy nutrient mgmt records	6/10/2010 *	
85	SSB 6591	Human rights commission	6/10/2010	
86	HB 1080	Fire protection facilities	6/10/2010	
87	EHB 2830	Credit union regulation	3/17/2010	
88	EHB 2831	Banks and trust companies	3/17/2010	
89	ESHB 3032	Normal wear & tear/vehicles	6/10/2010	
90	2EHB 1876	Disabled veterans/donations	6/10/2010	
91	SHB 2403	Military leave/pub employees	6/10/2010	
92	SHB 2430	Cardio invasive specialists	6/10/2010	
93	HB 2419	Foreign and alien insurers	6/10/2010	
94	HB 2490	Intellectual disabilities	6/10/2010	
95	HB 2510	Public hospital districts	6/10/2010	
96	SHB 2515	Biodiesel fuel labeling	6/10/2010	
97	ESHB 2842	Insurer receiverships	6/10/2010	
98	HB 2861	Certified court reporters	6/10/2010	
99	ESHB 2913	High school programs	6/10/2010 *	
100	HB 2996	OSPI record check info rules	6/10/2010	

Chapter	Bill	Description	Effective	Veto
101	SB 6540	Combined fund drive	6/10/2010	
102	SHB 2990	Water-sewer districts	6/10/2010	
103	HB 1541	Half-time edu employment	6/10/2010	
104	E2SHB 1560	Higher ed collec bargaining	6/10/2010	
105	2SHB 1591	Trans benefit district funds	6/10/2010	
106	E2SHB 1597	Tax programs administration	7/1/2010 *	
107	EHB 1653	Shoreline & growth mgmt acts	3/18/2010	
108	SHB 1913	Process servers	6/10/2010	
109	HB 2460	Organic products	6/10/2010	
110	HB 2521	Health plan conversion right	6/10/2010	
111	SHB 2620	Excise taxation	7/1/2010	
112	SHB 2758	Wholesale sales/excise tax	6/10/2010 *	
113	SHB 2828	Hospital infection reports	3/18/2010	
114	SHB 3066	Tax reporting surveys	6/10/2010	
115	SB 6218	Financing contracts payment	6/10/2010	
116	SSB 6337	Inmate savings accounts	7/1/2010	
117	SSB 6356	Access to emergency vehicles	6/10/2010	
118	SSB 6395	Rights of speech & petition	6/10/2010	
119	SSB 6398	Threat/malicious harassment	6/10/2010	
120	SSB 6674	Motor carrier liability	6/10/2010	
121	SB 6487	Chiropractic service/payment	6/10/2010	
122	E2SSB 6504	Crime victims' compensation	6/10/2010 *	
123	SB 6745	Veterinary technicians	6/10/2010 *	
124	SSB 6816	Farm implement permits	6/10/2010	
125	HB 1880	Ballot envelopes	6/10/2010	PV
126	2SHB 2481	DNR forest biomass agreemnts	6/10/2010 *	
127	ESHB 3179	Local excise tax provisions	6/10/2010	
128	SSB 5295	Publ records exemptions comm	6/10/2010	
129	ESSB 5529	Architects	6/10/2010 *	
130	ESSB 5543	Mercury reduction	6/10/2010	
131	ESSB 5704	Flood district creation	6/10/2010	
132	2ESSB 5742	Crime-free rental housing	6/10/2010	
133	SSB 6202	Vulnerable adults	6/10/2010	
134	SSB 6192	Juvenile cases/restitution	6/10/2010	
135	ESB 6261	Utility services collections	6/10/2010	
136	SB 6418	Annexation to fire prot dist	6/10/2010	
137	SB 6206	Tax incentive accountability	6/10/2010	
138	SSB 6208	Temp ag directional signs	6/10/2010	
139	SB 6219	Certif of deposit investment	6/10/2010	
140	SSB 6248	Bisphenol A	6/10/2010	
141	SSB 6329	Beer and wine tasting	6/10/2010	
142	SSB 6332	Human trafficking	6/10/2010	
143	SSB 6340	Forensic investigation counc	6/10/2010	
144	SSB 6346	Electric vehicles	6/10/2010	
145	SSB 6350	Marine waters management	6/10/2010	
146	SSB 6373	Greenhouse gas emissions	6/10/2010	
147	SSB 6557	Brake friction material	6/10/2010	
148	SSB 6459	Rental property inspection	6/10/2010	
149	ESB 6764	Judgments/tortious conduct	6/10/2010	
150	E2SSB 6561	Juvenile offender records	6/10/2010	
151	E2SHB 1149	Security breach protection	7/1/2010	
152	SHB 2527	Energy facil site eval counc	6/10/2010	
153	ESHB 2538	High-density urban developmnt	6/10/2010	
154	E2SHB 2539	Source separated materials	6/10/2010	
155	HB 3007	Airport property rental	6/10/2010	
156	HB 2697	Real estate broker licensure	7/1/2010	
157	HB 2734	Community health centers	6/10/2010	
158	SHB 2745	Lead-based paint program	6/10/2010	

Chapter	Bill	Description	Effective	Veto
159	SHB 3105	Alternative fuel vehicles	6/10/2010	
160	SSB 6349	Farm internship program	6/10/2010	PV
161	SB 6379	Vehicles & vessels	7/1/2011 *	
162	2SSB 6578	Multiagency permitting teams	3/22/2010	
163	SB 6401	General contractor projects	6/10/2010	
164	E2SSB 6609	Local govt infrastructure	6/10/2010	
165	2SSB 6667	Business assistance programs	6/10/2010	
166	2SSB 6679	Export finance assist center	6/10/2010	
167	SSB 6692	Electric generation/biomass	6/10/2010	
168	ESSB 6724	Shared leave program	3/23/2010	
169	ESSB 6582	Nursing assistant credential	6/10/2010	
170	SSB 6647	Civil air patrol/emergencies	6/10/2010	
171	SB 6804	Gambling treatmnt/DSHS rules	6/10/2010	
172	ESHB 1714	Association health plans	6/10/2010	
173	HB 2540	Licensure of dentists	6/10/2010	
174	2SHB 2551	WA vaccine association	3/23/2010	
175	ESHB 1956	Homeless person encampments	6/10/2010	
176	SHB 2596	Child advocacy centers	6/10/2010	
177	SHB 2443	Controlled substances act	6/10/2010	
178	ESHB 2547	Motor vehicle franchises	6/10/2010	
179	ESHB 3040	Appraisal mgmt companies	7/1/2011	
180	HB 2735	Children/dependency matters	6/10/2010	
181	ESHB 2747	Use of restraints	6/10/2010	
182	E2SHB 2961	Tracking ephedrine, etc.	6/10/2010	
183	HB 2973	Resident students/military	6/10/2010	
184	HB 1966	Drivers & wheelchair users	8/1/2010	
185	2SHB 1761	Ethical use/legisl web sites	6/10/2010	
186	SHB 2402	Farmers market/property tax	6/10/2010	
187	SHB 2420	Industries/working land base	6/10/2010	
188	ESHB 2541	Forest products industry	6/10/2010	
189	SHB 2503	Natural resources board	6/10/2010	
190	ESHB 2518	Interpreter oath requiremnts	6/10/2010	
191	HB 2681	Compensation for p-t judges	6/10/2010	
192	SHB 2525	Public facilities districts	6/10/2010	
193	SHB 2593	F & W dept. shellfish mgmt	6/10/2010	
194	2SHB 2603	Small businesses/compliance	6/10/2010	
195	SHB 2651	Port districts/job training	6/10/2010	
196	SHB 2657	Limited liability companies	6/10/2010	
197	HB 2659	Timber purchase reporting	6/10/2010	
198	HB 2748	Public port association dues	6/10/2010	
199	ESHB 2925	Hydroelectric facilities	6/10/2010	PV
200	SHB 2962	County treasurers/prop taxes	6/10/2010	
201	HB 3030	Irrigation district admin	6/10/2010	
202	ESSB 6658	Community solar projects	6/10/2010	
203	SSB 6520	William D. Ruckelshaus Ctr	6/10/2010	
204	2SHB 2016	Campaign laws	3/25/2010 *	PV
205	SB 6243	Pub disclosure comm filings	6/10/2010	
206	SSB 6344	Campaign contribution limits	6/10/2010	
207	SSB 6688	Nonpartisan elective office	6/10/2010	
208	SHB 2533	Persons not guilty/insanity	6/10/2010	
209	ESHB 2876	Pain management	6/10/2010	PV
210	SHB 2935	Hearing brds/envir, land use	7/1/2010 *	
211	SSB 6214	Growth mgmt hearings boards	7/1/2010	
212	SHB 3046	Nonprofit corporations	3/25/2010	
213	HB 3061	Industrial insurance	6/10/2010	
214	SHB 3124	DUI with child in car/report	6/10/2010	
215	ESSB 5902	Persons with disabilities	6/10/2010	
216	SSB 6611	Comprehensive land use plan	6/10/2010	

Chapter	Bill	Description	Effective	Veto
217	SSB 6207	Golf cart zones/local govts	6/10/2010	PV
218	SB 6308	Sp commitment ctr computers	6/10/2010	
219	SB 6481	Forest practice jurisdiction	6/10/2010	
220	ESSB 6522	Accountable care projects	6/10/2010	
221	SB 6826	Subagent service fees	6/10/2010	PV
222	SB 6833	State treasurer/funds, accts	6/10/2010	
223	SSB 6345	Wireless communications	6/10/2010	
224	SSB 6639	Confinement alternatives	6/10/2010	
225	SSB 6339	Wax and ceramic materials	7/1/2010	
226	2SSB 6702	Juveniles in adult jails	6/10/2010	
227	ESHB 2424	Sexual exploitation/children	6/10/2010	
228	SHB 2686	Dental services not covered	6/10/2010	
229	ESHB 2752	Safety of runaway youth	6/10/2010	
230	ESHB 2560	Joint underwriting assn's	3/29/2010	
231	2SHB 2731	At-risk children program	6/10/2010	PV
232	2SHB 2867	Early learning	6/10/2010	
233	SB 6593	Infant & toddler program	7/1/2010	
234	SSB 6759	Voluntary early learning	6/10/2010	
235	E2SSB 6696	Education reform	6/10/2010	
236	SHB 2776	K-12 education funding	6/10/2010 *	PV
237	SHB 2893	School levies	3/29/2010 *	PV
238	HB 2621	K-12 schools resource progs	6/10/2010	
239	SHB 2801	Antiharassment strategies	6/10/2010	
240	E2SHB 3026	State & fed civil rights law	6/10/2010 **	
241	SHB 3036	School district debt	6/10/2010	
242	SSB 6363	School crosswalk violations	7/1/2010	
243	ESSB 6403	Vulnerable students	6/10/2010	PV
244	ESSB 6604	Student learning plans	6/10/2010	
245	SSB 6355	Higher education system	6/10/2010	
246	ESSB 6359	Cnty & tech college system	6/10/2010	
247	ESSB 6381	Trans supp budget 2009-11	3/30/2010	PV
248	ESSB 6392	SR 520 tolling revenue use	6/10/2010	PV
249	ESSB 6499	Tolls: collection, use, etc.	6/10/2010 **	
250	ESSB 6774	Transp benefit districts	6/10/2010	
251	SHB 2179	Transportation improvements	6/10/2010	
252	ESHB 2464	Vehicles in emergency zones	1/1/2011	
253	SHB 2939	Driver abstract/not at fault	10/31/2010	PV
254	HB 2625	Bail for felony offenses	1/1/2011 *	
255	SSB 6293	Criminal assistance/1st deg	6/10/2010	
256	SSB 6673	Bail practices task force	6/10/2010	
257	E2SHB 1317	Criminal justice employees	6/10/2010	
258	SSB 6548	Suspending parole, probation	6/10/2010 *	
259	SHB 1679	Public safety personnel	6/10/2010	
260	SHB 2196	Military service credit	6/10/2010	
261	EHB 2519	Pub safety employee benefits	6/10/2010	
262	SHB 2717	Leave from state facilities	6/10/2010	
263	ESB 6610	Persons w/ mental illnesses	6/10/2010	
264	SHB 2226	Retired law enforcement	6/10/2010	
265	SHB 2534	Verifying offender addresses	6/10/2010	
266	SSB 6361	Sex offender notification	6/10/2010	
267	SSB 6414	Offender registration	6/10/2010	
268	SHB 2466	Ignition interlock devices	6/10/2010	
269	2SHB 2742	DUI accountability	1/1/2011	
270	2SHB 2436	Vehicle license fraud	7/1/2010	
271	E2SHB 2658	Refocusing dept. of commerce	7/1/2010	PV
272	SHB 2680	Guardianship program	6/10/2010	
273	E2SHB 3141	Delivery of TANF	6/10/2010	PV
274	ESHB 2777	Domestic violence provisions	6/10/2010	PV

Chapter	Bill	Description	Effective	Veto
275	SHB 2775	State building code council	6/10/2010	
276	EHB 2805	Public works/off-site prefab	6/10/2010	
277	SHB 2841	Std health questionnaire	6/10/2010	
278	ESHB 2986	Pub trans governing bodies	6/10/2010	
279	SHB 3016	Child support orders	6/10/2010	
280	2SHB 3076	Involuntary treatment act	6/10/2010 **	
281	SB 6855	Community center taxation	6/10/2010	
282	ESHB 3178	State govt technology use	6/10/2010 **	PV
283	ESHB 3209	Managing ferry system costs	4/1/2010	PV
284	SSB 5798	Medical marijuana	6/10/2010	
285	E2SSB 6267	Water right processing	6/10/2010	PV
286	SSB 6280	East Asian medicine	6/10/2010 *	
287	ESSB 6468	Weatherization/residential	6/10/2010	
288	SSB 6470	Indian children/dependency	6/10/2010	
289	ESSB 6476	Sex crimes involving minors	6/10/2010 *	PV
290	SSB 6485	Craft distilleries	6/10/2010	
291	SSB 6832	Child welfare services	6/10/2010	
292	ESSB 6538	Small groups/insurance	6/10/2010 **	
293	SSB 6584	State health care authority	6/10/2010	
294	SSB 6590	Law enf officer conduct	6/10/2010	
295	SSB 6614	Bonneville power admin	6/10/2010	
296	ESSB 6726	Language access providers	6/10/2010	PV

BILLS, MEMORIALS AND RESOLUTIONS PASSED

*indicates multiple effective dates

Sixty First Legislature
2010 First Special Session

Chapter	Bill	Description	Effective	Note
1 X1	ESSB 6789	Equipment in data centers	4/1/2010	
2 X1	EHB 2672	Aluminum smelters/tax relief	Contingency	
3 X1	EHB 2360	AIDS grants/dept of health	Contingency	
4 X1	HB 2676	Energy conservation loans	Contingency	
5 X1	HB 2677	Water conservation loans	Contingency	
6 X1	ESHB 2753	WA works housing program	Contingency	
7 X1	E2SHB 2617	Boards and commissions	6/10/2010 *	
8 X1	E2SHB 2782	Security lifeline act	3/29/2010 *	PV
9 X1	SSB 6572	Eliminating accounts	7/1/2010	PV
10 X1	2ESB 6221	Local govt investment pool	7/13/2010	
11 X1	SSB 6712	Extending tax incentives	7/13/2010	
12 X1	ESSB 6737	Air ambulance tax exemption	7/13/2010	
13 X1	2SSB 6675	Global health program	7/13/2010	
14 X1	SSB 6706	Research at st. universities	7/13/2010	
15 X1	SSB 6889	Convention and trade center	7/13/2010	
16 X1	ESHB 3014	Rural co. investmnt projects	7/1/2010 *	
17 X1	SHB 3201	Infant disorders screening	7/13/2010	
18 X1	SB 6220	State indebtedness/evidences	7/13/2010	
19 X1	SSB 6846	Enhanced 911 services	10/1/2010 *	
20 X1	SSB 6884	Practice of counseling	4/13/2010	
21 X1	EHB 1690	Public works projects	7/13/2010	
22 X1	ESHB 2493	Cigarette & tobacco taxation	5/1/2010	
23 X1	2ESSB 6143	Excise tax law modifications	Contingency	
24 X1	E2SHB 2630	Opportunity express program	7/13/2010	PV
25 X1	HB 2694	BS in nursing/University Ctr	7/1/2010 **	
26 X1	HB 3219	RCW technical corrections	7/13/2010 *	PV
27 X1	E2SSB 6409	Opportunity pathways account	7/13/2010	PV
28 X1	ESB 6870	Sexually violent predators	7/13/2010	
29 X1	2SHB 2576	Fees/corporations, charities	7/13/2010	
30 X1	E2SHB 2956	Hospital safety net	4/27/2010	
31 X1	HB 3197	Budget stabilization account	7/13/2010	
32 X1	ESSB 6503	Closing state agencies	4/27/2010	PV
33 X1	SSB 6727	Health sciences and services	7/13/2010	
34 X1	ESSB 6872	Nursing facilities/medicaid	7/1/2010 *	PV
35 X1	EHB 2561	Energy cost savings & jobs	7/13/2010 **	
36 X1	ESHB 2836	Capital supp budget 2010	5/4/2010	PV
37 X1	ESSB 6444	Operating supp budget 2010	5/4/2010	PV

GOVERNOR'S VETO MESSAGES
Sixtieth Legislature
2010 Legislative Session

April 1, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Second Substitute House Bill 1096 entitled:

"AN ACT Relating to enhancing small business participation in state purchasing."

I support the intent of this bill and believe that state government can and should be more active in promoting state contracting procurement with small businesses. Small businesses are a vital component in building and stabilizing Washington's economy. State agencies already provide outreach and training to the small business community. Earlier legislation I signed imposed a freeze on contracts at this time to save money. In addition this bill requires a collection of data that is burdensome, resource-intensive, and lacks accountability. Further, the Departments of General Administration, Information Services, and Transportation were not appropriated funds for this purpose and would each be required to absorb the cost to implement the bill.

I am vetoing this bill but I urge the Legislature during the next session to develop legislation that provides appropriate reporting requirements and that can be implemented within appropriated funds.

For these reasons I have vetoed Engrossed Second Substitute House Bill 1096 in its entirety.

Respectfully submitted,

Christine Gregoire
Governor

March 19, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, House Bill 1880 entitled:

"AN ACT Relating to ballot envelopes."

This bill provides that county auditors may, but are no longer required to, provide return ballot envelopes that have a privacy flap to cover the voter's signature and optional telephone number. There is no emergent need for the bill to become effective immediately, and therefore the emergency clause in Section 2 of this bill is unnecessary.

For this reason, I have vetoed Section 2 of House Bill 1880.

With the exception of Section 2, House Bill 1880 is approved.

Respectfully submitted,

Christine Gregoire
Governor

March 25, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 309, 412 and 415 Second Substitute House Bill 2016 entitled:

"AN ACT Relating to campaign contribution and disclosure laws."

This bill reorganizes and recodifies chapter 42.17 RCW, provides for the listing of the controlling entity on independent expenditures if the sponsor is a political committee, and allows bona fide political parties to use exempt funds for independent expenditures and electioneering communications.

Two bills delivered to me by the Legislature amend the same sections of existing laws in inconsistent ways. Section 309 (amending RCW 42.17.450), Section 412 (amending RCW 42.17.100), and Section 415 (amending RCW 42.17.550) amend the same sections of existing law that are amended or repealed in Senate Bill 6243 which will be signed today. These sections are technical changes with clarifying language which can be vetoed without affecting the policy changes in Second Substitute House Bill 2016.

For these reasons, I have vetoed Sections 309, 412 and 415 of Second Substitute House Bill 2016.

With the exception of Sections 309, 412 and 415, Second Substitute House Bill 2016 is approved.

Respectfully submitted,

Christine Gregoire
Governor

April 1, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, House Bill 2575 entitled:

"AN ACT Relating to the expansion of the membership of the capital projects advisory review board."

This bill expands the membership of the capital projects advisory review board which currently has 23 members. Adding a member to an existing board is inconsistent with my policy of reducing boards and commissions in state government.

For this reason I have vetoed House Bill 2575 in its entirety.

Respectfully submitted,

Christine Gregoire
Governor

April 23, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 6, Engrossed Second Substitute House Bill 2630 entitled:

"AN ACT Relating to creating the opportunity express program."

Section 6 is an unnecessary emergency clause. The general fund appropriation to the Opportunity Express Account created in the bill is a Fiscal Year 2011 appropriation. Engrossed Second Substitute House Bill 2630 can take effect ninety days after the adjournment of the session at which it was enacted and still allow timely transfer of funding to the new account.

For these reasons, I have vetoed Section 6 of Engrossed Second Substitute House Bill 2630.

With the exception of Section 6 of Engrossed Second Substitute House Bill 2630 is approved.

Respectfully submitted,

Christine Gregoire
Governor

April 1, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 404, Engrossed Second Substitute House Bill 2658 entitled:

"AN ACT Relating to refocusing the mission of the department of commerce, including transferring programs."

Section 404 of Engrossed Second Substitute House Bill 2658 outlines ways the state energy strategy must identify administrative actions, regulatory coordination, and legislative recommendations that need to be undertaken to ensure that the energy strategy is implemented and operationally supported by all state agencies and regulatory bodies responsible for implementation of energy policy in the state. I strongly agree with the intent of this section. However, a subsection in Section 404 provides that the Legislature shall, by concurrent resolution, approve or recommend changes to the energy strategy and updates. Such provisions create ambiguities that may impede the Department of Commerce in the performance of its duties.

As this bill recognizes, the energy strategy is the primary guidance for implementation of the state's energy policy and should be an integrated document that includes proposed executive actions under existing law as well as any proposals for new legislation. Section 404 could be read to require legislative approval before the Department undertakes any actions that are included in the strategy. Executive actions authorized by existing law should not be subject to legislative approval, as such a requirement would infringe upon the right and ability of the executive branch to execute the laws. Therefore, I will direct the Department to undertake activities outlined in Section 404 while retaining the authority to implement existing laws without a requirement for additional legislative approval.

For these reasons I have vetoed Section 404 of Engrossed Second Substitute House Bill 2658.

With the exception of Section 404, Engrossed Second Substitute House Bill 2658 is approved.

Respectfully submitted,

Christine Gregoire
Governor

March 29, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Second Substitute House Bill 2731 entitled:
"AN ACT Relating to implementing a program of early learning for educationally at-risk children."

Section 1 indicates the Legislature's intent regarding the future of early learning in our state. The Legislature is undertaking a study of the optimal approach for implementing a voluntary program for early learning in Senate Bill 6759 which I am signing today. I look forward to future legislation implementing the results of that study. Because the language in this section presupposes the outcome of the study called for in Senate Bill 6759, I am vetoing this section.

For this reason, I have vetoed Section 1 of Second Substitute House Bill 2731.

With the exception of Section 1, Second Substitute House Bill 2731 is approved.

Respectfully submitted,

Christine Gregoire
Governor

March 29, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 11, Substitute House Bill 2776 entitled:
"AN ACT Relating to funding distribution formulas for K-12 education."

Section 11 amends RCW 28.175.010 to add the requirement that the Washington State Institute for Public Policy annually calculate savings to taxpayers resulting from improved graduation rates. Since this provision is also contained in Senate Bill 6403 which I am also signing today, I am vetoing Section 11 in order to avoid a double amendment regarding the same subject.

For this reason, I have vetoed Section 11 of Substitute House Bill 2776.

With the exception of Section 11, Substitute House Bill 2776 is approved.

Respectfully submitted,

Christine Gregoire
Governor

April 1, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 202, Engrossed Substitute House Bill 2777 entitled:
"AN ACT Relating to modifying domestic violence provisions."

This bill makes a number of changes to the laws relating to domestic violence. Section 202 adds a new section to chapter 36.28A RCW.

This section provides that "[w]hen funded" the Washington association of sheriffs and police chiefs shall convene a work group to develop a model policy regarding the reporting of domestic violence to law enforcement in cases where the victim is unable or unwilling to make a report in the jurisdiction where the alleged crime occurred. The Legislature has not provided funding for this work group. Rather than leave an inoperable section in statute, I have vetoed Section 202. If the Legislature makes funds available for this purpose in the future, the tasks and directions to the work group may be included in an appropriations bill.

For this reason, I have vetoed Section 202 of Engrossed Substitute House Bill 2777.

With the exception of Section 202, Engrossed Substitute House Bill 2777 is approved.

Respectfully submitted,

Christine Gregoire
Governor

March 29, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 9, Engrossed Second Substitute House Bill 2782 entitled:
"AN ACT Relating to establishing the security lifeline act."

This bill reforms one of the oldest safety net programs in Washington State for better efficiency and fiscal management. Section 9 would require the Health Care Authority to prioritize ineligible disability lifeline recipients for enrollment in the subsidized Basic Health Plan. The Health Care Authority would be required to continue to process these applications, even if subsidized enrollment is limited or closed due to lack of funding. Prioritizing ineligible disability lifeline recipients is counter to the reform actions exemplified within the security lifeline bill. Section 9 would limit the Health Care Authority's ability to efficiently manage enrollment to the appropriated budget, maintain a balanced risk pool, and is detrimental to the long-term viability of the Basic Health Plan.

We must preserve a viable safety net and access to health care for all Washington residents. For these reasons, I have vetoed Section 9 of Engrossed Second Substitute House Bill 2782. With the exception of Section 9, Engrossed Second Substitute House Bill 2782 is approved. Respectfully submitted,

Christine Gregoire
Governor

May 4, 2010

The Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 5061, 6003 and 6012, Engrossed Substitute House Bill 2836 entitled: "AN ACT Relating to the capital budget."

Section 5061, page 98, Community and Technical College System, Bates Technical College Mohler Communications Technology Center Design funding for the Mohler Communications Technology Center at Bates Technical College was reduced by \$563,000 from the budget approved by the 2009 Legislature. This reduced budget amount would not be sufficient to pay for currently executed contracts, and the costs cannot be deferred until the next biennium. Therefore, I am vetoing Section 5061.

Section 6003, page 111, Office of Financial Management Budget Instructions

With this proviso, the Office of Financial Management must require that preliminary energy audits be conducted on project requests that involve significant renovations or improvements in owned or leased facilities. Reducing energy consumption is a high priority, but requiring energy audits before funding decisions are made will be burdensome and costly. I am directing the Office of Financial Management to develop instructions to state agencies that will serve the goal of reducing energy costs without requiring formal audits for every project. Therefore, I am vetoing Section 6003.

Section 6012, page 121-122, Project Transfer Authority

This proviso eliminates existing authorization for the Office of Financial Management to approve the transfer of funds from one capital project to another within the same state agency. It also places limitations on approving spending plans for construction contingencies, bid alternates, and equipment costs for capital budget projects already approved by the Legislature. These limitations are too stringent for state agencies and may cause unintended cost increases and schedule delays. I am directing the Office of Financial Management to continue to scrutinize capital project spending plans to identify additional savings that can be directed to new projects in the 2011-13 Biennium. Therefore, I am vetoing Section 6012.

For these reasons, I have vetoed Sections 5061, 6003 and 6012 of Engrossed Substitute House Bill 2836. With the exception of Sections 5061, 6003 and 6012, Engrossed Substitute House Bill 2836 is approved. Respectfully submitted,

Christine O. Gregoire
Governor

March 25, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 8, Engrossed Substitute House Bill 2876 entitled: "AN ACT Relating to pain management."

The bill generally requires state health care boards and commissions to adopt rules, including dosage standards, on chronic, noncancer pain management. Section 8, however, requires that before final adoption, these rules be submitted to the Legislature.

Members of the Legislature may review agency rules, proposed or final, and their perspectives are valuable. However, requiring proposed rules to be submitted to the Legislature would infringe upon the role of the executive branch and would blur the distinction between the Legislature and a state agency with regard to the rulemaking process.

For these reasons, I have vetoed Section 8 of Engrossed Substitute House Bill 2876. With the exception of Section 8, Engrossed Substitute House Bill 2876 is approved. Respectfully submitted,

Christine Gregoire
Governor

March 29, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 12, Substitute House Bill 2893 entitled:
"AN ACT Relating to school levies."

Section 12 provides in part: "If each provision of this act as passed by the senate and house of representatives is not enacted into law, the entire act is null and void." The only action that could prevent any provision of the bill from being enacted into law is the veto power of the Governor. The Washington Constitution provides the Governor with the power to object to one or more sections of a bill while approving other sections of the bill. Section 12 purports to provide that the veto of any section of this bill is a veto of the entire bill. This attempt to constrain the Governor's veto power is inconsistent with our state constitution.

As noted by the Washington Supreme Court in *Washington State Legislature v. Lowry*, 131 Wn.2d 309, 320 (1997), "[o]ur constitution condones neither artful legislative drafting nor crafty gubernatorial vetoes." Neither the Legislature in its bill drafting nor the Governor in exercising the veto should deprive the other of the fair opportunity to exercise its constitutional prerogatives. A veto of Section 12 will cause "the act ... to be considered now just as it would have been if the vetoed provisions had never been written into the bill at any stage of the proceedings." *State ex rel. Stiner v. Yelle*, 174 Wash. 402, 408 (1933).

For these reasons, I have vetoed Section 12 of Substitute House Bill 2893.

With the exception of Section 12, Substitute House Bill 2893 is approved.

Respectfully submitted,

Christine Gregoire
Governor

March 23, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Engrossed Substitute House Bill 2925 entitled:
"AN ACT Relating to impact payments of a municipally owned hydroelectric facility."

The bill requires large cities that own a hydroelectric facility in another county to continue to make financial compensation payments to the county in the event an existing compensation agreement between the city and county expires. There is no emergent need for the bill to become effective immediately, and therefore the emergency clause in Section 3 of this bill is unnecessary.

For this reason I have vetoed Section 3 of Engrossed Substitute House Bill 2925.

With the exception of Section 3 of Engrossed Substitute House Bill 2925 is approved.

Respectfully submitted,

Christine Gregoire
Governor

March 30, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 2, Substitute House Bill 2939 entitled:

"AN ACT Relating to notations on driver abstracts that a person was not at fault in a motor vehicle accident."

Section 2 of the legislation states the bill is null and void if funding is not provided in the transportation budget. The transportation budget as passed the Legislature did not contain funding for this bill. However, I am vetoing this section with the understanding that the Department of Licensing will assess the costs of implementing the bill and request any needed funding in 2011.

For this reason, I have vetoed Section 2 of Substitute House Bill 2939.

With the exception of Section 2, Substitute House Bill 2939 is approved.

Respectfully submitted,

Christine Gregoire
Governor

April 1, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 1, 3, and 4, Engrossed Second Substitute House Bill 3141 entitled: "AN ACT Relating to redesigning the delivery of temporary assistance for needy families."

This bill directs significant changes to the Temporary Assistance for Needy Families program (TANF) known as the WorkFirst program. The WorkFirst program is an important safety net program for many of Washington's low-income families and children. As Washington addresses an economic downturn, our important and vital safety net programs must provide appropriate assistance to Washington residents. The WorkFirst program has been in existence for almost 13 years. In conversations with the Legislature, I expressed my support for reevaluation of the WorkFirst program to examine how to best meet the challenges for various Washington families to obtain work stability and family self-sufficiency.

Section 3 of the bill directs an executive cabinet level workgroup, the WorkFirst Subcabinet, to examine and report on the TANF program in the context of a reframed legislative intent set forth in Section 1. Section 4 makes a programmatic change in advance of any examination and report. The best way for an executive cabinet level workgroup to examine a broad, programmatic agenda of a \$900 million block grant program is under the direction of the Governor, without restrictions or initial assumptions.

Although I have vetoed Sections 1, 3 and 4, I am directing the WorkFirst Subcabinet to examine the best practices to meet the needs of WorkFirst families to obtain employment and achieve family self-sufficiency. The WorkFirst Subcabinet shall provide a report and plan to implement the best practices for WorkFirst families and children that are sustainable.

For these reasons, I have vetoed Sections 1, 3, and 4 of Engrossed Second Substitute House Bill 3141.

With the exception of Sections 1, 3, and 4, Engrossed Second Substitute House Bill 3141 is approved. Respectfully submitted,

Christine Gregoire
Governor

April 1, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 5, 13, 14 and 15, Engrossed Substitute House Bill 3178 entitled: "AN ACT Relating to creating efficiencies in the use of technology in state government."

Section 5 requires the Information Services Board to develop standardized contracts and to review state agency information technology budgets. I am vetoing Section 5 because the Department of Information Services already has the authority to standardize its contracts and has already implemented many standardized contracts. In developing a statewide enterprise-based information technology strategy, the Office of Financial Management and Department of Information Services can determine if additional contract standardization is required. In addition, it is premature to vest additional authority and staff in the Information Services Board prior to the information technology governance review called for in Section 16 of this bill. Finally, no funding was provided to implement these subsections.

Section 13 requires the Office of Financial Management to develop and execute a pilot program to contract with private providers for the delivery, support, maintenance, and operation of information technology projects and report on the findings. I am vetoing this section because funding has not been provided for this purpose in the omnibus appropriations act and the Office of Financial Management cannot absorb the cost.

Section 14 requires the Department of Information Services to report on the efforts to develop a centralized project management office by November 1, 2010. I am vetoing this section because it codifies a requirement for the Department to produce a one-time report on the status of the establishment of a Centralized Information Technology Project Management Office that was funded as part of the 2007 Supplemental Budget. The Department has already completed the report and will submit it to the Legislature.

Section 15 requires the Office of Financial Management to contract with an independent consultant to conduct a technical and financial analysis of the state's plan for the Consolidated State Data Center and Office Building and to develop a business plan outlining the various options for use of the site. I am vetoing this section because funding was not provided for this purpose in the omnibus appropriations act and the Office of Financial Management cannot absorb the cost.

For these reasons, I have vetoed Sections 5, 13, 14 and 15 of Engrossed Substitute House Bill 3178.

With the exception of Sections 5, 13, 14 and 15, Engrossed Substitute House Bill 3178 is approved.

Respectfully submitted,

Christine Gregoire
Governor

April 1, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Sections 17 and 18, Engrossed Substitute House Bill 3209 entitled:
"AN ACT Relating to managing costs of the ferry system."

Section 17 eliminates ferry passes for current employees, retirees, and their family members at the end of the current collective bargaining agreements. The issuance of ferry passes is a subject of collective bargaining and should be dealt with as part of the overall compensation package at the bargaining table, not singled out in legislation for elimination. Legislating matters subject to bargaining may restrict the state's ability to address other more important cost savings measures through the collective bargaining process. I am directing my Labor Relations Office to focus in this bargaining cycle on the best approaches to reduce long-term labor costs, including ferry passes and all aspects of the compensation package.

Section 18 reduces the Ferries Division insurance policy appropriation by \$670,000, based on a legislative study that concluded that the Department could save money by eliminating some marine insurance coverage. I share the Legislature's interest in saving money over the long term and being responsible stewards of taxpayer dollars by protecting our state-owned assets. While I am vetoing this subsection, I direct the Office of Financial Management to work with the Legislature over the interim to review the Department's marine insurance coverage carefully and to assess whether cost reductions can be made while still adequately protecting taxpayer dollars.

For these reasons, I have vetoed Sections 17 and 18 of Engrossed Substitute House Bill 3209.

With the exception of Sections 17 and 18, Engrossed Substitute House Bill 3209 is approved.

Respectfully submitted,

Christine Gregoire
Governor

April 23, 2010

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 11, House Bill 3219 entitled:
"AN ACT Relating technical corrections to the Revised Code of Washington."

This bill implements several changes recommended by the Statute Law Committee which were not enacted during the regular session. It also updates effective dates for the elimination of boards and commissions and for a campaign law provision.

Section 11 is not a technical change, but reinstates the Pesticide Incident Reporting and Tracking (PIRT) Review Panel which was eliminated in Engrossed Second Substitute House Bill 2617 which I signed on March 29, 2010. Section 11 requires the Department of Health to support the PIRT Review Panel activities, but the operating budget passed by the Legislature does not provide funding for such support. The Department of Health would have to decrease support for pesticide investigation and exposure response activities to fund this panel. In a time of difficult choices, I am vetoing this section so that the Department of Health can focus its limited funding on front line services instead of support to operate the PIRT Review Panel.

For these reasons, I have vetoed Section 11 of House Bill 3219.

With the exception of Section 11, House Bill 3219 is approved.

Respectfully submitted,

Christine Gregoire
Governor

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1088	Other Action	437
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1096-S2	Second Reading	359
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	Speaker Signed	1491
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Speaker Signed	1491
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President Signed	997
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President Signed	997
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Speaker Signed	973
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President Signed	997
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President Signed	997
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Speaker Signed	1491
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President Signed	1506
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Speaker Signed	1491
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President Signed	1653
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Speaker Signed	955
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2391 Introduction & 1st Reading 2

2392 Introduction & 1st Reading 2

2393 Introduction & 1st Reading 2

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	Speaker Signed	1669
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President Signed	903
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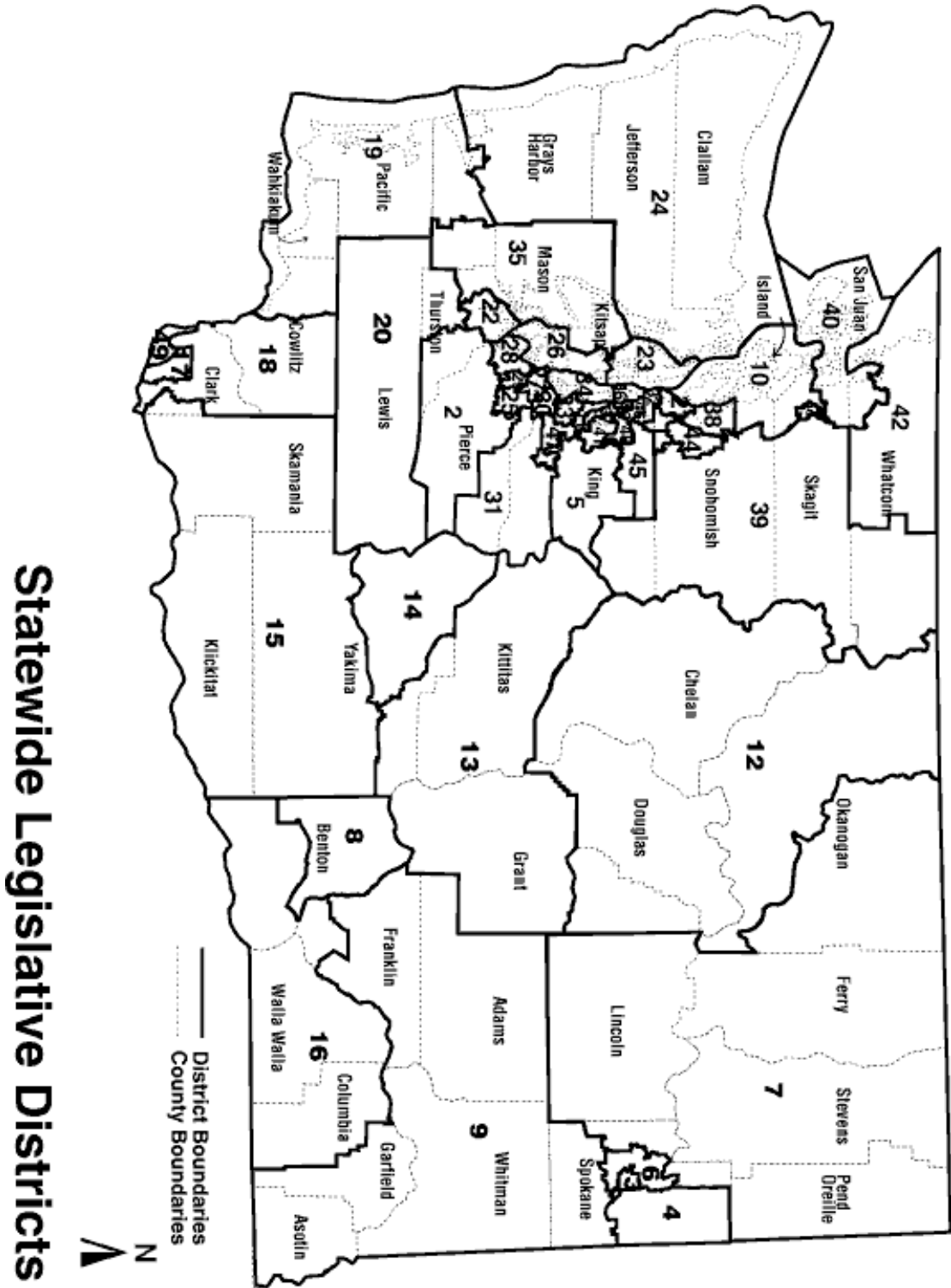
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 Raffles, increasing ticket prices: ***EHB 1053, CH 133 (2009)**
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 Tortious conduct of a nonprofit or charitable organization, accrual of interest on judgments founded on: ***ESB 6764, CH 149 (2010)**

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Small loans, prohibiting small loans by small loan licensee when borrower has outstanding small loan with licensee: HB 3213

Small loans, requirement that lenders inform potential borrowers of alternatives to: HB 1851

Small loans, restricting and enforcing eligibility: HB 1684

Small loans, restrictions on check cashers' and sellers' communications when collecting delinquent loans: HB 1310, ***SB 5164, CH 13 (2009)**

Small loans, rollover violations and penalties: HB 1073

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Child support obligations, notification of day care expenses: HB 2187

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Parenting plans, modification due to parent's military service: HB 1170, SSB 5212

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Visitation orders and petitioning process, provisions for third-party visitation: HB 2421

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Medical support obligations as part of child support order, provisions: HB 1845

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Abortion, informed consent and related provisions in the case of minor females and females subject to guardianship: HB 1688

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- Amber alert plan, state patrol to develop and implement: ***SSB 5012, CH 20 (2009)**
- Assault of a child in the first degree, changing offender score for: HB 2727
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- Assault of a child in the first degree, revising provisions for: HB 2723, HB 2726
- Assault of a child in the first degree, statutes to include persons sixteen years of age or older: HB 2724
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- Care providers for dependent children, notification to provider of removal of child and provider request for review of decision: SSB 6730
- Chief for a day program, state patrol providing a day of special attention to chronically ill children: HB 1785, ***SB 5582, CH 10 (2010)**
- Child mortality reviews to be conducted by local health departments and collected by department of health: HB 1303
- Child predatory drug act of 2010, crimes and penalties: HB 2340
- Child protective services, law enforcement to contact when a child is present in a vehicle when the driver is arrested under the influence of alcohol or drugs: HB 3124
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- Child welfare services, provisions governing fatality reviews by department of social and health services in connection with: HB 2959
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- Child welfare transformation design committee, establishment: E2SSB 5943
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- Dependency proceedings, legal representation of children: HB 1183, ***HB 2735, CH 180 (2010)**
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Dependency proceedings, searches for relatives of children requiring out-of-home placement: HB 2085
 Developmental disabilities, infant and toddler early intervention program: HB 1161
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 Developmental screenings through medicaid program: HB 1337
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 HB 2741, ***SB 6593, CH 233 (2010)**
 Early support for infants and toddlers program, renaming infant and toddler early intervention program as: ***SB 6593, CH
 233 (2010)**
 Educational activities of child, leave from employment for participation in: EHB 2444
 Endangered missing person advisory plan, state patrol to develop and implement: ***SSB 5012, CH 20 (2009)**
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 Guardianship, implementing a guardianship program as a permanent plan for dependent children in dependency
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 Health care, affordable nonsubsidized state coverage for children: HB 1237
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 Hunting, requirements for hunters under age of fourteen: HB 1114
 Immunization of children, required documentation for exemption from: HB 1703, HB 2706
 Independent youth housing program, provisions: ***HB 1492, CH 148 (2009)**
 Indian children, burdens of proof in dependency matters affecting: ***SSB 6470, CH 288 (2010)**
 Lead levels in blood, assessments for children younger than twenty-one years: HB 1345
 Lead levels in blood, pilot program for screening children at risk for elevated levels: HB 1342
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 Newborn infants, increasing congenital disorder screening fee collected by department of health: HB 3201
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 Postadoption contact with siblings, children's interests in maintaining: HB 1938
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Residential habilitation centers, local school district eligibility for residential habilitation center impact assistance for providing educational services to center residents: HB 2113

Runaway youth, overnight youth shelter procedures when shelter knows minor is away from home without parental permission: HB 2752

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Scoliosis screening in schools, eliminating: ***HB 1322, CH 41 (2009)**

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Sexual exploitation and abuse of children, modifying statutes governing: HB 2424

Sexually aggressive youth, treatment eligibility and funding: HB 1419

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Sexually exploited juveniles, diversion of juvenile offenders authorized in certain circumstances: HB 1505

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Washington state center for childhood deafness and hearing loss, replacement of state school for the deaf by: HB 1879

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Annexation methods in counties with more than one million five hundred thousand residents: HB 2173

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 Code cities, calculating population to determine number of councilmembers: HB 2456
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 Delivery, city not allowed to require a business license if only activity conducted in city is delivery: HB 3064
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Criminal street gang activity, abatement of nuisances involving: **HB 2414, HB 2550**

Criminal street gang-related offenses, seizure and forfeiture of real and personal property used to facilitate: **HB 2413**

Environmental policy of state, creating a cause of action for persons adversely affected by judicial review of decision under SEPA: **HB 2500**

False claims involving state funds, qui tam proceedings authorized in the case of: **HB 2329**

Health care providers, comprehensive civil liability reform: **HB 2811, HB 2814**

Health care providers, extending immunity from liability for certain providers: **HB 2478**

Liability of public and private landowners allowing public use of lands without charging use fee: **HB 2480**

Liability, comprehensive civil liability reform: **HB 2811, HB 2814**

Liability, indemnification agreements for negligence involving motor carriers: ***SSB 6674, CH 120 (2010)**

Liability, provisions concerning indemnification agreements involving an architect, landscape architect, engineer, or land surveyor: **HB 3208**

Lis pendens action, substantial justification for filing: **HB 3022**

Motor carriers, agreements to indemnify against liability for negligence involving carriers: ***SSB 6674, CH 120 (2010)**

Motor vehicle impoundment, civil cause of action for damages abolished: **HB 1795**

Motor vehicle impoundment, civil cause of action for damages abolished under certain conditions: **SSB 5780**

Natural resource infraction proceeding, failure to sign infraction notice no longer a misdemeanor: **HB 1335, *SB 5298, CH 174 (2009)**

Natural resource infractions, enforcement authority over: **HB 2866**

Navigational aids used to mark hazards, public agency immunity from liability for use of: **HB 1989**

Nuisances involving criminal street gang activity, abatement of: **HB 2414, HB 2550**

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Shooting ranges, limiting civil liability in connection with sport shooting ranges in various cases: **HB 2703**

Slayer statute, revision to exclude persons acquitted by reason of insanity from benefitting from unlawful killing: HB 3110, SSB 6309
 Speech and petition, lawsuits aimed against valid exercise of the constitutional rights of: *SSB 6395, CH 118 (2010)
 Statutory costs, provisions: HB 1022
 Survival action, state and local liability and persons entitled to recoveries under: 2ESSB 6508
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 Washington act limiting strategic lawsuits against public participation: *SSB 6395, CH 118 (2010)
 Wrongful conviction and imprisonment, payment of claims for: HB 2864
 Wrongful death actions, state and local liability and persons entitled to recoveries under: 2ESSB 6508

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Sheriffs, five-member civil service commissions authorized: HB 1760, *SB 5322, CH 112 (2009)

CLEMENCY AND PARDONS BOARD

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 Climate change accountability act, provisions: HB 2772
 Greenhouse gas emissions performance standard, compliance provisions: HB 1854
 Greenhouse gas emissions reduction, overseeing climate change expenditures through climate change accountability act: HB 2772
 Greenhouse gas emissions, efforts to reduce to be funded by auctioning of emissions allowances as part of a cap and trade program: HB 1819
 Greenhouse gas emissions, multisector emissions reduction program including emissions caps and offset credits: E2SSB 5735
 Integrated climate change response strategy, department of ecology to coordinate with agencies and other groups: E2SSB 5138, *E2SSB 5560, CH 519 (2009) PV
 State agency climate leadership, reducing greenhouse gas emissions and energy consumption by state government: *E2SSB 5560, CH 519 (2009) PV
 Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: HB 1747, *E2SSB 5854, CH 423 (2009)

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RCW, correcting references regarding department of commerce: HB 2557
 RCW, gender-based term technical corrections: HB 1540, *SB 5038, CH 549 (2009) PV, *SSB 6239, CH 8 (2010)
 RCW, revising editorial standards for publication: *HB 1058, CH 186 (2009)
 RCW, technical corrections: *EHB 1059, CH 187 (2009), HB 2506, *HB 3219, CH 26 (2010) PV
 RCW, technical corrections to community custody provisions: HB 1263, *SSB 5190, CH 28 (2009)
 Respectful language in state laws, code reviser directed to replace "mental retardation" with "intellectual disability": *HB 1835, CH 377 (2009)
 Respectful language in state laws, revisions to include replacing "mental retardation" with "intellectual disability": *HB 2490, CH 94 (2010)
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 Rule-making information, each state agency to post on its web site: *HB 1475, CH 93 (2009)
 Rule-making, creating a legislative rule-making accountability committee to review proposed agency rules: HB 2810
 State registered domestic partnerships, removal of all statutory references to: HB 1980

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Contracts with governmental entities for collection of public debts, reporting of debt by collection agency prohibited: HB 1974
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Adult family home providers, collective bargaining relationship with governor: HB 2158

Agreements, termination date for public employees: HB 1245
 Child care center directors and workers, collective bargaining over state support for centers: HB 1329
 Community and technical college academic employees, modifying collective bargaining law to allow additional compensation: HB 1340
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 General authority peace officers employed by port districts and airports to be considered uniformed personnel for interest arbitration: HB 1822
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 Public agency bargaining records, exceptions to exemption from disclosure: HB 1471
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 Symphony orchestras, musicians to be under jurisdiction of public employment relations commission for collective bargaining: HB 3003, ***SSB 5046, CH 6 (2010)**
 Symphony orchestras, operas, and performing arts theaters, public employment relations commission jurisdiction: HB 1276
 Uniformed personnel, alternative arbitration process for joint operating agency employees at a commercial nuclear power plant: HB 1389, ***SB 5492, CH 126 (2009)**

COLLEGES AND UNIVERSITIES (See also COMMUNITY AND TECHNICAL COLLEGES)

Admissions, equitable and consistent treatment of students: HB 1763
 Advisory committee on tuition policy, higher education coordinating board to convene: HB 2118
 Art for public buildings, removing requirement to purchase during 2009-2011 biennium: HB 1376
 Bastyr University, recognizing: ***HR 4668 (2010)**
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 Border county higher education opportunity project, provisions revised: ***HB 1474, CH 158 (2009)**
 Building or capital projects accounts, use of funds for certificates of participation authorized: HB 2254
 Capital projects, setting priorities for: HB 1898
 Collective bargaining, employees of institutions of higher education: HB 1560, HB 2743
 Collegiate learning assessment, annual administration: HB 1672
 Commercial activity, prohibiting institutions of higher education from engaging in: HB 2808
 Commercialization of technologies, higher education institutions to work with Washington technology center to foster: SSB 5553
 Committee on higher education performance, creation and duties: E2SSB 6562
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 Contracts for goods and services, protections for businesses contracting with higher education institutions: HB 3166
 Course materials, information disclosure as cost saving measure: HB 1025
 Dual credit opportunities, high school-college collaborations as part of college in the high school program to make possible: HB 2119
 Dual credit programs, rules for: HB 3091
 Education data center, cooperative development of data definitions and methodologies for colleges and universities: HB 2859
 Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: ***HB 1541, CH 103 (2010)**
 Educational opportunity grant program: HB 2021
 Effectiveness and efficiency work group, higher education review and recommendations: HB 1674
 Energy and operational cost saving improvements at higher education institutions and public schools, creating jobs and accelerating innovation through bonds and grants to fund construction of: ***EHB 2561, CH 35 (2010)**
 Engineering, programs in chemical, mechanical, and civil engineering no longer restricted to UW and WSU: HB 1312, ***SSB 5276, CH 207 (2009)**
 Environmental cleanup opportunity grant program and account, higher education coordinating board to award conditional scholarships: HB 1594

Field of dreams program, access to postsecondary education for agricultural industry employees: HB 1428

Financial aid, residency requirements for state need grant program: HB 1706

Financial aid, state need grant award limits and institutional incentive grants for institutions placing students in high-demand occupations: HB 2098

Financial aid, state need grant eligibility limitations: HB 2936

Financial aid, Washington higher education loan program modifications: HB 2854

Firefighters, waiving fees for children of certain firefighters: HB 2479, ***EHB 2519, CH 261 (2010)**

Funding for higher education, increasing state revenues by preventing certain avoidance transactions, reducing tax preferences, and providing equitable tax treatment: ***2ESSB 6143, CH 23 (2010)**

Governing boards of four-year state colleges and universities, adding a faculty member: HB 1841

Government operations, restricting cost by restricting compensation: ***SSB 6382, CH 1 (2010)**

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Higher education access, increase in estate tax to fund expanded access to higher education: HB 3184

Higher education coordinating board, elimination of board and transfer of its functions to various entities: HB 3185

Higher education employees, annuities and retirement accounts: HB 1545

Higher education programs, revisions to implement 2009-2011 state operating budget: HB 2367

Higher education system, expanding the system upon proven demand and encouraging mission changes: HB 2655, ***SSB 6355, CH 245 (2010)**

Higher education technology transformation task force to be convened by K-20 educational network board: HB 1946

Honorary degrees, authorizing for students who were ordered into internment camps in 1942: ***SB 6467, CH 51 (2010)**

Honorary doctorate degrees, authorizing regional universities to confer: ***SB 5173, CH 295 (2009)**

Information web-based access portal for students seeking college information, work group: HB 1130, ***SSB 5043, CH 23 (2009)**

Jobs act, using bonds and grants to create jobs and accelerate innovation through funding of cost saving capital improvement construction at public schools and higher education institutions: ***EHB 2561, CH 35 (2010)**

Joint comprehensive commute trip reduction plan for certain state agencies, including institutions of higher education: ***SSB 6088, CH 427 (2009)**

Law enforcement officers, waiving fees for children of certain officers: HB 2479, ***EHB 2519, CH 261 (2010)**

Maintenance and operations financing, use of certificates of participation: HB 1914

Opportunity grant programs, creation at four-year institutions of higher education: HB 2306

Opportunity internship program, career and technical education opportunities to be increased for low-income high school students: HB 1355

Performance agreement committee, membership and duties: HB 2979

Performance agreements for public four-year institutions of higher education, contents and process for developing: HB 2979

Physician training, primary care physician conditional tuition waiver program: ESSB 5502

Precollege remedial math and English coursework, to be offered at four-year public colleges only as a self-supporting program: HB 1336

Procurement contracts, veteran-owned businesses: HB 1648, ***ESB 5041, CH 5 (2010)**

Public employees' benefits board, employee eligibility for benefits: HB 2245

Public funds, credit unions added to list of approved public depositaries: HB 1669

Public works projects by four-year higher education institutions, requirements for labor hours to be performed by apprentices: ***ESSB 5873, CH 197 (2009)**

Purchasing authority of higher education institutions with group purchasing organizations, provisions: ***HB 2858, CH 61 (2010)**

Purchasing, small business participation: HB 1096

Research at state universities, commercialization through formation of companies: ***SSB 6706, CH 14 (2010)**

Resident student, classification as: ***HB 1487, CH 220 (2009)**

Resident student, expanding definition to include certain members of the military and their spouses and dependents: ***HB 2973, CH 183 (2010)**

Running start program, provisions: HB 2119

Running start program, revising provisions: HB 1915

Scholar-athletes, recognizing: ***HR 4647 (2009), *HR 4704 (2010)**

Social workers, degree in social work from council on social work education-accredited program required: HB 1357

State need grant award limits and institutional incentive grants for institutions placing students in high-demand occupations: HB 2098

State need grant, eligibility limitations for: HB 2936

State patrol officers, waiving fees for children of certain officers: ***EHB 2519, CH 261 (2010)**

State student loan program with dedicated revenue source, creation: HB 2239

State universities, commercialization of research through formation of companies at: ***SSB 6706, CH 14 (2010)**

Student fees and assessments, approval by student body and use: HB 1466, ***SSB 5776, CH 179 (2009)**

Student financial assistance board, establishment via elimination of higher education coordinating board and transfer of its functions to various entities: HB 3185

Students, policies for academic recognition of prior learning experiences: ***SSB 6357, CH 71 (2010)**

Study or research abroad, insurance requirements for higher education students participating in: HB 2001, ***ESB 5925, CH 297 (2009)**

Three-year baccalaureate degree programs, state and regional universities and The Evergreen State College directed to develop: SSB 5237

Training projects for improvement of medical services for adults with developmental disabilities, grant program: HB 1446, SSB 5376

Tuition and fees waivers, classified K-12 staff to be eligible for: HB 3002

Tuition fees for full-time students, determination of reductions and increases by governing boards of four-year institutions: HB 2306

Tuition waivers, stepchildren to be included as eligible children of veterans and national guard members: ***SB 5720, CH 316 (2009)**

Tuition, resident and nonresident undergraduates: ***SSB 5734, CH 574 (2009) PV**

Tuition, resident undergraduate tuition fees to be set in omnibus appropriations act: HB 2344

Tuition, students other than resident undergraduates: HB 1235

Tuition-setting authority, full-time tuition fees for resident undergraduates to be determined by governing boards: HB 2946

Tuition-setting authority, provisions: E2SSB 6562

University Center at Everett Community College, founding of bachelor of science in nursing program at: ***HB 2694, CH 25 (2010)**

University of Washington Snohomish county branch campus, establishment: HB 1467

Washington opportunity pathways account, use of moneys deposited in: ***E2SSB 6409, CH 27 (2010) PV**

Washington scholars program, changes: HB 2021

Washington teach initiative for recruitment and development of mathematics and science teachers, each institution to develop and implement: HB 2000

Work-study program, state: ***SSB 5044, CH 172 (2009)**

COMMERCE, DEPARTMENT (See also COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT)

Advisory council on manufactured housing community manager training and certification, creation of: HB 2606

Business renewable energy grant program, department to administer with petroleum business privilege tax proceeds distributed from energy and transportation reserve account: HB 3161

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Energy and operational cost saving improvements at higher education institutions and public schools, creating jobs and accelerating innovation through grants to fund construction of: ***EHB 2561, CH 35 (2010)**

Energy freedom program and account, funding of projects with aid of petroleum business privilege tax proceeds distributed from energy and transportation reserve account: HB 3161

Entrepreneurs, department and small business development center to create plan to expand existing services to small businesses and entrepreneurs: ***2SSB 6667, CH 165 (2010)**

Fiscal notes concerning local government, review of program by department: HB 2802

Forest products industry, promotion through designation as a green industry providing green jobs: HB 2420

Home security fund account, use of moneys by department for homeless housing grant program grants for supportive housing: HB 2900

Housing for homeless, annual revision of performance measures for homeless housing programs: HB 2856

Housing trust fund program, state finance committee authority to issue general obligation bonds for: HB 2906, HB 3177

Housing, department to prepare and amend a state affordable housing for all plan: HB 2906

Industry cluster-based strategies and innovation partnership zones, grants for: 2SSB 6790

Innovation partnership zones and industry cluster-based strategies, grants for: 2SSB 6790
 Jobs act, using bonds and grants to create jobs and accelerate innovation through funding of cost saving capital improvement construction at public schools and higher education institutions: ***EHB 2561, CH 35 (2010)**
 Land use plans of local governments, department to contract for comparative review of water availability in: HB 2542
 Lead-based paint activities program, including renovation activities as defined by the environmental protection agency: HB 2745
 Low-income persons, weatherization and structural rehabilitation of residential structures of low-income persons to achieve energy conservation: ***ESSB 6468, CH 287 (2010)**
 Main street program and trust fund, transferring from department of commerce to department of archaeology and historic preservation: HB 2704
 Manufactured housing communities, developing certification for community managers: HB 2606
 Middle-income bracket, expanding the percentage of middle-income households: HB 2632
 Miles traveled by vehicles, eliminating restrictions on: HB 2755
 Mission of the department, refocusing in part by transferring programs: HB 2658, 2SSB 6515
 Office of minority and women's business enterprises, transferring office to department: HB 3175
 References regarding department of commerce, correcting: HB 2557
 Small businesses, department and small business development center to create plan to expand existing services to small businesses and entrepreneurs: ***2SSB 6667, CH 165 (2010)**
 State affordable housing for all plan, department to prepare and amend: HB 2906
 Supportive housing, use of home security fund account moneys by department for homeless housing grant program grants for: HB 2900
 Weatherization and structural rehabilitation of residential structures of low-income persons to achieve energy conservation: ***ESSB 6468, CH 287 (2010)**

COMMERCIAL VESSELS AND SHIPPING

Bunker fuel, business and occupation taxation of manufacturing and selling for use outside United States waters by foreign commercial vessels: ***SB 6096, CH 494 (2009)**
 Emergency response towing vessels for Strait of Juan de Fuca and west coast of Washington state: ***ESSB 5344, CH 11 (2009)**
 Marine container ports, land use and transportation planning for: HB 1959
 Marine transportation facilities for sand and gravel, permit requirements: HB 1970
 Pilotage tariffs, board of pilotage commissioners to fix annually: HB 2120
 Quick title service for vessels, provisions: HB 2488
 Registration and title provisions, technical corrections: ***SB 6379, CH 161 (2010)**
 Sand and gravel, permit requirements for marine transportation facilities for: HB 1970
 Strait of Juan de Fuca and west coast of Washington state, emergency response towing vessels: ***ESSB 5344, CH 11 (2009)**
 Strait of Juan de Fuca, emergency response system: HB 1409
 Titles, quick title service for vessels: HB 2488

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 Barley commission, to be replaced by grain commission: HB 1254, SB 5076
 Beer commission, provisions: HB 1171
 Dairy products commission facility account, elimination of: ***SSB 6572, CH 9 (2010) PV**
 Fruit commission facility account, elimination of: ***SSB 6572, CH 9 (2010) PV**
 Grain commission, creation and rules: HB 1254, SB 5076
 Tree fruit research commission, powers of: HB 3095, ***SB 6543, CH 78 (2010)**
 Wheat commission, to be replaced by grain commission: HB 1254, SB 5076

COMMUNITY AND TECHNICAL COLLEGES (See also COLLEGES AND UNIVERSITIES)

Academic employee salary increments: HB 1423
 Academic employees, modifying collective bargaining law to allow additional compensation: HB 1340
 Admissions, equitable and consistent treatment of students: HB 1763
 Advisory committee on tuition policy, higher education coordinating board to convene: HB 2118
 Art for public buildings, removing requirement to purchase during 2009-2011 biennium: HB 1376

Associate transfer degrees from public technical colleges: HB 1328, SSB 5007

Board of trustees, certain community college boards to include a student member as part of a pilot program: HB 1949

Border county higher education opportunity project, provisions revised: ***HB 1474, CH 158 (2009)**

Capital projects account, use of funds for certificates of participation authorized: HB 2254

Capital projects, setting priorities for: HB 1898

Career and technical secondary courses, college equivalency provisions: HB 2580

Collective bargaining, employees of institutions of higher education: HB 1560, HB 2743

Commercial activity, prohibiting institutions of higher education from engaging in: HB 2808

Committee on higher education performance, creation and duties: E2SSB 6562

Community and technical college fund for innovation and quality, elimination of: ***SSB 6572, CH 9 (2010) PV**

Community college boards of trustees, required appointment of at least one member from labor: HB 1941, HB 2751

Contracts for goods and services, protections for businesses contracting with higher education institutions: HB 3166

Cost-of-living increases for college district employees, suspension of: HB 2363

Course materials, information disclosure as cost saving measure: HB 1025

Dropout reengagement system, interlocal agreements with educational service districts to provide programs: HB 1418

Dual credit opportunities, high school-college collaborations as part of college in the high school program to make possible: HB 2119

Dual credit programs, rules for: HB 3091

Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: ***HB 1541, CH 103 (2010)**

Educational opportunity grant program: HB 2021

Effectiveness and efficiency work group, higher education review and recommendations: HB 1674

Employees of college districts, suspension of cost-of-living increases: HB 2363

Energy and operational cost saving improvements at higher education institutions and public schools, creating jobs and accelerating innovation through bonds and grants to fund construction of: ***EHB 2561, CH 35 (2010)**

Environmental cleanup opportunity grant program and account, higher education coordinating board to award conditional scholarships: HB 1594

Faculty, increasing full-time tenured positions and opportunities for adjunct faculty to teach full-time: HB 1353

Field of dreams program, access to postsecondary education for agricultural industry employees: HB 1428

Financial aid, residency requirements for state need grant program: HB 1706

Financial aid, state need grant award limits and institutional incentive grants for institutions placing students in high-demand occupations: HB 2098

Financial aid, Washington higher education loan program modifications: HB 2854

Firefighters, waiving fees for children of certain firefighters: HB 2479, ***EHB 2519, CH 261 (2010)**

Funding for higher education, increasing state revenues by preventing certain avoidance transactions, reducing tax preferences, and providing equitable tax treatment: ***2ESSB 6143, CH 23 (2010)**

Global affairs centers, recognition and support by state board for community and technical colleges: HB 2055

Government operations, restricting cost by restricting compensation: ***SSB 6382, CH 1 (2010)**

Higher education access, increase in estate tax to fund expanded access to higher education: HB 3184

Higher education coordinating board, elimination of board and transfer of its functions to various entities: HB 3185

Higher education employees, annuities and retirement accounts: HB 1545

Higher education programs, revisions to implement 2009-2011 state operating budget: HB 2367

Higher education system, expanding the system upon proven demand and encouraging mission changes: HB 2655, ***SSB 6355, CH 245 (2010)**

Higher education technology transformation task force to be convened by K-20 educational network board: HB 1946

Home care aides, colleges to develop career track curriculum proposals for: SSB 6662

Honorary baccalaureate degrees, authority of certain community and technical colleges to confer: HB 3126

Honorary degrees, authorizing for students who were ordered into internment camps in 1942: ***SB 6467, CH 51 (2010)**

Information web-based access portal for students seeking college information, work group: HB 1130, ***SSB 5043, CH 23 (2009)**

Institutional coordination and partnerships, promoting efficiencies in the college system through: HB 2634, ***ESSB 6359, CH 246 (2010)**

Jobs act, using bonds and grants to create jobs and accelerate innovation through funding of cost saving capital improvement construction at public schools and higher education institutions: ***EHB 2561, CH 35 (2010)**

Joint comprehensive commute trip reduction plan for certain state agencies, including institutions of higher education: ***SSB 6088, CH 427 (2009)**

Law enforcement officers, waiving fees for children of certain officers: HB 2479, ***EHB 2519, CH 261 (2010)**

Lifelong learning account steering committee: HB 1129, ESSB 5555

Maintenance and operations financing, use of certificates of participation: HB 1914

Mathematics and science teachers, qualified community college to be approved to offer preparation options for: HB 2000

Nontenured faculty, scope of collective bargaining for: HB 2584

Nurses and paramedics, community and technical colleges board to create interdisciplinary work group to consider articulation between nursing and paramedic programs: HB 1808

Opportunity centers, establishment of opportunity employment and education center within the Seattle community college district: HB 2684

Opportunity internship program, career and technical education opportunities to be increased for low-income high school students: HB 1355

Peer mentoring pilot program, Western Washington University to collaborate with a community or technical college: ***EHB 1986, CH 446 (2009)**

Procurement contracts, veteran-owned businesses: HB 1648, ***ESB 5041, CH 5 (2010)**

Public employees' benefits board, employee eligibility for benefits: HB 2245

Public funds, credit unions added to list of approved public depositories: HB 1669

Public technical colleges, offering associate transfer degrees: HB 1328, SSB 5007

Purchasing authority of higher education institutions with group purchasing organizations, provisions: ***HB 2858, CH 61 (2010)**

Purchasing, small business participation: HB 1096

Resident student, classification as: ***HB 1487, CH 220 (2009)**

Running start program, provisions: HB 2119

Running start program, revising provisions: HB 1915

Safety, health, and energy efficiency improvements to college facilities, creating jobs by issuing bonds to fund construction of: HB 2334

Salary increments for academic employees: HB 1423

Scholar-athletes, recognizing: ***HR 4647 (2009)**

Seattle community college district, establishment of opportunity employment and education center within the: HB 2684

Shoreline Community College, plug-in hybrid vehicle conversion program: HB 1734

State need grant award limits and institutional incentive grants for institutions placing students in high-demand occupations: HB 2098

State patrol officers, waiving fees for children of certain officers: ***EHB 2519, CH 261 (2010)**

State student loan program with dedicated revenue source, creation: HB 2239

Student fees and assessments, approval by student body and use: HB 1466, ***SSB 5776, CH 179 (2009)**

Student financial assistance board, establishment via elimination of higher education coordinating board and transfer of its functions to various entities: HB 3185

Students, policies for academic recognition of prior learning experiences: ***SSB 6357, CH 71 (2010)**

Study or research abroad, insurance requirements for higher education students participating in: HB 2001, ***ESB 5925, CH 297 (2009)**

Technical and career secondary courses, college equivalency provisions: HB 2580

Training projects for improvement of medical services for adults with developmental disabilities, grant program: HB 1446, SSB 5376

Tuition and fees waivers, classified K-12 staff to be eligible for: HB 3002

Tuition fees for full-time resident undergraduates, reductions and increases to be provided in the omnibus appropriations act: HB 2306

Tuition waivers, stepchildren to be included as eligible children of veterans and national guard members: ***SB 5720, CH 316 (2009)**

Tuition, providing local supplemental tuition support through property tax levy: HB 3220

Tuition, resident and nonresident undergraduates: ***SSB 5734, CH 574 (2009) PV**

Tuition, resident undergraduate tuition fees to be set in omnibus appropriations act: HB 2344

Tuition, students other than resident undergraduates: HB 1235

Tuition-setting authority, full-time tuition fees for resident undergraduates to be provided in omnibus appropriations act: HB 2946

Tuition-setting authority, provisions: E2SSB 6562

University Center at Everett Community College, founding of bachelor of science in nursing program at: ***HB 2694, CH 25 (2010)**

Washington opportunity pathways account, use of moneys deposited in: ***E2SSB 6409, CH 27 (2010) PV**

Washington scholars program, changes: HB 2021

Washington's economic gardening program, community colleges eligible to host entrepreneurial program to aid small- and medium-sized businesses: HB 2153

Work-study program, state: ***SSB 5044, CH 172 (2009)**

Workforce and economic development, clarifying terms for: ***HB 1395, CH 353 (2009)**, SSB 5317

COMMUNITY AND TECHNICAL COLLEGES, BOARD

Building bridges advisory committee, establishing and meeting high school graduation and reengagement goals: HB 1813
Dual credit opportunities, high school-college collaborations as part of college in the high school program to make possible: HB 2119

Evergreen jobs act, provisions relating to community and technical colleges: HB 2227

Global affairs centers at community and technical colleges, recognition and support by board: HB 2055

High school graduation and reengagement goals, establishing and meeting: ESSB 5449

High-demand occupation training program funds, role of board in use by workforce development councils to help certain economically disadvantaged adults and unemployed workers: ***E2SSB 5809, CH 566 (2009) PV**

Higher education employees, annuities and retirement accounts: HB 1545

Higher education system, expanding the system upon proven demand and encouraging mission changes: HB 2655, ***SSB 6355, CH 245 (2010)**

Home care aides, board to solicit proposals from colleges for developing career track curriculum for: SSB 6662

Institutional coordination and partnerships, promoting efficiencies in the college system through: HB 2634, ***ESSB 6359, CH 246 (2010)**

Job skills program, funding and applications for: ***SB 5554, CH 554 (2009)**

Middle-income bracket, expanding the percentage of middle-income households: HB 2632

Nurses and paramedics, board to create interdisciplinary work group to consider articulation between nursing and paramedic programs: HB 1808

Opportunity express program, creation of: HB 2630

Peer mentoring pilot program, board and Western Washington University to choose a community or technical college to collaborate in: ***EHB 1986, CH 446 (2009)**

Running start program, provisions: HB 2119

Running start program, revising provisions: HB 1915

Students, policies for academic recognition of prior learning experiences: ***SSB 6357, CH 71 (2010)**

Tuition, board authority to levy property tax to fund local supplemental tuition support: HB 3220

Tuition, resident and nonresident undergraduates: ***SSB 5734, CH 574 (2009) PV**

Washington's economic gardening program, board to develop criteria and provide guidance: HB 2153

Workforce education and training, colleges designated as centers of excellence for: HB 1323, SSB 5048

COMMUNITY ECONOMIC REVITALIZATION BOARD

Local infrastructure financing and competitive project awards, provisions: HB 1651

Local infrastructure financing tool, use for downtown development and redevelopment: HB 1109

Project selection, wage criteria: HB 1252

COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT (See also COMMERCE, DEPARTMENT; COMMUNITY ECONOMIC REVITALIZATION BOARD; ECONOMIC DEVELOPMENT COMMISSION)

Aerospace competitiveness, department to take steps to increase: HB 2337

Affordable housing for all program: HB 1173

Appliance efficiency rebate program, department authority to create: ***E2SSB 5649, CH 379 (2009) PV**

Building communities fund program, competitive application process: HB 1952

Commerce, changing department's name to department of commerce and adding duties: ***EHB 2242, CH 565 (2009) PV**

Commerce, changing RCW references from department of community, trade, and economic development to department of commerce: HB 2557

Commercialization and innovation, department and life sciences and technology trade associations to encourage growth of: ***E2SSB 6015, CH 425 (2009)**

Community development financial institutions, linked deposit program loans to: ***HB 1166, CH 384 (2009)**

Community schools program, grants for development of community schools and conversion of empty schools into community facilities: HB 1618

Comprehensive plans and development regulations, department authority to approve: HB 2301

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Electric vehicles, department role in infrastructure development and transition from combustion to electric vehicles: HB 1481

Energy efficiency upgrade pilot programs, department collaboration with Washington State University extension energy program on elements of: ***E2SSB 5649, CH 379 (2009) PV**

Energy freedom program, expanding: HB 2289

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Military improvement zone pilot program to encourage high-quality development near military bases: HB 1756

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Personal hygiene and cleaning product program for low-income persons, department to conduct a pilot project to evaluate: SB 6053

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Renewable resources, large utilities to obtain certain percentages of their electricity from: HB 1294

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Sustainable residential weatherization, low-income households: HB 1060

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Workforce and economic development, clarifying terms for: ***HB 1395, CH 353 (2009)**, SSB 5317

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Local sales and use tax, certain revenues to be deposited in special purposes account after retirement of baseball stadium construction bonds: HB 2912

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Special county arts, regional center, low-income housing, and community development fund, tax revenues to fund: HB 2252

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 Juveniles, transfer to adult court: HB 1260
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 Death penalty, reducing criminal justice expenses by eliminating the death penalty in favor of life incarceration: HB 1909
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 Prostitution-related offenses, impoundment of conveyances used in: HB 1362
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 Sex offenses against minor victims, prosecution until victim's twenty-eighth birthday to be allowed in certain cases: ***SB 5832, CH 61 (2009)**
 Sex offenses and kidnapping, improving administration and efficiency of registration: ***SSB 6414, CH 267 (2010)**
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 Traffic infractions causing death or significant bodily harm to be considered criminal offenses in certain cases: HB 2774
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 Vulnerable adults, crimes against, additional times for certain felonies, including mandatory vulnerable adult enhancements: HB 2426
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 Crisis services, commission to offer recognition and intervention services training for corrections and criminal justice personnel: HB 1194
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 Human trafficking training, commission to offer training for criminal justice, corrections, and other public safety employees: HB 2942
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 Motorcycle profiling, commission to address issues relating to profiling in coordination with association of sheriffs and police chiefs: HB 2511
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Assault of a child in the first degree, changing offender score for: HB 2727
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 Assault of a child in the first degree, offender sentencing review requirements and conditions of release: ***EHB 2279, CH 214 (2009)**
 Assaulting a law enforcement or corrections officer or employee, sanction for offenders violating sentence conditions by: HB 2781, SSB 6550
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 Categories of offenders supervised by department of corrections, revisions: ***ESSB 5288, CH 375 (2009) PV**
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 Community custody, developing an evidence-based community custody system for adult felons: HB 1689
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 Community custody, increasing effectiveness of supervision by community corrections officers through searches of offenders and recommendations of sanctions for violations: HB 1839
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 Community custody, provisions: HB 2325
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Community custody, supervision requirement for offenders with a current conviction for a serious violent offense when sentenced to: ***SSB 6162, CH 376 (2009) PV**

Community custody, technical corrections to RCW provisions: HB 1263, ***SSB 5190, CH 28 (2009)**

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Conditions and requirements of a sentence, offender violation of: HB 2626

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County supervised community options, offenders with standard sentence range under one year: HB 1933

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Criminally insane, notification requirements when escape or disappearance from state facility occurs: HB 2422

Death penalty, reducing criminal justice expenses by eliminating the death penalty in favor of life incarceration: HB 1909

Deferred prosecution, increasing costs for administering: HB 2487

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Delayed sentencing, offenders with a standard sentencing range under one year: HB 2077

Developmental disabilities, mental health court provisions for offenders with: HB 2865

Discharging vulnerable persons from state facilities into homelessness, providing options for housing in order to avoid: HB 2905

DNA identification system, collection of biological sample when conviction is the result of a plea agreement: SSB 5026

DNA identification system, costs for collection of samples: HB 2486

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Domestic violence offenders, ensuring punishment: HB 1220, HB 2427

Domestic violence offenders, prohibiting release until preliminary appearance or arraignment when arrested and detained: HB 2827

Domestic violence, treatment programs for offenders: HB 2778

Drug offenses, provisions for alternative sentencing: HB 1791

Earned release time, incentive time for offenders completing evidence-based programming: HB 2371

Escape or disappearance of criminally insane from state facility, notification requirements: HB 2422

Extradition of persons of unsound mind, adopting provisions of the interstate compact on mental health: HB 2533

Extraordinary medical placement, conditions: ***EHB 2194, CH 441 (2009)**

Felony offenses, individualized determination by judicial officer of conditions of release: ***HB 2625, CH 254 (2010)**

Fifty percent release time, continuing availability for certain nonviolent offenders: HB 1924

Housing, focus group to examine the need for housing for individuals at a high risk of being homeless: SSB 5219

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Improving sentencing and supervision in confinement and in the community in order to improve public safety: HB 2294

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Interstate compact for adult offender supervision, state's participation in: ***SSB 6548, CH 258 (2010)**

Interstate compact for adult offender supervision, temporary suspension of state's participation in: HB 2624

Intoxication, eliminating voluntary intoxication as a defense against a criminal charge: HB 2690

Kidnapping and registered sex offenders, petitions for relief from duty to register: HB 2945

Kidnapping and registered sex offenders, program to verify address and residency of: HB 2534, SSB 6360

Kidnapping and registered sex offenders, submission of information regarding their e-mail addresses and web sites: HB 2035

Kidnapping and sex offenses, improving administration and efficiency of registration: ***SSB 6414, CH 267 (2010)**

Medical care for persons incarcerated in city or county correctional facilities: HB 2284

Medication management in jails, jail medication management work group to develop a model policy: ***SSB 5252, CH 411 (2009)**

Mentally ill defendants, found or pleading guilty and mentally ill: HB 2718, HB 2887

Nonviolent offenders with minor children, alternatives to total confinement for: HB 3045, ***SSB 6639, CH 224 (2010)**

Nonviolent offenders, continuing availability of fifty percent release time for certain offenders: HB 1924
 Notification of victims and witnesses, domestic violence court order violations added to list of eligible offenses: ***HB 1790, CH 400 (2009)**
 Offenses not bailable by sufficient sureties, adding offenses that may result in a mandatory life sentence: HJR 4218, ESSJR 8218
 Parents, alternatives to total confinement for nonviolent offenders with minor children: HB 3045, ***SSB 6639, CH 224 (2010)**
 Parole, arresting or charging of offenders on parole with a new felony offense: ***SSB 6548, CH 258 (2010)**
 Police communication, facilitation of a crime through interception of: HB 2595
 Predatory, definition of: HB 2571
 Pretrial release or detention, assuring safety of another person or community in the case of: HB 3056
 Pro se defendants in criminal cases, questioning of victims of sex offenses by: HB 2457
 Probation, arresting or charging of offenders on probation with a new felony offense: ***SSB 6548, CH 258 (2010)**
 Prostitution-related offenses, impoundment of conveyances used in: HB 1362
 Registered sex and kidnapping offenders, petitions for relief from duty to register: HB 2945
 Registered sex and kidnapping offenders, program to verify address and residency of: HB 2534, SSB 6360
 Registered sex and kidnapping offenders, submission of information regarding their e-mail addresses and web sites: HB 2035
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 Release dates for offenders, department approval of jail certification from a correctional agency calculating earned release time: ***HB 1789, CH 399 (2009)**
 Release from state institutions, earned release time and provision of rental vouchers for certain offenders: ***SB 5525, CH 455 (2009) PV**
 Right to vote, conditions for restoration for convicted felons: ***HB 1517, CH 325 (2009)**
 Search and arrest of offenders, authority provisions: HB 1792
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 Sex offenders, residence location and electronic monitoring after release into community: HB 1277
 Sex offenses and kidnapping, improving administration and efficiency of registration: ***SSB 6414, CH 267 (2010)**
 Sex offenses, offender registration provisions: ***SSB 6414, CH 267 (2010)**
 Slayer statute, revision to exclude persons acquitted by reason of insanity from benefitting from unlawful killing: HB 3110, SSB 6309
 Supervision of offenders, state's participation in interstate compact for adult offender supervision: ***SSB 6548, CH 258 (2010)**
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 Threat, definition of: HB 2572
 Tolling for term of confinement or supervision, provisions: HB 3044
 Traumatic brain injuries, mental health court provisions for offenders with: HB 2865
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 Vulnerable persons discharged from state institutions, plans for eliminating discharge into homelessness: HB 1488
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 Bail, excepting certain persons and crimes from being bailable by sufficient sureties: HJR 4213, HJR 4214, HJR 4218, HJR 4220, ESSJR 8218
 Breath test instruments, use in providing test findings admissible in trial or administrative proceeding: ***HB 2465, CH 53 (2010)**
 Child victims and witnesses, rights and proper interviewing of: HB 2304
 City or town recovery of costs when a county declines to file a charge in a felony case and refers it to a city or town: HB 1823
 Competency evaluation and restoration, procedural reform: ESB 5519

Confiscation of funds from convicted offenders, procedures: HB 2847

Criminal proceedings before a court, statement of victim rights and availability of victim rights flier: HB 1476

Criminal street gang activity, abatement of nuisances involving: HB 2414, HB 2550

Criminal street gang-related offenses, seizure and forfeiture of real and personal property used to facilitate: HB 2413

Criminally insane persons, commitment and orders of conditional release for persons found not guilty by reason of insanity: ***ESB 6610, CH 263 (2010)**

Criminally insane persons, orders of conditional release for: HB 2932

Criminally insane, notification requirements when escape or disappearance from state facility occurs: HB 2422

Death penalty, reducing criminal justice expenses by eliminating the death penalty in favor of life incarceration: HB 1909

Deferred prosecution, increasing costs for administering: HB 2487

Deferred prosecution, treatment plan filing: ***HB 1257, CH 135 (2009)**

Domestic violence offenders, prohibiting release until preliminary appearance or arraignment when arrested and detained: HB 2827

Driving under the influence of liquor or drugs, accountability for drivers: HB 2742

Drug overdose prevention, limited immunity from prosecution for people who seek medical assistance in an overdose situation: HB 1615, ***ESB 5516, CH 9 (2010)**

Drug overdose, prosecution when seeking treatment in good faith for self or other: HB 1796

Escape or disappearance of criminally insane from state facility, notification requirements: HB 2422

Extradition of persons of unsound mind, adopting provisions of the interstate compact on mental health: HB 2533

Federal employees, regulating arrests, searches, and seizures by: HB 2713

Intoxication, eliminating voluntary intoxication as a defense against a criminal charge: HB 2690

Juveniles, transfer to adult court: HB 1260

Kidnapping and sex offenses, improving administration and efficiency of registration: ***SSB 6414, CH 267 (2010)**

Lakewood law enforcement memorial act, excepting certain persons charged with a most serious crime from being bailable under certain conditions: HJR 4213, HJR 4214

Legal financial obligations, waiver of imposition when offender suffers from mental health condition: HB 2799

Mentally ill defendants, found or pleading guilty and mentally ill: HB 2718, HB 2887

Nuisances involving criminal street gang activity, abatement of: HB 2414, HB 2550

Offenses not bailable by sufficient sureties, adding offenses that may result in a mandatory life sentence: HJR 4218, ESSJR 8218

Parole, arresting or charging of offenders on parole with a new felony offense: ***SSB 6548, CH 258 (2010)**

Pretrial release or detention, assuring safety of another person or community in the case of: HB 3056

Pro se defendants in criminal cases, questioning of victims of sex offenses by: HB 2457

Probation, arresting or charging of offenders on probation with a new felony offense: ***SSB 6548, CH 258 (2010)**

Safe house programs for juveniles under sixteen, fingerprinting and background checks for owners of houses: HB 2136

Seizure and forfeiture of real and personal property used to facilitate criminal street gang-related offenses: HB 2413

Seizure under uniform controlled substances act, service of notice from law enforcement agencies: ***SSB 5160, CH 364 (2009)**

Sentencing grid, amended to allow greater judicial discretion and address mitigating and aggravating circumstances: SSB 6160

Serious violent offense, supervision requirement for community custody sentence when offender has a current conviction for a: ***SSB 6162, CH 376 (2009) PV**

Sex offenders, residence location and electronic monitoring after release into community: HB 1277

Sex offenses and kidnapping, improving administration and efficiency of registration: ***SSB 6414, CH 267 (2010)**

Sex offenses, offender registration provisions: ***SSB 6414, CH 267 (2010)**

Victims and witnesses, right to present a statement at sentence review or clemency and pardons hearing: ***HB 1281, CH 138 (2009)**

Victims of sex offenses, questioning by pro se defendants in criminal cases: HB 2457

Washington state sheriff first act: HB 2713

Wrongful conviction and imprisonment, payment of claims for: HB 2864

CULTURAL FACILITIES

Artistic, scientific or historical purposes or activities, property tax exemption for organizations using property for: HB 1304, ***SB 5680, CH 58 (2009)**

Cultural access authorities, creation, organization, and funding: HB 1666

DEAF

Center for childhood deafness and hearing loss, transfer to the office of the superintendent of public instruction: HB 2849
 Early support for infants and toddlers program, renaming infant and toddler early intervention program as: ***SB 6593, CH 233 (2010)**

Infant and toddler early intervention program, transferring administration to department of early learning: HB 2741, ***SB 6593, CH 233 (2010)**

State school, transfers of accumulated leave of employees: ***HB 1878, CH 47 (2009)**

Washington state center for childhood deafness and hearing loss, replacement of state school for the deaf by: HB 1879

DEATH PENALTY

Elimination in favor of life incarceration to reduce criminal justice expenses: HB 1909

DEEDS

Deeds of trust, foreclosure: HB 1942, ***ESB 5810, CH 292 (2009)**

Deeds of trust, reconveyances: HB 1644

DENTISTS AND DENTISTRY

Consent for medical or dental care by a minor, conditions: HB 2073

Dental quality assurance commission, members: HB 1061

Disciplinary proceedings, dental quality assurance commission to assess a partial recovery of state's hearing expenses in certain cases: ***SSB 5752, CH 177 (2009)**

Fees for dental services not covered under insurance or dental health care service contracts: HB 2686

Hygienists working with physicians and nurse practitioners, provisions: HB 2761

Hygienists, licensing and duties: HB 1309

Licensing of dentists, dental quality assurance commission approval for issuance of limited license: HB 1740, SB 5751

Licensing of dentists, dental quality assurance commission to retroactively relicense when suspension or revocation done for certain reasons: HB 2923

Licensing of dentists, repealing expiration date for provisions relating to dentists from other states: ***HB 2540, CH 173 (2010)**

Licensing of dentists, thirty-day grace period for renewal of license: HB 2923

Mercury amalgam, alternatives to be provided: HB 1860

DEVELOPMENTAL DISABILITIES, PERSONS WITH

Autism spectrum disorders, insurance coverage: HB 1210

Community residential programs, vendor rates for supported living providers: HB 1104

Criminal offenders with developmental disabilities, mental health court provisions for: HB 2865

Developmental disabilities council, creation of simple screening tool for identifying offenders with developmental disabilities: HB 2078

Developmental screenings for children, public medical assistance to include: 2SSB 5484

Discharging vulnerable persons from state facilities into homelessness, providing options for housing in order to avoid: HB 2905

Identifying and accommodating persons with developmental disabilities serving time in correctional facilities and jails: HB 2078

Infant and toddler early intervention program: HB 1161

Insurance, autism spectrum disorders: HB 1210

Insurance, health benefit plan coverage of neurodevelopmental therapies: HB 1412

Intensive behavior support services: HB 1226, ***SSB 5117, CH 194 (2009)**

Intermediate care facilities, requirements for allowing residents to exercise control over life decisions: HB 1407

Less restrictive treatment, renewal of orders for persons with developmental disabilities released from involuntary mental health treatment: HB 1349

Medical services, training projects for improvement of services for adults with developmental disabilities, grant program: HB 1446, SSB 5376

Neurodevelopmental therapies, health benefit plan coverage: HB 1412

Residential habilitation centers, local school district eligibility for residential habilitation center impact assistance for providing educational services to center residents: HB 2113

Residential habilitation centers, responsibility of resident's estate for cost of care: HB 2498

Respectful language in federal laws, replacement of "mental retardation" with "intellectual disability": HJM 4024

Respectful language in state laws, code reviser directed to replace "mental retardation" with "intellectual disability": ***HB 1835, CH 377 (2009)**

Respectful language in state laws, revisions to include replacing "mental retardation" with "intellectual disability": ***HB 2490, CH 94 (2010)**

Respite care for primary care providers, eligibility: HB 1429, ***SB 5547, CH 312 (2009)**

Supported living providers, vendor rates: HB 1104, HB 2664

DIKING AND DRAINAGE

Diking districts, flood control zone districts, and cities, liability and powers of: ***ESSB 6286, CH 46 (2010)**

Diking districts, provisions: HB 1887

Removal of gravel from waterways to reduce impact of flooding, provisions: HB 2007

DISABILITIES, PERSONS WITH (See also DEVELOPMENTAL DISABILITIES, PERSONS WITH)

Alternative learning experiences, limitation exception for students with disabilities: HB 3200

Autism spectrum disorders, insurance coverage: HB 1210

Disability lifeline program and benefits, establishment through security lifeline act: HB 2782

Dyslexia, development of dyslexia handbook and educator training program to enhance skills of students with: ***SSB 6016, CH 546 (2009)**

Early support for infants and toddlers program, renaming infant and toddler early intervention program as: ***SB 6593, CH 233 (2010)**

Educational programs for children with disabilities, parental involvement in development of: HB 3093

Fishing licenses, special low-priced license for senior veterans with a service-connected disability: HB 1748

Governor's committee on disability issues and employment: HB 1739, ***ESSB 5902, CH 215 (2010)**

Harassment, commission of a sex offense against a person with a disability: HB 1803

Health care insurance, LEOFF plan 2 member access to catastrophic disability medical insurance: EHB 1679

Home and community based services businesses, taxation of businesses to fund services for seniors and persons with disabilities: HB 3186

Independent living, supporting: ***HR 4633 (2009)**

Individuals with disabilities education act, petitioning Congress to fully fund forty percent of the costs of: HJM 4020

Infant and toddler early intervention program: HB 1161

Infant and toddler early intervention program, transferring administration to department of early learning: HB 2741, ***SB 6593, CH 233 (2010)**

Long-term care services, supporting autonomy and informal caregivers for the aging and persons with disabilities: HB 1330

Notification stickers, providing to drivers with certain disabilities or impairments: HB 1152

Property tax deferral for persons retired because of disability, eligibility: HB 1439

Property tax exemption, impact of health care insurance premiums on eligibility: HB 2288

Property tax exemption, social security benefits excluded from calculation of disposable income: HB 1405

Property tax relief for persons retired due to physical disability, requirements for eligibility: HB 2218

Property tax relief, disposable income limits for persons retired because of disability: HB 1764

Senior citizens, property tax exemption when retired due to disability: HB 1284

Service animal training, attendance by state agency employees with sensory disabilities: EHB 1965, ***HB 2328, CH 294 (2009)**

Service animals, prohibiting discrimination in certain real estate and dwelling transactions against persons using: HB 2438

Students with disabilities, alternative learning experience limitation exception for: HB 3200

Veterans with one hundred percent service-connected disability, property tax exemption: HB 1284

Vision impairments/orientation and mobility coordinator, position to be established at Washington State University-Vancouver: HB 2181

Visual impairments, bi-state partnership for teachers of children with: HB 2181

Wheelchair and stairway chair lifts, definitions and use: ***SSB 5793, CH 128 (2009)**

Wheelchair and stairway chair lifts, inspections: HB 2184

Wheelchair users, drivers required to take all necessary precautions to avoid injury to: ***HB 1966, CH 184 (2010)**

DISCRIMINATION

Child welfare services, remediating racial disproportionality in: HB 2164

Civil rights history, districts to be encouraged to teach: HB 3135

Employee termination for actions opposing employer violations of public policy, cause of action separate from wrongful discharge created: HB 2186
 Enhanced intelligence act, protection of certain information from collection or dissemination by intelligence data entities: HB 2798
 Lawful source of income, discrimination on basis of: HB 1766
 Malicious harassment, modifying the definition of "sexual orientation" for prosecution purposes: HB 2219, ***SB 5952, CH 180 (2009)**
 Public community athletics programs, discrimination on the basis of sex prohibited: HB 2124, ***ESSB 5967, CH 467 (2009)**
 Racial disproportionality advisory committee, recommendations concerning child welfare system: ***SSB 5882, CH 213 (2009)**
 School districts, elimination of discrimination through districts' compliance with state and federal civil rights laws: HB 3026
 Service animals, prohibiting discrimination in certain real estate and dwelling transactions against persons using: HB 2438
 Women, adoption of a treaty fighting discrimination against: HJM 4013, ***SJM 8012 (2009)**

DISSOLUTION OF MARRIAGE

Parenting plans, modification due to parent's military service: HB 1170, SSB 5212

DISTRICT COURT

Benton county, increase in number of judges: HB 1204, ***SB 5102, CH 86 (2009)**
 Employees, PERS retirement benefits for: HB 1742, ESB 5523
 Fees collected by district court clerks, allowed as court costs: ***SB 5277, CH 372 (2009)**
 Garnishment, provisions: HB 2523
 Hosting jurisdictions, services provided by: HB 1862
 Judges, eliminating mandatory retirement age for: HB 2489
 Juror expenses, compensation: HB 1937
 King county, increase in number of judges: HB 1159, ***ESB 5135, CH 26 (2009)**
 Part-time judges, allowing compensation for judicial services of: ***HB 2681, CH 191 (2010)**
 Statutory costs, provisions: HB 1022

DNA (DEOXYRIBONUCLEIC ACID)

DNA identification system, collection of biological sample when conviction is the result of a plea agreement: SSB 5026
 DNA identification system, costs for collection of samples: HB 2486
 DNA identification system, mandatory collection of sample at time of arrest for felony, misdemeanor, or patronizing a prostitute: HB 1382

DOGS

Breeding, humanitarian requirements for certain practices: HB 1936, ***ESSB 5651, CH 286 (2009)**
 Companion animal spay/neuter assistance program: HB 1406
 Companion animals, damages to: HB 1150
 Dogs under twelve months of age, minimum proper veterinarian care standard: HB 2202
 Humane treatment of dogs, requirements and penalties: HB 2387
 Requirement for sheriff to kill any dog at large without a metal identification tag eliminated: ESB 5200
 Service animals, prohibiting discrimination in certain real estate and dwelling transactions against persons using: HB 2438
 Wolf-hybrid classified as a potentially dangerous wild animal: SSB 5383

DOMESTIC PARTNERS (See also DISCRIMINATION)

State insurance and pension benefits: ***EHB 1616, CH 523 (2009)**
 State patrol retirement system benefits: HB 1445
 State registered domestic partners and other couples related to parentage, rights and obligations: HB 2793
 State registered domestic partners, rights and responsibilities: HB 1727, ***E2SSB 5688, CH 521 (2009)**
 State registered domestic partnerships prohibited: HB 1980
 State registered domestic partnerships, recognizing legal unions from other states as: HB 2482
 Survival action, state and local liability and persons entitled to recoveries under: 2ESSB 6508
 Wrongful death actions, state and local liability and persons entitled to recoveries under: 2ESSB 6508

DOMESTIC RELATIONS (See also CHILD CUSTODY; DISSOLUTION OF MARRIAGE; FAMILY LIFE; MARRIAGE AND MARRIED PERSONS)

- Adoption petitions, statement regarding applicability of Washington service members' civil relief act to proceedings involving: HB 2629
- Adoption proceedings, investigators, guardians ad litem, or other persons appointed as part of: HB 2722
- Adoption support program, prospective adoptive parent to receive information describing limits of: ***ESSB 5811, CH 491 (2009)**
- Child protective services, law enforcement to contact when a child is present in a vehicle when the driver is arrested under the influence of alcohol or drugs: HB 3124
- Child support obligations, notification of day care expenses: HB 2187
- Child support order summary report forms, repeal of requirements: HB 2627
- Child support orders, provisions concerning modification, review, and adjustment of: HB 3016
- Child support pass through funds, provisions: HB 2201
- Child support, calculation of: HB 1794
- Child support, review of support payments by secretary of department of social and health services: ***HB 2347, CH 527 (2009)**
- Children's advocacy centers for investigation, prosecution, and treatment of sexual and other child abuse: HB 2596
- Community custody, limiting alternatives to confinement for domestic violence offenders who violate the terms of: HB 3117
- Domestic partners, recognizing legal unions from other states as state registered domestic partnerships: HB 2482
- Domestic partners, rights and responsibilities of state registered partners: HB 1727, ***E2SSB 5688, CH 521 (2009)**
- Domestic partners, state insurance and pension benefits: ***EHB 1616, CH 523 (2009)**
- Domestic partners, state patrol retirement system benefits: HB 1445
- Domestic partners, state registered domestic partnerships prohibited: HB 1980
- Domestic violence, provisions concerning reporting, arrest, sentencing, no-contact and protection orders, offender treatment, and victim compensation: HB 2778
- Family law cases, investigators, guardians ad litem, or other persons appointed as part of: HB 2722
- Foster care placement, placement of child with a relative or other suitable person: ***ESSB 5811, CH 491 (2009)**
- Grandparent visitation rights, petitioning process: HB 1607, HB 2056, HB 2091
- Initial point of contact program, technical nonsubstantive corrections: SSB 5528
- Marriage, only between a man and a woman: HB 1980, HJR 4204
- Medical support obligations as part of child support order, provisions: HB 1845
- Minors in need of lifesaving medical treatment, department of social and health services to investigate parental refusal of treatment: HB 1759
- Parenting plans, shared parental responsibility: HB 1982
- Postadoption contact with siblings, children's interests in maintaining: HB 1938
- Relocation of a child, principal residence defined in context of legal separation: SB 5453
- State registered domestic partners and other couples related to parentage, rights and obligations: HB 2793
- Survival action, state and local liability and persons entitled to recoveries under: 2ESSB 6508
- Visitation orders and petitioning process, provisions for third-party visitation: HB 2421
- Wrongful death actions, state and local liability and persons entitled to recoveries under: 2ESSB 6508

DOMESTIC VIOLENCE

- Animal protection orders: ***HB 1148, CH 439 (2009)**
- Community custody, limiting alternatives to confinement for domestic violence offenders who violate the terms of: HB 3117
- Notification of victims and witnesses, domestic violence court order violations added to list of eligible offenses: ***HB 1790, CH 400 (2009)**
- Offenders, ensuring punishment: HB 1220, HB 2427
- Offenders, prohibiting release until preliminary appearance or arraignment when arrested and detained: HB 2827
- Provisions concerning reporting, arrest, sentencing, no-contact and protection orders, offender treatment, and victim compensation: HB 2778
- Sentencing provisions, modifying: HB 2777

DRIVER TRAINING AND DRIVER TRAINING SCHOOLS

- Schools, clarification of permitting, training, and licensing process: HB 2095

DRIVERS' LICENSES

Agribusiness drivers, exemption from certain commercial driver's license requirements: HB 2223
 Applicants for licenses and permits, verification that presence in United States is lawful: HB 3118
 Applicants, compliance with federal selective service requirements before issuance of license: HB 2433
 Applicants, verification that presence in United States is lawful: HB 1026
 Cell phone use while driving, driver's permit and license provisions relating to a driver's use of wireless communications: HB 2635, ***SSB 6345, CH 223 (2010)**
 Commercial drivers, "conviction" defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181 (2009)**
 Conviction defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181 (2009)**
 Driving records, furnishing of abstracts: SSB 6649
 Driving records, release of certified abstracts: EHB 1251
 Driving records, release of certified abstracts to state-approved alcohol or drug assessment or treatment agencies: SB 5411
 Driving under the influence of liquor or drugs, accountability for drivers: HB 2742
 Intermediate licenses, limitations modified: HB 1371, ***SSB 5469, CH 125 (2009)**
 Intermediate licenses, retroactively applying certain amendments made during 2009 legislative session: HB 2528, SSB 6217
 Law enforcement access to driver's license photographs for identity verification: HB 1224, ***ESSB 5262, CH 366 (2009)**
 Negligent driving, retaking and passing driver licensing exam required for certain persons convicted of: HB 2273
 Visual acuity, certification by an ophthalmologist or optometrist for licensing purposes: HB 2100
 Wireless communications, driver's permit and license provisions relating to a driver's use of: HB 2635, ***SSB 6345, CH 223 (2010)**

DRIVING UNDER THE INFLUENCE

Felony DUI, driving or being in control of vehicle with two or more prior offenses within seven years: HB 2027

DRUGS

Administration of drug, requiring informed consent of patient with known allergy to same drug or family of drugs: HB 2544
 Child predatory drug act of 2010, crimes and penalties: HB 2340
 Controlled substances, conforming uniform controlled substances act to state and federal law: HB 2443, SSB 6224
 Controlled substances, marketing to minors: HB 1012
 Driving under the influence of liquor or drugs while transporting a person under age eighteen, penalties: HB 2233
 Driving under the influence of liquor or drugs, twelve-hour impound hold on motor vehicles: HB 2565
 Drug court program, funding to support operation and administration of: HB 1919
 Drug overdose prevention, limited immunity from prosecution for people who seek medical assistance in an overdose situation: HB 1615, ***ESB 5516, CH 9 (2010)**
 Drug overdose, seeking treatment in good faith for self or other: HB 1796
 Drug overdose, use of naloxone to treat: HB 1796
 Drug-free zones, perimeters and entities included in zones under uniform controlled substances act: HB 2901
 Ephedrine, pseudoephedrine, and phenylpropanolamine, attorney general to implement statewide electronic tracking system for nonprescription sales of: HB 2961
 Ephedrine, pseudoephedrine, and phenylpropanolamine, reclassified as legend drugs and schedule III controlled substances: HB 2454
 Ephedrine, pseudoephedrine, and phenylpropanolamine, reclassified as schedule III controlled substances: HB 1236
 Felony DUI, driving or being in control of vehicle with two or more prior offenses within seven years: HB 2027
 Informed consent before administration of drug to be required if patient has known allergy to same drug or family of drugs: HB 2544
 Marijuana possession, reclassifying from misdemeanor to civil infraction: HB 1177
 Marijuana, knowingly possessing forty grams or less: HB 1695
 Marijuana, legalization and regulation of: HB 2401
 Medical marijuana, affirmative defense for qualifying patients and their designated providers to be prohibited in certain cases: HB 2434
 Medical marijuana, health care professionals to be excepted from liability and prosecution for authorizing use of: HB 2046, ***SSB 5798, CH 284 (2010)**
 Overdose, use of naloxone to treat: ***ESB 5516, CH 9 (2010)**

Prescription drug purchasing account, elimination of: ***SSB 6572, CH 9 (2010) PV**

Seizure under uniform controlled substances act, service of notice from law enforcement agencies: ***SSB 5160, CH 364 (2009)**

Testing for peace officers, provisions: HB 1511

Unwanted, disposal by pharmaceutical product stewardship programs: HB 1165

Veterinary prescription drugs, technician performance of certain drug preparation functions when delegated by licensed veterinarian: HB 1271

Violence reduction and drug enforcement account, elimination: HB 1453

EARLY LEARNING, DEPARTMENT

All start voluntary preschool program for three and four-year old children, creation of: HB 2867

Continuity of child care for children enrolled in early learning and care programs receiving working connections child care subsidies: HB 1754

Early learning advisory council, membership and duties: ***2ESB 5617, CH 12 (2010)**

Early learning program for educationally at-risk children, creation: HB 2731

Early learning working group to be convened to develop basic education program of early learning for at-risk children: HB 2431

Early support for infants and toddlers program, renaming infant and toddler early intervention program as: ***SB 6593, CH 233 (2010)**

Home visitation programs for high-risk families, department to fund jointly with the early learning private-public partnership: HB 2107

Home visiting services programs and account, establishment of: HB 2687

Infant and toddler early intervention program, transferring administration to department: HB 2741, ***SB 6593, CH 233 (2010)**

Kindergarten assessment, early learning advisory council and superintendent of public instruction to develop and implement: HB 1944

Licensing, department to implement a continuing license, plan the development and evaluation of child care licensing weighted rules, and streamline license renewal paperwork: HB 3042

Professional development consortium to develop recommendations for statewide preparation and development for the early learning and school-age program workforce: HB 1943

Voluntary program of early learning, superintendent and department of early learning to convene technical working group to develop plan for: ***SSB 6759, CH 234 (2010)**

EASTERN WASHINGTON UNIVERSITY

Board of trustees, adding a faculty member to board: HB 1841

Capital projects account, use of funds for certificates of participation authorized: HB 2254

Honorary degrees, authorizing for students who were ordered into internment camps in 1942: ***SB 6467, CH 51 (2010)**

Opportunity grant program, establishment: HB 2306

President of university, setting compensation for: HB 2859

President, compensation subject to certain limitations: HB 2240

Safety, health, and energy efficiency improvements to university facilities, creating jobs by issuing bonds to fund construction of: HB 2334

Tuition, resident and nonresident undergraduates: ***SSB 5734, CH 574 (2009) PV**

Tuition-setting authority, full-time tuition fees for resident undergraduates to be determined by governing board: HB 2946

Tuition-setting authority, provisions: E2SSB 6562

ECOLOGY, DEPARTMENT (See also AIR POLLUTION; WATER POLLUTION)

Additional appropriations, department responsibilities prior to withdrawing waters of the state from: HB 2548

Agricultural burning, fees for certain types of: HB 2980, ***SSB 6556, CH 70 (2010)**

Agricultural watering, pilot project to divert water from Skagit river near river mouth: HB 2604

Air operating permits, SEPA exemptions: HB 1253, HB 1584

Ambient groundwater and surface water monitoring and assessment program, department to enhance in phases: HB 2235

Bisphenol A in products, prohibition: ***SSB 6248, CH 140 (2010)**

Bisphenol A in products, prohibition and alternatives: HB 1180

Brake pads, limiting the use of copper and other substances as motor vehicle brake friction material in: HB 3018, ***SSB 6557, CH 147 (2010)**

Cleanup and compliance at facilities with large releases of hazardous wastes, provisions: HB 2150
 Climate change accountability act, provisions: HB 2772
 Draft general permits, department to prepare an economic impact analysis for permits covering small businesses: HB 2210
 Electrical equipment, retailer requirements and incentive grants: HB 1186
 Emergency response towing vessels for Strait of Juan de Fuca and west coast of Washington state: ***ESSB 5344, CH 11 (2009)**
 Engineering reports and plans for construction and improvements, department requirements for: HB 3136
 Greenhouse gas emission reduction, funding from emissions reduction assistance account: E2SSB 5735
 Greenhouse gas emission reduction, legislative authorization to be required for any greenhouse gas program: HB 2708
 Greenhouse gas emissions reduction, overseeing climate change expenditures through climate change accountability act: HB 2772
 Greenhouse gas emissions, efforts to reduce to be funded by auctioning of emissions allowances as part of a cap and trade program: HB 1819
 Greenhouse gas emissions, multisector emissions reduction program including emissions caps and offset credits: E2SSB 5735
 Greenhouse gases, department adoption of rules requiring the reporting of: HB 2545, ***SSB 6373, CH 146 (2010)**
 Greenhouse gases, eliminating duplication in federal and state greenhouse gas reporting requirements: HB 2653
 Groundwater information within water resource inventory areas, department to prepare a data gap analysis: HB 2235
 Groundwater right, fair market value of property to reflect impact of government restrictions on exercise of right: HB 2668
 Groundwater, permit to use public groundwaters to water lawn: HB 1179
 Hazardous waste fee provisions, updating: HB 2459
 Integrated climate change response strategy, department to coordinate with agencies and other groups: E2SSB 5138, ***E2SSB 5560, CH 519 (2009) PV**
 Lakes management advisory committee and comprehensive lakes management strategic plan: HB 1635
 Lead wheel weights, advisory committee created to recommend alternatives: HB 1033
 Lead-containing products, labeling requirements for manufacturers and wholesalers: HB 1346
 Local government fleets and school buses, retrofitting with petroleum business privilege tax proceeds distributed from energy and transportation reserve account: HB 3161
 Mercury-added general purpose lights, research and development for recycling program: HB 1799, HB 1809
 Mercury-containing lights, establishment of product stewardship recycling programs with producer participation: HB 1469, HB 2914, ***ESSB 5543, CH 130 (2010)**
 Mercury-containing lights, mandatory recycling of: ***ESSB 5543, CH 130 (2010)**
 Miles traveled by vehicles, eliminating restrictions on: HB 2755
 Natural resources management, streamlining: HB 3090
 Oil spill contingency plans, requirements for: HB 2964
 Oil spill response tax and oil spill administration tax, adjustments to: HB 2965
 Oil spills, emergency response towing vessels for Strait of Juan de Fuca and west coast of Washington state: ***ESSB 5344, CH 11 (2009)**
 Outdoor burning provisions of Washington clean air act, clarifications: ***SB 5767, CH 118 (2009)**
 Petroleum-based beverage bottles, prohibitions: HB 1859
 Pharmaceutical product stewardship programs: HB 1165
 Phosphorus-containing turf fertilizer, restrictions on use to protect lake water quality: HB 1636, HB 2744
 Phosphorus-containing turf fertilizer, restrictions on use to protect water quality: E2SSB 6289
 Pollution liability insurance agency, transfer to department of ecology: EHB 3023
 Rainwater, water right not needed for rooftop harvesting of: HB 3164
 Reclaimed water use, permitting requirements and violations and penalties: HB 1482, ***SSB 5504, CH 456 (2009)**
 Recycling, optimizing collection of source separated materials within the current regulatory structure: HB 2539
 Registered collectors, repair and reuse of electronic products: HB 1522
 Rural areas, enhancing economic vitality through limitations on withdrawal of waters from additional appropriations: HB 2666
 Saltwater algae control account and grant program: HB 1231, SB 5412
 School buses and local government fleets, retrofitting with petroleum business privilege tax proceeds distributed from energy and transportation reserve account: HB 3161

Shoreline location shifts, regulatory relief for property owners when shift is due to habitat restoration projects: ***HB 2199, CH 405 (2009)**

Shoreline management act, regulating shorelines of state solely through the: HB 2924

Shorelines of the state, applicability of certain development regulations adopted under growth management act to: ***EHB 1653, CH 107 (2010)**

Solid waste management, optimizing collection of source separated materials within the current regulatory structure: HB 2539

State agency climate leadership, reducing greenhouse gas emissions and energy consumption by state government: ***E2SSB 5560, CH 519 (2009) PV**

State clean water account moneys, use of allocated funds from: HB 3181

Storm water, construction and industrial storm water general permits: HB 2222

Strait of Juan de Fuca and west coast of Washington state, emergency response towing vessels: ***ESSB 5344, CH 11 (2009)**

Strait of Juan de Fuca, emergency response system: HB 1409

Washington state energy freedom act of 2010, legislative authorization to be required for any greenhouse gas or motor vehicle fuel economy program: HB 2708

Waste reduction and hazardous substance use reduction consultation program: HB 1014

Waste reduction and safer chemical alternatives research and development program: HB 1014

Waste reduction and sustainable production, office duties: HB 1014

Waste tire piles, efforts to clean up and prevent the creation of in the future: ***SB 5976, CH 261 (2009)**

Water banking, trust water rights program used for: ***ESSB 5583, CH 283 (2009)**

Water banks, interlocal agreements for operation by watershed management partnerships: HB 1494

Water discharge fees, changes: HB 1413

Water pollution cleanup, funding through a hazardous substance excise tax increase: HB 3181

Water pollution control facilities, department may award grants or loans to publicly owned industrial wastewater treatment facilities: SB 5940

Water pollution control revolving fund, use of moneys in fund by department: HB 2116, HB 3136

Water quality account, elimination: HB 1453

Water quality standards, amendment by department to authorize compliance schedules for discharge permits in certain cases: HB 2243, ***SSB 6036, CH 457 (2009)**

Water quality trading and banking program, department to develop: HB 2559

Water rights adjudication, procedures: HB 1571

Water rights permits, recovery of application processing costs for: HB 2591

Water rights, enhancing economic vitality in rural areas through limitations on withdrawal of waters from additional appropriations: HB 2666

Water rights, procedural improvements for processing of: HB 2508, ***E2SSB 6267, CH 285 (2010) PV**

ECONOMIC DEVELOPMENT COMMISSION

Budget and work plan requirements for commission: ESSB 6805

Duties and membership: HB 1131

Entrepreneurial education and training, commission to foster in conjunction with workforce training and education coordination board: SSB 5879

Innovation partnership zone program: HB 1128

Membership and mission of commission, provisions governing: HB 2683

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Workforce and economic development, clarifying terms for: ***HB 1395, CH 353 (2009)**, SSB 5317

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 Biomass, county authority to enter into ownership agreements for electric generating facilities powered by biomass: ***SSB 6692, CH 167 (2010)**
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Hydroelectric generation, amending constitution to recognize as renewable resource: HJR 4215

Hydroelectric generation, electricity from smaller facilities identified as an eligible renewable resource: HB 1811

Hydroelectric generation, municipally owned facility impact payments: HB 2925

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Civil air patrol, protection of member jobs during emergency service operations: ***SSB 6647, CH 170 (2010)**

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Administrative contingency fund, high-demand occupation training program funds for certain unemployed persons to come from separate account within: ***E2SSB 5809, CH 566 (2009) PV**
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 Biomass fuels, electricity generation facilities using: ***SSB 5724, CH 281 (2009)**

Biomass, county authority to enter into ownership agreements for electric generating facilities powered by biomass: ***SSB 6692, CH 167 (2010)**

Biomass, department of natural resources authority to enter into forest biomass supply agreements involving state lands: HB 2481

Carbon dioxide emissions, disclosure to electric customers of emissions associated with their electricity consumption: HB 1994

Carbonless energy parks, definition and procedures for creating: HB 2002

Clean energy jobs and climate legislation, request that Congress pass: HJM 4028

Clean energy leadership initiative created and clean energy leadership council appointed and convened: ***SSB 5921, CH 318 (2009)**

Coal-fired thermal generation facilities, repealing sales tax exemption for coal used at: HB 3077

Conservation of electricity in public educational facilities: HB 1630

Conservation programs, local finance tool authorization to fund efficiency upgrades and implement programs: HB 2853

Conservation project loans from municipal utilities and public utility districts, repayment period expanded: ***HB 1184, CH 416 (2009)**

Conservation, weatherization and structural rehabilitation of residential structures of low-income persons to achieve: ***ESSB 6468, CH 287 (2010)**

Efficiency code, products added: HB 1004, HB 2416

Energy and operational cost saving improvements at higher education institutions and public schools, creating jobs and accelerating innovation through bonds and grants to fund construction of: ***EHB 2561, CH 35 (2010)**

Energy audits and conservation measures, state agencies and school districts to undertake with assistance of department of general administration: HB 3161

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Energy efficiency upgrade pilot programs, Washington State University extension energy program authority to implement grants for: ***E2SSB 5649, CH 379 (2009) PV**

Energy efficient home, definition: ESSB 6244

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Hydroelectric generation, municipally owned facility impact payments: HB 2925

Hydroelectric generation, recognition as a renewable energy resource: HB 2432

Hydrokinetic energy systems, local sales and use tax incentives for: HB 2869

Intermittent alternative energy sources, utility plans for energy sources to be used when intermittent sources are unavailable: HB 1955

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- Light and power businesses, public utility tax credit to recover up to fifty percent of rebates given for solar water heating systems installations: HB 1134
- Lighting, exterior light pollution and wasteful energy consumption reduction: HB 1069
- Low-carbon energy generation facilities, tax and regulatory incentives to encourage the construction of: HB 2813
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- Renewable energy manufacturing facilities, tax incentives: HB 2130
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- Renewable energy sources, electricity generation sales and use tax exemption: HB 1719
- Renewable energy sources, tax incentives for use of biomass fuels in renewable energy production: ***ESSB 6170, CH 469 (2009)**
- Renewable energy sources, tax incentives for use of biomass fuels to generate electricity: HB 1610
- Renewable energy systems, creating a standard offer contract for certain systems: HB 2536
- Renewable energy systems, investment cost recovery incentives: HB 1399
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- Renewable energy targets, role of baseload renewable power facility in meeting utility's annual conservation targets: HB 2784
- Renewable energy targets, utilities to be considered in compliance in certain cases: HB 1833, HB 2857
- Renewable energy, sales and use tax exemptions: ***ESSB 6170, CH 469 (2009)**
- Renewable resource requirements for utilities, using eligible renewable resources or renewable energy credits to meet: HB 2009
- Renewable resources, electricity generation facilities using biomass fuels: ***SSB 5724, CH 281 (2009)**
- Renewable resources, large utilities to obtain certain percentages of their electricity from: HB 1294
- Small wind energy systems, permit requirement standards: HB 1008
- Solar electric generating systems, tax incentives in certain cases for manufacturing, selling, and using: HB 2537
- Solar energy panels, regulating use by homeowners' association members: ***SSB 5136, CH 51 (2009)**
- Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications: HB 1911, ***ESSB 6170, CH 469 (2009)**
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- Solar energy, commercial customer-generated solar electricity: HB 1191
- Solar energy, community solar project investment cost recovery incentives for certain companies and project administrators: ***ESSB 6658, CH 202 (2010)**
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- Solar energy, community solar projects incentives: ***ESSB 6170, CH 469 (2009)**
- Solar hot water components, sales and use tax exemption: HB 1188
- Solar water heater systems, requirements for new homes: HB 1187
- Solar water heating systems, grant program and rebate for installation to customers of light and power businesses and gas companies: HB 2185
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- Solar water heating systems, tax exemptions: HB 1857
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- Sustainable energy resources and smart energy technology, promoting through systems benefit charge: HB 2590
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- Tax revenues, increasing state revenues by preventing certain avoidance transactions, reducing tax preferences, and providing equitable tax treatment: HB 3204

Washington state energy freedom act of 2010, legislative authorization to be required for any greenhouse gas or motor vehicle fuel economy program: HB 2708
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 Bisphenol A in products, prohibition: ***SSB 6248, CH 140 (2010)**
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 Greenhouse gas emissions, efforts to reduce to be funded by auctioning of emissions allowances as part of a cap and trade program: HB 1819
 Greenhouse gas emissions, eliminating duplication in federal and state greenhouse gas reporting requirements: HB 2653
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 Habitat of threatened or endangered species, program for purchase as part of riparian open space program: HB 1484, ***SSB 5401, CH 246 (2009)**
 High-density urban development, encouraging development to further goals of growth management act, public transit, and greenhouse gas reduction: HB 2538, SB 6720
 Hydraulic project approval process, department of fish and wildlife to provide an alternative to: HB 3037

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 Lead-based paint activities program, including renovation activities as defined by the environmental protection agency: HB 2745
 Marine ecosystem, protection against petroleum extraction risks: HB 1100
 Mercury-containing lights, establishment of product stewardship recycling programs with producer participation: HB 1469, HB 2914, ***ESSB 5543, CH 130 (2010)**
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 Mukilteo, city's commitment to environmental sustainability: ***HR 4673 (2010)**
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 Phosphorus-containing turf fertilizer, restrictions on use to protect lake water quality: HB 1636, HB 2744
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 Tree canopies in large cities, consideration of impact of governmental actions on: HB 2083
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Care providers for dependent children, notification to provider of removal of child and provider request for review of decision: SSB 6730

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Dependency proceedings, parental notification of placement options under consideration: SSB 6730

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Family policy council, participation in efforts to improve graduation and reengagement rates: ESSB 5449

Foster care placement, placement of child with a relative or other suitable person: ***ESSB 5811, CH 491 (2009)**

Grandparent visitation rights, petitioning process: HB 1607, HB 2056, HB 2091

Guardians ad litem, background information records and procedures for appointment: ***SSB 5285, CH 480 (2009)**

Guardianship, implementing a guardianship program as a permanent plan for dependent children in dependency proceedings: HB 2680

Indian children, burdens of proof in dependency matters affecting: ***SSB 6470, CH 288 (2010)**

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 Dairy nutrient management program, violations: ***SSB 5677, CH 143 (2009)**
 Employees, establishment of a farm internship pilot project: ***SSB 6349, CH 160 (2010) PV**
 Energy assessments, Washington State University extension energy program to form team to develop and offer new methods for: ***E2SSB 5649, CH 379 (2009) PV**
 Farm and agricultural land, commercial agricultural purposes defined for property taxation: HB 1232
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 Farm internship pilot project, establishment: ***SSB 6349, CH 160 (2010) PV**
 Farm vehicle trip permit, extending time period covered by: HB 2282, ***HB 2313, CH 452 (2009)**
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 Milk products used for animal food consumption, standards and licensing: SSB 5678
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Anacortes to San Juan Islands ferry route, added to scenic and recreational highway system: ***SB 5289, CH 277 (2009)**

Commission, Washington state ferries commission: HB 1084

Comprehensive incident and accident investigation policy and procedures proposal to be provided to legislature by Washington state ferries: EHB 2044

Design-build and commercial off-the-shelf procurement strategies, ferry system to shift to: HB 2026

Elimination of requirement that certain ferries be constructed in Washington: HB 1652

Fare media, expiration of monetary value: HB 1082

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Ferry partnership advisory committee, creation for purpose of recommending ferry fare schedules annually to transportation commission: HB 2314

Ferry system, legislative intention to evaluate and develop cost management and efficiency improvement strategies for: HB 3209

Ferry system, modernizing ferry fleet and organization: HB 2193

Ferry vessels and terminals, cost limitations when using state forces for work performed on: HB 2271, HB 2665

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Lake Chelan, study of appropriateness of rate and service regulation of commercial ferries operating on: ***ESB 5894, CH 557 (2009)**

Marine employees of the department of transportation, collective bargaining provisions concerning health care benefits for: HB 3163, SB 6815

Marine highway system, changing ferry system name to: HB 2230

Naming, transportation commission to consider selling naming rights: SSB 5440

Naming, tribal government involvement in process: HB 1447, SSB 5440

Passenger-only ferries, funding for construction: HB 1209

Property tax, ferry district levy rates: ***SSB 5433, CH 551 (2009) PV**

Rate and service regulation of certain commercial ferry services, utilities and transportation commission authority to forebear from: ***ESB 5894, CH 557 (2009)**

Scenic and recreational highway system, all state ferry routes added to: ***SB 5289, CH 277 (2009)**

Toll penalties for infractions detected through photo enforcement system, reduction prohibited: HB 2192, ***SSB 5556, CH 272 (2009)**

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Community development financial institutions, linked deposit program loans to: ***HB 1166, CH 384 (2009)**

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Consumer loan companies, compliance with the secure and fair enforcement for mortgage licensing act of 2008: HB 1621

Credit and debit cards, information security requirements for retailers: ***HB 1127, CH 382 (2009)**

Credit card interest rates, maximum: HB 2195

Credit union regulatory enforcement powers, provisions: ***EHB 2830, CH 87 (2010)**

Credit unions, limited deposits of public funds with: ***SSB 6298, CH 36 (2010)**

Credit unions, participation in linked deposit program authorized: HB 1358

Energy efficiency projects, promoting financial institution involvement in financing of: ***E2SSB 5649, CH 379 (2009) PV**

Escrow agents, licensing provisions for: HB 2564

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Financial exploitation of vulnerable adults, response by financial institution when suspected: HB 1788, HB 2426, ***SSB 6202, CH 133 (2010)**

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Nontraditional mortgages, definitions and guidelines: HB 1586

Public deposit protection commission, modernization and clarification of powers in regard to banks and savings associations as public depositories: HB 2061

Regulation of state-chartered commercial banks, trust companies, savings banks, and their holding companies: ***EHB 2831, CH 88 (2010)**

Residential mortgage loan fees, financial institution authority to charge: HB 1588
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 Reverse mortgage loans, requirements and limitations: ***EHB 1311, CH 149 (2009)**
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 Loans, prohibiting loans by loan licensee when borrower has outstanding small loan with licensee: HB 3213
 Money transmitters, licensing provisions: HB 2636, ***SSB 6371, CH 73 (2010)**
 Mortgage brokers, compliance with secure and fair enforcement for mortgage licensing act of 2008: HB 1749
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 Nontraditional mortgages, definitions and guidelines: HB 1586
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 Regulation of state-chartered commercial banks, trust companies, savings banks, and their holding companies: ***EHB 2831, CH 88 (2010)**
 Reverse mortgage loans and debt collection, department authority to develop rules to interpret requirements and limitations: ESSB 5400
 Reverse mortgage loans, department authority to develop rules to interpret requirements and limitations: ***EHB 1311, CH 149 (2009)**
 Small loan database, director to study merits of implementing: HB 1073
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 Allotment revisions, office of financial management to notify legislative fiscal committees when revisions are significant: HB 1945
 Climate leadership, office to develop strategies for reducing greenhouse gas emissions and energy consumption by state government: ***E2SSB 5560, CH 519 (2009) PV**
 Education data center, annual reports on higher education graduates employed in Washington: HB 1671
 Education data center, cooperative development of a consumer report card for higher education: HB 1673
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 Education data center, data governance group to be established within: E2SSB 5941
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 Fiscal note instructions, requirements for: SSB 6374
 Health professional licensing information, office of financial management access to: HB 2079
 Higher education coordinating board, elimination of board and transfer of some functions to financial management: HB 3057
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K-12 education finance policy, working group to consider: HB 2776
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 Small businesses, director to develop procurement policies and procedures to support: ***SSB 5723, CH 486 (2009)**
 State information technology, office to develop strategy for consolidation within department of information services: HB 3080
 State technology entities, office to implement a single fiscal agent for: HB 1521
 Sustainable operating budgets, office to publish four-year outlook based on governor's budget: HB 2228

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Agricultural structures, local governments and state agencies to be prohibited from requiring fire sprinkler installation in: HB 2975
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 Firefighters, duties at scene of wildlife outside own district: ESB 6462
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 Forest fire protection assessment rate structure and refunds, revisions: HB 2315
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 Impact fees, facilities authorized to use: ***HB 1080, CH 86 (2010)**
 Local sales and use, fire protection purposes: ***2SSB 5433, CH 551 (2009) PV**
 Novelty lighters, prohibition of sale and distribution: HB 1015, ***ESSB 5011, CH 273 (2009)**
 Public employees' retirement system, director of fire protection's authority to refuse membership in: HB 2862, ***SB 6546, CH 80 (2010)**
 Regional fire defense boards, creation within certain regions of the state: ***EHB 2667, CH 38 (2010)**
 Regional fire protection service authorities, benefit charges for: HB 2903
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 Sprinkler systems, local governments and state agencies to be prohibited from requiring installation in agricultural structures: HB 2975
 Sprinkler systems, voluntary installation in residences: HB 2224

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 Annexation, certain areas in cities and towns authorized to annex to a fire protection district: HB 1241, HB 1561, ***SB 5426, CH 115 (2009)**
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 Emergency responses to properties, notification required to owners: HB 1537
 Firefighters, duties at scene of wildlife outside own district: ESB 6462
 Firefighting services on areas outside a fire protection jurisdiction, district option to extend policies to: HB 2549
 Merger of districts under certain circumstances to better serve portions of state highways: SSB 6205
 Regional fire protection service authorities, benefit charges for: HB 2903
 Regional fire protection service authorities, board membership and duties: HB 2874
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Alien firearm license, exception for a nonimmigrant alien hunting with a Washington-licensed hunter: SB 5193
 Alien firearm license, requirements and violations: HB 1052

Black powder, specifications and limitations for use of: HB 2499
 Commerce clause of U.S. constitution, exempting certain firearms, accessories, and ammunition from federal regulation under the: HB 2709
 Community custody, limiting alternatives to confinement for certain offenders who are armed with a deadly weapon while violating the terms of: HB 3117
 Concealed pistol license, renewal by armed forces members: ***SB 5739, CH 59 (2009)**
 Correctional officers and sergeants who have completed training exempt from certain firearm restrictions: HB 1755
 Firearms and certain nonfirearm-related weapons, possession on school premises and related areas prohibited: HB 2048
 Firearms crimes, descriptions and sentencing standards for juveniles: HB 2944
 Gun show and event sales, dealer license requirement: HB 2264
 Gun show and event sales, liability for criminal use of firearms: HB 2477
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 Pistols, changing age requirement for possession of: HB 3082
 Possession by an involuntarily committed person, provisions: ***HB 1498, CH 293 (2009)**
 Possession during an emergency, protection of right: HB 1832
 Retired law enforcement officers, issuance of firearms certificate and annual qualification certificate to: HB 2065, HB 2226
 Safety education programs, K-12 instruction: HB 2011, HB 3100
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 Shooting ranges, protecting sport shooting ranges and their availability for firearms training from burdensome regulation and lawsuits: HB 2703
 Violence reduction and drug enforcement account, elimination: HB 1453
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 Firefighters, duties at scene of wildlife outside own district: ESB 6462
 McNeil Island special commitment center firefighters to be eligible for membership in LEOFF plan 2: HB 3190
 Occupational diseases, methicillin-resistant staphylococcus aureus and esophageal cancer considered to be in certain cases: HB 1932
 Special volunteer firefighter license plates: HB 2175
 Survivors benefits for certain firefighters, designation of spouse as a survivor beneficiary for: HB 3153
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 Volunteer firefighters, retired participant resumption of service: ***HB 2823, CH 60 (2010)**
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Dungeness crab coastal fishery, recovery of gear: HB 1516
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 Geoduck diver licenses, limitations: HB 1921
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 Modernizing certain fish and wildlife provisions in title 77 RCW: HB 1778
 Pacific sardines commercial fishery, requiring purse seine fishery license or temporary annual fishery permit: HB 1326, SSB 5269
 Rainbow trout, raffle-only limited recreational fishery in Spirit Lake: HB 1838
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 Salmon and steelhead management, repealing all sections in chapter 77.110 RCW: HB 2395
 Salmon hatcheries, maximizing sale value of surplus salmon from state hatcheries: HB 2881
 Salmonid hatcheries closed or scheduled for closure, public-private partnerships for operation and management: HB 1951

Spawning beds for salmon and steelhead, department of fish and wildlife to prohibit activities that harm or disturb: HB 3131

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 Dungeness crab coastal fishery, abandoned gear declaration system: HB 1516
 Fishing poles, licensee use of two if two-pole stamp purchased: HB 1993
 Lands and other property, limits to be placed on acquisition by commission: HB 2485
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 Noxious weed management on land newly acquired by the commission: HB 2446
 Real estate, prohibiting commission from paying more than appraised value for purchase of: HB 2934
 Trapping, commission to convene trap type advisory panel: HB 1115

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Approved boating program, department to be designated as: HB 2237, 2SSB 5691
 Chaplain, department authorized to use services of a volunteer chaplain: ***HB 1437, CH 204 (2009)**
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 Columbia river recreational salmon and steelhead pilot stamp program: ***ESSB 5421, CH 420 (2009)**
 Columbia river salmon and steelhead recreational anglers board to advise department for pilot stamp program: ***ESSB 5421, CH 420 (2009)**
 Columbia river, developing a new permit-only salmonid fishery for the: HB 2696
 Commercial fishing gear, salmon fishing time for gill net gear and purse seine gear in Puget Sound: HB 3052
 Commercial licenses, department process for accepting applications after deadline: HB 1995
 Commercial licenses, sea urchin and sea cucumber license limitation program provisions: HB 2472
 Deleterious exotic wildlife, mute swans not to be designated as such under certain conditions: HB 2476
 Deleterious feral animal management plans, implementation by department: HB 2940
 Direct retail endorsement for commercial fishing, alternate operator eligibility: ***SB 5356, CH 195 (2009)**
 Dungeness crab coastal fishery, recovery of gear: HB 1516
 Falconry, adoption of permit fees by department for purpose of falconry, taking of wild raptor, and related actions: SSB 6644
 Feeding wildlife, regulations and enforcement actions: HB 1885
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 Fish passage improvement projects, incentives: HB 1163
 Fishing licenses, special low-priced license for senior veterans with a service-connected disability: HB 1748
 Fishing poles, licensee use of two if two-pole stamp purchased: HB 1993
 Geoduck diver licenses, limitations: HB 1921
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 Integrated climate change response strategy, department of ecology to coordinate with department and other agencies and other groups: E2SSB 5138
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Noxious weed management plan for land newly acquired by fish and wildlife commission, department to develop and adopt: HB 2446

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Pacific sardines commercial fishery, requiring purse seine fishery license or temporary annual fishery permit: HB 1326, SSB 5269

Predatory wildlife damage, reimbursing commercial livestock owners for livestock injured or killed: HB 1354

Public lands, managing natural resources on public lands through coordinated state land management by certain agencies: HB 2491

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Salmon fishing gear, department to adopt commercial gear rules to minimize lethality in the case of released fish: HB 2266

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Health technology assessment program, health care authority and health technology clinical committee roles in assessment process: HB 2809

Holistic medicine, work group to study: HB 1032

Home care quality authority, abolition and transfer of powers, duties, and functions to department of social and health services: HB 2953

Hospice care agencies, certificate of need exemption when serving unique needs of religious groups or ethnic minorities: HB 1926

Hospital safety net assessment for increased hospital payments, provision of: HB 2956

Immunization of children, required documentation for exemption from: HB 1703, HB 2706

Immunizations, developing a school-based vaccination guide: HB 2733

Immunizations, Washington vaccine association to be established and comprised of health carriers in state: ESB 6263

Immunizations, Washington vaccine association to be established and comprised of licensed health carriers in state: HB 2551

Infections, hospitals to report certain health care-related infections to state hospital association's quality benchmarking system: HB 2828

Influenza vaccination pilot program, school-based: HB 1282

Information, sharing to promote coordination of behavioral and medical care services: ***HB 2025, CH 398 (2009)**

Informed consent before administration of drug to be required if patient has known allergy to same drug or family of drugs: HB 2544

Insurance, access for small employers and their employees: HB 1868

Insurance, adult family home provider health benefits collective bargaining: HB 2158

Insurance, association health plan premium rates: HB 1714

Insurance, association health plan provisions: HB 1712

Insurance, authority of health care authority administrator to offer health coverage plans to nonsubsidized enrollees: HB 3203

Insurance, autism spectrum disorders: HB 1210

Insurance, basic health plan funding within state expenditure limit through cigarette tax increase: SSB 6874

Insurance, basic health plan modified to include economic recovery enrollees: HB 2117

Insurance, basic health plan option for enrollees wishing to purchase individual health insurance: HB 2169

Insurance, basic health plan program changes necessary to implement 2009-2011 operating budget: HB 2341

Insurance, billing for anatomic pathology services: HB 2605

Insurance, business and occupation tax credit for certain employers providing health care insurance for employees: HB 1872

Insurance, carriers allowed to implement alternative methods of communicating information to enrollees: ***SB 5731, CH 304 (2009)**

Insurance, comprehensive health options, incentives, and consumer empowerment (CHOICE) act: HB 2174

Insurance, conversion rights upon termination of eligibility for group coverage: ***HB 2521, CH 110 (2010)**, SB 6269

Insurance, coverage for surgical treatment of morbid obesity: SSB 6052

Insurance, creation of commission on health care insurance reform: HB 3173

Insurance, deductible for individual health coverage to be prorated from time of coverage to annual renewal date: HB 2552

Insurance, defining small group and small employer for health benefit plan purposes: ***ESSB 6538, CH 292 (2010)**

Insurance, determination of date of small employer group's composition: HB 2997

Insurance, eligibility for Washington state health insurance pool: HB 1713, ***SSB 5777, CH 555 (2009)**

Insurance, emergency services provided by nonparticipating providers in hospitals: HB 2779

Insurance, enforcement of primacy of coverage when third-party liability exists regarding claims under plans administered by the state: HB 2330

Insurance, enlisted Washington national guard members: HB 1125

Insurance, enrollees to have direct access to medical eye care providers without prior referral: HB 1396

Insurance, exemptions from filling out standard health questionnaire: HB 1401, HB 2841, ESSB 5406

Insurance, guaranteed health benefit program created: HB 2121

Insurance, guaranteed health benefits board created: HB 2121

Insurance, health benefit plan coverage of neurodevelopmental therapies: HB 1412

Insurance, health care authority to convene work group concerning health benefits for K-12 employees: 2SSB 5491

Insurance, health care discount plan organizations: HB 2012, ***SSB 5480, CH 175 (2009)**

Insurance, health care insurance partnership timeline revisions: HB 2052

Insurance, health carrier authority to offer plans equivalent to the basic health plan: HB 3050

Insurance, health insurance partnership board duties: HB 2926

Insurance, health plans to include sales or use tax calculation for durable medical or mobility enhancing equipment in plan payment: HB 2673, ***SSB 6273, CH 44 (2010)**

Insurance, health savings accounts in the form of core benefit plans for state employees: HB 1870

Insurance, information on direct patient-provider primary health care practices to be collected by insurance commissioner: HB 2796

Insurance, interstate compact for sale and issue of health benefit plans: HB 3015

Insurance, issuers of medicare supplement insurance policies or certificates providing coverage: ***HB 1567, CH 161 (2009)**

Insurance, LEOFF plan 2 member access to catastrophic disability medical insurance: EHB 1679

Insurance, limited restrictions on an endorsing practitioner's authority to write a prescription to dispense only as written through state purchased health care plans: ***ESSB 5892, CH 575 (2009)**

Insurance, offering a separate health plan targeted at young adults: HB 1866

Insurance, organ transplant coverage terms and conditions: ***SSB 5725, CH 487 (2009)**

Insurance, out-of-state health carrier certificate of authority requirements: HB 1871

Insurance, pharmacy services coverage through open pharmacy networks: HB 1905

Insurance, providing coverage not subject to RCW 48.43.045(1): HB 1865

Insurance, reducing organ transplant benefit waiting periods based on prior creditable coverage: HB 1308

Insurance, requirement for school districts and educational service districts to purchase coverage through health care authority: HB 2177

Insurance, revised definition of emergency services: HB 2522

Insurance, small employer discount for employee wellness programs: ***SSB 6019, CH 131 (2009)**

Insurance, streamlined and uniform administrative procedures for payors and providers of health care services: HB 1647, ***2SSB 5346, CH 298 (2009)**

Insurance, subsidies for purchase of health insurance for those who lack coverage and their relation to the basic health plan: HB 2807

Insurance, transfer of funds to health savings accounts: HB 2875

Insurance, Washington vaccine association to be established and comprised of health carriers in state: ESB 6263

Insurance, Washington vaccine association to be established and comprised of licensed health carriers in state: HB 2551

Insurance, wellness incentives paid by health carrier: HB 2160

Joint select committee on health reform implementation, creation of: SSCR 8409

Language access services, persons with limited English proficiency: HB 1519

Lead levels in blood, assessments for children younger than twenty-one years: HB 1345

Lead levels in blood, pilot program for screening children at risk for elevated levels: HB 1342

Liability, comprehensive civil liability reform: HB 2811, HB 2814

Long-term care services, supporting autonomy and informal caregivers for the aging and persons with disabilities: HB 1330

Marine employees of the department of transportation, collective bargaining provisions concerning health care benefits for: HB 3163, SB 6815

Medicaid, creation of single state medicaid agency to administer medicaid in place of the department of social and health services: HB 3048

Medicaid, nursing facility payment system provisions: ***ESSB 6872, CH 34 (2010) PV**

Medicaid, simplifying nursing facility payment system: HB 2898

Medical malpractice, closed claim reporting provisions: HB 2963

Medical marijuana, affirmative defense for qualifying patients and their designated providers to be prohibited in certain cases: HB 2434

Medical marijuana, health care professionals to be excepted from liability and prosecution for authorizing use of: HB 2046, ***SSB 5798, CH 284 (2010)**

Medical pregnancy resource centers: HJM 4016

Medically intensive home health care, rates: HB 1503

Medications, occupational therapists authorized to purchase, store, and administer: HB 1041

Methicillin-resistant staphylococcus aureus: HB 1123

Methicillin-resistant staphylococcus aureus, nursing homes to report infections: HB 2453

Methicillin-resistant staphylococcus aureus, pre-surgical testing and related requirements and prohibitions: HB 2375

Methicillin-resistant staphylococcus aureus, screening for and reporting of: SB 5500

Midwives, fees for licensure: HB 2168

Midwives, online access to University of Washington health sciences library: HB 2435

Minors in need of lifesaving medical treatment, department of social and health services to investigate refusal of treatment: HB 1759

Mobility enhancing equipment, health plans to include sales or use tax calculation in plan payment: HB 2673, ***SSB 6273, CH 44 (2010)**

Mobility enhancing equipment, tax exemptions when prescribed: HB 1411, HB 1485

Morbid obesity, insurance coverage for surgical treatment: SSB 6052

National nurse, establishment of office of the: HJM 4018

Neurodevelopmental therapies, health benefit plan coverage: HB 1412

Newborn children, appropriate locations for transfer: ***SSB 5318, CH 290 (2009) PV**

Newborn infants, increasing congenital disorder screening fees collected by department of health: HB 3201

Nurses, meal and rest periods when employed by health care facilities: HB 1642

Nutrition, establishment of coordinated school health public-private partnership: HB 3098

Occupational diseases of firefighters, methicillin-resistant staphylococcus aureus and esophageal cancer considered to be in certain cases: HB 1932

Opticianry, certain students to be able to practice under supervision without registration as apprentice: HB 2462, ***SB 6227, CH 16 (2010)**

Organ transplant benefit waiting periods, reducing based on prior creditable coverage: HB 1308

Organ transplant insurance coverage, terms and conditions: ***SSB 5725, CH 487 (2009)**

Osteoporosis awareness and prevention month, celebrating: ***HR 4662 (2010)**

Overdose, use of naloxone to treat: ***ESB 5516, CH 9 (2010)**

Pain management programs, certain health care providers required to complete one program: HB 2876

Pain management programs, secretary of health to approve: HB 2876

Personal health services account, elimination of: ***SSB 6572, CH 9 (2010) PV**

Personnel, health care provider right of conscience: HB 1687

Pharmaceutical product stewardship programs: HB 1165

Pregnancy, limited service pregnancy center health care information provisions: HB 2837

Premature infants, examining procedures and improving outcomes for: HB 3074

Prescription drugs, excluding disclosure of patient health care information from definition of appropriate marketing of: HB 1493

Prescriptions, privately funded prescription monitoring program to be monitored by secretary of health: HB 2829

Primary care medical home reimbursement pilot projects, evaluation of by health care authority and department of social and health services: HB 2114, ***SSB 5891, CH 305 (2009)**

Professionals, reporting violent injuries: ***SSB 5056, CH 359 (2009)**

Programs, revisions to implement 2009-2011 state operating budget: HB 2364

Provider billing statements, admissibility in certain proceedings: HB 1737

Providers, comprehensive civil liability reform: HB 2811, HB 2814

Providers, credential surcharge: HB 2348

Providers, extending immunity from liability for certain providers: HB 2478

Public employees' benefits board, employee eligibility for benefits: HB 2245

Respite care for primary care providers of persons with developmental disabilities, eligibility: HB 1429, ***SB 5547, CH 312 (2009)**

School nurses, increasing number of: HB 1502

Scoliosis screening in schools, eliminating: ***HB 1322, CH 41 (2009)**

Scoliosis screening in schools, eliminating requirements for: SB 5074

Secure exchange of health information, health care authority to designate lead organization(s) to coordinate development of system for: ***SSB 5501, CH 300 (2009)**

Service contractors, maximum capital and reserves accumulations: HB 1858

Sexually transmitted diseases, sexual health education funding for programs to help prevent: HB 1612, ***SB 5629, CH 303 (2009)**

Sickle cell disease, congenital disorder screening fee uses to include education and outreach related to: HB 3201

Small group and small employer, defining for group health benefit plan purposes: ***ESSB 6538, CH 292 (2010)**

Small group, determination of date of small employer group's composition: HB 2997

Special education programs, billing for medical services through: ***HB 1155, CH 73 (2009)**

Stroke and cardiac care, establishment of voluntary emergency system for: HB 2396

Telemedicine, delivery of medical assistance program home health care services through: HB 1529

Tobacco and tobacco products, prohibition of sales if retail establishment located on same premises as a health care clinic: HB 2257

Training projects for improvement of medical services for adults with developmental disabilities, grant program: HB 1446, SSB 5376

Traumatic brain injuries, increasing awareness of: ***HR 4674 (2010)**

Traumatic brain injuries, mental health court provisions for: HB 2865

Traumatic brain injury strategic partnership advisory council, provisions concerning: HB 2999

Unfair practices by insurers and their remedies and penalties, applying prohibitions to state health care authority: HB 2895

Unintended pregnancy, sexual health education funding for programs to help prevent: HB 1612, ***SB 5629, CH 303 (2009)**

Vaccination, developing a school-based vaccination guide: HB 2733

Vaccination, Washington vaccine association to be established and comprised of health carriers in state: ESB 6263

Vaccination, Washington vaccine association to be established and comprised of licensed health carriers in state: HB 2551
 Vaccines, universal vaccine purchase account created: HB 2342
 Volunteer health practitioners, registration requirements for volunteering during emergency declaration: HB 1400
 Washington global health technologies and product development competitiveness program, creation of: HB 2983, ***SSB 6675, CH 13 (2010)**
 Washington health security trust, creation and replacement of health care authority by: HB 1892
 Washington state health care freedom act of 2010, adoption of: HB 2669
 Wound care management by occupational therapists, provisions: HB 3072
 Youth sports, adoption of policies for the management of concussions and head injuries: ***EHB 1824, CH 475 (2009)**,
 ESSB 5763

HEALTH CARE AUTHORITY

Abolished, to be replaced by Washington health security trust: HB 1892
 Accountable care organization pilot projects, authority administrator to appoint lead organization to support pilot projects: ***ESSB 6522, CH 220 (2010)**
 Adult family home providers, considered employees for collective bargaining purposes: HB 2158
 Advanced diagnostic imaging services, authority to implement for all state purchased health care programs the best practice guidelines identified by the legislative work group: HB 2105
 Basic health plan modified to include economic recovery enrollees: HB 2117
 Basic health plan program changes necessary to implement 2009-2011 operating budget: HB 2341
 Basic health plan, funding within state expenditure limit through increase in cigarette tax: SSB 6874
 Community health care collaborative grant program, established: HB 1620, ***SSB 5360, CH 299 (2009) PV**
 Complaints to authority about customer service or health service availability, authority to process and annually report on: ***SSB 6584, CH 293 (2010)**
 Core benefit plans, health savings accounts in the form of: HB 1870
 Disability benefit options for PERS, SERS, and TRS plans 2 and 3, authority to provide recommendations, communication, and a report: HB 2919
 Domestic partners, state insurance benefits: ***EHB 1616, CH 523 (2009)**
 Electronic signatures as part of benefit application process: ***HB 1270, CH 201 (2009)**
 Eligibility for benefits, determination and periodic review of state employees concerning: HB 2245
 Guaranteed health benefit program, created under the management of the authority: HB 2121
 Health benefits for K-12 employees, convening work group concerning: 2SSB 5491
 Health savings account option for state employees: HB 2875
 Health technology assessment program, administrator and health technology clinical committee roles in assessment process: HB 2809
 Insurance, enforcement of primacy of coverage when third-party liability exists regarding claims under plans administered by the state: HB 2330
 Interpretation services, persons with limited English proficiency: HB 1519
 Nonsubsidized enrollees, authority of administrator to offer health coverage plans to: HB 3203
 Office of the health care authority ombudsman to be established in office of the insurance commissioner: HB 1958
 Prescriptions, limited restrictions on an endorsing practitioner's authority to write a prescription to dispense only as written through state purchased health care plans: ***ESSB 5892, CH 575 (2009)**
 Primacy of insurance coverage, enforcement when third-party liability exists regarding claims under health plans administered by the state: HB 2330
 Primary care medical home reimbursement pilot projects, evaluation of by authority and department of social and health services: HB 2114, ***SSB 5891, CH 305 (2009)**
 School district and educational service district employees' basic benefits to be determined and administered by health care authority: HB 1940
 School districts and educational service districts, requirement to purchase coverage through authority: HB 2177
 Secure exchange of health information, authority to designate lead organization(s) to coordinate development of system for: ***SSB 5501, CH 300 (2009)**
 Unfair practices by insurers and their remedies and penalties, applying prohibitions to authority: HB 2895
 Washington state quality authority, eliminated: HB 2159, ***SB 6002, CH 488 (2009)**

HEALTH CARE PROFESSIONS (See also COUNSELORS AND COUNSELING; HEALTH CARE)

Acupuncture profession, name of and titles within modified: HB 1390, SB 5320

Acupuncture quality assurance commission, creation: HB 1398
 Acupuncture, redesignation of acupuncturists as East Asian medicine practitioners: ***SSB 6280, CH 286 (2010)**
 Advanced registered nurse practitioners, authorizing pharmacies to fill prescriptions written by ARNPs in other states or Canada: HB 2757, ***SB 6627, CH 83 (2010)**
 Advanced registered nurse practitioners, mental health care involving commitment: HB 1071
 Anatomic pathology services, insurance billing for: HB 2605
 Bastyr University, recognizing: ***HR 4668 (2010)**
 Cardiovascular invasive specialists, certification provisions: HB 2430
 Chiropractic adjustments of the spine not included in definition of physical therapy: HB 1918
 Chiropractors, repealing the expiration of the fair payment for chiropractic services requirement: HB 2815, ***SB 6487, CH 121 (2010)**
 Colon hydrotherapists, licensure and standards of competence and conduct: HB 1638
 Complementary and alternative health care practitioners, practice requirements: HB 1861
 Contracts for health care with a health care provider, required provisions: HB 2213
 Cost information, all fees and charges for services and procedures to be disclosed by provider: HB 1869
 Credentials, surcharge: HB 2348
 Dental hygienists working with physicians and nurse practitioners, provisions: HB 2761
 Direct patient-provider primary care practices, payment arrangements: HB 1459, ***SSB 5436, CH 552 (2009) PV**
 Disciplinary process of medical quality assurance commission, procedures: HB 2543
 Disciplining of health professionals, various provisions: HB 1424
 Drug administration, requiring informed consent of patient with known allergy to same drug or family of drugs: HB 2544
 East Asian medicine practitioners, licensing provisions: ***SSB 6280, CH 286 (2010)**
 Emergency cardiac and stroke care, establishment of voluntary system for: HB 2396
 Family medicine residency training grant program: HB 1047
 Genetic counselors, licensing: HB 1723, ***SSB 5608, CH 302 (2009) PV**
 Health care assistants, administration of medications and vaccines: HB 1414
 Health care facility employees, expanding the application of the prohibition on mandatory overtime: HB 1850
 Health care facility employees, limiting exceptions to prohibition on mandatory overtime: HB 1680
 Health care providers, comprehensive civil liability reform: HB 2811, HB 2814
 Holistic physicians, work group to study: HB 1032
 Home care aides, developing curriculum for career track for: SSB 6662
 Human trafficking course, all persons licensed to practice medicine required to take: ***E2SSB 5850, CH 492 (2009) PV**
 Immunization of children, required documentation for exemption from: HB 1703, HB 2706
 Impaired physician program, requirements for licensing surcharge funding: HB 1765
 Informed consent before administration of drug to be required if patient has known allergy to same drug or family of drugs: HB 2544
 Liability, comprehensive civil liability reform: HB 2811, HB 2814
 Licensing information, office of financial management access to: HB 2079
 Licensing surcharge for certain health care professionals, options regarding: HB 2907
 Long-term care worker training and background checks, changes to provisions: ***ESSB 6180, CH 580 (2009)**
 Long-term care worker training and credentialing, changes to provisions: HB 2352
 Medical eye care providers, insurance plan enrollees to have direct access to providers without prior referral: HB 1396
 Medical malpractice, closed claim reporting provisions: HB 2963
 Medical marijuana, affirmative defense for qualifying patients and their designated providers to be prohibited in certain cases: HB 2434
 Medical marijuana, health care professionals to be excepted from liability and prosecution for authorizing use of: HB 2046, ***SSB 5798, CH 284 (2010)**
 Medical professions account, physician fees and other funds to be deposited in: HB 2894
 Medical quality assurance commission, disciplinary process: HB 2543
 Mental health service providers, disclosure of information concerning services received by persons who have been committed: HB 1300
 Methicillin-resistant staphylococcus aureus, pre-surgical testing and related requirements and prohibitions: HB 2375
 Midwives, fees for licensure: HB 2168
 Midwives, online access to University of Washington health sciences library: HB 2435
 Naturopathy, creation of Washington state board of: HB 2381, HB 2400

- Naturopathy, indirect supervision by naturopath of unlicensed practitioner performing colon hydrotherapy: HB 2004
- Nonparticipating providers providing emergency services in hospitals, provisions: HB 2779
- Nurses, meal and rest periods when employed by health care facilities: HB 1642
- Nursing assistant credentialing, revising provisions: HB 2766, ***ESSB 6582, CH 169 (2010)**
- Nursing, founding of bachelor of science in nursing program at the University Center at Everett Community College: ***HB 2694, CH 25 (2010)**
- Occupational therapists, authorized to purchase, store, and administer medications: HB 1041
- Occupational therapists, wound care management by: HB 3072
- Opticianry, certain students to be able to practice under supervision without registration as apprentice: HB 2462, ***SB 6227, CH 16 (2010)**
- Osteopathic physicians and surgeons, pre-surgical methicillin-resistant staphylococcus aureus testing and related requirements and prohibitions: HB 2375
- Pain management education, requirements for health professionals: HB 2391
- Pain management programs, certain health care providers required to complete one program: HB 2876
- Pain management programs, secretary of health to approve: HB 2876
- Pharmacy technicians to complete continuing education requirements established by board of pharmacy: HB 2064, HB 2888
- Physical therapists, conditions when performing spinal manipulation: HB 1918
- Physicians and surgeons, pre-surgical methicillin-resistant staphylococcus aureus testing and related requirements and prohibitions: HB 2375
- Physicians, health care provider right of conscience: HB 1687
- Physicians, licensing surcharge for certain health care professionals: HB 2907
- Physicians, medical quality assurance commission disciplinary process: HB 2543
- Physicians, retired active license: HB 1899
- Prescription pads, tamper-resistant: ***HB 2014, CH 328 (2009)**, SSB 5826
- Primary care physician conditional tuition waiver program: ESSB 5502
- Providers and payors of health care services, streamlined and uniform administrative procedures to be established: HB 1647, ***SSB 5346, CH 298 (2009)**
- Registered nurses, delegation of authority for various tasks to nurse by optometric physician: HB 1397
- Respiratory care practitioners, definition and licensing provisions: HB 2989
- Secure exchange of health information, health care authority to designate lead organization(s) to coordinate development of system for: ***SSB 5501, CH 300 (2009)**
- Speech-language pathology assistants, certification provisions: ***ESSB 5601, CH 301 (2009)**
- Speech-language pathology assistants, certification provisions and authority of board of hearing and speech: HB 2803, ***SB 6297, CH 65 (2010)**
- Speech-language pathology assistants, licensing provisions: HB 1631
- Surgeons, pre-surgical methicillin-resistant staphylococcus aureus testing and related requirements and prohibitions: HB 2375
- Training projects for improvement of medical services for adults with developmental disabilities, grant program: HB 1446, SSB 5376
- University of Washington health sciences library, online access to by certain health care providers: HB 1611, HB 2435, ***SSB 5913, CH 558 (2009) PV**
- Unprofessional conduct, failure to obtain informed consent prior to drug administration in certain cases to constitute: HB 2544
- Violent injuries, health care professionals to report: ***SSB 5056, CH 359 (2009)**
- Volunteer health practitioners, registration requirements for volunteering during emergency declaration: HB 1400

HEALTH DEPARTMENTS, LOCAL

- Child mortality reviews to be conducted by local health departments and collected by department of health: HB 1303
- Local health boards, maintenance inspections of on-site sewage systems: HB 2870

HEALTH MAINTENANCE ORGANIZATIONS

- Contracts for health care with a health care provider, required provisions: HB 2213
- Health care coverage, access for small employers and their employees: HB 1868
- Health care coverage, conversion rights upon termination of eligibility for group coverage: ***HB 2521, CH 110 (2010)**, SB 6269

Health care coverage, deductible to be prorated from time of coverage to annual renewal date: HB 2552
 Health care facilities construction and development, certificate of need program: ***SB 5673, CH 315 (2009)**
 Health care, providing coverage not subject to RCW 48.43.045(1): HB 1865
 Maximum capital and reserves accumulations: HB 1858

HEALTH, DEPARTMENT (See also HEALTH DEPARTMENTS, LOCAL)

Acupuncture profession, name of and titles within modified: HB 1390, SB 5320
 Acupuncture quality assurance commission, creation: HB 1398
 Acupuncture, redesignation of acupuncturists as East Asian medicine practitioners: ***SSB 6280, CH 286 (2010)**
 Advisory committee on genetic counseling, establishment: HB 1723
 AIDS program grants, consolidation of administrative services in department: ***EHB 2360, CH 3 (2010)**
 Birth and death certificates, surcharge for certified copies: HB 2348
 Birth certificates, access to original birth certificate information for adult adoptees: HB 3028
 Birth certificates, disclosure of confidential information: HB 1510
 Body piercing and body art, sterilization requirements and standard universal precautions: HB 1085
 Cardiovascular invasive specialists, certification provisions: HB 2430
 Certificate of need review by department under certain circumstances: HB 3137
 Child mortality reviews to be conducted by local health departments and collected by department of health: HB 1303
 Colon hydrotherapists, licensure and standards of competence and conduct: HB 1638
 Community health center funds to be transferred to reserve account and benefits account: HB 1892
 Congenital disorder screening for newborn infants, increasing fee collected by department of health for: HB 3201
 Counseling professions subject to authority of secretary of health under the uniform disciplinary act: HB 1514, ***SSB 5369, CH 52 (2009)**
 Counseling-related associates, practice limitations for: HB 3006
 Death and birth certificates, surcharge for certified copies: HB 2348
 Disciplining of health professionals, various provisions: HB 1424
 East Asian medicine practitioners, licensing provisions: ***SSB 6280, CH 286 (2010)**
 Elder placement referral agencies for seniors seeking housing, registration of agencies and oversight by department: HB 3167
 Emergency cardiac and stroke care, establishment by department of voluntary system for: HB 2396
 Genetic counselors, licensing: HB 1723, ***SSB 5608, CH 302 (2009) PV**
 Group B public water systems, waiver of some requirements by state board of health for systems with fewer than five connections: ***SSB 6171, CH 495 (2009)**
 Health care assistants, administration of medications and vaccines: HB 1414
 Health care providers, surcharge for credentials: HB 2348
 Health professional licensing information, office of financial management access to: HB 2079
 Hospital audits and surveys, eliminating requirement that anonymous state survey or audit evaluation instrument be developed: SB 6265
 Human remains, electronic approval of vital records by medical examiner, funeral director, and others: ***HB 1515, CH 231 (2009)**, SB 5370
 Immunizations, department to convene working group for developing a school-based vaccination guide: HB 2733
 Immunizations, Washington vaccine association to be established and comprised of health carriers in state: ESB 6263
 Immunizations, Washington vaccine association to be established and comprised of licensed health carriers in state: HB 2551
 Impaired physician program, requirements for licensing surcharge funding: HB 1765
 Lead levels in blood, pilot program for screening children at risk for elevated levels: HB 1342
 Licensing surcharge for certain health care professionals, options regarding: HB 2907
 Local health jurisdictions, department to review compliance of: HB 2388
 Long-term care workers, delaying implementation dates for training and certification of: HB 3210
 Medical quality assurance commission, disciplinary process: HB 2543
 Medicare initial certification surveys of health care facilities, fee requirement: HB 2296
 Medication management in jails, department to review annually medication practices of five jails: ***SSB 5252, CH 411 (2009)**
 Methicillin-resistant staphylococcus aureus, nursing homes to report infections: HB 2453
 Methicillin-resistant staphylococcus aureus, pre-surgical testing and related requirements and prohibitions: HB 2375
 Methicillin-resistant staphylococcus aureus, screening for and reporting of: SB 5500

Midwives, fees for licensure: HB 2168
 Midwives, online access to University of Washington health sciences library as part of license fees: HB 2435
 Neurodevelopmental therapies, department to identify and review therapies: HB 1412
 Newborn infants, increasing congenital disorder screening fees collected by department: HB 3201
 Opticianry, certain students to be able to practice under supervision without registration as apprentice: HB 2462, ***SB 6227, CH 16 (2010)**
 Osteopathic physicians and surgeons, pre-surgical methicillin-resistant staphylococcus aureus testing and related requirements and prohibitions: HB 2375
 Pain management programs, secretary to approve: HB 2876
 Pain management programs, secretary to develop criteria for approving: HB 2391
 Pesticide poisoning and exposure, department flexibility in investigation of: ***SSB 6171, CH 495 (2009)**
 Physician training, primary care physician conditional tuition waiver program: ESSB 5502
 Physicians and surgeons, pre-surgical methicillin-resistant staphylococcus aureus testing and related requirements and prohibitions: HB 2375
 Physicians, licensing surcharge for certain health care professionals: HB 2907
 Premature infants, examining procedures and improving outcomes for: HB 3074
 Prescriptions, privately funded prescription monitoring program to be monitored by secretary of health: HB 2829
 Programs under supervision of department, changes to provisions relating to certain programs: ***SSB 6171, CH 495 (2009)**
 Public water systems, chlorine residual measurement requirements for certain group A water systems: ***SSB 5199, CH 367 (2009) PV**
 Public water systems, operator certification and responsibilities: HB 1283
 Reclaimed water use, permitting requirements and violations and penalties: HB 1482, ***SSB 5504, CH 456 (2009)**
 Respiratory care practitioners, definition and licensing provisions: HB 2989
 Shellfish, biotoxin testing and monitoring surcharge: ***SB 6121, CH 577 (2009)**
 Sickle cell disease, congenital disorder screening fee uses to include education and outreach related to: HB 3201
 Small business employee wellness program to be administered by department: HB 2183
 Social worker, definition and degree requirements: HB 1357
 Speech-language pathology assistants, certification provisions: ***ESSB 5601, CH 301 (2009)**
 Speech-language pathology assistants, certification provisions and authority of board of hearing and speech: HB 2803, ***SB 6297, CH 65 (2010)**
 Speech-language pathology assistants, licensing provisions: HB 1631
 Surgeons, pre-surgical methicillin-resistant staphylococcus aureus testing and related requirements and prohibitions: HB 2375
 Tanning facilities, regulation of: HB 2652
 Tattooing, body art, body piercing, comprehensive regulations: ***SSB 5391, CH 412 (2009)**
 Vaccination, department to convene working group for developing a school-based vaccination guide: HB 2733
 Vaccination, Washington vaccine association to be established and comprised of health carriers in state: ESB 6263
 Vaccination, Washington vaccine association to be established and comprised of licensed health carriers in state: HB 2551
 Vaccines, use of funds from universal vaccine purchase account to be determined by department: HB 2342
 Veterinary board of governors, administration and disciplining authority: HB 1176
 Veterinary board of governors, requirements for issuance of veterinary technician licenses by: HB 2470, ***SB 6745, CH 123 (2010)**
 Volunteer health practitioners, registration requirements for volunteering during emergency declaration: HB 1400
 Washington state quality authority, eliminated: HB 2159, ***SB 6002, CH 488 (2009)**

HEALTH, STATE BOARD

Food service rules, cold temperature exemption for older equipment: HB 1365
 Food services, exemptions from cold-holding temperature standards for older equipment: HB 1662
 Group B public water systems, waiver of some requirements by board for systems with fewer than five connections: ***SSB 6171, CH 495 (2009)**
 Immunization of children, required documentation for exemption from: HB 1703, HB 2706
 On-site sewage systems, maintenance inspections of: HB 2870
 School environmental health and safety rules, phasing-in period: HB 2070, SSB 5779
 Sewage systems, limitations on board authority to regulate: HB 1661

HEATING

Solar hot water components, sales and use tax exemption: HB 1188

Solar water heater systems, requirements for new homes: HB 1187

HIGHER EDUCATION COORDINATING BOARD

Advisory committee on tuition policy, board to convene: HB 2118

Alternative routes to certification program for teachers, expanding: HB 2930

Border county higher education opportunity project, provisions revised: ***HB 1474, CH 158 (2009)**

Budget recommendations developed by board, modifying to include tuition and fee rates: HB 2822

College information web-based access portal for students, work group: HB 1130, ***SSB 5043, CH 23 (2009)**

Conditional scholarship programs to be subject to availability of appropriations: HB 2343

Consumer report card for higher education, cooperative development: HB 1673

Dual credit programs, board to convene working group concerning rules for: HB 3091

Dual credit programs, rules for: HB 3091

Effectiveness and efficiency work group, higher education review and recommendations: HB 1674

Elimination of board and transfer of its functions to various entities: HB 3185

Elimination of board, establishment of student financial assistance board and transfer of coordinating board functions to various entities: HB 3057

Environmental cleanup opportunity grant program and account, board to award conditional scholarships: HB 1594

Field of dreams program, board to administer GET units for program to provide access to postsecondary education for agricultural industry employees: HB 1428

Financial aid, state need grant award limits and institutional incentive grants for institutions placing students in high-demand occupations: HB 2098

Financial aid, state need grant eligibility limitations: HB 2936

Financial aid, Washington higher education loan program modifications: HB 2854

Financial management office, transfer of some board functions to office after elimination of board: HB 3057

Future teachers conditional scholarship and loan repayment program, expanding: HB 2930

GET ready for college program and account, establishment: HB 2111

Health sciences and services authorities, establishment by board: HB 1901

High-cost critical college programs, identifying and managing competitive processes for awarding funds for: HB 1904

Higher education employees, annuities and retirement accounts: HB 1545

Higher education system, expanding the system upon proven demand and encouraging mission changes: HB 2655, ***SSB 6355, CH 245 (2010)**

Initiative to develop a higher education system plan: HCR 4404

Standards for admission to public four-year institutions, use as standards for high school diploma: HB 3025, ESSB 6778

State financial assistance board, establishment after elimination of coordinating board: HB 3057

State need grant award limits and institutional incentive grants for institutions placing students in high-demand occupations: HB 2098

State need grant, eligibility limitations for: HB 2936

Student financial assistance board, establishment via elimination of higher education coordinating board and transfer of its functions to various entities: HB 3185

Students, policies for academic recognition of prior learning experiences: ***SSB 6357, CH 71 (2010)**

Training projects for improvement of medical services for adults with developmental disabilities, grant program: HB 1446, SSB 5376

Washington higher education loan program account, creation of: HB 2854

Washington institute of aerospace technology and manufacturing studies, board to collaborate with other public and private entities concerning: HB 2318

Work group for creating an online service for verifying higher education degrees and certificates: HB 1671

Work-study opportunity fund for high-demand occupations, creation: HB 2021

Work-study program, state: ***SSB 5044, CH 172 (2009)**

Workforce training and education coordinating board, elimination of higher education coordinating board and transfer of some functions to workforce board: HB 3057

HISTORIC PRESERVATION (See also ARCHAEOLOGY AND HISTORIC PRESERVATION, DEPARTMENT)

Maritime historic vessel restoration and preservation program: HB 2379

HISTORICAL SOCIETIES

State historical society, grant program and proposal solicitation for maritime historic vessel restoration and preservation program to be established by: HB 2379

HOLIDAYS AND OBSERVANCES

Black history month, recognizing: *HR 4622 (2009)

Catholic schools week: *HR 4609 (2009)

Children's day, celebrating: *HR 4604 (2009), *HR 4656 (2010)

Civic education day, celebrating: *HR 4611 (2009)

Connell centennial, recognizing: *HR 4684 (2010)

Des Moines, fiftieth birthday: *HR 4619 (2009)

Dr. Martin Luther King Jr., remembering his dream: *HR 4603 (2009)

Dr. Martin Luther King, Jr., honoring: *HR 4657 (2010)

Equal suffrage amendment, centennial of submission to the people of Washington: *HR 4618 (2009)

Motorcycle safety awareness month: *HR 4681 (2010)

Navy day, observing: *HR 4630 (2009)

Official state Christmas tree, tree placed in capitol rotunda to be designated: HB 1301

Olympia, 150th birthday: *HR 4610 (2009)

Osteoporosis awareness and prevention month, celebrating: *HR 4662 (2010)

Presidents' day: *HR 4614 (2009), *HR 4683 (2010)

Red hat day, celebrating: *HR 4641 (2009)

Wilkeson, 100th birthday: *HR 4636 (2009)

HOMELESS PERSONS

Affordable housing for all program: HB 1173

Church property, housing homeless persons on: HB 1956

Discharging vulnerable persons from state facilities into homelessness, providing options for housing in order to avoid: HB 2905

Homelessness, additional county document recording surcharge to fund certain affordable housing and homeless purposes: HB 2166

Housing and shelter for homeless and low-income persons, authority of port districts to participate in providing: HB 2563

Housing homeless persons on church property: HB 1956

Housing, annual revision of performance measures for homeless housing programs: HB 2856

Housing, focus group to examine the need for housing for individuals at a high risk of being homeless: SSB 5219

Services for the homeless, document recording fee charged by county auditor for: *HB 2331, CH 462 (2009)

Supportive housing for certain homeless persons, use of home security fund account moneys by department of commerce for homeless housing grant program grants for: HB 2900

Task forces for affordable housing and ending homelessness: HB 1173

Victimization of homeless persons, adjustments to standard sentences when certain crimes involve: HB 2497

Vulnerable persons discharged from state institutions, plans for eliminating discharge into homelessness: HB 1488

HOMEOWNERS' ASSOCIATIONS

Motor vehicle owner information, access to name and address of owner by association: HB 2440

Real estate disclosure requirements regarding homeowners' associations: *SSB 6000, CH 130 (2009)

Solar energy panels, regulating use by association members: *SSB 5136, CH 51 (2009)

HORSES AND HORSE RACING

Nonprofit race meets, distribution of funds by horse racing commission to: HB 2678, SSB 6393

Washington bred owners' bonus fund and breeder awards account: HB 1315, *SB 5125, CH 87 (2009)

HOSPICE CARE

Agencies, certificate of need exemption when serving unique needs of religious groups or ethnic minorities: HB 1926

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Audits and surveys, eliminating requirement that anonymous state survey or audit evaluation instrument be developed: SB 6265

Audits and surveys, prior notice: HB 1021

Certificate of need program for health facilities and services, abolished: HB 1867
 Certificate of need review by department of health under certain circumstances: HB 3137
 Critical access hospitals not subject to certificate of need review under some circumstances: EHB 1460, ***ESB 5423, CH 54 (2009)**
 Disproportionate share hospital adjustments by department of social and health services, appropriation of funds for: ***HB 2349, CH 538 (2009)**
 Emergency cardiac and stroke care, establishment of voluntary system for: HB 2396
 Emergency services provided by nonparticipating providers, provisions: HB 2779
 Emergency services, revised health care coverage definition of: HB 2522
 Employees, limiting exceptions to prohibition on mandatory overtime for nurses and certain other employees: HB 1680
 Employees, uninterrupted meal and rest breaks for: HB 3024
 Health care facilities construction and development, certificate of need program: HB 1777, ***SB 5673, CH 315 (2009)**
 Health care facility employees, expanding the application of the prohibition on mandatory overtime: HB 1850
 Health care facility employees, meal and rest periods: HB 1642
 Hospital benefit zones, funds and improvements: HB 1449
 Hospital safety net assessment for increased hospital payments, provision of: HB 2956
 Infections, hospitals to report certain health care-related infections to state hospital association's quality benchmarking system: HB 2828
 Medicare initial certification surveys of health care facilities, fee requirement: HB 2296
 Methicillin-resistant staphylococcus aureus: HB 1123
 Methicillin-resistant staphylococcus aureus, pre-surgical testing and related requirements and prohibitions: HB 2375
 Methicillin-resistant staphylococcus aureus, screening for and reporting of: SB 5500
 Nonparticipating providers providing emergency services, provisions: HB 2779
 Nonprofit hospitals, application and reporting requirements for the acquisition of: SSB 6698
 Nurses, meal and rest periods: HB 1642
 Physicians and personnel, health care provider right of conscience: HB 1687
 Premature infants, examining procedures and improving outcomes for: HB 3074
 Provider billing statements, admissibility in certain proceedings: HB 1737
 Public hospital capital facility areas, establishment as quasi-municipal corporations and independent taxing units within counties: ***SB 5354, CH 481 (2009)**
 Public hospital districts, issuance of bonds for hospitals and other facilities in connection with federal program participation: ***HB 2510, CH 95 (2010)**
 Real or personal property leased to a public hospital, property tax exemption: HB 1882
 Violent injuries, reporting: HB 3111, ***SSB 5056, CH 359 (2009)**

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4-H youth development program: ***HR 4615 (2009), *HR 4680 (2010)**
 Achievers scholarship program, Washington state: ***HR 4631 (2009)**
 Adna Pirates football team: ***HR 4667 (2010)**
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 Apple blossom festival: ***HR 4649 (2009)**
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 Black history month: ***HR 4622 (2009)**
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 Catholic schools in Washington state: ***HR 4671 (2010)**
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 Celski, J.R.: ***HR 4694 (2010)**
 Child's Play Charity: ***HR 4620 (2009)**
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 Children's day: ***HR 4604 (2009), *HR 4656 (2010)**

Civic education day: *HR 4611 (2009)
Classified school employees: *HR 4642 (2009), *HR 4690 (2010)
Colfax High School girls' basketball team: *HR 4702 (2010)
Colfax High School volleyball team: *HR 4686 (2010)
Colton High School girls' basketball team: *HR 4701 (2010)
Connell centennial: *HR 4684 (2010)
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Des Moines, fiftieth birthday: *HR 4619 (2009)
Dr. Martin Luther King Jr., remembering his dream: *HR 4603 (2009)
Dr. Martin Luther King, Jr., honoring: *HR 4657 (2010)
Equal suffrage amendment, centennial of submission to the people of Washington: *HR 4618 (2009)
Far West Agribusiness Association: *HR 4658 (2010)
Filipino Americans, honoring: HR 4676
Foster children and their participation in extracurricular activities: *HR 4644 (2009), *HR 4670 (2010)
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Japanese-American internees and WWII veterans from Washington state: *HR 4617 (2009), *HR 4689 (2010)
Johnson, Scott, Washington state patrol trooper: *HR 4705 (2010)
Kids in Action: *HR 4652 (2009)
Law enforcement officers killed in the line of duty: *HR 4679 (2010)
McIntyre, Dr. Jerilyn: *HR 4606 (2009)
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Miss Washington 2008: *HR 4626 (2009)
Motorcycle safety awareness month: *HR 4681 (2010)
Mount Baker community and Mount Baker Martin Luther King, Jr. scholarship program: *HR 4607 (2009)
Mukilteo, city of: *HR 4673 (2010)
Navy day: *HR 4630 (2009)
Ohno, Apolo Anton: *HR 4694 (2010)
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Olympia, 150th birthday: *HR 4610 (2009)
Osteoporosis awareness and prevention month: *HR 4662 (2010)
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Presidents' day: *HR 4614 (2009), *HR 4683 (2010)
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Seattle Children's Home: ***HR 4624 (2009)**
 Seattle Post-Intelligencer: ***HR 4638 (2009)**
 Seattle Sounders FC: ***HR 4659 (2010)**
 Skagit Valley tulip festival: ***HR 4632 (2009)**, ***HR 4691 (2010)**
 Skinner, Mary: ***HR 4605 (2009)**
 South Kitsap High School marching band: ***HR 4664 (2010)**
 St. John/Endicott High School volleyball team: ***HR 4685 (2010)**
 Stockton, John: ***HR 4675 (2010)**
 Teacher of the year, Washington state: ***HR 4634 (2009)**
 The Evergreen State College men's basketball team: ***HR 4645 (2009)**
 United States Navy: HR 4677
 Vandeman, Dr. Philip: ***HR 4643 (2009)**
 Veterans, preferred employment opportunities for: ***HR 4650 (2009)**
 Villanueva, Tomás: ***HR 4672 (2010)**
 Washington National Guard: ***HR 4602 (2009)**, ***HR 4661 (2010)**
 Wilkeson, 100th birthday: ***HR 4636 (2009)**

HOUSING (See also MANUFACTURED HOUSING; MOBILE HOMES; REAL ESTATE AND REAL PROPERTY; RENT)

Affordable housing development, use of surplus property owned by governmental entities for: EHB 2138
 Affordable housing entities, joint self-insurance programs covering property or liability risks: ***SSB 5665, CH 314 (2009)**
 Affordable housing for all plan, department of commerce to prepare and amend: HB 2906
 Affordable housing for all program: HB 1173
 Affordable housing near military bases, sales and use tax to fund through military improvement zone pilot program: HB 1756
 Affordable housing, additional county document recording surcharge to fund certain affordable housing and homeless purposes: HB 2166
 Affordable housing, county authorization to fund through surcharge: HB 1934
 Affordable, sales and use tax refund for materials and services related to construction: HB 1141
 Church property, housing homeless persons on: HB 1956
 Construction defects, warranty of habitability: HB 1045
 Consumer loan act, exemption from requirements for nonprofit housing organizations and for loans and persons making loans in certain cases: ***SSB 5468, CH 311 (2009)**
 Dependency proceedings, housing assistance for the child: HB 1769
 Discharging vulnerable persons from state facilities into homelessness, providing options for housing in order to avoid: HB 2905
 Elder placement referral agencies for seniors seeking housing, registration of agencies and oversight by department of health: HB 3167
 Employer-assisted housing program, business and occupation tax credits for participating employers: HB 1696
 Energy efficiency of existing homes, developing strategies to improve: HB 2765
 Energy efficient home, definition: ESSB 6244
 First-time home buyers, property tax exemption: HB 2090
 Focus group to examine the need for housing for individuals at a high risk of being homeless: SSB 5219
 Green home, definition: ESSB 6244
 Home inspectors, classroom instruction in both eastern and western Washington to be approved by home inspector advisory licensing board: SSB 6433
 Home inspectors, deadline for certain experienced inspectors to apply for licensure without meeting certain requirements: SSB 6433
 Home inspectors, rental property inspection requirements: ***SSB 6459, CH 148 (2010)**
 Homeless persons, annual revision of performance measures for homeless housing programs: HB 2856
 Homeless persons, authority of port districts to participate in providing housing and shelter for: HB 2563
 Homeless persons, housing on church property: HB 1956
 Homelessness, focus group to examine the need for housing for individuals at a high risk of being homeless: SSB 5219
 Homeowner's bill of rights: HB 1045
 Homeowners' associations, real estate disclosure requirements regarding: ***SSB 6000, CH 130 (2009)**

Housing authorities, annual reporting of housing program revenue use to department of community, trade, and economic development: HB 2247

Housing authorities, authorization and restrictions for alternative public works contracting procedures: ***EHB 1690, CH 21 (2010)**

Housing authorities, exemption from laws governing construction and alteration of property by other public bodies: HB 2517

Housing everyone financing tool program, creation: HB 1973

Housing trust fund program, state finance committee authority to issue general obligation bonds for: HB 2906, HB 3177

Housing trust fund, providing housing assistance for certain veterans through: HB 2922

Independent youth housing program, provisions: ***HB 1492, CH 148 (2009)**

Inspection of rental properties, requirements for landlords and inspectors: ***SSB 6459, CH 148 (2010)**

Intermediate tenancies for persons with criminal backgrounds or substance abuse issues, provisions: SSB 6338

Local government crime-free rental housing programs: HB 1299, ***2ESSB 5742, CH 132 (2010)**

Low-income households, sustainable residential weatherization: HB 1060

Low-income housing development, affordable housing incentive programs: ***EHB 1464, CH 80 (2009)**

Low-income housing, exempting from impact fees: HB 2566

Low-income housing, state funding process: HB 2018

Low-income persons, authority of port districts to participate in providing housing and shelter for: HB 2563

Low-income senior citizen housing, exemptions: ***SB 5470, CH 483 (2009)**

Low-income, funding from affordable housing account: HB 2912

Low-income, funding from special county arts, regional center, low-income housing, and community development fund: HB 2252

New home construction sales tax, reduction to increase economic activity: HB 2057

Nonprofit housing organizations, exemption from consumer loan act: ***SSB 5468, CH 311 (2009)**

Office of consumer education for home construction, created in office of attorney general and duties: E2SSB 5895

Organizations receiving affordable housing funding required to pay employees and contractors according to housing self-sufficiency income standards: HB 1963

Permanent housing pilot program, department of social and health services to collaborate on implementation plan for: HB 2782

Prevent or reduce owner-occupied foreclosure program: ***ESB 6033, CH 386 (2009) PV**

Publicly funded housing, energy audits and retrofits: ***E2SSB 5649, CH 379 (2009) PV**

Rental housing, inspection requirements for landlords and inspectors: ***SSB 6459, CH 148 (2010)**

Rental, limitations on inspections: HB 1296

Residential housing, improving home construction through consumer education, warranties, and contractor and worker requirements: HB 1393

Residential housing, weatherization and structural rehabilitation of residential structures of low-income persons to achieve energy conservation: ***ESSB 6468, CH 287 (2010)**

Residential real property construction, improving through multiple strategies: E2SSB 5895

Residential real property homeowner and construction professional early resolution mediation program: E2SSB 5895

Self-sufficiency income standards, department of community, trade, and economic development to establish and maintain: HB 1963

Seller's disclosure statement, questions about wood burning appliances added: HB 1577

Sex offender safe housing study: HB 1143

Solar water heater systems, requirements for new homes: HB 1187

Special needs housing, financing loans or grant projects through the housing trust fund: HB 1250

Supportive housing for certain homeless persons, use of home security fund account moneys by department of commerce for homeless housing grant program grants for: HB 2900

Sustainable residential weatherization, low-income households: HB 1060

Task forces for affordable housing and ending homelessness: HB 1173

Vacant homes, real estate excise tax exemptions to encourage sales to low-income buyers: HB 1495

Veterans, providing housing assistance for certain veterans through housing trust fund: HB 2922

Vulnerable persons discharged from state institutions, plans for eliminating discharge into homelessness: HB 1488

Washington housing trust fund account, deposit of county document recording surcharge funds in: HB 3177

Weatherization and structural rehabilitation of residential structures of low-income persons to achieve energy conservation: ***ESSB 6468, CH 287 (2010)**

Weatherization, expansion of low-income programs: ***E2SSB 5649, CH 379 (2009) PV**
 Workforce housing program, creation of: HB 2753

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Debt limit of commission, increase: HB 1384, ***SB 5452, CH 291 (2009)**
 Employer-assisted housing program, business and occupation tax credits for participating employers: HB 1696
 Prevent or reduce owner-occupied foreclosure program, commission to implement and administer with department of financial institutions: ***ESB 6033, CH 386 (2009) PV**
 Workforce housing program, creation of: HB 2753

HUMAN REMAINS

Autopsies, forensic investigations council to develop minimum standards for facilities used to perform: HB 2389
 Autopsy of a child under three years of age, authorized locations: HB 2084
 Cemetery board and board of funeral directors and embalmers, consolidating as funeral and cemetery board: HB 2126
 Discovery, determination of Indian origin and disposition: HB 1090
 Disposition, decedent appointment of representative to control: HB 2705
 Disposition, order of vesting for right to control in certain cases of certain serious crimes: SB 6277
 Electronic approval of vital records by medical examiner, funeral director, and others: ***HB 1515, CH 231 (2009)**, SB 5370
 Military decedents, authority of persons designated by active-duty decedent to direct disposition of remains: HB 2628

HUMAN RIGHTS COMMISSION

Complaints, procedures for filing with commission: ***SSB 6591, CH 85 (2010)**
 Lawful source of income, discrimination on basis of: HB 1766

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Alien firearm license, exception for a nonimmigrant alien hunting with a Washington-licensed hunter: SB 5193
 Hunting season, visible clothing requirements in mixed-use areas during: HB 1116
 Licenses, requirements for members of military: ***SB 5008, CH 269 (2009)**
 Trapping, licensing and regulations: HB 1115
 Youth hunting, requirements for hunters under age of fourteen: HB 1114

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Hydraulic project approval account, creation of: HB 3037
 Permits and projects, documentation requirements for enforcement actions under chapter 77.55 RCW: HB 2974
 Project approval process, department of fish and wildlife to provide an alternative to: HB 3037
 Project approval process, elimination of: HB 2597
 Project approval requirement, enforcing chapter 77.55 RCW when violated: HB 1117
 Project approval requirements, penalties for violations: HB 1178

IDENTIFICATION

Animals, voluntary participation in a state or national animal identification system: HB 2086
 Drivers' licenses and permits, verification that applicant's presence in United States is lawful: HB 3118
 Drivers' licenses, compliance with federal selective service requirements before issuance: HB 2433
 Drivers' licenses, verification that applicant's presence in United States is lawful: HB 1026
 Identical cards, compliance with federal selective service requirements before issuance: HB 2433
 Identical cards, verification that applicant's presence in United States is lawful: HB 1026
 Identification devices, labeling requirements: HB 1006
 Identification devices, limits on scanning: HB 1011
 Identity verification, law enforcement access to driver's license photographs: HB 1224, ***ESSB 5262, CH 366 (2009)**
 Radio frequency identification technology, monitoring of sex offenders: HB 1142
 Radio frequency identification technology, privacy standards for state agencies: HB 1044

IMPACT FEES

Fire protection facilities authorized to use fees: ***HB 1080, CH 86 (2010)**
 School facilities, extension of time limit for fee use: HB 1975, ***SB 5580, CH 263 (2009)**

INDETERMINATE SENTENCE REVIEW BOARD

Hearings, right of victims or their survivors and witnesses to present a statement before parole or community custody release: ***HB 1281, CH 138 (2009)**
 Transfer of board to department of corrections, provisions: HB 2957

INDIANS

American Indian endowed scholarship program, matching fund requirement eliminated: ***SSB 5001, CH 259 (2009)**
 Child welfare services, Indian tribes to receive primary preference for performance-based contracts for the provision of: HB 3121, ***SSB 6832, CH 291 (2010)**
 Child welfare services, remediating racial disproportionality in: HB 2164
 Component cities and towns within Indian reservations, supplemental income exemption: HB 1864
 Dependency proceedings, burdens of proof in dependency matters affecting Indian children: ***SSB 6470, CH 288 (2010)**
 Ferries, tribal government involvement in naming process: HB 1447, SSB 5440
 Human remains, determination of Indian origin and disposition: HB 1090
 Local government investment pool, expanded participation in pool to include tribes: HB 2450, ***2ESB 6221, CH 10 (2010)**
 Park lands, providing tribes with right of first refusal for sale, transfer, or other disposal of certain lands of significance: HB 2958
 Public facilities, definition modified in the case of federally recognized tribes: HB 1450
 Racial disproportionality advisory committee, recommendations concerning child welfare system: ***SSB 5882, CH 213 (2009)**
 State government, establishing government-to-government relationship with tribes: HB 2394
 State highways within reservation boundaries, tribal authority for setting maximum speed limits: ***HB 1448, CH 383 (2009)**
 Tax exemptions for administration and programs of any landless Washington state federally recognized Indian tribe: HB 1999
 Tribal property, conditions for exemption from property tax: HB 1526
 Tribal schools, allocation of education moneys: HB 1890
 Water banks, interlocal agreements for operation by watershed management partnerships: HB 1494

INFORMATION SERVICES, DEPARTMENT

High-speed internet work group renamed advisory council on digital inclusion and reconvened by department: HB 2170, E2SSB 5916
 High-speed internet work group to be reconvened by department: HB 2171
 High-speed internet, department authority for overseeing broadband adoption and deployment efforts in the state: HB 2170, E2SSB 5916
 High-speed internet, department implementation of deployment and adoption strategy on behalf of the state: HB 1699, HB 1701
 High-speed internet, department to assess and map broadband and related services in state: HB 2171
 High-speed internet, department to conduct inventory of publicly owned infrastructure: HB 1700
 Information services board to develop procurement policies and procedures to support small businesses: ***SSB 5723, CH 486 (2009)**
 Information services board, developing privacy standards for radio frequency identification: HB 1044
 Information systems improvement committee, creation with administrative and clerical assistance of department: E2SSB 6579
 Information technology in state government, department to direct computer, data storage, and telecommunications procurement and management: HB 3178
 Interoperability executive committee, changing membership: HB 1496
 Public printer, abolition and transfer of powers, duties, and functions to the department: HB 3020
 Public printer, transfer of powers, duties, and functions to the department: EHB 2969
 Radio frequency identification technology, privacy standards: HB 1044
 State information technology, consolidating operational functions within department: HB 3080
 State information technology, private sector outsourcing for information technology services: HB 3080

INITIATIVE AND REFERENDUM (See also ELECTIONS)

Absentee ballots, counting: HB 1623

Advertising, identification of sponsor: HB 1787
 Annexation ordinances subject to referendum, provisions: HB 2074
 Annexation, requiring certain annexation ordinances be subject to referendum: HB 2674
 Ballot envelopes, requirements: ***HB 1880, CH 125 (2010) PV**, ESB 6430
 Ballot titles to include more information and tax consequences of ballot measures: HB 3089
 Ballots, commencing tabulation and maintaining secrecy of results: HB 2495
 Ballots, modifying design provisions: HB 2496
 Ballots, prepaid postage requirement for primary and general election voting by mail: HB 2112
 Ballots, titles to indicate property tax levy's financial impact: HB 1057, HB 2702
 Bond issuance to create jobs by funding construction of safety, health, and energy efficiency improvements to public facilities, submission to people as referendum: HB 2334
 Filing fees for initiatives and referenda: HB 2615
 Initiative 1029, delaying implementation: HB 2373, HB 2376
 Initiative 960, modifying provisions of taxpayer protection act of 2007: ***ESSB 6130, CH 4 (2010)**
 Jobs act, submission of bond issuance provisions to the people: ***EHB 2561, CH 35 (2010)**
 Legislators, "normal and regular conduct" applied to discussion of ballot propositions by: HB 2322
 Manual recounts, counting original ballots only: HB 1917
 Petitions, exempting from release names, signatures, and/or addresses of any individual who signs an initiative or referendum petition: HB 2714
 Right to anonymous political speech act: HB 2714
 Sales tax, revenues from temporary increase to be deposited in health care trust account and used for working families' tax rebate if increase approved by voters: HB 2377
 Signature gatherers for petitions, provisions concerning: ESSB 6449
 Signature gathering, provisions: HB 2613, HB 2614
 Signature gathering, required distance from certain stores in commercial retail complexes: HB 2397
 Signature petitions, exemption from public disclosure: HB 2612
 Signature petitions, names and addresses of persons signing petitions to become public records: HB 2418, ESB 6754
 Signature petitions, revocation of a signature by a person who signs a petition: HB 2579
 Special elections, dates they may be held modified: HB 1018
 Sponsors of a ballot proposition, filing a statement of financial affairs: HB 2570
 Voting, adopting all mail voting: HB 1572

INSURANCE

Adjusters, provisions concerning crop adjusters: HB 2514, ***ESSB 6306, CH 67 (2010)**
 Adjusters, revised regulations: ***EHB 1568, CH 162 (2009)**
 Affordable housing entities, joint self-insurance programs covering property or liability risks: ***SSB 5665, CH 314 (2009)**
 Annuities, sales by insurers subject to suitability provisions: ***ESSB 5671, CH 18 (2009)**
 Annuities, sales by producers and insurers subject to suitability provisions: HB 1563
 Autism spectrum disorders: HB 1210
 Automobile, online insurance verification system for use by department of licensing personnel: HB 2695
 Automobile, requiring proof of insurance for vehicle registration: HB 3085
 Automobile, usage-based rating factors for motor vehicle insurance: SSB 5708
 Business continuity plans, domestic insurers required to create plans for local, state, or national emergencies: HB 1565
 Commission on health care insurance reform, creation of: HB 3173
 Companies, actions against violators to recover damages: HB 1707, SSB 5893
 Contracts for health care with a health care provider, required provisions: HB 2213
 Core benefit plans for state employees, health savings accounts in the form of: HB 1870
 Credit history, education, and income, proper use for insurance purposes: HB 2513
 Crop insurance, provisions concerning crop adjusters: HB 2514, ***ESSB 6306, CH 67 (2010)**
 Declaration of a state of emergency by governor, insurance commissioner granted authority to issue an order addressing claims and related matters: ***EHB 1566, CH 335 (2009)**
 Dental, alternatives to mercury amalgam to be provided: HB 1860
 Dental, fees for dental services not covered under insurance or dental health care service contracts: HB 2686
 Dental, treatment of dentists using licensing grace period: HB 2923
 Disability, deductible to be prorated from time of coverage to annual renewal date: HB 2552
 Disclosure of information concerning mental health services received by persons who have been committed: HB 1300

Domestic partners, state insurance benefits: ***EHB 1616, CH 523 (2009)**

Emergency services provided by nonparticipating providers in hospitals, provisions: HB 2779

Eye care, enrollees to have direct access to medical eye care providers without prior referral: HB 1396

Family leave insurance program, delaying implementation: HB 2353, ***ESB 6158, CH 544 (2009)**

Family leave insurance program, elimination: HB 1160

Flooding, forming joint underwriting associations to sell excess flood insurance: HB 2560

Flooding, forming joint underwriting associations to sell excess flood insurance for property and businesses at risk from Green River flooding: ESB 6240

Flooding, insurer disclosure that policy does not cover flood damage: HB 1564, ***SSB 5417, CH 14 (2009)**

Group life insurance, limitations on delivering of policies to state residents: HB 2404, ***SSB 6197, CH 13 (2010)**

Guaranteed asset protection waiver account, created: ***EHB 1530, CH 334 (2009)**

Guaranteed asset protection waivers, provisions: ***EHB 1530, CH 334 (2009)**

Health care discount plan organizations: HB 2012, ***SSB 5480, CH 175 (2009)**

Health care insurance partnership timeline revisions: HB 2052

Health care, access for small employers and their employees: HB 1868

Health care, adult family home provider health benefits collective bargaining: HB 2158

Health care, applying prohibitions against unfair practices by insurers and their remedies and penalties to state health care authority: HB 2895

Health care, association health plan premium rates: HB 1714

Health care, association health plan provisions: HB 1712

Health care, authority of health care authority administrator to offer health coverage plans to nonsubsidized enrollees: HB 3203

Health care, autism spectrum disorders: HB 1210

Health care, basic health plan funding within state expenditure limit through cigarette tax increase: SSB 6874

Health care, basic health plan modified to include economic recovery enrollees: HB 2117

Health care, basic health plan option for enrollees wishing to purchase individual health insurance: HB 2169

Health care, basic health plan program changes necessary to implement 2009-2011 operating budget: HB 2341

Health care, benefits for mental health services under the crime victims' compensation program: HB 2640

Health care, billing for anatomic pathology services: HB 2605

Health care, business and occupation tax credit for certain employers providing health care insurance for employees: HB 1872

Health care, carrier authority to offer plans equivalent to the basic health plan: HB 3050

Health care, carriers allowed to implement alternative methods of communicating information to enrollees: ***SB 5731, CH 304 (2009)**

Health care, commissioner to study language issues affecting purchasers of health insurance: HB 1519

Health care, community health care collaborative grant program established: HB 1620, ***SSB 5360, CH 299 (2009) PV**

Health care, comprehensive health options, incentives, and consumer empowerment (CHOICE) act: HB 2174

Health care, conversion rights upon termination of eligibility for group coverage: ***HB 2521, CH 110 (2010)**, SB 6269

Health care, coverage for surgical treatment of morbid obesity: SSB 6052

Health care, creation of commission on health care insurance reform: HB 3173

Health care, deductible to be prorated from time of coverage to annual renewal date: HB 2552

Health care, defining small group and small employer for health benefit plan purposes: ***ESSB 6538, CH 292 (2010)**

Health care, determination of date of small employer group's composition: HB 2997

Health care, direct patient-provider primary care payment arrangements: ***SSB 5436, CH 552 (2009) PV**

Health care, emergency services provided by nonparticipating providers in hospitals: HB 2779

Health care, enforcement of primacy of coverage when third-party liability exists regarding claims under plans administered by the state: HB 2330

Health care, enlisted Washington national guard members: HB 1125

Health care, enrollees to have direct access to medical eye care providers without prior referral: HB 1396

Health care, exemptions from filling out standard health questionnaire: HB 1401, HB 2841, ESSB 5406

Health care, guaranteed health benefit program created: HB 2121

Health care, guaranteed health benefits board created: HB 2121

Health care, health care authority to convene work group concerning health benefits for K-12 employees: 2SSB 5491

Health care, health insurance partnership board duties: HB 2926

Health care, health plan benefit coverage of neurodevelopmental therapies: HB 1412

Health care, health plans to include sales or use tax calculation for durable medical or mobility enhancing equipment in plan payment: **HB 2673, *SSB 6273, CH 44 (2010)**

Health care, health savings accounts in the form of core benefit plans for state employees: **HB 1870**

Health care, information on direct patient-provider primary health care practices to be collected by insurance commissioner: **HB 2796**

Health care, interstate compact for sale and issue of health benefit plans: **HB 3015**

Health care, issuers of medicare supplement insurance policies or certificates providing coverage: ***HB 1567, CH 161 (2009)**

Health care, LEOFF plan 2 member access to catastrophic disability medical insurance: **EHB 1679**

Health care, limited restrictions on an endorsing practitioner's authority to write a prescription to dispense only as written through state purchased health care plans: ***ESSB 5892, CH 575 (2009)**

Health care, maximum capital and reserves accumulations for service contractors and health maintenance organizations: **HB 1858**

Health care, offering a separate health plan targeted at young adults: **HB 1866**

Health care, organ transplant coverage terms and conditions: ***SSB 5725, CH 487 (2009)**

Health care, out-of-state health carrier certificate of authority requirements: **HB 1871**

Health care, pharmacy services coverage through open pharmacy networks: **HB 1905**

Health care, providing coverage not subject to RCW 48.43.045(1): **HB 1865**

Health care, reducing organ transplant benefit waiting periods based on prior creditable coverage: **HB 1308**

Health care, requirement for school districts and educational service districts to purchase coverage through health care authority: **HB 2177**

Health care, revised definition of emergency services: **HB 2522**

Health care, small employer discount for employee wellness programs: ***SSB 6019, CH 131 (2009)**

Health care, streamlined and uniform administrative procedures for payors and providers of health care services: **HB 1647, *2SSB 5346, CH 298 (2009)**

Health care, subsidies for purchase of health insurance for those who lack coverage and their relation to the basic health plan: **HB 2807**

Health care, transfer of funds to health savings accounts: **HB 2875**

Health care, Washington vaccine association to be established and comprised of health carriers in state: **ESB 6263**

Health care, Washington vaccine association to be established and comprised of licensed health carriers in state: **HB 2551**

Health care, wellness incentives paid by health carrier: **HB 2160**

Health insurance partnership board, duties: **HB 2926**

Higher education students, insurance requirements when studying or researching abroad: **HB 2001, *ESB 5925, CH 297 (2009)**

Insurers, modifying exemption to foreign or alien insurer applicant three-year active transacting requirement: ***HB 2419, CH 93 (2010)**

Insurers, vested credit due against taxes for contributions directly to the Washington global health technologies and product development account: **HB 2983**

Interstate compact for sale and issue of health benefit plans, establishment of: **HB 3015**

Language access services, persons with limited English proficiency: **HB 1519**

Life insurance, limitations on delivering of group life policies to state residents: **HB 2404, *SSB 6197, CH 13 (2010)**

Life insurance, noninsurance benefits included in policies: **HB 1202**

Life settlement contracts, life settlements model act: ***SSB 5195, CH 104 (2009)**

Local government, public records claims liability and defense costs for self-insurance programs: **HB 1107**

Marine employees of the department of transportation, collective bargaining provisions concerning health care benefits for: **HB 3163, SB 6815**

Medical malpractice, closed claim reporting provisions: **HB 2963**

Morbid obesity, health care coverage for surgical treatment: **SSB 6052**

Neurodevelopmental therapies, health benefit plan coverage: **HB 1412**

OASI revolving fund, expenditures from fund for costs of program administration authorized: ***HB 2206, CH 171 (2009)**

Organ transplant benefit waiting periods, reducing based on prior creditable coverage: **HB 1308**

Organ transplant insurance coverage, terms and conditions: ***SSB 5725, CH 487 (2009)**

Primacy of coverage, enforcement when third-party liability exists regarding claims under health plans administered by the state: **HB 2330**

Producers, nonresident: **HB 2512, *SSB 6251, CH 18 (2010)**

Producers, revised regulations: ***EHB 1568, CH 162 (2009)**
 Property insurance, forming joint underwriting associations to sell excess flood insurance: HB 2560
 Property insurance, forming joint underwriting associations to sell excess flood insurance for property and businesses at risk from Green River flooding: ESB 6240
 Public employees' benefits board, employee eligibility for benefits: HB 2245
 Receivership, confidentiality in the case of insurer receiverships: HB 2842
 Rental car companies, rental agreements and vehicle license cost recovery fees: HB 1779, ***SSB 5509, CH 346 (2009)**
 Residential property, underwriting actions: HB 1670
 School district and educational service district employees' basic benefits to be determined and administered by health care authority: HB 1940
 Self-insurance programs, costs of public records claims liability and defense: HB 1107
 Self-service storage specialty producers, issuance of insurance to occupants by licensed producers: HB 2013
 Service of legal process, various provisions: HB 2585
 Small group and small employer, defining for group health benefit plan purposes: ***ESSB 6538, CH 292 (2010)**
 Small group, determination of date of small employer group's composition: HB 2997
 State retirement system, participation in insurance plans and contracts by separated members of certain plan 2 retirement systems: HB 1601
 Surplus line brokers, nonresident: HB 2512, ***SSB 6251, CH 18 (2010)**
 Surplus line brokers, revised regulations: ***EHB 1568, CH 162 (2009)**
 Surplus line coverage, requirement for signed declaration to be executed by surplus line broker: HB 3060
 Title insurance agents, revised regulations: ***EHB 1568, CH 162 (2009)**
 Unfair practices by insurers and their remedies and penalties, applying prohibitions to state health care authority: HB 2895
 Various provisions: ***HB 1567, CH 161 (2009)**, HB 2585
 Viatical settlements, life settlements model act: ***SSB 5195, CH 104 (2009)**
 Washington state health insurance pool, eligibility for: HB 1713, ***SSB 5777, CH 555 (2009)**

INSURANCE COMMISSIONER

Commission on health care insurance reform, creation of: HB 3173
 Declaration of a state of emergency by governor, commissioner granted authority to issue an order addressing claims and related matters: ***EHB 1566, CH 335 (2009)**
 Direct patient-provider primary health care practices, commissioner to collect information on direct practices: HB 2796
 Insurance company actions against violators to recover damages: SSB 5893
 Insurance company actions against violators to recover damages, reporting to commissioner: HB 1707
 Office of the health care authority ombudsman to be established in commissioner's office: HB 1958
 Producers, licensing of nonresidents: HB 2512, ***SSB 6251, CH 18 (2010)**
 Receivership, confidentiality in the case of insurer receiverships: HB 2842
 Self-service storage specialty producers, licensing requirements for producers who wish to sell insurance to occupants: HB 2013
 Surplus line brokers, licensing of nonresidents: HB 2512, ***SSB 6251, CH 18 (2010)**

INTERNET

Broadband technologies, creation of broadband adoption and deployment authority and council on digital inclusion: HB 1698
 Commercial web sites, privacy policies regarding personally identifiable information: HB 1005
 Digital forensic crime lab, work group to evaluate need: HB 1248, ***SB 5184, CH 27 (2009)**
 Electronic mailings by legislators, restrictions on: HB 2952
 High-speed internet, department of information services authority for overseeing broadband adoption and deployment efforts in the state: HB 2170, E2SSB 5916
 High-speed internet, department of information services implementation of deployment and adoption strategy on behalf of the state: HB 1699, HB 1701
 High-speed internet, department of information services to assess and map broadband and related services in state: HB 2171
 High-speed internet, inventory of publicly owned infrastructure: HB 1700
 Higher education technology transformation task force to be convened by K-20 educational network board: HB 1946
 Information services department, consolidating operational functions of state information technology within department: HB 3080

Information systems improvement committee, creation and duties: E2SSB 6579

Information technology in state government, department of information services to direct computer, data storage, and telecommunications procurement and management: HB 3178

Lottery tickets, internet registration for second chance drawings of nonwinning tickets: HB 2732

Online learning, development, approval, implementation, and administration of alternative learning experience online courses and programs for students: ***SSB 5410, CH 542 (2009)**

Online learning, local school finance related to nonresident students enrolled in: HB 2759

Online learning, provisions concerning high school students taking online courses for college credit: HB 2852

Personal electronic devices, consumer protection in cases of the theft of: HB 2785, HB 2968

Public records, state agency authority to direct records requesters to agency web site: HB 2582, ***SSB 6367, CH 69 (2010)**

Sex offenders, internet access prohibited for certain offenders on community custody: HB 1072

Sexually explicit material, restricting access of children to: HB 2286

Solicitations posted by an incarcerated felon, notice of felon's incarcerated status to be posted with: HB 2063

State information technology, private sector outsourcing for information technology services: HB 3080

Student college information web-based access portal, work group: HB 1130, ***SSB 5043, CH 23 (2009)**

Tobacco products, sale by mail order or internet: HB 1249, ***SSB 5340, CH 278 (2009)**

University of Washington health sciences library, online access to by certain health care providers: HB 1611, HB 2435, ***SSB 5913, CH 558 (2009) PV**

Viewing minors engaged in sexually explicit conduct on the internet, penalties: HB 1247

Voice over protocol and protocol-enabled services, limits on governmental regulation: HB 1585

Voting over the internet for service and overseas voters: HB 1624

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Districts, administration: ***HB 3030, CH 201 (2010), *SSB 5839, CH 145 (2009)**

IRRIGATION DISTRICTS

Administration: ***HB 3030, CH 201 (2010), *SSB 5839, CH 145 (2009)**

Energy conservation loans, extending pay back period for certain loans: ***HB 2676, CH 4 (2010)**

JAILS

Booking photographs and electronic images to be open to public: HB 2115

Correctional facility inmates prohibited from inspecting or copying nonexempt public records: HB 2259

Corrections officers and sergeants, mandatory overtime limits for corrections officers and sergeants employed by city or county jail: HB 1800

Criminal justice facility and agency employee personal information, release prohibited in various cases: HB 2259

Developmental disabilities, identifying and accommodating offenders with: HB 2078

Discharging vulnerable persons from state facilities into homelessness, providing options for housing in order to avoid: HB 2905

Juveniles in adult jails, school district education programs for: HB 3029, ***2SSB 6702, CH 226 (2010)**

Medical care for arrestees, financial responsibility: HB 1780

Medical care for incarcerated persons: HB 2284

Medication management in jails, conditions for the provision of: ***SSB 5252, CH 411 (2009)**

Medication management in jails, jail medication management work group to develop a model policy: ***SSB 5252, CH 411 (2009)**

Pregnancy, limiting use of restraints on pregnant women and youths in certain state facilities: HB 2747

Release dates for offenders, department approval of jail certification from a correctional agency calculating earned release time: ***HB 1789, CH 399 (2009)**

Tolling for term of confinement or supervision, provisions: HB 3044

Wrongful conviction and imprisonment, payment of claims for: HB 2864

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AgJOBS legislation, requesting that the United States Congress enact: HJM 4017

Air transportation system, implementation of NextGen capabilities to modernize and improve: HJM 4019

Bob Oke bridge: HJM 4011

California's motor vehicle emissions standards, supporting: HJM 4015

Clean energy jobs and climate legislation, request that Congress pass: HJM 4028

Columbia Basin project, funds for phase II: HJM 4012
 Community bank policies and legislation, urging certain federal entities to actively support: HJM 4029
 County health care costs, federal act to restore payment of: ***HJM 4000 (2009)**
 Defense base act of 1941, reformation of: HJM 4026
 Discrimination against women, adoption of an anti-discrimination treaty: HJM 4013, ***SJM 8012 (2009)**
 Ecumenical Patriarchate, petitioning government of Turkey to respect human and property rights of: HJM 4003
 Endangered species act, federal and state cooperation: ***SJM 8001 (2009)**
 Executive compensation at institutions that received federal bailout funds, restriction of: HJM 4021
 Federal budget deficit, taking actions to reduce: HJM 4023
 Health information technology, uniform national standard of interoperability compliance date: ***SJM 8003 (2009)**
 Individuals with disabilities education act, petitioning Congress to fully fund forty percent of the costs of: HJM 4020
 Inflation of unbacked paper money, unprecedented losses due to: HJM 4010
 Interstate commission for adult offender supervision, requesting immediate initiation of emergency rule-making process:
***SJM 8026 (2010)**
 McCarran-Ferguson act, petitioning congress to repeal antitrust provisions: HJM 4022
 Medical pregnancy resource centers: HJM 4016
 Medicare 24-month waiting period, elimination for participants in social security disability insurance: ***SJM 8013 (2009)**
 National nurse, establishment of office of the: HJM 4018
 Nisei veterans, postage stamp: ***HJM 4005 (2009)**
 No child left behind act, reauthorization to include health and fitness: HJM 4002
 Older adults, recognition and celebration of: HJM 4001
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 Puget Sound Energy/Puget Holdings merger proposal, urging utilities and transportation commission to rehear: HJM 4007
 Respectful language in federal laws, replacement of "mental retardation" with "intellectual disability": HJM 4024
 Space shuttle, requesting transfer of a retired space shuttle orbiter to Washington's museum of flight: HJM 4027, ***SJM 8025 (2010)**
 Special session, reintroduction of bills, memorials, and resolutions for 2010 first special session: ***HCR 4409 (2010)**
 Special transportation needs, services for those who have: HJM 4008
 State route 110, renaming a portion as the "Operations Desert Shield and Desert Storm Memorial Highway": HJM 4004
 State route 502, naming a portion as the "Lewisville Highway": ***SJM 8006 (2009)**
 State route 503, to be named "Battle Ground Highway": ***SJM 8006 (2009)**
 State sales tax deduction, petitioning to make deduction a permanent federal income tax deduction: HJM 4030
 State sovereignty under tenth amendment: HJM 4009
 Trucking industry, requesting the passage of legislation to stabilize: ***HJM 4014 (2009)**
 Vietnam veterans, honoring: HJM 4025

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Checks, policies and procedures for issuance as payment of claims or other obligations: EHB 1728, ***SSB 5267, CH 173 (2009)**

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 Budget stabilization account, transfer of extraordinary revenue growth to: HJR 4209, SJR 8209
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 Lakewood law enforcement memorial act, excepting certain persons charged with a most serious crime from being bailable under certain conditions: HJR 4213, HJR 4214
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Offenses not bailable by sufficient sureties, adding offenses that may result in a mandatory life sentence: HJR 4218, ESSJR 8218
 Real property, assessed value: HJR 4200
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 Secret ballots, constitutional amendment guaranteeing: HJR 4211
 Special session, reintroduction of bills, memorials, and resolutions for 2010 first special session: ***HCR 4409 (2010)**
 State bank of Washington, state constitutional amendment for authorization of: HJR 4224
 Supreme court, requirement that all practice of law and administration of justice regulatory and related functions reside with: HJR 4210
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 Voting age, certain seventeen year olds allowed to vote: HJR 4202

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District court, allowing compensation for judicial services of part-time judges: ***HB 2681, CH 191 (2010)**
 District court, increase in number of judges for Benton county: HB 1204, ***SB 5102, CH 86 (2009)**
 Pretrial release or detention, assuring safety of another person or community in the case of: HB 3056
 Retirement, eliminating mandatory retirement age for judges: HB 2489, HJR 4216
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Declarations, electronic juror signatures: ***HB 1158, CH 330 (2009)**
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Abortion, informed consent and related provisions in the case of minor females and females subject to guardianship: HB 1688
 Adolescents at risk or in crisis, residential and other services: HB 2137
 Case records, center for court research and office of public defense access: ***HB 1238, CH 440 (2009)**
 Contempt of court, increasing the period of confinement for: HB 2729
 Counseling by juvenile probation counselors and other juvenile court employees, provisions concerning: ***SSB 6884, CH 20 (2010)**
 Dependency proceedings, burdens of proof in dependency matters affecting Indian children: ***SSB 6470, CH 288 (2010)**
 Dependency proceedings, guardian ad litem background information records and procedures for appointment: ***SSB 5285, CH 480 (2009)**
 Dependency proceedings, housing assistance for the child: HB 1769
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 Dependency proceedings, notices of custody and out-of-home care placement to encourage parental engagement in process: HB 1782
 Dependency proceedings, notifying parent or parents of child placement options after entry of dispositional order: ***SSB 5510, CH 484 (2009)**
 Dependency proceedings, parental notification of placement options under consideration: SSB 6730
 Dependency proceedings, parenting plans and residential schedules: HB 1239
 Dependency proceedings, qualified grandparents as priority placement option for children needing out-of-home care: HB 2092
 Dependency proceedings, right of relative to be heard when a child who has been placed with them is to be removed: SSB 6416

Dependency proceedings, searches for relatives of children requiring out-of-home placement: HB 2085

Dependency summons, petitioner to give notice: HB 1003

Discharging vulnerable persons from state facilities into homelessness, providing options for housing in order to avoid: HB 2905

Diversions for offenses in juvenile court, option in certain cases: HB 2215

DNA identification system, mandatory collection of sample at time of arrest for felony, misdemeanor, or patronizing a prostitute: HB 1382

Education programs for juveniles in adult jails, provisions: HB 3029, ***SSB 6702, CH 226 (2010)**

Family participation in juvenile offender programs, pilot program to increase: SSB 5141

Firearms and weapons, various provisions for juvenile crimes involving: HB 2535

Firearms crimes, descriptions and sentencing standards: HB 2944

Foster care citizen review boards, elimination of: ***HB 1375, CH 152 (2009)**

Foster care placement, placement of child with a relative or other suitable person: ***ESSB 5811, CH 491 (2009)**

Gambling when underage, juvenile court jurisdiction: ***SSB 5040, CH 357 (2009)**

Guardians ad litem, background information records and procedures for appointment: ***SSB 5285, CH 480 (2009)**

Guardianship, implementing a guardianship program as a permanent plan for dependent children in dependency proceedings: HB 2680

Indian children, burdens of proof in dependency matters affecting: ***SSB 6470, CH 288 (2010)**

Jails, school district education programs for juveniles in adult jails: HB 3029, ***SSB 6702, CH 226 (2010)**

Juvenile detention employees to be considered uniformed personnel for interest arbitration: HB 1801, SB 5908

Juvenile offender basic training camp program, elimination: HB 2345

Juvenile offenders, restriction of access to records of: ***E2SSB 6561, CH 150 (2010)**

Juvenile, definition: HB 1258

Juveniles, transfer to adult court: HB 1260

Life imprisonment without possibility of release or parole, ending sentence for certain juvenile offenders: HB 1507, HB 2023

Newborn children, appropriate locations for transfer: ***SSB 5318, CH 290 (2009) PV**

Notifying parent, guardian, or custodian when taken into law enforcement custody: HB 1054

Offender score, limiting use of juvenile prior offenses in: HB 1593

Pregnancy, limiting use of restraints on pregnant women and youths in certain state facilities: HB 2747

Records of vacated deferred dispositions to be automatically sealed upon juvenile's eighteenth birthday: HB 1954

Records, restriction of access to records of juvenile offenders: ***E2SSB 6561, CH 150 (2010)**

Registration, juvenile sex or kidnapping offender relief of duty to register: HB 1259

Registration, state patrol annual notification of juvenile sex or kidnapping offenders of ability to petition for relief from registration: ***SSB 5326, CH 210 (2009)**

Restitution in juvenile cases, modification of: ***SSB 6192, CH 134 (2010)**

Runaway youth, overnight youth shelter procedures when shelter knows minor is away from home without parental permission: HB 2752

School criminal gang intimidation, penalties: HB 2415

Sentence for treatment program, department of social and health services to maintain a medium security youth camp for: HB 2234

Sentencing juveniles as adults, mitigating circumstances: HB 1501

Sentencing provisions, standard ranges including community supervision, electronic monitoring, and commitment to the juvenile rehabilitation administration: ***ESSB 5746, CH 454 (2009)**

Sexually exploited juveniles, diversion of juvenile offenders authorized in certain circumstances: HB 1505

Shelters for runaway youth, procedures when shelter knows minor is away from home without parental permission: HB 2752

Street gangs, provisions concerning intimidation, tagging and graffiti, and sentencing enhancements: HB 2415

Tuancy, removing certain petition provisions in statute concerning: HB 3058

Vulnerable persons discharged from state institutions, plans for eliminating discharge into homelessness: HB 1488

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Adult family home providers, considered employees for collective bargaining purposes: HB 2158

AgJOBS legislation, requesting that the United States Congress enact: HJM 4017

AmeriCorps-affiliated nonprofit conservation corps programs to be exempt from requirement to pay prevailing wage: HB 2475

Apprentices, labor hour requirements for public works projects by four-year higher education institutions: ***ESSB 5873, CH 197 (2009)**

Child care center directors and workers, collective bargaining over state support for centers: HB 1329

Civil air patrol, protection of member jobs during emergency service operations: ***SSB 6647, CH 170 (2010)**

Community agricultural worker safety program: HB 2032

Community and technical college academic employees, modifying collective bargaining law to allow additional compensation: HB 1340

Community and technical college nontenured faculty, scope of collective bargaining for: HB 2584

Community college boards of trustees, required appointment of at least one member from labor: HB 1941, HB 2751

Corrections officers and sergeants, mandatory overtime limits when employed by city or county jail: HB 1800

Crane safety, defining construction for purposes of: HB 3073

Employee termination for actions opposing employer violations of public policy, cause of action separate from wrongful discharge created: HB 2186

Employer communications about political or religious matters, prohibitions, violations, and penalties: HB 1528

Exempt state employees, protecting collective bargaining rights in certain cases: HB 2267

Family and medical leave, provisions of family security act: HB 1609

Family leave insurance program, delaying implementation: HB 2353, ***ESB 6158, CH 544 (2009)**

Family leave insurance program, elimination: HB 1160

Farm internship pilot project, establishment: ***SSB 6349, CH 160 (2010) PV**

Farm labor contractors, licensing and related provisions: HB 1814

For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625

Foreign workers, disclosure statement from employers and international labor recruitment agencies to be given to: ***E2SSB 5850, CH 492 (2009) PV, *SSB 6332, CH 142 (2010)**

Health care facility employees, meal and rest periods: HB 1642

Higher education institution employees, collective bargaining provisions: HB 1560, HB 2743

Hospital employees, uninterrupted meal and rest breaks for: HB 3024

Influenza, protecting employees from adverse employment actions due to: HB 2764

Language access providers, governor to become public employer of: HB 3062, ***ESSB 6726, CH 296 (2010) PV**

Law enforcement officers, provisions concerning termination of officer for dishonesty: HB 2594

Lawful source of income, discrimination on basis of: HB 1766

Leave from employment for participation in child's educational activities, provision of: EHB 2444

Legislators, leave from employment for persons elected to serve as: HB 2993

Living wage requirement for state contracts with private contractors: HB 1716

Marine employees of the department of transportation, collective bargaining provisions concerning health care benefits for: HB 3163, SB 6815

Meal and rest breaks for employees, requirements: HB 2737

Minimum hourly wage, establishing a set wage: HB 1603

Minimum wage and overtime compensation complaints, good faith defense: HB 2176

Minimum wage rate, minors: HB 1928

Minimum wage, defining "employ" for purposes of: HB 2144

Minimum wage, increasing: HB 1735

Minors, minimum wage rate: HB 1928

Nurses, meal and rest periods when employed by health care facilities: HB 1642

Peace officers and reserve officers, background investigations as a condition of employment for: HB 2768

Prevailing rate of wage to be paid on construction projects involving tax incentives, loans, or public land or property that is sold or leased: HB 1992

Prevailing wage, Americorps-affiliated nonprofit conservation corps programs to be exempt from requirement to pay: HB 2475

Prevailing wage, definition of independent contractor: HB 1786, ***SSB 5904, CH 63 (2009)**

Public agency collective bargaining records, exceptions to exemption from disclosure: HB 1471

Public transit governing bodies, appointment of nonvoting labor members: HB 2986

Public transit governing bodies, required appointment of organized labor member with full voting rights and privileges: HB 1590

Rest and meal breaks for employees, requirements: HB 2737

Service animal training, attendance by state agency employees with sensory disabilities: EHB 1965, ***HB 2328, CH 294 (2009)**

Symphony orchestras, musicians to be under jurisdiction of public employment relations commission for collective bargaining: HB 3003, ***SSB 5046, CH 6 (2010)**

Symphony orchestras, operas, and performing arts theaters, public employment relations commission jurisdiction: HB 1276

Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625

Teachers' strikes, use of public resources by school district officers or employees to support or oppose prohibited: HB 2392

Training wage, payment to new employees for specified period of time: HB 3139

University of Washington, extension lecturers in English language programs permitted to engage in collective bargaining: SB 5986

Wage complaints, improving administration of: HB 2646, HB 3145

Workers' compensation violations, department of labor and industries authority to issue stop work orders: HB 1554, ***SSB 5613, CH 196 (2009)**

Working families' tax rebate, funding from temporary sales tax increase to be submitted to voters: HB 2377

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Construction trade worker licenses, certificates, and permits: HB 1055

Contractor registration program, department to develop recommendations for: HB 2978

Contractors in the construction industry, identification and records requirements: HB 1555

Contractors in the construction industry, notification of potential property contamination or use as illegal drug manufacturing site: HB 2529

Crane inspectors, restrictions: HB 2298

Crane safety, defining construction for purposes of: HB 3073

Crane safety, exemption for telecommunications trucks: HB 1111

Crime victims' compensation program, transferring administration to department of social and health services: HB 2771

Death benefit for public employees, duty-related: 2EHB 1547

Electrical trainees, classroom training requirements for: HB 2546

Electricians and electrical installations, department authority to issue subpoenas to enforce production and examination of information related to: HB 2555

Explosives licenses, expiration dates: HB 1280

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For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625

Health care facility employees, meal and rest periods: HB 1642

Home construction improvement, warranty protections and contractor registration and worker certification requirements: HB 1393

Industrial insurance appeals, restrictions on contact with medical providers after filing: HB 1402

Industrial insurance final settlement agreements, requirements: HB 2145

Industrial insurance funds, proper and improper use of accident fund, medical fund, and supplemental pension fund: HB 1386

Industrial insurance, amending provisions concerning: HB 3149

Industrial insurance, claims of insolvent self-insurers: ***HB 3061, CH 213 (2010)**

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- Boxing, kickboxing, mixed martial arts, and wrestling events, licensing: HB 1348
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- Conviction defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181 (2009)**
- Court reporters, department to establish continuing education requirements for: ***SB 6450, CH 49 (2010)**
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- Drivers' licenses and permits, verification that applicant's presence in United States is lawful: HB 3118
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Reverse mortgage loans, requirements and limitations: ***EHB 1311, CH 149 (2009)**

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Small loans, fee and installment plan assistance for borrowers at risk of default: HB 1709

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Small loans, restricting and enforcing eligibility: HB 1684

Small loans, restrictions on check cashers' and sellers' communications when collecting delinquent loans: HB 1310, ***SB 5164, CH 13 (2009)**

Small loans, rollover violations and penalties: HB 1073

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City councils, contribution limits for city council campaigns: ***SSB 6344, CH 206 (2010)**

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Code cities, calculating population to determine number of councilmembers: HB 2456

Community centers, leasehold excise tax provisions concerning: ***SB 6855, CH 281 (2010)**

Community revitalization financing, use of general obligation bonds for public improvements: ***2SSB 5045, CH 270 (2009)**

Community revitalization financing, use of tax allocation revenues for public improvements: HB 1285, HB 1525, ***2SSB 5045, CH 270 (2009)**

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County offices, contribution limits for campaigns: ***SSB 6344, CH 206 (2010)**

County offices, time limit for filling vacancies in nonpartisan offices: HB 2531

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Elected officials, prohibition of public service announcements by officials during reelection campaigns: HB 2994

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Greenhouse gases, comprehensive plan for reducing: HB 1718

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House-banked social card games, local government authority to limit within jurisdiction: HB 2162, HB 2873

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Local government archives account, use of excess fund balance: HB 1374

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Local infrastructure financing and competitive project awards, provisions: HB 1651

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Local infrastructure financing tool, use for downtown development and redevelopment: HB 1109

Local revitalization financing, financing demonstration projects through sales and use tax revenues: HB 2985, ***E2SSB 6609, CH 164 (2010)**

Local sales and use tax, crediting against state sales and use tax extended: ***ESSB 5321, CH 550 (2009)**

Marine spatial plan, impact of adoption on local government decisions: HB 3078, ***SSB 6350, CH 145 (2010)**

Mayors, contribution limits for mayoral campaigns: ***SSB 6344, CH 206 (2010)**

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Moratoria and interim official controls, local government authority to adopt under shoreline management act: HB 1379

Navigational aids used to mark hazards, public agency immunity from liability for use of: HB 1989

New farm structures, permits and inspection fees: HB 1557

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Parks, recreation, trails, and open space allocation, local sales and use tax to provide funding for: HB 1810, HB 2473

Partnerships, creation and registration with governmental body or agency as registered agent: ***HB 1264, CH 202 (2009)**

Plants, impacts of projects when certain species identified by natural heritage program are present: HB 1136
 Projects of statewide significance, qualifications and procedures for designation: ***ESSB 5473, CH 421 (2009)**
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 Public facilities districts, formation and authority: HB 1377
 Public facilities districts, formation, operation, and nonstate funding: ***EHB 2299, CH 533 (2009)**
 Public facilities districts, provisions for districts created by at least two city or county legislative authorities: HB 2525
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 Public works projects, payment of undisputed claims: ***HB 1195, CH 193 (2009)**
 Public works, local assistance funds: ***HB 1569, CH 45 (2009)**
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 Streets, complete streets grant program to provide grants for constructing, retrofitting or repairing certain streets: HB 2911
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 Vacancies in nonpartisan county offices, time limit for filling: HB 2531
 Water banks, interlocal agreements for operation by watershed management partnerships: HB 1494
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Home care, modifying state payments to agencies by prohibiting payment for in-home care by agency employees living with or related to the client: HB 2361
 Initiative 1029, delaying implementation: HB 2373, HB 2376
 Medicaid acceptance policy, facility disclosure to residents: ***SSB 6009, CH 489 (2009)**
 Training and background checks for long-term care workers, changes to provisions: ***ESSB 6180, CH 580 (2009)**
 Training and credentialing of long-term care workers, changes to provisions: HB 2352
 Workers, delaying implementation dates for training and certification of: HB 3210
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Multistate shared games account: HB 2300
 Multistate shared games, state lottery authority to enter into agreement to conduct Powerball: ***ESSB 6108, CH 576 (2009)**
 Multistate shared games, state lottery authority to enter into contracts to conduct: HB 2300
 Nonwinning tickets, internet registration for second chance drawings of: HB 2732
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 Veterans, certain lottery games to benefit: HB 1070
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 Affordable housing for all plan, department of commerce to prepare and amend: HB 2906
 Affordable housing, additional county document recording surcharge to fund certain affordable housing and homeless purposes: HB 2166
 Building communities fund program, competitive application process: HB 1952
 Children in public schools, eliminating copayment for breakfast and reduced-price lunch and funding summer food service programs: HB 1416
 Commodity supplemental food program, transfer to department of agriculture from department of general administration: ***SSB 6341, CH 68 (2010)**
 Disability lifeline program and benefits, establishment through security lifeline act: HB 2782
 Electric and gas utility rates, discounts for low-income and low-income senior customers: ***SSB 5290, CH 32 (2009)**
 Emergency food assistance programs, transfer to department of agriculture from departments of commerce and general administration: HB 2863, ***SSB 6341, CH 68 (2010)**
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 Health care, basic health plan program changes necessary to implement 2009-2011 operating budget: HB 2341
 Health care, community health care collaborative grant program established: HB 1620, ***SSB 5360, CH 299 (2009) PV**
 Health care, subsidies for purchase of health insurance for those who lack coverage and their relation to the basic health plan: HB 2807
 Housing and shelter for homeless and low-income persons, authority of port districts to participate in providing: HB 2563
 Housing development for low-income persons, affordable housing incentive programs: ***EHB 1464, CH 80 (2009)**
 Housing everyone financing tool program, creation: HB 1973
 Housing organizations receiving affordable housing funding required to pay employees and contractors according to housing self-sufficiency income standards: HB 1963
 Housing self-sufficiency income standards, department of community, trade, and economic development to establish and maintain: HB 1963
 Housing, department of commerce to prepare and amend a state affordable housing for all plan: HB 2906
 Housing, exempting from impact fees: HB 2566
 Housing, funding from affordable housing account: HB 2912
 Housing, funding from special county arts, regional center, low-income housing, and community development fund: HB 2252
 Housing, weatherization and structural rehabilitation of residential structures of low-income persons to achieve energy conservation: ***ESSB 6468, CH 287 (2010)**
 Legal services provided by nonprofit organizations, business and occupation tax exemption: ***HB 1579, CH 508 (2009)**
 Low-income housing, state funding process: HB 2018
 Opportunity express program, providing low-income and unemployed citizens with training and education: HB 2630
 Personal hygiene and cleaning product program for low-income persons, department of community, trade, and economic development to conduct a pilot project to evaluate: SB 6053
 Senior citizen housing, exemptions: ***SB 5470, CH 483 (2009)**
 Sustainable residential weatherization: HB 1060
 Unemployment compensation benefits and employer contributions, adjustment to help unemployed and low-income persons: HB 3129
 Vacant homes, real estate excise tax exemptions to encourage sales to low-income buyers: HB 1495
 Weatherization and structural rehabilitation of residential structures of low-income persons to achieve energy conservation: ***ESSB 6468, CH 287 (2010)**
 Weatherization programs for low-income persons, expansion: ***E2SSB 5649, CH 379 (2009) PV**

WorkFirst temporary assistance for needy families, encouraging parents to pursue available educational and training opportunities: HB 2071

Working families' tax rebate, funding from temporary sales tax increase to be submitted to voters: HB 2377

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Communities, compliance with notification requirements when community offered for sale: HB 1907

Communities, developing certification for manufactured housing community managers: HB 2606

Communities, dispute resolution program: HB 1140

Communities, minimum terms for closure or conversion notices: HB 1581

Communities, property tax exemption: HB 1582

Communities, siting new: HB 1065

Consignment contracts, restriction in favor of listing contracts: HB 1539, SSB 5668

Current use valuation for property taxes for land with mobile homes or similar structures: HJR 4201

Landlords, notice requirements for landlords of homes with stick-built garages and raised ridgelines: HB 2698

Manufactured/mobile home dispute resolution program and account, provisions repealed: HB 1352

Manufactured/mobile home dispute resolution program, revising definition of recreational vehicle: HB 2662

Manufactured/mobile home landlord tenant act, clarifications: HB 1908

Manufactured/mobile home landlord-tenant act, written receipts for payments by tenants: HB 3012

Property tax, administration and tax payment verification: HB 1208

Recreational vehicles, serving as primary residences in manufactured and mobile home communities: ***EHB 1227, CH 79 (2009)**

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"Manufacturer," definition modified in certain cases for tax purposes: HB 2229

Aerospace manufacturing, creation of a joint legislative task force on: HB 2324

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Airplane manufacturer tax incentives, prerequisite for claiming: HB 3107

Asbestos in products, manufacturer duty to warn user of risks: HB 2054

Beverage containers, incentives for collection and recycling of: HB 2644

Bisphenol A in products, prohibition: ***SSB 6248, CH 140 (2010)**

Bisphenol A in products, prohibition and alternatives: HB 1180

Definition of manufacturing, modification for tax incentive programs for rural county businesses: HB 3188

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Lead-containing products, labeling requirements for manufacturers and wholesalers: HB 1346

Lobbying restrictions, certain threats to relocate manufacturing jobs prohibited: HB 2316

Mercury-containing lights, establishment of product stewardship recycling programs with producer participation: HB 1469, HB 2914, ***ESSB 5543, CH 130 (2010)**

Petroleum-based beverage bottles, prohibitions: HB 1859

Renewable energy manufacturing facilities, tax incentives: HB 2130

Resale certificates, improper use of and replacement with seller's permits issued by department of revenue: ***SB 6173, CH 563 (2009)**

Solar electric generating systems, tax incentives in certain cases for manufacturing, selling, and using: HB 2537

Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications: HB 1911, ***ESSB 6170, CH 469 (2009)**

Tax incentive programs for rural county businesses, modification of definition of manufacturing for purposes of: HB 3188

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Medical marijuana, affirmative defense for qualifying patients and their designated providers to be prohibited in certain cases: HB 2434

Medical marijuana, health care professionals to be excepted from liability and prosecution for authorizing use of: HB 2046, ***SSB 5798, CH 284 (2010)**

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Health care facility initial medicare certification surveys, fee requirement: HB 2296

Medicare supplement insurance premiums, deduction from disposable income calculation for senior property tax programs: HB 2756

Washington state health insurance pool, eligibility for: ***SSB 5777, CH 555 (2009)**

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Advanced registered nurse practitioners, authorizing pharmacies to fill prescriptions written by ARNPs in other states or Canada: HB 2757, ***SB 6627, CH 83 (2010)**

Cough medicine, copayment requirement for recipients of medical assistance and medical care services through public assistance: HB 2821

Drug administration, requiring informed consent of patient with known allergy to same drug or family of drugs: HB 2544

Drugs, conforming uniform controlled substances act to state and federal law: HB 2443, SSB 6224

Drugs, disposal of unwanted drugs by pharmaceutical product stewardship programs: HB 1165

Durable medical equipment, health plans to include sales or use tax calculation in plan payment: HB 2673, ***SSB 6273, CH 44 (2010)**

Durable medical equipment, tax exemptions when prescribed for home use: HB 1411, HB 1485

Emergency medical equipment, sales and use tax exemptions in certain cases: HB 2293

Ephedrine, pseudoephedrine, and phenylpropranolamine, attorney general to implement statewide electronic tracking system for nonprescription sales of: HB 2961

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Ephedrine, pseudoephedrine, and phenylpropranolamine, reclassified as schedule III controlled substances: HB 1236

Informed consent before administration of drug to be required if patient has known allergy to same drug or family of drugs: HB 2544

Mobility enhancing equipment, health plans to include sales or use tax calculation in plan payment: HB 2673, ***SSB 6273, CH 44 (2010)**

Mobility enhancing equipment, tax exemptions when prescribed: HB 1411, HB 1485

Power wheelchairs, sales and use tax exemptions when prescribed: HB 2104

Prescription drugs, excluding disclosure of patient health care information from definition of appropriate marketing of: HB 1493

Prescriptions, privately funded prescription monitoring program to be monitored by secretary of health: HB 2829

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Veterinary prescription drugs, technician performance of certain drug preparation functions when delegated by licensed veterinarian: HB 1271

Wheelchair users, drivers required to take all necessary precautions to avoid injury to: ***HB 1966, CH 184 (2010)**

MENTAL HEALTH (See also COUNSELORS AND COUNSELING; SEX OFFENSES AND OFFENDERS)

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Children's services, access to care standards: HB 1373

Commitment proceedings, consideration of respondent's recent and past acts: HB 1275

Commitment proceedings, establishment of legislative work group on allocation of court-related costs: ESSB 6733

Commitment proceedings, sexually violent predators: HB 1246, ***SSB 5718, CH 409 (2009)**

Community integration assistance program: HB 1201

Competency evaluation and restoration, procedural reform: ESB 5519

Conditional release from commitment to outpatient treatment, venue for hearing to modify or revoke order for: ***HB 1589, CH 322 (2009)**

Counseling by juvenile probation counselors and other juvenile court employees, provisions concerning: ***SSB 6884, CH 20 (2010)**

Counseling for sex offense victim who testifies in civil commitment proceedings: HB 1221

Counseling professions subject to authority of secretary of health under the uniform disciplinary act: HB 1514

Counseling-related associates, practice limitations for: HB 3006

Crime victims' compensation program, benefits for mental health services under the: HB 2640

Criminal offenders with developmental disabilities or traumatic brain injuries, mental health court provisions for: HB 2865

Criminally insane persons, commitment and orders of conditional release for persons found not guilty by reason of insanity: ***ESB 6610, CH 263 (2010)**

Criminally insane persons, orders of conditional release for: HB 2932

Criminally insane persons, restricting outings from state facilities for: HB 2717

Criminally insane, notification requirements when escape or disappearance from state facility occurs: HB 2422

Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections and criminal justice personnel: HB 1194

Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections, criminal justice, and other public safety personnel: ***SSB 5131, CH 19 (2009)**

Detaining persons with mental disorders under certain circumstances, provisions: HB 2882

Discharging vulnerable persons from state facilities into homelessness, providing options for housing in order to avoid: HB 2905

Disclosure of information concerning mental health services received by persons who have been committed: HB 1300

Escape or disappearance of criminally insane from state facility, notification requirements: HB 2422

Extradition of persons of unsound mind, adopting provisions of the interstate compact on mental health: HB 2533

Firearms possession by an involuntarily committed person, provisions: ***HB 1498, CH 293 (2009)**

Gambling, department of social and health services review and certification of facilities for treatment of problem and pathological gambling: HB 3155, ***SB 6804, CH 171 (2010)**

Health care information, sharing to promote coordination of behavioral and medical care services: ***HB 2025, CH 398 (2009)**

Housing, focus group to examine the need for housing for individuals at a high risk of being homeless: SSB 5219

Involuntary or restrictive alternative treatment, probable cause hearing to include pertinent information from relative: HB 1486

Involuntary treatment, institute for public policy and department of social and health services to seek validated mental health assessment tool for assessing individuals for: HB 3076

Juvenile probation counselors and other juvenile court employees, practice of counseling by: ***SSB 6884, CH 20 (2010)**

Legal financial obligations, waiver of imposition when offender suffers from mental health condition: HB 2799

Less restrictive treatment, renewal of orders for persons released from involuntary mental health treatment: HB 1349

Local sales and use tax for chemical dependency services, mental health treatment, and therapeutic courts: ***SSB 5433, CH 551 (2009) PV**

Mental health court, provisions for offenders with developmental disabilities or traumatic brain injuries: HB 2865

Mental health treatment, chemical dependency services, and therapeutic courts, permissible uses of local sales and use tax for: SSB 5301

Mentally ill defendants, found or pleading guilty and mentally ill: HB 2718, HB 2887

Privilege, provisions for licensed mental health practitioners: ***SSB 5931, CH 424 (2009)**

Professionals authorized to work with people with serious mental illnesses: HB 1930

Regional support networks for community mental health service delivery, expanding definition of: HB 2938

Sexually violent predators, commitment proceedings: HB 1246, ***SSB 5718, CH 409 (2009)**

Sexually violent predators, computer access to be controlled for residents of special commitment center: HB 3114, ***SB 6308, CH 218 (2010)**

Sexually violent predators, computer access to be controlled for residents of special commitment center and less restrictive alternatives: SB 5218

Sexually violent predators, containing costs for services to: HB 3198, ***ESB 6870, CH 28 (2010)**

Sexually violent predators, need to expeditiously site and construct facilities to house predators who have been committed: HB 1912

Sexually violent predators, payment for evaluation services for: HB 3198, ***ESB 6870, CH 28 (2010)**

Slayer statute, revision to exclude persons acquitted by reason of insanity from benefitting from unlawful killing: HB 3110, SSB 6309

Special commitment center and private detention facilities, security information disclosure exemption: ESB 5014

Special commitment center, log of phone calls by residents: HB 1099

Special commitment center, resident access to computers to be controlled: HB 3114, SB 5218, ***SB 6308, CH 218 (2010)**

Special commitment center, security information disclosure exemption: ***HB 1030, CH 67 (2009)**
 Supportive housing for homeless persons with mental illness, use of home security fund account moneys by department of commerce for homeless housing grant program grants for: HB 2900
 Vulnerable persons discharged from state institutions, plans for eliminating discharge into homelessness: HB 1488

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Amalgam, alternatives to be provided: HB 1860
 Bulk mercury, prohibition of sale or purchase and delivery: HB 2914, ***ESSB 5543, CH 130 (2010)**
 Lights containing mercury, establishment of product stewardship recycling programs with producer participation: HB 1469, HB 2914, ***ESSB 5543, CH 130 (2010)**
 Lights containing mercury, mandatory recycling of: ***ESSB 5543, CH 130 (2010)**
 Mercury vapor lamps or fixtures, prohibition for outdoor use: HB 1069
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County or counties of location, impact on creation: HB 1043
 Creation, impact of county or counties of location on process: HB 1043
 Parks, recreation, trails, and open space allocation, local sales and use tax to provide funding for: HB 1810, HB 2473
 Regulatory restrictions: HB 1883
 Zoos and aquariums, deduction for certain manufacturing in connection with publicly owned facilities accredited by association of zoos and aquariums: HB 2567

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Adoption petitions, statement regarding applicability of Washington service members' civil relief act to proceedings involving: HB 2629
 Alternative route teacher certification program for veterans and national guard members: ***HB 1156, CH 192 (2009)**
 Armories, rental or lease: ***HB 1034, CH 34 (2009)**, SB 5031
 Children of military families, interstate compact on educational opportunity: HB 1075, ***SSB 5248, CH 380 (2009)**
 Civil relief for service members, revising definition of military service for purposes of: HB 2558
 Code of military justice, provisions: HB 1036, ESSB 5032
 Concealed pistol license, renewal by armed forces members: ***SB 5739, CH 59 (2009)**
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 Disposition of active-duty decedent, authority of persons designated by decedent to direct: HB 2628
 Emergency management, developing guidelines for responding to needs of persons with disabilities in disasters: HB 1739
 Emergency management, preparedness, and assistance account, military department to administer: HB 2031
 Employers of certain military personnel, business and occupation tax credit: HB 1126
 Enhanced 911 advisory committee, adjutant general to appoint members: HB 2029
 Enhanced 911 emergency communications services, provisions and excise tax for: HB 3216, ***SSB 6846, CH 19 (2010)**
 Enhanced 911 emergency communications systems, coordination office, advisory committee, and account: HB 2351
 Enhanced 911 emergency radio network, work group to study delivery of emergency information: HB 1157
 Green river emergency flooding preparations and response to include flood hazard mitigation and response projects led by military department: HB 2786, HB 2787
 Health insurance, enlisted Washington national guard members: HB 1125
 Hunting license requirements, members of military: ***SB 5008, CH 269 (2009)**
 Internet voting for service and overseas voters: HB 1624
 Interstate commission on educational opportunity for military children: HB 1075, ***SSB 5248, CH 380 (2009)**
 Japanese-American internees and WWII veterans from Washington state, recognizing: ***HR 4617 (2009), *HR 4689 (2010)**
 Leave of absence for public employees reporting for required military duty, training, or drills: HB 2403, SB 6196
 Military children, recognizing: ***HR 4651 (2009)**
 Military improvement zone pilot program to encourage high-quality development near military bases: HB 1756
 Military service credit for retirement, transferred LEOFF plan 1 service credit in relation to: HB 2196
 Militia, adjutant general's duties: HB 1035, ***SSB 5030, CH 21 (2009)**
 Motor vehicle emissions standards, exemption from certain provisions for certain vehicle owners in the armed services: ***SB 6365, CH 76 (2010)**

Motor vehicle registration for United States armed forces members, determining registration year for deployed military personnel: ***HB 1478, CH 159 (2009)**

National World War II memorial account, elimination of: ***SSB 6572, CH 9 (2010) PV**

Navy day, observing: ***HR 4630 (2009)**

Nisei veterans, postage stamp: ***HJM 4005 (2009)**

Nisqually river emergency relief, preparedness, and response to include flood hazard mitigation and response projects led by military department: HB 3138

Parenting plans, modification due to parent's military service: HB 1170, SSB 5212

Pierce county emergency flooding preparations and response to include flood hazard mitigation and response projects led by military department: HB 3069

Public employees, military leave of absence for: HB 2403, SB 6196

Retirement systems, interruptive military service credit: ***HB 1548, CH 205 (2009)**

Selective service requirements, compliance before issuance of drivers' licenses and identicards: HB 2433

Soldiers' home, property and facilities: HB 2720, ***SSB 6342, CH 75 (2010)**

State enhanced 911 coordination office established in emergency management division: HB 2029

Statewide enhanced 911 emergency communications service, adjutant general to establish rules for automatic location identification: HB 2029

Students at colleges and universities, expanding definition of resident student to include certain members of the military and their spouses and dependents: ***HB 2973, CH 183 (2010)**

Survivor benefits, employees who die while honorably serving in the national guard or military reserves during a period of war: ***HB 1551, CH 226 (2009)**

United States Navy, honoring: HR 4677

Vietnam veterans, honoring: HJM 4025

Volunteer health practitioners, registration requirements for volunteering during emergency declaration: HB 1400

Volunteer search and rescue account: HB 1214

Voting by electronic means, provisions concerning overseas and service voters: HB 2483

Voting over the internet for service and overseas voters: HB 1624

Washington National Guard, recognizing: ***HR 4602 (2009), *HR 4661 (2010)**

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Bullion and rare earth metals, business and occupation tax provisions for sales for investment purposes: HB 1297

Fully contained communities, approval by county if land not designated mineral resource land: HB 1456

Maury Island aquatic reserve, requirements for wells on industrial or mining sites on lands adjacent to: HB 1708

Mineral severance tax, creation of: HB 2797

Sand and gravel, permit requirements for marine transportation facilities for: HB 1970

MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Commerce department, transferring enterprises office to: HB 3175

Linked deposit program for minority and women's business enterprises, setting interest rates of time certificate of deposits for: ***EHB 1167, CH 385 (2009) PV**

Office of minority and women's business enterprises, requirement and schedule for submission of data by state agencies and educational institutions to: ***EHB 1087, CH 348 (2009) PV**

MOBILE HOMES (See also MANUFACTURED HOUSING)

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Radioactive waste, applicability of radioactive waste clean-up business and occupation tax classification to kinds of work performed at Hanford site: ***ESSB 6170, CH 469 (2009)**

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- Limited partnerships, creation and registration with governmental body or agency as registered agent: ***HB 1264, CH 202 (2009)**
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Landscape architects' license account: HB 1359, ***SSB 5273, CH 370 (2009)**

Lobbying electronic filing account: HB 1436

Local bridge restoration and replacement account: SSB 6580

Local government archives account, use of excess fund balance: HB 1374

Local government transportation account: HB 3183

Lottery accounts, streamlining through transfers and elimination of obsolete provisions: SSB 6844

Low-income weatherization and structural rehabilitation assistance account: ***ESSB 6468, CH 287 (2010)**

Main street trust fund, transferring responsibilities from department of commerce to department of archaeology and historic preservation: HB 2704

Marine resources stewardship trust account: HB 3078, ***SSB 6350, CH 145 (2010)**

Maritime historic restoration and preservation account, availability of appropriated moneys for maritime historic vessel restoration and preservation program: HB 2379

Meat inspection account: HB 2966

Medicaid nursing facility quality assurance trust fund: HB 3021

Medical professions account: HB 2894

Military improvement zone account: HB 1756

Mobile custom farm slaughtering unit loan account: HB 2102

Motor vehicle fund, savings from suspension of requirement for art for transportation-related buildings to be credited to: HB 2076

Multiagency permitting team account: ***2SSB 6578, CH 162 (2010)**

Multistate shared games account: HB 2300

Near general fund, expenditure limitations: HB 1656

Near general fund, to be included in official state quarterly economic and revenue forecasts: HB 1656

Nisqually river flood assistance funds: HB 3138

Nondebt-limit reimbursable bond retirement account: HB 2334

Novelty lighter fire safety account: HB 1015

OASI revolving fund, expenditures from fund for costs of program administration authorized: ***HB 2206, CH 171 (2009)**

Opportunity express account: HB 2630

Pension funding stabilization account, funds transferred into state general fund: HB 1902

Pharmaceutical product stewardship program account: HB 1165

Prevent or reduce owner-occupied foreclosure program account: ***ESB 6033, CH 386 (2009) PV**

Problem gambling account, funding to include proceeds from online keno game account: HB 2305

Product stewardship programs account: HB 1469, HB 2914, ***ESSB 5543, CH 130 (2010)**

Protect Washington homeowners mediation program account: HB 3215

Public deposit protection commission, modernization and clarification of powers in regard to banks and savings associations as public depositaries: HB 2061

Public health improvement account: HB 1307, HB 1820, HB 1985, HB 2388

Public printing revolving account: EHB 2969

Public safety and education account, funds transferred to state general fund: HB 1902, ***ESSB 5073, CH 479 (2009)**

Real estate and property tax administration assistance account: ***SSB 5368, CH 308 (2009)**

Renewable energy trust account: HB 2135

Reserve account, expenditures to be used for health care services and maintenance of the account: HB 1892

Residential infrastructure account: HB 1360

Rural and resource lands study account: HB 1797

Saltwater algae control account, department of ecology: HB 1231, SB 5412

Self-insurance reserve fund: HB 3149

Shoreline Community College revolving fund for plug-in hybrid vehicle conversion program: HB 1734

Small school district contingency fund account: HB 1757

Social emotional learning public-private partnership account: HB 1162

Special county arts, regional center, low-income housing, and community development fund: HB 2252

Special purposes account, certain lodging and local sales and use tax revenues for various purposes to be deposited in: HB 2912

Specialized forest products outreach and education account: HB 1038

Stabilization debt payment account: HB 2334

State clean water account: HB 3181

State lottery account, use of moneys deposited in: ***E2SSB 6409, CH 27 (2010) PV**

State portfolio manager master account: HB 1747, ***E2SSB 5854, CH 423 (2009)**

State route 520 corridor account, general obligation bond proceeds to be deposited in: HB 2326

State route number 520 civil penalties account: ***ESSB 6392, CH 248 (2010) PV**

State route number 520 corridor account: HB 2211

State route number 520 corridor and Interstate 90 floating bridge account, creation in the motor vehicle fund: HB 2319

State wildlife account, funding to include proceeds from online keno game account: HB 2305

State wildlife account, tax revenue from excise tax on anadromous game fish to be deposited in: HB 2472
 Storm water account: HB 3181
 Student achievement fund appropriations, transfer by superintendent of public instruction: ***ESB 6137, CH 547 (2009)**
 Student achievement fund, funds transferred into state general fund: HB 1902, ***ESSB 5073, CH 479 (2009)**
 Student achievement fund, omnibus operating appropriations act to specify allocation rates for: HB 2356
 Tacoma Narrows toll bridge account, toll charges, other revenue, and interest to be used only for tolled facility: HB 2191, ***SSB 5795, CH 567 (2009)**
 Tobacco settlement account, transfer of moneys to reserve account and benefits account: HB 1892
 Traumatic brain injury account, limitations on use of moneys: HB 2999
 Universal vaccine purchase account: HB 2342
 University of Washington botanic gardens endowed curatorship account: SSB 5061
 Violence reduction and drug enforcement account, funds transferred into state general fund: HB 1902, ***ESSB 5073, CH 479 (2009)**
 Volunteer firefighter license plate account: HB 2175
 Volunteer search and rescue account: HB 1214
 Washington aerospace futures account: 2SSB 6678
 Washington bred owners' bonus fund and breeder awards account: HB 1315, ***SB 5125, CH 87 (2009)**
 Washington global health technologies and product development account: HB 2983, ***2SSB 6675, CH 13 (2010)**
 Washington higher education loan program account: HB 2854
 Washington housing bond account: HB 2906, HB 3177
 Washington opportunity pathways account: ***E2SSB 6409, CH 27 (2010) PV**
 Washington state economic development commission account: HB 2683, ESSB 6805
 Washington state economic development commission program fund: HB 1131
 Washington state flag account: ***HB 1121, CH 71 (2009)**
 Washington state industrial insurance fund: HB 3149
 Washington state patrol retirement system expense account: HB 1444
 Washington voluntary retirement accounts partnership program account: HB 1893
 Washington voluntary retirement accounts program principal and administrative accounts: HB 2754
 Washington works account: HB 2334, ***EHB 2561, CH 35 (2010)**
 Water pollution account: HB 1614
 Water pollution control revolving fund, use of moneys in fund by department of ecology: HB 2116, HB 3136
 Water quality account, funds transferred into state general fund: HB 1902, ***ESSB 5073, CH 479 (2009)**
 Water rights processing account: ***E2SSB 6267, CH 285 (2010) PV**

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Accountable care organization pilot projects, health care authority administrator to appoint lead organization to support: ***ESSB 6522, CH 220 (2010)**
 AIDS program grants, consolidation of administrative services in department of health: ***EHB 2360, CH 3 (2010)**
 Anaerobic digesters for processing livestock manure and organic waste-derived material, requirements for exemption from solid waste handling permitting: HB 1135, ***SSB 5797, CH 178 (2009)**
 Asbestos-related liabilities of corporations, limitations: HB 2054, HB 2507
 Bags, restrictions on retail carryout bags: HB 1189
 Basic health plan modified to include economic recovery enrollees: HB 2117
 Basic health plan program changes necessary to implement 2009-2011 operating budget: HB 2341
 Basic health plan, funding within state expenditure limit through increase in cigarette tax: SSB 6874
 Birth and death certificates, surcharge for certified copies: HB 2348
 Bisphenol A in products, prohibition: ***SSB 6248, CH 140 (2010)**
 Bisphenol A in products, prohibition and alternatives: HB 1180
 Black powder, specifications and limitations for use of: HB 2499
 Blighted properties, rehabilitation under community renewal law: HB 2423
 Body piercing and body art, sterilization requirements and standard universal precautions: HB 1085
 Bulk mercury, prohibition of sale or purchase and delivery: HB 2914, ***ESSB 5543, CH 130 (2010)**
 Carbon monoxide alarms, building code council to require installation in certain residential occupancies: HB 2886, ***SSB 5561, CH 313 (2009)**
 Carbon monoxide alarms, installation in dwelling units: HB 1333
 Carbon monoxide alarms, requirements for installation in certain residential occupancies: HB 2995

CBRNE response program, statewide: HB 1039
 Children, limiting use of restraints on pregnant youths in certain state facilities: HB 2747
 Cleaning in state facilities, reducing environmental impact: HB 1168, HB 2818
 Community agricultural worker safety program: HB 2032
 Congenital disorder screening for newborn infants, increasing fee collected by department of health for: HB 3201
 Consent for medical or dental care by a minor, conditions: HB 2073
 Crane inspectors, restrictions: HB 2298
 Crane safety, defining construction for purposes of: HB 3073
 Crane safety, exemption for telecommunications trucks: HB 1111
 Death and birth certificates, surcharge for certified copies: HB 2348
 Drug overdose prevention, limited immunity from prosecution for people who seek medical assistance in an overdose situation: HB 1615, ***ESB 5516, CH 9 (2010)**
 Drug overdose, seeking treatment in good faith for self or other: HB 1796
 Drug overdose, use of naloxone to treat: HB 1796
 Drugs, conforming uniform controlled substances act to state and federal law: HB 2443, SSB 6224
 Drugs, disposal of unwanted drugs by pharmaceutical product stewardship programs: HB 1165
 Emergency cardiac and stroke care, establishment of voluntary system for: HB 2396
 Ephedrine, pseudoephedrine, and phenylpropanolamine, reclassified as legend drugs and schedule III controlled substances: HB 2454
 Ephedrine, pseudoephedrine, and phenylpropanolamine, reclassified as schedule III controlled substances: HB 1236
 Expanded polystyrene food service products, prohibitions, violations, and penalties: HB 2089
 Health care providers, surcharge for credentials: HB 2348
 Health technology assessment program, health care authority and health technology clinical committee roles in assessment process: HB 2809
 HIV testing, infants placed in out-of-home care: HB 1046
 Immunization of children, required documentation for exemption from: HB 1703, HB 2706
 Immunizations, developing a school-based vaccination guide: HB 2733
 Immunizations, Washington vaccine association to be established and comprised of health carriers in state: ESB 6263
 Immunizations, Washington vaccine association to be established and comprised of licensed health carriers in state: HB 2551
 In-home care, drug screening testing of employees to protect a consumer receiving services: HB 2253
 Influenza vaccination pilot program, school-based: HB 1282
 Influenza, protecting employees from adverse employment actions due to: HB 2764
 Inhalants, possession with intent to induce intoxication: HB 1146
 Lead levels in blood, assessments for children younger than twenty-one years: HB 1345
 Lead levels in blood, pilot program for screening children at risk for elevated levels: HB 1342
 Lead wheel weights, environmentally preferred alternatives: HB 1033
 Lead-based paint activities program, including renovation activities as defined by the environmental protection agency: HB 2745
 Lead-containing products, labeling requirements for manufacturers and wholesalers: HB 1346
 Lighting, exterior light pollution and wasteful energy consumption reduction: HB 1069
 Local health jurisdictions, compliance reviews and public health improvement account funds for: HB 2388
 Local health jurisdictions, funding core public health functions while maintaining compliance with public health standards: HB 1307, HB 1820, HB 1985
 Local health jurisdictions, funding core public health functions with excise tax on wholesale sales of bottled water: HB 3120
 Long-term care worker training and background checks, changes to provisions: ***ESSB 6180, CH 580 (2009)**
 Long-term care worker training and credentialing, changes to provisions: HB 2352
 Low-income households, sustainable residential weatherization: HB 1060
 Manlifts, provisions for privately operated: HB 2184
 Medical pregnancy resource centers: HJM 4016
 Mercury reduction, provisions for sales, recycling, and disposal: HB 1799, HB 1809
 Mercury vapor lamps or fixtures, prohibition for outdoor use: HB 1069
 Mercury-containing lights, establishment of product stewardship recycling programs with producer participation: HB 1469, HB 2914, ***ESSB 5543, CH 130 (2010)**

Mercury-containing lights, mandatory recycling of: ***ESSB 5543, CH 130 (2010)**

Methicillin-resistant staphylococcus aureus: HB 1123

Methicillin-resistant staphylococcus aureus, nursing homes to report infections: HB 2453

Methicillin-resistant staphylococcus aureus, pre-surgical testing and related requirements and prohibitions: HB 2375

Methicillin-resistant staphylococcus aureus, screening for and reporting of: SB 5500

Mountain climbing, use of electronic signaling devices by persons engaging in: HB 2619

Newborn infants, increasing congenital disorder screening fees collected by department of health: HB 3201

Novelty lighters, prohibition of sale and distribution: HB 1015, ***ESSB 5011, CH 273 (2009)**

Overdose, use of naloxone to treat: ***ESB 5516, CH 9 (2010)**

Pesticide poisoning and exposure, department of health flexibility in investigation of: ***SSB 6171, CH 495 (2009)**

Pharmaceutical product stewardship programs: HB 1165

Pregnancy, limiting use of restraints on pregnant women and youths in certain state facilities: HB 2747

Prescription drugs, excluding disclosure of patient health care information from definition of appropriate marketing of: HB 1493

Public health services, voter approval required for additional county property tax levy to finance: HB 2152

Public hospital capital facility areas, establishment as quasi-municipal corporations and independent taxing units within counties: ***SB 5354, CH 481 (2009)**

Public hospital districts, issuance of bonds for hospitals and other facilities in connection with federal program participation: ***HB 2510, CH 95 (2010)**

Public safety review panel, independent panel to be established to consider issues concerning the criminally insane: HB 2932

Public safety review panel, independent panel to be established to consider persons found not guilty by reason of insanity: ***ESB 6610, CH 263 (2010)**

Public water systems, chlorine residual measurement requirements for certain group A water systems: ***SSB 5199, CH 367 (2009) PV**

Public water systems, operator certification and responsibilities: HB 1283

Railroad crossing closures, petitions for administrative review of: ***SSB 6558, CH 82 (2010)**

Railroad crossing protection devices, local improvement district financing: HB 1081

Reclaimed water use, permitting requirements and violations and penalties: HB 1482, ***SSB 5504, CH 456 (2009)**

Rental car businesses, child restraint systems availability requirements: HB 2198

Restroom access in retail stores for persons with certain medical conditions: HB 1138

Safe and healthful food, establishment of commission on: HB 2309

Safety and health improvements to public facilities, creating jobs by issuing bonds to fund construction of: HB 2334

School districts, annual reporting on efforts to improve health and social-emotional learning performance: HB 1632

Secure exchange of health information, health care authority to designate lead organization(s) to coordinate development of system for: ***SSB 5501, CH 300 (2009)**

Sexually transmitted diseases, sexual health education funding for programs to help prevent: HB 1612, ***SB 5629, CH 303 (2009)**

Shellfish, biotoxin testing and monitoring surcharge: ***SB 6121, CH 577 (2009)**

Sickle cell disease, congenital disorder screening fee uses to include education and outreach related to: HB 3201

Single-occupancy farm conveyances, definition and use: ***SSB 5793, CH 128 (2009)**

Small business employee wellness program, establishment: HB 2183

Solid fuel burning devices, restrictions: HB 1691, ***SSB 5565, CH 282 (2009)**

Solid waste handling, requirements for anaerobic digesters for processing livestock manure: ***SSB 5797, CH 178 (2009)**

Solid waste handling, requirements for anaerobic digesters for processing livestock manure and organic waste-derived material: HB 1135

Tanning facilities, regulation of: HB 2652

Tattooing, body art, body piercing, comprehensive regulations: ***SSB 5391, CH 412 (2009)**

Tobacco and tobacco products, exemption of pipe tobacco from restrictions on shipping tobacco to consumers in Washington: HB 2639

Tobacco and tobacco products, prohibition of sales if retail establishment located on same premises as a health care clinic: HB 2257

Unintended pregnancy, sexual health education funding for programs to help prevent: HB 1612, ***SB 5629, CH 303 (2009)**

Vaccination, developing a school-based vaccination guide: HB 2733

Vaccination, Washington vaccine association to be established and comprised of health carriers in state: ESB 6263
 Vaccination, Washington vaccine association to be established and comprised of licensed health carriers in state: HB 2551
 Vaccines, universal vaccine purchase account created: HB 2342
 Waste reduction and sustainable production, department of ecology duties: HB 1014
 Wheelchair and stairway chair lifts, definitions and use: ***SSB 5793, CH 128 (2009)**
 Wheelchair and stairway chair lifts, inspections: HB 2184
 Wildlife trapping at airports, authority and requirements: HB 2260

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Accountability system, board of education and superintendent responsibility for phases I and II: HB 3038
 Accountability system, state board of education and superintendent responsibility for phases I and II: ***E2SSB 6696, CH 235 (2010)**
 Achievement gap advisory committee, establishment within office of the superintendent: HB 2147, HB 2148
 Alternative learning experiences, limitation exception for students with disabilities: HB 3200
 Annual school district compliance reports, superintendent to review: ***SSB 5738, CH 317 (2009)**
 Antiharassment policy and procedure, superintendent to provide an updated model harassment, intimidation, and bullying prevention policy and procedure: HB 2015
 Assessments and curricula, implementing recommendations of WASL legislative work group: ***ESSB 5414, CH 310 (2009) PV**
 Basic education instructional allocation distribution formula, modifications: 2SSB 6760
 Blind, transfer of state school for the blind to the office of the superintendent: HB 2849
 Building bridges advisory committee, establishing and meeting high school graduation and reengagement goals: HB 1813
 Building bridges work group, superintendent to establish: HB 2609, ***ESSB 6403, CH 243 (2010) PV**
 Capital projects funds, accounting guidelines for use by school districts to be developed by superintendent: HB 1619, ESSB 5807
 Career and technical student organizations, support services to be subject to availability of appropriations: HB 2343
 Child abuse, superintendent to establish standards for education programs for prevention: HB 3119
 Civil rights, elimination of discrimination through districts' compliance with state and federal civil rights laws: HB 3026
 Classified staff training, development and offering to be subject to availability of appropriations: HB 2343
 Commission for quality education in Washington to include superintendent as permanent member: HB 1817
 Common school provisions, various sections suspended or amended to provide flexibility in the educational system: HB 2167, ESSB 5880, ***ESSB 5889, CH 556 (2009)**, ESSB 5890
 Community schools program, superintendent's role in: HB 1618
 Compliance reports, submission of condensed report by second-class districts to superintendent: ESB 6643
 Construction, implementation of school construction safety net grant program through rule adoption by superintendent: HB 2276
 Construction, school construction assistance appropriations: ***HB 1113, CH 6 (2009)**
 Coordinated school health public-private partnership, establishment: HB 3098
 Credit for learning experiences outside classroom, granting high school credit for: ESSB 6533
 Deaf, transfer of state center for childhood deafness and hearing loss to the office of the superintendent: HB 2849
 Diagnostic assessments, school district access to assessments to be subject to availability of appropriations: HB 2343
 Digital learning programs, rules concerning: SB 5378
 Disabilities, alternative learning experience limitation exception for students with: HB 3200
 Dropout prevention recognition program, creation of: HB 2631
 Dropout reengagement system, superintendent to develop contracts and agreements and allocate funding: HB 1418
 Dropouts and vulnerable students, accountability and support for: HB 2609, ***ESSB 6403, CH 243 (2010) PV**
 Dual credit opportunities, high school-college collaborations as part of college in the high school program to make possible: HB 2119
 Dual credit programs, rules for: HB 3091
 Dyslexia, development of dyslexia handbook and educator training program to enhance skills of students with: ***SSB 6016, CH 546 (2009)**
 Early learning program for educationally at-risk children, creation: HB 2731
 Early learning working group to be convened to develop basic education program of early learning for at-risk children: HB 2431
 Education technology account, elimination of: ***SSB 6572, CH 9 (2010) PV**

Educator performance, procedures and strategies for evaluating performance and encouraging innovation: HB 3035, ***E2SSB 6696, CH 235 (2010)**

Elementary and secondary programs, implementation of certain programs to be subject to availability of funds: ***SB 6168, CH 578 (2009) PV**

Elementary school recess periods, survey of Washington elementary schools: ***SSB 5551, CH 182 (2009)**

Financial education public-private partnership: HB 1347

Financial education, standards and requirements: HB 1347

Financial education, to be included in social studies courses required for graduation: HB 1649

Firearms safety education programs, K-12 instruction: HB 2011, HB 3100

Food service programs, funding summer programs with state support and grants: HB 1416

Funding of schools, office of superintendent of public instruction to provide internet-based portal for access to prototypical funding model: HB 2960

Gang and hate group activity at schools and school activities, superintendent to convene work group concerning antigang and hate group policy requirement for districts: HB 2834

Gang and other criminal activity at schools, creation of safety zones: HB 2835

Go global foreign study program, administration by office of the superintendent: HB 2393

Graduation requirements for mathematics and science, revisions of: HB 2915

Graduation, use of higher education coordinating board college admission standards as standards for high school diploma: HB 3025, ESSB 6778

Health benefits for K-12 employees, health care authority to convene work group in coordination with superintendent: 2SSB 5491

High school diploma, establishment of alternative route to: HB 3025, ESSB 6778

High school graduation and reengagement goals, establishing and meeting: ESSB 5449

High school success, increasing student motivation by eliminating the statewide assessment and providing incentives to pursue postsecondary education: HB 1341

Highly capable students, superintendent to convene technical working group to make recommendations concerning a basic education program for: SSB 6629

Immunization of children, developing a school-based vaccination guide: HB 2733

Impact fees for school facilities, superintendent to develop criteria for extension of time limit for use: HB 1975, ***SB 5580, CH 263 (2009)**

Influenza vaccination pilot program, school-based: HB 1282

Innovation academy cooperatives offered by interdistrict cooperatives, authority of districts to form for high school students: HB 2913

Interdistrict cooperative high school programs, authority of districts to offer an innovation academy cooperative for high school students: HB 2913

K-12 basic education, plan for full funding: HB 1817

K-12 education finance policy, local funding working group to consider: HB 2746

K-12 education funding distribution formulas, provisions: HB 2776

K-12 programs, enrollment calculations: HB 1558

K-12 schools, superintendent's role in designating resource programs for science, technology, engineering, and mathematics instruction: ***HB 2621, CH 238 (2010)**

Kindergarten assessment, early learning advisory council and superintendent of public instruction to develop and implement: HB 1944

Low-achieving schools, accountability system and state-local district partnership to target funds and assistance for: HB 3038, ***E2SSB 6696, CH 235 (2010)**

Middle-income bracket, expanding the percentage of middle-income households: HB 2632

Millennium schools, superintendent to award planning grants for up to three schools to aid certain demographic groups: HB 2148, HB 2149

Online learning, development, approval, implementation, and administration of alternative learning experience online courses and programs: ***SSB 5410, CH 542 (2009)**

Online learning, superintendent to create office of: ***SSB 5410, CH 542 (2009)**

Paraeducator tutor certification requirements: HB 1889

Record check information rules, including approved private schools in: ***HB 2996, CH 100 (2010)**

Residential education, funding for school districts providing: HB 1969

Residential habilitation centers, local school district eligibility for residential habilitation center impact assistance for providing educational services to center residents: HB 2113

Running start program, provisions: HB 2119

Safety zones at schools, creation and procedures: HB 2835

Safety, health, and energy efficiency improvements to K-12 facilities, creating jobs by issuing bonds to fund construction of: HB 2334

Savings in education programs, revision of various provisions in order to achieve: HB 2343

School buses, automated bus stop signal cameras pilot program: HB 1427

School buses, conditions for placing advertising and education materials on: HB 3133

School construction safety net grant program, implementation: HB 2276

School district employees, superintendent to adopt disciplinary guidelines for the use of public resources for personal benefit: HB 1319

School district funding, basic education allocation from superintendent to exclude certain state forest land revenues: HB 1774

School nurses, increasing allocation for: HB 1502

School plant funding, renaming components of appropriations allotment formula: HB 2142, ***SB 5980, CH 129 (2009)**

Second-class school districts, submission of condensed compliance report to superintendent of public instruction: ESB 6643

Secondary and elementary programs, implementation of certain programs to be subject to availability of funds: ***SB 6168, CH 578 (2009) PV**

Sexual health education, to include legal elements and consequences of sex offenses when a minor is the victim: HB 1473

Social emotional learning public-private partnership: HB 1162

Statewide student assessment system, redesign of: HB 1976

Student achievement fund appropriations, transfer by superintendent: ***ESB 6137, CH 547 (2009)**

Student achievement gap, superintendent to identify districts to receive workforce cultural competency skills assistance: ***2SSB 5973, CH 468 (2009)**

Student learning experiences outside classroom, granting high school credit for: ESSB 6533

Student learning plans, revising requirements for: ***ESSB 6604, CH 244 (2010)**

Student transportation financing, updating funding formula: HB 2041

Teachers pursuing national board for professional teaching standards certification, superintendent to adopt repayment rules for conditional funding: ESB 5714

Teachers, professional development programs and national board certification bonuses to be subject to availability of appropriations: HB 2343

Teachers, teacher assistance program to be subject to availability of appropriations: HB 2343

Tribal schools, allocation of education moneys: HB 1890

Truancy, office of superintendent's involvement in six-year attendance and graduation coach demonstration project: HB 3094

Truancy, payments to school districts for reduction of: HB 2449

Vaccination, developing a school-based vaccination guide: HB 2733

Voluntary program of early learning, superintendent and department of early learning to convene technical working group to develop plan for: ***SSB 6759, CH 234 (2010)**

Vulnerable students and dropouts, accountability and support for: HB 2609, ***ESSB 6403, CH 243 (2010) PV**

WASL legislative work group, implementation of recommendations concerning statewide assessments and curricula: ***ESSB 5414, CH 310 (2009) PV**

WASL, adjustments of assessment in mathematics and sciences: HB 1646

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Aquatic lands, equitable lease rates for industrial users of state-owned aquatic lands: HB 2562

Aquatic lands, permission to install and maintain docks and boat lifts on state-owned land: HB 1556, HB 1750

Biomass, department of natural resources authority to enter into forest biomass supply agreements involving state lands: HB 2481

Christmas trees, harvesting: HB 1038

Christmas trees, removing from or injuring on public or private land: ***HB 1137, CH 349 (2009)**

Columbia river basin water supply development program, using state moneys for potential water storage sites under the program prohibited: HB 1627

Commercial, natural resource, and forest lands, department authority to manage: SSB 5957

Community trail advisory authority, establishment and grant program: HB 1810, HB 2473
 Concessionaires on public lands, pilot projects: HB 2480
 Contract harvesting on state trust lands: ***ESB 6166, CH 418 (2009) PV**
 Coordinated state land management by certain agencies, managing natural resources on public lands through: HB 2491
 Dredged riverbed materials from Mt. St. Helen's eruption, disposal: ***HB 2598, CH 57 (2010), *SB 6070, CH 426 (2009)**
 Fish and wildlife department lands, grazing privilege requirements: HB 1306
 Fish and wildlife department, payments in lieu of taxes for lands managed by: HB 2501
 Fish and wildlife department, payments in lieu of taxes for lands owned by: HB 3160
 Harbor lines, revising authority of commission on harbor lines to establish: ***SB 6275, CH 45 (2010)**
 Highway construction review and site selection process, prioritizing use of public land: ***SSB 5684, CH 471 (2009)**
 Huckleberries, regulations: HB 1038
 Indian tribes, providing tribes with right of first refusal for sale, transfer, or other disposal of certain lands of significance: HB 2958
 Maury Island aquatic reserve, requirements for wells on industrial or mining sites on lands adjacent to: HB 1708
 Mt. St. Helen's eruption, disposal of dredged riverbed materials from: ***HB 2598, CH 57 (2010), *SB 6070, CH 426 (2009)**
 Natural heritage plants, process for setting aside natural area preserves to include awareness of: HB 2134
 Off-road vehicles, increasing distribution of moneys for off-road vehicle purposes: HB 2101
 Parks, recreation, trails, and open space allocation, local sales and use tax to provide funding for: HB 1810, HB 2473
 Plants, impacts of projects when certain species identified by natural heritage program are present: HB 1136
 Public employees, provisions governing sales of public lands to current or former employees: HB 3004
 Removal of gravel from waterways to reduce impact of flooding, provisions: HB 2007
 Signs, posting when certain public lands are closed to the public: HB 1118
 Specialized forest products, permitting process and theft protections: HB 1038
 State forest land revenues to be excluded in part from basic education allocation from superintendent of public instruction to school districts: HB 1774
 State forest lands with harvest encumbrances, transfer: HB 1595
 State trust lands, contract harvesting: ***ESB 6166, CH 418 (2009) PV**
 Sustainable recreation work group, implementing use charges and other recommendations of: HB 2480
 Use charges for recreation on public lands, implementation as recommended by sustainable recreation work group: HB 2480
 Wildlife and recreation program, qualified applicants and procedures for funding from accounts: HB 1957

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Candidates for commissioner, contributions to campaign: HB 1289
 Natural resource infractions, commissioner enforcement authority over: HB 2866

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Awards for state employees, suspension of certain monetary awards and salary increases: HB 2998
 Campaign contribution and disclosure laws, revisions: HB 2016
 Campaign contributions prior to legislative sessions, restrictions expanded: HB 2530
 Candidates for public office, false statements about constituting libel or defamation: HB 1286, SB 5211
 Child welfare services, state employees to receive primary preference for performance-based contracts for the provision of: HB 3121, ***SSB 6832, CH 291 (2010)**
 Citizens' commission on salaries for elected officials, definition of "immediate family" for purpose of membership on: HB 2033, HB 2448
 City councils, contribution limits for city council campaigns: ***SSB 6344, CH 206 (2010)**
 Collective bargaining agreements, termination date: HB 1245
 Commissioner of public lands, contributions to candidates for: HB 1289
 County offices, contribution limits for campaigns: ***SSB 6344, CH 206 (2010)**
 Criminal justice agencies, disclosure exemption for personal information that can be used to locate employees: HB 1317
 Elected officials, persons to be prohibited from holding elected state or legislative office while holding a city, town, or county elected office: HB 2800, HJR 4219
 Elected officials, prohibition of public service announcements by officials during reelection campaigns: HB 2994
 Employee termination for actions opposing employer violations of public policy, cause of action separate from wrongful discharge created: HB 2186

Employees, attendance at informational or educational meetings regarding legislative issues: HB 1920
 Enhanced intelligence act, protection of certain information from collection or dissemination by intelligence data entities: HB 2798
 Ethics, selling merchandise or services under official state agency wellness program contract: HB 1256
 Exempt employees, protecting collective bargaining rights in certain cases: HB 2267
 Gifts, acceptance by state officers and employees: HB 1124
 Health savings account option for state employees: HB 2875
 Health sciences and services authorities, use of executive session by: ***SSB 6727, CH 33 (2010)**
 Law enforcement officers, provisions concerning termination of officer for dishonesty: HB 2594
 Legislative web sites, ethical use: HB 1761
 Legislative web sites, legislator or legislative employee responsibility for nonlegislative material on nonlegislative web sites: HB 1729
 Legislators, leave from employment for persons elected to serve as: HB 2993
 Mailing, restrictions for local officials before and after election: HB 2851
 Mayors, contribution limits for mayoral campaigns: ***SSB 6344, CH 206 (2010)**
 Nonpartisan county board of commissioners elective offices, procedure for filling a vacancy in: ***SSB 6688, CH 207 (2010)**
 Nonpartisan county council elective offices, procedure for filling a vacancy in: ***SSB 6688, CH 207 (2010)**
 Photographs of public employees, prohibiting public disclosure of: HB 2447
 Political advertising, identification of sponsor: HB 1787
 Public employees' benefits board, employee eligibility for benefits: HB 2245
 Public lands, provisions governing sale to current or former public employees: HB 3004
 Public utility districts, method of calculating commissioner compensation: ***HB 2707, CH 58 (2010)**
 Recall petitions, signature gathering provisions: HB 2613
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PERS, director of fire protection's authority to refuse membership in: HB 2862, ***SB 6546, CH 80 (2010)**

PERS, plan membership default provisions: HB 1722

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Retirement system, obsolete statutes repealed: HB 1542, ***SB 5305, CH 110 (2009)**

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SERS plans 2 and 3, disability benefit options study by state institute for public policy: HB 2919

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State retirement system, participation in insurance plans and contracts by separated members of certain plan 2 retirement systems: HB 1601

State retirement systems, actuarial funding of: HB 2369, ***SSB 6161, CH 561 (2009)**

State retirement systems, benefits at earlier ages for plans 2 and 3 of PERS, SERS, and TRS: HB 1599

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Transfer from PERS plan 2 to SERS plan 2, required for members employed by school districts and educational service districts: HB 1546, ***SB 5303, CH 209 (2009)**

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Obsolete statutes repealed: HB 1542, ***SB 5305, CH 110 (2009)**

PERS, calculation by department of average final compensation for plan 1, 2, and 3 members during 2009-2011 fiscal biennium: ***SB 6157, CH 430 (2009)**

Postretirement employment provisions for PERS, SERS, and TRS: HB 1602

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Scenic and recreational highway system, all state ferry routes added to: ***SB 5289, CH 277 (2009)**

Scenic and recreational highway system, Anacortes to San Juan Islands ferry route added: ***SB 5289, CH 277 (2009)**

Scenic and recreational highway system, creating an agricultural scenic corridor within the system: ***SSB 6211, CH 14 (2010)**

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Early learning for at-risk children, early learning working group to be convened to develop basic education program of early learning: HB 2431

Early learning program for educationally at-risk children, creation: HB 2731

Education accountability, establishment of joint select committee on: ***E2SSB 6696, CH 235 (2010)**

Education advisory committee, governor to establish: HB 1762

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Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: ***HB 1541, CH 103 (2010)**

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Educational supplies, annual sales and use tax holiday: HB 2058

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Educator preparation and recruitment, expanding options for: HB 3059, ***E2SSB 6696, CH 235 (2010)**

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Elementary school students, recess periods: ***SSB 5551, CH 182 (2009)**

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Energy audits and conservation measures, districts to undertake with assistance of department of general administration: HB 3161

- Energy conservation construction projects, department of general administration grant program for school districts: HB 3161
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- Financial education, to be included in social studies courses required for graduation: HB 1649
- Financial, student, and educator data, establishment of comprehensive K-12 education data improvement system and a data governance group: E2SSB 5941
- Fingerprint-based record checks, state patrol to provide to school and educational service districts free of charge: ***HB 1852, CH 170 (2009)**
- Firearms and certain nonfirearm-related weapons, possession on school premises and related areas prohibited: HB 2048
- Firearms safety education programs, K-12 instruction: HB 2011, HB 3100
- Fitness, establishment of coordinated school health public-private partnership: HB 3098
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- Food service, eliminating copayment for breakfast and reduced-price lunch and funding summer food service programs: HB 1416
- Funding for public schools, increasing state revenues by preventing certain avoidance transactions, reducing tax preferences, and providing equitable tax treatment: ***2ESSB 6143, CH 23 (2010)**
- Funding public schools through taxation of intangible property: HB 2350, HB 2354
- Funding, office of superintendent of public instruction to provide internet-based portal for access to prototypical funding model: HB 2960
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- Graduation without a certificate of academic achievement or certificate of individual achievement, change in requirements: ***HB 1562, CH 17 (2009), SB 5498**
- Graduation, use of higher education coordinating board college admission standards as standards for high school diploma: HB 3025, ESSB 6778
- Harassment, antiharassment strategies in public schools to include model policy and procedure: HB 2801
- Health and social-emotional learning performance, annual school reporting on efforts to improve: HB 1632
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- Highly capable students, superintendent of public instruction to convene technical working group to make recommendations concerning a basic education program for: SSB 6629
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- Home-based instruction, school district advertising and marketing to students prohibited: HB 1110
- Immunization of children, developing a school-based vaccination guide: HB 2733
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- Instructional materials, conditions governing provision of specialized format versions of: HB 2638
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- Jobs act, using bonds and grants to create jobs and accelerate innovation through funding of cost saving capital improvement construction at public schools and higher education institutions: ***EHB 2561, CH 35 (2010)**

K-12 basic education and other programs, appropriations to be made separate from and before other omnibus appropriations legislation: HB 1657, HB 3180, HJR 4203, HJR 4225

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Mathematics and science teachers, professional educator standards board to serve as lead agency in coordinated approach to creating an adequate supply of: HB 2000

Mathematics teachers, providing allocations for elementary math specialists: HB 2654

Mathematics, revising graduation requirements: HB 2915

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Millennium schools, superintendent of public instruction to award planning grants for up to three schools to aid certain demographic groups: HB 2148, HB 2149

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Sexual misconduct with a minor in first and second degree, school employee perpetrators: HB 1320, ***EHB 1385, CH 324 (2009)**

Sexual misconduct with a student by a school employee: HB 1013

Sexual misconduct with an enrolled student by a school employee: SSB 5232

Shared leave, allowing employees of a school district or educational service district to share leave with employees of other agencies: HB 3081, ***ESSB 6724, CH 168 (2010)**

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South Kitsap High School marching band, recognizing: ***HR 4664 (2010)**

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Teachers' strike, use of public resources by district officers or employees to support or oppose prohibited: HB 2392

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Visual impairments, bi-state partnership for teachers of children with: HB 2181

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Washington state center for childhood deafness and hearing loss, replacement of state school for the deaf by: HB 1879

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Youth sports, adoption of policies for the management of concussions and head injuries: ***EHB 1824, CH 475 (2009)**, ESSB 5763

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Sex offenses against minor victims, prosecution until victim's twenty-eighth birthday to be allowed in certain cases: ***SB 5832, CH 61 (2009)**

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 Offender residence approval, consideration of number of registered offenders within one mile as a factor: HB 1430

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Registration, juvenile sex or kidnapping offender relief of duty to register: HB 1259

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Registration, provisions: ***SSB 6414, CH 267 (2010)**

Registration, state patrol annual notification of juvenile sex or kidnapping offenders of ability to petition for relief from registration: ***SSB 5326, CH 210 (2009)**

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Sexual health education, to include legal elements and consequences of sex offenses when a minor is the victim: HB 1473

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Sexually violent predators, commitment proceedings: HB 1246, ***SSB 5718, CH 409 (2009)**

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Sexually violent predators, need to expeditiously site and construct facilities to house predators who have been committed: HB 1912

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Personal information, disclosure exemption when it can be used to locate employees of criminal justice agencies: HB 1317

Registered sex and kidnapping offenders, program to verify address and residency of: HB 2534, SSB 6360

Retired law enforcement officers, issuance of firearms certificate and annual qualification certificate to: HB 2065, HB 2226

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Sex offenders, electronic statewide unified sex offender notification and registration program: ***SSB 5261, CH 31 (2009)**

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 Sexually violent predators, need to expeditiously site and construct facilities to house predators who have been committed: HB 1912
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 Special commitment center, authority to maintain log of phone calls by residents: HB 1099

Special commitment center, resident access to computers to be controlled: **HB 3114, SB 5218, *SB 6308, CH 218 (2010)**
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- Energy audits and conservation measures, agencies to undertake with assistance of department of general administration: HB 3161
- Energy conservation construction projects, department of general administration grant program for agencies: HB 3161
- Enhanced intelligence act, protection of certain information from collection or dissemination by intelligence data entities: HB 2798
- Environmental and land use hearings boards, timelines for filing appeals with: HB 2935
- Environmental and land use hearings office to consist of pollution control, shorelines, and growth management hearings boards: HB 2935
- Environmental impact statements for legislation and other agency actions, proposals for actions and cumulative impacts to be examined: ESB 6762
- Ethics and integrity in state government, plans for improving: HB 1175
- Ethics, selling merchandise or services under official state agency wellness program contract: HB 1256
- Evergreen jobs authority, establishment: HB 2227
- Exempt employment, practices regarding: HB 2049
- Fire sprinkler systems, local governments and state agencies to be prohibited from requiring installation in agricultural structures: HB 2975
- Fiscal notes, agency and department involvement in joint legislative process for: HB 2336
- Funds, allocation rates for certain state agencies depositing funds in the treasury or in the custody of the state treasurer: HB 3125, HB 3174, ***SB 6833, CH 222 (2010)**
- Gifts, acceptance by state officers and employees: HB 1124
- Government operations, restricting cost by restricting compensation: ***SSB 6382, CH 1 (2010)**
- Greenhouse gases, comprehensive multi-agency plan for reducing: HB 1718
- Health savings account option for state employees: HB 2875
- Health services account, violence reduction and drug enforcement account, and water quality account, elimination: HB 1453
- High school graduation and reengagement goals, establishing and meeting: ESSB 5449
- High-speed internet, department of information services to conduct inventory of publicly owned infrastructure: HB 1700
- Hours of operation for state agencies, mandatory minimum: ***SB 6104, CH 428 (2009)**
- Human trafficking training, criminal justice training commission to offer training for criminal justice, corrections, and other public safety employees: HB 2942
- Hydraulic project approval requirements, penalties for violations: HB 1178
- Indian tribes, establishing government-to-government relationship with: HB 2394
- Information services department, consolidating operational functions of state information technology within department: HB 3080
- Information systems improvement committee, creation and duties: E2SSB 6579
- Information technology in state government, department of information services to direct computer, data storage, and telecommunications procurement and management: HB 3178
- Integrated climate change response strategy, department of ecology to coordinate with agencies and other groups: ***E2SSB 5560, CH 519 (2009) PV**
- Joint administrative rules review committee, requirements when committee finds certain inadequacies in agency rule changes: HB 2928

Joint comprehensive commute trip reduction plan for certain state agencies, including institutions of higher education: ***SSB 6088, CH 427 (2009)**

Land surveying, definition and public agency requirements for professional land surveying: HB 1391

Living wage requirement for state contracts with private contractors: HB 1716

Local option capital asset lending program, modifications to include state use of excess tax levies to pay financing contracts: HB 2451, ***SB 6218, CH 115 (2010)**

Locksmiths, creating state board of: HB 2671

Marine spatial plan, impact of adoption on agency decisions: HB 3078, ***SSB 6350, CH 145 (2010)**

Motor vehicles, state agency fuel consumption and emissions reduction strategy to include alternative fuel vehicles: HB 3105

Navigational aids used to mark hazards, public agency immunity from liability for use of: HB 1989

New state agencies, services, and activities, identification and review by state auditor: HB 1702

Nonprofit corporations, creation and registration with governmental body or agency as registered agent: ***HB 1264, CH 202 (2009)**

Office of open records, establishment and duties of: HB 2736

Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes: HB 1730

Open public meetings access, formal public testimony and recording or documentation of meeting required: HB 1552

Open public meetings and public records board, committee to study feasibility of creating: HB 1017

Optional multiagency permitting teams, creation of: ***SSB 6578, CH 162 (2010)**

Paper, agencies required to use one hundred percent recycled content paper: HB 2287

Parking, exempting parking charges imposed by state from excise taxes: HB 3142

Partnerships, creation and registration with governmental body or agency as registered agent: ***HB 1264, CH 202 (2009)**

Personal information, disclosure exemption when it can be used to locate employees of criminal justice agencies: HB 1317

Political contributions, persons awarded sole source state contracts to be required to disclose: HB 2700

Pollution liability insurance agency, transfer to department of ecology: EHB 3023

Projects of statewide significance, qualifications and procedures for designation: ***ESSB 5473, CH 421 (2009)**

Public agency collective bargaining records, exceptions to exemption from disclosure: HB 1471

Public employees' benefits board, employee eligibility for benefits: HB 2245

Public lands, provisions governing sale to current or former public employees: HB 3004

Public printer, abolition and merging of functions into department of general administration: HB 2991

Public printer, abolition and transfer of powers, duties, and functions to the department of information services: HB 3020

Public printer, transfer of powers, duties, and functions to the department of information services: EHB 2969

Public records and open public meetings board, committee to study feasibility of creating: HB 1017

Public records requests, limiting person-hours spent on one person's requests before charging for personnel costs: HB 3031

Public records, agency's ability to enjoin the examination of a specific record: HB 1106

Public records, conferences prior to filing actions alleging a public records request violation: HB 2583

Public records, establishment and duties of an independent office of open records: HB 2736

Public records, remedies for actions under the public records act: HB 2910

Public records, requirements for disclosure when controversy: HB 1105

Public records, state agency authority to direct records requesters to agency web site: HB 2582, ***SSB 6367, CH 69 (2010)**

Quality management, independent assessment of agency programs for: HB 1174

Radio frequency identification technology, privacy standards: HB 1044

Recording of closed executive session meetings, requirements and violations: HB 1676

Records requests, agency authority to direct public records requesters to agency web site: HB 2582, ***SSB 6367, CH 69 (2010)**

Records requests, conferences prior to filing actions alleging a public records request violation: HB 2583

Records, process for enjoining disclosure if request was for purpose of agency harassment: HB 1316

Reducing state administrative costs through 12-month salary and wage freeze and reduction in expenditures and services agreements: ***ESSB 5460, CH 5 (2009)**

Regulatory assistance, office of regulatory assistance to develop and advertise optional multiagency permitting teams: ***SSB 6578, CH 162 (2010)**

Regulatory reform, reducing regulatory burden for Washington businesses: HB 1617
 Reports prepared by certain state agencies, elimination or reduction in frequency of: HB 2327
 Reports to legislature and governor, mandatory electronic filing: HB 1753
 Reports to legislature, mandatory electronic filing: HB 1438
 Right to constitutional government act: HB 2710
 Rule adoption requirements, annual time limitations for certain rules proposed for adoption: HB 2502
 Rule-making information, each state agency to post on its web site: ***HB 1475, CH 93 (2009)**
 Rule-making, creating a legislative rule-making accountability committee to review proposed agency rules: HB 2810
 Rule-making, economic impacts of agency rules on employers and citizens: HB 3083
 Rule-making, requirement that all adopted rules provide specific state or federal constitutional authority: HB 2710
 Rule-making, requirements when joint administrative rules review committee finds certain inadequacies in agency rule changes: HB 2928
 Rules qualifying as significant legislative rules, governor's signature required: HB 1853
 Safe and healthful food, establishment of commission on: HB 2309
 Salary increases for state employees, suspension of certain monetary awards and salary increases: HB 2998
 Service animal training, attendance by state agency employees with sensory disabilities: EHB 1965, ***HB 2328, CH 294 (2009)**
 Shared leave, allowing employees of a school district or educational service district to share leave with employees of other agencies: HB 3081, ***ESSB 6724, CH 168 (2010)**
 Shared leave, hours an employee may receive: ***ESSB 6724, CH 168 (2010)**
 Shared leave, number of days a state employee is eligible to receive: HB 3063
 Sick leave, using for volunteer work: HB 2133
 Signage on private property for public benefit, prohibiting state agencies from requiring: HB 1827
 Small businesses, first-time paperwork violations: HB 1650, ***SSB 5042, CH 358 (2009)**
 Small businesses, state agencies to provide opportunity to comply with state law or agency rules after violations: HB 2603
 Social and health services, abolishing department and creating new departments to take over its functions: HB 2197
 State contracts, disclosure of political contributions by persons awarded sole source state contracts: HB 2700
 State contracts, prohibiting work under state contracts from being performed outside the United States: HB 2154
 State environmental policy, incorporating human health analysis into environmental review: HB 1891
 State forest lands with harvest encumbrances, transfer: HB 1595
 State information technology, private sector outsourcing for information technology services: HB 3080
 State officials, time limitations on soliciting or accepting of campaign-related contributions: HB 1472
 State technology entity boards, implementing governor's statewide technology strategy: HB 1521
 Sustainable energy office created, director to oversee state agency sustainable energy work group: HB 1520
 Text messaging, public records requirements when public agencies use publicly owned wireless devices for: HB 3211
 Tortious conduct of a public agency, accrual of interest on judgments founded on: ***ESB 6764, CH 149 (2010)**
 Transferring and consolidating state agencies and programs, adoption of legislation to implement 2009-11 operating budget: HB 3199
 Unfunded mandates, state mandates on local government to be optional when not fully funded by state: HB 3182
 Utility facilities, notice of necessary relocation from public agency: EHB 1499
 Veterans, state employment layoff and reemployment rights of: HB 2407
 Water banking, trust water rights program used for: ***ESSB 5583, CH 283 (2009)**
 Water banks, interlocal agreements for operation by watershed management partnerships: HB 1494
 Wellness program of a state agency, selling merchandise or services under terms of a contract: HB 1256
 Whistleblower program, clarifying provisions: HB 1293

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Enhanced intelligence act, state auditor to conduct in-place audits of intelligence data entity files and records: HB 2798
 Investment board, performance audits of board investment services contracts: HB 3010
 New state agencies, services, and activities, identification and review by auditor: HB 1702

STATE BUILDINGS

Art for state transportation-related buildings, suspension of requirement for: HB 2076
 Heritage center, state capitol committee to approve names for public spaces: HB 1404
 Legislative building, sales of wine at gift center: HB 1415

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Administrative cost of state government, reducing through limits on hiring, personal service contracts, purchasing, travel, and training: ***HB 2328, CH 294 (2009)**

Affordable housing development, use of surplus property owned by governmental entities for: EHB 2138

Annual assessment and performance grading program, state auditor to improve government through: HB 2699

Aplets and Cotlets, official state candy: HB 1024

Appropriations for 2009, 2010, or 2011, agency authority to use emergency rule making when implementing requirements or reductions: ***ESB 5915, CH 559 (2009)**

Art for public buildings, removing requirement to purchase during 2009-2011 biennium: HB 1376

Bills, requirement that all enacted bills, acts, and resolutions provide specific state or federal constitutional authority: HB 2710

Boards and commissions, elimination: HB 1497, HB 2151, HB 2617, ESSB 6426

Boards and commissions, technical corrections to chapter 7, Laws of 2010 1st sp. sess. concerning elimination of: HB 3218

Boards, committees, and commissions, elimination, and transfer of duties: HB 2087

Boards, committees, and work groups, elimination, and transfer of duties: ***ESB 5995, CH 560 (2009)**

Bonds, notes, or other evidences of state indebtedness, determination of terms and conditions by state treasurer: HB 2452, ***SB 6220, CH 18 (2010)**

Capital and operating budgets, general obligation bond issuance authority: HB 1272

Citizens' commission on salaries for elected officials, definition of "immediate family" for purpose of membership on: HB 2033, HB 2448

Claims for damages against state governmental entities, procedures and claim forms: HB 1553

Climate leadership, reducing greenhouse gas emissions and energy consumption by state government: ***E2SSB 5560, CH 519 (2009) PV**

Columbia river basin water supply development program, using state moneys for potential water storage sites under the program prohibited: HB 1627

Columbia River Gorge compact and commission, elimination of: HB 3132

Commerce, transferring programs and other strategies for refocusing the mission of the department of: HB 2658, 2SSB 6515

Commercial activity, prohibiting state government agencies from engaging in: HB 2808

Construction projects, standards: HB 1190

Data processing building construction account, elimination of: ***SSB 6572, CH 9 (2010) PV**

Debt limit, eliminating the statutory debt limit: HB 1454, ***SSB 5537, CH 500 (2009)**

Elected officials, persons to be prohibited from holding elected state or legislative office while holding a city, town, or county elected office: HB 2800, HJR 4219

Elected officials, prohibition of public service announcements by officials during reelection campaigns: HB 2994

Electric vehicles, state government role in infrastructure development and transition from combustion to electric vehicles: HB 1481

Emergency rule making, agency authority to use when implementing requirements or reductions in appropriations for 2009, 2010, or 2011: ***ESB 5915, CH 559 (2009)**

Employee termination for actions opposing employer violations of public policy, cause of action separate from wrongful discharge created: HB 2186

English, official state language: HB 1645

Ethics and integrity in state government, plans for improving: HB 1175

Exempt employment, practices regarding: HB 2049

Expenditure limit, increasing cigarette tax to fund basic health plan within: SSB 6874

False claims involving state funds, qui tam proceedings authorized in the case of: HB 2329

Fiscal notes concerning state government, joint legislative process for: HB 2336

Flag, Washington state flag account: ***HB 1121, CH 71 (2009)**

General government programs, revisions to implement 2009-2011 state operating budget: HB 2365

Gifts, acceptance by state officers and employees: HB 1124

Greenhouse gases, comprehensive multi-agency plan for reducing: HB 1718

Health services account, violence reduction and drug enforcement account, and water quality account, elimination: HB 1453

Identification devices, limits on scanning: HB 1011

Income tax, state: HB 3070, HJR 4221

Indian tribes, establishing government-to-government relationship with: HB 2394

Indian tribes, establishment of joint legislative committee on state and tribal affairs: HB 2394

Indian tribes, expanded participation in local government investment pool to include: HB 2450, ***2ESB 6221, CH 10 (2010)**

Information technology in state government, department of information services to direct computer, data storage, and telecommunications procurement and management: HB 3178

International peace arch, official state peace monument: HB 2312

Investment of public funds, state investment board to report on state and local government policies and practices: HB 3151

Land surveying, definition and public agency requirements for professional land surveying: HB 1391

Legislative web sites, ethical use: HB 1761

Legislative web sites, legislator or legislative employee responsibility for nonlegislative material on nonlegislative web sites: HB 1729

Living wage requirement for state contracts with private contractors: HB 1716

Local government investment pool, expanded participation in pool to include tribes: HB 2450, ***2ESB 6221, CH 10 (2010)**

Local option capital asset lending program, modifications to include state use of excess tax levies to pay financing contracts: HB 2451, ***SB 6218, CH 115 (2010)**

Marine spatial plan, impact of adoption on government decisions: HB 3078, ***SSB 6350, CH 145 (2010)**

Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes: HB 1730

Official state Christmas tree, tree placed in capitol rotunda to be designated: HB 1301

Olympic marmot, official state endemic mammal: ***SB 5071, CH 464 (2009)**

Omnibus appropriations bills, public and legislative review period: HB 1654, HB 2872

Operations, restricting cost of state government by restricting compensation: ***SSB 6382, CH 1 (2010)**

Optional multiagency permitting teams, creation of: ***2SSB 6578, CH 162 (2010)**

Projects of statewide significance, qualifications and procedures for designation: ***ESSB 5473, CH 421 (2009)**

Public agency collective bargaining records, exceptions to exemption from disclosure: HB 1471

Public printer, abolition and merging of functions into department of general administration: HB 2991

Public printer, abolition and transfer of powers, duties, and functions to the department of information services: HB 3020

Public printer, transfer of powers, duties, and functions to the department of information services: EHB 2969

Public works projects, payment of undisputed claims: ***HB 1195, CH 193 (2009)**

Quality management, independent assessment of agency programs for: HB 1174

Recording of closed executive session meetings, requirements and violations: HB 1676

Reducing state administrative costs through 12-month salary and wage freeze and reduction in expenditures and services agreements: ***ESSB 5460, CH 5 (2009)**

Regulatory assistance, office of regulatory assistance to develop and advertise optional multiagency permitting teams: ***2SSB 6578, CH 162 (2010)**

Regulatory reform, reducing regulatory burden for Washington businesses: HB 1617

Reports prepared by certain state agencies, elimination or reduction in frequency of: HB 2327

Right to constitutional government act: HB 2710

Rule-making, economic impacts of agency rules on employers and citizens: HB 3083

Rule-making, requirement that all adopted rules provide specific state or federal constitutional authority: HB 2710

Special purpose district research services account, elimination of: ***SSB 6572, CH 9 (2010) PV**

State contracts, prohibiting work under state contracts from being performed outside the United States: HB 2154

State environmental policy, creating a cause of action for persons adversely affected by judicial review of decision under SEPA: HB 2500

State environmental policy, incorporating human health analysis into environmental review: HB 1891

State officials, time limitations on soliciting or accepting of campaign-related contributions: HB 1472

State property damage, liability of person operating vehicle illegally: ***HB 1433, CH 393 (2009)**

State technology entity boards, implementing governor's statewide technology strategy: HB 1521

Text messaging, public records requirements when public agencies use publicly owned wireless devices for: HB 3211

Time certificate of deposit investment program, funding sources for: HB 2463, ***SB 6219, CH 139 (2010)**

Unfunded mandates, state mandates on local government to be optional when not fully funded by state: HB 3182

Uniform law commission: ***HB 1120, CH 218 (2009)**

Washington state sovereignty and federal tax escrow account act, implementation of: HB 2712

STATE INVESTMENT BOARD

Financial information submitted to board, disclosure exemption to be limited to three years: HB 3011

Performance audits of board investment services contracts, requirements: HB 3010

Public funds investment, board to report on state and local government policies and practices: HB 3151

STATE PATROL (See also STATE PATROL RETIREMENT SYSTEM)

Amber alert plan, state patrol to develop and implement: ***SSB 5012, CH 20 (2009)**

Assault of law enforcement officer or other employee with firearm, special jury verdict and increased sentence range: HB 1381, HB 1440, ***SB 5413, CH 141 (2009)**

Assaulting a law enforcement or corrections officer or employee, sanction for offenders violating sentence conditions by: HB 2781, SSB 6550

Background investigations as a condition of employment for peace officers and reserve officers, provisions: HB 2768

CBRNE response program, policy and operations advisory groups: HB 1039

CBRNE response program, statewide: HB 1039

Chief for a day program, providing a day of special attention to chronically ill children: HB 1785, ***SB 5582, CH 10 (2010)**

Conduct of officers, statement of policy that law enforcement personnel be truthful and honest: ***SSB 6590, CH 294 (2010)**

Crime laboratory, members added to forensic investigations council to strengthen oversight: HB 1770, HB 2767, ***SSB 6340, CH 143 (2010)**

Crime laboratory, work group to evaluate need for virtual digital forensic lab: HB 1248, ***SB 5184, CH 27 (2009)**

Criminal background checks, authority of cities, towns, and counties to request for certain license applicants and licensees: HB 2437, ***SB 6288, CH 47 (2010)**

Criminal justice facility and agency employee personal information, release prohibited in various cases: HB 2259

Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections and criminal justice personnel: HB 1194

Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections, criminal justice, and other public safety personnel: ***SSB 5131, CH 19 (2009)**

Death benefit for public employees, duty-related: ***EHB 2519, CH 261 (2010)**

Detaining persons with mental disorders under certain circumstances, provisions: HB 2882

Digital forensic crime lab, work group to evaluate need: HB 1248, ***SB 5184, CH 27 (2009)**

DNA identification system, collection of biological sample when conviction is the result of a plea agreement: SSB 5026

DNA identification system, costs for collection of samples: HB 2486

DNA identification system, mandatory collection of sample at time of arrest for felony, misdemeanor, or patronizing a prostitute: HB 1382

Donations, state patrol authority to accept: HB 2024, ***SB 5695, CH 108 (2009)**

Drug testing for peace officers, provisions: HB 1511

Emergency responses to properties, notification required to owners: HB 1537

Emergency zones, state patrol and department of transportation to conduct education and outreach efforts concerning: SSB 6231

Endangered missing person advisory plan, state patrol to develop and implement: ***SSB 5012, CH 20 (2009)**

Fingerprint-based record checks, state patrol to provide to school and educational service districts free of charge: ***HB 1852, CH 170 (2009)**

Fire department vehicles, lights designated for law enforcement purposes by state patrol: HB 1169

Ignition interlock devices, state patrol regulation of: HB 2466

Intimidation of a peace officer, description and penalties: HB 2860

Juvenile sex or kidnapping offenders, annual notice from state patrol of ability to petition for relief from registration: ***SSB 5326, CH 210 (2009)**

Law enforcement officers, provisions concerning termination of officer for dishonesty: HB 2594

Medication management in jails, jail medication management work group to develop a model policy: ***SSB 5252, CH 411 (2009)**

Missing children, state patrol to develop and implement amber alert plan: ***SSB 5012, CH 20 (2009)**

Motor carriers, compliance reviews and violations and penalties: HB 1574

Motor carriers, safety requirements and compliance reviews: HB 1843
 Motor vehicle license fraud, appropriations from vehicle license fraud account for enforcement and collections: HB 2436
 Personal information, disclosure exemption when it can be used to locate employees of criminal justice agencies: HB 1317
 Regional fire defense boards, creation within certain regions of the state: ***EHB 2667, CH 38 (2010)**
 Seizure under uniform controlled substances act, service of notice from law enforcement agencies: ***SSB 5160, CH 364 (2009)**
 Surviving spouses of members, industrial insurance death benefits: HB 1212
 Traffic infractions, peace officer authority to issue municipal code violation notices for: HB 3148
 Trooper Johnson, Scott, speedy recovery of: ***HR 4705 (2010)**

STATE PATROL RETIREMENT SYSTEM

Actuarial funding of state retirement systems: ***SSB 6161, CH 561 (2009)**
 Administration of WSPRS, state patrol retirement board and retirement system expense account created: HB 1444
 Commercial vehicle enforcement officers, transfer of service credit and contributions into WSPRS by certain members who served as: HB 3013, ESSB 6621
 Communication officers, transfer of service credit and contributions into WSPRS by certain members who served as: ESSB 6621
 Deferred option plan, eligibility and policies: HB 1443
 Domestic partners, benefits: HB 1445
 Interruptive military service credit: ***HB 1548, CH 205 (2009)**
 Lowering general salary increase assumption for actuarial funding of system: HB 1543
 Pension issues affecting WSPRS members, select committee on pension policy formation of a function-specific subcommittee focusing on: SSB 5332
 Salary, definition for system purposes: HB 2783
 Surviving spouses of members, industrial insurance death benefits: HB 1212

STATE TREASURER

Allocation rates for certain state agencies depositing funds in the treasury or in the custody of the state treasurer: HB 3125, HB 3174, ***SB 6833, CH 222 (2010)**
 Bonds, notes, or other evidences of state indebtedness, determination of terms and conditions by treasurer: HB 2452, ***SB 6220, CH 18 (2010)**
 Consolidated cash management activities for state agency funds and accounts, encouragement and expansion of: HB 3174, ***SB 6833, CH 222 (2010)**
 State bank, treasurer role in the creation of: HB 3162
 Time certificate of deposit investment program, funding sources for: HB 2463, ***SB 6219, CH 139 (2010)**

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Columbia river recreational salmon and steelhead pilot stamp program: ***ESSB 5421, CH 420 (2009)**
 Management of salmon and steelhead, repealing all sections in chapter 77.110 RCW: HB 2395
 Recovery, program and monitoring board for lower Columbia: ***HB 1063, CH 199 (2009)**
 Spawning beds, department of fish and wildlife to prohibit activities that harm or disturb: HB 3131

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National pollutant discharge elimination system municipal separate storm sewer systems permit program, certain cities exempted: HB 2053, HB 2839
 Public regional and interlocal water and sewer systems, governor to convene study group concerning: HB 2948
 Storm water account, creation of: HB 3181

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Board for public records and open public meetings, committee to study feasibility of creating: HB 1017
 Building code council to review various green building and energy efficiency programs, standards, and codes: ESSB 6244
 Contract liquor stores, liquor control board to convert at least twenty stores to contract stores and conduct a study of the process: HB 3189
 Digital forensic crime lab, work group to evaluate need: HB 1248, ***SB 5184, CH 27 (2009)**
 Disability benefit options for PERS, SERS, and TRS plans 2 and 3, study by state institute for public policy: HB 1549, HB 2919

Electricity cost impacts for utilities to meet certain targets, joint legislative audit and review committee to study: HB 3034
 Electronic monitoring of sex offenders, study using radio frequency identification technology: HB 1142
 Electronic timekeeping by home care agencies, department of social and health services to study in conjunction with home care agencies: HB 3130
 Enhanced 911 emergency radio network, work group to study delivery of emergency information: HB 1157
 Fiscal resources and needs of state, committee on Washington's finances to study: HB 3102
 Holistic medicine, work group to study: HB 1032
 Language issues affecting purchasers of health insurance, insurance commissioner to study: HB 1519
 Livable wage rate for 2009 for each county, Washington state institute for public policy to conduct a study to determine: HB 3123
 Public regional and interlocal water and sewer systems, study group convened by governor to study: HB 2948
 Puget Sound port authority, feasibility study of creating: HB 1421
 Rural character and resource lands, William D. Ruckelshaus center to conduct an examination of policies guiding maintenance: HB 1797
 Sex offender safe housing, department of corrections to study: HB 1143
 Small loan database, study of merits of implementing: HB 1073
 Specialized forest products, work group recommendations: HB 1038
 State route 99 deep bore tunnel traffic and revenue study, to be conducted by department of transportation: ***ESSB 5768, CH 458 (2009)**
 Veterans, access to services: HB 1051, ***SSB 5035, CH 22 (2009)**
 Washington state health insurance pool study of options for funding sources for operation of the pool: HB 1713, ***SSB 5777, CH 555 (2009)**

SUBDIVISIONS

Impact fees, payment process through provisions stipulated in recorded covenants: HB 3067
 Plat approval, hearing examiner fees: SB 5621
 Plat approval, notifying irrigation district in certain cases when application received by city, town, or county for: ***SSB 5839, CH 145 (2009)**
 Plat approval, time limit extension: HB 2220, ***SSB 6544, CH 79 (2010)**
 Short subdivisions, terms of approval to govern: HB 2139

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Boundary disputes, injunctive relief: HB 1122
 Employees, PERS retirement benefits for: HB 1742, ESB 5523
 Garnishment, provisions: HB 2523
 Interpreters, oath requirements for: HB 2518
 Judges, eliminating mandatory retirement age for: HB 2489, HJR 4216
 Surcharges on unlawful detainer actions and on other filing fees, clerks to remit for deposit in judicial stabilization trust account: HB 2362
 Yakima county, increase in number of judges: HB 2520

SUPREME COURT

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Land surveying, definition and public agency requirements for professional land surveying: HB 1391
 Liability, provisions concerning indemnification agreements involving an architect, landscape architect, engineer, or land surveyor: HB 3208

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Sterilization requirements and standard universal precautions: HB 1085

Tattooing, body art, body piercing, comprehensive regulations: ***SSB 5391, CH 412 (2009)**

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Advisory vote of the people for legislative action raising taxes that is blocked from public vote or not referred to the people by referendum petition: ***ESSB 6130, CH 4 (2010)**

Avoidance of taxes, antiabuse provisions and closing of loopholes: HB 2970

Bill of rights for small business taxpayers: HB 3217

Citizen commission for performance measurement of tax preferences, recommendations adopted: ESSB 5557

Electronic methods for filing, payment, and assessment of taxes administered by department of revenue: HB 1767, ***SSB 5571, CH 176 (2009)**

Environmental incentives, various: ***ESSB 6170, CH 469 (2009)**

Estate tax, increase to fund expanded access to higher education: HB 3184

Federal estate and generation-skipping transfer tax rules, construing certain formula clauses to refer to rules applicable to estates of certain decedents: ***SSB 6831, CH 11 (2010)**

Health care trust account, funding from temporary sales tax increase to be submitted to voters: HB 2377

Home and community based services businesses, taxation of businesses to fund services for seniors and persons with disabilities: HB 3186

Housing authorities, annual reporting of housing program revenue use to department of community, trade, and economic development: HB 2247

Incentive accountability reports and surveys, extensions of due dates for filing with department of revenue: ***SB 6206, CH 137 (2010)**

Incentives, various environmental: ***ESSB 6170, CH 469 (2009)**

Initiative 960, modifying provisions of taxpayer protection act of 2007: ***ESSB 6130, CH 4 (2010)**

Petroleum business privilege tax, imposition of tax and deposit of receipts in energy and transportation reserve account: HB 3161

Preferences, eliminating or narrowing certain excise tax preferences to increase revenues: HB 2972

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Privilege tax on taxable income of petroleum businesses, imposition of tax and deposit of receipts in energy and transportation reserve account: HB 3161

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Reporting, creating uniformity among annual tax reporting survey provisions: HB 3066

Revenue and appropriation bills, seventy-two hour budget review period prior to hearings or votes on: HB 2386

Revenue options for local government in counties of one million five hundred thousand or more residents: HB 2249

Revenues, increasing state revenues by preventing certain avoidance transactions, reducing tax preferences, and providing equitable tax treatment: HB 3176, HB 3204, ***2ESSB 6143, CH 23 (2010)**

Sales tax compliance, improving: ***SB 6173, CH 563 (2009)**

Small business taxpayers, bill of rights for: HB 3217

State and local tax programs, improving administration through comprehensive revisions: HB 1597

State sales tax deduction, petitioning to make deduction a permanent federal income tax deduction: HJM 4030

Tax appeals board, provisions connected with petroleum business privilege tax: HB 3161

Tax expenditure report required as part of biennial budget documents: HB 2110

Tax revenue use flexibility during economic downturns, options for cities and counties: HB 2650

Tax statute clarifications and technical corrections: SSB 6721

Thermal electric generating facilities, distributions of tax proceeds from: SB 5717

Two-thirds vote requirement for tax increases, temporary suspension of: ***ESSB 6130, CH 4 (2010)**, 2ESB 6843

Value averaging in taxation of property: HJR 4206

Washington state sovereignty and federal tax escrow account act: HB 2712

Water-sewer districts, alternative city assumption and tax authority provisions: HB 2990

Working families' tax rebate, funding from temporary sales tax increase to be submitted to voters: HB 2377

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 Aluminum smelters, tax relief for: ***EHB 2672, CH 2 (2010)**
 Apportionment, adoption by state of a single factor apportionment formula based on sales: HB 3157
 Aviation repairs, exemption for certain certificated repair stations: HB 3053, ***SSB 6712, CH 11 (2010)**
 Biomass fuels for electricity generation, tax credit for harvesters: HB 1610
 Biomass fuels in renewable energy production, tax credit for harvesters: ***ESSB 6170, CH 469 (2009)**
 Bonneville power administration, exemption for certain amounts received from: HB 2951, ***SSB 6614, CH 295 (2010)**
 Broadband technologies, credits for telecommunications companies: HB 1698
 Bullion and rare earth metals, provisions for sales for investment purposes: HB 1297
 Bunker fuel, manufacturing and selling for use outside United States waters by foreign commercial vessels: ***SB 6096, CH 494 (2009)**
 Commute trip reduction tax credit, limitations: HB 1432
 Cosmetic medical services, modifying taxation of certain: HB 2221
 Credit against state income tax: HB 3070
 Credit for certain employer unemployment compensation contributions: HB 2008
 Credit for qualified employment positions with eligible businesses in Washington: HB 2581, ESSB 5899
 Customer billings, tax information to be included on billing statements: HB 1855
 Delivery, prohibition of imposition of business and occupation tax by city on person only conducting delivery within city: HB 3064
 Digital products, changes in provisions related to: HB 2075, HB 2620
 Digital products, tax provisions: HB 2320
 Electric vehicle infrastructure deduction: HB 1481
 Electronic testing and measurement devices, tax incentives for manufacturers of: HB 2982
 Employer-assisted housing program, tax credits for participating employers: HB 1696
 Environmental incentives, various: ***ESSB 6170, CH 469 (2009)**
 Exported fuel, applicable definition of value proceeding or accruing: HB 2816
 Family and medical leave, credit for an employer who hires a worker to replace an employee on: HB 1609
 For-profit businesses, elimination of deduction for initiation fees and dues received by: HB 2390
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 Historical parks and historic reserves, tax incentive program: HB 1093
 Initiation fees and dues, deduction eliminated: HB 1255
 Legal services provided by nonprofit organizations, exemption: ***HB 1579, CH 508 (2009)**
 Livable wage rates, credit for employers who pay: HB 3123
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 Motor vehicle dealers, tax relief: HB 2060
 Motor vehicle wholesalers, retailers, and associated service providers, rate reduction: HB 2182
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 Newspaper industry, decreasing tax burden for: ***EHB 2122, CH 461 (2009)**
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 Real estate brokers, eliminating business and occupation tax surcharge: HB 3221
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 Renewable energy manufacturing facilities, tax incentives: HB 2130
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Revenues, increasing state revenues by preventing certain avoidance transactions, reducing tax preferences, and providing equitable tax treatment: HB 3176, HB 3204, ***2ESSB 6143, CH 23 (2010)**

Small business employee wellness program, credit for small businesses or nonprofit organizations implementing: HB 2183

Small businesses, credit for employers of certain military personnel: HB 1126

Small businesses, exemption for new small businesses: HB 1442, HB 2458

Small businesses, tax credit increase: HB 3101

Solar electric generating systems, tax incentives for manufacturing and selling of stirling converters for: HB 2537

Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications for sales at wholesale: HB 1911, ***ESSB 6170, CH 469 (2009)**

State and local tax programs, improving administration through comprehensive revisions: HB 1597

Tax statute clarifications and technical corrections: SSB 6721

Telecommunications companies, tax credit for contributions to Washington community technology opportunity account: HB 2170

Transportation infrastructure and vital services, excise taxes to fund: HB 3183

Unemployment compensation contributions, tax credit in certain cases: HB 2269

Washington customized employment training program, credit allowed for participants: ***SSB 5616, CH 296 (2009)**

Washington global health technologies and product development competitiveness account, credit against taxes for contributions to: HB 2983

Wood biomass fuel, exemptions: HB 1743, HB 1804

Zoos and aquariums, deduction for certain manufacturing in connection with publicly owned facilities accredited by association of zoos and aquariums: HB 2567

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Basic health plan, funding within state expenditure limit through increase in cigarette tax: SSB 6874

Cigarettes, revenues from tax increase to be deposited in tobacco prevention and control account: HB 2493

Cigarettes, revenues to be deposited in reserve account and benefits account: HB 1892

Health services account, additional tax to provide revenue for: HB 1047

Revenues, increasing state revenues by preventing certain avoidance transactions, reducing tax preferences, and providing equitable tax treatment: HB 3204

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Deduction for certain property held by qualified family-owned businesses: HB 2445

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Aerospace competitiveness, increasing through use of various tax exemptions, credits, abatements, refunds, and incentives: HB 2337

Airplane manufacturer tax incentives, prerequisite for claiming: HB 3107

Airplane manufacturer tax incentives, requiring claimant reaffirmation of commitment to state's economic well-being: HB 2833

Alcohol fuel, exemptions: HB 1743, HB 1804

Alternative fuel vehicles, extending certain expiring tax incentives: HB 3053, ***SSB 6712, CH 11 (2010)**

Aluminum smelters, tax relief for: ***EHB 2672, CH 2 (2010)**

Annual assessment and performance grading program for state government, certain tax revenues to used for: HB 2699

Authorities, provisions concerning local excise tax authorities for counties and cities: HB 2773, ESSB 6424

Avoidance of taxes, antiabuse provisions and closing of excise tax loopholes: HB 2970

Bill of rights for small business taxpayers: HB 3217

Biodiesel fuel and biodiesel feedstock, exemptions: HB 1743, HB 1804

Biofuels, extending certain expiring tax exemptions for producers of certain biofuels: HB 3053, ***SSB 6712, CH 11 (2010)**

Bottled water, repealing sales and use tax exemptions for: ***EHB 2561, CH 35 (2010)**, ***2ESSB 6143, CH 23 (2010)**

Bottled water, tax on wholesale sales to fund local health jurisdiction core public health functions: HB 3120

Candy, repealing sales and use tax exemptions for: ***EHB 2561, CH 35 (2010)**, ***2ESSB 6143, CH 23 (2010)**

Community centers, leasehold excise tax provisions concerning: ***SB 6855, CH 281 (2010)**

Contesting a tax or related penalty and interest, eliminating prepayment requirements: HB 1206

Convention and trade center, transfer of governance and financing of state center to a public facilities district to include authority to impose lodging taxes: ***SSB 6889, CH 15 (2010)**

Convention and trade facilities, modifying state and local lodging taxes used for: HB 2250

County utility tax, authorizing: HB 2637, HB 2749

Delinquent excise taxes, department of revenue authority to issue notice of lien in lieu of warrant: HB 3092

Digital products, tax provisions, including exemptions: HB 2075, HB 2620

Electric vehicle infrastructure, exemption from leasehold excise tax: HB 1481

Electronic testing and measurement devices, excise tax incentives for manufacturers of: HB 2982

Enhanced 911 emergency communications services, excise tax for: HB 3216, ***SSB 6846, CH 19 (2010)**

Enhanced 911 emergency communications, state and county excise taxation to fund systems on multicounty or countywide basis: HB 2351

Enhanced food fish, excise tax as part of sea urchin and sea cucumber license limitation program: HB 2472

Ferry fuel sales, sales and use tax exemptions: HB 2255

Florists, sourcing for sales and use tax collection and payment purposes in the case of: HB 3154

Hazardous substance tax, additional tax on possession of hazardous substances: HB 3181

High capacity transportation corridor areas, funding: HB 1677, ***SB 5540, CH 280 (2009)**

High-density urban development, encouraging development to further goals of growth management act, public transit, and greenhouse gas reduction: HB 2538, SB 6720

Impact fees, exempting low-income housing from: HB 2566

Impact fees, moratorium on imposition of: HB 3088

Impact fees, payment process through provisions stipulated in recorded covenants: HB 3067

Impact fees, to be used for all fire protection facilities: ***HB 1080, CH 86 (2010)**

Incentive accountability reports and surveys, extensions of due dates for filing with department of revenue: ***SB 6206, CH 137 (2010)**

Incentives, penalty limits for failure to file annual survey or report for: HB 2812

Intangible property, funding public schools through taxation of: HB 2350, HB 2354

Jobs act, paying for debt service costs for bonds through sales and use taxes on certain food and food items: ***EHB 2561, CH 35 (2010)**

Leasehold excise tax, exemption to encourage redevelopment of port district property: HB 2899

Leasehold excise tax, provisions concerning community centers: ***SB 6855, CH 281 (2010)**

Local excise tax provisions for counties and cities: HB 3179

Local option transportation taxes, funding for local option street utilities: HB 1947

Local option transportation taxes, proceeds from exercise of local option street maintenance utilities: HB 2618

Local option transportation taxes, revenue to cover city transportation project cost overruns: HB 3051

Local option transportation taxes, revenues to meet operations and capital needs of public transit agencies: HB 2855

Local revitalization financing, financing demonstration projects through sales and use tax revenues: HB 2985, ***E2SSB 6609, CH 164 (2010)**

Lodging tax, city or county authority to collect for furnishing of lodging: HB 2252

Lodging tax, limiting authority for levying special excise tax on furnishing of lodging: HB 2912

Lodging tax, modifying state and local lodging taxes used for convention and trade facilities: HB 2250

Lodging tax, provisions concerning certain cities and towns located in more than one county: HB 3172

Lodging tax, removal of an expiration date applicable to heritage and arts program funding: HB 2051, ESSB 6051

Mineral severance tax, creation of: HB 2797

Moist snuff, excise taxation of: HB 2382

Oil spill response tax and oil spill administration tax, adjustments to: HB 2965

Parking, exempting parking charges imposed by state from excise taxes: HB 3142

Port district property, leasehold excise tax exemption to encourage redevelopment of: HB 2899

Preferences, eliminating or narrowing certain excise tax preferences to increase revenues: HB 2972

Preferences, placing limits on certain excise tax preferences that have been administratively or judicially appealed: HB 2971

Preferences, review by joint legislative audit and review committee: ***EHB 2672, CH 2 (2010)**

Project improvements, crediting against impact fees: SB 5548

Public facilities, crediting transit, bicycle, and pedestrian facilities against impact fees: SSB 5548

Purple heart recipients, issuance of special license plates and exemption from licensing fees and motor vehicle excise tax: HB 1470

Real estate excise tax exemptions to encourage sales of vacant homes to low-income buyers: HB 1495
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 Real estate sales excise tax, funding additional law enforcement services in unincorporated areas of counties exceeding one million five hundred thousand people: HB 2262
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 Real property sales, tax revenues to be deposited in accounts for residential infrastructure: HB 1360
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 Revenue options for local government in counties of one million five hundred thousand or more residents: HB 2249
 Revenues, increasing state revenues by preventing certain avoidance transactions, reducing tax preferences, and providing equitable tax treatment: HB 3176, HB 3204, ***2ESSB 6143, CH 23 (2010)**
 Rural counties, sales and use tax deferral program for investment projects in: HB 3014
 Rural county businesses, modification of certain definitions for tax incentive programs for: HB 3188
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 Sales tax compliance, improving: ***SB 6173, CH 563 (2009)**
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 State and local tax programs, improving administration through comprehensive revisions: HB 1597
 State employees, exempting parking charges imposed by state from excise taxes: HB 3142
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 State wildlife account, tax revenue from excise tax on anadromous game fish to be deposited in: HB 2472
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 Streamlined sales and use tax agreement, harmonizing excise statutes with: HB 1089
 Tax statute clarifications and technical corrections: SSB 6721
 Taxes, certain revenues to be deposited in accounts after retirement of baseball stadium construction bonds: HB 2252
 Tobacco products, excise taxation of moist snuff: HB 2382
 Tobacco products, various tax increases: HB 2493
 Transportation infrastructure and vital services, excise taxes to fund: HB 3183
 Water-sewer districts, authorizing city tax on: HB 2637, HB 2749
 Wood biomass fuel, exemptions: HB 1743, HB 1804

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State income tax: HB 3070, HJR 4221

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Exported fuel, exemptions, refunds, and credits: HB 2277, HB 2816
 Handling loss deduction eliminated: HB 1504
 Marine fuel, determining amount of motor vehicle fuel tax moneys derived from tax on: ***HB 1576, CH 23 (2010)**
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 State route 520 corridor general obligation bonds, use of tax revenues to pay principal and interest: HB 2326
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Administration of property tax: HB 1208
 Air ambulance services, exemption for aircraft used to provide air ambulance services for nonprofits: ***ESSB 6737, CH 12 (2010)**
 Annexation of a city or town to a fire protection district, exemption of city or town property from certain voter-approved excess property taxes: ***ESB 6287, CH 63 (2010)**
 Artistic, scientific or historical purposes or activities, exemption for organizations using property for: HB 1304, ***SB 5680, CH 58 (2009)**
 Assessed valuation appeals, extension of deadline for filing petition: HB 1480
 Assessed value, limits: HJR 4200
 Assessors to give notice of true and fair real property value even if value has not changed: HB 1950
 Ballot titles to include more information and tax consequences of ballot measures: HB 3089

Biofuels, extending certain expiring tax exemptions for producers of certain biofuels: HB 3053, ***SSB 6712, CH 11 (2010)**

Certificates of delinquency, payment of moneys due prior to change of ownership: HB 2410

Citizen commission for performance measurement of tax preferences, recommendations concerning nonprofit exemptions adopted: ESSB 5557

Community and technical colleges, providing local supplemental tuition support through property tax levy: HB 3220

Community centers, exemption from property taxation: ***SB 6855, CH 281 (2010)**

Community facilities districts, levy of taxes by: HB 2577, ***ESSB 6241, CH 7 (2010)**

Community facilities districts, taxation levied by governing regional board of an authority: HB 2069

Community revitalization financing, use of local property tax allocation revenues for public improvements: ***2SSB 5045, CH 270 (2009)**

Crops, current use valuation under property tax open space program: HB 1979

Current use land classifications for property tax purposes, interest rate and penalty provisions: ESSB 5424

Current use valuation for property taxes for land with mobile homes or similar structures: HJR 4201

Current use valuation programs, including public utility easements and rights-of-way toward acreage requirements for: HB 3169

Current use valuation programs, provisions: HB 1733

Electric vehicle infrastructure exemption: HB 1481

Electronic bill presentment and payment, use by county treasurers for property taxes: HB 2962

Elimination in connection with imposition of state income tax: HB 3070

Emergency medical care and services, limit for levies to fund: HB 1318

Exemption, church property used by nonprofit organization to conduct activities related to a farmers market: HB 2439

Exemption, nonprofit recognized religious organization property used for church purposes: HB 2819

Exemption, property made available by nonprofit organizations or corporations for neighborhood activities and programs: HB 2474

Exemption, property owned by nonprofit organization and used for a farmers market: HB 2402

Farm and agricultural land classification, specifications for: ***EHB 1815, CH 513 (2009)**

Farm and agricultural land, commercial agricultural purposes defined: HB 1232

Farmers market, exemption for property owned by nonprofit organization and used for: HB 2402

Farmers market, property tax exemption for church property used by nonprofit organization to conduct activities related to: HB 2439

Ferry district levy rates: ***2SSB 5433, CH 551 (2009) PV**

First-time home buyers, exemption: HB 2090

Governmental restrictions on exercise of a groundwater right, fair market value of real property to reflect impact of: HB 2668

Intangible property, funding public schools through taxation of: HB 2350, HB 2354

Levies for schools, calculation of levy base: HB 1776, HB 2893

Levies for schools, calculation of temporary maximum levy percentages: SSB 6138

Levies for schools, changing maximum levy percentage for districts with voter-approved levy before May 1, 2009: HB 2378

Levies for schools, funding capital projects: ESSB 5807

Levies for schools, levy base calculation modification as part of statewide salary equalization process: HB 1383

Levies for schools, limiting percentage of capital levy proceeds that can be used for technology systems and support: HB 2094

Levies for schools, local school finance related to nonresident students enrolled in online learning: HB 2759

Levies for schools, restoring school district levy base: HB 2670

Levies for schools, state property tax levy for supporting common schools eliminated: HB 1027

Levies, adjustment of lid limits for certain local services: HB 3041

Levies, ballot titles to indicate property tax levy's financial impact: HB 1057, HB 2702

Levies, county veterans' assistance programs: HB 1102

Levies, disclosure of existing property tax levies on ballot propositions for levy lid lifts: HB 2578

Levies, limitations for large port districts: HB 1343

Levies, provisions modified: HB 1147, ***2SSB 5433, CH 551 (2009) PV**

Levies, reimbursing taxing districts for certain refunds and abatements of property tax: HB 2231

Levies, state levy eliminated: HB 1027

Lien foreclosure, payment of moneys due under certificate of delinquency prior to change of ownership: HB 2410

Local conservation finance areas, local property tax allocation revenues for: HB 2850

Local option capital asset lending program, modifications to include state use of excess tax levies to pay financing contracts: HB 2451, ***SB 6218, CH 115 (2010)**

Manufactured home communities, exemption: HB 1582

Mobile home parks, exemption: HB 1582

Nonprofit organizations or corporations, exemption for property made available by nonprofit for neighborhood activities and programs: HB 2474

Nonsupplant language, eliminating from certain provisions: HB 2637, HB 2749

Open space program, current use valuation for crops: HB 1979

Open space taxation act, provisions concerning public-owned easements in the acreage requirements of the act: HB 2976

Persons with disabilities exemption, impact of health care insurance premiums on eligibility: HB 2288

Port districts, limitations on levies for large districts: HB 1343

Property owned by organizations eligible for exemption, eligibility maintained in certain cases when used by a noneligible entity: HB 1477

Public health services, voter approval required for additional county levy to finance: HB 2152

Public transit levy rates: ***SSB 5433, CH 551 (2009) PV**

Real estate and property tax administration assistance account, creation: ***SSB 5368, CH 308 (2009)**

Real or personal property leased to a public hospital, exemption: HB 1882

Reclassification of property enrolled in current use property tax programs: HB 1508

Reduction, excess sales and use tax to be used for: HB 1923

Refund claims, increasing time limit for filing: HB 2760

Regional fire protection service authorities, impact on property tax levy amounts of benefit charges for: HB 2903

Relief for senior citizens and persons retired due to physical disability, requirements for eligibility: HB 2218

Relief, disposable income limits for senior citizens, persons retired because of disability, and veterans: HB 1764

Religious organizations, exemption for nonprofit recognized religious organizations using property for church purposes: HB 2819

Revaluation of property by counties for property tax purposes, annual: ***SSB 5368, CH 308 (2009)**

Revaluation of property impacted by government restrictions, procedures: SSB 5179

Revaluations, annual: HB 1056

Revenue options for local government in counties of one million five hundred thousand or more residents: HB 2249

Senior citizen exemption, impact of health care insurance premiums on eligibility: HB 2288

Senior citizen provisions, modifications: HB 2050

Senior citizens and persons retired because of disability, tax deferral eligibility: HB 1439

Senior citizens and persons retired due to physical disability, social security benefits excluded from calculation of disposable income for exemption: HB 1405

Senior citizens, deduction of medicare supplement insurance premiums from disposable income calculation for senior property tax programs: HB 2756

Senior citizens, exemption when retired due to disability: HB 1284

State and local tax programs, improving administration through comprehensive revisions: HB 1597

Surplus funds, fees for locating certain funds from taxes and other funds held by a county: ***HB 2428, CH 29 (2010)**

Tax statute clarifications and technical corrections: SSB 6721

Taxing districts, levy for reimbursement for certain refunds and abatements of property tax: HB 2231

Taxpayer protections, improving transparency and providing greater information to increase protections for property taxpayers: HB 3089

Technical and community colleges, providing local supplemental tuition support through property tax levy: HB 3220

Timber purchases, modifying reporting requirements for: ***HB 2659, CH 197 (2010)**

Tribal property, conditions for exemption from property tax: HB 1526

Valuation change notices: HB 1092

Valuation, assessors to give notice of true and fair real property value even if value has not changed: HB 1950

Valuation, mid-year valuation required when home price index shows significant annual decline: HB 1372

Valuation, procedures for ensuring accuracy and fairness: HB 2067

Valuations, burden of proof for corrections to valuations made by public officials: HB 1523

Value averaging in taxation of property: HJR 4206

Value change appeal protections, providing taxpayers with additional protections through petitioning process: EHB 3168

Veterans with one hundred percent service-connected disability, exemption: HB 1284
 Veterans, levy for county assistance programs: HB 1102

TAXES - PUBLIC UTILITY TAX

Commute trip reduction tax credit, limitations: HB 1432
 Credit against state income tax: HB 3070
 Customer billings, tax information to be included on billing statements: HB 1855
 Electrolytic processing businesses, exemption for electricity use: HB 1062
 Exemptions, electrolytic processing businesses: HB 1062
 For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625
 Gas companies, credit to recover up to fifty percent of rebates given for solar water heating systems installations: HB 1134
 Historical parks and historic reserves, tax incentive program: HB 1093
 Home and community based services businesses, taxation of businesses to fund services for seniors and persons with disabilities: HB 3186
 Light and power businesses, creating a public utility tax for the sale of fully unbundled renewable energy credits: HB 2417
 Light and power businesses, credit against sales and use tax paid for development of eligible renewable resources: HB 2131
 Light and power businesses, credit to recover up to fifty percent of rebates given for solar water heating systems installations: HB 1134
 Log trucks, tax on log transportation businesses: ***ESSB 6170, CH 469 (2009)**
 Public utility districts, prospective clarification of taxes and gross revenue: HB 1088
 Renewable energy credits, creating a public utility tax for the sale of fully unbundled renewable energy credits: HB 2417
 Renewable energy systems, investment cost recovery incentives: HB 1399
 Revenues, increasing state revenues by preventing certain avoidance transactions, reducing tax preferences, and providing equitable tax treatment: HB 3176, HB 3204
 Solar electric generating systems, investment cost recovery incentives for kilowatt-hours from: HB 2537
 Solar energy, community solar project investment cost recovery incentives for certain companies and project administrators: ***ESSB 6658, CH 202 (2010)**
 Solar energy, community solar project investment cost recovery incentives for limited liability companies: HB 3104
 Solar energy, community solar projects incentives: ***ESSB 6170, CH 469 (2009)**
 Solar water heating systems, installation cost rebate to customers of light and power businesses and gas companies: HB 1134
 Tax statute clarifications and technical corrections: SSB 6721
 Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625

TAXES - SALES TAX

Adult entertainment materials and services, sales and use tax provisions: HB 2103
 Aerospace product development, exemption for four-year institutions of higher learning property involved in: 2SSB 6678
 Affordable housing, sales and use tax refund for materials and services related to construction: HB 1141
 Alternative fuel vehicles, extending certain expiring tax incentives: HB 3053, ***SSB 6712, CH 11 (2010)**
 Aluminum smelters, tax relief for: ***EHB 2672, CH 2 (2010)**
 Annexation of a clear zone area by a city, sales and use tax funding provisions: HB 1378
 Annual assessment and performance grading program for state government, certain tax revenues to used for: HB 2699
 Authorities, provisions concerning local excise tax authorities for counties and cities: HB 2773, ESSB 6424
 Biomass fuels for electricity generation, exemption available for forest derived biomass: HB 1610
 Biomass fuels in renewable energy production, exemption for forest derived biomass: ***ESSB 6170, CH 469 (2009)**
 Bottled water, excise tax on wholesale sales to fund local health jurisdiction core public health functions: HB 3120
 Bottled water, local sales and use tax to fund core county public health functions: HB 1307
 Bottled water, repealing sales and use tax exemptions for: ***EHB 2561, CH 35 (2010), *2ESSB 6143, CH 23 (2010)**
 Candy, providing public health financing through removal of sales and use tax exemption on: HB 2388
 Candy, repealing sales and use tax exemptions for: ***EHB 2561, CH 35 (2010), *2ESSB 6143, CH 23 (2010)**
 Capitol city district, levy for capital improvements: HB 2030
 Clean technology development within port district properties, exemption: HB 1895
 Coal-fired thermal generation facilities, repealing sales tax exemption for coal used at: HB 3077

Community revitalization financing, use of local sales and use tax allocation revenues for public improvements: ***2SSB 5045, CH 270 (2009)**

Community revitalization financing, use of tax allocation revenues for public improvements: HB 1285, HB 1525

Commuter air carriers, exemptions for intrastate operations: ***HB 1287, CH 503 (2009)**

Compliance, improving: ***SB 6173, CH 563 (2009)**

Cosmetic medical services, modifying taxation of certain: HB 2221

Data centers, sales and use tax exemptions for certain equipment and infrastructure contained in: HB 3147, ***ESSB 6789, CH 1 (2010)**

Delivery, impact of registration under or compliance with streamlined sales and use tax agreement on business license requirement for persons only delivering within city: HB 3064

Digital products, sales and use tax provisions, including exemptions: HB 2075, HB 2620

Digital products, tax provisions: HB 2320

Durable medical equipment, exemption when prescribed for home use: HB 1411, HB 1485

Educational supplies, annual sales and use tax holiday: HB 2058

Electric vehicle infrastructure and product exemption: HB 1481

Electricity generation, expiration dates for exemptions: HB 1009

Emergency medical equipment, exemption in certain cases: HB 2293

Environmental incentives, various: HB 2977, ***ESSB 6170, CH 469 (2009)**

Exemption for administration and programs of any landless Washington state federally recognized Indian tribe: HB 1999

Ferry fuel sales, exemption: HB 2255

Florists, sourcing for sales and use tax collection and payment purposes in the case of: HB 3154

Health care programs, funding from temporary sales tax increase to be submitted to voters: HB 2377

High capacity transportation corridor areas, funding: HB 1677, ***SB 5540, CH 280 (2009)**

High technology deferral, clarifying eligibility of multiple qualified buildings: HB 1818, ***SB 5909, CH 268 (2009)**

Hog fuel, exemption when used for production of electricity, steam, heat, or biofuel: HB 1633, ***ESSB 6170, CH 469 (2009)**

Home heating fuel, exemption: HB 1977

Housing facilities for low-income senior citizens, exemption: ***SB 5470, CH 483 (2009)**

Hybrid technology vehicles, exemption: ***ESSB 6170, CH 469 (2009)**

Hydrokinetic energy systems, local sales and use tax incentives for: HB 2869

Insurance, health plans to include sales or use tax calculation for durable medical or mobility enhancing equipment in plan payment: HB 2673, ***SSB 6273, CH 44 (2010)**

Jobs act, paying for debt service costs for bonds through sales and use taxes on certain food and food items: ***EHB 2561, CH 35 (2010)**

Livestock nutrient management equipment and facilities, exemption: HB 2278, ***ESSB 6170, CH 469 (2009)**

Livestock nutrient management equipment and facilities, expiration of exemption: HB 2977

Local infrastructure financing tool, modifying sales and use tax provisions for program: HB 2933

Local sales and use, certain city and county revenues to be used for criminal justice purposes: HB 2650

Local sales and use, certain revenues to be deposited in accounts after retirement of baseball stadium construction bonds: HB 2252

Local sales and use, certain revenues to be deposited in special purposes account after retirement of baseball stadium construction bonds: HB 2912

Local sales and use, certain revenues to be deposited in special purposes account after retirement of stadium and exhibition center development bonds: HB 2912

Local sales and use, changes in tax and effective dates: HB 1874

Local sales and use, changes to be made twice annually: HB 3065

Local sales and use, chemical dependency services, mental health treatment, and therapeutic courts: HB 1147, **SSB 5301, *2SSB 5433, CH 551 (2009) PV**

Local sales and use, community revitalization financing for public improvements, including demonstration projects: ***2SSB 5045, CH 270 (2009)**

Local sales and use, counties allowed to use existing revenues for public trails: HB 1659

Local sales and use, county authority to impose upon car rentals and restaurant sales for special funding: HB 2252

Local sales and use, crediting against state sales and use tax extended: ***ESSB 5321, CH 550 (2009)**

Local sales and use, electric vehicle infrastructure and product exemption: HB 1481

Local sales and use, eliminating nonsupplant language from certain provisions: HB 2637, HB 2749

Local sales and use, exemption for administration and programs of any landless Washington state federally recognized Indian tribe: HB 1999

Local sales and use, financing local revitalization demonstration projects through revenues: HB 2985, ***E2SSB 6609, CH 164 (2010)**

Local sales and use, fire protection purposes: ***2SSB 5433, CH 551 (2009) PV**

Local sales and use, funding for parks, recreation, trails, and open space allocation: HB 1810, HB 2473

Local sales and use, imposed for local infrastructure financing: HB 1109, ***ESSB 5901, CH 267 (2009)**

Local sales and use, imposition by certain cities to offset municipal service costs to newly annexed areas: HB 2909

Local sales and use, imposition by local jurisdiction that has created a health sciences and services authority: ***SSB 6727, CH 33 (2010)**

Local sales and use, incentives for hydrokinetic energy systems: HB 2869

Local sales and use, incentives to encourage redevelopment of port district property: HB 2899

Local sales and use, limits on public facilities district authority to impose: ***EHB 2299, CH 533 (2009)**

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Local sales and use, local government authority to impose when approved for housing everyone financing: HB 1973

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Local sales and use, tax deferral program for investment projects in rural counties: HB 3014

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Local sales and use, various environmental incentives: ***ESSB 6170, CH 469 (2009)**

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Motor vehicle rebate given by a manufacturer, excluded from sales taxation: HB 2066

Natural gas and manufactured gas, sales and use tax provisions: HB 1422

New home construction tax, reduction to increase economic activity: HB 2057

Nonresident exemptions from retail sales tax, repeal of: HB 1387

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 Server equipment to be installed in an eligible computer data center, exemptions: HB 2283
 Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications: HB 1911, ***ESSB 6170, CH 469 (2009)**
 Solar hot water components, exemption: HB 1188
 Solar water heating systems, exemption: HB 1857
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 State sales tax deduction, petitioning to make deduction a permanent federal income tax deduction: HJM 4030
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 Streamlined sales and use tax agreement, harmonizing excise statutes with: HB 1089
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 Bottled water, local sales and use tax to fund core county public health functions: HB 1307
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 Brokered natural gas, clarifying location of first use of: HB 2637, HB 2749
 Candy, providing public health financing through removal of sales and use tax exemption on: HB 2388
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Delivery, impact of registration under or compliance with streamlined sales and use tax agreement on business license requirement for persons only delivering within city: HB 3064

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Durable medical equipment, exemption when prescribed for home use: HB 1411, HB 1485

Educational supplies, annual sales and use tax holiday: HB 2058

Electric vehicle infrastructure and product exemption: HB 1481

Electricity generation, expiration dates for exemptions: HB 1009

Emergency medical equipment, exemption in certain cases: HB 2293

Environmental incentives, various: HB 2977, ***ESSB 6170, CH 469 (2009)**

Exemption for administration and programs of any landless Washington state federally recognized Indian tribe: HB 1999

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Health care trust account and general fund, certain use taxes to be deposited in: HB 2377

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High technology deferral, clarifying eligibility of multiple qualified buildings: HB 1818, ***SB 5909, CH 268 (2009)**

Hog fuel, exemption when used for production of electricity, steam, heat, or biofuel: HB 1633, ***ESSB 6170, CH 469 (2009)**

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Housing facilities for low-income senior citizens, exemption: ***SB 5470, CH 483 (2009)**

Hydrokinetic energy systems, local sales and use tax incentives for: HB 2869

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Jobs act, paying for debt service costs for bonds through sales and use taxes on certain food and food items: ***EHB 2561, CH 35 (2010)**

Livestock nutrient management equipment and facilities, exemption: HB 2278, ***ESSB 6170, CH 469 (2009)**

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Local infrastructure financing tool, modifying sales and use tax provisions for program: HB 2933

Local sales and use, certain city and county revenues to be used for criminal justice purposes: HB 2650

Local sales and use, certain revenues to be deposited in accounts after retirement of baseball stadium construction bonds: HB 2252

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Local sales and use, electric vehicle infrastructure and product exemption: HB 1481

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Local sales and use, financing local revitalization demonstration projects through revenues: HB 2985, ***E2SSB 6609, CH 164 (2010)**

Local sales and use, fire protection purposes: ***2SSB 5433, CH 551 (2009) PV**

Local sales and use, funding for parks, recreation, trails, and open space allocation: HB 1810, HB 2473

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Local sales and use, imposition by certain cities to offset municipal service costs to newly annexed areas: HB 2909

Local sales and use, imposition by local jurisdiction that has created a health sciences and services authority: ***SSB 6727, CH 33 (2010)**

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Local sales and use, limits on public facilities district authority to impose: ***EHB 2299, CH 533 (2009)**

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Revenues, increasing state revenues by preventing certain avoidance transactions, reducing tax preferences, and providing equitable tax treatment: HB 3176, HB 3204, ***2ESSB 6143, CH 23 (2010)**

Rural counties, sales and use tax deferral program for investment projects in: HB 3014

Server equipment to be installed in an eligible computer data center, exemptions: HB 2283

Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications: HB 1911, ***ESSB 6170, CH 469 (2009)**

Solar hot water components, exemption: HB 1188

Solar water heating systems, exemption: HB 1857

State and local tax programs, improving administration through comprehensive revisions: HB 1597

State route 16 corridor improvements project, repayment of deferred sales and use taxes on the project: HB 1463

Streamlined sales and use tax agreement, harmonizing certain excise statutes with: ***SSB 5566, CH 289 (2009)**

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Tax statute clarifications and technical corrections: SSB 6721

Wax and ceramic materials for ferrous and nonferrous investment casting molds, sales and use tax exemption: HB 3033,
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 Dyslexia, development of dyslexia handbook and educator training program to enhance skills of students with: ***SSB 6016, CH 546 (2009)**
 Educator data, establishment of comprehensive K-12 education data improvement system and a data governance group: E2SSB 5941
 Educator performance, procedures and strategies for evaluating performance and encouraging innovation: HB 3035, ***E2SSB 6696, CH 235 (2010)**
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 Future teachers conditional scholarship and loan repayment program, expanding: HB 2930
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 Mathematics teachers, providing allocations for elementary math specialists: HB 2654
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Clean technology development within port district properties, sales tax exemption: HB 1895

Commercialization and innovation, department of community, trade, and economic development and life sciences and technology trade associations to encourage growth of: ***E2SSB 6015, CH 425 (2009)**

Commercialization of technologies, fostering in part through the investing in innovation grants program: SSB 5553

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Data centers, sales and use tax exemptions for certain equipment and infrastructure contained in: HB 3147, ***ESSB 6789, CH 1 (2010)**

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Electronic testing and measurement devices, tax incentives for manufacturers of: HB 2982

Greenhouse gas emission reduction technologies, funding to come from climate protection account: HB 1819

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High technology sales and use tax deferral, clarifying eligibility of multiple qualified buildings: HB 1818, ***SB 5909, CH 268 (2009)**

High-speed internet, department of information services authority for overseeing broadband adoption and deployment efforts in the state: HB 2170, E2SSB 5916

High-speed internet, department of information services implementation of deployment and adoption strategy on behalf of the state: HB 1699, HB 1701

High-speed internet, department of information services to assess and map broadband and related services in state: HB 2171

High-speed internet, inventory of publicly owned infrastructure: HB 1700

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Information services department, consolidating operational functions of state information technology within department: HB 3080

Information systems improvement committee, creation and duties: E2SSB 6579

Information technology in state government, department of information services to direct computer, data storage, and telecommunications procurement and management: HB 3178

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Personal electronic devices, consumer protection in cases of the theft of: HB 2785, HB 2968

Plug-in hybrid vehicle conversion program at Shoreline Community College: HB 1734

Smart energy technologies, electric and gas utility authority to collect a monthly system benefits charge to promote: HB 2590

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State universities, commercialization of research through formation of companies at: ***SSB 6706, CH 14 (2010)**

Washington global health technologies and product development competitiveness program, creation of: HB 2983, ***2SSB 6675, CH 13 (2010)**

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Broadband technologies, business and occupation tax credits: HB 1698

Broadband technologies, creation of broadband adoption and deployment authority and council on digital inclusion: HB 1698

Cell phone use while driving, driver's permit and license provisions relating to a driver's use of wireless communications: HB 2635, ***SSB 6345, CH 223 (2010)**

Cell phone use while driving, removal of requirement that a violation be enforced only as a secondary action: HB 2265, HB 2635, ***SSB 6345, CH 223 (2010)**

Companies, business and occupation tax credit for contributions to Washington community technology opportunity account: HB 2170

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Driving while holding a wireless communications device to one's ear, removal of requirement that a violation be enforced only as a secondary action: HB 2265

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School districts, siting personal wireless service facilities: HB 1185

Services, provision by port districts and public utility districts through partnerships: HB 2600

State information technology, private sector outsourcing for information technology services: HB 3080

Trends and regulatory reform, technology law and public policy clinic of U of Washington to prepare report for legislature: HB 2601

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Underground facilities, requirements for notification prior to excavation: HB 1996

Wireless communications, driver's permit and license provisions relating to a driver's use of: HB 2635, ***SSB 6345, CH 223 (2010)**

Wireless communications, provisions related to wireless phone numbers used by directory providers: HB 1816

Wireless communications, public records requirements when public agencies use publicly owned wireless devices for text messaging: HB 3211

Wireless communications, siting personal service facilities on school district property: HB 1185

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Cultural access authorities, creation, organization, and funding: HB 1666

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Symphony orchestras, operas, and performing arts theaters, under public employment relations commission jurisdiction for collective bargaining: HB 1276

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Christmas trees, removing from or injuring on public or private land: ***HB 1137, CH 349 (2009)**

Commercial forestry operations, act of owning forested land defined as forest practice: HB 1483, ***SB 5562, CH 200 (2009)**

Contract harvesting on state trust lands: ***ESB 6166, CH 418 (2009) PV**

Current use land classifications for property tax purposes, interest rate and penalty provisions: ESSB 5424

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Forest land, impact on property taxation of removal of forest land designation in counties of a certain size: HB 1570

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Habitat of threatened or endangered species, program for purchase as part of riparian open space program: HB 1484, ***SSB 5401, CH 246 (2009)**

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Log trucks, public utility tax on log transportation businesses: ***ESSB 6170, CH 469 (2009)**

Nonindustrial forests, alternative management plans for small parcels: HB 2505

Single-tier riparian buffer rule for small acreage timber, forest practices board to develop: HB 1725

Small forest landowners, alternate harvest restrictions to enable keeping land in active working forestry: HB 1665

Specialized forest products, permitting process and theft protections: HB 1038

State trust lands, contract harvesting: ***ESB 6166, CH 418 (2009) PV**

Timber purchases, modifying property tax reporting requirements for: ***HB 2659, CH 197 (2010)**

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 Long-term care services funding act of 2009: HB 2380
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 Restoring vital state programs act of 2010: HB 3206
 Restructuring ferry districts and the property tax levied by such districts act of 2009: HB 2302, HB 2303
 State revenues act of 2010: HB 3207
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 Vehicle-activated traffic control signals, reliable detection of motorcycles and bicycles to be required: HB 1403
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 Cell phone use while driving, removal of requirement that a violation be enforced only as a secondary action: HB 2265, HB 2635, ***SSB 6345, CH 223 (2010)**
 Child protective services, law enforcement to contact when a child is present in a vehicle when the driver is arrested under the influence of alcohol or drugs: HB 3124
 Conviction defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181 (2009)**
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 Criminal proceedings before a court, statement of victim rights and availability of victim rights flier: HB 1476
 Domestic violence, victim compensation provisions: HB 2778
 Human trafficking, disclosure statement to foreign workers from employers and international labor recruitment agencies: ***SSB 6332, CH 142 (2010)**
 Human trafficking, placement of informational posters in rest areas: HB 2889, ***SB 6330, CH 48 (2010)**
 Mental health services under the crime victims' compensation program, benefits for: HB 2640
 Notification of sex offender release into community to be sent to victim: HB 1277
 Notification of victims and witnesses, domestic violence court order violations added to list of eligible offenses: ***HB 1790, CH 400 (2009)**
 Right to present a statement at sentence review or clemency and pardons hearing: ***HB 1281, CH 138 (2009)**
 Self-defense, constitutional rights of: HB 2711
 Sex offender residence after release, proximity to victim: HB 1768
 Sex offense victims, questioning by pro se defendants in criminal cases: HB 2457
 Sex offenses against minor victims, prosecution until victim's twenty-eighth birthday to be allowed in certain cases: ***SB 5832, CH 61 (2009)**
 Sexually exploited children, various provisions: ***ESSB 6476, CH 289 (2010) PV**
 Special sentencing alternatives limited to offenses against an immediate family member: HB 2209
 Tenants who are victims of sexual assault, sexual harassment, or stalking by a landlord, legal protections: HB 1856
 Tenants who are victims of sexual assault, unlawful harassment, or stalking by a landlord, legal protections: SSB 5833
 Traffic offenses, victim impact panel requirements: HB 1408
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 Work release, crime victims to submit input: ***HB 1076, CH 69 (2009)**
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Forest products industry, promotion through designation as a green industry providing green jobs: HB 2420
 High-demand occupation training program funds, use by workforce development councils to help certain economically disadvantaged adults and unemployed workers: ***E2SSB 5809, CH 566 (2009) PV**
 Job skills program, funding and applications for: ***SB 5554, CH 554 (2009)**
 Lifelong learning account steering committee: HB 1129, ESSB 5555
 Middle school students, career and technical education programs: HB 1356, ***2SSB 5676, CH 212 (2009)**
 Middle-income bracket, expanding the percentage of middle-income households: HB 2632
 Opportunity express program, creation of: HB 2630
 Opportunity internship program, career and technical education opportunities to be increased for low-income high school students: HB 1355
 Washington award for vocational excellence program to be phased out: HB 2021
 Workforce and economic development, clarifying terms for: ***HB 1395, CH 353 (2009)**, SSB 5317
 Workforce and economic development, coordination of: HB 1323, SSB 5048
 Workforce training, state comprehensive plan for 2008-2018: HCR 4403, ***SSCR 8404 (2009)**

VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS, STATE BOARD

Relief and pension system for firefighters and reserve officers, transfer to department of retirement systems with state board: HB 2825
 Retired participant resumption of service, including volunteer firefighters, emergency workers, and reserve officers: ***HB 2823, CH 60 (2010)**

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Abandonment of a dependent person in the fourth degree, penalties: HB 1234

Christian Science treatment, exemption from neglect and abuse provisions: HB 1925
 Crimes against vulnerable adults, additional times for certain felonies, including mandatory vulnerable adult enhancements: HB 2426
 Crimes against vulnerable adults, including abuse, neglect, financial exploitation, and abandonment: HB 1788, HB 2426, ***SSB 6202, CH 133 (2010)**
 Discharging vulnerable persons from state facilities into homelessness, providing options for housing in order to avoid: HB 2905
 Estates, financial exploitation of vulnerable adult by an abuser: HB 1103
 Financial exploitation of a vulnerable adult, provisions: HB 1788, HB 2426, ***SSB 6202, CH 133 (2010)**
 Searchable electronic database of findings of abuse, neglect, financial exploitation, and abandonment, establishment and maintenance: HB 1788

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Americorps-affiliated nonprofit conservation corps programs to be exempt from requirement to pay prevailing wage: HB 2475
 Apprentices, requirements for labor hours on public works projects by four-year higher education institutions to be performed by: ***ESSB 5873, CH 197 (2009)**
 Citizens' commission on salaries for elected officials, definition of "immediate family" for purpose of membership on: HB 2033, HB 2448
 Complaints, improving administration of wage complaints: HB 2646, HB 3145
 Educational employees, authority to pay regulated company stock in lieu of portion of salary for: ***HB 2877, CH 41 (2010)**
 Garnishment, provisions: HB 2523
 Health care facility employees, meal and rest periods: HB 1642
 Legislators, restrictions on salary increases for: HB 3150, HJR 4223
 Livable wage rates, business and occupation tax credit for employers who pay: HB 3123
 Living wage requirement for state contracts with private contractors: HB 1716
 Middle-income bracket, expanding the percentage of middle-income households: HB 2632
 Minimum wage and overtime compensation complaints, good faith defense: HB 2176
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 Minors, minimum wage rate: HB 1928
 Nurses, meal and rest periods when employed by health care facilities: HB 1642
 Overtime, mandatory limits for corrections officers and sergeants employed by city or county jail: HB 1800
 Prevailing rate of wage to be paid on construction projects involving tax incentives, loans, or public land or property that is sold or leased: HB 1992
 Prevailing wage, Americorps-affiliated nonprofit conservation corps programs to be exempt from requirement to pay: HB 2475
 Prevailing wage, definition of independent contractor: HB 1786, ***SSB 5904, CH 63 (2009)**
 Residential construction wage rates for public works projects: ***SB 5903, CH 62 (2009)**
 Salary increases for state employees, suspension of certain monetary awards and salary increases: HB 2998
 Salary, definition for state patrol retirement system purposes: HB 2783
 State agency employee compensation costs reduction, provisions: ***ESSB 6503, CH 32 (2010) PV**
 Training wage, payment to new employees for specified period of time: HB 3139

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Motor vehicle dealers and manufacturers, warranty provisions for resale of vehicle with corrected nonconformities: HB 2429
 Motor vehicle warranties, provisions: HB 1215

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Energy code, delaying implementation of proposed state energy code rules: HB 2927
 Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes: HB 1730
 Rule adoption requirements, annual time limitations for certain rules proposed for adoption: HB 2502

Rule-making information, each state agency to post on its web site: ***HB 1475, CH 93 (2009)**
 Rule-making, creating a legislative rule-making accountability committee to review proposed agency rules: HB 2810
 Rule-making, economic impacts of agency rules on employers and citizens: HB 3083
 Rule-making, requirement that all adopted rules provide specific state or federal constitutional authority: HB 2710
 Rule-making, requirements when joint administrative rules review committee finds certain inadequacies in agency rule changes: HB 2928
 Rules qualifying as significant legislative rules, governor's signature required: HB 1853

WASHINGTON STATE UNIVERSITY

Board of regents, adding a faculty member to board: HB 1841
 Building account, use of funds for certificates of participation authorized: HB 2254
 Energy efficiency upgrade pilot programs, extension energy program authority to implement grants for: ***E2SSB 5649, CH 379 (2009) PV**
 Engineering, programs in chemical, mechanical, and civil engineering no longer restricted to UW and WSU: HB 1312, ***SSB 5276, CH 207 (2009)**
 Extension energy program, creation of plant operations support program as part of: HB 2661
 Honorary degrees, authorizing for students who were ordered into internment camps in 1942: ***SB 6467, CH 51 (2010)**
 Morrill fund, elimination of: ***SSB 6572, CH 9 (2010) PV**
 Opportunity grant program, establishment: HB 2306
 President, compensation subject to certain limitations: HB 2240
 Public works contracting procedures: HB 1916, SSB 5760
 Research at state universities, commercialization through formation of companies: ***SSB 6706, CH 14 (2010)**
 Safety, health, and energy efficiency improvements to university facilities, creating jobs by issuing bonds to fund construction of: HB 2334
 Small business development center, duties of center and establishment and expansion of satellite offices: ***SSB 5723, CH 486 (2009)**
 Tuition, resident and nonresident undergraduates: ***SSB 5734, CH 574 (2009) PV**
 Tuition-setting authority, full-time tuition fees for resident undergraduates to be determined by governing board: HB 2946
 Tuition-setting authority, provisions: E2SSB 6562
 Vision impairments/orientation and mobility coordinator, position to be housed at WSU-Vancouver: HB 2181

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Bottled water, excise tax on wholesale sales to fund local health jurisdiction core public health functions: HB 3120
 Bottled water, local sales and use tax to fund local health jurisdiction core public health functions: HB 1307
 Bottled water, repealing sales and use tax exemptions for: ***EHB 2561, CH 35 (2010), *2ESSB 6143, CH 23 (2010)**
 Columbia and lower Snake rivers, using conservation operation and maintenance savings for water resource management: HB 1334
 Columbia river basin water supply development program, using state moneys for potential water storage sites under the program prohibited: HB 1627
 Mobile home parks, protecting sole source aquifers in certain Eastern Washington counties by providing sewer utility service: SB 5507
 Petroleum products in storm water, mitigation and prevention projects: HB 1614
 Public regional and interlocal water and sewer systems, governor to convene study group concerning: HB 2948
 Rainwater collection facilities, permits and permit exemptions: HB 2097
 Reclaimed water systems, water-sewer districts authorized to construct, condemn and purchase, add to, maintain, and operate: ESSB 5485
 Reclaimed water use, permitting requirements and violations and penalties: HB 1482, ***SSB 5504, CH 456 (2009)**
 Solar hot water components, sales and use tax exemption: HB 1188
 Solar water heater systems, requirements for new homes: HB 1187
 Walla Walla watershed community, establishing a water management board and pilot local water management program: HB 1580
 Wastewater treatment, on-site wastewater treatment systems designer licensing provisions: HB 2589
 Water banking, trust water rights program used for: ***ESSB 5583, CH 283 (2009)**
 Water banks, interlocal agreements for operation by watershed management partnerships: HB 1494
 Water pollution account, fee imposed on first possession of petroleum products contributing to storm water pollution: HB 1614

Water pollution control facilities, department of ecology may award grants or loans to publicly owned industrial wastewater treatment facilities: SB 5940

Water reclamation systems, water-sewer districts authorized to construct, condemn and purchase, add to, maintain, and operate: HB 1532

Watershed management partnerships, eminent domain authority granted: HB 1332

Watershed management, department of ecology to develop water quality trading and banking program: HB 2559

Wells, consolidation of permit exempt wells: ESSB 6402

Wells, metering of permit exempt wells: HB 2468

Wells, new withdrawal of water from a well prohibited in certain cases: HB 1534

WATER COMPANIES (See also PUBLIC WATER SUPPLY SYSTEMS)

Group B public water systems, waiver of some requirements by state board of health for systems with fewer than five connections: ***SSB 6171, CH 495 (2009)**

Public water systems, chlorine residual measurement requirements for certain group A water systems: ***SSB 5199, CH 367 (2009) PV**

Public water systems, operator certification and responsibilities: HB 1283

Safe and reliable drinking water supply, maintaining through consistency of water system plans with comprehensive plans or development regulations: HB 1998

Water facility construction, contract requirements: ***HB 2146, CH 344 (2009)**

WATER POLLUTION (See also ECOLOGY, DEPARTMENT)

Car washes, providing better water quality during charitable car washes: HB 2643

Car washes, providing better water quality during charitable car washes and prescribing a penalty for violations: HB 3128

Cleanup of water pollution, funding through a hazardous substance excise tax increase: HB 3181

Copper, limiting the use of copper and other substances as brake friction material in motor vehicle brake pads: HB 3018, ***SSB 6557, CH 147 (2010)**

Dairy nutrient management program, civil penalties for failure to comply with recordkeeping requirements for: ***SSB 6634, CH 84 (2010)**

Dairy nutrient management program, violations: ***SSB 5677, CH 143 (2009)**

Lake Whatcom, demonstration project to reduce phosphorus loading in: ***SB 5944, CH 48 (2009)**

National pollutant discharge elimination system municipal separate storm sewer systems permit program, certain cities exempted: HB 2053, HB 2839

Oil spill contingency plans, requirements for: HB 2964

Oil spill response tax and oil spill administration tax, adjustments to: HB 2965

Petroleum products in storm water, mitigation and prevention projects: HB 1614

Pollution liability insurance agency, transfer to department of ecology: EHB 3023

Reclaimed water use, permitting requirements and violations and penalties: HB 1482, ***SSB 5504, CH 456 (2009)**

Storm water, construction and industrial storm water general permits: HB 2222

Water discharge fees, changes: HB 1413

Water pollution account, fee imposed on first possession of petroleum products contributing to storm water pollution: HB 1614

Water pollution control facilities, funding from water pollution control revolving fund: HB 2116

Water pollution control revolving fund, use of moneys in fund by department of ecology: HB 2116, HB 3136

Water quality standards, amendment by department of ecology to authorize compliance schedules for discharge permits in certain cases: HB 2243, ***SSB 6036, CH 457 (2009)**

WATER QUALITY

Ambient groundwater and surface water monitoring and assessment program, department of ecology to enhance in phases: HB 2235

Car washes, providing better water quality during charitable car washes: HB 2643

Car washes, providing better water quality during charitable car washes and prescribing a penalty for violations: HB 3128

Groundwater information within water resource inventory areas, department of ecology to prepare a data gap analysis: HB 2235

Habitat of threatened or endangered species, program for purchase as part of riparian open space program: HB 1484, ***SSB 5401, CH 246 (2009)**

Lake Whatcom, demonstration project to reduce phosphorus loading in: ***SB 5944, CH 48 (2009)**

Phosphorus-containing turf fertilizer, restrictions on use to protect lake water quality: HB 1636, HB 2744
 Phosphorus-containing turf fertilizer, restrictions on use to protect water quality: ESSB 6289
 Public regional and interlocal water and sewer systems, governor to convene study group concerning: HB 2948
 Reclaimed water use, permitting requirements and violations and penalties: HB 1482, ***SSB 5504, CH 456 (2009)**
 Standards, amendment by department of ecology to authorize compliance schedules for discharge permits in certain cases: HB 2243, ***SSB 6036, CH 457 (2009)**
 Wastewater treatment, on-site wastewater treatment systems designer licensing provisions: HB 2589
 Water discharge fees, changes: HB 1413
 Water pollution control facilities, department of ecology may award grants or loans to publicly owned industrial wastewater treatment facilities: SB 5940
 Water quality account, elimination: HB 1453
 Water quality trading and banking program, department of ecology to develop: HB 2559

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Additional appropriations, department of ecology responsibilities prior to withdrawing waters of the state from: HB 2548
 Adjudication, procedures: HB 1571
 Agricultural watering, pilot project to divert water from Skagit river near river mouth: HB 2604
 Clallam county, pilot program for withdrawal of water in clustered residential developments: HB 2532
 Columbia and lower Snake rivers, using conservation operation and maintenance savings for water resource management: HB 1334
 Columbia Basin project, funds for phase II: HJM 4012
 Groundwater, metering of permit exempt wells: HB 2468
 Groundwater, permit to use public groundwaters to water lawn: HB 1179
 Groundwater, public water withdrawal for stock-watering: HB 1091
 Instream flows, setting: HB 2022
 Land use plans of local governments, comparative review of water availability in: HB 2542
 Maury Island aquatic reserve, requirements for wells on industrial or mining sites on lands adjacent to: HB 1708
 Nonuse, liberal construal according to legislative intent: HB 1267
 Nonuse, sufficient cause: HB 1266
 Nonuse, sufficient cause involving crop rotation: HB 1269
 Permits for water rights, recovery of application processing costs for: HB 2591
 Phosphorus-containing turf fertilizer, restrictions on use to protect lake water quality: HB 1636, HB 2744
 Phosphorus-containing turf fertilizer, restrictions on use to protect water quality: ESSB 6289
 Processing water rights, procedural improvements: HB 2508, ***E2SSB 6267, CH 285 (2010) PV**
 Property tax valuation, fair market value of property to reflect impact of government restrictions on exercise of a groundwater right: HB 2668
 Public groundwaters, exemption from permit requirement for stock watering: HB 1489
 Public groundwaters, metering of withdrawals for stock watering: HB 2599
 Rainwater collection facilities, permits and permit exemptions: HB 2097
 Rainwater, water right not needed for rooftop harvesting of: HB 3164
 Reclaimed water use, permitting requirements and violations and penalties: HB 1482, ***SSB 5504, CH 456 (2009)**
 Relinquishment, eliminating partial relinquishment: HB 1268
 Rural areas, enhancing economic vitality through limitations on withdrawal of waters from additional appropriations: HB 2666
 Shoreline management act, regulating shorelines of state solely through the: HB 2924
 Shorelines of the state, applicability of certain development regulations adopted under growth management act to: ***EHB 1653, CH 107 (2010)**
 Stock watering, definition: HB 1509
 Stock watering, metering of withdrawals of public groundwaters for: HB 2599
 Walla Walla watershed community, establishing a water management board and pilot local water management program: HB 1580
 Water banking, trust water rights program used for: ***ESSB 5583, CH 283 (2009)**
 Water banks, department of ecology to develop water quality trading and banking program: HB 2559
 Water banks, interlocal agreements for operation by watershed management partnerships: HB 1494
 Water discharge fees, changes: HB 1413
 Water rights processing account: ***E2SSB 6267, CH 285 (2010) PV**

Wells, consolidation of permit exempt wells: ESSB 6402
 Wells, metering of permit exempt wells: HB 2468
 Wells, new withdrawal of water from a well prohibited in certain cases: HB 1534

WATER-SEWER DISTRICTS

Assumption of district jurisdiction when fully included within a city, exceptions to authority of city for: HB 2795
 Assumption of districts by cities, alternative city assumption and tax authority provisions: HB 2990
 Assumption of districts by cities, provisions: HB 1897
 Assumptions of districts by cities in counties with more than one million five hundred thousand residents: HB 2172
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 Public regional and interlocal water and sewer systems, governor to convene study group concerning: HB 2948
 Real property of district, sale of: HB 2409
 Reclaimed water systems, water-sewer districts authorized to construct, condemn and purchase, add to, maintain, and operate: ESSB 5485
 Water conservation loans, extending pay back period for certain loans: ***HB 2677, CH 5 (2010)**
 Water or sewer facility construction, municipal participation in funding and reimbursement amounts: ***EHB 1513, CH 230 (2009)**
 Water reclamation systems, water-sewer districts authorized to construct, condemn and purchase, add to, maintain, and operate: HB 1532
 Watershed management partnerships, eminent domain authority granted: HB 1332

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Firefighting equipment, use of firefighting funding to avoid spread of noxious weeds by way of: HB 2509
 Fish and wildlife commission, long-term noxious weed management on land newly acquired by: HB 2446

WELLS

Maury Island aquatic reserve, requirements for wells on industrial or mining sites on lands adjacent to: HB 1708
 New withdrawal of water from a well prohibited in certain cases: HB 1534
 Permit exempt wells, consolidation of: ESSB 6402
 Permit exempt wells, metering of: HB 2468

WESTERN WASHINGTON UNIVERSITY

Board of trustees, adding a faculty member to board: HB 1841
 Capital projects account, use of funds for certificates of participation authorized: HB 2254
 Honorary degrees, authorizing for students who were ordered into internment camps in 1942: ***SB 6467, CH 51 (2010)**
 Opportunity grant program, establishment: HB 2306
 Peer mentoring pilot program in collaboration with a community or technical college: ***EHB 1986, CH 446 (2009)**
 President of university, setting compensation for: HB 2859
 President, compensation subject to certain limitations: HB 2240
 Safety, health, and energy efficiency improvements to university facilities, creating jobs by issuing bonds to fund construction of: HB 2334
 Termination of football team, review by legislative task force of decision: HB 1884
 Tuition, resident and nonresident undergraduates: ***SSB 5734, CH 574 (2009) PV**
 Tuition-setting authority, full-time tuition fees for resident undergraduates to be determined by governing board: HB 2946
 Tuition-setting authority, provisions: E2SSB 6562

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Soil and wetland science, advisory committee: HB 1881
 Soil and wetland scientists, certification: SSB 5698
 Soil and wetland scientists, licensing: HB 1881
 Wetland mitigation bank credits, purchase by department of transportation: SSB 6380
 Wetland scientists, certification and regulation by department of licensing: HB 3075

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Airport wildlife trapping, authority and requirements: HB 2260

Cruelty to animals, violations and penalties: HB 1968, ***SSB 5402, CH 287 (2009)**
 Damage, compensation when crops damaged or livestock injured or killed by wildlife: HB 1626
 Deleterious exotic wildlife, mute swans not to be designated as such under certain conditions: HB 2476
 Endangered species act, federal and state cooperation: ***SJM 8001 (2009)**
 Falconry, adoption of permit fees for purpose of falconry, taking of wild raptor, and related actions: SSB 6644
 Feeding by humans, regulations: HB 1885
 Habitat conservation account and riparian protection account provisions, references to mitigation banking projects removed: HB 1846, ***SB 5348, CH 16 (2009)**
 Modernizing certain fish and wildlife provisions in title 77 RCW: HB 1778
 Mute swans, not to be designated as deleterious exotic wildlife under certain conditions: HB 2476
 Olympic marmot, official state endemic mammal: ***SB 5071, CH 464 (2009)**
 Predatory wildlife damage, reimbursing commercial livestock owners for livestock injured or killed: HB 1354
 Raptors, adoption of permit fees for purpose of falconry, taking of wild raptor, and related actions: SSB 6644
 Spawning beds for salmon and steelhead, department of fish and wildlife to prohibit activities that harm or disturb: HB 3131
 State wildlife account, funding to include proceeds from online keno game account: HB 2305
 Trapping at airports, authority and requirements: HB 2260
 Trapping, licensing and regulations: HB 1115
 Viewing opportunities, department of fish and wildlife authority to provide web-based information regarding: HB 1972
 Wildlife and recreation program, qualified applicants and procedures for funding from accounts: HB 1957
 Wildlife viewing opportunities, requirements for viewing on department of fish and wildlife land and department authority to provide web-based information regarding: HB 2569
 Wolf-hybrid classified as a potentially dangerous wild animal: SSB 5383

WOMEN (See also DISCRIMINATION)

Abortion, informed consent and related provisions in the case of minor females and females subject to guardianship: HB 1688
 Breastfeeding, protecting women's right to do so in certain public places: ***HB 1596, CH 164 (2009)**
 Discrimination against women, adoption of an anti-discrimination treaty: HJM 4013, ***SJM 8012 (2009)**
 Equal suffrage amendment, centennial of submission to the people of Washington: ***HR 4618 (2009)**
 Linked deposit program for women's business enterprises, setting interest rates of time certificate of deposits for: ***EHB 1167, CH 385 (2009) PV**
 Office of minority and women's business enterprises, requirement and schedule for submission of data by state agencies and educational institutions to: ***EHB 1087, CH 348 (2009) PV**
 Office of minority and women's business enterprises, transferring office to department of commerce: HB 3175
 Pregnancy, limiting use of restraints on pregnant women and youths in certain state facilities: HB 2747
 School districts, elimination of discrimination through districts' compliance with state and federal civil rights laws: HB 3026

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Contracts for health care with a health care provider, required provisions: HB 2213
 Drywall installation and finishing business owners, mandatory industrial insurance coverage: HB 1351
 Employee information, handling for compensation purposes: HB 2256
 Farm internship pilot project, establishment and impact on benefits: ***SSB 6349, CH 160 (2010) PV**
 For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625
 Industrial insurance appeals, restrictions on contact with medical providers after filing: HB 1402
 Industrial insurance final settlement agreements, requirements: HB 2145
 Industrial insurance funds, proper and improper use of accident fund, medical fund, and supplemental pension fund: HB 1386
 Industrial insurance privatization, formation of joint legislative task force on: HB 2879
 Industrial insurance, amending provisions concerning: HB 3149
 Industrial insurance, claims of insolvent self-insurers: ***HB 3061, CH 213 (2010)**
 Industrial insurance, creation of industrial insurance administrative fund: HB 3149
 Industrial insurance, creation of self-insurance reserve fund: HB 3149
 Industrial insurance, creation of Washington state industrial insurance fund: HB 3149
 Industrial insurance, reforming through privatization and competition: HB 2879

Language service providers, exemption from definitions of employment and worker for industrial insurance purposes: HB 1990
 Occupational diseases of firefighters, methicillin-resistant staphylococcus aureus and esophageal cancer considered to be in certain cases: HB 1932
 Reform of workers' compensation system, provisions for: HB 2950
 Retrospective rating plans, evaluation and increased transparency of retrospective rating system: ESSB 6035
 Social security retirement benefits, industrial insurance offset: HB 1211
 Surviving spouses of members of certain retirement systems, industrial insurance death benefits: HB 1212
 Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625
 Underground economic activity, department of labor and industries authority to issue subpoenas for agency investigations of: HB 2789
 Violations, department of labor and industries authority to issue stop work orders: HB 1554, ***SSB 5613, CH 196 (2009)**

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

Building bridges advisory committee, establishing and meeting high school graduation and reengagement goals: HB 1813
 Comprehensive plan for workforce training and education, timeline for submission and updates by board revised: ***HB 1394, CH 92 (2009)**, SB 5316
 Entrepreneurial education and training, board to help foster in conjunction with economic development commission: SSB 5879
 Evergreen jobs act, provisions relating to vocational education: HB 2227
 High school graduation and reengagement goals, establishing and meeting: ESSB 5449
 High-cost critical college programs, identifying and managing competitive processes for awarding funds for: HB 1904
 High-demand occupation training program funds, role of board in use by workforce development councils to help certain economically disadvantaged adults and unemployed workers: ***E2SSB 5809, CH 566 (2009) PV**
 Higher education coordinating board, elimination of board and transfer of some functions to workforce board: HB 3057
 Higher education system, expanding the system upon proven demand and encouraging mission changes: HB 2655, ***SSB 6355, CH 245 (2010)**
 Lifelong learning account steering committee: HB 1129, ESSB 5555
 Middle-income bracket, expanding the percentage of middle-income households: HB 2632
 Opportunity internship program, board to study outcome: HB 1355
 Workforce and economic development, clarifying terms for: ***HB 1395, CH 353 (2009)**, SSB 5317
 Workforce and economic development, comprehensive plan for coordination of: HB 1323, SSB 5048
 Workforce training, state comprehensive plan for 2008-2018: HCR 4403, ***SSCR 8404 (2009)**

ZOOS AND AQUARIUMS

Business and occupation tax deduction for certain manufacturing in connection with publicly owned facilities accredited by association of zoos and aquariums: HB 2567
 Cultural access authorities, creation, organization, and funding: HB 1666